

**As Passed by the House**

**136th General Assembly**

**Regular Session**

**2025-2026**

**Am. Sub. H. B. No. 96**

**Representative Stewart**

**Cosponsors: Representatives Bird, John, Click, Creech, Daniels, Demetriou, Dovilla, Ghanbari, Hall, T., McClain, Miller, K., Miller, M., Plummer, Santucci, Thomas, D., Williams, Willis, Young**

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5735.121, 5736.02, 5736.04, 5736.05, 5736.09, 5736.13, 5739.032,	553
5739.07, 5739.09, 5739.102, 5739.12, 5739.122, 5739.124,	554
5739.13, 5739.132, 5739.133, 5739.31, 5741.121, 5741.122,	555
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5748.02, 5748.021, 5748.03, 5748.04, 5748.08, 5748.081, 5748.09, 562  
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5751.09, 5751.98, 5753.05, 5753.07, 5907.11, 5907.17, 6111.01, 564  
and 6111.04 be amended; sections 122.66 (5101.311), 122.67 565  
(5101.312), 122.68 (5101.313), 122.681 (5101.314), 122.69 566  
(5101.315), 122.70 (5101.316), 122.701 (5101.317), 122.702 567  
(5101.318), 943.20 (944.03), 943.21 (944.04), 943.22 (944.05), 568  
943.23 (944.06), 943.24 (944.07), 943.25 (944.08), 3517.153 569  
(3517.14), 3517.155 (3517.17), 3517.992 (3517.99), 3517.993 570  
(3517.18), 3701.65 (5180.72), 3738.01 (5180.27), 3738.02 571  
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(5180.274), 3738.06 (5180.275), 3738.07 (5180.276), 3738.08 573  
(5180.277), 3738.09 (5180.278), 5101.13 (5180.40), 5101.131 574  
(5180.401), 5101.132 (5180.402), 5101.133 (5180.403), 5101.134 575  
(5180.404), 5101.135 (5180.405), 5101.136 (5180.406), 5101.137 576  
(5180.407), 5101.14 (5180.41), 5101.141 (5180.42), 5101.142 577  
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5101.341 (5180.701), 5101.342 (5180.702), 5101.343 (5180.703), 586  
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5101.802 (5180.52), 5101.804 (5180.71), 5101.805 (5180.704), 588  
5101.85 (5180.50), 5101.851 (5180.51), 5101.853 (5180.511), 589  
5101.854 (5180.512), 5101.855 (5180.513), 5101.856 (5180.514), 590  
5101.88 (5180.53), 5101.881 (5180.531), 5101.884 (5180.532), 591  
5101.885 (5180.533), 5101.886 (5180.534), 5101.887 (5180.535), 592  
5101.889 (5180.57), 5101.8811 (5180.536), 5101.8812 (5180.56), 593

5104.50 (5180.04), and 5180.40 (5180.73) be amended for the 594  
purpose of adopting new section numbers as indicated in 595  
parentheses; and new sections 107.034, 3313.902, 3314.38, 596  
3321.191, 3333.0415, 3345.86, 3517.991, and 3780.22 and sections 597  
9.05, 9.561, 101.56, 101.561, 103.416, 103.417, 109.39, 109.872, 598  
118.29, 122.1712, 122.1713, 122.634, 122.97, 123.14, 123.30, 599  
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5120.039, 5120.85, 5123.1613, 5123.423, 5145.32, 5160.53, 621  
5162.138, 5162.14, 5162.17, 5162.25, 5163.04, 5163.102, 5163.50, 622  
5164.093, 5164.451, 5166.50, 5167.104, 5167.25, 5180.99, 623  
5303.34, 5303.35, 5703.901, 5705.316, and 5747.073 of the 624  
Revised Code be enacted to read as follows: 625

**Sec. 3.15.** (A) Except as otherwise provided in division 626  
(B) of this section, at all times during one's term of office: 627

(1) Each member of the general assembly ~~and each elected~~ 628  
~~voting member of the state board of education~~ shall be a 629  
resident of the district the member represents. 630

(2) Each judge and each elected officer of a court shall 631  
be a resident of the territory of that court. 632

(3) Each person holding an elective office of a political 633  
subdivision shall be a resident of that political subdivision. 634

(4) Each member of a municipal legislative authority who 635  
represents a ward shall be a resident of the ward the member 636  
represents, and each member of a board of education of a city 637  
school district who represents a subdistrict shall be a resident 638  
of the subdistrict the member represents. 639

(B) Any person who fails to meet any of the requirements 640  
of division (A) of this section that apply to the person shall 641  
forfeit the office. Division (A) of this section applies to 642  
persons who have been either elected or appointed to an elective 643  
office. Division (A) of this section does not apply to a member 644  
of the general assembly ~~or the state board of education~~, to a 645  
member of a municipal legislative authority who represents a 646  
ward, or to a member of a board of education of a city school 647  
district who represents a subdistrict, during the remainder of 648  
the member's existing term of office after there is a change in 649  
the member's district's, ward's, or subdistrict's boundaries 650  
that leaves the member's permanent residence outside the 651  
district, ward, or subdistrict. 652

**Sec. 9.03.** (A) As used in this section: 653

(1) "Political subdivision" means any body corporate and 654

~~politic, except a municipal corporation that has adopted a~~ 655  
~~charter under Section 7 of Article XVIII, Ohio Constitution, and~~ 656  
~~except a county that has adopted a charter under Sections 3 and~~ 657  
~~4 of Article X, Ohio Constitution,~~ to which both of the 658  
following apply: 659

(a) It is responsible for governmental activities only in 660  
a geographic area smaller than the state. 661

(b) It is subject to the sovereign immunity of the state. 662

(2) "Cigarettes" and "tobacco product" have the same 663  
meanings as in section 5743.01 of the Revised Code. 664

(3) "Transaction" has the same meaning as in section 665  
1315.51 of the Revised Code. 666

(4) "Campaign committee," "campaign fund," "candidate," 667  
"legislative campaign fund," "political action committee," 668  
"political committee," "political party," and "separate 669  
segregated fund" have the same meanings as in section 3517.01 of 670  
the Revised Code. 671

(B) Except as otherwise provided in division (C) of this 672  
section, the governing body of a political subdivision may use 673  
public funds to publish and distribute newsletters, or to use 674  
any other means, to communicate information about the plans, 675  
policies, and operations of the political subdivision to members 676  
of the public within the political subdivision and to other 677  
persons who may be affected by the political subdivision. 678

(C) Except as otherwise provided in division (A) (7) of 679  
section 340.03 of the Revised Code, no governing body of a 680  
political subdivision shall use public funds to do any of the 681  
following: 682

(1) Publish, distribute, or otherwise communicate	683
information that does any of the following:	684
(a) Contains defamatory, libelous, or obscene matter;	685
(b) Promotes alcoholic beverages, cigarettes or other	686
tobacco products, or any illegal product, service, or activity;	687
(c) Promotes illegal discrimination on the basis of race,	688
color, religion, national origin, disability, age, or ancestry;	689
(d) Supports or opposes any labor organization or any	690
action by, on behalf of, or against any labor organization;	691
(e) Supports or opposes the nomination or election of a	692
candidate for public office, the investigation, prosecution, or	693
recall of a public official, or the passage of a levy or bond	694
issue.	695
(2) Compensate any employee of the political subdivision	696
for time spent on any activity to influence the outcome of an	697
election for any of the purposes described in division (C) (1) (e)	698
of this section. Division (C) (2) of this section does not	699
prohibit the use of public funds to compensate an employee of a	700
political subdivision for attending a public meeting to present	701
information about the political subdivision's finances,	702
activities, and governmental actions in a manner that is not	703
designed to influence the outcome of an election or the passage	704
of a levy or bond issue, even though the election, levy, or bond	705
issue is discussed or debated at the meeting.	706
(D) Except as otherwise provided in division (A) (7) of	707
section 340.03 of the Revised Code or in division (E) of this	708
section, no person shall knowingly conduct a direct or indirect	709
transaction of public funds to the benefit of any of the	710
following:	711

(1) A campaign committee;	712
(2) A political action committee;	713
(3) A legislative campaign fund;	714
(4) A political party;	715
(5) A campaign fund;	716
(6) A political committee;	717
(7) A separate segregated fund;	718
(8) A candidate.	719
(E) Division (D) of this section does not prohibit the utilization of any person's own time to speak in support of or in opposition to any candidate, recall, referendum, levy, or bond issue unless prohibited by any other section of the Revised Code.	720 721 722 723 724
(F) Nothing in this section prohibits or restricts any political subdivision from sponsoring, participating in, or doing any of the following:	725 726 727
(1) Charitable or public service advertising that is not commercial in nature;	728 729
(2) Advertising of exhibitions, performances, programs, products, or services that are provided by employees of a political subdivision or are provided at or through premises owned or operated by a political subdivision;	730 731 732 733
(3) Licensing an interest in a name or mark that is owned or controlled by the political subdivision.	734 735
(G) Whoever violates division (D) of this section shall be punished as provided in section 3599.40 of the Revised Code.	736 737

<u>Sec. 9.05. (A) As used in the Revised Code:</u>	738
<u>(1) "Boy" means a juvenile human male.</u>	739
<u>(2) "Female" means a person belonging, at conception, to the sex that produces the large reproductive cell.</u>	740 741
<u>(3) "Gender identity" means an individual's internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum, that does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.</u>	742 743 744 745 746
<u>(4) "Girl" means a juvenile human female.</u>	747
<u>(5) "Male" means an individual belonging, at conception, to the sex that produces the small reproductive cell.</u>	748 749
<u>(6) "Man" means an adult human male.</u>	750
<u>(7) "Sex" means the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender.</u>	751 752 753 754 755
<u>(8) "Woman" means an adult human female.</u>	756
<u>(B) It is the policy of the state of Ohio to recognize two sexes, male and female. These sexes are not changeable and are grounded in fundamental and incontrovertible reality.</u>	757 758 759
<u>Sec. 9.07. (A) As used in this section:</u>	760
<u>(1) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.</u>	761 762
<u>(2) "Governing authority of a local public entity" means whichever of the following is applicable:</u>	763 764

(a) For a county, the board of county commissioners of the county; 765  
766

(b) For a municipal corporation, the legislative authority of the municipal corporation; 767  
768

(c) For a combination of counties, a combination of municipal corporations, or a combination of one or more counties and one or more municipal corporations, all boards of county commissioners and legislative authorities of all of the counties and municipal corporations that combined to form a local public entity for purposes of this section. 769  
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(3) "Local public entity" means a county, a municipal corporation, a combination of counties, a combination of municipal corporations, or a combination of one or more counties and one or more municipal corporations. 775  
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(4) "Non-contracting political subdivision" means any political subdivision to which all of the following apply: 779  
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(a) A correctional facility for the housing of out-of-state prisoners in this state is or will be located in the political subdivision. 781  
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(b) The correctional facility described in division (A) (4) (a) of this section is being operated and managed, or will be operated and managed, by a local public entity or a private contractor pursuant to a contract entered into prior to March 17, 1998, or a contract entered into on or after March 17, 1998, under this section. 784  
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(c) The political subdivision is not a party to the contract described in division (A) (4) (b) of this section for the management and operation of the correctional facility. 790  
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(5) "Out-of-state jurisdiction" means the United States, 793  
any state other than this state, and any political subdivision 794  
or other jurisdiction located in a state other than this state. 795

(6) "Out-of-state prisoner" means a person who is 796  
convicted of a crime in another state or under the laws of the 797  
United States or who is found under the laws of another state or 798  
of the United States to be a delinquent child or the 799  
substantially equivalent designation. 800

(7) "Private contractor" means either of the following: 801

(a) A person who, on or after March 17, 1998, enters into 802  
a contract under this section with a local public entity to 803  
operate and manage a correctional facility in this state for 804  
out-of-state prisoners. 805

(b) A person who, pursuant to a contract with a local 806  
public entity entered into prior to March 17, 1998, operates and 807  
manages on March 17, 1998, a correctional facility in this state 808  
for housing out-of-state prisoners. 809

(B) Subject to division (I) of this section, the only 810  
entities other than this state that are authorized to operate a 811  
correctional facility to house out-of-state prisoners in this 812  
state are a local public entity that operates a correctional 813  
facility pursuant to this section or a private contractor that 814  
operates a correctional facility pursuant to this section under 815  
a contract with a local public entity. 816

Subject to division (I) of this section, a private entity 817  
may operate a correctional facility in this state for the 818  
housing of out-of-state prisoners only if the private entity is 819  
a private contractor that enters into a contract that comports 820  
with division (D) of this section with a local public entity for 821

the management and operation of the correctional facility. 822

(C) (1) Except as provided in this division, on and after 823  
March 17, 1998, a local public entity shall not enter into a 824  
contract with an out-of-state jurisdiction to house out-of-state 825  
prisoners in a correctional facility in this state. On and after 826  
March 17, 1998, a local public entity may enter into a contract 827  
with an out-of-state jurisdiction to house out-of-state 828  
prisoners in a correctional facility in this state only if the 829  
local public entity and the out-of-state jurisdiction with which 830  
the local public entity intends to contract jointly submit to 831  
the department of rehabilitation and correction a statement that 832  
certifies the correctional facility's intended use, intended 833  
prisoner population, and custody level, and the department 834  
reviews and comments upon the plans for the design or renovation 835  
of the correctional facility regarding their suitability for the 836  
intended prisoner population specified in the submitted 837  
statement. 838

(2) If a local public entity and an out-of-state 839  
jurisdiction enter into a contract to house out-of-state 840  
prisoners in a correctional facility in this state as authorized 841  
under division (C) (1) of this section, in addition to any other 842  
provisions it contains, the contract shall include whichever of 843  
the following provisions is applicable: 844

(a) If a private contractor will operate the facility in 845  
question pursuant to a contract entered into in accordance with 846  
division (D) of this section, a requirement that, if the 847  
facility is closed or ceases to operate for any reason and if 848  
the conversion plan described in division (D) (16) of this 849  
section is not complied with, the out-of-state jurisdiction will 850  
be responsible for housing and transporting the prisoners who 851

are in the facility at the time it is closed or ceases to 852  
operate and for the cost of so housing and transporting those 853  
prisoners; 854

(b) If a private contractor will not operate the facility 855  
in question pursuant to a contract entered into in accordance 856  
with division (D) of this section, a conversion plan that will 857  
be followed if, for any reason, the facility is closed or ceases 858  
to operate. The conversion plan shall include, but is not 859  
limited to, provisions that specify whether the local public 860  
entity or the out-of-state jurisdiction will be responsible for 861  
housing and transporting the prisoners who are in the facility 862  
at the time it is closed or ceases to operate and for the cost 863  
of so housing and transporting those prisoners. 864

(3) If a local public entity and an out-of-state 865  
jurisdiction intend to enter into a contract to house out-of- 866  
state prisoners in a correctional facility in this state as 867  
authorized under division (C)(1) of this section, or if a local 868  
public entity and a private contractor intend to enter into a 869  
contract pursuant to division (D) of this section for the 870  
private contractor's management and operation of a correctional 871  
facility in this state to house out-of-state prisoners, prior to 872  
entering into the contract the local public entity and the out- 873  
of-state jurisdiction, or the local public entity and the 874  
private contractor, whichever is applicable, shall conduct a 875  
public hearing in accordance with this division, and, prior to 876  
entering into the contract, the governing authority of the local 877  
public entity in which the facility is or will be located shall 878  
authorize the location and operation of the facility. The 879  
hearing shall be conducted at a location within the municipal 880  
corporation or township in which the facility is or will be 881  
located. At least one week prior to conducting the hearing, the 882

local public entity and the out-of-state jurisdiction or private 883  
contractor with the duty to conduct the hearing shall cause 884  
notice of the date, time, and place of the hearing to be made by 885  
publication in the newspaper with the largest general 886  
circulation in the county in which the municipal corporation or 887  
township is located. The notice shall be of a sufficient size 888  
that it covers at least one-quarter of a page of the newspaper 889  
in which it is published. This division applies to a private 890  
contractor that, pursuant to the requirement set forth in 891  
division (I) of this section, is required to enter into a 892  
contract under division (D) of this section. 893

(D) Subject to division (I) of this section, on and after 894  
March 17, 1998, if a local public entity enters into a contract 895  
with a private contractor for the management and operation of a 896  
correctional facility in this state to house out-of-state 897  
prisoners, the contract, at a minimum, shall include all of the 898  
following provisions: 899

(1) A requirement that the private contractor seek and 900  
obtain accreditation from the American correctional association 901  
for the correctional facility within two years after accepting 902  
the first out-of-state prisoner at the correctional facility 903  
under the contract and that it maintain that accreditation for 904  
the term of the contract; 905

(2) A requirement that the private contractor comply with 906  
all applicable laws, rules, or regulations of the government of 907  
this state, political subdivisions of this state, and the United 908  
States, including, but not limited to, all sanitation, food 909  
service, safety, and health regulations; 910

(3) A requirement that the private contractor send copies 911  
of reports of inspections completed by appropriate authorities 912

regarding compliance with laws, rules, and regulations of the 913  
type described in division (D) (2) of this section to the 914  
director of rehabilitation and correction or the director's 915  
designee and to the governing authority of the local public 916  
entity in which the correctional facility is located; 917

(4) A requirement that the private contractor report to 918  
the local law enforcement agencies with jurisdiction over the 919  
place at which the correctional facility is located, for 920  
investigation, all criminal offenses or delinquent acts that are 921  
committed in or on the grounds of, or otherwise in connection 922  
with, the correctional facility and report to the department of 923  
rehabilitation and correction all disturbances at the facility; 924

(5) A requirement that the private contractor immediately 925  
report all escapes from the facility, and the apprehension of 926  
all escapees, by telephone and in writing to the department of 927  
rehabilitation and correction, to all local law enforcement 928  
agencies with jurisdiction over the place at which the facility 929  
is located, to the state highway patrol, to the prosecuting 930  
attorney of the county in which the facility is located, and to 931  
a daily newspaper having general circulation in the county in 932  
which the facility is located. The written notice may be by 933  
either facsimile transmission or mail. A failure to comply with 934  
this requirement is a violation of section 2921.22 of the 935  
Revised Code. 936

(6) A requirement that the private contractor provide a 937  
written report to the director of rehabilitation and correction 938  
or the director's designee and to the governing authority of the 939  
local public entity in which the correctional facility is 940  
located of all unusual incidents occurring at the correctional 941  
facility. The private contractor shall report the incidents in 942

accordance with the incident reporting rules that, at the time 943  
of the incident, are applicable to state correctional facilities 944  
for similar incidents occurring at state correctional 945  
facilities. 946

(7) A requirement that the private contractor provide 947  
internal and perimeter security to protect the public, staff 948  
members of the correctional facility, and prisoners in the 949  
correctional facility; 950

(8) A requirement that the correctional facility be 951  
staffed at all times with a staffing pattern that is adequate to 952  
ensure supervision of inmates and maintenance of security within 953  
the correctional facility and to provide for appropriate 954  
programs, transportation, security, and other operational needs. 955  
In determining security needs for the correctional facility, the 956  
private contractor and the contract requirements shall fully 957  
take into account all relevant factors, including, but not 958  
limited to, the proximity of the facility to neighborhoods and 959  
schools. 960

(9) A requirement that the private contractor provide an 961  
adequate policy of insurance that satisfies the requirements set 962  
forth in division (D) of section 9.06 of the Revised Code 963  
regarding contractors who operate and manage a facility under 964  
that section, and that the private contractor indemnify and hold 965  
harmless the state, its officers, agents, and employees, and any 966  
local public entity in the state with jurisdiction over the 967  
place at which the correctional facility is located or that owns 968  
the correctional facility, reimburse the state for its costs in 969  
defending the state or any of its officers, agents, or 970  
employees, and reimburse any local government entity of that 971  
nature for its costs in defending the local government entity, 972

in the manner described in division (D) of that section 973  
regarding contractors who operate and manage a facility under 974  
that section; 975

(10) A requirement that the private contractor adopt for 976  
prisoners housed in the correctional facility the security 977  
classification system and schedule adopted by the department of 978  
rehabilitation and correction under section 5145.03 of the 979  
Revised Code, classify in accordance with the system and 980  
schedule each prisoner housed in the facility, and house all 981  
prisoners in the facility in accordance with their 982  
classification under this division; 983

(11) A requirement that the private contractor will not 984  
accept for housing, and will not house, in the correctional 985  
facility any out-of-state prisoner in relation to whom any of 986  
the following applies: 987

(a) The private entity has not obtained from the out-of- 988  
state jurisdiction that imposed the sentence or sanction under 989  
which the prisoner will be confined in this state a copy of the 990  
institutional record of the prisoner while previously confined 991  
in that out-of-state jurisdiction or a statement that the 992  
prisoner previously has not been confined in that out-of-state 993  
jurisdiction and a copy of all medical records pertaining to 994  
that prisoner that are in the possession of the out-of-state 995  
jurisdiction. 996

(b) The prisoner, while confined in any out-of-state 997  
jurisdiction, has a record of institutional violence involving 998  
the use of a deadly weapon or a pattern of committing acts of an 999  
assaultive nature against employees of, or visitors to, the 1000  
place of confinement or has a record of escape or attempted 1001  
escape from secure custody. 1002

(c) Under the security classification system and schedule 1003  
adopted by the department of rehabilitation and correction under 1004  
section 5145.03 of the Revised Code and adopted by the private 1005  
contractor under division (B)(10) of this section, the out-of- 1006  
state prisoner would be classified as being at a security level 1007  
higher than medium security. 1008

(12) A requirement that the private contractor, prior to 1009  
housing any out-of-state prisoner in the correctional facility 1010  
under the contract, enter into a written agreement with the 1011  
department of rehabilitation and correction that sets forth a 1012  
plan and procedure that will be used to coordinate law 1013  
enforcement activities of state law enforcement agencies and of 1014  
local law enforcement agencies with jurisdiction over the place 1015  
at which the facility is located in response to any riot, 1016  
rebellion, escape, insurrection, or other emergency occurring 1017  
inside or outside the facility; 1018

(13) A requirement that the private contractor cooperate 1019  
with the correctional institution inspection committee in the 1020  
committee's performance of its duties under section ~~103.73-~~ 1021  
103.71 of the Revised Code and provide the committee, its 1022  
subcommittees, and its staff members, in performing those 1023  
duties, with access to the correctional facility as described in 1024  
that section; 1025

(14) A requirement that the private contractor permit any 1026  
peace officer who serves a law enforcement agency with 1027  
jurisdiction over the place at which the correctional facility 1028  
is located to enter into the facility to investigate any 1029  
criminal offense or delinquent act that allegedly has been 1030  
committed in or on the grounds of, or otherwise in connection 1031  
with, the facility; 1032



(15) A requirement that the private contractor will not 1033  
employ any person at the correctional facility until after the 1034  
private contractor has submitted to the bureau of criminal 1035  
identification and investigation, on a form prescribed by the 1036  
superintendent of the bureau, a request that the bureau conduct 1037  
a criminal records check of the person and a requirement that 1038  
the private contractor will not employ any person at the 1039  
facility if the records check or other information possessed by 1040  
the contractor indicates that the person previously has engaged 1041  
in malfeasance; 1042

(16) A requirement that the private contractor will not 1043  
accept for housing, and will not house, in the correctional 1044  
facility any out-of-state prisoner unless the private contractor 1045  
and the out-of-state jurisdiction that imposed the sentence for 1046  
which the prisoner is to be confined agree that, if the out-of- 1047  
state prisoner is confined in the facility in this state, 1048  
commits a criminal offense while confined in the facility, is 1049  
convicted of or pleads guilty to that offense, and is sentenced 1050  
to a term of confinement for that offense but is not sentenced 1051  
to death for that offense, the private contractor and the out- 1052  
of-state jurisdiction will do all of the following: 1053

(a) Unless section 5120.50 of the Revised Code does not 1054  
apply in relation to the offense the prisoner committed while 1055  
confined in this state and the term of confinement imposed for 1056  
that offense, the out-of-state jurisdiction will accept the 1057  
prisoner pursuant to that section for service of that term of 1058  
confinement and for any period of time remaining under the 1059  
sentence for which the prisoner was confined in the facility in 1060  
this state, the out-of-state jurisdiction will confine the 1061  
prisoner pursuant to that section for that term and that 1062  
remaining period of time, and the private contractor will 1063

transport the prisoner to the out-of-state jurisdiction for 1064  
service of that term and that remaining period of time. 1065

(b) If section 5120.50 of the Revised Code does not apply 1066  
in relation to the offense the prisoner committed while confined 1067  
in this state and the term of confinement imposed for that 1068  
offense, the prisoner shall be returned to the out-of-state 1069  
jurisdiction or its private contractor for completion of the 1070  
period of time remaining under the out-of-state sentence for 1071  
which the prisoner was confined in the facility in this state 1072  
before starting service of the term of confinement imposed for 1073  
the offense committed while confined in this state, the out-of- 1074  
state jurisdiction or its private contractor will confine the 1075  
prisoner for that remaining period of time and will transport 1076  
the prisoner outside of this state for service of that remaining 1077  
period of time, and, if the prisoner is confined in this state 1078  
in a facility operated by the department of rehabilitation and 1079  
correction, the private contractor will be financially 1080  
responsible for reimbursing the department at the per diem cost 1081  
of confinement for the duration of that incarceration, with the 1082  
amount of the reimbursement so paid to be deposited in the 1083  
department's prisoner programs fund. 1084

(17) A requirement that the private contractor, prior to 1085  
housing any out-of-state prisoner in the correctional facility 1086  
under the contract, enter into an agreement with the local 1087  
public entity that sets forth a conversion plan that will be 1088  
followed if, for any reason, the facility is closed or ceases to 1089  
operate. The conversion plan shall include, but is not limited 1090  
to, provisions that specify whether the private contractor, the 1091  
local public entity, or the out-of-state jurisdictions that 1092  
imposed the sentences for which the out-of-state prisoners are 1093  
confined in the facility will be responsible for housing and 1094

transporting the prisoners who are in the facility at the time 1095  
it is closed or ceases to operate and for the cost of so housing 1096  
and transporting those prisoners. 1097

(18) A schedule of fines that the local public entity 1098  
shall impose upon the private contractor if the private 1099  
contractor fails to perform its contractual duties, and a 1100  
requirement that, if the private contractor fails to perform its 1101  
contractual duties, the local public entity shall impose a fine 1102  
on the private contractor from the schedule of fines and, in 1103  
addition to the fine, may exercise any other rights it has under 1104  
the contract. Division (F)(2) of this section applies regarding 1105  
a fine described in this division. 1106

(19) A requirement that the private contractor adopt and 1107  
use in the correctional facility the drug testing and treatment 1108  
program that the department of rehabilitation and correction 1109  
uses for inmates in state correctional institutions; 1110

(20) A requirement that the private contractor provide 1111  
clothing for all out-of-state prisoners housed in the 1112  
correctional facility that is conspicuous in its color, style, 1113  
or color and style, that conspicuously identifies its wearer as 1114  
a prisoner, and that is readily distinguishable from clothing of 1115  
a nature that normally is worn outside the facility by non- 1116  
prisoners, that the private contractor require all out-of-state 1117  
prisoners housed in the facility to wear the clothing so 1118  
provided, and that the private contractor not permit any out-of- 1119  
state prisoner, while inside or on the premises of the facility 1120  
or while being transported to or from the facility, to wear any 1121  
clothing of a nature that does not conspicuously identify its 1122  
wearer as a prisoner and that normally is worn outside the 1123  
facility by non-prisoners; 1124

(21) A requirement that, at the time the contract is made, 1125  
the private contractor provide to all parties to the contract 1126  
adequate proof that it has complied with the requirement 1127  
described in division (D) (9) of this section, and a requirement 1128  
that, at any time during the term of the contract, the private 1129  
contractor upon request provide to any party to the contract 1130  
adequate proof that it continues to be in compliance with the 1131  
requirement described in division (D) (9) of this section. 1132

(E) A private correctional officer or other designated 1133  
employee of a private contractor that operates a correctional 1134  
facility that houses out-of-state prisoners in this state under 1135  
a contract entered into prior to, on, or after March 17, 1998, 1136  
may carry and use firearms in the course of the officer's or 1137  
employee's employment only if the officer or employee is 1138  
certified as having satisfactorily completed an approved 1139  
training program designed to qualify persons for positions as 1140  
special police officers, security guards, or persons otherwise 1141  
privately employed in a police capacity, as described in 1142  
division (A) of section 109.78 of the Revised Code. 1143

(F) (1) Upon notification by the private contractor of an 1144  
escape from, or of a disturbance at, a correctional facility 1145  
that is operated by a private contractor under a contract 1146  
entered into prior to, on, or after March 17, 1998, and that 1147  
houses out-of-state prisoners in this state, the department of 1148  
rehabilitation and correction and state and local law 1149  
enforcement agencies shall use all reasonable means to recapture 1150  
persons who escaped from the facility or quell any disturbance 1151  
at the facility, in accordance with the plan and procedure 1152  
included in the written agreement entered into under division 1153  
(D) (12) of this section in relation to contracts entered into on 1154  
or after March 17, 1998, and in accordance with their normal 1155

procedures in relation to contracts entered into prior to March 1156  
17, 1998. Any cost incurred by this state or a political 1157  
subdivision of this state relating to the apprehension of a 1158  
person who escaped from the facility, to the quelling of a 1159  
disturbance at the facility, or to the investigation or 1160  
prosecution as described in division (G) (2) of this section of 1161  
any offense relating to the escape or disturbance shall be 1162  
chargeable to and borne by the private contractor. The 1163  
contractor also shall reimburse the state or its political 1164  
subdivisions for all reasonable costs incurred relating to the 1165  
temporary detention of a person who escaped from the facility, 1166  
following the person's recapture. 1167

(2) If a private contractor that, on or after March 17, 1168  
1998, enters into a contract under this section with a local 1169  
public entity for the operation of a correctional facility that 1170  
houses out-of-state prisoners fails to perform its contractual 1171  
duties, the local public entity shall impose upon the private 1172  
contractor a fine from the schedule of fines included in the 1173  
contract and may exercise any other rights it has under the 1174  
contract. A fine imposed under this division shall be paid to 1175  
the local public entity that enters into the contract, and the 1176  
local public entity shall deposit the money so paid into its 1177  
treasury to the credit of the fund used to pay for community 1178  
policing. If a fine is imposed under this division, the local 1179  
public entity may reduce the payment owed to the private 1180  
contractor pursuant to any invoice in the amount of the fine. 1181

(3) If a private contractor, on or after March 17, 1998, 1182  
enters into a contract under this section with a local public 1183  
entity for the operation of a correctional facility that houses 1184  
out-of-state prisoners in this state, the private contractor 1185  
shall comply with the insurance, indemnification, hold harmless, 1186

and cost reimbursement provisions described in division (D) (9) 1187  
of this section. 1188

(G) (1) Any act or omission that would be a criminal 1189  
offense or a delinquent act if committed at a state correctional 1190  
institution or at a jail, workhouse, prison, or other 1191  
correctional facility operated by this state or by any political 1192  
subdivision or group of political subdivisions of this state 1193  
shall be a criminal offense or delinquent act if committed by or 1194  
with regard to any out-of-state prisoner who is housed at any 1195  
correctional facility operated by a private contractor in this 1196  
state pursuant to a contract entered into prior to, on, or after 1197  
March 17, 1998. 1198

(2) If any political subdivision of this state experiences 1199  
any cost in the investigation or prosecution of an offense 1200  
committed by an out-of-state prisoner housed in a correctional 1201  
facility operated by a private contractor in this state pursuant 1202  
to a contract entered into prior to, on, or after March 17, 1203  
1998, the private contractor shall reimburse the political 1204  
subdivision for the costs so experienced. 1205

(3) (a) Except as otherwise provided in this division, the 1206  
state, and any officer or employee, as defined in section 109.36 1207  
of the Revised Code, of the state is not liable in damages in a 1208  
civil action for any injury, death, or loss to person or 1209  
property that allegedly arises from, or is related to, the 1210  
establishment, management, or operation of a correctional 1211  
facility to house out-of-state prisoners in this state pursuant 1212  
to a contract between a local public entity and an out-of-state 1213  
jurisdiction, a local public entity and a private contractor, or 1214  
a private contractor and an out-of-state jurisdiction that was 1215  
entered into prior to March 17, 1998, or that is entered into on 1216

or after March 17, 1998, in accordance with its provisions. The 1217  
immunity provided in this division does not apply regarding an 1218  
act or omission of an officer or employee, as defined in section 1219  
109.36 of the Revised Code, of the state that is manifestly 1220  
outside the scope of the officer's or employee's official 1221  
responsibilities or regarding an act or omission of the state, 1222  
or of an officer or employee, as so defined, of the state that 1223  
is undertaken with malicious purpose, in bad faith, or in a 1224  
wanton or reckless manner. 1225

(b) Except as otherwise provided in this division, a non- 1226  
contracting political subdivision, and any employee, as defined 1227  
in section 2744.01 of the Revised Code, of a non-contracting 1228  
political subdivision is not liable in damages in a civil action 1229  
for any injury, death, or loss to person or property that 1230  
allegedly arises from, or is related to, the establishment, 1231  
management, or operation of a correctional facility to house 1232  
out-of-state prisoners in this state pursuant to a contract 1233  
between a local public entity other than the non-contracting 1234  
political subdivision and an out-of-state jurisdiction, a local 1235  
public entity other than the non-contracting political 1236  
subdivision and a private contractor, or a private contractor 1237  
and an out-of-state jurisdiction that was entered into prior to 1238  
March 17, 1998, or that is entered into on or after March 17, 1239  
1998, in accordance with its provisions. The immunity provided 1240  
in this division does not apply regarding an act or omission of 1241  
an employee, as defined in section 2744.01 of the Revised Code, 1242  
of a non-contracting political subdivision that is manifestly 1243  
outside the scope of the employee's employment or official 1244  
responsibilities or regarding an act or omission of a non- 1245  
contracting political subdivision or an employee, as so defined, 1246  
of a non-contracting political subdivision that is undertaken 1247

with malicious purpose, in bad faith, or in a wanton or reckless manner. 1248  
1249

(c) Divisions (G) (3) (a) and (b) of this section do not 1250  
affect any immunity or defense that the state and its officers 1251  
and employees or a non-contracting political subdivision and its 1252  
employees may be entitled to under another section of the 1253  
Revised Code or the common law of this state, including, but not 1254  
limited to, section 9.86 or Chapter 2744. of the Revised Code. 1255

(H) (1) Upon the completion of an out-of-state prisoner's 1256  
term of detention at a correctional facility operated by a 1257  
private contractor in this state pursuant to a contract entered 1258  
into prior to, on, or after March 17, 1998, the operator of the 1259  
correctional facility shall transport the prisoner to the out- 1260  
of-state jurisdiction that imposed the sentence for which the 1261  
prisoner was confined before it releases the prisoner from its 1262  
custody. 1263

(2) No private contractor that operates and manages a 1264  
correctional facility housing out-of-state prisoners in this 1265  
state pursuant to a contract entered into prior to, on, or after 1266  
March 17, 1998, shall fail to comply with division (H) (1) of 1267  
this section. 1268

(3) Whoever violates division (H) (2) of this section is 1269  
guilty of a misdemeanor of the first degree. 1270

(I) Except as otherwise provided in this division, the 1271  
provisions of divisions (A) to (H) of this section apply in 1272  
relation to any correctional facility operated by a private 1273  
contractor in this state to house out-of-state prisoners, 1274  
regardless of whether the facility is operated pursuant to a 1275  
contract entered into prior to, on, or after March 17, 1998. 1276



Division (C) (1) of this section shall not apply in relation to 1277  
any correctional facility for housing out-of-state prisoners in 1278  
this state that is operated by a private contractor under a 1279  
contract entered into with a local public entity prior to March 1280  
17, 1998. If a private contractor operates a correctional 1281  
facility in this state for the housing of out-of-state prisoners 1282  
under a contract entered into with a local public entity prior 1283  
to March 17, 1998, no later than thirty days after the effective 1284  
date of this amendment, the private contractor shall enter into 1285  
a contract with the local public entity that comports to the 1286  
requirements and criteria of division (D) of this section. 1287

**Sec. 9.239.** (A) As used in this section: 1288

(1) "Public building" means a building owned by a public 1289  
entity. 1290

(2) "Public entity" means a subdivision, the general 1291  
assembly, a court, any department, division, institution, board, 1292  
commission, authority, bureau or other agency ~~of or~~ 1293  
instrumentality of the state, the five state retirement systems, 1294  
or any other governmental entity. 1295

(3) "Subdivision" has the same meaning as in section 1296  
2744.01 of the Revised Code. 1297

(B) A person that is primarily responsible for designing 1298  
energy efficient commercial building property installed in a 1299  
public building may seek allocation of any deduction allowed 1300  
under section 179D of the Internal Revenue Code in connection 1301  
with that installation by submitting a written request to the 1302  
public entity that owns the building ~~and the tax commissioner.~~ 1303  
Within fifteen days of receiving such a request, the public 1304  
entity shall respond and, if merited, formally allocate the 1305

deduction as required under that section and any associated 1306  
rules or guidance of the internal revenue service or the United 1307  
States department of the treasury. ~~The public entity shall send~~ 1308  
~~to the commissioner a copy of the response and, if applicable,~~ 1309  
~~the document or documents formally allocating the deduction.~~ 1310

(C) If a public entity does not respond within fifteen 1311  
days of receiving a request under division (B) of this section, 1312  
the entity shall be considered to have approved the request. ~~The~~ 1313  
~~commissioner shall provide the person that submitted the request~~ 1314  
~~with any documentation necessary to formally allocate the~~ 1315  
~~deduction.~~ 1316

(D) No public entity and no employee or agent of a public 1317  
entity acting in the employee's or agent's official capacity 1318  
shall seek, solicit, charge, or accept a fee, payment, or other 1319  
consideration in exchange for allocating a deduction allowed 1320  
under section 179D of the Internal Revenue Code or providing 1321  
documentation of such an allocation as required under that 1322  
section and any associated rules or guidance of the internal 1323  
revenue service or the United States department of the treasury. 1324

**Sec. 9.24.** (A) Except as may be allowed under division (F) 1325  
of this section, no state agency and no political subdivision 1326  
shall award a contract as described in division (G)(1) of this 1327  
section for goods, services, or construction, paid for in whole 1328  
or in part with state funds, to a person against whom a finding 1329  
for recovery has been issued by the auditor of state on and 1330  
after January 1, 2001, if the finding for recovery is 1331  
unresolved. 1332

A contract is considered to be awarded when it is entered 1333  
into or executed, irrespective of whether the parties to the 1334  
contract have exchanged any money. 1335

(B) For purposes of this section, a finding for recovery 1336  
is unresolved unless one of the following criteria applies: 1337

(1) The money identified in the finding for recovery is 1338  
paid in full to the state agency or political subdivision to 1339  
whom the money was owed; 1340

(2) The debtor has entered into a repayment plan that is 1341  
approved by the attorney general and the state agency or 1342  
political subdivision to whom the money identified in the 1343  
finding for recovery is owed. A repayment plan may include a 1344  
provision permitting a state agency or political subdivision to 1345  
withhold payment to a debtor for goods, services, or 1346  
construction provided to or for the state agency or political 1347  
subdivision pursuant to a contract that is entered into with the 1348  
debtor after the date the finding for recovery was issued. 1349

(3) The attorney general waives a repayment plan described 1350  
in division (B) (2) of this section for good cause; 1351

(4) The debtor and state agency or political subdivision 1352  
to whom the money identified in the finding for recovery is owed 1353  
have agreed to a payment plan established through an enforceable 1354  
settlement agreement. 1355

(5) The state agency or political subdivision desiring to 1356  
enter into a contract with a debtor certifies, and the attorney 1357  
general concurs, that all of the following are true: 1358

(a) Essential services the state agency or political 1359  
subdivision is seeking to obtain from the debtor cannot be 1360  
provided by any other person besides the debtor; 1361

(b) Awarding a contract to the debtor for the essential 1362  
services described in division (B) (5) (a) of this section is in 1363  
the best interest of the state; 1364

(c) Good faith efforts have been made to collect the money 1365  
identified in the finding of recovery. 1366

(6) The debtor has commenced an action to contest the 1367  
finding for recovery and a final determination on the action has 1368  
not yet been reached; 1369

(7) The debt has been discharged in bankruptcy or is no 1370  
longer owed based on a final nonappealable court order; 1371

(8) Another reason deemed by the attorney general to 1372  
constitute good cause for resolving the finding for recovery. 1373

(C) The attorney general shall submit an initial report to 1374  
the auditor of state, not later than December 1, 2003, 1375  
indicating the status of collection for all findings for 1376  
recovery issued by the auditor of state for calendar years 2001, 1377  
2002, and 2003. Beginning on January 1, 2004, the attorney 1378  
general shall submit to the auditor of state, on the first day 1379  
of every January, April, July, and October, a list of all 1380  
findings for recovery that have been resolved in accordance with 1381  
division (B) of this section during the calendar quarter 1382  
preceding the submission of the list and a description of the 1383  
means of resolution. The attorney general shall notify the 1384  
auditor of state when a judgment is issued against an entity 1385  
described in division (F)(1) of this section. 1386

(D) The auditor of state shall maintain a database, 1387  
accessible to the public, listing persons against whom an 1388  
unresolved finding for recovery has been issued, and the amount 1389  
of the money identified in the unresolved finding for recovery. 1390  
The auditor of state shall have this database operational on or 1391  
before January 1, 2004. The initial database shall contain the 1392  
information required under this division for calendar years 1393

2001, 2002, and 2003. 1394

Beginning January 15, 2004, the auditor of state shall 1395  
update the database by the fifteenth day of every January, 1396  
April, July, and October to reflect resolved findings for 1397  
recovery that are reported to the auditor of state by the 1398  
attorney general on the first day of the same month pursuant to 1399  
division (C) of this section. 1400

(E) Before awarding a contract as described in division 1401  
(G) (1) of this section for goods, services, or construction, 1402  
paid for in whole or in part with state funds, a state agency or 1403  
political subdivision shall verify that the person to whom the 1404  
state agency or political subdivision plans to award the 1405  
contract has no unresolved finding for recovery issued against 1406  
the person. A state agency or political subdivision shall verify 1407  
that the person does not appear in the database described in 1408  
division (D) of this section or shall obtain other proof that 1409  
the person has no unresolved finding for recovery issued against 1410  
the person. 1411

(F) The prohibition of division (A) of this section and 1412  
the requirement of division (E) of this section do not apply 1413  
with respect to the companies, payments, or agreements described 1414  
in divisions (F) (1) and (2) of this section, or in the 1415  
circumstance described in division (F) (3) of this section. 1416

(1) A bonding company or a company authorized to transact 1417  
the business of insurance in this state, a self-insurance pool, 1418  
joint self-insurance pool, risk management program, or joint 1419  
risk management program, unless a court has entered a final 1420  
judgment against the company and the company has not yet 1421  
satisfied the final judgment. 1422

(2) To medicaid provider agreements under the medicaid program.	1423 1424
(3) When federal law dictates that a specified entity provide the goods, services, or construction for which a contract is being awarded, regardless of whether that entity would otherwise be prohibited from entering into the contract pursuant to this section.	1425 1426 1427 1428 1429
(G) (1) This section applies only to contracts for goods, services, or construction that satisfy the criteria in either division (G) (1) (a) or (b) of this section. This section may apply to contracts for goods, services, or construction that satisfy the criteria in division (G) (1) (c) of this section, provided that the contracts also satisfy the criteria in either division (G) (1) (a) or (b) of this section.	1430 1431 1432 1433 1434 1435 1436
(a) The cost for the goods, services, or construction provided under the contract is estimated to exceed twenty-five thousand dollars.	1437 1438 1439
(b) The aggregate cost for the goods, services, or construction provided under multiple contracts entered into by the particular state agency and a single person or the particular political subdivision and a single person within the fiscal year preceding the fiscal year within which a contract is being entered into by that same state agency and the same single person or the same political subdivision and the same single person, exceeded fifty thousand dollars.	1440 1441 1442 1443 1444 1445 1446 1447
(c) The contract is a renewal of a contract previously entered into and renewed pursuant to that preceding contract.	1448 1449
(2) This section does not apply to employment contracts.	1450
(H) As used in this section:	1451

(1) "State agency" has the same meaning as in section 9.66 of the Revised Code.

(2) "Political subdivision" means a political subdivision as defined in section 9.82 of the Revised Code that has received more than fifty thousand dollars of state money in the current fiscal year or the preceding fiscal year.

(3) "Finding for recovery" means a determination issued by the auditor of state, contained in a report the auditor of state gives to the attorney general pursuant to section 117.28 of the Revised Code, that public money has been illegally expended, public money has been collected but not been accounted for, public money is due but has not been collected, or public property has been converted or misappropriated.

(4) "Debtor" means a person against whom a finding for recovery has been issued.

(5) "Person" means the person named in the finding for recovery.

(6) "State money" does not include funds the state receives from another source and passes through to a political subdivision.

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

(B) Except as otherwise required or permitted by state or

federal law, a contract entered into by the state for the 1481  
procurement of goods or services shall not include any of the 1482  
following: 1483

(1) A provision that requires the state to indemnify or 1484  
hold harmless another person. 1485

(2) A provision by which the state agrees to binding 1486  
arbitration or any other binding extra-judicial dispute 1487  
resolution process. 1488

(3) A provision that names a venue for any action or 1489  
dispute against the state other than a court of proper 1490  
jurisdiction in Franklin county, Ohio. 1491

(4) A provision that requires the state to agree to limit 1492  
the liability for any direct loss to the state for bodily 1493  
injury, death, or damage to property of the state caused by the 1494  
negligence, intentional or willful misconduct, fraudulent act, 1495  
recklessness, or other tortious conduct of a person or a 1496  
person's employees or agents, or a provision that would 1497  
otherwise impose an indemnification obligation on the state. 1498

(5) A provision that requires the state to be bound by a 1499  
term or condition that is unknown to the state at the time of 1500  
signing a contract, that is not specifically negotiated with the 1501  
state, that may be unilaterally changed by the other party, or 1502  
that is electronically accepted by a state employee. 1503

(6) A provision that provides for a person other than the 1504  
attorney general to serve as legal counsel for the state or for 1505  
any state agency, unless allowed for under the process set forth 1506  
in section 109.07 of the Revised Code. 1507

(7) A provision that is inconsistent with the state's 1508  
obligations under section 149.43 of the Revised Code. 1509



(8) A provision for automatic renewal such that state funds are or would be obligated in subsequent fiscal years. 1510  
1511

(9) A provision that limits the state's ability to recover the cost of cover for a replacement contractor. 1512  
1513

(10) With respect to a purchase in which a state agency receives a license to use a software application designed to run on generally available desktop or server hardware or cloud platforms, a requirement that the state agency install or run the software on hardware or in a cloud platform dedicated solely to the state agency, or a provision that otherwise restricts the state agency from installing or running the software on hardware or in a cloud platform of the state agency's choosing. 1514  
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(C) If a contract contains a term or condition described in division (B) of this section, the term or condition is void ab initio, and the contract containing that term or condition otherwise shall be enforceable as if it did not contain such term or condition. 1522  
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(D) A contract that contains a term or condition described in division (B) of this section shall be governed by and construed in accordance with Ohio law notwithstanding any term or condition to the contrary in the contract. 1527  
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(E) This section does not apply to a contract in effect before ~~the effective date of this section~~ September 30, 2021, or to the renewal or extension of a contract in effect before ~~the effective date of this section~~ that date. 1531  
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**Sec. 9.28.** (A) As used in this section: 1535

(1) "Competitive selection" means ~~a request for proposal or any other solicitation or announcement by a public office requiring bids or proposals for the provision of~~ 1536  
1537  
1538

~~goods or services to that office~~ the procedures for making 1539  
purchases as defined in section 125.01 of the Revised Code. 1540

(2) "Public office" includes any state agency, public 1541  
institution, political subdivision, or other organized body, 1542  
office, agency, institution, or entity established by the laws 1543  
of this state for the exercise of any function of government. 1544  
"Public office" does not include the nonprofit corporation 1545  
formed under section 187.01 of the Revised Code. 1546

(3) "State agency" includes every department, bureau, 1547  
board, commission, office, or other organized body established 1548  
by the constitution and laws of this state for the exercise of 1549  
any function of state government, including any state-supported 1550  
institution of higher education, the general assembly, any 1551  
legislative agency, any court or judicial agency, or any 1552  
political subdivision or agency of a political subdivision. 1553  
"State agency" does not include the nonprofit corporation formed 1554  
under section 187.01 of the Revised Code. 1555

(B) Except as provided in division (C) of this section, 1556  
materials ~~submitted to a public office in response~~ relating to a 1557  
~~competitive solicitation through competitive selection~~ shall not 1558  
be considered public records ~~for purposes of~~ under section 1559  
149.43 of the Revised Code until ~~the date the public office~~ 1560  
~~announces~~ after the award of a ~~the~~ contract based on the 1561  
competitive ~~solicitation or the cancellation of the competitive~~ 1562  
~~solicitation~~ selection. 1563

(C) If a public office rejects all bids or proposals 1564  
received in response to a ~~competitive solicitation~~ through 1565  
competitive selection and, concurrently with the announcement of 1566  
the rejection gives notice of its intent to reissue the 1567  
solicitation through competitive selection, the materials 1568

submitted in response to the original ~~competitive~~ solicitation 1569  
and the materials submitted in response to the reissued 1570  
~~competitive~~ solicitation shall not be considered public records 1571  
~~for purposes of~~ under section 149.43 of the Revised Code until 1572  
~~the date the public office announces~~ after the award of a ~~the~~ 1573  
contract based on the reissued ~~competitive~~ solicitation through 1574  
~~or the cancellation of the reissued~~ competitive 1575  
~~solicitation~~ selection. 1576

**Sec. 9.312.** (A) If a state agency or political subdivision 1577  
is required by law or by an ordinance or resolution adopted 1578  
under division (C) of this section to award a contract to the 1579  
lowest responsive and responsible bidder, a bidder on the 1580  
contract shall be considered responsive if the bidder's proposal 1581  
responds to bid specifications in all material respects and 1582  
contains no irregularities or deviations from the specifications 1583  
which would affect the amount of the bid or otherwise give the 1584  
bidder a competitive advantage. The factors that the state 1585  
agency or political subdivision shall consider in determining 1586  
whether a bidder on the contract is responsible include the 1587  
experience of the bidder, the bidder's financial condition, 1588  
conduct and performance on previous contracts, facilities, 1589  
management skills, and ability to execute the contract properly. 1590

For purposes of this division, the provision of a bid 1591  
guaranty in accordance with divisions (A)(1) and (B) of section 1592  
153.54 of the Revised Code issued by a surety licensed to do 1593  
business in this state is evidence of financial responsibility, 1594  
but a state agency or political subdivision may request 1595  
additional financial information for review from an apparent low 1596  
bidder after it opens all submitted bids. A state agency or 1597  
political subdivision shall keep additional financial 1598  
information it receives pursuant to a request under this 1599

division confidential, except under proper order of a court. The 1600  
additional financial information is not a public record under 1601  
section 149.43 of the Revised Code. 1602

An apparent low bidder found not to be responsive and 1603  
responsible shall be notified by the state agency or political 1604  
subdivision of that finding and the reasons for it. Except for 1605  
contracts awarded by the department of administrative services 1606  
pursuant to section 125.11 of the Revised Code, the notification 1607  
shall be given in writing ~~and either by certified mail or, if~~ 1608  
~~the state agency or political subdivision has record of an~~ 1609  
internet identifier of record associated with the bidder, or by 1610  
ordinary certified mail and by that if no internet identifier of 1611  
record is available. When awarding contracts pursuant to section 1612  
125.11 of the Revised Code, the department may send such notice 1613  
in writing by first class mail or by electronic means. 1614

(B) Where a state agency or a political subdivision that 1615  
has adopted an ordinance or resolution under division (C) of 1616  
this section determines to award a contract to a bidder other 1617  
than the apparent low bidder or bidders for the construction, 1618  
reconstruction, improvement, enlargement, alteration, repair, 1619  
painting, or decoration of a public improvement, it shall meet 1620  
with the apparent low bidder or bidders upon a filing of a 1621  
timely written protest. The protest must be received within five 1622  
days of the notification required in division (A) of this 1623  
section. No final award shall be made until the state agency or 1624  
political subdivision either affirms or reverses its earlier 1625  
determination. Notwithstanding any other provisions of the 1626  
Revised Code, the procedure described in this division is not 1627  
subject to Chapter 119. of the Revised Code. 1628

(C) A municipal corporation, township, school district, 1629

board of county commissioners, any other county board or 1630  
commission, or any other political subdivision required by law 1631  
to award contracts by competitive bidding may by ordinance or 1632  
resolution adopt a policy of requiring each competitively bid 1633  
contract it awards to be awarded to the lowest responsive and 1634  
responsible bidder in accordance with this section. 1635

(D) As used in this section, "internet identifier of 1636  
record" means an electronic mail address, or any other 1637  
designation used for self-identification or routing in internet 1638  
communication or posting, provided for the purpose of receiving 1639  
communication. 1640

**Sec. 9.331.** (A) Before entering into a contract to employ 1641  
a construction manager or construction manager at risk, a public 1642  
authority ~~shall may~~ advertise, ~~in a newspaper of general~~ 1643  
~~circulation news media available~~ in the county where the 1644  
contract is to be performed, and ~~may shall~~ advertise by 1645  
electronic means ~~pursuant to rules adopted by the director of~~ 1646  
~~administrative services~~, notice of its intent to employ a 1647  
construction manager or construction manager at risk. The notice 1648  
shall invite interested parties to submit proposals for 1649  
consideration and shall be published at least ~~thirty-fourteen~~ 1650  
calendar days prior to the date for accepting the proposals. The 1651  
public authority also may advertise the information contained in 1652  
the notice in appropriate trade journals and otherwise notify 1653  
persons believed to be interested in employment as a 1654  
construction manager or construction manager at risk. 1655

(B) The advertisement shall include a general description 1656  
of the project, a statement of the specific management services 1657  
required, and a description of the qualifications required for 1658  
the project. 1659

**Sec. 9.334.** ~~(A)~~ (A) (1) Every public authority planning to 1660  
contract for construction management services with a 1661  
construction manager at risk shall evaluate the proposals 1662  
submitted and select not fewer than three construction managers 1663  
at risk the public authority considers to be the most qualified 1664  
to provide the required construction management services, except 1665  
that the public authority shall select and rank fewer than three 1666  
when the public authority determines in writing that fewer than 1667  
three qualified construction managers at risk are available. 1668

(2) For projects valued at less than four million dollars, 1669  
the public authority may require the construction manager at 1670  
risk to submit a proposal described in division (A) (1) of this 1671  
section along with a pricing proposal described in division (C) 1672  
of this section. The public authority shall provide each 1673  
construction manager at risk who desires to submit a proposal 1674  
under this division a pre-proposal meeting to explore the 1675  
proposals further, in which the public authority shall provide 1676  
the construction manager at risk with a description of the 1677  
project, including the scope and nature of the proposed services 1678  
and potential technical approaches. The public authority shall 1679  
proceed with selection and ranking as described in division (A) 1680  
(1) of this section, based only on the proposal submitted under 1681  
that division. Once the construction managers at risk have been 1682  
selected, the public authority shall proceed to evaluate the 1683  
pricing proposals of each selected construction manager at risk 1684  
as described in division (D) of this section, continuing the 1685  
selection process from there. The Ohio facilities construction 1686  
commission shall biannually adjust for the rate of inflation, as 1687  
of the effective date of this amendment, the maximum project 1688  
value amount indicated in this division and post that amount on 1689  
the commission's web site. 1690

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

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

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

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

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

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

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

(F) The public authority shall enter into negotiations for a construction management contract with the construction manager

at risk whose pricing proposal the public authority determines 1720  
to be the best value under division (E) of this section. 1721

Contract negotiations shall be directed toward: 1722

(1) Ensuring that the construction manager at risk and the 1723  
public authority mutually understand the essential requirements 1724  
involved in providing the required construction management 1725  
services, including the provisions for the use of contingency 1726  
funds and the possible distribution of savings in the final 1727  
costs of the project; 1728

(2) Ensuring that the construction manager at risk will be 1729  
able to provide the necessary personnel, equipment, and 1730  
facilities to perform the construction management services 1731  
within the time required by the construction management 1732  
contract; 1733

(3) Agreeing upon a procedure and schedule for determining 1734  
a guaranteed maximum price using an open book pricing method 1735  
that shall represent the total maximum amount to be paid by the 1736  
public authority to the construction manager at risk for the 1737  
project and that shall include the costs of all the work, the 1738  
cost of its general conditions, the contingency, and the fee 1739  
payable to the construction manager at risk. 1740

(G) (1) If the public authority fails to negotiate a 1741  
construction management contract with the construction manager 1742  
at risk whose pricing proposal the public authority determines 1743  
to be the best value under division (E) of this section, the 1744  
public authority shall inform the construction manager at risk, 1745  
in writing, of the termination of negotiations. 1746

(2) Upon terminating negotiations, the public authority 1747  
may enter into negotiations as provided in this section with the 1748



construction manager at risk that the public authority ranked 1749  
next highest under division (E) of this section. If negotiations 1750  
fail, the public authority may enter into negotiations as 1751  
provided in this section with the construction manager at risk 1752  
the public authority ranked next highest under division (E) of 1753  
this section. 1754

(3) If a public authority fails to negotiate a 1755  
construction management contract with a construction manager at 1756  
risk whose pricing proposal the public authority determines to 1757  
be the best value under division (E) of this section, the public 1758  
authority may select additional construction managers at risk to 1759  
provide pricing proposals to the public authority pursuant to 1760  
this section or may select an alternative delivery method for 1761  
the project. 1762

(H) If the public authority and construction manager at 1763  
risk fail to agree on a guaranteed maximum price, nothing in 1764  
this section shall prohibit the public authority from allowing 1765  
the construction manager at risk to provide the management 1766  
services that a construction manager is authorized to provide. 1767

(I) Nothing in this section affects a public authority's 1768  
right to accept or reject any or all proposals in whole or in 1769  
part. 1770

(J) As used in this section, "rate of inflation" means the 1771  
percentage increase or decrease in the consumer price index over 1772  
a one-year period, based on the most recent consumer price index 1773  
for all urban consumers, midwest region, all items, as 1774  
determined by the bureau of labor statistics of the United 1775  
States department of labor or, if that index is no longer 1776  
published, a generally available comparable index. 1777

<u>Sec. 9.561. (A) As used in this section:</u>	1778
<u>(1) "Government entity" means a state agency, public institution, political subdivision, or any other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government.</u>	1779 1780 1781 1782
<u>(2) "Public building" means any building owned or occupied by a government entity.</u>	1783 1784
<u>(B) No government entity shall place menstrual products in the men's restroom of a public building.</u>	1785 1786
<b>Sec. 9.821. (A)</b> The department of administrative services shall direct and manage for state agencies all risk management and insurance programs authorized under section 9.822 of the Revised Code.	1787 1788 1789 1790
(B) The office of risk management is hereby established within the department of administrative services. The director of administrative services, or a deputy director appointed by the director, shall control and supervise the office.	1791 1792 1793 1794
(C) The office may take any of the following actions that it determines to be in the best interests of the state:	1795 1796
(1) Provide all insurance coverages for the state, including, but not limited to, vehicle liability, casualty, property, public liability, and fidelity bonding. The cost of insurance coverage shall be paid from appropriations made to the state agencies that the office has designated to receive the coverage.	1797 1798 1799 1800 1801 1802
(2) Provide coverage of legal expenses that are necessary and related to the legal defense of claims against the state;	1803 1804
(3) Purchase insurance policies consistent with sections	1805

125.01 to 125.111 of the Revised Code, develop and administer self-insurance programs, or do both; 1806  
1807

(4) Consolidate and combine state insurance coverages; 1808

(5) Provide technical services in risk management and insurance to state agencies; 1809  
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(6) Adopt and publish, in accordance with section 111.15 of the Revised Code, necessary rules and procedures governing the administration of the state's insurance and risk management activities. 1811  
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(D) No state agency, except a state agency exempted under section 125.02 or 125.04 of the Revised Code from the department's purchasing authority, shall purchase any insurance described in this section except as authorized by the department, when the office of risk management determines that the purchase is in the best interest of the state pursuant to division (C)(1) of this section, and in accordance with terms, conditions, and procurement methods established by the department. 1815  
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(E) With respect to any civil action, demand, or claim against the state that could be filed in the court of claims, nothing in sections 9.82 to 9.823 of the Revised Code shall be interpreted to permit the settlement or compromise of those civil actions, demands, or claims, except in the manner provided in Chapter 2743. of the Revised Code. 1824  
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(F) The department of administrative services and the office of risk management, while acting pursuant to the responsibilities prescribed in sections 9.82 to 9.83 of the Revised Code, are performing a public duty, as defined in section 2743.01 of the Revised Code. 1830  
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(G) The office of the attorney general or counsel 1835  
appointed by the office of the attorney general, including any 1836  
legal representatives thereof, shall provide and share 1837  
communications and documents that are made for the purpose of 1838  
seeking or providing legal advice or counsel in connection with 1839  
actual or potential litigation, liability claims, contract 1840  
disputes, risk management issues, and other matters involving 1841  
the programs of the office of risk management with the office. 1842  
All such communications and documents shared between the office, 1843  
a state agency, and the office of the attorney general or 1844  
counsel appointed by the office of the attorney general, 1845  
including any legal representatives thereof, are privileged and 1846  
confidential. 1847

**Sec. 101.352.** If the joint committee on agency rule review 1848  
becomes aware that an agency subject to its jurisdiction is 1849  
relying upon a principle of law or policy that, under section 1850  
121.93 of the Revised Code, should have been supplanted by its 1851  
restatement in a rule, the chairperson of the joint committee 1852  
responsible for calling and conducting meetings under section 1853  
101.35 of the Revised Code, in that chairperson's sole 1854  
discretion, may request the agency to appear before the joint 1855  
committee to address why, notwithstanding section 121.93 of the 1856  
Revised Code, it is so relying. The request shall specify the 1857  
time and place at which a designee of the agency is to appear 1858  
before the joint committee to address, and to answer the joint 1859  
committee's questions concerning, the agency's reliance. The 1860  
date set for the appearance shall be not earlier than thirty 1861  
days after the joint committee transmits the request to the 1862  
agency. The joint committee shall transmit the request to the 1863  
agency electronically. The joint committee also shall publish 1864  
the request on its web site, as part of the relevant meeting 1865

agenda, and shall indicate in conjunction with the published 1866  
request that any person is invited to appear before the joint 1867  
committee when the agency appears to offer and make comments to 1868  
the joint committee concerning the agency's reliance. 1869

Upon receiving the request, the agency shall designate a 1870  
suitable agency officer or employee to appear on behalf of the 1871  
agency before the joint committee as directed in the request. 1872  
The agency electronically shall notify the joint committee of 1873  
the name, title, telephone number, and electronic mail address 1874  
of the officer or employee who has been designated to appear 1875  
before the joint committee in response to the request. 1876

Upon appearing before the joint committee, the agency's 1877  
designee shall address why the agency is relying upon a 1878  
principle of law or policy that, notwithstanding section 121.93 1879  
of the Revised Code, has not been supplanted by its restatement 1880  
in a rule. The members of the joint committee may question the 1881  
agency's designee concerning the agency's reliance. Any person 1882  
may offer and make comments to the joint committee concerning 1883  
the agency's reliance. 1884

After the appearance has concluded, the joint committee, 1885  
by vote of a majority of its members, in writing may recommend 1886  
to the agency that it supplant the principle of law or policy 1887  
that it is relying upon by its restatement in a rule. The joint 1888  
committee shall support its recommendation with a brief 1889  
rationale of why, under section 121.93 of the Revised Code, the 1890  
principle of law or policy should be supplanted by its 1891  
restatement in a rule. The joint committee shall transmit the 1892  
recommendation electronically to the agency. 1893

After receiving the recommendation from the joint 1894  
committee, the agency shall commence the rule-making process as 1895

soon as it is reasonably feasible to do so, but not later than 1896  
the date that is ~~six~~three months after the recommendation was 1897  
received. The principle of law or policy as it is restated in a 1898  
rule does not need to be wholly congruent with the supplanted 1899  
principle of law or policy. The agency lawfully may improve or 1900  
develop further the supplanted principle of law or policy as it 1901  
is restated in a rule. 1902

The agency may continue to rely upon the principle of law 1903  
or policy, but only while it is complying with the preceding 1904  
paragraph. The agency may not rely upon the principle of law or 1905  
policy in advising with regard to or in determining the rights 1906  
or liabilities of a person if ~~the~~any of the following apply: 1907

(A) The agency fails to commence the rule-making process 1908  
by the deadline specified in the preceding paragraph, ~~or if,~~ 1909  
~~after~~. 1910

(B) After commencing the rule-making process, the agency 1911  
neglects or abandons the rule-making process before it is 1912  
completed. 1913

(C) The agency fails to file a rule recommended under this 1914  
section in final form within one year of receiving a written 1915  
recommendation from the joint committee in accordance with this 1916  
section. 1917

(D) After filing a proposed rule and rule summary and 1918  
fiscal analysis with the joint committee, the agency notifies 1919  
the joint committee of the agency's intention to file a revised 1920  
proposed rule as described in division (B) of section 106.02 of 1921  
the Revised Code. 1922

Sec. 101.56. (A) (1) The public office compensation 1923  
advisory commission is created. The commission consists of the 1924

<u>following nine voting members:</u>	1925
<u>(a) Three members appointed by the governor, not more than two of whom may be members of the same political party;</u>	1926
<u>(b) Three members appointed by the president of the senate, not more than two of whom may be members of the same political party;</u>	1928
<u>(c) Three members appointed by the speaker of the house of representatives, not more than two of whom may be members of the same political party.</u>	1929
<u>(2) The following are not eligible to be appointed as a member of the commission and shall not serve on the commission:</u>	1930
<u>(a) An officer or employee of the state or a political subdivision of the state;</u>	1931
<u>(b) An individual who is the spouse, parent, grandparent, child, grandchild, sibling, nephew, niece, uncle, aunt, brother-in-law, sister-in-law, son-in-law, daughter-in-law, father-in-law, or mother-in-law of an officer or employee of the state or a political subdivision of the state;</u>	1932
<u>(c) An individual who, within twelve months before appointment, was a candidate for election to a public office in the state;</u>	1933
<u>(d) An individual who is a legislative agent as defined in section 101.70 of the Revised Code or an executive agency lobbyist as defined in section 121.60 of the Revised Code.</u>	1934
<u>(B) Terms of members of the commission are for four years. Members may not serve more than two consecutive terms. The commission chairperson shall be selected by majority vote of all members of the commission. Members are not entitled to</u>	1935
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compensation, but shall be reimbursed for actual and necessary 1953  
expenses incurred in the performance of commission duties. A 1954  
vacancy among the members of the commission shall be filled in 1955  
the manner prescribed for the original appointment. A member may 1956  
be removed from the commission only by that member's designated 1957  
appointing authority. 1958

**Sec. 101.561.** (A) The public office compensation advisory 1959  
commission shall meet at the beginning of each odd-numbered 1960  
general assembly to review the current compensation of the 1961  
following: 1962

(1) The members of the general assembly; 1963

(2) The governor, lieutenant governor, secretary of state, 1964  
auditor of state, treasurer of state, and attorney general. 1965

(B) Not later than sixty days after the first regular 1966  
session of an odd-numbered general assembly convenes: 1967

(1) The governor, president of the senate, and speaker of 1968  
the house of representatives shall make the appointments 1969  
required under section 101.56 of the Revised Code; 1970

(2) The commission shall begin its review. 1971

(C) Not later than ninety days after the first regular 1972  
session of the general assembly convenes, the commission shall 1973  
do all of the following: 1974

(1) Complete its review; 1975

(2) Prepare a proposed compensation plan approved by vote 1976  
of at least five of its members; 1977

(3) Prepare a report of its proposed compensation plan; 1978

(4) Submit the plan and report to the governor, the 1979



president and minority leader of the senate, and the speaker and  
minority leader of the house of representatives. 1980  
1981

(D) As required under Ohio Constitution, Article II  
Section 31 and Article III, Section 19, the compensation amounts  
of the public offices listed in division (A) of this section  
shall be prescribed by law by the general assembly. The  
committee is without authority to prescribe compensation  
amounts. The commission's plan and report are advisory in  
nature. 1982  
1983  
1984  
1985  
1986  
1987  
1988

**Sec. 101.82.** As used in sections 101.82 to 101.87 of the 1989  
Revised Code: 1990

(A) "Agency" means any board, commission, committee, or 1991  
council, or any other similar state public body required to be 1992  
established pursuant to state statutes for the exercise of any 1993  
function of state government and to which members are appointed 1994  
or elected. "Agency" does not include the following: 1995

(1) The general assembly, or any commission, committee, or 1996  
other body composed entirely of members of the general assembly; 1997

(2) Any court; 1998

(3) Any public body created by or directly pursuant to the 1999  
constitution of this state; 2000

(4) The board of trustees of any institution of higher 2001  
education financially supported in whole or in part by the 2002  
state; 2003

(5) Any public body that has the authority to issue bonds 2004  
or notes or that has issued bonds or notes that have not been 2005  
fully repaid; 2006

(6) The public utilities commission of Ohio; 2007

(7) The consumers' counsel governing board;	2008
(8) The Ohio board of regents;	2009
(9) Any state board or commission that has the authority to issue any final adjudicatory order that may be appealed to the court of common pleas under Chapter 119. of the Revised Code;	2010 2011 2012 2013
(10) Any board of elections;	2014
(11) The board of directors of the Ohio insurance guaranty association and the board of governors of the Ohio fair plan underwriting association;	2015 2016 2017
<del>(12) The Ohio public employees deferred compensation board;</del>	2018 2019
<del>(13)</del> The Ohio retirement study council;	2020
<del>(14)</del> <u>(13)</u> The board of trustees of the Ohio police and fire pension fund, public employees retirement board, school employees retirement board, state highway patrol retirement board, and state teachers retirement board;	2021 2022 2023 2024
<del>(15)</del> <u>(14)</u> The industrial commission;	2025
<del>(16)</del> <u>(15)</u> The parole board;	2026
<del>(17)</del> <u>(16)</u> The board of tax appeals;	2027
<del>(18)</del> <u>(17)</u> The controlling board;	2028
<del>(19)</del> <u>(18)</u> The release authority of department of youth services;	2029 2030
<del>(20)</del> <u>(19)</u> The environmental review appeals commission;	2031
<del>(21)</del> <u>(20)</u> The Ohio ethics commission;	2032

<del>(22)</del> <u>(21)</u> The Ohio public works commission;	2033
<del>(23)</del> <u>(22)</u> The self-insuring employers evaluation board;	2034
<del>(24)</del> <u>(23)</u> The state board of deposit;	2035
<del>(25)</del> <u>(24)</u> The state employment relations board;	2036
<del>(26)</del> <u>(25)</u> An agency that is exempted from the requirements of sections 101.82 to 101.87 of the Revised Code by the agency's enabling statutes; and	2037 2038 2039
<del>(27)</del> <u>(26)</u> The following agencies, deemed to have a purpose related to federal law:	2040 2041
(a) The early childhood advisory council, under section 5104.50 of the Revised Code;	2042 2043
(b) The emergency response commission under section 3750.02 of the Revised Code;	2044 2045
(c) The public defender commission under section 120.01 of the Revised Code;	2046 2047
(d) The homeland security advisory council under division (E) of section 5502.011 of the Revised Code;	2048 2049
(e) The unemployment compensation review commission under section 4141.06 of the Revised Code.	2050 2051
(B) "Abolish" means to repeal the statutes creating and empowering an agency, remove its personnel, and transfer its records to the department of administrative services pursuant to division (E) of section 149.331 of the Revised Code.	2052 2053 2054 2055
(C) "Terminate" means to amend or repeal the statutes creating and empowering an agency, remove its personnel, and reassign its functions and records to another agency or officer designated by the general assembly.	2056 2057 2058 2059

(D) "Transfer" means to amend the statutes creating and  
empowering an agency so that its functions, records, and  
personnel are conveyed to another agency or officer.

(E) "Renew" means to continue an agency, and may include  
amendment of the statutes creating and empowering the agency, or  
recommendations for changes in agency operation or personnel.

**Sec. 101.83.** (A) It is the intent of the general assembly  
that an agency shall expire by operation of sunset review law,  
sections 101.82 to 101.87 of the Revised Code, four years more  
or less after the effective date of the act that established the  
agency. Unless renewed in accordance with division (E) of this  
section:

(1) An agency created during an even-numbered general  
assembly expires at the end of the thirty-first day of December  
in the second year of the next odd-numbered general assembly;

(2) An agency created during an odd-numbered general  
assembly expires at the end of the thirty-first day of December  
in the second year of the next even-numbered general assembly;  
and

(3) An agency renewed by a prior sunset review committee  
expires on the expiration date specified in the act that renewed  
the agency.

(B) Any act renewing an agency shall contain a distinct  
section providing a specific expiration date for the agency in  
accordance with this section. With respect to an agency  
scheduled to expire through operation of sunset review law,  
sections 101.82 to 101.87 of the Revised Code, the specific  
expiration date shall be the thirty-first day of December in the  
second year of a general assembly.

(C) If the general assembly does not renew or transfer an agency on or before its expiration date, it expires on that date.

The director of budget and management shall not authorize the expenditure of any moneys for any agency on or after the date of its expiration.

(D) The general assembly may provide by law for the orderly, efficient, and expeditious conclusion of an agency's business and operation. The rules, orders, licenses, contracts, and other actions made, taken, granted, or performed by the agency continue in effect according to their terms notwithstanding the agency's abolition, unless the general assembly provides otherwise by law. The general assembly may provide by law for the temporary or permanent transfer of some or all of a terminated or transferred agency's functions and personnel to a successor agency or officer.

The abolition, termination, or transfer of an agency does not cause the termination or dismissal of any claim pending against the agency by any person, or any claim pending against any person by the agency. Unless the general assembly provides otherwise by law for the substitution of parties, the attorney general shall succeed the agency with reference to any pending claim.

(E) An agency may be renewed by passage of a bill that continues the statutes creating and empowering the agency, that amends or repeals those statutes, or that enacts new statutes, to improve agency usefulness, performance, or effectiveness.

(F) The chairperson of an agency listed in division ~~(A)~~ (26) of section 101.82 of the Revised Code shall notify

the speaker of the house of representatives and the president of 2118  
the senate, in the manner specified in section 101.68 of the 2119  
Revised Code, and shall notify the governor, if federal law is 2120  
modified to eliminate the purpose or necessity for the agency's 2121  
existence. The notification shall be in writing and include the 2122  
following disclosure: 2123

"The agency known as the \_\_\_\_\_ was exempted from sunset 2124  
review law because it had a purpose related to federal law. The 2125  
federal law specifying that purpose has been amended or repealed 2126  
eliminating the purpose or necessity for the agency. The sunset 2127  
review committee, next convened under section 101.82 to 101.87 2128  
of the Revised Code, shall schedule the agency for review and 2129  
shall make a recommendation with respect to the agency in 2130  
accordance with section 101.87 of the Revised Code." 2131

**Sec. 101.84.** (A) A sunset review committee shall be 2132  
convened during each general assembly. The committee shall be 2133  
composed of nine members. The president of the senate shall 2134  
appoint three members of the senate to the committee, not more 2135  
than two of whom shall be members of the same political party. 2136  
The speaker of the house of representatives shall appoint three 2137  
members of the house of representatives to the committee, not 2138  
more than two of whom shall be members of the same political 2139  
party. The governor, with the advice and consent of the senate, 2140  
shall appoint three members to the committee, not more than two 2141  
of whom shall be members of the same political party. Members 2142  
shall be appointed within forty-five days after the commencement 2143  
of the first regular session of each general assembly. 2144

(B) Each member of the committee who is a member of the 2145  
general assembly shall serve for the duration of the committee, 2146  
or until that committee member no longer is a member of the 2147

senate or the house of representatives. Each member of the 2148  
committee who is appointed by the governor shall serve for the 2149  
duration of the committee, but not later than the thirty-first 2150  
day of December in the second year of the general assembly. A 2151  
vacancy on the committee shall be filled in the same manner as 2152  
the original appointment. 2153

In the first year of the general assembly, the chairperson 2154  
of the committee shall be a member of the house of 2155  
representatives, and the vice-chairperson of the committee shall 2156  
be a member of the senate. In the second year of the general 2157  
assembly, the chairperson of the committee shall be a member of 2158  
the senate, and the vice-chairperson of the committee shall be a 2159  
member of the house of representatives. 2160

Members of the committee shall receive no compensation, 2161  
but shall be reimbursed for their necessary expenses incurred in 2162  
the performance of their official duties. 2163

(C) The committee shall meet not later than ~~thirty~~ninety 2164  
days after the first day of the first year of the general 2165  
assembly to choose a chairperson and to commence establishment 2166  
of the schedule for agency review provided for in section 101.85 2167  
of the Revised Code or perform other committee duties under 2168  
sections 101.82 to 101.87 of the Revised Code. Five members of 2169  
the committee constitute a quorum for the conduct of committee 2170  
business. 2171

(D) The sunset review committee, after having prepared and 2172  
published a report of its findings and recommendations, and 2173  
furnished the report, as required under section 101.87 of the 2174  
Revised Code, ceases to exist for the remainder of the biennial 2175  
general assembly. 2176

**Sec. 102.02.** (A) (1) Except as otherwise provided in 2177  
division (H) of this section, all of the following shall file 2178  
with the appropriate ethics commission the disclosure statement 2179  
described in this division on a form prescribed by the 2180  
appropriate commission: every person who is elected to or is a 2181  
candidate for a state, county, or city office and every person 2182  
who is appointed to fill a vacancy for an unexpired term in such 2183  
an elective office; all members of the state board of education; 2184  
the director, assistant directors, deputy directors, division 2185  
chiefs, or persons of equivalent rank of any administrative 2186  
department of the state; the president or other chief 2187  
administrative officer of every state institution of higher 2188  
education as defined in section 3345.011 of the Revised Code; 2189  
the executive director and the members of the capitol square 2190  
review and advisory board appointed or employed pursuant to 2191  
section 105.41 of the Revised Code; all members of the Ohio 2192  
casino control commission, the executive director of the 2193  
commission, all professional employees of the commission, and 2194  
all technical employees of the commission who perform an 2195  
internal audit function; the individuals set forth in division 2196  
(B) (2) of section 187.03 of the Revised Code; the chief 2197  
executive officer and the members of the board of each state 2198  
retirement system; each employee of a state retirement board who 2199  
is a state retirement system investment officer licensed 2200  
pursuant to section 1707.163 of the Revised Code; the members of 2201  
the Ohio retirement study council appointed pursuant to division 2202  
(C) of section 171.01 of the Revised Code; employees of the Ohio 2203  
retirement study council, other than employees who perform 2204  
purely administrative or clerical functions; the administrator 2205  
of workers' compensation and each member of the bureau of 2206  
workers' compensation board of directors; the bureau of workers' 2207  
compensation director of investments; the chief investment 2208



officer of the bureau of workers' compensation; all members of 2209  
the board of commissioners on grievances and discipline of the 2210  
supreme court and the ethics commission created under section 2211  
102.05 of the Revised Code; every business manager, treasurer, 2212  
or superintendent of a city, local, exempted village, joint 2213  
vocational, or cooperative education school district or an 2214  
educational service center; every person who is elected to or is 2215  
a candidate for the office of member of a board of education of 2216  
a city, local, exempted village, joint vocational, or 2217  
cooperative education school district or of a governing board of 2218  
an educational service center that has a total student count of 2219  
twelve thousand or more as most recently determined by the 2220  
department of education and workforce pursuant to section 2221  
3317.03 of the Revised Code; every person who is appointed to 2222  
the board of education of a municipal school district pursuant 2223  
to division (B) or (F) of section 3311.71 of the Revised Code; 2224  
all members of the board of directors of a sanitary district 2225  
that is established under Chapter 6115. of the Revised Code and 2226  
organized wholly for the purpose of providing a water supply for 2227  
domestic, municipal, and public use, and that includes two 2228  
municipal corporations in two counties; every public official or 2229  
employee who is paid a salary or wage in accordance with 2230  
schedule C of section 124.15 or schedule E-2 of section 124.152 2231  
of the Revised Code; all members appointed to the Ohio livestock 2232  
care standards board under section 904.02 of the Revised Code; 2233  
~~all entrepreneurs in residence assigned by the LeanOhio office~~ 2234  
~~in the department of administrative services under section~~ 2235  
~~125.65 of the Revised Code~~ and every other public official or 2236  
employee who is designated by the appropriate ethics commission 2237  
pursuant to division (B) of this section. 2238

(2) The disclosure statement shall include all of the 2239

following: 2240

(a) The name of the person filing the statement and each 2241  
member of the person's immediate family and all names under 2242  
which the person or members of the person's immediate family do 2243  
business; 2244

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of 2245  
this section and except as otherwise provided in section 102.022 2246  
of the Revised Code, identification of every source of income, 2247  
other than income from a legislative agent identified in 2248  
division (A) (2) (b) (ii) of this section, received during the 2249  
preceding calendar year, in the person's own name or by any 2250  
other person for the person's use or benefit, by the person 2251  
filing the statement, and a brief description of the nature of 2252  
the services for which the income was received. If the person 2253  
filing the statement is a member of the general assembly, the 2254  
statement shall identify the amount of every source of income 2255  
received in accordance with the following ranges of amounts: 2256  
zero or more, but less than one thousand dollars; one thousand 2257  
dollars or more, but less than ten thousand dollars; ten 2258  
thousand dollars or more, but less than twenty-five thousand 2259  
dollars; twenty-five thousand dollars or more, but less than 2260  
fifty thousand dollars; fifty thousand dollars or more, but less 2261  
than one hundred thousand dollars; and one hundred thousand 2262  
dollars or more. Division (A) (2) (b) (i) of this section shall not 2263  
be construed to require a person filing the statement who 2264  
derives income from a business or profession to disclose the 2265  
individual items of income that constitute the gross income of 2266  
that business or profession, except for those individual items 2267  
of income that are attributable to the person's or, if the 2268  
income is shared with the person, the partner's, solicitation of 2269  
services or goods or performance, arrangement, or facilitation 2270

of services or provision of goods on behalf of the business or 2271  
profession of clients, including corporate clients, who are 2272  
legislative agents. A person who files the statement under this 2273  
section shall disclose the identity of and the amount of income 2274  
received from a person who the public official or employee knows 2275  
or has reason to know is doing or seeking to do business of any 2276  
kind with the public official's or employee's agency. 2277

(ii) If the person filing the statement is a member of the 2278  
general assembly, the statement shall identify every source of 2279  
income and the amount of that income that was received from a 2280  
legislative agent during the preceding calendar year, in the 2281  
person's own name or by any other person for the person's use or 2282  
benefit, by the person filing the statement, and a brief 2283  
description of the nature of the services for which the income 2284  
was received. Division (A) (2) (b) (ii) of this section requires 2285  
the disclosure of clients of attorneys or persons licensed under 2286  
section 4732.12 of the Revised Code, or patients of persons 2287  
licensed under section 4731.14 of the Revised Code, if those 2288  
clients or patients are legislative agents. Division (A) (2) (b) 2289  
(ii) of this section requires a person filing the statement who 2290  
derives income from a business or profession to disclose those 2291  
individual items of income that constitute the gross income of 2292  
that business or profession that are received from legislative 2293  
agents. 2294

(iii) Except as otherwise provided in division (A) (2) (b) 2295  
(iii) of this section, division (A) (2) (b) (i) of this section 2296  
applies to attorneys, physicians, and other persons who engage 2297  
in the practice of a profession and who, pursuant to a section 2298  
of the Revised Code, the common law of this state, a code of 2299  
ethics applicable to the profession, or otherwise, generally are 2300  
required not to reveal, disclose, or use confidences of clients, 2301

patients, or other recipients of professional services except 2302  
under specified circumstances or generally are required to 2303  
maintain those types of confidences as privileged communications 2304  
except under specified circumstances. Division (A) (2) (b) (i) of 2305  
this section does not require an attorney, physician, or other 2306  
professional subject to a confidentiality requirement as 2307  
described in division (A) (2) (b) (iii) of this section to disclose 2308  
the name, other identity, or address of a client, patient, or 2309  
other recipient of professional services if the disclosure would 2310  
threaten the client, patient, or other recipient of professional 2311  
services, would reveal details of the subject matter for which 2312  
legal, medical, or professional advice or other services were 2313  
sought, or would reveal an otherwise privileged communication 2314  
involving the client, patient, or other recipient of 2315  
professional services. Division (A) (2) (b) (i) of this section 2316  
does not require an attorney, physician, or other professional 2317  
subject to a confidentiality requirement as described in 2318  
division (A) (2) (b) (iii) of this section to disclose in the brief 2319  
description of the nature of services required by division (A) 2320  
(2) (b) (i) of this section any information pertaining to specific 2321  
professional services rendered for a client, patient, or other 2322  
recipient of professional services that would reveal details of 2323  
the subject matter for which legal, medical, or professional 2324  
advice was sought or would reveal an otherwise privileged 2325  
communication involving the client, patient, or other recipient 2326  
of professional services. 2327

(c) The name of every corporation on file with the 2328  
secretary of state that is incorporated in this state or holds a 2329  
certificate of compliance authorizing it to do business in this 2330  
state, trust, business trust, partnership, or association that 2331  
transacts business in this state in which the person filing the 2332

statement or any other person for the person's use and benefit 2333  
had during the preceding calendar year an investment of over one 2334  
thousand dollars at fair market value as of the thirty-first day 2335  
of December of the preceding calendar year, or the date of 2336  
disposition, whichever is earlier, or in which the person holds 2337  
any office or has a fiduciary relationship, and a description of 2338  
the nature of the investment, office, or relationship. Division 2339  
(A) (2) (c) of this section does not require disclosure of the 2340  
name of any bank, savings and loan association, credit union, or 2341  
building and loan association with which the person filing the 2342  
statement has a deposit or a withdrawable share account. 2343

(d) All fee simple and leasehold interests to which the 2344  
person filing the statement holds legal title to or a beneficial 2345  
interest in real property located within the state, excluding 2346  
the person's residence and property used primarily for personal 2347  
recreation; 2348

(e) The names of all persons residing or transacting 2349  
business in the state to whom the person filing the statement 2350  
owes, in the person's own name or in the name of any other 2351  
person, more than one thousand dollars. Division (A) (2) (e) of 2352  
this section shall not be construed to require the disclosure of 2353  
debts owed by the person resulting from the ordinary conduct of 2354  
a business or profession or debts on the person's residence or 2355  
real property used primarily for personal recreation, except 2356  
that the superintendent of financial institutions and any deputy 2357  
superintendent of banks shall disclose the names of all state- 2358  
chartered banks and all bank subsidiary corporations subject to 2359  
regulation under section 1109.44 of the Revised Code to whom the 2360  
superintendent or deputy superintendent owes any money. 2361

(f) The names of all persons residing or transacting 2362

business in the state, other than a depository excluded under 2363  
division (A) (2) (c) of this section, who owe more than one 2364  
thousand dollars to the person filing the statement, either in 2365  
the person's own name or to any person for the person's use or 2366  
benefit. Division (A) (2) (f) of this section shall not be 2367  
construed to require the disclosure of clients of attorneys or 2368  
persons licensed under section 4732.12 of the Revised Code, or 2369  
patients of persons licensed under section 4731.14 of the 2370  
Revised Code, nor the disclosure of debts owed to the person 2371  
resulting from the ordinary conduct of a business or profession. 2372

(g) Except as otherwise provided in section 102.022 of the 2373  
Revised Code, the source of each gift of over seventy-five 2374  
dollars, or of each gift of over twenty-five dollars received by 2375  
a member of the general assembly from a legislative agent, 2376  
received by the person in the person's own name or by any other 2377  
person for the person's use or benefit during the preceding 2378  
calendar year, except gifts received by will or by virtue of 2379  
section 2105.06 of the Revised Code, or received from spouses, 2380  
parents, grandparents, children, grandchildren, siblings, 2381  
nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, 2382  
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, 2383  
or any person to whom the person filing the statement stands in 2384  
loco parentis, or received by way of distribution from any inter 2385  
vivos or testamentary trust established by a spouse or by an 2386  
ancestor; 2387

(h) Except as otherwise provided in section 102.022 of the 2388  
Revised Code, identification of the source and amount of every 2389  
payment of expenses incurred for travel to destinations inside 2390  
or outside this state that is received by the person in the 2391  
person's own name or by any other person for the person's use or 2392  
benefit and that is incurred in connection with the person's 2393

official duties, except for expenses for travel to meetings or 2394  
conventions of a national or state organization to which any 2395  
state agency, including, but not limited to, any legislative 2396  
agency or state institution of higher education as defined in 2397  
section 3345.011 of the Revised Code, pays membership dues, or 2398  
any political subdivision or any office or agency of a political 2399  
subdivision pays membership dues; 2400

(i) Except as otherwise provided in section 102.022 of the 2401  
Revised Code, identification of the source of payment of 2402  
expenses for meals and other food and beverages, other than for 2403  
meals and other food and beverages provided at a meeting at 2404  
which the person participated in a panel, seminar, or speaking 2405  
engagement or at a meeting or convention of a national or state 2406  
organization to which any state agency, including, but not 2407  
limited to, any legislative agency or state institution of 2408  
higher education as defined in section 3345.011 of the Revised 2409  
Code, pays membership dues, or any political subdivision or any 2410  
office or agency of a political subdivision pays membership 2411  
dues, that are incurred in connection with the person's official 2412  
duties and that exceed one hundred dollars aggregated per 2413  
calendar year; 2414

(j) If the disclosure statement is filed by a public 2415  
official or employee described in division (B) (2) of section 2416  
101.73 of the Revised Code or division (B) (2) of section 121.63 2417  
of the Revised Code who receives a statement from a legislative 2418  
agent, executive agency lobbyist, or employer that contains the 2419  
information described in division (F) (2) of section 101.73 of 2420  
the Revised Code or division (G) (2) of section 121.63 of the 2421  
Revised Code, all of the nondisputed information contained in 2422  
the statement delivered to that public official or employee by 2423  
the legislative agent, executive agency lobbyist, or employer 2424

under division (F) (2) of section 101.73 or (G) (2) of section 2425  
121.63 of the Revised Code. 2426

(3) A person may file a statement required by this section 2427  
in person, by mail, or by electronic means. 2428

(4) A person who is required to file a statement under 2429  
this section shall file that statement according to the 2430  
following deadlines, as applicable: 2431

(a) Except as otherwise provided in divisions (A) (4) (b), 2432  
(c), and (d) of this section, the person shall file the 2433  
statement not later than the fifteenth day of May of each year. 2434

(b) A person who is a candidate for elective office shall 2435  
file the statement no later than the thirtieth day before the 2436  
primary, special, or general election at which the candidacy is 2437  
to be voted on, whichever election occurs soonest, except that a 2438  
person who is a write-in candidate shall file the statement no 2439  
later than the twentieth day before the earliest election at 2440  
which the person's candidacy is to be voted on. 2441

(c) A person who is appointed to fill a vacancy for an 2442  
unexpired term in an elective office shall file the statement 2443  
within fifteen days after the person qualifies for office. 2444

(d) A person who is appointed or employed after the 2445  
fifteenth day of May, other than a person described in division 2446  
(A) (4) (c) of this section, shall file an annual statement within 2447  
ninety days after appointment or employment. 2448

(5) No person shall be required to file with the 2449  
appropriate ethics commission more than one statement or pay 2450  
more than one filing fee for any one calendar year. 2451

(6) The appropriate ethics commission, for good cause, may 2452



extend for a reasonable time the deadline for filing a statement 2453  
under this section. 2454

(7) A statement filed under this section is subject to 2455  
public inspection at locations designated by the appropriate 2456  
ethics commission except as otherwise provided in this section. 2457

(B) The Ohio ethics commission, the joint legislative 2458  
ethics committee, and the board of commissioners on grievances 2459  
and discipline of the supreme court, using the rule-making 2460  
procedures of Chapter 119. of the Revised Code, may require any 2461  
class of public officials or employees under its jurisdiction 2462  
and not specifically excluded by this section whose positions 2463  
involve a substantial and material exercise of administrative 2464  
discretion in the formulation of public policy, expenditure of 2465  
public funds, enforcement of laws and rules of the state or a 2466  
county or city, or the execution of other public trusts, to file 2467  
an annual statement under division (A) of this section. The 2468  
appropriate ethics commission shall send the public officials or 2469  
employees written notice of the requirement not less than thirty 2470  
days before the applicable filing deadline unless the public 2471  
official or employee is appointed after that date, in which case 2472  
the notice shall be sent within thirty days after appointment, 2473  
and the filing shall be made not later than ninety days after 2474  
appointment. 2475

Disclosure statements filed under this division with the 2476  
Ohio ethics commission by members of boards, commissions, or 2477  
bureaus of the state for which no compensation is received other 2478  
than reasonable and necessary expenses shall be kept 2479  
confidential. Disclosure statements filed with the Ohio ethics 2480  
commission under division (A) of this section by business 2481  
managers, treasurers, and superintendents of city, local, 2482

exempted village, joint vocational, or cooperative education 2483  
school districts or educational service centers shall be kept 2484  
confidential, except that any person conducting an audit of any 2485  
such school district or educational service center pursuant to 2486  
Chapter 117. of the Revised Code may examine the disclosure 2487  
statement of any business manager, treasurer, or superintendent 2488  
of that school district or educational service center. 2489  
Disclosure statements filed with the Ohio ethics commission 2490  
under division (A) of this section by the individuals set forth 2491  
in division (B) (2) of section 187.03 of the Revised Code shall 2492  
be kept confidential. The Ohio ethics commission shall examine 2493  
each disclosure statement required to be kept confidential to 2494  
determine whether a potential conflict of interest exists for 2495  
the person who filed the disclosure statement. A potential 2496  
conflict of interest exists if the private interests of the 2497  
person, as indicated by the person's disclosure statement, might 2498  
interfere with the public interests the person is required to 2499  
serve in the exercise of the person's authority and duties in 2500  
the person's office or position of employment. If the commission 2501  
determines that a potential conflict of interest exists, it 2502  
shall notify the person who filed the disclosure statement and 2503  
shall make the portions of the disclosure statement that 2504  
indicate a potential conflict of interest subject to public 2505  
inspection in the same manner as is provided for other 2506  
disclosure statements. Any portion of the disclosure statement 2507  
that the commission determines does not indicate a potential 2508  
conflict of interest shall be kept confidential by the 2509  
commission and shall not be made subject to public inspection, 2510  
except as is necessary for the enforcement of Chapters 102. and 2511  
2921. of the Revised Code and except as otherwise provided in 2512  
this division. 2513

(C) No person shall knowingly fail to file, on or before 2514  
the applicable filing deadline established under this section, a 2515  
statement that is required by this section. 2516

(D) No person shall knowingly file a false statement that 2517  
is required to be filed under this section. 2518

(E) (1) Except as provided in divisions (E) (2) and (3) of 2519  
this section, the statement required by division (A) or (B) of 2520  
this section shall be accompanied by a filing fee of sixty 2521  
dollars. 2522

(2) The statement required by division (A) of this section 2523  
shall be accompanied by the following filing fee to be paid by 2524  
the person who is elected or appointed to, or is a candidate 2525  
for, any of the following offices: 2526  
2527

	1	2
A	For state office, <del>except member of the state board of</del> <del>education</del>	\$95
B	For office of member of general assembly	\$40
C	For county office	\$60
D	For city office	\$35
E	For office of member of the state board of education	\$35
F	For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board	\$30
G	For position of business manager, treasurer, or	\$30

superintendent of a city, local, exempted village,  
joint vocational, or cooperative education school  
district or educational service center

(3) No judge of a court of record or candidate for judge 2528  
of a court of record, and no referee or magistrate serving a 2529  
court of record, shall be required to pay the fee required under 2530  
division (E) (1) or (2) or (F) of this section. 2531

(4) For any public official who is appointed to a 2532  
nonelective office of the state and for any employee who holds a 2533  
nonelective position in a public agency of the state, the state 2534  
agency that is the primary employer of the state official or 2535  
employee shall pay the fee required under division (E) (1) or (F) 2536  
of this section. 2537

(F) If a statement required to be filed under this section 2538  
is not filed by the date on which it is required to be filed, 2539  
the appropriate ethics commission shall assess the person 2540  
required to file the statement a late filing fee of ten dollars 2541  
for each day the statement is not filed, except that the total 2542  
amount of the late filing fee shall not exceed two hundred fifty 2543  
dollars. 2544

(G) (1) The appropriate ethics commission other than the 2545  
Ohio ethics commission and the joint legislative ethics 2546  
committee shall deposit all fees it receives under divisions (E) 2547  
and (F) of this section into the general revenue fund of the 2548  
state. 2549

(2) The Ohio ethics commission shall deposit all receipts, 2550  
including, but not limited to, fees it receives under divisions 2551  
(E) and (F) of this section, investigative or other fees, costs, 2552  
or other funds it receives as a result of court orders, and all 2553

moneys it receives from settlements under division (G) of 2554  
section 102.06 of the Revised Code, into the Ohio ethics 2555  
commission fund, which is hereby created in the state treasury. 2556  
All moneys credited to the fund shall be used solely for 2557  
expenses related to the operation and statutory functions of the 2558  
commission. 2559

(3) The joint legislative ethics committee shall deposit 2560  
all receipts it receives from the payment of financial 2561  
disclosure statement filing fees under divisions (E) and (F) of 2562  
this section into the joint legislative ethics committee 2563  
investigative and financial disclosure fund. 2564

(H) Division (A) of this section does not apply to a 2565  
person elected or appointed to the office of precinct, ward, or 2566  
district committee member under Chapter 3517. of the Revised 2567  
Code; a presidential elector; a delegate to a national 2568  
convention; village or township officials and employees; any 2569  
physician or psychiatrist who is paid a salary or wage in 2570  
accordance with schedule C of section 124.15 or schedule E-2 of 2571  
section 124.152 of the Revised Code and whose primary duties do 2572  
not require the exercise of administrative discretion; or any 2573  
member of a board, commission, or bureau of any county or city 2574  
who receives less than one thousand dollars per year for serving 2575  
in that position. 2576

**Sec. 103.41.** (A) As used in sections 103.41 to ~~103.415~~ 2577  
103.417 of the Revised Code: 2578

(1) "JMOC" means the joint medicaid oversight committee 2579  
created under this section. 2580

(2) "State and local government medicaid agency" means all 2581  
of the following: 2582

(a) The department of medicaid;	2583
(b) Each state agency and political subdivision with which the department of medicaid contracts under section 5162.35 of the Revised Code to have the state agency or political subdivision administer one or more components of the medicaid program, or one or more aspects of a component, under the department's supervision;	2584 2585 2586 2587 2588 2589
(c) Each agency of a political subdivision that is responsible for administering one or more components of the medicaid program, or one or more aspects of a component, under the supervision of the department or a state agency or political subdivision described in division (A) (2) (b) of this section.	2590 2591 2592 2593 2594
(B) There is hereby created the joint medicaid oversight committee. JMOC shall consist of the following members:	2595 2596
(1) Five members of the senate appointed by the president of the senate, three of whom are members of the majority party and two of whom are members of the minority party;	2597 2598 2599
(2) Five members of the house of representatives appointed by the speaker of the house of representatives, three of whom are members of the majority party and two of whom are members of the minority party.	2600 2601 2602 2603
(C) The term of each JMOC member shall begin on the day of appointment to JMOC and end on the last day that the member serves in the house (in the case of a member appointed by the speaker) or senate (in the case of a member appointed by the president) during the general assembly for which the member is appointed to JMOC. The president and speaker shall make the initial appointments not later than fifteen days after March 20, 2014. However, if this section takes effect before January 1,	2604 2605 2606 2607 2608 2609 2610 2611

2014, the president and speaker shall make the initial 2612  
appointments during the period beginning January 1, 2014, and 2613  
ending January 15, 2014. The president and speaker shall make 2614  
subsequent appointments not later than fifteen days after the 2615  
commencement of the first regular session of each general 2616  
assembly. JMOC members may be reappointed. A vacancy on JMOC 2617  
shall be filled in the same manner as the original appointment. 2618

(D) In odd-numbered years, the speaker shall designate one 2619  
of the majority members from the house as the JMOC chairperson, 2620  
the president shall designate one of the majority members from 2621  
the senate as the JMOC vice-chairperson, and the president shall 2622  
designate one of the minority members from the senate as the 2623  
JMOC ranking minority member. In even-numbered years, the 2624  
president shall designate one of the majority members from the 2625  
senate as the JMOC chairperson, the speaker shall designate one 2626  
of the majority members from the house as the JMOC vice- 2627  
chairperson, and the speaker shall designate one of the minority 2628  
members from the house as the JMOC ranking minority member. 2629

(E) In appointing members from the minority, and in 2630  
designating ranking minority members, the president and speaker 2631  
shall consult with the minority leader of their respective 2632  
houses. 2633

(F) JMOC shall meet at the call of the JMOC chairperson. 2634  
The chairperson shall call JMOC to meet not less often than once 2635  
each calendar month, unless the chairperson and ranking minority 2636  
member agree that the chairperson should not call JMOC to meet 2637  
for a particular month. 2638

(G) Notwithstanding section 101.26 of the Revised Code, 2639  
the members, when engaged in their duties as members of JMOC on 2640  
days when there is not a voting session of the member's house of 2641

the general assembly, shall be paid at the per diem rate of one 2642  
hundred fifty dollars, and their necessary traveling expenses, 2643  
which shall be paid from the funds appropriated for the payment 2644  
of expenses of legislative committees. 2645

(H) The JMOC chairperson may, subject to approval by the 2646  
speaker of the house of representatives or the speaker's 2647  
designee and the president of the senate or the president's 2648  
designee, employ professional, technical, and clerical employees 2649  
as are necessary for JMOC to be able successfully and 2650  
efficiently to perform its duties. All such employees are in the 2651  
unclassified service and may be terminated by the chairperson, 2652  
subject to approval of the speaker or the speaker's designee and 2653  
president or the president's designee. JMOC may contract for the 2654  
services of persons who are qualified by education and 2655  
experience to advise, consult with, or otherwise assist JMOC in 2656  
the performance of its duties. 2657

(I) The JMOC chairperson, when authorized by JMOC and the 2658  
president and speaker, may issue subpoenas and subpoenas duces 2659  
tecum in aid of JMOC's performance of its duties. A subpoena may 2660  
require a witness in any part of the state to appear before JMOC 2661  
at a time and place designated in the subpoena to testify. A 2662  
subpoena duces tecum may require witnesses or other persons in 2663  
any part of the state to produce books, papers, records, and 2664  
other tangible evidence before JMOC at a time and place 2665  
designated in the subpoena duces tecum. A subpoena or subpoena 2666  
duces tecum shall be issued, served, and returned, and has 2667  
consequences, as specified in sections 101.41 to 101.45 of the 2668  
Revised Code. 2669

(J) The JMOC chairperson may administer oaths to witnesses 2670  
appearing before JMOC. 2671



**Sec. 103.414.** (A) Before the beginning of each fiscal 2672  
biennium, JMOC shall contract with an actuary to determine the 2673  
projected medical inflation rate for the upcoming fiscal 2674  
biennium. The contract shall require the actuary to make the 2675  
determination using the same types of classifications and sub- 2676  
classifications of medical care that the United States bureau of 2677  
labor statistics uses in determining the inflation rate for 2678  
medical care in the consumer price index. The contract also 2679  
shall require the actuary to provide JMOC a report with its 2680  
determination at least one hundred twenty days before the 2681  
governor is required to submit a state budget for the fiscal 2682  
biennium to the general assembly under section 107.03 of the 2683  
Revised Code. 2684

(B) On receipt of the actuary's report, JMOC shall 2685  
determine whether it agrees with the actuary's projected medical 2686  
inflation rate. If JMOC disagrees with the actuary's projected 2687  
medical inflation rate, JMOC shall determine a different 2688  
projected medical inflation rate for the upcoming fiscal 2689  
biennium. 2690

(C) The actuary and, if JMOC determines a different 2691  
projected medical inflation rate, JMOC shall determine the 2692  
projected medical inflation rate for the state unless that is 2693  
not practicable in which case the determination shall be made 2694  
for the midwest region. 2695

(D) Regardless of whether it agrees with the actuary's 2696  
projected medical inflation rate or determines a different 2697  
projected medical inflation rate, JMOC shall complete a report 2698  
regarding the projected medical inflation rate. JMOC shall 2699  
include a copy of the actuary's report in JMOC's report. JMOC's 2700  
report shall state whether JMOC agrees with the actuary's 2701

projected medical inflation rate and, if JMOC disagrees, the 2702  
reason why JMOC disagrees and the different medical inflation 2703  
rate JMOC determined. At least ninety days before the governor 2704  
is required to submit a state budget for the upcoming fiscal 2705  
biennium to the general assembly under section 107.03 of the 2706  
Revised Code, JMOC shall submit a copy of the report to the 2707  
general assembly in accordance with section 101.68 of the 2708  
Revised Code and to the governor and medicaid director. 2709

(E) To assist JMOC and the actuary in determining the 2710  
projected medical inflation rate for a fiscal biennium, the 2711  
medicaid director shall do both of the following: 2712

(1) Not later than a deadline established by the JMOC 2713  
executive director, enter into a data sharing agreement drafted 2714  
by JMOC. The parties to the data sharing agreement shall be the 2715  
JMOC executive director, the actuary for JMOC, and the medicaid 2716  
director. 2717

(2) Make the staff of the department of medicaid and any 2718  
contracted actuaries of the department readily available to JMOC 2719  
and the JMOC contracted actuary. 2720

(F) The medicaid director shall provide any information 2721  
requested by JMOC, JMOC's executive director, or JMOC's actuary 2722  
in a timely manner and in accordance with any deadlines 2723  
established by JMOC's executive director or JMOC's actuary. As 2724  
the body receiving oversight, the department of medicaid shall 2725  
play the same role as an auditee when being audited by the 2726  
auditor of state, including providing requested information 2727  
quickly, in a timely manner, and by the deadline set by JMOC. 2728  
The medicaid director, employees of the department, and any 2729  
contractors under contract with the department shall not hinder, 2730  
obstruct, or interfere with JMOC, JMOC's executive director, or 2731

JMOC's actuary in determining the projected medical inflation 2732  
rate for a fiscal biennium. 2733

**Sec. 103.416.** (A) Not later than October 1, 2025, and to 2734  
assist JMOC with fulfilling the duties described in section 2735  
103.412 of the Revised Code, the department of medicaid, the 2736  
department of job and family services, and county departments of 2737  
job and family services shall provide the JMOC executive 2738  
director and the staff of JMOC, to the extent permitted by 2739  
federal law, with access to view all of the information and 2740  
systems used for determining eligibility for public assistance 2741  
benefits, as well as for billing, payments, and tracking for 2742  
providers, including all of the following: 2743

(1) The Ohio integrated eligibility system; 2744

(2) The support enforcement tracking system; 2745

(3) The systematic alien verification for entitlements 2746  
system; 2747

(4) The electronic document management system; 2748

(5) The content manager; 2749

(6) The compass pilot; 2750

(7) The income and eligibility verification system; 2751

(8) The medicaid information technology system; 2752

(9) The Ohio medicaid enterprise system; 2753

(10) The fiscal intermediary; 2754

(11) The single state pharmacy benefit manager; 2755

(12) The provider network management module; 2756

(13) The electronic data interchange; 2757

<u>(14) The business intelligence reporting system;</u>	2758
<u>(15) The work number;</u>	2759
<u>(16) Columbia gas;</u>	2760
<u>(17) Self-service reports.</u>	2761
<u>(B) When accessing the information and systems described</u>	2762
<u>in division (A) of this section, the JMOC executive director and</u>	2763
<u>staff of JMOC shall adhere to the confidentiality standards that</u>	2764
<u>employees of the department of medicaid, department of job and</u>	2765
<u>family services, and county departments of job and family</u>	2766
<u>services are required to adhere to when accessing the same</u>	2767
<u>information and systems. The department of medicaid, department</u>	2768
<u>of job and family services, and county departments of job and</u>	2769
<u>family services shall provide systems training to the JMOC</u>	2770
<u>executive director and the staff of JMOC to ensure proper</u>	2771
<u>understanding and interpretation of information viewed.</u>	2772
<b><u>Sec. 103.417.</u></b> (A) <u>The department of medicaid shall</u>	2773
<u>periodically provide information files to the JMOC contracted</u>	2774
<u>actuary in accordance with the requirements of this section.</u>	2775
<u>Beginning October 1, 2025, and every six months thereafter, the</u>	2776
<u>department shall provide the contracted actuary with all of the</u>	2777
<u>following information:</u>	2778
<u>(1) Recipient vendor files;</u>	2779
<u>(2) Recipient liability files;</u>	2780
<u>(3) Recipient eligibility files;</u>	2781
<u>(4) Provider files;</u>	2782
<u>(5) Claims files;</u>	2783
<u>(6) Capitation files;</u>	2784

<u>(7) Reference files;</u>	2785
<u>(8) Any additional files that may be added to the</u>	2786
<u>department's vendor data extract submissions in the future and</u>	2787
<u>any other files that JMOC requires the department to share with</u>	2788
<u>the contracted actuary.</u>	2789
<u>(B) (1) Files provided by the department to the contracted</u>	2790
<u>actuary shall include all relevant information for the six-month</u>	2791
<u>period immediately preceding the date of submission. A single</u>	2792
<u>file shall be provided for each of the file types described in</u>	2793
<u>division (A) of this section. The file types shall be submitted</u>	2794
<u>to the contracted actuary in a manner that current submissions</u>	2795
<u>may be appended to previous submissions or, when applicable,</u>	2796
<u>shall contain a restatement of previous information along with</u>	2797
<u>updated and more recent information.</u>	2798
<u>(2) When providing information files to the contracted</u>	2799
<u>actuary, the department shall ensure that all information</u>	2800
<u>necessary to perform last-in-chain, reversals, and claim</u>	2801
<u>adjustments are included for each submission. The information</u>	2802
<u>shall be provided in a manner that allows the actuary to</u>	2803
<u>identify all final iterations of paid claims.</u>	2804
<u>(C) In addition to the file information submitted under</u>	2805
<u>division (B) of this section, the department shall provide the</u>	2806
<u>contracted actuary with information regarding control totals for</u>	2807
<u>each information file submitted. The control totals shall</u>	2808
<u>include record count and payment information to ensure that</u>	2809
<u>information files are fully submitted to the contracted actuary.</u>	2810
<b>Sec. 103.71. (A) As used in this section:</b>	2811
<u>"Local public entity," "out-of-state prisoner," and</u>	2812
<u>"private contractor" have the same meanings as in section 9.07</u>	2813

of the Revised Code. 2814

"Private correctional facility" means a correctional 2815  
facility in this state that houses out-of-state prisoners and 2816  
that is operated by a private contractor under a contract with a 2817  
local public entity pursuant to section 9.07 of the Revised 2818  
Code. 2819

(B) There is hereby created a correctional institution 2820  
inspection committee as a subcommittee of the legislative 2821  
service commission. The committee shall consist of eight 2822  
persons, four of whom shall be members of the senate appointed 2823  
by the president of the senate, not more than two of whom shall 2824  
be members of the same political party, and four of whom shall 2825  
be members of the house of representatives appointed by the 2826  
speaker of the house of representatives, not more than two of 2827  
whom shall be members of the same political party. Initial 2828  
appointments to the committee shall be made within fifteen days 2829  
after July 1, 1993, and in the manner prescribed in this 2830  
section. Thereafter, appointments to the committee shall be made 2831  
within forty-five days after the commencement of the first 2832  
regular session of the general assembly and in the manner 2833  
prescribed in this section. A vacancy on the committee shall be 2834  
filled for the unexpired term in the same manner as the original 2835  
appointment. Members of the committee shall serve on the 2836  
committee until the appointments are made in the first regular 2837  
session of the following general assembly, unless they cease to 2838  
be members of the general assembly. 2839

(C) Within sixty days after the commencement of the first 2840  
regular session of the general assembly, the correctional 2841  
institution inspection committee, by a vote of a majority of 2842  
members, shall select from its membership a chairperson, vice- 2843

chairperson, and a secretary. A member of the senate shall be 2844  
the chairperson, and a member of the house of representatives 2845  
shall be the vice-chairperson, during the first regular session 2846  
of a general assembly. A member of the house of representatives 2847  
shall be the chairperson during the second regular session of 2848  
the general assembly and a member of the senate shall be the 2849  
vice-chairperson. 2850

(D) The members of the committee shall serve without 2851  
compensation but shall be reimbursed for their actual and 2852  
necessary expenses incurred in the discharge of their official 2853  
duties. 2854

(E) The correctional institution inspection committee 2855  
shall do all of the following: 2856

(1) Subject to division (G) of this section, establish and 2857  
maintain a continuing program of inspection of each state 2858  
correctional institution used for the custody, control, 2859  
training, and rehabilitation of persons convicted of crime and 2860  
of each private correctional facility. Subject to division (G) 2861  
of this section, the committee may inspect any local 2862  
correctional institution used for the same purposes. Subject to 2863  
division (G) of this section, the committee, and each member of 2864  
the committee, for the purpose of making an inspection pursuant 2865  
to this section, shall have access to any state or local 2866  
correctional institution, to any private correctional facility, 2867  
or to any part of the institution or facility and shall not be 2868  
required to give advance notice of, or to make prior 2869  
arrangements before conducting, an inspection. 2870

(2) Evaluate and assist in the development of programs to 2871  
improve the condition or operation of correctional institutions; 2872

(3) Prepare a report for submission to the succeeding 2873  
general assembly of the findings the committee makes in its 2874  
inspections and of any programs that have been proposed or 2875  
developed to improve the condition or operation of the 2876  
correctional institutions in the state. The report shall contain 2877  
a separate evaluation of the inmate grievance procedure at each 2878  
state correctional institution. The committee shall submit the 2879  
report to the succeeding general assembly within fifteen days 2880  
after commencement of that general assembly's first regular 2881  
session. 2882

(F) Subject to division (G) of this section, the committee 2883  
shall make an inspection of each state correctional institution 2884  
each biennium and of each private correctional facility each 2885  
biennium. The inspection shall include attendance at one general 2886  
meal period and one rehabilitative or educational program. 2887

(G) An inspection of a state correctional institution, a 2888  
private correctional facility, or a local correctional 2889  
institution under division (E) or (F) of this section or under 2890  
section 103.74 of the Revised Code, or an inspection under 2891  
section 103.76 of the Revised Code, is subject to and shall be 2892  
conducted in accordance with all of the following: 2893

(1) The inspection shall not be conducted unless the 2894  
chairperson of the committee grants prior approval for the 2895  
inspection. 2896

(2) The inspection shall be conducted by at least one 2897  
staff member of the committee and may include one or more of the 2898  
members appointed to the committee. 2899

(3) Unless the chairperson of the committee determines 2900  
that the inspection must be conducted outside of normal business 2901



hours for any reason, including emergency circumstances or a 2902  
justifiable cause that perpetuates the mission of the committee, 2903  
and the chairperson specifies in the grant of prior approval for 2904  
the inspection that the chairperson has so determined, the 2905  
inspection shall be conducted only during normal business hours. 2906  
If the chairperson determines that the inspection must be 2907  
conducted outside of normal business hours and the chairperson 2908  
specifies in the grant of prior approval for the inspection that 2909  
the chairperson has so determined, the inspection may be 2910  
conducted outside of normal business hours. 2911

**Sec. 103.76.** Subject to division ~~(C)~~(G) of section ~~103.73-~~ 2912  
~~103.71~~ of the Revised Code, the correctional institution 2913  
inspection committee may make an inspection of any youth 2914  
services facility at such times as it determines. 2915

**Sec. 103.77.** Subject to division ~~(C)~~(G) of section ~~103.73-~~ 2916  
~~103.71~~ of the Revised Code, the correctional institution 2917  
inspection committee, and each member of the committee, for the 2918  
purpose of making inspections of youth services facilities shall 2919  
have access to any youth services facility, or to any part of 2920  
that facility and shall not be required to give advance notice 2921  
of, or to make prior arrangements before conducting, an 2922  
inspection. 2923

**Sec. 103.78.** The correctional institution inspection 2924  
committee may do the following: 2925

(A) Subject to division ~~(C)~~(G) of section ~~103.73-~~103.71 of 2926  
the Revised Code, establish and maintain a continuing program of 2927  
inspection of youth services facilities; 2928

(B) Evaluate and assist in the development of programs to 2929  
improve the condition or operation of youth services 2930

facilities <del>†.</del>	2931
<b>Sec. 107.032.</b> As used in sections 107.033 to 107.035 of	2932
the Revised Code:	2933
(A) "Aggregate general revenue fund appropriations" means	2934
all <u>appropriations made by the general assembly either directly</u>	2935
<u>from the general revenue fund appropriations made by the general</u>	2936
<u>assembly or indirectly from any nongeneral revenue fund</u>	2937
<u>supported by cash transfers from the general revenue fund</u> except	2938
for the following:	2939
(1) Appropriations of money received from the federal	2940
government;	2941
(2) Appropriations made for tax relief or refunds of taxes	2942
and other overpayments;	2943
(3) Appropriations of money received as gifts.	2944
(B) <del>"Rate of inflation" means the percentage increase or</del>	2945
<del>decrease in the consumer price index over a one-year period,</del>	2946
<del>based on the most recent consumer price index for all urban</del>	2947
<del>consumers, midwest region, all items, as determined by the</del>	2948
<del>bureau of labor statistics of the United States department of</del>	2949
<del>labor or, if that index is no longer published, a generally</del>	2950
<del>available comparable index.</del>	2951
<del>(C) "Rate of population change" means the percentage</del>	2952
<del>increase or decrease in the population of this state over a one-</del>	2953
<del>year period, based on the most recent population data available</del>	2954
<del>for the state published by the bureau of the census of the</del>	2955
<del>United States department of commerce, or its successor in</del>	2956
<del>responsibility, in the population estimates program, or its</del>	2957
<del>successive equivalent.</del>	2958

~~(D)~~—"Recast fiscal year" means fiscal years 2012, 2016, 2959  
2020, and each fourth fiscal year thereafter. 2960

**Sec. 107.033.** As part of the state budget the governor 2961  
submits to the general assembly under section 107.03 of the 2962  
Revised Code, the governor shall include the state appropriation 2963  
limitations the general assembly shall not exceed when making 2964  
aggregate general revenue fund appropriations for each 2965  
respective fiscal year of the biennium covered by that budget. 2966  
The aggregate general revenue fund appropriations the governor 2967  
proposes in the state budget also shall not exceed those 2968  
limitations for each respective fiscal year of the biennium 2969  
covered by that budget. As part of this submission, the governor 2970  
shall identify all nongeneral revenue fund appropriation line 2971  
items that are subject to the state appropriation limitation for 2972  
the current fiscal year. If the governor decides to continue 2973  
funding any of those nongeneral revenue fund line items, the 2974  
governor shall, to the greatest extent possible, propose funding 2975  
for those nongeneral revenue fund line items from the general 2976  
revenue fund for each respective fiscal year of the biennium 2977  
covered by that budget. Also as part of this submission, the 2978  
governor shall include a table listing any remaining nongeneral 2979  
revenue fund appropriation line items that are subject to the 2980  
state appropriation limitation for the current fiscal year and 2981  
for each respective fiscal year of the biennium covered by that 2982  
budget. 2983

~~(A) For fiscal year 2008, the state appropriation~~ 2984  
~~limitation is the sum of the following:~~ 2985

~~(1) The aggregate general revenue fund appropriations for~~ 2986  
~~fiscal year 2007; plus~~ 2987

~~(2) The aggregate general revenue fund appropriations for~~ 2988

~~fiscal year 2007 multiplied by either three and one-half per-~~ 2989  
~~cent, or the sum of the rate of inflation plus the rate of~~ 2990  
~~population change, whichever is greater.~~ 2991

~~(B)~~ For each fiscal year thereafter that is not a recast 2992  
fiscal year, the state appropriation limitation is the sum of 2993  
the following: 2994

(1) The state appropriation limitation for the previous 2995  
fiscal year; plus 2996

(2) The state appropriation limitation for the previous 2997  
fiscal year multiplied by ~~either three and one-half per cent, or~~ 2998  
~~the sum of the rate of inflation plus the rate of population~~ 2999  
~~change, whichever is greater.~~ 3000

~~(C)~~ (B) For each recast fiscal year, the state 3001  
appropriation limitation is the sum of the following: 3002

(1) The aggregate general revenue fund appropriations for 3003  
the previous fiscal year; plus 3004

(2) The aggregate general revenue fund appropriations for 3005  
the previous fiscal year multiplied by ~~either three and one-half~~ 3006  
~~per cent, or the sum of the rate of inflation plus the rate of~~ 3007  
~~population change, whichever is greater.~~ 3008

~~(D)~~ (C) The state appropriation limitation for a fiscal 3009  
year shall be increased by the amount of a nongeneral revenue 3010  
fund appropriation made in the immediately preceding fiscal 3011  
year, if all of the following apply to the nongeneral revenue 3012  
fund appropriation: 3013

(1) It was made on or after July 1, 2013. 3014

(2) It is included in the aggregate general revenue fund 3015  
appropriations proposed for that fiscal year. 3016

(3) It is being made for the first time from the general revenue fund. 3017  
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(D) The main operating appropriations act shall contain a list of all nongeneral revenue fund appropriation line items subject to the state appropriation limitations under this section. 3019  
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Sec. 107.034. For the purpose of calculations made on and after the effective date of this section, any tax revenue credited to the general revenue fund under section 113.09 of the Revised Code any time during fiscal years 2026 and 2027 shall be considered a general revenue fund tax source to fund general revenue fund appropriations for each succeeding fiscal year with respect to the determination of the state appropriation limitations under section 107.033 of the Revised Code, even if that tax revenue is subsequently credited to a nongeneral revenue fund account. An appropriation made from that nongeneral revenue fund account shall be considered as if it were made from the general revenue fund. 3023  
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Sec. 107.12. (A) As used in this section, "organization" means a faith-based or other organization that is exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, and provides charitable services to needy residents of this state. 3035  
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(B) There is hereby established within the office of the governor the governor's office of faith-based and community initiatives. The office shall: 3041  
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(1) Serve as a clearinghouse of information on federal, state, and local funding for charitable services performed by 3044  
3045

organizations; 3046

(2) Encourage organizations to seek public funding for 3047  
their charitable services; 3048

(3) Assist local, state, and federal agencies in 3049  
coordinating their activities to secure maximum use of funds and 3050  
efforts that benefit people receiving charitable services from 3051  
organizations; 3052

(4) Advise the governor, general assembly, and the 3053  
advisory board of the governor's office of faith-based and 3054  
community initiatives on the barriers that exist to 3055  
collaboration between organizations and governmental entities 3056  
and on ways to remove the barriers. 3057

(C) The governor shall appoint an executive director and 3058  
such other staff as may be necessary to manage the office and 3059  
perform or oversee the performance of the duties of the office. 3060  
Within sixty days after being appointed, and every twelve months 3061  
thereafter, the executive director shall distribute to the 3062  
advisory board and review with the board a strategic plan. The 3063  
executive director shall report to the board at least quarterly 3064  
on proposed initiatives and policies. A report shall include the 3065  
condition of the budget and the finances of the office. 3066

(D) (1) There is hereby created the advisory board of the 3067  
governor's office of faith-based and community initiatives. The 3068  
board shall consist of the following members: 3069

(a) Four individuals appointed by the governor; 3070

(b) One member of the house of representatives appointed 3071  
by the speaker of the house of representatives; 3072

(c) One member of the senate appointed by the president of 3073

the senate; 3074

(d) Two individuals to represent the faith-based and other 3075  
nonprofit community, one appointed by the speaker of the house 3076  
of representatives, and one appointed by the president of the 3077  
senate. 3078

(2) Members of the house of representatives and of the 3079  
senate who are appointed to serve on the advisory board shall 3080  
serve on the board for the duration of the general assembly 3081  
during which they were appointed. Terms of the office for all 3082  
other members of the advisory board shall be one year. Any 3083  
vacancy that occurs on the board shall be filled in the same 3084  
manner as the original appointment. 3085

(3) Members of the board are not entitled to compensation, 3086  
but public members appointed by the governor, the speaker of the 3087  
house of representatives, and the president of the senate shall 3088  
be reimbursed for their actual and necessary expenses that are 3089  
incurred in relation to board meetings. 3090

(4) The board shall be presided over by a chairperson and 3091  
a vice-chairperson, who shall be the members of the board who 3092  
are also members of the house of representatives or the senate. 3093  
Annually on the first day of January, the chairpersonship and 3094  
vice-chairpersonship shall alternate between the members of the 3095  
house of representatives and the senate. The member of the 3096  
senate shall be the chairperson during the first regular session 3097  
of a general assembly and the member of the house of 3098  
representatives shall be the chairperson during the second 3099  
regular session of the general assembly. 3100

(E) The board shall have the following duties: 3101

(1) Provide direction, guidance, and oversight to the 3102

office; 3103

(2) Assist in the dissemination of information about, and 3104  
in the stimulation of public awareness of, the service programs 3105  
supported by the office; 3106

(3) Review the budget and finances of the office, proposed 3107  
initiatives and policies, and the executive director's annual 3108  
strategic plan at board meetings; 3109

(4) Provide feedback for and proposed modifications of the 3110  
executive director's strategic plan. Within forty-five days 3111  
after submitting a strategic plan, the executive director shall 3112  
contact each advisory board member to obtain feedback. With the 3113  
approval of the advisory board chairperson, the executive 3114  
director shall lead a strategic plan discussion at the first 3115  
board meeting following the distribution of the strategic plan. 3116

(5) Publish a report of its activities and accomplishments 3117  
on or before the first day of August of each year, and deliver 3118  
copies of the report to the governor, the speaker and minority 3119  
leader of the house of representatives, and the president and 3120  
minority leader of the senate. 3121

(F) No member of the board or organization that the member 3122  
is affiliated or involved with is eligible to receive any grant 3123  
that the office administers or assists in administering. 3124

**Sec. 109.02.** The attorney general is the chief law officer 3125  
for the state and all its departments and shall be provided with 3126  
adequate office space in Columbus. Except as provided in 3127  
division (E) of section 120.06 and in sections 101.55, 107.13, 3128  
and ~~3517.152 to 3517.157~~ 3517.14 to 3517.18 of the Revised Code, 3129  
no state officer or board, or head of a department or 3130  
institution of the state shall employ, or be represented by, 3131



other counsel or attorneys at law. The attorney general shall 3132  
appear for the state in the trial and argument of all civil and 3133  
criminal causes in the supreme court in which the state is 3134  
directly or indirectly interested. When required by the governor 3135  
or the general assembly, the attorney general shall appear for 3136  
the state in any court or tribunal in a cause in which the state 3137  
is a party, or in which the state is directly interested. Upon 3138  
the written request of the governor, the attorney general shall 3139  
prosecute any person indicted for a crime. 3140

Sec. 109.39. (A) The attorney general may appoint a 3141  
special prosecutor for the purpose of prosecuting offenses 3142  
committed in facilities operated by the department of 3143  
rehabilitation and correction. 3144

(B) Notwithstanding any provision of the Revised Code to 3145  
the contrary pertaining to prosecutorial authority, if a 3146  
criminal offense occurs within a facility operated by the 3147  
department of rehabilitation and correction and the attorney 3148  
general has appointed a special prosecutor under division (A) of 3149  
this section, the special prosecutor may proceed with the 3150  
prosecution of the violation with all of the rights, privileges, 3151  
and powers conferred by law on a prosecuting attorney, including 3152  
the power to appear before a grand jury and to interrogate 3153  
witnesses before a grand jury. 3154

Sec. 109.73. (A) The Ohio peace officer training 3155  
commission shall recommend rules to the attorney general with 3156  
respect to all of the following: 3157

(1) The approval, or revocation of approval, of peace 3158  
officer training schools administered by the state, counties, 3159  
municipal corporations, public school districts, technical 3160  
college districts, and the department of natural resources; 3161

(2) Minimum courses of study, attendance requirements, and 3162  
equipment and facilities to be required at approved state, 3163  
county, municipal, and department of natural resources peace 3164  
officer training schools; 3165

(3) Minimum qualifications for instructors at approved 3166  
state, county, municipal, and department of natural resources 3167  
peace officer training schools; 3168

(4) The requirements of minimum basic training that peace 3169  
officers appointed to probationary terms shall complete before 3170  
being eligible for permanent appointment, which requirements 3171  
shall include training in the handling of the offense of 3172  
domestic violence, other types of domestic violence-related 3173  
offenses and incidents, and protection orders and consent 3174  
agreements issued or approved under section 2919.26 or 3113.31 3175  
of the Revised Code; crisis intervention training; and training 3176  
in the handling of missing children and child abuse and neglect 3177  
cases; and training in handling violations of section 2905.32 of 3178  
the Revised Code; and the time within which such basic training 3179  
shall be completed following appointment to a probationary term; 3180

(5) The requirements of minimum basic training that peace 3181  
officers not appointed for probationary terms but appointed on 3182  
other than a permanent basis shall complete in order to be 3183  
eligible for continued employment or permanent appointment, 3184  
which requirements shall include training in the handling of the 3185  
offense of domestic violence, other types of domestic violence- 3186  
related offenses and incidents, and protection orders and 3187  
consent agreements issued or approved under section 2919.26 or 3188  
3113.31 of the Revised Code, crisis intervention training, and 3189  
training in the handling of missing children and child abuse and 3190  
neglect cases, and training in handling violations of section 3191

2905.32 of the Revised Code, and the time within which such 3192  
basic training shall be completed following appointment on other 3193  
than a permanent basis; 3194

(6) Categories or classifications of advanced in-service 3195  
training programs for peace officers, including programs in the 3196  
handling of the offense of domestic violence, other types of 3197  
domestic violence-related offenses and incidents, and protection 3198  
orders and consent agreements issued or approved under section 3199  
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 3200  
and in the handling of missing children and child abuse and 3201  
neglect cases, and in handling violations of section 2905.32 of 3202  
the Revised Code, and minimum courses of study and attendance 3203  
requirements with respect to such categories or classifications; 3204

(7) Permitting persons, who are employed as members of a 3205  
campus police department appointed under section 1713.50 of the 3206  
Revised Code; who are employed as police officers by a qualified 3207  
nonprofit corporation police department pursuant to section 3208  
1702.80 of the Revised Code; who are appointed and commissioned 3209  
as bank, savings and loan association, savings bank, credit 3210  
union, or association of banks, savings and loan associations, 3211  
savings banks, or credit unions police officers, as railroad 3212  
police officers, or as hospital police officers pursuant to 3213  
sections 4973.17 to 4973.22 of the Revised Code; or who are 3214  
appointed and commissioned as amusement park police officers 3215  
pursuant to section 4973.17 of the Revised Code, to attend 3216  
approved peace officer training schools, including the Ohio 3217  
peace officer training academy, and to receive certificates of 3218  
satisfactory completion of basic training programs, if the 3219  
private college or university that established the campus police 3220  
department; qualified nonprofit corporation police department; 3221  
bank, savings and loan association, savings bank, credit union, 3222

or association of banks, savings and loan associations, savings 3223  
banks, or credit unions; railroad company; hospital; or 3224  
amusement park sponsoring the police officers pays the entire 3225  
cost of the training and certification and if trainee vacancies 3226  
are available; 3227

(8) Permitting undercover drug agents to attend approved 3228  
peace officer training schools, other than the Ohio peace 3229  
officer training academy, and to receive certificates of 3230  
satisfactory completion of basic training programs, if, for each 3231  
undercover drug agent, the county, township, or municipal 3232  
corporation that employs that undercover drug agent pays the 3233  
entire cost of the training and certification; 3234

(9) (a) The requirements for basic training programs for 3235  
bailiffs and deputy bailiffs of courts of record of this state 3236  
and for criminal investigators employed by the state public 3237  
defender that those persons shall complete before they may carry 3238  
a firearm while on duty; 3239

(b) The requirements for any training received by a 3240  
bailiff or deputy bailiff of a court of record of this state or 3241  
by a criminal investigator employed by the state public defender 3242  
prior to June 6, 1986, that is to be considered equivalent to 3243  
the training described in division (A) (9) (a) of this section. 3244

(10) Establishing minimum qualifications and requirements 3245  
for certification for dogs utilized by law enforcement agencies; 3246

(11) Establishing minimum requirements for certification 3247  
of persons who are employed as correction officers in a full- 3248  
service jail, five-day facility, or eight-hour holding facility 3249  
or who provide correction services in such a jail or facility; 3250

(12) Establishing requirements for the training of humane 3251

society agents under section 1717.061 of the Revised Code, 3252  
including, without limitation, a requirement that the agents 3253  
receive instruction on traditional animal husbandry methods and 3254  
training techniques, including customary owner-performed 3255  
practices; 3256

(13) Permitting tactical medical professionals to attend 3257  
approved peace officer training schools, including the Ohio 3258  
peace officer training academy, to receive training of the type 3259  
described in division (A) (14) of this section and to receive 3260  
certificates of satisfactory completion of training programs 3261  
described in that division; 3262

(14) The requirements for training programs that tactical 3263  
medical professionals shall complete to qualify them to carry 3264  
firearms while on duty under section 109.771 of the Revised 3265  
Code, which requirements shall include at least the firearms 3266  
training specified in division (A) of section 109.748 of the 3267  
Revised Code; 3268

(15) Procedures and requirements for a portion of basic 3269  
training that peace officers complete in proper interactions 3270  
with civilians during traffic stops and other in-person 3271  
encounters as specified in division (B) (4) of section 109.803 of 3272  
the Revised Code and including the topics of instruction listed 3273  
for active duty peace officers under divisions (B) (4) (a) to (d) 3274  
of that section; 3275

(16) Permitting county correctional officers to attend 3276  
approved peace officer training schools, including the Ohio 3277  
peace officer training academy, to receive training of the type 3278  
described in division (A) (17) of this section, and to receive 3279  
certificates of satisfactory completion of basic training 3280  
programs described in that division; 3281

(17) The requirements for basic training programs that 3282  
county correctional officers shall complete to qualify them to 3283  
carry firearms while on duty under section 109.772 of the 3284  
Revised Code, which requirements shall include the firearms 3285  
training specified in section 109.773 of the Revised Code; 3286

(18) Permitting fire investigators to attend approved 3287  
peace officer training schools, including the Ohio peace officer 3288  
training academy, to receive training of the type described in 3289  
division (A) (19) of this section, and to receive certificates of 3290  
satisfactory completion of training programs described in that 3291  
division; 3292

(19) The requirements for training programs that fire 3293  
investigators shall complete to qualify them to carry firearms 3294  
while on duty under section 109.774 of the Revised Code, which 3295  
requirements shall include at least the firearms training 3296  
specified in division (A) of section 109.7481 of the Revised 3297  
Code; 3298

(20) The requirements for refresher training under 3299  
division (L) of section 109.77 of the Revised Code. 3300

(B) The commission shall appoint an executive director, 3301  
with the approval of the attorney general, who shall hold office 3302  
during the pleasure of the commission. The executive director 3303  
shall perform such duties assigned by the commission. The 3304  
executive director shall receive a salary fixed pursuant to 3305  
Chapter 124. of the Revised Code and reimbursement for expenses 3306  
within the amounts available by appropriation. The executive 3307  
director may appoint officers, employees, agents, and 3308  
consultants as the executive director considers necessary, 3309  
prescribe their duties, and provide for reimbursement of their 3310  
expenses within the amounts available for reimbursement by 3311

appropriation and with the approval of the commission. 3312

(C) The commission may do all of the following: 3313

(1) Recommend studies, surveys, and reports to be made by 3314  
the executive director regarding the carrying out of the 3315  
objectives and purposes of sections 109.71 to 109.77 of the 3316  
Revised Code; 3317

(2) Visit and inspect any peace officer training school 3318  
that has been approved by the executive director or for which 3319  
application for approval has been made; 3320

(3) Make recommendations, from time to time, to the 3321  
executive director, the attorney general, and the general 3322  
assembly regarding the carrying out of the purposes of sections 3323  
109.71 to 109.77 of the Revised Code; 3324

(4) Report to the attorney general from time to time, and 3325  
to the governor and the general assembly at least annually, 3326  
concerning the activities of the commission; 3327

(5) Establish fees for the services the commission offers 3328  
under sections 109.71 to 109.79 of the Revised Code, including, 3329  
but not limited to, fees for training, certification, and 3330  
testing; 3331

(6) Perform such other acts as are necessary or 3332  
appropriate to carry out the powers and duties of the commission 3333  
as set forth in sections 109.71 to 109.77 of the Revised Code. 3334

(D) In establishing the requirements, under division (A) 3335  
(12) of this section, the commission may consider any portions 3336  
of the curriculum for instruction on the topic of animal 3337  
husbandry practices, if any, of the Ohio state university 3338  
college of veterinary medicine. No person or entity that fails 3339

to provide instruction on traditional animal husbandry methods 3340  
and training techniques, including customary owner-performed 3341  
practices, shall qualify to train a humane society agent for 3342  
appointment under section 1717.06 of the Revised Code. 3343

(E) (1) As used in this division, "license" has the same 3344  
meaning as in section 4796.01 of the Revised Code, except that 3345  
it includes a certificate of completion of a training program 3346  
required under sections 109.71 to 109.804 of the Revised Code. 3347  
"License" does not include a certificate of completion of a 3348  
firearm basic training program under division (B) (1) of section 3349  
109.78 of the Revised Code or a certificate of completion of any 3350  
firearm requalification training program. 3351

(2) Notwithstanding any requirement for a license issued 3352  
by the commission, the commission shall issue a license in 3353  
accordance with Chapter 4796. of the Revised Code to an 3354  
individual if either of the following applies: 3355

(a) The individual holds a license in another state. 3356

(b) The individual has satisfactory work experience, a 3357  
government certification, or a private certification as 3358  
described in that chapter in the same profession, occupation, or 3359  
occupational activity as the profession, occupation, or 3360  
occupational activity for which the license is required in this 3361  
state in a state that does not require such a license. 3362

**Sec. 109.77.** (A) As used in this section: 3363

(1) "Felony" has the same meaning as in section 109.511 of 3364  
the Revised Code. 3365

(2) "Companion animal" has the same meaning as in section 3366  
959.131 of the Revised Code. 3367



(B) (1) Notwithstanding any general, special, or local law 3368  
or charter to the contrary, and except as otherwise provided in 3369  
this section, no person shall receive an original appointment on 3370  
a permanent basis as any of the following unless the person 3371  
previously has been awarded a certificate by the executive 3372  
director of the Ohio peace officer training commission attesting 3373  
to the person's satisfactory completion of an approved state, 3374  
county, municipal, or department of natural resources peace 3375  
officer basic training program: 3376

(a) A peace officer of any county, township, municipal 3377  
corporation, regional transit authority, or metropolitan housing 3378  
authority; 3379

(b) A natural resources law enforcement staff officer, 3380  
forest-fire investigator, wildlife officer, or natural resources 3381  
officer of the department of natural resources; 3382

(c) An employee of a park district under section 511.232 3383  
or 1545.13 of the Revised Code; 3384

(d) An employee of a conservancy district who is 3385  
designated pursuant to section 6101.75 of the Revised Code; 3386

(e) A state university law enforcement officer; 3387

(f) A special police officer employed by the department of 3388  
mental health and addiction services pursuant to section 5119.08 3389  
of the Revised Code or the department of developmental 3390  
disabilities pursuant to section 5123.13 of the Revised Code; 3391

(g) An enforcement agent of the department of public 3392  
safety whom the director of public safety designates under 3393  
section 5502.14 of the Revised Code; 3394

(h) A special police officer employed by a port authority 3395

under section 4582.04 or 4582.28 of the Revised Code; 3396

(i) A special police officer employed by a municipal 3397  
corporation at a municipal airport, or other municipal air 3398  
navigation facility, that has scheduled operations, as defined 3399  
in section 119.3 of Title 14 of the Code of Federal Regulations, 3400  
14 C.F.R. 119.3, as amended, and that is required to be under a 3401  
security program and is governed by aviation security rules of 3402  
the transportation security administration of the United States 3403  
department of transportation as provided in Parts 1542. and 3404  
1544. of Title 49 of the Code of Federal Regulations, as 3405  
amended; 3406

(j) A gaming agent employed under section 3772.03 of the 3407  
Revised Code. 3408

(2) Every person who is appointed on a temporary basis or 3409  
for a probationary term or on other than a permanent basis as 3410  
any of the following shall forfeit the appointed position unless 3411  
the person previously has completed satisfactorily or, within 3412  
the time prescribed by rules adopted by the attorney general 3413  
pursuant to section 109.74 of the Revised Code, satisfactorily 3414  
completes a state, county, municipal, or department of natural 3415  
resources peace officer basic training program for temporary or 3416  
probationary officers and is awarded a certificate by the 3417  
director attesting to the satisfactory completion of the 3418  
program: 3419

(a) A peace officer of any county, township, municipal 3420  
corporation, regional transit authority, or metropolitan housing 3421  
authority; 3422

(b) A natural resources law enforcement staff officer, 3423  
park officer, forest officer, preserve officer, wildlife 3424

officer, or state watercraft officer of the department of 3425  
natural resources; 3426

(c) An employee of a park district under section 511.232 3427  
or 1545.13 of the Revised Code; 3428

(d) An employee of a conservancy district who is 3429  
designated pursuant to section 6101.75 of the Revised Code; 3430

(e) A special police officer employed by the department of 3431  
mental health and addiction services pursuant to section 5119.08 3432  
of the Revised Code or the department of developmental 3433  
disabilities pursuant to section 5123.13 of the Revised Code; 3434

(f) An enforcement agent of the department of public 3435  
safety whom the director of public safety designates under 3436  
section 5502.14 of the Revised Code; 3437

(g) A special police officer employed by a port authority 3438  
under section 4582.04 or 4582.28 of the Revised Code; 3439

(h) A special police officer employed by a municipal 3440  
corporation at a municipal airport, or other municipal air 3441  
navigation facility, that has scheduled operations, as defined 3442  
in section 119.3 of Title 14 of the Code of Federal Regulations, 3443  
14 C.F.R. 119.3, as amended, and that is required to be under a 3444  
security program and is governed by aviation security rules of 3445  
the transportation security administration of the United States 3446  
department of transportation as provided in Parts 1542. and 3447  
1544. of Title 49 of the Code of Federal Regulations, as 3448  
amended. 3449

(3) For purposes of division (B) of this section, a state, 3450  
county, municipal, or department of natural resources peace 3451  
officer basic training program, regardless of whether the 3452  
program is to be completed by peace officers appointed on a 3453

permanent or temporary, probationary, or other nonpermanent 3454  
basis, shall include training in the handling of the offense of 3455  
domestic violence, other types of domestic violence-related 3456  
offenses and incidents, protection orders and consent agreements 3457  
issued or approved under section 2919.26 or 3113.31 of the 3458  
Revised Code, crisis intervention training, and training on 3459  
companion animal encounters and companion animal behavior. The 3460  
requirement to complete training in the handling of the offense 3461  
of domestic violence, other types of domestic violence-related 3462  
offenses and incidents, and protection orders and consent 3463  
agreements issued or approved under section 2919.26 or 3113.31 3464  
of the Revised Code does not apply to any person serving as a 3465  
peace officer on March 27, 1979, and the requirement to complete 3466  
training in crisis intervention does not apply to any person 3467  
serving as a peace officer on April 4, 1985. Any person who is 3468  
serving as a peace officer on April 4, 1985, who terminates that 3469  
employment after that date, and who subsequently is hired as a 3470  
peace officer by the same or another law enforcement agency 3471  
shall complete training in crisis intervention as prescribed by 3472  
rules adopted by the attorney general pursuant to section 3473  
109.742 of the Revised Code. No peace officer shall have 3474  
employment as a peace officer terminated and then be reinstated 3475  
with intent to circumvent this section. 3476

(4) Division (B) of this section does not apply to any 3477  
person serving on a permanent basis on March 28, 1985, as a park 3478  
officer, forest officer, preserve officer, wildlife officer, or 3479  
state watercraft officer of the department of natural resources 3480  
or as an employee of a park district under section 511.232 or 3481  
1545.13 of the Revised Code, to any person serving on a 3482  
permanent basis on March 6, 1986, as an employee of a 3483  
conservancy district designated pursuant to section 6101.75 of 3484

the Revised Code, to any person serving on a permanent basis on 3485  
January 10, 1991, as a preserve officer of the department of 3486  
natural resources, to any person employed on a permanent basis 3487  
on July 2, 1992, as a special police officer by the department 3488  
of mental health and addiction services pursuant to section 3489  
5119.08 of the Revised Code or by the department of 3490  
developmental disabilities pursuant to section 5123.13 of the 3491  
Revised Code, to any person serving on a permanent basis on May 3492  
17, 2000, as a special police officer employed by a port 3493  
authority under section 4582.04 or 4582.28 of the Revised Code, 3494  
to any person serving on a permanent basis on March 19, 2003, as 3495  
a special police officer employed by a municipal corporation at 3496  
a municipal airport or other municipal air navigation facility 3497  
described in division (A)(19) of section 109.71 of the Revised 3498  
Code, to any person serving on a permanent basis on June 19, 3499  
1978, as a state university law enforcement officer pursuant to 3500  
section 3345.04 of the Revised Code and who, immediately prior 3501  
to June 19, 1978, was serving as a special police officer 3502  
designated under authority of that section, or to any person 3503  
serving on a permanent basis on September 20, 1984, as a liquor 3504  
control investigator, known after June 30, 1999, as an 3505  
enforcement agent of the department of public safety, engaged in 3506  
the enforcement of Chapters 4301. and 4303. of the Revised Code. 3507

(5) Division (B) of this section does not apply to any 3508  
person who is appointed as a regional transit authority police 3509  
officer pursuant to division (Y) of section 306.35 of the 3510  
Revised Code if, on or before July 1, 1996, the person has 3511  
completed satisfactorily an approved state, county, municipal, 3512  
or department of natural resources peace officer basic training 3513  
program and has been awarded a certificate by the executive 3514  
director of the Ohio peace officer training commission attesting 3515

to the person's satisfactory completion of such an approved 3516  
program and if, on July 1, 1996, the person is performing peace 3517  
officer functions for a regional transit authority. 3518

(C) No person, after September 20, 1984, shall receive an 3519  
original appointment on a permanent basis as a veterans' home 3520  
police officer designated under section 5907.02 of the Revised 3521  
Code unless the person previously has been awarded a certificate 3522  
by the executive director of the Ohio peace officer training 3523  
commission attesting to the person's satisfactory completion of 3524  
an approved police officer basic training program. Every person 3525  
who is appointed on a temporary basis or for a probationary term 3526  
or on other than a permanent basis as a veterans' home police 3527  
officer designated under section 5907.02 of the Revised Code 3528  
shall forfeit that position unless the person previously has 3529  
completed satisfactorily or, within one year from the time of 3530  
appointment, satisfactorily completes an approved police officer 3531  
basic training program. 3532

(D) No bailiff or deputy bailiff of a court of record of 3533  
this state and no criminal investigator who is employed by the 3534  
state public defender shall carry a firearm, as defined in 3535  
section 2923.11 of the Revised Code, while on duty unless the 3536  
bailiff, deputy bailiff, or criminal investigator has done or 3537  
received one of the following: 3538

(1) Has been awarded a certificate by the executive 3539  
director of the Ohio peace officer training commission, which 3540  
certificate attests to satisfactory completion of an approved 3541  
state, county, or municipal basic training program for bailiffs 3542  
and deputy bailiffs of courts of record and for criminal 3543  
investigators employed by the state public defender that has 3544  
been recommended by the Ohio peace officer training commission; 3545

(2) Has successfully completed a firearms training program 3546  
approved by the Ohio peace officer training commission prior to 3547  
employment as a bailiff, deputy bailiff, or criminal 3548  
investigator; 3549

(3) Prior to June 6, 1986, was authorized to carry a 3550  
firearm by the court that employed the bailiff or deputy bailiff 3551  
or, in the case of a criminal investigator, by the state public 3552  
defender and has received training in the use of firearms that 3553  
the Ohio peace officer training commission determines is 3554  
equivalent to the training that otherwise is required by 3555  
division (D) of this section. 3556

(E) (1) Before a person seeking a certificate completes an 3557  
approved peace officer basic training program, the executive 3558  
director of the Ohio peace officer training commission shall 3559  
request the person to disclose, and the person shall disclose, 3560  
any previous criminal conviction of or plea of guilty of that 3561  
person to a felony. 3562

(2) Before a person seeking a certificate completes an 3563  
approved peace officer basic training program, the executive 3564  
director shall request a criminal history records check on the 3565  
person. The executive director shall submit the person's 3566  
fingerprints to the bureau of criminal identification and 3567  
investigation, which shall submit the fingerprints to the 3568  
federal bureau of investigation for a national criminal history 3569  
records check. 3570

Upon receipt of the executive director's request, the 3571  
bureau of criminal identification and investigation and the 3572  
federal bureau of investigation shall conduct a criminal history 3573  
records check on the person and, upon completion of the check, 3574  
shall provide a copy of the criminal history records check to 3575

the executive director. The executive director shall not award 3576  
any certificate prescribed in this section unless the executive 3577  
director has received a copy of the criminal history records 3578  
check on the person to whom the certificate is to be awarded. 3579

(3) The executive director of the commission shall not 3580  
award a certificate prescribed in this section to a person who 3581  
has been convicted of or has pleaded guilty to a felony or who 3582  
fails to disclose any previous criminal conviction of or plea of 3583  
guilty to a felony as required under division (E)(1) of this 3584  
section. 3585

(4) The executive director of the commission shall revoke 3586  
the certificate awarded to a person as prescribed in this 3587  
section, and that person shall forfeit all of the benefits 3588  
derived from being certified as a peace officer under this 3589  
section, if the person, before completion of an approved peace 3590  
officer basic training program, failed to disclose any previous 3591  
criminal conviction of or plea of guilty to a felony as required 3592  
under division (E)(1) of this section. 3593

(F)(1) Regardless of whether the person has been awarded 3594  
the certificate or has been classified as a peace officer prior 3595  
to, on, or after October 16, 1996, the executive director of the 3596  
Ohio peace officer training commission shall revoke any 3597  
certificate that has been awarded to a person as prescribed in 3598  
this section if the person does either of the following: 3599

(a) Pleads guilty to a felony committed on or after 3600  
January 1, 1997; 3601

(b) Pleads guilty to a misdemeanor committed on or after 3602  
January 1, 1997, pursuant to a negotiated plea agreement as 3603  
provided in division (D) of section 2929.43 of the Revised Code 3604



in which the person agrees to surrender the certificate awarded 3605  
to the person under this section. 3606

(2) The executive director of the commission shall suspend 3607  
any certificate that has been awarded to a person as prescribed 3608  
in this section if the person is convicted, after trial, of a 3609  
felony committed on or after January 1, 1997. The executive 3610  
director shall suspend the certificate pursuant to division (F) 3611  
(2) of this section pending the outcome of an appeal by the 3612  
person from that conviction to the highest court to which the 3613  
appeal is taken or until the expiration of the period in which 3614  
an appeal is required to be filed. If the person files an appeal 3615  
that results in that person's acquittal of the felony or 3616  
conviction of a misdemeanor, or in the dismissal of the felony 3617  
charge against that person, the executive director shall 3618  
reinstate the certificate awarded to the person under this 3619  
section. If the person files an appeal from that person's 3620  
conviction of the felony and the conviction is upheld by the 3621  
highest court to which the appeal is taken or if the person does 3622  
not file a timely appeal, the executive director shall revoke 3623  
the certificate awarded to the person under this section. 3624

(G) (1) If a person is awarded a certificate under this 3625  
section and the certificate is revoked pursuant to division (E) 3626  
(4) or (F) of this section, the person shall not be eligible to 3627  
receive, at any time, a certificate attesting to the person's 3628  
satisfactory completion of a peace officer basic training 3629  
program. 3630

(2) The revocation or suspension of a certificate under 3631  
division (E) (4) or (F) of this section shall be in accordance 3632  
with Chapter 119. of the Revised Code. 3633

(H) (1) A person who was employed as a peace officer of a 3634

county, township, or municipal corporation of the state on 3635  
January 1, 1966, and who has completed at least sixteen years of 3636  
full-time active service as such a peace officer, or equivalent 3637  
service as determined by the executive director of the Ohio 3638  
peace officer training commission, may receive an original 3639  
appointment on a permanent basis and serve as a peace officer of 3640  
a county, township, or municipal corporation, or as a state 3641  
university law enforcement officer, without complying with the 3642  
requirements of division (B) of this section. 3643

(2) Any person who held an appointment as a state highway 3644  
trooper on January 1, 1966, may receive an original appointment 3645  
on a permanent basis and serve as a peace officer of a county, 3646  
township, or municipal corporation, or as a state university law 3647  
enforcement officer, without complying with the requirements of 3648  
division (B) of this section. 3649

(I) No person who is appointed as a peace officer of a 3650  
county, township, or municipal corporation on or after April 9, 3651  
1985, shall serve as a peace officer of that county, township, 3652  
or municipal corporation unless the person has received training 3653  
in the handling of missing children and child abuse and neglect 3654  
cases from an approved state, county, township, or municipal 3655  
police officer basic training program or receives the training 3656  
within the time prescribed by rules adopted by the attorney 3657  
general pursuant to section 109.741 of the Revised Code. 3658

(J) No part of any approved state, county, or municipal 3659  
basic training program for bailiffs and deputy bailiffs of 3660  
courts of record and no part of any approved state, county, or 3661  
municipal basic training program for criminal investigators 3662  
employed by the state public defender shall be used as credit 3663  
toward the completion by a peace officer of any part of the 3664

approved state, county, or municipal peace officer basic 3665  
training program that the peace officer is required by this 3666  
section to complete satisfactorily. 3667

(K) This section does not apply to any member of the 3668  
police department of a municipal corporation in an adjoining 3669  
state serving in this state under a contract pursuant to section 3670  
737.04 of the Revised Code. 3671

(L) (1) Except as provided in division (L) (2) of this 3672  
section, no certificate awarded by the executive director of the 3673  
Ohio peace officer training commission attesting to a person's 3674  
satisfactory completion of an approved state, county, municipal, 3675  
or department of natural resources peace officer basic training 3676  
program shall be deemed insufficient for an appointment to a 3677  
position listed in division (B) (1) of this section because of a 3678  
lapse in the person's service as a peace officer. 3679

(2) The Ohio peace officer training commission shall 3680  
require a re-appointed peace officer to complete refresher 3681  
training of the following duration prior to performing the 3682  
functions of a peace officer, if the peace officer, having 3683  
previously been awarded a certificate by the executive director 3684  
of the commission attesting to the person's satisfactory 3685  
completion of an approved state, county, municipal, or 3686  
department of natural resources peace officer basic training 3687  
program or pursuant to Chapter 4796. of the Revised Code, for at 3688  
least one year prior to an appointment, was not employed as a 3689  
peace officer: 3690

(a) If the period of lapse was at least one year, but less 3691  
than four years, up to forty hours; 3692

(b) If the period of lapse was four years or longer, 3693

<u>eighty hours.</u>	3694
<u>Sec. 109.872. (A) As used in this section:</u>	3695
<u>(1) "Sworn employee" means any of the following:</u>	3696
<u>(a) An enforcement agent of the Ohio investigative unit</u>	3697
<u>appointed pursuant to section 5502.14 of the Revised Code.</u>	3698
<u>(b) The superintendent and troopers of the state highway</u>	3699
<u>patrol appointed pursuant to section 5503.01 of the Revised</u>	3700
<u>Code.</u>	3701
<u>(c) Special police officers of the state highway patrol</u>	3702
<u>appointed pursuant to section 5503.09 of the Revised Code.</u>	3703
<u>(d) Other employees of any department, agency, or board of</u>	3704
<u>this state who are under the executive branch and ultimately</u>	3705
<u>report to the governor and are authorized to investigate,</u>	3706
<u>execute the laws of the state, protect public safety, or enforce</u>	3707
<u>the laws of this state as part of their job duties.</u>	3708
<u>(2) "Physical harm to persons" and "serious physical harm</u>	3709
<u>to persons" have the same meanings as in section 2901.01 of the</u>	3710
<u>Revised Code.</u>	3711
<u>(B) A sworn employee may be represented by an attorney</u>	3712
<u>selected pursuant to division (C) of this section when all of</u>	3713
<u>the following apply:</u>	3714
<u>(1) The sworn employee was involved in a use of force that</u>	3715
<u>resulted in death, serious physical harm to persons, or physical</u>	3716
<u>harm to persons.</u>	3717
<u>(2) The sworn employee's involvement in the use of force</u>	3718
<u>occurred within the scope and in the course of the sworn</u>	3719
<u>employee's assigned duties.</u>	3720

(3) The sworn employee's involvement in the use of force 3721  
is being investigated by a prosecuting attorney, the bureau of 3722  
criminal identification and investigation, or another criminal 3723  
investigating authority for possible criminal charges. 3724

(C) When all of the conditions set forth in division (B) 3725  
of this section apply, the sworn employee may submit a request 3726  
in writing for legal representation to the director of the sworn 3727  
employee's appointing authority and to the governor or the 3728  
governor's designee. If the governor or the governor's designee 3729  
determines that all of the conditions in that division apply, 3730  
and if the governor or the governor's designee considers the 3731  
requested legal representation to be appropriate, the governor 3732  
or the governor's designee, in the governor's or the governor's 3733  
designee's sole discretion, may approve the request. If the 3734  
governor or the governor's designee approves the request, the 3735  
governor or the governor's designee shall furnish the sworn 3736  
employee the names of three attorneys who are admitted to the 3737  
practice of law in this state and are experienced in the defense 3738  
of criminal charges. The sworn employee may select one of the 3739  
attorneys to represent the sworn employee until the grand jury 3740  
concludes its proceedings, a criminal complaint is filed, or the 3741  
case is disposed of before the grand jury concludes its 3742  
proceedings or a criminal complaint is filed. 3743

(D) An attorney who represents a sworn employee pursuant 3744  
to division (C) of this section shall be paid at the usual rate 3745  
for like services in the community in which the criminal 3746  
proceedings occur or at the usual rate paid to special counsel 3747  
under section 109.07 of the Revised Code. The appointing 3748  
authority shall pay the attorney's compensation and all 3749  
reasonable expenses and court costs incurred in the defense of 3750  
the sworn employee. 3751

(E) If a criminal investigation described in division (B) 3752  
(3) of this section of a sworn employee results in an indictment 3753  
or the filing of a criminal complaint based on the sworn 3754  
employee's involvement in the use of force, an attorney who 3755  
represents the sworn employee pursuant to division (C) of this 3756  
section may continue to represent the sworn employee in the 3757  
criminal proceeding on any terms to which the attorney and sworn 3758  
employee mutually agree. Neither the governor or the governor's 3759  
designee nor the appointing authority is obligated to provide 3760  
the sworn employee with legal representation or to pay 3761  
attorney's fees, expenses, or court costs incurred by the sworn 3762  
employee following the indictment or criminal complaint charging 3763  
the sworn employee with an offense, but the governor or the 3764  
governor's designee, in the governor's or the governor's 3765  
designee's sole discretion, may approve a request to pay 3766  
attorney's fees, expenses, or court costs incurred by the sworn 3767  
employee following the indictment or criminal complaint. 3768

(F) If a sworn employee is represented by an attorney as 3769  
described in division (C) of this section and if the sworn 3770  
employee is subsequently convicted of or pleads guilty to a 3771  
criminal offense based on the sworn employee's involvement in 3772  
the use of force, the governor or the governor's designee or the 3773  
appointing authority may direct the attorney general to seek to 3774  
recover, including by means of a civil action, from the sworn 3775  
employee the costs of legal representation paid by the 3776  
appointing authority pursuant to division (C) of this section. 3777

(G) A decision of the governor or the governor's designee 3778  
made under division (C) or (E) of this section is not subject to 3779  
appeal or review in any court or other forum. No person has a 3780  
right of action against the appointing authority, the governor, 3781  
or the governor's designee in the court of claims or any other 3782

court based on a decision of the governor or the governor's 3783  
designee made under this section. 3784

(H) The indemnification of a sworn employee pursuant to 3785  
this section shall be accomplished only through the following 3786  
procedure: 3787

(1) If the governor or the governor's designee determines 3788  
that the actions or omissions of the employee that gave rise to 3789  
the claim were within the scope of the employee's employment and 3790  
that the costs of legal representation should be indemnified, 3791  
the sworn officer's appointing authority shall prepare an 3792  
indemnity agreement. The indemnity agreement shall specify that 3793  
the appointing authority will indemnify the employee for the 3794  
expenses of legal representation. The agreement is not effective 3795  
until it is approved by the employee, the director or appointing 3796  
authority, and the governor or the governor's designee. 3797

(2) The appointing authority shall forward a copy of the 3798  
indemnity agreement to the director of budget and management. 3799

(3) The director of budget and management shall direct the 3800  
appointing authority to pay the indemnification pursuant to this 3801  
section against available unencumbered money in the 3802  
appropriations of the appointing authority. The director of 3803  
budget and management has sole discretion to determine whether 3804  
unencumbered money in a particular appropriation is available 3805  
for payment of the indemnification. 3806

(4) If sufficient money does not exist to pay the 3807  
indemnification, the appointing authority shall request the 3808  
general assembly to make an appropriation sufficient to pay the 3809  
indemnification, and no payment shall be made until the 3810  
appropriation is made. The appointing authority shall make the 3811

appropriation request during the current biennium and during 3812  
each succeeding biennium until a sufficient appropriation is 3813  
made. 3814

**Sec. 113.05.** (A) As used in sections 113.05 to 113.40 of 3815  
the Revised Code: 3816

(1) "Account," "appropriation," "disbursement," 3817  
"electronic funds transfer," "fund," and "warrant" have the same 3818  
meanings as in section 131.01 of the Revised Code. 3819

(2) "Assets" has the same meaning as in section 131.01 of 3820  
the Revised Code, but does not include items held in safekeeping 3821  
by the treasurer of state including, but not limited to, 3822  
collateral pledged to a state agency. 3823

(3) "Custodial funds" do not include items held in 3824  
safekeeping by the treasurer of state including, but not limited 3825  
to, collateral pledged to a state agency. 3826

(B) The state treasury consists of the moneys, claims, 3827  
bonds, notes, other obligations, stocks, and other securities, 3828  
receipts or other evidences of ownership, and other intangible 3829  
assets of the state that are required by law to be deposited in 3830  
the state treasury or are otherwise a part of the state 3831  
treasury. All assets of the state treasury shall be kept in the 3832  
rooms assigned the treasurer of state, with the vaults, safes, 3833  
and other appliances therein; provided, that: 3834

(1) Securities required by law to be deposited or kept in 3835  
the state treasury may be deposited for safekeeping with the 3836  
federal reserve bank of Cleveland, Ohio or secured and insured 3837  
depositories in or out of this state as designated by the 3838  
treasurer of state. 3839

(2) Public moneys may be kept in constituted state 3840



depositories. 3841

(C) The custodial funds of the treasurer of state consist 3842  
of the moneys, claims, bonds, notes, other obligations, stocks, 3843  
and other securities, receipts or other evidences of ownership, 3844  
and other intangible assets that are required by law to be kept 3845  
in the custody of the treasurer of state but are not part of the 3846  
state treasury. All assets of the custodial funds of the 3847  
treasurer of state shall be kept in either or both of the 3848  
following: 3849

(1) The rooms assigned the treasurer of state, with the 3850  
vaults, safes, and other appliances therein; 3851

(2) The federal reserve bank of Cleveland, Ohio or secured 3852  
and insured depositories in or out of this state as designated 3853  
by the treasurer of state. 3854

(D) Assets of the state treasury shall not be commingled 3855  
with assets of the custodial funds of the treasurer of state. 3856

~~The repositing and deposit of payments pursuant to section 3857  
113.06 of the Revised Code is in compliance with this section. 3858~~

**Sec. 113.13.** The treasurer of state shall have available 3859  
and, as requested, transmit to the director of budget and 3860  
management and to the governor information concerning the amount 3861  
in the ~~inactive account, the amount in the active account,~~ and 3862  
the amount of cash on hand. 3863

**Sec. 113.40.** (A) As used in this section: 3864

(1) "Financial transaction device" includes a credit card, 3865  
debit card, ~~charge banking card,~~ prepaid or stored value card, 3866  
or ~~automated clearinghouse network credit, debit, or e-check-~~ 3867  
~~entry that includes, but is not limited to, accounts receivable-~~ 3868

~~and internet-initiated, point of purchase, and telephone-~~ 3869  
~~initiated applications, or any other device or method for making~~ 3870  
an electronic payment or transfer of funds denominated in United 3871  
States dollars. 3872

(2) "Processor" means an entity conducting the settlement 3873  
of an electronic payment or transfer of funds, which shall be 3874  
denominated in United States dollars. 3875

(3) "State expenses" includes fees, costs, taxes, 3876  
assessments, fines, penalties, payments, or any other expense a 3877  
person owes to a state office under the authority of a state 3878  
elected official or to a state entity. 3879

~~(3)~~(4) "State elected official" means the governor, 3880  
lieutenant governor, attorney general, secretary of state, 3881  
treasurer of state, and auditor of state. 3882

~~(4)~~(5) "State entity" includes any state department, 3883  
agency, board, ~~or~~ commission, or office under the authority of a 3884  
state elected official that deposits funds into the state 3885  
treasury or into an account in the custody of the treasurer of 3886  
state. 3887

(B) Notwithstanding any other section of the Revised Code 3888  
and subject to division (D) of this section, the board of 3889  
deposit ~~may~~ shall adopt a resolution authorizing the acceptance 3890  
of payments by financial transaction device to pay for state 3891  
expenses. ~~The resolution shall include all of the following:—~~ 3892

~~(1) A designation of those state elected officials and~~ 3893  
~~state entities authorized to accept payments by financial-~~ 3894  
~~transaction device;—~~ 3895

~~(2) A list of state expenses that may be paid by the use-~~ 3896  
~~of a financial transaction device;—~~ 3897

~~(3) Specific identification of financial transaction devices that a state elected official or state entity may authorize as acceptable means of payment for state expenses. Division (B) (3) of this section does not require that the same financial transaction devices be accepted for the payment of different types of state expenses.~~ 3898  
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~~(4) The amount, if any, authorized as a surcharge or convenience fee under division (E) of this section for persons using a financial transaction device. Division (B) (4) of this section does not require that the same surcharges or convenience fees be applied to the payment of different types of state expenses.~~ 3904  
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~~(5) A specific requirement, as provided in division (C) of this section, for the payment of a penalty if a payment made by means of a financial transaction device is returned or dishonored for any reason.~~ 3910  
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The board of deposit's resolution also shall designate the treasurer of state as the administrative agent to solicit proposals for financial transaction device services, within guidelines established by the board of deposit in the resolution and in compliance with the procedures provided in division (C) of this section, ~~from financial institutions, issuers of financial transaction devices, and processors of financial transaction devices;~~ to make recommendations about those proposals to the state elected officials, and to assist state offices entities and state elected officials in implementing the state's any financial transaction device acceptance, and processing, and settlement program authorized under this section. The board of deposit's resolution applies to financial transaction device services related to any and all bank accounts 3914  
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comprising the state treasury as well as those in the custody of 3928  
the treasurer of state but not part of the state treasury. 3929

(C) The administrative agent shall follow the procedures 3930  
provided in this division whenever it plans to contract with 3931  
~~financial institutions, issuers of financial transaction~~ 3932  
~~devices, one or more processors of financial transaction devices~~ 3933  
for the purposes of this section. The administrative agent shall 3934  
request proposals ~~from at least three financial institutions,~~ 3935  
~~issuers of financial transaction devices, or processors of~~ 3936  
~~financial transaction devices, for acceptance, processing, and~~ 3937  
settlement services as appropriate in accordance with the 3938  
resolution adopted under division (B) of this section. Prior to 3939  
~~sending any financial institution, issuer, or processor a copy~~ 3940  
~~of any such making the request for proposals available,~~ the 3941  
administrative agent shall advertise its intent to request 3942  
proposals for two consecutive weeks by electronic publication on 3943  
~~a state agency~~ the administrative agent's web site made 3944  
available to the general public. The notice shall state that the 3945  
administrative agent intends to request proposals; specify the 3946  
purpose of the request; indicate the date, which shall be at 3947  
least ~~ten~~ fifteen calendar days after the initial publication, 3948  
on which the request for proposals will be ~~electronically mailed~~ 3949  
~~to financial institutions, issuers, or processors; and require~~ 3950  
~~that any financial institution, issuer, or processor, whichever~~ 3951  
~~is appropriate, interested in receiving the request for~~ 3952  
~~proposals submit written notice of this interest to the~~ 3953  
~~administrative agent not later than the day on which the request~~ 3954  
~~for proposals will be electronically mailed~~ available. 3955

Upon receiving the proposals, the administrative agent 3956  
shall review them and make a recommendation to the board of 3957  
deposit regarding which proposal or proposals to accept. The 3958

board of deposit shall consider the agent's recommendation~~and~~ 3959  
~~review all proposals submitted,~~ and then may choose to authorize 3960  
the administrative agent, on the board's behalf, to contract 3961  
with any or all one or more of the entities-processors 3962  
submitting proposals, as appropriate; whereupon the 3963  
administrative agent may enter into one or more contracts to 3964  
provide acceptance, processing and settlement services to the 3965  
state entities and state elected officials. Through its 3966  
administrative agent, The~~the~~ board of deposit shall provide any 3967  
~~financial institution, issuer, or processor~~ that submitted a 3968  
proposal, but with which the board of deposit's administrative 3969  
agent does not enter into a contract, notice that its proposal 3970  
is rejected. 3971

(D) ~~The board of deposit shall send a copy of the~~ 3972  
~~resolution adopted under division (B) of this section to each~~ 3973  
~~state elected official and state entity authorized to accept~~ 3974  
~~payments for state expenses by financial transaction device.~~ 3975  
~~After receiving the resolution and before accepting such~~ 3976  
~~payments by financial transaction device, such a state elected~~ 3977  
~~official or state entity shall provide written notification to~~ 3978  
~~the administrative agent of the official's or entity's intent to~~ 3979  
~~implement the resolution within the official's or entity's~~ 3980  
~~office.~~ Each state ~~office~~elected official or state entity 3981  
subject to the ~~board's resolution adopted under division (B) of~~ 3982  
this section shall use only the ~~financial institutions, issuers~~ 3983  
~~of financial transaction devices, and processors of financial~~ 3984  
transaction devices with which the board of ~~deposit~~deposit's 3985  
administrative agent contracts, and each such ~~office~~state 3986  
elected official or state entity is subject to the terms of 3987  
those contracts. 3988

~~If a state entity under the authority of a state elected~~ 3989

~~official is directly responsible for collecting one or more~~ 3990  
~~state expenses and the state elected official determines not to~~ 3991  
~~accept payments by financial transaction device for one or more~~ 3992  
~~of those expenses, the office is not required to accept payments~~ 3993  
~~by financial transaction device for those expenses,~~ 3994  
~~notwithstanding the adoption of a resolution by the board of~~ 3995  
~~deposit under division (B) of this section.~~ 3996

(E) ~~The board of deposit~~ state elected official or state 3997  
entity may establish a surcharge or convenience fee that may be 3998  
imposed upon a person making payment by a financial transaction 3999  
device. ~~The surcharge or convenience fee shall not be imposed~~ 4000  
~~unless authorized or otherwise permitted by the rules prescribed~~ 4001  
~~under a contract, between the financial institution, issuer, or~~ 4002  
~~processor and the administrative agent, governing the use and~~ 4003  
~~acceptance of the financial transaction device.~~ 4004

~~The establishment of a~~ Any surcharge or convenience fee 4005  
shall follow the guidelines of the ~~financial institution, issuer~~ 4006  
~~of financial transaction devices, or processor~~ or processors of 4007  
financial transaction devices with which the board of 4008  
~~deposit~~ deposit's administrative agent contracts. 4009

If a surcharge or convenience fee is imposed, every state 4010  
elected official and state entity accepting payment by a 4011  
financial transaction device, ~~regardless of whether that entity~~ 4012  
~~is subject to a resolution adopted by the board of deposit,~~ 4013  
~~shall clearly post a notice in the entity's office, and shall~~ 4014  
notify each person making a payment by such a device, about the 4015  
surcharge or fee. Notice to each person making a payment shall 4016  
be provided regardless of the medium used to make the payment 4017  
and in a manner appropriate to that medium. Each notice shall 4018  
include ~~all~~ both of the following: 4019

(1) A statement that there is a surcharge or convenience fee for using a financial transaction device; 4020  
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(2) The total amount of the charge or fee expressed in dollars and cents for each transaction, or the rate of the charge or fee expressed as a percentage of the total amount of the transaction, whichever is applicable;— 4022  
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~~(3) A clear statement that the surcharge or convenience fee is nonrefundable.~~ 4026  
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~~(F) If a person elects to make a payment by a financial transaction device and a surcharge or convenience fee is imposed, the payment of the surcharge or convenience fee is not refundable.~~ 4028  
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~~(G) If a person makes payment by a financial transaction device and the payment is returned or dishonored—reversed for any reason, the person is liable to the state elected official or state entity for the state expense and any reimbursable costs for collection, including banking charges, legal fees, or other expenses incurred by the state elected official or state entity in collecting the returned or dishonored—reversed payment. The remedies and procedures provided in this section are in addition to any other available civil or criminal remedies provided by law.~~ 4032  
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~~(H)~~ (G) No person making any payment by a financial transaction device to a state ~~office~~ elected official or state entity shall be relieved from liability for the underlying obligation, except to the extent that the state elected official or state entity realizes final payment of the underlying obligation in cash or its equivalent. If final payment is not made by the financial transaction device issuer, or by other 4042  
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means of payment, or by other guarantor of payment in the 4049  
transaction, the underlying obligation survives and the state 4050  
elected official or state entity shall retain all remedies for 4051  
enforcement that would have applied if the transaction had not 4052  
occurred. 4053

~~(I)~~(H) A state ~~entity~~elected official or employee of a 4054  
state entity or state elected official who accepts a financial 4055  
transaction device payment in accordance with this section and 4056  
any applicable state or local statutes, laws, policies, or rules 4057  
is immune from personal liability for the final collection of 4058  
such payments as specified in section 9.87 of the Revised Code. 4059

~~(J)~~(I) If the board of deposit determines that it is 4060  
necessary and in the state's best interest to contract with an 4061  
additional ~~entity~~processor subsequent to the contract award 4062  
made under division (C) of this section, the board may meet and 4063  
choose to contract with one or more additional ~~entities~~processors 4064  
for the remainder of the period previously 4065  
established by a contract award made under division (C) of this 4066  
section. 4067

~~(K)~~(J) The administrative agent, in cooperation with the 4068  
office of budget and management, may adopt, amend, and rescind 4069  
rules in accordance with section 111.15 of the Revised Code to 4070  
implement and administer this section. 4071

**Sec. 113.51.** (A) The treasurer of state shall implement 4072  
and administer a program under the terms and conditions 4073  
established under sections 113.50 to 113.56 of the Revised Code. 4074  
For that purpose, the treasurer shall do all of the following: 4075

(1) Develop and implement the program in a manner 4076  
consistent with the provisions of sections 113.50 to 113.56 of 4077



the Revised Code;	4078
(2) Engage the services of consultants on a contract basis	4079
for rendering professional and technical assistance and advice;	4080
(3) Seek rulings and other guidance from the secretary and	4081
the internal revenue service relating to the program;	4082
(4) Make modifications to the program as necessary for	4083
participants in the program to qualify for the federal income	4084
tax benefits or treatment provided under section 529A of the	4085
Internal Revenue Code or rules adopted thereunder;	4086
(5) Impose and collect administrative fees and service	4087
charges in connection with any agreement or transaction relating	4088
to the program;	4089
(6) Develop marketing plans and promotional materials to	4090
publicize the program;	4091
(7) Establish the procedures by which funds held in	4092
program accounts shall be disbursed;	4093
(8) Administer the issuance of interests by the Ohio ABLE	4094
savings program trust fund to designated beneficiaries;	4095
(9) Establish the procedures by which funds held in	4096
program accounts shall be allocated to pay for administrative	4097
costs;	4098
(10) Take any other action necessary to implement and	4099
administer the program;	4100
(11) Adopt rules in accordance with Chapter 119. of the	4101
Revised Code necessary to implement and administer the program;	4102
(12) Notify the secretary when a program account has been	4103
opened for a designated beneficiary and submit other reports	4104

concerning the program as required by the secretary or under 4105  
section 529A of the Internal Revenue Code. 4106

(B) The treasurer of state may enter into agreements with 4107  
other states or agencies of, subdivisions of, or residents of 4108  
those states related to the program or a similar ABLE account 4109  
program established by another state in accordance with section 4110  
529A of the Internal Revenue Code. 4111

(C) Any record of the treasurer of state indicating the 4112  
identity of account beneficiaries and the balances and activity 4113  
in ABLE accounts is not a public record under section 149.43 of 4114  
the Revised Code. 4115

(D) The treasurer of state shall pay account fees 4116  
associated with an ABLE account on behalf of an Ohio account 4117  
owner or beneficiary. 4118

**Sec. 113.53.** (A) A designated beneficiary, or a trustee or 4119  
guardian of a designated beneficiary who lacks capacity to enter 4120  
into an agreement, may apply, on forms prescribed by the 4121  
treasurer of state, to open a program account. A beneficiary may 4122  
have only one ABLE account. The treasurer of state may impose a 4123  
nonrefundable application fee. The application shall require the 4124  
applicant to provide the following information: 4125

(1) The name, address, social security number, and birth 4126  
date of the designated beneficiary; 4127

(2) The name, address, and social security number of the 4128  
designated beneficiary's trustee or guardian, if applicable; 4129

(3) Certification by the applicant that the applicant 4130  
understands the maximum account value and the consequences under 4131  
division (C) of this section for excess contributions and 4132  
understands how program account values exceeding the amount 4133

designated under section 103 of the "Stephen Beck, Jr., ABLE Act of 2014," 26 U.S.C. 529A note, may affect the applicant's resources for determining the applicant's eligibility for the supplemental security income program;

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

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

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

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

(D) (1) To the extent authorized by federal law, and in accordance with rules adopted by the treasurer of state, an

account owner may change the designated beneficiary of a program 4163  
account to another individual. 4164

(2) No account owner may use an interest in an ABLE 4165  
account as security for a loan. Any pledge of an interest in an 4166  
account shall be void and of no force and effect. 4167

(E) (1) A distribution from a program account to any 4168  
individual or for the benefit of any individual during a 4169  
calendar year shall be reported to the internal revenue service 4170  
and the designated beneficiary or the distributee to the extent 4171  
required under state or federal law. 4172

(2) Statements shall be provided to each account owner of 4173  
a program account at least four times each year within thirty 4174  
days after the end of the quarterly period to which a statement 4175  
relates. The statement shall identify the contributions made 4176  
during the preceding quarter, the total contributions made to 4177  
the account through the last day of that quarter, the value of 4178  
the account on the last day of that quarter, distributions made 4179  
during that quarter, and any other information that the 4180  
treasurer of state requires to be reported to the account owner. 4181

(3) Statements and information relating to program 4182  
accounts shall be prepared and filed to the extent required 4183  
under sections 113.50 to 113.56 of the Revised Code and any 4184  
other state or federal law. 4185

(F) The program shall provide separate accounting for each 4186  
designated beneficiary. An annual fee may be imposed upon the 4187  
account owner for the maintenance of a program account. 4188

~~(G)~~ (G) (1) Money in an ABLE account shall be exempt from 4189  
attachment, execution, or garnishment as provided in section 4190  
2329.66 of the Revised Code, ~~and is~~. 4191

(2) Unless required by federal law, money in an ABLE 4192  
account is not subject to claims made under the medicaid estate 4193  
recovery program instituted pursuant to section 5162.21 of the 4194  
Revised Code, in accordance with subsection (f) of section 529A- 4195  
of the Internal Revenue Code and subject to any limitations- 4196  
imposed by the secretary. 4197

(H) (1) Notwithstanding any other provision of state law, 4198  
all of the following shall be disregarded for the purposes of 4199  
determining an individual's eligibility for a means-tested 4200  
public assistance program funded only with state, local, or 4201  
state and local funds and the amount of assistance or benefits 4202  
the individual is eligible to receive under the program: 4203

(a) Any amount in an ABLE account, including earnings on 4204  
the account; 4205

(b) Any contributions to an ABLE account; 4206

(c) Any distribution from an ABLE account for qualified 4207  
disability expenses. 4208

(2) Division (H) (1) of this section applies only to an 4209  
individual who is either of the following: 4210

(a) The designated beneficiary of the ABLE account; 4211

(b) An individual whose eligibility for the means-tested 4212  
program is conditioned on the ABLE account's designated 4213  
beneficiary disclosing the designated beneficiary's income, 4214  
resources, or both to the entity administering the means-tested 4215  
public assistance program. 4216

**Sec. 113.78.** (A) The medical quality assurance fund is 4217  
created, which shall be in the custody of the treasurer of state 4218  
but shall not be part of the state treasury. The fund shall 4219

consist of all money transferred to it as a result of the repeal 4220  
of section 3701.89 of the Revised Code on January 1, 2026, by 4221  
H.B. 238 of the 135th ~~General Assembly~~ general assembly and its 4222  
requirements related to the repeal of that section. All 4223  
investment earnings of the fund shall be credited to the fund. 4224

(B) Except as provided in division (C) of this section, 4225  
all money in the fund shall be used as directed by the general 4226  
assembly, which. Uses of the money may include funding any of 4227  
the following programs that the former Ohio medical quality 4228  
foundation was authorized to fund in a similar manner under 4229  
division (F) of section 3701.89 of the Revised Code before the 4230  
repeal of that section by ~~this act~~ H.B. 238 of the 135th general 4231  
assembly: 4232

~~(A)~~ (1) Programs approved under criteria established under 4233  
section 4731.251 of the Revised Code; 4234

~~(B)~~ (2) Programs designed to improve the quality of 4235  
graduate medical education; 4236

~~(C)~~ (3) Programs designed to improve risk management and 4237  
quality assurance in hospitals, as defined in section 3722.01 of 4238  
the Revised Code, and in outpatient settings, including 4239  
physician offices; 4240

~~(D)~~ (4) Other programs, meetings, and educational seminars 4241  
that are designed to improve the quality of medical care in this 4242  
state. 4243

(C) If the treasurer of state determines that money in the 4244  
fund exceeds the amount required to meet the current needs of 4245  
the fund's uses as directed by the general assembly, the excess 4246  
money may be invested by the treasurer of state in accordance 4247  
with section 135.143 of the Revised Code. 4248

Sec. 118.29. (A) The financial supervisor, or the 4249  
legislative authority of a municipal corporation, board of 4250  
county commissioners, or board of township trustees of a 4251  
municipal corporation, county, or township in fiscal emergency, 4252  
may make a referral to the attorney general for the creation of 4253  
a receivership over the municipal corporation, county, or 4254  
township in fiscal emergency if both the following conditions 4255  
are met: 4256

(1) The municipal corporation, county, or township 4257  
satisfies either of the following: 4258

(a) It has been in a state of fiscal emergency for a 4259  
continuous period of ten years. 4260

(b) It has been in a state of fiscal emergency at least 4261  
twice in a period of ten years, and the combined period of 4262  
fiscal emergency is at least five years. 4263

(2) The municipal corporation, county, or township has 4264  
demonstrated one or more of the following, as determined by the 4265  
financial supervisor: 4266

(a) Failure to comply with the applicable budgetary and 4267  
spending processes in Chapter 5705. of the Revised Code; 4268

(b) Failure to ensure that appropriations comply with the 4269  
financial plan in accordance with section 118.13 of the Revised 4270  
Code; 4271

(c) Assuming debt without the approval of the financial 4272  
planning and supervision commission in violation of section 4273  
118.15 of the Revised Code; 4274

(d) Undertaking administrative or legislative action that 4275  
is not in accordance with the terms of the financial plan or, 4276

when applicable, without permission of the commission. 4277

(B) Upon receipt of a referral, the attorney general shall 4278  
promptly file a petition for a receivership with the court of 4279  
claims. The judge that has served the longest on the court as of 4280  
the date the petition is filed promptly shall appoint a 4281  
receiver. The appointed receiver shall satisfy the requirements 4282  
of section 2735.02 of the Revised Code and shall comply with 4283  
section 2735.03 of the Revised Code. With the approval of the 4284  
court, the receiver may request reasonable fees for work 4285  
performed including, but not limited to, costs associated with 4286  
retaining legal counsel, accountants, or other similar advisors 4287  
that the receiver considers necessary in the performance of the 4288  
receiver's duties. The fees shall be paid from funds 4289  
appropriated to the office of budget and management during the 4290  
period of fiscal emergency. 4291

(C) A receiver appointed under this section has all of the 4292  
following powers and duties in addition to the powers stated in 4293  
section 2735.04 of the Revised Code: 4294

(1) Consult with the legislative authority of the 4295  
municipal corporation, board of county commissioners, or board 4296  
of township trustees to make recommendations or, if necessary, 4297  
to assume responsibility for implementing cost reductions and 4298  
revenue increases to achieve a balanced budget and carry out the 4299  
financial plan, and to make reductions in force or spending to 4300  
resolve the fiscal emergency conditions; 4301

(2) Ensure the municipal corporation, county, or township 4302  
in fiscal emergency complies with all aspects of the financial 4303  
plan approved by the commission in accordance with section 4304  
118.06 of the Revised Code, or as amended in accordance with 4305  
this chapter. If no financial plan has been approved by the 4306



commission in accordance with section 118.06 of the Revised 4307  
Code, the receiver, after consulting with the legislative 4308  
authority of the municipal corporation, board of county 4309  
commissioners, or board of township trustees, shall make 4310  
recommendations, or assume, if necessary, the responsibility for 4311  
crafting and submitting the financial plan to the financial 4312  
planning and supervision commission. 4313

(3) Ensure the municipal corporation, county, or township 4314  
in fiscal emergency complies with any other relevant aspects of 4315  
this chapter; 4316

(4) Provide monthly, written reports about the progress 4317  
toward resolving the conditions of fiscal emergency to the 4318  
financial planning and supervision commission, to the 4319  
legislative authority of the municipal corporation, board of 4320  
county commissioners, or board of township trustees, and to the 4321  
mayor or city manager in the case of a municipal corporation; 4322

(5) Appear at least quarterly to present information about 4323  
progress toward resolving the conditions of fiscal emergency at 4324  
an open meeting and, if allowable under section 121.22 of the 4325  
Revised Code, in executive session, of the legislative authority 4326  
of municipal corporation, board of county commissioners, or 4327  
board of township trustees; 4328

(6) Appear at least quarterly to present information about 4329  
progress toward resolving the conditions of fiscal emergency at 4330  
an open meeting and, if allowable under section 121.22 of the 4331  
Revised Code, in executive session, of the financial planning 4332  
and supervision commission of the municipal corporation, county, 4333  
or township in fiscal emergency; 4334

(7) At the receiver's initiative or upon invitation, 4335

attend executive sessions of the legislative authority of the 4336  
municipal corporation, board of county commissioners, or board 4337  
of township trustees; 4338

(8) Exercise any other powers granted to the receiver by 4339  
the court necessary to perform the duties stated in this 4340  
section. 4341

(D) (1) If, in the judgment of the receiver, the criteria 4342  
required to file for bankruptcy under the "Federal Bankruptcy 4343  
Act," 11 U.S.C. 101, et seq., are satisfied and no reasonable 4344  
alternative exists to eliminate the fiscal emergency condition 4345  
within three years, the receiver may present findings and submit 4346  
a written recommendation on filing for bankruptcy to the 4347  
financial planning and supervision commission and the 4348  
legislative authority of the municipal corporation, board of 4349  
county commissioners, or board of township trustees. Beginning 4350  
sixty days after submitting the recommendation, the receiver may 4351  
initiate bankruptcy proceedings unless both of the following 4352  
occur: 4353

(a) The legislative authority or board adopts an ordinance 4354  
or resolution, effective within sixty days of receipt of the 4355  
recommendation, opposing the recommendation. The ordinance or 4356  
resolution shall specify the legislative authority's or board's 4357  
plan to satisfy and discharge the debts and liabilities included 4358  
in the receiver's recommendation for bankruptcy within seven 4359  
years of the adoption of the ordinance or resolution and 4360  
promptly alleviate the fiscal emergency conditions using 4361  
expenditure reductions or available and future tax revenue, 4362  
including necessary tax rate increases, of the municipal 4363  
corporation, county, or township. 4364

(b) After reviewing the ordinance or resolution under 4365

division (D) (1) (a) of this section, the financial planning and 4366  
supervision commission determines the plan is sufficient to 4367  
satisfy and discharge the debts and liabilities included in the 4368  
receiver's recommendation for bankruptcy within seven years of 4369  
the adoption of the resolution and promptly alleviate the fiscal 4370  
emergency conditions. 4371

If the financial planning and supervision commission 4372  
determines that the plan is not sufficient, the receiver may 4373  
initiate bankruptcy proceedings notwithstanding the ordinance or 4374  
resolution opposing the recommendation. 4375

(2) If the financial planning and supervision commission 4376  
determines under division (D) (1) of this section that the plan 4377  
is sufficient and the plan requires voted taxes authorized under 4378  
another Revised Code section, the legislative authority of the 4379  
municipal corporation, board of county commissioners, or board 4380  
of trustees shall direct the board of elections to submit the 4381  
tax question to the electors at the next general election or at 4382  
a special election conducted on the day of the next primary 4383  
election in the municipal corporation, township, or county 4384  
occurring not less than ninety days after the resolution is 4385  
certified to the board, as applicable under the provision 4386  
authorizing the tax question. If the taxes are not approved by 4387  
the electors, the receiver may initiate bankruptcy proceedings, 4388  
notwithstanding the resolution or ordinance opposing bankruptcy. 4389  
If the taxes are approved by the electors, the legislative 4390  
authority of the municipal corporation, board of county 4391  
commissioners, or board of trustees shall implement the plan to 4392  
satisfy and discharge the debts and liabilities included in the 4393  
receiver's recommendation for bankruptcy within seven years of 4394  
the adoption of the ordinance or resolution and promptly 4395  
alleviate the fiscal emergency conditions. 4396

(E) The court shall terminate the receivership when the municipal corporation, county, or township has corrected and eliminated all of the fiscal emergency conditions determined pursuant to section 118.04 of the Revised Code, and no new fiscal emergency conditions have occurred.

(F) Conditions in division (A) of this section may be applied retroactively in a remedial nature.

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

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

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

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

~~(5) The~~ (5) (a) Except as provided in division (A) (5) (b) of

this section, the state public defender, when designated by the 4426  
court or requested by a county public defender, joint county 4427  
public defender, or the director of rehabilitation and 4428  
correction, shall provide legal representation in parole and 4429  
probation revocation matters or matters relating to the 4430  
revocation of community control or post-release control under a 4431  
community control sanction or post-release control sanction, 4432  
unless the state public defender finds that the alleged parole 4433  
or probation violator or alleged violator of a community control 4434  
sanction or post-release control sanction has the financial 4435  
capacity to retain the alleged violator's own counsel. 4436

(b) If the state public defender determines that the state 4437  
public defender does not have the capacity to provide the legal 4438  
representation described in division (A) (5) (a) of this section, 4439  
the state public defender may contract with private legal 4440  
counsel to provide the legal representation described in that 4441  
division. 4442

(6) If the state public defender contracts with a county 4443  
public defender commission, a joint county public defender 4444  
commission, or a board of county commissioners for the provision 4445  
of services, under authority of division (C) (7) of section 4446  
120.04 of the Revised Code, the state public defender shall 4447  
provide legal representation in accordance with the contract. 4448

(B) The state public defender shall not be required to 4449  
prosecute any appeal, postconviction remedy, or other proceeding 4450  
pursuant to division (A) (3), (4), or (5) of this section, unless 4451  
the state public defender first is satisfied that there is 4452  
arguable merit to the proceeding. 4453

(C) A court may appoint counsel or allow an indigent 4454  
person to select the indigent's own personal counsel to assist 4455

the state public defender as co-counsel when the interests of 4456  
justice so require. When co-counsel is appointed to assist the 4457  
state public defender, the co-counsel shall receive any 4458  
compensation that the court may approve, not to exceed the 4459  
amounts provided for in section 2941.51 of the Revised Code. 4460

(D) (1) When the state public defender is designated by the 4461  
court or requested by a county public defender or joint county 4462  
public defender to provide legal representation for an indigent 4463  
person in any case, other than pursuant to a contract entered 4464  
into under authority of division (C) (7) of section 120.04 of the 4465  
Revised Code, the state public defender shall send to the county 4466  
in which the case is filed a bill detailing the actual cost of 4467  
the representation that separately itemizes legal fees and 4468  
expenses. The county, upon receipt of an itemized bill from the 4469  
state public defender pursuant to this division, shall pay the 4470  
state public defender one hundred per cent of the amount 4471  
identified as legal fees and expenses in the itemized bill. 4472

(2) Upon payment of the itemized bill under division (D) 4473  
(1) of this section, the county may submit the cost of the legal 4474  
fees and expenses to the state public defender for reimbursement 4475  
pursuant to section 120.33 of the Revised Code. 4476

(3) When the state public defender provides investigation 4477  
or mitigation services to private appointed counsel or to a 4478  
county or joint county public defender as approved by the 4479  
appointing court, other than pursuant to a contract entered into 4480  
under authority of division (C) (7) of section 120.04 of the 4481  
Revised Code, the state public defender shall send to the county 4482  
in which the case is filed a bill itemizing the actual cost of 4483  
the services provided. The county, upon receipt of an itemized 4484  
bill from the state public defender pursuant to this division, 4485

shall pay one hundred per cent of the amount as set forth in the 4486  
itemized bill. Upon payment of the itemized bill received 4487  
pursuant to this division, the county may submit the cost of the 4488  
investigation and mitigation services to the state public 4489  
defender for reimbursement pursuant to section 120.33 of the 4490  
Revised Code. 4491

(4) There is hereby created in the state treasury the 4492  
county representation fund for the deposit of moneys received 4493  
from counties under this division. All moneys credited to the 4494  
fund shall be used by the state public defender to provide legal 4495  
representation for indigent persons when designated by the court 4496  
or requested by a county or joint county public defender or to 4497  
provide investigation or mitigation services, including 4498  
investigation or mitigation services to private appointed 4499  
counsel or a county or joint county public defender, as approved 4500  
by the court. 4501

(5) If the state public defender determines that the state 4502  
public defender does not have the capacity to provide the legal 4503  
representation described in division (A) (5) (a) of this section 4504  
and the state public defender contracts with private legal 4505  
counsel to provide the legal representation, the state public 4506  
defender shall directly pay private legal counsel's fees and 4507  
expenses from the indigent defense support fund pursuant to 4508  
section 120.08 of the Revised Code. 4509

(E) (1) Notwithstanding any contrary provision of sections 4510  
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised 4511  
Code that pertains to representation by the attorney general, an 4512  
assistant attorney general, or special counsel of an officer or 4513  
employee, as defined in section 109.36 of the Revised Code, or 4514  
of an entity of state government, the state public defender may 4515

elect to contract with, and to have the state pay pursuant to 4516  
division (E) (2) of this section for the services of, private 4517  
legal counsel to represent the Ohio public defender commission, 4518  
the state public defender, assistant state public defenders, 4519  
other employees of the commission or the state public defender, 4520  
and attorneys described in division (C) of section 120.41 of the 4521  
Revised Code in a malpractice or other civil action or 4522  
proceeding that arises from alleged actions or omissions related 4523  
to responsibilities derived pursuant to this chapter, or in a 4524  
civil action that is based upon alleged violations of the 4525  
constitution or statutes of the United States, including section 4526  
1983 of Title 42 of the United States Code, 93 Stat. 1284 4527  
(1979), 42 U.S.C.A. 1983, as amended, and that arises from 4528  
alleged actions or omissions related to responsibilities derived 4529  
pursuant to this chapter, if the state public defender 4530  
determines, in good faith, that the defendant in the civil 4531  
action or proceeding did not act manifestly outside the scope of 4532  
the defendant's employment or official responsibilities, with 4533  
malicious purpose, in bad faith, or in a wanton or reckless 4534  
manner. If the state public defender elects not to contract 4535  
pursuant to this division for private legal counsel in a civil 4536  
action or proceeding, then, in accordance with sections 109.02, 4537  
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 4538  
attorney general shall represent or provide for the 4539  
representation of the Ohio public defender commission, the state 4540  
public defender, assistant state public defenders, other 4541  
employees of the commission or the state public defender, or 4542  
attorneys described in division (C) of section 120.41 of the 4543  
Revised Code in the civil action or proceeding. 4544

(2) (a) Subject to division (E) (2) (b) of this section, 4545  
payment from the state treasury for the services of private 4546



legal counsel with whom the state public defender has contracted 4547  
pursuant to division (E) (1) of this section shall be 4548  
accomplished only through the following procedure: 4549

(i) The private legal counsel shall file with the attorney 4550  
general a copy of the contract; a request for an award of legal 4551  
fees, court costs, and expenses earned or incurred in connection 4552  
with the defense of the Ohio public defender commission, the 4553  
state public defender, an assistant state public defender, an 4554  
employee, or an attorney in a specified civil action or 4555  
proceeding; a written itemization of those fees, costs, and 4556  
expenses, including the signature of the state public defender 4557  
and the state public defender's attestation that the fees, 4558  
costs, and expenses were earned or incurred pursuant to division 4559  
(E) (1) of this section to the best of the state public 4560  
defender's knowledge and information; a written statement 4561  
whether the fees, costs, and expenses are for all legal services 4562  
to be rendered in connection with that defense, are only for 4563  
legal services rendered to the date of the request and 4564  
additional legal services likely will have to be provided in 4565  
connection with that defense, or are for the final legal 4566  
services rendered in connection with that defense; a written 4567  
statement indicating whether the private legal counsel 4568  
previously submitted a request for an award under division (E) 4569  
(2) of this section in connection with that defense and, if so, 4570  
the date and the amount of each award granted; and, if the fees, 4571  
costs, and expenses are for all legal services to be rendered in 4572  
connection with that defense or are for the final legal services 4573  
rendered in connection with that defense, a certified copy of 4574  
any judgment entry in the civil action or proceeding or a signed 4575  
copy of any settlement agreement entered into between the 4576  
parties to the civil action or proceeding. 4577

(ii) Upon receipt of a request for an award of legal fees, 4578  
court costs, and expenses and the requisite supportive 4579  
documentation described in division (E) (2) (a) (i) of this 4580  
section, the attorney general shall review the request and 4581  
documentation; determine whether any of the limitations 4582  
specified in division (E) (2) (b) of this section apply to the 4583  
request; and, if an award of legal fees, court costs, or 4584  
expenses is permissible after applying the limitations, prepare 4585  
a document awarding legal fees, court costs, or expenses to the 4586  
private legal counsel. The document shall name the private legal 4587  
counsel as the recipient of the award; specify the total amount 4588  
of the award as determined by the attorney general; itemize the 4589  
portions of the award that represent legal fees, court costs, 4590  
and expenses; specify any limitation applied pursuant to 4591  
division (E) (2) (b) of this section to reduce the amount of the 4592  
award sought by the private legal counsel; state that the award 4593  
is payable from the state treasury pursuant to division (E) (2) 4594  
(a) (iii) of this section; and be approved by the inclusion of 4595  
the signatures of the attorney general, the state public 4596  
defender, and the private legal counsel. 4597

(iii) The attorney general shall forward a copy of the 4598  
document prepared pursuant to division (E) (2) (a) (ii) of this 4599  
section to the director of budget and management. The award of 4600  
legal fees, court costs, or expenses shall be paid out of the 4601  
state public defender's appropriations, to the extent there is a 4602  
sufficient available balance in those appropriations. If the 4603  
state public defender does not have a sufficient available 4604  
balance in the state public defender's appropriations to pay the 4605  
entire award of legal fees, court costs, or expenses, the 4606  
director shall make application for a transfer of appropriations 4607  
out of the emergency purposes account or any other appropriation 4608

for emergencies or contingencies in an amount equal to the 4609  
portion of the award that exceeds the sufficient available 4610  
balance in the state public defender's appropriations. A 4611  
transfer of appropriations out of the emergency purposes account 4612  
or any other appropriation for emergencies or contingencies 4613  
shall be authorized if there are sufficient moneys greater than 4614  
the sum total of then pending emergency purposes account 4615  
requests, or requests for releases from the other appropriation. 4616  
If a transfer of appropriations out of the emergency purposes 4617  
account or other appropriation for emergencies or contingencies 4618  
is made to pay an amount equal to the portion of the award that 4619  
exceeds the sufficient available balance in the state public 4620  
defender's appropriations, the director shall cause the payment 4621  
to be made to the private legal counsel. If sufficient moneys do 4622  
not exist in the emergency purposes account or other 4623  
appropriation for emergencies or contingencies to pay an amount 4624  
equal to the portion of the award that exceeds the sufficient 4625  
available balance in the state public defender's appropriations, 4626  
the private legal counsel shall request the general assembly to 4627  
make an appropriation sufficient to pay an amount equal to the 4628  
portion of the award that exceeds the sufficient available 4629  
balance in the state public defender's appropriations, and no 4630  
payment in that amount shall be made until the appropriation has 4631  
been made. The private legal counsel shall make the request 4632  
during the current biennium and during each succeeding biennium 4633  
until a sufficient appropriation is made. 4634

(b) An award of legal fees, court costs, and expenses 4635  
pursuant to division (E) of this section is subject to the 4636  
following limitations: 4637

(i) The maximum award or maximum aggregate of a series of 4638  
awards of legal fees, court costs, and expenses to the private 4639

legal counsel in connection with the defense of the Ohio public 4640  
defender commission, the state public defender, an assistant 4641  
state public defender, an employee, or an attorney in a 4642  
specified civil action or proceeding shall not exceed fifty 4643  
thousand dollars. 4644

(ii) The private legal counsel shall not be awarded legal 4645  
fees, court costs, or expenses to the extent the fees, costs, or 4646  
expenses are covered by a policy of malpractice or other 4647  
insurance. 4648

(iii) The private legal counsel shall be awarded legal 4649  
fees and expenses only to the extent that the fees and expenses 4650  
are reasonable in light of the legal services rendered by the 4651  
private legal counsel in connection with the defense of the Ohio 4652  
public defender commission, the state public defender, an 4653  
assistant state public defender, an employee, or an attorney in 4654  
a specified civil action or proceeding. 4655

(c) If, pursuant to division (E) (2) (a) of this section, 4656  
the attorney general denies a request for an award of legal 4657  
fees, court costs, or expenses to private legal counsel because 4658  
of the application of a limitation specified in division (E) (2) 4659  
(b) of this section, the attorney general shall notify the 4660  
private legal counsel in writing of the denial and of the 4661  
limitation applied. 4662

(d) If, pursuant to division (E) (2) (c) of this section, a 4663  
private legal counsel receives a denial of an award notification 4664  
or if a private legal counsel refuses to approve a document 4665  
under division (E) (2) (a) (ii) of this section because of the 4666  
proposed application of a limitation specified in division (E) 4667  
(2) (b) of this section, the private legal counsel may commence a 4668  
civil action against the attorney general in the court of claims 4669

to prove the private legal counsel's entitlement to the award 4670  
sought, to prove that division (E) (2) (b) of this section does 4671  
not prohibit or otherwise limit the award sought, and to recover 4672  
a judgment for the amount of the award sought. A civil action 4673  
under division (E) (2) (d) of this section shall be commenced no 4674  
later than two years after receipt of a denial of award 4675  
notification or, if the private legal counsel refused to approve 4676  
a document under division (E) (2) (a) (ii) of this section because 4677  
of the proposed application of a limitation specified in 4678  
division (E) (2) (b) of this section, no later than two years 4679  
after the refusal. Any judgment of the court of claims in favor 4680  
of the private legal counsel shall be paid from the state 4681  
treasury in accordance with division (E) (2) (a) of this section. 4682

(F) If a court appoints the office of the state public 4683  
defender to represent a petitioner in a postconviction relief 4684  
proceeding under section 2953.21 of the Revised Code, the 4685  
petitioner has received a sentence of death, and the proceeding 4686  
relates to that sentence, all of the attorneys who represent the 4687  
petitioner in the proceeding pursuant to the appointment, 4688  
whether an assistant state public defender, the state public 4689  
defender, or another attorney, shall be certified under Rule 20 4690  
of the Rules of Superintendence for the Courts of Ohio to 4691  
represent indigent defendants charged with or convicted of an 4692  
offense for which the death penalty can be or has been imposed. 4693

(G) (1) The state public defender may conduct a legal 4694  
assistance referral service for children committed to the 4695  
department of youth services relative to conditions of 4696  
confinement claims. If the legal assistance referral service 4697  
receives a request for assistance from a child confined in a 4698  
facility operated, or contracted for, by the department of youth 4699  
services and the state public defender determines that the child 4700

has a conditions of confinement claim that has merit, the state 4701  
public defender may refer the child to a private attorney. If no 4702  
private attorney who the child has been referred to by the state 4703  
public defender accepts the case within a reasonable time, the 4704  
state public defender may prepare, as appropriate, pro se 4705  
pleadings in the form of a complaint regarding the conditions of 4706  
confinement at the facility where the child is confined with a 4707  
motion for appointment of counsel and other applicable pleadings 4708  
necessary for sufficient pro se representation. 4709

(2) Division (G) (1) of this section does not authorize the 4710  
state public defender to represent a child committed to the 4711  
department of youth services in general civil matters arising 4712  
solely out of state law. 4713

(3) The state public defender shall not undertake the 4714  
representation of a child in court based on a conditions of 4715  
confinement claim arising under this division. 4716

(H) A child's right to representation or services under 4717  
this section is not affected by the child, or another person on 4718  
behalf of the child, previously having paid for similar 4719  
representation or services or having waived legal 4720  
representation. 4721

(I) The state public defender shall have reasonable access 4722  
to any child committed to the department of youth services, 4723  
department of youth services institution, and department of 4724  
youth services record as needed to implement this section. 4725

(J) As used in this section: 4726

(1) "Community control sanction" has the same meaning as 4727  
in section 2929.01 of the Revised Code. 4728

(2) "Conditions of confinement" means any issue involving 4729

a constitutional right or other civil right related to a child's 4730  
incarceration, including, but not limited to, actions cognizable 4731  
under 42 U.S.C. 1983. 4732

(3) "Post-release control sanction" has the same meaning 4733  
as in section 2967.01 of the Revised Code. 4734

**Sec. 120.08.** There is hereby created in the state treasury 4735  
the indigent defense support fund, consisting of money paid into 4736  
the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 4737  
4511.19 of the Revised Code and pursuant to sections 2937.22, 4738  
2949.091, and 2949.094 of the Revised Code out of the additional 4739  
court costs imposed under those sections. The state public 4740  
defender shall use at least eighty-three per cent of the money 4741  
in the fund for the purposes of reimbursing county governments 4742  
for expenses incurred pursuant to sections 120.18, 120.28, and 4743  
120.33 of the Revised Code ~~and~~, operating its system pursuant 4744  
to division (C) (7) of section 120.04 of the Revised Code and 4745  
division (B) of section 120.33 of the Revised Code, and directly 4746  
paying private legal counsel's fees and expenses incurred 4747  
pursuant to division (D) (5) of section 120.06 of the Revised 4748  
Code. Disbursements from the fund to county governments shall be 4749  
made at least once per year and shall be allocated 4750  
proportionately so that each county receives an equal percentage 4751  
of its cost for operating its county public defender system, its 4752  
joint county public defender system, its county appointed 4753  
counsel system, or its system operated under division (C) (7) of 4754  
section 120.04 of the Revised Code and division (B) of section 4755  
120.33 of the Revised Code. The state public defender may use 4756  
not more than seventeen per cent of the money in the fund for 4757  
the purposes of appointing assistant state public defenders, 4758  
providing other personnel, equipment, and facilities necessary 4759  
for the operation of the state public defender office, and 4760

providing training, developing and implementing electronic 4761  
forms, or establishing and maintaining an information technology 4762  
system used for the uniform operation of this chapter. 4763

**Sec. 121.02.** The following administrative departments and 4764  
their respective directors are hereby created: 4765

(A) The office of budget and management, which shall be 4766  
administered by the director of budget and management; 4767

(B) The department of commerce, which shall be 4768  
administered by the director of commerce; 4769

(C) The department of administrative services, which shall 4770  
be administered by the director of administrative services; 4771

(D) The department of transportation, which shall be 4772  
administered by the director of transportation; 4773

(E) The department of agriculture, which shall be 4774  
administered by the director of agriculture; 4775

(F) The department of natural resources, which shall be 4776  
administered by the director of natural resources; 4777

(G) The department of health, which shall be administered 4778  
by the director of health; 4779

(H) The department of job and family services, which shall 4780  
be administered by the director of job and family services; 4781

(I) The department of children and youth, which shall be 4782  
administered by the director of children and youth; 4783

(J) The department of public safety, which shall be 4784  
administered by the director of public safety; 4785

(K) The department of ~~mental-behavioral health-and-~~ 4786  
~~addiction services,~~ which shall be administered by the director 4787



of <del>mental behavioral health and addiction services;</del>	4788
(L) The department of developmental disabilities, which shall be administered by the director of developmental disabilities;	4789 4790 4791
(M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof;	4792 4793 4794
(N) The department of development, which shall be administered by the director of development;	4795 4796
(O) The department of youth services, which shall be administered by the director of youth services;	4797 4798
(P) The department of rehabilitation and correction, which shall be administered by the director of rehabilitation and correction;	4799 4800 4801
(Q) The environmental protection agency, which shall be administered by the director of environmental protection;	4802 4803
(R) The department of aging, which shall be administered by the director of aging;	4804 4805
(S) The department of veterans services, which shall be administered by the director of veterans services;	4806 4807
(T) The department of medicaid, which shall be administered by the medicaid director;	4808 4809
(U) The department of education and workforce, which shall be administered by the director of education and workforce.	4810 4811
The director of each department shall exercise the powers and perform the duties vested by law in such department.	4812 4813
<b>Sec. 121.03.</b> The following administrative department heads	4814

shall be appointed by the governor, with the advice and consent 4815  
of the senate, and shall hold their offices during the term of 4816  
the appointing governor, and are subject to removal at the 4817  
pleasure of the governor. 4818

- (A) The director of budget and management; 4819
- (B) The director of commerce; 4820
- (C) The director of transportation; 4821
- (D) The director of agriculture; 4822
- (E) The director of job and family services; 4823
- (F) The director of children and youth; 4824
- (G) The director of public safety; 4825
- (H) The superintendent of insurance; 4826
- (I) The director of development; 4827
- (J) The tax commissioner; 4828
- (K) The director of administrative services; 4829
- (L) The director of natural resources; 4830
- (M) The director of ~~mental behavioral health and addiction~~ 4831  
~~services;~~ 4832
- (N) The director of developmental disabilities; 4833
- (O) The director of health; 4834
- (P) The director of youth services; 4835
- (Q) The director of rehabilitation and correction; 4836
- (R) The director of environmental protection; 4837
- (S) The director of aging; 4838

(T) The administrator of workers' compensation who meets 4839  
the qualifications required under division (A) of section 4840  
4121.121 of the Revised Code; 4841

(U) The director of veterans services who meets the 4842  
qualifications required under section 5902.01 of the Revised 4843  
Code; 4844

(V) The chancellor of higher education; 4845

(W) The medicaid director; 4846

(X) The director of education and workforce. 4847

**Sec. 121.085.** The financial literacy education fund is 4848  
hereby created in the state treasury. The fund shall consist of 4849  
funds transferred to it from the consumer finance fund pursuant 4850  
to section 1321.21 of the Revised Code. The fund shall be used 4851  
to support various adult financial literacy education programs 4852  
developed or implemented by the director of commerce. The fund 4853  
shall be administered by the director of commerce who shall 4854  
adopt rules for the distribution of fund moneys. ~~The director of 4855  
commerce shall adopt a rule to require that at least one-half of 4856  
the financial literacy education programs developed or 4857  
implemented pursuant to this section, and offered to the public, 4858  
be presented by or available at public community colleges or 4859  
state institutions throughout the state. The director of 4860  
commerce shall deliver to the president of the senate, the 4861  
speaker of the house of representatives, the minority leader of 4862  
the senate, the minority leader of the house of representatives, 4863  
and the governor an annual report that includes an outline of 4864  
each adult financial literacy education program developed or 4865  
implemented, the number of individuals who were educated by each 4866  
program, and an accounting for all funds distributed.~~ 4867

**Sec. 121.22.** (A) This section shall be liberally construed 4868  
to require public officials to take official action and to 4869  
conduct all deliberations upon official business only in open 4870  
meetings unless the subject matter is specifically excepted by 4871  
law. 4872

(B) As used in this section: 4873

(1) "Public body" means any of the following: 4874

(a) Any board, commission, committee, council, or similar 4875  
decision-making body of a state agency, institution, or 4876  
authority, and any legislative authority or board, commission, 4877  
committee, council, agency, authority, or similar decision- 4878  
making body of any county, township, municipal corporation, 4879  
school district, or other political subdivision or local public 4880  
institution; 4881

(b) Any committee or subcommittee of a body described in 4882  
division (B) (1) (a) of this section; 4883

(c) A court of jurisdiction of a sanitary district 4884  
organized wholly for the purpose of providing a water supply for 4885  
domestic, municipal, and public use when meeting for the purpose 4886  
of the appointment, removal, or reappointment of a member of the 4887  
board of directors of such a district pursuant to section 4888  
6115.10 of the Revised Code, if applicable, or for any other 4889  
matter related to such a district other than litigation 4890  
involving the district. As used in division (B) (1) (c) of this 4891  
section, "court of jurisdiction" has the same meaning as "court" 4892  
in section 6115.01 of the Revised Code. 4893

(2) "Meeting" means any prearranged discussion of the 4894  
public business of the public body by a majority of its members. 4895

(3) "Regulated individual" means either of the following: 4896

(a) A student in a state or local public educational institution; 4897  
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(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness, an intellectual disability, disease, disability, age, or other condition requiring custodial care. 4899  
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(4) "Public office" has the same meaning as in section 149.011 of the Revised Code. 4904  
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(C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting. 4906  
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The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (J) of this section. 4912  
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(D) This section does not apply to any of the following: 4917

(1) A grand jury; 4918

(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit; 4919  
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(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon and the 4922  
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department of rehabilitation and correction when its hearings 4925  
are conducted at a correctional institution for the sole purpose 4926  
of making determinations under section 2967.271 of the Revised 4927  
Code regarding the release or maintained incarceration of an 4928  
offender to whom that section applies; 4929

(4) The organized crime investigations commission 4930  
established under section 177.01 of the Revised Code; 4931

(5) Meetings of a child fatality review board established 4932  
under section 307.621 of the Revised Code, meetings related to a 4933  
review conducted pursuant to guidelines established by the 4934  
director of health under section 3701.70 of the Revised Code, 4935  
and meetings conducted pursuant to sections 5153.171 to 5153.173 4936  
of the Revised Code; 4937

(6) The state medical board when determining whether to 4938  
suspend a license or certificate without a prior hearing 4939  
pursuant to division (G) of either section 4730.25 or 4731.22 of 4940  
the Revised Code; 4941

(7) The board of nursing when determining whether to 4942  
suspend a license or certificate without a prior hearing 4943  
pursuant to division (B) of section 4723.281 of the Revised 4944  
Code; 4945

(8) The state board of pharmacy when determining whether 4946  
to do either of the following: 4947

(a) Suspend a license, certification, or registration 4948  
without a prior hearing, including during meetings conducted by 4949  
telephone conference, pursuant to Chapters 3719., 3796., 4729., 4950  
and 4752. of the Revised Code and rules adopted thereunder; or 4951

(b) Restrict a person from obtaining further information 4952  
from the drug database established in section 4729.75 of the 4953

Revised Code without a prior hearing pursuant to division (C) of	4954
section 4729.86 of the Revised Code.	4955
(9) The state chiropractic board when determining whether	4956
to suspend a license without a hearing pursuant to section	4957
4734.37 of the Revised Code;	4958
(10) The executive committee of the emergency response	4959
commission when determining whether to issue an enforcement	4960
order or request that a civil action, civil penalty action, or	4961
criminal action be brought to enforce Chapter 3750. of the	4962
Revised Code;	4963
(11) The board of directors of the nonprofit corporation	4964
formed under section 187.01 of the Revised Code or any committee	4965
thereof, and the board of directors of any subsidiary of that	4966
corporation or a committee thereof;	4967
(12) An audit conference conducted by the audit staff of	4968
the department of job and family services with officials of the	4969
public office that is the subject of that audit under section	4970
5101.37 of the Revised Code;	4971
(13) The occupational therapy section of the occupational	4972
therapy, physical therapy, and athletic trainers board when	4973
determining whether to suspend a license without a hearing	4974
pursuant to division (E) of section 4755.11 of the Revised Code;	4975
(14) The physical therapy section of the occupational	4976
therapy, physical therapy, and athletic trainers board when	4977
determining whether to suspend a license without a hearing	4978
pursuant to division (F) of section 4755.47 of the Revised Code;	4979
(15) The athletic trainers section of the occupational	4980
therapy, physical therapy, and athletic trainers board when	4981
determining whether to suspend a license without a hearing	4982

pursuant to division (E) of section 4755.64 of the Revised Code;	4983
(16) Meetings of the pregnancy-associated mortality review board established under section <del>3738.01</del> <u>5180.27</u> of the Revised Code;	4984 4985 4986
(17) Meetings of a fetal-infant mortality review board established under section 3707.71 of the Revised Code;	4987 4988
(18) Meetings of a drug overdose fatality review committee described in section 307.631 of the Revised Code;	4989 4990
(19) Meetings of a suicide fatality review committee described in section 307.641 of the Revised Code;	4991 4992
(20) Meetings of the officers, members, or directors of an existing qualified nonprofit corporation that creates a special improvement district under Chapter 1710. of the Revised Code, at which the public business of the corporation pertaining to a purpose for which the district is created is not discussed;	4993 4994 4995 4996 4997
(21) Meetings of a domestic violence fatality review board established under section 307.651 of the Revised Code;	4998 4999
(22) Any nonprofit agency that has received an endorsement under section <del>122.69</del> <u>5101.315</u> of the Revised Code.	5000 5001
(E) The controlling board, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board or authority members present, may close the meeting during consideration of the following information confidentially received by the authority or board from the applicant:	5002 5003 5004 5005 5006 5007 5008 5009 5010



- (1) Marketing plans; 5011
- (2) Specific business strategy; 5012
- (3) Production techniques and trade secrets; 5013
- (4) Financial projections; 5014
- (5) Personal financial statements of the applicant or 5015  
members of the applicant's immediate family, including, but not 5016  
limited to, tax records or other similar information not open to 5017  
public inspection. 5018

The vote by the authority or board to accept or reject the 5019  
application, as well as all proceedings of the authority or 5020  
board not subject to this division, shall be open to the public 5021  
and governed by this section. 5022

(F) Every public body, ~~by rule,~~ shall establish a 5023  
reasonable method available on the public body's web site 5024  
whereby any person may determine the time and place of all 5025  
regularly scheduled meetings and the time, place, and purpose of 5026  
all special meetings. A public body shall not hold a special 5027  
meeting unless it gives at least twenty-four hours' advance 5028  
notice to the news media that have requested notification, 5029  
except in the event of an emergency requiring immediate official 5030  
action. In the event of an emergency, the member or members 5031  
calling the meeting shall notify the news media that have 5032  
requested notification immediately of the time, place, and 5033  
purpose of the meeting. 5034

The ~~rule~~ reasonable method shall provide that any person, 5035  
upon request and payment of a reasonable fee, may obtain 5036  
reasonable advance notification of all meetings at which any 5037  
specific type of public business is to be discussed. Provisions 5038  
for advance notification may include, but are not limited to, 5039

electronically mailing the agenda of meetings to all subscribers 5040  
on ~~a an electronic mailing list or mailing notices in self-~~ 5041  
~~addressed, stamped envelopes provided by the person.~~ 5042

(G) Except as provided in divisions (G)(8) and (J) of this 5043  
section, the members of a public body may hold an executive 5044  
session only after a majority of a quorum of the public body 5045  
determines, by a roll call vote, to hold an executive session 5046  
and only at a regular or special meeting for the sole purpose of 5047  
the consideration of any of the following matters: 5048

(1) To consider the appointment, employment, dismissal, 5049  
discipline, promotion, demotion, or compensation of a public 5050  
employee or official, or the investigation of charges or 5051  
complaints against a public employee, official, licensee, or 5052  
regulated individual, unless the public employee, official, 5053  
licensee, or regulated individual requests a public hearing. 5054  
Except as otherwise provided by law, no public body shall hold 5055  
an executive session for the discipline of an elected official 5056  
for conduct related to the performance of the elected official's 5057  
official duties or for the elected official's removal from 5058  
office. If a public body holds an executive session pursuant to 5059  
division (G)(1) of this section, the motion and vote to hold 5060  
that executive session shall state which one or more of the 5061  
approved purposes listed in division (G)(1) of this section are 5062  
the purposes for which the executive session is to be held, but 5063  
need not include the name of any person to be considered at the 5064  
meeting. 5065

(2) To consider the purchase of property for public 5066  
purposes, the sale of property at competitive bidding, or the 5067  
sale or other disposition of unneeded, obsolete, or unfit-for- 5068  
use property in accordance with section 505.10 of the Revised 5069

Code, if premature disclosure of information would give an 5070  
unfair competitive or bargaining advantage to a person whose 5071  
personal, private interest is adverse to the general public 5072  
interest. No member of a public body shall use division (G) (2) 5073  
of this section as a subterfuge for providing covert information 5074  
to prospective buyers or sellers. A purchase or sale of public 5075  
property is void if the seller or buyer of the public property 5076  
has received covert information from a member of a public body 5077  
that has not been disclosed to the general public in sufficient 5078  
time for other prospective buyers and sellers to prepare and 5079  
submit offers. 5080

If the minutes of the public body show that all meetings 5081  
and deliberations of the public body have been conducted in 5082  
compliance with this section, any instrument executed by the 5083  
public body purporting to convey, lease, or otherwise dispose of 5084  
any right, title, or interest in any public property shall be 5085  
conclusively presumed to have been executed in compliance with 5086  
this section insofar as title or other interest of any bona fide 5087  
purchasers, lessees, or transferees of the property is 5088  
concerned. 5089

(3) Conferences with an attorney for the public body 5090  
concerning disputes involving the public body that are the 5091  
subject of pending or imminent court action; 5092

(4) Preparing for, conducting, or reviewing negotiations 5093  
or bargaining sessions with public employees concerning their 5094  
compensation or other terms and conditions of their employment; 5095

(5) Matters required to be kept confidential by federal 5096  
law or regulations or state statutes; 5097

(6) Details relative to the security arrangements and 5098

emergency response protocols for a public body or a public 5099  
office, if disclosure of the matters discussed could reasonably 5100  
be expected to jeopardize the security of the public body or 5101  
public office; 5102

(7) In the case of a county hospital operated pursuant to 5103  
Chapter 339. of the Revised Code, a joint township hospital 5104  
operated pursuant to Chapter 513. of the Revised Code, or a 5105  
municipal hospital operated pursuant to Chapter 749. of the 5106  
Revised Code, to consider trade secrets, as defined in section 5107  
1333.61 of the Revised Code; 5108

(8) To consider confidential information related to the 5109  
marketing plans, specific business strategy, production 5110  
techniques, trade secrets, or personal financial statements of 5111  
an applicant for economic development assistance, or to 5112  
negotiations with other political subdivisions respecting 5113  
requests for economic development assistance, provided that both 5114  
of the following conditions apply: 5115

(a) The information is directly related to a request for 5116  
economic development assistance that is to be provided or 5117  
administered under any provision of Chapter 715., 725., 1724., 5118  
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5119  
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5120  
5709.81 of the Revised Code, or that involves public 5121  
infrastructure improvements or the extension of utility services 5122  
that are directly related to an economic development project. 5123

(b) A unanimous quorum of the public body determines, by a 5124  
roll call vote, that the executive session is necessary to 5125  
protect the interests of the applicant or the possible 5126  
investment or expenditure of public funds to be made in 5127  
connection with the economic development project. 5128

If a public body holds an executive session to consider 5129  
any of the matters listed in divisions (G) (2) to (8) of this 5130  
section, the motion and vote to hold that executive session 5131  
shall state which one or more of the approved matters listed in 5132  
those divisions are to be considered at the executive session. 5133

A public body specified in division (B) (1) (c) of this 5134  
section shall not hold an executive session when meeting for the 5135  
purposes specified in that division. 5136

(H) A resolution, rule, or formal action of any kind is 5137  
invalid unless adopted in an open meeting of the public body. A 5138  
resolution, rule, or formal action adopted in an open meeting 5139  
that results from deliberations in a meeting not open to the 5140  
public is invalid unless the deliberations were for a purpose 5141  
specifically authorized in division (G) or (J) of this section 5142  
and conducted at an executive session held in compliance with 5143  
this section. A resolution, rule, or formal action adopted in an 5144  
open meeting is invalid if the public body that adopted the 5145  
resolution, rule, or formal action violated division (F) of this 5146  
section. 5147

(I) (1) Any person may bring an action to enforce this 5148  
section. An action under division (I) (1) of this section shall 5149  
be brought within two years after the date of the alleged 5150  
violation or threatened violation. Upon proof of a violation or 5151  
threatened violation of this section in an action brought by any 5152  
person, the court of common pleas shall issue an injunction to 5153  
compel the members of the public body to comply with its 5154  
provisions. 5155

(2) (a) If the court of common pleas issues an injunction 5156  
pursuant to division (I) (1) of this section, the court shall 5157  
order the public body that it enjoins to pay a civil forfeiture 5158

of five hundred dollars to the party that sought the injunction 5159  
and shall award to that party all court costs and, subject to 5160  
reduction as described in division (I) (2) of this section, 5161  
reasonable attorney's fees. The court, in its discretion, may 5162  
reduce an award of attorney's fees to the party that sought the 5163  
injunction or not award attorney's fees to that party if the 5164  
court determines both of the following: 5165

(i) That, based on the ordinary application of statutory 5166  
law and case law as it existed at the time of violation or 5167  
threatened violation that was the basis of the injunction, a 5168  
well-informed public body reasonably would believe that the 5169  
public body was not violating or threatening to violate this 5170  
section; 5171

(ii) That a well-informed public body reasonably would 5172  
believe that the conduct or threatened conduct that was the 5173  
basis of the injunction would serve the public policy that 5174  
underlies the authority that is asserted as permitting that 5175  
conduct or threatened conduct. 5176

(b) If the court of common pleas does not issue an 5177  
injunction pursuant to division (I) (1) of this section and the 5178  
court determines at that time that the bringing of the action 5179  
was frivolous conduct, as defined in division (A) of section 5180  
2323.51 of the Revised Code, the court shall award to the public 5181  
body all court costs and reasonable attorney's fees, as 5182  
determined by the court. 5183

(3) Irreparable harm and prejudice to the party that 5184  
sought the injunction shall be conclusively and irrebuttably 5185  
presumed upon proof of a violation or threatened violation of 5186  
this section. 5187

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

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

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

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

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

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

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

address, and occupation of the applicant, whether the assistance 5217  
was granted or denied, the amount of the assistance if 5218  
assistance is granted, and the votes for and against the 5219  
granting of assistance. 5220

**Sec. 121.35.** (A) Subject to division (B) of this section, 5221  
the following state agencies shall collaborate to revise and 5222  
make more uniform the eligibility standards and eligibility 5223  
determination procedures of programs the state agencies 5224  
administer: 5225

(1) The department of aging; 5226

(2) The department of development; 5227

(3) The department of developmental disabilities; 5228

(4) The department of education and workforce; 5229

(5) The department of health; 5230

(6) The department of job and family services; 5231

(7) The department of medicaid; 5232

(8) The department of ~~mental behavioral health and~~ 5233  
~~addiction services;~~ 5234

(9) The opportunities for Ohioans with disabilities 5235  
agency; 5236

(10) The department of children and youth. 5237

(B) In revising eligibility standards and eligibility 5238  
determination procedures, a state agency shall not make any 5239  
program's eligibility standards or eligibility determination 5240  
procedures inconsistent with state or federal law. To the extent 5241  
authorized by state and federal law, the revisions may provide 5242  
for the state agencies to share administrative operations. 5243



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

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

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

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

(C) ~~Beginning one year after September 26, 2003, each~~ Each 5274  
contract subject to this section shall include terms requiring 5275  
that the provider of home care services to home care dependent 5276  
adults have a system in place that effectively monitors the 5277  
delivery of the services by its employees. To be considered an 5278  
effective monitoring system for purposes of the contract, the 5279  
system established by a provider must include at least the 5280  
following components: 5281

(1) When providing home care services to home care 5282  
dependent adults who have a mental impairment or life- 5283  
threatening health condition, a mechanism to verify whether the 5284  
provider's employees are present at the location where the 5285  
services are to be provided and at the time the services are to 5286  
be provided; 5287

(2) When providing home care services to all other home 5288  
care dependent adults, a system to verify at the end of each 5289  
working day whether the provider's employees have provided the 5290  
services at the proper location and time; 5291

(3) A protocol to be followed in scheduling a substitute 5292  
employee when the monitoring system identifies that an employee 5293  
has failed to provide home care services at the proper location 5294  
and time, including standards for determining the length of time 5295  
that may elapse without jeopardizing the health and safety of 5296  
the home care dependent adult; 5297

(4) Procedures for maintaining records of the information 5298  
obtained through the monitoring system; 5299

(5) Procedures for compiling annual reports of the 5300  
information obtained through the monitoring system, including 5301  
statistics on the rate at which home care services were provided 5302

at the proper location and time; 5303

(6) Procedures for conducting random checks of the 5304  
accuracy of the monitoring system. For purposes of conducting 5305  
these checks, a random check is considered to be a check of not 5306  
more than five per cent of the home care visits the provider's 5307  
employees make to different home care dependent adults within a 5308  
particular work shift. 5309

(D) In implementing this section, the departments shall 5310  
exempt ~~providers~~ the following from the section's requirements: 5311

(1) Providers of home care services who are self-employed 5312  
providers with no other employees or are otherwise considered by 5313  
the departments not to be agency providers. ~~The departments~~ 5314  
~~shall conduct a study on how the exempted providers may be made~~ 5315  
~~subject to the requirement of effectively monitoring whether~~ 5316  
~~home care services are being provided and have been provided at~~ 5317  
~~the proper location and time. Not later than two years after~~ 5318  
~~September 26, 2003, the departments shall prepare a report of~~ 5319  
~~their findings and recommendations. The report shall be~~ 5320  
~~submitted to the president of the senate and the speaker of the~~ 5321  
~~house of representatives;~~ 5322

(2) Providers who utilize an electronic visit verification 5323  
system as described in section 12006 of the "21st Century Cures 5324  
Act of 2016," 42 U.S.C. 1903(1). 5325

(E) The departments of developmental disabilities, aging, 5326  
job and family services, and health shall each adopt rules as 5327  
necessary to implement this section. The rules shall be adopted 5328  
in accordance with Chapter 119. of the Revised Code. 5329

**Sec. 121.37.** (A) (1) There is hereby created the Ohio 5330  
family and children first cabinet council. The council shall be 5331

composed of the director of education and workforce, the 5332  
executive director of the opportunities for Ohioans with 5333  
disabilities agency, the medicaid director, and the directors of 5334  
youth services, job and family services, mental-behavioral 5335  
~~health-and-addiction-services~~, health, developmental 5336  
disabilities, aging, rehabilitation and correction, children and 5337  
youth, and budget and management. The chairperson of the council 5338  
shall be the governor or the governor's designee and shall 5339  
establish procedures for the council's internal control and 5340  
management. 5341

The purpose of the cabinet council is to help families 5342  
seeking government services. This section shall not be 5343  
interpreted or applied to usurp the role of parents, but solely 5344  
to streamline and coordinate existing government services for 5345  
families seeking assistance for their children. 5346

(2) In seeking to fulfill its purpose, the council may do 5347  
any of the following: 5348

(a) Advise and make recommendations to the governor and 5349  
general assembly regarding the provision of services to 5350  
children; 5351

(b) Advise and assess local governments on the 5352  
coordination of service delivery to children; 5353

(c) Hold meetings at such times and places as may be 5354  
prescribed by the council's procedures and maintain records of 5355  
the meetings, except that records identifying individual 5356  
children are confidential and shall be disclosed only as 5357  
provided by law; 5358

(d) Develop programs and projects, including pilot 5359  
projects, to encourage coordinated efforts at the state and 5360

local level to improve the state's social service delivery system; 5361  
5362

(e) Enter into contracts with and administer grants to county family and children first councils, as well as other county or multicounty organizations to plan and coordinate service delivery between state agencies and local service providers for families and children; 5363  
5364  
5365  
5366  
5367

(f) Enter into contracts with and apply for grants from federal agencies or private organizations; 5368  
5369

(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds; 5370  
5371  
5372  
5373  
5374

(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services; 5375  
5376  
5377  
5378  
5379

(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs; 5380  
5381  
5382  
5383

(j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children; 5384  
5385  
5386  
5387

(k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that 5388  
5389

serve alleged or adjudicated unruly children or children who are 5390  
at risk of being alleged or adjudicated unruly children. 5391

(3) The cabinet council shall provide for the following: 5392

(a) Reviews of service and treatment plans for children 5393  
for which such reviews are requested; 5394

(b) Assistance as the council determines to be necessary 5395  
to meet the needs of children referred by county family and 5396  
children first councils; 5397

(c) Monitoring and supervision of a statewide, 5398  
comprehensive, coordinated, multi-disciplinary, interagency 5399  
system for infants and toddlers with developmental disabilities 5400  
or delays and their families, as established pursuant to federal 5401  
grants received and administered by the department of children 5402  
and youth for early intervention services under the "Individuals 5403  
with Disabilities Education Act of 2004," 118 Stat. 2744, 20 5404  
U.S.C.A. 1400, as amended; 5405

(d) Establishing and maintaining the Ohio automated 5406  
service coordination system pursuant to section 121.376 of the 5407  
Revised Code. 5408

(4) The cabinet council shall develop and implement the 5409  
following: 5410

(a) An interagency process to select the indicators that 5411  
will be used to measure progress toward increasing child well- 5412  
being in the state and to update the indicators on an annual 5413  
basis. 5414

(b) An interagency system to offer guidance and monitor 5415  
progress toward increasing child well-being in the state and in 5416  
each county; 5417

(c) An annual plan that identifies state-level agency 5418  
efforts taken to ensure progress towards increasing child well- 5419  
being in the state; 5420

(d) A state appeals process to resolve disputes among the 5421  
members of a county council, established under division (B) of 5422  
this section, concerning whether reasonable responsibilities are 5423  
being shared. The appeals process may be accessed only by a 5424  
majority vote of the council members who are required to serve 5425  
on the council. Upon appeal, the cabinet council may order that 5426  
state funds for services to children and families be redirected 5427  
to a county's board of county commissioners. 5428

(5) On an annual basis, the cabinet council shall submit 5429  
to the governor and the general assembly a report on the status 5430  
of efforts to increase child well-being in the state. This 5431  
report shall be made available to any other person on request. 5432

(6) The cabinet council state office may adopt rules 5433  
governing the responsibilities of county family and children 5434  
first councils established in division ~~(B) (3)~~ (B) (5) of this 5435  
section. 5436

(B) (1) ~~Each~~ Except as provided in division (B) (2) of this 5437  
section, each board of county commissioners shall establish a 5438  
county family and children first council. The board may invite 5439  
any local public or private agency or group that funds, 5440  
advocates, or provides services to children and families to have 5441  
a representative become a permanent or temporary member of its 5442  
county council. Each county council must include the following 5443  
individuals: 5444

(a) At least three individuals ~~who are not employed by an~~ 5445  
~~agency represented on the council and whose families are~~ 5446

receiving or have received services from an agency represented 5447  
on the council or another county's council. If such an 5448  
individual is employed by an agency represented on the council, 5449  
the individual shall complete a conflict of interest disclosure 5450  
form and abstain from any vote that involves the agency that 5451  
employs the individual. Where possible, the number of members 5452  
representing families ~~shall~~may be equal to twenty per cent of 5453  
the council's membership. 5454

(b) The director of the board of alcohol, drug addiction, 5455  
and mental health services that serves the county, or, in the 5456  
case of a county that has a board of alcohol and drug addiction 5457  
services and a community mental health board, the directors of 5458  
both boards. If a board of alcohol, drug addiction, and mental 5459  
health services covers more than one county, the director may 5460  
designate a person to participate on the county's council. 5461

(c) The health commissioner, or the commissioner's 5462  
designee, of the board of health of each city and general health 5463  
district in the county. If the county has two or more health 5464  
districts, the health commissioner membership may be limited to 5465  
the commissioners of the two districts with the largest 5466  
populations. 5467

(d) The director of the county department of job and 5468  
family services; 5469

(e) The executive director of the public children services 5470  
agency; 5471

(f) The superintendent of the county board of 5472  
developmental disabilities or, if the superintendent serves as 5473  
superintendent of more than one county board of developmental 5474  
disabilities, the superintendent's designee; 5475



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

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

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

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

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

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

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

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

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

council, including those involving the funding of joint projects 5504  
and those outlined in the county's service coordination 5505  
mechanism implemented pursuant to division (C) of this section. 5506

The county's juvenile court judge senior in service or 5507  
another judge of the juvenile court designated by the 5508  
administrative judge or, where there is no administrative judge, 5509  
by the judge senior in service shall serve as the judicial 5510  
advisor to the county family and children first council. The 5511  
judge may advise the county council on the court's utilization 5512  
of resources, services, or programs provided by the entities 5513  
represented by the members of the county council and how those 5514  
resources, services, or programs assist the court in its 5515  
administration of justice. Service of a judge as a judicial 5516  
advisor pursuant to this section is a judicial function. 5517

(2) By passing a resolution, a board of county 5518  
commissioners may decide not to establish or maintain a county 5519  
family and children first council for the county if the board 5520  
determines that all of the following conditions exist: 5521

(a) Alternative programs and services exist in the county 5522  
to meet the needs of those served by a family and children first 5523  
council. 5524

(b) A family and children first council for the county is 5525  
not or would not be sufficiently funded to make the council 5526  
financially sustainable. 5527

(c) The director of the county department of job and 5528  
family services, executive director of the public children 5529  
services agency, and county board of developmental disabilities 5530  
each recommend to the board of county commissioners not to 5531  
establish or maintain a county family and children first 5532

council. 5533

(3) A county's board of county commissioners that has 5534  
decided to not establish or maintain a county family and 5535  
children first council may reconsider the decision at any time 5536  
but shall do so not later than five years after the date the 5537  
resolution passed. In reconsidering the decision, the board of 5538  
county commissioners shall determine whether all the conditions 5539  
described in division (B) (2) of this section exist. 5540

(4) The purpose of the county council is to streamline and 5541  
coordinate existing government services for families seeking 5542  
services for their children. In seeking to fulfill its purpose, 5543  
a county council shall provide for the following: 5544

(a) Referrals to the cabinet council of those children for 5545  
whom the county council cannot provide adequate services; 5546

(b) Development and implementation of a process that 5547  
annually evaluates and prioritizes services, fills service gaps 5548  
where possible, and invents new approaches to achieve better 5549  
results for families and children; 5550

(c) Participation in the development of a countywide, 5551  
comprehensive, coordinated, multi-disciplinary, interagency 5552  
system for infants and toddlers with developmental disabilities 5553  
or delays and their families, as established pursuant to federal 5554  
grants received and administered by the department of children 5555  
and youth for early intervention services under the "Individuals 5556  
with Disabilities Education Act of 2004"; 5557

(d) Maintenance of an accountability system to monitor the 5558  
county council's progress in achieving results for families and 5559  
children; 5560

(e) Establishment of a mechanism to ensure ongoing input 5561

from a broad representation of families who are receiving 5562  
services within the county system. 5563

~~(3)~~(5) A county council shall develop and implement the 5564  
following: 5565

(a) An interagency process to establish local indicators 5566  
and monitor the county's progress toward increasing child well- 5567  
being in the county; 5568

(b) An interagency process to identify local priorities to 5569  
increase child well-being. 5570

(c) An annual plan that identifies the county's 5571  
interagency efforts to increase child well-being in the county. 5572

On an annual basis, the county council shall submit a 5573  
report on the status of efforts by the county to increase child 5574  
well-being in the county to the county's board of county 5575  
commissioners and the cabinet council. This report shall be made 5576  
available to any other person on request. 5577

~~(4)~~~~(a)~~(6) (a) Except as provided in division ~~(B)~~~~(4)~~~~(b)~~(B) 5578  
(6) (b) of this section, a county council shall comply with the 5579  
policies, procedures, and activities prescribed by the rules or 5580  
interagency agreements of a state department participating on 5581  
the cabinet council whenever the county council performs a 5582  
function subject to those rules or agreements. 5583

(b) On application of a county council, the cabinet 5584  
council may grant an exemption from any rules or interagency 5585  
agreements of a state department participating on the council if 5586  
an exemption is necessary for the council to implement an 5587  
alternative program or approach for service delivery to families 5588  
and children. The application shall describe the proposed 5589  
program or approach and specify the rules or interagency 5590

agreements from which an exemption is necessary. The cabinet 5591  
council shall approve or disapprove the application in 5592  
accordance with standards and procedures it shall adopt. If an 5593  
application is approved, the exemption is effective only while 5594  
the program or approach is being implemented, including a 5595  
reasonable period during which the program or approach is being 5596  
evaluated for effectiveness. 5597

~~(5) (a)~~ (7) (a) Each county council shall designate an 5598  
administrative agent for the council from among the following 5599  
public entities: the board of alcohol, drug addiction, and 5600  
mental health services, including a board of alcohol and drug 5601  
addiction or a community mental health board if the county is 5602  
served by separate boards; the board of county commissioners; 5603  
any board of health of the county's city and general health 5604  
districts; the county department of job and family services; the 5605  
county agency responsible for the administration of children 5606  
services pursuant to section 5153.15 of the Revised Code; the 5607  
county board of developmental disabilities; any of the county's 5608  
boards of education or governing boards of educational service 5609  
centers; or the county's juvenile court. Any of the foregoing 5610  
public entities, other than the board of county commissioners, 5611  
may decline to serve as the council's administrative agent. 5612

A county council's administrative agent shall serve as the 5613  
council's appointing authority for any employees of the council. 5614  
The council shall file an annual budget with its administrative 5615  
agent, with copies filed with the county auditor and with the 5616  
board of county commissioners, unless the board is serving as 5617  
the council's administrative agent. The council's administrative 5618  
agent shall ensure that all expenditures are handled in 5619  
accordance with policies, procedures, and activities prescribed 5620  
by state departments in rules, grant agreements, or interagency 5621

agreements that are applicable to the council's functions. 5622

The administrative agent of a county council ~~shall~~may 5623  
send notice of a member's absence if a member listed in division 5624  
(B) (1) of this section has been absent from either three 5625  
consecutive meetings of the county council or a county council 5626  
subcommittee, or from one-quarter of such meetings in a calendar 5627  
year, whichever is less. The notice shall be sent to the board 5628  
of county commissioners that establishes the county council and, 5629  
for the members listed in divisions (B) (1) (b), (c), (e), and (l) 5630  
of this section, to the governing board overseeing the 5631  
respective entity; for the member listed in division (B) (1) (f) 5632  
of this section, to the county board of developmental 5633  
disabilities that employs the superintendent; for a member 5634  
listed in division (B) (1) (g) or (h) of this section, to the 5635  
school board that employs the superintendent; for the member 5636  
listed in division (B) (1) (i) of this section, to the mayor of 5637  
the municipal corporation; for the member listed in division (B) 5638  
(1) (k) of this section, to the director of youth services; and 5639  
for the member listed in division (B) (1) (n) of this section, to 5640  
that member's board of trustees. 5641

The administrative agent for a county council may do any 5642  
of the following on behalf of the council: 5643

(i) Enter into agreements or administer contracts with 5644  
public or private entities to fulfill specific council business. 5645  
Such agreements and contracts are exempt from the competitive 5646  
bidding requirements of section 307.86 of the Revised Code if 5647  
they have been approved by the county council and they are for 5648  
the purchase of services for families and children. The approval 5649  
of the county council is not required to exempt agreements or 5650  
contracts entered into under section 5139.34, 5139.41, or 5651

5139.43 of the Revised Code from the competitive bidding 5652  
requirements of section 307.86 of the Revised Code. 5653

(ii) As determined by the council, provide financial 5654  
stipends, reimbursements, or both, to family representatives for 5655  
expenses related to council activity; 5656

(iii) Receive by gift, grant, devise, or bequest any 5657  
moneys, lands, or other property for the purposes for which the 5658  
council is established. The agent shall hold, apply, and dispose 5659  
of the moneys, lands, or other property according to the terms 5660  
of the gift, grant, devise, or bequest. Any interest or earnings 5661  
shall be treated in the same manner and are subject to the same 5662  
terms as the gift, grant, devise, or bequest from which it 5663  
accrues. 5664

(b) (i) If the county council designates the board of 5665  
county commissioners as its administrative agent, the board may, 5666  
by resolution, delegate any of its powers and duties as 5667  
administrative agent to an executive committee the board 5668  
establishes from the membership of the county council. The board 5669  
shall name to the executive committee at least the individuals 5670  
described in divisions (B) (1) (b) to (h) of this section and may 5671  
appoint the president of the board or another individual as the 5672  
chair of the executive committee. The executive committee must 5673  
include at least one family county council representative who 5674  
does not have a family member employed by an agency represented 5675  
on the council. 5676

(ii) The executive committee may, with the approval of the 5677  
board, hire an executive director to assist the county council 5678  
in administering its powers and duties. The executive director 5679  
shall serve in the unclassified civil service at the pleasure of 5680  
the executive committee. The executive director may, with the 5681

approval of the executive committee, hire other employees as 5682  
necessary to properly conduct the county council's business. 5683

(iii) The board may require the executive committee to 5684  
submit an annual budget to the board for approval and may amend 5685  
or repeal the resolution that delegated to the executive 5686  
committee its authority as the county council's administrative 5687  
agent. 5688

~~(6)~~(8) Two or more county councils may enter into an 5689  
agreement to administer their county councils jointly by 5690  
creating a regional family and children first council. A 5691  
regional council possesses the same duties and authority 5692  
possessed by a county council, except that the duties and 5693  
authority apply regionally rather than to individual counties. 5694  
Prior to entering into an agreement to create a regional 5695  
council, the members of each county council to be part of the 5696  
regional council shall meet to determine whether all or part of 5697  
the members of each county council will serve as members of the 5698  
regional council. 5699

~~(7)~~(9) A board of county commissioners may approve a 5700  
resolution by a majority vote of the board's members that 5701  
requires the county council to submit a statement to the board 5702  
each time the council proposes to enter into an agreement, adopt 5703  
a plan, or make a decision, other than a decision pursuant to 5704  
section 121.38 of the Revised Code, that requires the 5705  
expenditure of funds for two or more families. The statement 5706  
shall describe the proposed agreement, plan, or decision. 5707

Not later than fifteen days after the board receives the 5708  
statement, it shall, by resolution approved by a majority of its 5709  
members, approve or disapprove the agreement, plan, or decision. 5710  
Failure of the board to pass a resolution during that time 5711



period shall be considered approval of the agreement, plan, or  
decision.

An agreement, plan, or decision for which a statement is  
required to be submitted to the board shall be implemented only  
if it is approved by the board.

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

Each mechanism shall include all of the following:

(1) A procedure for an agency, including a juvenile court,  
or a family voluntarily seeking service coordination, to refer  
the child and family to the county council for service

coordination in accordance with the mechanism; 5742

(2) A procedure ensuring that a family and all appropriate 5743  
staff from involved agencies, including a representative from 5744  
the appropriate school district, are notified of and invited to 5745  
participate in all family service coordination plan meetings; 5746

(3) A procedure that permits a family to initiate a 5747  
meeting to develop or review the family's service coordination 5748  
plan and allows the family to invite a family advocate, mentor, 5749  
or support person of the family's choice to participate in any 5750  
such meeting; 5751

(4) A procedure for ensuring that a family service 5752  
coordination plan meeting is conducted for each child who 5753  
receives service coordination under the mechanism and for whom 5754  
an emergency out-of-home placement has been made or for whom a 5755  
nonemergency out-of-home placement is being considered. The 5756  
meeting shall be conducted within ten days of an emergency out- 5757  
of-home placement. The meeting shall be conducted before a 5758  
nonemergency out-of-home placement. The family service 5759  
coordination plan shall outline how the county council members 5760  
will jointly pay for services, where applicable, and provide 5761  
services in the least restrictive environment. 5762

(5) A procedure for monitoring the progress and tracking 5763  
the outcomes of each service coordination plan requested in the 5764  
county including monitoring and tracking children in out-of-home 5765  
placements to assure continued progress, appropriateness of 5766  
placement, and continuity of care after discharge from placement 5767  
with appropriate arrangements for housing, treatment, and 5768  
education; 5769

(6) A procedure for protecting the confidentiality of all 5770

personal family information disclosed during service 5771  
coordination meetings or contained in the comprehensive family 5772  
service coordination plan; 5773

(7) A procedure for assessing the needs and strengths of 5774  
any child or family that has been referred to the council for 5775  
service coordination, including a child whose parent or 5776  
custodian is voluntarily seeking services, and for ensuring that 5777  
parents and custodians are afforded the opportunity to 5778  
participate; 5779

(8) A procedure for development of a family service 5780  
coordination plan described in division (D) of this section; 5781

(9) A local dispute resolution process to serve as the 5782  
process that must be used first to resolve disputes among the 5783  
agencies represented on the county council concerning the 5784  
provision of services to children, including children who are 5785  
abused, neglected, dependent, unruly, alleged unruly, or 5786  
delinquent children and under the jurisdiction of the juvenile 5787  
court and children whose parents or custodians are voluntarily 5788  
seeking services. The local dispute resolution process shall 5789  
comply with sections 121.38, 121.381, and 121.382 of the Revised 5790  
Code. The local dispute resolution process shall be used to 5791  
resolve disputes between a child's parents or custodians and the 5792  
county council regarding service coordination. The county 5793  
council shall inform the parents or custodians of their right to 5794  
use the dispute resolution process. Parents or custodians shall 5795  
use existing local agency grievance procedures to address 5796  
disputes not involving service coordination. The dispute 5797  
resolution process is in addition to and does not replace other 5798  
rights or procedures that parents or custodians may have under 5799  
other sections of the Revised Code. 5800

The cabinet council shall adopt rules in accordance with 5801  
Chapter 119. of the Revised Code establishing an administrative 5802  
review process to address problems that arise concerning the 5803  
operation of a local dispute resolution process. 5804

Nothing in division (C) (4) of this section shall be 5805  
interpreted as overriding or affecting decisions of a juvenile 5806  
court or public children services agency regarding an out-of- 5807  
home placement, long-term placement, or emergency out-of-home 5808  
placement. 5809

(D) Each county shall develop a family service 5810  
coordination plan that does all of the following: 5811

(1) Designates service responsibilities among the various 5812  
state and local agencies that provide services to children and 5813  
their families, including children who are abused, neglected, 5814  
dependent, unruly, or delinquent children and under the 5815  
jurisdiction of the juvenile court and children whose parents or 5816  
custodians are voluntarily seeking services; 5817

(2) Designates an individual, approved by the family, to 5818  
track the progress of the family service coordination plan, 5819  
schedule reviews as necessary, and facilitate the family service 5820  
coordination plan meeting process; 5821

(3) Ensures that assistance and services to be provided 5822  
are responsive to the strengths and needs of the family, as well 5823  
as the family's culture, race, and ethnic group, by allowing the 5824  
family to offer information and suggestions and participate in 5825  
decisions. Identified assistance and services shall be provided 5826  
in the least restrictive environment possible. 5827

(4) Includes a process for dealing with a child who is 5828  
alleged to be an unruly child. The process shall include methods 5829

to divert the child from the juvenile court system; 5830

(5) Includes timelines for completion of goals specified 5831  
in the plan with regular reviews scheduled to monitor progress 5832  
toward those goals; 5833

(6) Includes a plan for dealing with short-term crisis 5834  
situations and safety concerns. 5835

(E) (1) The process provided for under division (D) (4) of 5836  
this section may include, but is not limited to, the following: 5837

(a) Designation of the person or agency to conduct the 5838  
assessment of the child and the child's family as described in 5839  
division (C) (7) of this section and designation of the 5840  
instrument or instruments to be used to conduct the assessment; 5841

(b) An emphasis on the personal responsibilities of the 5842  
child and the parental responsibilities of the parents, 5843  
guardian, or custodian of the child; 5844

(c) Involvement of local law enforcement agencies and 5845  
officials. 5846

(2) The method to divert a child from the juvenile court 5847  
system that must be included in the service coordination process 5848  
may include, but is not limited to, the following: 5849

(a) The preparation of a complaint under section 2151.27 5850  
of the Revised Code alleging that the child is an unruly child 5851  
and notifying the child and the parents, guardian, or custodian 5852  
that the complaint has been prepared to encourage the child and 5853  
the parents, guardian, or custodian to comply with other methods 5854  
to divert the child from the juvenile court system; 5855

(b) Conducting a meeting with the child, the parents, 5856  
guardian, or custodian, and other interested parties to 5857

determine the appropriate methods to divert the child from the juvenile court system; 5858  
5859

(c) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation involving a confrontation between the child and the parents, guardian, or custodian; 5860  
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(d) A program to provide a mentor to the child or the parents, guardian, or custodian; 5864  
5865

(e) A program to provide parenting education to the parents, guardian, or custodian; 5866  
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(f) An alternative school program for children who are truant from school, repeatedly disruptive in school, or suspended or expelled from school; 5868  
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(g) Other appropriate measures, including, but not limited to, any alternative methods to divert a child from the juvenile court system that are identified by the Ohio family and children first cabinet council. 5871  
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(F) Each county may review and revise the service coordination process described in division (D) of this section based on the availability of funds under Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, or to the extent resources are available from any other federal, state, or local funds. 5875  
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(G) As used in this section, "early intervention service coordinator" means a person who holds an early intervention service coordinator credential or an early intervention service coordination supervisor credential issued by the department of ~~developmental disabilities~~ children and youth and who assists and enables an infant or toddler with a developmental delay or 5881  
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disability and the child's family to receive the services and 5887  
rights, including procedural safeguards, required under part C 5888  
of the "Individuals with Disabilities Education Act of 2004," 20 5889  
U.S.C. 1400, as amended. 5890

**Sec. 121.93.** (A) Except as provided in division (E) of 5891  
this section, an agency shall review its operations to identify 5892  
principles of law or policy that have not been stated in a rule 5893  
and that the agency is relying upon in conducting adjudications 5894  
or other determinations of rights and liabilities or in issuing 5895  
writings and other materials, such as instructions, directives, 5896  
policy statements, guidelines, handbooks, manuals, advisories, 5897  
notices, circulars, advertisements, forms, letters, and 5898  
opinions. An agency is not required to identify principles of 5899  
law or policy relied upon in issuing internal management rules 5900  
as defined in section 111.15 of the Revised Code. The agency 5901  
shall complete at least one of the reviews during a governor's 5902  
term. 5903

Within six months after the expiration of a governor's 5904  
term, the agency electronically shall transmit a report to the 5905  
joint committee on agency rule review containing the following: 5906

(1) A statement that the agency has completed one or more 5907  
of the reviews, specifying the exact number of reviews completed 5908  
during the governor's expired term; 5909

(2) The principles of law or policies identified under 5910  
this division; 5911

(3) The agency's considerations regarding the identified 5912  
principles of law or policies under division (B) of this 5913  
section; 5914

(4) Any principles of law or policies for which the agency 5915

determines rulemaking is indicated or for which the agency has 5916  
commenced the rule-making process under division (C) of this 5917  
section. 5918

The joint committee on agency rule review shall make the 5919  
reports available on its web site. 5920

(B) The agency shall determine whether a principle of law 5921  
or policy thus identified has a general and uniform operation 5922  
and establishes a legal regulation or standard that would not 5923  
exist in its absence. If the principle of law or policy has 5924  
these characteristics, the agency shall determine whether the 5925  
principle of law or policy should be supplanted by its 5926  
restatement in a rule to achieve one or more of the following as 5927  
they are relevant to the principle of law or policy: 5928

(1) Assert the general and uniform operation of the 5929  
principle of law or policy; 5930

(2) Make the principle of law or policy more readily 5931  
available to the public; 5932

(3) Make the principle of law or policy more readily 5933  
available to persons who specifically are affected by the 5934  
principle of law or policy; 5935

(4) Enable the principle of law or policy to be better 5936  
known in advance of its application; 5937

(5) Enable greater public participation in improvement and 5938  
further development of the principle of law or policy; 5939

(6) Enable greater participation by persons specifically 5940  
affected by the principle of law or policy in the improvement 5941  
and further development of the principle of law or policy; 5942

(7) Make the principle of law or policy more easily 5943



understandable; or 5944

(8) Make the principle of law or policy more readily 5945  
available to those legally charged with monitoring or reviewing 5946  
the agency's operations. 5947

If a principle of law or policy aids in the interpretation 5948  
of an existing rule or statute, the agency shall consider 5949  
whether the aiding effect clarifies or otherwise resolves an 5950  
uncertainty in the existing rule or statute. If the principle of 5951  
law or policy can be so characterized, the agency shall consider 5952  
whether the principle of law or policy should be supplanted by 5953  
its restatement in an interpretive rule. The agency may not 5954  
presume that a principle of law or policy that aids in the 5955  
interpretation of an existing rule or statute is simply a 5956  
reiteration of the existing rule or statute. 5957

(C) If the agency determines, in light of the foregoing 5958  
standards, that rulemaking is indicated, the agency shall 5959  
commence the rule-making process as soon as it is reasonably 5960  
feasible to do so, but not later than the date that is ~~six~~three 5961  
months after the determination was made. The principle of law or 5962  
policy as it is restated in a rule does not need to be wholly 5963  
congruent with the supplanted principle of law or policy. The 5964  
agency lawfully may improve or develop further the supplanted 5965  
principle of law or policy as it is restated in a rule. 5966

The agency may continue to rely upon the principle of law 5967  
or policy, but only while it is complying with the preceding 5968  
paragraph. The agency may not rely upon the principle of law or 5969  
policy in advising with regard to or in determining the rights 5970  
or liabilities of a person if ~~the~~any of the following apply: 5971

(1) The agency fails to commence the rule-making process 5972

by the deadline specified in the preceding paragraph,~~or if,~~  
~~after~~\_. 5973  
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(2) After commencing the rule-making process, the agency 5975  
neglects or abandons the rule-making process before it is 5976  
completed. 5977

(3) The agency fails to file a rule for which rulemaking 5978  
is indicated under this section in final form within one year of 5979  
the agency making a determination under this section. 5980

(4) After filing a proposed rule and rule summary and 5981  
fiscal analysis with the joint committee, the agency notifies 5982  
the joint committee of the agency's intention to file a revised 5983  
proposed rule as described in division (B) of section 106.02 of 5984  
the Revised Code. 5985

(D) A principle of law or policy that is relied upon 5986  
directly or by clear implication from a statute applying to the 5987  
agency does not need to be supplanted by rule. 5988

(E) This section does not apply to an agency, commission, 5989  
or committee created in the legislative branch of government or 5990  
to serve the general assembly including, but not limited to, all 5991  
of the following: 5992

(1) The joint legislative ethics committee; 5993

(2) The joint medicaid oversight committee; 5994

(3) The correctional institution inspection committee; 5995

(4) The legislative service commission; 5996

(5) The legislative information services; 5997

(6) The capitol square review and advisory board. 5998

**Sec. 121.931.** (A) A person may petition an agency in 5999

writing to restate a principle of law or policy in a rule if (1) 6000  
the person was a party to an adjudication or other determination 6001  
before an agency that has resulted in an order or other 6002  
disposition or was a party to a civil action in which judgment 6003  
has been entered, and (2) the adjudication or other 6004  
determination, or the civil action, involved a principle of law 6005  
or policy relied upon by the agency that, under section 121.93 6006  
of the Revised Code, should have been supplanted by its 6007  
restatement in a rule but has not been so supplanted. The 6008  
petition shall briefly explain why the principle of law or 6009  
policy should, under section 121.93 of the Revised Code, be 6010  
supplanted by its restatement in a rule. The person shall send 6011  
the petition to the agency not later than the ninetieth day 6012  
after the order or other disposition was issued or the judgment 6013  
was entered. The person also shall send a copy of the petition 6014  
to the joint committee on agency rule review. 6015

(B) The agency, not later than the thirtieth day after 6016  
receiving a timely petition, shall consider the petition in 6017  
light of section 121.93 of the Revised Code, and shall notify 6018  
the petitioner in writing, by certified mail, return receipt 6019  
requested, whether it grants or intends to deny the petition. 6020

(1) If the agency grants the petition, it shall commence 6021  
the rule-making process as soon as it is reasonably feasible to 6022  
do so, but not later than the date that is ~~six~~three months 6023  
after the petition was granted. The principle of law or policy 6024  
as it is restated in a rule does not need to be wholly congruent 6025  
with the supplanted principle of law or policy. The agency 6026  
lawfully may improve or develop further the supplanted principle 6027  
of law or policy. 6028

The agency may continue to rely upon the principle of law 6029

or policy, but only while it is complying with the preceding 6030  
paragraph. The agency may not rely upon the principle of law or 6031  
policy in advising with regard to or in determining the rights 6032  
or liabilities of a person if ~~the~~ any of the following apply: 6033

(a) The agency fails to commence the rule-making process 6034  
by the deadline specified in the preceding paragraph, ~~or if,~~ 6035  
~~after.~~ 6036

(b) After commencing the rule-making process, the agency 6037  
neglects or abandons the rule-making process before it is 6038  
completed. 6039

(c) The agency fails to file a rule for which rulemaking 6040  
is required under this section in final form within one year of 6041  
the agency granting a petition under this division. 6042

(d) After filing a proposed rule and rule summary and 6043  
fiscal analysis with the joint committee, the agency notifies 6044  
the joint committee of the agency's intention to file a revised 6045  
proposed rule as described in division (B) of section 106.02 of 6046  
the Revised Code. 6047

(2) If the agency intends to deny the petition, it shall 6048  
send the petitioner a notice affording the petitioner an 6049  
opportunity for a hearing on the petition and briefly explaining 6050  
why the agency intends to deny the petition. If the petitioner 6051  
does not in writing request a hearing within fifteen days after 6052  
receiving the notice, the agency shall deny the petition and 6053  
notify the petitioner in writing. If the petitioner responds in 6054  
writing within the fifteen-day period requesting a hearing, the 6055  
agency, by certified mail, return receipt requested, promptly 6056  
shall notify the petitioner of the time and place for the 6057  
hearing, which shall be not earlier than the thirtieth day after 6058

the notice was sent to the petitioner. 6059

(C) At the hearing, the agency shall explain why, 6060  
notwithstanding section 121.93 of the Revised Code, it intends 6061  
to deny the petition, and the petitioner shall explain why under 6062  
that section the petitioner believes the agency's intention to 6063  
be erroneous. The hearing shall be informal. The petitioner may 6064  
be assisted by counsel at the hearing. 6065

(D) Not later than the thirtieth day after the hearing 6066  
concludes, the agency shall grant or deny the petition. 6067

(1) If the agency grants the petition, it shall commence 6068  
the rule-making process as soon as it is reasonably feasible to 6069  
do so, but not later than the date that is ~~six~~ three months 6070  
after the determination was made. The principle of law or policy 6071  
as it is restated in a rule does not need to be wholly congruent 6072  
with the supplanted principle of law or policy. The agency 6073  
lawfully may improve or develop further the supplanted principle 6074  
of law or policy as it is restated in a rule. 6075

The agency may continue to rely upon the principle of law 6076  
or policy, but only while it is complying with the preceding 6077  
paragraph. The agency may not rely upon the principle of law or 6078  
policy in advising with regard to or in determining the rights 6079  
or liabilities of a person if ~~the~~ any of the following apply: 6080

(a) The agency fails to commence the rule-making process 6081  
by the deadline specified in the preceding paragraph, ~~or if,~~ 6082  
~~after~~ . 6083

(b) After commencing the rule-making process, the agency 6084  
neglects or abandons the rule-making process before it is 6085  
completed. 6086

(c) The agency fails to file a rule for which rulemaking 6087

is required under this section in final form within one year of 6088  
the agency granting a petition under this division. 6089

(d) After filing a proposed rule and rule summary and 6090  
fiscal analysis with the joint committee, the agency notifies 6091  
the joint committee of the agency's intention to file a revised 6092  
proposed rule as described in division (B) of section 106.02 of 6093  
the Revised Code. 6094

(2) If the petitioner failed to appear at the hearing, or 6095  
if the petitioner failed to persuade the agency that its 6096  
intention to deny the petition is erroneous, the agency shall 6097  
deny the petition. 6098

The agency shall send notice in writing to the petitioner 6099  
of the outcome. If the outcome is denial of the petition, the 6100  
notice shall explain briefly why the agency is denying the 6101  
petition. The petitioner is not entitled to appeal the outcome. 6102

**Sec. 122.09.** (A) As used in this section: 6103

(1) "Development costs" means expenditures paid or 6104  
incurred by the property owner in completing a certified 6105  
transformational mixed use development project, including 6106  
architectural or engineering fees paid or incurred in connection 6107  
with the project and expenses incurred before the date the 6108  
project is certified by the tax credit authority under division 6109  
(C) of this section. In the case of a certified transformational 6110  
mixed use development project that is part of a larger 6111  
contiguous project that is planned to be completed in phases, 6112  
"development costs" include only expenditures associated with 6113  
the portion of the project that is certified by the tax credit 6114  
authority and do not include expenditures incurred for other 6115  
phases of the project. 6116

(2) "Owner" means a person or persons holding a fee simple 6117  
or leasehold interest in real property, including interests in 6118  
real property acquired through a capital lease arrangement. 6119  
"Owner" does not include the state or a state agency, or any 6120  
political subdivision as defined in section 9.23 of the Revised 6121  
Code. For the purpose of this division, "fee simple interest," 6122  
"leasehold interest," and "capital lease" shall be construed in 6123  
accordance with generally accepted accounting principles. 6124

(3) "Transformational mixed use development" means a 6125  
project that consists of new construction or the redevelopment, 6126  
rehabilitation, expansion, or other improvement of vacant 6127  
buildings or structures, or a combination of the foregoing, and 6128  
that: 6129

(a) Will have a transformational economic impact on the 6130  
development site and the surrounding area; 6131

(b) Integrates some combination of retail, office, 6132  
residential, recreation, structured parking, and other similar 6133  
uses into one mixed use development; and 6134

(c) Satisfies one of the following criteria: 6135

(i) If the development site is located within ten miles of 6136  
a major city, the project includes at least one new or 6137  
previously vacant building that is fifteen or more stories in 6138  
height or has a floor area of at least three hundred fifty 6139  
thousand square feet, or after completion will be the site of 6140  
employment accounting for at least four million dollars in 6141  
annual payroll, or includes two or more buildings that are 6142  
connected to each other, are located on the same parcel or on 6143  
contiguous parcels, and that collectively have a floor area of 6144  
at least three hundred fifty thousand square feet; 6145

(ii) If the development site is not located within ten 6146  
miles of a major city, the project includes at least one new or 6147  
previously vacant building that is two or more stories in height 6148  
or has a floor area of at least seventy-five thousand square 6149  
feet or two or more new buildings that are located on the same 6150  
parcel or on contiguous parcels and that collectively have a 6151  
floor area of at least seventy-five thousand square feet. 6152

"Transformational mixed use development" may include a 6153  
portion of a larger contiguous project that is planned to be 6154  
completed in phases as long as the phases collectively meet the 6155  
criteria described in division (A) (3) of this section. 6156

(4) "Increase in tax collections" means the difference, if 6157  
positive, of the amount of state and local taxes derived from 6158  
economic activity occurring within the development site and the 6159  
surrounding area during a period of time minus the amount of 6160  
such taxes that are estimated to be derived from such economic 6161  
activity in that site and surrounding area during the same 6162  
period if the transformational mixed use project were not 6163  
completed. 6164

(5) "Completion period" means the time period beginning on 6165  
the day after a transformational mixed use development is 6166  
certified by the tax credit authority and ending on the fifth 6167  
anniversary of the day the project is completed. 6168

(6) "Insurance company" means a person subject to the tax 6169  
imposed under section 5725.18 or 5729.03 of the Revised Code. 6170

(7) "Contribute capital" means to invest, loan, or donate 6171  
cash in exchange for an equity interest in an asset, a debt 6172  
instrument, or no consideration. 6173

(8) "Major city" means a municipal corporation that has a 6174



population greater than one hundred thousand. 6175

(9) "Tax credit authority" means the tax credit authority 6176  
created under section 122.17 of the Revised Code. 6177

(10) "Adjusted development costs" means the development 6178  
costs attributed to a complete transformational mixed use 6179  
development project minus the sum of the capital contributions 6180  
of any insurance companies that are preliminarily approved for a 6181  
tax credit in connection with the same project. 6182

(11) A "property owner's share" of the increase in tax 6183  
collections equals the product obtained by multiplying the total 6184  
increase in tax collections since the date the transformational 6185  
mixed use development project was certified by a fraction, the 6186  
numerator of which is the adjusted development costs and the 6187  
denominator of which is the actual development costs attributed 6188  
to the project. 6189

(12) An "insurance company's share" of the increase in tax 6190  
collections equals the product obtained by multiplying the total 6191  
increase in tax collections since the date the transformational 6192  
mixed use development project was certified by a fraction, the 6193  
numerator of which is the insurance company's capital 6194  
contribution to the project and the denominator of which is the 6195  
actual development costs attributed to the project. 6196

(B) The owner of one or more parcels of land in this state 6197  
within which a transformational mixed use development is planned 6198  
or an insurance company that contributes capital to be used in 6199  
the planning or construction of such a development may apply to 6200  
the tax credit authority for certification of the development 6201  
and preliminary approval of a tax credit. Each application shall 6202  
be filed in the form and manner prescribed by the director of 6203

development and shall, at minimum, include a development plan 6204  
comprised of all of the following information: 6205

(1) The location of the development site and an indication 6206  
of whether it is located within ten miles of a major city; 6207

(2) A detailed description of the proposed 6208  
transformational mixed use development including site plans, 6209  
construction drawings, architectural renderings, or other means 6210  
sufficient to convey the appearance, size, purposes, capacity, 6211  
and scope of the project and, if applicable, previously 6212  
completed and future phases of the project; 6213

(3) A viable financial plan that estimates the development 6214  
costs that have been or will be incurred in the completion of 6215  
the project and that designates a source of financing or a 6216  
strategy for obtaining financing; 6217

(4) An estimated schedule for the progression and 6218  
completion of the project including, if applicable, previously 6219  
completed and future phases of the project; 6220

(5) An assessment of the projected economic impact of the 6221  
project on the development site and the surrounding area; 6222

(6) Evidence that the increase in tax collections during 6223  
the completion period will exceed ten per cent of the estimated 6224  
development costs reported under division (B) (3) of this 6225  
section; 6226

(7) If the applicant is an insurance company that is not 6227  
the property owner, the amount of the insurance company's 6228  
capital contribution to the development and the date on which it 6229  
was or will be made; 6230

(8) Evidence that the project will not be completed unless 6231

the applicant receives the credit. 6232

(C) (1) In determining whether to certify a project that is 6233  
the subject of an application submitted under division (B) of 6234  
this section, the tax credit authority shall consider the 6235  
potential impact of the transformational mixed use development 6236  
on the development site and the surrounding area in terms of 6237  
architecture, accessibility to pedestrians, retail entertainment 6238  
and dining sales, job creation, property values, connectivity, 6239  
and revenue from sales, income, lodging, and property taxes. The 6240  
tax credit authority shall not certify a project unless it 6241  
satisfies the following conditions: 6242

(a) The project qualifies as a transformational mixed use 6243  
development and satisfies all other criteria prescribed by this 6244  
section or by rule of the director of development; 6245

(b) The estimated increase in tax collections during the 6246  
completion period exceeds ten per cent of the estimated 6247  
development costs for the project reported under division (B) (3) 6248  
of this section; 6249

(c) The project will not be completed unless the applicant 6250  
receives the credit; 6251

(d) If the development site is located within ten miles of 6252  
a major city, the estimated development costs to complete the 6253  
project plus, if applicable, the estimated expenditures that 6254  
have been or will be incurred to complete all other contiguous 6255  
phases of the project, exceed fifty million dollars. 6256

In making its determination of whether or not to approve 6257  
an application, the tax credit authority may conduct an 6258  
interview of the applicant. 6259

(2) If the tax credit authority approves an application, 6260

the authority shall issue a statement certifying the associated 6261  
transformational mixed use development project and preliminarily 6262  
approving a tax credit. The statement shall stipulate that 6263  
receipt of a tax credit certificate is contingent upon 6264  
completion of the transformational mixed use development as 6265  
described in the development plan. The statement shall specify 6266  
the estimated amount of the tax credit, but state that the 6267  
amount of the credit is dependent upon determination of the 6268  
actual development costs attributed to the project and, unless 6269  
the tax credit authority grants a request by the property owner 6270  
under division (F) of this section, of the increase in tax 6271  
collections during the completion period. 6272

(3) Except as otherwise provided in this division, if the 6273  
applicant is an insurance company that is not the property 6274  
owner, the estimated amount of the tax credit shall equal ten 6275  
per cent of the insurance company's capital contribution to the 6276  
project as reported in the development plan pursuant to division 6277  
(B) (7) of this section. Except as otherwise provided in this 6278  
division, if the applicant is the property owner, the estimated 6279  
amount of the tax credit shall equal ten per cent of the 6280  
estimated development costs for the project as reported in the 6281  
development plan pursuant to division (B) (3) of this section 6282  
minus any estimated credit amounts that have been preliminarily 6283  
approved for insurance companies contributing capital to the 6284  
project. The estimated credit amounts may be reduced by the tax 6285  
credit authority as a condition of certifying the project if 6286  
such a reduction is necessary to comply with the limitations on 6287  
the amount of credits that may be preliminarily approved as 6288  
prescribed by division (C) (5) of this section. The estimated 6289  
credit amounts shall not be adjusted after the statement 6290  
described in division (C) (2) of this section has been issued. 6291

(4) If the tax credit authority denies an application, the authority shall notify the applicant of the reason or reasons for such determination. The authority's determination is final, but an applicant may revise and resubmit a previously denied application.

~~(5) (a) The tax credit authority shall not certify any transformational mixed use development projects after June 30, 2025.~~

~~(b)~~ The tax credit authority may not preliminarily approve more than one hundred million dollars of estimated tax credits in each of fiscal years 2022, 2023, 2024, and 2025 any fiscal year.

~~(e)~~ (b) Not more than eighty million dollars of estimated tax credits in each such fiscal year may be preliminarily approved in connection with projects that are located within ten miles of a major city.

~~(d)~~ (c) Not more than forty million dollars of estimated tax credits may be preliminarily approved in connection with the same transformational mixed use development project.

(6) If the dollar amount of tax credits applied for under division (B) of this section in connection with projects that are located within ten miles of a major city exceeds eighty million dollars for a fiscal year, the tax credit authority shall rank those applications and certify the associated projects in order, starting with the project that presents the best combination of economic value and transformational impact. If the dollar amount of tax credits applied for in connection with projects not located within ten miles of a major city exceeds twenty million dollars for a fiscal year, the tax credit

authority shall rank those applications and certify the 6321  
associated projects in order, starting with the project that 6322  
presents the best combination of economic value and 6323  
transformational impact. In either case, the authority shall 6324  
consider the following factors in ranking the applications: 6325

(a) The projected increase in tax collections during the 6326  
completion period as a percentage of the total amount of 6327  
estimated tax credits that would be preliminarily approved in 6328  
connection with the project; 6329

(b) The economic impact of the project on the development 6330  
site and the surrounding area and the impact of the project in 6331  
terms of architecture, accessibility to pedestrians, retail 6332  
entertainment and dining sales, job creation, property values, 6333  
and connectivity; 6334

(c) The expeditiousness of the schedule for completing the 6335  
project, realizing the increase in tax collections, and 6336  
attaining the economic and other impacts on the development site 6337  
and the surrounding area. 6338

(D) Within twelve months of the date a project is 6339  
certified, the property owner shall provide the tax credit 6340  
authority with an updated schedule for the progression and 6341  
completion of the project and documentation sufficient to 6342  
demonstrate that construction of the project has begun. If the 6343  
property owner does not provide the schedule and documentation 6344  
or if construction of the project has not begun within the time 6345  
prescribed by this division, the tax credit authority shall 6346  
rescind certification of the project and send notice of the 6347  
rescission to the property owner and each insurance company that 6348  
is preliminarily approved for a tax credit in connection with 6349  
the project. A property owner that receives notice of rescission 6350

may submit a new application concerning the same project under 6351  
division (B) of this section. 6352

(E) An applicant that is the property owner and is 6353  
preliminarily approved for a tax credit under this section may 6354  
sell or transfer the rights to that credit to one or more 6355  
persons for the purpose of raising capital for the certified 6356  
project. The applicant shall notify the tax credit authority 6357  
upon selling or transferring the rights to the credit. The 6358  
notice shall identify the person or persons to which the credit 6359  
was sold or transferred and the credit amount sold or 6360  
transferred to each such person. Only an applicant that owns the 6361  
property may sell or transfer a credit under this division. A 6362  
credit may be divided among multiple purchasers through more 6363  
than one transaction but once a particular credit amount is 6364  
acquired by a person other than the applicant it may not be sold 6365  
or transferred again. 6366

(F) After a transformational mixed use development project 6367  
is certified and before it is completed, the property owner may 6368  
request that the value of the tax credit certificates awarded in 6369  
connection with the project be computed using the alternative 6370  
method described in division (I) of this section. The tax credit 6371  
authority shall grant the request if the authority determines, 6372  
and a third party engaged by the authority at the expense of the 6373  
property owner affirms, that it is reasonably certain that the 6374  
increase in tax collections will exceed ten per cent of the 6375  
estimated development costs within one year after the project is 6376  
completed. Otherwise, the authority shall deny the request and 6377  
the amount of each credit awarded in connection with the project 6378  
shall be computed under division (H) of this section. The 6379  
authority's determination under this division shall be delivered 6380  
in writing and is final and not appealable. 6381

(G) (1) The property owner shall notify the tax credit authority upon completion of a certified transformational mixed use development project. The notification shall include a report prepared by a third-party certified public accountant that contains a detailed accounting of the actual development costs attributed to the project.

(2) Upon receiving such a notice, unless the tax credit authority has previously granted a request by the property owner under division (F) of this section, the authority shall determine the increase in tax collections since the date the project was certified by consulting with the tax commissioner and with the tax administrator of any municipal corporation that levies an income tax within the project site and the surrounding area. The tax commissioner and the tax administrators that are consulted pursuant to this division shall provide the tax credit authority with any information that is necessary to determine the increase in tax collections.

(3) After determining the increase in tax collections under division (G) (2) of this section, if required, and computing the value of the tax credit under division (H) or (I) of this section, as applicable, the tax credit authority shall issue a tax credit certificate to each applicant that is preliminarily approved for a credit associated with the project or to the person or persons to which such an applicant sold or transferred the rights to the credit under division (E) of this section. If the amount of the tax credit awarded to the property owner is less than the credit amount estimated under division (C) of this section and the property owner sold or transferred the rights to the credit, the tax credit authority shall reduce the amount of each tax credit certificate issued to each purchaser or recipient on a pro rata basis unless the property



owner requests an alternative allocation of the credit. 6413

(H) (1) Unless the tax credit authority granted a request 6414  
by the property owner under division (F) of this section, the 6415  
aggregate value of the tax credit certificates issued under 6416  
division (G) of this section to the property owner and to any 6417  
persons to whom the property owner sold or transferred the 6418  
rights to the credit shall equal the lesser of the following: 6419

(a) Ten per cent of the adjusted development costs; 6420

(b) Five per cent of the adjusted development costs plus 6421  
any amount by which the property owner's share of the increase 6422  
in tax collections since the date the project was certified 6423  
exceeds five per cent of the adjusted development costs; 6424

(c) The estimated credit amount specified in the tax 6425  
credit authority's statement certifying the project and 6426  
preliminarily approving the tax credit under division (C) of 6427  
this section. 6428

(2) The value of a tax credit certificate issued under 6429  
division (G) of this section to an insurance company that 6430  
contributed capital to the project shall equal the lesser of the 6431  
following: 6432

(a) Ten per cent of the insurance company's actual capital 6433  
contribution; 6434

(b) Five per cent of such capital contribution plus any 6435  
amount by which the insurance company's share of the increase in 6436  
tax collections since the date the project was certified exceeds 6437  
five per cent of the insurance company's capital contribution; 6438

(c) The estimated credit amount specified in the tax 6439  
credit authority's statement certifying the project and 6440

preliminarily approving the tax credit under division (C) of 6441  
this section. 6442

(I) If the tax credit authority granted a request by the 6443  
property owner under division (F) of this section, the value of 6444  
the tax credit certificates issued in connection with the 6445  
transformational mixed use development project shall be computed 6446  
as follows: 6447

(1) For the property owner or any person to which the 6448  
property owner sold or transferred the rights to the credit, ten 6449  
per cent of the actual development costs attributed to the 6450  
project. If the amount of the credit is less than the credit 6451  
amount estimated under division (C) of this section and the 6452  
property owner sold or transferred the rights to the credit to 6453  
more than one person, the authority shall reduce the amount of 6454  
each tax credit certificate on a pro rata basis unless the 6455  
property owner requests an alternative allocation of the credit. 6456

(2) For an insurance company that contributed capital to 6457  
the project, ten per cent of the insurance company's actual 6458  
capital contribution. 6459

(J) If the value of a tax credit certificate was computed 6460  
under division (H) of this section for a project, the property 6461  
owner, on or before the thirtieth day following the first, 6462  
second, third, fourth, and fifth anniversaries of the date the 6463  
certified transformational mixed use development project is 6464  
completed, may request in writing that the tax credit authority 6465  
update the increase in tax collections during the completion 6466  
period. Upon receiving such a request, the tax credit authority 6467  
shall update the increase in tax collections in the same manner 6468  
described by division (G) of this section. If the tax credit 6469  
authority determines that the value of the tax credit 6470

certificates computed under division (H) of this section would 6471  
be greater if computed based on the updated increase in tax 6472  
collections, the authority shall issue an additional tax credit 6473  
certificate to each person that previously received a 6474  
certificate for the project under those divisions. The value of 6475  
each additional tax credit certificate shall equal the amount by 6476  
which the tax credit certificate computed under division (H) of 6477  
this section upon completion of the project would have been 6478  
greater had the value of such certificate been computed based on 6479  
the updated increase in tax collections, less the value of any 6480  
additional tax credit certificates previously issued under this 6481  
division to the same person respecting the same project. 6482

(K) The aggregate value of all tax credit certificates 6483  
issued under this section for the same transformational mixed 6484  
use development project shall not exceed (1) ten per cent of the 6485  
actual development costs of that project or (2) the sum of all 6486  
estimated credit amounts preliminarily approved by the tax 6487  
credit authority in connection with the project. 6488

(L) Issuance of a tax credit certificate under this 6489  
section does not represent a verification or certification by 6490  
the tax credit authority of the actual development costs of the 6491  
project or the capital contributions to the project by an 6492  
insurance company. Such amounts are subject to inspection and 6493  
examination by the superintendent of insurance. 6494

(M) Upon the issuance of a tax credit certificate under 6495  
division (G) or (J) of this section, the tax credit authority 6496  
shall certify to the superintendent of insurance (1) the name of 6497  
each person that was issued a tax credit certificate, (2) 6498  
whether the person is the property owner, an insurance company 6499  
that contributed capital to the development, or a person that 6500

acquired the rights to the tax credit certificate from the 6501  
property owner, (3) the credit amount shown on each tax credit 6502  
certificate, and (4) any other information required by the rules 6503  
adopted under this section. A person that holds the rights to a 6504  
tax credit certificate issued under this section and that is an 6505  
insurance company may claim a tax credit under section 5725.35 6506  
or 5729.18 of the Revised Code. 6507

(N) The tax credit authority shall publish information 6508  
about each transformational mixed use development on the web 6509  
site of the department of development not later than the first 6510  
day of August following certification of the project. The tax 6511  
credit authority shall update the published information annually 6512  
until the project is complete and the credit or credits are 6513  
fully claimed. The published information shall include all of 6514  
the following: 6515

(1) The location of the transformational mixed use 6516  
development and the name by which it is known; 6517

(2) The estimated schedule for progression and completion 6518  
of the project included in the development plan pursuant to 6519  
division (B) (4) of this section; 6520

(3) The assessment of the projected economic impact of the 6521  
project included in the development plan pursuant to division 6522  
(B) (5) of this section; 6523

(4) The evidence supporting the estimated increase in tax 6524  
collections included in the development plan pursuant to 6525  
division (B) (6) of this section, except that the tax credit 6526  
authority may omit any proprietary or sensitive information 6527  
included in such evidence; 6528

(5) The estimated development costs that have been or will 6529

be incurred in completion of the project and, if applicable, the amount of the insurance company's capital contribution to the development and the date on which it was made, as reported in the development plan pursuant to divisions (B) (3) and (7) of this section;

(6) A copy of each report submitted to the tax credit authority by the applicant under division (D) of this section.

(O) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules that establish all of the following:

(1) Forms and procedures by which applicants may apply for a transformational investment tax credit, and any deadlines for applying;

(2) Criteria and procedures for reviewing, evaluating, ranking, and approving applications within the limitations prescribed by this section, including rules prescribing the timing and frequency by which the tax credit authority must rank applications and preliminarily approve tax credits under division (C) of this section;

(3) Eligibility requirements for obtaining a tax credit certificate under this section;

(4) The form of the tax credit certificate;

(5) Reporting requirements and monitoring procedures;

(6) Procedures for computing the increase in tax collections within the project site and the surrounding area;

(7) Forms and procedures by which property owners may request the alternative method of computing the value of tax credit certificates under division (I) of this section that are

awarded in connection with a project and criteria for evaluating 6558  
and making a determination on such requests; 6559

(8) Any other rules necessary to implement and administer 6560  
this section. 6561

**Sec. 122.14.** (A) As used in this section, "professional 6562  
sports facility" has the same meaning as in section 5516.01 of 6563  
the Revised Code. 6564

(B) There is hereby created in the state treasury the 6565  
roadwork development fund. The fund shall consist of the 6566  
investment earnings of the security deposit fund created by 6567  
section 4509.27 of the Revised Code and revenue transferred to 6568  
it by the director of budget and management from the highway 6569  
operating fund created in section 5735.051 of the Revised Code. 6570  
The fund shall be used by the department of development services 6571  
agency in accordance with Section 5a of Article XII, Ohio 6572  
Constitution, to make road improvements associated with 6573  
retaining or attracting business for this state, including both 6574  
of the following: 6575

(1) Construction, reconstruction, maintenance, or repair 6576  
of public roads that provide access to a public airport or are 6577  
located within a public airport; 6578

(2) Construction, reconstruction, maintenance, or repair 6579  
of public roads and the associated improvements that provide or 6580  
improve access to tourism attractions or professional sports 6581  
facilities. 6582

~~(B)~~ (C) Tourism attractions or professional sports 6583  
facilities may use funds received from the development services 6584  
agency, in accordance with this section, to make improvements 6585  
associated with the retail and residential components of the 6586

total development of which they are a part. 6587

(D) All investment earnings of the fund shall be credited 6588  
to the fund. 6589

**Sec. 122.175.** (A) As used in this section: 6590

(1) "Capital investment project" means a plan of 6591  
investment at a project site for the acquisition, construction, 6592  
renovation, expansion, replacement, or repair of a computer data 6593  
center or of computer data center equipment, but does not 6594  
include any of the following: 6595

(a) Project costs paid before a date determined by the tax 6596  
credit authority for each capital investment project; 6597

(b) Payments made to a related member as defined in 6598  
section 5733.042 of the Revised Code or to a consolidated 6599  
elected taxpayer or a combined taxpayer as defined in section 6600  
5751.01 of the Revised Code. 6601

(2) "Computer data center" means a facility used or to be 6602  
used primarily to house computer data center equipment used or 6603  
to be used in conducting one or more computer data center 6604  
businesses, as determined by the tax credit authority. 6605

(3) "Computer data center business" means, as may be 6606  
further determined by the tax credit authority, a business that 6607  
provides electronic information services as defined in division 6608  
(Y) (1) (c) of section 5739.01 of the Revised Code, or that leases 6609  
a facility to one or more such businesses. "Computer data center 6610  
business" does not include providing electronic publishing as 6611  
defined in that section. 6612

(4) "Computer data center equipment" means tangible 6613  
personal property used or to be used for any of the following: 6614

(a) To conduct a computer data center business, including 6615  
equipment cooling systems to manage the performance of computer 6616  
data center equipment; 6617

(b) To generate, transform, transmit, distribute, or 6618  
manage electricity necessary to operate the tangible personal 6619  
property used or to be used in conducting a computer data center 6620  
business; 6621

(c) As building and construction materials sold to 6622  
construction contractors for incorporation into a computer data 6623  
center. 6624

(5) "Eligible computer data center" means a computer data 6625  
center that satisfies all of the following requirements: 6626

(a) One or more taxpayers operating a computer data center 6627  
business at the project site will, in the aggregate, make 6628  
payments for a capital investment project of at least one 6629  
hundred million dollars at the project site during one of the 6630  
following cumulative periods: 6631

(i) For projects beginning in 2013, six consecutive 6632  
calendar years; 6633

(ii) For projects beginning in 2014, four consecutive 6634  
calendar years; 6635

(iii) For projects beginning in or after 2015, three 6636  
consecutive calendar years. 6637

(b) One or more taxpayers operating a computer data center 6638  
business at the project site will, in the aggregate, pay annual 6639  
compensation that is subject to the withholding obligation 6640  
imposed under section 5747.06 of the Revised Code of at least 6641  
one million five hundred thousand dollars to employees employed 6642



at the project site for each year of the agreement beginning on 6643  
or after the first day of the twenty-fifth month after the 6644  
agreement was entered into under this section. 6645

(6) "Person" has the same meaning as in section 5701.01 of 6646  
the Revised Code. 6647

(7) "Project site," "related member," and "tax credit 6648  
authority" have the same meanings as in sections 122.17 and 6649  
122.171 of the Revised Code. 6650

(8) "Taxpayer" means any person subject to the taxes 6651  
imposed under Chapters 5739. and 5741. of the Revised Code. 6652

(B) The tax credit authority may completely or partially 6653  
exempt from the taxes levied under Chapters 5739. and 5741. of 6654  
the Revised Code the sale, storage, use, or other consumption of 6655  
computer data center equipment used or to be used at an eligible 6656  
computer data center. Any such exemption shall extend to charges 6657  
for the delivery, installation, or repair of the computer data 6658  
center equipment subject to the exemption under this section. 6659

(C) A taxpayer that proposes a capital improvement project 6660  
for an eligible computer data center in this state may apply to 6661  
the tax credit authority to enter into an agreement under this 6662  
section authorizing a complete or partial exemption from the 6663  
taxes imposed under Chapters 5739. and 5741. of the Revised Code 6664  
on computer data center equipment purchased by the applicant or 6665  
any other taxpayer that operates a computer data center business 6666  
at the project site and used or to be used at the eligible 6667  
computer data center. The director of development ~~services~~ shall 6668  
prescribe the form of the application. After receipt of an 6669  
application, the authority shall forward copies of the 6670  
application to ~~the director of budget and management and the tax~~ 6671

commissioner, ~~each of whom~~ who shall review the application to 6672  
determine the economic impact that the proposed eligible 6673  
computer data center would have on the state and any affected 6674  
political subdivisions and submit to the authority a summary of 6675  
their determinations. The authority shall also forward a copy of 6676  
the application to the director of development ~~services~~ who 6677  
shall review the application to determine the economic impact 6678  
that the proposed eligible computer data center would have on 6679  
the state and the affected political subdivisions and shall 6680  
submit a summary of their determinations and recommendations to 6681  
the authority. 6682

(D) Upon review and consideration of such determinations 6683  
and recommendations, the tax credit authority may enter into an 6684  
agreement with the applicant and any other taxpayer that 6685  
operates a computer data center business at the project site for 6686  
a complete or partial exemption from the taxes imposed under 6687  
Chapters 5739. and 5741. of the Revised Code on computer data 6688  
center equipment used or to be used at an eligible computer data 6689  
center if the authority determines all of the following: 6690

(1) The capital investment project for the eligible 6691  
computer data center will increase payroll and the amount of 6692  
income taxes to be withheld from employee compensation pursuant 6693  
to section 5747.06 of the Revised Code. 6694

(2) The applicant is economically sound and has the 6695  
ability to complete or effect the completion of the proposed 6696  
capital investment project. 6697

(3) The applicant intends to and has the ability to 6698  
maintain operations at the project site for the term of the 6699  
agreement. 6700

(4) Receiving the exemption is a major factor in the 6701  
applicant's decision to begin, continue with, or complete the 6702  
capital investment project. 6703

(E) An agreement entered into under this section shall 6704  
include all of the following: 6705

(1) A detailed description of the capital investment 6706  
project that is the subject of the agreement, including the 6707  
amount of the investment, the period over which the investment 6708  
has been or is being made, the annual compensation to be paid by 6709  
each taxpayer subject to the agreement to its employees at the 6710  
project site, and the anticipated amount of income taxes to be 6711  
withheld from employee compensation pursuant to section 5747.06 6712  
of the Revised Code. 6713

(2) The percentage of the exemption from the taxes imposed 6714  
under Chapters 5739. and 5741. of the Revised Code for the 6715  
computer data center equipment used or to be used at the 6716  
eligible computer data center, the length of time the computer 6717  
data center equipment will be exempted, and the first date on 6718  
which the exemption applies. 6719

(3) A requirement that the computer data center remain an 6720  
eligible computer data center during the term of the agreement 6721  
and that the applicant maintain operations at the eligible 6722  
computer data center during that term. An applicant does not 6723  
violate the requirement described in division (E)(3) of this 6724  
section if the applicant ceases operations at the eligible 6725  
computer data center during the term of the agreement but 6726  
resumes those operations within eighteen months after the date 6727  
of cessation. The agreement shall provide that, in such a case, 6728  
the applicant and any other taxpayer that operates a computer 6729  
data center business at the project site shall not claim the tax 6730

exemption authorized in the agreement for any purchase of 6731  
computer data center equipment made during the period in which 6732  
the applicant did not maintain operations at the eligible 6733  
computer data center. 6734

(4) A requirement that, for each year of the term of the 6735  
agreement beginning on or after the first day of the twenty- 6736  
fifth month after the date the agreement was entered into, one 6737  
or more taxpayers operating a computer data center business at 6738  
the project site will, in the aggregate, pay annual compensation 6739  
that is subject to the withholding obligation imposed under 6740  
section 5747.06 of the Revised Code of at least one million five 6741  
hundred thousand dollars to employees at the eligible computer 6742  
data center. 6743

(5) A requirement that each taxpayer subject to the 6744  
agreement annually report to the director of development 6745  
~~services~~ employment, tax withholding, capital investment, and 6746  
other information required by the director to perform the 6747  
director's duties under this section. 6748

(6) A requirement that the director of development 6749  
~~services~~ annually review the annual reports of each taxpayer 6750  
subject to the agreement to verify the information reported 6751  
under division (E) (5) of this section and compliance with the 6752  
agreement. Upon verification, the director shall issue a 6753  
certificate to each such taxpayer stating that the information 6754  
has been verified and that the taxpayer remains eligible for the 6755  
exemption specified in the agreement. 6756

(7) A provision providing that the taxpayers subject to 6757  
the agreement may not relocate a substantial number of 6758  
employment positions from elsewhere in this state to the project 6759  
site unless the director of development ~~services~~ determines that 6760

the appropriate taxpayer notified the legislative authority of 6761  
the county, township, or municipal corporation from which the 6762  
employment positions would be relocated. For purposes of this 6763  
paragraph, the movement of an employment position from one 6764  
political subdivision to another political subdivision shall be 6765  
considered a relocation of an employment position unless the 6766  
movement is confined to the project site. The transfer of an 6767  
employment position from one political subdivision to another 6768  
political subdivision shall not be considered a relocation of an 6769  
employment position if the employment position in the first 6770  
political subdivision is replaced by another employment 6771  
position. 6772

(8) A waiver by each taxpayer subject to the agreement of 6773  
any limitations periods relating to assessments or adjustments 6774  
resulting from the taxpayer's failure to comply with the 6775  
agreement. 6776

(F) The term of an agreement under this section shall be 6777  
determined by the tax credit authority, and the amount of the 6778  
exemption shall not exceed one hundred per cent of such taxes 6779  
that would otherwise be owed in respect to the exempted computer 6780  
data center equipment. 6781

(G) If any taxpayer subject to an agreement under this 6782  
section fails to meet or comply with any condition or 6783  
requirement set forth in the agreement, the tax credit authority 6784  
may amend the agreement to reduce the percentage of the 6785  
exemption or term during which the exemption applies to the 6786  
computer data center equipment used or to be used by the 6787  
noncompliant taxpayer at an eligible computer data center. The 6788  
reduction of the percentage or term may take effect in the 6789  
current calendar year. 6790

(H) Financial statements and other information submitted 6791  
to the department of development ~~services~~ or the tax credit 6792  
authority by an applicant for or recipient of an exemption under 6793  
this section, and any information taken for any purpose from 6794  
such statements or information, are not public records subject 6795  
to section 149.43 of the Revised Code. However, the chairperson 6796  
of the authority may make use of the statements and other 6797  
information for purposes of issuing public reports or in 6798  
connection with court proceedings concerning tax exemption 6799  
agreements under this section. Upon the request of the tax 6800  
commissioner, the chairperson of the authority shall provide to 6801  
the tax commissioner any statement or other information 6802  
submitted by an applicant for or recipient of an exemption under 6803  
this section. The tax commissioner shall preserve the 6804  
confidentiality of the statement or other information. 6805

(I) The tax commissioner shall issue a direct payment 6806  
permit under section 5739.031 of the Revised Code to each 6807  
taxpayer subject to an agreement under this section. Such direct 6808  
payment permit shall authorize the taxpayer to pay any sales and 6809  
use taxes due on purchases of computer data center equipment 6810  
used or to be used in an eligible computer data center and to 6811  
pay any sales and use taxes due on purchases of tangible 6812  
personal property or taxable services other than computer data 6813  
center equipment used or to be used in an eligible computer data 6814  
center directly to the tax commissioner. Each such taxpayer 6815  
shall pay pursuant to such direct payment permit all sales tax 6816  
levied on such purchases under sections 5739.02, 5739.021, 6817  
5739.023, and 5739.026 of the Revised Code and all use tax 6818  
levied on such purchases under sections 5741.02, 5741.021, 6819  
5741.022, and 5741.023 of the Revised Code, consistent with the 6820  
terms of the agreement entered into under this section. 6821

During the term of an agreement under this section each 6822  
taxpayer subject to the agreement shall submit to the tax 6823  
commissioner a return that shows the amount of computer data 6824  
center equipment purchased for use at the eligible computer data 6825  
center, the amount of tangible personal property and taxable 6826  
services other than computer data center equipment purchased for 6827  
use at the eligible computer data center, the amount of tax 6828  
under Chapter 5739. or 5741. of the Revised Code that would be 6829  
due in the absence of the agreement under this section, the 6830  
exemption percentage for computer data center equipment 6831  
specified in the agreement, and the amount of tax due under 6832  
Chapter 5739. or 5741. of the Revised Code as a result of the 6833  
agreement under this section. Each such taxpayer shall pay the 6834  
tax shown on the return to be due in the manner and at the times 6835  
as may be further prescribed by the tax commissioner. Each such 6836  
taxpayer shall include a copy of the director of ~~development-~~ 6837  
~~services'~~development's certificate of verification issued under 6838  
division (E) (6) of this section. Failure to submit a copy of the 6839  
certificate with the return does not invalidate the claim for 6840  
exemption if the taxpayer submits a copy of the certificate to 6841  
the tax commissioner within the time prescribed by section 6842  
5703.0510 of the Revised Code. 6843

(J) If the director of development ~~services~~-determines 6844  
that one or more taxpayers received an exemption from taxes due 6845  
on the purchase of computer data center equipment purchased for 6846  
use at a computer data center that no longer complies with the 6847  
requirement under division (E) (3) of this section, the director 6848  
shall notify the tax credit authority and, if applicable, the 6849  
taxpayer that applied to enter the agreement for the exemption 6850  
under division (C) of this section of the noncompliance. After 6851  
receiving such a notice, and after giving each taxpayer subject 6852

to the agreement an opportunity to explain the noncompliance, 6853  
the authority may terminate the agreement and require each such 6854  
taxpayer to pay to the state all or a portion of the taxes that 6855  
would have been owed in regards to the exempt equipment in 6856  
previous years, all as determined under rules adopted pursuant 6857  
to division (K) of this section. In determining the portion of 6858  
the taxes that would have been owed on the previously exempted 6859  
equipment to be paid to this state by a taxpayer, the authority 6860  
shall consider the effect of market conditions on the eligible 6861  
computer data center, whether the taxpayer continues to maintain 6862  
other operations in this state, and, with respect to agreements 6863  
involving multiple taxpayers, the taxpayer's level of 6864  
responsibility for the noncompliance. After making the 6865  
determination, the authority shall certify to the tax 6866  
commissioner the amount to be paid by each taxpayer subject to 6867  
the agreement. The tax commissioner shall make an assessment for 6868  
that amount against each such taxpayer under Chapter 5739. or 6869  
5741. of the Revised Code. The time limitations on assessments 6870  
under those chapters do not apply to an assessment under this 6871  
division, but the tax commissioner shall make the assessment 6872  
within one year after the date the authority certifies to the 6873  
tax commissioner the amount to be paid by the taxpayer. 6874

(K) The director of development ~~services~~, after 6875  
consultation with the tax commissioner and in accordance with 6876  
Chapter 119. of the Revised Code, shall adopt rules necessary to 6877  
implement this section. The rules may provide for recipients of 6878  
tax exemptions under this section to be charged fees to cover 6879  
administrative costs incurred in the administration of this 6880  
section. The fees collected shall be credited to the tax 6881  
incentives operating fund created in section 122.174 of the 6882  
Revised Code. At the time the director gives public notice under 6883



division (A) of section 119.03 of the Revised Code of the 6884  
adoption of the rules, the director shall submit copies of the 6885  
proposed rules to the chairpersons of the standing committees on 6886  
economic development in the senate and the house of 6887  
representatives. 6888

(L) On or before the first day of August of each year, the 6889  
director of development ~~services~~ shall submit a report to the 6890  
governor, the president of the senate, and the speaker of the 6891  
house of representatives on the tax exemption authorized under 6892  
this section. The report shall include information on the number 6893  
of agreements that were entered into under this section during 6894  
the preceding calendar year, a description of the eligible 6895  
computer data center that is the subject of each such agreement, 6896  
and an update on the status of eligible computer data centers 6897  
under agreements entered into before the preceding calendar 6898  
year. 6899

(M) A taxpayer may be made a party to an existing 6900  
agreement entered into under this section by the tax credit 6901  
authority and another taxpayer or group of taxpayers. In such a 6902  
case, the taxpayer shall be entitled to all benefits and bound 6903  
by all obligations contained in the agreement and all 6904  
requirements described in this section. When an agreement 6905  
includes multiple taxpayers, each taxpayer shall be entitled to 6906  
a direct payment permit as authorized in division (I) of this 6907  
section. 6908

**Sec. 122.1710.** (A) As used in this section: 6909

(1) "Low-income individual" has the same meaning as "low- 6910  
income person" in section ~~122.66~~ 5101.311 of the Revised Code. 6911

(2) "Microcredential" has the same meaning as in section 6912

122.178 of the Revised Code. 6913

(3) "OhioMeansJobs web site" has the same meaning as in 6914  
section 6301.01 of the Revised Code. 6915

(4) "Partially unemployed" and "totally unemployed" have 6916  
the same meanings as in section 4141.01 of the Revised Code. 6917

(5) "Training provider" means all of the following: 6918

(a) A state institution of higher education as defined in 6919  
section 3345.011 of the Revised Code; 6920

(b) An Ohio technical center as defined in section 3333.94 6921  
of the Revised Code; 6922

(c) A private business or institution that offers training 6923  
to allow an individual to earn one or more microcredentials. 6924

(6) "Fiscal year" means the fiscal year of this state as 6925  
specified in section 9.34 of the Revised Code. 6926

(B) There is hereby created the individual microcredential 6927  
assistance program to reimburse training providers for training 6928  
costs for individuals to earn a microcredential. The department 6929  
of development, in consultation with the governor's office of 6930  
workforce transformation, shall administer the program. The 6931  
director shall administer the program so that the total 6932  
reimbursement to each training provider approved to participate 6933  
in the program occurs at least once per fiscal year. 6934

(C) A training provider seeking to participate in the 6935  
program shall submit an application to the director of 6936  
development at the beginning or before the beginning of a fiscal 6937  
year, but not later than the date established by the director. 6938  
The training provider shall include in the application all of 6939  
the following information: 6940

- (1) The number of microcredentials the training provider will seek a reimbursement for and the names of the microcredentials; 6941  
6942  
6943
- (2) The cost of the training for each microcredential; 6944
- (3) The total amount of the reimbursement the training provider will seek; 6945  
6946
- (4) The training provider's plan to provide opportunities for individuals who are low income, partially unemployed, or totally unemployed to participate in a training program and receive a microcredential; 6947  
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- (5) Any other information the director requires. 6951
- (D) (1) The director shall consider the following factors in determining whether to approve an application submitted under division (C) of this section: 6952  
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- (a) The duration of the training program; 6955
- (b) The cost of the training; 6956
- (c) Whether approving an application will promote regional diversity in apportioning reimbursements uniformly across the state; 6957  
6958  
6959
- (d) The training provider's commitment to providing opportunities for individuals who are low income, partially unemployed, or totally unemployed to participate in a training program and receive a microcredential. 6960  
6961  
6962  
6963
- (2) In determining regional diversity under division (D) (1) (c) of this section, the director shall use the regions established under division (G) of section 122.178 of the Revised Code. 6964  
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(3) The director shall not approve an application 6968  
submitted under this section if either of the following apply: 6969

(a) The microcredentials identified in the application are 6970  
not included in the list the chancellor of higher education 6971  
establishes under section 122.178 of the Revised Code. 6972

(b) The training provider has violated Chapter 4111. of 6973  
the Revised Code within the four fiscal years immediately 6974  
preceding the date of application. 6975

(4) The director shall notify a training provider in 6976  
writing of the director's decision to approve or deny the 6977  
training provider's application to participate in the program. 6978

(E) A participating training provider shall not charge an 6979  
individual participating in a training program to earn a 6980  
microcredential for which the training provider is seeking a 6981  
reimbursement for either of the following: 6982

(1) Any costs associated with the individual's 6983  
participation in the training program; 6984

(2) Any costs to the training provider resulting from an 6985  
individual not completing the training program. 6986

(F) (1) Each participating training provider seeking 6987  
reimbursement for training costs for one or more 6988  
microcredentials earned by one or more individuals in a training 6989  
program shall submit an application to the director after the 6990  
individual or individuals have earned a microcredential. The 6991  
training provider shall submit the reimbursement application 6992  
during the fiscal year in which the training provider applied 6993  
under division (C) of this section, but not later than the date 6994  
established by the director. The training provider shall include 6995  
in the reimbursement application all of the following 6996

information: 6997

(a) The actual cost for the training provider to provide 6998  
each individual with the training; 6999

(b) Evidence that each individual earned a 7000  
microcredential; 7001

(c) Any demographic information of each individual that 7002  
the individual provides to the training provider, including race 7003  
and gender. 7004

(2) The amount of the reimbursement shall be not more than 7005  
three thousand dollars for each microcredential an individual 7006  
receives. A participating training provider may not receive a 7007  
reimbursement for any additional individual who earns a 7008  
microcredential beyond the number of microcredentials included 7009  
in the application under division (C) of this section. A 7010  
participating training provider may receive a total 7011  
reimbursement of five hundred thousand dollars in a fiscal year. 7012  
However, each participating training provider that is a state 7013  
institution of higher education may receive a total 7014  
reimbursement or advance payment amount under section 122.1713 7015  
of the Revised Code of one million dollars in a fiscal year. 7016

(3) A training provider may request that an individual 7017  
participating in the training provider's program provide 7018  
demographic information to the training provider, including race 7019  
and gender. An individual is not required to provide that 7020  
information. 7021

(G) The director shall do ~~both~~ all of the following 7022  
regarding the operation of the program: 7023

(1) Create an application to participate in the program 7024  
and an application for reimbursement; 7025

(2) Create applications to participate in and seek advance payments under the platinum provider programs established under sections 122.1712 and 122.1713 of the Revised Code; 7026  
7027  
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(3) Create and distribute a survey to each individual who successfully earned a microcredential because of a reimbursement to a training provider under this section inquiring as to the individual's occupation and wages at the time of completing the survey. 7029  
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(H) The director shall include on the internet web site maintained by the department, and the governor's office of workforce transformation shall include on the office's internet web site and the OhioMeansJobs web site, all of the content created under division (G) of this section. 7034  
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(I) The director may adopt rules in accordance with Chapter 119. of the Revised Code as the director considers necessary to implement this section and sections 122.1712 and 122.1713 of the Revised Code, including establishing priority guidelines for approving applications under division (D) of this section. 7039  
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(J) Any personal information of an individual the director receives in connection with the individual microcredential assistance program created under this section is not a public record for purposes of section 149.43 of the Revised Code. However, the director may use the information as necessary to complete the reports required under section 122.1711 of the Revised Code. 7045  
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7051

**Sec. 122.1712.** (A) As used in this section: 7052

(1) "Fiscal year" means the fiscal year of this state as specified in section 9.34 of the Revised Code. 7053  
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(2) "Individual microcredential assistance program" means 7055  
the individual microcredential assistance program created under 7056  
section 122.1710 of the Revised Code. 7057

(3) "Microcredential" has the same meaning as in section 7058  
122.178 of the Revised Code. 7059

(4) "Training provider" means all of the following: 7060

(a) An Ohio technical center as defined in section 3333.94 7061  
of the Revised Code; 7062

(b) A private business or institution that offers training 7063  
to allow an individual to earn one or more microcredentials; 7064

(c) A state institution of higher education as defined in 7065  
section 3345.011 of the Revised Code. 7066

(B) The director of development, in consultation with the 7067  
governor's office of workforce transformation, shall establish a 7068  
platinum provider program. A training provider that is approved 7069  
to participate in the individual microcredential assistance 7070  
program and that meets the requirements specified under this 7071  
section is eligible to participate in the platinum provider 7072  
program. A training provider approved to participate in the 7073  
platinum provider program may receive one or more advance 7074  
payments to cover the training costs for individuals to earn a 7075  
microcredential under the individual microcredential assistance 7076  
program. 7077

(C) A training provider seeking to participate in the 7078  
platinum provider program shall apply to the director on a form 7079  
prescribed by the director after the training provider is 7080  
approved to participate in the individual microcredential 7081  
assistance program. The training provider shall include in the 7082  
application all of the following information: 7083

(1) The advance payment amount the training provider is seeking, not to exceed twenty per cent of the total reimbursement amount the training provider seeks under division (C) of section 122.1710 of the Revised Code; 7084  
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7086  
7087

(2) Evidence that at least eighty per cent of individuals who participated in training programs offered by the training provider in the previous fiscal year earned a microcredential under the individual microcredential assistance program; 7088  
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7091

(3) The number of microcredentials for which the training provider is seeking an advance payment and the names of the microcredentials; 7092  
7093  
7094

(4) The cost of the training for each microcredential for which the training provider is seeking an advance payment; 7095  
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(5) Proof that the training provider has obtained a surety bond that meets the requirements of division (J) of this section. 7097  
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(D) The director shall notify a training provider in writing of the director's decision to approve or deny an application the training provider submits under division (C) of this section. If the director approves the application, the director shall do both of the following: 7100  
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7104

(1) Designate the training provider as a platinum provider; 7105  
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(2) Provide an initial advance payment to the platinum provider in the amount specified in the application but not exceeding any of the amounts described under division (F) of this section. 7107  
7108  
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7110

(E) After each training program that a platinum provider 7111



administers during a fiscal year that results in at least one 7112  
individual earning a microcredential, the provider may apply for 7113  
a subsequent advance payment of not more than the least of the 7114  
amounts described under division (F) of this section. The 7115  
provider shall include in the application the same information 7116  
as described under division (C) of this section. If a provider 7117  
applies for a subsequent advance payment under this division, 7118  
one of the following applies depending on the training program's 7119  
completion rate: 7120

(1) If at least eighty per cent of the individuals who 7121  
participated in the training program earned a microcredential, 7122  
the director shall provide a subsequent advance payment to the 7123  
provider in the amount specified in the application. 7124

(2) If less than eighty per cent of the individuals who 7125  
participated in the training program earned a microcredential, 7126  
to be eligible for a subsequent advance payment, the provider 7127  
shall refund to the director a certain per cent of the advance 7128  
payment amount that was last provided to the provider during the 7129  
fiscal year as determined under division (E) (2) (a) of this 7130  
section. 7131

(a) The per cent a provider must refund to be eligible for 7132  
a subsequent advance payment under division (E) (2) of this 7133  
section is the difference between eighty per cent and the per 7134  
cent of individuals who earned a microcredential. 7135

(b) For a provider to whom division (E) (2) of this section 7136  
applies, if the provider complies with that division, the 7137  
director shall provide a subsequent advance payment to the 7138  
provider in the amount specified in the provider's application. 7139  
If the provider does not comply with that division, the director 7140  
shall not provide a subsequent advance payment. 7141

(F) In no case shall the director provide an advance 7142  
payment under this section that exceeds the least of the 7143  
following amounts: 7144

(1) Twenty per cent of the total amount of reimbursement 7145  
the platinum provider seeks under division (C) of section 7146  
122.1710 of the Revised Code; 7147

(2) The amount of the provider's surety bond required by 7148  
division (J) of this section, less any previous advance payment 7149  
the provider is required to refund to the director under 7150  
division (G) of this section, if the provider has not yet 7151  
completed the refund; 7152

(3) One hundred thousand dollars. 7153

(G) (1) If the director approves a reimbursement 7154  
application that a platinum provider submits under division (F) 7155  
of section 122.1710 of the Revised Code, the director shall 7156  
reimburse the platinum provider for the total actual cost for 7157  
the platinum provider to provide training to individuals who 7158  
earned a microcredential in accordance with that division less 7159  
the total advance payment amount provided to the platinum 7160  
provider under this section. The director shall not reimburse 7161  
the platinum provider for any amounts the platinum provider 7162  
refunded to the director under division (E) (2) of this section. 7163  
If the platinum provider specifies in the reimbursement 7164  
application that the total actual cost for the platinum provider 7165  
to provide the training is less than the total advance payment 7166  
amount provided to the platinum provider under this section, the 7167  
platinum provider shall refund to the director the difference 7168  
between the advance payment amount and the actual training cost. 7169

(2) If a platinum provider fails to apply for 7170

reimbursement under division (F) of section 122.1710 of the 7171  
Revised Code, the director shall require the platinum provider 7172  
to refund the total advance payment amount provided to the 7173  
platinum provider under this section. 7174

(H) If, at the time a platinum provider seeks 7175  
reimbursement under division (F) of section 122.1710 of the 7176  
Revised Code, the director determines that less than eighty per 7177  
cent of individuals who participated in training programs 7178  
provided by the platinum provider in the fiscal year earned a 7179  
microcredential or that the platinum provider has failed to 7180  
maintain the bond required under division (J) of this section, 7181  
both of the following apply: 7182

(1) The director shall revoke the provider's status as a 7183  
platinum provider; 7184

(2) The provider is ineligible to participate in the 7185  
platinum provider program for the following fiscal year. 7186

(I) A training provider whose platinum status is revoked 7187  
under division (H) of this section may reapply to participate in 7188  
the platinum provider program in the fiscal year that follows 7189  
the fiscal year in which the training provider is ineligible to 7190  
participate in the program under that division. 7191

(J) A training provider that is certified as a platinum 7192  
provider or that seeks to participate in the platinum provider 7193  
program shall maintain a surety bond issued by a bonding company 7194  
or an insurance company licensed to do business in this state. 7195  
The bond shall be in favor of the director in an amount not less 7196  
than the sum of the total advance payments received by the 7197  
provider for the fiscal year plus any advance payments for 7198  
previous fiscal years that the provider is required to refund 7199

under division (G) of this section, if the provider has not yet 7200  
completed the refund. The provider shall maintain the bond for 7201  
so long as it participates in the program and shall not allow it 7202  
to expire or terminate until all of the provider's obligations 7203  
under division (G) of this section are fulfilled. 7204

**Sec. 122.1713.** (A) As used in this section: 7205

(1) "Fiscal year" means the fiscal year of this state as 7206  
specified in section 9.34 of the Revised Code. 7207

(2) "Individual microcredential assistance program" means 7208  
the individual microcredential assistance program created under 7209  
section 122.1710 of the Revised Code. 7210

(3) "Microcredential" has the same meaning as in section 7211  
122.178 of the Revised Code. 7212

(4) "State institution of higher education" has the same 7213  
meaning as in section 3345.011 of the Revised Code. 7214

(B) The director of development, in consultation with the 7215  
governor's office of workforce transformation, shall establish 7216  
an institutional platinum provider program for state 7217  
institutions of higher education approved to participate in the 7218  
individual microcredential assistance program. 7219

(C) Each state institution of higher education shall do 7220  
both of the following: 7221

(1) Provide at least two in-person training programs and 7222  
at least one online training program for individuals to earn a 7223  
microcredential; 7224

(2) Not later than the thirty-first day of December 7225  
immediately after the effective date of this section, and not 7226  
later than the thirty-first day of December of each year 7227

thereafter, apply to participate in the individual 7228  
microcredential assistance program. 7229

(D) If the director approves a state institution of higher 7230  
education's application to participate in the individual 7231  
microcredential assistance program, all of the following apply: 7232

(1) The director shall designate the institution as an 7233  
institutional platinum provider. 7234

(2) The institution may participate in the institutional 7235  
platinum provider program established under this section. 7236

(3) The institution is eligible to apply for one or more 7237  
advance payments under this section to cover training costs for 7238  
individuals to earn a microcredential. 7239

(E) An institutional platinum provider may apply for an 7240  
initial advance payment of not more than twenty per cent of the 7241  
total reimbursement amount the institution seeks under division 7242  
(C) of section 122.1710 of the Revised Code. If an institution 7243  
submits an application under this division, the director shall 7244  
provide an advance payment to the institution in the amount 7245  
specified in the application. 7246

(F) After each training program that an institutional 7247  
platinum provider administers during a fiscal year that results 7248  
in at least one individual earning a microcredential, the 7249  
institution may apply for a subsequent advance payment of not 7250  
more than twenty per cent of the total reimbursement amount the 7251  
institution seeks under division (C) of section 122.1710 of the 7252  
Revised Code. If an institution applies for a subsequent advance 7253  
payment under this division, one of the following applies 7254  
depending on the training program's completion rate: 7255

(1) If at least fifty per cent of the individuals who 7256

participated in the training program earned a microcredential, 7257  
the director shall provide a subsequent advance payment to the 7258  
institution in the amount specified in the application. 7259

(2) If less than fifty per cent of the individuals who 7260  
participated in the training program earned a microcredential, 7261  
to be eligible for a subsequent advance payment, the institution 7262  
shall refund to the director a certain per cent of the advance 7263  
payment amount that was last provided to the institution during 7264  
the fiscal year as determined under division (F) (2) (a) of this 7265  
section. 7266

(a) The per cent an institution must refund to be eligible 7267  
for a subsequent advance payment under division (F) (2) of this 7268  
section is the difference between fifty per cent and the per 7269  
cent of individuals who earned a microcredential. 7270

(b) For an institution to whom division (F) (2) of this 7271  
section applies, if the institution complies with that division, 7272  
the director shall provide a subsequent advance payment to the 7273  
institution in the amount specified in the institution's 7274  
application. If the institution does not comply with that 7275  
division, the director shall not provide a subsequent advance 7276  
payment. 7277

(G) In no case shall the total amount of the advance 7278  
payments an institutional platinum provider receives under this 7279  
section during any fiscal year exceed the total reimbursement 7280  
amount the institution seeks under division (C) of section 7281  
122.1710 of the Revised Code. 7282

(H) If the director approves a reimbursement application 7283  
that an institutional platinum provider submits under division 7284  
(F) of section 122.1710 of the Revised Code, the director shall 7285

reimburse the institution in accordance with that division for 7286  
the total actual cost for the institution to provide training to 7287  
individuals who earned a microcredential less the total advance 7288  
payment amount provided to the institution under this section. 7289  
The director shall not reimburse the institution for any amounts 7290  
the institution refunded to the director under division (F) (2) 7291  
of this section. If the institution specifies in the 7292  
reimbursement application that the total actual cost for the 7293  
institution to provide the training is less than the total 7294  
advance payment amount provided to the institution under this 7295  
section, the institution shall refund to the director the 7296  
difference between the advance payment amount and the actual 7297  
training cost. 7298

**Sec. 122.4041.** (A) ~~As used in this section, "passes" means~~ 7299  
~~the residential addresses in close proximity to a broadband-~~ 7300  
~~provider's broadband infrastructure network to which residents-~~ 7301  
~~at those addresses may opt to connect.~~ 7302

~~(B)~~ The scoring system required under section 122.4040 of 7303  
the Revised Code shall include the factors and scoring rubric as 7304  
described in divisions ~~(C)~~ (B) to ~~(J)~~ (I) of this section. 7305  
Applications for a grant under the Ohio residential broadband 7306  
expansion grant program shall be prioritized from the highest to 7307  
the lowest point score under those factors and rubric. 7308

~~(C)~~ (B) Of a possible maximum score of three hundred 7309  
points, the score for eligible projects for unserved and 7310  
underserved areas shall be calculated as ~~the sum of the~~ 7311  
~~following~~ follows: 7312

(1) ~~The point value determined by multiplying three-~~ 7313  
~~hundred times the percentage of passes~~ application will receive 7314  
one-half point for each residential address in unserved areas of 7315

the application~~+~~-. 7316

~~(2) One half of the point value determined by multiplying~~ 7317  
~~three hundred times the percentage of passes~~ The application 7318  
will receive one-quarter point for each residential address in 7319  
underserved areas of the application. 7320

~~(D)~~ (C) Of a possible maximum score of two hundred points, 7321  
the score for broadband service speed, based on a graduated 7322  
scale, shall be: 7323

(1) Twenty-five points for broadband speeds that are one 7324  
hundred megabits per second downstream or greater and twenty 7325  
megabits per second or greater upstream, but less than two 7326  
hundred fifty megabits per second downstream and fifty megabits 7327  
upstream; 7328

(2) Fifty points for broadband speeds that are two hundred 7329  
fifty megabits per second or greater downstream and fifty 7330  
megabits or greater per second upstream, but less than five 7331  
hundred megabits per second downstream and one hundred megabits 7332  
per second upstream; 7333

(3) One hundred points for broadband speeds that are five 7334  
hundred megabits per second or greater downstream and one 7335  
hundred megabits per second or greater upstream, but less than 7336  
seven hundred fifty megabits per second downstream and two 7337  
hundred fifty megabits per second upstream; 7338

(4) One hundred twenty-five points for broadband speeds 7339  
that are seven hundred fifty megabits per second or greater 7340  
downstream and two hundred fifty megabits per second or greater 7341  
upstream, but less than one gigabit per second downstream and 7342  
five hundred megabits per second upstream; 7343

(5) One hundred fifty points for broadband speeds that are 7344



one gigabit per second or greater downstream and five hundred 7345  
megabits per second or greater upstream, but less than one 7346  
gigabit per second upstream; 7347

(6) Two hundred points for broadband speeds that are one 7348  
gigabit per second or greater downstream and one gigabit per 7349  
second or greater upstream. 7350

~~(E)(1)~~ (D)(1) Of a possible maximum score of one hundred 7351  
fifty points, the score for rating broadband service cost shall 7352  
be the sum of divisions ~~(E)(1)(a)~~ (D)(1)(a) and (b) of this 7353  
section as follows: 7354

(a) Of a possible maximum of seventy-five points, the 7355  
number of points equal to the application's grant cost 7356  
percentile multiplied by seventy-five; 7357

(b) Of a possible maximum score of seventy-five points, 7358  
the number of points equal to one half of the application's 7359  
percentage of eligible project funding from all sources other 7360  
than the Ohio residential broadband expansion grant program. 7361

(2) (a) For each application submission period, the 7362  
broadband expansion program authority shall determine the grant 7363  
cost percentile for each application submitted during that 7364  
period. The authority shall determine the grant cost percentile 7365  
by doing the following: 7366

(i) Determining, for each individual application in the 7367  
state, the total grant cost per eligible address in the 7368  
application by calculating the quotient of the amount of program 7369  
grant funds requested for the application divided by the number 7370  
of eligible addresses in the application; 7371

(ii) Ranking, from lowest to highest cost, all individual 7372  
applications by total grant cost per eligible address; 7373

(iii) Assigning each individual application a percentile based on its total grant cost per eligible address relative to all other applications' total grant cost per eligible address. 7374  
7375  
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(b) Percentiles under division ~~(E) (2) (a) (iii)~~ (D) (2) (a) (iii) of this section shall be assigned so that the highest percentile is assigned to the application with the lowest total grant cost per eligible address and percentiles for all other applications assigned based on each application's relative grant cost per eligible address. 7377  
7378  
7379  
7380  
7381  
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~~(F)~~ (E) Of a possible maximum score of one hundred points, the score for providing tier two broadband service or greater to eligible addresses located in an eligible project shall be calculated as follows: 7383  
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7385  
7386

(1) Ten points for the number of eligible addresses equal to five hundred or more, but less than one thousand; 7387  
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(2) Twenty points for the number of eligible addresses equal to one thousand or more, but less than one thousand five hundred; 7389  
7390  
7391

(3) Thirty points for the number of eligible addresses equal to one thousand five hundred or more, but less than two thousand; 7392  
7393  
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(4) Forty points for the number of eligible addresses equal to two thousand or more, but less than two thousand five hundred; 7395  
7396  
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(5) Fifty points for the number of eligible addresses equal to two thousand five hundred or more, but less than three thousand; 7398  
7399  
7400

(6) Sixty points for the number of eligible addresses 7401

equal to three thousand or more, but less than three thousand 7402  
five hundred; 7403

(7) Seventy points for the number of eligible addresses 7404  
equal to three thousand five hundred or more, but less than four 7405  
thousand; 7406

(8) Eighty points for the number of eligible addresses 7407  
equal to four thousand or more, but less than four thousand five 7408  
hundred; 7409

(9) Ninety points for the number of eligible addresses 7410  
equal to four thousand five hundred or more, but less than five 7411  
thousand; 7412

(10) One hundred points for the number of eligible 7413  
addresses equal to five thousand or more. 7414

~~(G)~~ (F) Of a possible maximum score of fifty points, the 7415  
score for local support for the application shall be calculated 7416  
as follows: 7417

(1) (a) Twenty-five points if the application includes a 7418  
resolution of support from the board of county commissioners in 7419  
the county where the eligible project is located; or 7420

(b) If an application's eligible project spans multiple 7421  
counties, of a possible maximum score of twenty-five points for 7422  
resolutions adopted by boards of county commissioners, the 7423  
number of points awarded on a pro rata basis based on the 7424  
percentage of eligible addresses for the eligible project in 7425  
each affected county for which the board of county commissioners 7426  
adopted a resolution of support. 7427

(2) (a) Fifteen points if the application includes a letter 7428  
of support from a board of township trustees, village, or 7429

municipal corporation; or 7430

(b) If an application's eligible project spans multiple 7431  
townships, villages, and municipal corporations, of a possible 7432  
maximum score of fifteen points for letters from boards of 7433  
township trustees, villages, or municipal corporations, the 7434  
number of points awarded on a pro rata basis according to the 7435  
percentage of eligible addresses for the project in each 7436  
affected village, municipal corporation, and unincorporated area 7437  
of the township for which a board of township trustees, village, 7438  
or municipal corporation submitted a letter of support; 7439

(c) Ten points for letters of support from a local 7440  
economic development agency or a chamber of commerce that 7441  
advocates for an area of the eligible project with the majority 7442  
of eligible addresses in the application. 7443

~~(H)~~(G) Of a possible maximum score of seventy-five points, 7444  
the score for broadband provider general experience and 7445  
technical and financial ability shall be based on the judgment 7446  
of the broadband expansion program authority. The authority may 7447  
award partial points for scores awarded under division ~~(H)~~(G) of 7448  
this section. 7449

~~(I)~~(H) Of a possible maximum score of seventy-five points, 7450  
the score for broadband provider experience based on the number 7451  
of years that the provider has been providing tier two broadband 7452  
service shall be calculated as follows: 7453

(1) Ten points for four years, but less than five years of 7454  
experience; 7455

(2) Twenty points for five years, but less than six years 7456  
of experience; 7457

(3) Thirty points for six years, but less than seven years 7458

of experience;	7459
(4) Forty points for seven years, but less than eight years of experience;	7460 7461
(5) Fifty points for eight years, but less than nine years of experience;	7462 7463
(6) Sixty points for nine years, but less than ten years of experience;	7464 7465
(7) Seventy-five points for ten or more years of experience.	7466 7467
<del>(J)</del> <u>(I)</u> (1) Of a possible maximum score of fifty points, the score for county median income, based on the median county per capita income of the United States as determined by the most recently available data from the United States census bureau, shall be calculated as follows:	7468 7469 7470 7471 7472
(a) Zero points for a county median income that is equal to or greater than one hundred sixty per cent of the county median income;	7473 7474 7475
(b) Ten points for a county median income that is equal to or greater than one hundred forty per cent, but less than one hundred sixty per cent of the county median income;	7476 7477 7478
(c) Twenty points for a county median income that is equal to or greater than one hundred twenty per cent, but less than one hundred forty per cent of the county median income;	7479 7480 7481
(d) Thirty points for a county median income that is equal to or greater than one hundred per cent, but less than one hundred twenty per cent of the county median income;	7482 7483 7484
(e) Forty points for a county median income that is equal	7485

to or greater than eighty per cent, but less than one hundred 7486  
per cent of the county median income; 7487

(f) Fifty points for a county median income that is less 7488  
than eighty per cent of the county median income. 7489

(2) If an application's eligible project spans multiple 7490  
counties, the points awarded as specified in division ~~(J)~~(I) 7491  
(1) of this section shall be based on the percentage of eligible 7492  
addresses for the eligible project in each affected county. 7493

**Sec. 122.41.** The director of development ~~services~~ is 7494  
invested with the powers and duties provided in Chapter 122. of 7495  
the Revised Code, in order to promote the welfare of the people 7496  
of the state, to stabilize the economy, to provide employment, 7497  
to assist in the development within the state of industrial, 7498  
commercial, distribution, and research activities required for 7499  
the people of the state, and for their gainful employment, or 7500  
otherwise to create or preserve jobs and employment 7501  
opportunities, or improve the economic welfare of the people of 7502  
the state, ~~and also to assist in the financing of air, water, or~~ 7503  
~~thermal pollution control facilities and solid waste disposal~~ 7504  
~~facilities by mortgage insurance as provided in section 122.451~~ 7505  
~~of the Revised Code.~~ It is hereby determined that the 7506  
accomplishment of such purposes is essential so that the people 7507  
of the state may maintain their present high standards in 7508  
comparison with the people of other states and so that 7509  
opportunities for employment and for favorable markets for the 7510  
products of the state's natural resources, agriculture, and 7511  
manufacturing shall be improved and that it is necessary for the 7512  
state to establish the programs authorized pursuant to Chapter 7513  
122. of the Revised Code and invest the director of development 7514  
~~services~~ with the powers and duties provided in Chapter 122. of 7515

the Revised Code. The powers granted to the director by Chapter 7516  
165. of the Revised Code are independent of and in addition and 7517  
alternate to, and are not limited or restricted by, Chapter 122. 7518  
of the Revised Code. 7519

**Sec. 122.42.** (A) The director of development shall do all 7520  
of the following: 7521

(1) Receive applications for assistance under sections 7522  
122.39 and 122.41 to 122.62 of the Revised Code; 7523

(2) Make a final determination whether to approve the 7524  
application for assistance; 7525

(3) Transmit determinations to approve assistance to the 7526  
controlling board together with any information the controlling 7527  
board requires for the board's review and decision as to whether 7528  
to approve the assistance; 7529

(4) Issue revenue bonds of the state through the treasurer 7530  
of state, as necessary, payable solely from revenues and other 7531  
sources as provided in sections 122.39 and 122.41 to 122.62 of 7532  
the Revised Code. 7533

(B) The director may do all of the following: 7534

(1) Fix the rate of interest and charges to be made upon 7535  
or with respect to moneys loaned by the director and the terms 7536  
upon which mortgages and lease rentals may be guaranteed and the 7537  
rates of charges to be made for the loans and guarantees and to 7538  
make provisions for the operation of the funds established by 7539  
the director in accordance with this section and ~~sections~~ 7540  
section 122.54, 122.55, 122.56, and 122.57 of the Revised Code; 7541

(2) Loan moneys from the fund established in accordance 7542  
with section 122.54 of the Revised Code pursuant to and in 7543

compliance with sections 122.39 and 122.41 to 122.62 of the 7544  
Revised Code; 7545

(3) Acquire in the name of the director any property of 7546  
any kind or character in accordance with sections 122.39 and 7547  
122.41 to 122.62 of the Revised Code, by purchase, purchase at 7548  
foreclosure, or exchange on such terms and in such manner as the 7549  
director considers proper; 7550

(4) Make and enter into all contracts and agreements 7551  
necessary or incidental to the performance of the director's 7552  
duties and the exercise of the director's powers under sections 7553  
122.39 and 122.41 to 122.62 of the Revised Code; 7554

(5) Maintain, protect, repair, improve, and insure any 7555  
property which the director has acquired and dispose of the same 7556  
by sale, exchange, or lease for the consideration and on the 7557  
terms and in the manner as the director considers proper, but is 7558  
not authorized to operate any such property as a business except 7559  
as the lessor of the property; 7560

(6) (a) When the cost of any contract for the maintenance, 7561  
protection, repair, or improvement of any property held by the 7562  
director other than compensation for personal services involves 7563  
an expenditure of more than one thousand dollars, the director 7564  
shall make a written contract with the lowest responsive and 7565  
responsible bidder in accordance with section 9.312 of the 7566  
Revised Code after advertisement for not less than two 7567  
consecutive weeks in a newspaper of general circulation in the 7568  
county where such contract, or some substantial part of it, is 7569  
to be performed, and in such other publications as the director 7570  
determines, which notice shall state the general character of 7571  
the work and the general character of the materials to be 7572  
furnished, the place where plans and specifications may be 7573



examined, and the time and place of receiving bids. 7574

(b) Each bid for a contract for the construction, 7575  
demolition, alteration, repair, or reconstruction of an 7576  
improvement shall contain the full name of every person 7577  
interested in it and meet the requirements of section 153.54 of 7578  
the Revised Code. 7579

(c) Each bid for a contract, except as provided in 7580  
division (B) (6) (b) of this section, shall contain the full name 7581  
of every person interested in it and shall be accompanied by 7582  
bond or certified check on a solvent bank, in such amount as the 7583  
director considers sufficient, that if the bid is accepted a 7584  
contract will be entered into and the performance of the 7585  
proposal secured. 7586

(d) The director may reject any and all bids. 7587

(e) A bond with good and sufficient surety, approved by 7588  
the director, shall be required of every contractor awarded a 7589  
contract except as provided in division (B) (6) (b) of this 7590  
section, in an amount equal to at least fifty per cent of the 7591  
contract price, conditioned upon faithful performance of the 7592  
contract. 7593

(7) Employ financial consultants, appraisers, consulting 7594  
engineers, superintendents, managers, construction and 7595  
accounting experts, attorneys, and other employees and agents as 7596  
are necessary in the director's judgment and fix their 7597  
compensation; 7598

(8) Assist qualified persons in the coordination and 7599  
formation of a small business development company, having a 7600  
statewide area of operation, conditional upon the company's 7601  
agreeing to seek to obtain certification from the federal small 7602

business administration as a certified statewide development 7603  
company and participation in the guaranteed loan program 7604  
administered by the small business administration pursuant to 7605  
the Act of July 2, 1980, 94 Stat. 837, 15 U.S.C.A. 697. During 7606  
the initial period of formation of the statewide small business 7607  
development company, the director shall provide technical and 7608  
financial expertise, legal and managerial assistance, and other 7609  
services as are necessary and proper to enable the company to 7610  
obtain and maintain federal certification and participation in 7611  
the federal guaranteed loan program. The director may charge a 7612  
fee, in such amount and on such terms and conditions as the 7613  
director determines necessary and proper, for assistance and 7614  
services provided pursuant to division (B)(8) of this section. 7615

Persons chosen by the director to receive assistance in 7616  
the formation of a statewide small business development company 7617  
pursuant to division (B)(8) of this section shall make a special 7618  
effort to use their participation in the federal guaranteed loan 7619  
program to assist small businesses which are minority business 7620  
enterprises as defined in division (E) of section 122.71 of the 7621  
Revised Code. The director, with the assistance of the minority 7622  
business development division of the department of development, 7623  
shall provide technical and financial expertise, legal and 7624  
managerial assistance, and other services in such a manner to 7625  
enable the development company to provide assistance to small 7626  
businesses which are minority business enterprises, and shall 7627  
make available to the development company information pertaining 7628  
to assistance available to minority business enterprises under 7629  
programs established pursuant to sections 122.71 to 122.83, 7630  
122.87 to 122.89, 122.92 to 122.94, 122.921, and 125.081 of the 7631  
Revised Code. 7632

(9) Receive and accept grants, gifts, and contributions of 7633

money, property, labor, and other things of value to be held, 7634  
used, and applied only for the purpose for which such grants, 7635  
gifts, and contributions are made, from individuals, private and 7636  
public corporations, from the United States or any agency of the 7637  
United States, from the state or any agency of the state, and 7638  
from any political subdivision of the state, and may agree to 7639  
repay any contribution of money or to return any property 7640  
contributed or the value of the property at such times, in such 7641  
amounts, and on such terms and conditions, excluding the payment 7642  
of interest, as the director determines at the time such 7643  
contribution is made, and may evidence such obligations by 7644  
notes, bonds, or other written instruments; 7645

(10) Establish with the treasurer of state the ~~funds~~fund 7646  
provided in ~~sections~~section 122.54, 122.55, 122.56, and 122.57 7647  
of the Revised Code, in addition to such funds as the director 7648  
determines are necessary or proper; 7649

(11) Do all acts and things necessary or proper to carry 7650  
out the powers expressly granted and the duties imposed in 7651  
sections 122.39 and 122.41 to 122.62 and Chapter 163. of the 7652  
Revised Code. 7653

(C) All expenses and obligations incurred by the director 7654  
in carrying out the director's powers and in exercising the 7655  
director's duties under sections 122.39 and 122.41 to 122.62 of 7656  
the Revised Code, shall be payable solely from the proceeds of 7657  
revenue bonds issued pursuant to those sections, from revenues 7658  
or other receipts or income of the director, from grants, gifts, 7659  
and contributions, or funds established in accordance with those 7660  
sections. Those sections do not authorize the director to incur 7661  
indebtedness or to impose liability on the state or any 7662  
political subdivision of the state. 7663

(D) Financial statements and financial data submitted to 7664  
the director by any corporation, partnership, or person in 7665  
connection with a loan application, or any information taken 7666  
from such statements or data for any purpose, shall not be open 7667  
to public inspection. 7668

**Sec. 122.47.** At the request of the director of 7669  
development, the treasurer of state shall issue revenue bonds of 7670  
the state for the purpose of acquiring moneys for the purposes 7671  
of this chapter, which moneys shall be credited by the treasurer 7672  
of state as the director of development shall determine to and 7673  
among the funds established in accordance with or pursuant to 7674  
sections 122.35, 122.42, and 122.54, ~~122.55, 122.56, 122.561,~~ 7675  
~~and 122.57~~ of the Revised Code. ~~The principal of and interest on~~ 7676  
~~such~~ Such revenue bonds shall be payable solely from the sinking 7677  
~~funds established in accordance with section 122.57 of the~~ 7678  
~~Revised Code at the times and in the order and manner provided~~ 7679  
~~in the bond issuing proceedings or in any trust agreements~~ 7680  
~~securing such bonds,~~ and shall be secured by the revenue bond 7681  
guaranty fund established in accordance with section 122.571 of 7682  
the Revised Code and shall also be secured by moneys in the 7683  
other funds established by the director to the extent and on the 7684  
terms ~~he~~ the director specifies and by covenants of the director 7685  
~~that he will~~ to so manage the loans and leases and fix interest 7686  
rates, charges, and rentals so as to assure receipt of net 7687  
income and revenue sufficient to provide for the payment of the 7688  
principal of and the interest on the revenue bonds. 7689

**Sec. 122.49.** The proceeds of each issue of revenue bonds 7690  
issued pursuant to sections 122.39 and 122.41 to 122.62 of the 7691  
Revised Code shall be used for the making of loans authorized in 7692  
sections 122.43 and 122.45 of the Revised Code, for the purchase 7693  
and improvement of property authorized in section 122.46 of the 7694

Revised Code, ~~for insuring mortgage payments authorized in~~ 7695  
~~section 122.451 of the Revised Code,~~ and for the crediting into 7696  
and among the funds established in accordance with sections 7697  
122.35, and 122.54, ~~122.55, 122.56, 122.561, and 122.57~~ of the 7698  
Revised Code, but subject to such conditions, limitations, and 7699  
covenants with the purchasers and holders of the bonds as shall 7700  
be provided for in the bond authorization proceedings and in the 7701  
trust agreement securing the same. 7702

Provision shall be made by the director of development 7703  
~~services~~ for the payment of the expenses of the director in 7704  
operating the assistance programs authorized under this chapter 7705  
in such manner and to such extent as shall be determined by the 7706  
director. 7707

**Sec. 122.53.** In the discretion of the treasurer of state, 7708  
any bonds issued under sections 122.39 and 122.41 to 122.62 of 7709  
the Revised Code, may be secured by a trust agreement between 7710  
the treasurer of state and a corporate trustee, which trustee 7711  
may be any trust company or bank having the powers of a trust 7712  
company within or without the state. 7713

Any such trust agreement may pledge or assign payments of 7714  
principal of and interest on loans, charges, fees, and other 7715  
revenue to be received by the director of development ~~services,~~ 7716  
all rentals received under leases made by the director, and all 7717  
proceeds of the sale or other disposition of property held by 7718  
the director, ~~and may provide for the holding in trust by the~~ 7719  
~~trustee to the extent provided for in the proceedings~~ 7720  
~~authorizing such bonds, of all such moneys and moneys otherwise~~ 7721  
~~payable into the mortgage guarantee fund created by section~~ 7722  
122.56 of the Revised Code, and all moneys otherwise payable 7723  
into the mortgage insurance fund created by section 122.561 of 7724

~~the Revised Code, and of moneys payable into the sinking fund or~~ 7725  
~~funds referred to in section 122.57 of the Revised Code, but~~ 7726  
shall not convey or mortgage any of the real or personal 7727  
property held by the director or any part thereof. Any such 7728  
trust agreement, or any proceedings providing for the issuance 7729  
of such bonds, may contain such provisions for protecting and 7730  
enforcing the rights and remedies of the bondholders as are 7731  
reasonable and proper and not in violation of law, including 7732  
covenants setting forth the duties of the director in relation 7733  
to the acquisition of property, and the construction, 7734  
improvement, maintenance, repair, operation, and insurance of 7735  
facilities, the making of loans and leases and the terms and 7736  
provisions thereof, and the custody, safeguarding, investment, 7737  
and application of all moneys, and provisions for the employment 7738  
of consulting engineers or other consultants in connection with 7739  
the making of loans and leases and the construction or operation 7740  
of any facility. Any bank or trust company incorporated under 7741  
the laws of this state which may act as trustee or as depository 7742  
of the proceeds of bonds or of revenue may furnish such 7743  
indemnifying bonds or may pledge such securities as are required 7744  
by the treasurer of state. Any such trust agreement may set 7745  
forth the rights and remedies of the bondholders and of the 7746  
trustee, and may restrict the individual right of action by 7747  
bondholders as is customary in trust agreements or trust 7748  
indentures securing bonds or debentures of corporations. Such 7749  
trust agreement may contain such other provisions as the 7750  
treasurer of state deems reasonable and proper for the security 7751  
of the bondholders. All expenses incurred by the treasurer of 7752  
state in carrying out the provisions of any such trust agreement 7753  
shall be treated as a part of the cost of the operation of the 7754  
assistance programs authorized pursuant to Chapter 122. of the 7755  
Revised Code. Any such trust agreement may provide the method 7756

whereby general administrative overhead expense of the director 7757  
with respect to those assistance programs shall be allocated 7758  
among the funds established pursuant to Chapter 122. of the 7759  
Revised Code with respect to the operating expenses of the 7760  
director payable out of the income of the assistance programs. 7761

**Sec. 122.571.** ~~In addition to the separate sinking funds~~ 7762  
~~created under section 122.57 of the Revised Code, there~~ There is 7763  
hereby created the revenue bond guaranty fund to consist of all 7764  
money allocated by the director of development to guarantee 7765  
payment of interest on, principal of and redemption premium on, 7766  
the revenue bonds issued by the director under Chapter 122. of 7767  
the Revised Code, all grants, gifts, and contributions made to 7768  
the director for such purpose, and all money and property 7769  
provided by law for such purpose. 7770

**Sec. 122.59.** In the event of a default with respect to any 7771  
loan or lease, the director of development shall take such 7772  
action as ~~he~~ the director deems proper in the circumstances to 7773  
enforce and protect the rights of the director, and such action 7774  
as may be required by the provisions of any proceedings 7775  
authorizing the revenue bonds or of any trust agreement securing 7776  
such bonds, which may include any appropriate action at law or 7777  
in equity, enforcement or waiver of any provision of any 7778  
mortgage or security agreement or lease, or reinstatement of any 7779  
forfeited or cancelled right, title, or privilege. 7780  
~~Notwithstanding any such action, the director shall transfer~~ 7781  
~~from the mortgage guarantee fund created by section 122.56 of~~ 7782  
~~the Revised Code to the sinking fund or funds referred to in~~ 7783  
~~section 122.57 of the Revised Code amounts not greater than the~~ 7784  
~~amounts which would have been paid upon such loan or under such~~ 7785  
~~lease but for such default, at the time or times when such~~ 7786  
~~amounts would have been paid but for such defaults, to the~~ 7787

~~extent provided in the proceedings authorizing and the trust~~ 7788  
~~agreements securing such bonds, to be held and applied as other~~ 7789  
~~moneys in the sinking fund, and shall make such other transfers~~ 7790  
~~and take such other action as shall be required of the director~~ 7791  
~~by any such bond issuance proceedings or trust agreement.~~ 7792

**Sec. 122.631.** (A) As used in sections 122.631 to 122.633 7793  
of the Revised Code: 7794

(1) "Qualified nonprofit developer" means a nonprofit 7795  
corporation, as defined in section 1702.01 of the Revised Code, 7796  
that is all of the following: 7797

(a) Incorporated in this state; 7798

(b) Engaged in community development activities primarily 7799  
within an identified geographic area of operation in this state; 7800

(c) Has as its primary purpose the improvement of the 7801  
physical, economic, or social environment by addressing critical 7802  
problems in that geographic area of operation including housing. 7803

(2) "Electing subdivision," "county land reutilization 7804  
corporation," and "land reutilization program" have the same 7805  
meanings as in section 5722.01 of the Revised Code. 7806

~~(2)~~(3) "Manufactured home" has the same meaning as in 7807  
section 3781.06 of the Revised Code, and "mobile home" has the 7808  
same meaning as in section 4501.01 of the Revised Code. 7809

~~(3)~~(4) "Qualifying residential property" means single- 7810  
family residential property, including a single unit of 7811  
single-family residential property that has at least eight 7812  
hundred square feet of habitable space and is either a stand- 7813  
alone unit or in a multi-unit property containing not more than 7814  
ten single-family residential units. "Qualifying residential 7815



property" excludes mobile homes but includes both of the 7816  
following: 7817

(a) A manufactured home; 7818

(b) A single unit in a multi-unit property ~~containing not~~ 7819  
~~more than ten units but excluding manufactured homes, that has~~ 7820  
~~at least one thousand square feet of habitable space per~~ 7821  
~~unit~~ that has other nonresidential units or uses. Such 7822  
nonresidential units or uses are not qualifying residential 7823  
property. 7824

~~(4)~~(5) "Qualifying median income" means ~~eighty one hundred~~ 7825  
twenty per cent of median income for the county where qualifying 7826  
residential property is located, as determined by the director 7827  
of development pursuant to section 174.04 of the Revised Code. 7828

(6) "Qualifying financial literacy counseling" means a 7829  
homeownership course with a curriculum that includes basic home 7830  
maintenance training and financial literacy. 7831

(7) "Qualifying counseling provider" means an individual, 7832  
business, nonprofit organization, or political subdivision, 7833  
including an agency or instrumentality thereof, that is 7834  
licensed, certified, or authorized to provide homeownership 7835  
counseling and financial literacy as one of its primary 7836  
functions, including housing counselors certified by the United 7837  
States department of housing and urban development or the Ohio 7838  
housing financing agency. 7839

(B) There is created in the department of development the 7840  
welcome home Ohio (WHO) program to administer the grants 7841  
authorized by this section and section ~~163.632~~122.632 of the 7842  
Revised Code and the tax credits authorized by section 122.633 7843  
of the Revised Code. The department shall create and maintain a 7844

list of qualifying residential property to which the deed 7845  
restriction described in division (D) (4) of this section, 7846  
division (B) (4) of section 122.632, or division (C) (4) of 7847  
section 122.633 of the Revised Code applies. That list is not a 7848  
public record for purposes of section 149.43 of the Revised 7849  
Code. 7850

(C) An electing subdivision ~~or~~, a county land 7851  
reutilization corporation, or a qualified nonprofit developer 7852  
may apply to the director of development for a grant from the 7853  
welcome home Ohio fund, which is created in the state treasury, 7854  
to pay or defer the cost of purchasing qualifying residential 7855  
property for incorporation into the electing subdivision's or 7856  
county land reutilization corporation's land reutilization 7857  
program or the qualified nonprofit developer's housing program. 7858  
Up to two thousand dollars of each grant may be used to fund the 7859  
qualifying financial literacy counseling required under division 7860  
(D) (6) of this section. To the extent that funding is available 7861  
in that fund, the director may award grants to electing 7862  
subdivisions ~~and~~, county land reutilization corporations, and 7863  
qualified nonprofit developers that make such an application and 7864  
agree to comply with division (D) of this section, with a 7865  
maximum grant of one hundred thousand dollars per qualifying 7866  
residential property. 7867

(D) The director of development shall require all 7868  
applicants for a grant authorized by division (C) of this 7869  
section to agree, as part of the application, to all of the 7870  
following: 7871

(1) That grant funds shall only be used to pay the cost of 7872  
purchasing qualifying residential property; 7873

(2) That qualifying residential property on which grant 7874

funds are spent shall be held until sold to an individual or 7875  
individuals who, inclusively: 7876

(a) Have annual income that is not more than the 7877  
qualifying median income; 7878

(b) Demonstrate the financial means to purchase the 7879  
qualifying residential property; 7880

(c) Agree to maintain ownership of the qualifying 7881  
residential property, occupy it as a primary residence, and not 7882  
to rent any portion of the property to another individual for 7883  
use as a dwelling, for at least ~~five~~three years following the 7884  
date of purchase; 7885

(d) Agree not to sell the qualifying residential property, 7886  
within ~~twenty~~fifteen years after the date of the sale, to any 7887  
purchaser ~~except~~other than the electing subdivision, county 7888  
land reutilization corporation, or qualified nonprofit developer 7889  
or an individual or individuals who have annual income that is 7890  
not more than the qualifying median income; 7891

(e) Agree to pay a penalty to the director of development 7892  
for violation of the agreement required by division (D) (2) (c) of 7893  
this section that, ~~subject to divisions (F) (2) and (3) of this~~ 7894  
~~section,~~ equals ~~ninety thousand dollars~~the amount of the grant 7895  
attributable to the property, less ~~eighteen thousand dollars~~ 7896  
one-third of that amount multiplied by the number of full years 7897  
the individual or individuals owned the property; 7898

(f) Agree that the director of development is a third- 7899  
party beneficiary of the purchase agreement; 7900

(g) Agree to participate in the applicant's qualifying 7901  
financial literacy program; 7902

(h) Agree to annually certify to the director of 7903  
development ~~or the director's designee~~, during the period 7904  
described by division (D) (2) (c) of this section, that the 7905  
individual or individuals own and occupy the qualifying 7906  
residential property, and that no part of the property is being 7907  
rented to another individual for use as a dwelling. 7908

(3) That qualifying residential property on which grant 7909  
funds are spent shall be sold for not more than ~~one~~ two hundred 7910  
~~eighty~~ twenty thousand dollars per property. 7911

(4) That qualifying residential property on which grant 7912  
funds are spent shall not be sold without a deed restriction 7913  
prohibiting the sale of the property to a person that is not the 7914  
electing subdivision, county land reutilization corporation, or 7915  
qualified nonprofit developer or an individual or individuals 7916  
who have annual income that is not more than the qualifying 7917  
median income for ~~twenty~~ fifteen years after the date of the 7918  
property's first transfer from the applicant following the use 7919  
of grant funds. The deed restriction is a covenant running with 7920  
the land and is fully binding on subsequent purchasers of the 7921  
property until it expires on the fifteenth anniversary of the 7922  
property's first transfer from the applicant following the use 7923  
of grant funds. The electing subdivision, county land 7924  
reutilization corporation, or qualified nonprofit developer may 7925  
include in the deed restriction a right of first refusal to 7926  
repurchase the property for the purpose of ensuring that the 7927  
property is ultimately sold to an individual or individuals who 7928  
have annual income that is not more than the qualifying median 7929  
income. 7930

(5) That the applicant shall repay all grant funds not 7931  
expended to purchase qualifying residential property or to fund 7932

the qualifying financial literacy counseling required by 7933  
division (D) (6) of this section and all grant funds expended to 7934  
purchase qualifying residential property that is not sold to an 7935  
individual or individuals who meet the requirements described in 7936  
division (D) (2) of this section or that is sold without the deed 7937  
restriction described in division (D) (4) of this section. 7938

(6) That the applicant shall provide qualifying financial 7939  
literacy counseling, over a minimum of ~~one year~~six months, 7940  
delivered by a qualifying counseling provider, to each purchaser 7941  
of qualifying residential property on which grant funds are 7942  
spent. An applicant may provide information regarding its 7943  
qualifying financial literacy program to the director of 7944  
development for review as part of the application or prior to 7945  
application. ~~Financial~~Qualifying financial literacy counseling 7946  
provided by the applicant to the same purchaser, in accordance 7947  
with division (B) (6) of section 122.632 of the Revised Code or 7948  
division (C) (5) of section 122.633 of the Revised Code, 7949  
satisfies the requirements of division (D) (6) of this section. 7950

(7) That the applicant shall report to the department of 7951  
development the date when the qualifying residential property 7952  
that is the subject of the application is sold by the applicant. 7953

(E) The director of development has authority and standing 7954  
to sue for the enforcement of a deed restriction described in 7955  
division (D) (4) of this section. 7956

~~(F) (1)~~(F) An electing subdivision ~~or,~~ a county land 7957  
reutilization corporation, or a qualified nonprofit developer 7958  
may apply for, and the director of development may award both a 7959  
grant under this section for the purchase of qualifying 7960  
residential property, and either a grant under section 122.632 7961  
of the Revised Code, or a tax credit under section 122.633 of 7962

the Revised Code, to rehabilitate or construct the same 7963  
qualifying residential property. 7964

~~(2) If an electing subdivision or county land 7965  
reutilization is awarded a grant under this section and a grant 7966  
under section 122.632 of the Revised Code for the same 7967  
qualifying residential property, and the individual or 7968  
individuals who purchase the property violate both of the 7969  
agreements required by division (D) (2) (c) of this section and 7970  
division (B) (2) (c) of section 122.632 of the Revised Code, only 7971  
the penalty described by division (B) (2) (c) of section 122.632 7972  
of the Revised Code applies. 7973~~

~~(3) If an electing subdivision or county land 7974  
reutilization is awarded a grant under this section and a tax 7975  
credit under section 122.633 of the Revised Code for the same 7976  
qualifying residential property, and the individual or 7977  
individuals who purchase the property violate both of the 7978  
agreements required by division (D) (2) (c) of this section and 7979  
division (C) (2) (a) of section 122.633 of the Revised Code, only 7980  
the greater of the penalties described in divisions (D) (2) (c) of 7981  
this section and division (C) (2) (c) of section 122.633 of the 7982  
Revised Code applies. 7983~~

(G) (1) The director may adopt rules in accordance with 7984  
Chapter 119. Of the Revised Code as necessary to administer the 7985  
grant program. Such rules may include the following: 7986

(a) Application forms, deadlines, and procedures; 7987

(b) Criteria for evaluating and prioritizing applications; 7988

(c) Guidelines for promoting an even geographic 7989  
distribution of grants throughout the state; 7990

(d) Guidelines to determine the value of qualifying 7991

residential property located in a building with other uses and 7992  
the total value of that building. 7993

(2) Any grants repaid under this section shall be credited 7994  
to the welcome home Ohio fund. 7995

(3) An electing subdivision, a county land reutilization 7996  
corporation, or a qualified nonprofit developer shall use all 7997  
profits derived from the sale of qualifying residential property 7998  
on which grant funds are spent, including profits derived from 7999  
the resale of such property to a subsequent purchaser, for the 8000  
electing subdivision's or county land reutilization 8001  
corporation's land reutilization program or the qualified 8002  
nonprofit developer's housing program. 8003

**Sec. 122.632.** (A) An electing subdivision~~er~~, a county 8004  
land reutilization corporation, or a qualified nonprofit 8005  
developer may apply to the director of development for a grant 8006  
from the welcome home Ohio fund created in section 122.631 of 8007  
the Revised Code to pay or defer the cost to rehabilitate or 8008  
construct qualifying residential property held by the electing 8009  
subdivision's or county land reutilization corporation's land 8010  
reutilization program or the qualified nonprofit developer's 8011  
housing program. To the extent that funding is available, in 8012  
that fund the director may award grants to electing subdivisions 8013  
~~and~~, county land reutilization corporations, and qualified 8014  
nonprofit developers that make such an application and agree to 8015  
comply with division (B) of this section, with a maximum grant 8016  
of ~~thirty one~~ one hundred thousand dollars per qualifying 8017  
residential property. 8018

(B) The director of development shall require all 8019  
applicants for a grant authorized by division (A) of this 8020  
section to agree, as part of the application, to all of the 8021

following:

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(1) That grant funds shall ~~only~~ be used to pay the cost of  
rehabilitation or construction of qualifying residential  
property and all work will be completed according to all  
applicable construction and design standards~~,-~~. Up to two  
thousand dollars of each grant may be used to fund the  
qualifying financial literacy counseling required under division  
(B) (6) of this section. If grant funds are spent to construct or  
rehabilitate a qualifying residential property described in  
division (A) (4) (b) of section 122.631 of the Revised Code, then  
no portion of the funds shall be spent to construct or  
rehabilitate portions of the building that are for  
nonresidential uses, except for common areas used by the  
occupants of the residential units and improvements that serve  
both the residential units and the other portions of the  
building.

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(2) That qualifying residential property on which grant  
funds are spent shall be held until sold to an individual or  
individuals who, inclusively:

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(a) Have annual income that is not more than the  
qualifying median income;

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(b) Demonstrate the financial means to purchase the  
qualifying residential property;

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(c) Agree to maintain ownership of the qualifying  
residential property, occupy it as a primary residence, and not  
to rent any portion of the property to another individual for  
use as a dwelling, for at least ~~five~~ three years following the  
date of purchase;

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(d) Agree not to sell the qualifying residential property,

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within ~~twenty-fifteen~~ years after the date of the sale, to any 8051  
purchaser ~~except~~ other than the electing subdivision, county 8052  
land reutilization corporation, or qualified nonprofit developer 8053  
or an individual or individuals who have annual income that is 8054  
not more than the qualifying median income; 8055

(e) Agree to pay a penalty to the director of development 8056  
for violation of the agreement required by division (B) (2) (c) of 8057  
this section that, ~~subject to division (F) (2) of section 122.631~~ 8058  
~~of the Revised Code, equals ninety thousand dollars~~ the amount of 8059  
the grant attributable to the property, less eighteen thousand- 8060  
dollars one-third of that amount multiplied by the number of 8061  
full years the individual or individuals owned the property. 8062

(f) Agree that the director of development is a third- 8063  
party beneficiary of the purchase agreement; 8064

(g) Agree to participate in the applicant's qualifying 8065  
financial literacy program; 8066

(h) Agree to annually certify to the director of 8067  
development ~~or the director's designee~~, during the period 8068  
described by division (B) (2) (c) of this section, that the 8069  
individual or individuals own and occupy the qualifying 8070  
residential property, and that no part of the property is being 8071  
rented to another individual for use as a dwelling. 8072

(3) That qualifying residential property on which grant 8073  
funds are spent shall be sold for not more than ~~one~~ two hundred 8074  
~~eighty~~ twenty thousand dollars per property. 8075

(4) That qualifying residential property on which grant 8076  
funds are spent shall not be sold without a deed restriction 8077  
prohibiting the sale of the property to a person that is not the 8078  
electing subdivision, county land reutilization corporation, or 8079

qualified nonprofit developer or an individual or individuals 8080  
who have annual income that is not more than the median income 8081  
for ~~twenty~~ fifteen years after the date of the property's first 8082  
transfer from the applicant following the use of grant funds~~7.~~ 8083  
The deed restriction is a covenant running with the land and is 8084  
fully binding on subsequent purchasers of the property until it 8085  
expires on the fifteenth anniversary of the property's first 8086  
transfer from the applicant following the use of grant funds. 8087  
The electing subdivision, county land reutilization corporation, 8088  
or qualified nonprofit developer may include in the deed 8089  
restriction a right of first refusal to repurchase the property 8090  
for the purpose of ensuring that the property is ultimately sold 8091  
to an individual or individuals who have annual income that is 8092  
not more than the qualifying median income. 8093

(5) That the applicant shall repay all grant funds 8094  
expended on any expenses other than the construction or 8095  
rehabilitation of qualifying residential property or financial 8096  
literacy counseling required under division (B) (6) of this 8097  
section, or on qualifying residential property that is not sold 8098  
to an individual or individuals who meet the requirements 8099  
described in division (B) (2) of this section or that is sold 8100  
without the deed restriction described in division (B) (4) of 8101  
this section; 8102

(6) That the applicant shall provide financial qualifying 8103  
literacy counseling, over a minimum of ~~one year~~ six months, 8104  
delivered by the qualifying counseling provider, to each 8105  
purchaser of qualifying residential property on which grant 8106  
funds are spent. An applicant may provide information regarding 8107  
its qualifying financial literacy program to the director of 8108  
development for review as part of the application or prior to 8109  
application; 8110

(7) That the applicant shall report to the department of 8111  
development the date when the qualifying residential property 8112  
that is the subject of the application is sold by the applicant. 8113

(8) That, if grant funds are received, the qualifying 8114  
residential property that is the subject of the application 8115  
shall not be the subject of an application for a tax credit 8116  
under section 122.633 of the Revised Code. 8117

(C) The director of development is granted authority and 8118  
standing to sue for the enforcement of a deed restriction 8119  
described in division (B)(4) of this section. 8120

(D)(1) The director may adopt rules in accordance with 8121  
Chapter 119. of the Revised Code as necessary to administer the 8122  
grant program. Such rules may include the following: 8123

(a) Application forms, deadlines, and procedures; 8124

(b) Criteria for evaluating and prioritizing applications; 8125

(c) Guidelines for promoting an even geographic 8126  
distribution of grants throughout the state; 8127

(d) Guidelines to determine the value of qualifying 8128  
residential property located in a building with other uses and 8129  
the total value of that building. 8130

(2) Any grants repaid under this section shall be credited 8131  
to the welcome home Ohio fund. 8132

(3) An electing subdivision, a county land reutilization 8133  
corporation, or a qualified nonprofit developer shall use all 8134  
profits derived from the sale of qualifying residential property 8135  
on which grant funds are spent, including profits derived from 8136  
the resale of such property to a subsequent purchaser, for the 8137  
electing subdivision's or county land reutilization 8138

corporation's land reutilization program or the qualified 8139  
nonprofit developer's housing program. 8140

**Sec. 122.633.** (A) As used in this section, "eligible 8141  
developer" means any of the following: 8142

(1) A nonprofit corporation, as defined in section 1702.01 8143  
of the Revised Code, based in this state with a primary activity 8144  
of the development and preservation of affordable housing; 8145

(2) A limited partnership or domestic limited partnership, 8146  
as defined in section 1782.01 of the Revised Code, in which a 8147  
general partner is a nonprofit corporation based in this state, 8148  
a primary activity of which is the development and preservation 8149  
of affordable housing; 8150

(3) A limited liability company, as defined in section 8151  
1706.01 of the Revised Code, in which the manager is a nonprofit 8152  
corporation based in this state, a primary activity of which is 8153  
the development and preservation of affordable housing; 8154

(4) A community improvement corporation, as defined in 8155  
section 1724.01 of the Revised Code, or a community urban 8156  
redevelopment corporation, as defined in section 1728.01 of the 8157  
Revised Code. 8158

(B) An electing subdivision or eligible developer that 8159  
rehabilitates or constructs a unit of qualifying residential 8160  
property and sells the property to an individual or individuals 8161  
for the individual's or individuals' occupancy may apply to the 8162  
director of development for a nonrefundable credit against the 8163  
tax levied under section 5726.02 or 5747.02 of the Revised Code, 8164  
provided the rehabilitation or construction and the sale comply 8165  
with division (C) of this section. The credit application shall 8166  
be made on forms prescribed by the director. The credit shall 8167

equal ninety thousand dollars or ~~one-third~~ ninety per cent of 8168  
the cost to rehabilitate or construct the property, whichever is 8169  
less. 8170

(C) An application for a credit authorized by division ~~(C)~~ 8171  
(B) of this section shall certify all of the following: 8172

(1) That the rehabilitation or construction of qualifying 8173  
residential property that is the subject of the application was 8174  
completed according to all applicable construction and design 8175  
standards; 8176

(2) That each qualifying residential property that is the 8177  
subject of the application was sold to an individual or 8178  
individuals who have annual income that is not more than the 8179  
qualifying median income, demonstrated the financial means to 8180  
purchase the qualifying residential property, and agreed to all 8181  
of the following in the purchase agreement: 8182

(a) To maintain ownership of the qualifying residential 8183  
property, occupy it as a primary residence, and not to rent any 8184  
portion of the property to another individual for use as a 8185  
dwelling, for at least ~~five~~ three years following the date of 8186  
purchase; 8187

(b) Not to sell the qualifying residential property to a 8188  
purchaser other than the electing subdivision, the eligible 8189  
developer, or an individual or individuals who have annual 8190  
income that is no more than the qualifying median income for at 8191  
least ~~twenty~~ fifteen years after the date of purchase; 8192

(c) To pay a penalty to the director of development for 8193  
violation of the agreement required by division (C) (2) (a) of 8194  
this section that, ~~subject to division (F) (3) of section 122.631~~ 8195  
~~of the Revised Code,~~ equals the total amount of the tax credit 8196

authorized by this section and attributable to the qualifying 8197  
residential property purchased by the individual, reduced by 8198  
~~twenty per cent~~ one-third of that amount for each full year the 8199  
individual or individuals owned the property; 8200

(d) That the director of development is a third-party 8201  
beneficiary of the purchase agreement; 8202

(e) To participate in the applicant's qualifying financial 8203  
literacy program; 8204

(f) Agree to annually certify to the director of 8205  
development ~~or the director's designee~~, during the period 8206  
described by division (C) (2) (a) of this section, that the 8207  
individual or individuals own and occupy the qualifying 8208  
residential property, and that no part of the property is being 8209  
rented to another individual for use as a dwelling. 8210

(3) That the qualifying residential property that is the 8211  
subject of the application was sold for not more than ~~one-two~~ 8212  
hundred ~~eighty-twenty~~ thousand dollars; 8213

(4) That the purchaser of the qualifying residential 8214  
property that is the subject of the application was transferred 8215  
with a deed restriction prohibiting the sale of the property to 8216  
a person other than the electing subdivision, the eligible 8217  
developer, or an individual or individuals who have annual 8218  
income that is not more than the qualifying median income for at 8219  
least ~~twenty-fifteen~~ years after the date of transfer. The deed 8220  
restriction is a covenant running with the land and is fully 8221  
binding on subsequent purchasers of the property until it 8222  
expires on the fifteenth anniversary of the property's first 8223  
transfer from the applicant under this section. The electing 8224  
subdivision or eligible developer may include in the deed 8225

restriction a right of first refusal to repurchase the property 8226  
for the purposes of ensuring that the property is ultimately 8227  
sold to an individual or individuals who have annual income that 8228  
is not more than the qualifying median income. 8229

(5) That the applicant provides a minimum of ~~one year~~ six 8230  
months of qualifying financial literacy counseling, delivered by 8231  
a qualifying counseling provider, to each purchaser of 8232  
qualifying residential property that is the subject of the 8233  
application. An applicant may provide information regarding its 8234  
qualifying financial literacy program to the director of 8235  
development for review as part of the application or prior to 8236  
application~~;~~. 8237

(6) That the applicant shall report to the department of 8238  
development the date when the qualifying residential property 8239  
that is the subject of the application is sold by the applicant. 8240

(7) That the qualifying residential property that is the 8241  
subject of the application was not rehabilitated or constructed 8242  
using grant funds received under section 122.632 of the Revised 8243  
Code. 8244

(D) The director of development is granted authority and 8245  
standing to sue for the enforcement of a deed restriction 8246  
described in division (C) (4) of this section. 8247

(E) (1) Subject to division (E) (2) of this section, if the 8248  
director determines that the applicant qualifies for a credit 8249  
under this section, the director shall issue a tax credit 8250  
certificate to the applicant identified with a unique number and 8251  
listing the amount of the credit that is eligible to be 8252  
transferred or claimed pursuant to division (E) (3) or (F) of 8253  
this section. 8254

(2) The total amount of tax credits issued by the director 8255  
under this section after the effective date of this amendment 8256  
shall not exceed ~~twenty-five~~ twenty million dollars ~~in any~~ 8257  
~~fiscal year~~, and no tax credits shall be issued after June 30, 8258  
2025~~2027~~. 8259

(3) A person granted a certificate pursuant to division 8260  
(E) (1) of this section may claim the credit against the tax 8261  
levied under section 5726.02 of the Revised Code or against the 8262  
person's aggregate tax liability under section 5747.02 of the 8263  
Revised Code for the taxable year in which the certificate is 8264  
issued. The taxpayer shall claim the credit in the order 8265  
prescribed by section 5726.98 or 5747.98 of the Revised Code, as 8266  
applicable. Any unused amount may be carried forward for the 8267  
following five taxable years. If the person is a pass-through 8268  
entity, any taxpayer that is a direct or indirect investor in 8269  
the pass-through entity on the last day of the entity's taxable 8270  
year may claim the taxpayer's proportionate or distributive 8271  
share of the credit against the taxpayer's aggregate amount of 8272  
tax levied under section 5747.02 of the Revised Code. 8273

A taxpayer claiming a credit under this section shall 8274  
submit a copy of the certificate with the taxpayer's return or 8275  
report. 8276

(F) A person granted a certificate pursuant to division 8277  
(E) (1) of this section may transfer the right to claim all or 8278  
part of the credit reflected on the certificate to another 8279  
person. 8280

To effectuate the transfer, the transferor shall notify 8281  
the tax commissioner, in writing, that the transferor is 8282  
transferring the right to claim all or part of the remaining 8283  
credit stated on the certificate. The transferor shall identify 8284



in that notification the certificate's number, the name and the 8285  
tax identification number of the transferee, the amount of the 8286  
remaining credit transferred to the transferee, and, if 8287  
applicable, the amount of remaining credit retained by the 8288  
transferor. 8289

The transferee may claim the amount of the credit received 8290  
under this division against the tax levied under section 5726.02 8291  
of the Revised Code or against the person's aggregate tax 8292  
liability under section 5747.02 of the Revised Code for the 8293  
taxable year in the same manner and for the same taxable years 8294  
as it may be claimed by a person under division (E) (3) of this 8295  
section. 8296

Any person to which a credit has been transferred under 8297  
this division may transfer the right to claim all or part of the 8298  
transferred credit amount to any other person, in the same 8299  
manner prescribed by this division for the initial transfer, 8300  
including that any such transfer be reported by the transferor 8301  
to the tax commissioner as described in this division. 8302

Transferring a credit under this division does not extend 8303  
the taxable years for which the credit may be claimed or number 8304  
of years for which the unclaimed credit amount may be carried 8305  
forward. 8306

(G) The director may adopt rules in accordance with 8307  
Chapter 119. of the Revised Code as necessary to administer the 8308  
tax credits authorized by this section. Such rules may include 8309  
the following: 8310

(1) Application forms, deadlines, and procedures; 8311

(2) Criteria for evaluating and prioritizing applications; 8312

(3) Guidelines for promoting an even geographic 8313

distribution of credits throughout the state. 8314

Sec. 122.634. (A) As used in this section: 8315

(1) "Major workforce housing project" means a project that 8316  
reserves at least twenty units, designed for residential 8317  
occupancy by at least twenty individuals or families living 8318  
independently from each other, for households earning between 8319  
sixty and one hundred per cent of the median income for the 8320  
county where the project is located, as determined by the 8321  
director of development pursuant to section 174.04 of the 8322  
Revised Code. 8323

(2) "Quadplex housing" means a parcel with four dwelling 8324  
units that are designed for residential occupancy by four 8325  
individuals or families living independently from each other. 8326

(B) The department of development shall provide grants to 8327  
townships and municipal corporations that adopt and implement at 8328  
least three pro-housing policies in accordance with this 8329  
section. A township or municipal corporation may apply for such 8330  
a grant in the form and manner prescribed by the department. The 8331  
application shall, at minimum, include both of the following: 8332

(1) Documentation or other evidence that shows the 8333  
township or municipal corporation has adopted and implemented at 8334  
least three of the pro-housing policies described in division 8335  
(D) of this section; 8336

(2) A description of how the township or municipal 8337  
corporation intends to utilize the grant funds received. 8338

The department shall review applications and award grants 8339  
under this section annually, to the extent that funds are 8340  
available, provided that no township or municipal corporation 8341  
may receive more than fifteen per cent of the total funds 8342

available, regardless of the number of applicants. 8343

(C) (1) Except as otherwise provided in division (F) of 8344  
this section, the first ten townships and municipal corporations 8345  
that timely submit an application and that demonstrate, to the 8346  
satisfaction of the department, that they have adopted and 8347  
implemented at least three of the pro-housing policies, 8348  
including at least one policy from each of divisions (D) (1), 8349  
(2), and (3) of this section, shall receive a portion of the 8350  
available funds. The department shall determine the amount of 8351  
the grant awarded to each such township and municipal 8352  
corporation based on population. Approximately seventy-five per 8353  
cent of the available funds shall be awarded under division (C) 8354  
(1) of this section. 8355

(2) Approximately twenty-five per cent of the available 8356  
funds shall be awarded to townships and municipal corporations 8357  
that have adopted and implemented six or more of the pro-housing 8358  
policies described in division (D) of this section. A township 8359  
or municipal corporation that received funds under division (C) 8360  
(1) of this section may receive additional funds under this 8361  
division. 8362

(D) All of the following are pro-housing policies for 8363  
purposes of this section: 8364

(1) (a) Having no or minimal parking requirements for 8365  
developments that include residential units; 8366

(b) Allowing at least quadplex housing in at least 8367  
seventy-five per cent of the territory of the township or 8368  
municipal corporation; 8369

(c) Repealing minimum lot size requirements for 8370  
developers; 8371

(d) Having reduced, by at least fifty per cent, the 8372  
portion of territory within the township or municipal 8373  
corporation that is zoned for single-family use only, as 8374  
compared to the portion of territory zoned for that purpose ten 8375  
years before the application date. 8376

(2) (a) Subsidizing or decreasing costs related to water or 8377  
sewer connections for major workforce housing projects; 8378

(b) Acquiring and readying sites that are ready to be 8379  
financed and built upon by housing developers; 8380

(c) Providing incentives related to increased density to 8381  
developers that provide low-income housing and workforce housing 8382  
in census tracts that are at or above the area median income; 8383

(d) Providing incentives for modular housing or 8384  
manufactured homes; 8385

(e) Adopting road regulations and specifications for 8386  
county roads recommended by the department of transportation for 8387  
all roads constructed for the purpose of housing projects; 8388

(f) Adopting a building code that is not more restrictive 8389  
than the state's building code for the specific style of 8390  
exterior cladding or finish materials for residential buildings. 8391

(3) (a) Having a process in place to reduce the time it 8392  
takes to review and complete all regulatory approvals for 8393  
housing developments by at least thirty per cent or that reduces 8394  
the time it takes to review and grant permits to four months or 8395  
less; 8396

(b) Having a pre-approval process in place to create an 8397  
expedited review and granting of permits for a diverse range of 8398  
developers; 8399

<u>(c) Having an expedited approval process for development plans sharing ninety per cent of the elements of a development plan that was previously approved;</u>	8400
	8401
	8402
<u>(d) Having a housing plan within the last five years that tracks the needs, gaps, and potential strategies for increasing housing across all income levels within the township or municipal corporation for at least the next ten years and identifies opportunities to reduce the regulatory burden on housing development;</u>	8403
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<u>(e) Having policies that preserve existing moderate and low-income housing;</u>	8409
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<u>(f) Allowing accessory dwelling units.</u>	8411
<u>(E) A township or municipal corporation that receives a grant under this section shall use at least half of the funds for the following purposes:</u>	8412
	8413
	8414
<u>(1) Providing capital for housing development through grants or loans;</u>	8415
	8416
<u>(2) Supporting first-time home buyers;</u>	8417
<u>(3) Providing funds for home repairs for low-income homeowners;</u>	8418
	8419
<u>(4) Providing funds for multi-family building improvements for low- and middle-income landlords;</u>	8420
	8421
<u>(5) Enforcing zoning and residential building regulations;</u>	8422
<u>(6) Enforcing anti-discrimination housing regulations;</u>	8423
<u>(7) Providing funds for tenant protection and empowerment;</u>	8424
<u>(8) Acquiring and readying sites for housing development;</u>	8425

<u>(9) Funding a conversion under the rental assistance demonstration program;</u>	8426
	8427
<u>(10) Providing long-term housing for difficult to house populations.</u>	8428
	8429
<u>(F) Townships and municipal corporations that receive a grant under this section shall provide documentation sufficient to prove, to the satisfaction of the department, that at least half of the funds were used for the purposes specified in division (E) of this section. A township or municipal corporation that does not expend at least half of the funds for the purposes specified in division (E) of this section shall not receive funds under this section for five years following the date those funds were expended improperly.</u>	8430
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<u>(G) The housing accelerator fund is created in the state treasury. Money in the fund shall be used to provide grants under this section and section 175.42 of the Revised Code. All investment earnings of the fund shall be credited to the fund.</u>	8439
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<b>Sec. 122.85.</b> (A) As used in this section and in sections 5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code:	8443
	8444
(1) "Tax credit-eligible production" means a motion picture or Broadway theatrical production certified by the director of development under division (B) of this section as qualifying the production company for a tax credit under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code.	8445
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(2) "Certificate owner" means a production company to which a tax credit certificate is issued.	8450
	8451
(3) "Production company" means an individual, corporation, partnership, limited liability company, or other form of business association that is registered with the secretary of	8452
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state and that is producing a motion picture or Broadway theatrical production. 8455  
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(4) "Eligible expenditures" means expenditures made after June 30, 2009, for goods or services purchased and consumed in this state by a production company directly for the production of a tax credit-eligible production, for postproduction activities, or for advertising and promotion of the production. 8457  
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~~"Eligible expenditures" do not include qualified expenditures for which a production company receives a tax credit under section 122.852 of the Revised Code.~~ 8462  
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"Eligible expenditures" include expenditures for cast and crew wages, accommodations, costs of set construction and operations, editing and related services, photography, sound synchronization, lighting, wardrobe, makeup and accessories, film processing, transfer, sound mixing, special and visual effects, music, location fees, and the purchase or rental of facilities and equipment. 8465  
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(5) "Motion picture" means entertainment content created in whole or in part within this state for distribution or exhibition to the general public, including, but not limited to, feature-length films; documentaries; long-form, specials, miniseries, series, and interstitial television programming; interactive web sites; sound recordings; videos; music videos; interactive television; interactive games; video games; commercials; any format of digital media; and any trailer, pilot, video teaser, or demo created primarily to stimulate the sale, marketing, promotion, or exploitation of future investment in either a product or a motion picture by any means and media in any digital media format, film, or videotape, provided the motion picture qualifies as a motion picture. "Motion picture" 8472  
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does not include any television program created primarily as 8485  
news, weather, or financial market reports, a production 8486  
featuring current events or sporting events, an awards show or 8487  
other gala event, a production whose sole purpose is 8488  
fundraising, a long-form production that primarily markets a 8489  
product or service or in-house corporate advertising or other 8490  
similar productions, a production for purposes of political 8491  
advocacy, or any production for which records are required to be 8492  
maintained under 18 U.S.C. 2257 with respect to sexually 8493  
explicit content. 8494

(6) "Broadway theatrical production" means a prebroadway 8495  
production, long run production, or tour launch that is 8496  
directed, managed, and performed by a professional cast and crew 8497  
and that is directly associated with New York city's Broadway 8498  
theater district. 8499

(7) "Prebroadway production" means a live stage production 8500  
that is scheduled for presentation in New York city's Broadway 8501  
theater district after the original or adaptive version is 8502  
performed in a qualified production facility. 8503

(8) "Long run production" means a live stage production 8504  
that is scheduled to be performed at a qualified production 8505  
facility for more than five weeks, with an average of at least 8506  
six performances per week. 8507

(9) "Tour launch" means a live stage production for which 8508  
the activities comprising the technical period are conducted at 8509  
a qualified production facility before a tour of the original or 8510  
adaptive version of the production begins. 8511

(10) "Qualified production facility" means a facility 8512  
located in this state that is used in the development or 8513



presentation to the public of theater productions. 8514

(B) For the purpose of encouraging and developing strong 8515  
film and theater industries in this state, the director of 8516  
development may certify a motion picture or Broadway theatrical 8517  
production produced by a production company as a tax credit- 8518  
eligible production. In the case of a television series, the 8519  
director may certify the production of each episode of the 8520  
series as a separate tax credit-eligible production. A 8521  
production company shall apply for certification of a motion 8522  
picture or Broadway theatrical production as a tax credit- 8523  
eligible production on a form and in the manner prescribed by 8524  
the director. Each application shall include the following 8525  
information: 8526

(1) The name and telephone number of the production 8527  
company; 8528

(2) The name and telephone number of the company's contact 8529  
person; 8530

(3) A list of the first preproduction date through the 8531  
last production and postproduction dates in Ohio and, in the 8532  
case of a Broadway theatrical production, a list of each 8533  
scheduled performance in a qualified production facility; 8534

(4) The Ohio production office or qualified production 8535  
facility address and telephone number; 8536

(5) The total production budget; 8537

(6) The total budgeted eligible expenditures and the 8538  
percentage that amount is of the total production budget of the 8539  
motion picture or Broadway theatrical production; 8540

(7) In the case of a motion picture, the total percentage 8541

of the production being shot in Ohio;	8542
(8) The level of employment of cast and crew who reside in Ohio;	8543 8544
(9) A synopsis of the script;	8545
(10) In the case of a motion picture, the shooting script;	8546
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	8547 8548
(12) Documentation of financial ability to undertake and complete the motion picture or Broadway theatrical production, including documentation that shows that the company has secured funding equal to at least fifty per cent of the total production budget;	8549 8550 8551 8552 8553
(13) Estimated value of the tax credit based upon total budgeted eligible expenditures;	8554 8555
(14) Estimated amount of state and local taxes to be generated in this state from the production;	8556 8557
(15) Estimated economic impact of the production in this state;	8558 8559
(16) Any other information considered necessary by the director.	8560 8561
Within ninety days after certification of a motion picture or Broadway theatrical production as a tax credit-eligible production, and any time thereafter upon the request of the director, the production company shall present to the director sufficient evidence of reviewable progress. If the production company fails to present sufficient evidence, the director may rescind the certification. If the production of a motion picture	8562 8563 8564 8565 8566 8567 8568

or Broadway theatrical production does not begin within ninety 8569  
days after the date it is certified as a tax credit-eligible 8570  
production, the director shall rescind the certification unless 8571  
the director finds that the production company shows good cause 8572  
for the delay, meaning that the production was delayed due to 8573  
unforeseeable circumstances beyond the production company's 8574  
control or due to action or inaction by a government agency. 8575  
Upon rescission, the director shall notify the applicant that 8576  
the certification has been rescinded. Nothing in this section 8577  
prohibits an applicant whose tax credit-eligible production 8578  
certification has been rescinded from submitting a subsequent 8579  
application for certification. 8580

(C) (1) A production company whose motion picture or 8581  
Broadway theatrical production has been certified as a tax 8582  
credit-eligible production may apply to the director of 8583  
development on or after July 1, 2009, for a refundable credit 8584  
against the tax imposed by section 5726.02, 5733.06, 5747.02, or 8585  
5751.02 of the Revised Code. The director in consultation with 8586  
the tax commissioner shall prescribe the form and manner of the 8587  
application and the information or documentation required to be 8588  
submitted with the application. 8589

The credit is determined as follows: 8590

(a) If the total budgeted eligible expenditures stated in 8591  
the application submitted under division (B) of this section or 8592  
the actual eligible expenditures as finally determined under 8593  
division (D) of this section, whichever is least, is less than 8594  
or equal to three hundred thousand dollars, no credit is 8595  
allowed; 8596

(b) If the total budgeted eligible expenditures stated in 8597  
the application submitted under division (B) of this section or 8598

the actual eligible expenditures as finally determined under 8599  
division (D) of this section, whichever is least, is greater 8600  
than three hundred thousand dollars, the credit equals thirty 8601  
per cent of the least of such budgeted or actual eligible 8602  
expenditure amounts. 8603

(2) Except as provided in division (C)(4) of this section, 8604  
if the director of development approves a production company's 8605  
application for a credit, the director shall issue a tax credit 8606  
certificate to the company. The director in consultation with 8607  
the tax commissioner shall prescribe the form and manner of 8608  
issuing certificates. The director shall assign a unique 8609  
identifying number to each tax credit certificate and shall 8610  
record the certificate in a register devised and maintained by 8611  
the director for that purpose. The certificate shall state the 8612  
amount of the eligible expenditures on which the credit is based 8613  
and the amount of the credit. Upon the issuance of a 8614  
certificate, the director shall certify to the tax commissioner 8615  
the name of the production company to which the certificate was 8616  
issued, the amount of eligible expenditures shown on the 8617  
certificate, the amount of the credit, and any other information 8618  
required by the rules adopted to administer this section. 8619

(3) The amount of eligible expenditures for which a tax 8620  
credit may be claimed is subject to inspection and examination 8621  
by the tax commissioner or employees of the commissioner under 8622  
section 5703.19 of the Revised Code and any other applicable 8623  
law. Once the eligible expenditures are finally determined under 8624  
section 5703.19 of the Revised Code and division (D) of this 8625  
section, the credit amount is not subject to adjustment unless 8626  
the director determines an error was committed in the 8627  
computation of the credit amount. 8628

(4) No tax credit certificate may be issued before the 8629  
completion of the tax credit-eligible production. The amount of 8630  
tax credit allowed per fiscal year shall not exceed the sum of 8631  
~~(a) fifty~~ Seventy-five million dollars, ~~(b) the difference~~ 8632  
~~between the maximum credit amount for that fiscal year under~~ 8633  
~~section 122.852 of the Revised Code and the amount the director~~ 8634  
~~of development elects to allow under this section pursuant to~~ 8635  
~~division (D)(1) of section 122.852 of the Revised Code, and (c)~~ 8636  
the difference between the maximum amount of credits that could 8637  
have been awarded in the previous fiscal year under this section 8638  
and the amount actually awarded. Out of that sum, five million 8639  
dollars shall be reserved for Broadway theatrical productions, 8640  
and the balance may be allowed for any tax credit-eligible 8641  
production. For any fiscal year in which less than five million 8642  
dollars of tax credits are allowed for Broadway theatrical 8643  
productions, the amount of the five million dollars not allowed 8644  
and added to the maximum annual amount for the following fiscal 8645  
year shall be reserved for Broadway theatrical productions in 8646  
the following fiscal year. 8647

(5) The director shall review and approve applications for 8648  
tax credits ~~in two rounds each fiscal year. The first round of~~ 8649  
~~credits shall be awarded not later than the last day of July of~~ 8650  
~~the fiscal year, and the second round of credits shall be~~ 8651  
~~awarded not later than the last day of the ensuing January. The~~ 8652  
~~amount of credits awarded in the first round of applications~~ 8653  
~~each fiscal year shall not exceed one-half of the maximum~~ 8654  
~~allowance for the fiscal year calculated under division (C)(4)~~ 8655  
~~of this section, two million five hundred thousand dollars of~~ 8656  
~~which shall be reserved for Broadway theatrical productions. For~~ 8657  
~~each round, the director shall rank applications on the basis of~~ 8658  
~~the extent of positive economic impact each tax credit-eligible~~ 8659

~~production is likely to have in this state and the effect on- 8660  
developing a permanent workforce in motion picture or theatrical 8661  
production industries in the state. For the purpose of such- 8662  
ranking, the on a rolling basis. The director shall give 8663  
priority to tax-credit eligible productions that are television 8664  
series or miniseries due to the long-term commitment typically 8665  
associated with such productions. ~~The economic impact ranking- 8666  
shall be based on the production company's total expenditures in 8667  
this state directly associated with the tax credit-eligible- 8668  
production. The effect on developing a permanent workforce in- 8669  
the motion picture or theatrical production industries shall be- 8670  
evaluated first by the number of new jobs created and second by- 8671  
amount of payroll added with respect to employees in this state.~~ 8672~~

~~The director shall approve productions in the order of- 8673  
their ranking, from those with the greatest positive economic- 8674  
impact and workforce development effect to those with the least- 8675  
positive economic impact and workforce development effect.~~ 8676

(D) A production company whose motion picture or Broadway 8677  
theatrical production has been certified as a tax credit- 8678  
eligible production shall engage, at the company's expense, an 8679  
independent certified public accountant to examine the company's 8680  
production, postproduction, and advertising and promotion 8681  
expenditures to identify the expenditures that qualify as 8682  
eligible expenditures. The certified public accountant shall 8683  
issue a report to the company and to the director of development 8684  
certifying the company's eligible expenditures and any other 8685  
information required by the director. Upon receiving and 8686  
examining the report, the director may disallow any expenditure 8687  
the director determines is not an eligible expenditure. If the 8688  
director disallows an expenditure, the director shall issue a 8689  
written notice to the production company stating that the 8690

expenditure is disallowed and the reason for the disallowance. 8691  
Upon examination of the report and disallowance of any 8692  
expenditures, the director shall determine finally the lesser of 8693  
the total budgeted eligible expenditures stated in the 8694  
application submitted under division (B) of this section or the 8695  
actual eligible expenditures for the purpose of computing the 8696  
amount of the credit. 8697

(E) No credit shall be allowed under section 5726.55, 8698  
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 8699  
director has reviewed the report and made the determination 8700  
prescribed by division (D) of this section. 8701

(F) This state reserves the right to refuse the use of 8702  
this state's name in the credits of any tax credit-eligible 8703  
motion picture production or program of any Broadway theatrical 8704  
production. 8705

(G) (1) The director of development in consultation with 8706  
the tax commissioner shall adopt rules for the administration of 8707  
this section, including rules setting forth and governing the 8708  
criteria for determining whether a motion picture or Broadway 8709  
theatrical production is a tax credit-eligible production; 8710  
activities that constitute the production or postproduction of a 8711  
motion picture or Broadway theatrical production; reporting 8712  
sufficient evidence of reviewable progress; expenditures that 8713  
qualify as eligible expenditures; a schedule and deadlines for 8714  
applications to be submitted and reviewed; a competitive process 8715  
for approving credits based on likely economic impact in this 8716  
state and development of a permanent workforce in motion picture 8717  
or theatrical production industries in this state; consideration 8718  
of geographic distribution of credits; and implementation of the 8719  
program described in division (H) of this section. The rules 8720

shall be adopted under Chapter 119. of the Revised Code. 8721

(2) To cover the administrative costs of the program, the 8722  
director shall require each applicant to pay an application fee 8723  
equal to the lesser of ten thousand dollars or one per cent of 8724  
the estimated value of the tax credit as stated in the 8725  
application. The fees collected shall be credited to the tax 8726  
incentives operating fund created in section 122.174 of the 8727  
Revised Code. All grants, gifts, fees, and contributions made to 8728  
the director for marketing and promotion of the motion picture 8729  
industry within this state shall also be credited to the fund. 8730

(H) The director of development shall establish a program 8731  
for the training of Ohio residents who are or wish to be 8732  
employed in the film or multimedia industry. Under the program, 8733  
the director shall: 8734

(1) Certify individuals as film and multimedia trainees. 8735  
In order to receive such a certification, an individual must be 8736  
an Ohio resident, have participated in relevant on-the-job 8737  
training or have completed a relevant training course approved 8738  
by the director, and have met any other requirements established 8739  
by the director. 8740

(2) Accept applications from production companies that 8741  
intend to hire and provide on-the-job training to one or more 8742  
certified film and multimedia trainees who will be employed in 8743  
the company's tax credit-eligible production; 8744

(3) Upon completion of a tax-credit eligible production, 8745  
and upon the receipt of any salary information and other 8746  
documentation required by the director, authorize a 8747  
reimbursement payment to each production company whose 8748  
application was approved under division (H) (2) of this section. 8749



The payment shall equal fifty per cent of the salaries paid to 8750  
film and multimedia trainees employed in the production. 8751

Sec. 122.97. (A) The director of development may allocate 8752  
the state ceiling on the aggregate amount of private activity 8753  
bonds issued in this state as provided in 26 U.S.C. 146. The 8754  
allocation shall be made pursuant to rules the director adopts 8755  
in accordance with Chapter 119. of the Revised Code that do all 8756  
of the following: 8757

(1) Provide a formula for allocating the state ceiling, as 8758  
authorized under 26 U.S.C. 146(e); 8759

(2) Authorize procedures to administer those allocations; 8760

(3) Impose fees on persons to which such allocations are 8761  
issued; 8762

(4) Establish any other requirements, processes, or 8763  
procedures to administer the state ceiling. 8764

(B) The development volume cap fund is created in the 8765  
custody of the treasurer of state, but is not part of the state 8766  
treasury. The fund shall consist of all fees paid by issuers 8767  
receiving state ceiling allocations. Funds may be used to pay 8768  
the department of development's costs in administering ceiling 8769  
allocations. The treasurer of state shall disburse money from 8770  
the fund on order of the director of development. All interest 8771  
and investment income earned by the fund shall be deposited into 8772  
the fund. 8773

Sec. 123.10. (A) As used in this section and section 8774  
123.11 of the Revised Code, "public exigency" means an injury or 8775  
obstruction that occurs in any public works of the state and 8776  
that materially impairs its immediate use or places in jeopardy 8777  
property adjacent to it; an immediate danger of such an injury 8778

or obstruction; or an injury or obstruction, or an immediate 8779  
danger of an injury or obstruction, that occurs in any public 8780  
works of the state and that materially impairs its immediate use 8781  
or places in jeopardy property adjacent to it. 8782

(B) When a declaration of public exigency is issued 8783  
pursuant to division (C) of this section, the Ohio facilities 8784  
construction commission, or the requesting director of the state 8785  
agency, state institution of higher education as defined in 8786  
division (A) (1) of section 3345.12 of the Revised Code, or other 8787  
state instrumentality, as determined by the executive director 8788  
of the commission, shall enter into contracts with proper 8789  
persons for the performance of labor, the furnishing of 8790  
materials, or the construction of any structures and buildings 8791  
necessary to the maintenance, control, and management of the 8792  
public works of the state or any part of those public works. Any 8793  
contracts awarded for the work performed pursuant to the 8794  
declaration of a public exigency may be awarded without 8795  
competitive bidding or selection as set forth in Chapter 153. of 8796  
the Revised Code. 8797

(C) The executive director of the Ohio facilities 8798  
construction commission may issue a declaration of a public 8799  
exigency on the executive director's own initiative or upon the 8800  
request of the director of any state agency, a state institution 8801  
of higher education as defined in division (A) (1) of section 8802  
3345.12 of the Revised Code, or any other state instrumentality. 8803  
The executive director's declaration shall identify the specific 8804  
injury, obstruction, or danger that is the subject of the 8805  
declaration and shall set forth a dollar limitation for the 8806  
repair, removal, or prevention of that exigency under the 8807  
declaration. 8808

Before any project to repair, remove, or prevent a public 8809  
exigency under the executive director's declaration may begin, 8810  
the executive director shall send notice of the project, in 8811  
writing, to the director of budget and management and to the 8812  
members of the controlling board. That notice shall detail the 8813  
project to be undertaken to address the public exigency and 8814  
shall include a copy of the executive director's declaration 8815  
that establishes the monetary limitations on that project. 8816

Sec. 123.14. (A) Every two years, the department of 8817  
administrative services shall conduct a comprehensive study and 8818  
issue a report on all real property owned or leased by the state 8819  
or a state agency. The director of administrative services shall 8820  
deliver the report to the speaker of the house of 8821  
representatives, the president of the senate, and the governor 8822  
not later than the thirty-first day of January of every odd- 8823  
numbered year. The study shall include all of the following: 8824

(1) A complete list of all the real property owned by the 8825  
state or a state agency. The list shall be organized by who owns 8826  
the real property, which shall include information regarding the 8827  
nature of the real property, such as whether the real property 8828  
includes structures, whether any structure is office space, the 8829  
value of the real property, the cost of maintaining the real 8830  
property, and what percentage of the real property is used or 8831  
unused by the state or state agency. 8832

(2) A complete list of all the real property that the 8833  
state or a state agency rents or leases, but does not own, and 8834  
the cost of renting or leasing; 8835

(3) Which state agencies use the real property, whether 8836  
owned or leased, and the square footage that is used, versus not 8837  
used, organized by state agency; 8838

(4) How much of the real property identified in division 8839  
(A) (3) of this section would be used if all employees of that 8840  
agency worked in person, rather than remote. 8841

(B) As used in this section, "state agency" means every 8842  
organized body, office, or agency established by the laws of the 8843  
state for the exercise of any function of state government, 8844  
including the nonprofit corporation formed under section 187.01 8845  
of the Revised Code, but not including the courts or any 8846  
judicial agency, any state-assisted institution of higher 8847  
education, or any local agency. 8848

**Sec. 123.28.** As used in this section and in section 8849  
123.281 of the Revised Code: 8850

(A) "Culture" means any of the following: 8851

(1) Visual, musical, dramatic, graphic, design, and other 8852  
arts, including, but not limited to, architecture, dance, 8853  
literature, motion pictures, music, painting, photography, 8854  
sculpture, and theater, and the provision of training or 8855  
education in these arts; 8856

(2) The presentation or making available, in museums or 8857  
other indoor or outdoor facilities, of principles of science and 8858  
their development, use, or application in business, industry, or 8859  
commerce or of the history, heritage, development, presentation, 8860  
and uses of the arts described in division (A) (1) of this 8861  
section and of transportation; 8862

(3) The preservation, presentation, or making available of 8863  
features of archaeological, architectural, environmental, or 8864  
historical interest or significance in a state historical 8865  
facility or a local historical facility. 8866

(B) "Cultural organization" means either of the following: 8867

(1) A governmental agency or Ohio nonprofit corporation, 8868  
including the Ohio history connection, that provides programs or 8869  
activities in areas directly concerned with culture; 8870

(2) A regional arts and cultural district as defined in 8871  
section 3381.01 of the Revised Code. 8872

(C) "Cultural project" means all or any portion of an Ohio 8873  
cultural facility for which the general assembly has made an 8874  
appropriation or has specifically authorized the spending of 8875  
money or the making of rental payments relating to the financing 8876  
of construction. 8877

(D) "Cooperative use agreement" means a contract between 8878  
the Ohio facilities construction commission and a cultural 8879  
organization providing the terms and conditions of the 8880  
cooperative use of an Ohio cultural facility. 8881

(E) "Costs of operation" means amounts required to manage 8882  
an Ohio cultural facility that are incurred following the 8883  
completion of construction of its cultural project, provided 8884  
that both of the following apply: 8885

(1) Those amounts either: 8886

(a) Have been committed to a fund dedicated to that 8887  
purpose; 8888

(b) Equal the principal of any endowment fund, the income 8889  
from which is dedicated to that purpose. 8890

(2) The commission and the cultural organization have 8891  
executed an agreement with respect to either of those funds. 8892

(F) "Governmental agency" means a state agency, a state 8893  
institution of higher education as defined in section 3345.12 of 8894  
the Revised Code, a municipal corporation, county, township, or 8895

school district, a port authority created under Chapter 4582. of 8896  
the Revised Code, any other political subdivision or special 8897  
district in this state established by or pursuant to law, or any 8898  
combination of these entities; except where otherwise indicated, 8899  
the United States or any department, division, or agency of the 8900  
United States, or any agency, commission, or authority 8901  
established pursuant to an interstate compact or agreement. 8902

(G) "Local contributions" means the value of an asset 8903  
provided by or on behalf of a cultural organization from sources 8904  
other than the state, the value and nature of which shall be 8905  
approved by the Ohio facilities construction commission, in its 8906  
sole discretion. "Local contributions" may include the value of 8907  
the site where a cultural project is to be constructed. All 8908  
"local contributions," except a contribution attributable to 8909  
such a site, shall be for the costs of construction of a 8910  
cultural project or the creation or expansion of an endowment 8911  
for the costs of operation of a cultural facility. 8912

(H) "Local historical facility" means a site or facility, 8913  
other than a state historical facility, of archaeological, 8914  
architectural, environmental, or historical interest or 8915  
significance, or a facility, including a storage facility, 8916  
appurtenant to the operations of such a site or facility, that 8917  
is owned by a cultural organization and is used for or in 8918  
connection with cultural activities, including the presentation 8919  
or making available of culture to the public. 8920

(I) "Manage," "operate," or "management" means the 8921  
provision of, or the exercise of control over the provision of, 8922  
activities: 8923

(1) Relating to culture for an Ohio cultural facility, 8924  
including as applicable, but not limited to, providing for 8925

displays, exhibitions, specimens, and models; booking of 8926  
artists, performances, or presentations; scheduling; and hiring 8927  
or contracting for directors, curators, technical and scientific 8928  
staff, ushers, stage managers, and others directly related to 8929  
the cultural activities in the facility; but not including 8930  
general building services; 8931

(2) Relating to sports and athletic events for an Ohio 8932  
sports facility, including as applicable, but not limited to, 8933  
providing for booking of athletes, teams, and events; 8934  
scheduling; and hiring or contracting for staff, ushers, 8935  
managers, and others directly related to the sports and athletic 8936  
events in the facility; but not including general building 8937  
services. 8938

(J) "Ohio cultural facility" means any of the following: 8939

(1) The theaters located in the state office tower at 77 8940  
South High street in Columbus; 8941

(2) Any cultural facility in this state that is managed 8942  
directly by, or is subject to a cooperative use or management 8943  
agreement with, the Ohio facilities construction commission. 8944

(3) A state historical facility or a local historical 8945  
facility. 8946

(K) "Construction" includes acquisition, including 8947  
acquisition by lease-purchase, demolition, reconstruction, 8948  
alteration, renovation, remodeling, enlargement, improvement, 8949  
site improvements, and related equipping and furnishing. 8950

(L) "State historical facility" means a site or facility 8951  
that has all of the following characteristics: 8952

(1) It is created, supervised, operated, protected, 8953

maintained, and promoted by the Ohio history connection pursuant 8954  
to the Ohio history connection's performance of public functions 8955  
under sections 149.30 and 149.302 of the Revised Code. 8956

(2) Its title must reside wholly or in part with the 8957  
state, the Ohio history connection, or both the state and the 8958  
Ohio history connection. 8959

(3) It is managed directly by or is subject to a 8960  
cooperative use or management agreement with the Ohio facilities 8961  
construction commission and is used for or in connection with 8962  
cultural activities, including the presentation or making 8963  
available of culture to the public. 8964

(M) "Ohio sports facility" means all or a portion of a 8965  
stadium, arena, tennis facility, motorsports complex, or other 8966  
capital facility in this state. A primary purpose of the 8967  
facility shall be to provide a site or venue for the 8968  
presentation to the public of motorsports events, professional 8969  
tennis tournaments, or events of one or more major or minor 8970  
league professional athletic or sports teams that are associated 8971  
with the state or with a city or region of the state. The 8972  
facility shall be, in the case of a motorsports complex, owned 8973  
by the state or governmental agency, or in all other instances, 8974  
owned by or located on real property owned by the state or a 8975  
governmental agency, and includes all parking facilities, 8976  
walkways, and other auxiliary facilities, equipment, 8977  
furnishings, and real and personal property and interests and 8978  
rights therein, that may be appropriate for or used for or in 8979  
connection with the facility or its operation, for capital costs 8980  
of which state funds are spent pursuant to this section and 8981  
section 123.281 of the Revised Code. A facility constructed as 8982  
an Ohio sports facility may be both an Ohio cultural facility 8983



and an Ohio sports facility. 8984

(N) "Motorsports" means sporting events in which motor 8985  
vehicles are driven on a clearly demarcated tracked surface. 8986

(O) "Professional sports franchise" means a member of the 8987  
national football league, women's national football conference, 8988  
women's football alliance, women's football league association, 8989  
national hockey league, professional women's hockey league, 8990  
major league baseball, women's professional baseball league, 8991  
major league soccer, national women's soccer league, national 8992  
basketball association, or the women's national basketball 8993  
association, or a successor of such an entity. 8994

(P) "Major sports facility" means an Ohio sports facility 8995  
that meets all of the following criteria: 8996

(1) A primary purpose of the sports facility is to provide 8997  
a site or venue for the presentation of events of a professional 8998  
sports franchise that is committed to playing a majority of the 8999  
franchise's home games at the sports facility for a period of at 9000  
least thirty years after completion of the construction of the 9001  
sports facility. 9002

(2) The initial total estimated construction cost to be 9003  
incurred in connection with the construction of the sports 9004  
facility, excluding any site acquisition cost, is greater than 9005  
one billion dollars. 9006

(Q) "Transformational major sports facility mixed-use 9007  
project" means the following, as applicable: 9008

(1) A mixed-use project that does all of the following: 9009

(a) Includes the construction of a major sports facility; 9010

(b) Integrates some combination of retail, office, hotel, 9011

residential, recreation, structured parking, or other similar 9012  
uses into one or more mixed-use developments;(c) Is expected to 9013  
generate increased state tax revenues pursuant to state taxes 9014  
levied under Chapters 5739., 5741., 5747., and 5751. of the 9015  
Revised Code. 9016

(2) A transformational major sports facility mixed-use 9017  
project also may include any of the following: 9018

(a) Other projects supporting or relating to the major 9019  
sports facility or the professional sports franchise 9020  
constructing or using the major sports facility; 9021

(b) Any mixed-use project adjacent or otherwise relating 9022  
to practice facilities for the professional sports franchise; 9023

(c) Conference centers, concert, or other entertainment 9024  
venues and facilities; 9025

(d) Retail, food, restaurant, and beverage facilities, 9026  
whether fixed or mobile; 9027

(e) Parks and other public open spaces or facilities; 9028

(f) Related on-site infrastructure necessary or desirable 9029  
for all such elements for the transformational major sports 9030  
facility mixed-use project. 9031

(R) "Transformational major sports facility mixed-use 9032  
project district" means the geographic area encompassing the 9033  
land upon which the transformational major sports facility 9034  
mixed-use project is located, as designated by a municipal 9035  
corporation under section 715.016 of the Revised Code. 9036

(S) "Base professional sports franchise state tax 9037  
revenues" means a fixed dollar amount equal to all state tax 9038  
revenues generated pursuant to state taxes levied under Chapters 9039

5739., 5741., 5747., and 5751. of the Revised Code that are 9040  
attributable to the professional sports franchise, and its 9041  
operations at the existing facility in which the professional 9042  
sports facility plays home games if in the state, and collected 9043  
by the tax commissioner in the calendar year occurring 9044  
immediately before the calendar year in which the professional 9045  
sports franchise plays its initial regular season home game in 9046  
the major sports facility. 9047

(T) "Total major sports facility mixed-use project 9048  
district state tax revenues" means the total aggregate state tax 9049  
revenue generated in the territory of a transformational major 9050  
sports facility mixed-use project district pursuant to state 9051  
taxes levied under Chapters 5739., 5741., 5747., and 5751. of 9052  
the Revised Code, including state tax revenues attributable to 9053  
purchasing or leasing materials and items used in construction 9054  
in the territory of a transformational major sports facility 9055  
mixed-use project district, in a calendar year during the 9056  
initial term of the applicable major sports facility lease. 9057

(U) "Incremental major sports facility mixed-use project 9058  
district state tax revenues" means the amount of state tax 9059  
revenues received by the state determined by subtracting base 9060  
professional sports franchise state tax revenues from total 9061  
major sports facility mixed-use project district state tax 9062  
revenues in a calendar year, beginning with the calendar year in 9063  
which the professional sports franchise plays its initial 9064  
regular season home game in the major sports facility. 9065

(V) "Total incremental major sports facility mixed-use 9066  
project district state tax revenues" means the sum of both of 9067  
the following: 9068

(1) The total aggregate incremental major sports facility 9069

mixed-use district state tax revenues during the initial term of 9070  
the applicable major sports facility lease; 9071

(2) The total major sports facility mixed-use project 9072  
district tax revenues received in the calendar years prior to 9073  
the calendar year in which the professional sports franchise 9074  
plays its initial regular season home game in the major sports 9075  
facility. 9076

(W) "Major sports facility lease" means the lease or other 9077  
agreement held by the professional sports franchise for the use 9078  
of the major sports facility, the site of the major sports 9079  
facility, or both. 9080

**Sec. 123.281.** (A) The Ohio facilities construction 9081  
commission shall provide for the construction of a cultural 9082  
project in conformity with Chapter 153. of the Revised Code, 9083  
except for construction services provided on behalf of the state 9084  
by a governmental agency or a cultural organization in 9085  
accordance with divisions (B) and (C) of this section. 9086

(B) In order for a governmental agency or a cultural 9087  
organization to provide construction services on behalf of the 9088  
state for a cultural project, other than a state historical 9089  
facility, for which the general assembly has made an 9090  
appropriation or specifically authorized the spending of money 9091  
or the making of rental payments relating to the financing of 9092  
the construction, the governmental agency or cultural 9093  
organization shall submit to the Ohio facilities construction 9094  
commission a cooperative use agreement that includes, but is not 9095  
limited to, provisions that: 9096

(1) Specify how the proposed project will support culture; 9097

(2) Specify that the governmental agency or cultural 9098

organization has local contributions amounting to not less than 9099  
fifty per cent of the total state funding for the cultural 9100  
project; 9101

(3) Specify that the funds shall be used only for 9102  
construction; 9103

(4) Identify the facility to be constructed, renovated, 9104  
remodeled, or improved; 9105

(5) Specify that the project scope meets the intent and 9106  
purpose of the project appropriation and that the project can be 9107  
completed and ready to support culture without exceeding 9108  
appropriated funds; 9109

(6) Specify that the governmental agency or cultural 9110  
organization shall hold the Ohio facilities construction 9111  
commission harmless from all liability for the operation and 9112  
maintenance costs of the facility; 9113

(7) Specify that the agreement or any actions taken under 9114  
it are not subject to Chapter 123. or 153. of the Revised Code, 9115  
except for sections 123.20, 123.201, 123.21, 123.28, 123.281, 9116  
and 153.011 of the Revised Code, and are subject to Chapter 9117  
4115. of the Revised Code; and 9118

(8) Provide that amendments to the agreement shall require 9119  
the approval of the Ohio facilities construction commission. 9120

(C) In order for a cultural organization to provide 9121  
construction services on behalf of the state for a state 9122  
historical facility for which the general assembly has made an 9123  
appropriation or specifically authorized the spending of money 9124  
or the making of rental payments relating to the financing of 9125  
the construction, the cultural organization shall submit to the 9126  
Ohio facilities construction commission a cooperative use 9127

agreement that includes, but is not limited to, provisions that:	9128
(1) Specify how the proposed project will support culture;	9129
(2) Specify that the funds shall be used only for construction;	9130 9131
(3) Specify that not more than three per cent of the funds may be used by the cultural organization to administer the project;	9132 9133 9134
(4) Identify the facility to be constructed, renovated, remodeled, or improved;	9135 9136
(5) Specify that the project scope meets the intent and purpose of the project appropriation and that the project can be completed and ready to support culture without exceeding appropriated funds;	9137 9138 9139 9140
(6) Specify that the cultural organization shall hold the Ohio facilities construction commission harmless from all liability for the operation and maintenance costs of the facility;	9141 9142 9143 9144
(7) Specify that the agreement or any actions taken under it are not subject to Chapter 123., 153., or 4115. of the Revised Code, except for sections 123.20, 123.201, 123.21, 123.28, and 123.281 of the Revised Code; and	9145 9146 9147 9148
(8) Provide that amendments to the agreement shall require the approval of the Ohio facilities construction commission.	9149 9150
(D) For an Ohio sports facility that is financed in part by obligations issued under Chapter 154. of the Revised Code, construction services shall be provided on behalf of the state by or at the direction of the governmental agency or nonprofit corporation that will own or be responsible for the management	9151 9152 9153 9154 9155

of the facility. Any construction services to be provided by a 9156  
governmental agency or nonprofit corporation shall be specified 9157  
in a cooperative use agreement between the Ohio facilities 9158  
construction commission and the governmental agency or nonprofit 9159  
corporation. The agreement and any actions taken under it are 9160  
not subject to Chapter 123. or 153. of the Revised Code, except 9161  
for sections 123.20, 123.201, 123.21, 123.28, 123.281, and 9162  
153.011 of the Revised Code, and are subject to Chapter 4115. of 9163  
the Revised Code. 9164

(E) ~~State~~ Except as provided in division (H) of this 9165  
section, state funds shall not be used to pay or reimburse more 9166  
than fifteen per cent of the initial estimated construction cost 9167  
of an Ohio sports facility, excluding any site acquisition cost, 9168  
and no state funds, including any state bond proceeds, shall be 9169  
spent on any Ohio sports facility under this chapter unless, 9170  
with respect to that facility, all of the following apply: 9171

(1) The Ohio facilities construction commission has 9172  
received a financial and development plan satisfactory to it, 9173  
and provision has been made, by agreement or otherwise, 9174  
satisfactory to the commission, for a contribution amounting to 9175  
not less than eighty-five per cent of the total estimated 9176  
construction cost of the facility, excluding any site 9177  
acquisition cost, from sources other than the state. 9178

(2) The general assembly has specifically authorized the 9179  
spending of money on, or made an appropriation for, the 9180  
construction of the facility, or for rental payments relating to 9181  
state financing of all or a portion of the costs of constructing 9182  
the facility. Authorization to spend money, or an appropriation, 9183  
for planning or determining the feasibility of or need for the 9184  
facility does not constitute authorization to spend money on, or 9185

an appropriation for, costs of constructing the facility. 9186

(3) If state bond proceeds are being used for the Ohio 9187  
sports facility, the state or a governmental agency owns or has 9188  
sufficient property interests in the facility or in the site of 9189  
the facility or in the portion or portions of the facility 9190  
financed from proceeds of state bonds, which may include, but is 9191  
not limited to, the right to use or to require the use of the 9192  
facility for the presentation of sport and athletic events to 9193  
the public at the facility. 9194

(F) In addition to the requirements of division (E) of 9195  
this section, no state funds, including any state bond proceeds, 9196  
shall be spent on any Ohio sports facility that is a motorsports 9197  
complex, unless, with respect to that facility, both of the 9198  
following apply: 9199

(1) Motorsports events shall be presented at the facility 9200  
pursuant to a lease entered into with the owner of the facility. 9201  
The term of the lease shall be for a period of not less than the 9202  
greater of the useful life of the portion of the facility 9203  
financed from proceeds of state bonds as determined using the 9204  
guidelines for maximum maturities as provided under divisions 9205  
(B) and (C) of section 133.20 of the Revised Code, or the period 9206  
of time remaining to the date of payment or provision for 9207  
payment of outstanding state bonds allocable to costs of the 9208  
facility, all as determined by the director of budget and 9209  
management and certified by the executive director of the Ohio 9210  
facilities construction commission and to the treasurer of 9211  
state. 9212

(2) Any motorsports organization that commits to using the 9213  
facility for an established period of time shall give the 9214  
political subdivision in which the facility is located not less 9215



than six months' advance notice if the organization intends to 9216  
cease utilizing the facility prior to the expiration of that 9217  
established period. Such a motorsports organization shall be 9218  
liable to the state for any state funds used on the construction 9219  
costs of the facility. 9220

(G) In addition to the requirements of division (E) of 9221  
this section, no state bond proceeds shall be spent on any Ohio 9222  
sports facility that is a tennis facility, unless the owner or 9223  
manager of the facility provides contractual commitments from a 9224  
national or international professional tennis organization in a 9225  
form acceptable to the Ohio facilities construction commission 9226  
that assures that one or more sanctioned professional tennis 9227  
events will be presented at the facility during each year that 9228  
the bonds remain outstanding. 9229

(H) State funds may be used to pay or reimburse up to 9230  
thirty per cent of the initial estimated construction cost for a 9231  
major sports facility if all of the following criteria are met: 9232

(1) The major sports facility upon completion will be a 9233  
part of a transformational major sports facility mixed-use 9234  
project. 9235

(2) The Ohio facilities construction commission has 9236  
received a financial and development plan satisfactory to it, 9237  
and provision has been made in such plan, by agreement or 9238  
otherwise, satisfactory to the commission, for a contribution 9239  
amounting to not less than seventy per cent of the total initial 9240  
estimated construction cost of the major sports facility, 9241  
excluding any site acquisition cost, from sources other than the 9242  
state, including a contribution from the professional sports 9243  
franchise that plans to use the facility, or affiliates of the 9244  
franchise, of at least fifty per cent of the total estimated 9245

construction cost of the major sports facility. 9246

(3) The general assembly has specifically authorized the 9247  
spending of money on, or made an appropriation for, the 9248  
construction of the major sports facility, or for rental 9249  
payments relating to state financing of all or a portion of the 9250  
costs of constructing the major sports facility, provided that 9251  
authorization to spend money, or an appropriation, for planning 9252  
or determining the feasibility of or need for the major sports 9253  
facility does not constitute authorization to spend money on, or 9254  
an appropriation for, costs of constructing the major sports 9255  
facility. 9256

(4) If state bond proceeds are being used for the major 9257  
sports facility, both of the following: 9258

(a) The financial and development plan described in 9259  
division (H) (2) of this section demonstrates to the satisfaction 9260  
of the Ohio facilities construction commission, in consultation 9261  
with the department of taxation and the office of budget and 9262  
management, that, as of the date of the issuance of such bonds, 9263  
the total incremental major sports facility mixed-use project 9264  
district state tax revenues expected to be generated by the 9265  
transformational major sports facility mixed-use project are 9266  
projected to be in excess of the total debt service of the state 9267  
bonds for their initial term. 9268

(b) The state or a state agency owns or has sufficient 9269  
property interests in the major sports facility or in the site 9270  
of the major sports facility or in the portion or portions of 9271  
the major sports facility financed from proceeds of state bonds, 9272  
which may include, but is not limited to, the right to use or to 9273  
require the use of the major sports facility for the 9274  
presentation of sport and athletic events to the public at the 9275

major sports facility. 9276

(5) If state bond proceeds are being used for the major sports facility, then, without prejudice to the provisions of section 154.08 of the Revised Code, any such issue of bonds shall have a maturity of not less than twenty-five years. 9277  
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(6) If state bond proceeds are being used for the major sports facility, then the total major sports facility mixed-use project district state tax revenues shall be deposited by the treasurer of state into the major sports facility district fund created under division (I) of this section. From the major sports facility district fund, the director of budget and management may transfer funds to the Ohio cultural facilities bond service fund, which is created pursuant to division (D) of section 154.23 of the Revised Code, and held as trust funds pledged to the payment of bond service charges on the applicable obligations issued pursuant to Chapter 154. of the Revised Code to the extent provided in the applicable bond proceedings, and payment thereof from the Ohio cultural facilities bond service fund shall be made or provided for by the treasurer of state in accordance with the applicable bond proceedings without necessity for any act or appropriation. 9281  
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(7) If state bond proceeds are being used for the major sports facility, the financial and development plan, and the agreements relating thereto, described in division (H) (2) of this section shall include a commitment from the professional sports franchise, or an affiliate of the professional sports franchise, to cause the deposit, either through the major sports facility lease or otherwise, of an amount equal to eight and one-third per cent of the state funds provided under division (H) of this section to pay or reimburse costs of the major 9297  
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sports facility into an escrow account held for the benefit of 9306  
the state. The terms of the escrow shall provide that the funds 9307  
in the escrow account and all interest and earnings thereon 9308  
shall be released to the state if, and to the extent that, upon 9309  
the date after the later of the expiration of the initial term 9310  
of the applicable major sports facility lease or the maturity of 9311  
the state bonds issued to pay or reimburse costs of the major 9312  
sports facility, total debt service on the state bonds issued to 9313  
pay or reimburse costs of the major sports facility exceeds the 9314  
total incremental major sports facility mixed-use project 9315  
district state tax revenues, with any amounts remaining after 9316  
the payment of such excess bond debt service to be released from 9317  
the escrow account to the professional sports franchise or 9318  
affiliate thereof, as applicable. 9319

(I) For the purpose of receiving and distributing, and 9320  
accounting for, revenues pursuant to state taxes levied under 9321  
Chapters 5739., 5741., 5747., and 5751. of the Revised Code 9322  
generated in the territory of a transformational major sports 9323  
facility mixed-use project district, the major sports facility 9324  
district fund is created in the state treasury. 9325

(J) The governmental agency that owns or has an ownership 9326  
interest in a major sports facility or site of a major sports 9327  
facility shall provide the department of taxation with all of 9328  
the following information: 9329

(1) A list of names and social security numbers or federal 9330  
employer identification numbers for all persons generating tax 9331  
revenues pursuant to state taxes levied under Chapters 5747. and 9332  
5751. of the Revised Code in the territory of a transformational 9333  
major sports facility mixed-use project district; 9334

(2) A list of names and social security numbers or federal 9335

employer identification numbers for all persons generating tax 9336  
revenues pursuant to state taxes levied under Chapters 5739. and 9337  
5741. of the Revised Code in the territory of a transformational 9338  
major sports facility mixed-use project district, and persons 9339  
purchasing or leasing materials and items used in construction 9340  
in the territory of a transformational major sports facility 9341  
mixed-use project district; 9342

(3) Updated information under divisions (J) (1) and (2) of 9343  
this section on a monthly basis. 9344

(K) Every person who owns real property located in, or 9345  
otherwise enters into a lease, license, or use or operating 9346  
agreement for all or a portion of the building and facilities 9347  
located in, the territory of a transformational major sports 9348  
facility mixed-use project district is subject to reporting 9349  
requirements as may be required by the governmental agency that 9350  
owns or has an ownership interest in a major sports facility in 9351  
order to fulfill its obligations under division (J) of this 9352  
section. Such requirements may be evidenced by an instrument 9353  
that is duly recorded with the county recorder. 9354

(L) Every person doing business in a transformational 9355  
major sports facility mixed-use project district shall file tax 9356  
returns and make tax payments pursuant to Chapters 5739., 5741., 9357  
5747., and 5751. of the Revised Code using an electronic medium 9358  
in a format prescribed by the department of taxation. Persons 9359  
that pay salaries and wages to employees in the territory of a 9360  
transformational major sports facility mixed-use project 9361  
district shall register for a separate withholding account and 9362  
shall remit the wages and salaries withheld from employees for 9363  
activities performed in the territory of a transformational 9364  
major sports facility mixed-use project district separately from 9365

all income taxes withheld by such employer. In addition, every 9366  
person doing business in the territory of a transformational 9367  
major sports facility mixed-use project district shall provide 9368  
all of the following information to the department of taxation: 9369

(1) For persons that collect transformational major sports 9370  
facility mixed-use project district tax revenues pursuant to 9371  
Chapter 5739. of the Revised Code, tax collections generated 9372  
from construction or transactions in the territory of a 9373  
transformational major sports facility mixed-use project 9374  
district on the returns filed pursuant to Chapter 5739. of the 9375  
Revised Code as prescribed by the tax commissioner; 9376

(2) For persons that generate transformational major 9377  
sports facility mixed-use project district tax revenues under 9378  
Chapters 5741., 5747., and 5751. of the Revised Code, estimated 9379  
payments for corporate income taxes generated from the 9380  
transformational major sports facility mixed-use project 9381  
district and information regarding gross revenues generated from 9382  
activities in the transformational major sports facility mixed- 9383  
use project district and gross revenues from all activities in 9384  
this state; 9385

(3) For persons that make payments to an independent 9386  
contractor attributable to construction or transactions in the 9387  
territory of a transformational major sports facility mixed-use 9388  
project district, information regarding such payments by the 9389  
thirty-first day of January of each year in a format prescribed 9390  
by the tax commissioner. 9391

(M) The department of taxation shall promulgate forms 9392  
necessary to implement and administer this section. The tax 9393  
commissioner may disclose taxpayer information regarding 9394  
transactions, real or personal property, income, or business of 9395

any person to the governmental agency that owns or has an 9396  
ownership interest in a major sports facility or the site of a 9397  
major sports facility as may be necessary for the administration 9398  
of the provisions authorized by this section. 9399

(N) The Ohio facilities construction commission, in 9400  
consultation with the department of taxation and the office of 9401  
budget and management, shall adopt rules in accordance with 9402  
Chapter 119. of the Revised Code for both of the following: 9403

(1) Reviewing and evaluating whether a proposed major 9404  
sports facility fulfills the criteria of division (H) of this 9405  
section; 9406

(2) Any other rules necessary to implement and administer 9407  
this section. 9408

**Sec. 123.30.** (A) Except as provided in division (B) of 9409  
this section, no state agency or any entity that manages the 9410  
grounds or buildings under the control of a state agency shall 9411  
display on the grounds or building any flag except for the 9412  
official state flag, as described in section 5.01 of the Revised 9413  
Code, the United States flag, or the POW/MIA flag as described 9414  
in section 9.50 of the Revised Code. 9415

(B) Division (A) of this section does not apply to the 9416  
Ohio statehouse or the grounds of the Ohio statehouse. 9417

**Sec. 124.02.** The director of administrative services and 9418  
the state personnel board of review shall exercise all 9419  
functions, powers, and duties that ~~formerly~~, on or before 9420  
January 1, 1959, were by law actually devolved upon, vested in, 9421  
and imposed upon the state civil service commission and the 9422  
offices of commissioners and members and upon their employees, 9423  
agents, and representatives. 9424

~~Whenever in any law or rule of this state or any political subdivision, "state civil service commission," "commission," "commissioner" or "member," meaning the state civil service commission or the offices of commissioners or members of said commission, is used, such terms shall be construed as referring to the department of administrative services, the director of administrative services, the state personnel board of review, or the members of the state personnel board of review, as this chapter may require.~~

**Sec. 124.07.** (A) The director of administrative services shall appoint examiners, inspectors, clerks, and other assistants as necessary to carry out sections 124.01 to 124.64 of the Revised Code. ~~The director may designate persons in or out of the service of the state to serve as examiners or assistants under the director's direction. An examiner or assistant shall receive the compensation for each day actually and necessarily spent in the discharge of duties as an examiner or assistant that the director determines; provided that, if the examiner or assistant is in the service of the state or any political subdivision of the state, it shall be a part of the examiner's or assistant's official duties to render those services in connection with an examination without extra compensation.~~

(B) Each state agency shall pay the cost of the services and facilities furnished to it by the department of administrative services that are necessary to provide and maintain payroll services as prescribed in section 125.21 of the Revised Code and state merit standards as prescribed in sections 124.01 to 124.64 of the Revised Code for the agency. ~~If a state-supported college or university or a municipal corporation chooses to use the services and facilities furnished by the~~



~~department that are necessary to provide and maintain the~~ 9456  
~~services and standards so prescribed, the state-supported~~ 9457  
~~college or university or municipal corporation shall pay the~~ 9458  
~~cost of the services and facilities that the department~~ 9459  
~~furnishes to it. The charges against a state agency, a state-~~ 9460  
~~supported college or university, or a municipal corporation~~ 9461  
shall be computed on a reasonable cost basis in accordance with 9462  
procedures prescribed by the director of budget and management. 9463  
Any moneys the department receives from a state agency, ~~a state-~~ 9464  
~~supported college or university, or a municipal corporation~~ 9465  
under this division that are in excess of the amount necessary 9466  
to pay the cost of furnishing the department's services and 9467  
facilities during any fiscal year shall be either refunded to or 9468  
credited for the ensuing fiscal year to the state agency, ~~the~~ 9469  
~~state-supported college or university, or the municipal~~ 9470  
~~corporation.~~ 9471

(C) ~~The director of administrative services may enter into~~ 9472  
~~an agreement with any county, municipal corporation, or other~~ 9473  
~~political subdivision to furnish services and facilities of the~~ 9474  
~~department in the administration of a merit program or other~~ 9475  
~~functions related to human resources that include, but are not~~ 9476  
~~limited to, providing competitive examinations for positions in~~ 9477  
~~the classified service. The agreement shall provide that the~~ 9478  
~~department shall be reimbursed for the reasonable costs of those~~ 9479  
~~services and facilities as determined by the director.~~ 9480

~~(D)~~ All moneys received by the department as reimbursement 9481  
for a merit program or other human resources services performed 9482  
and facilities furnished under this section, such as competitive 9483  
examinations administered, shall be paid into the state treasury 9484  
to the credit of the human resources services fund, which is 9485  
hereby created. 9486

~~(E) In counties of the state in which are located cities having municipal civil service commissions, the director of administrative services may designate the municipal civil service commission of the largest city within the county as the director's agent for the purpose of carrying out the provisions of sections 124.01 to 124.64 of the Revised Code, within the county, that the director designates. Each municipal civil service commission designated as an agent of the director shall render to the director, at the end of each month, an itemized statement of the cost incurred by the commission for work done as the agent of the director, and the director, after approving that statement, shall pay the total amount of it to the treasurer of the municipal corporation in the same manner as other expenses of the department of administrative services.~~

~~(F) The director of administrative services and the examiners, inspectors, clerks, and assistants referred to in this section shall receive, in addition to their salaries, reimbursement for necessary traveling and other expenses incurred in the actual discharge of their official duties. The director may also incur the necessary expenses for stationery, printing, and other supplies incident to the business of the department.~~

**Sec. 124.1310.** (A) As used in this section: 9509

(1) "Emergency medical service," "EMT-basic," "EMT-I," "first responder," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code. 9510  
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(2) "Volunteer firefighter" has the same meaning as in section 146.01 of the Revised Code. 9513  
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(B) A state employee who is an EMT-basic, EMT-I, first 9515

responder, paramedic, or volunteer firefighter shall receive 9516  
~~forty one~~ hundred twenty hours of leave with pay each calendar 9517  
year to use during those hours when the employee is absent from 9518  
work in order to ~~provide~~ do either of the following: 9519

(1) Provide emergency medical service or fire-fighting 9520  
service; 9521

(2) Attend a training or continuing education program that 9522  
relates to providing emergency medical service or fire-fighting 9523  
service. 9524

(C) An appointing authority shall compensate an employee 9525  
who uses leave granted under this section at the employee's 9526  
regular rate of pay for those regular work hours during which 9527  
the employee is absent from work. 9528

**Sec. 124.1312.** (A) As used in this section: 9529

(1) "Foster caregiver" has the same meaning as in section 9530  
5103.02 of the Revised Code. 9531

(2) "Kinship caregiver" has the same meaning as in section 9532  
~~5101.85~~ 5180.50 of the Revised Code. 9533

(B) Each permanent full-time and permanent part-time 9534  
employee paid in accordance with section 124.152 of the Revised 9535  
Code and each employee listed in division (B) (2), (3), or (4) of 9536  
section 124.14 of the Revised Code who works thirty or more 9537  
hours per week, and who is a foster caregiver or kinship 9538  
caregiver is eligible, on placement of a child in the employee's 9539  
home, to a maximum of five days of caregiver leave with full pay 9540  
in a calendar year. Caregiver leave eligibility begins on the 9541  
day on which the child is placed with the prospective foster 9542  
caregiver or kinship caregiver. 9543

(C) The average number of regular hours worked, which 9544  
shall include all hours of holiday pay and other types of paid 9545  
leave, during the three-month period immediately preceding the 9546  
day caregiver leave begins shall be used to determine 9547  
eligibility for leave under this section for part-time 9548  
employees. If an employee has not worked for a three-month 9549  
period, the number of hours for which the employee has been 9550  
scheduled to work per week during the employee's period of 9551  
employment shall be used to determine eligibility for leave 9552  
under this section. 9553

(D) Use of caregiver leave does not affect an employee's 9554  
eligibility for other forms of paid leave granted under this 9555  
chapter and does not prohibit an employee from taking leave 9556  
under the "Family and Medical Leave Act of 1993," 29 U.S.C. 9557  
2601, except that caregiver leave shall be included in any leave 9558  
time provided under that act. 9559

(E) The director of administrative services may adopt 9560  
rules in accordance with Chapter 119. of the Revised Code 9561  
governing caregiver leave established under this section. 9562

**Sec. 124.152.** (A) (1) Except as provided in division (A) (2) 9563  
of this section, each exempt employee shall be paid a salary or 9564  
wage in accordance with schedule E-1 or schedule E-2 of division 9565  
(B) of this section. 9566

(2) Each exempt employee who holds a position in the 9567  
unclassified civil service pursuant to division (A) (26) or (30) 9568  
of section 124.11 of the Revised Code may be paid a salary or 9569  
wage in accordance with schedule E-1 or schedule E-2 of division 9570  
(B) of this section, as applicable. 9571

(B) (1) Each exempt employee who must be paid in accordance 9572

with schedule E-1 or schedule E-2 of this section shall be paid 9573  
a salary or wage in accordance with the following schedule of 9574  
rates as of the pay period that includes July 1, ~~2021~~2024: 9575

Schedule E-1 9576  
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1 2 3 4 5 6 7 8 9 10

A Pay Ranges and Step Values

B

C Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 Step 7 Step 8

D Range

9578

1 2 3 4 5 6 7 8 9 10

A 1 Hourly ~~12.14~~ ~~12.69~~ ~~13.21~~ ~~13.80~~

13.52 14.13 14.72 15.37

B Annually ~~25251~~ ~~26395~~ ~~27476~~ ~~28704~~

28122 29390 30618 31970

C 2 Hourly ~~14.73~~ ~~15.36~~ ~~16.01~~ ~~16.72~~

16.41 17.10 17.83 18.63

D Annually ~~30638~~ ~~31948~~ ~~33300~~ ~~34777~~

34133 35568 37086 38750

E 3 Hourly ~~15.44~~ ~~16.13~~ ~~16.84~~ ~~17.56~~

17.20 17.97 18.76 19.56

F		Annually	<del>32115</del>	<del>33550</del>	<del>35027</del>	<del>36524</del>		
			<u>35776</u>	<u>37378</u>	<u>39021</u>	<u>40685</u>		
G	4	Hourly	<del>16.20</del>	<del>16.93</del>	<del>17.75</del>	<del>18.51</del>		
			<u>18.05</u>	<u>18.86</u>	<u>19.77</u>	<u>20.62</u>		
H		Annually	<del>33696</del>	<del>35214</del>	<del>36920</del>	<del>38500</del>		
			<u>37544</u>	<u>39229</u>	<u>41122</u>	<u>42890</u>		
I	5	Hourly	<del>17.00</del>	<del>17.78</del>	<del>18.51</del>	<del>19.33</del>		
			<u>18.94</u>	<u>19.80</u>	<u>20.62</u>	<u>21.54</u>		
J		Annually	<del>35360</del>	<del>36982</del>	<del>38500</del>	<del>40206</del>		
			<u>39395</u>	<u>41184</u>	<u>42890</u>	<u>44803</u>		
K	6	Hourly	<del>17.91</del>	<del>18.66</del>	<del>19.47</del>	<del>20.27</del>		
			<u>19.95</u>	<u>20.79</u>	<u>21.68</u>	<u>22.59</u>		
L		Annually	<del>37252</del>	<del>38812</del>	<del>40497</del>	<del>42161</del>		
			<u>41496</u>	<u>43243</u>	<u>45094</u>	<u>46987</u>		
M	7	Hourly	<del>19.01</del>	<del>19.72</del>	<del>20.54</del>	<del>21.25</del>	<del>22.07</del>	
			<u>21.18</u>	<u>21.97</u>	<u>22.88</u>	<u>23.68</u>	<u>24.58</u>	
N		Annually	<del>39540</del>	<del>41017</del>	<del>42723</del>	<del>44200</del>	<del>45905</del>	
			<u>44054</u>	<u>45698</u>	<u>47590</u>	<u>49254</u>	<u>51126</u>	
O	8	Hourly	<del>20.11</del>	<del>21.00</del>	<del>21.90</del>	<del>22.89</del>	<del>23.97</del>	
			<u>22.40</u>	<u>23.39</u>	<u>24.40</u>	<u>25.50</u>	<u>26.70</u>	



Z	Annually	<del>63731</del>	<del>67225</del>	<del>70907</del>	<del>74713</del>	<del>78936</del>	<del>83179</del>	<del>86590</del>	<del>90667</del>
		<u>71011</u>	<u>74880</u>	<u>78978</u>	<u>83242</u>	<u>87922</u>	<u>92664</u>	<u>96470</u>	<u>101005</u>
AA 14	Hourly	<del>33.69</del>	<del>35.61</del>	<del>37.52</del>	<del>39.56</del>	<del>41.80</del>	<del>44.13</del>	<del>45.95</del>	<del>48.10</del>
		<u>37.53</u>	<u>39.67</u>	<u>41.80</u>	<u>44.07</u>	<u>46.56</u>	<u>49.15</u>	<u>51.19</u>	<u>53.58</u>
AB	Annually	<del>70075</del>	<del>74068</del>	<del>78041</del>	<del>82284</del>	<del>86944</del>	<del>91790</del>	<del>95576</del>	<del>100048</del>
		<u>78062</u>	<u>82514</u>	<u>86944</u>	<u>91666</u>	<u>96845</u>	<u>102232</u>	<u>106475</u>	<u>111446</u>
AC 15	Hourly	<del>37.02</del>	<del>39.10</del>	<del>41.30</del>	<del>43.57</del>	<del>45.99</del>	<del>48.51</del>	<del>50.50</del>	<del>52.88</del>
		<u>41.23</u>	<u>43.55</u>	<u>46.01</u>	<u>48.54</u>	<u>51.23</u>	<u>54.04</u>	<u>56.26</u>	<u>58.91</u>
AD	Annually	<del>77001</del>	<del>81328</del>	<del>85904</del>	<del>90625</del>	<del>95659</del>	<del>100900</del>	<del>105040</del>	<del>109990</del>
		<u>85758</u>	<u>90584</u>	<u>95701</u>	<u>100963</u>	<u>106558</u>	<u>112403</u>	<u>117021</u>	<u>122533</u>
AE 16	Hourly	<del>40.81</del>	<del>43.08</del>	<del>45.45</del>	<del>48.00</del>	<del>50.63</del>	<del>53.53</del>	<del>55.73</del>	<del>58.34</del>
		<u>45.45</u>	<u>47.99</u>	<u>50.62</u>	<u>53.47</u>	<u>56.40</u>	<u>59.63</u>	<u>62.08</u>	<u>64.98</u>
AF	Annually	<del>84884</del>	<del>89606</del>	<del>94536</del>	<del>99840</del>	<del>105310</del>	<del>111342</del>	<del>115918</del>	<del>121347</del>
		<u>94536</u>	<u>99819</u>	<u>105290</u>	<u>111218</u>	<u>117312</u>	<u>124030</u>	<u>129126</u>	<u>135158</u>
AG 17	Hourly	<del>44.96</del>	<del>47.44</del>	<del>50.10</del>	<del>52.86</del>	<del>55.83</del>	<del>58.94</del>	<u>69.27</u>	
		<u>50.09</u>	<u>52.85</u>	<u>55.81</u>	<u>58.88</u>	<u>62.19</u>	<u>65.66</u>		
AH	Annually	<del>93516</del>	<del>98675</del>	<del>104208</del>	<del>109948</del>	<del>116126</del>	<del>122595</del>	<u>144082</u>	
		<u>104187</u>	<u>109928</u>	<u>116085</u>	<u>122470</u>	<u>129355</u>	<u>136573</u>		
AI 18	Hourly	<del>49.55</del>	<del>52.29</del>	<del>55.24</del>	<del>58.28</del>	<del>61.50</del>	<del>64.94</del>		
		<u>55.20</u>	<u>58.25</u>	<u>61.54</u>	<u>64.92</u>	<u>68.51</u>	<u>72.35</u>		



AJ      Annually   103064   108763   114899   121222   127920   135075  
                                 114816   121160   128003   135034   142501   150488

AK 19    Hourly    60.72    64.37    67.69    71.41    75.37    79.58

AL      Annually   126298   133890   140795   148533   156770   165526

Schedule E-2

9579

9580

	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	16.23	<del>48.99</del> <u>54.57</u>
C		Annually	33758	<del>101899</del> <u>113506</u>
D	42	Hourly	17.89	<del>54.09</del> <u>60.25</u>
E		Annually	37211	<del>112507</del> <u>125320</u>
F	43	Hourly	19.70	<del>59.56</del> <u>66.35</u>
G		Annually	40976	<del>123884</del> <u>138008</u>
H	44	Hourly	21.73	<del>65.08</del> <u>72.49</u>
I		Annually	45198	<del>135366</del> <u>150779</u>
J	45	Hourly	24.01	<del>71.05</del> <u>79.15</u>
K		Annually	49941	<del>147784</del> <u>164632</u>
L	46	Hourly	26.43	<del>77.65</del> <u>86.50</u>

M		Annually	54974	<del>1615121</del> <u>179920</u>
N	47	Hourly	29.14	<del>84.75</del> <u>94.41</u>
O		Annually	60611	<del>1762801</del> <u>196373</u>
P	48	Hourly	32.14	<del>92.45</del> <u>102.98</u>
Q		Annually	66851	<del>1922962</del> <u>214198</u>
R	49	Hourly	35.44	<del>99.83</del> <u>111.20</u>
S		Annually	73715	<del>2076462</del> <u>231296</u>

(2) Each exempt employee who must be paid in accordance 9581  
with schedule E-1 or schedule E-2 of this section shall be paid 9582  
a salary or wage in accordance with the following schedule of 9583  
rates as of the pay period that includes July 1, ~~2022~~2025: 9584

Schedule E-1 9585

9586

1 2 3 4 5 6 7 8 9 10

A Pay Ranges and Step Values

B Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 Step 7 Step 8

C Range

9587

1 2 3 4 5 6 7 8 9 10

A	1	Hourly	<del>12.50</del>	<del>13.07</del>	<del>13.61</del>	<del>14.21</del>				
			<u>14.13</u>	<u>14.77</u>	<u>15.38</u>	<u>16.06</u>				

B	Annually	26000	27185	28308	29556
		<u>29390</u>	<u>30722</u>	<u>31990</u>	<u>33405</u>
C	2 Hourly	<del>15.17</del>	<del>15.82</del>	<del>16.49</del>	<del>17.22</del>
		<u>17.15</u>	<u>17.87</u>	<u>18.63</u>	<u>19.47</u>
D	Annually	<del>31553</del>	<del>32905</del>	<del>34299</del>	<del>35817</del>
		<u>35672</u>	<u>37170</u>	<u>38750</u>	<u>40498</u>
E	3 Hourly	<del>15.90</del>	<del>16.61</del>	<del>17.35</del>	<del>18.09</del>
		<u>17.97</u>	<u>18.78</u>	<u>19.60</u>	<u>20.44</u>
F	Annually	<del>33072</del>	<del>34548</del>	<del>36088</del>	<del>37627</del>
		<u>37378</u>	<u>39062</u>	<u>40768</u>	<u>42515</u>
G	4 Hourly	<del>16.69</del>	<del>17.44</del>	<del>18.28</del>	<del>19.07</del>
		<u>18.86</u>	<u>19.71</u>	<u>20.66</u>	<u>21.55</u>
H	Annually	<del>34715</del>	<del>36275</del>	<del>38022</del>	<del>39665</del>
		<u>39229</u>	<u>40997</u>	<u>42973</u>	<u>44824</u>
I	5 Hourly	<del>17.51</del>	<del>18.31</del>	<del>19.07</del>	<del>19.91</del>
		<u>19.79</u>	<u>20.69</u>	<u>21.55</u>	<u>22.51</u>
J	Annually	<del>36420</del>	<del>38084</del>	<del>39665</del>	<del>41412</del>
		<u>41163</u>	<u>43035</u>	<u>44824</u>	<u>46821</u>
K	6 Hourly	<del>18.45</del>	<del>19.22</del>	<del>20.05</del>	<del>20.88</del>
		<u>20.85</u>	<u>21.73</u>	<u>22.66</u>	<u>23.61</u>

L	Annually	<del>38376</del>	<del>39977</del>	<del>41704</del>	<del>43430</del>	
		<u>43368</u>	<u>45198</u>	<u>47133</u>	<u>49109</u>	
M	7 Hourly	<del>19.58</del>	<del>20.31</del>	<del>21.16</del>	<del>21.89</del>	<del>22.73</del>
		<u>22.13</u>	<u>22.96</u>	<u>23.91</u>	<u>24.75</u>	<u>25.69</u>
N	Annually	<del>40726</del>	<del>42244</del>	<del>44012</del>	<del>45531</del>	<del>47278</del>
		<u>46030</u>	<u>47757</u>	<u>49733</u>	<u>51480</u>	<u>53435</u>
O	8 Hourly	<del>20.71</del>	<del>21.63</del>	<del>22.56</del>	<del>23.58</del>	<del>24.69</del>
		<u>23.41</u>	<u>24.44</u>	<u>25.50</u>	<u>26.65</u>	<u>27.90</u>
P	Annually	<del>43076</del>	<del>44990</del>	<del>46924</del>	<del>49046</del>	<del>51355</del>
		<u>48693</u>	<u>50835</u>	<u>53040</u>	<u>55432</u>	<u>58032</u>
Q	9 Hourly	<del>22.09</del>	<del>23.24</del>	<del>24.38</del>	<del>25.60</del>	<del>26.89</del>
		<u>24.97</u>	<u>26.27</u>	<u>27.56</u>	<u>28.94</u>	<u>30.40</u>
R	Annually	<del>45947</del>	<del>48339</del>	<del>50710</del>	<del>53248</del>	<del>55931</del>
		<u>51938</u>	<u>54642</u>	<u>57325</u>	<u>60195</u>	<u>63232</u>
S	10 Hourly	<del>23.82</del>	<del>25.14</del>	<del>26.49</del>	<del>28.02</del>	<del>29.50</del>
		<u>26.92</u>	<u>28.40</u>	<u>29.93</u>	<u>31.66</u>	<u>33.35</u>
T	Annually	<del>49545</del>	<del>52291</del>	<del>55099</del>	<del>58281</del>	<del>61360</del>
		<u>55994</u>	<u>59072</u>	<u>62254</u>	<u>65853</u>	<u>69368</u>
U	11 Hourly	<del>25.96</del>	<del>27.46</del>	<del>29.05</del>	<del>30.69</del>	<del>32.43</del>
		<u>29.34</u>	<u>31.03</u>	<u>32.83</u>	<u>34.68</u>	<u>36.65</u>

V	Annually	<del>53996</del>	<del>57116</del>	<del>60424</del>	<del>63835</del>	<del>67454</del>			
		<u>61027</u>	<u>64542</u>	<u>68286</u>	<u>72134</u>	<u>76232</u>			
W	12 Hourly	<del>28.63</del>	<del>30.24</del>	<del>31.86</del>	<del>33.62</del>	<del>35.49</del>	<del>37.43</del>	<del>38.95</del>	<del>40.79</del>
		<u>32.35</u>	<u>34.18</u>	<u>36.01</u>	<u>38.00</u>	<u>40.11</u>	<u>42.30</u>	<u>44.03</u>	<u>46.09</u>
X	Annually	<del>59550</del>	<del>62889</del>	<del>66268</del>	<del>69929</del>	<del>73819</del>	<del>77854</del>	<del>81016</del>	<del>84843</del>
		<u>67288</u>	<u>71094</u>	<u>74901</u>	<u>79040</u>	<u>83429</u>	<u>87984</u>	<u>91582</u>	<u>95867</u>
Y	13 Hourly	<del>31.56</del>	<del>33.29</del>	<del>35.11</del>	<del>37.00</del>	<del>39.09</del>	<del>41.19</del>	<del>42.88</del>	<del>44.90</del>
		<u>35.68</u>	<u>37.62</u>	<u>39.68</u>	<u>41.82</u>	<u>44.17</u>	<u>46.55</u>	<u>48.47</u>	<u>50.75</u>
Z	Annually	<del>65644</del>	<del>69243</del>	<del>73028</del>	<del>76960</del>	<del>81307</del>	<del>85675</del>	<del>89190</del>	<del>93392</del>
		<u>74214</u>	<u>78250</u>	<u>82534</u>	<u>86986</u>	<u>91874</u>	<u>96824</u>	<u>100818</u>	<u>105560</u>
AA	14 Hourly	<del>34.70</del>	<del>36.68</del>	<del>38.65</del>	<del>40.75</del>	<del>43.05</del>	<del>45.45</del>	<del>47.33</del>	<del>49.54</del>
		<u>39.22</u>	<u>41.46</u>	<u>43.68</u>	<u>46.05</u>	<u>48.66</u>	<u>51.36</u>	<u>53.49</u>	<u>55.99</u>
AB	Annually	<del>72176</del>	<del>76294</del>	<del>80392</del>	<del>84760</del>	<del>89544</del>	<del>94536</del>	<del>98446</del>	<del>103043</del>
		<u>81578</u>	<u>86237</u>	<u>90854</u>	<u>95784</u>	<u>101213</u>	<u>106829</u>	<u>111259</u>	<u>116459</u>
AC	15 Hourly	<del>38.13</del>	<del>40.27</del>	<del>42.54</del>	<del>44.88</del>	<del>47.37</del>	<del>49.97</del>	<del>52.02</del>	<del>54.47</del>
		<u>43.09</u>	<u>45.51</u>	<u>48.08</u>	<u>50.72</u>	<u>53.54</u>	<u>56.47</u>	<u>58.79</u>	<u>61.56</u>
AD	Annually	<del>79310</del>	<del>83761</del>	<del>88483</del>	<del>93350</del>	<del>98529</del>	<del>103937</del>	<del>108201</del>	<del>113297</del>
		<u>89627</u>	<u>94661</u>	<u>100006</u>	<u>105498</u>	<u>111363</u>	<u>117458</u>	<u>122283</u>	<u>128045</u>
AE	16 Hourly	<del>42.03</del>	<del>44.37</del>	<del>46.81</del>	<del>49.44</del>	<del>52.15</del>	<del>55.14</del>	<del>57.40</del>	<del>60.09</del>
		<u>47.50</u>	<u>50.15</u>	<u>52.90</u>	<u>55.88</u>	<u>58.94</u>	<u>62.31</u>	<u>64.87</u>	<u>67.90</u>

AF	Annually	<del>87422</del>	<del>92289</del>	<del>97364</del>	<del>102835</del>	<del>108472</del>	<del>114691</del>	<del>119392</del>	<del>124987</del>
		<u>98800</u>	<u>104312</u>	<u>110032</u>	<u>116230</u>	<u>122595</u>	<u>129605</u>	<u>134930</u>	<u>141232</u>
AG	17 Hourly	<del>46.31</del>	<del>48.86</del>	<del>51.60</del>	<del>54.45</del>	<del>57.50</del>	<del>60.71</del>	<del>72.39</del>	
		<u>52.34</u>	<u>55.23</u>	<u>58.32</u>	<u>61.53</u>	<u>64.99</u>	<u>68.61</u>		
AH	Annually	<del>96324</del>	<del>101628</del>	<del>107328</del>	<del>113256</del>	<del>119600</del>	<del>126276</del>	<del>150571</del>	
		<u>108867</u>	<u>114878</u>	<u>121306</u>	<u>127982</u>	<u>135179</u>	<u>142709</u>		
AI	18 Hourly	<del>51.04</del>	<del>53.86</del>	<del>56.90</del>	<del>60.03</del>	<del>63.35</del>	<del>66.89</del>		
		<u>57.68</u>	<u>60.87</u>	<u>64.31</u>	<u>67.84</u>	<u>71.59</u>	<u>75.61</u>		
AJ	Annually	<del>106163</del>	<del>112028</del>	<del>118352</del>	<del>124862</del>	<del>131768</del>	<del>139131</del>		
		<u>119974</u>	<u>126610</u>	<u>133765</u>	<u>141107</u>	<u>148907</u>	<u>157269</u>		
AK	<u>19</u> Hourly	<u>63.45</u>	<u>67.27</u>	<u>70.74</u>	<u>74.62</u>	<u>78.76</u>	<u>83.16</u>		
AL	<u>Annually</u>	<u>131976</u>	<u>139922</u>	<u>147139</u>	<u>155210</u>	<u>163821</u>	<u>172973</u>		

Schedule E-2

9588

9589

		1	2	3	4
A	Range			Minimum	Maximum
B	41	Hourly		16.23	<del>50.46</del> <u>57.03</u>
C		Annually		33758	<del>104956</del> <u>118622</u>
D	42	Hourly		17.89	<del>55.71</del> <u>62.96</u>
E		Annually		37211	<del>115876</del> <u>130957</u>

F	43	Hourly	19.70	<del>61.35</del> <u>69.34</u>
G		Annually	40976	<del>127608</del> <u>144227</u>
H	44	Hourly	21.73	<del>67.03</del> <u>75.75</u>
I		Annually	45198	<del>139422</del> <u>157560</u>
J	45	Hourly	24.01	<del>73.18</del> <u>82.71</u>
K		Annually	49941	<del>152214</del> <u>172037</u>
L	46	Hourly	26.43	<del>79.98</del> <u>90.39</u>
M		Annually	54974	<del>166358</del> <u>188011</u>
N	47	Hourly	29.14	<del>87.29</del> <u>98.66</u>
O		Annually	60611	<del>181563</del> <u>205213</u>
P	48	Hourly	32.14	<del>95.22</del> <u>107.61</u>
Q		Annually	66851	<del>198057</del> <u>223829</u>
R	49	Hourly	35.44	<del>102.82</del> <u>116.20</u>
S		Annually	73715	<del>213865</del> <u>241696</u>

(3) Each exempt employee who must be paid in accordance 9590  
with schedule E-1 or schedule E-2 of this section shall be paid 9591  
a salary or wage in accordance with the following schedule of 9592  
rates as of the pay period that includes July 1, ~~2023~~2026: 9593

Schedule E-1 9594  
9595

	1	2	3	4	5	6	7	8	9	10
A	Pay Ranges and Step Values									
B			Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
C	Range									
D	1	Hourly	<del>12.88</del>	<del>13.46</del>	<del>14.02</del>	<del>14.64</del>				
			<u>14.55</u>	<u>15.21</u>	<u>15.84</u>	<u>16.54</u>				
E		Annually	<del>26790</del>	<del>27996</del>	<del>29161</del>	<del>30451</del>				
			<u>30264</u>	<u>31637</u>	<u>32947</u>	<u>34403</u>				
F	2	Hourly	<del>15.63</del>	<del>16.29</del>	<del>16.98</del>	<del>17.74</del>				
			<u>17.66</u>	<u>18.41</u>	<u>19.19</u>	<u>20.05</u>				
G		Annually	<del>32510</del>	<del>33883</del>	<del>35318</del>	<del>36899</del>				
			<u>36733</u>	<u>38293</u>	<u>39915</u>	<u>41704</u>				
H	3	Hourly	<del>16.38</del>	<del>17.11</del>	<del>17.87</del>	<del>18.63</del>				
			<u>18.51</u>	<u>19.34</u>	<u>20.19</u>	<u>21.05</u>				
I		Annually	<del>34070</del>	<del>35588</del>	<del>37169</del>	<del>38750</del>				
			<u>38501</u>	<u>40227</u>	<u>41995</u>	<u>43784</u>				
J	4	Hourly	<del>17.19</del>	<del>17.96</del>	<del>18.83</del>	<del>19.64</del>				
			<u>19.43</u>	<u>20.30</u>	<u>21.28</u>	<u>22.20</u>				
K		Annually	<del>35755</del>	<del>37356</del>	<del>39166</del>	<del>40851</del>				
			<u>40414</u>	<u>42224</u>	<u>44262</u>	<u>46176</u>				



L	5	Hourly	<del>18.04</del>	<del>18.86</del>	<del>19.64</del>	<del>20.51</del>		
			<u>20.38</u>	<u>21.31</u>	<u>22.20</u>	<u>23.19</u>		
M		Annually	<del>37523</del>	<del>39228</del>	<del>40851</del>	<del>42660</del>		
			<u>42390</u>	<u>44325</u>	<u>46176</u>	<u>48235</u>		
N	6	Hourly	<del>19.00</del>	<del>19.80</del>	<del>20.65</del>	<del>21.51</del>		
			<u>21.48</u>	<u>22.38</u>	<u>23.34</u>	<u>24.32</u>		
O		Annually	<del>39520</del>	<del>41184</del>	<del>42952</del>	<del>44740</del>		
			<u>44678</u>	<u>46550</u>	<u>48547</u>	<u>50586</u>		
P	7	Hourly	<del>20.17</del>	<del>20.92</del>	<del>21.79</del>	<del>22.55</del>	<del>23.41</del>	
			<u>22.79</u>	<u>23.65</u>	<u>24.63</u>	<u>25.49</u>	<u>26.46</u>	
Q		Annually	<del>41953</del>	<del>43513</del>	<del>45323</del>	<del>46904</del>	<del>48692</del>	
			<u>47403</u>	<u>49192</u>	<u>51230</u>	<u>53019</u>	<u>55037</u>	
R	8	Hourly	<del>21.33</del>	<del>22.28</del>	<del>23.24</del>	<del>24.29</del>	<del>25.43</del>	
			<u>24.11</u>	<u>25.17</u>	<u>26.27</u>	<u>27.45</u>	<u>28.74</u>	
S		Annually	<del>44366</del>	<del>46342</del>	<del>48339</del>	<del>50523</del>	<del>52894</del>	
			<u>50149</u>	<u>52354</u>	<u>54642</u>	<u>57096</u>	<u>59779</u>	
T	9	Hourly	<del>22.75</del>	<del>23.94</del>	<del>25.11</del>	<del>26.37</del>	<del>27.70</del>	
			<u>25.72</u>	<u>27.06</u>	<u>28.39</u>	<u>29.81</u>	<u>31.31</u>	
U		Annually	<del>47320</del>	<del>49795</del>	<del>52228</del>	<del>54849</del>	<del>57616</del>	
			<u>53498</u>	<u>56285</u>	<u>59051</u>	<u>62005</u>	<u>65125</u>	

V	10	Hourly	<del>24.53</del>	<del>25.89</del>	<del>27.28</del>	<del>28.86</del>	<del>30.39</del>			
			<u>27.73</u>	<u>29.25</u>	<u>30.83</u>	<u>32.61</u>	<u>34.35</u>			
W		Annually	<del>51022</del>	<del>53851</del>	<del>56742</del>	<del>60028</del>	<del>63211</del>			
			<u>57678</u>	<u>60840</u>	<u>64126</u>	<u>67829</u>	<u>71448</u>			
X	11	Hourly	<del>26.74</del>	<del>28.28</del>	<del>29.92</del>	<del>31.61</del>	<del>33.40</del>			
			<u>30.22</u>	<u>31.96</u>	<u>33.81</u>	<u>35.72</u>	<u>37.75</u>			
Y		Annually	<del>55619</del>	<del>58822</del>	<del>62233</del>	<del>65748</del>	<del>69472</del>			
			<u>62858</u>	<u>66477</u>	<u>70325</u>	<u>74298</u>	<u>78520</u>			
Z	12	Hourly	<del>29.49</del>	<del>31.15</del>	<del>32.82</del>	<del>34.63</del>	<del>36.55</del>	<del>38.55</del>	<del>40.12</del>	<del>42.01</del>
			<u>33.32</u>	<u>35.21</u>	<u>37.09</u>	<u>39.14</u>	<u>41.31</u>	<u>43.57</u>	<u>45.35</u>	<u>47.47</u>
AA		Annually	<del>61339</del>	<del>64792</del>	<del>68265</del>	<del>72030</del>	<del>76024</del>	<del>80184</del>	<del>83449</del>	<del>87380</del>
			<u>69306</u>	<u>73237</u>	<u>77147</u>	<u>81411</u>	<u>85925</u>	<u>90626</u>	<u>94328</u>	<u>98738</u>
AB	13	Hourly	<del>32.51</del>	<del>34.29</del>	<del>36.16</del>	<del>38.11</del>	<del>40.26</del>	<del>42.43</del>	<del>44.17</del>	<del>46.25</del>
			<u>36.75</u>	<u>38.75</u>	<u>40.87</u>	<u>43.07</u>	<u>45.50</u>	<u>47.95</u>	<u>49.92</u>	<u>52.27</u>
AC		Annually	<del>67620</del>	<del>71323</del>	<del>75212</del>	<del>79268</del>	<del>83740</del>	<del>88254</del>	<del>91873</del>	<del>96200</del>
			<u>76440</u>	<u>80600</u>	<u>85010</u>	<u>89586</u>	<u>94640</u>	<u>99736</u>	<u>103834</u>	<u>108722</u>
AD	14	Hourly	<del>35.74</del>	<del>37.78</del>	<del>39.81</del>	<del>41.97</del>	<del>44.34</del>	<del>46.81</del>	<del>48.75</del>	<del>51.03</del>
			<u>40.40</u>	<u>42.70</u>	<u>44.99</u>	<u>47.43</u>	<u>50.12</u>	<u>52.90</u>	<u>55.09</u>	<u>57.67</u>
AE		Annually	<del>74339</del>	<del>78582</del>	<del>82804</del>	<del>87297</del>	<del>92227</del>	<del>97364</del>	<del>101400</del>	<del>106142</del>
			<u>84032</u>	<u>88816</u>	<u>93579</u>	<u>98654</u>	<u>104250</u>	<u>110032</u>	<u>114587</u>	<u>119954</u>

AF	15	Hourly	<del>39.27</del>	<del>41.48</del>	<del>43.82</del>	<del>46.23</del>	<del>48.79</del>	<del>51.47</del>	<del>53.58</del>	<del>56.10</del>
			<u>44.38</u>	<u>46.88</u>	<u>49.52</u>	<u>52.24</u>	<u>55.15</u>	<u>58.16</u>	<u>60.55</u>	<u>63.41</u>
AG		Annually	<del>81681</del>	<del>86278</del>	<del>91145</del>	<del>96158</del>	<del>101483</del>	<del>107057</del>	<del>111446</del>	<del>116688</del>
			<u>92310</u>	<u>97510</u>	<u>103002</u>	<u>108659</u>	<u>114712</u>	<u>120973</u>	<u>125944</u>	<u>131893</u>
AH	16	Hourly	<del>43.29</del>	<del>45.70</del>	<del>48.21</del>	<del>50.92</del>	<del>53.71</del>	<del>56.79</del>	<del>59.12</del>	<del>61.89</del>
			<u>48.93</u>	<u>51.65</u>	<u>54.49</u>	<u>57.56</u>	<u>60.71</u>	<u>64.18</u>	<u>66.82</u>	<u>69.94</u>
AI		Annually	<del>90043</del>	<del>95056</del>	<del>100276</del>	<del>105913</del>	<del>111716</del>	<del>118123</del>	<del>122969</del>	<del>128731</del>
			<u>101774</u>	<u>107432</u>	<u>113339</u>	<u>119725</u>	<u>126277</u>	<u>133494</u>	<u>138986</u>	<u>145475</u>
AJ	17	Hourly	<del>47.70</del>	<del>50.33</del>	<del>53.15</del>	<del>56.08</del>	<del>59.23</del>	<del>62.53</del>	<del>65.97</del>	
			<u>53.91</u>	<u>56.89</u>	<u>60.07</u>	<u>63.38</u>	<u>66.94</u>	<u>70.67</u>	<u>74.56</u>	
AK		Annually	<del>99216</del>	<del>104686</del>	<del>110552</del>	<del>116646</del>	<del>123198</del>	<del>130062</del>	<del>137217</del>	
			<u>112133</u>	<u>118331</u>	<u>124946</u>	<u>131830</u>	<u>139235</u>	<u>146994</u>	<u>155085</u>	
AL	18	Hourly	<del>52.57</del>	<del>55.48</del>	<del>58.61</del>	<del>61.83</del>	<del>65.25</del>	<del>68.90</del>		
			<u>59.41</u>	<u>62.70</u>	<u>66.24</u>	<u>69.88</u>	<u>73.74</u>	<u>77.88</u>		
AM		Annually	<del>109345</del>	<del>115398</del>	<del>121908</del>	<del>128606</del>	<del>135720</del>	<del>143312</del>		
			<u>123573</u>	<u>130416</u>	<u>137779</u>	<u>145350</u>	<u>153379</u>	<u>161990</u>		
AN	19	Hourly	<del>57.83</del>	<del>61.03</del>	<del>64.47</del>	<del>68.01</del>	<del>71.78</del>	<del>75.79</del>		
			<u>65.35</u>	<u>69.29</u>	<u>72.86</u>	<u>76.86</u>	<u>81.12</u>	<u>85.65</u>		
AO		Annually	<del>120286</del>	<del>126942</del>	<del>134097</del>	<del>141460</del>	<del>149302</del>	<del>157643</del>		
			<u>135928</u>	<u>144123</u>	<u>151549</u>	<u>159869</u>	<u>168730</u>	<u>178152</u>		

Schedule E-2

9596

9597

	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	16.23	<del>51.97</del> <u>58.74</u>
C		Annually	33758	<del>108097</del> <u>122179</u>
D	42	Hourly	17.89	<del>57.38</del> <u>64.85</u>
E		Annually	37211	<del>119350</del> <u>134888</u>
F	43	Hourly	19.70	<del>63.19</del> <u>71.42</u>
G		Annually	40976	<del>131435</del> <u>148554</u>
H	44	Hourly	21.73	<del>69.04</del> <u>78.02</u>
I		Annually	45198	<del>143603</del> <u>162282</u>
J	45	Hourly	24.01	<del>75.38</del> <u>85.19</u>
K		Annually	49941	<del>156790</del> <u>177195</u>
L	46	Hourly	26.43	<del>82.38</del> <u>93.10</u>
M		Annually	54974	<del>171350</del> <u>193648</u>
N	47	Hourly	29.14	<del>89.91</del> <u>101.62</u>
O		Annually	60611	<del>187012</del> <u>211370</u>
P	48	Hourly	32.14	<del>98.08</del> <u>110.84</u>

Q		Annually	66851	<del>204006</del> <u>230547</u>
R	49	Hourly	35.44	<del>105.90</del> <u>119.69</u>
S		Annually	73715	<del>220272</del> <u>248955</u>

(C) As used in this section: 9598

(1) "Exempt employee" means a permanent full-time or 9599  
permanent part-time employee paid directly by warrant of the 9600  
director of budget and management whose position is included in 9601  
the job classification plan established under division (A) of 9602  
section 124.14 of the Revised Code but who is not considered a 9603  
public employee for the purposes of Chapter 4117. of the Revised 9604  
Code. "Exempt employee" also includes a permanent full-time or 9605  
permanent part-time employee of the secretary of state, auditor 9606  
of state, treasurer of state, or attorney general who has not 9607  
been placed in an appropriate bargaining unit by the state 9608  
employment relations board. 9609

(2) "Base rate of pay" means the rate of pay established 9610  
under schedule E-1 of this section, plus the supplement provided 9611  
under division (E) of section 124.181 of the Revised Code, plus 9612  
any supplements enacted into law that are added to schedule E-1 9613  
of this section. 9614

~~(D) Notwithstanding any division of this section to the 9615  
contrary, or division (E) or (C) of section 124.15 of the 9616  
Revised Code with respect to requirements for step placement and 9617  
advancement, no exempt employee other than a captain or 9618  
equivalent officer in the state highway patrol shall be placed 9619  
in step value 7 in range 17 of schedule E-1 of division (B) (3) 9620  
of this section. 9621~~

Sec. 124.184. (A) As used in this section: 9622

(1) "State agency" means every organized body, office, or 9623  
agency established by the laws of the state for the exercise of 9624  
any function of state government and includes the public 9625  
employees retirement system, Ohio police and fire pension fund, 9626  
state teachers retirement system, school employees retirement 9627  
system, and state highway patrol retirement system. "State 9628  
agency" does not include a state institution of higher education 9629  
as defined in section 3345.011 of the Revised Code or the 9630  
nonprofit corporation formed under section 187.01 of the Revised 9631  
Code. 9632

(2) Notwithstanding the definition of "employee" in 9633  
section 124.01 of the Revised Code, "state employee" means an 9634  
individual holding a position subject to appointment, removal, 9635  
promotion, or reduction by a state agency. 9636

(B) (1) Not later than October 15, 2025, each state agency 9637  
shall develop a plan for the agency's state employees to report 9638  
to the agency's worksite or another location designated by the 9639  
agency during the time the employees are performing their duties 9640  
for the agency. 9641

(2) Beginning January 1, 2026, a state agency shall 9642  
require the agency's state employees to report to the agency's 9643  
worksite or another location in accordance with the plan 9644  
developed by the agency under division (B) (1) of this section. 9645  
Except as provided in divisions (C) and (D) of this section, no 9646  
state employee shall work from the employee's place of 9647  
residence. 9648

(C) Nothing in this section precludes a state agency from 9649  
permitting a state employee employed by the agency to work from 9650

the employee's place of residence as a reasonable accommodation 9651  
under Title I of the "Americans with Disabilities Act of 1990," 9652  
42 U.S.C. 12111, et seq. or Chapter 4112. of the Revised Code. 9653

(D) A state agency may adopt a policy allowing a 9654  
supervisor designated by the agency to approve a state employee 9655  
to work from the employee's place of residence or other off-site 9656  
location under any of the following circumstances: 9657

(1) During an occasional or emergent situation as required 9658  
to complete a necessary or time-sensitive business function of 9659  
the agency; 9660

(2) Rare occasions where a health order or weather 9661  
emergency requires an individual to remain at the individual's 9662  
place of residence or to shelter in place; 9663

(3) Occasions where the agency's worksite is or may be 9664  
closed on a temporary or ongoing basis, including remodeling an 9665  
existing building, natural disaster, utility outage, security 9666  
threat, or other occurrence that has or will result in such a 9667  
closure; 9668

(4) Except as provided in division (D) (5) of this section, 9669  
the supervisor determines that an employee, due to the 9670  
employee's job classification or position, primarily performs 9671  
the employee's duties for the agency in the field or another 9672  
location designated by the agency that is not the employee's 9673  
place of residence; 9674

(5) Where the supervisor determines that an employee is in 9675  
a computer-related occupation as provided in sections 13(a) (1) 9676  
and (17) of the "Fair Labor Standards Act of 1938," 29 U.S.C. 9677  
213, as defined in 29 C.F.R. 541.400; 9678

(6) Where the supervisor grants an employee an 9679

accommodation for a temporary medical condition not covered 9680  
under division (C) of this section. 9681

(E) (1) A state employee shall attest in the documentation 9682  
submitted to a state agency of the employee's hours worked for 9683  
the agency during a pay period that the employee is in 9684  
compliance with the plan developed by the agency under division 9685  
(B) of this section or is approved to work from the employee's 9686  
place of residence or other off-site location under division (D) 9687  
of this section. 9688

(2) A state agency shall not require a state employee 9689  
granted a reasonable accommodation under division (C) of this 9690  
section to complete an attestation described in division (E) (1) 9691  
of this section. 9692

(F) Each state agency shall submit an annual 9693  
implementation report to the director of administrative services 9694  
during the period established by the director that describes the 9695  
agency's compliance with division (B) of this section, including 9696  
the number of the agency's state employees who report to the 9697  
agency's worksite or another location and the wages and job 9698  
classification of the agency's state employees. 9699

(G) Beginning on the first day of March immediately 9700  
following the effective date of this section, and every March 9701  
first thereafter, the director shall submit a written report 9702  
that compiles the information the director receives under 9703  
division (F) of this section to the speaker of the house of 9704  
representatives, the president of the senate, and the 9705  
chairpersons of the standing committees of the house of 9706  
representatives and the senate that are principally responsible 9707  
for workforce development policy. 9708



Sec. 124.385. (A) An employee is eligible for disability 9709  
leave benefits under this section if the employee has completed 9710  
one year of continuous state service immediately prior to the 9711  
date of the disability and if any of the following applies: 9712

(1) The employee is a full-time permanent employee and is 9713  
eligible for sick leave credit pursuant to division (B) of 9714  
section 124.382 of the Revised Code or is entitled to disability 9715  
benefits under a collective bargaining agreement. 9716

(2) The employee is a part-time permanent employee who has 9717  
worked at least fifteen hundred hours within the twelve-month 9718  
period immediately preceding the date of disability and is 9719  
eligible for sick leave credit under division (B) of section 9720  
124.382 of the Revised Code. 9721

(3) The employee is a full-time permanent or part-time 9722  
permanent employee, is on disability leave or leave of absence 9723  
for medical reasons, and would be eligible for sick leave credit 9724  
pursuant to division (B) of section 124.382 of the Revised Code 9725  
except that the employee is in no pay status due to the 9726  
employee's medical condition. 9727

(B) The director of administrative services, ~~by rule~~ 9728  
~~adopted in accordance with Chapter 119. of the Revised Code,~~ 9729  
shall adopt a rule to establish a disability leave program. The 9730  
rule shall include, but shall not be limited to, the following: 9731

(1) Procedures to be followed for determining disability; 9732

(2) Provisions for the allowance of disability leave due 9733  
to illness, condition, or injury; 9734

(3) Provisions for the continuation of service credit for 9735  
employees granted disability leave, including service credit 9736  
towards retirement, as provided by the applicable statute; 9737

(4) The establishment of a minimum level of benefit and of 9738  
a waiting period before benefits begin; 9739

(5) Provisions setting a maximum length of benefit and 9740  
requiring that employees eligible to apply for disability 9741  
retirement shall do so prior to completing the first six months 9742  
of their period of disability. The director's rules shall 9743  
indicate those employees required to apply for disability 9744  
retirement. If an employee is approved to receive disability 9745  
retirement, the employee shall receive the retirement benefit 9746  
and a supplement payment that equals a percentage of the 9747  
employee's base rate of pay and that, when added to the 9748  
retirement benefit, equals no more than the percentage of pay 9749  
received by employees after the first six months of disability. 9750  
This supplemental payment shall not be considered earnable 9751  
salary, compensation, or salary, and is not subject to 9752  
contributions, under Chapter 145., 742., 3307., 3309., or 5505. 9753  
of the Revised Code. 9754

(6) Provisions that allow employees to utilize available 9755  
sick leave, personal leave, compensatory time, or vacation leave 9756  
balances to supplement the benefits payable under this section. 9757  
The balances used to supplement the benefits, plus any amount 9758  
contributed by the state ~~as provided in division (D) of this~~ 9759  
~~section,~~ shall be paid at the employee's base rate of pay in an 9760  
amount sufficient to give employees up to one hundred per cent 9761  
of pay for time on disability. 9762

(7) Procedures for appealing denial of payment of a claim, 9763  
~~including the following:~~ 9764

~~(a) A maximum of thirty days to file an appeal by the~~ 9765  
~~employee;~~ 9766

~~(b) A maximum of fifteen days for the parties to select a  
third-party opinion pursuant to division (F) of this section,  
unless an extension is agreed to by the parties;~~ 9767  
9768  
9769

~~(c) A maximum of thirty days for the third party to render  
an opinion.~~ 9770  
9771

~~(8) Provisions for approving leave of absence for medical  
reasons where an employee is in no pay status because the  
employee has used all the employee's sick leave, personal leave,  
vacation leave, and compensatory time;~~ 9772  
9773  
9774  
9775

~~(9)-(8) Provisions for precluding the payment of benefits  
if the injury for which the benefits are sought is covered by a  
workers' compensation plan;~~ 9776  
9777  
9778

~~(10) Provisions for precluding the payment of benefits in  
order to ensure that benefits are provided in a consistent  
manner.~~ 9779  
9780  
9781

~~(C) Except as provided in division (B) (6) of this section,  
time off for an employee granted disability leave is not  
chargeable to any other leave granted by other sections. The  
adjudication hearing requirements prescribed in Chapter 119. of  
the Revised Code do not apply to the procedures for appealing  
denial of payment of a claim that the director adopts by rule  
under division (B) (7) of this section.~~ 9782  
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~~(D) While an employee is on an approved disability leave,  
the employee shall be responsible for paying the employee's  
share of retirement contributions and the employer's share shall  
be paid by the state.~~ 9789  
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9792

~~(E) The approval for disability leave shall be made by the  
director, upon recommendation by the appointing authority. The  
director may delegate to any appointing authority the authority~~ 9793  
9794  
9795

~~to approve disability benefits for a standard recovery period.~~ 9796

~~(F)~~ If a request for disability leave is denied based on a 9797  
medical determination, the director shall obtain a medical 9798  
opinion from a third party. The decision of the third party is 9799  
binding. 9800

~~(G)~~(F) The rule adopted by the director under division (B) 9801  
of this section shall not deny disability leave benefits for an 9802  
illness or injury to an employee who is a veteran of the United 9803  
States armed forces because the employee contracted the illness 9804  
or received the injury in the course of or as a result of 9805  
military service and the illness or injury is or may be covered 9806  
by a compensation plan administered by the United States 9807  
department of veterans affairs. 9808

**Sec. 125.01.** As used in this chapter: 9809

(A) "Advertising" includes advertising in print or 9810  
electronic newspapers, journals, or magazines and advertising 9811  
broadcast over radio or television or placed on the internet. 9812

(B) "Buy Ohio products" means products that are mined, 9813  
excavated, produced, manufactured, raised, or grown in this 9814  
state or a state bordering Ohio where the input of Buy Ohio 9815  
products, labor, skill, or other services constitutes not less 9816  
than twenty-five per cent of the manufactured cost. With respect 9817  
to mined products, such products shall be mined or excavated in 9818  
this state or a state bordering Ohio. "Buy Ohio products" 9819  
includes any product that includes semiconductors produced by a 9820  
company with a significant Ohio economic presence. 9821

(C) "Chartered nonpublic school" has the same meaning as 9822  
in section 3310.01 of the Revised Code. 9823

(D) "Community rehabilitation program" means an agency 9824

<u>meeting all of the following requirements:</u>	9825
<u>(1) Organized under the laws of the United States or this</u>	9826
<u>state such that no part of its net income inures to the benefit</u>	9827
<u>of any shareholder or other individual;</u>	9828
<u>(2) Certified as a sheltered workshop, if applicable, by</u>	9829
<u>the wage and hour division of the United States department of</u>	9830
<u>labor;</u>	9831
<u>(3) Registered and in good standing with the secretary of</u>	9832
<u>state as a domestic nonprofit corporation;</u>	9833
<u>(4) Complies with applicable occupational health and</u>	9834
<u>safety standards required by the laws of the United States or of</u>	9835
<u>this state;</u>	9836
<u>(5) Operates in the interest of persons with work-limiting</u>	9837
<u>disabilities, provides vocational or other employment-related</u>	9838
<u>training to persons with work-limiting disabilities, and employs</u>	9839
<u>persons with work-limiting disabilities in the manufacture of</u>	9840
<u>products or the provision of services;</u>	9841
<u>(6) Is a nonprofit corporation for federal tax purposes.</u>	9842
<u>(E) "Competitive selection" means any of the following</u>	9843
<u>procedures for making purchases:</u>	9844
<u>(1) Competitive sealed bidding under section 125.07 of the</u>	9845
<u>Revised Code;</u>	9846
<u>(2) Competitive sealed proposals under section 125.071 of</u>	9847
<u>the Revised Code;</u>	9848
<u>(3) Reverse auctions under section 125.072 of the Revised</u>	9849
<u>Code;</u>	9850
<u>(4) Electronic procurement under section 125.073 of the</u>	9851

<u>Revised Code.</u>	9852
<u>(F) "Direct purchasing authority" means the authority of a state agency to make a purchase without competitive selection pursuant to sections 125.05 and 127.16 of the Revised Code.</u>	9853 9854 9855
<u>(G) "Emergency" has the same meaning as in section 5502.21 of the Revised Code.</u>	9856 9857
<u>(H) "Emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code.</u>	9858 9859
<u>(I) "Goods" means anything that can be purchased that is not a service or real property.</u>	9860 9861
<u>(J) "Governmental agency" means a political subdivision or special district in this state or any other state established by or under law, or any combination of these entities; the United States or any department, division, or agency of the United States; one or more other states or groups of states; other purchasing consortia; and any agency, commission, or authority established under an interstate compact or agreement.</u>	9862 9863 9864 9865 9866 9867 9868
<u>(K) "Government ordering office" means any state agency, excluding those listed in division (A) of section 125.02 of the Revised Code, or any political subdivision described in division (B) of section 125.04 of the Revised Code.</u>	9869 9870 9871 9872
<u>(L) "Invoice" means an itemized listing showing delivery of the goods or performance of the services described in the order including all of the following:</u>	9873 9874 9875
<u>(1) The date of the purchase or rendering of the service;</u>	9876
<u>(2) An itemization of the things done, material supplied, or labor furnished;</u>	9877 9878

<u>(3) The sum due pursuant to the contract or obligation.</u>	9879
<u>(M) "Military goods or services" means goods or services</u>	9880
<u>provided through the supply chain of any branch of the United</u>	9881
<u>States military that are necessary for executing an assigned</u>	9882
<u>mission, including arms, ordnance, equipment, and all other</u>	9883
<u>military property issued to the state by the federal government.</u>	9884
<u>"Military goods or services" does not include any of the</u>	9885
<u>following:</u>	9886
<u>(1) Real property;</u>	9887
<u>(2) Construction of, or improvements or alterations to,</u>	9888
<u>public works as required by Chapter 153. of the Revised Code;</u>	9889
<u>(3) Goods or services that state agencies can purchase</u>	9890
<u>from requisite procurement programs as prescribed by section</u>	9891
<u>125.035 of the Revised Code, through competitive selection as</u>	9892
<u>prescribed by sections 125.05 and 127.16 of the Revised Code, or</u>	9893
<u>through direct purchasing authority.</u>	9894
<u>(N) "Ohio-based personal protective equipment</u>	9895
<u>manufacturer" means a manufacturer, at least two-thirds of the</u>	9896
<u>beneficial ownership of which is vested in residents of this</u>	9897
<u>state, that produces personal protective equipment in this</u>	9898
<u>state.</u>	9899
<del>(A)</del> <u>(O) "Order" means a copy of a contract or a statement</u>	9900
<u>of the nature of a contemplated expenditure, a description of</u>	9901
<u>the <del>property or supplies goods</del> to be purchased or <del>service</del></u>	9902
<u><del>services</del> to be performed, other than a <del>service services</del></u>	9903
<u>performed by officers and regular employees of the state, and</u>	9904
<u>per diem of the national guard, and the total sum of the</u>	9905
<u>expenditure to be made therefor, if the sum is fixed and</u>	9906
<u>ascertained, otherwise the estimated sum thereof, and an</u>	9907

authorization to pay for the contemplated expenditure, signed by 9908  
the person instructed and authorized to pay upon receipt of a 9909  
proper invoice. 9910

~~(B) "Invoice" means an itemized listing showing delivery 9911  
of the supplies or performance of the service described in the 9912  
order including all of the following: 9913~~

~~(1) The date of the purchase or rendering of the service; 9914~~

~~(2) An itemization of the things done, material supplied, 9915  
or labor furnished; 9916~~

~~(3) The sum due pursuant to the contract or obligation. 9917~~

~~(C) "Products" means materials, supplies, merchandise, 9918  
goods, wares, and foodstuffs. 9919~~

~~(D)~~ (P) "Personal information" has the same meaning as in 9920  
section 149.45 of the Revised Code. 9921

(Q) "Personal protective equipment" means equipment worn 9922  
to minimize exposure to hazards that cause workplace injuries 9923  
and illnesses. 9924

(R) "Political subdivision" means any county, township, 9925  
municipal corporation, school district, conservancy district, 9926  
township park district, park district created under Chapter 9927  
1545. of the Revised Code, regional transit authority, regional 9928  
airport authority, regional water and sewer district, or port 9929  
authority. "Political subdivision" also includes any other 9930  
political subdivision described in the Revised Code that has 9931  
been approved by the department of administrative services to 9932  
participate in the department's contracts. 9933

(S) "Private fire company" has the same meaning as in 9934  
section 9.60 of the Revised Code. 9935



(T) "Produced" means the manufacturing, processing, 9936  
mining, developing, and making of a thing into a new article 9937  
with a distinct character in use through the application of 9938  
input, within the state or a state bordering Ohio, of Buy Ohio 9939  
products, labor, skill, or other services. "Produced" does not 9940  
include the mere assembling or putting together of products or 9941  
materials from outside of Ohio or a state bordering Ohio. 9942

~~(E) "Buy Ohio products" means products that are mined, 9943  
excavated, produced, manufactured, raised, or grown in the state 9944  
or a state bordering Ohio where the input of Buy Ohio products, 9945  
labor, skill, or other services constitutes no less than twenty- 9946  
five per cent of the manufactured cost. With respect to mined- 9947  
products, such products shall be mined or excavated in this- 9948  
state or a state bordering Ohio. 9949~~

~~(F)~~ (U) "Products" means materials, supplies, merchandise, 9950  
goods, wares, and foodstuffs. 9951

(V) "Purchase" means to buy, rent, lease, lease purchase, 9952  
or otherwise acquire supplies goods or services. "Purchase" also 9953  
includes all functions that pertain to ~~the~~ obtaining of supplies 9954  
goods or services, including description of requirements, 9955  
selection and solicitation of sources, preparation and award of 9956  
contracts, all phases of contract administration, ~~and~~ receipt 9957  
and acceptance of the supplies goods and services and ~~payment~~ 9958  
~~for them~~ financial consideration for the goods and services by 9959  
either a state agency or a third-party. 9960

(W) "Real property" means land or anything that is erected 9961  
on or affixed to land, or below the surface, excluding 9962  
infrastructure. Major classifications of real property are land, 9963  
land improvements, and buildings. 9964

~~(G)~~ (X) "Services" means the furnishing of labor, time, or effort by a person, not involving the delivery of a specific end product other than a report which, if provided, is merely incidental to the required performance. "Services" does not include services furnished pursuant to employment agreements or collective bargaining agreements.

~~(H) "Supplies" means all property, including, but not limited to, equipment, materials, and other tangible assets, but excluding real property or an interest in real property.~~

~~(I) "Competitive selection" means any of the following procedures for making purchases:~~

~~(1) Competitive sealed bidding under section 125.07 of the Revised Code;~~

~~(2) Competitive sealed proposals under section 125.071 of the Revised Code;~~

~~(3) Reverse auctions under section 125.072 of the Revised Code;~~

~~(4) Electronic procurement under section 125.073 of the Revised Code.~~

~~(J) "Direct purchasing authority" means the authority of a state agency to make a purchase without competitive selection pursuant to sections 125.05 and 127.16 of the Revised Code~~

(Y) "State award" means a contract awarded by the state costing over twenty-five thousand dollars. "State award" does not include compensation received as an employee of the state or any state financial assistance and expenditure received from the general assembly or any legislative agency, any court or judicial agency, the secretary of state, auditor of state,

<u>treasurer of state, or attorney general and their respective</u>	9993
<u>offices.</u>	9994
<u>(Z) "State contract" means a contract for the purchase of</u>	9995
<u>goods or services awarded by the department of administrative</u>	9996
<u>services.</u>	9997
<u>(AA) "State institution of higher education" has the same</u>	9998
<u>meaning as in section 3345.011 of the Revised Code.</u>	9999
<u>(BB) "State official" means an official elected to a</u>	10000
<u>statewide office or a member of the general assembly.</u>	10001
<u>(CC) "State procurement emergency" means a situation in</u>	10002
<u>which the normal functioning of one or more state government</u>	10003
<u>agencies is threatened, creating any of the following:</u>	10004
<u>(1) An immediate and serious need for goods or services</u>	10005
<u>that cannot be met through purchasing methods required by</u>	10006
<u>Chapter 125. of the Revised Code;</u>	10007
<u>(2) A threat to public health, safety, or welfare;</u>	10008
<u>(3) Threats to the preservation or protection of property.</u>	10009
<b>Sec. 125.02.</b> (A) The department of administrative services	10010
shall establish <u>state contracts for supplies and to purchase</u>	10011
<u>goods or services, including telephone, other</u>	10012
<u>telecommunications, and computer services, for the use of by the</u>	10013
<u>department and state agencies, and may establish such contracts</u>	10014
<u>for the use of by any political subdivision as entity described</u>	10015
in division (B) of section 125.04 of the Revised Code, except	10016
for the following:	10017
<u>(1) The adjutant general for military supplies and goods</u>	10018
<u>or services;</u>	10019

(2) The general assembly;	10020
(3) The judicial branch;	10021
(4) State institutions of higher education;	10022
(5) State elected officials as set forth in section 125.041 of the Revised Code;	10023 10024
(6) The capitol square review and advisory board.	10025
The entities set forth in divisions (A) (1) to (6) of this section may request the <del>department of administrative services'</del> <del>department's</del> assistance in the <del>procurement of supplies and</del> <del>purchasing goods or services</del> for their respective offices and, upon the department's approval, may participate in contracts awarded by the department.	10026 10027 10028 10029 10030 10031
(B) For purchases under division <del>(C)</del> (D) of section 125.05 of the Revised Code, the department shall grant a state agency a release and permit to make the purchase if the department determines that it is not possible or advantageous for the department to make a purchase.	10032 10033 10034 10035 10036
(C) Upon request, the department may grant a blanket release and permit to a state agency for specific purchases. The department may grant the blanket release and permit for a fiscal year or for a biennium as determined by the director of administrative services.	10037 10038 10039 10040 10041
(D) The director of administrative services shall adopt rules <u>under Chapter 119. of the Revised Code</u> regarding circumstances and criteria for obtaining a release and permit under this section. The <u>rules adopted by the</u> <del>director of</del> <del>administrative services also</del> shall prescribe uniform <del>rules</del> <u>governing</u> forms of specifications, advertisements for <u>bids and</u>	10042 10043 10044 10045 10046 10047

proposals, the opening of bids and proposals, the making of 10048  
awards and contracts, ~~and the purchase of supplies~~ goods or 10049  
services, and the performance of work. 10050

(E) The director may participate in cooperative purchasing 10051  
with the following: 10052

(1) The entities set forth in divisions (A) (1) to (6) of 10053  
this section; 10054

(2) One or more other states; 10055

(3) Groups of states; 10056

(4) The United States or any department, division, or 10057  
agency of the United States; 10058

(5) Other purchasing consortia; 10059

(6) The department of transportation; or 10060

(7) Any ~~political subdivision~~ entity of this state 10061  
described in division (B) of section 125.04 of the Revised Code. 10062

(F) The United States or any department, division, or 10063  
agency of the United States, one or more other states, groups of 10064  
states, other purchasing consortia, or any agency, commission, 10065  
or authority established under an interstate compact or 10066  
agreement may purchase ~~supplies and~~ goods or services from 10067  
contracts established by the department ~~of administrative~~ 10068  
~~services.~~ 10069

(G) Except as provided in section 125.04 of the Revised 10070  
Code, the department ~~of administrative services~~ shall purchase 10071  
any policy of insurance, including a surety or fidelity bond, 10072  
covering officers or employees of a state agency, for which the 10073  
annual premium is more than one thousand dollars and which the 10074

state may procure. The department shall purchase the insurance 10075  
in conformity with sections 125.04 to 125.15 of the Revised 10076  
Code. As used in this division, "annual premium" means the total 10077  
premium for one year for one type of insurance regardless of the 10078  
number of policies. 10079

(H) At its discretion, the department may amend, renew, 10080  
cancel, or terminate any state contract when it is in the best 10081  
interest of the state. 10082

**Sec. 125.035.** (A) Except as otherwise provided in the 10083  
Revised Code, ~~a state agency wanting to purchase supplies or~~ 10084  
~~services shall make the purchase subject to the requirements of~~ 10085  
~~an applicable first or second requisite procurement program~~ 10086  
~~described in this section, or obtain a determination from the~~ 10087  
~~department of administrative services that the purchase is not~~ 10088  
~~subject to~~ before making a purchase, a state agency shall 10089  
determine if the needed goods or services can be acquired from a 10090  
first requisite or a second requisite procurement program. ~~State~~ 10091  
~~agencies shall submit a purchase request to the department of~~ 10092  
~~administrative services unless the department has determined the~~ 10093  
~~request does not require a review. The director of~~ 10094  
~~administrative services shall adopt rules under Chapter 119. of~~ 10095  
~~the Revised Code to provide for the manner of carrying out the~~ 10096  
~~function and the power and duties imposed upon and vested in the~~ 10097  
~~director by this section.~~ 10098

~~(B) The following programs are first-~~ (1) First requisite 10099  
~~procurement programs that shall be given preference in the~~ 10100  
~~following order in fulfilling a purchase request~~ are the 10101  
following: 10102

~~(1)~~ (a) Ohio penal industries within administered by the 10103  
department of rehabilitation and correction; 10104

~~(2)(b)~~ Community rehabilitation programs-program 10105  
administered by the department of administrative services under 10106  
~~sections~~ section 125.601 to 125.6012 of the Revised Code; 10107

~~(3)(c)~~ Ohio-based personal protective equipment 10108  
manufacturers program established by the director of 10109  
~~administrative services administered under section 125.036~~ 10110  
Chapter 125. of the Revised Code. 10111

~~(C)~~ The following programs are second requisite 10112  
procurement programs that may be able to fulfill the purchase 10113  
request if the first requisite procurement programs are unable 10114  
to do so (2) If the needed goods or services are available from 10115  
more than one first requisite procurement program, preference 10116  
shall be given in the following order: 10117

(a) Ohio penal industries; 10118

(b) Community rehabilitation programs; 10119

(c) Ohio-based personal protective equipment manufacturers 10120  
program. 10121

(3) If the needed goods or services cannot be provided by 10122  
a first requisite procurement program, a state agency shall 10123  
determine if the goods or services are available from any of the 10124  
second requisite procurement programs, which are the following: 10125

~~(1)(a)~~ Business enterprise program at the opportunities 10126  
for Ohioans with disabilities agency as prescribed in sections 10127  
3304.28 to 3304.33 of the Revised Code; 10128

~~(2) Office~~ (b) The department of administrative services 10129  
office of information technology at the department of 10130  
administrative services as established prescribed in section 10131  
125.18 of the Revised Code; 10132

~~(3) Office~~ (c) The department of administrative services 10133  
office of state printing and mail services ~~at the department of~~ 10134  
~~administrative services~~ as prescribed in Chapter 125. of the 10135  
Revised Code; 10136

~~(4) (d)~~ Ohio pharmacy services at the department of mental 10137  
health and addiction services as prescribed in section 5119.44 10138  
of the Revised Code; 10139

~~(5) (e)~~ The Ohio facilities construction commission 10140  
established in section 123.20 of the Revised Code; ~~and~~ 10141

~~(6) (f)~~ Any other program within, or administered by, a 10142  
state agency that, by law, requires purchases to be made by, or 10143  
with the approval of, the state agency. 10144

~~(D) Upon receipt of a purchase request, the department of~~ 10145  
~~administrative services shall provide the requesting agency a~~ 10146  
~~notification of receipt of the purchase request. The department~~ 10147  
~~then shall determine whether the request can be fulfilled~~ 10148  
~~through a first requisite procurement program. In making the~~ 10149  
~~determination, the department may consult with each of the first~~ 10150  
~~requisite procurement programs. When the department has made its~~ 10151  
~~determination, it shall:~~ 10152

~~(1) Direct the requesting agency to obtain the desired~~ 10153  
~~supplies or services through the proper first requisite~~ 10154  
~~procurement program;~~ 10155

~~(2) Provide the agency with a waiver from the use of the~~ 10156  
~~applicable first requisite procurement programs under sections~~ 10157  
~~125.609 or 5147.07 of the Revised Code; or~~ 10158

~~(3) Determine whether the purchase can be fulfilled~~ 10159  
~~through a second requisite procurement program under division~~ 10160  
~~(E) of this section.~~ 10161



~~(E) In making the determination that a purchase is subject to a second requisite procurement program, the department shall identify potentially applicable programs and notify each program of the requested purchase. The notified second requisite procurement program shall respond to the department within two business days with regard to its ability to provide the requested purchase. If the second requisite procurement program can provide the requested purchase, the department shall direct the requesting agency to make the requested purchase from the appropriate second requisite procurement program. If the department has not received notification from a second requisite procurement program within two business days and the department has made the determination that the purchase is not subject to a second requisite procurement program, the department shall provide a waiver to the requesting agency.~~

~~(F) Within five business days after receipt of a request, the department shall notify the requesting agency of its determination and provide any waiver under divisions (D) or (E) of this section. If the department fails to respond within five business days or fails to provide an explanation for any further delay within that time~~ (B) When requisite procurement programs receive a purchase request, the requesting agency may use direct purchasing authority to make the requested purchase, subject to the requirements of division (C) of this section, division (F) of section 125.05, and section 127.16 of the Revised Code. requisite procurement programs shall determine if the requisite procurement programs can provide the requested goods or services. In making this determination, the requisite procurement programs shall do one of the following:

(1) Direct the requesting state agency to obtain the requested goods or services through the proper requisite

procurement program; 10193

(2) Provide the requesting state agency with a waiver from 10194  
the use of the applicable requisite procurement program within 10195  
five business days, or allow the time to lapse, whereupon the 10196  
department of administrative services shall issue a waiver to 10197  
the requesting state agency. 10198

~~(G) As~~ (C) Upon receiving a waiver, the requesting state 10199  
agency may use direct purchasing authority to make the requested 10200  
purchase, subject to the requirements of division (D) of this 10201  
section, division (G) of section 125.05, and section 127.16 of 10202  
the Revised Code. 10203

(D) As provided in sections 125.02 and 125.05 of the 10204  
Revised Code and subject to such rules as the director of 10205  
administrative services may adopt, the department may issue a 10206  
release and permit to ~~the agency a state agency to secure~~ 10207  
~~supplies purchase goods~~ or services. A release and permit shall 10208  
specify the ~~supplies goods~~ or services to which it applies, the 10209  
time during which it is operative, and the reason for its 10210  
issuance. A release and permit for telephone, other 10211  
telecommunications, and computer services shall be provided in 10212  
accordance with section 125.18 of the Revised Code and shall 10213  
specify the type of services to be rendered, the number and type 10214  
of hardware to be used, and may specify the amount of such 10215  
services to be performed. The ~~director~~ department may issue a 10216  
release and permit for the purchase of personal protective 10217  
equipment from a foreign personal protective equipment 10218  
manufacturer, if purchasing from an Ohio-based personal 10219  
protective equipment manufacturer would result in the state 10220  
agency paying a price that is one hundred twenty per cent or 10221  
higher than the price that is available from the foreign 10222

supplier. No requesting agency shall proceed with such purchase 10223  
until it has received an approved release and permit ~~from the~~ 10224  
~~director of administrative services or the director's designee.~~ 10225

**Sec. 125.036.** ~~(A) As used in this section:~~ 10226

~~"Ohio-based personal protective equipment manufacturer"~~ 10227  
~~means a manufacturer, at least two-thirds of the beneficial~~ 10228  
~~ownership of which is vested in residents of this state, that~~ 10229  
~~produces personal protective equipment in this state.~~ 10230

~~"Personal protective equipment" has the meaning defined in~~ 10231  
~~division (E) of section 125.05 of the Revised Code.~~ 10232

~~(B)~~The director of administrative services shall 10233  
establish and maintain an Ohio-based personal protective 10234  
equipment manufacturers program. Under the program, the director 10235  
shall establish and maintain a list of Ohio-based personal 10236  
protective equipment manufacturers qualified to fulfill a 10237  
purchase request under division ~~(B) (3)~~ (A) (1) (c) of section 10238  
125.035 of the Revised Code. 10239

**Sec. 125.04.** (A) Except for the requirements of division 10240  
(B) of this section, ~~section 125.092,~~ and division (B) of 10241  
section 125.11 of the Revised Code, sections 125.04 to 125.08 10242  
and 125.09 to 125.15 of the Revised Code do not apply to or 10243  
affect state institutions of higher education. 10244

~~(B) (1) As used in this division:~~ 10245

~~(a) "Chartered nonpublic school" has the same meaning as~~ 10246  
~~in section 3310.01 of the Revised Code.~~ 10247

~~(b) "Emergency medical service organization" has the same~~ 10248  
~~meaning as in section 4765.01 of the Revised Code.~~ 10249

~~(c) "Governmental agency" means a political subdivision or~~ 10250

~~special district in this state or any other state established by 10251  
or under law, or any combination of these entities; the United 10252  
States or any department, division, or agency of the United 10253  
States; one or more other states or groups of states; other 10254  
purchasing consortia; and any agency, commission, or authority 10255  
established under an interstate compact or agreement. 10256~~

~~(d) "Political subdivision" means any county, township, 10257  
municipal corporation, school district, conservancy district, 10258  
township park district, park district created under Chapter 10259  
1545. of the Revised Code, regional transit authority, regional 10260  
airport authority, regional water and sewer district, or port 10261  
authority. "Political subdivision" also includes any other 10262  
political subdivision described in the Revised Code that has 10263  
been approved by the department of administrative services to 10264  
participate in the department's contracts under this division. 10265~~

~~(e) "Private fire company" has the same meaning as in 10266  
section 9.60 of the Revised Code. 10267~~

~~(f) "State institution of higher education" has the 10268  
meaning defined in section 3345.011 of the Revised Code. 10269~~

~~(2) (B) Subject to division (C) (F) of this section, the 10270  
department of administrative services may permit a state 10271  
institution of higher education, governmental agency, political 10272  
subdivision, private fire company, private, nonprofit emergency 10273  
medical service organization, or chartered nonpublic school to 10274  
participate in state contracts ~~into which the department has~~ 10275  
~~entered for the purchase of supplies and services. With respect~~ 10276  
to such participation, all of the following apply: 10277~~

~~(1) The department may charge the entity a reasonable fee 10278  
to cover the administrative costs the department incurs as a 10279~~

result of participation by the entity in ~~such a purchase state~~ 10280  
contract. 10281

(2) A political subdivision desiring to participate in 10282  
~~such purchase state~~ contracts shall file with the department a 10283  
certified copy of an ordinance or resolution of the legislative 10284  
authority or governing board of the political subdivision. The 10285  
resolution or ordinance shall request that the political 10286  
subdivision be authorized to participate in ~~such state~~ contracts 10287  
and shall agree that the political subdivision will be bound by 10288  
~~such the~~ terms and conditions of the contract as prescribed by 10289  
the department ~~prescribes,~~ and that it will directly pay the 10290  
~~vendor under each purchase contracts~~ supplier providing goods or 10291  
services under the contract. 10292

(3) A private fire company, private, nonprofit emergency 10293  
medical service organization, or chartered nonpublic school 10294  
desiring to participate in ~~such purchase state~~ contracts shall 10295  
file with the department a written request for inclusion in the 10296  
program signed by the chief officer of the company, 10297  
organization, or chartered nonpublic school. 10298

(4) A governmental agency desiring to participate in ~~such~~ 10299  
~~purchase state~~ contracts shall file with the department a 10300  
written request for inclusion in the program. A state 10301  
institution of higher education desiring to participate in ~~such~~ 10302  
~~purchase state~~ contracts shall file with the department a 10303  
certified copy of resolution of the board of trustees or similar 10304  
authorizing body. The resolution shall request that the state 10305  
institution of higher education be authorized to participate in 10306  
~~such state~~ contracts. 10307

(5) A request for inclusion shall include an agreement to 10308  
be bound by such terms and conditions as the department 10309

prescribes and to make direct payments to the vendor under each 10310  
~~purchase state~~ contract. 10311

~~(3)~~ (C) The board of elections of a county that is 10312  
authorized to participate in state contracts under division ~~(B)~~ 10313  
~~(2)~~ (B) of this section may participate in contracts under that 10314  
division under the same terms and conditions that apply to the 10315  
county. 10316

~~(4)~~ The department shall include in its annual report, an 10317  
estimate of the purchases made by state institutions of higher 10318  
education, governmental agencies, political subdivisions, boards 10319  
of elections, private fire companies, private, nonprofit 10320  
emergency medical service organizations, and chartered nonpublic 10321  
schools from contracts pursuant to this division. (D) The 10322  
department may require ~~such entities~~ state institutions of 10323  
higher education, governmental agencies, political subdivisions, 10324  
boards of elections, private fire companies, private, nonprofit 10325  
emergency medical service organizations, and chartered nonpublic 10326  
schools to file a report with the department, as often as it 10327  
finds necessary, stating how many ~~such state~~ contracts the 10328  
entities participated in within a specified period of time, and 10329  
any other information the department requires. 10330

~~(5)~~ (E) Purchases made by a political subdivision or a 10331  
board of elections under this division are exempt from any 10332  
competitive selection procedures otherwise required by law. No 10333  
political subdivision shall make any purchase under this 10334  
division when bids have been received for such purchase by the 10335  
subdivision, unless such purchase can be made upon the same 10336  
terms, conditions, and specifications at a lower price under 10337  
division ~~(B)~~ ~~(2)~~ (B) of this section. 10338

~~(C)~~ (F) A political subdivision as ~~defined in division (B)~~ 10339

~~of this section~~ or a board of elections may purchase ~~supplies~~ 10340  
goods or services from another party, including a political 10341  
subdivision, instead of through participation in ~~contracts~~ 10342  
~~described in division (B) of this section~~ a state contract if 10343  
the political subdivision or board of elections can purchase 10344  
those ~~supplies~~ goods or services from the other party upon 10345  
equivalent terms, conditions, and specifications but at a lower 10346  
price ~~than it can through those contracts.~~ and both of the 10347  
following apply: 10348

(1) Purchases that a political subdivision or board of 10349  
elections makes under this division are exempt from any 10350  
competitive selection procedures otherwise required by law. 10351

(2) A political subdivision or board of elections that 10352  
makes any purchase under this division shall maintain sufficient 10353  
information regarding the purchase to verify that the political 10354  
subdivision or board of elections satisfied the conditions for 10355  
making a purchase under this division. 10356

Nothing in this division restricts any action taken by a 10357  
county or township as authorized by division (B) (1) of section 10358  
9.48 of the Revised Code. 10359

~~(D)~~ (G) This section does not apply to ~~supplies~~ goods or 10360  
services purchased by a state agency directly as provided in 10361  
section 125.05 of the Revised Code, or to purchases of ~~supplies~~ 10362  
goods or services for the emergency management agency or other 10363  
state agencies as provided in section 125.061 of the Revised 10364  
Code. 10365

**Sec. 125.041.** (A) Nothing in sections 125.02, 125.04 to 10366  
125.08, 125.12 to 125.16, 125.18, 125.31 to ~~125.76~~ 125.71, or 10367  
125.831 of the Revised Code shall be construed as limiting the 10368

attorney general, auditor of state, secretary of state, or	10369
treasurer of state in any of the following:	10370
(1) Purchases for less than the dollar amounts for the	10371
purchase of <del>supplies</del> <u>goods</u> or services determined under section	10372
125.05 of the Revised Code;	10373
(2) Purchases that equal or exceed the dollar amounts for	10374
the purchase of <del>supplies</del> <u>goods</u> or services determined under	10375
section 125.05 of the Revised Code with the approval of the	10376
controlling board, if that approval is required by section	10377
127.16 of the Revised Code;	10378
(3) The final determination of the nature or quantity of	10379
any purchase of <del>supplies</del> <u>goods</u> or services under division (B) of	10380
section 125.02 or under division <del>(C)</del> <u>(C)</u> of section 125.035 of	10381
the Revised Code;	10382
(4) The final determination and disposal of excess and	10383
surplus <del>supplies</del> <u>property</u> ;	10384
(5) The inventory of state property;	10385
(6) The purchase of printing;	10386
(7) Activities related to information technology	10387
development and use;	10388
(8) The fleet management program.	10389
(B) Nothing in this section shall be construed as	10390
preventing the attorney general, auditor of state, secretary of	10391
state, or treasurer of state from complying with or	10392
participating in any aspect of Chapter 125. of the Revised Code	10393
through the department of administrative services.	10394
<b>Sec. 125.05. (A) No state agency shall purchase <del>any</del></b>	10395



~~supplies goods~~ or services except as provided in this section 10396  
and section 127.16 of the Revised Code. When exercising direct 10397  
purchasing authority the agency shall utilize a competitive 10398  
selection process that complies with all applicable laws, rules, 10399  
~~or regulations~~ and policies of the department of administrative 10400  
services. 10401

~~(A)~~ (B) A state agency may, without competitive selection, 10402  
make any purchase of ~~supplies goods~~ or services that cost less 10403  
than fifty thousand dollars after complying with divisions (A) 10404  
to ~~(E)~~ (D) of section 125.035 of the Revised Code. The agency may 10405  
make the purchase directly or may make the purchase from or 10406  
through the department ~~of administrative services~~, whichever the 10407  
agency determines. The agency shall adopt written purchasing 10408  
procedures that are consistent with the department's purchasing 10409  
~~procedures and laws, rules, and policies~~. The agency shall use 10410  
those procedures when making purchases under this division. 10411

Section 127.16 of the Revised Code does not apply to 10412  
purchases made under this division. 10413

~~(B)~~ (C) A state agency shall make purchases of ~~supplies~~ 10414  
goods and services that cost fifty thousand dollars or more 10415  
through the department ~~of administrative services~~ and the 10416  
process provided in section 125.035 of the Revised Code, unless 10417  
the department grants the state agency a waiver ~~and or~~ a release 10418  
and permit under that section. 10419

~~(C)~~ ~~An~~ (D) A state agency that has been granted a release 10420  
and permit under section 125.035 of the Revised Code to make a 10421  
purchase may make the purchase without competitive selection if 10422  
after making the purchase the cumulative purchase threshold as 10423  
computed under division (E) of section 127.16 of the Revised 10424  
Code would: 10425

(1) Be exceeded and the controlling board approves the purchase; 10426  
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(2) Not be exceeded and the department ~~of administrative services~~ approves the purchase. 10428  
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~~(D) An~~ (E) A state agency that has been granted a release and permit under section 125.035 of the Revised Code to make a purchase ~~may~~ shall make the purchase by utilizing the electronic procurement system established by the department ~~of administrative services~~ under section 125.073 of the Revised Code. 10430  
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~~(E)~~ (F) If the department of education and workforce or the Ohio education computer network determines that it can purchase software goods or services ~~or supplies~~ for specified school districts at a price less than the price for which the districts could purchase the same software goods or services ~~or supplies~~ for themselves, the department or network shall certify that fact to the department of administrative services and, acting as an agent for the specified school districts, shall make that purchase without following the provisions in divisions ~~(A)~~ (B) to ~~(D)~~ (E) of this section. 10436  
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~~(F)~~ (G) When the purchase cost of personal protective equipment is less than fifty thousand dollars, a state agency shall comply with section 125.035 of the Revised Code. If the purchase is not subject to the requirements of an applicable first or second requisite procurement program, the agency shall apply the same preferences in section 125.09 of the Revised Code when making the purchase. ~~As used in this division, "personal protective equipment" means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.~~ 10446  
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**Sec. 125.051.** ~~(A) As used in this section:~~ 10455

~~(1) "Advertising" includes advertising in print or 10456  
electronic newspapers, journals, or magazines and advertising 10457  
broadcast over radio or television or placed on the internet. 10458~~

~~(2) "State official" means an official elected to a 10459  
statewide office or a member of the general assembly. 10460~~

~~(B) Any advertising purchased with public money by a state 10461  
official for the same purpose that, in the aggregate, exceeds 10462  
fifty thousand dollars during the fiscal year, shall be subject 10463  
to controlling board approval. 10464~~

**Sec. 125.052.** (A) As used in this section: 10465

(1) "Online subscription" means an offering through an 10466  
internet online service or platform to access digital content or 10467  
services on a recurring basis in exchange for a subscription 10468  
fee. 10469

(2) "State agency" has the same meaning as in section 1.60 10470  
of the Revised Code, except that it does not include the general 10471  
assembly or any legislative agency. 10472

(B) Any online subscription purchased by a state agency, 10473  
which in the aggregate exceeds five hundred dollars during the 10474  
fiscal year, is subject to controlling board approval. 10475

**Sec. 125.061.** (A) ~~As used in this section:~~ 10476

~~(1) "Emergency" has the same meaning as defined in section 10477  
5502.21 of the Revised Code. 10478~~

~~(2) "State procurement emergency" means a situation that 10479  
creates all of the following: 10480~~

~~(a) A threat to public health, safety, or welfare; 10481~~

~~(b) An immediate and serious need for supplies or services that cannot be met through normal procurement methods required by state law; and~~ 10482  
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~~(c) A serious threat of harm to the functioning of state government, the preservation or protection of property, or the health or safety of any person.~~ 10485  
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~~(B)~~ During the period of an emergency, the department of administrative services may suspend, for the emergency management agency established in section 5502.22 of the Revised Code or any other state agency participating in response and recovery activities as defined in section 5502.21 of the Revised Code, the purchasing and contracting requirements contained in Chapter 125. and any requirement of Chapter 153. of the Revised Code that otherwise would apply to the agency. The director of public safety or the executive director of the emergency management agency shall make the request for the suspension of these requirements to the department ~~of administrative services~~ concurrently with the request to the governor or the president of the United States for the declaration of an emergency. The governor also shall include in any proclamation the governor issues declaring an emergency language requesting the suspension of those requirements during the period of the emergency. 10488  
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~~(C)~~ (B) During the period of a state procurement emergency, the department of administrative services may suspend, for any state agency, the purchasing and contracting requirements contained in Chapter 125. of the Revised Code that would otherwise be required of the agency. 10504  
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(1) The director or administrative head of the state agency where the state procurement emergency exists shall request the department ~~of administrative services~~ to suspend the 10509  
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purchasing and contracting requirements in Chapter 125. of the 10512  
Revised Code. 10513

(2) The request shall include information detailing the 10514  
immediacy of the state procurement emergency and a description 10515  
of the necessary ~~supplies~~goods or services that cannot be 10516  
timely purchased through normal procurement methods otherwise 10517  
required by state law. 10518

(3) Whenever practical, the agency shall obtain a release 10519  
and permit from the department of administrative services under 10520  
section 125.035 of the Revised Code before making purchases 10521  
under this division. 10522

~~(D)~~(C) Before any purchase may be made under a suspension 10523  
authorized by this section, the director of administrative 10524  
services shall send notice of the suspension as approved by the 10525  
director to the director of budget and management and to the 10526  
members of the controlling board. The notice shall provide 10527  
details of the request for suspension and shall include a copy 10528  
of the director's approval. 10529

~~(E)~~(D) Purchases made by state agencies under this section 10530  
are exempt from the requirements of section 127.16 of the 10531  
Revised Code, except that state agencies making purchases under 10532  
this section shall file a report with the president of the 10533  
controlling board describing all such purchases made by the 10534  
agency during the period covered by the emergency declaration or 10535  
state procurement emergency. The report shall be filed within 10536  
ninety days after the declaration or state procurement emergency 10537  
condition expires. 10538

**Sec. 125.07.** (A) In accordance with rules the director of 10539  
administrative services shall adopt under Chapter 119. of the 10540

Revised Code, ~~the director of administrative services~~ a state 10541  
agency may make purchases for goods or services by competitive 10542  
sealed bid. ~~The competitive sealed bid, at,~~ and both of the 10543  
following apply: 10544

(1) At a minimum, a solicitation for a competitive sealed 10545  
bid shall contain a detailed description of the ~~supplies goods~~ 10546  
or services to be purchased, the terms and conditions of the 10547  
~~sale purchase,~~ instructions concerning submissions of bid 10548  
responses, and any other information the ~~director~~ department 10549  
considers ~~to be necessary for the intended purchase.~~ 10550

(2) Competitive sealed bids shall be awarded as provided 10551  
in section 125.11 of the Revised Code. 10552

(B) The department of administrative services, in making a 10553  
purchase by competitive sealed bid, shall give notice in the 10554  
following manner: 10555

(1) The department shall advertise the intended purchases 10556  
by notice posted for the benefit of competing persons producing 10557  
or dealing in the ~~supplies goods~~ or services to be purchased. 10558  
The notice may be in any electronic form the ~~director of~~ 10559  
~~administrative services~~ considers appropriate to sufficiently 10560  
notify competing persons of the intended purchases. 10561

(2) The notice required under this division shall include 10562  
the time and place where bids will be accepted and opened, or, 10563  
when bids are made in a reverse auction, the time when bids will 10564  
be accepted; the conditions under which bids will be received; 10565  
the terms of the proposed purchases; and an itemized list of the 10566  
~~supplies goods~~ or services to be purchased and the estimated 10567  
quantities or amounts of them. 10568

~~(3) The notice required under this division shall be~~ 10569

~~posted the number of days preceding the day when the bids will~~ 10570  
~~be opened or accepted that the director determines sufficient to~~ 10571  
~~enable interested bidders to prepare their bids~~ (C) A state 10572  
agency purchasing goods or services by competitive sealed 10573  
bidding shall do so in the manner prescribed by this section and 10574  
in compliance with all applicable laws, rules, and policies of 10575  
the department. 10576

**Sec. 125.071.** (A) In accordance with rules the director of 10577  
administrative services shall adopt under Chapter 119. of the 10578  
Revised Code, the director a state agency may make purchases by 10579  
competitive sealed proposal whenever the director determines 10580  
~~that when~~ the use of competitive sealed bidding is not possible 10581  
or not advantageous to the state-, and both of the following 10582  
apply: 10583

(1) At a minimum, solicitations for competitive sealed 10584  
proposals shall contain a detailed description of the goods or 10585  
services to be purchased, the terms and conditions of the 10586  
purchase, instructions concerning submission of proposals, and 10587  
any other information prescribed by rules adopted pursuant to 10588  
this section or that the department of administrative services 10589  
considers necessary. 10590

(2) Competitive sealed solicitations shall be awarded as 10591  
provided in section 125.11 of the Revised Code. 10592

(B) Proposals shall be solicited through a request for 10593  
proposals. The request for proposals shall state the relative 10594  
importance of price and other evaluation factors. Notice of the 10595  
request for proposals shall be given in accordance with rules 10596  
the director shall adopt. 10597

(C) Proposals shall be opened so as to avoid disclosure of 10598

contents to competing offerors. 10599

~~In order to ensure fair and impartial evaluation, proposals and related documents submitted in response to a request for proposals are not available for public inspection and copying under section 149.43 of the Revised Code until after the award of the contract.~~ 10600  
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(D) As provided in the request for proposals, and under rules the director shall adopt, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of ensuring full understanding of, and responsiveness to, solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion regarding any clarification, correction, or revision of proposals. No disclosure of any information derived from proposals submitted by competing offerors shall occur when discussions are conducted. 10605  
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(E) ~~Award~~ Awards may be made to the offerors whose proposals are determined to be the most advantageous to this state, taking into consideration factors such as price and the evaluation criteria set forth in the request for proposals. The contract file shall contain the basis on which the award is made. 10616  
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(F) All proposals shall be submitted through and opened in the electronic procurement system established by the department under section 125.073 of the Revised Code. Proposals received after the due date and time specified in the solicitation shall be considered nonresponsive. 10622  
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(G) A state agency purchasing goods and services by 10627



competitive sealed proposal shall do so in the manner prescribed 10628  
by this section and in compliance with all applicable laws, 10629  
rules, and policies of the department. 10630

**Sec. 125.072.** (A) As used in this section, "reverse 10631  
auction" means a purchasing process in which ~~offerers~~ 10632  
prequalified bidders submit bids in competing to sell goods or 10633  
services or supplies in an open environment via the internet with 10634  
an award being made to the lowest responsive and responsible 10635  
bidder. 10636

(B) ~~Whenever the~~ The director of administrative services 10637  
may purchase goods or services by reverse auction, in accordance 10638  
with rules the director shall adopt under Chapter 119. of the 10639  
Revised Code, whenever the director determines that the use of a 10640  
reverse auction is advantageous to the state, the director, in 10641  
accordance with rules the director shall adopt, may purchase 10642  
services or supplies by reverse auction. 10643

(C) The director, by rule, may authorize a state agency 10644  
that ~~is~~ has been authorized by the department to purchase goods 10645  
or services or supplies directly to purchase them by reverse 10646  
auction in the same manner as this section and the rules adopted 10647  
under this section authorize the director to do ~~so~~. 10648

**Sec. 125.073.** (A) The department of administrative 10649  
services shall actively promote and accelerate the use of 10650  
electronic procurement, including reverse auctions as defined by 10651  
section 125.072 of the Revised Code, when exercising its 10652  
statutory powers. 10653

~~Beginning July 1, 2004, the department shall annually~~ (B) 10654  
Annually, on or before the first day of July, the department 10655  
shall provide a report to the committees in each house of the 10656

general assembly dealing with finance indicating the 10657  
effectiveness of electronic procurement. 10658

(C) The department shall establish and maintain a single 10659  
searchable web site, accessible by the public at no cost, that 10660  
includes all of the following information for goods or services 10661  
purchased by the state: 10662

(1) The name of the entity receiving the award; 10663

(2) The anticipated amount of the award; 10664

(3) Information on the award, the agency or other 10665  
instrumentality of the state that is providing the award, and 10666  
the commodity code; 10667

(4) Any other relevant information determined by the 10668  
department. 10669

(D) The department's electronic procurement system may be 10670  
used to meet the requirements of division (C) of this section. 10671  
State awards shall be publicly posted within thirty days after 10672  
being made. 10673

(E) Nothing in this section shall be construed as 10674  
requiring the disclosure of information that is not a public 10675  
record under section 149.43 of the Revised Code. 10676

**Sec. 125.09.** (A) Pursuant to sections 125.07, 125.071, and 10677  
125.072 of the Revised Code, the department of administrative 10678  
services may prescribe such conditions under which competitive 10679  
sealed bids, competitive sealed proposals, and bids in reverse 10680  
auctions will be received and terms of the proposed purchase as 10681  
it considers necessary; provided, that all such conditions and 10682  
terms shall be reasonable and shall not unreasonably restrict 10683  
competition, and bidders may bid and offerors may propose upon 10684

all or any item of the ~~products~~goods or services listed in such 10685  
notice. Those bidders and offerors claiming the preference 10686  
outlined in this chapter shall designate in their bid or offer 10687  
whether the product is mined, excavated, produced, manufactured, 10688  
raised, or grown in the United States and is either a Buy Ohio 10689  
product or that the product or service is provided by a bidder 10690  
or offeror that qualifies as having a significant economic 10691  
presence in the state or a state bordering Ohio, under the rules 10692  
established by the director of administrative services, and 10693  
whether the bidder or offeror is a certified veteran-friendly 10694  
business enterprise under section 122.925 of the Revised Code. 10695

(B) The director of administrative services shall, by rule 10696  
adopted pursuant to Chapter 119. of the Revised Code, prescribe 10697  
criteria and procedures for use by all state agencies in giving 10698  
preference under this section as required by division (B) of 10699  
section 125.11 of the Revised Code. The rules shall extend to: 10700

(1) Criteria for determining that a product is mined, 10701  
excavated, produced, manufactured, raised, or grown in the 10702  
United States rather than in another country or territory; 10703

(2) Criteria for determining that a product is a Buy Ohio 10704  
product; 10705

(3) Information to be submitted by bidders or offerors as 10706  
to the nature of a product and the location where it is mined, 10707  
excavated, produced, manufactured, raised, or grown; 10708

(4) Criteria and procedures to be used by the director to 10709  
qualify bidders or offerors located in states bordering Ohio who 10710  
might otherwise be excluded from being awarded a contract by 10711  
operation of this section and section 125.11 of the Revised 10712  
Code. The criteria and procedures shall recognize the level and 10713

regularity of interstate commerce between Ohio and the border 10714  
states and provide that the non-Ohio businesses may qualify for 10715  
award of a contract as long as they are located in a state that 10716  
imposes no greater restrictions than are contained in this 10717  
section and section 125.11 of the Revised Code upon persons 10718  
located in Ohio selling ~~products~~goods or services to agencies 10719  
of that state. The criteria and procedures shall also provide 10720  
that a non-Ohio business shall not bid on a contract for state 10721  
printing in this state if the business is located in a state 10722  
that excludes Ohio businesses from bidding on state printing 10723  
contracts in that state. 10724

(5) Criteria and procedures to be used to qualify bidders 10725  
and offerors whose manufactured ~~products~~goods, except for mined 10726  
products, are produced in other states or in North America, but 10727  
the bidders or offerors have a significant Ohio economic 10728  
presence in terms of the number of employees or capital 10729  
investment a bidder or offeror has in this state. Bidders and 10730  
offerors with a significant Ohio economic presence shall qualify 10731  
for award of a contract on the same basis as if their ~~products~~goods 10732  
goods were produced in this state or as if the bidder or offeror 10733  
was domiciled in this state. 10734

(6) Criteria and procedures for the director to grant 10735  
waivers of the requirements of division (B) of section 125.11 of 10736  
the Revised Code on a contract-by-contract basis where 10737  
compliance with those requirements would not be in the best 10738  
interest of the state or is otherwise prohibited; 10739

(7) Criteria for applying a preference to bids and offers 10740  
received from a certified veteran-friendly business enterprise; 10741

(8) Such other requirements or procedures reasonably 10742  
necessary to implement the system of preferences established 10743

pursuant to division (B) of section 125.11 of the Revised Code. 10744

In adopting the rules required under this division, the 10745  
director shall, to the maximum extent possible, conform to the 10746  
requirements of the federal "Buy American Act," 41 U.S.C. 8301- 10747  
8305, as amended, and to the regulations adopted thereunder. 10748

**Sec. 125.091.** ~~(A) As used in this section and sections~~ 10749  
~~125.092 and 125.093 of the Revised Code:~~ 10750

~~(A)(1)~~ "Agricultural materials" means agricultural-based 10751  
materials or residues, including plant, animal, and marine 10752  
materials or residues, used in the manufacture of commercial or 10753  
industrial nonfood products. 10754

~~(B)(2)~~ "Biobased product" means a product, other than food 10755  
or feed, determined by the secretary of the United States 10756  
~~secretary department of agriculture (USDA) to be a commercial or~~ 10757  
~~industrial product, other than food or feed, that is composed,~~ 10758  
~~in whole or significant part, of the minimum biobased content as~~ 10759  
defined by the USDA biopreferred program of biological products, 10760  
forestry materials, or renewable domestic agricultural 10761  
~~materials, or forestry material, or is an intermediate~~ 10762  
~~ingredient or feedstock~~including plant, animal, or marine 10763  
materials. 10764

~~(C)(3)~~ "Biological products" means products derived from 10765  
living materials other than agricultural or forestry materials. 10766

~~(D)(4)~~ "Designated item" means a ~~generic grouping category~~ 10767  
of biobased products ~~identified in subpart B, 7 C.F.R. 2902.10-~~ 10768  
~~to 2902.42~~designated by the USDA biopreferred program. 10769

~~(E)(5)~~ "Forest thinnings" means woody materials removed 10770  
from a dense forest to improve growth, enhance forest health, or 10771  
remove trees to recover potential mortality. 10772

~~(F)~~ (6) "Forestry materials" means materials derived from 10773  
the practice of planting and caring for forests and the 10774  
management of growing timber where such materials come from 10775  
short-rotation woody crops that are less than ten years old, 10776  
sustainably managed forests, wood residues, or forest thinnings. 10777

~~(G)~~ (7) "Intermediate ingredient or feedstock" means a 10778  
material or compound made, in whole or in significant part, from 10779  
biological products, renewable agricultural materials, or 10780  
forestry materials that are subsequently used to make a more 10781  
complex compound or product. 10782

~~(H)~~ (8) "Sustainably managed forests" means the practice of 10783  
land stewardship that integrates the reforestation, management, 10784  
growing, nurturing, and harvesting of trees for useful products 10785  
while conserving soil and improving air and water quality, 10786  
wildlife, fish habitat, and aesthetics. 10787

(B) The department of administrative services, state 10788  
agencies, and state institutions of higher education shall 10789  
purchase biobased products in accordance with this section, 10790  
sections 125.01 to 125.11 of the Revised Code, and rules 10791  
established by the director of administrative services in 10792  
accordance with Chapter 119. of the Revised Code. 10793

(C) Excluding motor vehicle fuel, heating oil, and 10794  
electricity, to qualify as a biobased product, a product shall 10795  
be an item designated by the United States department of 10796  
agriculture as either qualifying for mandatory federal 10797  
purchasing or being certified through the federal voluntary 10798  
labeling initiative. 10799

(1) For any biobased product being offered to a state 10800  
agency or state institution of higher education, a supplier 10801

shall provide information to the state agency or state 10802  
institution of higher education certifying that the product 10803  
meets one or both requirements of this division. 10804

(2) When purchasing biobased products, a state institution 10805  
of higher education shall purchase United States department of 10806  
agriculture designated items in accordance with procedures 10807  
established by the institution. 10808

(D) By not later than December 30, 2025, the department of 10809  
administrative services shall prepare and submit to the 10810  
governor, the president of the senate, and the speaker of the 10811  
house of representatives an annual report on the effectiveness 10812  
of the biobased products preference program. 10813

**Sec. 125.11.** (A) Subject to division (B) of this section, 10814  
contracts awarded pursuant to a reverse auction under section 10815  
125.072 of the Revised Code or pursuant to competitive sealed 10816  
bidding, including contracts awarded under section 125.081 of 10817  
the Revised Code, shall be awarded to the lowest responsive and 10818  
responsible bidder in accordance with section 9.312 of the 10819  
Revised Code, and contracts awarded pursuant to a competitive 10820  
sealed proposal shall be awarded to the offeror determined to be 10821  
the most advantageous to this state. 10822

(B) Prior to awarding a contract under division (A) of 10823  
this section, the department of administrative services or the 10824  
state agency responsible for evaluating a contract for the 10825  
purchase of ~~products~~ goods or services shall evaluate the bids 10826  
and offers received according to the criteria and procedures 10827  
established pursuant to division (B) of section 125.09 of the 10828  
Revised Code for determining if a product is mined, excavated, 10829  
produced, manufactured, raised, or grown in the United States, 10830  
in this state, or in a state bordering Ohio, whether the bid or 10831

offer was received from a Buy Ohio supplier, and whether the bid 10832  
or offer was received from a certified veteran-friendly business 10833  
enterprise. These requirements shall be applied where sufficient 10834  
competition can be generated to ensure that compliance with 10835  
these requirements will be in the best interest of the state 10836  
unless otherwise prohibited. 10837

(C) In order to ensure fair and impartial evaluation, 10838  
materials relating to a solicitation through competitive 10839  
selection shall not be considered public records under section 10840  
149.43 of the Revised Code until after the award of the contract 10841  
based on the competitive selection. If all bids or proposals 10842  
received in response to a solicitation through competitive 10843  
selection are rejected, and notice is provided of an intent to 10844  
reissue the solicitation through competitive selection, the 10845  
materials relating to the original solicitation and the 10846  
materials relating to the reissued solicitation shall not be 10847  
considered public records under section 149.43 of the Revised 10848  
Code until after the award of the contract based on the reissued 10849  
solicitation through competitive selection. 10850

(D) Division (B) of this section applies to contracts for 10851  
which competitive selection is waived by the controlling board. 10852

~~(D)~~ (E) Division (B) of this section does not apply to the 10853  
purchase by the division of liquor control of spirituous liquor. 10854

**Sec. 125.111.** ~~(A)~~ Every contract for or on behalf of the 10855  
state or any of its political subdivisions for any purchase 10856  
shall contain provisions similar to those required by section 10857  
153.59 of the Revised Code in the case of construction contracts 10858  
by which the contractor agrees to both of the following: 10859

~~(1)~~ (A) That, in the hiring of employees for the 10860



performance of work under the contract or any subcontract, no 10861  
contractor or subcontractor, by reason of race, color, religion, 10862  
sex, age, disability or military status as defined in section 10863  
4112.01 of the Revised Code, national origin, or ancestry, shall 10864  
discriminate against any citizen of this state in the employment 10865  
of a person qualified and available to perform the work to which 10866  
the contract relates; 10867

~~(2)~~ (B) That no contractor, subcontractor, or person acting 10868  
on behalf of any contractor or subcontractor, in any manner, 10869  
shall discriminate against, intimidate, or retaliate against any 10870  
employee hired for the performance of work under the contract on 10871  
account of race, color, religion, sex, age, disability or 10872  
military status as defined in section 4112.01 of the Revised 10873  
Code, national origin, or ancestry. 10874

~~(B) All contractors from whom the state or any of its~~ 10875  
~~political subdivisions make purchases shall have a written~~ 10876  
~~affirmative action program for the employment and effective~~ 10877  
~~utilization of economically disadvantaged persons, as referred~~ 10878  
~~to in division (E)(1) of section 122.71 of the Revised Code.~~ 10879  
~~Annually, each such contractor shall file a description of the~~ 10880  
~~affirmative action program and a progress report on its~~ 10881  
~~implementation with the department of development.~~ 10882

**Sec. 125.13.** (A) As used in this section: 10883

(1) "Emergency medical service organization" has the same 10884  
meaning as in section 4765.01 of the Revised Code. 10885

(2) "Private fire company" has the same meaning as in 10886  
section 9.60 of the Revised Code. 10887

(B) Whenever a state agency has excess or surplus 10888  
supplies, it shall notify the director of administrative 10889

services. On forms provided by the director, the state agency 10890  
shall furnish to the director a list of its excess and surplus 10891  
supplies, including the location of the supplies and whether the 10892  
supplies are currently in the agency's control. 10893

(C) Upon receipt of notification and at no cost to the 10894  
state agency, the director of administrative services shall make 10895  
arrangements for their disposition and shall take immediate 10896  
control of a state agency's excess and surplus supplies, except 10897  
for the following excess and surplus supplies: 10898

(1) Excess or surplus supplies that have a value below the 10899  
minimum value that the director establishes for excess and 10900  
surplus supplies under division (F) of this section; 10901

(2) Excess or surplus supplies that the director has 10902  
authorized an agency to donate to a governmental agency, 10903  
including, but not limited to, public schools and surplus 10904  
computers and computer equipment transferred to a public school 10905  
under division (G) of this section; 10906

(3) Excess or surplus supplies that an agency trades in as 10907  
full or partial payment when purchasing a replacement item; 10908

(4) Hazardous property; 10909

(5) Excess or surplus supplies that the director has 10910  
authorized to be part of an interagency transfer; 10911

(6) Excess or surplus supplies that are donated under 10912  
division (H) of this section. 10913

(D) The director shall inventory excess and surplus 10914  
supplies in the director's control and post on a public web site 10915  
a list of the supplies available for acquisition. The director 10916  
may have the supplies repaired. The director shall not charge a 10917

fee for the collection or transportation of excess and surplus 10918  
supplies. 10919

(E) The director may do any of the following: 10920

(1) Dispose of declared surplus or excess supplies in the 10921  
director's control by sale, lease, donation, or transfer. If the 10922  
director does so, the director shall dispose of those supplies 10923  
in any of the following manners: 10924

(a) To state agencies or by interagency trade; 10925

(b) To state-supported or state-assisted institutions of 10926  
higher education; 10927

(c) To tax-supported agencies, municipal corporations, or 10928  
other political subdivisions of this state, private fire 10929  
companies, or private, nonprofit emergency medical service 10930  
organizations; 10931

(d) To nonpublic elementary and secondary schools 10932  
chartered by the department of education and workforce under 10933  
section 3301.16 of the Revised Code; 10934

(e) To a nonprofit organization that is both exempt from 10935  
federal income taxation under 26 U.S.C. 501(a) and (c) (3) and 10936  
that ~~receives funds from the state or has a contract~~ is 10937  
registered and in good standing with the secretary of state as a 10938  
domestic nonprofit or not-for-profit corporation; 10939

(f) To the general public by auction, sealed bid, sale, or 10940  
negotiation. 10941

(2) If the director has attempted to dispose of any 10942  
declared surplus or excess motor vehicle that does not exceed 10943  
four thousand five hundred dollars in value pursuant to 10944  
divisions (E) (1) (a) to (c) of this section, donate the motor 10945

vehicle to a nonprofit organization exempt from federal income 10946  
taxation pursuant to 26 U.S.C. 501(a) and (c) (3) for the purpose 10947  
of meeting the transportation needs of participants in the Ohio 10948  
works first program established under Chapter 5107. of the 10949  
Revised Code and participants in the prevention, retention, and 10950  
contingency program established under Chapter 5108. of the 10951  
Revised Code. The director may not donate a motor vehicle 10952  
furnished to the state highway patrol to a nonprofit 10953  
organization pursuant to this division. 10954

(F) The director may adopt rules governing the sale, 10955  
lease, or transfer of surplus and excess supplies in the 10956  
director's control by public auction, sealed bid, sale, or 10957  
negotiation, except that no employee of the disposing agency 10958  
shall be allowed to purchase, lease, or receive any such 10959  
supplies. The director may dispose of declared surplus or excess 10960  
supplies, including motor vehicles, in the director's control as 10961  
the director determines proper if such supplies cannot be 10962  
disposed of pursuant to division (E) of this section. The 10963  
director shall by rule establish a minimum value for excess and 10964  
surplus supplies and prescribe procedures for a state agency to 10965  
follow in disposing of excess and surplus supplies in its 10966  
control that have a value below the minimum value established by 10967  
the director. 10968

(G) The director of administrative services may authorize 10969  
any state agency to transfer surplus computers and computer 10970  
equipment that are not needed by other state agencies directly 10971  
to an accredited public school within the state. The computers 10972  
and computer equipment may be repaired or refurbished prior to 10973  
transfer. The state agency may charge a service fee to the 10974  
public schools for the property not to exceed the direct cost of 10975  
repairing or refurbishing it. The state agency shall deposit 10976

such funds into the account used for repair or refurbishment. 10977

(H) Excess and surplus supplies of food shall be exempt 10978  
from this section and may be donated directly to nonprofit food 10979  
pantries and institutions without notification to the director 10980  
of administrative services. 10981

**Sec. 125.18.** (A) There is hereby established the office of 10982  
information technology within the department of administrative 10983  
services. The office shall be under the supervision of a state 10984  
chief information officer to be appointed by the director of 10985  
administrative services and subject to removal at the pleasure 10986  
of the director. The chief information officer is an assistant 10987  
director of administrative services. 10988

(B) Under the direction of the director of administrative 10989  
services, the state chief information officer shall lead, 10990  
oversee, and direct state agency activities related to 10991  
information technology development and use. In that regard, the 10992  
state chief information officer shall do all of the following: 10993

(1) Coordinate and superintend statewide efforts to 10994  
promote common use and development of technology by state 10995  
agencies. The office of information technology shall establish 10996  
policies and standards that govern and direct state agency 10997  
participation in statewide programs and initiatives. 10998

(2) Coordinate with the office of procurement services to 10999  
establish policies and standards for state agency acquisition of 11000  
information technology ~~supplies~~ goods and services; 11001

(3) Establish policies and standards for the use of common 11002  
information technology by state agencies, including, but not 11003  
limited to, hardware, software, technology services, and 11004  
security, and the extension of the service life of information 11005

technology systems, with which state agencies shall comply; 11006

(4) Establish criteria and review processes to identify 11007  
state agency information technology projects or purchases that 11008  
require alignment or oversight. As appropriate, the department 11009  
of administrative services shall provide the governor and the 11010  
director of budget and management with notice and advice 11011  
regarding the appropriate allocation of resources for those 11012  
projects. The state chief information officer may require state 11013  
agencies to provide, and may prescribe the form and manner by 11014  
which they must provide, information to fulfill the state chief 11015  
information officer's alignment and oversight role; 11016

(5) Establish policies and procedures for the security of 11017  
personal information that is maintained and destroyed by state 11018  
agencies; 11019

(6) Employ a chief information security officer who is 11020  
responsible for the implementation of the policies and 11021  
procedures described in division (B)(5) of this section and for 11022  
coordinating the implementation of those policies and procedures 11023  
in all of the state agencies; 11024

(7) Employ a chief privacy officer who is responsible for 11025  
advising state agencies when establishing policies and 11026  
procedures for the security of personal information and 11027  
developing education and training programs regarding the state's 11028  
security procedures; 11029

(8) Establish policies on the purchasing, use, and 11030  
reimbursement for use of handheld computing and 11031  
telecommunications devices by state agency employees; 11032

(9) Establish policies for the reduction of printing and 11033  
for the increased use of electronic records by state agencies; 11034

(10) Establish policies for the reduction of energy 11035  
consumption by state agencies; 11036

(11) Compute the amount of revenue attributable to the 11037  
amortization of all equipment purchases and capitalized systems 11038  
from information technology service delivery and major 11039  
information technology purchases, MARCS administration, and 11040  
enterprise applications operating appropriation items and major 11041  
computer purchases capital appropriation items that is recovered 11042  
as part of the information technology services rates the 11043  
department of administrative services charges and deposits into 11044  
the information technology fund created in section 125.15 of the 11045  
Revised Code, and the user fees the department of administrative 11046  
services charges and deposits in the MARCS administration fund 11047  
created in section 4501.29 of the Revised Code, the rates the 11048  
department of administrative services charges to benefiting 11049  
agencies for the operation and management of information 11050  
technology applications and deposits in the enterprise 11051  
applications fund. The enterprise applications fund is hereby 11052  
created in the state treasury. 11053

(12) Regularly review and make recommendations regarding 11054  
improving the infrastructure of the state's cybersecurity 11055  
operations with existing resources and through partnerships 11056  
between government, business, and institutions of higher 11057  
education; 11058

(13) Assist, as needed, with general state efforts to grow 11059  
the cybersecurity industry in this state. 11060

(C) (1) The chief information security officer shall assist 11061  
each state agency with the development of an information 11062  
technology security strategic plan and review that plan, and 11063  
each state agency shall submit that plan to the state chief 11064

information officer. The chief information security officer may 11065  
require that each state agency update its information technology 11066  
security strategic plan annually as determined by the state 11067  
chief information officer. 11068

(2) Prior to the implementation of any information 11069  
technology data system, a state agency shall prepare or have 11070  
prepared a privacy impact statement for that system. 11071

(D) When a state agency requests a purchase of information 11072  
technology ~~supplies~~ goods or services under Chapter 125. of the 11073  
Revised Code, the state chief information officer may review and 11074  
reject the requested purchase for noncompliance with information 11075  
technology direction, plans, policies, standards, or project- 11076  
alignment criteria. 11077

(E) The office of information technology may operate 11078  
technology services for state agencies in accordance with this 11079  
chapter. 11080

Notwithstanding any provision of the Revised Code to the 11081  
contrary, the office of information technology may assess a 11082  
transaction fee on each license or registration issued as part 11083  
of an electronic licensing system operated by the office in an 11084  
amount determined by the office not to exceed three dollars and 11085  
fifty cents. The transaction fee shall apply to all 11086  
transactions, regardless of form, that immediately precede the 11087  
issuance, renewal, reinstatement, reactivation of, or other 11088  
activity that results in, a license or registration to operate 11089  
as a regulated professional or entity. Each license or 11090  
registration is a separate transaction to which a fee under this 11091  
division applies. Notwithstanding any provision of the Revised 11092  
Code to the contrary, if a fee is assessed under this section, 11093  
no agency, board, or commission shall issue a license or 11094



registration unless a fee required by this division has been 11095  
received. The director of administrative services may collect 11096  
the fee or require a state agency, board, or commission for 11097  
which the system is being operated to collect the fee. Amounts 11098  
received under this division shall be deposited in or 11099  
transferred to the occupational licensing and regulatory fund 11100  
created in section 4743.05 or the Revised Code. 11101

(F) With the approval of the director of administrative 11102  
services, the office of information technology may establish 11103  
cooperative agreements with federal and local government 11104  
agencies and state agencies that are not under the authority of 11105  
the governor for the provision of technology services and the 11106  
development of technology projects. 11107

(G) The office of information technology may operate a 11108  
program to make information technology purchases. The director 11109  
of administrative services may recover the cost of operating the 11110  
program from all participating government entities by issuing 11111  
intrastate transfer voucher billings for the procured technology 11112  
or through any pass-through billing method agreed to by the 11113  
director of administrative services, the director of budget and 11114  
management, and the participating government entities that will 11115  
receive the procured technology. 11116

If the director of administrative services chooses to 11117  
recover the program costs through intrastate transfer voucher 11118  
billings, the participating government entities shall process 11119  
the intrastate transfer vouchers to pay for the cost. Amounts 11120  
received under this section for the information technology 11121  
purchase program shall be deposited to the credit of the 11122  
information technology governance fund created in section 125.15 11123  
of the Revised Code. 11124

(H) Upon request from the director of administrative services, the director of budget and management may transfer cash from the information technology fund created in section 125.15 of the Revised Code, the MARCS administration fund created in section 4501.29 of the Revised Code, or the enterprise applications fund created in division (B)(11) of this section to the major information technology purchases fund in an amount not to exceed the amount computed under division (B)(11) of this section. The major information technology purchases fund is hereby created in the state treasury.

(I) As used in this section:

~~(1) "Personal information" has the same meaning as in section 149.45 of the Revised Code.~~

~~(2) "State, "state agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government, other than any state-supported institution of higher education, the office of the auditor of state, treasurer of state, secretary of state, or attorney general, the adjutant general's department, the bureau of workers' compensation, the industrial commission, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, the state highway patrol retirement system, the general assembly or any legislative agency, the capitol square review advisory board, or the courts or any judicial agency.~~

**Sec. 125.183.** (A) As used in this section:

~~(1) "Covered application" means all of the following:~~

~~(a) The TikTok application and service or any successor~~

~~application or service developed or provided by ByteDance limited or an entity owned by ByteDance limited;~~ 11154  
11155

~~(b) The WeChat application and service or any successor application or service developed or provided by Tencent holdings limited or an entity owned by Tencent holdings limited;~~ 11156  
11157  
11158

~~(c) Any application or service owned by an entity located in China, including QQ International (QQi), Qzone, Weibo, XiaoHongShu, Zhihu, Meituan, Toutiao, Alipay, Xiami Music, Tiantian Music, DingTalkfDing Ding, Douban, RenRen, Youku/Tudou, Little Red Book, and Zhihuany application owned or controlled, directly or indirectly, by an entity identified as a foreign adversary as defined in 15 C.F.R. 791.2.~~ 11159  
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(2) "State agency" means every organized body, office, or agency established by the laws of this state for the exercise of any function of state government, other than any state-supported institution of higher education, the courts, or any judicial agency. "State agency" includes the general assembly, any legislative agency, and the capitol square review and advisory board. 11166  
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(B) Subject to division (C) of this section, the state chief information officer shall do all of the following: 11173  
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(1) Require state agencies immediately to remove any covered application from all equipment they own or lease; 11175  
11176

(2) Prohibit all of the following on equipment owned or leased by a state agency: 11177  
11178

(a) The downloading, installation, or use of a covered application; 11179  
11180

(b) The downloading, installation, or use of a covered 11181

application using an internet connection provided by a state 11182  
agency; 11183

(c) The downloading, installation, or use of a covered 11184  
application by any officer, employee, or contractor of a state 11185  
agency. 11186

(3) Require state agencies to take measures to prevent the 11187  
downloading, installation, or use of a covered application as 11188  
described in division (B) (2) of this section. 11189

(C) Division (B) of this section shall include exceptions 11190  
to allow a qualified person to download, install, or use a 11191  
covered application for law enforcement or security purposes, so 11192  
long as the person takes appropriate measures to mitigate the 11193  
security risks involved in doing so. 11194

**Sec. 125.31.** (A) The department of administrative services 11195  
shall have supervision of all public printing except as follows: 11196

(1) Printing for the general assembly shall be the sole 11197  
responsibility of the clerk of the senate and the clerk of the 11198  
house of representatives unless the clerk of the senate or the 11199  
clerk of the house of representatives chooses either of the 11200  
options specified in section 101.523 or 101.524 of the Revised 11201  
Code. 11202

(2) Printing for the Ohio arts council shall be under the 11203  
supervision of the council. 11204

(3) Printing for the capitol square review and advisory 11205  
board shall be under the supervision of the board. 11206

(4) Printing for state-supported institutions of higher 11207  
education shall be under the supervision of the department of 11208  
purchasing of each such institution or the department or officer 11209

within each institution that performs the functions of a 11210  
department of purchasing. 11211

(B) The department of administrative services shall 11212  
determine, except as otherwise specifically provided by law, the 11213  
number of copies to be printed of each publication or document, 11214  
the source of reproduction, the manner of binding, quality of 11215  
paper, the general kind, size, and spacing of type to be used in 11216  
all reports, publications, bulletins, documents, or pamphlets 11217  
printed at public expense. 11218

The department shall not use its authority to curtail the 11219  
release of public information by any elected state official. 11220

(C) ~~For the purposes of sections 125.31 to 125.76 of the~~ 11221  
~~Revised Code, all functions, powers, and duties assigned to the~~ 11222  
~~department of administrative services are considered to be~~ 11223  
~~assigned to the division of state printing within the department~~ 11224  
~~of administrative services~~Division (B) of this section does not 11225  
apply to printing contracts requiring special security paper, of 11226  
a unique nature, if compliance will result in acquiring a 11227  
disproportionately inferior product or a price that exceeds by 11228  
more than five per cent the lowest price submitted on a non-Ohio 11229  
bid. 11230

**Sec. 125.42.** (A) No agency, officer, board, or commission, 11231  
except the clerk of the senate and the clerk of the house of 11232  
representatives, shall print or cause to be printed at the 11233  
public expense, any report, bulletin, document, or pamphlet, 11234  
unless such report, bulletin, document, or pamphlet is first 11235  
submitted to, and the printing thereof approved by, the 11236  
department of administrative services. If the department 11237  
approves the printing, it shall determine the form of such 11238  
printing and the number of copies. 11239

If such approval is given, the department shall cause the same to be printed and bound ~~as provided by sections 125.49, 125.51, and 125.56 of the Revised Code, except as otherwise provided by section 125.45 of the Revised Code;~~ and when printed, such publications or forms shall be delivered to the ordering officer, board, commission, or department, or sold at a price not to exceed the total cost.

(B) The department of administrative services annually shall set a maximum cost per page and a maximum total cost for the printing by any board, commission, council, or other public body of the state of any annual report or any other report that it is required by law to produce. No board, commission, council, or other public body of the state shall expend or incur the expenditure of any amount in excess of these maximum amounts without the prior approval of the department. This division does not apply to the general assembly or any court.

**Sec. 125.58.** ~~The department of administrative services shall promptly notify each successful offeror of the acceptance of the offeror's bid or proposal for state printing. If such offeror fails to execute the contract because of death or other cause, or if the offeror fails to execute the work required by the contract in a proper manner and with reasonable promptness, or the contract is abandoned, or its execution is temporarily suspended, the department may enter into a contract with another person for the prompt execution of the work for the lowest price which may be obtained. Before any work is relet in consequence of the misconduct or default of the contractor, the department shall give the contractor written notice thereof. The department of administrative services may set a daily penalty charge for late orders, provided the penalty schedule and amount are stated in the invitation to bid or request for proposals for the~~

printing. 11271

**Sec. 125.601.** (A) The director of administrative services 11272  
shall establish the ~~office of procurement from~~ community 11273  
rehabilitation ~~programs~~ program within the procurement office of 11274  
the department of administrative services. The director shall 11275  
designate an employee of the department to serve as 11276  
administrator of the ~~office~~program and shall adopt rules in 11277  
accordance with Chapter 119. of the Revised Code for the 11278  
effective and efficient administration of the program. 11279

(B) The community rehabilitation program shall do all of 11280  
the following: 11281

(1) Establish procedures by which a nonprofit agency may 11282  
apply for certification as a community rehabilitation program; 11283

(2) Establish criteria and procedures for the department 11284  
to use to determine if a nonprofit agency qualifies for the 11285  
community rehabilitation program; 11286

(3) Negotiate and enter into contractual agreements with 11287  
qualified nonprofit agencies; 11288

(4) Establish, maintain, and periodically update a list of 11289  
approved goods and services available from contracted qualified 11290  
nonprofit agencies, and attempt to establish fair market pricing 11291  
for each of the items on this list; 11292

(5) Monitor the procurement practices of state agencies to 11293  
ensure compliance with this section and section 125.035 of the 11294  
Revised Code; 11295

(6) Waive purchasing requirements for state agencies 11296  
pursuant to section 125.035 of the Revised Code; 11297

(7) Structure or regulate competition among qualified 11298

<u>nonprofit agencies for the overall benefit of the program.</u>	11299
<u>(C) Contracts established by the department and purchases made under this section are not subject to the competitive selection requirements of sections 125.05, 125.07, 125.071, and 125.072 of the Revised Code.</u>	11300 11301 11302 11303
<u>(D) Purchases made by state agencies under this section shall be made pursuant to section 125.035 of the Revised Code.</u>	11304 11305
<u>(E) Goods and services available from qualified nonprofit agencies shall be purchased at the fair market value established by the department.</u>	11306 11307 11308
<u>(1) If a fair market value has not been established, government ordering offices may negotiate purchase pricing with the qualified nonprofit agencies offering the needed goods or services.</u>	11309 11310 11311 11312
<u>(2) The department may accept a purchase price negotiated between a government ordering office and a qualified nonprofit agency as the fair market price for goods or services.</u>	11313 11314 11315
<u>(F) The department may assess an administrative fee to all government ordering offices purchasing goods and services from qualified nonprofit agency contracts. At the department's discretion, this fee may either be billed directly to the government ordering offices or collected by qualified nonprofit agencies that will remit them to the department.</u>	11316 11317 11318 11319 11320 11321
<u>(1) Any administrative fees collected and remitted by qualified nonprofit agencies shall be considered allowable expenses in addition to the product fair market price.</u>	11322 11323 11324
<u>(2) Fees collected shall be deposited in the state treasury to the credit of the general services fund created</u>	11325 11326



under section 125.15 of the Revised Code. 11327

(G) Nothing in this section shall be construed to prohibit 11328  
the purchase of goods or services from a qualified nonprofit 11329  
agency by a political subdivision that is not a government 11330  
ordering office. 11331

(1) Purchases made under this section by a political 11332  
subdivision, as defined in section 125.04 of the Revised Code, 11333  
are exempt from any competitive selection procedures otherwise 11334  
required by law. Purchases under this section shall be made from 11335  
qualified nonprofit agencies or their approved agents. 11336

(2) A political subdivision may not purchase under 11337  
division (C) of section 125.04 of the Revised Code, goods or 11338  
services included on the list established by the department 11339  
pursuant to division (B) (4) of this section. 11340

(H) The department of administrative services, on its own 11341  
or pursuant to a request from a government ordering office, may 11342  
release a government ordering office from compliance with this 11343  
section if either of the following apply: 11344

(1) The department determines that compliance is not 11345  
possible or not advantageous to the government ordering office; 11346

(2) Conditions prescribed in rules adopted under this 11347  
section for granting a release are met. 11348

(I) Releases granted under division (H) of this section 11349  
shall be in writing and shall specify the goods or services to 11350  
which it applies, the period of time during which it is 11351  
effective, and the reason for which it is granted. 11352

(J) Government ordering offices and qualified nonprofit 11353  
agencies shall provide the necessary information and 11354

documentation requested by the department to enable the 11355  
effective administration of the community rehabilitation 11356  
program. 11357

(K) Not later than the thirtieth day of December, the 11358  
department shall prepare and submit to the governor, the 11359  
president of the senate, and the speaker of the house of 11360  
representatives, an annual report that identifies the number, 11361  
types, and costs of purchases made by government ordering 11362  
offices from qualified nonprofit agencies during the prior 11363  
fiscal year. 11364

**Sec. 126.021.** The director of budget and management, as 11365  
part of the submission to the governor under section 126.02 of 11366  
the Revised Code, shall prepare and submit to the governor not 11367  
later than the first day of January preceding the convening of 11368  
the general assembly a medicaid caseload and expenditure 11369  
forecast report, prepared in consultation with the department of 11370  
medicaid. For each component identified in divisions (A) to (Q) 11371  
of this section, the report shall include proposed, actual, or 11372  
estimated medicaid program data for each fiscal year of the 11373  
proposed budget biennium and for each fiscal year of the current 11374  
budget biennium. If determined useful, the directors of budget 11375  
and management and medicaid may choose to include additional 11376  
years of data for components of the report. 11377

The report shall include all of the following: 11378

(A) A complete budget for the medicaid program delineated 11379  
by the agency administering each component of the program, fund, 11380  
appropriation item, and whether the spending is for services or 11381  
administration; 11382

(B) A summary of medicaid service spending by eligibility 11383

group and subgroup and service delivery system;	11384
(C) A detailed mapping of the summary spending provided in	11385
division (B) of this section into individual appropriation items	11386
and including state and federal shares of each appropriation	11387
item;	11388
(D) A complete description of each policy proposal,	11389
including assumed start date and cost projection delineated by	11390
fiscal year, appropriation item, state and federal shares,	11391
eligibility group and subgroup, and service delivery system;	11392
(E) The medicaid caseload delineated by eligibility group	11393
and subgroup and service delivery system;	11394
(F) The percentage of total medicaid enrollment that is	11395
comprised of medicaid recipients enrolled under the care	11396
management system established under section 5167.03 of the	11397
Revised Code and the percentage of total medicaid spending that	11398
the care management system comprises;	11399
(G) A detailed accounting of the care management system	11400
component of the medicaid budget by eligibility group and	11401
subgroup, including spending, member months, and per member per	11402
month capitation rates;	11403
(H) A detailed accounting of the fee-for-service component	11404
of the medicaid budget by eligibility group and subgroup,	11405
including spending, member months, and per member per month	11406
costs;	11407
(I) Historical spending data by service delivery system,	11408
medicaid provider and program, including at least the following	11409
provider categories: hospital, pharmacy, waiver, nursing, home	11410
health care, professional medical and clinic, nursing facility,	11411
behavioral health care, and intermediate care facility for	11412

individuals with intellectual disabilities;	11413
(J) A detailed accounting of the medicare buy-in and	11414
medicare Part D components of the medicaid budget by eligibility	11415
group and subgroup, including spending, average monthly	11416
premiums, and average rates;	11417
(K) A summary of projected spending for each fiscal year	11418
delineated by forecast component and by baseline and policy	11419
proposals;	11420
(L) A detailed calculation demonstrating the effect of a	11421
hypothetical one-dollar increase in medicaid home and community-	11422
based services wages for direct care providers for each fiscal	11423
year, delineated by provider, appropriation item, and state and	11424
federal shares;	11425
(M) A detailed calculation demonstrating the effect of a	11426
hypothetical one percentage point increase in provider franchise	11427
fee revenue for each fiscal year, for each of the fees imposed	11428
under sections 5168.21, 5168.41, and 5168.76 of the Revised	11429
Code;	11430
(N) A detailed calculation demonstrating the effect of a	11431
hypothetical one-dollar increase in nursing facility and	11432
intermediate care facility for individuals with intellectual	11433
disabilities per medicaid day payment rates;	11434
(O) A detailed explanation of how the governor's medicaid	11435
budget recommendations satisfy the requirements of section	11436
5162.70 of the Revised Code;	11437
(P) The most recent report required under section 5162.70	11438
of the Revised Code;	11439
(Q) <u>The information in the private room report required</u>	11440

under section 5162.138 of the Revised Code; 11441

(R) Any other information the director of budget and 11442  
management or the medicaid director deems to be useful to 11443  
facilitate a better understanding of the governor's medicaid 11444  
budget recommendations. 11445

**Sec. 126.024.** Beginning with the state budget that is 11446  
introduced following the effective date of this section, and 11447  
subsequent state budgets thereafter, the director of budget and 11448  
management, in consultation with the medicaid director, shall 11449  
request and propose multiple medicaid health care services 11450  
general revenue fund appropriation items. At a minimum, the 11451  
directors shall propose a separate general revenue fund 11452  
appropriation item for the different health care services 11453  
included in the medicaid program, including all of the 11454  
following: 11455

(A) Services provided under the care management system; 11456

(B) Nursing facility services; 11457

(C) Hospital services; 11458

(D) Behavioral health services; 11459

(E) Services provided under medicaid waiver components 11460  
administered by the department of aging; 11461

(F) Prescription drug services; 11462

(G) Physician services; 11463

(H) Services provided under the Ohio home care waiver 11464  
program; 11465

(I) Any other medicaid health care services that the 11466  
directors determine should have a separate general revenue fund 11467

<u>appropriation item.</u>	11468
<b><u>Sec. 126.10.</u></b> (A) For the purposes of this section:	11469
<u>(1) "Agency" has the same meaning as in section 111.15 of</u>	11470
<u>the Revised Code.</u>	11471
<u>(2) "State program" means any program, initiative, or</u>	11472
<u>service administered or overseen by an agency.</u>	11473
<u>(B) Notwithstanding any provision of law to the contrary</u>	11474
<u>or any rules adopted under it, if the federal government</u>	11475
<u>reduces, discontinues, pauses, or otherwise suspends any federal</u>	11476
<u>program that provides federal funds for any corresponding state</u>	11477
<u>program, such program may be reduced, discontinued, paused, or</u>	11478
<u>suspended. This shall include any contract, agreement,</u>	11479
<u>memorandum of understanding, or any other covenant entered into</u>	11480
<u>by the state that is dependent on federal funding.</u>	11481
<b>Sec. 126.42.</b> (A) Notwithstanding any provision of law to	11482
the contrary, the office of budget and management shall perform	11483
routine support for the following boards and commissions:	11484
(1) Architects board;	11485
(2) State chiropractic board;	11486
(3) State cosmetology and barber board;	11487
(4) Accountancy board;	11488
(5) State dental board;	11489
(6) Ohio occupational therapy, physical therapy, and	11490
athletic trainers board;	11491
(7) State board of registration for professional engineers	11492
and surveyors;	11493

(8) Board of embalmers and funeral directors;	11494
(9) State board of psychology;	11495
(10) Counselor, social worker, and marriage and family therapist board;	11496 11497
(11) State veterinary medical licensing board;	11498
(12) Commission on Hispanic-Latino affairs;	11499
(13) Commission on African-Americans;	11500
(14) Chemical dependency professionals board;	11501
(15) State vision professionals board;	11502
(16) State speech and hearing professionals board;	11503
<u>(17) New African immigrants commission.</u>	11504
(B) (1) For purposes of this section, the office of budget and management shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the office of budget and management:	11505 11506 11507 11508 11509 11510
(a) Preparing and processing payroll and other personnel documents;	11511 11512
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	11513 11514
(c) Maintaining ledgers of accounts and balances;	11515
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	11516 11517
(e) Routine human resources and personnel services;	11518

(f) Other routine support services that the director of budget and management considers appropriate to achieve efficiency. 11519  
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(2) In addition to the routine support services listed in division (B)(1) of this section, the office of budget and management may perform other services which a board or commission named in division (A) of this section delegates to the office and the office accepts. 11522  
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(3) The office of budget and management may perform routine support services for any ~~professional or occupational licensing~~ board or commission not named in division (A) of this section at the request of the board or commission. 11527  
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(C) The office of budget and management shall determine the fees to be charged to the boards and commissions, which shall be in proportion to the services performed for each board or commission. 11531  
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**Sec. 126.60.** (A) As used in this section: 11535

(1) "Agricultural water project" means a project that will improve water quality by reducing or aiding in the reduction of levels of phosphorus, nitrogen, or sediment, that result from agricultural practices, in the waters of the state. 11536  
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"Agricultural water project" includes a project involving research, technology, design, construction, best management practices, conservation, testing, or education. 11540  
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(2) "Community water project" means a project involving a public water system operated by a political subdivision that will improve water quality by reducing or aiding in the reduction of levels of phosphorus, nitrogen, or sediment in the waters of the state. "Community water project" includes a 11543  
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project involving research, technology, design, construction, 11548  
best management practices, conservation, testing, or 11549  
maintenance. 11550

(3) "Nature water project" means a project involving a 11551  
natural water system that will improve water quality by reducing 11552  
or aiding in the reduction of levels of phosphorus, nitrogen, or 11553  
sediment in the waters of the state. "Nature water project" 11554  
includes a project involving research, technology, design, 11555  
construction, best management practices, conservation, or 11556  
maintenance. "Nature water project" also includes the creation, 11557  
maintenance, or restoration of wetlands, flood plains, flood 11558  
control systems, and buffers throughout the state, including the 11559  
western basin of Lake Erie. 11560

(B) (1) There is hereby created in the state treasury the 11561  
H2Ohio fund consisting of money credited to it and any 11562  
donations, gifts, bequests, and other money received for deposit 11563  
in the fund. All investment earnings of the fund shall be 11564  
credited to the fund. All money credited or deposited in the 11565  
fund shall be used for any of the following purposes: 11566

~~(1)~~ (a) Agriculture water projects; 11567

~~(2)~~ (b) Community water projects; 11568

~~(3)~~ (c) Nature water projects; 11569

~~(4)~~ (d) Awarding or allocating grants or money, issuing 11570  
loans, or making purchases for the development and 11571  
implementation of projects and programs, including remediation 11572  
projects, that are designed to address water quality priorities; 11573

~~(5)~~ (e) Funding cooperative research, data gathering and 11574  
monitoring, and demonstration projects related to water quality 11575  
priorities; 11576

~~(6)~~(f) Encouraging cooperation with and among leaders from 11577  
state legislatures, state agencies, political subdivisions, 11578  
business and industry, labor, agriculture, environmental 11579  
organizations, institutions of higher education, and water 11580  
conservation districts; 11581

~~(7)~~(g) Other purposes, policies, programs, and priorities 11582  
identified by the Ohio Lake Erie commission in coordination with 11583  
state agencies or boards responsible for water protection and 11584  
water management, provided that the purposes, policies, 11585  
programs, and priorities align with a statewide strategic vision 11586  
and comprehensive periodic water protection and restoration 11587  
strategy. 11588

(2) Money credited or deposited in the fund shall not be 11589  
used for the purchase of land or for the purchase of a 11590  
conservation easement. 11591

(C) Not later than August 31, 2020, and annually 11592  
thereafter, the Ohio Lake Erie commission, in coordination with 11593  
state agencies or boards responsible for water protection and 11594  
water management, shall do both of the following: 11595

(1) Prepare a report of the activities that were 11596  
undertaken with respect to the fund during the immediately 11597  
preceding fiscal year, including the revenues and expenses of 11598  
the fund for the preceding fiscal year; 11599

(2) Submit the report to the general assembly and to the 11600  
governor. 11601

(D) Within forty-five days after the report is submitted 11602  
under division (C) of this section, the directors of the state 11603  
agencies that contributed to the report and the executive 11604  
director of the Lake Erie commission shall appear before both 11605

the house of representatives and senate committees that oversee 11606  
state finance to testify on the report. 11607

Sec. 126.67. The targeted addiction assistance fund is 11608  
created in the state treasury. The fund shall consist of money 11609  
awarded to the state by court order that is intended to address 11610  
the effects of the opioid crisis. 11611

Beginning January 15, 2027, any money received under the 11612  
settlement agreement in State of Ohio v. McKesson Corp., Case 11613  
No. CVH20180055 (C.P. Madison Co., settlement agreement of 11614  
October 7, 2021) shall be certified by the attorney general and 11615  
remitted to the office of budget and management for deposit in 11616  
the fund. The director of budget and management shall notify the 11617  
speaker of the house of representatives and president of the 11618  
senate when money is deposited into the fund. 11619

**Sec. 127.12.** There is hereby created a controlling board 11620  
consisting of all of the following: 11621

(A) The director of budget and management or an employee 11622  
of the office of budget and management designated by the 11623  
director; 11624

(B) The chairperson or vice-chairperson of the finance- 11625  
appropriations committee of the house of representatives, as 11626  
designated by the speaker; 11627

(C) The chairperson or vice-chairperson of the finance 11628  
committee of the senate, as designated by the president; 11629

(D) Two members of the house of representatives appointed 11630  
by the speaker, one from the majority party and one from the 11631  
minority party; 11632

(E) Two members of the senate appointed by the president, 11633

one from the majority party and one from the minority party. 11634

Notwithstanding section 101.26 of the Revised Code, the 11635  
legislative members, when engaged in their duties as members of 11636  
the controlling board, shall be paid at the per diem rate of one 11637  
hundred fifty dollars, and their necessary traveling expenses, 11638  
which shall be paid from the funds appropriated for the payment 11639  
of expenses of legislative committees. 11640

(F) In the event of the absence, illness, disability, 11641  
death, or resignation of a legislative member, the following 11642  
persons may serve in the member's absence: for the chairperson 11643  
or vice-chairperson of the finance-appropriations committee of 11644  
the house of representatives, the speaker or a member of the 11645  
house of representatives designated by the speaker; for the 11646  
chairperson or vice-chairperson of the senate finance committee, 11647  
the president or a member of the senate designated by the 11648  
president; for a member of the board appointed by the speaker of 11649  
the house of representatives, or the president of the senate, 11650  
the speaker or the president, as the case may be, or a member of 11651  
the house of representatives or of the senate of the same party 11652  
as such controlling board member, designated by such speaker or 11653  
president. 11654

As used in any statute, "controlling board," unless the 11655  
context otherwise requires, means the controlling board created 11656  
by this section. 11657

**Sec. 127.16.** (A) Upon the request of either a state agency 11658  
or the director of budget and management and after the 11659  
controlling board determines that an emergency or a sufficient 11660  
economic reason exists, the controlling board may approve the 11661  
making of a purchase without competitive selection as provided 11662  
in division (B) of this section. 11663

(B) Except as otherwise provided in this section, no state agency, using money that has been appropriated to it directly, shall:

(1) Make any purchase from a particular supplier, that would amount to fifty thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for purchases made by the agency and the amount of all outstanding encumbrances for purchases made by the agency from the supplier, unless the purchase is made by competitive selection or with the approval of the controlling board;

(2) Lease real estate from a particular supplier, if the lease would amount to seventy-five thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for real estate leases made by the agency and the amount of all outstanding encumbrances for real estate leases made by the agency from the supplier, unless the lease is made by competitive selection or with the approval of the controlling board.

(C) Any person who authorizes a purchase in violation of division (B) of this section shall be liable to the state for any state funds spent on the purchase, and the attorney general shall collect the amount from the person.

(D) Nothing in division (B) of this section shall be construed as:

(1) A limitation upon the authority of the director of transportation as granted in sections 5501.17, 5517.02, and 5525.14 of the Revised Code;

(2) Applying to medicaid provider agreements under the medicaid program;

(3) Applying to the purchase of examinations from a sole supplier by a state licensing board under Title XLVII of the Revised Code; 11693  
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(4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the clerk of the house of representatives and the clerk of the senate following the close of the fair; 11696  
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(5) Limiting the authority of the chief of the division of mineral resources management to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code; 11706  
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(6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be undertaken on behalf of the agency. The filing shall be in a form and at such times as the board considers appropriate. 11710  
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(7) Applying to purchases made with money for the per cent for arts program established by section 3379.10 of the Revised Code; 11718  
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(8) Applying to purchases made by the opportunities for 11721

Ohioans with disabilities agency of <u>goods or services</u> , <del>or</del>	11722
<del>supplies</del> , that are provided to persons with disabilities, or to	11723
purchases made by the agency in connection with the eligibility	11724
determinations it makes for applicants of programs administered	11725
by the social security administration;	11726
(9) Applying to payments by the department of medicaid	11727
under section 5164.85 of the Revised Code for group health plan	11728
premiums, deductibles, coinsurance, and other cost-sharing	11729
expenses;	11730
(10) Applying to any agency of the legislative branch of	11731
the state government;	11732
(11) Applying to agreements or contracts entered into	11733
under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214	11734
of the Revised Code;	11735
(12) Applying to purchases of services by the adult parole	11736
authority under section 2967.14 of the Revised Code or by the	11737
department of youth services under section 5139.08 of the	11738
Revised Code;	11739
(13) Applying to dues or fees paid for membership in an	11740
organization or association;	11741
(14) Applying to purchases of utility services pursuant to	11742
section 9.30 of the Revised Code;	11743
(15) Applying to purchases made in accordance with rules	11744
adopted by the department of administrative services of motor	11745
vehicle, aviation, or watercraft fuel, or emergency repairs of	11746
such vehicles;	11747
(16) Applying to purchases of tickets for passenger air	11748
transportation;	11749

(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	11750 11751 11752
(18) Applying to the judicial branch of state government;	11753
(19) Applying to purchases of liquor for resale by the division of liquor control;	11754 11755
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	11756 11757 11758
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	11759 11760 11761 11762
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	11763 11764 11765
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education or the Ohio history connection;	11766 11767 11768
(24) Applying to purchases from a qualified nonprofit agency pursuant to <del>sections 125.60 to 125.6012</del> <u>section 125.601</u> or 4115.31 to 4115.35 of the Revised Code;	11769 11770 11771
(25) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	11772 11773 11774 11775 11776
(26) Applying to contracts entered into by the department	11777



of developmental disabilities under section 5123.18 of the	11778
Revised Code;	11779
(27) Applying to payments made by the department of mental	11780
health and addiction services under a physician recruitment	11781
program authorized by section 5119.185 of the Revised Code;	11782
(28) Applying to contracts entered into with persons by	11783
the director of commerce for unclaimed funds collection and	11784
remittance efforts as provided in division (G) of section 169.03	11785
of the Revised Code. The director shall keep an itemized	11786
accounting of unclaimed funds collected by those persons and	11787
amounts paid to them for their services.	11788
(29) Applying to purchases made by a state institution of	11789
higher education in accordance with the terms of a contract	11790
between the vendor and an inter-university purchasing group	11791
comprised of purchasing officers of state institutions of higher	11792
education;	11793
(30) Applying to the department of medicaid's purchases of	11794
health assistance services under the children's health insurance	11795
program;	11796
(31) Applying to payments by the attorney general from the	11797
reparations fund to hospitals and other emergency medical	11798
facilities for performing medical examinations to collect	11799
physical evidence pursuant to section 2907.28 of the Revised	11800
Code;	11801
(32) Applying to contracts with a contracting authority or	11802
administrative receiver under division (B) of section 5126.056	11803
of the Revised Code;	11804
(33) Applying to purchases of goods and services by the	11805
department of veterans services in accordance with the terms of	11806

contracts entered into by the United States department of 11807  
veterans affairs; 11808

(34) Applying to payments by the superintendent of the 11809  
bureau of criminal identification and investigation to the 11810  
federal bureau of investigation for criminal records checks 11811  
pursuant to section 109.572 of the Revised Code; 11812

(35) Applying to contracts entered into by the department 11813  
of medicaid under section 5164.47 of the Revised Code; 11814

(36) Applying to contracts entered into under section 11815  
5160.12 of the Revised Code; 11816

(37) Applying to payments to the Ohio history connection 11817  
from other state agencies. 11818

(E) When determining whether a state agency has reached 11819  
the cumulative purchase thresholds established in divisions (B) 11820  
(1) and (2) of this section, the following purchases by such 11821  
agency shall not be considered: 11822

(1) Purchases made through competitive selection or with 11823  
controlling board approval; 11824

(2) Purchases listed in division (D) of this section; 11825

(3) For the purposes of the threshold of division (B) (1) 11826  
of this section only, leases of real estate. 11827

(F) A state agency, when exercising direct purchasing 11828  
authority under this section, shall utilize a selection process 11829  
that complies with all applicable laws, rules, or regulations of 11830  
the department of administrative services. 11831

(G) As used in this section, "competitive selection," 11832  
"direct purchasing authority," "goods," "purchase," "~~supplies,~~" 11833

and "services" have the same meanings as in section 125.01 of 11834  
the Revised Code. 11835

**Sec. 128.021.** (A) Not later than January 1, 2014, and in 11836  
accordance with Chapter 119. of the Revised Code, the steering 11837  
committee shall adopt rules that establish technical and 11838  
operational standards for public safety answering points 11839  
eligible to receive disbursements under section 128.55 of the 11840  
Revised Code. The rules shall incorporate industry standards and 11841  
best practices for 9-1-1 services. Public safety answering 11842  
points shall comply with the standards not later than two years 11843  
after the effective date of the rules adopting the standards. A 11844  
public safety answering point may be deemed compliant with rules 11845  
for minimum staffing standards, if it can demonstrate compliance 11846  
with all other rules for operational standards. 11847

(B) Not later than one year after September 29, 2015, and 11848  
in accordance with Chapter 119. of the Revised Code, the 11849  
steering committee shall conduct an assessment of the 11850  
operational standards for public safety answering points 11851  
developed under division (A) of this section and revise the 11852  
standards as necessary to ensure that the operational standards 11853  
contain the following: 11854

(1) Policies to ensure that public safety answering point 11855  
personnel prioritize life-saving questions in responding to each 11856  
call to a 9-1-1 system established under this chapter; 11857

(2) A requirement that all public safety answering point 11858  
personnel complete proper training or provide proof of prior 11859  
training to give instructions regarding emergency situations. 11860

(C) Upon the effective date of the amendments to this 11861  
section by ~~this act~~ H.B. 33 of the 135th general assembly, 11862

October 3, 2023, all public safety answering points that answer 11863  
9-1-1 calls for service ~~from wireless services~~ shall be subject 11864  
to the public safety answering point operations rules. Public 11865  
safety answering points not originally required to be compliant 11866  
shall comply with the standards not later than two years after 11867  
the effective date of the amendments to this section by ~~this act~~ 11868  
H.B. 33 of the 135th general assembly, October 3, 2023. 11869

**Sec. 128.41.** (A) As used in this section, "communications 11870  
service" means any wireless service, multiline telephone system, 11871  
and voice over internet protocol system to which both of the 11872  
following apply: 11873

(1) The service or system is registered to the 11874  
subscriber's address within this state or the subscriber's 11875  
primary place of using the service or system is in this state. 11876

(2) The service or system is capable of initiating a 11877  
direct connection to 9-1-1. 11878

(B) After the expiration of the charge described in 11879  
division (A) (1) of section 128.40 of the Revised Code and except 11880  
as provided in sections 128.413 and 128.42 of the Revised Code, 11881  
there is imposed a next generation 9-1-1 access fee of ~~forty-~~ 11882  
sixty cents per month on each communications service, which 11883  
shall be imposed as follows: 11884

(1) In the case of wireless telephone service, a 11885  
subscriber shall pay a separate next generation 9-1-1 access fee 11886  
for each wireless telephone number assigned to the subscriber. 11887

(2) In the case of a voice over internet protocol system, 11888  
a subscriber shall pay a separate fee for each voice channel 11889  
provided to the subscriber through the system. The number of 11890  
voice channels shall be equal to the number of outbound calls 11891

the subscriber can maintain at the same time using the system, 11892  
but excludes a direct inward dialing number that merely routes 11893  
an inbound call. The maximum number of separate fees imposed on 11894  
a subscriber's system shall not exceed one hundred voice 11895  
channels per network. 11896

(3) In the case of a multiline telephone system, the 11897  
subscriber shall pay a separate fee for each line. The maximum 11898  
number of separate fees imposed on a single subscriber with a 11899  
multiline telephone system shall not exceed one hundred per 11900  
building with a unique street address or physically identifiable 11901  
location. 11902

(C) If more than one communications service shares the 11903  
same telephone number, then the next generation 9-1-1 access fee 11904  
imposed shall not exceed ~~forty~~sixty cents per month. 11905

**Sec. 128.46.** (A) (1) An entity required to collect a 11906  
wireless 9-1-1 charge under section 128.40 of the Revised Code 11907  
or the next generation 9-1-1 access fee under section 128.414 or 11908  
128.421 of the Revised Code shall, on or before the twenty-third 11909  
day of each month, except as provided in divisions (A) (2) and 11910  
(3) of this section, do both of the following: 11911

(a) Make and file a return for the preceding month, in the 11912  
form prescribed by the tax commissioner, showing the amount of 11913  
the charges or fees due for that month; 11914

(b) Remit the full amount due, as shown on the return, 11915  
with the exception of charges or fees equivalent to the amount 11916  
authorized as a collection fee under division (B) of this 11917  
section. 11918

(2) The commissioner may grant one or more thirty-day 11919  
extensions for making and filing returns and remitting amounts 11920

due. 11921

(3) If a seller is required to collect prepaid wireless 9-1-1 charges under section 128.40 of the Revised Code or next generation 9-1-1 access fees under section 128.421 of the Revised Code in amounts that do not merit monthly returns, the commissioner may authorize the seller to make and file returns less frequently. The commissioner shall ascertain whether this authorization is warranted upon the basis of administrative costs to the state. 11922  
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(B) A wireless service provider, reseller, and seller may each retain as a collection fee three per cent of the total wireless 9-1-1 charges required to be collected under sections 128.40, 128.41, and 128.42 of the Revised Code, and shall account to the tax commissioner for the amount retained. 11930  
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(C) The return required under division (A)(1)(a) of this section shall be filed electronically using the Ohio business gateway, as defined in section 718.01 of the Revised Code, or any other electronic means prescribed by the tax commissioner. Remittance of the amount due shall be made electronically in a manner approved by the commissioner. An entity required to file the return may apply to the commissioner on a form prescribed by the commissioner to be excused from either electronic requirement of this division. For good cause shown, the commissioner may excuse the entity from either or both of the requirements and may permit the entity to file returns or make remittances by nonelectronic means. 11935  
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(D) (1) Each subscriber or consumer on which a wireless 9-1-1 charge is imposed under section 128.40 of the Revised Code or on which a next generation 9-1-1 access fee is imposed under section 128.41 or 128.42 of the Revised Code is liable to the 11947  
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state for the amount of the charge. 11951

(2) An entity required to collect the wireless 9-1-1 11952  
charge under section 128.40 of the Revised Code or the next 11953  
generation 9-1-1 access fee under section 128.414 or 128.421 of 11954  
the Revised Code is liable to the state for any amount that was 11955  
required to be collected but that was not remitted, regardless 11956  
of whether the amount was collected. 11957

(3) No provider of a prepaid wireless calling service 11958  
shall be liable to the state for any wireless 9-1-1 charge 11959  
imposed under section 128.40 of the Revised Code or any next 11960  
generation 9-1-1 access fee imposed under section 128.42 of the 11961  
Revised Code that was not collected or remitted. 11962

(E) (1) If the tax commissioner has reason to believe that 11963  
an entity required to collect a wireless 9-1-1 charge under 11964  
section 128.40 of the Revised Code or the next generation 9-1-1 11965  
access fee under section 128.414 or 128.421 of the Revised Code 11966  
has failed to bill, collect, or remit the charge or fee as 11967  
required by this section and sections 128.40 to 128.422 of the 11968  
Revised Code or has retained more than the amount authorized 11969  
under division (B) of this section, and after written notice to 11970  
the entity, the tax commissioner may audit the entity for the 11971  
sole purpose of making such a determination. The audit may 11972  
include, but is not limited to, a sample of the entity's 11973  
billings, collections, remittances, or retentions for a 11974  
representative period, and the tax commissioner shall make a 11975  
good faith effort to reach agreement with the entity in 11976  
selecting that sample. 11977

(2) Upon written notice to the entity, the tax 11978  
commissioner, after completion of the audit, may make an 11979  
assessment against the entity if, pursuant to the audit, the tax 11980

commissioner determines that the entity has failed to bill, 11981  
collect, or remit the charge or fee as required by sections 11982  
128.40 to 128.422 of the Revised Code or has retained more than 11983  
the amount authorized under division (B) of this section. The 11984  
assessment shall be in the amount of any remittance that was due 11985  
and unpaid on the date notice of the audit was sent by the tax 11986  
commissioner to the entity or, as applicable, in the amount of 11987  
the excess amount under division (B) of this section retained by 11988  
the entity as of that date. 11989

(3) The portion of any assessment consisting of charges or 11990  
fees due and not paid within sixty days after the date that the 11991  
assessment was made under division (E) (2) of this section shall 11992  
bear interest from that date until paid at the rate per annum 11993  
prescribed by section 5703.47 of the Revised Code. That interest 11994  
may be collected by making an assessment under division (E) (2) 11995  
of this section. 11996

(4) Unless the entity assessed files with the tax 11997  
commissioner within sixty days after service of the notice of 11998  
assessment, ~~either personally or by certified mail,~~ a written 11999  
petition for reassessment, signed by the entity assessed or that 12000  
entity's authorized agent having knowledge of the facts, the 12001  
assessment shall become final and the amount of the assessment 12002  
shall be due and payable from the entity assessed to the 12003  
treasurer of state, for deposit to the next generation 9-1-1 12004  
fund, which is created under section 128.54 of the Revised Code. 12005  
The petition shall indicate the objections of the entity 12006  
assessed, but additional objections may be raised in writing if 12007  
received by the commissioner prior to the date shown on the 12008  
final determination. If the petition has been properly filed, 12009  
the commissioner shall proceed under section 5703.60 of the 12010  
Revised Code. 12011



(5) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the final assessment may be filed in the office of the clerk of the court of common pleas in the county in which the business of the assessed entity is conducted. If the entity assessed maintains no place of business in this state, the certified copy of the final assessment may be filed in the office of the clerk of the court of common pleas of Franklin county. Immediately upon the filing, the clerk shall enter a judgment for the state against the assessed entity in the amount shown on the final assessment. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for 9-1-1 charges and fees" and shall have the same effect as other judgments. The judgment shall be executed upon the request of the tax commissioner.

(6) If the commissioner determines that the commissioner erroneously has refunded a 9-1-1 charge or fee to any person, the commissioner may make an assessment against that person for recovery of the erroneously refunded charge.

(7) An assessment under division (E) of this section does not discharge a subscriber's or consumer's liability to reimburse the entity for a 9-1-1 charge or fee. If, after the date of service of the audit notice under division (E) (1) of this section, a subscriber or consumer pays a 9-1-1 charge or fee for the period covered by the assessment, the payment shall be credited against the assessment.

**Sec. 128.99.** (A) Whoever violates division (F) of section 128.96 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates division (G) or (H) of section 128.96

or division (B) (2) of section 128.60 of the Revised Code is 12042  
guilty of a misdemeanor of the fourth degree on a first offense 12043  
and a felony of the fifth degree on each subsequent offense. 12044

(C) If a wireless service provider, reseller, or seller 12045  
violates division (A) (1) (a) of section 128.46 of the Revised 12046  
Code, and does not comply with any extensions granted under 12047  
division (A) (2) of that section, the tax commissioner may impose 12048  
a late-filing penalty of not more than the greater of fifty 12049  
dollars or five per cent of the amount required to be remitted 12050  
as described in division (B) (1) (b) of that section. 12051

(D) If a wireless service provider, reseller, or seller 12052  
fails to comply with division (A) (1) (b) of section 128.46 of the 12053  
Revised Code, the tax commissioner may impose a late-payment 12054  
penalty of not more than the greater of fifty dollars or five 12055  
per cent of the wireless 9-1-1 charge required to be remitted 12056  
for the reporting period minus any partial remittance made on or 12057  
before the due date, including any extensions granted under 12058  
division (A) (2) of section 128.46 of the Revised Code. 12059

(E) The tax commissioner may impose an assessment penalty 12060  
of not more than the greater of one hundred dollars or thirty- 12061  
five per cent of the wireless 9-1-1 charges due after the tax 12062  
commissioner notifies the person of an audit, an examination, a 12063  
delinquency, assessment, or other notice that additional 12064  
wireless 9-1-1 charges are due. 12065

(F) If a wireless service provider, reseller, or seller 12066  
fails to comply with either electronic requirement of division 12067  
(C) of section 128.46 of the Revised Code, the tax commissioner 12068  
may impose an electronic penalty, for either or both failures to 12069  
comply, of not more than the lesser of the following: 12070

(1) The greater of one hundred dollars or ten per cent of the amount required to be, but not, remitted electronically; 12071  
12072

(2) Five thousand dollars. 12073

(G) Each penalty described in divisions (C) to (F) of this section is in addition to any other penalty described in those divisions. ~~The tax commissioner may abate all or any portion of any penalty described in those divisions.~~ 12074  
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(H) An operator in violation of section 128.24 of the Revised Code may be assessed a fine of up to five thousand dollars per offense. 12078  
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(I) (1) If a business service user fails to comply with section 128.241 of the Revised Code without being exempt under section 128.242 of the Revised Code, the 9-1-1 steering committee shall request the attorney general to bring an action to recover one of the following amounts from the user: 12081  
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12083  
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(a) One thousand dollars for an initial failure; 12086

(b) Up to five thousand dollars for each subsequent failure within each continuing six-month period in which the user remains noncompliant. 12087  
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(2) Any funds recovered under division (I) (1) of this section shall be deposited into the next generation 9-1-1 fund created under section 128.54 of the Revised Code. 12090  
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(3) Divisions (I) (1) and (2) of this section shall not apply if they are preempted by or in conflict with federal law. 12093  
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**Sec. 131.01.** As used in Chapters 113., 117., 123., 124., 125., 126., 127., and 131. of the Revised Code, and any statute that uses the terms in connection with state accounting or budgeting: 12095  
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- (A) "Account" means any record, element, or summary in which financial transactions are identified and recorded as debit or credit transactions in order to summarize items of a similar nature or classification. 12099  
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- (B) "Accounting procedure" means the arrangement of all processes which discover, record, and summarize financial information to produce financial statements and reports and to provide internal control. 12103  
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- (C) "Accounting system" means the total structure of records and procedures which discover, record, classify, and report information on the financial position and operations of a governmental unit or any of its funds and organizational components. 12107  
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- (D) "Allocation" means a portion of an appropriation which is designated for expenditure by specific organizational units or for special purposes, activities, or objects that do not relate to a period of time. 12112  
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- (E) "Allotment" means all or part of an appropriation which may be encumbered or expended within a specific period of time. 12116  
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- (F) "Appropriation" means an authorization granted by the general assembly to make expenditures and to incur obligations for specific purposes. 12119  
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- (G) "Assets" means resources owned, controlled, or otherwise used or held by the state which have monetary value. 12122  
12123
- (H) "Budget" means the plan of financial operation embodying an estimate of proposed expenditures and obligations for a given period and the proposed means of financing them. 12124  
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(I) "Check" means a negotiable financial instrument, 12127  
payable upon demand, directing a financial institution to 12128  
transfer money from the payer's account to the payee. 12129

(J) "Direct deposit" is a form of electronic funds 12130  
transfer in which money is electronically deposited into the 12131  
account of a person or entity at a financial institution. 12132

~~(J)~~(K) "Disbursement" means a payment made for any 12133  
purpose. 12134

~~(K)~~(L) "Electronic benefit transfer" means the electronic 12135  
delivery of benefits through automated teller machines, point of 12136  
sale terminals, or other electronic media pursuant to section 12137  
5101.33 of the Revised Code. 12138

~~(L)~~(M) "Electronic funds transfer" means the electronic 12139  
movement of funds via automated clearing house or wire transfer. 12140

~~(M)~~(N) "Encumbrancing document" means a document reserving 12141  
all or part of an appropriation. 12142

~~(N)~~(O) "Expenditure" means a reduction of the balance of 12143  
an appropriation after legal requirements have been met. 12144

~~(O)~~(P) "Fund" means an independent fiscal and accounting 12145  
entity with a self-balancing set of accounts recording cash or 12146  
other resources, together with all related liabilities, 12147  
obligations, reserves, and fund balances which are segregated 12148  
for the purpose of carrying on specific activities or attaining 12149  
certain objectives in accordance with special rules, 12150  
restrictions, or limitations. 12151

~~(P)~~(Q) "Lapse" means the automatic termination of an 12152  
appropriation at the end of the fiscal period for which it was 12153  
appropriated. 12154

~~(Q)~~(R) "Reappropriation" means an appropriation of a 12155  
previous appropriation that is continued in force in a 12156  
succeeding appropriation period. "Reappropriation" shall be 12157  
equated with and incorporated in the term "appropriation." 12158

~~(R)~~(S) "Stored value card" means a payment card that may 12159  
have money loaded and stored on the card and accessed through 12160  
automated teller machines, point of sale terminals, or other 12161  
electronic media. "Stored value card" does not include any 12162  
payment card linked to, and that can access money in, an 12163  
external account maintained by a financial institution. 12164

~~(S)~~(T) "Voucher" means the document used to transmit a 12165  
claim for payment and evidentiary matter related to the claim. 12166

~~(T)~~(U) "Warrant" means an order drawn upon the treasurer 12167  
of state by the director of budget and management, or an 12168  
authorized person at a state entity that has a custodial account 12169  
in the custody of the treasurer of state, directing the 12170  
treasurer of state to pay a specified amount to one or more 12171  
specified payees. A variety of payment instruments may be used, 12172  
including but not limited to paper warrants or checks, stored 12173  
value cards, direct deposit to the payee's bank account, or the 12174  
drawdown of funds by electronic benefit transfer, and the 12175  
resulting electronic transfer to or by the ultimate payees. 12176

The terms defined in this section shall be used, on all 12177  
accounting forms, reports, formal rules, and budget requests 12178  
produced by a state agency, only as defined in this section. 12179

**Sec. 131.50.** (A) As used in this section, "state agency" 12180  
has the same meaning as in section 155.30 of the Revised Code. 12181

(B) There is hereby created in the state treasury the 12182  
state land royalty fund consisting of money credited to it under 12183

section 155.33 of the Revised Code. Any investment proceeds 12184  
earned on money in the fund shall be credited to the fund. 12185

~~(B) (1)~~ (C) (1) A state agency is entitled to receive from 12186  
the fund the amount that the state agency contributed and a 12187  
share of the investment earnings of the fund in an amount that 12188  
is equivalent to the proportionate share of contributions made 12189  
by the state agency to the fund. Regarding the department of 12190  
natural resources, each division within the department is 12191  
entitled to receive from the department's proportionate share 12192  
all amounts received by the department that are attributable to 12193  
the state-owned land controlled by that division. 12194

(2) ~~The treasurer of state, in consultation with~~ Upon 12195  
request from a state agency entitled to receive revenue in 12196  
accordance with this section, the director of budget and 12197  
management, shall disburse money transfer cash from the state 12198  
land royalty fund to the natural resources land royalty fund, 12199  
the wildlife land royalty fund, the transportation land royalty 12200  
fund, or the appropriate fund designated by the any other state 12201  
agency, as applicable, not later than thirty days after the 12202  
deposit of any money into the state land royalty fund. ~~If the~~ 12203  
~~state agency is the department of natural resources, the~~ 12204  
~~treasurer of state, in consultation with the director of budget~~ 12205  
~~and management and the director of natural resources, shall~~ 12206  
~~disburse the money to the appropriate fund designated by the~~ 12207  
~~applicable division within the department.~~ 12208

(3) A state agency or, as applicable, a division of the 12209  
department of natural resources, may use the money for any costs 12210  
and expenses the agency determines are necessary. 12211

~~(C) As used in this section, "state agency" has the same~~ 12212  
~~meaning as in section 155.30 of the Revised Code.~~ (D) (1) The 12213

natural resources land royalty fund is created in the state 12214  
treasury. The fund shall consist of money credited to it under 12215  
division (C) of this section for leased mineral rights on land 12216  
owned or controlled by the department of natural resources, 12217  
other than the division of wildlife. All investment earnings of 12218  
the fund shall be credited to the fund. 12219

(2) The wildlife land royalty fund is created in the state 12220  
treasury. The fund shall consist of money credited to it under 12221  
division (C) of this section for leased mineral rights on land 12222  
owned or controlled by the division of wildlife in the 12223  
department of natural resources. All investment earnings of the 12224  
fund shall be credited to the fund. 12225

(3) The transportation land royalty fund is created in the 12226  
state treasury. The fund shall consist of money credited to it 12227  
under division (C) of this section for leased mineral rights on 12228  
land owned or controlled by the department of transportation. 12229  
All Investment earnings of the fund shall be credited to the 12230  
fund. 12231

**Sec. 131.51.** (A) On or before the seventh day of each 12232  
month, the director of budget and management shall credit to the 12233  
local government fund one and ~~seven-tenths~~ seventy-five one- 12234  
hundredths per cent of the total tax revenue credited to the 12235  
general revenue fund during the preceding month. In determining 12236  
the total tax revenue credited to the general revenue fund 12237  
during the preceding month, the director shall include amounts 12238  
transferred from the fund during the preceding month under this 12239  
~~division and division (B) of this section.~~ Money shall be 12240  
distributed from the local government fund as required under 12241  
sections 5747.50 and 5747.503 of the Revised Code during the 12242  
same month in which it is credited to the fund. 12243



(B) On or before the seventh day of each month, the 12244  
director of budget and management shall credit to the public 12245  
library fund ~~one and seven-tenths per cent of the total tax~~ 12246  
~~revenue credited to the general revenue fund during the~~ 12247  
~~preceding month. In determining the total tax revenue credited~~ 12248  
~~to the general revenue fund during the preceding month, the~~ 12249  
~~director shall include amounts transferred from the fund during~~ 12250  
~~the preceding month under this division and division (A) of this~~ 12251  
~~section, from the general revenue fund, one-twelfth of the~~ 12252  
amount appropriated by the general assembly for the public 12253  
library fund for the fiscal year. Money shall be distributed 12254  
from the public library fund as required under section 5747.47 12255  
of the Revised Code during the same month in which it is 12256  
credited to the fund. 12257

(C) The director of budget and management shall develop a 12258  
schedule identifying the specific tax revenue sources to be used 12259  
to make the monthly transfers required under ~~divisions~~ division 12260  
(A) ~~and (B)~~ of this section. The director may, from time to 12261  
time, revise the schedule as the director considers necessary. 12262

**Sec. 135.01.** Except as otherwise provided in sections 12263  
135.14, 135.143, 135.181, and 135.182 of the Revised Code, as 12264  
used in sections 135.01 to 135.21 of the Revised Code: 12265

(A) "Active deposit" means a public deposit necessary to 12266  
meet current demands on the treasury, or on a fund that is in 12267  
the custody of the treasurer of state but not part of the state 12268  
treasury, and that is deposited in any of the following: 12269

(1) A commercial account that is payable or withdrawable, 12270  
in whole or in part, on demand; 12271

(2) A negotiable order of withdrawal account as authorized 12272

in the "Consumer Checking Account Equity Act of 1980," 94 Stat. 12273  
146, 12 U.S.C.A. 1832(a); 12274

(3) A money market deposit account as authorized in the 12275  
"Garn-St. Germain Depository Institutions Act of 1982," 96 Stat. 12276  
1501, 12 U.S.C. 3503. 12277

(B) "Auditor" includes the auditor of state and the 12278  
auditor, or officer exercising the functions of an auditor, of 12279  
any subdivision. 12280

(C) "Capital funds" means the sum of the following: the 12281  
par value of the outstanding common capital stock, the par value 12282  
of the outstanding preferred capital stock, the aggregate par 12283  
value of all outstanding capital notes and debentures, and the 12284  
surplus. In the case of an institution having offices in more 12285  
than one county, the capital funds of such institution, for the 12286  
purposes of sections 135.01 to 135.21 of the Revised Code, 12287  
relative to the deposit of the public moneys of the subdivisions 12288  
in one such county, shall be considered to be that proportion of 12289  
the capital funds of the institution that is represented by the 12290  
ratio that the deposit liabilities of such institution 12291  
originating at the office located in the county bears to the 12292  
total deposit liabilities of the institution. 12293

(D) "Governing board" means, in the case of the state, the 12294  
state board of deposit; in the case of all school districts and 12295  
educational service centers except as otherwise provided in this 12296  
section, the board of education or governing board of a service 12297  
center, and when the case so requires, the board of 12298  
commissioners of the sinking fund; in the case of a municipal 12299  
corporation, the legislative authority, and when the case so 12300  
requires, the board of trustees of the sinking fund; in the case 12301  
of a township, the board of township trustees; in the case of a 12302

union or joint institution or enterprise of two or more 12303  
subdivisions not having a treasurer, the board of directors or 12304  
trustees thereof; and in the case of any other subdivision 12305  
electing or appointing a treasurer, the directors, trustees, or 12306  
other similar officers of such subdivision. The governing board 12307  
of a subdivision electing or appointing a treasurer shall be the 12308  
governing board of all other subdivisions for which such 12309  
treasurer is authorized by law to act. In the case of a county 12310  
school financing district that levies a tax pursuant to section 12311  
5705.215 of the Revised Code, the county board of education that 12312  
serves as its taxing authority shall operate as a governing 12313  
board. Any other county board of education shall operate as a 12314  
governing board unless it adopts a resolution designating the 12315  
board of county commissioners as the governing board for the 12316  
county school district. 12317

(E) "Inactive deposit" means a public deposit other than 12318  
an interim deposit or an active deposit. 12319

(F) "Interim deposit" means a deposit of interim moneys. 12320  
"Interim moneys" means public moneys in the treasury of any 12321  
subdivision after the award of inactive deposits has been made 12322  
in accordance with section 135.07 of the Revised Code, which 12323  
moneys are in excess of the aggregate amount of the inactive 12324  
deposits as estimated by the governing board prior to the period 12325  
of designation and which the governing board finds should not be 12326  
deposited as active or inactive deposits for the reason that 12327  
such moneys will not be needed for immediate use but will be 12328  
needed before the end of the period of designation. In the case 12329  
of the state treasury, "interim moneys" means public moneys that 12330  
are not active deposits and may be invested in accordance with 12331  
section 135.143 of the Revised Code. 12332

(G) "Permissible rate of interest" means a rate of interest that all eligible institutions mentioned in section 135.03 of the Revised Code are permitted to pay by law or valid regulations.

(H) "Warrant clearance account" means an account established by the treasurer of state for either of the following purposes:

~~(a)~~ (1) The deposit of active state moneys for the purposes of clearing state paper warrants or checks through the banking system, funding electronic benefit transfer cards, issuing stored value cards, or otherwise facilitating the settlement of state obligations;

~~(b)~~ (2) The deposit of custodial moneys from an account held in the custody of the treasurer of state to facilitate settlement of obligations of the custodial fund.

(I) "Public deposit" means public moneys deposited in a public depository pursuant to sections 135.01 to 135.21 of the Revised Code.

(J) "Public depository" means an institution which receives or holds any public deposits.

(K) "Public moneys" means all moneys in the treasury of the state or any subdivision of the state, or moneys coming lawfully into the possession or custody of the treasurer of state or of the treasurer of any subdivision. "Public moneys of the state" includes all such moneys coming lawfully into the possession of the treasurer of state; and "public moneys of a subdivision" includes all such moneys coming lawfully into the possession of the treasurer of the subdivision.

(L) "Subdivision" means any municipal corporation, except

one which has adopted a charter under Article XVIII, Ohio 12362  
Constitution, and the charter or ordinances of the chartered 12363  
municipal corporation set forth special provisions respecting 12364  
the deposit or investment of its public moneys, or any school 12365  
district or educational service center, a county school 12366  
financing district, township, municipal or school district 12367  
sinking fund, special taxing or assessment district, or other 12368  
district or local authority electing or appointing a treasurer, 12369  
except a county. In the case of a school district or educational 12370  
service center, special taxing or assessment district, or other 12371  
local authority for which a treasurer, elected or appointed 12372  
primarily as the treasurer of a subdivision, is authorized or 12373  
required by law to act as ex officio treasurer, the subdivision 12374  
for which such a treasurer has been primarily elected or 12375  
appointed shall be considered to be the "subdivision." The term 12376  
also includes a union or joint institution or enterprise of two 12377  
or more subdivisions, that is not authorized to elect or appoint 12378  
a treasurer, and for which no ex officio treasurer is provided 12379  
by law. 12380

(M) "Treasurer" means, in the case of the state, the 12381  
treasurer of state and in the case of any subdivision, the 12382  
treasurer, or officer exercising the functions of a treasurer, 12383  
of such subdivision. In the case of a board of trustees of the 12384  
sinking fund of a municipal corporation, the board of 12385  
commissioners of the sinking fund of a school district, or a 12386  
board of directors or trustees of any union or joint institution 12387  
or enterprise of two or more subdivisions not having a 12388  
treasurer, such term means such board of trustees of the sinking 12389  
fund, board of commissioners of the sinking fund, or board of 12390  
directors or trustees. 12391

(N) "Treasury investment board" of a municipal corporation 12392

means the mayor or other chief executive officer, the village 12393  
solicitor or city director of law, and the auditor or other 12394  
chief fiscal officer. 12395

(O) "No-load money market mutual fund" means a no-load 12396  
money market mutual fund to which all of the following apply: 12397

(1) The fund is registered as an investment company under 12398  
the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 12399  
80a-1 to 80a-64; 12400

(2) The fund has the highest letter or numerical rating 12401  
provided by at least one nationally recognized statistical 12402  
rating organization; 12403

(3) The fund does not include any investment in a 12404  
derivative. As used in division (O)(3) of this section, 12405  
"derivative" means a financial instrument or contract or 12406  
obligation whose value or return is based upon or linked to 12407  
another asset or index, or both, separate from the financial 12408  
instrument, contract, or obligation itself. Any security, 12409  
obligation, trust account, or other instrument that is created 12410  
from an issue of the United States treasury or is created from 12411  
an obligation of a federal agency or instrumentality or is 12412  
created from both is considered a derivative instrument. An 12413  
eligible investment described in section 135.14 or 135.35 of the 12414  
Revised Code with a variable interest rate payment, based upon a 12415  
single interest payment or single index comprised of other 12416  
investments provided for in division (B)(1) or (2) of section 12417  
135.14 of the Revised Code, is not a derivative, provided that 12418  
such variable rate investment has a maximum maturity of two 12419  
years. 12420

(P) "Public depositor" means the state or a subdivision, 12421

as applicable, that deposits public moneys in a public 12422  
depository pursuant to sections 135.01 to 135.21 of the Revised 12423  
Code. 12424

(Q) "Uninsured public deposit" means the portion of a 12425  
public deposit that is not insured by the federal deposit 12426  
insurance corporation or by any other agency or instrumentality 12427  
of the federal government. 12428

**Sec. 135.03.** (A) As used in this section, "banking office" 12429  
has the same meaning as in section 1101.01 of the Revised Code. 12430

(B) Any national bank, any bank doing business under 12431  
authority granted by the superintendent of financial 12432  
institutions, or any bank doing business under authority granted 12433  
by the regulatory authority of another state of the United 12434  
States, and which has a banking office located in this state, is 12435  
eligible to become a public depository, subject to sections 12436  
135.01 to 135.21 of the Revised Code. No bank shall receive or 12437  
have on deposit at any one time public moneys, including public 12438  
moneys as defined in section 135.31 of the Revised Code, in an 12439  
aggregate amount in excess of thirty per cent of its total 12440  
assets, as shown in its latest report to the comptroller of the 12441  
currency, the superintendent of financial institutions, the 12442  
federal deposit insurance corporation, or the board of governors 12443  
of the federal reserve system. 12444

(C) Any federal savings association or any savings and 12445  
loan association or savings bank doing business under authority 12446  
granted by the regulatory authority of another state of the 12447  
United States, and which has a banking office located in this 12448  
state, and authorized to accept deposits is eligible to become a 12449  
public depository, subject to sections 135.01 to 135.21 of the 12450  
Revised Code. No savings association, savings and loan 12451

association, or savings bank shall receive or have on deposit at 12452  
any one time public moneys, including public moneys as defined 12453  
in section 135.31 of the Revised Code, in an aggregate amount in 12454  
excess of thirty per cent of its total assets, as shown in its 12455  
latest report to the former office of thrift supervision, the 12456  
comptroller of the currency, the superintendent of financial 12457  
institutions, the federal deposit insurance corporation, or the 12458  
board of governors of the federal reserve system. 12459

**Sec. 135.143.** (A) The treasurer of state may invest or 12460  
execute transactions for any part or all of the interim funds of 12461  
the state in the following classifications of obligations: 12462

(1) United States treasury bills, notes, bonds, or any 12463  
other obligations or securities issued by the United States 12464  
treasury or any other obligation guaranteed as to principal and 12465  
interest by the United States; 12466

(2) Bonds, notes, debentures, or any other obligations or 12467  
securities issued by any federal government agency or 12468  
instrumentality; 12469

(3) (a) Bonds, notes, and other obligations of the state of 12470  
Ohio, including, but not limited to, any obligations issued by 12471  
the treasurer of state, the Ohio public facilities commission, 12472  
the Ohio housing finance agency, the Ohio water development 12473  
authority, the Ohio turnpike infrastructure commission, the Ohio 12474  
higher educational facility commission, and state institutions 12475  
of higher education as defined in section 3345.011 of the 12476  
Revised Code; 12477

(b) Bonds, notes, and other obligations of any state or 12478  
political subdivision thereof rated in the three highest 12479  
categories by at least one nationally recognized statistical 12480



rating organization and purchased through a registered 12481  
securities broker or dealer, provided the treasurer of state is 12482  
not the sole purchaser of the bonds, notes, or other obligations 12483  
at original issuance. 12484

(4) (a) Written repurchase agreements with any eligible 12485  
Ohio financial institution that is a member of the federal 12486  
reserve system or federal home loan bank, any registered United 12487  
States government securities dealer, or any counterparty rated 12488  
in one of the three highest categories by at least one 12489  
nationally recognized statistical rating organization or 12490  
otherwise determined by the treasurer of state to have adequate 12491  
capital and liquidity, under the terms of which agreement the 12492  
treasurer of state purchases and the eligible financial 12493  
institution, dealer, or counterparty agrees unconditionally to 12494  
repurchase any of the securities that are listed in division (A) 12495  
(1), (2), (3), (6), or (11) of this section. The market value of 12496  
securities subject to these transactions must exceed the 12497  
principal value of the repurchase agreement by an amount 12498  
specified by the treasurer of state, and the securities must be 12499  
delivered into the custody of the treasurer of state or the 12500  
qualified trustee or agent designated by the treasurer of state. 12501  
The agreement shall contain the requirement that for each 12502  
transaction pursuant to the agreement, the participating 12503  
institution, dealer, or counterparty shall provide all of the 12504  
following information: 12505

(i) The par value of the securities; 12506

(ii) The type, rate, and maturity date of the securities; 12507

(iii) A numerical identifier generally accepted in the 12508  
securities industry that designates the securities. 12509

(b) The treasurer of state also may sell any securities, 12510  
listed in division (A) (1), (2), (6), or (11) of this section, 12511  
regardless of maturity or time of redemption of the securities, 12512  
under the same terms and conditions for repurchase, provided 12513  
that the securities have been fully paid for and are owned by 12514  
the treasurer of state at the time of the sale. 12515

(c) For purposes of division (A) (4) of this section, the 12516  
treasurer of state shall only buy or sell securities listed in 12517  
division (A) (11) of this section issued by entities that are 12518  
organized under the laws of this state, any other state, or the 12519  
United States. 12520

(5) Securities lending agreements with any eligible 12521  
financial institution that is a member of the federal reserve 12522  
system or federal home loan bank or any recognized United States 12523  
government securities dealer, under the terms of which 12524  
agreements the treasurer of state lends securities and the 12525  
eligible financial institution or dealer agrees to 12526  
simultaneously exchange similar securities or cash, equal value 12527  
for equal value. 12528

Securities and cash received as collateral for a 12529  
securities lending agreement are not interim funds of the state. 12530  
The investment of cash collateral received pursuant to a 12531  
securities lending agreement may be invested only in such 12532  
instruments specified by the treasurer of state in accordance 12533  
with a written investment policy. 12534

(6) Various forms of commercial paper issued by any entity 12535  
that is organized under the laws of the United States or a 12536  
state, which notes are rated in the two highest categories by 12537  
two nationally recognized statistical rating organizations, 12538  
provided that the total amount invested under this section in 12539

any commercial paper at any time shall not exceed forty per cent 12540  
of the state's total average portfolio, as determined and 12541  
calculated by the treasurer of state; 12542

(7) Bankers acceptances, maturing in two hundred seventy 12543  
days or less, provided that the total amount invested in bankers 12544  
acceptances at any time shall not exceed ten per cent of the 12545  
state's total average portfolio, as determined and calculated by 12546  
the treasurer of state; 12547

(8) Certificates of deposit, savings accounts, or deposit 12548  
accounts in eligible institutions applying for interim moneys as 12549  
provided in section 135.08 of the Revised Code, including linked 12550  
deposits as authorized under section 135.61 of the Revised Code; 12551

(9) Negotiable certificates of deposit denominated in 12552  
United States dollars issued by a nationally or state-chartered 12553  
bank, a savings association or a federal savings association, a 12554  
state or federal credit union, or a federally licensed or state- 12555  
licensed branch of a foreign bank, which are rated in the two 12556  
highest categories by two nationally recognized statistical 12557  
rating organizations, provided that the total amount invested 12558  
under this section in negotiable certificates of deposit at any 12559  
time shall not exceed twenty-five per cent of the state's total 12560  
average portfolio, as determined and calculated by the treasurer 12561  
of state. Interim funds invested in accordance with division (A) 12562  
(9) of this section are not limited to institutions applying for 12563  
interim moneys under section 135.08 of the Revised Code, nor are 12564  
they subject to any pledging requirements described in sections 12565  
135.18, 135.181, or 135.182 of the Revised Code. 12566

(10) The state treasurer's investment pool authorized 12567  
under section 135.45 of the Revised Code; 12568

(11) Debt interests, other than commercial paper described 12569  
in division (A) (6) of this section, rated in the three highest 12570  
categories by two nationally recognized statistical rating 12571  
organizations and issued by entities that are organized under 12572  
the laws of the United States or a state, or issued by foreign 12573  
nations diplomatically recognized by the United States 12574  
government, or any instrument based on, derived from, or related 12575  
to such interests, provided that: 12576

(a) The investments in debt interests other than 12577  
commercial paper, when added to the investment in written 12578  
repurchase agreements for securities listed in division (A) (3) 12579  
or (11) of this section, shall not exceed in the aggregate 12580  
twenty-five per cent of the state's portfolio. 12581

(b) The investments in debt interests issued by foreign 12582  
nations shall not exceed in the aggregate two per cent of the 12583  
state's portfolio. 12584

The treasurer of state shall invest under division (A) (11) 12585  
of this section in a debt interest issued by a foreign nation 12586  
only if the debt interest is backed by the full faith and credit 12587  
of that foreign nation, and provided that all interest and 12588  
principal shall be denominated and payable in United States 12589  
funds. 12590

(c) When added to the investment in commercial paper and 12591  
negotiable certificates of deposit, the investments in the debt 12592  
interests of a single issuer shall not exceed in the aggregate 12593  
five per cent of the state's portfolio. 12594

(d) For purposes of division (A) (11) of this section, a 12595  
debt interest is rated in the three highest categories by two 12596  
nationally recognized statistical rating organizations if either 12597

the debt interest itself or the issuer of the debt interest is 12598  
rated, or is implicitly rated, in the three highest categories 12599  
by two nationally recognized statistical rating organizations. 12600

(e) For purposes of division (A)(11) of this section, the 12601  
"state's portfolio" means the state's total average portfolio, 12602  
as determined and calculated by the treasurer of state. 12603

(12) No-load money market mutual funds rated in the 12604  
highest category by one nationally recognized statistical rating 12605  
organization or consisting exclusively of obligations described 12606  
in division (A)(1), (2), or (6) of this section and repurchase 12607  
agreements secured by such obligations; 12608

(13) Obligations issued by, or on behalf of, an Ohio 12609  
political subdivision under Chapter 133. of the Revised Code or 12610  
Section 12 of Article XVIII, Ohio Constitution, and identified 12611  
in an agreement described in division (G) of this section; 12612

(14) Obligations issued by the state of Ohio, any 12613  
political subdivision thereof, or by or on behalf of any 12614  
nonprofit corporation or association doing business in this 12615  
state rated in the four highest categories by at least one 12616  
nationally recognized statistical rating organization and 12617  
identified in an agreement described in division (K) of this 12618  
section. 12619

~~(B)~~ (B) (1) On or before the tenth day of each month, the 12620  
treasurer of state shall notify the state board of deposit that 12621  
the following reports pertaining to the immediately preceding 12622  
month have been posted to the web site maintained by the 12623  
treasurer of state: 12624

~~(1)~~ (a) The daily ledger report of state funds prepared in 12625  
accordance with section 113.13 of the Revised Code; 12626

~~(2)~~(b) The monthly portfolio report detailing the current 12627  
inventory of all investments and deposits held within the 12628  
classification of interim moneys; 12629

~~(3)~~(c) The monthly activity report within the 12630  
classification of interim moneys summarized by type of 12631  
investment or deposit. 12632

(2) In the event the state board of deposit does not 12633  
concur in such classification or in the investments or deposits 12634  
made under this section, subject to division (B) (3) of this 12635  
section, the board may order the treasurer of state to sell or 12636  
liquidate any of the investments or deposits, and any such order 12637  
shall specifically describe the investments or deposits and fix 12638  
the date upon which they are to be sold or liquidated. 12639  
Investments or deposits so ordered to be sold or liquidated 12640  
shall be sold or liquidated for cash by the treasurer of state 12641  
on the date fixed in such order at the then current market 12642  
price. Neither the treasurer of state nor the members of the 12643  
state board of deposit shall be held accountable for any loss 12644  
occasioned by sales or liquidations of investments or deposits 12645  
at prices lower than their cost. Any loss or expense incurred in 12646  
making these sales or liquidations is payable as other expenses 12647  
of the treasurer's office. 12648

(3) Unless expressly authorized by the laws of this state, 12649  
the state board of deposit shall not order the treasurer of 12650  
state to sell or liquidate investments or deposits with the 12651  
primary purpose of influencing any environmental, social, 12652  
personal, or ideological policy. 12653

(C) If any securities or obligations invested in by the 12654  
treasurer of state pursuant to this section are registrable 12655  
either as to principal or interest, or both, such securities or 12656

obligations shall be registered in the name of the treasurer of state. 12657  
12658

(D) The treasurer of state is responsible for the safekeeping of all securities or obligations under this section. 12659  
Any such securities or obligations may be deposited for safekeeping as provided in section 113.05 of the Revised Code. 12660  
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(E) Interest earned on any investments or deposits authorized by this section shall be collected by the treasurer of state and credited by the treasurer of state to the proper fund of the state. 12663  
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(F) Whenever investments or deposits acquired under this section mature and become due and payable, the treasurer of state shall present them for payment according to their tenor, and shall collect the moneys payable thereon. The moneys so collected shall be treated as public moneys subject to sections 135.01 to 135.21 of the Revised Code. 12667  
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(G) The treasurer of state and any entity issuing obligations referred to in division (A) (13) of this section, which obligations mature within one year from the original date of issuance, may enter into an agreement providing for: 12673  
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(1) The purchase of those obligations by the treasurer of state on terms and subject to conditions set forth in the agreement; 12677  
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(2) The payment to the treasurer of state of a reasonable fee as consideration for the agreement of the treasurer of state to purchase those obligations; provided, however, that the treasurer of state shall not be authorized to enter into any such agreement with a board of education of a school district that has an outstanding obligation with respect to a loan 12680  
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received under authority of section 3313.483 of the Revised Code. 12686  
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(H) For purposes of division (G) of this section, a fee shall not be considered reasonable unless it is set to recover only the direct costs, a reasonable estimate of the indirect costs associated with the purchasing of obligations under division (G) of this section and any reselling of the obligations or any interest in the obligations, including interests in a fund comprised of the obligations, and the administration thereof. No money from the general revenue fund shall be used to subsidize the purchase or resale of these obligations. 12688  
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(I) All money collected by the treasurer of state from the fee imposed by division (G) of this section shall be deposited to the credit of the state political subdivision obligations fund, which is hereby created in the state treasury. Money credited to the fund shall be used solely to pay the treasurer of state's direct and indirect costs associated with purchasing and reselling obligations under division (G) of this section. 12698  
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(J) As used in this section, "political subdivision" means a county, township, municipal corporation, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state. 12705  
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(K) (1) The treasurer of state and any entity issuing obligations referred to in division (A) (14) of this section, which obligations require a conditional liquidity requirement, may enter into an agreement providing for the following: 12709  
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12712

(a) The purchase of the obligations by the treasurer of state on terms and subject to conditions set forth in the 12713  
12714



agreement; 12715

(b) Payment to the treasurer of state of a fee as 12716  
consideration for the agreement of the treasurer of state to 12717  
purchase the obligations. 12718

(2) The treasurer of state shall not enter into agreements 12719  
under division (K) (1) of this section for obligations that, in 12720  
the aggregate, exceed ten per cent of the state's total average 12721  
portfolio, as determined and calculated by the treasurer of 12722  
state. 12723

(3) For purposes of division (A) (14) of this section, an 12724  
obligation is rated in the four highest categories by at least 12725  
one nationally recognized statistical rating organization if 12726  
either the debt interest itself or the obligor of the debt 12727  
interest is rated in the four highest categories by at least one 12728  
nationally recognized statistical rating organization. 12729

(4) All money collected by the treasurer of state from the 12730  
fee imposed by division (K) of this section shall be deposited 12731  
to the credit of the state securities tender program fund, which 12732  
is hereby created in the state treasury. The amount of income 12733  
from the state securities tender program credited to the state 12734  
securities tender program fund shall not exceed one per cent of 12735  
the average par value of obligations subject to agreements under 12736  
division (K) (1) of this section. All other such income shall be 12737  
credited to the general revenue fund. The treasurer of state may 12738  
use the state securities tender program fund solely for 12739  
operations of the office of the treasurer of state. 12740

(L) (1) The treasurer of state and a state university or 12741  
college issuing obligations under section 3345.12 of the Revised 12742  
Code may enter into an agreement providing for the following: 12743

(a) The purchase of those obligations by the treasurer of state pursuant to division (A) (3) (a) of this section on terms and subject to conditions set forth in the agreement;

(b) The department of higher education to withhold, in the event the state university or college does not pay bond service charges on the obligations when due, appropriated funds allocated to the state university or college in an amount sufficient to pay bond service charges on the obligations, less any amounts deposited for that purpose under the bond proceedings. Upon the request of the treasurer of state, the department of higher education shall promptly pay to the treasurer of state the amounts withheld.

(2) For purposes of division (L) (1) of this section, "obligations," "state university or college," "bond service charges," and "bond proceedings" have the same meanings as in section 3345.12 of the Revised Code.

(M) Unless expressly authorized by the laws of this state, the treasurer of state shall not do either of the following:

(1) Make an investment decision with the primary purpose of influencing any environmental, social, personal, or ideological policy;

(2) Permit any person or entity to which the treasurer of state delegates the management of the investment of state money to make investment decisions with state money with the primary purpose of influencing any environmental, social, personal, or ideological policy.

**Sec. 135.1411.** Unless expressly authorized by the laws of this state, the treasurer or the governing board of a municipal corporation shall not do either of the following:

(A) Make an investment decision with the primary purpose 12773  
of influencing any environmental, social, personal, or 12774  
ideological policy; 12775

(B) Permit any person or entity to which the treasurer or 12776  
governing board delegates the management of the investment of 12777  
public money to make investment decisions with public money with 12778  
the primary purpose of influencing any environmental, social, 12779  
personal, or ideological policy. 12780

**Sec. 135.18.** (A) Each institution designated as a public 12781  
depository and awarded public deposits under sections 135.01 to 12782  
135.21 of the Revised Code, except as provided in section 12783  
~~135.144~~ or 135.145 of the Revised Code, shall provide security 12784  
for the repayment of all public deposits by selecting one of the 12785  
following methods: 12786

(1) Securing all uninsured public deposits of each public 12787  
depositor separately as set forth in divisions (B) to (J) of 12788  
this section; 12789

(2) Securing all uninsured public deposits of every public 12790  
depositor pursuant to section 135.181 or 135.182 of the Revised 12791  
Code, as applicable, by establishing and pledging to the 12792  
treasurer of state a single pool of collateral for the benefit 12793  
of every public depositor at the public depository. 12794

(B) If a public depository elects to provide security 12795  
pursuant to division (A) (1) of this section, the public 12796  
depository shall pledge to the public depositor, as security for 12797  
the repayment of all public moneys deposited in the public 12798  
depository during the period of designation pursuant to an award 12799  
made under sections 135.01 to 135.21 of the Revised Code, 12800  
eligible securities of aggregate market value at all times equal 12801

to at least one hundred five per cent of the total amount of the 12802  
public depositor's uninsured public deposits. 12803

(C) In order for a public depository to receive public 12804  
moneys under this section, the public depository and the public 12805  
depositor shall first execute an agreement that sets forth the 12806  
entire arrangement among the parties and that meets the 12807  
requirements described in 12 U.S.C. 1823(e). In addition, the 12808  
agreement shall authorize the public depositor to obtain control 12809  
of the collateral pursuant to division (D) of section 1308.24 of 12810  
the Revised Code. 12811

(D) The following securities or other obligations shall be 12812  
eligible for the purposes of this section: 12813

(1) Bonds, notes, or other obligations of the United 12814  
States; or bonds, notes, or other obligations guaranteed as to 12815  
principal and interest by the United States or those for which 12816  
the faith of the United States is pledged for the payment of 12817  
principal and interest thereon, by language appearing in the 12818  
instrument specifically providing such guarantee or pledge and 12819  
not merely by interpretation or otherwise; 12820

(2) Bonds, notes, debentures, letters of credit, or other 12821  
obligations or securities issued by any federal government 12822  
agency or instrumentality, or the export-import bank of 12823  
Washington; bonds, notes, or other obligations guaranteed as to 12824  
principal and interest by the United States or those for which 12825  
the faith of the United States is pledged for the payment of 12826  
principal and interest thereon, by interpretation or otherwise 12827  
and not by language appearing in the instrument specifically 12828  
providing such guarantee or pledge; 12829

(3) Obligations of or fully insured or fully guaranteed by 12830

the United States or any federal government agency or	12831
instrumentality;	12832
(4) Obligations partially insured or partially guaranteed	12833
by any federal agency or instrumentality;	12834
(5) Obligations of or fully guaranteed by the federal	12835
national mortgage association, federal home loan mortgage	12836
corporation, federal farm credit bank, or student loan marketing	12837
association;	12838
(6) Bonds and other obligations of this state;	12839
(7) Bonds and other obligations of any county, township,	12840
school district, municipal corporation, or other legally	12841
constituted taxing subdivision of this state, which is not at	12842
the time of such deposit, in default in the payment of principal	12843
or interest on any of its bonds or other obligations, for which	12844
the full faith and credit of the issuing subdivision is pledged;	12845
(8) Bonds of other states of the United States which have	12846
not during the ten years immediately preceding the time of such	12847
deposit defaulted in payments of either interest or principal on	12848
any of their bonds;	12849
(9) Shares of no-load money market mutual funds consisting	12850
exclusively of obligations described in division (D) (1) or (2)	12851
of this section and repurchase agreements secured by such	12852
obligations;	12853
(10) A surety bond issued by a corporate surety licensed	12854
by the state and authorized to issue surety bonds in this state	12855
pursuant to Chapter 3929. of the Revised Code, and qualified to	12856
provide surety bonds to the federal government pursuant to 96	12857
Stat. 1047 (1982), 31 U.S.C.A. 9304;	12858

(11) Bonds or other obligations of any county, municipal corporation, or other legally constituted taxing subdivision of another state of the United States, or of any instrumentality of such county, municipal corporation, or other taxing subdivision, for which the full faith and credit of the issuer is pledged and, at the time of purchase of the bonds or other obligations, rated in one of the two highest categories by at least one nationally recognized statistical rating organization.

(E) An institution designated as a public depository shall designate a qualified trustee and place the eligible securities required by division (D) of this section with the trustee for safekeeping. The trustee shall hold the eligible securities in an account indicating the public depositor's security interest in the securities. The trustee shall report to the public depositor information relating to the securities pledged to secure the public deposits in the manner and frequency required by the public depositor.

(F) The qualified trustee shall enter into a custodial agreement with the public depositor and public depository in which the trustee agrees to comply with entitlement orders originated by the public depositor without further consent by the public depository or, in the case of collateral held by the public depository in an account at a federal reserve bank, the public depositor shall have the public depositor's security interest marked on the books of the federal reserve bank where the account for the collateral is maintained. If the public depository fails to pay over any part of the public deposits made by the public depositor therein as provided by law, the public depositor shall give written notice of this failure to the qualified trustee holding the securities pledged against its public deposits and, at the same time, shall send a copy of this

notice to the public depository. Upon receipt of this notice, 12890  
the trustee shall transfer to the public depositor for sale, the 12891  
securities that are necessary to produce an amount equal to the 12892  
public deposits made by the public depositor and not paid over, 12893  
less the portion of the deposits covered by any federal deposit 12894  
insurance, plus any accrued interest due on the deposits. The 12895  
public depositor shall sell any of the bonds or other securities 12896  
so transferred. When a sale of bonds or other securities has 12897  
been so made and upon payment to the public depositor of the 12898  
purchase money, the public depositor shall transfer such bonds 12899  
or securities whereupon the absolute ownership of such bonds or 12900  
securities shall pass to the purchasers. Any surplus after 12901  
deducting the amount due the public depositor and expenses of 12902  
sale shall be paid to the public depository. 12903

(G) When the public depository has placed eligible 12904  
securities described in division (D) (1) of this section with a 12905  
trustee for safekeeping, the public depository may at any time 12906  
substitute or exchange eligible securities described in division 12907  
(D) (1) of this section having a current market value equal to or 12908  
greater than the current market value of the securities then on 12909  
deposit and for which they are to be substituted or exchanged, 12910  
without specific authorization from any public depositor's 12911  
governing board, boards, or treasurer of any such substitution 12912  
or exchange. 12913

(H) When the public depository has placed eligible 12914  
securities described in divisions (D) (2) to (9) of this section 12915  
with a trustee for safekeeping, the public depository may at any 12916  
time substitute or exchange eligible securities having a current 12917  
market value equal to or greater than the current market value 12918  
of the securities then on deposit and for which they are to be 12919  
substituted or exchanged without specific authorization of any 12920

public depositor's governing board, boards, or treasurer of any 12921  
such substitution or exchange only if one of the following 12922  
applies: 12923

(1) The public depositor has authorized the public 12924  
depository to make such substitution or exchange on a continuing 12925  
basis during a specified period without prior approval of each 12926  
substitution or exchange. The authorization may be effected by 12927  
the public depositor sending to the trustee a written notice 12928  
stating that substitution may be effected on a continuing basis 12929  
during a specified period which shall not extend beyond the end 12930  
of the period of designation during which the notice is given. 12931  
The trustee may rely upon this notice and upon the period of 12932  
authorization stated therein and upon the period of designation 12933  
stated therein. 12934

(2) The public depository notifies the public depositor 12935  
and the trustee of an intended substitution or exchange, and the 12936  
public depositor does not object to the trustee as to the 12937  
eligibility or market value of the securities being substituted 12938  
within three business days after the date appearing on the 12939  
notice of proposed substitution. The notice to the public 12940  
depositor and to the trustee shall be given in writing and 12941  
delivered electronically. The trustee may assume in any case 12942  
that the notice has been delivered to the public depositor. In 12943  
order for objections of the public depositor to be effective, 12944  
receipt of the objections must be acknowledged in writing by the 12945  
trustee. 12946

(3) The public depositor gives written authorization for a 12947  
substitution or exchange of specific securities. 12948

(I) The public depository shall notify any public 12949  
depositor of any substitution or exchange under division (H) (1) 12950



or (2) of this section. 12951

(J) Any federal reserve bank or branch thereof located in 12952  
this state or federal home loan bank, without compliance with 12953  
Chapter 1111. of the Revised Code and without becoming subject 12954  
to any other law of this state relative to the exercise by 12955  
corporations of trust powers generally, is qualified to act as 12956  
trustee for the safekeeping of securities, under this section. 12957  
Any institution mentioned in section 135.03 or 135.32 of the 12958  
Revised Code that holds a certificate of qualification issued by 12959  
the superintendent of financial institutions or any institution 12960  
complying with sections 1111.04, 1111.05, and 1111.06 of the 12961  
Revised Code, is qualified to act as trustee for the safekeeping 12962  
of securities under this section, other than those belonging to 12963  
itself or to an affiliate as defined in section 1101.01 of the 12964  
Revised Code. 12965

Notwithstanding the fact that a public depository is 12966  
required to pledge eligible securities in certain amounts to 12967  
secure deposits of public moneys, a trustee has no duty or 12968  
obligation to determine the eligibility, market value, or face 12969  
value of any securities deposited with the trustee by a public 12970  
depository. This applies in all situations including, without 12971  
limitation, a substitution or exchange of securities. 12972

Any charges or compensation of a designated trustee for 12973  
acting as such under this section shall be paid by the public 12974  
depository and in no event shall be chargeable to the state or 12975  
the subdivision or to any officer of the state or subdivision. 12976  
The charges or compensation shall not be a lien or charge upon 12977  
the securities deposited for safekeeping prior or superior to 12978  
the rights to and interests in the securities of the public 12979  
depositor. The treasurer and the treasurer's bonders or surety 12980

shall be relieved from any liability to the public depositor or 12981  
to the public depository for the loss or destruction of any 12982  
securities deposited with a qualified trustee pursuant to this 12983  
section. 12984

**Sec. 135.35.** (A) The investing authority shall deposit or 12985  
invest any part or all of the county's inactive moneys and shall 12986  
invest all of the money in the county public library fund when 12987  
required by section 135.352 of the Revised Code. The following 12988  
classifications of securities and obligations are eligible for 12989  
such deposit or investment: 12990

(1) United States treasury bills, notes, bonds, or any 12991  
other obligation or security issued by the United States 12992  
treasury, any other obligation guaranteed as to principal or 12993  
interest by the United States, or any book entry, zero-coupon 12994  
United States treasury security that is a direct obligation of 12995  
the United States. 12996

Nothing in the classification of eligible securities and 12997  
obligations set forth in divisions (A) (2) to (10) of this 12998  
section shall be construed to authorize any investment in 12999  
stripped principal or interest obligations of such eligible 13000  
securities and obligations. 13001

(2) Bonds, notes, debentures, or any other obligations or 13002  
securities issued by any federal government agency or 13003  
instrumentality, including, but not limited to, the federal 13004  
national mortgage association, federal home loan bank, federal 13005  
farm credit bank, federal home loan mortgage corporation, and 13006  
government national mortgage association. All federal agency 13007  
securities shall be direct issuances of federal government 13008  
agencies or instrumentalities. 13009

(3) Time certificates of deposit or savings or deposit 13010  
accounts, including, but not limited to, passbook accounts, in 13011  
any eligible institution mentioned in section 135.32 of the 13012  
Revised Code; 13013

(4) Bonds and other obligations of this state or the 13014  
political subdivisions of this state, provided the bonds or 13015  
other obligations of political subdivisions mature within ten 13016  
years from the date of settlement; 13017

(5) No-load money market mutual funds rated in the highest 13018  
category at the time of purchase by at least one nationally 13019  
recognized statistical rating organization or consisting 13020  
exclusively of obligations described in division (A)(1), (2), or 13021  
(6) of section 135.143 of the Revised Code and repurchase 13022  
agreements secured by such obligations, provided that 13023  
investments in securities described in this division are made 13024  
only through eligible institutions mentioned in section 135.32 13025  
of the Revised Code; 13026

(6) The Ohio subdivision's fund as provided in section 13027  
135.45 of the Revised Code; 13028

(7) Securities lending agreements with any eligible 13029  
institution mentioned in section 135.32 of the Revised Code that 13030  
is a member of the federal reserve system or federal home loan 13031  
bank or with any recognized United States government securities 13032  
dealer meeting the description in division (J)(1) of this 13033  
section, under the terms of which agreements the investing 13034  
authority lends securities and the eligible institution or 13035  
dealer agrees to simultaneously exchange similar securities or 13036  
cash, equal value for equal value. 13037

Securities and cash received as collateral for a 13038

securities lending agreement are not inactive moneys of the 13039  
county or moneys of a county public library fund. The investment 13040  
of cash collateral received pursuant to a securities lending 13041  
agreement may be invested only in instruments specified by the 13042  
investing authority in the written investment policy described 13043  
in division (K) of this section. 13044

(8) Up to forty per cent of the county's total average 13045  
portfolio in either of the following investments: 13046

(a) Commercial paper notes issued by an entity that is 13047  
defined in ~~division (D) of section 1705.01 or division (E) (K)~~ 13048  
of section 1706.01 of the Revised Code and that has assets 13049  
exceeding five hundred million dollars, to which notes all of 13050  
the following apply: 13051

(i) The notes are rated at the time of purchase in the 13052  
highest classification established by at least two nationally 13053  
recognized statistical rating organizations. 13054

(ii) The aggregate value of the notes does not exceed ten 13055  
per cent of the aggregate value of the outstanding commercial 13056  
paper of the issuing corporation. 13057

(iii) The notes mature not later than two hundred seventy 13058  
days after purchase. 13059

(iv) The investment in commercial paper notes of a single 13060  
issuer shall not exceed in the aggregate five per cent of 13061  
interim moneys available for investment at the time of purchase. 13062

(b) Bankers acceptances of banks that are insured by the 13063  
federal deposit insurance corporation and that mature not later 13064  
than one hundred eighty days after purchase. 13065

No investment shall be made pursuant to division (A) (8) of 13066

this section unless the investing authority has completed 13067  
additional training for making the investments authorized by 13068  
division (A) (8) of this section. The type and amount of 13069  
additional training shall be approved by the treasurer of state 13070  
and may be conducted by or provided under the supervision of the 13071  
treasurer of state. 13072

(9) Up to fifteen per cent of the county's total average 13073  
portfolio in notes issued by corporations that are incorporated 13074  
under the laws of the United States and that are operating 13075  
within the United States, or by depository institutions that are 13076  
doing business under authority granted by the United States or 13077  
any state and that are operating within the United States, 13078  
provided both of the following apply: 13079

(a) The notes are rated in the three highest categories by 13080  
at least two nationally recognized statistical rating 13081  
organizations at the time of purchase. 13082

(b) The notes mature not later than three years after 13083  
purchase. 13084

(10) Debt interests rated at the time of purchase in the 13085  
three highest categories by two nationally recognized 13086  
statistical rating organizations and issued by foreign nations 13087  
diplomatically recognized by the United States government. All 13088  
interest and principal shall be denominated and payable in 13089  
United States funds. The investments made under division (A) (10) 13090  
of this section shall not exceed in the aggregate two per cent 13091  
of a county's total average portfolio. 13092

The investing authority shall invest under division (A) 13093  
(10) of this section in a debt interest issued by a foreign 13094  
nation only if the debt interest is backed by the full faith and 13095

credit of that foreign nation, there is no prior history of 13096  
default, and the debt interest matures not later than five years 13097  
after purchase. For purposes of division (A) (10) of this 13098  
section, a debt interest is rated in the three highest 13099  
categories by two nationally recognized statistical rating 13100  
organizations if either the debt interest itself or the issuer 13101  
of the debt interest is rated, or is implicitly rated, at the 13102  
time of purchase in the three highest categories by two 13103  
nationally recognized statistical rating organizations. 13104

(11) A current unpaid or delinquent tax line of credit 13105  
authorized under division (G) of section 135.341 of the Revised 13106  
Code, provided that all of the conditions for entering into such 13107  
a line of credit under that division are satisfied, or bonds and 13108  
other obligations of a county land reutilization corporation 13109  
organized under Chapter 1724. of the Revised Code, if the county 13110  
land reutilization corporation is located wholly or partly 13111  
within the same county as the investing authority. 13112

(B) Nothing in the classifications of eligible obligations 13113  
and securities set forth in divisions (A) (1) to (10) of this 13114  
section shall be construed to authorize investment in a 13115  
derivative, and no investing authority shall invest any county 13116  
inactive moneys or any moneys in a county public library fund in 13117  
a derivative. For purposes of this division, "derivative" means 13118  
a financial instrument or contract or obligation whose value or 13119  
return is based upon or linked to another asset or index, or 13120  
both, separate from the financial instrument, contract, or 13121  
obligation itself. Any security, obligation, trust account, or 13122  
other instrument that is created from an issue of the United 13123  
States treasury or is created from an obligation of a federal 13124  
agency or instrumentality or is created from both is considered 13125  
a derivative instrument. An eligible investment described in 13126

this section with a variable interest rate payment, based upon a 13127  
single interest payment or single index comprised of other 13128  
eligible investments provided for in division (A) (1) or (2) of 13129  
this section, is not a derivative, provided that such variable 13130  
rate investment has a maximum maturity of two years. A treasury 13131  
inflation-protected security shall not be considered a 13132  
derivative, provided the security matures not later than five 13133  
years after purchase. 13134

(C) Except as provided in division (A) (4) or (D) of this 13135  
section, any investment made pursuant to this section must 13136  
mature within five years from the date of settlement, unless the 13137  
investment is matched to a specific obligation or debt of the 13138  
county or to a specific obligation or debt of a political 13139  
subdivision of this state, and the investment is specifically 13140  
approved by the investment advisory committee. 13141

(D) The investing authority may also enter into a written 13142  
repurchase agreement with any eligible institution mentioned in 13143  
section 135.32 of the Revised Code or any eligible securities 13144  
dealer pursuant to division (J) of this section, under the terms 13145  
of which agreement the investing authority purchases and the 13146  
eligible institution or dealer agrees unconditionally to 13147  
repurchase any of the securities listed in divisions (D) (1) to 13148  
(5), except letters of credit described in division (D) (2), of 13149  
section 135.18 of the Revised Code. The market value of 13150  
securities subject to an overnight written repurchase agreement 13151  
must exceed the principal value of the overnight written 13152  
repurchase agreement by at least two per cent. A written 13153  
repurchase agreement must exceed the principal value of the 13154  
overnight written repurchase agreement, by at least two per 13155  
cent. A written repurchase agreement shall not exceed thirty 13156  
days, and the market value of securities subject to a written 13157

repurchase agreement must exceed the principal value of the 13158  
written repurchase agreement by at least two per cent and be 13159  
marked to market daily. All securities purchased pursuant to 13160  
this division shall be delivered into the custody of the 13161  
investing authority or the qualified custodian of the investing 13162  
authority or an agent designated by the investing authority. A 13163  
written repurchase agreement with an eligible securities dealer 13164  
shall be transacted on a delivery versus payment basis. The 13165  
agreement shall contain the requirement that for each 13166  
transaction pursuant to the agreement the participating 13167  
institution shall provide all of the following information: 13168

(1) The par value of the securities; 13169

(2) The type, rate, and maturity date of the securities; 13170

(3) A numerical identifier generally accepted in the 13171  
securities industry that designates the securities. 13172

No investing authority shall enter into a written 13173  
repurchase agreement under the terms of which the investing 13174  
authority agrees to sell securities owned by the county to a 13175  
purchaser and agrees with that purchaser to unconditionally 13176  
repurchase those securities. 13177

(E) No investing authority shall make an investment under 13178  
this section, unless the investing authority, at the time of 13179  
making the investment, reasonably expects that the investment 13180  
can be held until its maturity. The investing authority's 13181  
written investment policy shall specify the conditions under 13182  
which an investment may be redeemed or sold prior to maturity. 13183

(F) No investing authority shall pay a county's inactive 13184  
moneys or moneys of a county public library fund into a fund 13185  
established by another subdivision, treasurer, governing board, 13186



or investing authority, if that fund was established by the 13187  
subdivision, treasurer, governing board, or investing authority 13188  
for the purpose of investing or depositing the public moneys of 13189  
other subdivisions. This division does not apply to the payment 13190  
of public moneys into either of the following: 13191

(1) The Ohio subdivision's fund pursuant to division (A) 13192  
(6) of this section; 13193

(2) A fund created solely for the purpose of acquiring, 13194  
constructing, owning, leasing, or operating municipal utilities 13195  
pursuant to the authority provided under section 715.02 of the 13196  
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 13197

For purposes of division (F) of this section, 13198  
"subdivision" includes a county. 13199

(G) The use of leverage, in which the county uses its 13200  
current investment assets as collateral for the purpose of 13201  
purchasing other assets, is prohibited. The issuance of taxable 13202  
notes for the purpose of arbitrage is prohibited. Contracting to 13203  
sell securities not owned by the county, for the purpose of 13204  
purchasing such securities on the speculation that bond prices 13205  
will decline, is prohibited. 13206

(H) Any securities, certificates of deposit, deposit 13207  
accounts, or any other documents evidencing deposits or 13208  
investments made under authority of this section shall be issued 13209  
in the name of the county with the county treasurer or investing 13210  
authority as the designated payee. If any such deposits or 13211  
investments are registrable either as to principal or interest, 13212  
or both, they shall be registered in the name of the treasurer. 13213

(I) The investing authority shall be responsible for the 13214  
safekeeping of all documents evidencing a deposit or investment 13215

acquired under this section, including, but not limited to, 13216  
safekeeping receipts evidencing securities deposited with a 13217  
qualified trustee, as provided in section 135.37 of the Revised 13218  
Code, and documents confirming the purchase of securities under 13219  
any repurchase agreement under this section shall be deposited 13220  
with a qualified trustee, provided, however, that the qualified 13221  
trustee shall be required to report to the investing authority, 13222  
auditor of state, or an authorized outside auditor at any time 13223  
upon request as to the identity, market value, and location of 13224  
the document evidencing each security, and that if the 13225  
participating institution is a designated depository of the 13226  
county for the current period of designation, the securities 13227  
that are the subject of the repurchase agreement may be 13228  
delivered to the treasurer or held in trust by the participating 13229  
institution on behalf of the investing authority. 13230

Upon the expiration of the term of office of an investing 13231  
authority or in the event of a vacancy in the office for any 13232  
reason, the officer or the officer's legal representative shall 13233  
transfer and deliver to the officer's successor all documents 13234  
mentioned in this division for which the officer has been 13235  
responsible for safekeeping. For all such documents transferred 13236  
and delivered, the officer shall be credited with, and the 13237  
officer's successor shall be charged with, the amount of moneys 13238  
evidenced by such documents. 13239

(J) (1) All investments, except for investments in 13240  
securities described in divisions (A) (5), (6), and (11) of this 13241  
section, shall be made only through a member of the financial 13242  
industry regulatory authority (FINRA), through a bank, savings 13243  
bank, or savings and loan association regulated by the 13244  
superintendent of financial institutions, or through an 13245  
institution regulated by the comptroller of the currency, 13246

federal deposit insurance corporation, or board of governors of 13247  
the federal reserve system. 13248

(2) Payment for investments shall be made only upon the 13249  
delivery of securities representing such investments to the 13250  
treasurer, investing authority, or qualified trustee. If the 13251  
securities transferred are not represented by a certificate, 13252  
payment shall be made only upon receipt of confirmation of 13253  
transfer from the custodian by the treasurer, governing board, 13254  
or qualified trustee. 13255

(K) (1) Except as otherwise provided in division (K) (2) of 13256  
this section, no investing authority shall make an investment or 13257  
deposit under this section, unless there is on file with the 13258  
auditor of state a written investment policy approved by the 13259  
investing authority. The policy shall require that all entities 13260  
conducting investment business with the investing authority 13261  
shall sign the investment policy of that investing authority. 13262  
All brokers, dealers, and financial institutions, described in 13263  
division (J) (1) of this section, initiating transactions with 13264  
the investing authority by giving advice or making investment 13265  
recommendations shall sign the investing authority's investment 13266  
policy thereby acknowledging their agreement to abide by the 13267  
policy's contents. All brokers, dealers, and financial 13268  
institutions, described in division (J) (1) of this section, 13269  
executing transactions initiated by the investing authority, 13270  
having read the policy's contents, shall sign the investment 13271  
policy thereby acknowledging their comprehension and receipt. 13272

(2) If a written investment policy described in division 13273  
(K) (1) of this section is not filed on behalf of the county with 13274  
the auditor of state, the investing authority of that county 13275  
shall invest the county's inactive moneys and moneys of the 13276

county public library fund only in time certificates of deposits 13277  
or savings or deposit accounts pursuant to division (A) (3) of 13278  
this section, no-load money market mutual funds pursuant to 13279  
division (A) (5) of this section, or the Ohio subdivision's fund 13280  
pursuant to division (A) (6) of this section. 13281

(L) (1) The investing authority shall establish and 13282  
maintain an inventory of all obligations and securities acquired 13283  
by the investing authority pursuant to this section. The 13284  
inventory shall include a description of each obligation or 13285  
security, including type, cost, par value, maturity date, 13286  
settlement date, and any coupon rate. 13287

(2) The investing authority shall also keep a complete 13288  
record of all purchases and sales of the obligations and 13289  
securities made pursuant to this section. 13290

(3) The investing authority shall maintain a monthly 13291  
portfolio report and issue a copy of the monthly portfolio 13292  
report describing such investments to the county investment 13293  
advisory committee, detailing the current inventory of all 13294  
obligations and securities, all transactions during the month 13295  
that affected the inventory, any income received from the 13296  
obligations and securities, and any investment expenses paid, 13297  
and stating the names of any persons effecting transactions on 13298  
behalf of the investing authority. 13299

(4) The monthly portfolio report shall be a public record 13300  
and available for inspection under section 149.43 of the Revised 13301  
Code. 13302

(5) The inventory and the monthly portfolio report shall 13303  
be filed with the board of county commissioners. The monthly 13304  
portfolio report also shall be filed with the treasurer of 13305

state. 13306

(M) An investing authority may enter into a written 13307  
investment or deposit agreement that includes a provision under 13308  
which the parties agree to submit to nonbinding arbitration to 13309  
settle any controversy that may arise out of the agreement, 13310  
including any controversy pertaining to losses of public moneys 13311  
resulting from investment or deposit. The arbitration provision 13312  
shall be set forth entirely in the agreement, and the agreement 13313  
shall include a conspicuous notice to the parties that any party 13314  
to the arbitration may apply to the court of common pleas of the 13315  
county in which the arbitration was held for an order to vacate, 13316  
modify, or correct the award. Any such party may also apply to 13317  
the court for an order to change venue to a court of common 13318  
pleas located more than one hundred miles from the county in 13319  
which the investing authority is located. 13320

For purposes of this division, "investment or deposit 13321  
agreement" means any agreement between an investing authority 13322  
and a person, under which agreement the person agrees to invest, 13323  
deposit, or otherwise manage, on behalf of the investing 13324  
authority, a county's inactive moneys or moneys in a county 13325  
public library fund, or agrees to provide investment advice to 13326  
the investing authority. 13327

(N) (1) An investment held in the county portfolio on 13328  
September 27, 1996, that was a legal investment under the law as 13329  
it existed before September 27, 1996, may be held until 13330  
maturity. 13331

(2) An investment held in the county portfolio on 13332  
September 10, 2012, that was a legal investment under the law as 13333  
it existed before September 10, 2012, may be held until 13334  
maturity. 13335

(0) Unless expressly authorized by the laws of this state, 13336  
an investing authority shall not do either of the following: 13337

(1) Make an investment decision with the primary purpose 13338  
of influencing any environmental, social, personal, or 13339  
ideological policy; 13340

(2) Permit any person or entity to which the investing 13341  
authority delegates the management of the investment of public 13342  
money to make investment decisions with public money with the 13343  
primary purpose of influencing any environmental, social, 13344  
personal, or ideological policy. 13345

**Sec. 135.71.** (A) The general assembly finds that making 13346  
homeownership more attainable is an important part of fostering 13347  
a robust and lasting population across the state. However, 13348  
individuals often struggle to accumulate the financial resources 13349  
needed to purchase a home. Accordingly, it is declared to be the 13350  
public policy of the state through the homeownership savings 13351  
linked deposit program to make available premium rate savings 13352  
accounts for the down payment and closing costs associated with 13353  
the purchase of a home. 13354

(B) An eligible participant for the homeownership savings 13355  
linked deposit program is an individual who is a resident of 13356  
this state, or a member of the uniformed services, on active 13357  
duty assignment, who is a resident of this state via a residency 13358  
or domicile election in accordance with 50 U.S.C. 4001, and has 13359  
applied for a homeownership savings account at an eligible 13360  
savings institution. A member of the uniformed services, who is 13361  
an eligible participant, may apply for a homeownership savings 13362  
account at an eligible savings institution on or after the date 13363  
affixed to the permanent change of station orders. As used in 13364  
this division, "active duty" and "uniformed services" have the 13365

meanings defined in 10 U.S.C. 101. 13366

(C) An eligible participant shall certify on the 13367  
application that the funds in the homeownership savings account 13368  
shall be used exclusively for eligible home costs. 13369

(D) A homeownership savings account shall be owned by not 13370  
more than one eligible participant and an eligible participant 13371  
shall hold not more than one homeownership savings account per 13372  
program period at any eligible savings institution. 13373

(E) The treasurer of state shall report to the tax 13374  
commissioner any information in the treasurer of state's 13375  
possession deemed necessary by the tax commissioner to properly 13376  
administer section 5747.85 of the Revised Code. 13377

(F) Not later than January 31, 2027, the treasurer of 13378  
state and the tax commissioner shall issue a report regarding 13379  
the efficacy of the homeownership savings linked deposit 13380  
program. The report shall include all of the following: 13381

(1) The number of homeownership savings accounts created; 13382

(2) The number of participating eligible savings 13383  
institutions; 13384

(3) The total amount contributed into the accounts; 13385

(4) The average ~~yield~~premium savings rate paid on the 13386  
accounts; 13387

(5) Any other information the treasurer of state or tax 13388  
commissioner deems relevant. 13389

The report shall be delivered to the governor, the speaker 13390  
of the house of representatives, and the president of the 13391  
senate. 13392

**Sec. 141.04.** (A) The annual salaries of the chief justice 13393  
of the supreme court and of the justices and judges named in 13394  
this section payable from the state treasury are as follows: 13395

(1) For the chief justice of the supreme court, the 13396  
following amounts effective in the following years: 13397

(a) Beginning January 1, 2018, one hundred seventy-four 13398  
thousand seven hundred dollars; 13399

(b) Beginning January 1, 2019, one hundred eighty-three 13400  
thousand four hundred fifty dollars; 13401

(c) Beginning January 1, 2020, and in each calendar year 13402  
thereafter through calendar year ~~2028~~2025 beginning on the 13403  
first day of January, the annual compensation amount shall be 13404  
increased by one and three-quarters per cent; 13405

(d) Beginning January 1, 2026, and in each calendar year 13406  
thereafter through calendar year 2029 beginning on the first day 13407  
of January, the annual compensation amount shall be increased by 13408  
five per cent; 13409

(e) Beginning January 1, 2030, and in each calendar year 13410  
thereafter beginning on the first day of January, the annual 13411  
compensation amount shall be increased by the percentage 13412  
increase, if any, in the consumer price index over the twelve- 13413  
month period that ends on the thirtieth day of September of the 13414  
immediately preceding year, rounded to the nearest one-tenth of 13415  
one per cent, not to exceed three per cent. 13416

(2) For the justices of the supreme court, the following 13417  
amounts effective in the following years: 13418

(a) Beginning January 1, 2018, one hundred sixty-four 13419  
thousand dollars; 13420



- (b) Beginning January 1, 2019, one hundred seventy-two thousand two hundred dollars; 13421  
13422
- (c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year ~~2028~~2025 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent; 13423  
13424  
13425  
13426
- (d) Beginning January 1, 2026, and in each calendar year thereafter through calendar year 2029 beginning on the first day of January, the annual compensation amount shall be increased by five per cent; 13427  
13428  
13429  
13430
- (e) Beginning January 1, 2030, and in each calendar year thereafter beginning on the first day of January, the annual compensation amount shall be increased by the percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day of September of the immediately preceding year, rounded to the nearest one-tenth of one per cent, not to exceed three per cent. 13431  
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13437
- (3) For the judges of the courts of appeals, the following amounts effective in the following years: 13438  
13439
- (a) Beginning January 1, 2018, one hundred fifty-two thousand eight hundred fifty dollars; 13440  
13441
- (b) Beginning January 1, 2019, one hundred sixty thousand five hundred dollars; 13442  
13443
- (c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year ~~2028~~2025 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent; 13444  
13445  
13446  
13447
- (d) Beginning January 1, 2026, and in each calendar year 13448

thereafter through calendar year 2029 beginning on the first day 13449  
of January, the annual compensation amount shall be increased by 13450  
five per cent; 13451

(e) Beginning January 1, 2030, and in each calendar year 13452  
thereafter beginning on the first day of January, the annual 13453  
compensation amount shall be increased by the percentage 13454  
increase, if any, in the consumer price index over the twelve- 13455  
month period that ends on the thirtieth day of September of the 13456  
immediately preceding year, rounded to the nearest one-tenth of 13457  
one per cent, not to exceed three per cent. 13458

(4) For the judges of the courts of common pleas, the 13459  
following amounts effective in the following years, reduced by 13460  
an amount equal to the annual compensation paid to that judge 13461  
from the county treasury pursuant to section 141.05 of the 13462  
Revised Code: 13463

(a) Beginning January 1, 2018, one hundred forty thousand 13464  
five hundred fifty dollars; 13465

(b) Beginning January 1, 2019, one hundred forty-seven 13466  
thousand six hundred dollars; 13467

(c) Beginning January 1, 2020, and in each calendar year 13468  
thereafter through calendar year ~~2028~~2025 beginning on the 13469  
first day of January, the annual compensation amount shall be 13470  
increased by one and three-quarters per cent; 13471

(d) Beginning January 1, 2026, and in each calendar year 13472  
thereafter through calendar year 2029 beginning on the first day 13473  
of January, the annual compensation amount shall be increased by 13474  
five per cent; 13475

(e) Beginning January 1, 2030, and in each calendar year 13476  
thereafter beginning on the first day of January, the annual 13477

compensation amount shall be increased by the percentage 13478  
increase, if any, in the consumer price index over the twelve- 13479  
month period that ends on the thirtieth day of September of the 13480  
immediately preceding year, rounded to the nearest one-tenth of 13481  
one per cent, not to exceed three per cent. 13482

(5) For the full-time judges of a municipal court or the 13483  
part-time judges of a municipal court of a territory having a 13484  
population of more than fifty thousand, the following amounts 13485  
effective in the following years, reduced by an amount equal to 13486  
the annual compensation paid to that judge pursuant to division 13487  
(B) (1) (a) of section 1901.11 of the Revised Code from municipal 13488  
corporations and counties: 13489

(a) Beginning January 1, 2018, one hundred thirty-two 13490  
thousand one hundred fifty dollars; 13491

(b) Beginning January 1, 2019, one hundred thirty-eight 13492  
thousand eight hundred dollars; 13493

(c) Beginning January 1, 2020, and in each calendar year 13494  
thereafter through calendar year ~~2028~~2025 beginning on the 13495  
first day of January, the annual compensation amount shall be 13496  
increased by one and three-quarters per cent; 13497

(d) Beginning January 1, 2026, and in each calendar year 13498  
thereafter through calendar year 2029 beginning on the first day 13499  
of January, the annual compensation amount shall be increased by 13500  
five per cent; 13501

(e) Beginning January 1, 2030, and in each calendar year 13502  
thereafter beginning on the first day of January, the annual 13503  
compensation amount shall be increased by the percentage 13504  
increase, if any, in the consumer price index over the twelve- 13505  
month period that ends on the thirtieth day of September of the 13506

immediately preceding year, rounded to the nearest one-tenth of 13507  
one per cent, not to exceed three per cent. 13508

(6) For judges of a municipal court designated as part- 13509  
time judges by section 1901.08 of the Revised Code, other than 13510  
part-time judges to whom division (A) (5) of this section 13511  
applies, and for judges of a county court, the following amounts 13512  
effective in the following years, reduced by an amount equal to 13513  
the annual compensation paid to that judge pursuant to division 13514  
(A) of section 1901.11 of the Revised Code from municipal 13515  
corporations and counties or pursuant to division (A) of section 13516  
1907.16 of the Revised Code from counties: 13517

(a) Beginning January 1, 2018, seventy-six thousand fifty 13518  
dollars; 13519

(b) Beginning January 1, 2019, seventy-nine thousand nine 13520  
hundred dollars; 13521

(c) Beginning January 1, 2020, and in each calendar year 13522  
thereafter through calendar year ~~2028~~2025 beginning on the 13523  
first day of January, the annual compensation amount shall be 13524  
increased by one and three-quarters per cent; 13525

(d) Beginning January 1, 2026, and in each calendar year 13526  
thereafter through calendar year 2029 beginning on the first day 13527  
of January, the annual compensation amount shall be increased by 13528  
five per cent; 13529

(e) Beginning January 1, 2030, and in each calendar year 13530  
thereafter beginning on the first day of January, the annual 13531  
compensation amount shall be increased by the percentage 13532  
increase, if any, in the consumer price index over the twelve- 13533  
month period that ends on the thirtieth day of September of the 13534  
immediately preceding year, rounded to the nearest one-tenth of 13535

one per cent, not to exceed three per cent. 13536

(B) Except as provided in sections 1901.122 and 1901.123 13537  
of the Revised Code, except as otherwise provided in this 13538  
division, and except for the compensation to which the judges 13539  
described in division (A) (5) of this section are entitled 13540  
pursuant to divisions (B) (1) (a) and (2) of section 1901.11 of 13541  
the Revised Code, the annual salary of the chief justice of the 13542  
supreme court and of each justice or judge listed in division 13543  
(A) of this section shall be paid in equal monthly installments 13544  
from the state treasury. If the chief justice of the supreme 13545  
court or any justice or judge listed in division (A) (2), (3), or 13546  
(4) of this section delivers a written request to be paid 13547  
biweekly to the administrative director of the supreme court 13548  
prior to the first day of January of any year, the annual salary 13549  
of the chief justice or the justice or judge that is listed in 13550  
division (A) (2), (3), or (4) of this section shall be paid, 13551  
during the year immediately following the year in which the 13552  
request is delivered to the administrative director of the 13553  
supreme court, biweekly from the state treasury. 13554

(C) Upon the death of the chief justice or a justice of 13555  
the supreme court during that person's term of office, an amount 13556  
shall be paid in accordance with section 2113.04 of the Revised 13557  
Code, or to that person's estate. The amount shall equal the 13558  
amount of the salary that the chief justice or justice would 13559  
have received during the remainder of the unexpired term or an 13560  
amount equal to the salary of office for two years, whichever is 13561  
less. 13562

(D) Neither the chief justice of the supreme court nor any 13563  
justice or judge of the supreme court, the court of appeals, the 13564  
court of common pleas, or the probate court shall hold any other 13565

office of trust or profit under the authority of this state or 13566  
the United States. 13567

(E) In addition to the salaries payable pursuant to this 13568  
section, the chief justice of the supreme court and the justices 13569  
of the supreme court shall be entitled to a vehicle allowance of 13570  
five hundred dollars per month, payable from the state treasury. 13571  
The allowance shall be increased on the first day of January of 13572  
each odd-numbered year by an amount equal to the percentage 13573  
increase, if any, in the consumer price index for the 13574  
immediately preceding twenty-four month period for which 13575  
information is available. 13576

(F) As used in this section: 13577

(1) "Consumer price index" ~~has the same meaning as in~~ 13578  
~~section 101.27 of the Revised Code~~ means the consumer price index 13579  
prepared by the United States bureau of labor statistics (U.S. 13580  
city average for urban wage earners and clerical workers: all 13581  
items, 1982-1984=100), or, if that index is no longer published, 13582  
a generally available comparable index. 13583

(2) "Salary" does not include any portion of the cost, 13584  
premium, or charge for health, medical, hospital, dental, or 13585  
surgical benefits, or any combination of those benefits, 13586  
covering the chief justice of the supreme court or a justice or 13587  
judge named in this section and paid on the chief justice's or 13588  
the justice's or judge's behalf by a governmental entity. 13589

**Sec. 145.012.** (A) "Public employee," as defined in 13590  
division (A) of section 145.01 of the Revised Code, does not 13591  
include any person: 13592

(1) Who is employed by a private, temporary-help service 13593  
and performs services under the direction of a public employer 13594

or is employed on a contractual basis as an independent 13595  
contractor under a personal service contract with a public 13596  
employer; 13597

(2) Who is an emergency employee serving on a temporary 13598  
basis in case of fire, snow, earthquake, flood, or other similar 13599  
emergency; 13600

(3) Who is employed in a program established pursuant to 13601  
the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 13602  
U.S.C.A. 1501; 13603

(4) Who is an appointed member of either the motor vehicle 13604  
salvage dealers board or the motor vehicle dealer's board whose 13605  
rate and method of payment are determined pursuant to division 13606  
(J) of section 124.15 of the Revised Code; 13607

(5) ~~Who~~ Whose only service as a public employee during a 13608  
calendar year is employed as an precinct election worker- 13609  
official under section 3501.22 of the Revised Code and paid less 13610  
than six hundred dollars per calendar year the person received 13611  
compensation for that service, except for a under section 13612  
3501.28 of the Revised Code during the calendar year in which 13613  
more than one primary election and one general election are 13614  
held, the person is paid six hundred dollars plus an amount not- 13615  
to exceed four hundred dollars for that service; 13616

(6) Who is employed as a firefighter in a position 13617  
requiring satisfactory completion of a firefighter training 13618  
course approved under former section 3303.07 or section 4765.55 13619  
of the Revised Code or conducted under section 3737.33 of the 13620  
Revised Code except for the following: 13621

(a) Any firefighter who has elected under section 145.013 13622  
of the Revised Code to remain a contributing member of the 13623

public employees retirement system;	13624
(b) Any firefighter who was eligible to transfer from the public employees retirement system to the Ohio police and fire pension fund under section 742.51 or 742.515 of the Revised Code and did not elect to transfer;	13625 13626 13627 13628
(c) Any firefighter who has elected under section 742.516 of the Revised Code to transfer from the Ohio police and fire pension fund to the public employees retirement system.	13629 13630 13631
(7) Who is a member of the board of health of a city or general health district, which pursuant to sections 3709.051 and 3709.07 of the Revised Code includes a combined health district, and whose compensation for attendance at meetings of the board is set forth in division (B) of section 3709.02 or division (B) of section 3709.05 of the Revised Code, as appropriate;	13632 13633 13634 13635 13636 13637
(8) Who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code;	13638 13639
(9) Who is a member of the board of directors of a sanitary district established under Chapter 6115. of the Revised Code;	13640 13641 13642
(10) Who is an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code;	13643 13644 13645
(11) Who is employed by the nonprofit entity established to provide advocacy services and a client assistance program for people with disabilities under Section 319.20 of Am. Sub. H.B. 153 of the 129th general assembly and whose employment begins on or after October 1, 2012.	13646 13647 13648 13649 13650
(B) No inmate of a correctional institution operated by	13651



the department of rehabilitation and correction, no patient in a 13652  
hospital for persons with mental illnesses operated by the 13653  
department of mental health and addiction services, no resident 13654  
in an institution for persons with intellectual disabilities 13655  
operated by the department of developmental disabilities, no 13656  
resident admitted as a patient of a veterans' home operated 13657  
under Chapter 5907. of the Revised Code, and no resident of a 13658  
county home shall be considered as a public employee for the 13659  
purpose of establishing membership or calculating service credit 13660  
or benefits under this chapter. Nothing in this division shall 13661  
be construed to affect any service credit attained by any person 13662  
who was a public employee before becoming an inmate, patient, or 13663  
resident at any institution listed in this division, or the 13664  
payment of any benefit for which such a person or such a 13665  
person's beneficiaries otherwise would be eligible. 13666

~~Sec. 145.055. The secretary of state, or any person acting 13667  
on personal knowledge and subject to the penalties of perjury, 13668  
may file a A complaint with the Ohio elections commission 13669  
alleging a violation of section 145.054 of the Revised Code may 13670  
be filed in accordance with section 3517.14 of the Revised Code. 13671  
The complaint shall be made on a form prescribed and provided by 13672  
the commission. 13673~~

~~On receipt of a complaint under this section, the 13674  
commission shall hold a hearing open to the public to determine 13675  
whether the violation alleged in the complaint has occurred. The 13676  
commission may administer oaths and issue subpoenas to any 13677  
person in the state compelling the attendance of witnesses and 13678  
the production of relevant papers, books, accounts, and reports. 13679  
On the refusal of any person to obey a subpoena or to be sworn 13680  
or to answer as a witness, the commission may apply to the court 13681  
of common pleas of Franklin county under section 2705.03 of the 13682~~

~~Revised Code. The court shall hold contempt proceedings in accordance with Chapter 2705. of the Revised Code.~~ 13683  
13684

~~The commission shall provide the person accused of the violation at least seven days prior notice of the time, date, and place of the hearing. The accused may be represented by an attorney and shall have an opportunity to present evidence, call witnesses, and cross-examine witnesses.~~ 13685  
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~~At the hearing, the commission shall determine whether the violation alleged in the complaint has occurred. If the commission determines that a violation of division (A) of section 145.054 of the Revised Code has occurred, the commission shall either impose a fine under section 145.99 of the Revised Code or enter a finding that good cause has been shown not to impose the fine. If the commission determines that a violation of division (B) of section 145.054 of the Revised Code has occurred, the commission shall impose the fine described in section 145.99 of the Revised Code, refer the matter to the appropriate prosecutor, or enter a finding that good cause has been shown not to impose a fine or refer the matter to a prosecutor.~~ 13690  
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**Sec. 145.09.** The public employees retirement board shall elect from its membership a chairperson. The board shall appoint an executive director who shall serve as secretary to the board, an actuary, and other employees as necessary for the transaction of the business of the public employees retirement system. The compensation of all persons so appointed shall be fixed by the board. Such persons appointed by the board are not employees of the state and are not subject to Chapter 124. of the Revised Code. 13703  
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~~If the board provides health care coverage to employees of~~ 13712

~~the retirement system, it may permit employees of the Ohio  
public employees deferred compensation board to participate.~~ 13713  
13714

Effective ninety days after September 15, 2004, the board 13715  
may not employ a state retirement system investment officer, as 13716  
defined in section 1707.01 of the Revised Code, who does not 13717  
hold a valid state retirement system investment officer license 13718  
issued by the division of securities in the department of 13719  
commerce. 13720

Every expense voucher of an employee, officer, or board 13721  
member of the public employees retirement system shall itemize 13722  
all purchases and expenditures. 13723

The board shall perform other functions as required for 13724  
the proper execution of this chapter, and may adopt rules in 13725  
accordance with section 111.15 of the Revised Code for the 13726  
proper administration and management of this chapter. 13727

The board may take all appropriate action to avoid payment 13728  
by the system or its members of federal or state income taxes on 13729  
contributions to the system or amounts earned on such 13730  
contributions. 13731

Notice of proposed rules shall be given to interested 13732  
parties and rules adopted by the board shall be published and 13733  
otherwise made available. When it files a rule with the joint 13734  
committee on agency rule review pursuant to section 111.15 of 13735  
the Revised Code, the board shall submit to the Ohio retirement 13736  
study council a copy of the full text of the rule, and if 13737  
applicable, a copy of the rule summary and fiscal analysis 13738  
required by division (B) of section 106.024 of the Revised Code. 13739

The board may sue and be sued, plead and be impleaded, 13740  
contract and be contracted with. All of its business shall be 13741

transacted, all of its funds invested, all warrants for money 13742  
drawn and payments made, and all of its cash and securities and 13743  
other property shall be held in the name of the board, or in the 13744  
name of its nominee, provided that nominees are authorized by 13745  
retirement board resolution for the purpose of facilitating the 13746  
ownership and transfer of investments. 13747

If the Ohio retirement study council establishes a uniform 13748  
format for any report the board is required to submit to the 13749  
council, the board shall submit the report in that format. 13750

**Sec. 145.091.** The public employees retirement system shall 13751  
administer the PERS defined benefit plan~~and~~, the PERS defined 13752  
contribution plans, and the Ohio public employees deferred 13753  
compensation program established under Chapter 148. of the 13754  
Revised Code. 13755

**Sec. 145.99.** (A) Whoever violates division (A) of section 13756  
145.054 of the Revised Code shall be fined not more than one 13757  
hundred dollars for each day of the violation. 13758

(B) Whoever violates division (B) of section 145.054 of 13759  
the Revised Code shall be imprisoned for not more than six 13760  
months or fined not more than five thousand dollars, or both. 13761

~~(C) Fines imposed by the Ohio elections commission under~~ 13762  
~~this section shall be paid into the Ohio elections commission~~ 13763  
~~fund created under section 3513.10 of the Revised Code.~~ 13764

**Sec. 148.01.** (A) As used in this chapter: 13765

(1) "Eligible employee" means any public employee, as 13766  
defined in division (A) of section 145.01 of the Revised Code; 13767  
any person eligible to become a member of the public employees 13768  
retirement system under section 145.20 of the Revised Code; any 13769  
employee, as defined in division (C) of section 742.01, division 13770

(B) of section 3309.01, or division (A) of section 5505.01 of the Revised Code; any electing employee, as defined in section 3305.01 of the Revised Code; and any member of the state teachers retirement system.

(2) "Participant account" means any of the following accounts:

(a) An account that is maintained by the ~~Ohio~~ public employees ~~deferred compensation retirement~~ board and that evidences moneys that have been deferred by, or on behalf of, a continuing member or participating employee and transmitted to the board by the retirement system of the continuing member or participating employee;

(b) An account that is maintained by the governing board, administrator, depository, or trustee of a deferred compensation program of a municipal corporation and that evidences moneys that have been deferred by an officer or employee of that municipal corporation and transmitted to the governing board, administrator, depository, or trustee by the retirement system of the officer or employee or in another manner;

(c) An account that is maintained by a governing board, as defined in section 148.06 of the Revised Code, and that evidences moneys that have been deferred by an officer or employee of a government unit, as defined in that section, and transmitted to the governing board by the retirement system of the officer or employee or in another manner.

(3) "Participating employee" means any eligible employee who is having compensation deferred pursuant to either of the following:

(a) An agreement that is entered into before the

compensation is earned and that is with the eligible employee's 13800  
employer and the ~~Ohio public employees deferred compensation~~ 13801  
retirement board; 13802

(b) Automatic enrollment in the Ohio public employees 13803  
deferred compensation program under section 148.042 of the 13804  
Revised Code. 13805

(4) "Continuing member" means any former participating 13806  
employee who is not currently having compensation deferred, or 13807  
the former participating employee's beneficiary, to whom payment 13808  
has not been made of all deferred compensation distributions. 13809

(B) Notwithstanding section 145.01 of the Revised Code, 13810  
the definitions of that section are applicable to this chapter 13811  
only to any extent necessary to fully understand the provisions 13812  
of this chapter. Reference may also be had to Chapters 742., 13813  
3305., 3307., 3309., and 5505. of the Revised Code for that 13814  
purpose. 13815

**Sec. 148.02.** The Ohio public employees deferred 13816  
compensation ~~board shall be comprised of a member of the house~~ 13817  
~~of representatives and a member of the senate, who shall not be~~ 13818  
~~of the same political party, each to be appointed to serve at~~ 13819  
~~the pleasure of the member's respective leadership, and the~~ 13820  
~~members of the public employees retirement board as constituted~~ 13821  
~~by section 145.04 of the Revised Code, who are~~ program is hereby 13822  
~~created as a separate legal entity for the purpose of~~ 13823  
~~administering a deferred compensation system~~ for all eligible 13824  
employees. The public employees retirement board created in 13825  
section 145.04 of the Revised Code shall administer the program. 13826  
The board may utilize its employees and property in the 13827  
administration of the ~~system on behalf of the Ohio public~~ 13828  
~~employees deferred compensation board,~~ program in consideration 13829

of a reasonable service charge to be applied in a 13830  
nondiscriminatory manner to all amounts of compensation deferred 13831  
under ~~this system~~the program. 13832

The ~~Ohio public employees deferred compensation board~~ may 13833  
exercise the same powers granted by section 145.09 of the 13834  
Revised Code necessary to perform its functions under this 13835  
chapter. The attorney general shall be the legal adviser of the 13836  
board. The Ohio public employees deferred compensation receiving 13837  
account, which is hereby created, shall be in the custody of the 13838  
treasurer of state, but shall not be part of the state treasury. 13839  
The Ohio public employees deferred compensation receiving 13840  
account is a legal entity that is separate from the various 13841  
funds created under Chapter 145. of the Revised Code. 13842

**Sec. 148.021.** Whenever the Ohio public employees deferred 13843  
compensation board or the executive director of that board or a 13844  
variation thereof is used, referred to, or designated in any 13845  
statute, rule, contract, grant, or other document, the use, 13846  
reference, or designation shall be deemed to refer to the public 13847  
employees retirement board or the executive director of the 13848  
public employees retirement system, as the case may be. 13849

**Sec. 148.04.** (A) The ~~Ohio public employees deferred~~ 13850  
~~compensation retirement board~~ shall initiate, plan, expedite, 13851  
and, subject to an appropriate assurance of the approval of the 13852  
internal revenue service, promulgate and offer to all eligible 13853  
employees, and thereafter administer on behalf of all 13854  
participating employees and continuing members, and alter as 13855  
required, a program for deferral of compensation, including a 13856  
reasonable number of options to the employee for the investment 13857  
of deferred funds, always in such form as will assure the 13858  
desired tax treatment of such funds. The members of the board 13859

are the trustees of any deferred funds and shall discharge their 13860  
duties with respect to the funds solely in the interest of and 13861  
for the exclusive benefit of participating employees, continuing 13862  
members, and their beneficiaries. With respect to such deferred 13863  
funds, section 148.09 of the Revised Code shall apply to claims 13864  
against participating employees or continuing members and their 13865  
employers. 13866

(B) Every employer of an eligible employee shall enroll 13867  
the employee in a deferred compensation program offered by the 13868  
board on the employee's application to participate, on the 13869  
employee's election under section 148.041 of the Revised Code, 13870  
or by automatic enrollment under section 148.042 of the Revised 13871  
Code. 13872

(C) The board shall take all actions necessary to ensure 13873  
that the program qualifies as an eligible deferred compensation 13874  
plan under section 457(b) of the Internal Revenue Code of 1986, 13875  
26 U.S.C. 457. The board shall, subject to any applicable 13876  
provisions of the Ohio public employees deferred compensation 13877  
program plan, undertake to obtain as favorable conditions of tax 13878  
treatment as possible, both in the initial programs and any 13879  
permitted alterations of them or additions to them, as to such 13880  
matters as terms of distribution, designation of beneficiaries, 13881  
withdrawal upon disability, financial hardship, or termination 13882  
of public employment, and other optional provisions. 13883

The board may establish a designated Roth account feature 13884  
or any other feature in which an employee may make tax-deferred 13885  
or nontax-deferred contributions to an eligible government plan 13886  
in accordance with 26 U.S.C. 457, as amended. 13887

(D) In no event shall the total of the amount of deferred 13888  
compensation to be set aside under a deferred compensation 13889



program and the employee's nondeferred income for any year 13890  
exceed the total annual salary or compensation under the 13891  
existing salary schedule or classification plan applicable to 13892  
the employee in that year. 13893

Such a deferred compensation program shall be in addition 13894  
to any retirement or any other benefit program provided by law 13895  
for employees of this state. The board shall adopt rules 13896  
pursuant to Chapter 119. of the Revised Code to provide any 13897  
necessary standards or conditions for the administration of its 13898  
programs, including any limits on the portion of a participating 13899  
employee's compensation that may be deferred in order to avoid 13900  
adverse treatment of the program by the internal revenue service 13901  
or the occurrence of deferral, withholding, or other deductions 13902  
in excess of the compensation available for any pay period. 13903

Both of the following apply to a deferred compensation 13904  
program established under this section: 13905

(1) Any income deferred under the program shall continue 13906  
to be included as regular compensation for the purpose of 13907  
computing the contributions to and benefits from the retirement 13908  
system of an employee; 13909

(2) Any sums deferred shall not be included in the 13910  
computation of any federal and state income taxes withheld on 13911  
behalf of an employee. Sums contributed to a Roth account 13912  
feature or other feature to which nontax-deferred contributions 13913  
are made shall be included in the computation of any federal and 13914  
state income taxes withheld on behalf of an employee. 13915

(E) This section does not limit the authority of any 13916  
municipal corporation, county, township, park district, 13917  
conservancy district, sanitary district, health district, public 13918

library, county law library, public institution of higher 13919  
education, or school district to provide separate authorized 13920  
plans or programs for deferring compensation of their officers 13921  
and employees in addition to the program for the deferral of 13922  
compensation offered by the board. Any municipal corporation, 13923  
township, public institution of higher education, or school 13924  
district that offers such plans or programs shall include a 13925  
reasonable number of options to its officers or employees for 13926  
the investment of the deferred funds, including annuities, 13927  
variable annuities, regulated investment trusts, or other forms 13928  
of investment approved by the municipal corporation, township, 13929  
public institution of higher education, or school district, that 13930  
will assure the desired tax treatment of the funds. 13931

**Sec. 148.041.** (A) Unless the employee will be 13932  
automatically enrolled in the Ohio public employees deferred 13933  
compensation program under section 148.042 of the Revised Code, 13934  
whenever an eligible employee becomes employed in a position 13935  
paid by warrant of the director of budget and management, the 13936  
employee's employer shall do both of the following at the time 13937  
the employee completes the employee's initial employment 13938  
paperwork: 13939

(1) Provide to the employee materials provided by the ~~Ohio~~ 13940  
public employees ~~deferred compensation~~ retirement board under 13941  
division (D) of this section regarding the benefits of long-term 13942  
savings through deferred compensation; 13943

(2) Except as otherwise provided in division (E) of this 13944  
section, secure, in writing or by electronic means, the 13945  
employee's election to participate or not participate in a 13946  
deferred compensation program offered by the board. 13947

(B) An election regarding participation under this section 13948

shall be made in the manner prescribed by the board. 13949

(C) The employer shall forward each election completed 13950  
under this section to the program not later than forty-five days 13951  
after the date the employee's employment begins. 13952

(D) The board shall provide informational materials and 13953  
participation forms to employers required to comply with this 13954  
section. 13955

(E) If an eligible employee transfers employment from one 13956  
position paid by warrant of the director of budget and 13957  
management to another position paid by warrant of the director 13958  
of budget and management and, at the time of transfer, is a 13959  
participating employee, the employee's new employer shall not be 13960  
required to secure the employee's election to participate or not 13961  
participate under division (A) (2) of this section. 13962

**Sec. 148.042.** (A) As used in this section, "employing 13963  
authority" means both of the following: 13964

(1) The supreme court, house of representatives, senate, 13965  
legislative service commission, secretary of state, auditor of 13966  
state, treasurer of state, or attorney general with respect to 13967  
employees of those entities; 13968

(2) The director of administrative services, with respect 13969  
to eligible employees employed in a position paid by warrant of 13970  
the director of budget and management who are not employed by a 13971  
person or entity listed in division (A) (1) of this section. 13972

(B) (1) An employing authority may elect to automatically 13973  
enroll employees described in division (C) (1) of this section in 13974  
the Ohio public employees deferred compensation program. An 13975  
employing authority that elects automatic enrollment shall 13976  
notify the ~~Ohio public employees deferred compensation~~ 13977

retirement board of that election. Automatic enrollment shall 13978  
commence as soon as administratively practical for the board and 13979  
the employing authority. 13980

(2) An employing authority that elects automatic 13981  
enrollment may cease automatic enrollment by notifying the 13982  
board. The employing authority shall specify in the notice the 13983  
date on which automatic enrollment will cease, and that date 13984  
must be at least ninety days after the date the employing 13985  
authority sends the notice. An employee who commences employment 13986  
after automatic enrollment ceases may elect to participate in 13987  
the program in accordance with section 148.04 or 148.041 of the 13988  
Revised Code. Cessation of automatic enrollment does not affect 13989  
the enrollment of employees enrolled during an automatic 13990  
enrollment period. 13991

An employing authority that ceases automatic enrollment 13992  
may subsequently elect automatic enrollment by complying with 13993  
division (B) (1) of this section. 13994

(C) (1) An eligible employee employed by an employing 13995  
authority that has elected automatic enrollment shall be 13996  
automatically enrolled in the program if one of the following 13997  
applies to the employee: 13998

(a) The employee initially commences employment with the 13999  
employing authority on or after the date automatic enrollment 14000  
begins under division (B) of this section. 14001

(b) The employee separates from employment with an 14002  
employing authority, becomes a continuing member, and, on or 14003  
after the date automatic enrollment begins, commences employment 14004  
with that employing authority or a different employing 14005  
authority. 14006

(c) The employee is employed in a position paid by warrant 14007  
of the director of budget and management and the employee 14008  
transfers employment from an employing authority that has not 14009  
elected to automatically enroll employees under this section to 14010  
another position paid by warrant of the director of budget and 14011  
management under an employing authority that has elected to 14012  
automatically enroll employees, if the transfer occurs on or 14013  
after the date automatic enrollment begins. 14014

(2) An employee who, at the time of transferring from one 14015  
employing authority to another as described in division (C) (1) 14016  
(c) of this section, is a participating employee shall not be 14017  
automatically enrolled in the program by the employing authority 14018  
to which the employee transfers. 14019

(D) The board shall establish the automatic deferral 14020  
amounts and specify the investment options into which those 14021  
deferred amounts will be invested for participating employees 14022  
who are enrolled under this section. Deferral amounts shall not 14023  
exceed the lesser of either ten per cent of an eligible 14024  
employee's compensation or the maximum contribution that the 14025  
employee is eligible to contribute under federal law. 14026

(E) An employing authority that elects to automatically 14027  
enroll employees under this section shall provide those 14028  
employees with notice of the employee's rights and obligations 14029  
in the manner prescribed by the board. 14030

(F) An employing authority shall not elect to 14031  
automatically enroll an eligible employee under this section, or 14032  
elect to cease automatic enrollment, if that election conflicts 14033  
with any collective bargaining agreement entered into between 14034  
the employing authority and an exclusive representative as 14035  
defined in section 4117.01 of the Revised Code. 14036

**Sec. 148.05.** (A) (1) As used in this division, "personal history record" means information maintained by the ~~Ohio~~ public employees ~~deferred compensation~~ retirement board on an individual who is a participating employee or continuing member that includes the address, telephone number, social security number, record of contributions, records of benefits, correspondence with the Ohio public employees deferred compensation program, or other information the board determines to be confidential.

(2) The records of the board shall be open to public inspection, except that the following shall be excluded, except with the written authorization of the individual concerned:

(a) Information pertaining to an individual's participant account;

(b) The individual's personal history record.

(B) (1) All medical reports, records, and recommendations of a participating employee or a continuing member that are in the possession of the board are privileged.

(2) All tax information of a participating employee, continuing member, or former participant or member that is in the possession of the board shall be confidential to the extent the information is confidential under Title LVII or any other provision of the Revised Code.

(C) Notwithstanding the exceptions to public inspection in division (A) (2) of this section, the board may furnish the following information:

(1) If a participating employee, continuing member, or former participant or member is subject to an order issued under section 2907.15 of the Revised Code or is convicted of or pleads

guilty to a violation of section 2921.41 of the Revised Code, on 14066  
written request of a prosecutor as defined in section 2935.01 of 14067  
the Revised Code, the board shall furnish to the prosecutor the 14068  
information requested from the individual's personal history 14069  
record or participant account. 14070

(2) Pursuant to a court or administrative order issued 14071  
pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised 14072  
Code, the board shall furnish to a court or child support 14073  
enforcement agency the information required under that section. 14074

(3) Pursuant to an administrative subpoena issued by a 14075  
state agency, the board shall furnish the information required 14076  
by the subpoena. 14077

(4) The board shall comply with orders issued under 14078  
section 3105.87 of the Revised Code. 14079

(D) A statement that contains information obtained from 14080  
the program's records that is signed by the executive director 14081  
or the director's designee and to which the board's official 14082  
seal is affixed, or copies of the program's records to which the 14083  
signature and seal are attached, shall be received as true 14084  
copies of the board's records in any court or before any officer 14085  
of this state. 14086

**Sec. 148.10.** (A) Notwithstanding any other provision of 14087  
this chapter, any payment, other than a survivorship benefit, 14088  
that is to be made to a person by a deferred compensation 14089  
program pursuant to those sections or a deferred compensation 14090  
program offered by a government unit, as defined in section 14091  
148.06 of the Revised Code, or by a municipal corporation is 14092  
subject to any withholding order issued pursuant to section 14093  
2907.15 or division (C) (2) (b) of section 2921.41 of the Revised 14094

Code. The ~~Ohio~~ public employees ~~deferred compensation retirement~~ 14095  
board, the governing board, as defined in section 148.06 of the 14096  
Revised Code, that is associated with a government unit, and the 14097  
governing board, administrator, depository, or trustee of a 14098  
deferred compensation program of a municipal corporation shall 14099  
comply with that withholding order in making payment. 14100

(B) Notwithstanding any other provision of this chapter, 14101  
if a deferred compensation program receives a notice pursuant to 14102  
section 2907.15 or division (D) of section 2921.41 of the 14103  
Revised Code that a person who has a participant account has 14104  
been charged with a violation of section 2907.02, 2907.03, 14105  
2907.04, 2907.05, or 2921.41 of the Revised Code, no payment 14106  
from that account shall be made prior to whichever of the 14107  
following is applicable: 14108

(1) If the person is convicted of or pleads guilty to the 14109  
violation and a motion for a withholding order for purposes of 14110  
restitution has not been filed under section 2907.15 or division 14111  
(C) (2) (b) (i) of section 2921.41 of the Revised Code, thirty days 14112  
after the day on which the person is sentenced for the 14113  
violation; 14114

(2) If the person is convicted of or pleads guilty to the 14115  
violation and a motion for a withholding order for purposes of 14116  
restitution has been filed under section 2907.15 or division (C) 14117  
(2) (b) (i) of section 2921.41 of the Revised Code, the day on 14118  
which the court decides the motion; 14119

(3) If the charge is dismissed or the person is found not 14120  
guilty or not guilty by reason of insanity of the violation, the 14121  
day on which the dismissal of the charge or the verdict is 14122  
entered in the journal of the court. 14123



**Sec. 149.3010.** The Ohio history connection, in addition to 14124  
its other functions, may use any land owned by the Ohio history 14125  
connection, any land owned by the state and in the Ohio history 14126  
connection's custody and control, any land leased by the Ohio 14127  
history connection, or any land that the Ohio history connection 14128  
has agreed to lease to another entity or organization, for the 14129  
purpose of repatriation of American Indian human remains. 14130

The Ohio history connection shall work with and cooperate 14131  
with federally recognized Indian tribal governments in the 14132  
selection, management, and use of burial sites under this 14133  
section. The Ohio history connection shall implement reasonable 14134  
standards for the use and maintenance of the burial sites. In 14135  
the event the Ohio history connection shall deaccession, 14136  
otherwise dispose of, or no longer have custody and control of a 14137  
burial site, the Ohio history connection shall retain access and 14138  
authority to maintain the site or the Ohio history connection 14139  
shall assign its right of access and maintenance to the person 14140  
acquiring the site. For each burial site established on or after 14141  
the effective date of this section, and for each burial site 14142  
established before the effective date of this section and for 14143  
which it is legally feasible, the Ohio history connection shall 14144  
establish a perpetual easement, enforceable by the Ohio history 14145  
connection or a person assigned by the Ohio history connection, 14146  
to preserve the burial sites. 14147

Chapters 517., 759., 1721., and 4767. of the Revised Code 14148  
do not apply to burial sites under this section. 14149

**Sec. 149.311.** (A) As used in this section: 14150

(1) "Historic building" means a building, including its 14151  
structural components, that is located in this state and that is 14152  
either individually listed on the national register of historic 14153

places under 16 U.S.C. 470a, located in a registered historic 14154  
district, and certified by the state historic preservation 14155  
officer as being of historic significance to the district, or is 14156  
individually listed as an historic landmark designated by a 14157  
local government certified under 16 U.S.C. 470a(c). 14158

(2) "Qualified rehabilitation expenditures" means 14159  
expenditures paid or incurred during the rehabilitation period, 14160  
and before and after that period as determined under 26 U.S.C. 14161  
47, by an owner or qualified lessee of an historic building to 14162  
rehabilitate the building. "Qualified rehabilitation 14163  
expenditures" includes architectural or engineering fees paid or 14164  
incurred in connection with the rehabilitation, and expenses 14165  
incurred in the preparation of nomination forms for listing on 14166  
the national register of historic places. "Qualified 14167  
rehabilitation expenditures" does not include any of the 14168  
following: 14169

(a) The cost of acquiring, expanding, or enlarging an 14170  
historic building; 14171

(b) Expenditures attributable to work done to facilities 14172  
related to the building, such as parking lots, sidewalks, and 14173  
landscaping; 14174

(c) New building construction costs. 14175

(3) "Owner" of an historic building means a person holding 14176  
the fee simple interest in the building. "Owner" does not 14177  
include the state or a state agency, or any political 14178  
subdivision as defined in section 9.23 of the Revised Code. 14179

(4) "Qualified lessee" means a person subject to a lease 14180  
agreement for an historic building and eligible for the federal 14181  
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" 14182

does not include the state or a state agency or political subdivision as defined in section 9.23 of the Revised Code. 14183  
14184

(5) "Certificate owner" means the owner or qualified lessee of an historic building to which a rehabilitation tax credit certificate was issued under this section. 14185  
14186  
14187

(6) "Registered historic district" means an historic district listed in the national register of historic places under 16 U.S.C. 470a, an historic district designated by a local government certified under 16 U.S.C. 470a(c), or a local historic district certified under 36 C.F.R. 67.8 and 67.9. 14188  
14189  
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(7) "Rehabilitation" means the process of repairing or altering an historic building or buildings, making possible an efficient use while preserving those portions and features of the building and its site and environment that are significant to its historic, architectural, and cultural values. 14193  
14194  
14195  
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(8) "Rehabilitation period" means one of the following: 14198

(a) If the rehabilitation initially was not planned to be completed in stages, a period chosen by the owner or qualified lessee not to exceed twenty-four months during which rehabilitation occurs; 14199  
14200  
14201  
14202

(b) If the rehabilitation initially was planned to be completed in stages, a period chosen by the owner or qualified lessee not to exceed sixty months during which rehabilitation occurs. Each stage shall be reviewed as a phase of a rehabilitation as determined under 26 C.F.R. 1.48-12 or a successor to that section. 14203  
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(9) "State historic preservation officer" or "officer" means the state historic preservation officer appointed by the governor under 16 U.S.C. 470a. 14209  
14210  
14211

(10) "Catalytic project" means the rehabilitation of an historic building, the rehabilitation of which will foster economic development within two thousand five hundred feet of the historic building.

(B) The owner or qualified lessee of an historic building may apply to the director of development for a rehabilitation tax credit certificate for qualified rehabilitation expenditures paid or incurred by such owner or qualified lessee after April 4, 2007, for rehabilitation of an historic building. If the owner of an historic building enters a pass-through agreement with a qualified lessee for the purposes of the federal rehabilitation tax credit under 26 U.S.C. 47, the qualified rehabilitation expenditures paid or incurred by the owner after April 4, 2007, may be attributed to the qualified lessee.

The form and manner of filing such applications shall be prescribed by rule of the director. Each application shall state the amount of qualified rehabilitation expenditures the applicant estimates will be paid or incurred and shall indicate whether the historic building was used as a theater before, and is intended to be used as a theater after, the rehabilitation. The director may require applicants to furnish documentation of such estimates.

The director, after consultation with the tax commissioner and in accordance with Chapter 119. of the Revised Code, shall adopt rules that establish all of the following:

(1) Forms and procedures by which applicants may apply for rehabilitation tax credit certificates;

(2) Criteria for reviewing, evaluating, and approving applications for certificates within the limitations under

division (D) of this section, criteria for assuring that the 14241  
certificates issued encompass a mixture of high and low 14242  
qualified rehabilitation expenditures, and criteria for issuing 14243  
certificates under division (C) (3) (b) of this section; 14244

(3) Eligibility requirements for obtaining a certificate 14245  
under this section; 14246

(4) The form of rehabilitation tax credit certificates; 14247

(5) Reporting requirements and monitoring procedures; 14248

(6) Procedures and criteria for conducting cost-benefit 14249  
analyses of historic buildings that are the subjects of 14250  
applications filed under this section. The purpose of a cost- 14251  
benefit analysis shall be to determine whether rehabilitation of 14252  
the historic building will result in a net revenue gain in state 14253  
and local taxes once the building is used. 14254

(7) Any other rules necessary to implement and administer 14255  
this section. 14256

(C) The director shall review the applications with the 14257  
assistance of the state historic preservation officer and 14258  
determine whether all of the following criteria are met: 14259

(1) That the building that is the subject of the 14260  
application is an historic building and the applicant is the 14261  
owner or qualified lessee of the building; 14262

(2) That the rehabilitation will satisfy standards 14263  
prescribed by the United States secretary of the interior under 14264  
16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a 14265  
successor to that section; 14266

(3) That receiving a rehabilitation tax credit certificate 14267  
under this section is a major factor in: 14268

(a) The applicant's decision to rehabilitate the historic building; or	14269 14270
(b) To increase the level of investment in such rehabilitation.	14271 14272
(4) The historic building that is the subject of the application is not, and will not upon completion of the rehabilitation project be, part of a qualified low-income housing project allocated a tax credit pursuant to section 42 of the Internal Revenue Code.	14273 14274 14275 14276 14277
An applicant shall demonstrate to the satisfaction of the state historic preservation officer and director that the rehabilitation will satisfy the standards described in division (C) (2) of this section before the applicant begins the physical rehabilitation of the historic building.	14278 14279 14280 14281 14282
(D) (1) If the director determines that an application meets the criteria in division (C) of this section, the director shall conduct a cost-benefit analysis for the historic building that is the subject of the application to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used. The director shall consider the results of the cost-benefit analysis in determining whether to approve the application. The director shall also consider the potential economic impact and the regional distributive balance of the credits throughout the state. The director shall not consider whether the historic building is located in or will benefit an economically distressed area, including by weighting preference based on the poverty rate in the jurisdiction or census tract in which the building is located, <u>nor shall the director consider or give weighted preference based on vacancy or underutilization of the</u>	14283 14284 14285 14286 14287 14288 14289 14290 14291 14292 14293 14294 14295 14296 14297 14298

building. The director may approve an application only after 14299  
completion of the cost-benefit analysis. 14300

(2) A rehabilitation tax credit certificate shall not be 14301  
issued for an amount greater than the estimated amount furnished 14302  
by the applicant on the application for such certificate and 14303  
approved by the director. The director shall not approve more 14304  
than a total of ~~one hundred twenty ninety~~ million dollars of 14305  
rehabilitation tax credits ~~for each of fiscal years 2023 and~~ 14306  
~~2024, and sixty million dollars of rehabilitation tax credits~~ 14307  
~~for each per fiscal year thereafter,~~ but the director may 14308  
reallocate unused tax credits from a prior fiscal year for new 14309  
applicants and such reallocated credits shall not apply toward 14310  
the dollar limit of this division. 14311

(3) For rehabilitations with a rehabilitation period not 14312  
exceeding twenty-four months as provided in division (A) (8) (a) 14313  
of this section, a rehabilitation tax credit certificate shall 14314  
not be issued before the rehabilitation of the historic building 14315  
is completed. 14316

(4) For rehabilitations with a rehabilitation period not 14317  
exceeding sixty months as provided in division (A) (8) (b) of this 14318  
section, a rehabilitation tax credit certificate shall not be 14319  
issued before a stage of rehabilitation is completed. After all 14320  
stages of rehabilitation are completed, if the director cannot 14321  
determine that the criteria in division (C) of this section are 14322  
satisfied for all stages of rehabilitations, the director shall 14323  
certify this finding to the tax commissioner, and any 14324  
rehabilitation tax credits received by the applicant shall be 14325  
repaid by the applicant and may be collected by assessment as 14326  
unpaid tax by the commissioner. 14327

(5) The director shall require the applicant to provide a 14328

third-party cost certification by a certified public accountant 14329  
of the actual costs attributed to the rehabilitation of the 14330  
historic building when qualified rehabilitation expenditures 14331  
exceed two hundred thousand dollars. 14332

If an applicant whose application is approved for receipt 14333  
of a rehabilitation tax credit certificate fails to provide to 14334  
the director sufficient evidence of reviewable progress, 14335  
including a viable financial plan, copies of final construction 14336  
drawings, and evidence that the applicant has obtained all 14337  
historic approvals within twelve months after the date the 14338  
applicant received notification of approval, and if the 14339  
applicant fails to provide evidence to the director that the 14340  
applicant has secured and closed on financing for the 14341  
rehabilitation within eighteen months after receiving 14342  
notification of approval, the director may rescind the approval 14343  
of the application. The director shall notify the applicant if 14344  
the approval has been rescinded. Credits that would have been 14345  
available to an applicant whose approval was rescinded shall be 14346  
available for other qualified applicants. Nothing in this 14347  
division prohibits an applicant whose approval has been 14348  
rescinded from submitting a new application for a rehabilitation 14349  
tax credit certificate. 14350

(6) The director may approve the application of, and issue 14351  
a rehabilitation tax credit certificate to, the owner of a 14352  
catalytic project, provided the application otherwise meets the 14353  
criteria described in divisions (C) and (D) of this section. The 14354  
director may not approve more than one application for a 14355  
rehabilitation tax credit certificate under division (D) (6) of 14356  
this section during each state fiscal biennium. The director 14357  
shall not approve an application for a rehabilitation tax credit 14358  
certificate under division (D) (6) of this section during the 14359



state fiscal biennium beginning July 1, 2017, or during any 14360  
state fiscal biennium thereafter. The director shall consider 14361  
the following criteria in determining whether to approve an 14362  
application for a certificate under division (D)(6) of this 14363  
section: 14364

(a) Whether the historic building is a catalytic project; 14365

(b) The effect issuance of the certificate would have on 14366  
the availability of credits for other applicants that qualify 14367  
for a credit certificate within the credit dollar limit 14368  
described in division (D)(2) of this section; 14369

(c) The number of jobs, if any, the catalytic project will 14370  
create. 14371

(7)(a) The owner or qualified lessee of a historic 14372  
building may apply for a rehabilitation tax credit certificate 14373  
under both divisions (B) and (D)(6) of this section. In such a 14374  
case, the director shall consider each application at the time 14375  
the application is submitted. 14376

(b) The director shall not issue more than one certificate 14377  
under this section with respect to the same qualified 14378  
rehabilitation expenditures. 14379

(8) The director shall give consideration for tax credits 14380  
awarded under this section to rehabilitations of historic 14381  
buildings used as a theater before, and intended to be used as a 14382  
theater after, the rehabilitation. In determining whether to 14383  
approve an application for such a rehabilitation, the director 14384  
shall consider the extent to which the rehabilitation will 14385  
increase attendance at the theater and increase the theater's 14386  
gross revenue. 14387

(9) The director shall rescind the approval of any 14388

application if the building that is the subject of the 14389  
application is part of a qualified low-income housing project 14390  
allocated a tax credit pursuant to section 42 of the Internal 14391  
Revenue Code at any time before the building's rehabilitation is 14392  
complete. 14393

(E) Issuance of a certificate represents a finding by the 14394  
director of the matters described in divisions (C) (1), (2), and 14395  
(3) of this section only; issuance of a certificate does not 14396  
represent a verification or certification by the director of the 14397  
amount of qualified rehabilitation expenditures for which a tax 14398  
credit may be claimed under section 5725.151, 5725.34, 5726.52, 14399  
5729.17, 5733.47, or 5747.76 of the Revised Code. The amount of 14400  
qualified rehabilitation expenditures for which a tax credit may 14401  
be claimed is subject to inspection and examination by the tax 14402  
commissioner or employees of the commissioner under section 14403  
5703.19 of the Revised Code and any other applicable law. Upon 14404  
the issuance of a certificate, the director shall certify to the 14405  
tax commissioner, in the form and manner requested by the tax 14406  
commissioner, the name of the applicant, the amount of qualified 14407  
rehabilitation expenditures shown on the certificate, and any 14408  
other information required by the rules adopted under this 14409  
section. 14410

(F) (1) On or before the first day of August each year, the 14411  
director and tax commissioner jointly shall submit to the 14412  
president of the senate and the speaker of the house of 14413  
representatives a report on the tax credit program established 14414  
under this section and sections 5725.151, 5725.34, 5726.52, 14415  
5729.17, 5733.47, and 5747.76 of the Revised Code. The report 14416  
shall present an overview of the program and shall include 14417  
information on the number of rehabilitation tax credit 14418  
certificates issued under this section during the preceding 14419

fiscal year, an update on the status of each historic building 14420  
for which an application was approved under this section, the 14421  
dollar amount of the tax credits granted under sections 14422  
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the 14423  
Revised Code, and any other information the director and 14424  
commissioner consider relevant to the topics addressed in the 14425  
report. 14426

(2) On or before December 1, 2015, the director and tax 14427  
commissioner jointly shall submit to the president of the senate 14428  
and the speaker of the house of representatives a comprehensive 14429  
report that includes the information required by division (F) (1) 14430  
of this section and a detailed analysis of the effectiveness of 14431  
issuing tax credits for rehabilitating historic buildings. The 14432  
report shall be prepared with the assistance of an economic 14433  
research organization jointly chosen by the director and 14434  
commissioner. 14435

(G) There is hereby created in the state treasury the 14436  
historic rehabilitation tax credit operating fund. The director 14437  
is authorized to charge reasonable application and other fees in 14438  
connection with the administration of tax credits authorized by 14439  
this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 14440  
5733.47, and 5747.76 of the Revised Code. Any such fees 14441  
collected shall be credited to the fund and used to pay 14442  
reasonable costs incurred by the department of development in 14443  
administering this section and sections 5725.151, 5725.34, 14444  
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. 14445

The Ohio historic preservation office is authorized to 14446  
charge reasonable fees in connection with its review and 14447  
approval of applications under this section. Any such fees 14448  
collected shall be credited to the fund and used to pay 14449

administrative costs incurred by the Ohio historic preservation office pursuant to this section. 14450  
14451

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 14452  
5729.17, 5733.47, and 5747.76 of the Revised Code, the 14453  
certificate owner of a tax credit certificate issued under 14454  
division (D)(6) of this section may claim a tax credit equal to 14455  
twenty-five per cent of the dollar amount indicated on the 14456  
certificate for a total credit of not more than twenty-five 14457  
million dollars. The credit claimed by such a certificate owner 14458  
for any calendar year, tax year, or taxable year under section 14459  
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 14460  
Revised Code shall not exceed five million dollars. If the 14461  
certificate owner is eligible for more than five million dollars 14462  
in total credits, the certificate owner may carry forward the 14463  
balance of the credit in excess of the amount claimed for that 14464  
year for not more than five ensuing calendar years, tax years, 14465  
or taxable years. If the credit claimed in any calendar year, 14466  
tax year, or taxable year exceeds the tax otherwise due, the 14467  
excess shall be refunded to the taxpayer. 14468

(I) Notwithstanding sections 5725.151, 5725.34, 5726.52, 14469  
5729.17, 5733.47, and 5747.76 of the Revised Code, the following 14470  
apply to a tax credit approved under this section after 14471  
September 13, 2022, and before July 1, 2024: 14472

(1) The certificate holder may claim a tax credit equal to 14473  
thirty-five per cent of the dollar amount indicated on the tax 14474  
credit certificate if any county, township, or municipal 14475  
corporation within which the project is located has a population 14476  
of less than three hundred thousand according to the 2020 14477  
decennial census. The tax credit equals twenty-five per cent of 14478  
the dollar amount indicated on the certificate if the project is 14479

not located within such a county, township, or municipal corporation. 14480  
14481

(2) The total tax credit claimed under section 5725.151, 14482  
5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised 14483  
Code for any one project shall not exceed ten million dollars 14484  
for any calendar year, tax year, or taxable year. 14485

(3) If the credit claimed in any calendar year, tax year, 14486  
or taxable year exceeds the tax otherwise due, the excess shall 14487  
be refunded to the taxpayer, subject to division (I) (2) of this 14488  
section. 14489

(J) Notwithstanding sections 5725.151, 5725.34, 5726.52, 14490  
5729.17, 5733.47, and 5747.76 of the Revised Code, the 14491  
certificate owner of a tax credit certificate may claim a tax 14492  
credit equal to thirty-five per cent of the dollar amount of 14493  
qualified rehabilitation expenditures indicated on the 14494  
certificate if the project for which the certificate was issued 14495  
is located in a municipal corporation with a population of less 14496  
than three hundred thousand or in the unincorporated area of a 14497  
township. 14498

(K) The director of development, in consultation with the 14499  
director of budget and management, shall develop and adopt a 14500  
system of tracking any information necessary to anticipate the 14501  
impact of credits issued under this section on tax revenues for 14502  
current and future fiscal years. Such information may include 14503  
the number of applications approved, the estimated 14504  
rehabilitation expenditures and rehabilitation period associated 14505  
with such applications, the number and amount of tax credit 14506  
certificates issued, and any other information the director of 14507  
budget and management requires for the purposes of this 14508  
division. 14509

~~(K)~~(L) For purposes of this section and Chapter 122:19-1 14510  
of the Ohio Administrative Code, a tax credit certificate issued 14511  
under this section is effective on the date that all historic 14512  
buildings rehabilitated by the project are "placed in service," 14513  
as that term is used in section 47 of the Internal Revenue Code. 14514

**Sec. 149.38.** (A) Except as otherwise provided in section 14515  
307.847 of the Revised Code, there is hereby created in each 14516  
county a county records commission, composed of a member of the 14517  
board of county commissioners as chairperson, the prosecuting 14518  
attorney, the auditor, the recorder, and the clerk of the court 14519  
of common pleas. The commission shall appoint a secretary, who 14520  
may or may not be a member of the commission and who shall serve 14521  
at the pleasure of the commission. The commission may employ an 14522  
archivist or records manager to serve under its direction. The 14523  
commission shall meet upon the call of the chairperson. 14524

(B) (1) The functions of the county records commission 14525  
shall be to provide rules for retention and disposal of records 14526  
of the county, and to review applications for one-time disposal 14527  
of obsolete records and schedules of records retention and 14528  
disposition submitted by county offices. The commission may 14529  
dispose of records pursuant to the procedure outlined in this 14530  
section. The commission, at any time, may review any schedule it 14531  
has previously approved and, for good cause shown, may revise 14532  
that schedule, subject to division (D) of this section. 14533

(2) (a) As used in division (B) (2) of this section, "paper 14534  
case records" means written reports of child abuse or neglect, 14535  
written records of investigations, or other written records 14536  
required to be prepared under section 2151.421, ~~5101.13,~~ 14537  
5153.166, ~~or~~ 5153.17, or 5180.40 of the Revised Code. 14538

(b) A county public children services agency may submit to 14539

the county records commission applications for one-time 14540  
disposal, or schedules of records retention and disposition, of 14541  
paper case records that have been entered into permanently 14542  
maintained and retrievable fields in the state automated child 14543  
welfare information system established under section ~~5101.13~~ 14544  
5180.40 of the Revised Code or entered into other permanently 14545  
maintained and retrievable electronic files. The county records 14546  
commission may dispose of the paper case records pursuant to the 14547  
procedure outlined in this section. 14548

(C) (1) When the county records commission has approved any 14549  
county application for one-time disposal of obsolete records or 14550  
any schedule of records retention and disposition, the 14551  
commission shall send that application or schedule to the Ohio 14552  
history connection for its review. The Ohio history connection 14553  
shall review the application or schedule within a period of not 14554  
more than sixty days after its receipt of it. During the sixty- 14555  
day review period, the Ohio history connection may select for 14556  
its custody from the application for one-time disposal of 14557  
obsolete records any records it considers to be of continuing 14558  
historical value, and shall denote upon any schedule of records 14559  
retention and disposition any records for which the Ohio history 14560  
connection will require a certificate of records disposal prior 14561  
to their disposal. 14562

(2) Upon completion of its review, the Ohio history 14563  
connection shall forward the application for one-time disposal 14564  
of obsolete records or the schedule of records retention and 14565  
disposition to the auditor of state for the auditor's approval 14566  
or disapproval. The auditor of state shall approve or disapprove 14567  
the application or schedule within a period of not more than 14568  
sixty days after receipt of it. 14569

(3) Before public records are to be disposed of pursuant 14570  
to an approved schedule of records retention and disposition, 14571  
the county records commission shall inform the Ohio history 14572  
connection of the disposal through the submission of a 14573  
certificate of records disposal for only the records required by 14574  
the schedule to be disposed of and shall give the Ohio history 14575  
connection the opportunity for a period of fifteen business days 14576  
to select for its custody those records, from the certificate 14577  
submitted, that it considers to be of continuing historical 14578  
value. Upon the expiration of the fifteen-business-day period, 14579  
the county records commission also shall notify the public 14580  
libraries, county historical society, state universities, and 14581  
other public or quasi-public institutions, agencies, or 14582  
corporations in the county that have provided the commission 14583  
with their name and address for these notification purposes, 14584  
that the commission has informed the Ohio history connection of 14585  
the records disposal and that the notified entities, upon 14586  
written agreement with the Ohio history connection pursuant to 14587  
section 149.31 of the Revised Code, may select records of 14588  
continuing historical value, including records that may be 14589  
distributed to any of the notified entities under section 149.31 14590  
of the Revised Code. Any notified entity that notifies the 14591  
county records commission of its intent to review and select 14592  
records of continuing historical value from certificates of 14593  
records disposal is responsible for the cost of any notice given 14594  
and for the transportation of those records. 14595

(D) The rules of the county records commission shall 14596  
include a rule that requires any receipts, checks, vouchers, or 14597  
other similar records pertaining to expenditures from the 14598  
delinquent tax and assessment collection fund created in section 14599  
321.261 of the Revised Code, from the real estate assessment 14600



fund created in section 325.31 of the Revised Code, or from 14601  
amounts allocated for the furtherance of justice to the county 14602  
sheriff under section 325.071 of the Revised Code or to the 14603  
prosecuting attorney under section 325.12 of the Revised Code to 14604  
be retained for at least four years. 14605

(E) No person shall knowingly violate the rule adopted 14606  
under division (D) of this section. Whoever violates that rule 14607  
is guilty of a misdemeanor of the first degree. 14608

**Sec. 149.43.** (A) As used in this section: 14609

(1) "Public record" means records kept by any public 14610  
office, including, but not limited to, state, county, city, 14611  
village, township, and school district units, and records 14612  
pertaining to the delivery of educational services by an 14613  
alternative school in this state kept by the nonprofit or for- 14614  
profit entity operating the alternative school pursuant to 14615  
section 3313.533 of the Revised Code. "Public record" does not 14616  
mean any of the following: 14617

(a) Medical records; 14618

(b) Records pertaining to probation and parole 14619  
proceedings, to proceedings related to the imposition of 14620  
community control sanctions and post-release control sanctions, 14621  
or to proceedings related to determinations under section 14622  
2967.271 of the Revised Code regarding the release or maintained 14623  
incarceration of an offender to whom that section applies; 14624

(c) Records pertaining to actions under section 2151.85 14625  
and division (C) of section 2919.121 of the Revised Code and to 14626  
appeals of actions arising under those sections; 14627

(d) Records pertaining to adoption proceedings, including 14628  
the contents of an adoption file maintained by the department of 14629

health under sections 3705.12 to 3705.124 of the Revised Code; 14630

(e) Information in a record contained in the putative 14631  
father registry established by section 3107.062 of the Revised 14632  
Code, regardless of whether the information is held by the 14633  
department of ~~job and family services~~ children and youth or, 14634  
pursuant to section 3111.69 of the Revised Code, the office of 14635  
child support in the department of job and family services or a 14636  
child support enforcement agency; 14637

(f) Records specified in division (A) of section 3107.52 14638  
of the Revised Code; 14639

(g) Trial preparation records, prior to the conclusion of 14640  
all direct appeals or, if no appeal is filed, at the expiration 14641  
of the time during which an appeal may be filed; 14642

(h) Confidential law enforcement investigatory records; 14643

(i) Records containing information that is confidential 14644  
under section 2710.03 or 4112.05 of the Revised Code; 14645

(j) DNA records stored in the DNA database pursuant to 14646  
section 109.573 of the Revised Code; 14647

(k) Inmate records ~~released by the department of~~ 14648  
~~rehabilitation and correction to the department of youth~~ 14649  
~~services or a court of record pursuant to division (E) of~~ under 14650  
section 5120.21 of the Revised Code, except for permitted 14651  
disclosure of the information listed in division (E) (1) of that 14652  
section; 14653

(l) Records maintained by the department of youth services 14654  
pertaining to children in its custody released by the department 14655  
of youth services to the department of rehabilitation and 14656  
correction pursuant to section 5139.05 of the Revised Code; 14657

(m) Intellectual property records;	14658
(n) Donor profile records;	14659
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	14660 14661
(p) Designated public service worker residential and familial information;	14662 14663
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	14664 14665 14666 14667 14668
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	14669 14670
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	14671 14672 14673 14674 14675 14676 14677 14678 14679 14680 14681 14682
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that	14683 14684 14685 14686

section;	14687
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.15 of the Revised Code or contracts under that section with a private or government entity to administer;	14688 14689 14690 14691 14692 14693
(v) Records the release of which is prohibited by state or federal law;	14694 14695
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	14696 14697 14698
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	14699 14700 14701 14702 14703 14704
(y) Records listed in section 5101.29 of the Revised Code;	14705
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	14706 14707 14708
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	14709 14710 14711
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	14712 14713 14714

(cc) Information and records that are made confidential, 14715  
privileged, and not subject to disclosure under divisions (B) 14716  
and (C) of section 2949.221 of the Revised Code; 14717

(dd) Personal information, as defined in section 149.45 of 14718  
the Revised Code; 14719

(ee) The confidential name, address, and other personally 14720  
identifiable information of a program participant in the address 14721  
confidentiality program established under sections 111.41 to 14722  
111.47 of the Revised Code, including the contents of any 14723  
application for absent voter's ballots, absent voter's ballot 14724  
identification envelope statement of voter, or provisional 14725  
ballot affirmation completed by a program participant who has a 14726  
confidential voter registration record; records or portions of 14727  
records pertaining to that program that identify the number of 14728  
program participants that reside within a precinct, ward, 14729  
township, municipal corporation, county, or any other geographic 14730  
area smaller than the state; and any real property 14731  
confidentiality notice filed under section 111.431 of the 14732  
Revised Code and the information described in division (C) of 14733  
that section. As used in this division, "confidential address" 14734  
and "program participant" have the meaning defined in section 14735  
111.41 of the Revised Code. 14736

(ff) Orders for active military service of an individual 14737  
serving or with previous service in the armed forces of the 14738  
United States, including a reserve component, or the Ohio 14739  
organized militia, except that, such order becomes a public 14740  
record on the day that is fifteen years after the published date 14741  
or effective date of the call to order; 14742

(gg) The name, address, contact information, or other 14743  
personal information of an individual who is less than eighteen 14744

years of age that is included in any record related to a traffic 14745  
accident involving a school vehicle in which the individual was 14746  
an occupant at the time of the accident; 14747

(hh) Protected health information, as defined in 45 C.F.R. 14748  
160.103, that is in a claim for payment for a health care 14749  
product, service, or procedure, as well as any other health 14750  
claims data in another document that reveals the identity of an 14751  
individual who is the subject of the data or could be used to 14752  
reveal that individual's identity; 14753

(ii) Any depiction by photograph, film, videotape, or 14754  
printed or digital image under either of the following 14755  
circumstances: 14756

(i) The depiction is that of a victim of an offense the 14757  
release of which would be, to a reasonable person of ordinary 14758  
sensibilities, an offensive and objectionable intrusion into the 14759  
victim's expectation of bodily privacy and integrity. 14760

(ii) The depiction captures or depicts the victim of a 14761  
sexually oriented offense, as defined in section 2950.01 of the 14762  
Revised Code, at the actual occurrence of that offense. 14763

(jj) Restricted portions of a body-worn camera or 14764  
dashboard camera recording; 14765

(kk) In the case of a fetal-infant mortality review board 14766  
acting under sections 3707.70 to 3707.77 of the Revised Code, 14767  
records, documents, reports, or other information presented to 14768  
the board or a person abstracting such materials on the board's 14769  
behalf, statements made by review board members during board 14770  
meetings, all work products of the board, and data submitted by 14771  
the board to the department of health or a national infant death 14772  
review database, other than the report prepared pursuant to 14773

section 3707.77 of the Revised Code. 14774

(ll) Records, documents, reports, or other information 14775  
presented to the pregnancy-associated mortality review board 14776  
established under section ~~3738.01~~5180.27 of the Revised Code, 14777  
statements made by board members during board meetings, all work 14778  
products of the board, and data submitted by the board to the 14779  
department of health, other than the biennial reports prepared 14780  
under section ~~3738.08~~5180.277 of the Revised Code; 14781

(mm) Except as otherwise provided in division (A) (1) (oo) 14782  
of this section, telephone numbers for a victim, as defined in 14783  
section 2930.01 of the Revised Code or a witness to a crime that 14784  
are listed on any law enforcement record or report. 14785

(nn) A preneed funeral contract, as defined in section 14786  
4717.01 of the Revised Code, and contract terms and personally 14787  
identifying information of a preneed funeral contract, that is 14788  
contained in a report submitted by or for a funeral home to the 14789  
board of embalmers and funeral directors under division (C) of 14790  
section 4717.13, division (J) of section 4717.31, or section 14791  
4717.41 of the Revised Code. 14792

(oo) Telephone numbers for a party to a motor vehicle 14793  
accident subject to the requirements of section 5502.11 of the 14794  
Revised Code that are listed on any law enforcement record or 14795  
report, except that the telephone numbers described in this 14796  
division are not excluded from the definition of "public record" 14797  
under this division on and after the thirtieth day after the 14798  
occurrence of the motor vehicle accident. 14799

(pp) Records pertaining to individuals who complete 14800  
training under section 5502.703 of the Revised Code to be 14801  
permitted by a school district board of education or governing 14802

body of a community school established under Chapter 3314. of 14803  
the Revised Code, a STEM school established under Chapter 3326. 14804  
of the Revised Code, or a chartered nonpublic school to convey 14805  
deadly weapons or dangerous ordnance into a school safety zone; 14806

(qq) Records, documents, reports, or other information 14807  
presented to a domestic violence fatality review board 14808  
established under section 307.651 of the Revised Code, 14809  
statements made by board members during board meetings, all work 14810  
products of the board, and data submitted by the board to the 14811  
department of health, other than a report prepared pursuant to 14812  
section 307.656 of the Revised Code; 14813

(rr) Records, documents, and information the release of 14814  
which is prohibited under sections 2930.04 and 2930.07 of the 14815  
Revised Code; 14816

(ss) Records of an existing qualified nonprofit 14817  
corporation that creates a special improvement district under 14818  
Chapter 1710. of the Revised Code that do not pertain to a 14819  
purpose for which the district is created; 14820

(tt) Educational support services data, as defined in 14821  
section 3319.325 of the Revised Code; 14822

(uu) Records of the past, current, and future work 14823  
schedule of a designated public service worker. As used in 14824  
division (A)(1)(uu) of this section, "work schedule" does not 14825  
include the docket of cases of a court, judge, or magistrate; 14826

(vv) A request form or confirmation letter submitted to a 14827  
public office under section 149.45 of the Revised Code; 14828

(ww) An affidavit or confirmation letter submitted under 14829  
section 319.28 of the Revised Code; 14830



(xx) License or certificate application or renewal 14831  
responses and supporting documentation submitted to the state 14832  
medical board regarding an applicant's, or a license or 14833  
certificate holder's, inability to practice according to 14834  
acceptable and prevailing standards of care by reason of a 14835  
medical condition; 14836

(yy) Images and data captured by an automated license 14837  
plate recognition system that are maintained in a law 14838  
enforcement database; 14839

(zz) Records pertaining to burial sites under section 14840  
149.3010 of the Revised Code; 14841

(aaa) All written and oral statements provided by a victim 14842  
or victim's representative to the department of rehabilitation 14843  
and correction in connection with the pendency of any pardon, 14844  
commutation, or parole; 14845

(bbb) Attorney work product record; 14846

(ccc) Personal notes of a public official or a public 14847  
employee, or of an attorney when acting in an official capacity 14848  
on behalf of the public official or public employee in that 14849  
public official's or public employee's official capacity, which 14850  
were created for reference and convenience, and are used, 14851  
maintained, and accessible only to the individual creating the 14852  
record or causing the record to be created; 14853

(ddd) A record created using an assistive device or 14854  
application, when the record is used, maintained, and accessible 14855  
only to the individual creating the record or causing the record 14856  
to be created. 14857

A record that is not a public record under division (A) (1) 14858  
of this section and that, under law, is permanently retained 14859

becomes a public record on the day that is seventy-five years 14860  
after the day on which the record was created, or in the case of 14861  
a record that is not a public record under division (A) (1) (uu) 14862  
of this section that is retained, three years after the day on 14863  
which the record was created, except for any record protected by 14864  
the attorney-client privilege, a trial preparation record as 14865  
defined in this section, a statement prohibiting the release of 14866  
identifying information signed under section 3107.083 of the 14867  
Revised Code, a denial of release form filed pursuant to section 14868  
3107.46 of the Revised Code, records pertaining to burial sites 14869  
under section 149.3010 of the Revised Code, or any record that 14870  
is exempt from release or disclosure under section 149.433 of 14871  
the Revised Code. If the record is a birth certificate and a 14872  
biological parent's name redaction request form has been 14873  
accepted under section 3107.391 of the Revised Code, the name of 14874  
that parent shall be redacted from the birth certificate before 14875  
it is released under this paragraph. If any other section of the 14876  
Revised Code establishes a time period for disclosure of a 14877  
record that conflicts with the time period specified in this 14878  
section, the time period in the other section prevails. 14879

~~(2)~~(2) (a) "Confidential law enforcement investigatory 14880  
record" means any record that pertains to a law enforcement 14881  
matter of a criminal, quasi-criminal, civil, or administrative 14882  
nature, but only to the extent that the release of the record 14883  
would create a high probability of disclosure of any of the 14884  
following: 14885

~~(a)~~(i) The identity of a suspect who has not been charged 14886  
with the offense to which the record pertains, or of an 14887  
information source or witness to whom confidentiality has been 14888  
reasonably promised; 14889

~~(b)~~ (ii) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;

~~(e)~~ (iii) Specific confidential investigatory techniques or procedures or specific investigatory work product;

~~(d)~~ (iv) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

(b) As used in division (A) (2) of this section, "specific investigatory work product" means information assembled by law enforcement officials in connection with a probable or pending criminal proceeding.

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that is not a confidential law enforcement investigatory record or attorney work product record and that contains factual information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, by or for another party or by or for that other party's representative. ~~including the independent thought processes and personal trial preparation of an attorney.~~

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or

collected by or for faculty or staff of a state institution of 14919  
higher learning in the conduct of or as a result of study or 14920  
research on an educational, commercial, scientific, artistic, 14921  
technical, or scholarly issue, regardless of whether the study 14922  
or research was sponsored by the institution alone or in 14923  
conjunction with a governmental body or private concern, and 14924  
that has not been publicly released, published, or patented. 14925

(6) "Donor profile record" means all records about donors 14926  
or potential donors to a public institution of higher education 14927  
except the names and reported addresses of the actual donors and 14928  
the date, amount, and conditions of the actual donation. 14929

(7) "Designated public service worker" means a peace 14930  
officer, parole officer, probation officer, bailiff, prosecuting 14931  
attorney, assistant prosecuting attorney, correctional employee, 14932  
county or multicounty corrections officer, community-based 14933  
correctional facility employee, designated Ohio national guard 14934  
member, protective services worker, youth services employee, 14935  
firefighter, EMT, medical director or member of a cooperating 14936  
physician advisory board of an emergency medical service 14937  
organization, state board of pharmacy employee, investigator of 14938  
the bureau of criminal identification and investigation, 14939  
emergency service telecommunicator, forensic mental health 14940  
provider, mental health evaluation provider, regional 14941  
psychiatric hospital employee, judge, magistrate, or federal law 14942  
enforcement officer. 14943

(8) "Designated public service worker residential and 14944  
familial information" means any information that discloses any 14945  
of the following about a designated public service worker: 14946

(a) The address of the actual personal residence of a 14947  
designated public service worker, except for the following 14948

information:	14949
(i) The address of the actual personal residence of a prosecuting attorney or judge; and	14950 14951
(ii) The state or political subdivision in which a designated public service worker resides.	14952 14953
(b) Information compiled from referral to or participation in an employee assistance program;	14954 14955
(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;	14956 14957 14958 14959 14960
(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer;	14961 14962 14963 14964
(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law;	14965 14966 14967 14968 14969
(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker;	14970 14971 14972 14973 14974 14975
(g) A photograph of a peace officer who holds a position	14976

or has an assignment that may include undercover or plain 14977  
clothes positions or assignments as determined by the peace 14978  
officer's appointing authority. 14979

(9) As used in divisions (A) (7) and (15) to (17) of this 14980  
section: 14981

"Peace officer" has the meaning defined in section 109.71 14982  
of the Revised Code and also includes the superintendent and 14983  
troopers of the state highway patrol; it does not include the 14984  
sheriff of a county or a supervisory employee who, in the 14985  
absence of the sheriff, is authorized to stand in for, exercise 14986  
the authority of, and perform the duties of the sheriff. 14987

"Correctional employee" means any employee of the 14988  
department of rehabilitation and correction who in the course of 14989  
performing the employee's job duties has or has had contact with 14990  
inmates and persons under supervision. 14991

"County or multicounty corrections officer" means any 14992  
corrections officer employed by any county or multicounty 14993  
correctional facility. 14994

"Designated Ohio national guard member" means a member of 14995  
the Ohio national guard who is participating in duties related 14996  
to remotely piloted aircraft, including, but not limited to, 14997  
pilots, sensor operators, and mission intelligence personnel, 14998  
duties related to special forces operations, or duties related 14999  
to cybersecurity, and is designated by the adjutant general as a 15000  
designated public service worker for those purposes. 15001

"Protective services worker" means any employee of a 15002  
county agency who is responsible for child protective services, 15003  
child support services, or adult protective services. 15004

"Youth services employee" means any employee of the 15005

department of youth services who in the course of performing the 15006  
employee's job duties has or has had contact with children 15007  
committed to the custody of the department of youth services. 15008

"Firefighter" means any regular, paid or volunteer, member 15009  
of a lawfully constituted fire department of a municipal 15010  
corporation, township, fire district, or village. 15011

"EMT" means EMTs-basic, EMTs-I, and paramedics that 15012  
provide emergency medical services for a public emergency 15013  
medical service organization. "Emergency medical service 15014  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 15015  
meanings defined in section 4765.01 of the Revised Code. 15016

"Investigator of the bureau of criminal identification and 15017  
investigation" has the meaning defined in section 2903.11 of the 15018  
Revised Code. 15019

"Emergency service telecommunicator" means an individual 15020  
employed by an emergency service provider as defined under 15021  
section 128.01 of the Revised Code, whose primary responsibility 15022  
is to be an operator for the receipt or processing of calls for 15023  
emergency services made by telephone, radio, or other electronic 15024  
means. 15025

"Forensic mental health provider" means any employee of a 15026  
community mental health service provider or local alcohol, drug 15027  
addiction, and mental health services board who, in the course 15028  
of the employee's duties, has contact with persons committed to 15029  
a local alcohol, drug addiction, and mental health services 15030  
board by a court order pursuant to section 2945.38, 2945.39, 15031  
2945.40, or 2945.402 of the Revised Code. 15032

"Mental health evaluation provider" means an individual 15033  
who, under Chapter 5122. of the Revised Code, examines a 15034

respondent who is alleged to be a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code, and reports to the probate court the respondent's mental condition.

"Regional psychiatric hospital employee" means any employee of the department of mental health and addiction services who, in the course of performing the employee's duties, has contact with patients committed to the department of mental health and addiction services by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.

"Federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code.

(10) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing



that person to participate in any recreational activity 15064  
conducted or sponsored by a public office or to use or obtain 15065  
admission privileges to any recreational facility owned or 15066  
operated by a public office. 15067

(11) "Community control sanction" has the meaning defined 15068  
in section 2929.01 of the Revised Code. 15069

(12) "Post-release control sanction" has the meaning 15070  
defined in section 2967.01 of the Revised Code. 15071

(13) "Redaction" means obscuring or deleting any 15072  
information that is exempt from the duty to permit public 15073  
inspection or copying from an item that otherwise meets the 15074  
definition of a "record" in section 149.011 of the Revised Code. 15075

(14) "Designee," "elected official," and "future official" 15076  
have the meanings defined in section 109.43 of the Revised Code. 15077

(15) "Body-worn camera" means a visual and audio recording 15078  
device worn on the person of a correctional employee, youth 15079  
services employee, or peace officer while the correctional 15080  
employee, youth services employee, or peace officer is engaged 15081  
in the performance of official duties. 15082

(16) "Dashboard camera" means a visual and audio recording 15083  
device mounted on a peace officer's vehicle or vessel that is 15084  
used while the peace officer is engaged in the performance of 15085  
the peace officer's duties. 15086

(17) "Restricted portions of a body-worn camera or 15087  
dashboard camera recording" means any visual or audio portion of 15088  
a body-worn camera or dashboard camera recording that shows, 15089  
communicates, or discloses any of the following: 15090

(a) The image or identity of a child or information that 15091

could lead to the identification of a child who is a primary 15092  
subject of the recording when the department of rehabilitation 15093  
and correction, department of youth services, or the law 15094  
enforcement agency knows or has reason to know the person is a 15095  
child based on the department's or law enforcement agency's 15096  
records or the content of the recording; 15097

(b) The death of a person or a deceased person's body, 15098  
unless the death was caused by a correctional employee, youth 15099  
services employee, or peace officer or, subject to division (H) 15100  
(1) of this section, the consent of the decedent's executor or 15101  
administrator has been obtained; 15102

(c) The death of a correctional employee, youth services 15103  
employee, peace officer, firefighter, paramedic, or other first 15104  
responder, occurring while the decedent was engaged in the 15105  
performance of official duties, unless, subject to division (H) 15106  
(1) of this section, the consent of the decedent's executor or 15107  
administrator has been obtained; 15108

(d) Grievous bodily harm, unless the injury was effected 15109  
by a correctional employee, youth services employee, or peace 15110  
officer or, subject to division (H) (1) of this section, the 15111  
consent of the injured person or the injured person's guardian 15112  
has been obtained; 15113

(e) An act of severe violence against a person that 15114  
results in serious physical harm to the person, unless the act 15115  
and injury was effected by a correctional employee, youth 15116  
services employee, or peace officer or, subject to division (H) 15117  
(1) of this section, the consent of the injured person or the 15118  
injured person's guardian has been obtained; 15119

(f) Grievous bodily harm to a correctional employee, youth 15120

services employee, peace officer, firefighter, paramedic, or 15121  
other first responder, occurring while the injured person was 15122  
engaged in the performance of official duties, unless, subject 15123  
to division (H) (1) of this section, the consent of the injured 15124  
person or the injured person's guardian has been obtained; 15125

(g) An act of severe violence resulting in serious 15126  
physical harm against a correctional employee, youth services 15127  
employee, peace officer, firefighter, paramedic, or other first 15128  
responder, occurring while the injured person was engaged in the 15129  
performance of official duties, unless, subject to division (H) 15130  
(1) of this section, the consent of the injured person or the 15131  
injured person's guardian has been obtained; 15132

(h) A person's nude body, unless, subject to division (H) 15133  
(1) of this section, the person's consent has been obtained; 15134

(i) Protected health information, the identity of a person 15135  
in a health care facility who is not the subject of a 15136  
correctional, youth services, or law enforcement encounter, or 15137  
any other information in a health care facility that could 15138  
identify a person who is not the subject of a correctional, 15139  
youth services, or law enforcement encounter; 15140

(j) Information that could identify the alleged victim of 15141  
a sex offense, menacing by stalking, or domestic violence; 15142

(k) Information, that does not constitute a confidential 15143  
law enforcement investigatory record, that could identify a 15144  
person who provides sensitive or confidential information to the 15145  
department of rehabilitation and correction, the department of 15146  
youth services, or a law enforcement agency when the disclosure 15147  
of the person's identity or the information provided could 15148  
reasonably be expected to threaten or endanger the safety or 15149

property of the person or another person;	15150
(1) Personal information of a person who is not arrested,	15151
cited, charged, or issued a written warning by a peace officer;	15152
(m) Proprietary correctional, youth services, or police	15153
contingency plans or tactics that are intended to prevent crime	15154
and maintain public order and safety;	15155
(n) A personal conversation unrelated to work between	15156
correctional employees, youth services employees, or peace	15157
officers or between a correctional employee, youth services	15158
employee, or peace officer and an employee of a law enforcement	15159
agency;	15160
(o) A conversation between a correctional employee, youth	15161
services employee, or peace officer and a member of the public	15162
that does not concern correctional, youth services, or law	15163
enforcement activities;	15164
(p) The interior of a residence, unless the interior of a	15165
residence is the location of an adversarial encounter with, or a	15166
use of force by, a correctional employee, youth services	15167
employee, or peace officer;	15168
(q) Any portion of the interior of a private business that	15169
is not open to the public, unless an adversarial encounter with,	15170
or a use of force by, a correctional employee, youth services	15171
employee, or peace officer occurs in that location.	15172
As used in division (A) (17) of this section:	15173
"Grievous bodily harm" has the same meaning as in section	15174
5924.120 of the Revised Code.	15175
"Health care facility" has the same meaning as in section	15176
1337.11 of the Revised Code.	15177

"Protected health information" has the same meaning as in 15178  
45 C.F.R. 160.103. 15179

"Law enforcement agency" means a government entity that 15180  
employs peace officers to perform law enforcement duties. 15181

"Personal information" means any government-issued 15182  
identification number, date of birth, address, financial 15183  
information, or criminal justice information from the law 15184  
enforcement automated data system or similar databases. 15185

"Sex offense" has the same meaning as in section 2907.10 15186  
of the Revised Code. 15187

"Firefighter," "paramedic," and "first responder" have the 15188  
same meanings as in section 4765.01 of the Revised Code. 15189

(18) "Attorney work product record" means a record created 15190  
by or for an attorney in anticipation of or for litigation, 15191  
trial, or administrative proceedings, when acting in an official 15192  
capacity on behalf of the state, a political subdivision of the 15193  
state, a state agency, a public official, or a public employee. 15194  
"Attorney work product record" includes any record that 15195  
documents the independent thought processes, mental impressions, 15196  
legal theories, strategies, analysis, or reasoning of or for an 15197  
attorney. 15198

(B) (1) Upon request by any person and subject to division 15199  
(B) (8) of this section, all public records responsive to the 15200  
request shall be promptly prepared and made available for 15201  
inspection to the requester at all reasonable times during 15202  
regular business hours. Subject to division (B) (8) of this 15203  
section, upon request by any person, a public office or person 15204  
responsible for public records shall make copies of the 15205  
requested public record available to the requester at cost and 15206

within a reasonable period of time. 15207

When considering whether a state or local law enforcement 15208  
agency or a prosecuting attorney's office promptly prepared a 15209  
video record for inspection or ~~provided~~ produced a copy of a 15210  
video record ~~for production~~ within a reasonable period of time, 15211  
in addition to any other factors, a court shall consider the 15212  
time required for a state or local law enforcement agency or a 15213  
prosecuting attorney's office to retrieve, download, review, 15214  
redact, seek legal advice regarding, and produce the video 15215  
record. ~~Notwithstanding~~ Except as specified in division (B) (11) 15216  
of this section, notwithstanding any other requirement set forth 15217  
in Chapter 149. of the Revised Code, a state or local law 15218  
enforcement agency or a prosecuting attorney's office may charge 15219  
a requester the actual cost associated with preparing a video 15220  
record for inspection or production, not to exceed seventy-five 15221  
dollars per hour of video produced, nor seven hundred fifty 15222  
dollars total. As used in this division, "actual cost," with 15223  
respect to video records only, means all costs incurred by the 15224  
state or local law enforcement agency or a prosecuting 15225  
attorney's office in reviewing, blurring or otherwise obscuring, 15226  
redacting, uploading, or producing the video records, including 15227  
but not limited to the storage medium on which the record is 15228  
produced, staff time, and any other relevant overhead necessary 15229  
to comply with the request. A state or local law enforcement 15230  
agency or a prosecuting attorney's office may include in its 15231  
public records policy the requirement that a requester pay the 15232  
estimated actual cost before beginning the process of preparing 15233  
a video record for inspection or production. Where a state or 15234  
local law enforcement agency or a prosecuting attorney's office 15235  
imposes such a requirement, its obligation to produce a video or 15236  
make it available for inspection begins once the estimated 15237

actual cost is paid in full by the requester. A state or local law enforcement agency or a prosecuting attorney's office shall provide the requester with the estimated actual cost within five business days of receipt of the public records request. If the actual cost exceeds the estimated actual cost, a state or local law enforcement agency or a prosecuting attorney's office may charge a requester for the difference upon fulfilling a request for video records if the requester is notified in advance that the actual cost may be up to twenty per cent higher than the estimated actual cost. A state or local law enforcement agency or a prosecuting attorney's office shall not charge a requester a difference that exceeds twenty per cent of the estimated actual cost.

If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction. When the auditor of state receives a request to inspect or to make a copy of a record that was provided to the auditor of state for purposes of an audit, but the original public office has asserted to the auditor of state that the record is not a public record, the auditor of state may handle the requests by directing the requestor to the original public office that provided the record

to the auditor of state. 15269

(2) To facilitate broader access to public records, a 15270  
public office or the person responsible for public records shall 15271  
organize and maintain public records in a manner that they can 15272  
be made available for inspection or copying in accordance with 15273  
division (B) of this section. A public office also shall have 15274  
available a copy of its current records retention schedule at a 15275  
location readily available to the public. If a requester makes 15276  
an ambiguous or overly broad request or has difficulty in making 15277  
a request for copies or inspection of public records under this 15278  
section such that the public office or the person responsible 15279  
for the requested public record cannot reasonably identify what 15280  
public records are being requested, the public office or the 15281  
person responsible for the requested public record may deny the 15282  
request but shall provide the requester with an opportunity to 15283  
revise the request by informing the requester of the manner in 15284  
which records are maintained by the public office and accessed 15285  
in the ordinary course of the public office's or person's 15286  
duties. 15287

(3) If a request is ultimately denied, in part or in 15288  
whole, the public office or the person responsible for the 15289  
requested public record shall provide the requester with an 15290  
explanation, including legal authority, setting forth why the 15291  
request was denied. If the initial request was provided in 15292  
writing, the explanation also shall be provided to the requester 15293  
in writing. The explanation shall not preclude the public office 15294  
or the person responsible for the requested public record from 15295  
relying upon additional reasons or legal authority in defending 15296  
an action commenced under division (C) of this section. 15297

(4) Unless specifically required or authorized by state or 15298



federal law or in accordance with division (B) of this section, 15299  
no public office or person responsible for public records may 15300  
limit or condition the availability of public records by 15301  
requiring disclosure of the requester's identity or the intended 15302  
use of the requested public record. Any requirement that the 15303  
requester disclose the requester's identity or the intended use 15304  
of the requested public record constitutes a denial of the 15305  
request. 15306

(5) A public office or person responsible for public 15307  
records may ask a requester to make the request in writing, may 15308  
ask for the requester's identity, and may inquire about the 15309  
intended use of the information requested, but may do so only 15310  
after disclosing to the requester that a written request is not 15311  
mandatory, that the requester may decline to reveal the 15312  
requester's identity or the intended use, and when a written 15313  
request or disclosure of the identity or intended use would 15314  
benefit the requester by enhancing the ability of the public 15315  
office or person responsible for public records to identify, 15316  
locate, or deliver the public records sought by the requester. 15317

(6) If any person requests a copy of a public record in 15318  
accordance with division (B) of this section, the public office 15319  
or person responsible for the public record may require the 15320  
requester to pay in advance the cost involved in providing the 15321  
copy of the public record in accordance with the choice made by 15322  
the requester under this division. The public office or the 15323  
person responsible for the public record shall permit the 15324  
requester to choose to have the public record duplicated upon 15325  
paper, upon the same medium upon which the public office or 15326  
person responsible for the public record keeps it, or upon any 15327  
other medium upon which the public office or person responsible 15328  
for the public record determines that it reasonably can be 15329

duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the requester makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the requester. Nothing in this section requires a public office or person responsible for the public record to allow the requester of a copy of the public record to make the copies of the public record.

(7) (a) Upon a request made in accordance with division (B) of this section and subject to division (B) (6) of this section, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage if the copy is transmitted by United States mail or the cost of delivery if the copy is transmitted other than by United States mail, and to pay in advance the costs incurred for other supplies used in the mailing, delivery, or transmission.

(b) Any public office may adopt a policy and procedures that it will follow in transmitting, within a reasonable period of time after receiving a request, copies of public records by United States mail or by any other means of delivery or transmission pursuant to division (B) (7) of this section. A public office that adopts a policy and procedures under division (B) (7) of this section shall comply with them in performing its duties under that division.

(c) In any policy and procedures adopted under division 15360  
(B) (7) of this section: 15361

(i) A public office may limit the number of records 15362  
requested by a person that the office will physically deliver by 15363  
United States mail or by another delivery service to ten per 15364  
month, unless the person certifies to the office in writing that 15365  
the person does not intend to use or forward the requested 15366  
records, or the information contained in them, for commercial 15367  
purposes; 15368

(ii) A public office that chooses to provide some or all 15369  
of its public records on a web site that is fully accessible to 15370  
and searchable by members of the public at all times, other than 15371  
during acts of God outside the public office's control or 15372  
maintenance, and that charges no fee to search, access, 15373  
download, or otherwise receive records provided on the web site, 15374  
may limit to ten per month the number of records requested by a 15375  
person that the office will deliver in a digital format, unless 15376  
the requested records are not provided on the web site and 15377  
unless the person certifies to the office in writing that the 15378  
person does not intend to use or forward the requested records, 15379  
or the information contained in them, for commercial purposes. 15380

(iii) For purposes of division (B) (7) of this section, 15381  
"commercial" shall be narrowly construed and does not include 15382  
reporting or gathering news, reporting or gathering information 15383  
to assist citizen oversight or understanding of the operation or 15384  
activities of government, or nonprofit educational research. 15385

(8) A public office or person responsible for public 15386  
records is not required to permit a person who is incarcerated 15387  
pursuant to a criminal conviction or a juvenile adjudication to 15388  
inspect or to obtain a copy of any public record concerning a 15389

criminal investigation or prosecution or concerning what would 15390  
be a criminal investigation or prosecution if the subject of the 15391  
investigation or prosecution were an adult, unless the request 15392  
to inspect or to obtain a copy of the record is for the purpose 15393  
of acquiring information that is subject to release as a public 15394  
record under this section and the judge who imposed the sentence 15395  
or made the adjudication with respect to the person, or the 15396  
judge's successor in office, finds that the information sought 15397  
in the public record is necessary to support what appears to be 15398  
a justiciable claim of the person. As used in this division, 15399  
"public record concerning a criminal investigation or 15400  
prosecution or concerning what would be a criminal investigation 15401  
or prosecution if the subject of the investigation were an 15402  
adult" includes, but is not limited to, personnel files and 15403  
payroll and attendance records of designated public service 15404  
workers. 15405

(9) (a) Upon written request made and signed by a 15406  
journalist, a public office, or person responsible for public 15407  
records, having custody of the records of the agency employing a 15408  
specified designated public service worker shall disclose to the 15409  
journalist the address of the actual personal residence of the 15410  
designated public service worker and, if the designated public 15411  
service worker's spouse, former spouse, or child is employed by 15412  
a public office, the name and address of the employer of the 15413  
designated public service worker's spouse, former spouse, or 15414  
child, and any past, current, and future work schedules of the 15415  
designated public service worker. The request shall include the 15416  
journalist's name and title and the name and address of the 15417  
journalist's employer and shall state that disclosure of the 15418  
information sought would be in the public interest. 15419

(b) Division (B) (9) (a) of this section also applies to 15420

journalist requests for:	15421
(i) Customer information maintained by a municipally owned	15422
or operated public utility, other than social security numbers	15423
and any private financial information such as credit reports,	15424
payment methods, credit card numbers, and bank account	15425
information;	15426
(ii) Information about minors involved in a school vehicle	15427
accident as provided in division (A) (1) (gg) of this section,	15428
other than personal information as defined in section 149.45 of	15429
the Revised Code;	15430
(iii) A request form submitted to a public office under	15431
section 149.45 of the Revised Code;	15432
(iv) An affidavit submitted under section 319.28 of the	15433
Revised Code.	15434
(c) As used in division (B) (9) of this section,	15435
"journalist" means a person engaged in, connected with, or	15436
employed by any news medium, including a newspaper, magazine,	15437
press association, news agency, or wire service, a radio or	15438
television station, or a similar medium, for the purpose of	15439
gathering, processing, transmitting, compiling, editing, or	15440
disseminating information for the general public.	15441
(10) Upon a request made by a victim, victim's attorney,	15442
or victim's representative, as that term is used in section	15443
2930.02 of the Revised Code, a public office or person	15444
responsible for public records shall transmit a copy of a	15445
depiction of the victim as described in division (A) (1) (ii) of	15446
this section to the victim, victim's attorney, or victim's	15447
representative.	15448
(11) <u>A state or local law enforcement agency or a</u>	15449

prosecuting attorney's office shall not charge a fee for 15450  
preparing a video record for inspection, or producing a copy of 15451  
a video record, when the requester of the video record is a 15452  
victim, as defined in Ohio Constitution, Article I, Section 10a, 15453  
who reasonably asserts that the video recording relates to the 15454  
act or omission that caused the victim's harm or loss, or who is 15455  
the legal counsel or insurer of the victim. 15456

(C) (1) If a person allegedly is aggrieved by the failure 15457  
of a public office or the person responsible for public records 15458  
to promptly prepare a public record and to make it available to 15459  
the person for inspection in accordance with division (B) of 15460  
this section or by any other failure of a public office or the 15461  
person responsible for public records to comply with an 15462  
obligation in accordance with division (B) of this section, the 15463  
person allegedly aggrieved may serve pursuant to Rule 4 of the 15464  
Ohio Rules of Civil Procedure a complaint, on a form prescribed 15465  
by the clerk of the court of claims, to the public office or 15466  
person responsible for public records allegedly responsible for 15467  
the alleged failure. Upon receipt of the complaint of the person 15468  
allegedly aggrieved, the public office or person responsible for 15469  
public records has three business days to cure or otherwise 15470  
address the failure alleged in the complaint. The person 15471  
allegedly aggrieved shall not file a complaint with a court or 15472  
commence a mandamus action under this section within the three- 15473  
day period. Upon the expiration of the three-day period, the 15474  
person allegedly aggrieved may, subject to the requirements of 15475  
division (C) (2) of this section, do only one of the following, 15476  
and not both: 15477

(a) File a complaint with the clerk of the court of claims 15478  
or the clerk of the court of common pleas under section 2743.75 15479  
of the Revised Code; 15480

(b) Commence a mandamus action to obtain a judgment that 15481  
orders the public office or the person responsible for the 15482  
public record to comply with division (B) of this section, that 15483  
awards court costs and reasonable attorney's fees to the person 15484  
that instituted the mandamus action, and, if applicable, that 15485  
includes an order fixing statutory damages under division (C) (3) 15486  
of this section. The mandamus action may be commenced in the 15487  
court of common pleas of the county in which division (B) of 15488  
this section allegedly was not complied with, in the supreme 15489  
court pursuant to its original jurisdiction under Section 2 of 15490  
Article IV, Ohio Constitution, or in the court of appeals for 15491  
the appellate district in which division (B) of this section 15492  
allegedly was not complied with pursuant to its original 15493  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 15494

(2) Upon filing a complaint or mandamus action with a 15495  
court under divisions (C) (1) (a) or (b) of this section, a person 15496  
allegedly aggrieved shall file with the court, in conjunction 15497  
with the person's complaint or petition, a written affirmation 15498  
stating that the person properly transmitted a complaint to the 15499  
public office or person responsible for public records, the 15500  
failure alleged in the complaint has not been cured or otherwise 15501  
resolved to the person's satisfaction, and that the complaint 15502  
was transmitted to the public office or person responsible for 15503  
public records at least three business days before the filing of 15504  
the suit. If the person fails to file an affirmation pursuant to 15505  
this division, the suit shall be dismissed. 15506

(3) If a requester transmits a written request by hand 15507  
delivery, electronic submission, or certified mail to inspect or 15508  
receive copies of any public record in a manner that fairly 15509  
describes the public record or class of public records to the 15510  
public office or person responsible for the requested public 15511

records, except as otherwise provided in this section, the 15512  
requester shall be entitled to recover the amount of statutory 15513  
damages set forth in this division if a court determines that 15514  
the public office or the person responsible for public records 15515  
failed to comply with an obligation in accordance with division 15516  
(B) of this section. Statutory damages are not available 15517  
pursuant to this section to a person committed to the custody of 15518  
the department of rehabilitation and correction or the United 15519  
States bureau of prisons, or a child committed to the department 15520  
of youth services as permitted in Chapter 2152. of the Revised 15521  
Code. 15522

The amount of statutory damages shall be fixed at one 15523  
hundred dollars for each business day during which the public 15524  
office or person responsible for the requested public records 15525  
failed to comply with an obligation in accordance with division 15526  
(B) of this section, beginning with the day on which the 15527  
requester files a mandamus action to recover statutory damages, 15528  
up to a maximum of one thousand dollars. The award of statutory 15529  
damages shall not be construed as a penalty, but as compensation 15530  
for injury arising from lost use of the requested information. 15531  
The existence of this injury shall be conclusively presumed. The 15532  
award of statutory damages shall be in addition to all other 15533  
remedies authorized by this section. 15534

The court may reduce an award of statutory damages or not 15535  
award statutory damages if the court determines both of the 15536  
following: 15537

(a) That, based on the ordinary application of statutory 15538  
law and case law as it existed at the time of the conduct or 15539  
threatened conduct of the public office or person responsible 15540  
for the requested public records that allegedly constitutes a 15541



failure to comply with an obligation in accordance with division 15542  
(B) of this section and that was the basis of the mandamus 15543  
action, a well-informed public office or person responsible for 15544  
the requested public records reasonably would believe that the 15545  
conduct or threatened conduct of the public office or person 15546  
responsible for the requested public records did not constitute 15547  
a failure to comply with an obligation in accordance with 15548  
division (B) of this section; 15549

(b) That a well-informed public office or person 15550  
responsible for the requested public records reasonably would 15551  
believe that the conduct or threatened conduct of the public 15552  
office or person responsible for the requested public records 15553  
would serve the public policy that underlies the authority that 15554  
is asserted as permitting that conduct or threatened conduct. 15555

(4) In a mandamus action filed under division (C)(1) of 15556  
this section, the following apply: 15557

(a) (i) If the court orders the public office or the person 15558  
responsible for the public record to comply with division (B) of 15559  
this section, the court shall determine and award to the relator 15560  
all court costs, which shall be construed as remedial and not 15561  
punitive. 15562

(ii) If the court makes a determination described in 15563  
division (C)(4)(b)(iii) of this section, the court shall 15564  
determine and award to the relator all court costs, which shall 15565  
be construed as remedial and not punitive. 15566

(b) If the court renders a judgment that orders the public 15567  
office or the person responsible for the public record to comply 15568  
with division (B) of this section or if the court determines any 15569  
of the following, the court may award reasonable attorney's fees 15570

to the relator, subject to division (C) (5) of this section: 15571

(i) The public office or the person responsible for the 15572  
public records failed to respond affirmatively or negatively to 15573  
the public records request in accordance with the time allowed 15574  
under division (B) of this section. 15575

(ii) The public office or the person responsible for the 15576  
public records promised to permit the relator to inspect or 15577  
receive copies of the public records requested within a 15578  
specified period of time but failed to fulfill that promise 15579  
within that specified period of time. 15580

(iii) The public office or the person responsible for the 15581  
public records acted in bad faith when the office or person 15582  
voluntarily made the public records available to the relator for 15583  
the first time after the relator commenced the mandamus action, 15584  
but before the court issued any order concluding whether or not 15585  
the public office or person was required to comply with division 15586  
(B) of this section. No discovery may be conducted on the issue 15587  
of the alleged bad faith of the public office or person 15588  
responsible for the public records. This division shall not be 15589  
construed as creating a presumption that the public office or 15590  
the person responsible for the public records acted in bad faith 15591  
when the office or person voluntarily made the public records 15592  
available to the relator for the first time after the relator 15593  
commenced the mandamus action, but before the court issued any 15594  
order described in this division. 15595

(c) The court shall not award attorney's fees to the 15596  
relator if the court determines both of the following: 15597

(i) That, based on the ordinary application of statutory 15598  
law and case law as it existed at the time of the conduct or 15599

threatened conduct of the public office or person responsible 15600  
for the requested public records that allegedly constitutes a 15601  
failure to comply with an obligation in accordance with division 15602  
(B) of this section and that was the basis of the mandamus 15603  
action, a well-informed public office or person responsible for 15604  
the requested public records reasonably would believe that the 15605  
conduct or threatened conduct of the public office or person 15606  
responsible for the requested public records did not constitute 15607  
a failure to comply with an obligation in accordance with 15608  
division (B) of this section; 15609

(ii) That a well-informed public office or person 15610  
responsible for the requested public records reasonably would 15611  
believe that the conduct or threatened conduct of the public 15612  
office or person responsible for the requested public records 15613  
would serve the public policy that underlies the authority that 15614  
is asserted as permitting that conduct or threatened conduct. 15615

(5) All of the following apply to any award of reasonable 15616  
attorney's fees awarded under division (C) (4) (b) of this 15617  
section: 15618

(a) The fees shall be construed as remedial and not 15619  
punitive. 15620

(b) The fees awarded shall not exceed the total of the 15621  
reasonable attorney's fees incurred before the public record was 15622  
made available to the relator and the fees described in division 15623  
(C) (5) (c) of this section. 15624

(c) Reasonable attorney's fees shall include reasonable 15625  
fees incurred to produce proof of the reasonableness and amount 15626  
of the fees and to otherwise litigate entitlement to the fees. 15627

(d) The court may reduce the amount of fees awarded if the 15628

court determines that, given the factual circumstances involved 15629  
with the specific public records request, an alternative means 15630  
should have been pursued to more effectively and efficiently 15631  
resolve the dispute that was subject to the mandamus action 15632  
filed under division (C)(1) of this section. 15633

(6) If the court does not issue a writ of mandamus under 15634  
division (C) of this section and the court determines at that 15635  
time that the bringing of the mandamus action was frivolous 15636  
conduct as defined in division (A) of section 2323.51 of the 15637  
Revised Code, the court may award to the public office all court 15638  
costs, expenses, and reasonable attorney's fees, as determined 15639  
by the court. 15640

(D) Chapter 1347. of the Revised Code does not limit the 15641  
provisions of this section. 15642

(E)(1) To ensure that all employees of public offices are 15643  
appropriately educated about a public office's obligations under 15644  
division (B) of this section, all elected officials or their 15645  
appropriate designees shall attend training approved by the 15646  
attorney general as provided in section 109.43 of the Revised 15647  
Code. A future official may satisfy the requirements of this 15648  
division by attending the training before taking office, 15649  
provided that the future official may not send a designee in the 15650  
future official's place. 15651

(2) All public offices shall adopt a public records policy 15652  
in compliance with this section for responding to public records 15653  
requests. In adopting a public records policy under this 15654  
division, a public office may obtain guidance from the model 15655  
public records policy developed and provided to the public 15656  
office by the attorney general under section 109.43 of the 15657  
Revised Code. Except as otherwise provided in this section, the 15658

policy may not limit the number of public records that the public office will make available to a single person, may not limit the number of public records that it will make available during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public records, unless that period is less than eight hours.

The public office shall distribute the public records policy adopted by the public office under this division to the employee of the public office who is the records custodian or records manager or otherwise has custody of the records of that office. The public office shall require that employee to acknowledge receipt of the copy of the public records policy. The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

(F) (1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting

information, the release of which is prohibited by law. 15690

(2) As used in division (F)(1) of this section: 15691

(a) "Actual cost" means the cost of depleted supplies, 15692  
records storage media costs, actual mailing and alternative 15693  
delivery costs, or other transmitting costs, and any direct 15694  
equipment operating and maintenance costs, including actual 15695  
costs paid to private contractors for copying services. 15696

(b) "Bulk commercial special extraction request" means a 15697  
request for copies of a record for information in a format other 15698  
than the format already available, or information that cannot be 15699  
extracted without examination of all items in a records series, 15700  
class of records, or database by a person who intends to use or 15701  
forward the copies for surveys, marketing, solicitation, or 15702  
resale for commercial purposes. "Bulk commercial special 15703  
extraction request" does not include a request by a person who 15704  
gives assurance to the bureau that the person making the request 15705  
does not intend to use or forward the requested copies for 15706  
surveys, marketing, solicitation, or resale for commercial 15707  
purposes. 15708

(c) "Commercial" means profit-seeking production, buying, 15709  
or selling of any good, service, or other product. 15710

(d) "Special extraction costs" means the cost of the time 15711  
spent by the lowest paid employee competent to perform the task, 15712  
the actual amount paid to outside private contractors employed 15713  
by the bureau, or the actual cost incurred to create computer 15714  
programs to make the special extraction. "Special extraction 15715  
costs" include any charges paid to a public agency for computer 15716  
or records services. 15717

(3) For purposes of divisions (F)(1) and (2) of this 15718

section, "surveys, marketing, solicitation, or resale for 15719  
commercial purposes" shall be narrowly construed and does not 15720  
include reporting or gathering news, reporting or gathering 15721  
information to assist citizen oversight or understanding of the 15722  
operation or activities of government, or nonprofit educational 15723  
research. 15724

(G) A request by a defendant, counsel of a defendant, or 15725  
any agent of a defendant in a criminal action that public 15726  
records related to that action be made available under this 15727  
section shall be considered a demand for discovery pursuant to 15728  
the Criminal Rules, except to the extent that the Criminal Rules 15729  
plainly indicate a contrary intent. The defendant, counsel of 15730  
the defendant, or agent of the defendant making a request under 15731  
this division shall serve a copy of the request on the 15732  
prosecuting attorney, director of law, or other chief legal 15733  
officer responsible for prosecuting the action. 15734

(H) (1) Any portion of a body-worn camera or dashboard 15735  
camera recording described in divisions (A) (17) (b) to (h) of 15736  
this section may be released by consent of the subject of the 15737  
recording or a representative of that person, as specified in 15738  
those divisions, only if either of the following applies: 15739

(a) The recording will not be used in connection with any 15740  
probable or pending criminal proceedings; 15741

(b) The recording has been used in connection with a 15742  
criminal proceeding that was dismissed or for which a judgment 15743  
has been entered pursuant to Rule 32 of the Rules of Criminal 15744  
Procedure, and will not be used again in connection with any 15745  
probable or pending criminal proceedings. 15746

(2) If a public office denies a request to release a 15747

restricted portion of a body-worn camera or dashboard camera 15748  
recording, as defined in division (A) (17) of this section, any 15749  
person may file a mandamus action pursuant to this section or a 15750  
complaint with the clerk of the court of claims pursuant to 15751  
section 2743.75 of the Revised Code, requesting the court to 15752  
order the release of all or portions of the recording. If the 15753  
court considering the request determines that the filing 15754  
articulates by clear and convincing evidence that the public 15755  
interest in the recording substantially outweighs privacy 15756  
interests and other interests asserted to deny release, the 15757  
court shall order the public office to release the recording. 15758

**Sec. 153.01.** (A) Whenever any building or structure for 15759  
the use of the state or any institution supported in whole or in 15760  
part by the state or in or upon the public works of the state 15761  
that is administered by the Ohio facilities construction 15762  
commission or by any other state officer or state agency 15763  
authorized by law to administer a project, including an 15764  
educational institution listed in section 3345.50 of the Revised 15765  
Code, is to be erected or constructed, whenever additions, 15766  
alterations, or structural or other improvements are to be made, 15767  
or whenever heating, cooling, or ventilating plants or other 15768  
equipment is to be installed or material supplied therefor, the 15769  
estimated cost of which amounts to two hundred thousand dollars 15770  
or more, or the amount determined pursuant to section 153.53 of 15771  
the Revised Code or more, each officer, board, or other 15772  
authority upon which devolves the duty of constructing, 15773  
erecting, altering, or installing the same, referred to in 15774  
sections 153.01 to 153.60 of the Revised Code as the public 15775  
authority, shall cause to be made, by an architect or engineer 15776  
whose contract of employment shall be prepared and approved by 15777  
the attorney general, the following: 15778



(1) Full and accurate plans, suitable for the use of mechanics and other builders in the construction, improvement, addition, alteration, or installation;

(2) Details to scale and full-sized, so drawn and represented as to be easily understood;

(3) Definite and complete specifications of the work to be performed, together with directions that will enable a competent mechanic or other builder to carry them out and afford bidders all needful information;

(4) A full and accurate estimate of each item of expense and the aggregate cost of those items of expense;

(5) A life-cycle cost analysis;

(6) Further data as may be required by the Ohio facilities construction commission.

In preparing these plans, details, specifications, estimates, analyses, or other data, the public authority may require the architect or engineer to use a building information model system, as long as the system is based on a nationally recognized standard for building information models. As used in this division, "building information model" means a digital representation of physical and functional characteristics of a facility, and electronic files used to design and coordinate the project, whether it is a single model or multiple models used in the aggregate.

(B) (1) Division (A) of this section shall not be required with respect to a construction management contract entered into with a construction manager at risk as described in section 9.334 of the Revised Code, an integrated project delivery contract entered into with an integrated project contractor as

described in section 153.65 of the Revised Code, or a design- 15808  
build contract entered into with a design-build firm as 15809  
described in section 153.693 of the Revised Code. 15810

(2) Nothing in this chapter shall interfere with the power 15811  
of the director of transportation to prepare plans for, acquire 15812  
rights-of-way for, construct, or maintain roads, highways, or 15813  
bridges, or to let contracts for those purposes. 15814

**Sec. 153.07.** The notice provided for in section 153.06 of 15815  
the Revised Code shall be published by electronic means~~once each~~ 15816  
~~week for three consecutive weeks in a newspaper of general~~ 15817  
~~circulation, or as provided in section 7.16 of the Revised Code,~~ 15818  
and may be published in other news media in the county where the 15819  
activity for which bids are submitted is to occur ~~and in such~~ 15820  
~~other newspapers as ordered by the Ohio facilities construction~~ 15821  
~~commission, the last publication to~~. The notice shall invite 15822  
interested parties to submit proposals for consideration and 15823  
shall be published at least ~~eight~~fourteen days preceding the 15824  
day for opening the bids, ~~and in such form and with such~~ 15825  
~~phraseology a manner as prescribed by the commission orders.~~ 15826  
Copies of the plans, details, estimates of cost, and 15827  
specifications shall be available electronically or open to 15828  
public inspection at all business hours between the day of the 15829  
first publication and the day for opening the bids, at the 15830  
office of the commission where the bids are received, and such 15831  
other place as may be designated in such notice. 15832

**Sec. 153.08.** On the day and at the place named in the 15833  
notice provided for in section 153.06 of the Revised Code, the 15834  
owner referred to in section 153.01 of the Revised Code shall 15835  
open the bids and shall publicly, with the assistance of the 15836  
architect or engineer, immediately proceed to tabulate the bids. 15837

For a bid filed electronically, the public bid opening may be 15838  
broadcast by electronic means pursuant to rules established by 15839  
the Ohio facilities construction commission. A bid shall be 15840  
invalid and not considered unless a bid guaranty meeting the 15841  
requirements of section 153.54 of the Revised Code and in the 15842  
form approved by the commission is filed with such bid. For a 15843  
bid that is not filed electronically, the bid and bid guaranty 15844  
shall be filed in one sealed envelope. If the bid and bid 15845  
guaranty are filed electronically, they must be received 15846  
electronically before the deadline published pursuant to section 15847  
153.06 of the Revised Code. For all bids filed electronically, 15848  
the original, unaltered bid guaranty shall be made available to 15849  
the public authority after the public bid opening, which may be 15850  
achieved by means of an electronic verification and security 15851  
system established under rules adopted by the Ohio facilities 15852  
construction commission under Chapter 119. of the Revised Code. 15853  
After investigation, which shall be completed within thirty 15854  
days, the contract shall be awarded by such owner to the lowest 15855  
responsive and responsible bidder in accordance with section 15856  
9.312 of the Revised Code. 15857

No contract shall be entered into until the industrial 15858  
commission has certified that the person so awarded the contract 15859  
has complied with sections 4123.01 to 4123.94 of the Revised 15860  
Code, until, if the bidder so awarded the contract is a foreign 15861  
corporation, the secretary of state has certified that such 15862  
corporation is authorized to do business in this state, until, 15863  
if the bidder so awarded the contract is a person nonresident of 15864  
this state, such person has filed with the secretary of state a 15865  
power of attorney designating the secretary of state as its 15866  
agent for the purpose of accepting service of summons in any 15867  
action brought under section 153.05 of the Revised Code or under 15868

sections 4123.01 to 4123.94 of the Revised Code, and until the 15869  
contract and bond, if any, are submitted to the attorney general 15870  
and the attorney general's approval certified thereon. 15871

~~No contract shall be entered into unless the bidder 15872  
possesses a valid certificate of compliance with affirmative- 15873  
action programs issued pursuant to section 9.47 of the Revised- 15874  
Code and dated no earlier than one hundred eighty days prior to- 15875  
the date fixed for the opening of bids for a particular project. 15876~~

**Sec. 153.09.** If in the opinion of the owner referred to in 15877  
section 153.01 of the Revised Code, the award of a contract to 15878  
the lowest responsive and responsible bidder is not in the best 15879  
interests of the state, the owner may accept another bid so 15880  
opened or reject all bids, and advertise for other bids. Such 15881  
advertisement shall be for such time, in such form, and ~~in~~by 15882  
such ~~newspaper~~electronic media as the Ohio facilities 15883  
construction commission directs. All contracts shall provide 15884  
that such owner may make any change in work or materials on the 15885  
conditions and in the manner provided in sections 153.10 and 15886  
153.11 of the Revised Code. 15887

**Sec. 153.12.** (A) With respect to award of any contract for 15888  
the construction, reconstruction, improvement, enlargement, 15889  
alteration, repair, painting, or decoration of a public 15890  
improvement made by the state, or any county, township, 15891  
municipal corporation, school district, or other political 15892  
subdivision, or any public board, commission, authority, 15893  
instrumentality, or special purpose district of or in the state 15894  
or a political subdivision or that is authorized by state law, 15895  
the award, and execution of the contract, shall be made within 15896  
sixty days after the date on which the bids are opened. The 15897  
failure to award and execute the contract within sixty days 15898

invalidates the entire bid proceedings and all bids submitted, 15899  
unless the time for awarding and executing the contract is 15900  
extended by mutual consent of the owner or its representatives 15901  
and the bidder whose bid the owner accepts and with respect to 15902  
whom the owner subsequently awards and executes a contract. The 15903  
public owners referred to in this section shall include, in the 15904  
plans and specifications for the project for which bids are 15905  
solicited, the estimate of cost. The bid for which the award is 15906  
to be made shall be opened at the time and place named in the 15907  
advertisement for bids, unless extended by the owner or its 15908  
representative or unless, within seventy-two hours prior to the 15909  
published time for the opening of bids, excluding Saturdays, 15910  
Sundays, and legal holidays, any modification of the plans or 15911  
specifications and estimates of cost for the project for which 15912  
bids are solicited is issued and mailed or otherwise furnished 15913  
to persons who have obtained plans or specifications for the 15914  
project, for which the time for opening of bids shall be 15915  
extended one week, with no further advertising of bids required. 15916  
The contractor, upon request, is entitled to a notice to proceed 15917  
with the work by the owner or its representative upon execution 15918  
of the contract. No contract to which this section applies shall 15919  
be entered into if the price of the contract, or, if the project 15920  
involves multiple contracts where the total price of all 15921  
contracts for the project, is in excess of ten per cent, in the 15922  
case of a contract made by the state or a public board, 15923  
commission, authority, or instrumentality of the state, or 15924  
twenty per cent, in the case of a contract made by a county, 15925  
township, municipal corporation, school district, special 15926  
purpose district, or other political subdivision or a public 15927  
board, commission, authority, or instrumentality of the 15928  
political subdivision, above the entire estimate thereof, nor 15929  
shall the entire cost of the construction, reconstruction, 15930

repair, painting, decorating, improvement, alteration, addition, 15931  
or installation, including changes and estimates of expenses for 15932  
architects or engineers, exceed in the aggregate the amount 15933  
authorized by law. 15934

The unit or lump sum price stated in the contract shall be 15935  
used in determining the amount to be paid and shall constitute 15936  
full and final compensation for all the work. 15937

Partial payment to the contractor for work performed under 15938  
the lump sum price shall be based on a schedule prepared by the 15939  
contractor and approved by the architect or engineer who shall 15940  
apportion the lump sum price to the major components entering 15941  
into or forming a part of the work under the lump sum price. 15942

Partial payments to the contractor for labor performed 15943  
under either a unit or lump sum price contract shall be made at 15944  
~~the a rate of ninety-two not less than ninety-six~~ per cent of 15945  
the estimates prepared by the contractor and approved by the 15946  
architect or engineer. ~~All labor performed after the job is-~~ 15947  
~~fifty per cent completed shall be paid for at the rate of one-~~ 15948  
~~hundred per cent of the estimates submitted by the contractor-~~ 15949  
~~and approved by the architect or engineer. No subcontract shall~~ 15950  
be paid at a rate lower than the rate being paid to the 15951  
contractor by the public authority. 15952

The amounts and time of payments of any public 15953  
improvements contract made by the state or any county, township, 15954  
municipal corporation, school district, or other political 15955  
subdivision, or any public board, commission, authority, 15956  
instrumentality, or special purpose district of or in the state 15957  
or a political subdivision or that is authorized by state law, 15958  
except as provided in section 5525.19 of the Revised Code, shall 15959  
be governed by this section and sections 153.13 and 153.14 of 15960

the Revised Code. If the time for awarding the contract is 15961  
extended by mutual consent, or if the owner or its 15962  
representative fails to issue a timely notice to proceed as 15963  
required by this section, the owner or its representative shall 15964  
issue a change order authorizing delay costs to the contractor, 15965  
which does not invalidate the contract. The amount of such a 15966  
change order to the owner shall be determined in accordance with 15967  
the provisions of the contract for change orders or force 15968  
accounts or, if no such provision is set forth in the contract, 15969  
the cost to the owner shall be the contractor's actual costs 15970  
including wages, labor costs other than wages, wage taxes, 15971  
materials, equipment costs and rentals, insurance, and 15972  
subcontracts attributable to the delay, plus a reasonable sum 15973  
for overhead. In the event of a dispute between the owner and 15974  
the contractor concerning such change order, procedures shall be 15975  
commenced under the applicable terms of the contract, or, if the 15976  
contract contains no provision for resolving the dispute, it 15977  
shall be resolved pursuant to the procedures for arbitration in 15978  
Chapter 2711. of the Revised Code, except as provided in 15979  
division (B) of this section. Nothing in this division shall be 15980  
construed as a limitation upon the authority of the director of 15981  
transportation granted in Chapter 5525. of the Revised Code. 15982

(B) If a dispute arises between the state and a contractor 15983  
concerning the terms of a public improvement contract let by the 15984  
state or concerning a breach of the contract, and after 15985  
administrative remedies provided for in such contract and any 15986  
alternative dispute resolution procedures provided in accordance 15987  
with guidelines established by the executive director of the 15988  
Ohio facilities construction commission are exhausted, the 15989  
contractor may bring an action to the court of claims in 15990  
accordance with Chapter 2743. of the Revised Code. The state or 15991

the contractor may request the chief justice of the supreme 15992  
court to appoint a referee or panel of referees in accordance 15993  
with division (C) (3) of section 2743.03 of the Revised Code. As 15994  
used in this division, "dispute" means a disagreement between 15995  
the state and the contractor concerning a public improvement 15996  
contract let by the state. 15997

**Sec. 153.13.** At the time named in the contract for payment 15998  
to the person with whom it is made, the owner referred to in 15999  
section 153.01 or 153.12 of the Revised Code shall approve a 16000  
full, accurate, and detailed estimate of the various kinds of 16001  
labor performed and material furnished under the contract, with 16002  
the amount due for each kind of labor and material and the 16003  
materials and amount due in the aggregate, which estimate shall 16004  
be based upon actual measurement of such labor and materials, 16005  
and shall give the amounts of the preceding estimate, and the 16006  
amount of labor performed and materials furnished since the last 16007  
estimate. ~~From the date the contract is fifty per cent complete,~~ 16008  
~~as evidenced by payments in the amount of at least fifty per-~~ 16009  
~~cent of the contract to the person with whom the owner has~~ 16010  
~~contracted, except in the case of contracts the total cost of~~ 16011  
~~which is less than fifteen thousand dollars, all funds retained~~ 16012  
~~pursuant to sections 153.12 and 153.14 of the Revised Code for~~ 16013  
~~the faithful performance of work shall be deposited in the~~ 16014  
~~escrow account designated in section 153.63 of the Revised Code.~~ 16015  
~~After the contract is fifty per cent complete, no further funds~~ 16016  
~~shall be retained.~~ When the major portion of the project is 16017  
substantially completed and occupied, or in use, or otherwise 16018  
accepted, and there exists no other reason to withhold 16019  
retainage, the retained percentages held in connection with such 16020  
portion shall be ~~released from escrow and~~ paid to the 16021  
contractor, withholding only that amount necessary to assure 16022



completion. ~~Funds in the escrow account not heretofore paid,~~ 16023  
~~with accumulated interest, shall be paid to the person with whom~~ 16024  
~~the owner has contracted thirty days from the date of completion~~ 16025  
~~or either acceptance or occupancy by the owner. Such payments~~ 16026  
~~shall be in accordance with division (A) (2) of section 153.63 of~~ 16027  
~~the Revised Code. Any retained funds and interest thereon~~ 16028  
~~accrued during the project shall be considered property of the~~ 16029  
~~contractor. Any retained funds and interest thereon accrued~~ 16030  
~~during the project shall be paid to the primary contractor not~~ 16031  
~~later than thirty days after the date of substantial completion~~ 16032  
~~of the work. Nothing in this section shall be construed as a~~ 16033  
~~limitation upon the authority of the director of transportation~~ 16034  
~~granted in Chapter 5525. of the Revised Code.~~ 16035

**Sec. 153.14.** For the construction of those projects, 16036  
improvements, and public buildings over which the Ohio 16037  
facilities construction commission has general supervision 16038  
pursuant to section 123.21 of the Revised Code, the estimates 16039  
referred to in section 153.13 of the Revised Code shall be filed 16040  
with the executive director by the owner referred to in section 16041  
153.01 or 153.12 of the Revised Code. Upon completion of a 16042  
project referred to in section 153.13 of the Revised Code or any 16043  
divisible part thereof, the maintenance and repair of such 16044  
project or divisible part shall be assumed by the owner referred 16045  
to in section 153.01 or 153.12 of the Revised Code. 16046

In addition to all other payments on account of work 16047  
performed, there shall be allowed by the owner referred to in 16048  
section 153.01 or 153.12 of the Revised Code and paid to the 16049  
contractor a sum at the rate of ninety-two per cent of the 16050  
invoice costs, not to exceed the bid price in a unit price 16051  
contract, of material delivered on the site of the work, or a 16052  
railroad station, siding, or other point in the vicinity of the 16053

work, or other approved storage site, provided such materials 16054  
have been inspected and found to meet the specifications. The 16055  
balance of such invoiced value shall be paid when such material 16056  
is incorporated into and becomes a part of such building, 16057  
construction, addition, improvement, alteration, or 16058  
installation. When an estimate is allowed on account of material 16059  
delivered on the site of the work or in the vicinity thereof or 16060  
under the possession and control of the contractor but not yet 16061  
incorporated therein, such material shall become the property of 16062  
the owner under the contract, but if such material is stolen, 16063  
destroyed, or damaged by casualty before being used, the 16064  
contractor shall be required to replace it at the contractor's 16065  
own expense. 16066

When the rate of work and amounts involved are so large 16067  
that it is considered advisable by the owner or contractor, 16068  
estimates and payments shall be made twice each month. 16069

Payment on approved estimates filed with the owner or its 16070  
representative shall be made within thirty days. Upon the 16071  
failure of the owner or its representative to make such payments 16072  
within thirty days, or upon an unauthorized withholding of 16073  
retainage, there shall be allowed to the contractor, in addition 16074  
to any other remedies allowed by law, interest on such moneys 16075  
not paid within thirty days. Interest on the unauthorized 16076  
withholding of retainage shall be in addition to any interest 16077  
earned ~~in the escrow account set forth as described~~ in section 16078  
153.13 of the Revised Code. The rate of such interest shall be 16079  
the average of the prime rate established at the commercial 16080  
banks in the city of over one hundred thousand population that 16081  
is nearest the construction project. Nothing in this section 16082  
shall be construed as a limitation upon the authority of the 16083  
director of transportation granted in Chapter 5525. of the 16084

Revised Code. 16085

**Sec. 153.50.** (A) As used in sections 153.50 to 153.52 of 16086  
the Revised Code: 16087

(1) "Construction manager at risk" has the same meaning as 16088  
in section 9.33 of the Revised Code. 16089

(2) "Design-assist services" means monitoring and 16090  
assisting in the completion of the plans and specifications. 16091

(3) "Design-assist firm" means a person capable of 16092  
providing design-assist services. 16093

(4) "Design-build firm" has the same meaning as in section 16094  
153.65 of the Revised Code. 16095

(5) "General contracting" means constructing and managing 16096  
an entire public improvement project, including the branches or 16097  
classes of work specified in division (B) of this section, under 16098  
the award of a single aggregate lump sum contract. 16099

(6) "General contracting firm" means a person capable of 16100  
performing general contracting. 16101

(7) "Integrated project delivery contract" and "integrated 16102  
project contractor" have the same meanings as in section 153.65 16103  
of the Revised Code. 16104

(B) Except for contracts made with a construction manager 16105  
at risk, with a design-build firm, with an integrated project 16106  
contractor, or with a general contracting firm, an officer, 16107  
board, or other authority of the state, a county, township, 16108  
municipal corporation, or school district, or of any public 16109  
institution belonging thereto, authorized to contract for the 16110  
erection, repair, alteration, or rebuilding of a public 16111  
building, institution, bridge, culvert, or improvement and 16112

required by law to advertise and receive bids for furnishing of 16113  
materials and doing the work necessary for the erection thereof, 16114  
shall require separate and distinct bids to be made for 16115  
furnishing such materials or doing such work, or both, in their 16116  
discretion, for each of the following branches or classes of 16117  
work to be performed, and all work kindred thereto, entering 16118  
into the improvement: 16119

(1) Plumbing and gas fitting; 16120

(2) Steam and hot-water heating, ventilating apparatus, 16121  
and steam-power plant; 16122

(3) Electrical equipment. 16123

**Sec. 153.501.** (A) A public authority may accept a 16124  
subcontract awarded by a construction manager at risk, an 16125  
integrated project contractor, a design-build firm, or a general 16126  
contracting firm, or may reject any such subcontract if the 16127  
public authority determines that the bidder is not responsible. 16128

(B) A public authority may authorize a construction 16129  
manager at risk or design-build firm to utilize a design-assist 16130  
firm on any public improvement project without transferring any 16131  
design liability to the design-assist firm. 16132

(C) If the construction manager at risk or design-build 16133  
firm intends and is permitted by the public authority to self- 16134  
perform a portion of the work to be performed, the construction 16135  
manager at risk or design-build firm shall submit a sealed bid 16136  
to the public authority for the portion of the work prior to 16137  
accepting and opening any bids for the same work, except when 16138  
the public authority requests a guaranteed maximum price 16139  
proposal due at the time of selection. 16140

**Sec. 153.502.** (A) Each construction manager at risk,  16141

integrated project contractor, and design-build firm shall 16142  
establish criteria by which it will prequalify prospective 16143  
bidders on subcontracts awarded for work to be performed under 16144  
the construction management, integrated project delivery, or 16145  
design-build contract. The criteria established by a 16146  
construction manager at risk, integrated project contractor, or 16147  
design-build firm shall be subject to the approval of the public 16148  
authority involved in the project and shall be consistent with 16149  
the rules adopted by the Ohio facilities construction commission 16150  
pursuant to section 153.503 of the Revised Code. 16151

(B) For each subcontract to be awarded, the construction 16152  
manager at risk, integrated project contractor, or design-build 16153  
firm shall identify at least three prospective bidders that are 16154  
prequalified to bid on that subcontract, except that the 16155  
construction manager at risk, integrated project contractor, or 16156  
design-build firm shall identify fewer than three if the 16157  
construction manager at risk, integrated project contractor, or 16158  
design-build firm establishes to the satisfaction of the public 16159  
authority that fewer than three prequalified bidders are 16160  
available. The public authority shall verify that each 16161  
prospective bidder meets the prequalification criteria and, 16162  
subject to division (E) of this section, may eliminate any 16163  
bidder it determines is not qualified. 16164

(C) Once the prospective bidders are prequalified and 16165  
found acceptable by the public authority, the construction 16166  
manager at risk, integrated project contractor, or design-build 16167  
firm shall solicit proposals from each of those bidders. The 16168  
solicitation and selection of a subcontractor shall be conducted 16169  
under an open book pricing method. As used in this division, 16170  
"open book pricing method" has the same meaning as in section 16171  
9.33 of the Revised Code, in the case of a construction manager 16172

at risk, and the same meaning as in section 153.65 of the Revised Code, in the case of a design-build firm or an integrated project contractor.

(D) A construction manager at risk, integrated project contractor, or design-build firm shall not be required to award a subcontract to a low bidder.

(E) Except as provided in section 307.921 of the Revised Code, no public authority shall eliminate a bidder as unqualified on the basis that the bidder has not complied with an affirmative action program or a diversity, equity, and inclusion program. This division shall not be construed to affect any set-aside programs for minority business enterprises or EDGE business enterprises, as defined in sections 122.921 and 122.922 of the Revised Code, respectively.

**Sec. 153.503.** The Ohio facilities construction commission, pursuant to Chapter 119. of the Revised Code, shall adopt rules to do all of the following:

(A) Prescribe the procedures and criteria for determining the best value selection of a construction manager at risk, integrated project contractor, or design-build firm;

(B) Set forth standards to be followed by construction managers at risk, integrated project contractors, and design-build firms when establishing prequalification criteria pursuant to section 153.502 of the Revised Code;

(C) Prescribe the form for the contract documents to be used by a construction manager at risk, integrated project contractor, design-build firm, or general contractor when entering into a subcontract;

(D) Prescribe the form for the contract documents to be

used by a public authority when entering into a contract with a construction manager at risk or design-build firm;

(E) Prescribe the form for the contract documents to be used by a public authority when entering into a multi-party integrated project delivery contract with both a professional design firm and an integrated project contractor.

**Sec. 153.54.** (A) Except with respect to a contract described in section 9.334 or 153.693 of the Revised Code, each person bidding for a contract with the state or any political subdivision, district, institution, or other agency thereof, excluding therefrom the department of transportation, for any public improvement shall file with the bid, a bid guaranty in the form of ~~either~~ any of the following:

(1) A bond in accordance with division (B) of this section for the full amount of the bid;

(2) A certified check, cashier's check, or letter of credit pursuant to Chapter 1305. of the Revised Code, in accordance with division (C) of this section. Any such letter of credit is revocable only at the option of the beneficiary state, political subdivision, district, institution, or agency. The amount of the certified check, cashier's check, or letter of credit shall be equal to ten per cent of the bid;

(3) An electronic verification through an electronic verification and security system described in section 153.08 of the Revised Code, if the state or any political subdivision, district, institution, or other agency thereof accepts bids electronically pursuant to section 153.08 of the Revised Code.

(B) A bid guaranty filed pursuant to division (A) (1) of this section shall be conditioned to:

(1) Provide that, if the bid is accepted, the bidder, 16231  
after the awarding or the recommendation for the award of the 16232  
contract, whichever the contracting authority designates, will 16233  
enter into a proper contract in accordance with the bid, plans, 16234  
details, and specifications. If for any reason, other than as 16235  
authorized by section 9.31 of the Revised Code or division (G) 16236  
of this section, the bidder fails to enter into the contract, 16237  
and the contracting authority awards the contract to the next 16238  
lowest bidder, the bidder and the surety on the bidder's bond 16239  
are liable to the state, political subdivision, district, 16240  
institution, or agency for the difference between the bid and 16241  
that of the next lowest bidder, or for a penal sum not to exceed 16242  
ten per cent of the amount of the bond, whichever is less. If 16243  
the state, political subdivision, district, institution, or 16244  
agency does not award the contract to the next lowest bidder but 16245  
resubmits the project for bidding, the bidder failing to enter 16246  
into the contract and the surety on the bidder's bond, except as 16247  
provided in division (G) of this section, are liable to the 16248  
state, political subdivision, district, institution, or agency 16249  
for a penal sum not to exceed ten per cent of the amount of the 16250  
bid or the costs in connection with the resubmission of printing 16251  
new contract documents, required advertising, and printing and 16252  
mailing notices to prospective bidders, whichever is less. 16253

(2) Indemnify the state, political subdivision, district, 16254  
institution, or agency against all damage suffered by failure to 16255  
perform the contract according to its provisions and in 16256  
accordance with the plans, details, and specifications therefor 16257  
and to pay all lawful claims of subcontractors, material 16258  
suppliers, and laborers for labor performed or material 16259  
furnished in carrying forward, performing, or completing the 16260  
contract; and agree and assent that this undertaking is for the 16261



benefit of any subcontractor, material supplier, or laborer 16262  
having a just claim, as well as for the state, political 16263  
subdivision, district, institution, or agency. 16264

(C) (1) A bid guaranty filed pursuant to division (A) (2) of 16265  
this section shall be conditioned to provide that if the bid is 16266  
accepted, the bidder, after the awarding or the recommendation 16267  
for the award of the contract, whichever the contracting 16268  
authority designates, will enter into a proper contract in 16269  
accordance with the bid, plans, details, specifications, and 16270  
bills of material. If for any reason, other than as authorized 16271  
by section 9.31 of the Revised Code or division (G) of this 16272  
section, the bidder fails to enter into the contract, and the 16273  
contracting authority awards the contract to the next lowest 16274  
bidder, the bidder is liable to the state, political 16275  
subdivision, district, institution, or agency for the difference 16276  
between the bidder's bid and that of the next lowest bidder, or 16277  
for a penal sum not to exceed ten per cent of the amount of the 16278  
bid, whichever is less. If the state, political subdivision, 16279  
district, institution, or agency does not award the contract to 16280  
the next lowest bidder but resubmits the project for bidding, 16281  
the bidder failing to enter into the contract, except as 16282  
provided in division (G) of this section, is liable to the 16283  
state, political subdivision, district, institution, or agency 16284  
for a penal sum not to exceed ten per cent of the amount of the 16285  
bid or the costs in connection with the resubmission, of 16286  
printing new contract documents, required advertising, and 16287  
printing and mailing notices to prospective bidders, whichever 16288  
is less. 16289

If the bidder enters into the contract, the bidder, at the 16290  
time the contract is entered to, shall file a bond for the 16291  
amount of the contract to indemnify the state, political 16292

subdivision, district, institution, or agency against all damage 16293  
suffered by failure to perform the contract according to its 16294  
provisions and in accordance with the plans, details, and 16295  
specifications and to pay all lawful claims of subcontractors, 16296  
material suppliers, and laborers for labor performed or material 16297  
furnished in carrying forward, performing, or completing the 16298  
contract; and agree and assent that this undertaking is for the 16299  
benefit of any subcontractor, material supplier, or laborer 16300  
having a just claim, as well as for the state, political 16301  
subdivision, district, institution, or agency. 16302

(2) A construction manager who enters into a contract 16303  
pursuant to sections 9.33 to 9.333 of the Revised Code, if 16304  
required by the public authority at the time the construction 16305  
manager enters into the contract, shall file a letter of credit 16306  
pursuant to Chapter 1305. of the Revised Code, bond, certified 16307  
check, or cashier's check, for the value of the construction 16308  
management contract to indemnify the state, political 16309  
subdivision, district, institution, or agency against all damage 16310  
suffered by the construction manager's failure to perform the 16311  
contract according to its provisions, and shall agree and assent 16312  
that this undertaking is for the benefit of the state, political 16313  
subdivision, district, institution, or agency. A letter of 16314  
credit provided by the construction manager is revocable only at 16315  
the option of the beneficiary state, political subdivision, 16316  
district, institution, or agency. 16317

(D) Where the state, political subdivision, district, 16318  
institution, or agency accepts a bid but the bidder fails or 16319  
refuses to enter into a proper contract in accordance with the 16320  
bid, plans, details, and specifications within ten days after 16321  
the awarding of the contract, the bidder and the surety on any 16322  
bond, except as provided in division (G) of this section, are 16323

liable for the amount of the difference between the bidder's bid 16324  
and that of the next lowest bidder, but not in excess of the 16325  
liability specified in division (B) (1) or (C) of this section. 16326  
Where the state, political subdivision, district, institution, 16327  
or agency then awards the bid to such next lowest bidder and 16328  
such next lowest bidder also fails or refuses to enter into a 16329  
proper contract in accordance with the bid, plans, details, and 16330  
specifications within ten days after the awarding of the 16331  
contract, the liability of such next lowest bidder, except as 16332  
provided in division (G) of this section, is the amount of the 16333  
difference between the bids of such next lowest bidder and the 16334  
third lowest bidder, but not in excess of the liability 16335  
specified in division (B) (1) or (C) of this section. Liability 16336  
on account of an award to any lowest bidder beyond the third 16337  
lowest bidder shall be determined in like manner. 16338

(E) Notwithstanding division (C) of this section, where 16339  
the state, political subdivision, district, institution, or 16340  
agency resubmits the project for bidding, each bidder whose bid 16341  
was accepted but who failed or refused to enter into a proper 16342  
contract, except as provided in division (G) of this section, is 16343  
liable for an equal share of a penal sum in connection with the 16344  
resubmission, of printing new contract documents, required 16345  
advertising, and printing and mailing notices to prospective 16346  
bidders, but no bidder's liability shall exceed the amount of 16347  
the bidder's bid guaranty. 16348

(F) All bid guaranties filed pursuant to this section 16349  
shall be payable to the state, political subdivision, district, 16350  
institution, or agency, be for the benefit of the state, 16351  
political subdivision, district, institution, or agency or any 16352  
person having a right of action thereon, and be deposited with, 16353  
and held by, the board, officer, or agent contracting on behalf 16354

of the state, political subdivision, district, institution, or 16355  
agency. All bonds filed pursuant to this section shall be issued 16356  
by a surety company authorized to do business in this state as 16357  
surety approved by the board, officer, or agent awarding the 16358  
contract on behalf of the state, political subdivision, 16359  
district, institution, or agency. 16360

(G) A bidder for a contract with the state or any 16361  
political subdivision, district, institution, or other agency 16362  
thereof, excluding therefrom the Ohio department of 16363  
transportation, for a public improvement costing less than one- 16364  
half million dollars may withdraw the bid from consideration if 16365  
the bidder's bid for some other contract with the state or any 16366  
political subdivision, district, institution, or other agency 16367  
thereof, excluding therefrom the department of transportation, 16368  
for the public improvement costing less than one-half million 16369  
dollars has already been accepted, if the bidder certifies in 16370  
good faith that the total amount of all the bidder's current 16371  
contracts is less than one-half million dollars, and if the 16372  
surety certifies in good faith that the bidder is unable to 16373  
perform the subsequent contract because to do so would exceed 16374  
the bidder's bonding capacity. If a bid is withdrawn under 16375  
authority of this division, the contracting authority may award 16376  
the contract to the next lowest bidder or reject all bids and 16377  
resubmit the project for bidding, and neither the bidder nor the 16378  
surety on the bidder's bond are liable for the difference 16379  
between the bidder's bid and that of the next lowest bidder, for 16380  
a penal sum, or for the costs of printing new contract 16381  
documents, required advertising, and printing and mailing 16382  
notices to prospective bidders. 16383

(H) Bid guaranties filed pursuant to division (A) of this 16384  
section shall be returned to all unsuccessful bidders 16385

immediately after the contract is executed. The bid guaranty 16386  
filed pursuant to division (A) (2) of this section shall be 16387  
returned to the successful bidder upon filing of the bond 16388  
required in division (C) of this section. 16389

(I) For the purposes of this section and sections 153.56, 16390  
153.57, and 153.571 of the Revised Code, "public improvement," 16391  
"subcontractor," "material supplier," "laborer," and "materials" 16392  
have the same meanings as in section 1311.25 of the Revised 16393  
Code. 16394

**Sec. 153.59.** Every contract for or on behalf of the state, 16395  
or any township, county, or municipal corporation of the state, 16396  
for the construction, alteration, or repair of any public 16397  
building or public work in the state shall contain provisions by 16398  
which the contractor agrees to both of the following: 16399

(A) That, in the hiring of employees for the performance 16400  
of work under the contract or any subcontract, no contractor, 16401  
subcontractor, or any person acting on a contractor's or 16402  
subcontractor's behalf, by reason of race, creed, sex, 16403  
disability or military status as defined in section 4112.01 of 16404  
the Revised Code, or color, shall discriminate against any 16405  
citizen of the state in the employment of labor or workers who 16406  
is qualified and available to perform the work to which the 16407  
employment relates; 16408

(B) That no contractor, subcontractor, or any person on a 16409  
contractor's or subcontractor's behalf, in any manner, shall 16410  
discriminate against or intimidate any employee hired for the 16411  
performance of work under the contract on account of race, 16412  
creed, sex, disability or military status as defined in section 16413  
4112.01 of the Revised Code, or color. 16414

~~The department of development shall ensure that no capital  
moneys appropriated by the general assembly for any purpose  
shall be expended unless the project for which those moneys are  
appropriated provides for an affirmative action program for the  
employment and effective utilization of disadvantaged persons  
whose disadvantage may arise from cultural, racial, or ethnic  
background, or other similar cause, including, but not limited  
to, race, religion, sex, disability or military status as  
defined in section 4112.01 of the Revised Code, national origin,  
or ancestry.~~

In awarding contracts for capital improvement projects,  
the department of development shall ensure that equal  
consideration be given to contractors, subcontractors, or joint  
venturers who qualify as a minority business enterprise. As used  
in this section, "minority business enterprise" means a business  
enterprise that is owned or controlled by one or more socially  
or economically disadvantaged persons who are residents of this  
state. "Socially or economically disadvantaged persons" means  
persons, regardless of marital status, who are members of groups  
whose disadvantage may arise from discrimination on the basis of  
race, religion, sex, disability or military status as defined in  
section 4112.01 of the Revised Code, national origin, ancestry,  
or other similar cause.

**Sec. 153.63.** (A) Any money which is due from the public  
owner referred to in section ~~153.12~~ 1311.28 of the Revised Code  
under a contract entered into under this chapter or entered into  
under other applicable sections of the Revised Code for the  
construction, reconstruction, improvement, enlargement,  
alteration, repair, painting, or decoration of a public  
improvement shall, on the day it is due, be paid to the  
contractor or deposited in an escrow account, whichever is

applicable, with one or more banks or building and loan 16446  
associations in the state selected by mutual agreement between 16447  
the contractor and the public owner. The agreement shall contain 16448  
the following provisions: 16449

(1) The money shall be deposited in a savings account or 16450  
the escrow agent shall promptly invest all of the escrowed 16451  
principal in obligations selected by the escrow agent, as 16452  
stipulated in the agreement. 16453

(2) The escrow agent shall hold the escrowed principal and 16454  
income until receipt of notice from the public owner and the 16455  
contractor, or until receipt of an arbitration order or an order 16456  
of the court of claims specifying the amount of the escrowed 16457  
principal to be released and the person to whom it is to be 16458  
released. Upon receipt of the notice or order, the agent shall 16459  
promptly pay such amount of principal and a proportionate amount 16460  
of the escrowed income to the person indicated. 16461

(3) The escrow agent shall be compensated for its services 16462  
as agreed to by the public owner and the contractor from the 16463  
income from the escrow account. 16464

The agreement may include other provisions not 16465  
inconsistent with this section, including, but not limited to 16466  
granting authority for the escrow agent to commingle the 16467  
escrowed funds with funds held pursuant to other escrow 16468  
agreements and limiting the liability of the escrow agent. 16469

(B) When the public owner, as defined in division (B) of 16470  
section 2743.01 of the Revised Code, and the contractor disagree 16471  
as to the conditions under which money is to be paid under this 16472  
section, the parties shall apply for a decision by arbitration 16473  
under the procedures of Chapter 2711. of the Revised Code. When 16474

an application is made, neither party shall initiate, and no court shall permit the maintenance of, an action in court for decision of the same issues sought to be determined in the arbitration application. The award made by the arbitrator may include the costs of arbitration. The arbitration shall be binding on all parties.

(C) When the public owner, as defined in division (A) of section 2743.01 of the Revised Code, and the contractor disagree as to the conditions under which money is to be paid under this section the contractor shall file an action in the court of claims.

(D) If the money required to be paid or deposited under division (A) of this section is not paid or deposited, the governmental entity shall pay to the contractor an amount equal to eight per cent annual interest compounded daily.

**Sec. 153.65.** As used in sections 153.65 to 153.73 of the Revised Code:

(A) (1) "Public authority" means the state, a state institution of higher education as defined in section 3345.011 of the Revised Code, a county, township, municipal corporation, school district, or other political subdivision, or any public agency, authority, board, commission, instrumentality, or special purpose district of the state or of a political subdivision.

(2) "Public authority" does not include the director of transportation when exercising the director's authority to prepare plans for, acquire rights-of-way for, construct, or maintain roads, highways, or bridges.

(B) "Professional design firm" means any person legally



engaged in rendering professional design services. 16504

(C) "Professional design services" means services within 16505  
the scope of practice of an architect or landscape architect 16506  
registered under Chapter 4703. of the Revised Code or a 16507  
professional engineer or surveyor registered under Chapter 4733. 16508  
of the Revised Code. 16509

(D) "Qualifications" means all of the following: 16510

(1) (a) For a professional design firm, competence to 16511  
perform the required professional design services as indicated 16512  
by the technical training, education, and experience of the 16513  
firm's personnel, especially the technical training, education, 16514  
and experience of the employees within the firm who would be 16515  
assigned to perform the services; 16516

(b) For a design-build firm, competence to perform the 16517  
required design-build services as indicated by the technical 16518  
training, education, and experience of the design-build firm's 16519  
personnel and key consultants, especially the technical 16520  
training, education, and experience of the employees and 16521  
consultants of the design-build firm who would be assigned to 16522  
perform the services, including the proposed architect or 16523  
engineer of record. 16524

(2) Ability of the firm in terms of its workload and the 16525  
availability of qualified personnel, equipment, and facilities 16526  
to perform the required professional design services or design- 16527  
build services competently and expeditiously; 16528

(3) Past performance of the firm as reflected by the 16529  
evaluations of previous clients with respect to such factors as 16530  
control of costs, quality of work, and meeting of deadlines; 16531

(4) Any other relevant factors as determined by the public 16532

authority; 16533

(5) With respect to a design-build firm, compliance with 16534  
sections 4703.182, 4703.332, and 4733.16 of the Revised Code, 16535  
including the use of a licensed design professional for all 16536  
design services. 16537

(E) "Design-build contract" means a contract between a 16538  
public authority and another person that obligates the person to 16539  
provide design-build services. 16540

(F) "Design-build firm" means a person capable of 16541  
providing design-build services. 16542

(G) "Design-build services" means services that form an 16543  
integrated delivery system for which a person is responsible to 16544  
a public authority for both the design and construction, 16545  
demolition, alteration, repair, or reconstruction of a public 16546  
improvement. 16547

(H) "Architect or engineer of record" means the architect 16548  
or engineer that serves as the final signatory on the plans and 16549  
specifications for the design-build project. 16550

(I) "Criteria architect or engineer" means the architect 16551  
or engineer retained by a public authority to prepare conceptual 16552  
plans and specifications, to assist the public authority in 16553  
connection with the establishment of the design criteria for a 16554  
design-build project, and, if requested by the public authority, 16555  
to serve as the representative of the public authority and 16556  
provide, during the design-build project, other design and 16557  
construction administration services on behalf of the public 16558  
authority, including but not limited to, confirming that the 16559  
design prepared by the design-build firm reflects the original 16560  
design intent established in the design criteria package. 16561

(J) "Open book pricing method" means a method in which a design-build firm or integrated project contractor provides the public authority, at the public authority's request, all books, records, documents, contracts, subcontracts, purchase orders, and other data in its possession pertaining to the bidding, pricing, or performance of a contract for design-build or integrated project delivery services awarded to the design-build firm or integrated project contractor.

(K) "Integrated project delivery" means a method to deliver a capital project through a multi-party agreement, executed by at least three parties, among a team comprised of a public authority, a professional design firm as described in section 153.693 of the Revised Code, and an integrated project contractor, commencing at early design and continuing through to project completion.

(L) "Integrated project contractor" means a person with the ability to plan, coordinate, manage, direct, and execute all phases of a capital project through integrated project delivery, including the construction, demolition, alteration, repair, or reconstruction of any public building, structure, or other improvement.

**Sec. 153.693.** ~~(A)~~ (A) (1) For every design-build contract, the public authority planning to contract for design-build services, in consultation with the criteria architect or engineer, shall evaluate the statements of qualifications submitted by design-build firms specifically regarding the project, including the design-build firm's proposed architect or engineer of record.

(2) For projects valued at less than four million dollars, the public authority may require the design-build firm to submit

a statement along with a pricing proposal described in division 16592  
(B) (2) (h) of this section. The public authority shall provide 16593  
each design-build firm who desires to submit both a statement 16594  
and a proposal a pre-proposal meeting to explore the proposals 16595  
further, in which the public authority shall provide the design- 16596  
build firm with a description of the project, including the 16597  
scope and nature of the proposed services and potential 16598  
technical approaches. After and only after the public authority 16599  
ranks and selects firms under division (B) (1) of this section, 16600  
the public authority shall review the pricing proposals 16601  
submitted by selected firms under this division, and proceed 16602  
under division (B) (3) of this section, continuing the selection 16603  
process from there. The Ohio facilities construction commission 16604  
shall biannually adjust for the rate of inflation, as of the 16605  
effective date of this amendment, the maximum project value 16606  
amount indicated in this division and post this amount on the 16607  
commission's web site. 16608

(B) Following this evaluation, the public authority shall: 16609

(1) Select and rank not fewer than three firms which it 16610  
considers to be the most qualified to provide the required 16611  
design-build services, except that the public authority shall 16612  
select and rank fewer than three firms when the public authority 16613  
determines in writing that fewer than three qualified firms are 16614  
available; 16615

(2) Provide each selected design-build firm with all of 16616  
the following: 16617

(a) A description of the project and project delivery; 16618

(b) The design criteria produced by the criteria architect 16619  
or engineer under section 153.692 of the Revised Code; 16620

(c) A preliminary project schedule;	16621
(d) A description of any preconstruction services;	16622
(e) A description of the proposed design services;	16623
(f) A description of a guaranteed maximum price, including the estimated level of design on which such guaranteed maximum price is based;	16624 16625 16626
(g) The form of the design-build services contract;	16627
(h) <u>A-Except for projects under division (A) (2) of this section, a request for a pricing proposal that shall be divided into a design services fee and a preconstruction and design- build services fee. The pricing proposal of each design-build firm shall include at least all of the following:</u>	16628 16629 16630 16631 16632
(i) A list of key personnel and consultants for the project;	16633 16634
(ii) Design concepts adhering to the design criteria produced by the criteria architect or engineer under section 153.692 of the Revised Code;	16635 16636 16637
(iii) The design-build firm's statement of general conditions and estimated contingency requirements;	16638 16639
(iv) A preliminary project schedule.	16640
(3) Evaluate the pricing proposal submitted by each selected firm and, at its discretion, hold discussions with each firm to further investigate its pricing proposal, including the scope and nature of the firm's proposed services and potential technical approaches;	16641 16642 16643 16644 16645
(4) Rank the selected firms based on the public authority's evaluation of the value of each firm's pricing	16646 16647

proposal, with such evaluation considering each firm's proposed 16648  
costs and qualifications; 16649

(5) Enter into contract negotiations for design-build 16650  
services with the design-build firm whose pricing proposal the 16651  
public authority determines to be the best value under this 16652  
section. 16653

~~(B)~~(C) In complying with division ~~(A) (5)~~(B) (5) of this 16654  
section, contract negotiations shall be directed toward: 16655

(1) Ensuring that the design-build firm and the public 16656  
authority mutually understand the essential requirements 16657  
involved in providing the required design-build services, the 16658  
provisions for the use of contingency funds, and the terms of 16659  
the contract, including terms related to the possible 16660  
distribution of savings in the final costs of the project; 16661

(2) Ensuring that the design-build firm shall be able to 16662  
provide the necessary personnel, equipment, and facilities to 16663  
perform the design-build services within the time required by 16664  
the design-build construction contract; 16665

(3) Agreeing upon a procedure and schedule for determining 16666  
a guaranteed maximum price using an open book pricing method 16667  
that shall represent the total maximum amount to be paid by the 16668  
public authority to the design-build firm for the project and 16669  
that shall include the costs of all work, the cost of its 16670  
general conditions, the contingency, and the fee payable to the 16671  
design-build firm. 16672

~~(C)~~(D) If the public authority fails to negotiate a 16673  
contract with the design-build firm whose pricing proposal the 16674  
public authority determines to be the best value as determined 16675  
under this section, the public authority shall inform the 16676

design-build firm in writing of the termination of negotiations. 16677  
The public authority may then do the following: 16678

(1) Negotiate a contract with a design-build firm ranked 16679  
next highest under this section following the negotiation 16680  
procedure described in this section; 16681

(2) If negotiations fail with the design-build firm under 16682  
division ~~(C)~~ ~~(1)~~ (D) (1) of this section, negotiate a contract with 16683  
the design-build firm ranked next highest under this section 16684  
following the negotiation procedure described in this section 16685  
and continue negotiating with the design-build firms selected 16686  
under this section in the order of their ranking until a 16687  
contract is negotiated. 16688

~~(D)~~ (E) If the public authority fails to negotiate a 16689  
contract with a design-build firm whose pricing proposal the 16690  
public authority determines to be the best value as determined 16691  
under this section, it may select additional design-build firms 16692  
to provide pricing proposals to the public authority pursuant to 16693  
this section or may select an alternative delivery method for 16694  
the project. 16695

~~(E)~~ (F) The public authority may provide a stipend for 16696  
pricing proposals received from design-build firms. 16697

~~(F)~~ (G) Nothing in this section affects a public 16698  
authority's right to accept or reject any or all proposals in 16699  
whole or in part. 16700

(H) As used in this section, "rate of inflation" means the 16701  
percentage increase or decrease in the consumer price index over 16702  
a one-year period, based on the most recent consumer price index 16703  
for all urban consumers, midwest region, all items, as 16704  
determined by the bureau of labor statistics of the United 16705

States department of labor or, if that index is no longer 16706  
published, a generally available comparable index. 16707

**Sec. 153.695.** (A) For every integrated project delivery 16708  
contract, the public authority planning to contract for 16709  
integrated project delivery services shall evaluate the 16710  
statements of qualifications submitted by integrated project 16711  
contractors specifically regarding the project. Following this 16712  
evaluation, the public authority shall do all of the following: 16713

(1) Select not fewer than three firms that it considers to 16714  
be the most qualified to provide the required integrated project 16715  
delivery construction services, except that the public authority 16716  
may select fewer than three firms when the public authority 16717  
determines in writing that fewer than three qualified firms are 16718  
available; 16719

(2) Provide each selected integrated project contractor 16720  
with all of the following: 16721

(a) A description of the project and project delivery; 16722

(b) A preliminary project schedule; 16723

(c) A description of any preconstruction services; 16724

(d) A description of a target price, including the 16725  
estimated level of design on which such target price is based; 16726

(e) The form of the integrated project delivery contract, 16727  
which shall define target price, schedule, and quality of the 16728  
project, establish collaboration and decision-making processes, 16729  
and share risk by linking compensation and incentives to project 16730  
outcomes; 16731

(f) A request for a pricing proposal that shall be divided 16732  
into a preconstruction and integrated project delivery services 16733



<u>fee, which shall include at least both of the following:</u>	16734
<u>(i) A list of key personnel and consultants for the project;</u>	16735
<u>(ii) A preliminary project schedule.</u>	16737
<u>(3) Evaluate the pricing proposal submitted by each selected firm and, at its discretion, hold discussions with each firm to further investigate its pricing proposal, including the scope and nature of the firm's proposed services and potential technical approaches;</u>	16738
<u>(4) Rank the selected firms based on the public authority's evaluation of the value of each firm's pricing proposal, with such evaluation considering each firm's proposed costs and qualifications;</u>	16743
<u>(5) Enter into contract negotiations for integrated project delivery construction services with the integrated project contractor whose pricing proposal the public authority ranks the highest under this section.</u>	16744
<u>(B) In negotiating with integrated project contractors under this section, the public authority shall do all of the following:</u>	16745
<u>(1) Ensure that the integrated project contractor and the public authority mutually understand the essential requirements involved in providing the required integrated project delivery construction services, the provisions for the use of contingency funds, and the terms of the contract, including terms related to the possible distribution of savings in the final costs of the project;</u>	16747
<u>(2) Ensure that the integrated project contractor will be</u>	16748
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able to provide the necessary personnel, equipment, and 16762  
facilities to perform the integrated project services within the 16763  
time required by the contract; 16764

(3) Use an open book pricing method to attempt to agree 16765  
upon a procedure and schedule for determining a target price 16766  
for the project, which shall include the cost of all work, the 16767  
cost of its general conditions, the contingency, and the fee 16768  
payable to the integrated project contractor. 16769

(C) If the public authority fails to negotiate a contract 16770  
with the integrated project contractor ranked highest under this 16771  
section, the public authority shall inform the integrated 16772  
project contractor in writing of the termination of 16773  
negotiations. The public authority then may negotiate a contract 16774  
with the integrated project contractor ranked next highest under 16775  
this section, following the negotiation procedure described in 16776  
this section. If negotiations fail with the second integrated 16777  
project contractor, the public authority may negotiate a 16778  
contract with the integrated project contractor ranked next 16779  
highest, and may continue negotiating with the integrated 16780  
project contractors selected under this section in the order of 16781  
their ranking until a contract is negotiated. 16782

(D) If the public authority fails to negotiate a contract 16783  
with an integrated project contractor under this section, the 16784  
public authority may select additional integrated project 16785  
contractors to provide pricing proposals to the public authority 16786  
pursuant to this section, or may select an alternative delivery 16787  
method for the project. 16788

(E) Nothing in this section affects a public authority's 16789  
right to accept or reject any or all proposals in whole or in 16790  
part. 16791

(F) Before construction begins pursuant to an integrated project delivery contract, the integrated project contractor shall provide a surety bond to the public authority in accordance with rules adopted by the executive director of the Ohio facilities construction commission under Chapter 119. of the Revised Code. 16792  
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**Sec. 155.33.** (A) (1) Beginning on ~~the effective date of this amendment~~ April 7, 2023, and ending on the effective date of the rules adopted under section 155.34 of the Revised Code, a state agency shall lease, in good faith, a formation within a parcel of land that is owned or controlled by the state agency for the exploration for and development and production of oil or natural gas. The lease shall be on terms that are just and reasonable, as determined by custom and practice in the oil and gas industry, and shall include at least the terms required under ~~divisions (A) (1) (a) to (d)~~ division (A) of section 155.34 of the Revised Code as that division existed prior to the effective date of this amendment. The person seeking to lease the formation shall submit to the state agency the proof described in divisions (D) (5) (a) and (b) of this section before entering into the lease. On and after the effective date of the rules adopted under section 155.34 of the Revised Code, a formation within a parcel of land that is owned or controlled by a state agency may be leased for the exploration for and development and production of oil or natural gas only in accordance with divisions (A) (2) to (H) of this section and those rules. 16798  
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(2) On and after the effective date of rules adopted under section 155.34 of the Revised Code, any person or state agency that is interested in leasing a formation within a parcel of land that is owned or controlled by a state agency for the 16819  
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exploration for and the development and production of oil or 16823  
natural gas may submit to the oil and gas land management 16824  
commission a nomination that shall include all of the following: 16825

(a) The name of the person making the nomination and the 16826  
person's address, telephone number, and email address; 16827

(b) An identification of the formation and parcel of land 16828  
proposed to be leased that specifies all of the following: 16829

(i) The percentage of the interest owned or controlled by 16830  
the state agency, and whether that interest is divided, 16831  
undivided, or partial; 16832

(ii) The source deed by book and page numbers, including 16833  
the description and acreage of the parcel and an identification 16834  
of the county, section, township, and range in which the parcel 16835  
is located; 16836

(iii) A plat map depicting the area in which the parcel is 16837  
located. 16838

(c) If the person making the nomination is not a state 16839  
agency, a nomination fee of one hundred fifty dollars; 16840

(d) The proposed lease bonus that applies to the 16841  
nomination and any additional proposed gross landowner royalty 16842  
that applies to the nomination that is in addition to the amount 16843  
required under division (A) (1) (b) of section 155.34 of the 16844  
Revised Code; 16845

(e) If the person making the nomination is not a state 16846  
agency, proof of both of the following: 16847

(i) That the person has obtained the insurance and 16848  
financial assurance required under section 1509.07 of the 16849  
Revised Code; 16850

(ii) That the person has registered with and obtained an identification number from the division of oil and gas resources management under section 1509.31 of the Revised Code. 16851  
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(3) In order to encourage the submission of nominations and the responsible and reasonable development of the state's natural resources, only the information submitted under division (A) (2) (b) of this section may be disclosed to the public until a person is selected under division (F) of this section. Until a person is selected under division (F) of this section, all other information submitted under division (A) (2) of this section is confidential, shall not be disclosed by the commission, and is not a public record subject to inspection or copying under section 149.43 of the Revised Code. 16854  
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(4) When a nomination is not submitted by a state agency, the nomination is the opening bid for purposes of division (D) of this section. However, the person submitting the nomination may supplement or amend that bid by providing additional information in accordance with that division. 16864  
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(B) (1) Not less than thirty days, but not more than one hundred twenty days following the receipt of a nomination, the commission shall conduct a meeting for the purpose of determining whether to approve or disapprove the nomination for the purpose of leasing a formation within the parcel of land that is identified in the nomination. 16869  
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In making its decision to approve or disapprove the nomination, the commission shall consider all of the following: 16875  
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(a) The economic benefits, including the potential income from an oil or natural gas operation, that would result if the lease of a formation that is the subject of the nomination were 16877  
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approved; 16880

(b) Whether the proposed oil or gas operation is 16881  
compatible with the current uses of the parcel of land that is 16882  
the subject of the nomination; 16883

(c) The environmental impact that would result if the 16884  
lease of a formation that is the subject of the nomination were 16885  
approved; 16886

(d) Any potential adverse geological impact that would 16887  
result if the lease of a formation that is the subject of the 16888  
nomination were approved; 16889

(e) Any potential impact to visitors or users of a parcel 16890  
of land that is the subject of the nomination; 16891

(f) Any potential impact to the operations or equipment of 16892  
a state agency that is a state university or college if the 16893  
lease of a formation within a parcel of land owned or controlled 16894  
by the university or college that is the subject of the 16895  
nomination were executed; 16896

(g) Any comments or objections to the nomination submitted 16897  
to the commission by the state agency that owns or controls the 16898  
parcel of land on which the proposed oil or natural gas 16899  
operation would take place; 16900

(h) Any comments or objections to the nomination submitted 16901  
to the commission by residents of this state or other users of 16902  
the parcel of land that is the subject of the nomination; 16903

(i) Any special terms and conditions the state agency 16904  
included in its comments or objections that the state agency 16905  
believes are appropriate for the lease of the parcel of land 16906  
because of specific conditions related to that parcel of land. 16907

(2) The commission shall approve or disapprove a nomination not later than two calendar quarters following the receipt of the nomination. The commission shall post notice of the commission's decision on the commission's web site and send notice of the decision by email and by certified mail to the person that submitted the nomination and to the state agency that owns or controls the formation within the parcel of land that is the subject of the nomination.

(C) Each calendar quarter, the commission shall proceed to advertise for bids for a lease for a formation within a parcel of land that was the subject of a nomination approved during the previous calendar quarter. The commission shall publish the advertisement on its web site for a period of time established by the commission. The advertisement shall include all of the following:

(1) An identification of each formation and parcel of land proposed to be leased that includes all of the information specified in division (A) (2) (b) of this section;

(2) The deadline for the submission of bids;

(3) A statement that each bid must contain all of the items required under division (D) of this section;

(4) A statement that a standard lease form that is consistent with the practices of the oil and natural gas industries and adopted by rule by the commission will be used for the lease of a formation within the parcel of land;

(5) Any special terms and conditions that may apply to the lease because of specific conditions related to the parcel of land;

(6) The amount of the bid fee that is required to be

submitted with a bid; 16937

(7) Any other information that the commission considers 16938  
pertinent to the advertisement for bids. 16939

(D) A person interested in leasing a formation within a 16940  
parcel of land owned or controlled by a state agency for the 16941  
exploration for and development and production of oil or natural 16942  
gas may submit a bid to the commission on a parcel by parcel 16943  
basis that contains all of the following: 16944

(1) A bid fee of twenty-five dollars; 16945

(2) The name of the person making the bid and the person's 16946  
address, telephone number, and email address; 16947

(3) An identification of the formation and parcel of land 16948  
for which the bid is being submitted, including all of the 16949  
information specified in division (A) (2) (b) of this section; 16950

(4) The proposed lease bonus that applies to the bid and 16951  
any additional proposed gross landowner royalty that applies to 16952  
the bid that is in addition to the amount required under 16953  
division (A) (1) (b) of section 155.34 of the Revised Code; 16954

(5) Proof of both of the following: 16955

(a) That the person has obtained the insurance and 16956  
financial assurance required under section 1509.07 of the 16957  
Revised Code; 16958

(b) That the person has registered with and obtained an 16959  
identification number from the division of oil and gas resources 16960  
management under section 1509.31 of the Revised Code. 16961

(6) Any other information that the person believes is 16962  
relevant to the bid. 16963



(E) In order to encourage the submission of bids and the responsible and reasonable development of the state's natural resources, the information that is contained in a bid submitted to the commission under this section is confidential, shall not be disclosed by the commission, and is not a public record subject to inspection and copying under section 149.43 of the Revised Code until a person is selected under division (F) of this section.

The commission shall select the person who submits the highest and best bid, taking into account the financial responsibility of the prospective lessee and the ability of the prospective lessee to perform its obligations under the lease. After the commission selects a person, the commission shall notify the applicable state agency and send the person's bid to the agency. The state agency shall enter into a lease with the person selected by the commission. The state agency shall fully execute the lease not later than thirty days after the commission selects the person with the highest and best bid.

(G) (1) Except as otherwise provided in section 155.37 of the Revised Code, all money received by a state agency from signing fees, rentals, and royalty payments for leases entered into under this section shall be paid by the state agency into the state treasury to the credit of the state land royalty fund created in section 131.50 of the Revised Code.

(2) All money received from nomination fees and bid fees shall be paid into the state treasury to the credit of the oil and gas land management commission administration fund created in section 155.35 of the Revised Code.

(H) Notwithstanding any other provision of this section to the contrary, a nature preserve as defined in section 1517.01 of

the Revised Code that is owned or controlled by a state agency 16994  
shall not be nominated or leased under this section for the 16995  
purpose of exploring for and developing and producing oil and 16996  
natural gas resources. 16997

(I) Except as otherwise provided in this chapter, the 16998  
commission and any state agency shall not require as part of a 16999  
bid or lease either of the following: 17000

(1) Any royalty payment in excess of the amount specified 17001  
in division (A) (1) (b) of section 155.34 of the Revised Code; 17002

(2) Any additional payment that the commission or agency 17003  
is not specifically authorized or required to charge under this 17004  
section. 17005

**Sec. 155.34.** (A) ~~Not later than one hundred twenty days~~ 17006  
~~after September 30, 2021, the~~ The oil and gas land management 17007  
commission shall adopt rules in accordance with Chapter 119. of 17008  
the Revised Code establishing both of the following: 17009

(1) A standard lease form that shall be used by a state 17010  
agency for leases entered into under this chapter, is consistent 17011  
with the practices of the oil and natural gas industries, and 17012  
contains all of the following: 17013

(a) A prohibition against the use of the surface of the 17014  
parcel of land for oil and gas development unless the state 17015  
agency, in its sole discretion, chooses to negotiate and execute 17016  
a written surface use agreement established under this section; 17017

(b) A one-eighth gross landowner royalty; 17018

(c) A primary term of five years; 17019

(d) An option for the lessee to extend the primary term of 17020  
the lease for an additional ~~three~~ five years by tendering to the 17021

state agency the same bonus paid when first entering into the 17022  
lease.—; 17023

(e) A provision that states: "Notwithstanding any other 17024  
provision of this Lease to the contrary, Lessee is entitled to 17025  
pay any advanced delay rentals/bonus amounts owed under this 17026  
Lease within sixty (60) calendar days after Lessee receives a 17027  
copy of this Lease executed by Lessor." 17028

(f) A provision that states: "Notwithstanding any other 17029  
provision of this Lease to the contrary, in the event that a 17030  
parcel subject to this Lease was acquired or improved through, 17031  
or is otherwise encumbered by, a federal grant program, the 17032  
Primary Term of the Lease shall be tolled until the requirements 17033  
of the program, and any related grant documents, have been fully 17034  
satisfied by Lessor and Lessor notifies Lessee in writing of 17035  
same." 17036

(g) A provision that states: "Notwithstanding any other 17037  
provision of this Lease to the contrary, in the event that a 17038  
parcel subject to this Lease was acquired or improved through, 17039  
or is otherwise encumbered by, a federal grant program, Lessee 17040  
may defer payment of all sums otherwise due and owing under this 17041  
Lease until the requirements of the program, and any related 17042  
grant documents, have been fully satisfied by Lessor and Lessor 17043  
notifies Lessee in writing of same." 17044

(h) A provision that states: "Notwithstanding any other 17045  
provision of this Lease to the contrary, in the event that 17046  
litigation of any kind or character is filed by a third party 17047  
that may adversely impact Lessee's ability to conduct operations 17048  
under the Lease, including an appeal before a court or the oil 17049  
and gas commission, the Primary Term of the Lease shall be 17050  
tolled until such time as there is a final, nonappealable order 17051

entered in such litigation." 17052

(i) A provision that states: "Notwithstanding any other provision of this Lease to the contrary, in the event that litigation of any kind or character is filed by a third party that may adversely impact Lessee's ability to conduct operations under the Lease, including an appeal before a court or the oil and gas commission, Lessee may defer payment of all sums otherwise due and owing under this Lease until a final, nonappealable order is entered in such litigation." 17053  
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(2) Any other procedures necessary to implement sections 155.30 to 155.36 of the Revised Code, subject to division (I) of section 155.33 of the Revised Code. 17061  
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~~(B) Not later than one hundred twenty days after September 30, 2021, the~~ The commission shall establish a standard surface use agreement that a state agency shall use to authorize the use of the surface of a leased parcel of land. 17064  
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(C) Section 121.95 of the Revised Code does not apply to rules adopted under this section and the commission is not subject to any requirements of that section. 17068  
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**Sec. 163.01.** As used in sections 163.01 to 163.22 of the Revised Code: 17071  
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(A) "Public agency" means any governmental corporation, unit, organization, instrumentality, or officer authorized by law to appropriate property in the courts of this state. 17073  
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(B) "Private agency" means any corporation, firm, partnership, voluntary association, joint-stock association, or company that is not a public agency and that is authorized by law to appropriate property in the courts of this state. 17076  
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(C) "Agency" means any public agency or private agency.	17080
(D) "Court" means the court of common pleas or the probate court of any county in which the property sought to be appropriated is located in whole or in part.	17081 17082 17083
(E) "Owner" means any individual, partnership, association, or corporation having any estate, title, or interest in any real property sought to be appropriated.	17084 17085 17086
(F) "Real property," "land," or "property" includes any estate, title, or interest in any real property that is authorized to be appropriated by the agency in question, unless the context otherwise requires.	17087 17088 17089 17090
(G) "Public utility" has the same meaning as in section 4905.02 of the Revised Code and also includes a public utility owned or operated by one or more municipal corporations, an electric cooperative, and an agency holding a certificate of public convenience and necessity granted by the federal energy regulatory commission.	17091 17092 17093 17094 17095 17096
(H) (1) "Public use" does not include any taking that is for conveyance to a private commercial enterprise, economic development, or solely for the purpose of increasing public revenue, unless the property is conveyed or leased to one of the following:	17097 17098 17099 17100 17101
(a) A public utility, municipal power agency, or common carrier;	17102 17103
(b) A private entity that occupies a port authority transportation facility or an incidental area within a publicly owned and occupied project;	17104 17105 17106
(c) A private entity when the agency that takes the	17107

property establishes by a preponderance of the evidence that the 17108  
property is a blighted parcel or is included in a blighted area. 17109

(2) "Public use" does not include any taking of property 17110  
for use as a trail for hiking, bicycling, horseback riding, ski 17111  
touring, canoeing, or other nonmotorized forms of recreational 17112  
travel. 17113

(3) All of the following are presumed to be public uses: 17114  
utility facilities, roads, sewers, water lines, public schools, 17115  
public institutions of higher education, private institutions of 17116  
higher education that are authorized to appropriate property 17117  
under section 3333.08 of the Revised Code, public parks, 17118  
government buildings, port authority transportation facilities, 17119  
projects by an agency that is a public utility, and similar 17120  
facilities and uses of land. 17121

(I) "Electric cooperative" has the same meaning as in 17122  
section 4928.01 of the Revised Code. 17123

(J) "Good faith offer" means the written offer that an 17124  
agency that is appropriating property must make to the owner of 17125  
the property pursuant to division (B) of section 163.04 of the 17126  
Revised Code before commencing an appropriation proceeding. 17127

(K) "Goodwill" means the calculable benefits that accrue 17128  
to a business as a result of its location, reputation for 17129  
dependability, skill or quality, and any other circumstances 17130  
that result in probable retention of old, or acquisition of new, 17131  
patronage. 17132

(L) "Municipal power agency" has the same meaning as in 17133  
section 3734.058 of the Revised Code. 17134

(M) "Port authority transportation facility" means any 17135  
facility developed, controlled, or operated by a port authority 17136

for the purpose of providing passenger, cargo, or freight 17137  
transportation services, such as airports, maritime ports, rail 17138  
facilities, transit facilities, and support facilities directly 17139  
related to any airport, maritime port, rail facility, or transit 17140  
facility. 17141

**Sec. 164.01.** As used in this chapter: 17142

(A) "Capital improvement" or "capital improvement project" 17143  
or "project" means the acquisition, construction, 17144  
reconstruction, improvement, planning, and equipping of roads 17145  
and bridges, appurtenances to roads and bridges to enhance the 17146  
safety of animal-drawn vehicles, pedestrians, and bicycles, 17147  
waste water treatment systems, water supply systems, solid waste 17148  
disposal facilities, and storm water and sanitary collection, 17149  
storage, and treatment facilities, including real property, 17150  
interests in real property, facilities, and equipment related or 17151  
incidental to those facilities. 17152

(B) "Local subdivision" means any county, municipal 17153  
corporation, township, sanitary district, or regional water and 17154  
sewer district. 17155

(C) "Bond proceedings" means the resolutions, orders, 17156  
trust agreements, indentures, and other agreements, credit 17157  
facilities and credit enhancement facilities, and amendments and 17158  
supplements to the foregoing, or any one or more or combination 17159  
thereof, authorizing, awarding, or providing for the terms and 17160  
conditions applicable to or providing for the security or 17161  
liquidity of obligations, and the provisions contained in those 17162  
obligations. 17163

(D) "Bond service charges" means principal, including any 17164  
mandatory sinking fund or redemption requirements for retirement 17165

of obligations, interest and other accreted amounts, and any 17166  
redemption premium payable on obligations. If not prohibited by 17167  
the applicable bond proceedings, bond service charges include 17168  
costs of credit enhancement facilities that are related to, and 17169  
represent or are intended to provide a source of payment of or 17170  
limitation on, other bond service charges. 17171

(E) "Bond service fund" means the fund, and any accounts 17172  
in that fund, created by section 164.10 of the Revised Code, 17173  
including all moneys and investments, and earnings from 17174  
investments, credited and to be credited to that fund and 17175  
accounts as provided in the bond proceedings. 17176

(F) "Cost of capital improvement projects" means the costs 17177  
of acquiring, constructing, reconstructing, expanding, 17178  
improving, and engineering capital improvement projects, and 17179  
related financing costs. 17180

(G) "Credit enhancement facilities" means letters of 17181  
credit, lines of credit, stand-by, contingent, or firm 17182  
securities purchase agreements, interest rate hedges including, 17183  
without limitation, interest rate swaps, insurance or surety 17184  
arrangements, reserve or guarantee funds, and guarantees, and 17185  
other arrangements that provide for contingent or direct payment 17186  
of bond service charges, for security or additional security in 17187  
the event of nonpayment or default in respect of obligations, or 17188  
for making or providing funds for making payment of bond service 17189  
charges to, and at the option and on demand of, holders of 17190  
obligations or at the option of the issuer under put or similar 17191  
arrangements, or for otherwise supporting the credit or 17192  
liquidity of obligations, and includes credit, reimbursement, 17193  
marketing, remarketing, indexing, carrying, purchase, and 17194  
subrogation agreements, and other agreements and arrangements 17195



for reimbursement of the person providing the credit enhancement 17196  
facility and the security for that reimbursement. As used in 17197  
this division, obligations include debt obligations of local 17198  
subdivisions. 17199

(H) "Financing costs" means all costs and expenses 17200  
relating to the authorization, issuance, sale, delivery, 17201  
authentication, deposit, custody, clearing, registration, 17202  
transfer, exchange, fractionalization, replacement, and 17203  
servicing of obligations, including, without limitation, costs 17204  
and expenses for or relating to, or payment obligations under, 17205  
publication and printing, postage and express delivery, official 17206  
statements, offering circulars, and informational statements, 17207  
travel and transportation, paying agents, bond registrars, 17208  
authenticating agents, remarketing agents, custodians, clearing 17209  
agencies or corporations, securities depositories, financial 17210  
advisory services, certifications, audits, federal or state 17211  
regulatory agencies, accounting services, legal services and 17212  
obtaining approving legal opinions and other legal opinions, 17213  
credit ratings, original issue discount, credit facilities, and 17214  
credit enhancement facilities. Financing costs may be paid from 17215  
any moneys lawfully available for the purpose, including, unless 17216  
otherwise provided in the bond proceedings, from the proceeds of 17217  
the obligations to which they relate and from the same sources 17218  
from which bond service charges on the obligations are paid and 17219  
as though bond service charges. 17220

(I) "Issuer" means the treasurer of state, or the officer 17221  
who by law performs the functions of that officer. 17222

(J) "Obligations" means bonds, notes, or other evidences 17223  
of obligation of the state, including any interest coupons 17224  
pertaining thereto, issued pursuant to sections 164.09 to 164.12 17225

of the Revised Code. 17226

(K) "Special funds" or "funds" means, except where the 17227  
context does not permit, the bond service fund, and any other 17228  
funds, including reserve funds, created under the bond 17229  
proceedings and stated to be special funds in those proceedings, 17230  
including all moneys and investments, and earnings from 17231  
investments, credited and to be credited to the ~~particular~~ fund. 17232  
Special funds do not include the state capital improvements fund 17233  
created by section 164.08 of the Revised Code or, if so provided 17234  
in the bond proceedings, a rebate fund or account established 17235  
for purposes of federal tax laws. 17236

(L) "Net proceeds" means amounts received from the sale of 17237  
obligations pursuant to this chapter, excluding amounts used to 17238  
refund or retire outstanding obligations, and does not include 17239  
amounts required to be deposited in special funds pursuant to 17240  
the applicable bond proceedings, or financing costs paid from 17241  
such amounts received. 17242

(M) "Local debt support" means ~~a full or partial pledge of~~ 17243  
~~support for any local bond issue, the payment of all or a part~~ 17244  
~~of the premium for bond insurance obtained from a private~~ 17245  
~~insurer,~~ the subsidization of the interest rate on a loan 17246  
obtained by ~~the a~~ subdivision, ~~or a source of revenue pledged in~~ 17247  
~~support of revenue bonds issued by a subdivision.~~ 17248

(N) "Principal amount" refers to the aggregate of the 17249  
amount as stated or provided for in the bond proceedings 17250  
authorizing the obligations as the amount on which interest or 17251  
interest equivalent is initially calculated. 17252

**Sec. 164.05.** (A) The director of the Ohio public works 17253  
commission shall do all of the following: 17254

(1) Approve requests for financial assistance from 17255  
district public works integrating committees and enter into 17256  
agreements with one or more local subdivisions to provide loans, 17257  
grants, and local debt support for a capital improvement project 17258  
if the director determines that: 17259

(a) The project is an eligible project pursuant to this 17260  
chapter; 17261

(b) The financial assistance for the project has been 17262  
properly approved and requested by the district committee of the 17263  
district which includes the recipient of the loan or grant; 17264

(c) The amount of the financial assistance, when added to 17265  
all other financial assistance provided during the fiscal year 17266  
for projects within the district, does not exceed that 17267  
district's allocation of money from the state capital 17268  
improvements fund for that fiscal year; 17269

(d) The district committee has provided such documentation 17270  
and other evidence as the director may require that the district 17271  
committee has satisfied the requirements of section 164.06 or 17272  
164.14 of the Revised Code; 17273

(e) The portion of a district's annual allocation which 17274  
the director approves in the form of loans and local debt 17275  
support for eligible projects is consistent with divisions (E) 17276  
and (F) of this section. 17277

(2) Authorize payments to local subdivisions or their 17278  
contractors for costs incurred for capital improvement projects 17279  
which have been approved pursuant to this chapter. All requests 17280  
for payments shall be submitted to the director on forms and in 17281  
accordance with procedures specified in rules adopted by the 17282  
director pursuant to division (A)(4) of this section. 17283

- (3) Retain the services of or employ financial consultants, engineers, accountants, attorneys, and such other employees as the director determines are necessary to carry out the director's duties under this chapter and fix the compensation for their services. From among these employees, the director shall appoint a deputy with the necessary qualifications to act as the director when the director is absent or temporarily unable to carry out the duties of office.
- (4) Adopt rules establishing the procedures for making applications, reviewing, approving, and rejecting projects for which assistance is authorized under this chapter, and any other rules needed to implement the provisions of this chapter. Such rules shall be adopted under Chapter 119. of the Revised Code.
- (5) Provide information and other assistance to local subdivisions and district public works integrating committees in developing their requests for financial assistance for capital improvements under this chapter and encourage cooperation and coordination of requests and the development of multisubdivision projects in order to maximize the benefits that may be derived by districts from each year's allocation;
- (6) Require local subdivisions, to the extent practicable, to use Ohio products, materials, services, and labor in connection with any capital improvement project financed in whole or in part under this chapter;
- (7) Notify the director of budget and management of all approved projects, and supply all information necessary to track approved projects through the state accounting system;
- (8) Appoint the administrator of the Ohio small government capital improvements commission;

(9) Do all other acts, enter into contracts, and execute 17313  
all instruments necessary or appropriate to carry out this 17314  
chapter; 17315

(10) Develop a standardized methodology for evaluating 17316  
local subdivision capital improvement needs that a district 17317  
public works integrating committee shall consider when 17318  
addressing a subdivision's project application; 17319

(11) Establish a program to provide local subdivisions 17320  
with technical assistance in preparing project applications. The 17321  
program shall be designed to assist local subdivisions that lack 17322  
the financial or technical resources to prepare project 17323  
applications on their own. 17324

(B) When the director of the Ohio public works commission 17325  
decides to conditionally approve or disapprove projects, the 17326  
director's decisions and the reasons for which they are made 17327  
shall be made in writing. These written decisions shall be 17328  
conclusive for the purposes of the validity and enforceability 17329  
of such determinations. 17330

(C) Fees, charges, rates of interest, times of payment of 17331  
interest and principal, and other terms, conditions, and 17332  
provisions of and security for financial assistance provided 17333  
pursuant to the provisions of this chapter shall be such as the 17334  
director determines to be appropriate. If any payments required 17335  
by a loan agreement entered into pursuant to this chapter are 17336  
not paid, the funds which would otherwise be apportioned to the 17337  
local subdivision from the county undivided local government 17338  
fund, pursuant to sections 5747.51 to 5747.53 of the Revised 17339  
Code, may, at the direction of the director of the Ohio public 17340  
works commission, be reduced by the amount payable. The county 17341  
treasurer shall, at the direction of the director, pay the 17342

amount of such reductions to the state capital improvements 17343  
revolving loan fund. The director may renegotiate a loan 17344  
repayment schedule with a local subdivision whose payments from 17345  
the county undivided local government fund could be reduced 17346  
pursuant to this division, but such a renegotiation may occur 17347  
only one time with respect to any particular loan agreement. 17348

(D) Grants approved for the repair and replacement of 17349  
existing infrastructure pursuant to this chapter shall not 17350  
exceed ninety per cent of the estimated total cost of the 17351  
capital improvement project. Grants approved for new or expanded 17352  
infrastructure shall not exceed fifty per cent of the estimated 17353  
cost of the new or expansion elements of the capital improvement 17354  
project. A local subdivision share of the estimated cost of a 17355  
capital improvement may consist of any of the following: 17356

(1) The reasonable value, as determined by the director or 17357  
the administrator, of labor, materials, and equipment that will 17358  
be contributed by the local subdivision in performing the 17359  
capital improvement project; 17360

(2) Moneys received by the local subdivision in any form 17361  
from an authority, commission, or agency of the United States 17362  
for use in performing the capital improvement project; 17363

(3) Loans made to the local subdivision under this 17364  
chapter; 17365

(4) Engineering costs incurred by the local subdivision in 17366  
performing engineering activities related to the project. 17367

A local subdivision share of the cost of a capital 17368  
improvement shall not include any amounts awarded to it from the 17369  
local transportation improvement program fund created in section 17370  
164.14 of the Revised Code. 17371

(E) ~~Not more than ten per cent of a~~ A district public works integrating ~~committee's~~ committee may determine how much of its annual allocation share pursuant to section 164.08 of the Revised Code ~~may be~~ is awarded to subdivisions ~~only~~ in the form of interest-free, low-interest, market rate of interest, or blended-rate loans and in the form of local debt support.

~~(F) Not more than ten per cent of a district public works integrating committee's annual allocation pursuant to section 164.08 of the Revised Code may be awarded to subdivisions in the form of local debt support.~~

~~(G)~~ For the period commencing July 1, 1993, and ending June 30, 1999, and for each five-year period thereafter, the total amount of financial assistance awarded under sections 164.01 to 164.08 of the Revised Code for capital improvement projects located wholly or partially within a county shall be equal to at least thirty per cent of the amount of what the county would have been allocated from the obligations authorized to be sold under this chapter during each period, if such amounts had been allocable to each county on a per capita basis.

~~(H)~~ (G) The amount of the annual allocations made pursuant to divisions (B) (1) and (4) of section 164.08 of the Revised Code which can be used for new or expanded infrastructure is limited to twenty per cent.

~~(I)~~ (H) No project shall be approved under this section unless the project is designed to have a useful life of at least seven years. In addition, the average useful life of all projects for which grants or loans are awarded in each district during a program year shall not be less than twenty years.

**Sec. 164.06.** (A) Each district public works integrating

committee shall evaluate materials submitted to it by the local 17401  
subdivisions located in the district concerning capital 17402  
improvements for which assistance is sought from the state 17403  
capital improvements fund and shall, pursuant to division (B) of 17404  
this section, select the requests for financial assistance that 17405  
will be formally submitted by the district to the director of 17406  
the Ohio public works commission. In order to provide for the 17407  
efficient use of the district's state capital improvements fund 17408  
allocation each year, a district committee shall assist its 17409  
subdivisions in the preparation and coordination of project 17410  
plans. 17411

(B) In selecting the requests for assistance for capital 17412  
improvement projects which will be submitted to the director, 17413  
and in determining the nature, amount, and terms of the 17414  
assistance that will be requested, a district public works 17415  
integrating committee shall give priority to capital improvement 17416  
projects for the repair or replacement of existing 17417  
infrastructure and which would be unlikely to be undertaken 17418  
without assistance under this chapter, and shall specifically 17419  
consider all of the following factors: 17420

(1) The infrastructure repair and replacement needs of the 17421  
district; 17422

(2) The age and condition of the system to be repaired or 17423  
replaced; 17424

(3) Whether the project would generate revenue in the form 17425  
of user fees or assessments; 17426

(4) The importance of the project to the health and safety 17427  
of the citizens of the district; 17428

(5) The cost of the project and whether it is consistent 17429



with division ~~(G)~~(F) of section 164.05 of the Revised Code and 17430  
the district's allocation for grants, loans, and local debt 17431  
support for that year; 17432

(6) The effort and ability of the benefited local 17433  
subdivisions to assist in financing the project; 17434

(7) The availability of federal or other funds for the 17435  
project; 17436

(8) The overall economic health of the particular local 17437  
subdivision; 17438

(9) The adequacy of the planning for the project and the 17439  
readiness of the applicant to proceed should the project be 17440  
approved; 17441

(10) Any other factors relevant to a particular project. 17442

(C) When applying the methodology under division (A) (10) 17443  
of section 164.05 of the Revised Code, a district public works 17444  
integrating committee may require a subdivision to submit 17445  
information on its capital infrastructure as part of an 17446  
application for assistance in financing a capital improvement 17447  
project under this section. 17448

(D) In addition to reviewing and selecting the projects 17449  
for which approval will be sought from the director of the Ohio 17450  
public works commission for financial assistance from the state 17451  
capital improvements fund, each district public works 17452  
integrating committee shall appoint a subcommittee of its 17453  
members that will represent the interests of villages and 17454  
townships and that will review and select the capital 17455  
improvement projects which will be submitted by the subcommittee 17456  
to the administrator of the Ohio small government capital 17457  
improvements commission for consideration of assistance from the 17458

portion of the net proceeds of obligations issued and sold by 17459  
the treasurer of state which is allocated pursuant to division 17460  
(B) (1) of section 164.08 of the Revised Code. In reviewing and 17461  
approving the projects selected by its subcommittee, the 17462  
administrator, and the Ohio small government capital 17463  
improvements commission shall be guided by the provisions of 17464  
division (B) of this section, and shall also take into account 17465  
the fact that villages and townships may have different public 17466  
infrastructure needs than larger subdivisions. 17467

**Sec. 164.08.** (A) Except as provided in sections 151.01 and 17468  
151.08 or section 164.09 of the Revised Code, the net proceeds 17469  
of obligations issued and sold by the treasurer of state 17470  
pursuant to section 164.09 of the Revised Code before September 17471  
30, 2000, or pursuant to sections 151.01 and 151.08 of the 17472  
Revised Code, for the purpose of financing or assisting in the 17473  
financing of the cost of public infrastructure capital 17474  
improvement projects of local subdivisions, as provided for in 17475  
Section 2k, 2m, 2p, or 2s of Article VIII, Ohio Constitution, 17476  
and this chapter, shall be paid into the state capital 17477  
improvements fund, which is hereby created in the state 17478  
treasury. Investment earnings on moneys in the fund shall be 17479  
credited to the fund. 17480

(B) Beginning July 1, 2016, each program year the amount 17481  
of obligations authorized by the general assembly in accordance 17482  
with sections 151.01 and 151.08 or section 164.09 of the Revised 17483  
Code, excluding the proceeds of refunding or renewal 17484  
obligations, shall be allocated by the director of the Ohio 17485  
public works commission as follows: 17486

(1) First, ten per cent of the amount of obligations 17487  
authorized shall be allocated to provide financial assistance to 17488

villages and to townships with populations in the unincorporated areas of the township of less than five thousand persons, for capital improvements in accordance with section 164.051 and division (D) of section 164.06 of the Revised Code. As used in division (B)(1) of this section, "capital improvements" includes resurfacing and improving roads.

(2) Following the allocation required by division (B)(1) of this section, the director may allocate two per cent of the authorized obligations to provide financial assistance to local subdivisions for capital improvement projects which in the judgment of the director of the Ohio public works commission are necessary for the immediate preservation of the health, safety, and welfare of the citizens of the local subdivision requesting assistance. Starting July 1, 2021, the director may allocate up to six per cent of authorized obligations as provided in this division.

(3) The director shall determine the amount of the remaining obligations authorized to be issued and sold that each county would receive if such amounts were allocated on a per capita basis each year. If a county's per capita share for the year would be less than three hundred thousand dollars, the director shall allocate to the district in which that county is located an amount equal to the difference between three hundred thousand dollars and the county's per capita share.

(4) After making the allocation required by division (B)(3) of this section, the director shall allocate the remaining amount to each district on a per capita basis.

(C)(1) There is hereby created in the state treasury the state capital improvements revolving loan fund, into which shall be deposited all repayments of loans made to local subdivisions

for capital improvements pursuant to this chapter. Investment 17519  
earnings on moneys in the fund shall be credited to the fund. 17520

(2) There may also be deposited in the state capital 17521  
improvements revolving loan fund moneys obtained from federal or 17522  
private grants, or from other sources, which are to be used for 17523  
any of the purposes authorized by this chapter. Such moneys 17524  
shall be allocated each year in accordance with division (B) (4) 17525  
of this section. 17526

(3) Moneys deposited into the state capital improvements 17527  
revolving loan fund shall be used to make loans for the purpose 17528  
of financing or assisting in the financing of the cost of 17529  
capital improvement projects of local subdivisions. 17530

(4) Investment earnings credited to the state capital 17531  
improvements revolving loan fund that exceed the amounts 17532  
required to meet estimated federal arbitrage rebate requirements 17533  
shall be used to pay costs incurred by the public works 17534  
commission in administering this section. Investment earnings 17535  
credited to the state capital improvements revolving loan fund 17536  
that exceed the amounts required to pay for the administrative 17537  
costs and estimated rebate requirements shall be allocated to 17538  
each district on a per capita basis. 17539

(5) Each program year, loan repayments received and on 17540  
deposit in the state capital improvements revolving loan fund 17541  
shall be allocated as follows: 17542

(a) Each district public works integrating committee shall 17543  
be allocated an amount equal to the sum of all loan repayments 17544  
made to the state capital improvements revolving loan fund by 17545  
local subdivisions that are part of the district. Moneys not 17546  
used in a program year may be used in the next program year in 17547

the same manner and for the same purpose as originally 17548  
allocated. 17549

(b) Loan repayments made pursuant to projects approved 17550  
under division (B)(1) of this section shall be used to make 17551  
loans in accordance with section 164.051 and division (D) of 17552  
section 164.06 of the Revised Code. Allocations for this purpose 17553  
made pursuant to division (C)(5) of this section shall be in 17554  
addition to the allocation provided in division (B)(1) of this 17555  
section. 17556

(c) Loan repayments made pursuant to projects approved 17557  
under division (B)(2) of this section shall be used to make 17558  
loans in accordance with division (B)(2) of this section. 17559  
Allocations for this purpose made pursuant to division (C)(5) of 17560  
this section shall be in addition to the allocation provided in 17561  
division (B)(2) of this section. 17562

(d) Loans made from the state capital improvements 17563  
revolving loan fund shall not be limited in their usage by 17564  
divisions (E), (F), and (G), ~~and~~ (H) of section 164.05 of the 17565  
Revised Code. 17566

(D) Investment earnings credited to the state capital 17567  
improvements fund that exceed the amounts required to meet 17568  
estimated federal arbitrage rebate requirements shall be used to 17569  
pay costs incurred by the public works commission in 17570  
administering sections 164.01 to 164.12 of the Revised Code. 17571

(E) The director of the Ohio public works commission shall 17572  
notify the director of budget and management of the amounts 17573  
allocated pursuant to this section and such information shall be 17574  
entered into the state accounting system. The director of budget 17575  
and management shall establish appropriation line items as 17576

needed to track these allocations. 17577

(F) If the amount of a district's allocation in a program 17578  
year exceeds the amount of financial assistance approved for the 17579  
district by the commission for that year, the remaining portion 17580  
of the district's allocation shall be added to the district's 17581  
allocation pursuant to division (B) of this section for the next 17582  
succeeding year for use in the same manner and for the same 17583  
purposes as it was originally allocated, except that any portion 17584  
of a district's allocation which was available for use on new or 17585  
expanded infrastructure pursuant to division ~~(H)~~(G) of section 17586  
164.05 of the Revised Code shall be available in succeeding 17587  
years only for the repair and replacement of existing 17588  
infrastructure. 17589

(G) When an allocation based on population is made by the 17590  
director pursuant to division (B) of this section, the director 17591  
shall use the most recent decennial census statistics, and shall 17592  
not make any reallocations based upon a change in a district's 17593  
population. 17594

**Sec. 164.14.** (A) The local transportation improvement 17595  
program fund is hereby created in the state treasury. The fund 17596  
shall consist of moneys credited to it pursuant to sections 17597  
117.16 and 5735.051 of the Revised Code, and, subject to the 17598  
limitations of section 5735.05 of the Revised Code, shall be 17599  
used to make grants to local subdivisions for projects that have 17600  
been approved by district public works integrating committees 17601  
and the Ohio public works commission in accordance with this 17602  
section. The fund shall be administered by the Ohio public works 17603  
commission, and shall be allocated each fiscal year on a per 17604  
capita basis to district public works integrating committees in 17605  
accordance with the most recent decennial census statistics. 17606

Money in the fund may be used to pay reasonable costs incurred 17607  
by the commission in administering this section. Investment 17608  
earnings on moneys credited to the fund shall be retained by the 17609  
fund. 17610

(B) Grants awarded under this section may provide up to 17611  
one hundred per cent of the estimated total cost of the project. 17612

(C) No grant shall be awarded for a project under this 17613  
section unless the project is designed to have a useful life of 17614  
at least seven years, except that the average useful life of all 17615  
such projects for which grants are awarded in each district 17616  
during a fiscal year shall be not less than twenty years. 17617

(D) For the period beginning on July 1, 1989, and ending 17618  
on June 30, 1994, and for each succeeding five-year period, at 17619  
least one-third of the total amount of money allocated to each 17620  
district from the local transportation improvement program fund 17621  
shall be awarded as follows: 17622

(1) Forty-two and eight-tenths per cent for projects of 17623  
municipal corporations; 17624

(2) Thirty-seven and two-tenths per cent for projects of 17625  
counties; 17626

(3) Twenty per cent for projects of townships, except that 17627  
the requirement of division (D) (3) of this section shall not 17628  
apply in districts where the combined population of the 17629  
townships in the district is less than five per cent of the 17630  
population of the district. 17631

(E) Each district public works integrating committee shall 17632  
review, and approve or disapprove requests submitted to it by 17633  
local subdivisions for assistance from the local transportation 17634  
improvement program fund. In reviewing projects submitted to it, 17635

a district public works integrating committee shall consider the	17636
following factors:	17637
(1) Whether the project is of critical importance to the	17638
safety of the residents of the local subdivision;	17639
(2) Whether the project would alleviate serious traffic	17640
problems or hazards or would respond to needs caused by rapid	17641
growth and development;	17642
(3) Whether the project would assist the local subdivision	17643
in attaining the transportation infrastructure needed to pursue	17644
significant and specific economic development opportunities;	17645
(4) The availability of other sources of funding for the	17646
project;	17647
(5) The adequacy of the planning for the project and the	17648
readiness of the local subdivision to proceed should the project	17649
be approved;	17650
(6) The local subdivision's ability to pay for and history	17651
of investing in bridge and highway improvements;	17652
(7) The impact of the project on the multijurisdictional	17653
highway and bridge needs of the district;	17654
(8) The requirements of divisions (A), (B), (C), and (D)	17655
of this section;	17656
(9) The condition of the infrastructure system proposed	17657
for improvement;	17658
(10) Any other factors related to the safety, orderly	17659
growth, or economic development of the district or local	17660
subdivision that the district public works integrating committee	17661
considers relevant.	17662



A district public works integrating committee or its executive committee may appoint a subcommittee to assist it in carrying out its responsibilities under this section.

(F) Every project approved by a district public works integrating committee shall be submitted to the Ohio public works commission for its review and approval or disapproval. The commission shall not approve any project that fails to meet the requirements of this section.

(G) Grants awarded from the local transportation improvement program fund shall not be limited in their usage by divisions (D), (E), (F), and (G), ~~and (H)~~ of section 164.05 of the Revised Code.

(H) As used in this section, "local subdivision" means a county, municipal corporation, or township.

(I) The director of the Ohio public works commission shall notify the director of budget and management of the amounts allocated pursuant to this section, and the allocation information shall be entered into the state accounting system. The director of budget and management shall establish appropriation line items as needed to track these allocations.

**Sec. 165.04.** The bond proceedings may contain provisions which shall be part of the contract with the bondholders as to:

(A) Pledging the rentals, revenues, and other income, charges, and moneys therein designated for the payment of the principal of and interest on the bonds and all other payments required to be made by the bond proceedings;

(B) Acquisition by gift or purchase, construction, reconstruction, enlargement, improvement, furnishing, equipment, operation, alteration, maintenance, insurance, and repair of the

pledged facilities and the duties of the issuing authority with respect thereto;	17692 17693
(C) Provisions regarding the purposes to which the proceeds of the bonds may be applied;	17694 17695
(D) Terms of the bonds;	17696
(E) Maintenance, collection, use and disposition of rentals, revenues, and other income, charges, and moneys received from the lease, sale, or other disposition of the pledged facilities;	17697 17698 17699 17700
(F) Terms and conditions under which additional bonds may be issued secured by a pledge of rentals, revenues, and other income, charges, and moneys received from or a mortgage on the same pledged facilities;	17701 17702 17703 17704
(G) Terms of any trust agreement or indenture of mortgage securing the bonds including authorization to enter into such agreement or indenture;	17705 17706 17707
(H) The deposit, application, safeguarding, and investment of funds of the issuer received or held under the bond proceedings, to which Chapters 131. and 135. and sections <del>122.57,</del> 122.571, 122.58, and 321.44 of the Revised Code are not applicable.	17708 17709 17710 17711 17712
(I) Any other appropriate agreements with the bondholders with respect to the pledged facilities and the rentals, revenues, and other income, charges, and moneys received therefrom.	17713 17714 17715 17716
<b>Sec. 166.01.</b> As used in this chapter:	17717
(A) "Allowable costs" means all or part of the costs of project facilities, eligible projects, eligible innovation	17718 17719

projects, eligible research and development projects, eligible 17720  
advanced energy projects, or eligible logistics and distribution 17721  
projects, including costs of acquiring, constructing, 17722  
reconstructing, rehabilitating, renovating, enlarging, 17723  
improving, equipping, or furnishing project facilities, eligible 17724  
projects, eligible innovation projects, eligible research and 17725  
development projects, eligible advanced energy projects, or 17726  
eligible logistics and distribution projects, site clearance and 17727  
preparation, supplementing and relocating public capital 17728  
improvements or utility facilities, designs, plans, 17729  
specifications, surveys, studies, and estimates of costs, 17730  
expenses necessary or incident to determining the feasibility or 17731  
practicability of assisting an eligible project, an eligible 17732  
innovation project, an eligible research and development 17733  
project, an eligible advanced energy project, or an eligible 17734  
logistics and distribution project, or providing project 17735  
facilities or facilities related to an eligible project, an 17736  
eligible innovation project, an eligible research and 17737  
development project, an eligible advanced energy project, or an 17738  
eligible logistics and distribution project, architectural, 17739  
engineering, and legal services fees and expenses, the costs of 17740  
conducting any other activities as part of a voluntary action, 17741  
and such other expenses as may be necessary or incidental to the 17742  
establishment or development of an eligible project, an eligible 17743  
innovation project, an eligible research and development 17744  
project, an eligible advanced energy project, or an eligible 17745  
logistics and distribution project, and reimbursement of moneys 17746  
advanced or applied by any governmental agency or other person 17747  
for allowable costs. 17748

(B) "Allowable innovation costs" includes allowable costs 17749  
of eligible innovation projects and, in addition, includes the 17750

costs of research and development of eligible innovation 17751  
projects; obtaining or creating any requisite software or 17752  
computer hardware related to an eligible innovation project or 17753  
the products or services associated therewith; testing 17754  
(including, without limitation, quality control activities 17755  
necessary for initial production), perfecting, and marketing of 17756  
such products and services; creating and protecting intellectual 17757  
property related to an eligible innovation project or any 17758  
products or services related thereto, including costs of 17759  
securing appropriate patent, trademark, trade secret, trade 17760  
dress, copyright, or other form of intellectual property 17761  
protection for an eligible innovation project or related 17762  
products and services; all to the extent that such expenditures 17763  
could be capitalized under then-applicable generally accepted 17764  
accounting principles; and the reimbursement of moneys advanced 17765  
or applied by any governmental agency or other person for 17766  
allowable innovation costs. 17767

(C) "Eligible innovation project" includes an eligible 17768  
project, including any project facilities associated with an 17769  
eligible innovation project and, in addition, includes all 17770  
tangible and intangible property related to a new product or 17771  
process based on new technology or the creative application of 17772  
existing technology, including research and development, product 17773  
or process testing, quality control, market research, and 17774  
related activities, that is to be acquired, established, 17775  
expanded, remodeled, rehabilitated, or modernized for industry, 17776  
commerce, distribution, development of tourism attractions or 17777  
professional sports facilities, or research, or any combination 17778  
thereof, the operation of which, alone or in conjunction with 17779  
other eligible projects, eligible innovation projects, or 17780  
innovation property, will create new jobs or preserve existing 17781

jobs and employment opportunities and improve the economic 17782  
welfare of the people of the state. 17783

(D) "Eligible project" means project facilities to be 17784  
acquired, established, expanded, remodeled, rehabilitated, or 17785  
modernized for industry, commerce, distribution, development of 17786  
tourism attractions or professional sports facilities, or 17787  
research, or any combination thereof, the operation of which, 17788  
alone or in conjunction with other facilities, will create new 17789  
jobs or preserve existing jobs and employment opportunities and 17790  
improve the economic welfare of the people of the state. 17791  
"Eligible project" includes, without limitation, a voluntary 17792  
action. For purposes of this division, "new jobs" does not 17793  
include existing jobs transferred from another facility within 17794  
the state, and "existing jobs" includes only those existing jobs 17795  
with work places within the municipal corporation or 17796  
unincorporated area of the county in which the eligible project 17797  
is located. 17798

~~"Eligible project" does not include project facilities to~~ 17799  
~~be acquired, established, expanded, remodeled, rehabilitated, or~~ 17800  
~~modernized for industry, commerce, distribution, or research, or~~ 17801  
~~any combination of industry, commerce, distribution, or~~ 17802  
~~research, if the project facilities consist solely of point-of-~~ 17803  
~~final-purchase retail facilities. If the project facilities~~ 17804  
~~consist of both point-of-final-purchase retail facilities and~~ 17805  
~~nonretail facilities, only the portion of the project facilities~~ 17806  
~~consisting of nonretail facilities is an eligible project. If a~~ 17807  
~~warehouse facility is part of a point-of-final-purchase retail~~ 17808  
~~facility and supplies only that facility, the warehouse facility~~ 17809  
~~is not an eligible project. Catalog distribution facilities are~~ 17810  
~~not considered point-of-final-purchase retail facilities for~~ 17811  
~~purposes of this paragraph, and are eligible projects.~~ 17812

(E) "Eligible research and development project" means an 17813  
eligible project, including project facilities, comprising, 17814  
within, or related to, a facility or portion of a facility at 17815  
which research is undertaken for the purpose of discovering 17816  
information that is technological in nature and the application 17817  
of which is intended to be useful in the development of a new or 17818  
improved product, process, technique, formula, or invention, a 17819  
new product or process based on new technology, or the creative 17820  
application of existing technology. 17821

(F) "Financial assistance" means inducements under 17822  
division (B) of section 166.02 of the Revised Code, loan 17823  
guarantees under section 166.06 of the Revised Code, and direct 17824  
loans under section 166.07 of the Revised Code. 17825

(G) "Governmental action" means any action by a 17826  
governmental agency relating to the establishment, development, 17827  
or operation of an eligible project, eligible innovation 17828  
project, eligible research and development project, eligible 17829  
advanced energy project, or eligible logistics and distribution 17830  
project, and project facilities that the governmental agency 17831  
acting has authority to take or provide for the purpose under 17832  
law, including, but not limited to, actions relating to 17833  
contracts and agreements, zoning, building, permits, acquisition 17834  
and disposition of property, public capital improvements, 17835  
utility and transportation service, taxation, employee 17836  
recruitment and training, and liaison and coordination with and 17837  
among governmental agencies. 17838

(H) "Governmental agency" means the state and any state 17839  
department, division, commission, institution or authority; a 17840  
municipal corporation, county, or township, and any agency 17841  
thereof, and any other political subdivision or public 17842

corporation or the United States or any agency thereof; any 17843  
agency, commission, or authority established pursuant to an 17844  
interstate compact or agreement; and any combination of the 17845  
above. 17846

(I) "Innovation financial assistance" means inducements 17847  
under division (B) of section 166.12 of the Revised Code, 17848  
innovation Ohio loan guarantees under section 166.15 of the 17849  
Revised Code, and innovation Ohio loans under section 166.16 of 17850  
the Revised Code. 17851

(J) "Innovation Ohio loan guarantee reserve requirement" 17852  
means, at any time, with respect to innovation loan guarantees 17853  
made under section 166.15 of the Revised Code, a balance in the 17854  
innovation Ohio loan guarantee fund equal to the greater of 17855  
twenty per cent of the then-outstanding principal amount of all 17856  
outstanding innovation loan guarantees made pursuant to section 17857  
166.15 of the Revised Code or fifty per cent of the principal 17858  
amount of the largest outstanding guarantee made pursuant to 17859  
section 166.15 of the Revised Code. 17860

(K) "Innovation property" includes property and also 17861  
includes software, inventory, licenses, contract rights, 17862  
goodwill, intellectual property, including without limitation, 17863  
patents, patent applications, trademarks and service marks, and 17864  
trade secrets, and other tangible and intangible property, and 17865  
any rights and interests in or connected to the foregoing. 17866

(L) "Loan guarantee reserve requirement" means, at any 17867  
time, with respect to loan guarantees made under section 166.06 17868  
of the Revised Code, a balance in the loan guarantee fund equal 17869  
to the greater of twenty per cent of the then-outstanding 17870  
principal amount of all outstanding guarantees made pursuant to 17871  
section 166.06 of the Revised Code or fifty per cent of the 17872

principal amount of the largest outstanding guarantee made 17873  
pursuant to section 166.06 of the Revised Code. 17874

(M) "Person" means any individual, firm, partnership, 17875  
association, corporation, or governmental agency, and any 17876  
combination thereof. 17877

(N) "Project facilities" means buildings, structures, and 17878  
other improvements, and equipment and other property, excluding 17879  
small tools, supplies, and inventory, and any one, part of, or 17880  
combination of the above, comprising all or part of, or serving 17881  
or being incidental to, an eligible project, an eligible 17882  
innovation project, an eligible research and development 17883  
project, an eligible advanced energy project, or an eligible 17884  
logistics and distribution project, including, but not limited 17885  
to, public capital improvements. 17886

(O) "Property" means real and personal property and 17887  
interests therein. 17888

(P) "Public capital improvements" means capital 17889  
improvements or facilities that any governmental agency has 17890  
authority to acquire, pay the costs of, own, maintain, or 17891  
operate, or to contract with other persons to have the same 17892  
done, including, but not limited to, highways, roads, streets, 17893  
water and sewer facilities, railroad and other transportation 17894  
facilities, and air and water pollution control and solid waste 17895  
disposal facilities. For purposes of this division, "air 17896  
pollution control facilities" includes, without limitation, 17897  
solar, geothermal, biofuel, biomass, wind, hydro, wave, and 17898  
other advanced energy projects as defined in section 3706.25 of 17899  
the Revised Code. 17900

(Q) "Research and development financial assistance" means 17901



inducements under section 166.17 of the Revised Code, research 17902  
and development loans under section 166.21 of the Revised Code, 17903  
and research and development tax credits under sections 5733.352 17904  
and 5747.331 of the Revised Code. 17905

(R) "Targeted innovation industry sectors" means industry 17906  
sectors involving the production or use of advanced materials, 17907  
instruments, controls and electronics, power and propulsion, 17908  
biosciences, and information technology, or such other sectors 17909  
as may be designated by the director of development. 17910

(S) "Voluntary action" means a voluntary action, as 17911  
defined in section 3746.01 of the Revised Code, that is 17912  
conducted under the voluntary action program established in 17913  
Chapter 3746. of the Revised Code. 17914

(T) "Project financing obligations" means obligations 17915  
issued pursuant to section 166.08 of the Revised Code other than 17916  
obligations for which the bond proceedings provide that bond 17917  
service charges shall be paid from receipts of the state 17918  
representing gross profit on the sale of spirituous liquor as 17919  
referred to in division (B) (4) of section 4310.10 of the Revised 17920  
Code. 17921

(U) "Regional economic development entity" means an entity 17922  
that is under contract with the director to administer a loan 17923  
program under this chapter in a particular area of this state. 17924

(V) "Eligible advanced energy project" means an eligible 17925  
project that is an "advanced energy project" as defined in 17926  
section 3706.25 of the Revised Code. 17927

(W) "Eligible logistics and distribution project" means an 17928  
eligible project, including project facilities, to be acquired, 17929  
established, expanded, remodeled, rehabilitated, or modernized 17930

for transportation logistics and distribution infrastructure 17931  
purposes. As used in this division, "transportation logistics 17932  
and distribution infrastructure purposes" means promoting, 17933  
providing for, and enabling improvements to the ground, air, and 17934  
water transportation infrastructure comprising the 17935  
transportation system in this state, including, without 17936  
limitation, highways, streets, roads, bridges, railroads 17937  
carrying freight, and air and water ports and port facilities, 17938  
and all related supporting facilities. 17939

(X) "Professional sports facility" has the same meaning as 17940  
in section 5516.01 of the Revised Code. 17941

**Sec. 166.02.** (A) The general assembly finds that many 17942  
local areas throughout the state are experiencing economic 17943  
stagnation or decline, and that the economic development 17944  
programs provided for in this chapter will constitute deserved, 17945  
necessary reinvestment by the state in those areas, materially 17946  
contribute to their economic revitalization, and result in 17947  
improving the economic welfare of all the people of the state. 17948  
Accordingly, it is declared to be the public policy of the 17949  
state, through the operations of this chapter and other 17950  
applicable laws adopted pursuant to Section 2p or 13 of Article 17951  
VIII, Ohio Constitution, and other authority vested in the 17952  
general assembly, to assist in and facilitate the establishment 17953  
or development of eligible projects or assist and cooperate with 17954  
any governmental agency in achieving such purpose. 17955

(B) In furtherance of such public policy and to implement 17956  
such purpose, the director of development may: 17957

(1) After consultation with appropriate governmental 17958  
agencies, enter into agreements with persons engaged in 17959  
industry, commerce, distribution, development of tourism 17960

attractions or professional sports facilities, or research and 17961  
with governmental agencies to induce such persons to acquire, 17962  
construct, reconstruct, rehabilitate, renovate, enlarge, 17963  
improve, equip, or furnish, or otherwise develop, eligible 17964  
projects and make provision therein for project facilities and 17965  
governmental actions, as authorized by this chapter and other 17966  
applicable laws, subject to any required actions by the general 17967  
assembly or the controlling board and subject to applicable 17968  
local government laws and regulations; 17969

(2) Provide for the guarantees and loans as provided for 17970  
in sections 166.06 and 166.07 of the Revised Code; 17971

(3) Subject to release of such moneys by the controlling 17972  
board, contract for labor and materials needed for, or contract 17973  
with others, including governmental agencies, to provide, 17974  
project facilities the allowable costs of which are to be paid 17975  
for or reimbursed from moneys in the facilities establishment 17976  
fund, and contract for the operation of such project facilities; 17977

(4) Subject to release thereof by the controlling board, 17978  
from moneys in the facilities establishment fund acquire or 17979  
contract to acquire by gift, exchange, or purchase, including 17980  
the obtaining and exercise of purchase options, property, and 17981  
convey or otherwise dispose of, or provide for the conveyance or 17982  
disposition of, property so acquired or contracted to be 17983  
acquired by sale, exchange, lease, lease purchase, conditional 17984  
or installment sale, transfer, or other disposition, including 17985  
the grant of an option to purchase, to any governmental agency 17986  
or to any other person without necessity for competitive bidding 17987  
and upon such terms and conditions and manner of consideration 17988  
pursuant to and as the director determines to be appropriate to 17989  
satisfy the objectives of sections 166.01 to 166.11 of the 17990

Revised Code;	17991
(5) Retain the services of or employ financial consultants, appraisers, consulting engineers, superintendents, managers, construction and accounting experts, attorneys, and employees, agents, and independent contractors as are necessary in the director's judgment and fix the compensation for their services;	17992 17993 17994 17995 17996 17997
(6) Receive and accept from any person grants, gifts, and contributions of money, property, labor, and other things of value, to be held, used and applied only for the purpose for which such grants, gifts, and contributions are made;	17998 17999 18000 18001
(7) Enter into appropriate arrangements and agreements with any governmental agency for the taking or provision by that governmental agency of any governmental action;	18002 18003 18004
(8) Do all other acts and enter into contracts and execute all instruments necessary or appropriate to carry out the provisions of this chapter;	18005 18006 18007
(9) Adopt rules to implement any of the provisions of this chapter applicable to the director.	18008 18009
(C) The determinations by the director that facilities constitute eligible projects, that facilities are project facilities, that costs of such facilities are allowable costs, and all other determinations relevant thereto or to an action taken or agreement entered into shall be conclusive for purposes of the validity and enforceability of rights of parties arising from actions taken and agreements entered into under this chapter.	18010 18011 18012 18013 18014 18015 18016 18017
(D) Except as otherwise prescribed in this chapter, all expenses and obligations incurred by the director in carrying	18018 18019

out the director's powers and in exercising the director's 18020  
duties under this chapter, shall be payable solely from, as 18021  
appropriate, moneys in the facilities establishment fund, the 18022  
loan guarantee fund, the innovation Ohio loan guarantee fund, 18023  
the innovation Ohio loan fund, the research and development loan 18024  
fund, the logistics and distribution infrastructure fund, or 18025  
moneys appropriated for such purpose by the general assembly. 18026  
This chapter does not authorize the director or the issuing 18027  
authority under section 166.08 of the Revised Code to incur 18028  
bonded indebtedness of the state or any political subdivision 18029  
thereof, or to obligate or pledge moneys raised by taxation for 18030  
the payment of any bonds or notes issued or guarantees made 18031  
pursuant to this chapter. 18032

(E) Any governmental agency may enter into an agreement 18033  
with the director, any other governmental agency, or a person to 18034  
be assisted under this chapter, to take or provide for the 18035  
purposes of this chapter any governmental action it is 18036  
authorized to take or provide, and to undertake on behalf and at 18037  
the request of the director any action which the director is 18038  
authorized to undertake pursuant to divisions (B) (3), (4), and 18039  
(5) of this section or divisions (B) (3), (4), and (5) of section 18040  
166.12 of the Revised Code. Governmental agencies of the state 18041  
shall cooperate with and provide assistance to the director of 18042  
development and the controlling board in the exercise of their 18043  
respective functions under this chapter. 18044

**Sec. 166.03.** (A) There is hereby created the facilities 18045  
establishment fund within the state treasury, consisting of 18046  
proceeds from the issuance of obligations as specified under 18047  
section 166.08 of the Revised Code; the moneys received by the 18048  
state from the sources specified in section 166.09 of the 18049  
Revised Code; service charges imposed under sections 166.06 and 18050

166.07 of the Revised Code; any grants, gifts, or contributions 18051  
of moneys received by the director of development to be used for 18052  
loans made under section 166.07 of the Revised Code or for the 18053  
payment of the allowable costs of project facilities; and all 18054  
other moneys appropriated or transferred to the fund. Moneys in 18055  
the loan guarantee fund in excess of the loan guarantee reserve 18056  
requirement, but subject to the provisions and requirements of 18057  
any guarantee contracts, may be transferred to the facilities 18058  
establishment fund by the treasurer of state upon the order of 18059  
the director of development. Moneys received by the state under 18060  
Chapter 122. of the Revised Code, to the extent allocable to the 18061  
utilization of moneys derived from proceeds of the sale of 18062  
obligations pursuant to section 166.08 of the Revised Code, 18063  
shall be credited to the facilities establishment fund. All 18064  
investment earnings on the cash balance in the fund shall be 18065  
credited to the fund. 18066

(B) All moneys appropriated or transferred to the 18067  
facilities establishment fund may be released at the request of 18068  
the director of development for payment of allowable costs or 18069  
the making of loans under section 166.07 of the Revised Code, 18070  
for transfer to the loan guarantee fund established in section 18071  
166.06 of the Revised Code, or for use for the purpose of or 18072  
transfer to the funds established by sections 122.35, 122.42, 18073  
122.54, ~~122.55, 122.56, 122.561, 122.57,~~ 122.601, and 122.80 of 18074  
the Revised Code and, until July 1, 2003, the fund established 18075  
by section 166.031 of the Revised Code, and, until July 1, 2007, 18076  
the fund established by section 122.26 of the Revised Code, but 18077  
only for such of those purposes as are within the authorization 18078  
of Section 13 of Article VIII, Ohio Constitution, in all cases 18079  
subject to the approval of the controlling board. 18080

(C) The department of development, in the administration 18081

of the facilities establishment fund, is encouraged to utilize 18082  
and promote the utilization of, to the maximum practicable 18083  
extent, the other existing programs, business incentives, and 18084  
tax incentives that department is required or authorized to 18085  
administer or supervise. 18086

**Sec. 166.08.** (A) As used in this chapter: 18087

(1) "Bond proceedings" means the resolution, order, trust 18088  
agreement, indenture, lease, and other agreements, amendments 18089  
and supplements to the foregoing, or any one or more or 18090  
combination thereof, authorizing or providing for the terms and 18091  
conditions applicable to, or providing for the security or 18092  
liquidity of, obligations issued pursuant to this section, and 18093  
the provisions contained in such obligations. 18094

(2) "Bond service charges" means principal, including 18095  
mandatory sinking fund requirements for retirement of 18096  
obligations, and interest, and redemption premium, if any, 18097  
required to be paid by the state on obligations. 18098

(3) "Bond service fund" means the applicable fund and 18099  
accounts therein created for and pledged to the payment of bond 18100  
service charges, which may be, or may be part of, the economic 18101  
development bond service fund created by division (S) of this 18102  
section including all moneys and investments, and earnings from 18103  
investments, credited and to be credited thereto. 18104

(4) "Issuing authority" means the treasurer of state, or 18105  
the officer who by law performs the functions of such officer. 18106

(5) "Obligations" means bonds, notes, or other evidence of 18107  
obligation including interest coupons pertaining thereto, issued 18108  
pursuant to this section. 18109

(6) "Pledged receipts" means all receipts of the state 18110

representing the gross profit on the sale of spirituous liquor, 18111  
as referred to in division (B) (4) of section 4301.10 of the 18112  
Revised Code, after paying all costs and expenses of the 18113  
division of liquor control and providing an adequate working 18114  
capital reserve for the division of liquor control as provided 18115  
in that division, but excluding the sum required by the second 18116  
paragraph of section 4301.12 of the Revised Code, as in effect 18117  
on May 2, 1980, to be paid into the state treasury; moneys 18118  
accruing to the state from the lease, sale, or other 18119  
disposition, or use, of project facilities, and from the 18120  
repayment, including interest, of loans made from proceeds 18121  
received from the sale of obligations; accrued interest received 18122  
from the sale of obligations; income from the investment of the 18123  
special funds; and any gifts, grants, donations, and pledges, 18124  
and receipts therefrom, available for the payment of bond 18125  
service charges. 18126

(7) "Special funds" or "funds" means, except where the 18127  
context does not permit, the bond service fund, and any other 18128  
funds, including reserve funds, created under the bond 18129  
proceedings, and the economic development bond service fund 18130  
created by division (S) of this section to the extent provided 18131  
in the bond proceedings, including all moneys and investments, 18132  
and earnings from investment, credited and to be credited 18133  
thereto. 18134

(B) Subject to the limitations provided in section 166.11 18135  
of the Revised Code, the issuing authority, upon the 18136  
certification by the director of development or, prior to ~~the~~ 18137  
~~effective date of this amendment~~ September 29, 2017, upon 18138  
certification by the Ohio air quality development authority 18139  
regarding eligible advanced energy projects, to the issuing 18140  
authority of the amount of moneys or additional moneys needed in 18141



the facilities establishment fund, the loan guarantee fund, the 18142  
innovation Ohio loan fund, the innovation Ohio loan guarantee 18143  
fund, the research and development loan fund, the logistics and 18144  
distribution infrastructure fund, the advanced energy research 18145  
and development fund, or the advanced energy research and 18146  
development taxable fund, as applicable, for the purpose of 18147  
paying, or making loans for, allowable costs from the facilities 18148  
establishment fund, allowable innovation costs from the 18149  
innovation Ohio loan fund, allowable costs from the research and 18150  
development loan fund, allowable costs from the logistics and 18151  
distribution infrastructure fund, allowable costs from the 18152  
advanced energy research and development fund, or allowable 18153  
costs from the advanced energy research and development taxable 18154  
fund, as applicable, or needed for capitalized interest, for 18155  
funding reserves, and for paying costs and expenses incurred in 18156  
connection with the issuance, carrying, securing, paying, 18157  
redeeming, or retirement of the obligations or any obligations 18158  
refunded thereby, including payment of costs and expenses 18159  
relating to letters of credit, lines of credit, insurance, put 18160  
agreements, standby purchase agreements, indexing, marketing, 18161  
remarketing and administrative arrangements, interest swap or 18162  
hedging agreements, and any other credit enhancement, liquidity, 18163  
remarketing, renewal, or refunding arrangements, all of which 18164  
are authorized by this section, or providing moneys for the loan 18165  
guarantee fund or the innovation Ohio loan guarantee fund, as 18166  
provided in this chapter or needed for the purposes of funds 18167  
established in accordance with or pursuant to sections 122.35, 18168  
122.42, 122.54, ~~122.55, 122.56, 122.561, 122.57,~~ and 122.80 of 18169  
the Revised Code which are within the authorization of Section 18170  
13 of Article VIII, Ohio Constitution, or, prior to ~~the~~ 18171  
~~effective date of this amendment~~ September 29, 2017, with 18172  
respect to certain eligible advanced energy projects, Section 2p 18173

of Article VIII, Ohio Constitution, shall issue obligations of 18174  
the state under this section in the required amount; provided 18175  
that such obligations may be issued to satisfy the covenants in 18176  
contracts of guarantee made under section 166.06 or 166.15 of 18177  
the Revised Code, notwithstanding limitations otherwise 18178  
applicable to the issuance of obligations under this section. 18179  
The proceeds of such obligations, except for the portion to be 18180  
deposited in special funds, including reserve funds, as may be 18181  
provided in the bond proceedings, shall as provided in the bond 18182  
proceedings be deposited by the director of development to the 18183  
facilities establishment fund, the loan guarantee fund, the 18184  
innovation Ohio loan guarantee fund, the innovation Ohio loan 18185  
fund, the research and development loan fund, or the logistics 18186  
and distribution infrastructure fund, or be deposited by the 18187  
Ohio air quality development authority prior to ~~the effective~~ 18188  
~~date of this amendment~~ September 29, 2017, to the advanced 18189  
energy research and development fund or the advanced energy 18190  
research and development taxable fund. Bond proceedings for 18191  
project financing obligations may provide that the proceeds 18192  
derived from the issuance of such obligations shall be deposited 18193  
into such fund or funds provided for in the bond proceedings 18194  
and, to the extent provided for in the bond proceedings, such 18195  
proceeds shall be deemed to have been deposited into the 18196  
facilities establishment fund and transferred to such fund or 18197  
funds. The issuing authority may appoint trustees, paying 18198  
agents, and transfer agents and may retain the services of 18199  
financial advisors, accounting experts, and attorneys, and 18200  
retain or contract for the services of marketing, remarketing, 18201  
indexing, and administrative agents, other consultants, and 18202  
independent contractors, including printing services, as are 18203  
necessary in the issuing authority's judgment to carry out this 18204  
section. The costs of such services are allowable costs payable 18205

from the facilities establishment fund or the research and 18206  
development loan fund, allowable innovation costs payable from 18207  
the innovation Ohio loan fund, allowable costs payable from the 18208  
logistics and distribution infrastructure fund, or allowable 18209  
costs payable prior to ~~the effective date of this amendment~~ 18210  
September 29, 2017, from the advanced energy research and 18211  
development fund or the advanced energy research and development 18212  
taxable fund, as applicable. 18213

(C) The holders or owners of such obligations shall have 18214  
no right to have moneys raised by taxation obligated or pledged, 18215  
and moneys raised by taxation shall not be obligated or pledged, 18216  
for the payment of bond service charges. Such holders or owners 18217  
shall have no rights to payment of bond service charges from any 18218  
moneys accruing to the state from the lease, sale, or other 18219  
disposition, or use, of project facilities, or from payment of 18220  
the principal of or interest on loans made, or fees charged for 18221  
guarantees made, or from any money or property received by the 18222  
director, treasurer of state, or the state under Chapter 122. of 18223  
the Revised Code, or from any other use of the proceeds of the 18224  
sale of the obligations, and no such moneys may be used for the 18225  
payment of bond service charges, except for accrued interest, 18226  
capitalized interest, and reserves funded from proceeds received 18227  
upon the sale of the obligations and except as otherwise 18228  
expressly provided in the applicable bond proceedings pursuant 18229  
to written directions by the director. The right of such holders 18230  
and owners to payment of bond service charges is limited to all 18231  
or that portion of the pledged receipts and those special funds 18232  
pledged thereto pursuant to the bond proceedings in accordance 18233  
with this section, and each such obligation shall bear on its 18234  
face a statement to that effect. 18235

(D) Obligations shall be authorized by resolution or order 18236

of the issuing authority and the bond proceedings shall provide 18237  
for the purpose thereof and the principal amount or amounts, and 18238  
shall provide for or authorize the manner or agency for 18239  
determining the principal maturity or maturities, not exceeding 18240  
twenty-five years from the date of issuance, the interest rate 18241  
or rates or the maximum interest rate, the date of the 18242  
obligations and the dates of payment of interest thereon, their 18243  
denomination, and the establishment within or without the state 18244  
of a place or places of payment of bond service charges. 18245  
Sections 9.98 to 9.983 of the Revised Code are applicable to 18246  
obligations issued under this section, subject to any applicable 18247  
limitation under section 166.11 of the Revised Code. The purpose 18248  
of such obligations may be stated in the bond proceedings in 18249  
terms describing the general purpose or purposes to be served. 18250  
The bond proceedings also shall provide, subject to the 18251  
provisions of any other applicable bond proceedings, for the 18252  
pledge of all, or such part as the issuing authority may 18253  
determine, of the pledged receipts and the applicable special 18254  
fund or funds to the payment of bond service charges, which 18255  
pledges may be made either prior or subordinate to other 18256  
expenses, claims, or payments, and may be made to secure the 18257  
obligations on a parity with obligations theretofore or 18258  
thereafter issued, if and to the extent provided in the bond 18259  
proceedings. The pledged receipts and special funds so pledged 18260  
and thereafter received by the state are immediately subject to 18261  
the lien of such pledge without any physical delivery thereof or 18262  
further act, and the lien of any such pledges is valid and 18263  
binding against all parties having claims of any kind against 18264  
the state or any governmental agency of the state, irrespective 18265  
of whether such parties have notice thereof, and shall create a 18266  
perfected security interest for all purposes of Chapter 1309. of 18267  
the Revised Code, without the necessity for separation or 18268

delivery of funds or for the filing or recording of the bond 18269  
proceedings by which such pledge is created or any certificate, 18270  
statement or other document with respect thereto; and the pledge 18271  
of such pledged receipts and special funds is effective and the 18272  
money therefrom and thereof may be applied to the purposes for 18273  
which pledged without necessity for any act of appropriation. 18274  
Every pledge, and every covenant and agreement made with respect 18275  
thereto, made in the bond proceedings may therein be extended to 18276  
the benefit of the owners and holders of obligations authorized 18277  
by this section, and to any trustee therefor, for the further 18278  
security of the payment of the bond service charges. 18279

(E) The bond proceedings may contain additional provisions 18280  
as to: 18281

(1) The redemption of obligations prior to maturity at the 18282  
option of the issuing authority at such price or prices and 18283  
under such terms and conditions as are provided in the bond 18284  
proceedings; 18285

(2) Other terms of the obligations; 18286

(3) Limitations on the issuance of additional obligations; 18287

(4) The terms of any trust agreement or indenture securing 18288  
the obligations or under which the same may be issued; 18289

(5) The deposit, investment and application of special 18290  
funds, and the safeguarding of moneys on hand or on deposit, 18291  
without regard to Chapter 131. or 135. of the Revised Code, but 18292  
subject to any special provisions of this chapter, with respect 18293  
to particular funds or moneys, provided that any bank or trust 18294  
company which acts as depository of any moneys in the special 18295  
funds may furnish such indemnifying bonds or may pledge such 18296  
securities as required by the issuing authority; 18297

(6) Any or every provision of the bond proceedings being 18298  
binding upon such officer, board, commission, authority, agency, 18299  
department, or other person or body as may from time to time 18300  
have the authority under law to take such actions as may be 18301  
necessary to perform all or any part of the duty required by 18302  
such provision; 18303

(7) Any provision that may be made in a trust agreement or 18304  
indenture; 18305

(8) Any other or additional agreements with the holders of 18306  
the obligations, or the trustee therefor, relating to the 18307  
obligations or the security therefor, including the assignment 18308  
of mortgages or other security obtained or to be obtained for 18309  
loans under section 122.43, 166.07, or 166.16 of the Revised 18310  
Code. 18311

(F) The obligations may have the great seal of the state 18312  
or a facsimile thereof affixed thereto or printed thereon. The 18313  
obligations and any coupons pertaining to obligations shall be 18314  
signed or bear the facsimile signature of the issuing authority. 18315  
Any obligations or coupons may be executed by the person who, on 18316  
the date of execution, is the proper issuing authority although 18317  
on the date of such bonds or coupons such person was not the 18318  
issuing authority. If the issuing authority whose signature or a 18319  
facsimile of whose signature appears on any such obligation or 18320  
coupon ceases to be the issuing authority before delivery 18321  
thereof, such signature or facsimile is nevertheless valid and 18322  
sufficient for all purposes as if the former issuing authority 18323  
had remained the issuing authority until such delivery; and if 18324  
the seal to be affixed to obligations has been changed after a 18325  
facsimile of the seal has been imprinted on such obligations, 18326  
such facsimile seal shall continue to be sufficient as to such 18327

obligations and obligations issued in substitution or exchange 18328  
therefor. 18329

(G) All obligations are negotiable instruments and 18330  
securities under Chapter 1308. of the Revised Code, subject to 18331  
the provisions of the bond proceedings as to registration. The 18332  
obligations may be issued in coupon or in registered form, or 18333  
both, as the issuing authority determines. Provision may be made 18334  
for the registration of any obligations with coupons attached 18335  
thereto as to principal alone or as to both principal and 18336  
interest, their exchange for obligations so registered, and for 18337  
the conversion or reconversion into obligations with coupons 18338  
attached thereto of any obligations registered as to both 18339  
principal and interest, and for reasonable charges for such 18340  
registration, exchange, conversion, and reconversion. 18341

(H) Obligations may be sold at public sale or at private 18342  
sale, as determined in the bond proceedings. 18343

Obligations issued to provide moneys for the loan 18344  
guarantee fund or the innovation Ohio loan guarantee fund may, 18345  
as determined by the issuing authority, be sold at private sale, 18346  
and without publication of a notice of sale. 18347

(I) Pending preparation of definitive obligations, the 18348  
issuing authority may issue interim receipts or certificates 18349  
which shall be exchanged for such definitive obligations. 18350

(J) In the discretion of the issuing authority, 18351  
obligations may be secured additionally by a trust agreement or 18352  
indenture between the issuing authority and a corporate trustee 18353  
which may be any trust company or bank having a place of 18354  
business within the state. Any such agreement or indenture may 18355  
contain the resolution or order authorizing the issuance of the 18356

obligations, any provisions that may be contained in any bond 18357  
proceedings, and other provisions which are customary or 18358  
appropriate in an agreement or indenture of such type, 18359  
including, but not limited to: 18360

(1) Maintenance of each pledge, trust agreement, 18361  
indenture, or other instrument comprising part of the bond 18362  
proceedings until the state has fully paid the bond service 18363  
charges on the obligations secured thereby, or provision 18364  
therefor has been made; 18365

(2) In the event of default in any payments required to be 18366  
made by the bond proceedings, or any other agreement of the 18367  
issuing authority made as a part of the contract under which the 18368  
obligations were issued, enforcement of such payments or 18369  
agreement by mandamus, the appointment of a receiver, suit in 18370  
equity, action at law, or any combination of the foregoing; 18371

(3) The rights and remedies of the holders of obligations 18372  
and of the trustee, and provisions for protecting and enforcing 18373  
them, including limitations on rights of individual holders of 18374  
obligations; 18375

(4) The replacement of any obligations that become 18376  
mutilated or are destroyed, lost, or stolen; 18377

(5) Such other provisions as the trustee and the issuing 18378  
authority agree upon, including limitations, conditions, or 18379  
qualifications relating to any of the foregoing. 18380

(K) Any holders of obligations or trustees under the bond 18381  
proceedings, except to the extent that their rights are 18382  
restricted by the bond proceedings, may by any suitable form of 18383  
legal proceedings, protect and enforce any rights under the laws 18384  
of this state or granted by such bond proceedings. Such rights 18385



include the right to compel the performance of all duties of the 18386  
issuing authority, the director of development, the Ohio air 18387  
quality development authority, or the division of liquor control 18388  
required by this chapter or the bond proceedings; to enjoin 18389  
unlawful activities; and in the event of default with respect to 18390  
the payment of any bond service charges on any obligations or in 18391  
the performance of any covenant or agreement on the part of the 18392  
issuing authority, the director of development, the Ohio air 18393  
quality development authority, or the division of liquor control 18394  
in the bond proceedings, to apply to a court having jurisdiction 18395  
of the cause to appoint a receiver to receive and administer the 18396  
pledged receipts and special funds, other than those in the 18397  
custody of the treasurer of state, which are pledged to the 18398  
payment of the bond service charges on such obligations or which 18399  
are the subject of the covenant or agreement, with full power to 18400  
pay, and to provide for payment of bond service charges on, such 18401  
obligations, and with such powers, subject to the direction of 18402  
the court, as are accorded receivers in general equity cases, 18403  
excluding any power to pledge additional revenues or receipts or 18404  
other income or moneys of the issuing authority or the state or 18405  
governmental agencies of the state to the payment of such 18406  
principal and interest and excluding the power to take 18407  
possession of, mortgage, or cause the sale or otherwise dispose 18408  
of any project facilities. 18409

Each duty of the issuing authority and the issuing 18410  
authority's officers and employees, and of each governmental 18411  
agency and its officers, members, or employees, undertaken 18412  
pursuant to the bond proceedings or any agreement or lease, 18413  
lease-purchase agreement, or loan made under authority of this 18414  
chapter, and in every agreement by or with the issuing 18415  
authority, is hereby established as a duty of the issuing 18416

authority, and of each such officer, member, or employee having 18417  
authority to perform such duty, specifically enjoined by the law 18418  
resulting from an office, trust, or station within the meaning 18419  
of section 2731.01 of the Revised Code. 18420

The person who is at the time the issuing authority, or 18421  
the issuing authority's officers or employees, are not liable in 18422  
their personal capacities on any obligations issued by the 18423  
issuing authority or any agreements of or with the issuing 18424  
authority. 18425

(L) The issuing authority may authorize and issue 18426  
obligations for the refunding, including funding and retirement, 18427  
and advance refunding with or without payment or redemption 18428  
prior to maturity, of any obligations previously issued by the 18429  
issuing authority. Such obligations may be issued in amounts 18430  
sufficient for payment of the principal amount of the prior 18431  
obligations, any redemption premiums thereon, principal 18432  
maturities of any such obligations maturing prior to the 18433  
redemption of the remaining obligations on a parity therewith, 18434  
interest accrued or to accrue to the maturity dates or dates of 18435  
redemption of such obligations, and any allowable costs 18436  
including expenses incurred or to be incurred in connection with 18437  
such issuance and such refunding, funding, and retirement. 18438  
Subject to the bond proceedings therefor, the portion of 18439  
proceeds of the sale of obligations issued under this division 18440  
to be applied to bond service charges on the prior obligations 18441  
shall be credited to an appropriate account held by the trustee 18442  
for such prior or new obligations or to the appropriate account 18443  
in the bond service fund for such obligations. Obligations 18444  
authorized under this division shall be deemed to be issued for 18445  
those purposes for which such prior obligations were issued and 18446  
are subject to the provisions of this section pertaining to 18447

other obligations, except as otherwise provided in this section; 18448  
provided that, unless otherwise authorized by the general 18449  
assembly, any limitations imposed by the general assembly 18450  
pursuant to this section with respect to bond service charges 18451  
applicable to the prior obligations shall be applicable to the 18452  
obligations issued under this division to refund, fund, advance 18453  
refund or retire such prior obligations. 18454

(M) The authority to issue obligations under this section 18455  
includes authority to issue obligations in the form of bond 18456  
anticipation notes and to renew the same from time to time by 18457  
the issuance of new notes. The holders of such notes or interest 18458  
coupons pertaining thereto shall have a right to be paid solely 18459  
from the pledged receipts and special funds that may be pledged 18460  
to the payment of the bonds anticipated, or from the proceeds of 18461  
such bonds or renewal notes, or both, as the issuing authority 18462  
provides in the resolution or order authorizing such notes. Such 18463  
notes may be additionally secured by covenants of the issuing 18464  
authority to the effect that the issuing authority and the state 18465  
will do such or all things necessary for the issuance of such 18466  
bonds or renewal notes in appropriate amount, and apply the 18467  
proceeds thereof to the extent necessary, to make full payment 18468  
of the principal of and interest on such notes at the time or 18469  
times contemplated, as provided in such resolution or order. For 18470  
such purpose, the issuing authority may issue bonds or renewal 18471  
notes in such principal amount and upon such terms as may be 18472  
necessary to provide funds to pay when required the principal of 18473  
and interest on such notes, notwithstanding any limitations 18474  
prescribed by or for purposes of this section. Subject to this 18475  
division, all provisions for and references to obligations in 18476  
this section are applicable to notes authorized under this 18477  
division. 18478

The issuing authority in the bond proceedings authorizing 18479  
the issuance of bond anticipation notes shall set forth for such 18480  
bonds an estimated interest rate and a schedule of principal 18481  
payments for such bonds and the annual maturity dates thereof, 18482  
and for purposes of any limitation on bond service charges 18483  
prescribed under division (A) of section 166.11 of the Revised 18484  
Code, the amount of bond service charges on such bond 18485  
anticipation notes is deemed to be the bond service charges for 18486  
the bonds anticipated thereby as set forth in the bond 18487  
proceedings applicable to such notes, but this provision does 18488  
not modify any authority in this section to pledge receipts and 18489  
special funds to, and covenant to issue bonds to fund, the 18490  
payment of principal of and interest and any premium on such 18491  
notes. 18492

(N) Obligations issued under this section are lawful 18493  
investments for banks, societies for savings, savings and loan 18494  
associations, deposit guarantee associations, trust companies, 18495  
trustees, fiduciaries, insurance companies, including domestic 18496  
for life and domestic not for life, trustees or other officers 18497  
having charge of sinking and bond retirement or other special 18498  
funds of political subdivisions and taxing districts of this 18499  
state, the commissioners of the sinking fund of the state, the 18500  
administrator of workers' compensation, the state teachers 18501  
retirement system, the public employees retirement system, the 18502  
school employees retirement system, and the Ohio police and fire 18503  
pension fund, notwithstanding any other provisions of the 18504  
Revised Code or rules adopted pursuant thereto by any 18505  
governmental agency of the state with respect to investments by 18506  
them, and are also acceptable as security for the deposit of 18507  
public moneys. 18508

(O) Unless otherwise provided in any applicable bond 18509

proceedings, moneys to the credit of or in the special funds 18510  
established by or pursuant to this section may be invested by or 18511  
on behalf of the issuing authority only in notes, bonds, or 18512  
other obligations of the United States, or of any agency or 18513  
instrumentality of the United States, obligations guaranteed as 18514  
to principal and interest by the United States, obligations of 18515  
this state or any political subdivision of this state, and 18516  
certificates of deposit of any national bank located in this 18517  
state and any bank, as defined in section 1101.01 of the Revised 18518  
Code, subject to inspection by the superintendent of banks. If 18519  
the law or the instrument creating a trust pursuant to division 18520  
(J) of this section expressly permits investment in direct 18521  
obligations of the United States or an agency of the United 18522  
States, unless expressly prohibited by the instrument, such 18523  
moneys also may be invested in no-front-end-load money market 18524  
mutual funds consisting exclusively of obligations of the United 18525  
States or an agency of the United States and in repurchase 18526  
agreements, including those issued by the fiduciary itself, 18527  
secured by obligations of the United States or an agency of the 18528  
United States; and in common trust funds established in 18529  
accordance with section 1111.20 of the Revised Code and 18530  
consisting exclusively of any such securities, notwithstanding 18531  
division (A)(4) of that section. The income from such 18532  
investments shall be credited to such funds as the issuing 18533  
authority determines, and such investments may be sold at such 18534  
times as the issuing authority determines or authorizes. 18535

(P) Provision may be made in the applicable bond 18536  
proceedings for the establishment of separate accounts in the 18537  
bond service fund and for the application of such accounts only 18538  
to the specified bond service charges on obligations pertinent 18539  
to such accounts and bond service fund and for other accounts 18540

therein within the general purposes of such fund. Unless 18541  
otherwise provided in any applicable bond proceedings, moneys to 18542  
the credit of or in the several special funds established 18543  
pursuant to this section shall be disbursed on the order of the 18544  
treasurer of state, provided that no such order is required for 18545  
the payment from the bond service fund when due of bond service 18546  
charges on obligations. 18547

(Q) The issuing authority may pledge all, or such portion 18548  
as the issuing authority determines, of the pledged receipts to 18549  
the payment of bond service charges on obligations issued under 18550  
this section, and for the establishment and maintenance of any 18551  
reserves, as provided in the bond proceedings, and make other 18552  
provisions therein with respect to pledged receipts as 18553  
authorized by this chapter, which provisions are controlling 18554  
notwithstanding any other provisions of law pertaining thereto. 18555

(R) The issuing authority may covenant in the bond 18556  
proceedings, and any such covenants are controlling 18557  
notwithstanding any other provision of law, that the state and 18558  
applicable officers and governmental agencies of the state, 18559  
including the general assembly, so long as any obligations are 18560  
outstanding, shall: 18561

(1) Maintain statutory authority for and cause to be 18562  
charged and collected wholesale and retail prices for spirituous 18563  
liquor sold by the state or its agents so that the pledged 18564  
receipts are sufficient in amount to meet bond service charges, 18565  
and the establishment and maintenance of any reserves and other 18566  
requirements provided for in the bond proceedings, and, as 18567  
necessary, to meet covenants contained in contracts of guarantee 18568  
made under section 166.06 of the Revised Code; 18569

(2) Take or permit no action, by statute or otherwise, 18570

that would impair the exemption from federal income taxation of 18571  
the interest on the obligations. 18572

(S) There is hereby created the economic development bond 18573  
service fund, which shall be in the custody of the treasurer of 18574  
state but shall be separate and apart from and not a part of the 18575  
state treasury. All moneys received by or on account of the 18576  
issuing authority or state agencies and required by the 18577  
applicable bond proceedings, consistent with this section, to be 18578  
deposited, transferred, or credited to a bond service fund or 18579  
the economic development bond service fund, and all other moneys 18580  
transferred or allocated to or received for the purposes of the 18581  
fund, shall be deposited and credited to such fund and to any 18582  
separate accounts therein, subject to applicable provisions of 18583  
the bond proceedings, but without necessity for any act of 18584  
appropriation. During the period beginning with the date of the 18585  
first issuance of obligations and continuing during such time as 18586  
any such obligations are outstanding, and so long as moneys in 18587  
the pertinent bond service funds are insufficient to pay all 18588  
bond services charges on such obligations becoming due in each 18589  
year, a sufficient amount of the gross profit on the sale of 18590  
spirituous liquor included in pledged receipts are committed and 18591  
shall be paid to the bond service fund or economic development 18592  
bond service fund in each year for the purpose of paying the 18593  
bond service charges becoming due in that year without necessity 18594  
for further act of appropriation for such purpose and 18595  
notwithstanding anything to the contrary in Chapter 4301. of the 18596  
Revised Code. The economic development bond service fund is a 18597  
trust fund and is hereby pledged to the payment of bond service 18598  
charges to the extent provided in the applicable bond 18599  
proceedings, and payment thereof from such fund shall be made or 18600  
provided for by the treasurer of state in accordance with such 18601

bond proceedings without necessity for any act of appropriation. 18602

(T) The obligations, the transfer thereof, and the income 18603  
therefrom, including any profit made on the sale thereof, shall 18604  
at all times be free from taxation within the state. 18605

**Sec. 166.12.** (A) The general assembly finds that in order 18606  
to maintain and enhance the competitiveness of the Ohio economy 18607  
and to improve the economic welfare of all of the people of the 18608  
state, it is necessary to ensure that high-value jobs based on 18609  
research, technology, and innovation will be available to the 18610  
people of this state. Further, the general assembly finds that 18611  
the attraction of such jobs and their presence in this state 18612  
will materially contribute to the economic welfare of all of the 18613  
people of the state. Accordingly, it is declared to be the 18614  
public policy of this state, through the operations under 18615  
sections 166.01 and 166.12 to 166.16 of the Revised Code, and 18616  
the loan and loan guarantee provisions contained in those 18617  
sections, applicable laws adopted pursuant to Section 13 of 18618  
Article VIII, Ohio Constitution, and other authority vested in 18619  
the general assembly, to assist in and facilitate the 18620  
establishment or development of eligible innovation projects or 18621  
assist and cooperate with any governmental agency in achieving 18622  
that purpose. 18623

(B) In furtherance of that public policy and to implement 18624  
that purpose, the director of development may: 18625

(1) After consultation with appropriate governmental 18626  
agencies, enter into agreements with persons engaged in 18627  
industry, commerce, distribution, development of tourism 18628  
attractions or professional sports facilities, or research and 18629  
with governmental agencies to induce such persons to acquire, 18630  
construct, reconstruct, rehabilitate, renovate, enlarge, 18631



improve, equip, or furnish, or otherwise develop, eligible 18632  
innovation projects and make provision therein for project 18633  
facilities and governmental actions, as authorized by sections 18634  
166.01 and 166.12 to 166.16 of the Revised Code and other 18635  
applicable laws; 18636

(2) Provide for innovation Ohio loan guarantees and loans 18637  
under sections 166.15 and 166.16 of the Revised Code; 18638

(3) Subject to the release of such moneys by the 18639  
controlling board, contract for labor and materials needed for, 18640  
or contract with others, including governmental agencies, to 18641  
provide, eligible innovation projects the allowable innovation 18642  
costs of which are to be paid for or reimbursed from moneys in 18643  
the innovation Ohio loan fund, and contract for the operation of 18644  
such eligible innovation projects; 18645

(4) Subject to release thereof by the controlling board, 18646  
from moneys in the innovation Ohio loan fund, acquire or 18647  
contract to acquire by gift, exchange, or purchase, including 18648  
the obtaining and exercise of purchase options, innovation 18649  
property, and convey or otherwise dispose of, or provide for the 18650  
conveyance or disposition of, innovation property so acquired or 18651  
contracted to be acquired by sale, exchange, lease, lease 18652  
purchase, conditional or installment sale, transfer, or other 18653  
disposition, including the grant of an option to purchase, to 18654  
any governmental agency or to any other person without necessity 18655  
for competitive bidding and upon such terms and conditions and 18656  
manner of consideration pursuant to, and as the director 18657  
determines to be appropriate to satisfy the objectives of, 18658  
Chapter 166. of the Revised Code; 18659

(5) Retain the services of or employ financial 18660  
consultants, appraisers, consulting engineers, superintendents, 18661

managers, construction and accounting experts, attorneys, and 18662  
employees, agents, and independent contractors as are necessary 18663  
in the director's judgment and fix the compensation for their 18664  
services; 18665

(6) Receive and accept from any person grants, gifts, and 18666  
contributions of money, property, labor, and other things of 18667  
value, to be held, used, and applied only for the purpose for 18668  
which such grants, gifts, and contributions are made; 18669

(7) Enter into appropriate arrangements and agreements 18670  
with any governmental agency for the taking or provision by that 18671  
governmental agency of any governmental action with respect to 18672  
innovation projects; 18673

(8) Do all other acts and enter into contracts and execute 18674  
all instruments necessary or appropriate to carry out the 18675  
provisions of sections 166.01 and 166.12 to 166.16 of the 18676  
Revised Code; 18677

(9) With respect to property, including but not limited to 18678  
innovation property, take such interests, including but not 18679  
limited to mortgages, security interests, assignments, and 18680  
exclusive or non-exclusive licenses, as may be necessary or 18681  
appropriate under the circumstances, to ensure that innovation 18682  
property is used within this state and that products or services 18683  
associated with that innovation property are produced or, in the 18684  
case of services, delivered, by persons employed within this 18685  
state; 18686

(10) Adopt rules necessary to implement any of the 18687  
provisions of sections 166.01 and 166.12 to 166.16 of the 18688  
Revised Code applicable to the director. 18689

(C) The determinations by the director that facilities or 18690

property constitute eligible innovation projects and that costs 18691  
of such facilities or property are allowable innovation costs, 18692  
and all other determinations relevant thereto or to an action 18693  
taken or agreement entered into, shall be conclusive for 18694  
purposes of the validity and enforceability of rights of parties 18695  
arising from actions taken and agreements entered into under 18696  
sections 166.01 and 166.12 to 166.16 of the Revised Code. 18697

**Sec. 166.17.** (A) The general assembly finds that in order 18698  
to enhance the economic opportunities available to and improve 18699  
the economic welfare of all the people of the state, and to 18700  
maintain and enhance the competitiveness of the Ohio economy, it 18701  
is necessary to ensure that the people of the state will 18702  
continue to have access to high-value jobs in technology, and 18703  
that, to facilitate such continued access, it is necessary to 18704  
provide incentives to retain and attract businesses that will 18705  
develop new or improved technologies, processes, and products, 18706  
or apply existing technologies in new ways. Further, the general 18707  
assembly finds that the attraction of such jobs and their 18708  
presence in this state will materially contribute to the 18709  
economic welfare of all the people of the state. Accordingly, it 18710  
is declared to be the public policy of this state, through 18711  
operations under sections 166.17 to 166.21, 5733.352, and 18712  
5747.331 of the Revised Code and the provisions for financial 18713  
assistance contained in those sections, other applicable laws 18714  
adopted pursuant to Section 13 of Article VIII, Ohio 18715  
Constitution, and other authority vested in the general 18716  
assembly, to assist in and facilitate the establishment or 18717  
development of eligible research and development projects or 18718  
assist and cooperate with any governmental agency in achieving 18719  
that purpose. 18720

(B) In furtherance of that public policy and to implement 18721

that purpose, the director of development may do any of the 18722  
following: 18723

(1) After consultation with appropriate governmental 18724  
agencies, enter into agreements with persons engaged in 18725  
industry, commerce, distribution, development of tourism 18726  
attractions or professional sports facilities, or research and 18727  
with governmental agencies, to induce such persons to acquire, 18728  
construct, reconstruct, rehabilitate, renovate, enlarge, 18729  
improve, equip, furnish, or develop eligible research and 18730  
development projects, or to enable governmental agencies to 18731  
acquire, construct, reconstruct, rehabilitate, renovate, 18732  
enlarge, improve, equip, furnish, or develop eligible research 18733  
and development projects for lease to persons engaged in 18734  
industry, commerce, distribution, development of tourism 18735  
attractions or professional sports facilities, or research; 18736

(2) Provide for loans under section 166.21 of the Revised 18737  
Code to finance eligible research and development projects; 18738

(3) Subject to the release of moneys in the research and 18739  
development loan fund by the controlling board, contract for 18740  
labor and materials needed for, or contract with others, 18741  
including governmental agencies, to provide, eligible research 18742  
and development projects, the allowable costs of which are to be 18743  
paid for or reimbursed from such moneys, and contract for the 18744  
operation of those projects; 18745

(4) From moneys in the research and development loan fund, 18746  
subject to release thereof by the controlling board, acquire or 18747  
contract to acquire property by gift, exchange, or purchase, 18748  
including by obtaining and exercising purchase options, and 18749  
convey or otherwise dispose of, or provide for the conveyance or 18750  
disposition of, that property by sale, exchange, lease, lease 18751

purchase, conditional or installment sale, transfer, or other 18752  
disposition, including the grant of an option to purchase, to 18753  
any governmental agency or to any other person without necessity 18754  
for competitive bidding and upon such terms and conditions and 18755  
manner of consideration pursuant to, and as the director 18756  
determines to be appropriate to satisfy the objectives of, 18757  
Chapter 166. of the Revised Code; 18758

(5) Retain the services of or employ financial 18759  
consultants, appraisers, consulting engineers, superintendents, 18760  
managers, construction and accounting experts, attorneys, 18761  
employees, agents, and independent contractors as are necessary 18762  
in the director's judgment, and fix the compensation for their 18763  
services; 18764

(6) Receive and accept from any person, grants, gifts, and 18765  
contributions of money, property, labor, and other things of 18766  
value, to be held, used, and applied only for the purpose for 18767  
which such grants, gifts, and contributions are made; 18768

(7) Enter into arrangements and agreements with any 18769  
governmental agency for the agency to take or provide any 18770  
governmental action with respect to eligible research and 18771  
development projects; 18772

(8) Do all other acts, enter into contracts, execute all 18773  
instruments, and make all certifications necessary or 18774  
appropriate to carry out sections 166.01, 166.17 to 166.21, 18775  
5733.352, and 5747.331 of the Revised Code; 18776

(9) With respect to property that is the subject of or 18777  
related to research and development financial assistance, take 18778  
such interests, including, but not limited to, mortgages, 18779  
security interests, leasehold interests, assignments, and 18780

exclusive or nonexclusive licenses, as may be necessary or 18781  
appropriate under the circumstances, to ensure that the property 18782  
is used within this state and that products or services 18783  
associated with that property are produced or, in the case of 18784  
services, delivered, by persons employed within this state; 18785

(10) Adopt rules necessary to implement any of the 18786  
provisions of sections 166.17 to 166.21, 5733.352, and 5747.331 18787  
of the Revised Code that are applicable to the director. 18788

(C) The determination by the director that facilities or 18789  
property constitute an eligible research and development project 18790  
and that the costs of such facilities or property are allowable 18791  
costs related to the project, and all other determinations 18792  
relevant thereto, or to an action taken or agreement entered 18793  
into, shall be conclusive for purposes of the validity and 18794  
enforceability of rights of parties arising from actions taken 18795  
and agreements entered into under sections 166.17 to 166.21, 18796  
5733.352, and 5747.331 of the Revised Code. 18797

Sec. 166.36. The automated clearing house payments fund is 18798  
created, which shall be in the custody of the treasurer of state 18799  
but shall not be part of the state treasury. The fund shall be 18800  
used to receive regular loan repayments and fees by automated 18801  
clearing house transfer for loans made from loan programs 18802  
administered by the director of development under the Revised 18803  
Code. At the direction of the director of development, money in 18804  
the fund shall be transferred to the enterprise bond retirement 18805  
fund created under section 166.37 of the Revised Code or to any 18806  
fund within the state treasury. All interest and investment 18807  
income earned by the fund shall be deposited in the fund. 18808

Sec. 166.37. In accordance with division (S) of section 18809  
166.08 of the Revised Code, the enterprise bond retirement fund 18810

is created, which shall be in the custody of the treasurer of 18811  
state but shall not be part of the state treasury. The fund 18812  
shall be used to receive repayments, fees, and other money 18813  
attributable to loans made by the director of development under 18814  
section 166.07 of the Revised Code. At the direction of the 18815  
director of development, money in the fund may be transferred to 18816  
any fund related to this chapter or to any fund in the state 18817  
treasury. All interest and investment income earned by the fund 18818  
shall be deposited in the fund. 18819

**Sec. 166.38.** The regional loan escrow fund is created, 18820  
which shall be in the custody of the treasurer of state but 18821  
shall not be part of the state treasury. The fund shall consist 18822  
of all grants, gifts, and contributions of money or rights to 18823  
money made to the director of development for such fund, all 18824  
money and rights to money lawfully designated for or deposited 18825  
in such fund, and all repayments, fees, and other money 18826  
attributable to loans made under the regional 166 loan program 18827  
for which the director acts as escrow agent. All money received 18828  
or transferred to the fund may be released at the direction of 18829  
the director of development for the making of loans under this 18830  
chapter. All interest and investment income earned by the fund 18831  
shall be deposited in the fund. 18832

**Sec. 169.01.** As used in this chapter, unless the context 18833  
otherwise requires: 18834

(A) "Financial organization" means any bank, trust 18835  
company, savings bank, safe deposit company, mutual savings bank 18836  
without mutual stock, savings and loan association, credit 18837  
union, or investment company. 18838

(B) (1) "Unclaimed funds" means any moneys, rights to 18839  
moneys, or intangible property, described in section 169.02 of 18840

the Revised Code, when, as shown by the records of the holder, 18841  
the owner has not, within the times provided in section 169.02 18842  
of the Revised Code, done any of the following: 18843

(a) Increased, decreased, or adjusted the amount of such 18844  
funds; 18845

(b) Assigned, paid premiums, or encumbered such funds; 18846

(c) Presented an appropriate record for the crediting of 18847  
such funds or received payment of such funds by check, draft, or 18848  
otherwise; 18849

(d) Corresponded with the holder concerning such funds; 18850

(e) Otherwise indicated an interest in or knowledge of 18851  
such funds; 18852

(f) Transacted business with the holder. 18853

(2) "Unclaimed funds" does not include any of the 18854  
following: 18855

(a) Money received or collected under section 9.39 of the 18856  
Revised Code; 18857

(b) Any payment or credit due to a business association 18858  
from a business association representing sums payable to 18859  
suppliers, or payment for services rendered, in the course of 18860  
business, including, but not limited to, checks or memoranda, 18861  
overpayments, unidentified remittances, nonrefunded overcharges, 18862  
discounts, refunds, and rebates; 18863

(c) Any payment or credit received by a business 18864  
association from a business association for tangible goods sold, 18865  
or services performed, in the course of business, including, but 18866  
not limited to, checks or memoranda, overpayments, unidentified 18867



remittances, nonrefunded overcharges, discounts, refunds, and rebates; 18868  
18869

(d) Either of the following: 18870

(i) Any credit or obligation due a retail customer that is represented by a gift certificate, gift card, merchandise credit, or merchandise credit card, redeemable only for goods or services, including gift cards issued by financial organizations or business associations; 18871  
18872  
18873  
18874  
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(ii) Any electronic payment device that is issued by a financial organization or a business association that has no expiration date and meets all of the following conditions: 18876  
18877  
18878

(I) It is purchased or loaded on a prepaid basis for the future purchase or delivery of goods or services. 18879  
18880

(II) It is redeemable upon presentation to a single merchant or service provider or an affiliated group of merchants or service providers. 18881  
18882  
18883

(III) It is not redeemable for cash in whole or in part. 18884

(e) Any open-loop prepaid card that is issued by a financial organization or a business association for which the underlying funds do not expire. For purposes of division (B)(2) (e) of this section, "open-loop prepaid card" means an electronic payment device that meets all of the following conditions: 18885  
18886  
18887  
18888  
18889  
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(i) It is purchased or loaded on a prepaid basis for the future purchase or delivery of any goods or services. 18891  
18892

(ii) It can be used to purchase goods and services at multiple unaffiliated merchants or service providers. 18893  
18894

(iii) It is not redeemable for cash in whole or in part. 18895

(f) Any rewards card. For purposes of division (B) (2) (f) 18896  
of this section, "rewards card" includes any loyalty, incentive, 18897  
or promotional type program that is issued by a financial 18898  
organization or a business association whether represented by a 18899  
card or electronic record, which program is established for the 18900  
purposes of providing cardholder awards, rewards, rebates, or 18901  
other amounts to reward the cardholder for the cardholder's 18902  
relationship with the entity sponsoring the rewards card, 18903  
provided that no direct money was paid by the cardholder for the 18904  
rewards card. "Rewards card" includes both of the following: 18905

(i) Cards or electronic records consisting of points, 18906  
cash, or other tokens of value given to a cardholder as a reward 18907  
or incentive for engaging in a transaction or a series of 18908  
transactions; 18909

(ii) The unpaid portion of a rewards card when the rewards 18910  
card is partially loaded by the cardholder with the remaining 18911  
portion funded as a reward or incentive. 18912

A minimal annual fee charged to the cardholder for joining 18913  
any such loyalty, incentive, or promotional type program shall 18914  
not be considered direct money paid by the cardholder for the 18915  
rewards card. For purposes of division (B) (2) (f) of this 18916  
section, "cardholder" means the holder of a rewards card, 18917  
regardless of whether the rewards card is represented by a card 18918  
or by an electronic record. 18919

For purposes of division (B) (2) of this section, "business 18920  
association" means any corporation, joint venture, business 18921  
trust, limited liability company, partnership, association, or 18922  
other business entity composed of one or more individuals, 18923

whether or not the entity is for profit. 18924

(C) "Owner" means any person, or the person's legal 18925  
representative, entitled to receive or having a legal or 18926  
equitable interest in or claim against moneys, rights to moneys, 18927  
or other intangible property, subject to this chapter. 18928

(D) (1) "Holder" means any person that has possession, 18929  
custody, or control of moneys, rights to moneys, or other 18930  
intangible property, or that is indebted to another, if any of 18931  
the following applies: 18932

(a) Such person resides in this state; 18933

(b) Such person is formed under the laws of this state; 18934

(c) Such person is formed under the laws of the United 18935  
States and has an office or principal place of business in this 18936  
state; 18937

(d) The records of such person indicate that the last 18938  
known address of the owner of such moneys, rights to moneys, or 18939  
other intangible property is in this state; 18940

(e) The records of such person do not indicate the last 18941  
known address of the owner of the moneys, rights to moneys, or 18942  
other intangible property and the entity originating or issuing 18943  
the moneys, rights to moneys, or other intangible property in 18944  
this state or any political subdivision of this state, or is 18945  
incorporated, organized, created, or otherwise located in this 18946  
state. Division (D) (1) (e) of this section applies to all moneys, 18947  
rights to moneys, or other intangible property that is in the 18948  
possession, custody, or control of such person on or after July 18949  
22, 1994, whether the moneys, rights to moneys, or other 18950  
intangible property becomes unclaimed funds prior to or on or 18951  
after that date. 18952

(2) "Holder" does not mean any hospital granted tax-exempt status under section 501(c)(3) of the Internal Revenue Code or any hospital owned or operated by the state or by any political subdivision. Any entity in order to be exempt from the definition of "holder" pursuant to this division shall make a reasonable, good-faith effort to contact the owner of the unclaimed funds.

(E) "Person" includes a natural person; corporation, whether for profit or not for profit; copartnership; unincorporated nonprofit association; public authority; estate; trust; two or more persons having a joint or common interest; eleemosynary organization; fraternal or cooperative association; other legal or community entity; the United States government, including any district, territory, possession, officer, agency, department, authority, instrumentality, board, bureau, or court; or any state or political subdivision thereof, including any officer, agency, board, bureau, commission, division, department, authority, court, or instrumentality.

(F) "Mortgage funds" means ~~the mortgage insurance fund created by section 122.561 of the Revised Code, and the housing guarantee fund created by division (D) of section 128.11 of the Revised Code.~~

(G) "Lawful claims" means any vested right a holder of unclaimed funds has against the owner of such unclaimed funds.

(H) "Public utility" means any entity defined as such by division (A) of section 745.01 or by section 4905.02 of the Revised Code.

(I) "Deposit" means to place money in the custody of a financial organization for the purpose of establishing an

income-bearing account by purchase or otherwise. 18982

(J) "Income-bearing account" means a time or savings 18983  
account, whether or not evidenced by a certificate of deposit, 18984  
or an investment account through which investments are made 18985  
solely in obligations of the United States or its agencies or 18986  
instrumentalities or guaranteed as to principal and interest by 18987  
the United States or its agencies or instrumentalities, debt 18988  
securities rated as investment grade by at least two nationally 18989  
recognized rating services, debt securities which the director 18990  
of commerce has determined to have been issued for the safety 18991  
and welfare of the residents of this state, and equity interests 18992  
in mutual funds that invest solely in some or all of the above- 18993  
listed securities and involve no general liability, without 18994  
regard to whether income earned on such accounts, securities, or 18995  
interests is paid periodically or at the end of a term. 18996

(K) "Director of commerce" may be read as the "division of 18997  
unclaimed funds" or the "superintendent of unclaimed funds." 18998

(L) "Attorney unclaimed funds" means any unclaimed funds, 18999  
as defined in division (B)(1) of this section, that are any of 19000  
the following: 19001

(1) Funds held in interest on lawyer trust accounts 19002  
pursuant to section 4705.09 of the Revised Code; 19003

(2) Funds held in an interest on trust accounts pursuant 19004  
to section 3953.231 of the Revised Code; 19005

(3) Residual settlement funds whether for named or unnamed 19006  
plaintiffs, received by the division of unclaimed funds, and 19007  
held, paid out, or allocated by the division pursuant to or 19008  
consistent with the terms and conditions of the court order 19009  
authorizing the settlement fund. 19010

**Sec. 169.05.** (A) Every holder required to file a report 19011  
under section 169.03 of the Revised Code shall, at the time of 19012  
filing, pay to the director of commerce ten per cent of the 19013  
aggregate amount of unclaimed funds as shown on the report, 19014  
except for aggregate amounts of fifty dollars or less in which 19015  
case one hundred per cent shall be paid. The funds may be 19016  
deposited by the director in the state treasury to the credit of 19017  
the unclaimed funds trust fund, which is hereby created, or 19018  
placed with a financial organization. Any interest earned on 19019  
money in the trust fund shall be credited to the trust fund. The 19020  
remainder of the aggregate amount of unclaimed funds as shown on 19021  
the report, plus earnings accrued to date of payment to the 19022  
director, shall, at the option of the director, be retained by 19023  
the holder or paid to the director for deposit as agent for the 19024  
mortgage funds with a financial organization as defined in 19025  
section 169.01 of the Revised Code, with the funds to be in 19026  
income-bearing accounts to the credit of the mortgage funds, or 19027  
the holder may enter into an agreement with the director 19028  
specifying the obligations of the United States in which funds 19029  
are to be invested, and agree to pay the interest on the 19030  
obligations to the state. Holders retaining any funds not in 19031  
obligations of the United States shall enter into an agreement 19032  
with the director specifying the classification of income- 19033  
bearing account in which the funds will be held and pay the 19034  
state interest on the funds at a rate equal to the prevailing 19035  
market rate for similar funds. Moneys that the holder is 19036  
required to pay to the director rather than to retain may be 19037  
deposited with the treasurer of state, or placed with a 19038  
financial organization. 19039

Securities and other intangible property transferred to 19040  
the director shall, within a reasonable time, be converted to 19041

cash and the proceeds deposited as provided for other funds. 19042

~~One-half of the~~ The funds evidenced by agreements, in 19043  
income-bearing accounts, or on deposit with the treasurer of 19044  
state shall be allocated on the records of the director ~~to the~~ 19045  
~~mortgage insurance fund created by section 122.561 of the~~ 19046  
~~Revised Code. Out of the remaining half,~~ after allocation of 19047  
sufficient moneys to the minority business bonding fund to meet 19048  
the provisions of division (B) of this section, ~~the remainder~~ 19049  
~~shall be allocated on the records of the director to the housing~~ 19050  
development fund created by division (A) of section 175.11 of 19051  
the Revised Code. 19052

(B) The director shall serve as agent for the director of 19053  
development and as agent for the Ohio housing finance agency in 19054  
making deposits and withdrawals and maintaining records 19055  
pertaining to the minority business bonding fund created by 19056  
section 122.88 of the Revised Code, ~~the mortgage insurance fund,~~ 19057  
and the housing development fund created by section 175.11 of 19058  
the Revised Code. ~~Funds from the mortgage insurance fund are~~ 19059  
~~available to the director of development when those funds are to~~ 19060  
~~be disbursed to prevent or cure, or upon the occurrence of, a~~ 19061  
~~default of a mortgage insured pursuant to section 122.451 of the~~ 19062  
~~Revised Code.~~ Funds from the housing development fund are 19063  
available upon request to the Ohio housing finance agency, in an 19064  
amount not to exceed the funds allocated on the records of the 19065  
director, for the purposes of section 175.05 of the Revised 19066  
Code. Funds from the minority business bonding fund are 19067  
available to the director of development upon request to pay 19068  
obligations on bonds the director writes pursuant to section 19069  
122.88 of the Revised Code; except that, unless the general 19070  
assembly authorizes additional amounts, the total maximum amount 19071  
of moneys that may be allocated to the minority business bonding 19072

fund under this division is ten million dollars. 19073

When funds are to be disbursed, the appropriate agency 19074  
shall call upon the director to transfer the necessary funds to 19075  
it. The director shall first withdraw the funds paid by the 19076  
holders and deposited with the treasurer of state or in a 19077  
financial institution as agent for the funds. Whenever these 19078  
funds are inadequate to meet the request, the director shall 19079  
provide for a withdrawal of funds, within a reasonable time and 19080  
in the amount necessary to meet the request, from financial 19081  
institutions in which the funds were retained or placed by a 19082  
holder and from other holders who have retained funds, in an 19083  
equitable manner as the director prescribes. In the event that 19084  
the amount to be withdrawn from any one holder is less than five 19085  
hundred dollars, the amount to be withdrawn is at the director's 19086  
discretion. The director shall then transfer to the agency the 19087  
amount of funds requested. 19088

Funds deposited in the unclaimed funds trust fund are 19089  
subject to call by the director when necessary to pay claims the 19090  
director allows under section 169.08 of the Revised Code, in 19091  
accordance with the director's rules, to defray the necessary 19092  
costs of making publications this chapter requires and to pay 19093  
other operating and administrative expenses the department of 19094  
commerce incurs in the administration and enforcement of this 19095  
chapter. 19096

The unclaimed funds trust fund shall be assessed a 19097  
proportionate share of the administrative costs of the 19098  
department of commerce in accordance with procedures the 19099  
director of commerce prescribes. The assessment shall be paid 19100  
from the unclaimed funds trust fund to the division of 19101  
administration fund. 19102



(C) Earnings on the accounts in financial organizations to 19103  
the credit of the mortgage funds shall, at the option of the 19104  
financial organization, be credited to the accounts at times and 19105  
at rates as earnings are paid on other accounts of the same 19106  
classification held in the financial organization or paid to the 19107  
director. The director shall be notified annually, and at other 19108  
times as the director may request, of the amount of the earnings 19109  
credited to the accounts. Interest on unclaimed funds a holder 19110  
retains shall be paid to the director or credited as specified 19111  
in the agreement under which the organization retains the funds. 19112  
Interest payable to the director under an agreement to invest 19113  
unclaimed funds in income-bearing accounts or obligations of the 19114  
United States shall be paid annually by the holder to the 19115  
director. Any earnings or interest the director receives under 19116  
this division shall be deposited in and credited to the mortgage 19117  
funds. 19118

**Sec. 173.38.** (A) As used in this section: 19119

(1) "Applicant" means a person who is under final 19120  
consideration for employment with a responsible party in a full- 19121  
time, part-time, or temporary direct-care position or is 19122  
referred to a responsible party by an employment service for 19123  
such a position. "Applicant" does not include a person being 19124  
considered for a direct-care position as a volunteer. 19125

(2) "Area agency on aging" has the same meaning as in 19126  
section 173.14 of the Revised Code. 19127

(3) ~~"Chief administrator of a responsible party" includes~~ 19128  
~~a consumer when the consumer is a responsible party.~~ 19129

~~(4)~~ "Community-based long-term care services" means 19130  
community-based long-term care services, as defined in section 19131

173.14 of the Revised Code, that are provided under a program 19132  
the department of aging administers. 19133

~~(5)~~(4) "Consumer" means an individual who receives 19134  
community-based long-term care services. 19135

~~(6)~~(5) "Criminal records check" has the same meaning as in 19136  
section 109.572 of the Revised Code. 19137

~~(7)~~(a)(6) (a) "Direct-care position" means an employment 19138  
position in which an employee has either or both of the 19139  
following: 19140

(i) In-person contact with one or more consumers; 19141

(ii) Access to one or more consumers' personal property or 19142  
records. 19143

(b) "Direct-care position" does not include a any of the 19144  
following: 19145

(i) A person whose sole duties are transporting 19146  
individuals under Chapter 306. of the Revised Code; 19147

(ii) An attorney licensed to practice law in this state; 19148

(iii) A person who is not licensed to practice law in this 19149  
state, but, at the direction of an attorney licensed to practice 19150  
law in this state, assists the attorney in the attorney's 19151  
provision of legal services. 19152

~~(8)~~(7) "Disqualifying offense" means any of the offenses 19153  
listed or described in divisions (A) (3) (a) to (e) of section 19154  
109.572 of the Revised Code. 19155

~~(9)~~(8) "Employee" means a person employed by a responsible 19156  
party in a full-time, part-time, or temporary direct-care 19157  
position and a person who works in such a position due to being 19158

referred to a responsible party by an employment service. 19159  
"Employee" does not include a person who works in a direct-care 19160  
position as a volunteer. 19161

~~(10)~~(9) "PASSPORT administrative agency" has the same 19162  
meaning as in section 173.42 of the Revised Code. 19163

~~(11)~~(10) "Provider" has the same meaning as in section 19164  
173.39 of the Revised Code. 19165

~~(12)~~(11) "Responsible party" means the following: 19166

(a) An area agency on aging in the case of either of the 19167  
following: 19168

(i) A person who is an applicant because the person is 19169  
under final consideration for employment with the agency in a 19170  
full-time, part-time, or temporary direct-care position or is 19171  
referred to the agency by an employment service for such a 19172  
position; 19173

(ii) A person who is an employee because the person is 19174  
employed by the agency in a full-time, part-time, or temporary 19175  
direct-care position or works in such a position due to being 19176  
referred to the agency by an employment service. 19177

(b) A PASSPORT administrative agency in the case of either 19178  
of the following: 19179

(i) A person who is an applicant because the person is 19180  
under final consideration for employment with the agency in a 19181  
full-time, part-time, or temporary direct-care position or is 19182  
referred to the agency by an employment service for such a 19183  
position; 19184

(ii) A person who is an employee because the person is 19185  
employed by the agency in a full-time, part-time, or temporary 19186

direct-care position or works in such a position due to being 19187  
referred to the agency by an employment service. 19188

(c) A provider in the case of either of the following: 19189

(i) A person who is an applicant because the person is 19190  
under final consideration for employment with the provider in a 19191  
full-time, part-time, or temporary direct-care position or is 19192  
referred to the provider by an employment service for such a 19193  
position; 19194

(ii) A person who is an employee because the person is 19195  
employed by the provider in a full-time, part-time, or temporary 19196  
direct-care position or works in such a position due to being 19197  
referred to the provider by an employment service. 19198

(d) A subcontractor in the case of either of the 19199  
following: 19200

(i) A person who is an applicant because the person is 19201  
under final consideration for employment with the subcontractor 19202  
in a full-time, part-time, or temporary direct-care position or 19203  
is referred to the subcontractor by an employment service for 19204  
such a position; 19205

(ii) A person who is an employee because the person is 19206  
employed by the subcontractor in a full-time, part-time, or 19207  
temporary direct-care position or works in such a position due 19208  
to being referred to the subcontractor by an employment service. 19209

~~(e) A consumer in the case of either of the following: 19210~~

~~(i) A person who is an applicant because the person is 19211  
under final consideration for employment with the consumer in a 19212  
full-time, part-time, or temporary direct-care position for 19213  
which the consumer, as the employer of record, is to direct the 19214~~

~~person in the provision of community-based long-term care~~ 19215  
~~services the person is to provide the consumer or is referred to~~ 19216  
~~the consumer by an employment service for such a position;~~ 19217

~~(ii) A person who is an employee because the person is~~ 19218  
~~employed by the consumer in a full-time, part-time, or temporary~~ 19219  
~~direct-care position for which the consumer, as the employer of~~ 19220  
~~record, directs the person in the provision of community-based~~ 19221  
~~long-term care services the person provides to the consumer or~~ 19222  
~~who works in such a position due to being referred to the~~ 19223  
~~consumer by an employment service.~~ 19224

~~(13)~~(12) "Subcontractor" has the meaning specified in 19225  
rules adopted under this section. 19226

~~(14)~~(13) "Volunteer" means a person who serves in a 19227  
direct-care position without receiving or expecting to receive 19228  
any form of remuneration other than reimbursement for actual 19229  
expenses. 19230

~~(15)~~(14) "Waiver agency" has the same meaning as in 19231  
section 5164.342 of the Revised Code. 19232

(B) This section does not apply to any individual of the 19233  
following: 19234

(1) A person who is subject to a database review or 19235  
criminal records check under section 173.381 or 3740.11 of the 19236  
Revised Code ~~or to any individual;~~ 19237

(2) A person who is subject to a criminal records check 19238  
under section 3721.121 of the Revised Code; 19239

(3) A participant-directed provider. 19240

(C) No responsible party shall employ an applicant or 19241  
continue to employ an employee in a direct-care position if any 19242

of the following apply: 19243

(1) A review of the databases listed in division (E) of 19244  
this section reveals any of the following: 19245

(a) That the applicant or employee is included in one or 19246  
more of the databases listed in divisions (E) (1) to (5) of this 19247  
section; 19248

(b) That there is in the state nurse aide registry 19249  
established under section 3721.32 of the Revised Code a 19250  
statement detailing findings by the director of health that the 19251  
applicant or employee abused, neglected, or exploited a long- 19252  
term care facility or residential care facility resident or 19253  
misappropriated property of such a resident; 19254

(c) That the applicant or employee is included in one or 19255  
more of the databases, if any, specified in rules adopted under 19256  
this section and the rules prohibit the responsible party from 19257  
employing an applicant or continuing to employ an employee 19258  
included in such a database in a direct-care position. 19259

(2) After the applicant or employee is provided, pursuant 19260  
to division (F) (2) (a) of this section, a copy of the form 19261  
prescribed pursuant to division (C) (1) of section 109.572 of the 19262  
Revised Code and the standard impression sheet prescribed 19263  
pursuant to division (C) (2) of that section, the applicant or 19264  
employee fails to complete the form or provide the applicant's 19265  
or employee's fingerprint impressions on the standard impression 19266  
sheet. 19267

(3) Unless the applicant or employee meets standards 19268  
specified in rules adopted under this section, the applicant or 19269  
employee is found by a criminal records check required by this 19270  
section to have been convicted of, pleaded guilty to, or been 19271

found eligible for intervention in lieu of conviction for a 19272  
disqualifying offense. 19273

(D) Except as provided by division (G) of this section, 19274  
the chief administrator of a responsible party shall inform each 19275  
applicant of both of the following at the time of the 19276  
applicant's initial application for employment or referral to 19277  
the responsible party by an employment service for a direct-care 19278  
position: 19279

(1) That a review of the databases listed in division (E) 19280  
of this section will be conducted to determine whether the 19281  
responsible party is prohibited by division (C)(1) of this 19282  
section from employing the applicant in the direct-care 19283  
position; 19284

(2) That, unless the database review reveals that the 19285  
applicant may not be employed in the direct-care position, a 19286  
criminal records check of the applicant will be conducted and 19287  
the applicant is required to provide a set of the applicant's 19288  
fingerprint impressions as part of the criminal records check. 19289

(E) As a condition of employing any applicant in a direct- 19290  
care position, the chief administrator of a responsible party 19291  
shall conduct a database review of the applicant in accordance 19292  
with rules adopted under this section. If rules adopted under 19293  
this section so require, the chief administrator of a 19294  
responsible party shall conduct a database review of an employee 19295  
in accordance with the rules as a condition of continuing to 19296  
employ the employee in a direct-care position. However, a chief 19297  
administrator is not required to conduct a database review of an 19298  
applicant or employee if division (G) of this section applies. A 19299  
database review shall determine whether the applicant or 19300  
employee is included in any of the following: 19301

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management; 19302  
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(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 19307  
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(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code; 19312  
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(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code; 19314  
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(5) The internet-based database of inmates established under section 5120.66 of the Revised Code; 19317  
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(6) The state nurse aide registry established under section 3721.32 of the Revised Code; 19319  
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(7) Any other database, if any, specified in rules adopted under this section. 19321  
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(F)(1) As a condition of employing any applicant in a direct-care position, the chief administrator of a responsible party shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the chief administrator of a responsible party shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as 19323  
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a condition of continuing to employ the employee in a direct-care position. However, the chief administrator is not required to request the criminal records check of the applicant or employee if division (G) of this section applies or the responsible party is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a direct-care position. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) The chief administrator shall do all of the following: 19353

(a) Provide to each applicant and employee for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section; 19354  
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(b) Obtain the completed form and standard impression sheet from the applicant or employee; 19359  
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(c) Forward the completed form and standard impression sheet to the superintendent. 19361  
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(3) A responsible party shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C) (3) of section 109.572 of the Revised Code for each criminal records check the responsible party requests under this section. A responsible party may charge an applicant a fee not exceeding the amount the responsible party pays to the bureau under this section if both of the following apply: 19363  
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(a) The responsible party notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment. 19371  
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(b) The medicaid program does not pay the responsible party for the fee it pays to the bureau under this section. 19375  
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(G) Divisions (D) to (F) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a responsible party by an employment service that supplies full-time, part-time, or temporary staff for direct-care positions and both of the following apply: 19377  
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(1) The chief administrator of the responsible party receives from the employment service confirmation that a review of the databases listed in division (E) of this section was conducted of the applicant or employee. 19382  
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(2) The chief administrator of the responsible party receives from the employment service, applicant, or employee a report of the results of a criminal records check of the applicant or employee that has been conducted by the 19386  
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superintendent within the one-year period immediately preceding 19390  
the following: 19391

(a) In the case of an applicant, the date of the 19392  
applicant's referral by the employment service to the 19393  
responsible party; 19394

(b) In the case of an employee, the date by which the 19395  
responsible party would otherwise have to request a criminal 19396  
records check of the employee under division (F) of this 19397  
section. 19398

(H) (1) A responsible party may employ conditionally an 19399  
applicant for whom a criminal records check request is required 19400  
by this section prior to obtaining the results of the criminal 19401  
records check if the responsible party is not prohibited by 19402  
division (C) (1) of this section from employing the applicant in 19403  
a direct-care position and either of the following applies: 19404

(a) The chief administrator of the responsible party 19405  
requests the criminal records check in accordance with division 19406  
(F) of this section before conditionally employing the 19407  
applicant. 19408

(b) The applicant is referred to the responsible party by 19409  
an employment service, the employment service or the applicant 19410  
provides the chief administrator of the responsible party a 19411  
letter that is on the letterhead of the employment service, the 19412  
letter is dated and signed by a supervisor or another designated 19413  
official of the employment service, and the letter states all of 19414  
the following: 19415

(i) That the employment service has requested the 19416  
superintendent to conduct a criminal records check regarding the 19417  
applicant; 19418

(ii) That the requested criminal records check is to 19419  
include a determination of whether the applicant has been 19420  
convicted of, pleaded guilty to, or been found eligible for 19421  
intervention in lieu of conviction for a disqualifying offense; 19422

(iii) That the employment service has not received the 19423  
results of the criminal records check as of the date set forth 19424  
on the letter; 19425

(iv) That the employment service promptly will send a copy 19426  
of the results of the criminal records check to the chief 19427  
administrator of the responsible party when the employment 19428  
service receives the results. 19429

(2) If a responsible party employs an applicant 19430  
conditionally pursuant to division (H) (1) (b) of this section, 19431  
the employment service, on its receipt of the results of the 19432  
criminal records check, promptly shall send a copy of the 19433  
results to the chief administrator of the responsible party. 19434

(3) A responsible party that employs an applicant 19435  
conditionally pursuant to division (H) (1) (a) or (b) of this 19436  
section shall terminate the applicant's employment if the 19437  
results of the criminal records check, other than the results of 19438  
any request for information from the federal bureau of 19439  
investigation, are not obtained within the period ending sixty 19440  
days after the date the request for the criminal records check 19441  
is made. Regardless of when the results of the criminal records 19442  
check are obtained, if the results indicate that the applicant 19443  
has been convicted of, pleaded guilty to, or been found eligible 19444  
for intervention in lieu of conviction for a disqualifying 19445  
offense, the responsible party shall terminate the applicant's 19446  
employment unless the applicant meets standards specified in 19447  
rules adopted under this section that permit the responsible 19448

party to employ the applicant and the responsible party chooses 19449  
to employ the applicant. Termination of employment under this 19450  
division shall be considered just cause for discharge for 19451  
purposes of division (D) (2) of section 4141.29 of the Revised 19452  
Code if the applicant makes any attempt to deceive the 19453  
responsible party about the applicant's criminal record. 19454

(I) The report of any criminal records check conducted 19455  
pursuant to a request made under this section is not a public 19456  
record for the purposes of section 149.43 of the Revised Code 19457  
and shall not be made available to any person other than the 19458  
following: 19459

(1) The applicant or employee who is the subject of the 19460  
criminal records check or the applicant's or employee's 19461  
representative; 19462

(2) The chief administrator of the responsible party 19463  
requesting the criminal records check or the administrator's 19464  
representative; 19465

(3) The administrator of any other facility, agency, or 19466  
program that provides community-based long-term care services 19467  
that is owned or operated by the same entity that owns or 19468  
operates the responsible party that requested the criminal 19469  
records check; 19470

(4) The employment service that requested the criminal 19471  
records check; 19472

(5) The director of aging or a person authorized by the 19473  
director to monitor a responsible party's compliance with this 19474  
section; 19475

(6) The medicaid director and the staff of the department 19476  
of medicaid who are involved in the administration of the 19477

medicaid program if any of the following apply: 19478

(a) In the case of a criminal records check requested by a 19479  
provider or subcontractor, the provider or subcontractor also is 19480  
a waiver agency; 19481

(b) In the case of a criminal records check requested by 19482  
an employment service, the employment service makes the request 19483  
for an applicant or employee the employment service refers to a 19484  
provider or subcontractor that also is a waiver agency; 19485

~~(c) The criminal records check is requested by a consumer 19486  
who is acting as a responsible party. 19487~~

(7) A court or hearing officer involved in a case dealing 19488  
with any of the following: 19489

(a) A denial of employment of the applicant or employee; 19490

(b) Employment or unemployment benefits of the applicant 19491  
or employee; 19492

(c) A civil or criminal action regarding the medicaid 19493  
program or a program the department of aging administers. 19494

(8) Pursuant to a lawful subpoena or valid court order, 19495  
any necessary individual not identified in division (I) (7) of 19496  
this section who is involved in a case dealing with any issue, 19497  
matter, or action described in division (I) (7) (a), (b), or (c) 19498  
of this section. 19499

(J) In a tort or other civil action for damages that is 19500  
brought as the result of an injury, death, or loss to person or 19501  
property caused by an applicant or employee who a responsible 19502  
party employs in a direct-care position, all of the following 19503  
shall apply: 19504

(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate. 19505  
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(2) If the responsible party employed the applicant in good faith on a conditional basis pursuant to division (H) of this section, the responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section. 19512  
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(3) If the responsible party in good faith employed the applicant or employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 19517  
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(K) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 19524  
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(1) The rules may do the following: 19526

(a) Require employees to undergo database reviews and criminal records checks under this section; 19527  
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements; 19529  
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(c) For the purpose of division (E) (7) of this section, specify other databases that are to be checked as part of a 19532  
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database review conducted under this section. 19534

(2) The rules shall specify all of the following: 19535

(a) The meaning of the term "subcontractor"; 19536

(b) The procedures for conducting database reviews under 19537  
this section; 19538

(c) If the rules require employees to undergo database 19539  
reviews and criminal records checks under this section, the 19540  
times at which the database reviews and criminal records checks 19541  
are to be conducted; 19542

(d) If the rules specify other databases to be checked as 19543  
part of the database reviews, the circumstances under which a 19544  
responsible party is prohibited from employing an applicant or 19545  
continuing to employ an employee who is found by a database 19546  
review to be included in one or more of those databases; 19547

(e) Standards that an applicant or employee must meet for 19548  
a responsible party to be permitted to employ the applicant or 19549  
continue to employ the employee in a direct-care position if the 19550  
applicant or employee is found by a criminal records check 19551  
required by this section to have been convicted of, pleaded 19552  
guilty to, or been found eligible for intervention in lieu of 19553  
conviction for a disqualifying offense. 19554

**Sec. 173.381.** (A) As used in this section: 19555

(1) "Community-based long-term care services" means 19556  
community-based long-term care services, as defined in section 19557  
173.14 of the Revised Code, that are provided under a program 19558  
the department of aging administers. 19559

(2) "Community-based long-term care services certificate" 19560  
means a certificate issued under section 173.391 of the Revised 19561



Code. 19562

(3) "Community-based long-term care services contract or grant" means a contract or grant awarded under section 173.392 of the Revised Code. 19563  
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(4) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 19566  
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(5) "Disqualifying offense" means any of the offenses listed or described in divisions (A) (3) (a) to (e) of section 109.572 of the Revised Code. 19568  
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(6) "Provider" has the same meaning as in section 173.39 of the Revised Code. 19571  
19572

(7) "Self-employed provider" means a provider who works for the provider's self and has no employees. 19573  
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(B) This section does not apply to any ~~individual who is subject to a database review or criminal records check under of~~ the following: 19575  
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(1) An applicant as defined in section 3740.11 of the Revised Code or an employee as defined in section 3740.01 of the Revised Code; 19578  
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(2) An ambulette driver employed by an organization licensed under Chapter 4766. of the Revised Code; 19581  
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(3) An attorney licensed to practice law in this state; 19583

(4) A person who is not licensed to practice law in this state, but who, at the direction of an attorney licensed to practice law in this state, assists the attorney in the attorney's provision of legal services. 19584  
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(C) (1) The department of aging or its designee shall take 19588

the following actions when the circumstances specified in 19589  
division (C) (2) of this section apply: 19590

(a) Refuse to issue a community-based long-term care 19591  
services certificate to a self-employed provider; 19592

(b) Revoke a self-employed provider's community-based 19593  
long-term care services certificate; 19594

(c) Refuse to award a community-based long-term care 19595  
services contract or grant to a self-employed provider; 19596

(d) Terminate a self-employed provider's community-based 19597  
long-term care services contract or grant awarded on or after 19598  
September 15, 2014. 19599

(2) The following are the circumstances that require the 19600  
department of aging or its designee to take action under 19601  
division (C) (1) of this section: 19602

(a) A review of the databases listed in division (E) of 19603  
this section reveals any of the following: 19604

(i) That the self-employed provider is included in one or 19605  
more of the databases listed in divisions (E) (1) to (5) of this 19606  
section; 19607

(ii) That there is in the state nurse aide registry 19608  
established under section 3721.32 of the Revised Code a 19609  
statement detailing findings by the director of health that the 19610  
self-employed provider abused, neglected, or exploited a long- 19611  
term care facility or residential care facility resident or 19612  
misappropriated property of such a resident; 19613

(iii) That the self-employed provider is included in one 19614  
or more of the databases, if any, specified in rules adopted 19615  
under this section and the rules require the department or its 19616

designee to take action under division (C) (1) of this section if 19617  
a self-employed provider is included in such a database. 19618

(b) After the self-employed provider is provided, pursuant 19619  
to division (F) (2) (a) of this section, a copy of the form 19620  
prescribed pursuant to division (C) (1) of section 109.572 of the 19621  
Revised Code and the standard impression sheet prescribed 19622  
pursuant to division (C) (2) of that section, the self-employed 19623  
provider fails to complete the form or provide the self-employed 19624  
provider's fingerprint impressions on the standard impression 19625  
sheet. 19626

(c) Unless the self-employed provider meets standards 19627  
specified in rules adopted under this section, the self-employed 19628  
provider is found by a criminal records check required by this 19629  
section to have been convicted of, pleaded guilty to, or been 19630  
found eligible for intervention in lieu of conviction for a 19631  
disqualifying offense. 19632

(D) The department of aging or its designee shall inform 19633  
each self-employed provider of both of the following at the time 19634  
of the self-employed provider's initial application for a 19635  
community-based long-term care services certificate or initial 19636  
bid for a community-based long-term care services contract or 19637  
grant: 19638

(1) That a review of the databases listed in division (E) 19639  
of this section will be conducted to determine whether the 19640  
department or its designee is required by division (C) of this 19641  
section to refuse to issue or award a community-based long-term 19642  
care services certificate or community-based long-term care 19643  
services contract or grant to the self-employed provider; 19644

(2) That, unless the database review reveals that the 19645

department or its designee is required to refuse to issue or 19646  
award a community-based long-term care services certificate or 19647  
community-based long-term care services contract or grant to the 19648  
self-employed provider, a criminal records check of the self- 19649  
employed provider will be conducted and the self-employed 19650  
provider is required to provide a set of the self-employed 19651  
provider's fingerprint impressions as part of the criminal 19652  
records check. 19653

(E) As a condition of issuing or awarding a community- 19654  
based long-term care services certificate or community-based 19655  
long-term care services contract or grant to a self-employed 19656  
provider, the department of aging or its designee shall conduct 19657  
a database review of the self-employed provider in accordance 19658  
with rules adopted under this section. If rules adopted under 19659  
this section so require, the department or its designee shall 19660  
conduct a database review of a self-employed provider in 19661  
accordance with the rules as a condition of not revoking or 19662  
terminating the self-employed provider's community-based long- 19663  
term care services certificate or community-based long-term care 19664  
services contract or grant. A database review shall determine 19665  
whether the self-employed provider is included in any of the 19666  
following: 19667

(1) The excluded parties list system that is maintained by 19668  
the United States general services administration pursuant to 19669  
subpart 9.4 of the federal acquisition regulation and available 19670  
at the federal web site known as the system for award 19671  
management; 19672

(2) The list of excluded individuals and entities 19673  
maintained by the office of inspector general in the United 19674  
States department of health and human services pursuant to the 19675

"Social Security Act," 42 U.S.C. 1320a-7 and 1320c-5; 19676

(3) The registry of developmental disabilities employees 19677  
established under section 5123.52 of the Revised Code; 19678

(4) The internet-based sex offender and child-victim 19679  
offender database established under division (A) (11) of section 19680  
2950.13 of the Revised Code; 19681

(5) The internet-based database of inmates established 19682  
under section 5120.66 of the Revised Code; 19683

(6) The state nurse aide registry established under 19684  
section 3721.32 of the Revised Code; 19685

(7) Any other database, if any, specified in rules adopted 19686  
under this section. 19687

(F) (1) As a condition of issuing or awarding a community- 19688  
based long-term care services certificate or community-based 19689  
long-term care services contract or grant to a self-employed 19690  
provider, the department of aging or its designee shall request 19691  
that the superintendent of the bureau of criminal identification 19692  
and investigation conduct a criminal records check of the self- 19693  
employed provider. If rules adopted under this section so 19694  
require, the department or its designee shall request that the 19695  
superintendent conduct a criminal records check of a self- 19696  
employed provider at times specified in the rules as a condition 19697  
of not revoking or terminating the self-employed provider's 19698  
community-based long-term care services certificate or 19699  
community-based long-term care services contract or grant. 19700  
However, the department or its designee is not required to 19701  
request the criminal records check of the self-employed provider 19702  
if the department or its designee, because of circumstances 19703  
specified in division (C) (2) (a) of this section, is required to 19704

refuse to issue or award a community-based long-term care 19705  
services certificate or community-based long-term care services 19706  
contract or grant to the self-employed provider or to revoke or 19707  
terminate the self-employed provider's certificate or contract 19708  
or grant. 19709

If a self-employed provider for whom a criminal records 19710  
check request is required by this section does not present proof 19711  
of having been a resident of this state for the five-year period 19712  
immediately prior to the date the criminal records check is 19713  
requested or provide evidence that within that five-year period 19714  
the superintendent has requested information about the self- 19715  
employed provider from the federal bureau of investigation in a 19716  
criminal records check, the department or its designee shall 19717  
request that the superintendent obtain information from the 19718  
federal bureau of investigation as part of the criminal records 19719  
check. Even if a self-employed provider for whom a criminal 19720  
records check request is required by this section presents proof 19721  
of having been a resident of this state for the five-year 19722  
period, the department or its designee may request that the 19723  
superintendent include information from the federal bureau of 19724  
investigation in the criminal records check. 19725

(2) The department or its designee shall do all of the 19726  
following: 19727

(a) Provide to each self-employed provider for whom a 19728  
criminal records check request is required by this section a 19729  
copy of the form prescribed pursuant to division (C)(1) of 19730  
section 109.572 of the Revised Code and a standard impression 19731  
sheet prescribed pursuant to division (C)(2) of that section; 19732

(b) Obtain the completed form and standard impression 19733  
sheet from the self-employed provider; 19734

(c) Forward the completed form and standard impression sheet to the superintendent. 19735  
19736

(3) The department or its designee shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C) (3) of section 109.572 of the Revised Code for each criminal records check of a self-employed provider the department or its designee requests under this section. The department or its designee may charge the self-employed provider a fee that does not exceed the amount the department or its designee pays to the bureau. 19737  
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(G) The report of any criminal records check of a self-employed provider conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following: 19745  
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19747  
19748  
19749

(1) The self-employed provider or the self-employed provider's representative; 19750  
19751

(2) The department of aging, the department's designee, or a representative of the department or its designee; 19752  
19753

(3) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if the self-employed provider is to provide, or provides, community-based long-term care services under a component of the medicaid program that the department of aging administers; 19754  
19755  
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(4) A court or hearing officer involved in a case dealing with any of the following: 19760  
19761

(a) A refusal to issue or award a community-based long-term services certificate or community-based long-term care 19762  
19763

services contract or grant to the self-employed provider; 19764

(b) A revocation or termination of the self-employed 19765  
provider's community-based long-term care services certificate 19766  
or community-based long-term care services contract or grant; 19767

(c) A civil or criminal action regarding a program the 19768  
department of aging administers. 19769

(5) Pursuant to a lawful subpoena or valid court order, 19770  
any necessary individual not identified in division (G) (4) of 19771  
this section who is involved in a case dealing with any issue, 19772  
matter, or action described in division (G) (4) (a), (b), or (c) 19773  
of this section. 19774

(H) In a tort or other civil action for damages that is 19775  
brought as the result of an injury, death, or loss to person or 19776  
property caused by a self-employed provider, both of the 19777  
following shall apply: 19778

(1) If the department of aging or its designee, in good 19779  
faith and reasonable reliance on the report of a criminal 19780  
records check requested under this section, issued or awarded a 19781  
community-based long-term care services certificate or 19782  
community-based long-term care services contract or grant to the 19783  
self-employed provider or did not revoke or terminate the self- 19784  
employed provider's certificate or contract or grant, the 19785  
department and its designee shall not be found negligent solely 19786  
because of its reliance on the report, even if the information 19787  
in the report is determined later to have been incomplete or 19788  
inaccurate. 19789

(2) If the department or its designee in good faith issued 19790  
or awarded a community-based long-term care services certificate 19791  
or community-based long-term care services contract or grant to 19792



the self-employed provider or did not revoke or terminate the 19793  
self-employed provider's certificate or contract or grant 19794  
because the self-employed provider meets standards specified in 19795  
rules adopted under this section, the department and its 19796  
designee shall not be found negligent solely because the self- 19797  
employed provider has been convicted of, pleaded guilty to, or 19798  
been found eligible for intervention in lieu of conviction for a 19799  
disqualifying offense. 19800

(I) The director of aging shall adopt rules in accordance 19801  
with Chapter 119. of the Revised Code to implement this section. 19802

(1) The rules may do the following: 19803

(a) Require self-employed providers who have been issued 19804  
or awarded community-based long-term care services certificates 19805  
or community-based long-term care services contracts or grants 19806  
to undergo database reviews and criminal records checks under 19807  
this section; 19808

(b) If the rules require self-employed providers who have 19809  
been issued or awarded community-based long-term care services 19810  
certificates or community-based long-term care services 19811  
contracts or grants to undergo database reviews and criminal 19812  
records checks under this section, exempt one or more classes of 19813  
such self-employed providers from the requirements; 19814

(c) For the purpose of division (E) (7) of this section, 19815  
specify other databases that are to be checked as part of a 19816  
database review conducted under this section. 19817

(2) The rules shall specify all of the following: 19818

(a) The procedures for conducting database reviews under 19819  
this section; 19820

(b) If the rules require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which the department of aging or its designee is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider or to revoke or terminate a self-employed provider's certificate or contract or grant when the self-employed provider is found by a database review to be included in one or more of those databases;

(d) Standards that a self-employed provider must meet for the department or its designee to be permitted to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or not to revoke or terminate the self-employed provider's certificate or contract or grant if the self-employed provider is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

**Sec. 173.391.** (A) Subject to section 173.381 of the Revised Code and except as provided in division (I) of this section, the department of aging or its designee shall do all of the following in accordance with Chapter 119. of the Revised

Code:	19851
(1) Certify a provider to provide services, including	19852
community-based long-term care services, under a program the	19853
department administers if the provider satisfies the	19854
requirements for certification established by rules adopted	19855
under division (B) of this section and pays the fee, if any,	19856
established by rules adopted under division (G) of this section;	19857
(2) When required to do so by rules adopted under division	19858
(B) of this section, take one or more of the following	19859
disciplinary actions against a provider certified under division	19860
(A) (1) of this section:	19861
(a) Issue a written warning;	19862
(b) Require the submission of <u>both of the following</u> : a	19863
plan of correction <del>or</del> <u>and</u> evidence of compliance with	19864
requirements identified by the department;	19865
(c) Suspend referrals;	19866
(d) Remove clients;	19867
(e) Impose a fiscal sanction such as a civil monetary	19868
penalty or an order that unearned funds be repaid;	19869
(f) Suspend the certification;	19870
(g) Revoke the certification;	19871
(h) Impose another sanction.	19872
(3) Except as provided in division (E) of this section,	19873
hold hearings when there is a dispute between the department or	19874
its designee and a provider concerning actions the department or	19875
its designee takes regarding a decision not to certify the	19876
provider under division (A) (1) of this section or a disciplinary	19877

action under divisions (A) (2) (e) to (h) of this section. 19878

(B) The director of aging shall adopt rules in accordance 19879  
with Chapter 119. of the Revised Code establishing certification 19880  
requirements and standards for determining which type of 19881  
disciplinary action to take under division (A) (2) of this 19882  
section in individual situations. The rules shall establish 19883  
procedures for all of the following: 19884

(1) Ensuring that providers comply with sections 173.38 19885  
and 173.381 of the Revised Code; 19886

(2) Evaluating the services provided by the providers to 19887  
ensure that the services are provided in a quality manner 19888  
advantageous to the individual receiving the services; 19889

(3) In a manner consistent with section 173.381 of the 19890  
Revised Code, determining when to take disciplinary action under 19891  
division (A) (2) of this section and which disciplinary action to 19892  
take; 19893

(4) Determining what constitutes another sanction for 19894  
purposes of division (A) (2) (h) of this section. 19895

(C) The procedures established in rules adopted under 19896  
division (B) (2) of this section shall require that all of the 19897  
following be considered as part of an evaluation described in 19898  
division (B) (2) of this section: 19899

(1) The provider's experience and financial 19900  
responsibility; 19901

(2) The provider's ability to comply with standards for 19902  
the services, including community-based long-term care services, 19903  
that the provider provides under a program the department 19904  
administers; 19905

(3) The provider's ability to meet the needs of the individuals served;	19906 19907
(4) Any other factor the director considers relevant.	19908
(D) The rules adopted under division (B) (3) of this section shall specify that the reasons disciplinary action may be taken under division (A) (2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served.	19909 19910 19911 19912 19913 19914 19915
(E) Subject to division (F) of this section, the department is not required to hold hearings under division (A) (3) of this section if any of the following conditions apply:	19916 19917 19918
(1) Rules adopted by the director of aging pursuant to this chapter require the provider to be a party to a provider agreement; hold a license, certificate, or permit; or maintain a certification, any of which is required or issued by a state or federal government entity other than the department of aging, and either of the following is the case:	19919 19920 19921 19922 19923 19924
(a) The provider agreement has not been entered into or the license, certificate, permit, or certification has not been obtained or maintained.	19925 19926 19927
(b) The provider agreement, license, certificate, permit, or certification has been denied, revoked, not renewed, or suspended or has been otherwise restricted.	19928 19929 19930
(2) The provider's certification under this section has been denied, suspended, or revoked for any of the following reasons:	19931 19932 19933

(a) A government entity of this state, other than the department of aging, has terminated or refused to renew any of the following held by, or has denied any of the following sought by, a provider: a provider agreement, license, certificate, permit, or certification. Division (E) (2) (a) of this section applies regardless of whether the provider has entered into a provider agreement in, or holds a license, certificate, permit, or certification issued by, another state.

(b) The provider or a principal owner or manager of the provider who provides direct care has entered a guilty plea for, or has been convicted of, an offense materially related to the medicaid program.

(c) ~~A~~ The provider or a principal owner or manager of the provider who provides direct care has entered a guilty plea for, been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed or described in divisions (A) (3) (a) to (e) of section 109.572 of the Revised Code, but only if the provider, principal owner, or manager does not meet standards specified by the director in rules adopted under section 173.38 of the Revised Code.

(d) The department or its designee is required by section 173.381 of the Revised Code to deny or revoke the provider's certification.

(e) The United States department of health and human services has taken adverse action against the provider and that action impacts the provider's participation in the medicaid program.

(f) The provider has failed to enter into or renew a provider agreement with either of the following: the department

or the PASSPORT administrative agency, as that term is defined 19963  
in section 173.42 of the Revised Code, that administers programs 19964  
on behalf of the department of aging in the region of the state 19965  
in which the provider is certified to provide services. 19966

(g) The provider has not billed or otherwise submitted a 19967  
claim to the department for payment under the medicaid program 19968  
in at least two years. 19969

(h) The provider denied or failed to provide the 19970  
department or its designee access to the provider's facilities 19971  
during the provider's normal business hours for purposes of 19972  
conducting an audit or structural compliance review. 19973

(i) The provider has ceased doing business. 19974

(j) The provider has voluntarily relinquished its 19975  
certification for any reason. 19976

(3) The provider's provider agreement with the department 19977  
of medicaid has been suspended under section 5164.36 of the 19978  
Revised Code. 19979

(4) The provider's provider agreement with the department 19980  
of medicaid is denied or revoked because the provider or its 19981  
owner, officer, authorized agent, associate, manager, or 19982  
employee has been convicted of an offense that caused the 19983  
provider agreement to be suspended under section 5164.36 of the 19984  
Revised Code. 19985

(F) If the department does not hold hearings when any 19986  
condition described in division (E) of this section applies, the 19987  
department shall send a notice to the provider describing a 19988  
decision not to certify the provider under division (A) (1) of 19989  
this section or the disciplinary action the department is taking 19990  
under divisions (A) (2) (e) to (h) of this section. The notice 19991

shall be sent to the provider's address that is on record with the department and may be sent by regular or electronic mail.

(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged by the department of aging or its designee for certification issued under division (A) of this section.

(H) Any amounts collected by the department or its designee under this section shall be deposited in the state treasury to the credit of the provider certification fund, which is hereby created. Money credited to the fund shall be used to pay for services, including community-based long-term care services, to pay for administrative costs associated with provider certification under this section, and to pay for administrative costs related to the publication of the Ohio long-term care consumer guide.

(I) The director shall certify a provider in accordance with Chapter 4796. of the Revised Code if either of the following applies:

(1) The provider is licensed or certified in another state.

(2) The provider has satisfactory work experience, a government certification, or a private certification as described in that chapter as a provider of community-based long-term care services under a state program in a state that does not issue that license or certificate.

**Sec. 173.50.** (A) Pursuant to a contract entered into with the department of medicaid as an interagency agreement under section 5162.35 of the Revised Code, the department of aging shall carry out the day-to-day administration of the component



of the medicaid program known as the program of all-inclusive care for the elderly or PACE. The department of aging shall carry out its PACE administrative duties in accordance with the provisions of the interagency agreement and all applicable federal laws, including the "Social Security Act," section 1934, 42 U.S.C. 1396u-4.

(B) To the extent authorized by rules authorized by section 5162.021 of the Revised Code, the director of aging may adopt rules in accordance with Chapter 119. of the Revised Code regarding the PACE program, including rules establishing priorities for enrolling in the program pursuant to ~~section~~ sections 173.501 and 173.503 of the Revised Code. The rules shall address only those issues that are not addressed in rules adopted by the medicaid director for the PACE program.

**Sec. 173.502.** (A) As used in this section:

(1) "CMS" means the United States Centers for Medicare and Medicaid Services.

(2) "Entity" has the same meaning as in 42 C.F.R. 460.10.

(3) "PACE center," "PACE organization," "participant," and "state administering agency" have the same meanings as in 42 C.F.R. 460.6.

(B) (1) Not later than ~~one hundred twenty days after the effective date of this section~~ July 1, 2026, the Department of Aging shall issue a request for proposals from any entity interested in becoming a PACE organization, ~~including for service areas in the counties, or contiguous zip codes within the counties, or extending from the counties, of Franklin, Hamilton, Montgomery, Lorain, Lucas, and Summit located in a county of this state not served by the PACE program on the~~

effective date of this amendment. Proposals shall be submitted 20050  
to the Department not later than ninety days after the date the 20051  
Department issues the request for proposals. 20052

(2) Division (B)(1) of this section does not prevent the 20053  
Department from expanding the PACE program outside of the 20054  
process required by that division, including by issuing other 20055  
requests for proposals. 20056

(C) To be eligible for approval by the Department to 20057  
become a PACE organization, an entity that submits a proposal 20058  
pursuant to division (B)(1) of this section shall meet all of 20059  
the following requirements: 20060

(1) The entity provides a feasibility study of its 20061  
proposed service area to the Department. 20062

(2) The entity has a current, valid provider agreement, as 20063  
defined in section 5164.01 of the Revised Code, or will be 20064  
eligible to enter into a provider agreement by the time that the 20065  
entity will begin providing services under the PACE program. 20066

(3) The entity meets all federal requirements applicable 20067  
to PACE organizations. 20068

(4) The entity demonstrates to the satisfaction of the 20069  
Department that the organization has experience providing health 20070  
care services to frail older adults and that each member of the 20071  
entity's staff, including employees and contractors, complies 20072  
with 42 C.F.R. 460.64. 20073

(5) The entity has a facility suitable to be a PACE 20074  
center, or plans to acquire, build, or expand a facility 20075  
suitable to be a PACE center prior to beginning services, in its 20076  
proposed service area, as described in the request for proposals 20077  
process. 20078

(6) The entity meets any additional requirements in rules adopted by the Department pursuant to division (G) of this section. 20079  
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(D) The Department shall review all proposals submitted in accordance with division (B) (1) of this section. ~~For at least each of the six service areas identified in division (C) of this section, the~~ The Department shall determine from the proposals which entities it considers qualified to become PACE organizations for each service area. The determination shall be made not later than ~~nine months after the date the Department issues the request for proposals~~ December 31, 2026. 20082  
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(E) An entity considered by the Department as qualified to become a PACE organization may apply to CMS to become a PACE organization. The Department shall provide support to any such organization that applies to CMS, by complying with federal requirements. 20090  
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(F) Each entity approved to become a PACE organization by CMS shall begin providing services to participants not later than two years after the entity receives notice of its approval from CMS, consistent with federal financial participation. 20095  
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(G) The Director of Aging may adopt rules to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 20099  
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Sec. 173.503. The department of aging shall seek to implement a presumptive eligibility component to the PACE program, under which applicants for PACE may receive services under the program during a temporary period, to begin immediately upon application and a finding of presumptive eligibility, while a PACE organization conducts a full 20102  
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eligibility determination on behalf of the individual. If the 20108  
individual is determined to be ineligible for PACE, the PACE 20109  
organization that found the individual presumptively eligible 20110  
shall be responsible for the costs of PACE services provided to 20111  
the individual during the presumptive eligibility period. 20112

**Sec. 173.525.** (A) (1) In addition to any other eligibility 20113  
requirement of this chapter, to be eligible to serve as a 20114  
personal care aide under the PASSPORT program, an individual 20115  
must successfully complete thirty hours of pre-service training 20116  
acceptable to the department of aging. 20117

To maintain eligibility, each personal care aide must 20118  
successfully complete six hours of in-service training 20119  
acceptable to the department. Such training must be completed 20120  
every twelve months. 20121

(2) In administering the PASSPORT program, the department 20122  
shall not require a personal care aide to do ~~either~~ any of the 20123  
following: 20124

(a) Complete more than thirty hours of pre-service 20125  
training; 20126

(b) Complete more than six hours of in-service training in 20127  
a twelve-month period. 20128

~~(B) The department shall not require an individual serving~~ 20129  
~~as a home health aide under the PASSPORT program to complete;~~ 20130

(c) Complete more hours of pre-service training or annual 20131  
in-service training than required by federal law. 20132

~~(C)~~ (B) Only the following may supervise a ~~home health aide~~ 20133  
~~or~~ personal care aide under the PASSPORT program: 20134

(1) A registered nurse; 20135

(2) A licensed practical nurse under the direction of a 20136  
chiropractor, dentist, optometrist, physician, physician 20137  
assistant, podiatrist, or registered nurse. 20138

**Sec. 174.02.** (A) The low- and moderate-income housing 20139  
trust fund is hereby created in the state treasury. The fund 20140  
consists of all appropriations made to the fund, ~~housing trust~~ 20141  
~~fund fees collected by county recorders pursuant to section~~ 20142  
~~317.36 of the Revised Code and deposited into the fund pursuant~~ 20143  
~~to section 319.63 of the Revised Code,~~ and all grants, gifts, 20144  
loan repayments, and contributions of money made from any source 20145  
to the department of development for deposit in the fund. All 20146  
investment earnings of the fund shall be credited to the fund. 20147  
The director of development shall allocate a portion of the 20148  
money in the fund to an account of the Ohio housing finance 20149  
agency. The department shall administer the fund. The Ohio 20150  
housing finance agency shall use money allocated to it for 20151  
implementing and administering its programs and duties under 20152  
sections 174.03 and 174.05 of the Revised Code, and the 20153  
department shall use the remaining money in the fund for 20154  
implementing and administering its programs and duties under 20155  
sections 174.03 to 174.06 of the Revised Code. Use of all money 20156  
drawn from the fund is subject to the following restrictions: 20157

(1) (a) Not more than five per cent of the current year 20158  
appropriation authority for the fund shall be allocated between 20159  
grants to community development corporations for the community 20160  
development corporation grant program and grants and loans to 20161  
the Ohio community development finance fund, a private nonprofit 20162  
corporation. 20163

(b) In any year in which the amount in the fund exceeds 20164  
one hundred thousand dollars and at least that much is allocated 20165

for the uses described in this section, not less than one 20166  
hundred thousand dollars shall be used to provide training, 20167  
technical assistance, and capacity building assistance to 20168  
nonprofit development organizations. 20169

(2) Not more than ten per cent of any current year 20170  
appropriation authority for the fund shall be used for the 20171  
emergency shelter housing grants program to make grants to 20172  
private, nonprofit organizations and municipal corporations, 20173  
counties, and townships for emergency shelter housing for the 20174  
homeless and emergency shelter facilities serving unaccompanied 20175  
youth seventeen years of age and younger. The grants shall be 20176  
distributed pursuant to rules the director adopts and qualify as 20177  
matching funds for funds obtained pursuant to the McKinney Act, 20178  
101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378. 20179

(3) In any fiscal year in which the amount in the fund 20180  
exceeds the amount awarded pursuant to division (A) (1) (b) of 20181  
this section by at least two hundred fifty thousand dollars, at 20182  
least two hundred fifty thousand dollars from the fund shall be 20183  
provided to the department of aging for the resident services 20184  
coordinator program as established in section 173.08 of the 20185  
Revised Code. 20186

(4) Of all current year appropriation authority for the 20187  
fund, not more than five per cent shall be used for 20188  
administration. 20189

(5) Not less than forty-five per cent of the funds awarded 20190  
during any one fiscal year shall be for grants and loans to 20191  
nonprofit organizations under section 174.03 of the Revised 20192  
Code. 20193

(6) Not less than fifty per cent of the funds awarded 20194

during any one fiscal year, excluding the amounts awarded 20195  
pursuant to divisions (A) (1), (2), and (7) of this section, 20196  
shall be for grants and loans for activities that provide 20197  
housing and housing assistance to families and individuals in 20198  
rural areas and small cities that are not eligible to 20199  
participate as a participating jurisdiction under the "HOME 20200  
Investment Partnerships Act," 104 Stat. 4094 (1990), 42 U.S.C. 20201  
12701 note, 12721. 20202

(7) No money in the fund shall be used to pay for any 20203  
legal services other than the usual and customary legal services 20204  
associated with the acquisition of housing. 20205

(8) Money in the fund may be used as matching money for 20206  
federal funds received by the state, counties, municipal 20207  
corporations, and townships for the activities listed in section 20208  
174.03 of the Revised Code. 20209

(B) If, after the second quarter of any year, it appears 20210  
to the director that the full amount of the money in the fund 20211  
designated in that year for activities that provide housing and 20212  
housing assistance to families and individuals in rural areas 20213  
and small cities under division (A) of this section will not be 20214  
used for that purpose, the director may reallocate all or a 20215  
portion of that amount for other housing activities. In 20216  
determining whether or how to reallocate money under this 20217  
division, the director may consult with and shall receive advice 20218  
from the housing trust fund advisory committee. 20219

**Sec. 175.16.** (A) As used in this section: 20220

(1) "Federal credit" means the tax credit authorized under 20221  
section 42 of the Internal Revenue Code. 20222

(2) "Credit period," "qualified low-income building," and 20223

"qualified basis" have the same meanings as in section 42 of the Internal Revenue Code. 20224  
20225

(3) "Qualified project" means a qualified low-income building that is located in Ohio, is placed in service on or after July 1, 2023, and for which the director reserves a tax credit under division (B) of this section before July 1, 2027. 20226  
20227  
20228  
20229

(4) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code. 20230  
20231

(5) "Project owner" means a person holding a fee simple interest or a leasehold interest pursuant to a ground lease in the land on which a qualified project sits. 20232  
20233  
20234

(6) "Reserved credit amount" means the amount determined by the director and stipulated in the notice sent to each owner of a qualified project under division (B) of this section. 20235  
20236  
20237

(7) "Annual credit amount" means the amount computed by the director under division (D) of this section prior to issuing an eligibility certificate. 20238  
20239  
20240

(8) "Equity owner" means a direct or indirect owner of a project owner, provided the project owner is a pass-through entity, as determined under applicable state law governing such an entity. 20241  
20242  
20243  
20244

(9) "Person" has the same meaning as in section 5701.01 of the Revised Code. 20245  
20246

(10) "Eligibility certificate" means a certificate issued by the director to each owner of a qualified project under division (D) of this section stating the amount of credit that may be claimed for each year of the credit period. 20247  
20248  
20249  
20250

(11) "Qualified allocation plan" means the plan developed 20251



by the Ohio housing finance agency, as required under section 20252  
175.06 of the Revised Code, for evaluating and selecting 20253  
projects for the federal credit pursuant to the mandates and 20254  
requirements within section 42 of the Internal Revenue Code. 20255

(12) "Internal Revenue Code" has the same meaning as in 20256  
section 5747.01 of the Revised Code. 20257

(13) "Designated reporter" means the project owner or one 20258  
of the project owner's equity owners designated pursuant to 20259  
division (I) (1) of this section. 20260

(14) "Director" means the executive director of the Ohio 20261  
housing finance agency. 20262

(B) Except as otherwise provided by this division, the 20263  
director, upon allocating a federal credit and issuing a binding 20264  
reservation or letter of eligibility, pursuant to the Ohio 20265  
housing finance agency's qualified allocation plan, for a 20266  
qualified low-income building that is located in this state and 20267  
placed in service on or after July 1, 2023, may reserve a tax 20268  
credit under this section for the project owners so long as 20269  
doing so will not result in exceeding the annual credit cap 20270  
prescribed by division (C) of this section. The director shall 20271  
not reserve a tax credit under this section after June 30, 2027. 20272

The director shall send written notice of the reservation 20273  
to each project owner. The notice shall state the aggregate 20274  
credit amount reserved for all years of the qualified project's 20275  
credit period and stipulate that receipt of the credit is 20276  
contingent upon issuance of an eligibility certificate and 20277  
filing the information described in division (I) of this 20278  
section. Upon receipt of that notice, the owner shall provide 20279  
the identity of the owner's designated reporter to the director. 20280

The director shall determine the credit amount reserved 20281  
for each qualified project. The reserved credit amount shall not 20282  
exceed the amount necessary, when combined with the federal 20283  
credit, to ensure the financial feasibility of the qualified 20284  
project. 20285

The director shall reserve credits in a manner that 20286  
ensures that a qualified project is creating additional housing 20287  
units that would not have otherwise been created with other 20288  
state, federal, or private financing. The director may assess 20289  
application, processing, and reporting fees to cover the cost of 20290  
administering the tax credit authorized under this section. 20291

(C) The aggregate amount of credits reserved by the 20292  
director under division (B) of this section in a fiscal year 20293  
shall not exceed the sum of (1) one hundred million dollars, (2) 20294  
the amount, if any, by which the credit cap prescribed by this 20295  
division for the preceding fiscal year exceeds the credits 20296  
reserved by the director in that year, and (3) the amount of tax 20297  
credits recaptured or otherwise disallowed under division (G) of 20298  
this section in the preceding fiscal year. 20299

For the purpose of computing and determining compliance 20300  
with the credit cap prescribed by this division, the credit 20301  
amount reserved for the project owners of a qualified project is 20302  
the full amount for all years of the qualified project's credit 20303  
period. 20304

(D) Immediately after approving the final cost 20305  
certification for a qualified project for which a tax credit 20306  
under this section is reserved, or upon otherwise determining 20307  
the qualified basis of the qualified project and the date it was 20308  
placed into service as required by section 42(m) of the Internal 20309  
Revenue Code, the director shall compute the annual credit 20310

amount and issue an eligibility certificate to each project 20311  
owner. The director shall send copies of all eligibility 20312  
certificates issued each calendar year to the tax commissioner 20313  
and the superintendent of insurance. 20314

The annual credit amount shall equal the lesser of the 20315  
following: 20316

(1) The amount of the federal credit that would be awarded 20317  
to the project owners for the first year of the credit period if 20318  
not for the adjustment required under section 42(f)(2) of the 20319  
Internal Revenue Code; 20320

(2) One-tenth of the reserved credit amount stated in the 20321  
notice issued under division (B) of this section. 20322

(E) Each eligibility certificate shall state the annual 20323  
credit amount, the years that comprise the credit period, the 20324  
name, address, and taxpayer identification number of each 20325  
project owner, each owner's designated reporter, the date the 20326  
certificate is issued, a unique identifying number, and any 20327  
additional information prescribed by a rule adopted under 20328  
division (H) of this section. A project owner, if the project 20329  
owner is a pass-through entity, shall provide a copy of the 20330  
eligibility certificate and any information described in 20331  
division (I) of this section to each equity owner that has been 20332  
allocated a credit under division (F)(2) of this section, if 20333  
requested. 20334

(F)(1) For each year of a qualified project's credit 20335  
period, the project owner or an equity owner may claim a 20336  
nonrefundable credit against the tax imposed by section 5725.18, 20337  
5726.02, 5729.03, 5729.06, or 5747.02 of the Revised Code equal 20338  
to all or a portion of the annual credit amount stated on the 20339

eligibility certificate. The credit shall be claimed in the 20340  
manner prescribed by section 5725.36, 5726.58, 5729.19, or 20341  
5747.83 of the Revised Code, as applicable. 20342

(2) If a project owner is a pass-through entity, the 20343  
annual credit amount for any year of a qualified project's 20344  
credit period may be allocated by the project owner among one or 20345  
more equity owners and may be applied by those equity owners 20346  
against more than one tax, but the total credits claimed in 20347  
connection with that year of the qualified project's credit 20348  
period by all project owners and equity owners against all taxes 20349  
shall not exceed the annual credit amount stated on the 20350  
eligibility certificate. 20351

(3) A project owner or equity owner may claim the credit 20352  
authorized by this section after the date the qualified project 20353  
is placed into service but not before the director issues the 20354  
project owner an eligibility certificate under division (D) of 20355  
this section and the applicable report required by division (I) 20356  
of this section is filed by the designated reporter. 20357

(4) A project owner or equity owner that claims a tax 20358  
credit under division (F)(1) of this section shall submit a copy 20359  
of the eligibility certificate with the project owner's or 20360  
equity owner's tax return or report. Upon request of the tax 20361  
commissioner or the superintendent of insurance, any project 20362  
owner or equity owner claiming a tax credit under this section 20363  
shall provide the commissioner or superintendent other 20364  
documentation that may be necessary to verify that the project 20365  
owner or equity owner is entitled to claim the credit. 20366

(5) A project owner that is a pass-through entity may 20367  
allocate the credit authorized by this section to its equity 20368  
owners under division (F)(2) of this section in any manner 20369

agreed to by such persons regardless of whether such equity 20370  
owners are eligible for an allocation of the federal credit, 20371  
whether the allocation of the credit under the terms of the 20372  
agreement has substantial economic effect within the meaning of 20373  
section 704(b) of the Internal Revenue Code, and whether any 20374  
such person is deemed a partner of the project owner or equity 20375  
owner for federal income tax purposes as long as the equity 20376  
owner acquired its ownership interest prior to claiming the 20377  
credit. The allocation shall be allowed without regard to any 20378  
provision of the Internal Revenue Code, or regulation 20379  
promulgated pursuant to it, that may be interpreted as contrary 20380  
to the allocation, including, without limitation, the treatment 20381  
of the allocation as a disguised sale. 20382

An equity owner may assign all or any part of its interest 20383  
in a qualified project, including its interest in the tax 20384  
credits authorized by this section, to one or more other equity 20385  
owners, and each assignee shall be able to claim the credit so 20386  
long as its interest is acquired prior to the filing of its tax 20387  
return or report or amended tax return or report claiming the 20388  
credit and the assignee's ownership interest is identified in 20389  
the report required by division (I) of this section. 20390

(6) Nothing in this section or section 5725.36, 5726.58, 20391  
5729.19, or 5747.83 of the Revised Code allows the assignment or 20392  
transfer of any carryforward of the credit authorized under this 20393  
section once the annual credit amount is claimed. 20394

(G) If any portion of the federal credit allocated to a 20395  
qualified project is recaptured under section 42(j) of the 20396  
Internal Revenue Code or is otherwise disallowed, the director 20397  
shall recapture a proportionate amount of the tax credit claimed 20398  
pursuant to this section in connection with the same qualified 20399

project. 20400

If the director determines to recapture such a tax credit, 20401  
the director shall certify the name of each project owner and 20402  
the amount to be recaptured to the tax commissioner and to the 20403  
superintendent of insurance. The commissioner or superintendent 20404  
shall determine the taxpayer or taxpayers that claimed the 20405  
credit, the tax against which the credit was claimed, and the 20406  
amount to be recaptured and make an assessment against the 20407  
taxpayer or taxpayers under Chapter 5725., 5726., 5729., or 20408  
5747. of the Revised Code, as applicable, for the amount of the 20409  
tax credit to be recaptured. The time limitations on assessments 20410  
under those chapters do not bar an assessment made under this 20411  
division. 20412

(H) The director, in consultation with the tax 20413  
commissioner and superintendent of insurance, shall adopt any 20414  
rules necessary to implement this section in accordance with 20415  
Chapter 119. of the Revised Code. 20416

(I) (1) For each calendar year, a designated reporter shall 20417  
provide the tax commissioner ~~and the superintendent of~~ 20418  
~~insurance~~, in the form prescribed by the tax commissioner in 20419  
consultation with the superintendent of insurance, all of the 20420  
following: 20421

(a) The name, address, and taxpayer identification number 20422  
of each project owner and equity owner that has been allocated a 20423  
portion of the annual credit awarded on the eligibility 20424  
certificate for that year; 20425

(b) The amount of the annual credit allocated to each such 20426  
project owner and equity owner for such year and the tax against 20427  
which the credit will be claimed; 20428

(c) The total of the amounts listed for each project owner 20429  
and equity owner under division (I) (1) (b) of this section, 20430  
demonstrating that the total does not exceed the amount listed 20431  
on the eligibility certificate for that year. 20432

(2) A designated reporter shall notify the tax 20433  
commissioner ~~and the superintendent of insurance~~ of any changes 20434  
to the information reported in division (I) (1) of this section 20435  
in the time and manner prescribed by the commissioner ~~and~~ 20436  
~~superintendent~~. 20437

(3) No credit allocated under this section may be claimed 20438  
by a project owner or equity owner for a year unless that owner 20439  
and the amount of the credit allocated to that owner appear on 20440  
the report required by division (I) (1) of this section for that 20441  
year. 20442

The tax commissioner shall provide a copy of the report, 20443  
and any subsequent changes to the report, submitted by the 20444  
designated reporter under division (I) of this section to the 20445  
superintendent of insurance in the time and manner agreed to by 20446  
the commissioner and superintendent. 20447

**Sec. 175.17.** (A) As used in this section: 20448

(1) "Qualified project" means a project to develop single- 20449  
family dwellings in this state that satisfies any qualifications 20450  
established by the director under division (I) of this section. 20451

(2) "Pass-through entity" has the same meaning as in 20452  
section 5733.04 of the Revised Code. 20453

(3) "Reserved credit amount" means the amount determined 20454  
by the director and stipulated in the notice sent under division 20455  
(B) of this section. 20456

(4) "Annual credit amount" means the amount computed by 20457  
the director under division (D) of this section before issuing 20458  
an eligibility certificate. 20459

(5) "Equity owner" means any person who directly or 20460  
indirectly, through one or more pass-through entities, is a 20461  
member, partner, or shareholder of a pass-through entity. 20462

(6) "Person" has the same meaning as in section 5701.01 of 20463  
the Revised Code. 20464

(7) "Eligibility certificate" means a certificate issued 20465  
by the director to a project development owner under division 20466  
(D) of this section. 20467

(8) "Project development owner" means a unit of government 20468  
that owns a qualified project. 20469

(9) "Affordability period" means the period that commences 20470  
on the date of sale of a single-family dwelling constructed as 20471  
part of a qualified project to the initial qualified buyer and 20472  
continues through subsequent qualified buyers for ten years. 20473

(10) "Designated reporter" means the project development 20474  
owner or one of the owner's direct or indirect partners, 20475  
members, or shareholders, as selected by the owner under 20476  
division (B) of this section. 20477

(11) "Project development investor" means any person that 20478  
contributes capital to a qualified project in exchange for an 20479  
allocation of a tax credit under this section. 20480

(12) "Credit period" means the ten-year period that begins 20481  
in the year the eligibility certificate is issued. 20482

(13) "Director" means the executive director of the Ohio 20483  
housing finance agency. 20484



(14) "Unit of government" means a county, township, municipal corporation, regional planning commission, community improvement corporation, economic development corporation, or county land reutilization corporation organized under Chapter 1724. of the Revised Code, or port authority.

(15) "Project development team" means the group of entities that develops, constructs, reports, appraises, finances, and services the associated properties of a qualified project in partnership with the project development owner.

(B) (1) A project development owner may submit an application to the director for a credit reservation under this section on a form and in a manner that the director shall prescribe. On the application, the project development owner shall provide all of the following:

(a) The name and address of the project development owner's designated reporter;

(b) The names and addresses of all members of the project development team;

(c) An estimate of the qualified project's development costs;

(d) Any other information as the director may require pursuant to division (I) of this section.

The director shall competitively evaluate and approve applications and award tax credit reservations under this section for a qualified project in accordance with the plan adopted under division (I) (1) of this section. The director shall determine the credit amount reserved for each qualified project, which shall not exceed the difference between the total estimated development costs included with the application and

the appraised market value of all homes in the finished project, 20514  
as estimated by the director. The director shall not reserve a 20515  
credit under this section if doing so would exceed the annual 20516  
limit prescribed by division (B) (3) of this section. 20517

(2) The director shall send written notice of the tax 20518  
credit reservation to the project development owner of an 20519  
approved qualified project. The notice shall state the aggregate 20520  
credit amount reserved for all years of the qualified project's 20521  
credit period and stipulate that receipt of the credit is 20522  
contingent upon issuance of an eligibility certificate and 20523  
filing the information required by division (H) of this section. 20524

(3) The amount of credits reserved by the director under 20525  
division (B) of this section in a fiscal year shall not exceed 20526  
the sum of (a) fifty million dollars, (b) the amount, if any, by 20527  
which the credit allocation prescribed by this division for the 20528  
preceding fiscal year exceeds the credits reserved by the 20529  
director in that year, and (c) the amount of tax credits 20530  
recaptured, assessed, and collected by the tax commissioner or 20531  
superintendent of insurance, and disallowed or subject to 20532  
reduction under this section in the preceding fiscal year. For 20533  
the purpose of computing and determining compliance with the 20534  
credit allocation prescribed by division (B) (3) of this section, 20535  
the credit amount reserved for the project development owner is 20536  
the full amount for all years of the qualified project's credit 20537  
period. 20538

(4) The director shall not reserve a tax credit under this 20539  
section after June 30, 2027. 20540

(C) The project development owner shall maintain ownership 20541  
of a qualified project and associated single-family dwellings 20542  
until the dwellings are sold to qualified buyers. The project 20543

development team shall service the associated properties of a 20544  
qualified project for the duration of the applicable 20545  
affordability period. 20546

The qualified buyer of a single-family home constructed as 20547  
part of a qualified project for which a tax credit was reserved 20548  
under this section shall occupy the home as the buyer's primary 20549  
residence during the affordability period. 20550

(D) Upon completion of a qualified project for which a tax 20551  
credit was reserved under this section, the project development 20552  
owner shall notify the director and provide a final development 20553  
cost certification for approval. After receipt of this notice, 20554  
the director shall appraise the project's dwellings. Immediately 20555  
after approving the final cost certification, the director shall 20556  
compute the amount of the tax credit that may be claimed in each 20557  
year and issue an eligibility certificate to the project 20558  
development owner. That annual amount, which shall be stated on 20559  
the certificate, shall equal one-tenth of the reserved credit 20560  
amount stated in the notice issued under division (B) of this 20561  
section, subject to any reduction or increase as the result of 20562  
the approval of the final cost certification and the appraisal 20563  
conducted under this division. 20564

(E) Each eligibility certificate shall state the annual 20565  
credit amount, the years that comprise the credit period, the 20566  
name, address, and the taxpayer identification number of the 20567  
project development owner, the project development owner's 20568  
designated reporter, and all members of the project development 20569  
team along with the date the certificate is issued, a unique 20570  
identifying number, and any additional information the director 20571  
may require by rule. The director shall certify a copy of each 20572  
eligibility certificate to the tax commissioner and the 20573

superintendent of insurance. 20574

(F) (1) For each year of a qualified project's credit 20575  
period, a project development owner may claim a nonrefundable 20576  
credit against the tax imposed by section 5725.18, 5726.02, 20577  
5729.03, 5729.06, or 5747.02 of the Revised Code equal to all or 20578  
a portion of the annual credit amount listed on the eligibility 20579  
certificate. The credit shall be claimed in the manner 20580  
prescribed by section 5725.37, 5726.60, 5729.20, or 5747.84 of 20581  
the Revised Code. 20582

(2) A project development owner may or, if the owner is 20583  
not subject to any tax against which the credit authorized under 20584  
this section may be claimed, shall allocate all or a portion of 20585  
the annual credit amount for any year of a qualified project's 20586  
credit period among one or more project development investors. 20587  
Such allocated credits may be applied by those project 20588  
development investors or the equity owners of such an investor 20589  
that is a pass-through entity against more than one tax, as 20590  
applicable, but the total credits claimed for that year of the 20591  
qualified project's credit period by all project development 20592  
investors and equity owners shall not exceed the annual credit 20593  
amount stated on the eligibility certificate. 20594

(3) A project development investor or the equity owner of 20595  
such an investor that is a pass-through entity may claim the 20596  
credit authorized by this section after the date the director 20597  
issues an eligibility certificate under division (D) of this 20598  
section and the applicable annual report required by division 20599  
(H) of this section is filed by the designated reporter. 20600

(4) A project development investor or equity owner that 20601  
claims a tax credit under division (F) (2) of this section shall 20602  
submit a copy of the eligibility certificate with the investor's 20603

or equity owner's tax return. Upon request of the tax 20604  
commissioner or the superintendent of insurance, any project 20605  
development investor or equity owner claiming a tax credit under 20606  
that division shall provide the tax commissioner or 20607  
superintendent other documentation that may be necessary to 20608  
verify that the project development investor or equity owner is 20609  
entitled to claim the credit. 20610

(G) The director may disallow or recapture any portion of 20611  
a credit if the project development owner or the project 20612  
development owner's qualified project does not or ceases to 20613  
qualify for the credit. If the director determines to recapture 20614  
such a tax credit, the director shall certify the name of the 20615  
project development owner, and the amount to be recaptured to 20616  
the tax commissioner and to the superintendent of insurance. The 20617  
tax commissioner or superintendent shall determine the taxpayer 20618  
or taxpayers that claimed the credit, the tax against which the 20619  
credit was claimed, and the amount to be recaptured and make an 20620  
assessment against the taxpayer or taxpayers under Chapter 20621  
5725., 5726., 5729., or 5747. of the Revised Code, as 20622  
applicable, for the amount to be recaptured. The time 20623  
limitations on assessments under those chapters do not bar an 20624  
assessment made under this division. 20625

(H) For each calendar year, a designated reporter shall 20626  
provide the following information to the ~~director tax~~ 20627  
commissioner on a form prescribed by the ~~director commissioner~~ 20628  
in consultation with ~~the tax commissioner and~~ the superintendent 20629  
of insurance: 20630

(1) A list of each project development investor or equity 20631  
owner that has been allocated a portion of the annual credit 20632  
awarded in an eligibility certificate for that year, including 20633

the investor or owner's name, address, taxpayer identification 20634  
number, and the tax against which the credit will be claimed by 20635  
each. 20636

(2) For each project development investor or equity owner, 20637  
the amount of annual credit that has been allocated for that 20638  
year. 20639

(3) An aggregate list of the credit amount allocated for a 20640  
qualified project demonstrating that the aggregate annual amount 20641  
of the credits allocated does not exceed the aggregate annual 20642  
credit awarded in the eligibility certificate. 20643

A designated reporter shall notify the ~~director tax~~ 20644  
commissioner of any changes to the information reported under 20645  
division (H) of this section in the time and manner prescribed 20646  
by the ~~director~~commissioner. The ~~director~~commissioner shall 20647  
provide a copy of the report, and any subsequent changes to the 20648  
report, submitted by the designated reporter under division (H) 20649  
of this section to ~~the tax commissioner and~~ the superintendent 20650  
of insurance in the time and manner ~~prescribed~~agreed to by the 20651  
commissioner and superintendent. 20652

No credits allocated under this section may be claimed 20653  
unless the credits are listed on the report required by division 20654  
(H) of this section. 20655

(I) (1) The director shall adopt a plan for competitively 20656  
awarding tax credits under this section. The plan shall 20657  
establish the criteria and metrics under which projects will be 20658  
assessed for qualification and may allocate tax credits in a 20659  
pooled manner. 20660

(2) The director may assess application, processing, and 20661  
reporting fees to cover the cost of administering this section. 20662

(3) The director, in consultation with the tax commissioner and the superintendent of insurance, shall adopt any rules necessary to implement this section in accordance with Chapter 119. of the Revised Code. Such rules may include all of the following:

(a) Supplementary definitions as may be necessary to administer this section.

(b) Underwriting criteria to assess the risk associated with any application and determine appropriate criteria to deny an application based upon risk.

(c) Criteria by which a project development owner shall be responsible for any or all risk associated with a qualified project such as homeowner abandonment, default, foreclosure, or other such risks.

(d) Criteria to maintain the affordability of each of a qualified project's single-family dwellings during the affordability period, which may include a deed restriction held by the project development owner for some or all of the amount of the tax credit or any appreciated value of the property.

(e) Requirements that the project development owner provide certain capital assets or other investments that contribute to the affordability of the project.

(f) Criteria to be used in determining whether an individual is a qualified buyer.

(g) Criteria regarding the purchase, ownership, and sale of completed qualified project single-family dwellings.

(h) The manner of determining the project's development costs and the appraised market value of qualified project

single-family dwellings. 20691

(i) Any other qualifications a project must meet to 20692  
qualify as a qualified project. 20693

**Sec. 305.02.** (A) If a vacancy in the office of county 20694  
commissioner, prosecuting attorney, county auditor, county 20695  
treasurer, clerk of the court of common pleas, sheriff, county 20696  
recorder, or county engineer, ~~or coroner~~ occurs more than forty 20697  
days before the next general election for state and county 20698  
officers, a successor shall be elected at such election for the 20699  
unexpired term unless such term expires within one year 20700  
immediately following the date of such general election. 20701

In either event, the vacancy shall be filled as provided 20702  
in this section and the appointee shall hold office until a 20703  
successor is elected and qualified. 20704

(B) If a vacancy occurs from any cause in any of the 20705  
offices named in division (A) of this section, then not later 20706  
than forty-five days after the vacancy occurs, a person shall be 20707  
appointed to hold the office and to perform the duties thereof 20708  
until a successor is elected and has qualified. The appointment 20709  
shall be made as follows: 20710

(1) If the last occupant of the office was elected as a 20711  
partisan candidate, the county central committee of the 20712  
political party that nominated the last occupant of the office 20713  
for the current term shall make the appointment. However, if 20714  
such vacancy occurs because of the death, resignation, or 20715  
inability to take the office of an officer-elect whose term has 20716  
not yet begun, and the officer-elect was elected as a partisan 20717  
candidate, an appointment to take such office at the beginning 20718  
of the term shall be made by the central committee of the 20719



political party that nominated the officer-elect as a candidate 20720  
for that office for that term. 20721

A county central committee that makes an appointment under 20722  
division (B) (1) of this section shall meet for that purpose not 20723  
less than five nor more than forty-five days after the vacancy 20724  
occurs. Not less than four days before the date of such meeting 20725  
the chairperson or secretary of such central committee shall 20726  
send by first class mail to every member of such central 20727  
committee a written notice which shall state the time and place 20728  
of such meeting and the purpose thereof. A majority of the 20729  
members of the central committee present at such meeting may 20730  
make the appointment. 20731

(2) If the last occupant of the office or the officer- 20732  
elect was elected to serve the current term as an independent 20733  
candidate, the board of county commissioners shall make the 20734  
appointment, except where the vacancy is in the office of county 20735  
commissioner, in which case the prosecuting attorney and the 20736  
remaining commissioners or a majority of them shall make the 20737  
appointment. 20738

(C) Appointments made under this section shall be 20739  
certified by the appointing county central committee or by the 20740  
board of county commissioners to the county board of elections 20741  
and to the secretary of state, and the persons so appointed and 20742  
certified shall be entitled to all remuneration provided by law 20743  
for the offices to which they are appointed. 20744

(D) The board of county commissioners may appoint a person 20745  
to hold any of the offices named in division (A) of this section 20746  
as an acting officer and to perform the duties thereof between 20747  
the occurrence of the vacancy and the time when the officer 20748  
appointed under division (B) of this section qualifies and takes 20749

the office. 20750

(E) A person appointed prosecuting attorney or assistant 20751  
prosecuting attorney shall give bond and take the oath of office 20752  
prescribed by section 309.03 of the Revised Code for the 20753  
prosecuting attorney. 20754

**Sec. 305.021.** (A) When there is a vacancy in the county 20755  
engineer's office as a result of death or resignation and the 20756  
vacancy cannot be filled by election or appointment as provided 20757  
in section 305.02 of the Revised Code, or if no one runs for the 20758  
office of county engineer and, for that reason, the office is 20759  
vacant, the board of county commissioners may contract with 20760  
another county's county engineer to exercise the powers and 20761  
perform the acts, duties, or functions of the county engineer. 20762  
Notwithstanding any contrary provision of the Revised Code or 20763  
the common law, the same person may serve as the county engineer 20764  
of more than one county, including adjacent counties, under this 20765  
section. 20766

(B) A county engineer with whom the board contracts shall 20767  
receive supplemental compensation for services rendered under 20768  
the contract in an amount ~~equal to~~ that is not less than eighty 20769  
per cent nor more than one hundred per cent of the compensation 20770  
specified in sections 325.14 and 325.18 of the Revised Code for 20771  
the population range of the county in which the engineer is 20772  
contracted to perform services, prorated for the duration of the 20773  
contract. The supplemental compensation shall have no effect on 20774  
the compensation a county engineer receives for serving as 20775  
county engineer in the county in which the engineer holds 20776  
office. The duration of the contract shall not extend beyond the 20777  
last day of the term for which there was a vacancy. 20778

**Sec. 305.03.** ~~(A)(1)~~ (A) Whenever any county officer, ~~except~~ 20779

~~the county auditor or county treasurer,~~ fails to perform the 20780  
duties of office for ~~ninety~~ thirty consecutive days, except in 20781  
case of sickness or injury as provided in divisions (B) and (C) 20782  
of this section, the office shall be deemed vacant. Performing 20783  
the duties of office includes a county officer appearing in 20784  
person at the officer's principal office location on at least 20785  
one out of thirty consecutive days. 20786

~~(2) Whenever any county auditor or county treasurer fails~~ 20787  
~~to perform the duties of office for thirty consecutive days,~~ 20788  
~~except in case of sickness or injury as provided in divisions~~ 20789  
~~(B) and (C) of this section, the office shall be deemed vacant.~~ 20790

(B) Whenever any county officer is absent because of 20791  
sickness or injury, the officer shall cause to be filed with the 20792  
board of county commissioners a certificate from a physician, 20793  
certified nurse-midwife, clinical nurse specialist, or certified 20794  
nurse practitioner of the officer's sickness or injury. If the 20795  
certificate is not filed with the board within ten days after 20796  
the expiration of thirty consecutive days, ~~in the case of a~~ 20797  
~~county auditor or county treasurer, or within ten days after the~~ 20798  
~~expiration of ninety consecutive days of absence, in the case of~~ 20799  
~~all other county officers,~~ the office shall be deemed vacant. 20800

(C) Whenever a county officer files a certificate under 20801  
division (B) of this section, but continues to be absent for an 20802  
additional thirty days commencing immediately after the last day 20803  
on which this certificate may be filed under division (B) of 20804  
this section, the office shall be deemed vacant. 20805

(D) If at any time two county commissioners in a county 20806  
are absent and have filed a certificate under division (B) of 20807  
this section, the county ~~coroner~~ auditor, in addition to 20808  
performing the duties of ~~coroner~~ auditor, shall serve as county 20809

commissioner until at least one of the absent commissioners 20810  
returns to office or until the office of at least one of the 20811  
absent commissioners is deemed vacant under this section and the 20812  
vacancy is filled. If the ~~coroner~~-auditor so requests, the 20813  
~~coroner~~-auditor shall be paid a per diem rate for the ~~coroner's~~- 20814  
auditor's service as a commissioner. That per diem rate shall be 20815  
the annual salary specified by law for a county commissioner of 20816  
that county whose term of office began in the same year as the 20817  
coroner's term of office began, divided by the number of days in 20818  
the year. 20819

While the ~~coroner~~-auditor is serving as a county 20820  
commissioner, the ~~coroner~~-auditor shall be considered an acting 20821  
county commissioner and shall perform the duties of the office 20822  
of county commissioner until at least one of the absent 20823  
commissioners returns to office or until the office of at least 20824  
one of the absent commissioners is deemed vacant. Before 20825  
assuming the office of acting county commissioner, the ~~coroner~~- 20826  
auditor shall take an oath of office as provided in sections 20827  
3.22 and 3.23 of the Revised Code. The ~~coroner's~~-auditor's 20828  
service as an acting county commissioner does not constitute the 20829  
holding of an incompatible public office or employment in 20830  
violation of any statutory or common law prohibition against the 20831  
simultaneous holding of more than one public office or 20832  
employment. 20833

The ~~coroner~~-auditor shall give a new bond in the same 20834  
amount and signed and approved as provided in section 305.04 of 20835  
the Revised Code. The bond shall be conditioned for the faithful 20836  
discharge of the ~~coroner's~~-auditor's duties as acting county 20837  
commissioner and for the payment of any loss or damage that the 20838  
county may sustain by reason of the ~~coroner's~~-auditor's failure 20839  
in those duties. The bond, along with the oath of office and 20840

approval of the probate judge indorsed on it, shall be deposited 20841  
and paid for as provided for the bonds in section 305.04 of the 20842  
Revised Code. 20843

(E) Any vacancy declared under this section shall be 20844  
filled in the manner provided by section 305.02 of the Revised 20845  
Code. 20846

(F) This section shall not apply to a county officer while 20847  
in the active military service of the United States. 20848

**Sec. 307.05.** As used in this section, "emergency medical 20849  
service organization" has the same meaning as in section 4765.01 20850  
of the Revised Code. 20851

A board of county commissioners may operate an ambulance 20852  
service organization or emergency medical service organization, 20853  
or, in counties with a population of ~~forty~~sixty thousand or 20854  
less, may operate a nonemergency patient transport service 20855  
organization, or may enter into a contract with one or more 20856  
counties, townships, municipal corporations, nonprofit 20857  
corporations, joint emergency medical services districts, fire 20858  
and ambulance districts, or private ambulance owners, regardless 20859  
of whether such counties, townships, municipal corporations, 20860  
nonprofit corporations, joint emergency medical services 20861  
districts, fire and ambulance districts, or private ambulance 20862  
owners are located within or without the state, in order to 20863  
furnish or obtain the services of ambulance service 20864  
organizations, to furnish or obtain additional services from 20865  
ambulance service organizations in times of emergency, to 20866  
furnish or obtain the services of emergency medical service 20867  
organizations, or, in counties with a population of ~~forty~~sixty 20868  
thousand or less, to furnish or obtain services of nonemergency 20869  
patient transport service organizations, or may enter into a 20870

contract with any such entity to furnish or obtain the 20871  
interchange of services from ambulance or emergency medical 20872  
service organizations, or, within counties with a population of 20873  
~~forty~~sixty thousand or less, to furnish or obtain the 20874  
interchange of services from nonemergency patient transport 20875  
service organizations, within the territories of the contracting 20876  
subdivisions. Except in the case of a contract with a joint 20877  
emergency medical services district to obtain the services of 20878  
emergency medical service organizations, such contracts shall 20879  
not be entered into with a public agency or nonprofit 20880  
corporation that receives more than half of its operating funds 20881  
from governmental entities with the intention of directly 20882  
competing with the operation of other ambulance service 20883  
organizations, nonemergency patient transport service 20884  
organizations, or emergency medical service organizations in the 20885  
county unless the public agency or nonprofit corporation is 20886  
awarded the contract after submitting the lowest and best bid to 20887  
the board of county commissioners. Any county wishing to 20888  
commence operation of a nonemergency patient transport service 20889  
organization or wishing to enter into a contract for the first 20890  
time to furnish or obtain services from a nonemergency patient 20891  
transport service organization on or after March 1, 1993, 20892  
including a county in which a private provider has been 20893  
providing the service, shall demonstrate the need for public 20894  
funding for the service to, and obtain approval from, the state 20895  
board of emergency medical, fire, and transportation services or 20896  
its immediate successor board prior to operating or funding the 20897  
organization. 20898

When such an organization is operated by the board, the 20899  
organization may be administered by the board, by the county 20900  
sheriff, or by another county officer or employee designated by 20901

the board. All rules, including the determining of reasonable 20902  
rates, necessary for the establishment, operation, and 20903  
maintenance of such an organization shall be adopted by the 20904  
board. 20905

A contract for services of an ambulance service, 20906  
nonemergency patient transport service, or emergency medical 20907  
service organization shall include the terms, conditions, and 20908  
stipulations as agreed to by the parties to the contract. It may 20909  
provide for a fixed annual charge to be paid at the times agreed 20910  
upon and stipulated in the contract, or for compensation based 20911  
upon a stipulated price for each run, call, or emergency or the 20912  
number of persons or pieces of apparatus employed, or the 20913  
elapsed time of service required in such run, call, or 20914  
emergency, or any combination thereof. 20915

**Sec. 307.86.** Anything to be purchased, leased, leased with 20916  
an option or agreement to purchase, or constructed, including, 20917  
but not limited to, any product, structure, construction, 20918  
reconstruction, improvement, maintenance, repair, or service, 20919  
except the services of an accountant, architect, attorney at 20920  
law, physician, professional engineer, construction project 20921  
manager, consultant, surveyor, or appraiser, by or on behalf of 20922  
the county or contracting authority, as defined in section 20923  
307.92 of the Revised Code, at a cost in excess of the amount 20924  
specified in section 9.17 of the Revised Code, except as 20925  
otherwise provided in division (D) of section 713.23 and in 20926  
sections 9.48, 125.04, ~~125.60 to 125.601~~125.601, 307.022, 20927  
307.041, 307.861, 339.05, 340.036, 4115.31 to 4115.35, 5119.44, 20928  
5513.01, 5543.19, 5713.01, and 6137.05 of the Revised Code, 20929  
shall be obtained through competitive bidding. No purchase, 20930  
lease, project, or other transaction subject to this section 20931  
shall be divided into component parts, separate projects, or 20932

separate items of work in order to avoid the requirements of 20933  
this section. However, competitive bidding is not required when 20934  
any of the following applies: 20935

(A) The board of county commissioners, by a unanimous vote 20936  
of its members, makes a determination that a real and present 20937  
emergency exists, and that determination and the reasons for it 20938  
are entered in the minutes of the proceedings of the board, when 20939  
any of the following applies: 20940

(1) The estimated cost is less than one hundred twenty- 20941  
five thousand dollars. 20942

(2) There is actual physical disaster to structures, radio 20943  
communications equipment, or computers. 20944

(3) The product to be purchased is personal protective 20945  
equipment and the purchase is completed during the period of the 20946  
emergency declared by Executive Order 2020-01D, issued on March 20947  
9, 2020. 20948

For purposes of this division: 20949

"Personal protective equipment" means equipment worn to 20950  
minimize exposure to hazards that cause workplace injuries and 20951  
illnesses. 20952

"Unanimous vote" means all three members of a board of 20953  
county commissioners when all three members are present, or two 20954  
members of the board if only two members, constituting a quorum, 20955  
are present. 20956

Whenever a contract of purchase, lease, or construction is 20957  
exempted from competitive bidding under division (A)(1) of this 20958  
section because the estimated cost is less than one hundred 20959  
twenty-five thousand dollars, but the estimated cost is the 20960



amount specified in section 9.17 of the Revised Code or more, 20961  
the county or contracting authority shall solicit informal 20962  
estimates from no fewer than three persons who could perform the 20963  
contract, before awarding the contract. With regard to each such 20964  
contract, the county or contracting authority shall maintain a 20965  
record of such estimates, including the name of each person from 20966  
whom an estimate is solicited. The county or contracting 20967  
authority shall maintain the record for the longer of at least 20968  
one year after the contract is awarded or the amount of time the 20969  
federal government requires. 20970

(B) (1) The purchase consists of supplies or a replacement 20971  
or supplemental part or parts for a product or equipment owned 20972  
or leased by the county, and the only source of supply for the 20973  
supplies, part, or parts is limited to a single supplier. 20974

(2) The purchase consists of services related to 20975  
information technology, such as programming services, that are 20976  
proprietary or limited to a single source. 20977

(C) The purchase is from the federal government, the 20978  
state, another county or contracting authority of another 20979  
county, or a board of education, educational service center, 20980  
township, or municipal corporation. 20981

(D) The purchase is made by a county department of job and 20982  
family services under section 329.04 of the Revised Code and 20983  
consists of family services duties or workforce development 20984  
activities or is made by a county board of developmental 20985  
disabilities under section 5126.05 of the Revised Code and 20986  
consists of program services, such as direct and ancillary 20987  
client services, child care, case management services, 20988  
residential services, and family resource services. 20989

(E) The purchase consists of criminal justice services, 20990  
social services programs, family services, or workforce 20991  
development activities by the board of county commissioners from 20992  
nonprofit corporations or associations under programs funded by 20993  
the federal government or by state grants. 20994

(F) The purchase consists of any form of an insurance 20995  
policy or contract authorized to be issued under Title XXXIX of 20996  
the Revised Code or any form of health care plan authorized to 20997  
be issued under Chapter 1751. of the Revised Code, or any 20998  
combination of such policies, contracts, plans, or services that 20999  
the contracting authority is authorized to purchase, and the 21000  
contracting authority does all of the following: 21001

(1) Determines that compliance with the requirements of 21002  
this section would increase, rather than decrease, the cost of 21003  
the purchase; 21004

(2) Requests issuers of the policies, contracts, plans, or 21005  
services to submit proposals to the contracting authority, in a 21006  
form prescribed by the contracting authority, setting forth the 21007  
coverage and cost of the policies, contracts, plans, or services 21008  
as the contracting authority desires to purchase; 21009

(3) Negotiates with the issuers for the purpose of 21010  
purchasing the policies, contracts, plans, or services at the 21011  
best and lowest price reasonably possible. 21012

(G) The purchase consists of computer hardware, software, 21013  
or consulting services that are necessary to implement a 21014  
computerized case management automation project administered by 21015  
the Ohio prosecuting attorneys association and funded by a grant 21016  
from the federal government. 21017

(H) Child care services are purchased for provision to 21018

county employees. 21019

(I) (1) Property, including land, buildings, and other real 21020  
property, is leased for offices, storage, parking, or other 21021  
purposes, and all of the following apply: 21022

(a) The contracting authority is authorized by the Revised 21023  
Code to lease the property. 21024

(b) The contracting authority develops requests for 21025  
proposals for leasing the property, specifying the criteria that 21026  
will be considered prior to leasing the property, including the 21027  
desired size and geographic location of the property. 21028

(c) The contracting authority receives responses from 21029  
prospective lessors with property meeting the criteria specified 21030  
in the requests for proposals by giving notice in a manner 21031  
substantially similar to the procedures established for giving 21032  
notice under section 307.87 of the Revised Code. 21033

(d) The contracting authority negotiates with the 21034  
prospective lessors to obtain a lease at the best and lowest 21035  
price reasonably possible considering the fair market value of 21036  
the property and any relocation and operational costs that may 21037  
be incurred during the period the lease is in effect. 21038

(2) The contracting authority may use the services of a 21039  
real estate appraiser to obtain advice, consultations, or other 21040  
recommendations regarding the lease of property under this 21041  
division. 21042

(J) The purchase is made pursuant to section 5139.34 or 21043  
sections 5139.41 to 5139.46 of the Revised Code and is of 21044  
programs or services that provide case management, treatment, or 21045  
prevention services to any felony or misdemeanor delinquent, 21046  
unruly youth, or status offender under the supervision of the 21047

juvenile court, including, but not limited to, community 21048  
residential care, day treatment, services to children in their 21049  
home, or electronic monitoring. 21050

(K) The purchase is made by a public children services 21051  
agency pursuant to section 307.92 or 5153.16 of the Revised Code 21052  
and consists of family services, programs, or ancillary services 21053  
that provide case management, prevention, or treatment services 21054  
for children at risk of being or alleged to be abused, 21055  
neglected, or dependent children. 21056

(L) The purchase is to obtain the services of emergency 21057  
medical service organizations under a contract made by the board 21058  
of county commissioners pursuant to section 307.05 of the 21059  
Revised Code with a joint emergency medical services district. 21060

(M) The county contracting authority determines that the 21061  
use of competitive sealed proposals would be advantageous to the 21062  
county and the contracting authority complies with section 21063  
307.862 of the Revised Code. 21064

(N) The purchase consists of used supplies and is made at 21065  
a public auction. 21066

Any issuer of policies, contracts, plans, or services 21067  
listed in division (F) of this section and any prospective 21068  
lessor under division (I) of this section may have the issuer's 21069  
or prospective lessor's name and address, or the name and 21070  
address of an agent, placed on a special notification list to be 21071  
kept by the contracting authority, by sending the contracting 21072  
authority that name and address. The contracting authority shall 21073  
send notice to all persons listed on the special notification 21074  
list. Notices shall state the deadline and place for submitting 21075  
proposals. The contracting authority shall mail the notices at 21076

least six weeks prior to the deadline set by the contracting 21077  
authority for submitting proposals. Every five years the 21078  
contracting authority may review this list and remove any person 21079  
from the list after mailing the person notification of that 21080  
action. 21081

Any contracting authority that negotiates a contract under 21082  
division (F) of this section shall request proposals and 21083  
negotiate with issuers in accordance with that division at least 21084  
every three years from the date of the signing of such a 21085  
contract, unless the parties agree upon terms for extensions or 21086  
renewals of the contract. Such extension or renewal periods 21087  
shall not exceed six years from the date the initial contract is 21088  
signed. 21089

Any real estate appraiser employed pursuant to division 21090  
(I) of this section shall disclose any fees or compensation 21091  
received from any source in connection with that employment. 21092

As used in division (N) of this section, "supplies" means 21093  
any personal property including equipment, materials, and other 21094  
tangible assets. 21095

**Sec. 307.985.** Each board of county commissioners shall 21096  
develop a written transportation work plan that establishes 21097  
policies regarding the transportation needs of low income 21098  
residents of the county seeking or striving to retain 21099  
employment. In developing the transportation work plan, the 21100  
board shall consult with all of the following: 21101

(A) The county department of job and family services; 21102

(B) If a regional transit authority created under section 21103  
306.32 of the Revised Code serves the county, the regional 21104  
transit authority; 21105

(C) If a community action agency, as defined in section 21106  
~~122.66~~ 5101.311 of the Revised Code, serves the county, the 21107  
community action agency; 21108

(D) As designated by the board of county commissioners, 21109  
representatives of private ~~non-profit~~ nonprofit and government 21110  
entities that work with issues related to economic development, 21111  
employment, and persons with physical disabilities; 21112

(E) Other individuals designated by the board of county 21113  
commissioners. 21114

**Sec. 313.01.** (A) A coroner shall be ~~elected~~ appointed 21115  
quadrennially in each county, ~~who~~ by the board of county 21116  
commissioners and shall hold office for a term of four years, 21117  
beginning on the first Monday of January ~~next~~ after 21118  
election appointment. 21119

(B) As used in the Revised Code, unless the context 21120  
otherwise requires: 21121

(1) "Coroner" means the coroner or medical examiner of the 21122  
county in which death occurs or the dead human body is found. 21123

(2) "Deputy coroner" means the deputy coroner or deputy 21124  
medical examiner of the county in which death occurs or the dead 21125  
human body is found. 21126

**Sec. 313.02.** (A) (1) Except as provided in division (A) (2) 21127  
of this section, to be eligible to the office of coroner, a 21128  
person shall be a physician who is licensed under Chapter 4731. 21129  
of the Revised Code to practice medicine and surgery or 21130  
osteopathic medicine and surgery, and who is in good standing in 21131  
the person's profession. For a county other than a charter 21132  
county, the person also shall have been licensed under Chapter 21133  
4731. of the Revised Code to practice medicine and surgery or 21134

osteopathic medicine and surgery for a period of at least two 21135  
years immediately preceding ~~election or~~ appointment as coroner. 21136

(2) Division (A) (1) of this section does not prohibit a 21137  
person elected to the office of coroner who holds that office on 21138  
~~the effective date of this amendment~~ April 9, 2025, but who does 21139  
not meet the eligibility conditions described in that division, 21140  
from doing any of the following after that date: 21141

(a) Continuing to hold the office of coroner of that 21142  
county until the person's term of office expires; 21143

(b) Seeking ~~reelection~~ appointment as coroner of that 21144  
county for one or more subsequent terms of office and, if 21145  
~~reelected~~ appointed, continuing to hold the office for the 21146  
duration of any subsequent term. 21147

(B) (1) ~~Beginning in calendar year 2000 and in each fourth-~~ 21148  
~~year thereafter, each~~ Each newly elected appointed coroner, 21149  
~~after the general election but~~ prior to commencing the term of 21150  
office to which ~~elected~~ appointed, shall attend and successfully 21151  
complete sixteen hours of continuing education at programs 21152  
sponsored by the Ohio state coroners association. Within ninety 21153  
days after appointment to the office of coroner under section 21154  
~~305.02-313.04~~ of the Revised Code, the newly appointed coroner 21155  
shall attend and successfully complete sixteen hours of 21156  
continuing education at programs sponsored by the association. 21157  
Hours of continuing education completed under the requirement 21158  
described in division (B) (1) of this section shall not be 21159  
counted toward fulfilling the continuing education requirement 21160  
described in division (B) (2) of this section. 21161

As used in division (B) (1) of this section, "newly ~~elected~~ 21162  
appointed coroner" means a person who did not hold the office of 21163

coroner on the date the person was ~~elected~~appointed coroner. 21164

(2) Except as otherwise provided in division (B)(2) of 21165  
this section, beginning in calendar year 2001, each coroner, 21166  
during the coroner's four-year term, shall attend and 21167  
successfully complete thirty-two hours of continuing education 21168  
at programs sponsored by the Ohio state coroners association. 21169  
Except as otherwise provided in division (B)(2) of this section, 21170  
each coroner shall attend and successfully complete twenty-four 21171  
of these thirty-two hours at statewide meetings, and eight of 21172  
these thirty-two hours at regional meetings, sponsored by the 21173  
association. The association may approve attendance at 21174  
continuing education programs it does not sponsor but, if 21175  
attendance is approved, successful completion of hours at these 21176  
programs shall be counted toward fulfilling only the twenty- 21177  
four-hour requirement described in division (B)(2) of this 21178  
section. 21179

(3) Upon successful completion of a continuing education 21180  
program required by division (B)(1) or (2) of this section, the 21181  
person who successfully completes the program shall receive from 21182  
the association or the sponsoring organization a certificate 21183  
indicating that the person successfully completed the program. 21184

**Sec. 313.04.** (A) When the coroner is absent temporarily 21185  
from the county, or when on duty with the armed services of the 21186  
United States, the state militia, or the American red cross, or 21187  
when unable to discharge the duties of the office of coroner, 21188  
such coroner may appoint a person with the necessary 21189  
qualifications to act as coroner during such absence, service, 21190  
or disability. 21191

~~When there is a~~ (B) If a vacancy occurs in the coroner's 21192  
office for any cause, the board of county commissioners shall 21193



appoint a successor to hold the office and to perform the duties 21194  
for the remainder of the term. 21195

(C) For the period of time between the occurrence of the 21196  
vacancy in the coroner's office as a result of death or 21197  
resignation and the vacancy cannot be filled by election or 21198  
appointment as provided in and the time when a coroner is 21199  
appointed under division (B) of this section 21200  
305.02 of the 21201  
Revised Code, or if no one runs for the office of coroner and, 21201  
for that reason, the office is vacant, the board of county 21202  
commissioners may contract with another county's coroner to 21203  
exercise the powers and perform the acts, duties, or functions 21204  
of the coroner. In addition to the applicable amounts of 21205  
compensation specified in sections 325.15 and 325.18 of the 21206  
Revised Code, the coroner with whom the board contracts may 21207  
receive a supplemental payment for services rendered. The 21208  
duration of the contract shall not extend beyond the last day of 21209  
the term for which there was a vacancy. 21210

**Sec. 317.36.** (A) The county recorder shall collect the 21211  
low- and moderate-income housing trust fund fee as specified in 21212  
sections 317.114, 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 21213  
4509.60, 5164.56, 5310.15, 5703.93, 5719.07, 5727.56, 5733.22, 21214  
6101.09, and 6115.09 of the Revised Code. The amount of any 21215  
housing trust fund fee the recorder is authorized to collect is 21216  
equal to the amount of any base fee the recorder is authorized 21217  
to collect for services. The housing trust fund fee shall be 21218  
collected in addition to the base fee. 21219

(B) The recorder shall certify the amounts collected as 21220  
housing trust fund fees pursuant to division (A) of this section 21221  
into the county treasury as housing trust fund fees to be paid 21222  
to the treasurer of state pursuant to 21223  
used in accordance with

section 319.63 of the Revised Code. 21224

(C) The document preservation surcharge collected under 21225  
section 317.32 of the Revised Code is not a base fee under this 21226  
section. 21227

**Sec. 319.54.** (A) On all moneys collected by the county 21228  
treasurer on any tax duplicate of the county, other than estate 21229  
tax duplicates, on all property tax relief reimbursements paid 21230  
to the county under sections 323.156 and 4503.068 and divisions 21231  
(F) and (I) of section 321.24 of the Revised Code, and on all 21232  
moneys received as advance payments of personal property and 21233  
classified property taxes, the county auditor, on settlement 21234  
with the treasurer and tax commissioner, on or before the date 21235  
prescribed by law for such settlement or any lawful extension of 21236  
such date, shall be allowed as compensation for the county 21237  
auditor's services the following percentages: 21238

(1) On the first one hundred thousand dollars, two and 21239  
one-half per cent; 21240

(2) On the next two million dollars, eight thousand three 21241  
hundred eighteen ten-thousandths of one per cent; 21242

(3) On the next two million dollars, six thousand six 21243  
hundred fifty-five ten-thousandths of one per cent; 21244

(4) On all further sums, one thousand six hundred sixty- 21245  
three ten-thousandths of one per cent. 21246

If any settlement is not made on or before the date 21247  
prescribed by law for such settlement or any lawful extension of 21248  
such date, the aggregate compensation allowed to the auditor 21249  
shall be reduced one per cent for each day such settlement is 21250  
delayed after the prescribed date. No penalty shall apply if the 21251  
auditor and treasurer grant all requests for advances up to 21252

ninety per cent of the settlement pursuant to section 321.34 of 21253  
the Revised Code. The compensation allowed in accordance with 21254  
this section on settlements made before the dates prescribed by 21255  
law, or the reduced compensation allowed in accordance with this 21256  
section on settlements made after the date prescribed by law or 21257  
any lawful extension of such date, shall be apportioned ratably 21258  
by the auditor and deducted from the shares or portions of the 21259  
revenue payable to the state as well as to the county, 21260  
townships, municipal corporations, and school districts. 21261

(B) For the purpose of reimbursing county auditors for the 21262  
expenses associated with the increased number of applications 21263  
for reductions in real property taxes under sections 323.152 and 21264  
4503.065 of the Revised Code that result from the amendment of 21265  
those sections by Am. Sub. H.B. 119 of the 127th general 21266  
assembly, there shall be paid from the state's general revenue 21267  
fund to the county treasury, to the credit of the real estate 21268  
assessment fund created by section 325.31 of the Revised Code, 21269  
an amount equal to one per cent of the total annual amount of 21270  
property tax relief reimbursement paid to that county under 21271  
sections 323.156 and 4503.068 of the Revised Code for the 21272  
preceding tax year. Payments made under this division shall be 21273  
made at the same times and in the same manner as payments made 21274  
under section 323.156 of the Revised Code. 21275

(C) From all moneys collected by the county treasurer on 21276  
any tax duplicate of the county, other than estate tax 21277  
duplicates, on all property tax relief reimbursements paid to 21278  
the county under sections 323.156 and 4503.068 and divisions (F) 21279  
and (I) of section 321.24 of the Revised Code, and on all moneys 21280  
received as advance payments of personal property and classified 21281  
property taxes, there shall be paid into the county treasury to 21282  
the credit of the real estate assessment fund created by section 21283

325.31 of the Revised Code, an amount to be determined by the 21284  
county auditor, which shall not exceed the percentages 21285  
prescribed in divisions (C) (1) and (2) of this section. 21286

(1) For payments made after June 30, 2007, and before 21287  
2011, the following percentages: 21288

(a) On the first five hundred thousand dollars, four per 21289  
cent; 21290

(b) On the next five million dollars, two per cent; 21291

(c) On the next five million dollars, one per cent; 21292

(d) On all further sums not exceeding one hundred fifty 21293  
million dollars, three-quarters of one per cent; 21294

(e) On amounts exceeding one hundred fifty million 21295  
dollars, five hundred eighty-five thousandths of one per cent. 21296

(2) For payments made in or after 2011, the following 21297  
percentages: 21298

(a) On the first five hundred thousand dollars, four per 21299  
cent; 21300

(b) On the next ten million dollars, two per cent; 21301

(c) On amounts exceeding ten million five hundred thousand 21302  
dollars, three-fourths of one per cent. 21303

Such compensation shall be apportioned ratably by the 21304  
auditor and deducted from the shares or portions of the revenue 21305  
payable to the state as well as to the county, townships, 21306  
municipal corporations, and school districts. 21307

(D) Each county auditor shall receive four per cent of the 21308  
amount of tax collected and paid into the county treasury, on 21309  
property omitted and placed by the county auditor on the tax 21310

duplicate. 21311

(E) On all estate tax moneys collected by the county 21312  
treasurer, the county auditor, on settlement annually with the 21313  
tax commissioner, shall be allowed, as compensation for the 21314  
auditor's services under Chapter 5731. of the Revised Code, two 21315  
per cent of the amount collected and reported that year in 21316  
excess of refunds distributed, for the use of the general fund 21317  
of the county. 21318

(F) On all cigarette license moneys collected by the 21319  
county treasurer, the county auditor, on settlement semiannually 21320  
with the treasurer, shall be allowed as compensation for the 21321  
auditor's services in the issuing of such licenses one-half of 21322  
one per cent of such moneys, to be apportioned ratably and 21323  
deducted from the shares of the revenue payable to the county 21324  
and subdivisions, for the use of the general fund of the county. 21325

(G) The county auditor shall charge and receive fees as 21326  
follows: 21327

(1) For deeds of land sold for taxes to be paid by the 21328  
purchaser, five dollars; 21329

(2) For the transfer or entry of land, lot, or part of 21330  
lot, or the transfer or entry on or after January 1, 2000, of a 21331  
used manufactured home or mobile home as defined in section 21332  
5739.0210 of the Revised Code, fifty cents for each transfer or 21333  
entry, to be paid by the person requiring it; 21334

(3) For receiving statements of value and administering 21335  
section 319.202 of the Revised Code, one dollar, or ten cents 21336  
for each one hundred dollars or fraction of one hundred dollars, 21337  
whichever is greater, of the value of the real property 21338  
transferred or, for sales occurring on or after January 1, 2000, 21339

the value of the used manufactured home or used mobile home, as 21340  
defined in section 5739.0210 of the Revised Code, transferred, 21341  
except no fee shall be charged when the transfer is made: 21342

(a) To or from the United States, this state, or any 21343  
instrumentality, agency, or political subdivision of the United 21344  
States or this state; 21345

(b) Solely in order to provide or release security for a 21346  
debt or obligation; 21347

(c) To confirm or correct a deed previously executed and 21348  
recorded, or when a current owner is changing the current owner 21349  
name listed on any record made available to the general public 21350  
on the internet, or a publicly accessible database, and the 21351  
general tax list of real and public utility property, and the 21352  
general duplicate of real and public utility property, to the 21353  
initials of the current owner as prescribed in division (C) (1) 21354  
of section 319.28 of the Revised Code; 21355

(d) To evidence a gift, in trust or otherwise and whether 21356  
revocable or irrevocable, between husband and wife, or parent 21357  
and child or the spouse of either; 21358

(e) On sale for delinquent taxes or assessments; 21359

(f) Pursuant to court order, to the extent that such 21360  
transfer is not the result of a sale effected or completed 21361  
pursuant to such order; 21362

(g) Pursuant to a reorganization of corporations or 21363  
unincorporated associations or pursuant to the dissolution of a 21364  
corporation, to the extent that the corporation conveys the 21365  
property to a stockholder as a distribution in kind of the 21366  
corporation's assets in exchange for the stockholder's shares in 21367  
the dissolved corporation; 21368

(h) By a subsidiary corporation to its parent corporation	21369
for no consideration, nominal consideration, or in sole	21370
consideration of the cancellation or surrender of the	21371
subsidiary's stock;	21372
(i) By lease, whether or not it extends to mineral or	21373
mineral rights, unless the lease is for a term of years	21374
renewable forever;	21375
(j) When the value of the real property or the	21376
manufactured or mobile home or the value of the interest that is	21377
conveyed does not exceed one hundred dollars;	21378
(k) Of an occupied residential property, including a	21379
manufactured or mobile home, being transferred to the builder of	21380
a new residence or to the dealer of a new manufactured or mobile	21381
home when the former residence is traded as part of the	21382
consideration for the new residence or new manufactured or	21383
mobile home;	21384
(l) To a grantee other than a dealer in real property or	21385
in manufactured or mobile homes, solely for the purpose of, and	21386
as a step in, the prompt sale of the real property or	21387
manufactured or mobile home to others;	21388
(m) To or from a person when no money or other valuable	21389
and tangible consideration readily convertible into money is	21390
paid or to be paid for the real estate or manufactured or mobile	21391
home and the transaction is not a gift;	21392
(n) Pursuant to division (B) of section 317.22 of the	21393
Revised Code, or section 2113.61 of the Revised Code, between	21394
spouses or to a surviving spouse pursuant to section 5302.17 of	21395
the Revised Code as it existed prior to April 4, 1985, between	21396
persons pursuant to section 5302.17 or 5302.18 of the Revised	21397

Code on or after April 4, 1985, to a person who is a surviving,	21398
survivorship tenant pursuant to section 5302.17 of the Revised	21399
Code on or after April 4, 1985, or pursuant to section 5309.45	21400
of the Revised Code;	21401
(o) To a trustee acting on behalf of minor children of the	21402
deceased;	21403
(p) Of an easement or right-of-way when the value of the	21404
interest conveyed does not exceed one thousand dollars;	21405
(q) Of property sold to a surviving spouse pursuant to	21406
section 2106.16 of the Revised Code;	21407
(r) To or from an organization exempt from federal income	21408
taxation under section 501(c)(3) of the "Internal Revenue Code	21409
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided	21410
such transfer is without consideration and is in furtherance of	21411
the charitable or public purposes of such organization;	21412
(s) Among the heirs at law or devisees, including a	21413
surviving spouse, of a common decedent, when no consideration in	21414
money is paid or to be paid for the real property or	21415
manufactured or mobile home;	21416
(t) To a trustee of a trust, when the grantor of the trust	21417
has reserved an unlimited power to revoke the trust;	21418
(u) To the grantor of a trust by a trustee of the trust,	21419
when the transfer is made to the grantor pursuant to the	21420
exercise of the grantor's power to revoke the trust or to	21421
withdraw trust assets;	21422
(v) To the beneficiaries of a trust if the fee was paid on	21423
the transfer from the grantor of the trust to the trustee or if	21424
the transfer is made pursuant to trust provisions which became	21425



irrevocable at the death of the grantor;	21426
(w) To a corporation for incorporation into a sports facility constructed pursuant to section 307.696 of the Revised Code;	21427 21428 21429
(x) Between persons pursuant to section 5302.18 of the Revised Code;	21430 21431
(y) From a county land reutilization corporation organized under Chapter 1724. of the Revised Code, or its wholly owned subsidiary, to a third party;	21432 21433 21434
(z) <u>To a mobile park operator under section 1923.12, 1923.13, or 1923.14 of the Revised Code.</u>	21435 21436
(4) For the cost of publishing the delinquent manufactured home tax list, the delinquent tax list, and the delinquent vacant land tax list, a flat fee, as determined by the county auditor, to be charged to the owner of a home on the delinquent manufactured home tax list or the property owner of land on the delinquent tax list or the delinquent vacant land tax list.	21437 21438 21439 21440 21441 21442
The auditor shall compute and collect the fee. The auditor shall maintain a numbered receipt system, as prescribed by the tax commissioner, and use such receipt system to provide a receipt to each person paying a fee. The auditor shall deposit the receipts of the fees on conveyances in the county treasury daily to the credit of the general fund of the county, except that fees charged and received under division (G) (3) of this section for a transfer of real property to a county land reutilization corporation shall be credited to the county land reutilization corporation fund established under section 321.263 of the Revised Code.	21443 21444 21445 21446 21447 21448 21449 21450 21451 21452 21453
The real property transfer fee provided for in division	21454

(G) (3) of this section shall be applicable to any conveyance of real property presented to the auditor on or after January 1, 1968, regardless of its time of execution or delivery.

The transfer fee for a used manufactured home or used mobile home shall be computed by and paid to the county auditor of the county in which the home is located immediately prior to the transfer.

**Sec. 319.63.** (A) ~~During the first thirty days of each calendar quarter, the~~ The county auditor shall pay to the ~~treasurer of state all amounts that the county recorder collected as housing trust fund fees pursuant to section 317.36 of the Revised Code during the previous calendar quarter. If payment is made to the treasurer of state within the first thirty days of the quarter, the county auditor may retain an administrative fee of one per cent of the amount of the trust fund fees collected during the previous calendar quarter\_ pursuant to section 317.36 of the Revised Code.~~

~~(B) The treasurer of state shall deposit the housing trust fund fees received each year pursuant to this section into the low- and moderate-income housing trust fund created under section 174.02 of the Revised Code.~~

~~(C) The county auditor shall deposit the administrative fee that the auditor is permitted to retain pursuant to division (A) of this section into the county general fund for the county recorder to use in administering the trust fund fee.~~

(B) All remaining trust fund fees collected pursuant to section 317.36 of the Revised Code shall be used for housing-related purposes in the county as determined by the board of county commissioners.

**Sec. 323.131.** (A) Each tax bill prepared and mailed or 21484  
delivered under section 323.13 of the Revised Code shall be in 21485  
the form and contain the information required by the tax 21486  
commissioner. The commissioner may prescribe different forms for 21487  
each county and may authorize the county auditor to make up tax 21488  
bills and tax receipts to be used by the county treasurer. For 21489  
any county in which the board of county commissioners has 21490  
granted a partial property tax exemption on homesteads under 21491  
section 323.158 of the Revised Code, the commissioner shall 21492  
require that the tax bills for those homesteads include a notice 21493  
of the amount of the tax reduction that results from the partial 21494  
exemption. In addition to the information required by the 21495  
commissioner, each tax bill shall contain the following 21496  
information: 21497

(1) The taxes levied and the taxes charged and payable 21498  
against the property; 21499

(2) The effective tax rate. The words "effective tax rate" 21500  
shall appear in boldface type. 21501

(3) The following notices: 21502

(a) "Notice: If the taxes are not paid within sixty days 21503  
from the date they are certified delinquent, the property is 21504  
subject to foreclosure for tax delinquency." Failure to provide 21505  
such notice has no effect upon the validity of any tax 21506  
foreclosure to which a property is subjected. 21507

(b) "Notice: If the taxes charged against this parcel have 21508  
been reduced by the 2-1/2 per cent tax reduction for residences 21509  
occupied by the owner but the property is not a residence 21510  
occupied by the owner, the owner must notify the county 21511  
auditor's office not later than March 31 of the year following 21512

the year for which the taxes are due. Failure to do so may 21513  
result in the owner being convicted of a fourth degree 21514  
misdemeanor, which is punishable by imprisonment up to 30 days, 21515  
a fine up to \$250, or both, and in the owner having to repay the 21516  
amount by which the taxes were erroneously or illegally reduced, 21517  
plus any interest that may apply. 21518

If the taxes charged against this parcel have not been 21519  
reduced by the 2-1/2 per cent tax reduction and the parcel 21520  
includes a residence occupied by the owner, the parcel may 21521  
qualify for the tax reduction. To obtain an application for the 21522  
tax reduction or further information, the owner may contact the 21523  
county auditor's office at \_\_\_\_\_ (insert the address and 21524  
telephone number of the county auditor's office). 21525

(4) For a tract or lot on the real property tax suspension 21526  
list under section 319.48 of the Revised Code, the following 21527  
notice: "Notice: The taxes shown due on this bill are for the 21528  
current year only. Delinquent taxes, penalties, and interest 21529  
also are due on this property. Contact the county treasurer to 21530  
learn the total amount due." 21531

(5) For a property, the tax liability of which has been 21532  
reduced under section 5705.316 of the Revised Code for the 21533  
current tax year, the following notice: "Notice: The school 21534  
district taxes shown due on this bill are reduced only for the 21535  
current year due to the school district's excess carry-over 21536  
balance." 21537

The tax bill shall not contain or be mailed or delivered 21538  
with any information or material that is not required by this 21539  
section or that is not authorized by section 321.45 of the 21540  
Revised Code or by the tax commissioner. 21541

(B) If the property is residential rental property, the 21542  
tax bill shall contain a statement that the owner of the 21543  
residential rental property shall file with the county auditor 21544  
the information required under division (A) or (C) of section 21545  
5323.02 of the Revised Code. 21546

(C) Each county auditor and treasurer shall post on their 21547  
respective web sites, or on the county's web site, the 21548  
percentage of property taxes charged by each taxing unit and, in 21549  
the case of the county as a taxing unit, the percentage of taxes 21550  
charged by the county for each of the county purposes for which 21551  
taxes are charged. 21552

(D) As used in this section, "residential rental property" 21553  
has the same meaning as in section 5323.01 of the Revised Code. 21554

**Sec. 325.18.** (A) As used in this section, "consumer price 21555  
index" has the same meaning as in section 141.04 of the Revised 21556  
Code. 21557

(B) (1) The salary amounts under sections 325.06 and 325.11 21558  
of the Revised Code shall be increased as follows: 21559

(a) Beginning in calendar year 2020 and in each calendar 21560  
year thereafter through calendar year 2028~~2025~~, the salary- 21561  
amounts under sections 325.06 and 325.11 of the Revised Code- 21562  
shall be increased by one and three-quarters per cent; 21563

(b) Beginning in calendar year 2026 and in each calendar 21564  
year thereafter through calendar year 2029, by five per cent; 21565

(c) Beginning in calendar year 2030 and in each calendar 21566  
year thereafter, by the percentage increase, if any, in the 21567  
consumer price index over the twelve-month period that ends on 21568  
the thirtieth day of September of the immediately preceding 21569  
year, rounded to the nearest one-tenth of one per cent, not to 21570

exceed three per cent. 21571

~~(B)~~ (2) The salary amounts under sections 325.03, 325.04, 325.08, 325.09, 325.10, 325.14, and 325.15 of the Revised Code shall be increased as follows: 21572  
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21574

(a) Beginning in calendar year 2021 and in each calendar year thereafter through calendar year 2028 21575  
~~2025, the salary amounts under sections 325.03, 325.04, 325.08, 325.09, 325.10, 325.14, and 325.15 of the Revised Code shall be increased by one and three-quarters per cent;~~ 21576  
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(b) Beginning in calendar year 2026 and in each calendar year thereafter through calendar year 2029, by five per cent; 21580  
21581

(c) Beginning in calendar year 2030 and in each calendar year thereafter, by the percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day of September of the immediately preceding year, rounded to the nearest one-tenth of one per cent, not to exceed three per cent. 21582  
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(C) Notwithstanding this section and sections 325.06, 325.11, 325.14, and 325.15 of the Revised Code, when computing a salary for any elected county officer under any of those sections, if the population range for the class under which the officer is to be compensated is not the same as the population range for that class for any other such elected county office, the class at which the officer's salary is determined shall be the highest class at which any officer from that same county is compensated under the population range applicable to that officer. 21588  
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**Sec. 325.25.** ~~Upon~~ (A) Subject to division (B) of this section, upon notifying the board of county commissioners, any 21598  
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appointing authority of a county office, department, commission, 21600  
board, or body, or of a common pleas court, county court, or 21601  
county-operated municipal court as defined in section 1901.03 of 21602  
the Revised Code, may establish a program to recognize 21603  
outstanding employee performance. The program may include, but 21604  
is not limited to, cash awards, additional paid leave, or other 21605  
additional benefits as the appointing authority considers 21606  
appropriate, ~~so long as the~~. 21607

(B) (1) The costs of the program do shall not exceed the 21608  
total amount of compensation fixed by the board of county 21609  
commissioners for the office, department, commission, board, or 21610  
body or for the common pleas court, county court, or county- 21611  
operated municipal court. 21612

(2) Unless authorized in writing by the board of county 21613  
commissioners, the total amount of cash awards shall not exceed, 21614  
per employee in any calendar year, ten per cent of the 21615  
compensation the employee receives that calendar year. 21616

**Sec. 340.01.** (A) As used in this chapter: 21617

(1) "Addiction," "addiction services," "alcohol and drug 21618  
addiction services," "alcohol use disorder," "certifiable 21619  
services and supports," "community addiction services provider," 21620  
"community mental health services provider," "drug addiction," 21621  
"gambling addiction services," "included opioid and co-occurring 21622  
drug addiction services and recovery supports," "mental health 21623  
services," "mental illness," "recovery housing residence," and 21624  
"recovery supports" have the same meanings as in section 5119.01 21625  
of the Revised Code. 21626

(2) "Medication-assisted treatment" means alcohol and drug 21627  
addiction services that are accompanied by medication approved 21628

by the United States food and drug administration for the 21629  
treatment of alcohol use disorder or drug addiction, prevention 21630  
of relapse, or both. 21631

(B) An alcohol, drug addiction, and mental health service 21632  
district shall be established in any county or combination of 21633  
counties having a population of at least fifty thousand. With 21634  
the approval of the director of ~~mental-behavioral health-and-~~ 21635  
~~addiction services~~, any county or combination of counties having 21636  
a population of less than fifty thousand may establish such a 21637  
district. Districts comprising more than one county shall be 21638  
known as joint-county districts. 21639

The board of county commissioners of any county 21640  
participating in a joint-county district may submit a resolution 21641  
requesting withdrawal from the district together with a 21642  
comprehensive plan or plans that are in compliance with rules 21643  
adopted by the director of ~~mental-behavioral health and-~~ 21644  
~~addiction services~~ under section 5119.22 of the Revised Code to 21645  
the board of alcohol, drug addiction, and mental health 21646  
services, to the boards of county commissioners of each county 21647  
in the district, and to the director. The plan or plans shall 21648  
include all of the following: proposed bylaws for the operation 21649  
of the newly established district; a list of potential board 21650  
members; a list of the behavioral health services available in 21651  
the newly established district, including inpatient, outpatient, 21652  
prevention, and housing services; equitable adjustment and 21653  
division of all services, assets, property, debts, and 21654  
obligations of the former joint-county district; a plan ensuring 21655  
no disruption in behavioral health services in the newly 21656  
established district; and provision for the employment of an 21657  
executive director of the newly established district. 21658



The director shall approve the plan not later than one 21659  
year after the date the resolution was adopted by the board of 21660  
county commissioners. No county participating in a joint-county 21661  
district may withdraw from the district without the consent of 21662  
the director of ~~mental behavioral health and addiction services~~ 21663  
nor earlier than one year after the submission of such 21664  
resolution unless all of the participating counties agree to an 21665  
earlier withdrawal. 21666

Any county withdrawing from a joint-county district shall 21667  
continue to have levied against its tax list and duplicate any 21668  
tax levied by the district during the period in which the county 21669  
was a member of the district until such time as the levy expires 21670  
or is renewed or replaced. 21671

(C) For any tax levied under section 5705.19 of the 21672  
Revised Code by a board of a joint-county district formed on or 21673  
after April 3, 2023, revenue from the tax shall only be expended 21674  
for the benefit of the residents of the county from which the 21675  
revenue is derived. For the purpose of this division, a joint- 21676  
county district is not formed by virtue of a county joining or 21677  
withdrawing from a district or if a joint-county service 21678  
district merges with another joint-county district. 21679

**Sec. 340.011.** (A) This chapter shall be interpreted to 21680  
accomplish all of the following: 21681

(1) Establish a unified system of treatment for persons 21682  
with mental illnesses and persons with addictions; 21683

(2) Establish a community support system available for 21684  
every alcohol, drug addiction, and mental health service 21685  
district; 21686

(3) Protect the personal liberty of persons with mental 21687

illnesses so that they may be treated in the least restrictive environment; 21688  
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(4) Encourage the development of high quality, cost effective, and comprehensive services, including culturally sensitive services; 21690  
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(5) Foster the development of comprehensive community mental health services, based on recognized local needs, especially for persons with severe mental disabilities; 21693  
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(6) Ensure that services provided meet minimum standards established by the director of ~~mental behavioral health and addiction services~~; 21696  
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(7) Promote the delivery of high quality and cost-effective addiction and mental health services; 21699  
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(8) Promote the participation of persons receiving mental health services and addiction services in the planning, delivery, and evaluation of these services. 21701  
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(B) Nothing in Chapter 340., 5119., or 5122. of the Revised Code shall be construed as requiring a board of county commissioners to provide resources beyond the total amount set forth in a budget and list of addiction services, mental health services, and recovery supports required by section 340.08 of the Revised Code and approved by the department of ~~mental behavioral health and addiction services~~ under section 5119.22 of the Revised Code. 21704  
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**Sec. 340.02.** (A) For each alcohol, drug addiction, and mental health service district, there shall be appointed a board of alcohol, drug addiction, and mental health services. As provided in this section, the board shall consist of eighteen members, fifteen members, fourteen members, twelve members, or 21712  
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nine members. 21717

In a single-county district, the size of the board shall 21718  
be determined by the board of county commissioners representing 21719  
the county that constitutes the district. In a joint-county 21720  
district, the size of the board shall be determined jointly by 21721  
all of the boards of county commissioners representing the 21722  
counties that constitute the district. 21723

The determination of board size shall be made by selecting 21724  
one of the options described in division (B) of this section. 21725  
After an option is selected and implemented, a subsequent 21726  
determination of board size may be made, except that subsequent 21727  
determinations shall not occur more frequently than once every 21728  
four calendar years. 21729

If a selected option would result in a change in board 21730  
size, before the option may be implemented the board of county 21731  
commissioners or boards of county commissioners, as the case may 21732  
be, shall send a representative to a meeting of the board of 21733  
alcohol, drug addiction, and mental health services to solicit 21734  
feedback about the matter. After considering any feedback 21735  
received, the board or boards of county commissioners may 21736  
proceed with implementing the change in board size. If the 21737  
change results in a reduction of board members, the reduction 21738  
shall be implemented by not filling vacancies as they occur. 21739

To implement a selected option that would result in the 21740  
establishment of a new board of alcohol, drug addiction, and 21741  
mental health services or in a change in size of an existing 21742  
board, the board or boards of county commissioners, as the case 21743  
may be, shall adopt a resolution specifying the board size that 21744  
has been selected. The board or boards of county commissioners 21745  
also shall notify the department of ~~mental~~behavioral health ~~and~~ 21746

~~addiction services~~ of the board size that has been selected. 21747

(B) (1) In the case of a board of alcohol, drug addiction, 21748  
and mental health services that is established on or after ~~the~~ 21749  
~~effective date of this amendment~~ October 3, 2023, any of the 21750  
following options may be selected for purposes of division (A) 21751  
of this section: 21752

(a) To establish the board as an eighteen-member board; 21753

(b) To establish the board as a fifteen-member board; 21754

(c) To establish the board as a fourteen-member board; 21755

(d) To establish the board as a twelve-member board; 21756

(e) To establish the board as a nine-member board; 21757

(f) To change the board's size after it has been 21758  
established by selecting a number of members that is eighteen, 21759  
fifteen, fourteen, twelve, or nine, as the case may be. 21760

(2) In the case of a board of alcohol, drug addiction, and 21761  
mental health services that existed immediately prior to ~~the~~ 21762  
~~effective date of this amendment~~ October 3, 2023, either of the 21763  
following options may be selected for purposes of division (A) 21764  
of this section: 21765

(a) To continue the board's operation as an eighteen- 21766  
member or fourteen-member board, as a board of that size was 21767  
authorized prior to ~~the effective date of this amendment~~ October 21768  
3, 2023, in which case no further action is required; 21769

(b) To change the board's size by selecting a number of 21770  
members that is eighteen, fifteen, fourteen, twelve, or nine as 21771  
the case may be. 21772

(C) All members shall be residents of the service 21773

district. The membership shall, as nearly as possible, reflect 21774  
the composition of the population of the service district as to 21775  
race and sex. 21776

The director of ~~mental-behavioral health and addiction-~~ 21777  
~~services~~ shall appoint one-third of the members of the board and 21778  
the board of county commissioners shall appoint two-thirds of 21779  
the members. In a joint-county district, the board of county 21780  
commissioners of each participating county shall appoint members 21781  
in as nearly as possible the same proportion as that county's 21782  
population bears to the total population of the district, except 21783  
that at least one member shall be appointed from each 21784  
participating county. 21785

The director of ~~mental-behavioral health and addiction-~~ 21786  
~~services~~ shall ensure that at least one member of the board is a 21787  
clinician with experience in the delivery of mental health 21788  
services, at least one member of the board is a person who has 21789  
received or is receiving mental health services, at least one 21790  
member of the board is a parent or other relative of such a 21791  
person, at least one member of the board is a clinician with 21792  
experience in the delivery of addiction services, at least one 21793  
member of the board is a person who has received or is receiving 21794  
addiction services, and at least one member of the board is a 21795  
parent or other relative of such a person. A single member who 21796  
meets both qualifications may fulfill the requirement for a 21797  
clinician with experience in the delivery of mental health 21798  
services and a clinician with experience in the delivery of 21799  
addiction services. 21800

No member or employee of a board of alcohol, drug 21801  
addiction, and mental health services shall serve as a member of 21802  
the board of any provider with which the board of alcohol, drug 21803

addiction, and mental health services has entered into a 21804  
contract for the provision of services or facilities. No member 21805  
of a board of alcohol, drug addiction, and mental health 21806  
services shall be an employee of any provider with which the 21807  
board has entered into a contract for the provision of services 21808  
or facilities. No person shall be an employee of a board and 21809  
such a provider unless the board and provider both agree in 21810  
writing. 21811

No person shall serve as a member of the board of alcohol, 21812  
drug addiction, and mental health services whose spouse, child, 21813  
parent, brother, sister, grandchild, stepparent, stepchild, 21814  
stepbrother, stepsister, father-in-law, mother-in-law, son-in- 21815  
law, daughter-in-law, brother-in-law, or sister-in-law serves as 21816  
a member of the board of any provider with which the board of 21817  
alcohol, drug addiction, and mental health services has entered 21818  
into a contract for the provision of services or facilities. No 21819  
person shall serve as a member or employee of the board whose 21820  
spouse, child, parent, brother, sister, stepparent, stepchild, 21821  
stepbrother, stepsister, father-in-law, mother-in-law, son-in- 21822  
law, daughter-in-law, brother-in-law, or sister-in-law serves as 21823  
a county commissioner of a county or counties in the alcohol, 21824  
drug addiction, and mental health service district. 21825

Each year each board member shall attend at least one 21826  
inservice training session provided or approved by the 21827  
department of ~~mental behavioral health and addiction services~~. 21828

Each member shall be appointed for a term of four years, 21829  
commencing the first day of July, except that when a board is 21830  
established on or after ~~the effective date of this amendment~~ 21831  
October 3, 2023, the initial appointments shall be staggered 21832  
among the members as equally as possible with terms of two 21833

years, three years, and four years. 21834

No member shall serve more than two consecutive four-year 21835  
terms under the same appointing authority. A member may serve 21836  
for three consecutive terms under the same appointing authority 21837  
only if one of the terms is for less than two years. A member 21838  
who has served two consecutive four-year terms or three 21839  
consecutive terms totaling less than ten years is eligible for 21840  
reappointment by the same appointing authority one year 21841  
following the end of the second or third term, respectively. 21842

When a vacancy occurs, appointment for the expired or 21843  
unexpired term shall be made in the same manner as an original 21844  
appointment. The board shall notify the appointing authority 21845  
either by certified mail or, if the board has record of an 21846  
internet identifier of record associated with the authority, by 21847  
ordinary mail and by that internet identifier of record of any 21848  
vacancy and shall fill the vacancy within sixty days following 21849  
that notice. As used in this paragraph, "internet identifier of 21850  
record" has the same meaning as in section 9.312 of the Revised 21851  
Code. 21852

Any member of the board may be removed from office by the 21853  
appointing authority at will. Before a member may be removed at 21854  
will, the member shall be informed in writing of the proposed 21855  
removal and afforded an opportunity for a public hearing. Upon 21856  
the absence of a member within one year from either four board 21857  
meetings or from two board meetings without prior notice, the 21858  
board shall notify the appointing authority, which may vacate 21859  
the appointment and appoint another person to complete the 21860  
member's term. 21861

Members of the board shall serve without compensation, but 21862  
shall be reimbursed for actual and necessary expenses incurred 21863

in the performance of their official duties, as defined by rules 21864  
of the department of ~~mental behavioral health and addiction~~ 21865  
~~services.~~ 21866

**Sec. 340.021.** (A) In an alcohol, drug addiction, and 21867  
mental health service district where the board of county 21868  
commissioners has established an alcohol and drug addiction 21869  
services board, the community mental health board established 21870  
under former section 340.02 of the Revised Code shall serve as 21871  
the entity responsible for providing mental health services in 21872  
the county. A community mental health board has all the powers, 21873  
duties, and obligations of a board of alcohol, drug addiction, 21874  
and mental health services with regard to mental health 21875  
services. An alcohol and drug addiction services board has all 21876  
the powers, duties, and obligations of a board of alcohol, drug 21877  
addiction, and mental health services with regard to addiction 21878  
services. Any provision of the Revised Code that refers to a 21879  
board of alcohol, drug addiction, and mental health services 21880  
with regard to mental health services also refers to a community 21881  
mental health board and any provision that refers to a board of 21882  
alcohol, drug addiction, and mental health services with regard 21883  
to alcohol and drug addiction services also refers to an alcohol 21884  
and drug addiction services board. 21885

An alcohol and drug addiction services board shall consist 21886  
of eighteen members or fourteen members, at the election of the 21887  
board. Not later than January 1, 2014, each alcohol and drug 21888  
addiction services board shall notify the department of ~~mental~~ 21889  
~~behavioral health and addiction services~~ of its election to 21890  
operate as an eighteen-member board or to operate as a fourteen- 21891  
member board. The election shall be final. Failure to provide 21892  
notice of its election to the department on or before January 1, 21893  
2014, shall constitute an election to continue to operate as an 21894



eighteen-member board. If an existing board provides timely 21895  
notice of its election to operate as a fourteen-member board, 21896  
the number of board members may decline from eighteen to 21897  
fourteen by attrition as current members' terms expire. However, 21898  
the composition of the board must reflect the requirements set 21899  
forth in this section and in applicable provisions of section 21900  
340.02 of the Revised Code for fourteen-member boards. For 21901  
boards operating as eighteen-member boards, six members shall be 21902  
appointed by the director of mental-behavioral health and 21903  
~~addiction services~~ and twelve members shall be appointed by the 21904  
board of county commissioners. The director of mental-behavioral 21905  
~~health and addiction services~~ shall ensure that at least one 21906  
member of the board is a person who has received or is receiving 21907  
services for alcohol, drug, or gambling addiction, at least one 21908  
member is a parent or relative of such a person, and at least 21909  
one member is a clinician with experience in the delivery of 21910  
addiction services. The membership of the board shall, as nearly 21911  
as possible, reflect the composition of the population of the 21912  
service district as to race and sex. Members shall be residents 21913  
of the service district and shall be interested in alcohol, 21914  
drug, or gambling addiction services. Requirements for 21915  
membership, including prohibitions against certain family and 21916  
business relationships, and terms of office shall be the same as 21917  
those for members of boards of alcohol, drug addiction, and 21918  
mental health services. 21919

A community mental health board shall consist of eighteen 21920  
members or fourteen members, at the election of the board. Not 21921  
later than January 1, 2014, each community mental health board 21922  
shall notify the department of mental-behavioral health and 21923  
~~addiction services~~ of its election to operate as an eighteen- 21924  
member board or to operate as a fourteen-member board. The 21925

election shall be final. Failure to provide notice of its 21926  
election to the department on or before January 1, 2014, shall 21927  
constitute an election to continue to operate as an eighteen- 21928  
member board. If an existing board provides timely notice of its 21929  
election to operate as a fourteen-member board, the number of 21930  
board members may decline from eighteen to fourteen by attrition 21931  
as current members' terms expire. However, the composition of 21932  
the board must reflect the requirements set forth in this 21933  
section and in applicable provisions of section 340.02 of the 21934  
Revised Code for fourteen-member boards. For boards operating as 21935  
eighteen-member boards, six members shall be appointed by the 21936  
director of ~~mental behavioral health and addiction services~~ and 21937  
twelve members shall be appointed by the board of county 21938  
commissioners. The director of ~~mental behavioral health and~~ 21939  
~~addiction services~~ shall ensure that at least one member of the 21940  
board is a person who has received or is receiving mental health 21941  
services, at least one member is a parent or relative of such a 21942  
person, and at least one member is a clinician with experience 21943  
in the delivery of mental health services. The membership of the 21944  
board as nearly as possible shall reflect the composition of the 21945  
population of the service district as to race and sex. Members 21946  
shall be residents of the service district and shall be 21947  
interested in mental health services. Requirements for 21948  
membership, including prohibitions against certain family and 21949  
business relationships, and terms of office shall be the same as 21950  
those for members of boards of alcohol, drug addiction, and 21951  
mental health services. 21952

(B) (1) If a board of county commissioners subject to 21953  
division (A) of this section did not adopt a final resolution 21954  
providing for a board of alcohol, drug addiction, and mental 21955  
health services on or before July 1, 2007, the board of county 21956

commissioners may establish a board of alcohol, drug addiction, 21957  
and mental health services on or after September 23, 2008. To 21958  
establish the board, the board of county commissioners shall 21959  
adopt a resolution providing for the board's establishment. The 21960  
composition of the board, the procedures for appointing members, 21961  
and all other matters related to the board and its members are 21962  
subject to section 340.02 of the Revised Code, with the 21963  
following exceptions: 21964

(a) For initial appointments to the board, the county's 21965  
community mental health board and alcohol and drug addiction 21966  
services board shall jointly recommend members of those boards 21967  
for reappointment and shall submit the recommendations to the 21968  
board of county commissioners and the director of ~~mental-~~ 21969  
behavioral health-and-addiction services. 21970

(b) The appointing authorities shall appoint the initial 21971  
members from among the members jointly recommended under 21972  
division (B)(1)(a) of this section unless the appointment is 21973  
otherwise prohibited by law. 21974

(2) If a board of alcohol, drug addiction, and mental 21975  
health services is established pursuant to division (B)(1) of 21976  
this section, the board has the same rights, privileges, 21977  
immunities, powers, and duties that were possessed by the 21978  
county's community mental health board and alcohol and drug 21979  
addiction services board. When the board is established, all 21980  
property and obligations of the community mental health board 21981  
and alcohol and drug addiction services board shall be 21982  
transferred to the board of alcohol, drug addiction, and mental 21983  
health services. 21984

**Sec. 340.022.** Notwithstanding the procedures established 21985  
by section 340.02 of the Revised Code for determining the size 21986

of a board of alcohol, drug addiction, and mental health 21987  
services, the size of a board shall be determined in accordance 21988  
with this section in both of the following circumstances: 21989

(A) (1) If the director of ~~mental behavioral health and~~ 21990  
~~addiction services~~ during the period beginning January 1, 2021, 21991  
and ending December 31, 2022, grants approval to a board of 21992  
county commissioners of a county with a population of at least 21993  
seventy thousand but not more than eighty thousand, according to 21994  
data from the 2010 federal census, to withdraw from a joint- 21995  
county alcohol, drug addiction, and mental health service 21996  
district pursuant to section 340.01 of the Revised Code, the 21997  
size of the board shall be determined by the board of county 21998  
commissioners representing the county that constitutes the 21999  
single-county alcohol, drug addiction, and mental health service 22000  
district created as a result of the withdrawal. The 22001  
determination shall be made from among the options that may be 22002  
selected under division (A) (2) of this section. Once an option 22003  
is selected, the board of county commissioners shall adopt a 22004  
resolution specifying the selection that has been made and shall 22005  
notify the department of ~~mental behavioral health and addiction~~ 22006  
~~services~~. After the resolution is adopted and the department is 22007  
notified, the determination of size is final. 22008

(2) In the case of a board of alcohol, drug addiction, and 22009  
mental health services that is established on or after the date 22010  
the director grants the approval to withdraw described in 22011  
division (A) (1) of this section, either of the following options 22012  
may be selected by the board of county commissioners when making 22013  
the determination required under that division: 22014

(a) To establish the board as an eighteen-member board; 22015

(b) To establish the board as a fourteen-member board. 22016

(3) When a board is established on or after September 30, 2021, the initial appointments shall be staggered among the members as equally as possible with terms of two years, three years, and four years.

(B) (1) If a county with a population of at least thirty-five thousand but not more than forty-five thousand, according to data from the 2010 federal census, joins an existing alcohol, drug addiction, and mental health service district during the period beginning on June 30, 2021, and ending June 30, 2023, the existing board of alcohol, drug addiction, and mental health services serving that district may elect to expand its membership to eighteen members if the existing board has fourteen members.

(2) The option to expand the board, as provided in division (B) (1) of this section, is available only during the twelve-month period beginning on the date the county with a population of at least thirty-five thousand but not more than forty-five thousand joins the alcohol, drug addiction, and mental health service district served by the board. The additional members shall be appointed in the manner specified in section 340.02 of the Revised Code.

**Sec. 340.03.** (A) Subject to rules issued by the director of ~~mental behavioral health and addiction services~~ after consultation with relevant constituencies as required by division (A) (10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall:

(1) Serve as the community addiction and mental health planning agency for the county or counties under its jurisdiction, and in so doing it shall:

(a) Evaluate the need for facility services, addiction services, mental health services, and recovery supports; 22047  
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(b) In cooperation with other local and regional planning and funding bodies and with relevant ethnic organizations, evaluate strengths and challenges and set priorities for addiction services, mental health services, and recovery supports. A board shall include treatment and prevention services when setting priorities for addiction services and mental health services. When a board sets priorities for addiction services, the board shall consult with the county commissioners of the counties in the board's service district regarding the services described in section 340.15 of the Revised Code and shall give priority to those services, except that those services shall not have a priority over services provided to pregnant women under programs developed in relation to the mandate established in section 5119.17 of the Revised Code. 22049  
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(c) In accordance with guidelines issued by the director of ~~mental-behavioral health and addiction services~~ under division (F) of section 5119.22 of the Revised Code, annually develop and submit to the department of ~~mental-behavioral health and addiction services~~ a community addiction and mental health plan that addresses both of the following: 22064  
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(i) The needs of all residents of the service district currently receiving inpatient services in state-operated hospitals, the needs of other populations as required by state or federal law or programs, and the needs of all children subject to a determination made pursuant to section 121.38 of the Revised Code; 22070  
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(ii) The department's priorities for facility services, 22076

addiction services, mental health services, and recovery 22077  
supports during the period for which the plan will be in effect. 22078  
The department shall inform all of the boards of the 22079  
department's priorities in a timely manner that enables the 22080  
boards to know the department's priorities before the boards 22081  
develop and submit the plans. 22082

In alcohol, drug addiction, and mental health service 22083  
districts that have separate alcohol and drug addiction services 22084  
and community mental health boards, the alcohol and drug 22085  
addiction services board shall submit a community addiction plan 22086  
and the community mental health board shall submit a community 22087  
mental health plan. Each board shall consult with its 22088  
counterpart in developing its plan and address the interaction 22089  
between the local addiction and mental health systems and 22090  
populations with regard to needs and priorities in developing 22091  
its plan. 22092

The department shall approve or disapprove the plan, in 22093  
whole or in part, in accordance with division (G) of section 22094  
5119.22 of the Revised Code. Eligibility for state and federal 22095  
funding shall be contingent upon an approved plan or relevant 22096  
part of a plan. 22097

If a board determines that it is necessary to amend an 22098  
approved plan, the board shall submit a proposed amendment to 22099  
the director. The director shall approve or disapprove all or 22100  
part of the amendment in accordance with division (H) of section 22101  
5119.22 of the Revised Code. 22102

The board shall operate in accordance with the plan 22103  
approved by the department. 22104

(d) Promote, arrange, and implement working agreements 22105

with social service agencies, both public and private, and with 22106  
judicial agencies. 22107

(2) Investigate, or request another agency to investigate, 22108  
any complaint alleging abuse or neglect of any person receiving 22109  
addiction services, mental health services, or recovery supports 22110  
from a community addiction services provider or community mental 22111  
health services provider or alleging abuse or neglect of a 22112  
resident receiving addiction services or with mental illness or 22113  
severe mental disability residing in a residential facility 22114  
licensed under section 5119.34 of the Revised Code. If the 22115  
investigation substantiates the charge of abuse or neglect, the 22116  
board shall take whatever action it determines is necessary to 22117  
correct the situation, including notification of the appropriate 22118  
authorities. Upon request, the board shall provide information 22119  
about such investigations to the department. 22120

(3) For the purpose of section 5119.36 of the Revised 22121  
Code, cooperate with the director of ~~mental-behavioral~~ health 22122  
~~and addiction services~~ in visiting and evaluating whether the 22123  
certifiable services and supports of a community addiction 22124  
services provider or community mental health services provider 22125  
satisfy the certification standards established by rules adopted 22126  
under that section. In addition, a board may provide input and 22127  
recommendations to the department when an application for 22128  
certification or the renewal of a certification has been 22129  
submitted by a provider or when a provider is being investigated 22130  
by the department, if the board, in either of those 22131  
circumstances, is aware of information that would be beneficial 22132  
to the department's consideration of the matter. 22133

(4) In accordance with criteria established under division 22134  
(D) of section 5119.22 of the Revised Code, conduct program 22135



audits that review and evaluate the quality, effectiveness, and 22136  
efficiency of addiction services, mental health services, and 22137  
recovery supports provided by community addiction services 22138  
providers and community mental health services providers under 22139  
contract with the board and submit the board's findings and 22140  
recommendations to the department of ~~mental~~ behavioral health- 22141  
~~and addiction services~~; 22142

(5) In accordance with section 5119.34 of the Revised 22143  
Code, review an application for a residential facility license 22144  
and provide to the department of ~~mental~~ behavioral health ~~and~~ 22145  
~~addiction services~~ any information about the applicant or 22146  
facility that the board would like the department to consider in 22147  
reviewing the application; 22148

(6) Audit, in accordance with rules adopted by the auditor 22149  
of state pursuant to section 117.20 of the Revised Code, at 22150  
least annually all programs, addiction services, mental health 22151  
services, and recovery supports provided under contract with the 22152  
board. In so doing, the board may contract for or employ the 22153  
services of private auditors. A copy of the fiscal audit report 22154  
shall be provided to the director of ~~mental~~ behavioral health- 22155  
~~and addiction services~~, the auditor of state, and the county 22156  
auditor of each county in the board's district. 22157

(7) Recruit and promote local financial support for 22158  
addiction services, mental health services, and recovery 22159  
supports from private and public sources; 22160

(8) In accordance with guidelines issued by the department 22161  
as necessary to comply with state and federal laws pertaining to 22162  
financial assistance, approve fee schedules and related charges 22163  
or adopt a unit cost schedule or other methods of payment for 22164  
addiction services, mental health services, and recovery 22165

supports provided by community addiction services providers and 22166  
community mental health services providers that have contracted 22167  
with the board under section 340.036 of the Revised Code; 22168

(9) Submit to the director and the county commissioners of 22169  
the county or counties served by the board, and make available 22170  
to the public, an annual report of the addiction services, 22171  
mental health services, and recovery supports under the 22172  
jurisdiction of the board, including a fiscal accounting; 22173

(10) Establish a method for evaluating referrals for 22174  
court-ordered treatment and affidavits filed pursuant to section 22175  
5122.11 of the Revised Code in order to assist the probate 22176  
division of the court of common pleas in determining whether 22177  
there is probable cause that a respondent is subject to court- 22178  
ordered treatment and whether alternatives to hospitalization 22179  
are available and appropriate; 22180

(11) Designate the treatment services, provider, facility, 22181  
or other placement for each person involuntarily committed to 22182  
the board pursuant to Chapter 5122. of the Revised Code. The 22183  
board shall provide the least restrictive and most appropriate 22184  
alternative that is available for any person involuntarily 22185  
committed to it and shall assure that the list of addiction 22186  
services, mental health services, and recovery supports 22187  
submitted and approved in accordance with division (B) of 22188  
section 340.08 of the Revised Code are available to persons with 22189  
severe mental disabilities residing within its service district. 22190  
The board shall establish the procedure for authorizing payment 22191  
for the services and supports, which may include prior 22192  
authorization in appropriate circumstances. In accordance with 22193  
section 340.037 of the Revised Code, the board may provide 22194  
addiction services and mental health services directly to a 22195

person with a severe mental disability when life or safety is 22196  
endangered and when no community addiction services provider or 22197  
community mental health services provider is available to 22198  
provide the service. 22199

(12) Ensure that housing built, subsidized, renovated, 22200  
rented, owned, or leased by the board or a community addiction 22201  
services provider or community mental health services provider 22202  
has been approved as meeting minimum fire safety standards and 22203  
that persons residing in the housing have access to appropriate 22204  
and necessary services, including culturally relevant services, 22205  
from a community addiction services provider or community mental 22206  
health services provider. This division does not apply to 22207  
residential facilities licensed pursuant to section 5119.34 of 22208  
the Revised Code. 22209

(13) Establish a mechanism for obtaining advice and 22210  
involvement of persons receiving addiction services, mental 22211  
health services, or recovery supports on matters pertaining to 22212  
services and supports in the alcohol, drug addiction, and mental 22213  
health service district; 22214

(14) Perform the duties required by rules adopted under 22215  
section 5119.22 of the Revised Code regarding referrals by the 22216  
board or community mental health services providers under 22217  
contract with the board of individuals with mental illness or 22218  
severe mental disability to class two residential facilities 22219  
licensed under section 5119.34 of the Revised Code and effective 22220  
arrangements for ongoing mental health services for the 22221  
individuals. The board is accountable in the manner specified in 22222  
the rules for ensuring that the ongoing mental health services 22223  
are effectively arranged for the individuals. 22224

(B) Each board of alcohol, drug addiction, and mental 22225

health services shall establish such rules, operating 22226  
procedures, standards, and bylaws, and perform such other duties 22227  
as may be necessary or proper to carry out the purposes of this 22228  
chapter. 22229

(C) A board of alcohol, drug addiction, and mental health 22230  
services may receive by gift, grant, devise, or bequest any 22231  
moneys, lands, or property for the benefit of the purposes for 22232  
which the board is established, and may hold and apply it 22233  
according to the terms of the gift, grant, or bequest. All money 22234  
received, including accrued interest, by gift, grant, or bequest 22235  
shall be deposited in the treasury of the county, the treasurer 22236  
of which is custodian of the alcohol, drug addiction, and mental 22237  
health services funds to the credit of the board and shall be 22238  
available for use by the board for purposes stated by the donor 22239  
or grantor. 22240

(D) No member or employee of a board of alcohol, drug 22241  
addiction, and mental health services shall be liable for injury 22242  
or damages caused by any action or inaction taken within the 22243  
scope of the member's official duties or the employee's 22244  
employment, whether or not such action or inaction is expressly 22245  
authorized by this section or any other section of the Revised 22246  
Code, unless such action or inaction constitutes willful or 22247  
wanton misconduct. Chapter 2744. of the Revised Code applies to 22248  
any action or inaction by a member or employee of a board taken 22249  
within the scope of the member's official duties or employee's 22250  
employment. For the purposes of this division, the conduct of a 22251  
member or employee shall not be considered willful or wanton 22252  
misconduct if the member or employee acted in good faith and in 22253  
a manner that the member or employee reasonably believed was in 22254  
or was not opposed to the best interests of the board and, with 22255  
respect to any criminal action or proceeding, had no reasonable 22256

cause to believe the conduct was unlawful. 22257

(E) The meetings held by any committee established by a 22258  
board of alcohol, drug addiction, and mental health services 22259  
shall be considered to be meetings of a public body subject to 22260  
section 121.22 of the Revised Code. 22261

(F) (1) A board of alcohol, drug addiction, and mental 22262  
health services may establish a rule, operating procedure, 22263  
standard, or bylaw to allow the executive director of the board 22264  
to execute both of the following types of contracts valued at 22265  
twenty-five thousand dollars or less, as determined by the 22266  
board, on behalf of the board without the board's prior 22267  
approval: 22268

(a) Emergency contracts for clinical services or recovery 22269  
support services; 22270

(b) Standard service contracts pertaining to the board's 22271  
operations. 22272

(2) If a board establishes a rule, operating procedure, 22273  
standard, or bylaw under division (F) (1) of this section, both 22274  
of the following shall be the case: 22275

(a) The board shall define the scope of contracts 22276  
described in divisions (F) (1) (a) and (b) of this section in that 22277  
rule, operating procedure, standard, or bylaw. 22278

(b) The board shall disclose the existence of a contract 22279  
executed pursuant to the rule, operating procedure, standard, or 22280  
bylaw at the first board meeting that occurs after the contract 22281  
was executed and ensure that a record of that disclosure is 22282  
included in the written minutes of that meeting. 22283

**Sec. 340.032.** Subject to rules adopted by the director of 22284

~~mental-behavioral health and addiction services~~ after 22285  
consultation with relevant constituencies as required by 22286  
division (A) (10) of section 5119.21 of the Revised Code, each 22287  
board of alcohol, drug addiction, and mental health services 22288  
shall do all of the following: 22289

(A) Establish, to the extent resources are available, a 22290  
community-based continuum of care that includes all of the 22291  
following as essential elements: 22292

(1) Prevention and wellness management services; 22293

(2) At least both of the following outreach and engagement 22294  
activities: 22295

(a) Locating persons in need of addiction services and 22296  
persons in need of mental health services to inform them of 22297  
available addiction services, mental health services, and 22298  
recovery supports; 22299

(b) Helping persons who receive addiction services and 22300  
persons who receive mental health services obtain services 22301  
necessary to meet basic human needs for food, clothing, shelter, 22302  
medical care, personal safety, and income. 22303

(3) Assessment services; 22304

(4) Care coordination; 22305

(5) Residential services; 22306

(6) At least the following outpatient services: 22307

(a) Nonintensive; 22308

(b) Intensive, such as partial hospitalization and 22309  
assertive community treatment; 22310

(c) Withdrawal management; 22311

(d) Emergency and crisis.	22312
(7) Where appropriate, at least the following inpatient services:	22313 22314
(a) Psychiatric care;	22315
(b) Medically managed alcohol or drug treatment.	22316
(8) At least all of the following recovery supports:	22317
(a) Peer support;	22318
(b) A wide range of housing and support services, including recovery housing residences;	22319 22320
(c) Employment, vocational, and educational opportunities;	22321
(d) Assistance with social, personal, and living skills;	22322
(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;	22323 22324
(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.	22325 22326 22327
(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;	22328 22329 22330
(10) Any additional elements the department of <del>mental-behavioral health and addiction services</del> , pursuant to section 5119.21 of the Revised Code, determines are necessary to establish the community-based continuum of care.	22331 22332 22333 22334
(B) Ensure that the rights of persons receiving any elements of the community-based continuum of care are protected;	22335 22336
(C) Ensure that persons receiving any elements of the	22337

community-based continuum of care are able to utilize grievance 22338  
procedures applicable to the elements. 22339

**Sec. 340.034.** All of the following apply to recovery 22340  
housing residences required by section 340.033 of the Revised 22341  
Code to be part of included opioid and co-occurring drug 22342  
addiction services and recovery supports: 22343

(A) A recovery housing residence shall comply with the 22344  
requirements of being monitored by the department of ~~mental~~ 22345  
behavioral health ~~and addiction services~~ under sections 5119.39 22346  
to 5119.396 of the Revised Code and any rules adopted under 22347  
section 5119.397 of the Revised Code, but the residence is not 22348  
subject to residential facility licensure by the department 22349  
under section 5119.34 of the Revised Code. 22350

(B) A recovery housing residence shall not be operated by 22351  
a board of alcohol, drug addiction, and mental health services 22352  
unless any of the following applies: 22353

(1) The board operated the recovery housing residence on 22354  
July 1, 2017. 22355

(2) The board utilizes local funds in the development or 22356  
operation of the recovery housing residence. 22357

(3) The board determines that there is a need for the 22358  
board to assume operation of the recovery housing residence, 22359  
such as when an existing operator of the residence goes out of 22360  
business and the board considers the assumption of operation of 22361  
the residence to be in the best interest of the community. 22362

(C) A recovery housing residence shall have protocols for 22363  
all of the following: 22364

(1) Administrative oversight; 22365



(2) Quality standards;	22366
(3) Policies and procedures, including house rules, for its residents to which the residents must agree to adhere.	22367 22368
(D) Family members of a resident of a recovery housing residence may reside in the residence to the extent permitted by protocols of the residence.	22369 22370 22371
(E) A recovery housing residence shall not limit a resident's duration of stay to an arbitrary or fixed amount of time. Instead, each resident's duration of stay shall be determined by the resident's needs, progress, and willingness to abide by the residence's protocols, in collaboration with the residence's operator, and, if appropriate, in consultation and integration with a community addiction services provider.	22372 22373 22374 22375 22376 22377 22378
(F) A recovery housing residence may permit its residents to receive medication-assisted treatment.	22379 22380
(G) A resident of a recovery housing residence may receive addiction services that are certified by the department under section 5119.36 of the Revised Code.	22381 22382 22383
<b>Sec. 340.036.</b> (A) Subject to division (B) of this section and rules adopted by the director of <del>mental-behavioral health and addiction services</del> after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall enter into contracts with all of the following:	22384 22385 22386 22387 22388 22389 22390
(1) Public and private facilities for the operation of facility services;	22391 22392
(2) Community addiction services providers for addiction	22393

services and recovery supports;	22394
(3) Community mental health services providers for mental health services and recovery supports.	22395 22396
(B) No board shall do any of the following:	22397
(1) Contract with a residential facility required to be licensed under section 5119.34 of the Revised Code unless the facility is so licensed;	22398 22399 22400
(2) Contract with a community addiction services provider or community mental health services provider for certifiable services and supports unless the certifiable services and supports are certified under section 5119.36 of the Revised Code;	22401 22402 22403 22404 22405
(3) Contract with a community addiction services provider or community mental health services provider for recovery supports that are required by the director to meet quality criteria or core competencies unless the recovery supports meet the criteria or competencies.	22406 22407 22408 22409 22410
(C) When a board contracts with a community addiction services provider or community mental health services provider for addiction services, mental health services, or recovery supports, all of the following apply:	22411 22412 22413 22414
(1) The board shall consider both of the following:	22415
(a) The cost effectiveness and quality of the provider's services and supports;	22416 22417
(b) Continuity of care.	22418
(2) The board may review cost elements, including salary costs, of the services and supports.	22419 22420

(3) The board may establish, in a way that is most 22421  
effective and efficient in meeting local needs, a utilization 22422  
review process as part of the contract. 22423

(4) The board may contract with a government entity, for- 22424  
profit entity, or nonprofit entity. Any such entity may be 22425  
faith-based. 22426

(D) If a party to a contract entered into under this 22427  
section proposes not to renew the contract or proposes 22428  
substantial changes in contract terms, the other party shall be 22429  
given written notice at least one hundred twenty days before the 22430  
expiration date of the contract. During the first sixty days of 22431  
this one-hundred-twenty-day period, both parties shall attempt 22432  
to resolve any dispute through good faith collaboration and 22433  
negotiation in order to continue to provide services and 22434  
supports to persons in need. If the dispute has not been 22435  
resolved sixty days before the expiration date of the contract, 22436  
either party may notify the director of the unresolved dispute. 22437  
The director may require both parties to submit the dispute to 22438  
another entity with the cost to be shared by the parties. Not 22439  
later than twenty days before the expiration date of the 22440  
contract or a later date to which both parties agree, the other 22441  
entity shall issue to the parties and director recommendations 22442  
on how the dispute may be resolved. The director shall adopt 22443  
rules establishing the procedures of this dispute resolution 22444  
process. 22445

(E) Section 307.86 of the Revised Code does not apply to 22446  
contracts entered into under this section. 22447

**Sec. 340.037.** (A) Subject to division (B) of this section 22448  
and rules adopted by the director of ~~mental~~-behavioral health 22449  
~~and addiction services~~ after consultation with relevant 22450

constituencies as required by division (A) (10) of section 22451  
5119.21 of the Revised Code, a board of alcohol, drug addiction, 22452  
and mental health services may operate a facility or provide an 22453  
addiction service or mental health service if both of the 22454  
following apply: 22455

(1) The director gives the board prior approval; 22456

(2) There is no other qualified private or public 22457  
facility, community addiction services provider, or community 22458  
mental health services provider that is immediately available 22459  
and willing to operate such a facility or provide the service. 22460

(B) (1) In an emergency situation, a board may operate a 22461  
facility or provide an addiction service or mental health 22462  
service in order to provide essential services for the duration 22463  
of the emergency. 22464

(2) In a service district with a population of at least 22465  
one hundred thousand but less than five hundred thousand, a 22466  
board may operate a facility or provide an addiction service or 22467  
mental health service for not longer than one year. 22468

(3) In a service district with a population of less than 22469  
one hundred thousand, a board may operate a facility or provide 22470  
an addiction service or mental health service for not longer 22471  
than one year, except that the board may operate a facility or 22472  
provide an addiction service or mental health service for more 22473  
than one year with the prior approval of both of the following: 22474

(a) The director; 22475

(b) The board of county commissioners with jurisdiction 22476  
over the service district or, if the service district is a 22477  
joint-county district, a majority of the boards of county 22478  
commissioners with jurisdiction over the district. 22479

- (C) The director shall not do any of the following: 22480
- (1) Except in an emergency situation, give a board 22481  
approval to operate a facility or provide an addiction service 22482  
or mental health service unless the director determines that it 22483  
is not feasible to have the department operate the facility or 22484  
provide the service; 22485
- (2) Give a board that serves a service district with a 22486  
population of less than one hundred thousand approval to operate 22487  
a facility or provide an addiction service or mental health 22488  
service unless the director determines that the board will 22489  
provide greater administrative efficiency and more or better 22490  
services than would be available if the board contracted with a 22491  
private or public facility, community addiction services 22492  
provider, or community mental health services provider; 22493
- (3) Give a board approval to operate a facility previously 22494  
operated by a person or other government entity unless the board 22495  
has established to the director's satisfaction that the person 22496  
or other government entity cannot effectively operate the 22497  
facility or that the person or other government entity has 22498  
requested the board to take over operation of the facility; 22499
- (4) Give a board approval to provide an addiction service 22500  
or mental health service previously provided by a community 22501  
addiction services provider or community mental health services 22502  
provider unless the board has established to the director's 22503  
satisfaction that the provider cannot effectively provide the 22504  
service or that the provider has requested the board to take 22505  
over providing the service. 22506
- (D) The director shall review and evaluate a board's 22507  
operation of a facility and provision of addiction services or 22508

mental health services under this section. 22509

(E) Nothing in this section authorizes a board to 22510  
administer or direct the daily operation of any facility, 22511  
community addiction services provider, or community mental 22512  
health services provider. However, a facility or provider may 22513  
contract with a board to receive administrative services or 22514  
staff direction from the board under the direction of the 22515  
governing body of the facility or provider. 22516

Sec. 340.038. (A) The department of behavioral health and 22517  
the department of medicaid, in collaboration with boards of 22518  
alcohol, drug addiction, and mental health services, shall 22519  
develop a three-way data-sharing agreement for the exchange of, 22520  
and the provision of access to, data and other information 22521  
regarding clients receiving addiction services, mental health 22522  
services, or both types of services, including information that 22523  
exists at the level of claims for medicaid and other payments 22524  
for the services. The agreement shall specify data-sharing and 22525  
integration procedures that enable the departments and the 22526  
boards to exchange, and have access to, on a mutual basis, all 22527  
client data and other information necessary to ensure that each 22528  
board's continuum of care is available, as appropriate, to 22529  
persons seeking or receiving addiction services, mental health 22530  
services, or both types of services. 22531

(B) Each data-sharing agreement developed under this 22532  
section shall address all of the following: 22533

(1) Information regarding clients with severe mental 22534  
illness, as identified by clinical diagnoses; the number of 22535  
services provided to those clients, expressed according to 22536  
discrete service groups; the length of time in treatment; and 22537  
other relevant factors; 22538

(2) Information regarding clients who are incarcerated, 22539  
including information about their medicaid eligibility status 22540  
before and after incarceration, for the purpose of coordinating 22541  
services upon each client's release; 22542

(3) Information regarding clients who participate in 22543  
housing assistance programs, to assist with coordinating 22544  
services between housing and treatment providers; 22545

(4) Information regarding claims for payment, including 22546  
medicaid payment, for all addiction services and mental health 22547  
services provided to clients, based on the alcohol, drug 22548  
addiction, and mental health service district in which they 22549  
reside. 22550

**Sec. 340.04.** Each board of alcohol, drug addiction, and 22551  
mental health services shall employ a qualified mental health or 22552  
addiction services professional with experience in 22553  
administration or a professional administrator with experience 22554  
in mental health services or addiction services to serve as 22555  
executive director of the board and shall prescribe the 22556  
director's duties. 22557

The board shall fix the compensation of the executive 22558  
director. In addition to such compensation, the director shall 22559  
be reimbursed for actual and necessary expenses incurred in the 22560  
performance of the director's official duties. The board, by 22561  
majority vote of the full membership, may remove the director 22562  
for cause at any time, contingent upon any written contract 22563  
between the board and the executive director, upon written 22564  
charges, after an opportunity has been afforded the director for 22565  
a hearing before the board on request. 22566

The board may delegate to its executive director the 22567

authority to act in its behalf in the performance of its 22568  
administrative duties. 22569

As used in this section, "mental health professional" and 22570  
"addiction services professional" mean an individual who is 22571  
qualified to work with persons with mental illnesses or persons 22572  
receiving addiction services, pursuant to standards established 22573  
by the director of ~~mental-behavioral health and addiction-~~ 22574  
~~services~~ under Chapter 5119. of the Revised Code. 22575

**Sec. 340.041.** In addition to such other duties as may be 22576  
lawfully imposed, the executive director of a board of alcohol, 22577  
drug addiction, and mental health services shall: 22578

(A) Serve as executive officer of the board and, subject 22579  
to the prior approval of the board for each contract, except 22580  
contracts, if any, to which division (F) of section 340.03 of 22581  
the Revised Code applies, execute contracts on its behalf; 22582

(B) Supervise addiction services, mental health services, 22583  
recovery supports, and facilities provided, operated, 22584  
contracted, or supported by the board to the extent of 22585  
determining that services, supports, and facilities are being 22586  
administered in conformity with this chapter and rules of the 22587  
director of ~~mental-behavioral health-and addiction services;~~ 22588

(C) Provide consultation to community addiction services 22589  
providers and community mental health services providers; 22590

(D) Recommend to the board the changes necessary to 22591  
increase the effectiveness of addiction services, mental health 22592  
services, and recovery supports and other matters necessary or 22593  
desirable to carry out this chapter; 22594

(E) Employ and remove from office such employees and 22595  
consultants in the classified civil service and, subject to the 22596



approval of the board, employ and remove from office such other 22597  
employees and consultants as may be necessary for the work of 22598  
the board, and fix their compensation and reimbursement within 22599  
the limits set by the salary schedule and the budget approved by 22600  
the board; 22601

(F) Encourage the development and expansion of preventive, 22602  
treatment, and consultative services, as well as recovery 22603  
supports, in the fields of addiction services and mental health 22604  
services with emphasis on continuity of care; 22605

(G) Prepare for board approval an annual report of the 22606  
addiction services, mental health services, recovery supports, 22607  
and facilities under the jurisdiction of the board, including a 22608  
fiscal accounting of all services and supports; 22609

(H) Conduct such studies as may be necessary and 22610  
practicable for the promotion of mental health, promotion of 22611  
addiction services, and the prevention of mental illness, 22612  
emotional disorders, and addiction; 22613

(I) Authorize the county auditor, or in a joint-county 22614  
district the county auditor designated as the auditor for the 22615  
district, to issue warrants for the payment of board obligations 22616  
approved by the board, provided that all payments from funds 22617  
distributed to the board by the department of ~~mental-behavioral~~ 22618  
health ~~and addiction services~~ are in accordance with the budget 22619  
submitted pursuant to section 340.08 of the Revised Code, as 22620  
approved by the department of ~~mental-behavioral health-and-~~ 22621  
~~addiction services~~. 22622

**Sec. 340.05.** If a community addiction services provider or 22623  
community mental health services provider receives a complaint 22624  
alleging abuse or neglect of an individual with mental illness 22625

or severe mental disability, or an individual receiving 22626  
addiction services, who resides in a residential facility 22627  
licensed under section 5119.34 of the Revised Code, the provider 22628  
shall report the complaint to the board of alcohol, drug 22629  
addiction, and mental health services serving the alcohol, drug 22630  
addiction, and mental health service district in which the 22631  
residential facility is located. A board of alcohol, drug 22632  
addiction, and mental health services that receives such a 22633  
report from a community addiction services provider or community 22634  
mental health services provider of such a complaint shall report 22635  
the complaint to the director of ~~mental-behavioral health and~~ 22636  
~~addiction services~~ for the purpose of the director conducting an 22637  
investigation under section 5119.34 of the Revised Code. The 22638  
board may enter the facility with or without the director and, 22639  
if the health and safety of a resident is in immediate danger, 22640  
take any necessary action to protect the resident. The board's 22641  
action shall not violate any resident's rights specified in 22642  
rules adopted by the department of ~~mental-behavioral health and~~ 22643  
~~addiction services~~ under section 5119.34 of the Revised Code. 22644  
The board shall immediately report to the director regarding the 22645  
board's actions under this section. 22646

**Sec. 340.07.** The board of county commissioners of any 22647  
county participating in an alcohol, drug addiction, and mental 22648  
health service district or joint-county district, upon receipt 22649  
from the board of alcohol, drug addiction, and mental health 22650  
services of a resolution so requesting, may appropriate money to 22651  
such board for the operation, lease, acquisition, construction, 22652  
renovation, and maintenance of community addiction services 22653  
providers, community mental health services providers, and 22654  
facilities in accordance with the budget required by section 22655  
340.08 of the Revised Code and approved by the department of 22656

~~mental behavioral health and addiction services~~ pursuant to 22657  
section 5119.22 of the Revised Code. 22658

**Sec. 340.08.** In accordance with rules or guidelines issued 22659  
by the director of ~~mental behavioral health and addiction~~ 22660  
~~services~~, each board of alcohol, drug addiction, and mental 22661  
health services shall do all of the following: 22662

(A) Submit to the department of ~~mental behavioral health~~ 22663  
~~and addiction services~~ a proposed budget of receipts and 22664  
expenditures for all federal, state, and local moneys the board 22665  
expects to receive. 22666

(1) The proposed budget shall identify funds the board has 22667  
available for included opioid and co-occurring drug addiction 22668  
services and recovery supports. 22669

(2) The proposed budget shall identify funds the board and 22670  
public children services agencies in the board's service 22671  
district have available to fund jointly the services described 22672  
in section 340.15 of the Revised Code. 22673

(3) The board's proposed budget for expenditures of state 22674  
and federal funds distributed to the board by the department 22675  
shall be deemed an application for funds, and the department 22676  
shall approve or disapprove the budget for these expenditures in 22677  
whole or in part in accordance with division (G) of section 22678  
5119.22 of the Revised Code. 22679

If a board determines that it is necessary to amend an 22680  
approved budget, the board shall submit a proposed amendment to 22681  
the director. The director shall approve or disapprove all or 22682  
part of the amendment in accordance with division (H) of section 22683  
5119.22 of the Revised Code. 22684

(B) Submit to the department a proposed list of addiction 22685

services, mental health services, and recovery supports the 22686  
board intends to make available. The board shall include the 22687  
services and supports required by section 340.032 of the Revised 22688  
Code to be included in the community-based continuum of care and 22689  
the services required by section 340.15 of the Revised Code. The 22690  
board shall explain the manner in which the board intends to 22691  
make such services and supports available. The list shall be 22692  
compatible with the budget submitted pursuant to division (A) of 22693  
this section. The department shall approve or disapprove the 22694  
list in whole or in part in accordance with division (G) of 22695  
section 5119.22 of the Revised Code. 22696

If a board determines that it is necessary to amend an 22697  
approved list, the board shall submit a proposed amendment to 22698  
the director. The director shall approve or disapprove all or 22699  
part of the amendment in accordance with division (H) of section 22700  
5119.22 of the Revised Code. 22701

(C) Enter into a continuity of care agreement with the 22702  
state institution operated by the department of ~~mental-~~ 22703  
behavioral health and addiction services and designated as the 22704  
institution serving the district encompassing the board's 22705  
service district. The continuity of care agreement shall outline 22706  
the department's and the board's responsibilities to plan for 22707  
and coordinate with each other to address the needs of board 22708  
residents who are patients in the institution, with an emphasis 22709  
on managing appropriate hospital bed day use and discharge 22710  
planning. The continuity of care agreement shall not require the 22711  
board to provide addiction services, mental health services, or 22712  
recovery supports other than those on the list of services and 22713  
supports submitted by the board pursuant to division (B) of this 22714  
section and approved by the department in accordance with 22715  
division (G) of section 5119.22 of the Revised Code. 22716

(D) In conjunction with the department, operate a 22717  
coordinated system for tracking and monitoring persons found not 22718  
guilty by reason of insanity and committed pursuant to section 22719  
2945.40 of the Revised Code who have been granted a conditional 22720  
release and persons found incompetent to stand trial and 22721  
committed pursuant to section 2945.39 of the Revised Code who 22722  
have been granted a conditional release. The system shall do all 22723  
of the following: 22724

(1) Centralize responsibility for the tracking of those 22725  
persons; 22726

(2) Provide for uniformity in monitoring those persons; 22727

(3) Provide a mechanism to allow prompt rehospitalization, 22728  
reinstitutionalization, or detention when a violation of the 22729  
conditional release or decompensation occurs. 22730

(E) Submit to the department a report summarizing all of 22731  
the following: 22732

(1) Complaints and grievances received by the board 22733  
concerning the rights of persons seeking or receiving addiction 22734  
services, mental health services, or recovery supports; 22735

(2) Investigations of the complaints and grievances; 22736

(3) Outcomes of the investigations. 22737

(F) Provide to the department information to be submitted 22738  
to the community behavioral health information system or systems 22739  
established by the department under Chapter 5119. of the Revised 22740  
Code. 22741

(G) Annually, and upon any change in membership, submit to 22742  
the department a list of all current members of the board of 22743  
alcohol, drug addiction, and mental health services, including 22744

the appointing authority for each member, and the member's 22745  
specific qualification for appointment pursuant to section 22746  
340.02 or 340.021 of the Revised Code, if applicable. 22747

(H) Submit to the department other information as is 22748  
reasonably required for purposes of the department's operations, 22749  
service evaluation, reporting activities, research, system 22750  
administration, and oversight. 22751

(I) Annually update and publish on the board's web site a 22752  
list of all opioid treatment programs licensed under section 22753  
5119.37 of the Revised Code that are operating within the 22754  
board's district, based on information obtained from any of the 22755  
following: 22756

(1) The federal substance abuse and mental health services 22757  
administration's opioid treatment program directory; 22758

(2) A resource directory created by the department of 22759  
~~mental behavioral health and addiction services~~; 22760

(3) The list maintained by the department of ~~mental~~ 22761  
behavioral health and addiction services pursuant to division 22762  
(P) of section 5119.37 of the Revised Code. 22763

**Sec. 340.09.** (A) Using funds the general assembly 22764  
appropriates for these purposes, the department of ~~mental~~ 22765  
behavioral health and addiction services shall provide any 22766  
county assistance for one or more of the following: 22767

(1) The operation of the board of alcohol, drug addiction, 22768  
and mental health services serving the county; 22769

(2) The provision of addiction services, mental health 22770  
services, and recovery supports included in the board's list of 22771  
services and supports required by section 340.08 of the Revised 22772

Code and approved by the department under section 5119.22 of the Revised Code;	22773 22774
(3) The provision of approved support functions;	22775
(4) The partnership in, or support for, approved community-based continuum of care-related activities.	22776 22777
(B) Support functions may include the following:	22778
(1) Consultation;	22779
(2) Research;	22780
(3) Administrative;	22781
(4) Referral and information;	22782
(5) Training;	22783
(6) Service and program evaluation.	22784
<b>Sec. 340.12.</b> As used in this section, "disability" has the same meaning as in section 4112.01 of the Revised Code.	22785 22786
No board of alcohol, drug addiction, and mental health services or any community addiction services provider or community mental health services provider under contract with such a board shall discriminate in the provision of addiction services, mental health services, or recovery supports under its authority, in employment, or under a contract on the basis of race, color, religion, ancestry, military status, sex, age, national origin, or disability.	22787 22788 22789 22790 22791 22792 22793 22794
Each board, community addiction services provider, and community mental health services provider shall have a written affirmative action program. The affirmative action program shall include goals for the employment and effective utilization of, including contracts with, members of economically disadvantaged	22795 22796 22797 22798 22799

groups as defined in division (E) (1) of section 122.71 of the Revised Code in percentages reflecting as nearly as possible the composition of the alcohol, drug addiction, and mental health service district served by the board. Each board and provider shall file a description of the affirmative action program and a progress report on its implementation with the department of mental behavioral health and addiction services.

**Sec. 340.13.** (A) As used in this section:

(1) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.

(2) "EDGE business enterprise" has the same meaning as in section 122.922 of the Revised Code.

(B) Any minority business enterprise that desires to bid on a contract under division (C) of this section shall first apply to the department of development for certification as a minority business enterprise. Any EDGE business enterprise that desires to bid on a contract under division (D) of this section shall first apply to the department of development for certification as an EDGE business enterprise. The director of development shall approve the application of any minority business enterprise or EDGE business enterprise that complies with the rules adopted under section 122.71 or 122.922 of the Revised Code, respectively. The director shall prepare and maintain a list of minority business enterprises and EDGE business enterprises certified under those sections.

(C) From the contracts to be awarded for the purchases of equipment, materials, supplies, or services, other than contracts entered into under section 340.036 of the Revised Code, each board of alcohol, drug addiction, and mental health



services shall select a number of contracts with an aggregate 22829  
value of approximately fifteen per cent of the total estimated 22830  
value of contracts to be awarded in the current fiscal year. The 22831  
board shall set aside the contracts so selected for bidding by 22832  
minority business enterprises only. The bidding procedures for 22833  
such contracts shall be the same as for all other contracts 22834  
awarded under section 307.86 of the Revised Code, except that 22835  
only minority business enterprises certified and listed pursuant 22836  
to division (B) of this section shall be qualified to submit 22837  
bids. 22838

(D) To the extent that a board is authorized to enter into 22839  
contracts for construction, the board shall strive to attain a 22840  
yearly contract dollar procurement goal the aggregate value of 22841  
which equals approximately five per cent of the aggregate value 22842  
of construction contracts for the current fiscal year for EDGE 22843  
business enterprises only. 22844

(E) (1) In the case of contracts set aside under division 22845  
(C) of this section, if no bid is submitted by a minority 22846  
business enterprise, the contract shall be awarded according to 22847  
normal bidding procedures. The board shall from time to time set 22848  
aside such additional contracts as are necessary to replace 22849  
those contracts previously set aside on which no minority 22850  
business enterprise bid. 22851

(2) If a board, after having made a good faith effort, is 22852  
unable to comply with the goal of procurement for contracting 22853  
with EDGE business enterprises pursuant to division (D) of this 22854  
section, the board may apply in writing, on a form prescribed by 22855  
the department of administrative services, to the director of 22856  
~~mental behavioral health and addiction services~~ for a waiver or 22857  
modification of the goal. 22858

(F) This section does not preclude any minority business 22859  
enterprise or EDGE business enterprise from bidding on any other 22860  
contract not specifically set aside for minority business 22861  
enterprises or subject to procurement goals for EDGE business 22862  
enterprises. 22863

(G) Within ninety days after the beginning of each fiscal 22864  
year, each board shall file a report with the department of 22865  
~~mental behavioral health and addiction services~~ that shows for 22866  
that fiscal year the name of each minority business enterprise 22867  
and EDGE business enterprise with which the board entered into a 22868  
contract, the value and type of each such contract, the total 22869  
value of contracts awarded under divisions (C) and (D) of this 22870  
section, the total value of contracts awarded for the purchases 22871  
of equipment, materials, supplies, or services, other than 22872  
contracts entered into under section 340.036 of the Revised 22873  
Code, and the total value of contracts entered into for 22874  
construction. 22875

(H) Any person who intentionally misrepresents self as 22876  
owning, controlling, operating, or participating in a minority 22877  
business enterprise or an EDGE business enterprise for the 22878  
purpose of obtaining contracts or any other benefits under this 22879  
section shall be guilty of theft by deception as provided for in 22880  
section 2913.02 of the Revised Code. 22881

**Sec. 340.16.** The department of ~~mental behavioral health~~ 22882  
~~and addiction services~~ and the department of medicaid shall 22883  
adopt rules that establish requirements and procedures for prior 22884  
notification and service coordination between public children 22885  
services agencies and boards of alcohol, drug addiction, and 22886  
mental health services when a public children services agency 22887  
refers a child in its custody to a board for services funded by 22888

the board. The rules shall be adopted in accordance with Chapter 22889  
119. of the Revised Code. 22890

**Sec. 505.24.** (A) In calendar year 2018, each township 22891  
trustee is entitled to compensation in an amount for each day of 22892  
service in the business of the township, to be paid from the 22893  
township treasury as follows: 22894

(1) In townships having a budget of two hundred fifty 22895  
thousand dollars or less, forty dollars and forty-one cents per 22896  
day for not more than two hundred days; 22897

(2) In townships having a budget of more than two hundred 22898  
fifty thousand but not more than five hundred thousand dollars, 22899  
forty-six dollars and eighty cents per day for not more than two 22900  
hundred days; 22901

(3) In townships having a budget of more than five hundred 22902  
thousand but not more than seven hundred fifty thousand dollars, 22903  
forty-nine dollars and sixty-three cents per day for not more 22904  
than two hundred days; 22905

(4) In townships having a budget of more than seven 22906  
hundred fifty thousand but not more than one million five 22907  
hundred thousand dollars, fifty-six dollars and seventy-one 22908  
cents per day for not more than two hundred days; 22909

(5) In townships having a budget of more than one million 22910  
five hundred thousand but not more than three million five 22911  
hundred thousand dollars, sixty-two dollars and thirty-nine 22912  
cents per day for not more than two hundred days; 22913

(6) In townships having a budget of more than three 22914  
million five hundred thousand but not more than six million 22915  
dollars, sixty-eight dollars and six cents per day for not more 22916  
than two hundred days; 22917

(7) In townships having a budget of more than six million 22918  
but not more than ten million dollars, eighty-eight dollars and 22919  
nineteen cents per day for not more than two hundred days; 22920

(8) In townships having a budget of more than ten million 22921  
dollars, one hundred thirteen dollars and thirty-eight cents per 22922  
day for not more than two hundred days. 22923

(B) The amounts paid as specified in division (A) of this 22924  
section shall be increased as follows: 22925

(1) In calendar year 2019 and in each calendar year 22926  
thereafter through calendar year 2028~~2025~~, the amounts paid as 22927  
~~specified in division (A) of this section shall be increased by~~ 22928  
one and three-quarters per cent; 22929

(2) In calendar year 2026 and in each calendar year 22930  
thereafter through calendar year 2029, by five per cent; 22931

(3) In calendar year 2030 and in each calendar year 22932  
thereafter, by the percentage increase, if any, in the consumer 22933  
price index as defined in section 141.04 of the Revised Code 22934  
over the twelve-month period that ends on the thirtieth day of 22935  
September of the immediately preceding year, rounded to the 22936  
nearest one-tenth of one per cent, not to exceed three per cent. 22937

(C) Whenever members of a board of township trustees are 22938  
compensated per diem and not by annual salary, the board shall 22939  
establish, by resolution, a method by which each member of the 22940  
board shall periodically notify the township fiscal officer of 22941  
the number of days spent in the service of the township and the 22942  
kinds of services rendered on those days. The per diem 22943  
compensation shall be paid from the township general fund or 22944  
from other township funds in such proportions as the kinds of 22945  
services performed may require. The notice shall be filed with 22946

the township fiscal officer and preserved for inspection by any persons interested.

By unanimous vote, a board of township trustees may adopt a method of compensation consisting of an annual salary to be paid in equal monthly payments. If the office of trustee is held by more than one person during any calendar year, each person holding the office shall receive payments for only those months, and any fractions of those months, during which the person holds the office. The amount of the annual salary approved by the board shall be no more than the maximum amount that could be received annually by a trustee if the trustee were paid on a per diem basis as specified in this division, and shall be paid from the township general fund or from other township funds in such proportions as the board may specify by resolution. Each trustee shall certify the percentage of time spent working on matters to be paid from the township general fund and from other township funds in such proportions as the kinds of services performed. A board of township trustees that has adopted a salary method of compensation may return to a method of compensation on a per diem basis as specified in this division by a majority vote. Any change in the method of compensation shall be effective on the first day of January of the year following the year during which the board has voted to change the method of compensation.

**Sec. 507.09.** (A) In calendar year 2018, the township fiscal officer shall be entitled to compensation as follows:

(1) In townships having a budget of two hundred fifty thousand dollars or less, ten thousand nine hundred eighteen dollars;

(2) In townships having a budget of more than two hundred fifty thousand but not more than five hundred thousand dollars,

fourteen thousand thirty-nine dollars;	22977
(3) In townships having a budget of more than five hundred thousand but not more than seven hundred fifty thousand dollars, fifteen thousand five hundred ninety-seven dollars;	22978 22979 22980
(4) In townships having a budget of more than seven hundred fifty thousand but not more than one million five hundred thousand dollars, eighteen thousand seven hundred seventeen dollars;	22981 22982 22983 22984
(5) In townships having a budget of more than one million five hundred thousand but not more than three million five hundred thousand dollars, twenty-one thousand eight hundred thirty-six dollars;	22985 22986 22987 22988
(6) In townships having a budget of more than three million five hundred thousand but not more than six million dollars, twenty-three thousand three hundred ninety-six dollars;	22989 22990 22991
(7) In townships having a budget of more than six million but not more than ten million dollars, twenty-six thousand eight hundred fifty-two dollars;	22992 22993 22994
(8) In townships having a budget of more than ten million dollars, thirty-one thousand sixty-four dollars.	22995 22996
(B) <u>The compensation determined under division (A) of this section shall be increased as follows:</u>	22997 22998
(1) <u>In calendar year 2019 and in each calendar year thereafter through calendar year 2028</u> <del>2025, the compensation determined under division (A) of this section shall be increased</del> by one and three-quarters per cent;	22999 23000 23001 23002
(2) <u>In calendar year 2026 and in each calendar year thereafter through calendar year 2029, by five per cent;</u>	23003 23004

(3) In calendar year 2030 and in each calendar year 23005  
thereafter, by the percentage increase, if any, in the consumer 23006  
price index as defined in section 141.04 of the Revised Code 23007  
over the twelve-month period that ends on the thirtieth day of 23008  
September of the immediately preceding year, rounded to the 23009  
nearest one-tenth of one per cent, not to exceed three per cent. 23010

(C) Any township fiscal officer may elect to receive less 23011  
than the compensation the fiscal officer is entitled to under 23012  
this section. Any township fiscal officer electing to do this 23013  
shall so notify the board of township trustees in writing, and 23014  
the board shall include this notice in the minutes of its next 23015  
board meeting. 23016

(D) The compensation of the township fiscal officer shall 23017  
be paid in equal monthly payments. If the office of township 23018  
fiscal officer is held by more than one person during any 23019  
calendar year, each person holding the office shall receive 23020  
payments for only those months, and any fractions of those 23021  
months, during which the person holds the office. 23022

A township fiscal officer may be compensated from the 23023  
township general fund or from other township funds based on the 23024  
proportion of time the township fiscal officer spends providing 23025  
services related to each fund. A township fiscal officer must 23026  
document the amount of time the township fiscal officer spends 23027  
providing services related to each fund by certification 23028  
specifying the percentage of time spent working on matters to be 23029  
paid from the township general fund or from other township funds 23030  
in such proportions as the kinds of services performed. 23031

**Sec. 519.12.** (A) (1) Amendments to the zoning resolution 23032  
may be initiated by motion of the township zoning commission, by 23033  
the passage of a resolution by the board of township trustees, 23034

or by the filing of an application by one or more of the owners 23035  
or lessees of property within the area proposed to be changed or 23036  
affected by the proposed amendment with the township zoning 23037  
commission. The board of township trustees may require that the 23038  
owner or lessee of property filing an application to amend the 23039  
zoning resolution pay a fee to defray the cost of advertising, 23040  
mailing, filing with the county recorder, and other expenses. If 23041  
the board of township trustees requires such a fee, it shall be 23042  
required generally, for each application. The board of township 23043  
trustees, upon the passage of such a resolution, shall certify 23044  
it to the township zoning commission. 23045

(2) Upon the adoption of a motion by the township zoning 23046  
commission, the certification of a resolution by the board of 23047  
township trustees to the commission, or the filing of an 23048  
application by property owners or lessees as described in 23049  
division (A)(1) of this section with the commission, the 23050  
commission shall set a date for a public hearing, which date 23051  
shall not be less than twenty nor more than forty days from the 23052  
date of the certification of such a resolution, the date of 23053  
adoption of such a motion, or the date of the filing of such an 23054  
application. Notice of the hearing shall be given by the 23055  
commission by one publication at least ten days before the date 23056  
of the hearing using at least one of the following methods: 23057

(a) In the print or digital edition of one or more 23058  
newspapers of general circulation in the township; 23059

(b) On the official public notice web site established 23060  
under section 125.182 of the Revised Code; 23061

(c) On the web site and social media account of the 23062  
township. 23063



(B) If the proposed amendment intends to rezone or 23064  
redistrict ten or fewer parcels of land, as listed on the county 23065  
auditor's current tax list, written notice of the hearing shall 23066  
be mailed by the township zoning commission, by first class 23067  
mail, at least ten days before the date of the public hearing to 23068  
all owners of property within and contiguous to and directly 23069  
across the street from the area proposed to be rezoned or 23070  
redistricted to the addresses of those owners appearing on the 23071  
county auditor's current tax list. The failure of delivery of 23072  
that notice shall not invalidate any such amendment. 23073

(C) If the proposed amendment intends to rezone or 23074  
redistrict ten or fewer parcels of land as listed on the county 23075  
auditor's current tax list, the published and mailed notices 23076  
shall set forth the time, date, and place of the public hearing 23077  
and include all of the following: 23078

(1) The name of the township zoning commission that will 23079  
be conducting the hearing; 23080

(2) A statement indicating that the motion, resolution, or 23081  
application is an amendment to the zoning resolution; 23082

(3) A list of the addresses of all properties to be 23083  
rezoned or redistricted by the proposed amendment and of the 23084  
names of owners of those properties, as they appear on the 23085  
county auditor's current tax list; 23086

(4) The present zoning classification of property named in 23087  
the proposed amendment and the proposed zoning classification of 23088  
that property; 23089

(5) The time and place where the motion, resolution, or 23090  
application proposing to amend the zoning resolution will be 23091  
available for examination for a period of at least ten days 23092

prior to the hearing;	23093
(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;	23094 23095 23096
(7) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;	23097 23098 23099
(8) Any other information requested by the commission.	23100
(D) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:	23101 23102 23103 23104 23105
(1) The name of the township zoning commission that will be conducting the hearing on the proposed amendment;	23106 23107
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;	23108 23109
(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;	23110 23111 23112
(4) The name of the person responsible for giving notice of the hearing by publication;	23113 23114
(5) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;	23115 23116 23117
(6) Any other information requested by the commission.	23118
(E) (1) (a) Except as provided in division (E) (1) (b) of this	23119

section, within five days after the adoption of the motion 23120  
described in division (A) of this section, the certification of 23121  
the resolution described in division (A) of this section, or the 23122  
filing of the application described in division (A) of this 23123  
section, the township zoning commission shall transmit a copy of 23124  
it together with text and map pertaining to it to the county or 23125  
regional planning commission, if there is such a commission, for 23126  
approval, disapproval, or suggestions. 23127

The county or regional planning commission shall recommend 23128  
the approval or denial of the proposed amendment or the approval 23129  
of some modification of it and shall submit its recommendation 23130  
to the township zoning commission. The recommendation shall be 23131  
considered at the public hearing held by the township zoning 23132  
commission on the proposed amendment. 23133

(b) The township zoning commission of a township that has 23134  
adopted a limited home rule government under Chapter 504. of the 23135  
Revised Code is not subject to division (E)(1)(a) of this 23136  
section but may choose to comply with division (E)(1)(a) of this 23137  
section. 23138

(2) The township zoning commission, within thirty days 23139  
after the hearing, shall recommend the approval or denial of the 23140  
proposed amendment, or the approval of some modification of it, 23141  
and submit that recommendation together with the motion, 23142  
application, or resolution involved, the text and map pertaining 23143  
to the proposed amendment, and the recommendation of the county 23144  
or regional planning commission on it to the board of township 23145  
trustees. 23146

(3) The board of township trustees, upon receipt of that 23147  
recommendation, shall set a time for a public hearing on the 23148  
proposed amendment, which date shall not be more than thirty 23149

days from the date of the receipt of that recommendation. Notice 23150  
of the hearing shall be given by the board by one publication at 23151  
least ten days before the date of the hearing using at least one 23152  
of the following methods: 23153

(a) In the print or digital edition of one or more 23154  
newspapers of general circulation in the township; 23155

(b) On the official public notice web site established 23156  
under section 125.182 of the Revised Code; 23157

(c) On the web site and social media account of the 23158  
township. 23159

(F) If the proposed amendment intends to rezone or 23160  
redistrict ten or fewer parcels of land as listed on the county 23161  
auditor's current tax list, the published notice shall set forth 23162  
the time, date, and place of the public hearing and include all 23163  
of the following: 23164

(1) The name of the board of township trustees that will 23165  
be conducting the hearing; 23166

(2) A statement indicating that the motion, application, 23167  
or resolution is an amendment to the zoning resolution; 23168

(3) A list of the addresses of all properties to be 23169  
rezoned or redistricted by the proposed amendment and of the 23170  
names of owners of those properties, as they appear on the 23171  
county auditor's current tax list; 23172

(4) The present zoning classification of property named in 23173  
the proposed amendment and the proposed zoning classification of 23174  
that property; 23175

(5) The time and place where the motion, application, or 23176  
resolution proposing to amend the zoning resolution will be 23177

available for examination for a period of at least ten days 23178  
prior to the hearing; 23179

(6) The name of the person responsible for giving notice 23180  
of the hearing by publication, by mail, or by both publication 23181  
and mail; 23182

(7) Any other information requested by the board. 23183

(G) If the proposed amendment alters the text of the 23184  
zoning resolution, or rezones or redistricts more than ten 23185  
parcels of land as listed on the county auditor's current tax 23186  
list, the published notice shall set forth the time, date, and 23187  
place of the public hearing and include all of the following: 23188

(1) The name of the board of township trustees that will 23189  
be conducting the hearing on the proposed amendment; 23190

(2) A statement indicating that the motion, application, 23191  
or resolution is an amendment to the zoning resolution; 23192

(3) The time and place where the text and maps of the 23193  
proposed amendment will be available for examination for a 23194  
period of at least ten days prior to the hearing; 23195

(4) The name of the person responsible for giving notice 23196  
of the hearing by publication; 23197

(5) Any other information requested by the board. 23198

(H) Within twenty days after its public hearing, the board 23199  
of township trustees shall either adopt or deny the 23200  
recommendations of the township zoning commission or adopt some 23201  
modification of them. If the board denies or modifies the 23202  
commission's recommendations, a majority vote of the board shall 23203  
be required. 23204

~~The~~ Except as provided in division (J) of this section, 23205  
the proposed amendment, if adopted by the board, shall become 23206  
effective in thirty days after the date of its adoption, unless, 23207  
within thirty days after the adoption, there is presented to the 23208  
board of township trustees a petition, signed by a number of 23209  
registered electors residing in the unincorporated area of the 23210  
township or part of that unincorporated area included in the 23211  
zoning plan equal to not less than fifteen per cent of the total 23212  
vote cast for all candidates for governor in that area at the 23213  
most recent general election at which a governor was elected, 23214  
requesting the board of township trustees to submit the 23215  
amendment to the electors of that area for approval or rejection 23216  
at a special election to be held on the day of the next primary 23217  
or general election that occurs at least ninety days after the 23218  
petition is filed. Each part of this petition shall contain the 23219  
number and the full and correct title, if any, of the zoning 23220  
amendment resolution, motion, or application, furnishing the 23221  
name by which the amendment is known and a brief summary of its 23222  
contents. In addition to meeting the requirements of this 23223  
section, each petition shall be governed by the rules specified 23224  
in section 3501.38 of the Revised Code. 23225

The form of a petition calling for a zoning referendum and 23226  
the statement of the circulator shall be substantially as 23227  
follows: 23228

"PETITION FOR ZONING REFERENDUM 23229

(if the proposal is identified by a particular name or 23230  
number, or both, these should be inserted here) 23231

\_\_\_\_\_ 23232

A proposal to amend the zoning map of the unincorporated 23233  
area of \_\_\_\_\_ Township, \_\_\_\_\_ County, Ohio, 23234

adopted \_\_\_\_\_ (date) \_\_\_\_\_ (followed by brief summary of the  
proposal). 23235  
23236

To the Board of Township Trustees of \_\_\_\_\_ 23237  
Township, \_\_\_\_\_ County, Ohio: 23238

We, the undersigned, being electors residing in the 23239  
unincorporated area of \_\_\_\_\_ Township, 23240  
included within the \_\_\_\_\_ Township Zoning Plan, equal to 23241  
not less than fifteen per cent of the total vote cast for all 23242  
candidates for governor in the area at the preceding general 23243  
election at which a governor was elected, request the Board of 23244  
Township Trustees to submit this amendment of the zoning 23245  
resolution to the electors of \_\_\_\_\_ Township 23246  
residing within the unincorporated area of the township included 23247  
in the \_\_\_\_\_ Township Zoning Resolution, for 23248  
approval or rejection at a special election to be held on the 23249  
day of the primary or general election to be held on 23250  
\_\_\_\_\_ (date) \_\_\_\_\_, pursuant to section 519.12 of the Revised 23251  
Code. 23252

Street Address	Date of	23253
Signature or R.F.D.	Township Precinct County Signing	23254
_____		23255
_____		23256

STATEMENT OF CIRCULATOR 23257

I, \_\_\_\_\_ (name of circulator) \_\_\_\_\_, declare 23258  
under penalty of election falsification that I am an elector of 23259  
the state of Ohio and reside at the address appearing below my 23260  
signature; that I am the circulator of the foregoing part 23261  
petition containing \_\_\_\_\_ (number) \_\_\_\_\_ signatures; that I 23262  
have witnessed the affixing of every signature; that all signers 23263

were to the best of my knowledge and belief qualified to sign; 23264  
and that every signature is to the best of my knowledge and 23265  
belief the signature of the person whose signature it purports 23266  
to be or of an attorney in fact acting pursuant to section 23267  
3501.382 of the Revised Code. 23268

\_\_\_\_\_ 23269

(Signature of circulator) 23270

\_\_\_\_\_ 23271

(Address of circulator's permanent 23272

residence in this state) 23273

\_\_\_\_\_ 23274

(City, village, or township, 23275

and zip code) 23276

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 23277

FELONY OF THE FIFTH DEGREE." 23278

The petition shall be filed with the board of township 23279

trustees and shall be accompanied by an appropriate map of the 23280

area affected by the zoning proposal. Within two weeks after 23281

receiving a petition filed under this section, the board of 23282

township trustees shall certify the petition to the board of 23283

elections. A petition filed under this section shall be 23284

certified to the board of elections not less than ninety days 23285

prior to the election at which the question is to be voted upon. 23286

The board of elections shall determine the sufficiency and 23287

validity of each petition certified to it by a board of township 23288

trustees under this section. If the board of elections 23289

determines that a petition is sufficient and valid, the question 23290



shall be voted upon at a special election to be held on the day 23291  
of the next primary or general election that occurs at least 23292  
ninety days after the date the petition is filed with the board 23293  
of township trustees, regardless of whether any election will be 23294  
held to nominate or elect candidates on that day. 23295

No amendment for which such a referendum vote has been 23296  
requested shall be put into effect unless a majority of the vote 23297  
cast on the issue is in favor of the amendment. Upon 23298  
certification by the board of elections that the amendment has 23299  
been approved by the voters, it shall take immediate effect. 23300

(I) Within five working days after an amendment's 23301  
effective date, the board of township trustees shall file the 23302  
text and maps of the amendment in the office of the county 23303  
recorder and with the county or regional planning commission, if 23304  
one exists. 23305

The failure to file any amendment, or any text and maps, 23306  
or duplicates of any of these documents, with the office of the 23307  
county recorder or the county or regional planning commission as 23308  
required by this section does not invalidate the amendment and 23309  
is not grounds for an appeal of any decision of the board of 23310  
zoning appeals. 23311

(J) Notwithstanding any contrary provision of the Revised 23312  
Code, a decision of the board of township trustees to adopt a 23313  
proposed amendment to the zoning text or map to rezone, 23314  
redistrict, or otherwise make an amendment related to, any 23315  
property involved in a megaproject as defined in section 122.17 23316  
of the Revised Code shall take effect immediately upon adoption 23317  
and is exempt from the referendum procedures in division (H) of 23318  
this section. 23319

**Sec. 703.331.** (A) Not later than the last day of the year 23320  
that is immediately after the year the results of a federal 23321  
decennial census are released, the county auditor, county 23322  
treasurer, and one member of the board of county commissioners 23323  
selected by the board of county commissioners, jointly shall 23324  
evaluate each village located within the county to determine if, 23325  
over the approximate ten year period beginning the day the 23326  
results of the preceding federal decennial census were released 23327  
and ending the day the most recent federal decennial census 23328  
results were released, both of the following are true: 23329

(1) The village itself provided, the village contracted 23330  
with a private nongovernmental entity to provide, or the village 23331  
contracted with a regional council of governments as defined in 23332  
section 167.01 of the Revised Code that includes three or more 23333  
political subdivisions at least two of which are municipal 23334  
corporations to provide, at least five of the following 23335  
services: 23336

- (a) Police protection; 23337
- (b) Fire-fighting services; 23338
- (c) Garbage collection; 23339
- (d) Water service; 23340
- (e) Sewer service; 23341
- (f) Emergency medical services; 23342
- (g) Road maintenance; 23343
- (h) Park services or other recreation services; 23344
- (i) Human services; 23345
- (j) A public library established and operated solely by 23346

the village; 23347

(k) Electric service. 23348

(2) At each election at which an elected village position 23349  
was voted upon, at least one candidate appeared on the ballot 23350  
for each elected village position. 23351

If a village is located in more than one county, the 23352  
village shall be evaluated only by the county officials of the 23353  
county wherein the largest portion of the population of the 23354  
village resides. 23355

(B) Before beginning the evaluation, the county officials 23356  
shall request, in writing, information from each village to 23357  
assist the officials in making their determination. The request 23358  
shall indicate the applicable evaluation period. Each village 23359  
shall submit the information, in the manner requested by the 23360  
county officials, not later than thirty days after receiving the 23361  
request. The village shall include information about the 23362  
services provided over the evaluation period, the manner by 23363  
which such services were provided, a copy of the final 23364  
appropriation budget or budgets applicable to the evaluation 23365  
period, information on candidates on the ballot for village 23366  
elected offices during the evaluation period, any documentation 23367  
regarding the matters in division (A) of this section during the 23368  
evaluation period, and any other information specifically 23369  
requested by the county officials. After receiving the 23370  
information, if necessary, the county officials may request 23371  
additional information, which the village shall provide not 23372  
later than ten days after receiving the request. The county 23373  
officials shall base their finding on the information provided 23374  
from the village. 23375

(C) The county officials shall notify the legislative authority of the village of the county officials' finding not later than the last day of the year that is immediately after the year the results of a federal decennial census are released.

(D) If the county officials find a village failed to provide services or field candidates as specified in division (A) of this section, the county officials shall file the finding with the board of elections of the county in which the largest portion of the population of the village resides. The board of elections shall submit the question "Shall the village of \_\_\_\_\_ surrender its corporate powers?" for the approval or rejection of the electors of the village at the next general election, in any year, occurring after the period ending ninety days after the filing of the finding with the board. If the result of the election is in favor of the surrender, the board of elections shall certify the results to the secretary of state, the auditor of state, and the county recorder, who shall record it in their respective offices.

(E) The procedure in this section is in addition to the procedure under section 703.33 of the Revised Code for the dissolution of a village.

**Sec. 715.016.** (A) As used in this section:

(1) "Business" means a sole proprietorship, a corporation for profit, a pass-through entity as defined in section 5733.04 of the Revised Code, the federal government, the state, a political subdivision, a nonprofit organization, or a school district.

(2) "Eligible municipal corporation" means a municipal corporation wholly or partly located in a county having a

<u>population greater than one million.</u>	23405
<u>(3) "Fiscal officer" means the city auditor, village clerk, or other municipal officer having the duties and functions of a city auditor or village clerk.</u>	23406 23407 23408
<u>(4) "Major sports facility" and "transformational major sports facility mixed-use project" have the same meanings as in section 123.28 of the Revised Code.</u>	23409 23410 23411
<u>(5) "Operates within the proposed district" means a business if the business would be subject to a tax levied in the proposed tourism development district pursuant to division (C) of section 5739.101 of the Revised Code.</u>	23412 23413 23414 23415
<u>(6) "Owner" means a partner of a partnership, a member of a limited liability company, a majority shareholder of an S corporation, a person with a majority ownership interest in a pass-through entity, or any officer, employee, or agent with the authority to make decisions legally binding upon a business.</u>	23416 23417 23418 23419 23420
<u>(7) "Signature" means, for a business, the signature of any owner of the business.</u>	23421 23422
<u>(8) "Territory of a transformational major sports facility mixed-use project district" means all of the area included within the territorial boundaries of a transformational major sports facility mixed-use project district.</u>	23423 23424 23425 23426
<u>(9) "Transformational major sports facility mixed-use project district" means a district designated by a municipal corporation under this section.</u>	23427 23428 23429
<u>(B) (1) The legislative authority of an eligible municipal corporation, by resolution or ordinance, may declare an area of the municipal corporation to be a transformational major sports</u>	23430 23431 23432

facility mixed-use project district, and to be a public purpose, 23433  
for the purpose of fostering and developing a major sports 23434  
facility and economic development in the transformational major 23435  
sports facility mixed-use project district if all of the 23436  
following criteria are met: 23437

(a) All territory in the district is contiguous. 23438

(b) Before adopting the resolution or ordinance, the 23439  
legislative authority holds at least two public hearings 23440  
concerning the creation of the transformational major sports 23441  
facility mixed-use project district. 23442

(c) Before adopting the resolution or ordinance, the 23443  
legislative authority receives a petition with the signature of 23444  
every owner of a parcel of real property located in the proposed 23445  
transformational major sports facility mixed-use project 23446  
district and the owner of every business that operates in the 23447  
proposed district. 23448

(d) The legislative authority determines that a 23449  
transformational major sports facility mixed-use project will be 23450  
located on territory of the proposed transformational major 23451  
sports facility mixed-use project district. 23452

(2) A legislative authority shall not declare more than 23453  
one area of the municipal corporation to be a transformational 23454  
major sports facility mixed-use project district under this 23455  
section. 23456

(3) The legislative authority shall certify the resolution 23457  
or ordinance to the tax commissioner within five days after its 23458  
adoption or passage, along with a description of the boundaries 23459  
of the transformational major sports facility mixed-use project 23460  
district authorized in the resolution or ordinance. That 23461

description shall include sufficient information for the 23462  
commissioner to determine if the address of a business or owner 23463  
is within the boundaries of the district. 23464

(4) Subject to division (B) (1) (a) of this section, the 23465  
legislative authority of an eligible municipal corporation may 23466  
enlarge the territory of an existing transformational major 23467  
sports facility mixed-use project district in the manner 23468  
prescribed for the creation of a district under divisions (B) (1) 23469  
to (3) of this section, except that the petition described in 23470  
division (B) (1) (c) of this section shall be signed by every 23471  
owner of a parcel of real property located in the area proposed 23472  
to be added to the district. 23473

(C) Every record owner of a parcel of real property 23474  
located in the proposed transformational major sports facility 23475  
mixed-use project district shall be required to provide, or 23476  
cause every person that enters into a lease, license, or use or 23477  
operating agreement for all or a portion of the building and 23478  
facilities located in that parcel, the governmental agency that 23479  
owns or has an ownership interest in a major sports facility or 23480  
the site of a major sports facility with the information 23481  
described in division (J) of section 123.281 of the Revised 23482  
Code. Compliance with this requirement may be evidenced by an 23483  
instrument that has been duly recorded with the county recorder. 23484

(D) On or before the first day of each January and July 23485  
beginning after the designation of a transformational major 23486  
sports facility mixed-use project district, the fiscal officer 23487  
shall certify to the tax commissioner a list of businesses 23488  
located within the transformational major sports facility mixed- 23489  
use project district. 23490

**Sec. 718.01.** Any term used in this chapter that is not 23491

otherwise defined in this chapter has the same meaning as when 23492  
used in a comparable context in laws of the United States 23493  
relating to federal income taxation or in Title LVII of the 23494  
Revised Code, unless a different meaning is clearly required. 23495  
Except as provided in section 718.81 of the Revised Code, if a 23496  
term used in this chapter that is not otherwise defined in this 23497  
chapter is used in a comparable context in both the laws of the 23498  
United States relating to federal income tax and in Title LVII 23499  
of the Revised Code and the use is not consistent, then the use 23500  
of the term in the laws of the United States relating to federal 23501  
income tax shall control over the use of the term in Title LVII 23502  
of the Revised Code. 23503

Except as otherwise provided in section 718.81 of the 23504  
Revised Code, as used in this chapter: 23505

(A) (1) "Municipal taxable income" means the following: 23506

(a) For a person other than an individual, income 23507  
apportioned or situated to the municipal corporation under 23508  
section 718.02 of the Revised Code, as applicable, reduced by 23509  
any pre-2017 net operating loss carryforward available to the 23510  
person for the municipal corporation. 23511

(b) (i) For an individual who is a resident of a municipal 23512  
corporation other than a qualified municipal corporation, income 23513  
reduced by exempt income to the extent otherwise included in 23514  
income, then reduced as provided in division (A) (2) of this 23515  
section, and further reduced by any pre-2017 net operating loss 23516  
carryforward available to the individual for the municipal 23517  
corporation. 23518

(ii) For an individual who is a resident of a qualified 23519  
municipal corporation, Ohio adjusted gross income reduced by 23520



income exempted, and increased by deductions excluded, by the 23521  
qualified municipal corporation from the qualified municipal 23522  
corporation's tax. If a qualified municipal corporation, on or 23523  
before December 31, 2013, exempts income earned by individuals 23524  
who are not residents of the qualified municipal corporation and 23525  
net profit of persons that are not wholly located within the 23526  
qualified municipal corporation, such individual or person shall 23527  
have no municipal taxable income for the purposes of the tax 23528  
levied by the qualified municipal corporation and may be 23529  
exempted by the qualified municipal corporation from the 23530  
requirements of section 718.03 of the Revised Code. 23531

(c) For an individual who is a nonresident of a municipal 23532  
corporation, income reduced by exempt income to the extent 23533  
otherwise included in income and then, as applicable, 23534  
apportioned or situated to the municipal corporation under 23535  
section 718.02 of the Revised Code, then reduced as provided in 23536  
division (A)(2) of this section, and further reduced by any pre- 23537  
2017 net operating loss carryforward available to the individual 23538  
for the municipal corporation. 23539

(2) In computing the municipal taxable income of a 23540  
taxpayer who is an individual, the taxpayer may subtract, as 23541  
provided in division (A)(1)(b)(i) or (c) of this section, the 23542  
amount of the individual's employee business expenses reported 23543  
on the individual's form 2106 that the individual deducted for 23544  
federal income tax purposes for the taxable year, subject to the 23545  
limitation imposed by section 67 of the Internal Revenue Code. 23546  
For the municipal corporation in which the taxpayer is a 23547  
resident, the taxpayer may deduct all such expenses allowed for 23548  
federal income tax purposes. For a municipal corporation in 23549  
which the taxpayer is not a resident, the taxpayer may deduct 23550  
such expenses only to the extent the expenses are related to the 23551

taxpayer's performance of personal services in that nonresident  
municipal corporation. 23552  
23553

(B) "Income" means the following: 23554

(1) (a) For residents, all income, salaries, qualifying 23555  
wages, commissions, and other compensation from whatever source 23556  
earned or received by the resident, including the resident's 23557  
distributive share of the net profit of pass-through entities 23558  
owned directly or indirectly by the resident and any net profit 23559  
of the resident, except as provided in division (D) (5) of this 23560  
section. 23561

(b) For the purposes of division (B) (1) (a) of this 23562  
section: 23563

(i) Any net operating loss of the resident incurred in the 23564  
taxable year and the resident's distributive share of any net 23565  
operating loss generated in the same taxable year and 23566  
attributable to the resident's ownership interest in a pass- 23567  
through entity shall be allowed as a deduction, for that taxable 23568  
year and the following five taxable years, against any other net 23569  
profit of the resident or the resident's distributive share of 23570  
any net profit attributable to the resident's ownership interest 23571  
in a pass-through entity until fully utilized, subject to 23572  
division (B) (1) (d) of this section; 23573

(ii) The resident's distributive share of the net profit 23574  
of each pass-through entity owned directly or indirectly by the 23575  
resident shall be calculated without regard to any net operating 23576  
loss that is carried forward by that entity from a prior taxable 23577  
year and applied to reduce the entity's net profit for the 23578  
current taxable year. 23579

(c) Division (B) (1) (b) of this section does not apply with 23580

respect to any net profit or net operating loss attributable to 23581  
an ownership interest in an S corporation unless shareholders' 23582  
distributive shares of net profits from S corporations are 23583  
subject to tax in the municipal corporation as provided in 23584  
division (C) (14) (b) or (c) of this section. 23585

(d) Any amount of a net operating loss used to reduce a 23586  
taxpayer's net profit for a taxable year shall reduce the amount 23587  
of net operating loss that may be carried forward to any 23588  
subsequent year for use by that taxpayer. In no event shall the 23589  
cumulative deductions for all taxable years with respect to a 23590  
taxpayer's net operating loss exceed the original amount of that 23591  
net operating loss available to that taxpayer. 23592

(2) In the case of nonresidents, all income, salaries, 23593  
qualifying wages, commissions, and other compensation from 23594  
whatever source earned or received by the nonresident for work 23595  
done, services performed or rendered, or activities conducted in 23596  
the municipal corporation, including any net profit of the 23597  
nonresident, but excluding the nonresident's distributive share 23598  
of the net profit or loss of only pass-through entities owned 23599  
directly or indirectly by the nonresident. 23600

(3) For taxpayers that are not individuals, net profit of 23601  
the taxpayer; 23602

(4) Lottery, sweepstakes, gambling and sports winnings, 23603  
winnings from games of chance, and prizes and awards. If the 23604  
taxpayer is a professional gambler for federal income tax 23605  
purposes, the taxpayer may deduct related wagering losses and 23606  
expenses to the extent authorized under the Internal Revenue 23607  
Code and claimed against such winnings. 23608

(C) "Exempt income" means all of the following: 23609

(1) The military pay or allowances of members of the armed 23610  
forces of the United States or members of their reserve 23611  
components, including the national guard of any state~~r~~. As used 23612  
in division (C) (1) of this section, "armed forces" has the same 23613  
meaning as in 10 U.S.C. 101. 23614

(2) (a) Except as provided in division (C) (2) (b) of this 23615  
section, intangible income; 23616

(b) A municipal corporation that taxed any type of 23617  
intangible income on March 29, 1988, pursuant to Section 3 of 23618  
S.B. 238 of the 116th general assembly, may continue to tax that 23619  
type of income if a majority of the electors of the municipal 23620  
corporation voting on the question of whether to permit the 23621  
taxation of that type of intangible income after 1988 voted in 23622  
favor thereof at an election held on November 8, 1988. 23623

(3) Social security benefits, railroad retirement 23624  
benefits, unemployment compensation, pensions, retirement 23625  
benefit payments, payments from annuities, and similar payments 23626  
made to an employee or to the beneficiary of an employee under a 23627  
retirement program or plan, disability payments received from 23628  
private industry or local, state, or federal governments or from 23629  
charitable, religious or educational organizations, and the 23630  
proceeds of sickness, accident, or liability insurance policies. 23631  
As used in division (C) (3) of this section, "unemployment 23632  
compensation" does not include supplemental unemployment 23633  
compensation described in section 3402(o) (2) of the Internal 23634  
Revenue Code. 23635

(4) The income of religious, fraternal, charitable, 23636  
scientific, literary, or educational institutions to the extent 23637  
such income is derived from tax-exempt real estate, tax-exempt 23638  
tangible or intangible property, or tax-exempt activities. 23639

(5) Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official to the extent that such compensation does not exceed one thousand dollars for the taxable year. Such compensation in excess of one thousand dollars for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.

(6) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or labor unions, lodges, and similar organizations;

(7) Alimony and child support received;

(8) Compensation for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or compensation from punitive damages;

(9) Income of a public utility when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Revised Code. Division (C) (9) of this section does not apply for purposes of Chapter 5745. of the Revised Code.

(10) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business;

(11) Compensation or allowances excluded from federal gross income under section 107 of the Internal Revenue Code;

(12) Employee compensation that is not qualifying wages as

defined in division (R) of this section; 23669

(13) Compensation paid to a person employed within the 23670  
boundaries of a United States air force base under the 23671  
jurisdiction of the United States air force that is used for the 23672  
housing of members of the United States air force and is a 23673  
center for air force operations, unless the person is subject to 23674  
taxation because of residence or domicile. If the compensation 23675  
is subject to taxation because of residence or domicile, tax on 23676  
such income shall be payable only to the municipal corporation 23677  
of residence or domicile. 23678

(14) (a) Except as provided in division (C) (14) (b) or (c) 23679  
of this section, an S corporation shareholder's distributive 23680  
share of net profits of the S corporation, other than any part 23681  
of the distributive share of net profits that represents wages 23682  
as defined in section 3121(a) of the Internal Revenue Code or 23683  
net earnings from self-employment as defined in section 1402(a) 23684  
of the Internal Revenue Code. 23685

(b) If, pursuant to division (H) of former section 718.01 23686  
of the Revised Code as it existed before March 11, 2004, a 23687  
majority of the electors of a municipal corporation voted in 23688  
favor of the question at an election held on November 4, 2003, 23689  
the municipal corporation may continue after 2002 to tax an S 23690  
corporation shareholder's distributive share of net profits of 23691  
an S corporation. 23692

(c) If, on December 6, 2002, a municipal corporation was 23693  
imposing, assessing, and collecting a tax on an S corporation 23694  
shareholder's distributive share of net profits of the S 23695  
corporation to the extent the distributive share would be 23696  
allocated or apportioned to this state under divisions (B) (1) 23697  
and (2) of section 5733.05 of the Revised Code if the S 23698

corporation were a corporation subject to taxes imposed under 23699  
Chapter 5733. of the Revised Code, the municipal corporation may 23700  
continue to impose the tax on such distributive shares to the 23701  
extent such shares would be so allocated or apportioned to this 23702  
state only until December 31, 2004, unless a majority of the 23703  
electors of the municipal corporation voting on the question of 23704  
continuing to tax such shares after that date voted in favor of 23705  
that question at an election held November 2, 2004. If a 23706  
majority of those electors voted in favor of the question, the 23707  
municipal corporation may continue after December 31, 2004, to 23708  
impose the tax on such distributive shares only to the extent 23709  
such shares would be so allocated or apportioned to this state. 23710

(d) A municipal corporation shall be deemed to have 23711  
elected to tax S corporation shareholders' distributive shares 23712  
of net profits of the S corporation in the hands of the 23713  
shareholders if a majority of the electors of a municipal 23714  
corporation voted in favor of a question at an election held 23715  
under division (C) (14) (b) or (c) of this section. The municipal 23716  
corporation shall specify by resolution or ordinance that the 23717  
tax applies to the distributive share of a shareholder of an S 23718  
corporation in the hands of the shareholder of the S 23719  
corporation. 23720

(15) The income of individuals under eighteen years of 23721  
age. 23722

(16) (a) Except as provided in divisions (C) (16) (b), (c), 23723  
and (d) of this section, qualifying wages described in division 23724  
(B) (1) or (E) of section 718.011 of the Revised Code to the 23725  
extent the qualifying wages are not subject to withholding for 23726  
the municipal corporation under either of those divisions. 23727

(b) The exemption provided in division (C) (16) (a) of this 23728

section does not apply with respect to the municipal corporation 23729  
in which the employee resided at the time the employee earned 23730  
the qualifying wages. 23731

(c) The exemption provided in division (C)(16)(a) of this 23732  
section does not apply to qualifying wages that an employer 23733  
elects to withhold under division (D)(2) of section 718.011 of 23734  
the Revised Code. 23735

(d) The exemption provided in division (C)(16)(a) of this 23736  
section does not apply to qualifying wages if both of the 23737  
following conditions apply: 23738

(i) For qualifying wages described in division (B)(1) of 23739  
section 718.011 of the Revised Code, the employee's employer 23740  
withholds and remits tax on the qualifying wages to the 23741  
municipal corporation in which the employee's principal place of 23742  
work is situated, or, for qualifying wages described in division 23743  
(E) of section 718.011 of the Revised Code, the employee's 23744  
employer withholds and remits tax on the qualifying wages to the 23745  
municipal corporation in which the employer's fixed location is 23746  
located; 23747

(ii) The employee receives a refund of the tax described 23748  
in division (C)(16)(d)(i) of this section on the basis of the 23749  
employee not performing services in that municipal corporation. 23750

(17)(a) Except as provided in division (C)(17)(b) or (c) 23751  
of this section, compensation that is not qualifying wages paid 23752  
to a nonresident individual for personal services performed in 23753  
the municipal corporation on not more than twenty days in a 23754  
taxable year. 23755

(b) The exemption provided in division (C)(17)(a) of this 23756  
section does not apply under either of the following 23757



circumstances: 23758

(i) The individual's base of operation is located in the 23759  
municipal corporation. 23760

(ii) The individual is a professional athlete, 23761  
professional entertainer, or public figure, and the compensation 23762  
is paid for the performance of services in the individual's 23763  
capacity as a professional athlete, professional entertainer, or 23764  
public figure. For purposes of division (C)(17)(b)(ii) of this 23765  
section, "professional athlete," "professional entertainer," and 23766  
"public figure" have the same meanings as in section 718.011 of 23767  
the Revised Code. 23768

(c) Compensation to which division (C)(17) of this section 23769  
applies shall be treated as earned or received at the 23770  
individual's base of operation. If the individual does not have 23771  
a base of operation, the compensation shall be treated as earned 23772  
or received where the individual is domiciled. 23773

(d) For purposes of division (C)(17) of this section, 23774  
"base of operation" means the location where an individual owns 23775  
or rents an office, storefront, or similar facility to which the 23776  
individual regularly reports and at which the individual 23777  
regularly performs personal services for compensation. 23778

(18) Compensation paid to a person for personal services 23779  
performed for a political subdivision on property owned by the 23780  
political subdivision, regardless of whether the compensation is 23781  
received by an employee of the subdivision or another person 23782  
performing services for the subdivision under a contract with 23783  
the subdivision, if the property on which services are performed 23784  
is annexed to a municipal corporation pursuant to section 23785  
709.023 of the Revised Code on or after March 27, 2013, unless 23786

the person is subject to such taxation because of residence. If 23787  
the compensation is subject to taxation because of residence, 23788  
municipal income tax shall be payable only to the municipal 23789  
corporation of residence. 23790

(19) In the case of a tax administered, collected, and 23791  
enforced by a municipal corporation pursuant to an agreement 23792  
with the board of directors of a joint economic development 23793  
district under section 715.72 of the Revised Code, the net 23794  
profits of a business, and the income of the employees of that 23795  
business, exempted from the tax under division (Q) of that 23796  
section. 23797

(20) All of the following: 23798

(a) Income derived from disaster work conducted in this 23799  
state by an out-of-state disaster business during a disaster 23800  
response period pursuant to a qualifying solicitation received 23801  
by the business; 23802

(b) Income of a qualifying employee described in division 23803  
(A) (14) (a) of section 5703.94 of the Revised Code, to the extent 23804  
such income is derived from disaster work conducted in this 23805  
state by the employee during a disaster response period pursuant 23806  
to a qualifying solicitation received by the employee's 23807  
employer; 23808

(c) Income of a qualifying employee described in division 23809  
(A) (14) (b) of section 5703.94 of the Revised Code, to the extent 23810  
such income is derived from disaster work conducted in this 23811  
state by the employee during a disaster response period on 23812  
critical infrastructure owned or used by the employee's 23813  
employer. 23814

(21) Income the taxation of which is prohibited by the 23815

constitution or laws of the United States. 23816

Any item of income that is exempt income of a pass-through 23817  
entity under division (C) of this section is exempt income of 23818  
each owner of the pass-through entity to the extent of that 23819  
owner's distributive or proportionate share of that item of the 23820  
entity's income. 23821

(D) (1) "Net profit" for a person who is an individual 23822  
means the individual's net profit required to be reported on 23823  
schedule C, schedule E, or schedule F reduced by any net 23824  
operating loss carried forward. For the purposes of division (D) 23825  
(1) of this section, the net operating loss carried forward 23826  
shall be calculated and deducted in the same manner as provided 23827  
in division (D) (3) of this section. 23828

(2) "Net profit" for a person other than an individual 23829  
means adjusted federal taxable income reduced by any net 23830  
operating loss incurred by the person in a taxable year 23831  
beginning on or after January 1, 2017, subject to the 23832  
limitations of division (D) (3) of this section. 23833

(3) (a) The amount of such net operating loss shall be 23834  
deducted from net profit to the extent necessary to reduce 23835  
municipal taxable income to zero, with any remaining unused 23836  
portion of the net operating loss carried forward to not more 23837  
than five consecutive taxable years following the taxable year 23838  
in which the loss was incurred, but in no case for more years 23839  
than necessary for the deduction to be fully utilized. 23840

(b) No person shall use the deduction allowed by division 23841  
(D) (3) of this section to offset qualifying wages. 23842

(c) (i) For taxable years beginning in 2018, 2019, 2020, 23843  
2021, or 2022, a person may not deduct, for purposes of an 23844

income tax levied by a municipal corporation that levies an 23845  
income tax before January 1, 2016, more than fifty per cent of 23846  
the amount of the deduction otherwise allowed by division (D) (3) 23847  
of this section. 23848

(ii) For taxable years beginning in 2023 or thereafter, a 23849  
person may deduct, for purposes of an income tax levied by a 23850  
municipal corporation that levies an income tax before January 23851  
1, 2016, the full amount allowed by division (D) (3) of this 23852  
section without regard to the limitation of division (D) (3) (c) 23853  
(i) of this section. 23854

(d) Any pre-2017 net operating loss carryforward deduction 23855  
that is available may be utilized before a taxpayer may deduct 23856  
any amount pursuant to division (D) (3) of this section. 23857

(e) Nothing in division (D) (3) (c) (i) of this section 23858  
precludes a person from carrying forward, for use with respect 23859  
to any return filed for a taxable year beginning after 2018, any 23860  
amount of net operating loss that was not fully utilized by 23861  
operation of division (D) (3) (c) (i) of this section. To the 23862  
extent that an amount of net operating loss that was not fully 23863  
utilized in one or more taxable years by operation of division 23864  
(D) (3) (c) (i) of this section is carried forward for use with 23865  
respect to a return filed for a taxable year beginning in 2019, 23866  
2020, 2021, or 2022, the limitation described in division (D) (3) 23867  
(c) (i) of this section shall apply to the amount carried 23868  
forward. 23869

(4) For the purposes of this chapter, and notwithstanding 23870  
division (D) (2) of this section, net profit of a disregarded 23871  
entity shall not be taxable as against that disregarded entity, 23872  
but shall instead be included in the net profit of the owner of 23873  
the disregarded entity. 23874

(5) For the purposes of this chapter, and notwithstanding  
any other provision of this chapter, the net profit of a  
publicly traded partnership that makes the election described in  
division (D) (5) of this section shall be taxed as if the  
partnership were a C corporation, and shall not be treated as  
the net profit or income of any owner of the partnership.

A publicly traded partnership that is treated as a  
partnership for federal income tax purposes and that is subject  
to tax on its net profits in one or more municipal corporations  
in this state may elect to be treated as a C corporation for  
municipal income tax purposes. The publicly traded partnership  
shall make the election in every municipal corporation in which  
the partnership is subject to taxation on its net profits. The  
election shall be made on the annual tax return filed in each  
such municipal corporation. The publicly traded partnership  
shall not be required to file the election with any municipal  
corporation in which the partnership is not subject to taxation  
on its net profits, but division (D) (5) of this section applies  
to all municipal corporations in which an individual owner of  
the partnership resides.

(E) "Adjusted federal taxable income," for a person  
required to file as a C corporation, or for a person that has  
elected to be taxed as a C corporation under division (D) (5) of  
this section, means a C corporation's federal taxable income  
before net operating losses and special deductions as determined  
under the Internal Revenue Code, adjusted as follows:

(1) Deduct intangible income to the extent included in  
federal taxable income. The deduction shall be allowed  
regardless of whether the intangible income relates to assets  
used in a trade or business or assets held for the production of

income. 23905

(2) Add an amount equal to five per cent of intangible 23906  
income deducted under division (E) (1) of this section, but 23907  
excluding that portion of intangible income directly related to 23908  
the sale, exchange, or other disposition of property described 23909  
in section 1221 of the Internal Revenue Code; 23910

(3) Add any losses allowed as a deduction in the 23911  
computation of federal taxable income if the losses directly 23912  
relate to the sale, exchange, or other disposition of an asset 23913  
described in section 1221 or 1231 of the Internal Revenue Code; 23914

(4) (a) Except as provided in division (E) (4) (b) of this 23915  
section, deduct income and gain included in federal taxable 23916  
income to the extent the income and gain directly relate to the 23917  
sale, exchange, or other disposition of an asset described in 23918  
section 1221 or 1231 of the Internal Revenue Code; 23919

(b) Division (E) (4) (a) of this section does not apply to 23920  
the extent the income or gain is income or gain described in 23921  
section 1245 or 1250 of the Internal Revenue Code. 23922

(5) Add taxes on or measured by net income allowed as a 23923  
deduction in the computation of federal taxable income; 23924

(6) In the case of a real estate investment trust or 23925  
regulated investment company, add all amounts with respect to 23926  
dividends to, distributions to, or amounts set aside for or 23927  
credited to the benefit of investors and allowed as a deduction 23928  
in the computation of federal taxable income; 23929

(7) Deduct, to the extent not otherwise deducted or 23930  
excluded in computing federal taxable income, any income derived 23931  
from a transfer agreement or from the enterprise transferred 23932  
under that agreement under section 4313.02 of the Revised Code; 23933

(8) Deduct exempt income to the extent not otherwise 23934  
deducted or excluded in computing adjusted federal taxable 23935  
income. 23936

(9) Deduct any net profit of a pass-through entity owned 23937  
directly or indirectly by the taxpayer and included in the 23938  
taxpayer's federal taxable income unless an affiliated group of 23939  
corporations includes that net profit in the group's federal 23940  
taxable income in accordance with division (E) (3) (b) of section 23941  
718.06 of the Revised Code. 23942

(10) Add any loss incurred by a pass-through entity owned 23943  
directly or indirectly by the taxpayer and included in the 23944  
taxpayer's federal taxable income unless an affiliated group of 23945  
corporations includes that loss in the group's federal taxable 23946  
income in accordance with division (E) (3) (b) of section 718.06 23947  
of the Revised Code. 23948

If the taxpayer is not a C corporation, is not a 23949  
disregarded entity that has made the election described in 23950  
division (L) (2) of this section, is not a publicly traded 23951  
partnership that has made the election described in division (D) 23952  
(5) of this section, and is not an individual, the taxpayer 23953  
shall compute adjusted federal taxable income under this section 23954  
as if the taxpayer were a C corporation, except guaranteed 23955  
payments and other similar amounts paid or accrued to a partner, 23956  
former partner, shareholder, former shareholder, member, or 23957  
former member shall not be allowed as a deductible expense 23958  
unless such payments are a pension or retirement benefit payment 23959  
paid to a retired partner, retired shareholder, or retired 23960  
member or are in consideration for the use of capital and 23961  
treated as payment of interest under section 469 of the Internal 23962  
Revenue Code or United States treasury regulations. Amounts paid 23963

or accrued to a qualified self-employed retirement plan with 23964  
respect to a partner, former partner, shareholder, former 23965  
shareholder, member, or former member of the taxpayer, amounts 23966  
paid or accrued to or for health insurance for a partner, former 23967  
partner, shareholder, former shareholder, member, or former 23968  
member, and amounts paid or accrued to or for life insurance for 23969  
a partner, former partner, shareholder, former shareholder, 23970  
member, or former member shall not be allowed as a deduction. 23971

Nothing in division (E) of this section shall be construed 23972  
as allowing the taxpayer to add or deduct any amount more than 23973  
once or shall be construed as allowing any taxpayer to deduct 23974  
any amount paid to or accrued for purposes of federal self- 23975  
employment tax. 23976

(F) "Schedule C" means internal revenue service schedule C 23977  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 23978  
Code. 23979

(G) "Schedule E" means internal revenue service schedule E 23980  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 23981  
Code. 23982

(H) "Schedule F" means internal revenue service schedule F 23983  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 23984  
Code. 23985

(I) "Internal Revenue Code" has the same meaning as in 23986  
section 5747.01 of the Revised Code. 23987

(J) "Resident" means an individual who is domiciled in the 23988  
municipal corporation as determined under section 718.012 of the 23989  
Revised Code. 23990

(K) "Nonresident" means an individual that is not a 23991  
resident. 23992



(L) (1) "Taxpayer" means a person subject to a tax levied on income by a municipal corporation in accordance with this chapter. "Taxpayer" does not include a grantor trust or, except as provided in division (L) (2) (a) of this section, a disregarded entity.

(2) (a) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:

(i) The limited liability company's single member is also a limited liability company.

(ii) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.

(iii) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of this section as this section existed on December 31, 2004.

(iv) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.

(v) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.

(b) For purposes of division (L) (2) (a) (v) of this section, a municipal corporation was the primary place of business of a

limited liability company if, for the limited liability 24022  
company's taxable year ending in 2003, its income tax liability 24023  
was greater in that municipal corporation than in any other 24024  
municipal corporation in Ohio, and that tax liability to that 24025  
municipal corporation for its taxable year ending in 2003 was at 24026  
least four hundred thousand dollars. 24027

(M) "Person" includes individuals, firms, companies, joint 24028  
stock companies, business trusts, estates, trusts, partnerships, 24029  
limited liability partnerships, limited liability companies, 24030  
associations, C corporations, S corporations, governmental 24031  
entities, and any other entity. 24032

(N) "Pass-through entity" means a partnership not treated 24033  
as an association taxable as a C corporation for federal income 24034  
tax purposes, a limited liability company not treated as an 24035  
association taxable as a C corporation for federal income tax 24036  
purposes, an S corporation, or any other class of entity from 24037  
which the income or profits of the entity are given pass-through 24038  
treatment for federal income tax purposes. "Pass-through entity" 24039  
does not include a trust, estate, grantor of a grantor trust, or 24040  
disregarded entity. 24041

(O) "S corporation" means a person that has made an 24042  
election under subchapter S of Chapter 1 of Subtitle A of the 24043  
Internal Revenue Code for its taxable year. 24044

(P) "Single member limited liability company" means a 24045  
limited liability company that has one direct member. 24046

(Q) "Limited liability company" means a limited liability 24047  
company formed under former Chapter 1705. of the Revised Code as 24048  
that chapter existed prior to February 11, 2022, Chapter 1706. 24049  
of the Revised Code, or the laws of another state. 24050

(R) "Qualifying wages" means wages, as defined in section 24051  
3121(a) of the Internal Revenue Code, without regard to any wage 24052  
limitations, adjusted as follows: 24053

(1) Deduct the following amounts: 24054

(a) Any amount included in wages if the amount constitutes 24055  
compensation attributable to a plan or program described in 24056  
section 125 of the Internal Revenue Code. 24057

(b) Any amount included in wages if the amount constitutes 24058  
payment on account of a disability related to sickness or an 24059  
accident paid by a party unrelated to the employer, agent of an 24060  
employer, or other payer. 24061

(c) Any amount attributable to a nonqualified deferred 24062  
compensation plan or program described in section 3121(v) (2) (C) 24063  
of the Internal Revenue Code if the compensation is included in 24064  
wages and the municipal corporation has, by resolution or 24065  
ordinance adopted before January 1, 2016, exempted the amount 24066  
from withholding and tax. 24067

(d) Any amount included in wages if the amount arises from 24068  
the sale, exchange, or other disposition of a stock option, the 24069  
exercise of a stock option, or the sale, exchange, or other 24070  
disposition of stock purchased under a stock option and the 24071  
municipal corporation has, by resolution or ordinance adopted 24072  
before January 1, 2016, exempted the amount from withholding and 24073  
tax. 24074

(e) Any amount included in wages that is exempt income. 24075

(2) Add the following amounts: 24076

(a) Any amount not included in wages solely because the 24077  
employee was employed by the employer before April 1, 1986. 24078

(b) Any amount not included in wages because the amount 24079  
arises from the sale, exchange, or other disposition of a stock 24080  
option, the exercise of a stock option, or the sale, exchange, 24081  
or other disposition of stock purchased under a stock option and 24082  
the municipal corporation has not, by resolution or ordinance, 24083  
exempted the amount from withholding and tax adopted before 24084  
January 1, 2016. Division (R) (2) (b) of this section applies only 24085  
to those amounts constituting ordinary income. 24086

(c) Any amount not included in wages if the amount is an 24087  
amount described in section 401(k), 403(b), or 457 of the 24088  
Internal Revenue Code. Division (R) (2) (c) of this section 24089  
applies only to employee contributions and employee deferrals. 24090

(d) Any amount that is supplemental unemployment 24091  
compensation benefits described in section 3402(o) (2) of the 24092  
Internal Revenue Code and not included in wages. 24093

(e) Any amount received that is treated as self-employment 24094  
income for federal tax purposes in accordance with section 24095  
1402(a) (8) of the Internal Revenue Code. 24096

(f) Any amount not included in wages if all of the 24097  
following apply: 24098

(i) For the taxable year the amount is employee 24099  
compensation that is earned outside of the United States and 24100  
that either is included in the taxpayer's gross income for 24101  
federal income tax purposes or would have been included in the 24102  
taxpayer's gross income for such purposes if the taxpayer did 24103  
not elect to exclude the income under section 911 of the 24104  
Internal Revenue Code; 24105

(ii) For no preceding taxable year did the amount 24106  
constitute wages as defined in section 3121(a) of the Internal 24107

Revenue Code;	24108
(iii) For no succeeding taxable year will the amount	24109
constitute wages; and	24110
(iv) For any taxable year the amount has not otherwise	24111
been added to wages pursuant to either division (R) (2) of this	24112
section or section 718.03 of the Revised Code, as that section	24113
existed before the effective date of H.B. 5 of the 130th general	24114
assembly, March 23, 2015.	24115
(S) "Intangible income" means income of any of the	24116
following types: income yield, interest, capital gains,	24117
dividends, or other income arising from the ownership, sale,	24118
exchange, or other disposition of intangible property including,	24119
but not limited to, investments, deposits, money, or credits as	24120
those terms are defined in Chapter 5701. of the Revised Code,	24121
and patents, copyrights, trademarks, tradenames, investments in	24122
real estate investment trusts, investments in regulated	24123
investment companies, and appreciation on deferred compensation.	24124
"Intangible income" does not include prizes, awards, or other	24125
income associated with any lottery winnings, gambling winnings,	24126
or other similar games of chance.	24127
(T) "Taxable year" means the corresponding tax reporting	24128
period as prescribed for the taxpayer under the Internal Revenue	24129
Code.	24130
(U) (1) "Tax administrator" means, subject to division (U)	24131
(2) of this section, the individual charged with direct	24132
responsibility for administration of an income tax levied by a	24133
municipal corporation in accordance with this chapter, and also	24134
includes the following:	24135
(a) A municipal corporation acting as the agent of another	24136

municipal corporation;	24137
(b) A person retained by a municipal corporation to	24138
administer a tax levied by the municipal corporation, but only	24139
if the municipal corporation does not compensate the person in	24140
whole or in part on a contingency basis;	24141
(c) The central collection agency or the regional income	24142
tax agency or their successors in interest, or another entity	24143
organized to perform functions similar to those performed by the	24144
central collection agency and the regional income tax agency.	24145
(2) "Tax administrator" does not include the tax	24146
commissioner.	24147
(3) A private individual or entity serving in any position	24148
described in division (U) (1) (b) or (c) of this section shall	24149
have no access to criminal history record information.	24150
(V) "Employer" means a person that is an employer for	24151
federal income tax purposes.	24152
(W) "Employee" means an individual who is an employee for	24153
federal income tax purposes.	24154
(X) "Other payer" means any person, other than an	24155
individual's employer or the employer's agent, that pays an	24156
individual any amount included in the federal gross income of	24157
the individual. "Other payer" includes casino operators and	24158
video lottery terminal sales agents.	24159
(Y) "Calendar quarter" means the three-month period ending	24160
on the last day of March, June, September, or December.	24161
(Z) "Form 2106" means internal revenue service form 2106	24162
filed by a taxpayer pursuant to the Internal Revenue Code.	24163

(AA) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.72 of the Revised Code.

(BB) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.

(CC) "Generic form" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.

(DD) "Tax return preparer" means any individual described in section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.

(EE) "Ohio business gateway" means the online computer network system created under section 125.30 of the Revised Code or any successor electronic filing and payment system.

(FF) "Local board of tax review" and "board of tax review" mean the entity created under section 718.11 of the Revised Code.

(GG) "Net operating loss" means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does not include unutilized losses resulting from basis limitations, at-risk limitations, or passive activity loss limitations.

(HH) "Casino operator" and "casino facility" have the same

meanings as in section 3772.01 of the Revised Code.	24193
(II) "Video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.	24194 24195
(JJ) "Video lottery terminal sales agent" means a lottery sales agent licensed under Chapter 3770. of the Revised Code to conduct video lottery terminals on behalf of the state pursuant to section 3770.21 of the Revised Code.	24196 24197 24198 24199
(KK) "Postal service" means the United States postal service.	24200 24201
(LL) "Certified mail," "express mail," "United States mail," "postal service," and similar terms include any delivery service authorized pursuant to section 5703.056 of the Revised Code.	24202 24203 24204 24205
(MM) "Postmark date," "date of postmark," and similar terms include the date recorded and marked in the manner described in division (B) (3) of section 5703.056 of the Revised Code.	24206 24207 24208 24209
(NN) "Related member" means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as defined in section 1563(b) of the Internal Revenue Code, or a person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a person is a related member under this division, "twenty per cent" shall be substituted for "5 percent" wherever "5 percent" appears in section 1563(e) of the Internal Revenue Code.	24210 24211 24212 24213 24214 24215 24216 24217 24218 24219
(OO) "Related entity" means any of the following:	24220



(1) An individual stockholder, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock;

(2) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, estates, trusts, or corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock;

(3) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division (00) (4) of this section, provided the taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty per cent of the value of the corporation's outstanding stock;

(4) The attribution rules described in section 318 of the Internal Revenue Code apply for the purpose of determining whether the ownership requirements in divisions (00) (1) to (3) of this section have been met.

(PP) (1) "Assessment" means a written finding by the tax administrator that a person has underpaid municipal income tax, or owes penalty and interest, or any combination of tax, penalty, or interest, to the municipal corporation that commences the person's time limitation for making an appeal to the local board of tax review pursuant to section 718.11 of the Revised Code, and has "ASSESSMENT" written in all capital

letters at the top of such finding. 24251

(2) "Assessment" does not include an informal notice 24252  
denying a request for refund issued under division (B) (3) of 24253  
section 718.19 of the Revised Code, a billing statement 24254  
notifying a taxpayer of current or past-due balances owed to the 24255  
municipal corporation, a tax administrator's request for 24256  
additional information, a notification to the taxpayer of 24257  
mathematical errors, or a tax administrator's other written 24258  
correspondence to a person or taxpayer that does not meet the 24259  
criteria prescribed by division (PP) (1) of this section. 24260

(QQ) "Taxpayers' rights and responsibilities" means the 24261  
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 24262  
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 24263  
Revised Code and the responsibilities of taxpayers to file, 24264  
report, withhold, remit, and pay municipal income tax and 24265  
otherwise comply with Chapter 718. of the Revised Code and 24266  
resolutions, ordinances, and rules adopted by a municipal 24267  
corporation for the imposition and administration of a municipal 24268  
income tax. 24269

(RR) "Qualified municipal corporation" means a municipal 24270  
corporation that, by resolution or ordinance adopted on or 24271  
before December 31, 2011, adopted Ohio adjusted gross income, as 24272  
defined by section 5747.01 of the Revised Code, as the income 24273  
subject to tax for the purposes of imposing a municipal income 24274  
tax. 24275

(SS) (1) "Pre-2017 net operating loss carryforward" means 24276  
any net operating loss incurred in a taxable year beginning 24277  
before January 1, 2017, to the extent such loss was permitted, 24278  
by a resolution or ordinance of the municipal corporation that 24279  
was adopted by the municipal corporation before January 1, 2016, 24280

to be carried forward and utilized to offset income or net 24281  
profit generated in such municipal corporation in future taxable 24282  
years. 24283

(2) For the purpose of calculating municipal taxable 24284  
income, any pre-2017 net operating loss carryforward may be 24285  
carried forward to any taxable year, including taxable years 24286  
beginning in 2017 or thereafter, for the number of taxable years 24287  
provided in the resolution or ordinance or until fully utilized, 24288  
whichever is earlier. 24289

(TT) "Small employer" means any employer that had total 24290  
revenue of less than five hundred thousand dollars during the 24291  
preceding taxable year. For purposes of this division, "total 24292  
revenue" means receipts of any type or kind, including, but not 24293  
limited to, sales receipts; payments; rents; profits; gains, 24294  
dividends, and other investment income; compensation; 24295  
commissions; premiums; money; property; grants; contributions; 24296  
donations; gifts; program service revenue; patient service 24297  
revenue; premiums; fees, including premium fees and service 24298  
fees; tuition payments; unrelated business revenue; 24299  
reimbursements; any type of payment from a governmental unit, 24300  
including grants and other allocations; and any other similar 24301  
receipts reported for federal income tax purposes or under 24302  
generally accepted accounting principles. "Small employer" does 24303  
not include the federal government; any state government, 24304  
including any state agency or instrumentality; any political 24305  
subdivision; or any entity treated as a government for financial 24306  
accounting and reporting purposes. 24307

(UU) "Audit" means the examination of a person or the 24308  
inspection of the books, records, memoranda, or accounts of a 24309  
person for the purpose of determining liability for a municipal 24310

income tax. 24311

(VV) "Publicly traded partnership" means any partnership, 24312  
an interest in which is regularly traded on an established 24313  
securities market. A "publicly traded partnership" may have any 24314  
number of partners. 24315

(WW) "Tax commissioner" means the tax commissioner 24316  
appointed under section 121.03 of the Revised Code. 24317

(XX) "Out-of-state disaster business," "qualifying 24318  
solicitation," "qualifying employee," "disaster work," "critical 24319  
infrastructure," and "disaster response period" have the same 24320  
meanings as in section 5703.94 of the Revised Code. 24321

(YY) "Pension" means a retirement benefit plan, regardless 24322  
of whether the plan satisfies the qualifications described under 24323  
section 401(a) of the Internal Revenue Code, including amounts 24324  
that are taxable under the "Federal Insurance Contributions 24325  
Act," Chapter 21 of the Internal Revenue Code, excluding 24326  
employee contributions and elective deferrals, and regardless of 24327  
whether such amounts are paid in the same taxable year in which 24328  
the amounts are included in the employee's wages, as defined by 24329  
section 3121(a) of the Internal Revenue Code. 24330

(ZZ) "Retirement benefit plan" means an arrangement 24331  
whereby an entity provides benefits to individuals either on or 24332  
after their termination of service because of retirement or 24333  
disability. "Retirement benefit plan" does not include wage 24334  
continuation payments, severance payments, or payments made for 24335  
accrued personal or vacation time. 24336

**Sec. 718.031.** As used in this section, "sports gaming 24337  
facility" and "type B sports gaming proprietor" have the same 24338  
meanings as in section 3775.01 of the Revised Code and ~~"lottery"~~ 24339

~~sports gaming" has~~ "video lottery terminal" and "video lottery sales agent" have the same ~~meaning~~ meanings as in section ~~3770.23~~ 3770.10 of the Revised Code. 24340  
24341  
24342

(A) A municipal corporation shall require the following 24343  
persons to withhold and remit municipal income tax with respect 24344  
to amounts other than qualifying wages as provided in this 24345  
section: 24346

(1) A casino facility or a casino operator, as defined in 24347  
Section 6(C)(9) of Article XV, Ohio Constitution, and section 24348  
3772.01 of the Revised Code, respectively; 24349

(2) A video lottery sales agent conducting video lottery 24350  
terminals on behalf of the state; 24351

(3) A type B sports gaming proprietor offering sports 24352  
gaming at a sports gaming facility. 24353

(B) If a person's winnings at a casino facility or sports 24354  
gaming facility are an amount for which reporting to the 24355  
internal revenue service of the amount is required by section 24356  
6041 of the Internal Revenue Code, as amended, a casino operator 24357  
or sports gaming proprietor shall deduct and withhold municipal 24358  
income tax from the person's winnings at the rate of the tax 24359  
imposed by the municipal corporation in which the casino 24360  
facility or sports gaming facility is located. 24361

(C) Amounts deducted and withheld by a casino operator or 24362  
sports gaming proprietor are held in trust for the benefit of 24363  
the municipal corporation to which the tax is owed. 24364

(1) On or before the tenth day of each month, the casino 24365  
operator or sports gaming proprietor shall file a return 24366  
electronically with the tax administrator of the municipal 24367  
corporation, providing the name, address, and social security 24368

number of the person from whose winnings amounts were deducted 24369  
and withheld, the amount of each such deduction and withholding 24370  
during the preceding calendar month, the amount of the winnings 24371  
from which each such amount was withheld, the type of casino 24372  
gaming or sports gaming that resulted in such winnings, and any 24373  
other information required by the tax administrator. With this 24374  
return, the casino operator or sports gaming proprietor shall 24375  
remit electronically to the municipal corporation all amounts 24376  
deducted and withheld during the preceding month. 24377

(2) Annually, on or before the thirty-first day of 24378  
January, a casino operator or sports gaming proprietor shall 24379  
file an annual return electronically with the tax administrator 24380  
of the municipal corporation in which the casino facility or 24381  
sports gaming facility is located, indicating the total amount 24382  
deducted and withheld during the preceding calendar year. The 24383  
casino operator or sports gaming proprietor shall remit 24384  
electronically with the annual return any amount that was 24385  
deducted and withheld and that was not previously remitted. If 24386  
the name, address, or social security number of a person or the 24387  
amount deducted and withheld with respect to that person was 24388  
omitted on a monthly return for that reporting period, that 24389  
information shall be indicated on the annual return. 24390

(3) Annually, on or before the thirty-first day of 24391  
January, a casino operator or sports gaming proprietor shall 24392  
issue an information return to each person with respect to whom 24393  
an amount has been deducted and withheld during the preceding 24394  
calendar year. The information return shall show the total 24395  
amount of municipal income tax deducted from the person's 24396  
winnings during the preceding year. The casino operator or 24397  
sports gaming proprietor shall provide to the tax administrator 24398  
a copy of each information return issued under this division. 24399

The administrator may require that such copies be transmitted 24400  
electronically. 24401

(4) A casino operator or sports gaming proprietor that 24402  
fails to file a return and remit the amounts deducted and 24403  
withheld shall be personally liable for the amount withheld and 24404  
not remitted. Such personal liability extends to any penalty and 24405  
interest imposed for the late filing of a return or the late 24406  
payment of tax deducted and withheld. 24407

(5) If a casino operator or sports gaming proprietor sells 24408  
the casino facility or sports gaming facility, or otherwise 24409  
quits the casino or sports gaming business, the amounts deducted 24410  
and withheld along with any penalties and interest thereon are 24411  
immediately due and payable. The successor shall withhold an 24412  
amount of the purchase money that is sufficient to cover the 24413  
amounts deducted and withheld along with any penalties and 24414  
interest thereon until the predecessor casino operator or sports 24415  
gaming proprietor produces either of the following: 24416

(a) A receipt from the tax administrator showing that the 24417  
amounts deducted and withheld and penalties and interest thereon 24418  
have been paid; 24419

(b) A certificate from the tax administrator indicating 24420  
that no amounts are due. 24421

If the successor fails to withhold purchase money, the 24422  
successor is personally liable for the payment of the amounts 24423  
deducted and withheld and penalties and interest thereon. 24424

(6) The failure of a casino operator or sports gaming 24425  
proprietor to deduct and withhold the required amount from a 24426  
person's winnings does not relieve that person from liability 24427  
for the municipal income tax with respect to those winnings. 24428

(D) If a person's prize award from a video lottery terminal ~~or from lottery sports gaming offered in a video lottery terminal facility~~ is an amount for which reporting to the internal revenue service is required by section 6041 of the Internal Revenue Code, as amended, the video lottery sales agent shall deduct and withhold municipal income tax from the person's prize award at the rate of the tax imposed by the municipal corporation in which the video lottery terminal facility is located.

(E) Amounts deducted and withheld by a video lottery sales agent are held in trust for the benefit of the municipal corporation to which the tax is owed.

(1) The video lottery sales agent shall issue to a person from whose prize award an amount has been deducted and withheld a receipt for the amount deducted and withheld, and shall obtain from the person receiving a prize award the person's name, address, and social security number in order to facilitate the preparation of returns required by this section.

(2) On or before the tenth day of each month, the video lottery sales agent shall file a return electronically with the tax administrator of the municipal corporation providing the names, addresses, and social security numbers of the persons from whose prize awards amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding calendar month, the amount of the prize award from which each such amount was withheld, and any other information required by the tax administrator. With the return, the video lottery sales agent shall remit electronically to the tax administrator all amounts deducted and withheld during the preceding month.



(3) A video lottery sales agent shall maintain a record of 24459  
all receipts issued under division (E) of this section and shall 24460  
make those records available to the tax administrator upon 24461  
request. Such records shall be maintained in accordance with 24462  
section 5747.17 of the Revised Code and any rules adopted 24463  
pursuant thereto. 24464

(4) Annually, on or before the thirty-first day of 24465  
January, each video lottery ~~terminal~~-sales agent shall file an 24466  
annual return electronically with the tax administrator of the 24467  
municipal corporation in which the facility is located 24468  
indicating the total amount deducted and withheld during the 24469  
preceding calendar year. The video lottery sales agent shall 24470  
remit electronically with the annual return any amount that was 24471  
deducted and withheld and that was not previously remitted. If 24472  
the name, address, or social security number of a person or the 24473  
amount deducted and withheld with respect to that person was 24474  
omitted on a monthly return for that reporting period, that 24475  
information shall be indicated on the annual return. 24476

(5) Annually, on or before the thirty-first day of 24477  
January, a video lottery sales agent shall issue an information 24478  
return to each person with respect to whom an amount has been 24479  
deducted and withheld during the preceding calendar year. The 24480  
information return shall show the total amount of municipal 24481  
income tax deducted and withheld from the person's prize award 24482  
by the video lottery sales agent during the preceding year. A 24483  
video lottery sales agent shall provide to the tax administrator 24484  
of the municipal corporation a copy of each information return 24485  
issued under this division. The tax administrator may require 24486  
that such copies be transmitted electronically. 24487

(6) A video lottery sales agent who fails to file a return 24488

and remit the amounts deducted and withheld is personally liable 24489  
for the amount deducted and withheld and not remitted. Such 24490  
personal liability extends to any penalty and interest imposed 24491  
for the late filing of a return or the late payment of tax 24492  
deducted and withheld. 24493

(F) If a video lottery sales agent ceases to operate video 24494  
lottery terminals, the amounts deducted and withheld along with 24495  
any penalties and interest thereon are immediately due and 24496  
payable. The successor of the video lottery sales agent that 24497  
purchases the video lottery terminals from the agent shall 24498  
withhold an amount from the purchase money that is sufficient to 24499  
cover the amounts deducted and withheld and any penalties and 24500  
interest thereon until the predecessor video lottery sales agent 24501  
operator produces either of the following: 24502

(1) A receipt from the tax administrator showing that the 24503  
amounts deducted and withheld and penalties and interest thereon 24504  
have been paid; 24505

(2) A certificate from the tax administrator indicating 24506  
that no amounts are due. 24507

If the successor fails to withhold purchase money, the 24508  
successor is personally liable for the payment of the amounts 24509  
deducted and withheld and penalties and interest thereon. 24510

(G) The failure of a video lottery sales agent to deduct 24511  
and withhold the required amount from a person's prize award 24512  
does not relieve that person from liability for the municipal 24513  
income tax with respect to that prize award. 24514

(H) If a casino operator, sports gaming proprietor, or 24515  
video lottery sales agent files a return late, fails to file a 24516  
return, remits amounts deducted and withheld late, or fails to 24517

remit amounts deducted and withheld as required under this 24518  
section, the tax administrator of a municipal corporation may 24519  
impose the following applicable penalty: 24520

(1) For the late remittance of, or failure to remit, tax 24521  
deducted and withheld under this section, a penalty equal to 24522  
fifty per cent of the tax deducted and withheld; 24523

(2) For the failure to file, or the late filing of, a 24524  
monthly or annual return, a penalty of five hundred dollars for 24525  
each return not filed or filed late. Interest shall accrue on 24526  
past due amounts deducted and withheld at the rate prescribed in 24527  
section 5703.47 of the Revised Code. 24528

(I) Amounts deducted and withheld on behalf of a municipal 24529  
corporation shall be allowed as a credit against payment of the 24530  
tax imposed by the municipal corporation and shall be treated as 24531  
taxes paid for purposes of section 718.08 of the Revised Code. 24532  
This division applies only to the person for whom the amount is 24533  
deducted and withheld. 24534

(J) The tax administrator shall prescribe the forms of the 24535  
receipts and returns required under this section. 24536

**Sec. 718.12.** (A) (1) (a) Civil actions to recover municipal 24537  
income taxes and penalties and interest on municipal income 24538  
taxes shall be brought within the later of: 24539

(i) Three years after the tax return, including any valid 24540  
extension, was due or ~~the return was filed,~~ whichever is later; 24541  
or 24542

(ii) One year after the conclusion of the qualifying 24543  
deferral period, if any. 24544

(b) The time limit described in division (A) (1) (a) of this 24545

section may be extended at any time if both the tax 24546  
administrator and the employer, agent of the employer, other 24547  
payer, or taxpayer consent in writing to the extension. Any 24548  
extension shall also extend for the same period of time the time 24549  
limit described in division (C) of this section. 24550

(2) As used in this section, "qualifying deferral period" 24551  
means a period of time beginning and ending as follows: 24552

(a) Beginning on the date a person who is aggrieved by an 24553  
assessment files with a local board of tax review the request 24554  
described in section 718.11 of the Revised Code. That date shall 24555  
not be affected by any subsequent decision, finding, or holding 24556  
by any administrative body or court that the local board of tax 24557  
review with which the aggrieved person filed the request did not 24558  
have jurisdiction to affirm, reverse, or modify the assessment 24559  
or any part of that assessment. 24560

(b) Ending the later of the sixtieth day after the date on 24561  
which the final determination of the local board of tax review 24562  
becomes final or, if any party appeals from the determination of 24563  
the local board of tax review, the sixtieth day after the date 24564  
on which the final determination of the local board of tax 24565  
review is either ultimately affirmed in whole or in part or 24566  
ultimately reversed and no further appeal of either that 24567  
affirmation, in whole or in part, or that reversal is available 24568  
or taken. 24569

(B) Prosecutions for an offense made punishable under a 24570  
resolution or ordinance imposing an income tax shall be 24571  
commenced within three years after the commission of the 24572  
offense, provided that in the case of fraud, failure to file a 24573  
return, or the omission of twenty-five per cent or more of 24574  
income required to be reported, prosecutions may be commenced 24575

within six years after the commission of the offense. 24576

(C) A claim for a refund of municipal income taxes shall 24577  
be brought within the time limitation provided in section 718.19 24578  
of the Revised Code. 24579

(D) Interest shall be allowed and paid on any overpayment 24580  
by a taxpayer of any municipal income tax obligation from the 24581  
date of the overpayment until the date of the refund of the 24582  
overpayment, except that if any overpayment is refunded within 24583  
ninety days after the final filing date of the annual return or 24584  
ninety days after the completed return is filed, whichever is 24585  
later, no interest shall be allowed on the refund. For the 24586  
purpose of computing the payment of interest on amounts 24587  
overpaid, no amount of tax for any taxable year shall be 24588  
considered to have been paid before the date on which the return 24589  
on which the tax is reported is due, without regard to any 24590  
extension of time for filing that return. Interest shall be paid 24591  
at the interest rate described in division (A) (5) of section 24592  
718.27 of the Revised Code. 24593

(E) Within sixty days after the final determination of any 24594  
federal or state tax liability affecting the taxpayer's 24595  
municipal tax liability, that taxpayer shall make and file an 24596  
amended municipal return showing income subject to the municipal 24597  
income tax based upon such final determination of federal or 24598  
state tax liability, and pay any additional municipal income tax 24599  
shown due thereon or make a claim for refund of any overpayment, 24600  
unless the tax or overpayment is less than ten dollars. 24601

(F) (1) Notwithstanding the fact that an appeal is pending, 24602  
the petitioner may pay all or a portion of the assessment that 24603  
is the subject of the appeal. The acceptance of a payment by the 24604  
municipal corporation does not prejudice any claim for refund 24605

upon final determination of the appeal. 24606

(2) If upon final determination of the appeal an error in 24607  
the assessment is corrected by the tax administrator, upon an 24608  
appeal so filed or pursuant to a final determination of the 24609  
local board of tax review created under section 718.11 of the 24610  
Revised Code, of the Ohio board of tax appeals, or any court to 24611  
which the decision of the Ohio board of tax appeals has been 24612  
appealed, so that the amount due from the party assessed under 24613  
the corrected assessment is less than the amount paid, there 24614  
shall be issued to the appellant or to the appellant's assigns 24615  
or legal representative a refund in the amount of the 24616  
overpayment as provided by section 718.19 of the Revised Code, 24617  
with interest on that amount as provided by division (D) of this 24618  
section. 24619

(G) No civil action to recover municipal income tax or 24620  
related penalties or interest shall be brought during either of 24621  
the following time periods: 24622

(1) The period during which a taxpayer has a right to 24623  
appeal the imposition of that tax or interest or those 24624  
penalties; 24625

(2) The period during which an appeal related to the 24626  
imposition of that tax or interest or those penalties is 24627  
pending. 24628

**Sec. 718.19.** (A) Upon receipt of a request for a refund, 24629  
the tax administrator of a municipal corporation, in accordance 24630  
with this section, shall refund to employers, agents of 24631  
employers, other payers, or taxpayers, with respect to any 24632  
income or withholding tax levied by the municipal corporation: 24633

(1) Overpayments of more than ten dollars; 24634

(2) Amounts paid erroneously if the refund requested 24635  
exceeds ten dollars. 24636

(B) (1) Except as otherwise provided in this chapter, 24637  
requests for refund shall be filed with the tax administrator, 24638  
on the form prescribed by the tax administrator within three 24639  
years after the tax return, including any valid extension, was 24640  
~~due or paid, whichever is later~~. The tax administrator may 24641  
require the requestor to file with the request any documentation 24642  
that substantiates the requestor's claim for a refund. 24643

(2) On filing of the refund request, the tax administrator 24644  
shall determine the amount of refund due and certify such amount 24645  
to the appropriate municipal corporation official for payment. 24646  
Except as provided in division (B) (3) of this section, the 24647  
administrator shall issue an assessment to any taxpayer whose 24648  
request for refund is fully or partially denied. The assessment 24649  
shall state the amount of the refund that was denied, the 24650  
reasons for the denial, and instructions for appealing the 24651  
assessment. 24652

(3) If a tax administrator denies in whole or in part a 24653  
refund request included within the taxpayer's originally filed 24654  
annual income tax return, the tax administrator shall notify the 24655  
taxpayer, in writing, of the amount of the refund that was 24656  
denied, the reasons for the denial, and instructions for 24657  
requesting an assessment that may be appealed under section 24658  
718.11 of the Revised Code. 24659

(C) A request for a refund that is received after the last 24660  
day for filing specified in division (B) of this section shall 24661  
be considered to have been filed in a timely manner if any of 24662  
the following situations exist: 24663

(1) The request is delivered by the postal service, and 24664  
the earliest postal service postmark on the cover in which the 24665  
request is enclosed is not later than the last day for filing 24666  
the request. 24667

(2) The request is delivered by the postal service, the 24668  
only postmark on the cover in which the request is enclosed was 24669  
affixed by a private postal meter, the date of that postmark is 24670  
not later than the last day for filing the request, and the 24671  
request is received within seven days of such last day. 24672

(3) The request is delivered by the postal service, no 24673  
postmark date was affixed to the cover in which the request is 24674  
enclosed or the date of the postmark so affixed is not legible, 24675  
and the request is received within seven days of the last day 24676  
for making the request. 24677

(D) As used in this section, "withholding tax" has the 24678  
same meaning as in section 718.27 of the Revised Code. 24679

**Sec. 718.85.** (A) (1) For each taxable year, every taxpayer 24680  
shall file an annual return. Such return, along with the amount 24681  
of tax shown to be due on the return less the amount paid for 24682  
the taxable year under section 718.88 of the Revised Code, shall 24683  
be submitted to the tax commissioner, on a form and in the 24684  
manner prescribed by the commissioner, on or before the 24685  
fifteenth day of the fourth month following the end of the 24686  
taxpayer's taxable year. 24687

(2) The remittance shall be made payable to the treasurer 24688  
of state and in the form prescribed by the tax commissioner. If 24689  
the amount payable with the tax return is ten dollars or less, 24690  
no remittance is required. 24691

(B) The tax commissioner shall immediately forward to the 24692



treasurer of state all amounts the commissioner receives 24693  
pursuant to sections 718.80 to 718.95 of the Revised Code. The 24694  
treasurer shall credit such amounts to the municipal net profit 24695  
tax fund which is hereby created in the state treasury. 24696

(C) (1) Each return required to be filed under this section 24697  
shall contain the signature of the taxpayer or the taxpayer's 24698  
duly authorized agent and of the person who prepared the return 24699  
for the taxpayer, and shall include the taxpayer's 24700  
identification number. Each return shall be verified by a 24701  
declaration under penalty of perjury. 24702

(2) (a) The tax commissioner may require a taxpayer to 24703  
include, with each annual tax return, amended return, or request 24704  
for refund filed with the commissioner under sections 718.80 to 24705  
718.95 of the Revised Code, copies of any relevant documents or 24706  
other information. 24707

(b) A taxpayer that files an annual tax return 24708  
electronically through the Ohio business gateway or in another 24709  
manner as prescribed by the tax commissioner shall either submit 24710  
the documents required under this division electronically as 24711  
prescribed at the time of filing or, if electronic submission is 24712  
not available, mail the documents to the tax commissioner. The 24713  
department of taxation shall publish a method of electronically 24714  
submitting the documents required under this division on or 24715  
before January 1, 2019. 24716

(3) After a taxpayer files a tax return, the tax 24717  
commissioner may request, and the taxpayer shall provide, any 24718  
information, statements, or documents required to determine and 24719  
verify the taxpayer's municipal income tax. 24720

(D) (1) (a) Any taxpayer that has duly requested an 24721

automatic extension for filing the taxpayer's federal income tax 24722  
return shall automatically receive an extension for the filing 24723  
of a tax return with the commissioner under this section. The 24724  
extended due date of the return shall be the fifteenth day of 24725  
the eleventh month after the last day of the taxable year to 24726  
which the return relates. 24727

(b) A taxpayer that has not requested or received a six- 24728  
month extension for filing the taxpayer's federal income tax 24729  
return may request that the commissioner grant the taxpayer a 24730  
~~six-month~~ seven-month extension of the date for filing the 24731  
taxpayer's tax return. If the commissioner receives the request 24732  
on or before the date the tax return is due, the commissioner 24733  
shall grant the taxpayer's extension request. 24734

(c) An extension of time to file under division (D)(1) of 24735  
this section is not an extension of the time to pay any tax due 24736  
unless the tax commissioner grants an extension of that date. 24737

(2) If the commissioner considers it necessary in order to 24738  
ensure payment of a tax imposed in accordance with section 24739  
718.04 of the Revised Code, the commissioner may require 24740  
taxpayers to file returns and make payments otherwise than as 24741  
provided in this section, including taxpayers not otherwise 24742  
required to file annual returns. 24743

(3) If a taxpayer receives an extension for the filing of 24744  
a tax return under division (D)(1) or (2) of this section, the 24745  
commissioner shall not make any inquiry or send any notice to 24746  
the taxpayer with regard to the return on or before the date the 24747  
taxpayer files the return or on or before the extended due date 24748  
to file the return, whichever occurs first. 24749

Division (D)(3) of this section does not apply to an 24750

extension received under division (D) (1) of this section if the 24751  
commissioner has actual knowledge that the taxpayer failed to 24752  
file for a federal extension as required to receive the 24753  
extension under division (D) (1) (a) of this section or failed to 24754  
file for an extension under division (D) (1) (b) of this section. 24755

(E) Each return required to be filed in accordance with 24756  
this section shall include a box that the taxpayer may check to 24757  
authorize another person, including a tax return preparer who 24758  
prepared the return, to communicate with the tax commissioner 24759  
about matters pertaining to the return. The return or 24760  
instructions accompanying the return shall indicate that by 24761  
checking the box the taxpayer authorizes the commissioner to 24762  
contact the preparer or other person concerning questions that 24763  
arise during the examination or other review of the return and 24764  
authorizes the preparer or other person only to provide the 24765  
commissioner with information that is missing from the return, 24766  
to contact the commissioner for information about the 24767  
examination or other review of the return or the status of the 24768  
taxpayer's refund or payments, and to respond to notices about 24769  
mathematical errors, offsets, or return preparation that the 24770  
taxpayer has received from the commissioner and has shown to the 24771  
preparer or other person. 24772

(F) When income tax returns or other documents require the 24773  
signature of a tax return preparer, the tax commissioner shall 24774  
accept a facsimile or electronic version of such a signature in 24775  
lieu of a manual signature. 24776

**Sec. 718.88.** (A) As used in this section: 24777

(1) "Combined tax liability" means the total amount of a 24778  
taxpayer's income tax liabilities to all municipal corporations 24779  
in this state for a taxable year. 24780

(2) "Estimated taxes" means the amount that the taxpayer reasonably estimates to be the taxpayer's combined tax liability for the current taxable year.

(B) (1) Except as provided in division (B) (4) of this section, every taxpayer shall make a declaration of estimated taxes for the current taxable year, on the form prescribed by the tax commissioner, if the amount payable as estimated taxes is at least two hundred dollars.

(2) Except as provided in division (B) (4) of this section, a taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the commissioner.

(3) The declaration of estimated taxes shall be filed on or before the fifteenth day of the fourth month after the beginning of the taxable year or on or before the fifteenth day of the fourth month after the taxpayer becomes subject to tax for the first time.

(4) The tax commissioner may waive the requirement for filing a declaration of estimated taxes for any class of taxpayers after finding that the waiver is reasonable and proper in view of administrative costs and other factors.

(C) Each taxpayer shall file the declaration of estimated taxes with, and remit estimated taxes to, the tax commissioner at the times and in the amounts prescribed in division (C) (1) of this section. Remitted taxes shall be made payable to the treasurer of state.

(1) The required portion of the combined tax liability for the taxable year that shall be paid through estimated taxes shall be as follows:

(a) On or before the fifteenth day of the fourth month 24810  
after the beginning of the taxable year, twenty-two and one-half 24811  
per cent of the combined tax liability for the taxable year; 24812

(b) On or before the fifteenth day of the sixth month 24813  
after the beginning of the taxable year, forty-five per cent of 24814  
the combined tax liability for the taxable year; 24815

(c) On or before the fifteenth day of the ninth month 24816  
after the beginning of the taxable year, sixty-seven and one- 24817  
half per cent of the combined tax liability for the taxable 24818  
year; 24819

(d) On or before the fifteenth day of the twelfth month of 24820  
the taxable year, ninety per cent of the combined tax liability 24821  
for the taxable year. 24822

(2) If the taxpayer determines that its declaration of 24823  
estimated taxes will not accurately reflect the taxpayer's tax 24824  
liability for the taxable year, the taxpayer shall increase or 24825  
decrease, as appropriate, its subsequent payments in equal 24826  
installments to result in a more accurate payment of estimated 24827  
taxes. 24828

(3) (a) Each taxpayer shall report on the declaration of 24829  
estimated taxes the portion of the remittance that the taxpayer 24830  
estimates that it owes to each municipal corporation for the 24831  
taxable year. 24832

(b) Upon receiving a payment of estimated taxes under this 24833  
section, the commissioner shall immediately forward the payment 24834  
to the treasurer of state. The treasurer shall credit the 24835  
payment in the same manner as in division (B) of section 718.85 24836  
of the Revised Code. 24837

(D) (1) In the case of any underpayment of estimated taxes, 24838

~~there shall be added~~ the tax commissioner may add to the taxes 24839  
an amount determined at the rate per annum prescribed by section 24840  
5703.47 of the Revised Code upon the amount of underpayment for 24841  
the period of underpayment, unless the underpayment is due to 24842  
reasonable cause as described in division (E) of this section. 24843  
The amount of the underpayment shall be determined as follows: 24844

(a) For the first payment of estimated taxes each year, 24845  
twenty-two and one-half per cent of the combined tax liability, 24846  
less the amount of taxes paid by the date prescribed for that 24847  
payment; 24848

(b) For the second payment of estimated taxes each year, 24849  
forty-five per cent of the combined tax liability, less the 24850  
amount of taxes paid by the date prescribed for that payment; 24851

(c) For the third payment of estimated taxes each year, 24852  
sixty-seven and one-half per cent of the combined tax liability, 24853  
less the amount of taxes paid by the date prescribed for that 24854  
payment; 24855

(d) For the fourth payment of estimated taxes each year, 24856  
ninety per cent of the combined tax liability, less the amount 24857  
of taxes paid by the date prescribed for that payment. 24858

(2) The period of the underpayment shall run from the day 24859  
the estimated payment was required to be made to the date on 24860  
which the payment is made. For purposes of this section, a 24861  
payment of estimated taxes on or before any payment date shall 24862  
be considered a payment of any previous underpayment only to the 24863  
extent the payment of estimated taxes exceeds the amount of the 24864  
payment presently due. 24865

(3) All amounts collected under this section shall be 24866  
considered as taxes collected under sections 718.80 to 718.95 of 24867

the Revised Code and shall be credited and distributed to 24868  
municipal corporations in accordance with section 718.83 of the 24869  
Revised Code. 24870

(E) An underpayment of any portion of a combined tax 24871  
liability shall be due to reasonable cause and the penalty 24872  
imposed by this section shall not be added to the taxes for the 24873  
taxable year if any of the following apply: 24874

(1) The amount of estimated taxes that were paid equals at 24875  
least ninety per cent of the combined tax liability for the 24876  
current taxable year, determined by annualizing the income 24877  
received during the year up to the end of the month immediately 24878  
preceding the month in which the payment is due. 24879

(2) The amount of estimated taxes that were paid equals at 24880  
least one hundred per cent of the tax liability shown on the 24881  
return of the taxpayer for the preceding taxable year, provided 24882  
that the immediately preceding taxable year reflected a period 24883  
of twelve months and the taxpayer filed a municipal income tax 24884  
return for that year. 24885

**Sec. 718.89.** (A) In addition to any other penalty imposed 24886  
by sections 718.80 to 718.95 or Chapter 5703. of the Revised 24887  
Code, the following penalties shall apply: 24888

(1) If a taxpayer required to file a tax return under 24889  
sections 718.80 to 718.95 of the Revised Code fails to make and 24890  
file the return within the time prescribed, including any 24891  
extensions of time granted by the tax commissioner, the 24892  
commissioner may impose a penalty not exceeding twenty-five 24893  
dollars, except that the commissioner shall abate or refund the 24894  
penalty assessed on a taxpayer's first failure to timely file a 24895  
return after the taxpayer files that return. 24896

(2) If a person required to file a tax return 24897  
electronically under sections 718.80 to 718.95 of the Revised 24898  
Code fails to do so, the commissioner may impose a penalty not 24899  
to exceed the following: 24900

(a) For each of the first two failures, five per cent of 24901  
the amount required to be reported on the return; 24902

(b) For the third and any subsequent failure, ten per cent 24903  
of the amount required to be reported on the return. 24904

(3) If a taxpayer that has made the election allowed under 24905  
section 718.80 of the Revised Code fails to timely pay an amount 24906  
of tax required to be paid under this chapter, the commissioner 24907  
may impose a penalty equal to fifteen per cent of the amount not 24908  
timely paid. 24909

(4) If a taxpayer files what purports to be a tax return 24910  
required by sections 718.80 to 718.95 of the Revised Code that 24911  
does not contain information upon which the substantial 24912  
correctness of the return may be judged or contains information 24913  
that on its face indicates that the return is substantially 24914  
incorrect, and the filing of the return in that manner is due to 24915  
a position that is frivolous or a desire that is apparent from 24916  
the return to delay or impede the administration of sections 24917  
718.80 to 718.95 of the Revised Code, a penalty of up to five 24918  
hundred dollars may be imposed. 24919

(5) If a taxpayer makes a fraudulent attempt to evade the 24920  
reporting or payment of the tax required to be shown on any 24921  
return required under sections 718.80 to 718.95 of the Revised 24922  
Code, a penalty may be imposed not exceeding the greater of one 24923  
thousand dollars or one hundred per cent of the tax required to 24924  
be shown on the return. 24925



(6) If any person makes a false or fraudulent claim for a refund under section 718.91 of the Revised Code, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the claim. Any penalty imposed under this division, any refund issued on the claim, and interest on any refund from the date of the refund, may be assessed under section 718.90 of the Revised Code without regard to any time limitation for the assessment imposed by division (A) of that section.

(B) For purposes of this section, the tax required to be shown on a tax return shall be reduced by the amount of any part of the tax paid on or before the date, including any extensions of the date, prescribed for filing the return.

(C) Each penalty imposed under this section shall be in addition to any other penalty imposed under this section. ~~All or part of any penalty imposed under this section may be abated by the tax commissioner. The commissioner may adopt rules governing the imposition and abatement of such penalties.~~

(D) All amounts collected under this section shall be considered as taxes collected under sections 718.80 to 718.95 of the Revised Code and shall be credited and distributed to municipal corporations in the same proportion as the underlying tax liability is required to be distributed to such municipal corporations under section 718.83 of the Revised Code.

**Sec. 718.90.** (A) If any taxpayer required to file a return under section 718.80 to 718.95 of the Revised Code fails to file the return within the time prescribed, files an incorrect return, or fails to remit the full amount of the tax due for the period covered by the return, the tax commissioner may make an assessment against the taxpayer for any deficiency for the

period for which the return or tax is due, based upon any 24956  
information in the commissioner's possession. 24957

The tax commissioner shall not make or issue an assessment 24958  
against a taxpayer more than three years after the later of the 24959  
date the return subject to assessment was required to be filed 24960  
or the date the return was filed. Such time limit may be 24961  
extended if both the taxpayer and the commissioner consent in 24962  
writing to the extension. Any such extension shall extend the 24963  
three-year time limit in section 718.91 of the Revised Code for 24964  
the same period of time. There shall be no bar or limit to an 24965  
assessment against a taxpayer that fails to file a return 24966  
subject to assessment as required by sections 718.80 to 718.95 24967  
of the Revised Code, or that files a fraudulent return. The 24968  
commissioner shall give the taxpayer assessed written notice of 24969  
the assessment as provided in section 5703.37 of the Revised 24970  
Code. With the notice, the commissioner shall provide 24971  
instructions on how to petition for reassessment and request a 24972  
hearing on the petition. 24973

(B) Unless the taxpayer assessed files with the tax 24974  
commissioner within sixty days after service of the notice of 24975  
assessment, ~~either personally or by certified mail,~~ a written 24976  
petition for reassessment signed by the authorized agent of the 24977  
taxpayer assessed having knowledge of the facts, the assessment 24978  
becomes final, and the amount of the assessment is due and 24979  
payable from the taxpayer to the treasurer of state. The 24980  
petition shall indicate the taxpayer's objections, but 24981  
additional objections may be raised in writing if received by 24982  
the commissioner prior to the date shown on the final 24983  
determination. If the petition has been properly filed, the 24984  
commissioner shall proceed under section 5703.60 of the Revised 24985  
Code. 24986

(C) After an assessment becomes final, if any portion of 24987  
the assessment remains unpaid, including accrued interest, a 24988  
certified copy of the tax commissioner's entry making the 24989  
assessment final may be filed in the office of the clerk of the 24990  
court of common pleas in the county in which the taxpayer has an 24991  
office or place of business in this state, the county in which 24992  
the taxpayer's statutory agent is located, or Franklin county. 24993

Immediately upon the filing of the entry, the clerk shall 24994  
enter a judgment against the taxpayer assessed in the amount 24995  
shown on the entry. The judgment may be filed by the clerk in a 24996  
loose-leaf book entitled "special judgments for municipal income 24997  
taxes," and shall have the same effect as other judgments. 24998  
Execution shall issue upon the judgment upon the request of the 24999  
tax commissioner, and all laws applicable to sales on execution 25000  
shall apply to sales made under the judgment. 25001

If the assessment is not paid in its entirety within sixty 25002  
days after the day the assessment was issued, the portion of the 25003  
assessment consisting of tax due shall bear interest at the rate 25004  
per annum prescribed by section 5703.47 of the Revised Code from 25005  
the day the commissioner issues the assessment until the 25006  
assessment is paid or until it is certified to the attorney 25007  
general for collection under section 131.02 of the Revised Code, 25008  
whichever comes first. If the unpaid portion of the assessment 25009  
is certified to the attorney general for collection, the entire 25010  
unpaid portion of the assessment shall bear interest at the rate 25011  
per annum prescribed by section 5703.47 of the Revised Code from 25012  
the date of certification until the date it is paid in its 25013  
entirety. Interest shall be paid in the same manner as the tax 25014  
and may be collected by issuing an assessment under this 25015  
section. 25016

(D) (1) Except as provided in division (D) (2) of this 25017  
section, all money collected under this section shall be 25018  
credited to the municipal net profit tax fund and distributed to 25019  
the municipal corporation to which the money is owed based on 25020  
the assessment issued under this section. 25021

(2) The attorney general may assess collection costs as 25022  
authorized under section 109.08, 109.081, or 131.02 of the 25023  
Revised Code on amounts collected under this section, which 25024  
shall be credited to the attorney general claims fund created 25025  
under section 109.081 of the Revised Code. 25026

(E) If the tax commissioner believes that collection of 25027  
the tax will be jeopardized unless proceedings to collect or 25028  
secure collection of the tax are instituted without delay, the 25029  
commissioner may issue a jeopardy assessment against the 25030  
taxpayer liable for the tax. Immediately upon the issuance of 25031  
the jeopardy assessment, the commissioner shall file an entry 25032  
with the clerk of the court of common pleas in the manner 25033  
prescribed by division (C) of this section. Notice of the 25034  
jeopardy assessment shall be served on the taxpayer assessed or 25035  
the taxpayer's legal representative in the manner provided in 25036  
section 5703.37 of the Revised Code within five days of the 25037  
filing of the entry with the clerk. The total amount assessed is 25038  
immediately due and payable, unless the taxpayer assessed files 25039  
a petition for reassessment in accordance with division (B) of 25040  
this section and provides security in a form satisfactory to the 25041  
commissioner and in an amount sufficient to satisfy the unpaid 25042  
balance of the assessment. Full or partial payment of the 25043  
assessment does not prejudice the commissioner's consideration 25044  
of the petition for reassessment. 25045

(F) Notwithstanding the fact that a petition for 25046

reassessment is pending, the taxpayer may pay all or a portion 25047  
of the assessment that is the subject of the petition. The 25048  
acceptance of a payment by the treasurer of state does not 25049  
prejudice any claim for refund upon final determination of the 25050  
petition. 25051

If upon final determination of the petition an error in 25052  
the assessment is corrected by the tax commissioner, upon 25053  
petition so filed or pursuant to a decision of the board of tax 25054  
appeals or any court to which the determination or decision has 25055  
been appealed, so that the amount due from the taxpayer under 25056  
the corrected assessment is less than the portion paid, there 25057  
shall be issued to the taxpayer, its assigns, or legal 25058  
representative a refund in the amount of the overpayment as 25059  
provided by section 718.91 of the Revised Code, with interest on 25060  
that amount as provided by that section. 25061

**Sec. 718.91.** (A) An application to refund to a taxpayer 25062  
amounts that were overpaid, paid illegally or erroneously, or 25063  
paid on an illegal or erroneous assessment pursuant to sections 25064  
718.80 to 718.95 of the Revised Code shall be filed with the tax 25065  
commissioner within three years after the date, including any 25066  
valid extension, of the illegal, erroneous, or excessive 25067  
payment, or within any additional period allowed by division (A) 25068  
of section 718.90 of the Revised Code. The application shall be 25069  
filed in the form prescribed by the tax commissioner. 25070

(B) (1) On the filing of a refund application, the tax 25071  
commissioner shall determine the amount of refund to which the 25072  
applicant is entitled. The amount determined shall be based on 25073  
the amount overpaid per return or assessment. If the amount is 25074  
greater than ten dollars and not less than that claimed, the 25075  
commissioner shall certify that amount to the director of budget 25076

and management and the treasurer of state for payment from the 25077  
tax refund fund created in section 5703.052 of the Revised Code. 25078  
If the amount is greater than ten dollars but less than that 25079  
claimed, the commissioner shall proceed in accordance with 25080  
section 5703.70 of the Revised Code. 25081

(2) Upon issuance of a refund under this section, the 25082  
commissioner shall notify each municipal corporation of the 25083  
amount refunded to the taxpayer attributable to that municipal 25084  
corporation, which shall be deducted from the municipal 25085  
corporation's next distribution under section 718.83 of the 25086  
Revised Code. 25087

(C) Any portion of a refund determined under division (B) 25088  
of this section that is not issued within ninety days after such 25089  
determination shall bear interest at the rate per annum 25090  
prescribed by section 5703.47 of the Revised Code from the 25091  
ninety-first day after such determination until the day the 25092  
refund is paid or credited. On an illegal or erroneous 25093  
assessment, interest shall be paid at that rate from the date of 25094  
payment on the illegal or erroneous assessment until the day the 25095  
refund is paid or credited. 25096

**Sec. 731.14.** All contracts made by the legislative 25097  
authority of a village shall be executed in the name of the 25098  
village and signed on its behalf by the mayor and clerk. Except 25099  
where the contract is for equipment, services, materials, or 25100  
supplies to be purchased under division (D) of section 713.23 or 25101  
section 125.04 or 5513.01 of the Revised Code, available from a 25102  
qualified nonprofit agency pursuant to sections 4115.31 to 25103  
4115.35 of the Revised Code, or required to be purchased from a 25104  
qualified nonprofit agency under ~~sections 125.60 to 125.6012~~ 25105  
section 125.601 of the Revised Code, when any expenditure, other 25106

than the compensation of persons employed in the village, 25107  
exceeds the amount specified in section 9.17 of the Revised 25108  
Code, such contracts shall be in writing and made with the 25109  
lowest and best bidder after advertising once a week for not 25110  
less than two consecutive weeks in a newspaper of general 25111  
circulation within the village. The legislative authority may 25112  
also cause notice to be inserted in trade papers or other 25113  
publications designated by it or to be distributed by electronic 25114  
means, including posting the notice on the legislative 25115  
authority's internet web site. If the legislative authority 25116  
posts the notice on its web site, it may eliminate the second 25117  
notice otherwise required to be published in a newspaper of 25118  
general circulation within the village, provided that the first 25119  
notice published in such newspaper meets all of the following 25120  
requirements: 25121

(A) It is published at least two weeks before the opening 25122  
of bids. 25123

(B) It includes a statement that the notice is posted on 25124  
the legislative authority's internet web site. 25125

(C) It includes the internet address of the legislative 25126  
authority's internet web site. 25127

(D) It includes instructions describing how the notice may 25128  
be accessed on the legislative authority's internet web site. 25129

The bids shall be opened and shall be publicly read by the 25130  
clerk of the village or a person designated by the clerk at the 25131  
time, date, and place specified in the advertisement to bidders 25132  
or specifications. The time, date, and place of bid openings may 25133  
be extended to a later date by the legislative authority of the 25134  
village, provided that written or oral notice of the change 25135

shall be given to all persons who have received or requested 25136  
specifications no later than ninety-six hours prior to the 25137  
original time and date fixed for the opening. This section does 25138  
not apply to those villages that have provided for the 25139  
appointment of a village administrator under section 735.271 of 25140  
the Revised Code. 25141

As used in this section, "personal protective equipment" 25142  
means equipment worn to minimize exposure to hazards that cause 25143  
workplace injuries and illnesses. 25144

**Sec. 731.141.** In those villages that have established the 25145  
position of village administrator, as provided by section 25146  
735.271 of the Revised Code, the village administrator shall 25147  
make contracts, purchase supplies and materials, and provide 25148  
labor for any work under the administrator's supervision 25149  
involving not more than the amount specified in section 9.17 of 25150  
the Revised Code. When an expenditure, other than the 25151  
compensation of persons employed by the village, exceeds the 25152  
amount specified in section 9.17 of the Revised Code, the 25153  
expenditure shall first be authorized and directed by ordinance 25154  
of the legislative authority of the village. When so authorized 25155  
and directed, except where the contract is for equipment, 25156  
services, materials, or supplies to be purchased under division 25157  
(D) of section 713.23 or section 125.04 or 5513.01 of the 25158  
Revised Code, available from a qualified nonprofit agency 25159  
pursuant to sections 4115.31 to 4115.35 of the Revised Code, or 25160  
required to be purchased from a qualified nonprofit agency under 25161  
~~sections 125.60 to 125.6012~~ section 125.601 of the Revised Code, 25162  
the village administrator shall make a written contract with the 25163  
lowest and best bidder after advertisement for not less than two 25164  
nor more than four consecutive weeks in a newspaper of general 25165  
circulation within the village or as provided in section 7.16 of 25166



the Revised Code. The bids shall be opened and shall be publicly 25167  
read by the village administrator or a person designated by the 25168  
village administrator at the time, date, and place as specified 25169  
in the advertisement to bidders or specifications. The time, 25170  
date, and place of bid openings may be extended to a later date 25171  
by the village administrator, provided that written or oral 25172  
notice of the change shall be given to all persons who have 25173  
received or requested specifications no later than ninety-six 25174  
hours prior to the original time and date fixed for the opening. 25175  
All contracts shall be executed in the name of the village and 25176  
signed on its behalf by the village administrator and the clerk. 25177  
No expenditure subject to this section shall be divided into 25178  
component parts, separate projects, or separate items of work in 25179  
order to avoid the requirements of this section. 25180

The legislative authority of a village may provide, by 25181  
ordinance, for central purchasing for all offices, departments, 25182  
divisions, boards, and commissions of the village, under the 25183  
direction of the village administrator, who shall make 25184  
contracts, purchase supplies or materials, and provide labor for 25185  
any work of the village in the manner provided by this section. 25186

**Sec. 742.044.** ~~The secretary of state, or any person acting~~ 25187  
~~on personal knowledge and subject to the penalties of perjury,~~ 25188  
~~may file a~~ A ~~complaint with the Ohio elections commission~~ 25189  
~~alleging a violation of section 742.043 of the Revised Code~~ may 25190  
be filed in accordance with section 3517.14 of the Revised Code. 25191  
~~The complaint shall be made on a form prescribed and provided by~~ 25192  
~~the commission.~~ 25193

~~On receipt of a complaint under this section, the~~ 25194  
~~commission shall hold a hearing open to the public to determine~~ 25195  
~~whether the violation alleged in the complaint has occurred. The~~ 25196

~~commission may administer oaths and issue subpoenas to any~~ 25197  
~~person in the state compelling the attendance of witnesses and~~ 25198  
~~the production of relevant papers, books, accounts, and reports.~~ 25199  
~~On the refusal of any person to obey a subpoena or to be sworn~~ 25200  
~~or to answer as a witness, the commission may apply to the court~~ 25201  
~~of common pleas of Franklin county under section 2705.03 of the~~ 25202  
~~Revised Code. The court shall hold contempt proceedings in~~ 25203  
~~accordance with Chapter 2705. of the Revised Code.~~ 25204

~~The commission shall provide the person accused of the~~ 25205  
~~violation at least seven days prior notice of the time, date,~~ 25206  
~~and place of the hearing. The accused may be represented by an~~ 25207  
~~attorney and shall have an opportunity to present evidence, call~~ 25208  
~~witnesses, and cross-examine witnesses.~~ 25209

~~At the hearing, the commission shall determine whether the~~ 25210  
~~violation alleged in the complaint has occurred. If the~~ 25211  
~~commission determines that a violation of division (A) of~~ 25212  
~~section 742.043 of the Revised Code has occurred, the commission~~ 25213  
~~shall either impose a fine under section 742.99 of the Revised~~ 25214  
~~Code or enter a finding that good cause has been shown not to~~ 25215  
~~impose the fine. If the commission determines that a violation~~ 25216  
~~of division (B) of section 742.043 of the Revised Code has~~ 25217  
~~occurred, the commission shall impose the fine described in~~ 25218  
~~section 742.99 of the Revised Code, refer the matter to the~~ 25219  
~~appropriate prosecutor, or enter a finding that good cause has~~ 25220  
~~been shown not to impose a fine or refer the matter to a~~ 25221  
~~prosecutor.~~ 25222

**Sec. 742.99.** (A) Whoever violates section 742.043 of the 25223  
Revised Code shall be fined not more than one hundred dollars 25224  
for each day of the violation. 25225

(B) Whoever violates division (B) of section 742.043 of 25226

the Revised Code shall be imprisoned for not more than six 25227  
months or fined not more than five thousand dollars, or both. 25228

~~(C) Fines imposed by the Ohio elections commission under 25229  
this section shall be paid into the Ohio elections commission 25230  
fund created under section 3513.10 of the Revised Code. 25231~~

**Sec. 901.43.** (A) As used in this section, "certificate of 25232  
free sale" means a document issued by the director of 25233  
agriculture that certifies to states and countries receiving the 25234  
listed product that the product being exported is freely 25235  
marketed without restriction in the United States. 25236

(B) The director of agriculture may authorize any 25237  
department of agriculture laboratory to perform a laboratory 25238  
service for any person, organization, political subdivision, 25239  
state agency, federal agency, or other entity, whether public or 25240  
private. The director shall adopt and enforce rules to provide 25241  
for the rendering of a laboratory service. 25242

~~(B)~~ (C) The director may charge a reasonable fee for the 25243  
performance of a laboratory service, except when the service is 25244  
performed on an official sample taken by the director acting 25245  
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 25246  
Revised Code; by a board of health acting as the licensor of 25247  
retail food establishments or food service operations under 25248  
Chapter 3717. of the Revised Code; or by the director of health 25249  
acting as the licensor of food service operations under Chapter 25250  
3717. of the Revised Code. The director of agriculture shall 25251  
adopt rules specifying what constitutes an official sample. 25252

The director shall publish a list of laboratory services 25253  
offered, together with the fee for each service. 25254

~~(C)~~ (D) The director may enter into a contract with any 25255

person, organization, political subdivision, state agency, 25256  
federal agency, or other entity for the provision of a 25257  
laboratory service. 25258

~~(D) (1)~~ (E) (1) The director may adopt rules establishing 25259  
standards for accreditation of laboratories and laboratory 25260  
services and in doing so may adopt by reference existing or 25261  
recognized standards or practices. 25262

(2) The director may inspect and accredit laboratories and 25263  
laboratory services, and may charge a reasonable fee for the 25264  
inspections and accreditation. 25265

~~(E) (1)~~ (F) (1) There is hereby created in the state treasury 25266  
the animal and consumer protection laboratory fund. Moneys from 25267  
the following sources shall be deposited into the state treasury 25268  
to the credit of the fund: all moneys collected by the director 25269  
under this section that are from fees generated by a laboratory 25270  
service performed by the department and related to the diseases 25271  
of animals, all moneys so collected that are from fees generated 25272  
for the inspection and accreditation of laboratories and 25273  
laboratory services related to the diseases of animals, all 25274  
moneys collected by the director under this section that are 25275  
from fees generated by a laboratory service performed by the 25276  
consumer protection laboratory, all moneys so collected that are 25277  
from fees generated for the inspection and accreditation of 25278  
laboratories and laboratory services not related to weights and 25279  
measures, money received by the director under sections 947.01 25280  
to 947.06 of the Revised Code, and all moneys collected under 25281  
~~Chapters 943. and Chapter~~ 953. of the Revised Code that are not 25282  
credited to the animal and consumer protection fund created in 25283  
section 943.26 of the Revised Code. The director may use the 25284  
moneys held in the fund to pay the expenses necessary to operate 25285

the animal industry laboratory and the consumer protection 25286  
laboratory, including the purchase of supplies and equipment. 25287

(2) All moneys collected by the director under this 25288  
section that are from fees generated by a laboratory service 25289  
performed by the weights and measures laboratory, and all moneys 25290  
so collected that are from fees generated for the inspection and 25291  
accreditation of laboratories and laboratory services related to 25292  
weights and measures, shall be deposited in the state treasury 25293  
to the credit of the weights and measures laboratory fund, which 25294  
is hereby created in the state treasury. The moneys held in the 25295  
fund may be used to pay the expenses necessary to operate the 25296  
division of weights and measures, including the purchase of 25297  
supplies and equipment. 25298

(G) (1) The director may authorize any department of 25299  
agriculture division or program to issue a certificate of free 25300  
sale to any person, organization, political subdivision, state 25301  
agency, federal agency, or other entity, whether public or 25302  
private. The director may charge a fee of fifty dollars for 25303  
issuance of a certificate of free sale. The director shall adopt 25304  
and enforce rules in accordance with Chapter 119. of the Revised 25305  
Code to provide for the issuance of the certificates of free 25306  
sale. 25307

(2) All money collected by the director under this section 25308  
that is from fees related to the issuance of certificates of 25309  
free sale shall be credited to the appropriate program fund 25310  
administered by the department. 25311

**Sec. 904.02.** (A) There is hereby created the Ohio 25312  
livestock care standards board consisting of the following 25313  
members: 25314

(1) The director of agriculture, who shall be the chairperson of the board;	25315 25316
(2) Ten members appointed by the governor with the advice and consent of the senate. The ten members shall be residents of this state and shall include the following:	25317 25318 25319
(a) One member representing family farms;	25320
(b) One member who is knowledgeable about food safety in this state;	25321 25322
(c) Two members representing statewide organizations that represent farmers;	25323 25324
(d) One member who is a veterinarian licensed under Chapter 4741. of the Revised Code;	25325 25326
(e) The state veterinarian in the department of agriculture;	25327 25328
(f) The dean of the agriculture department of a college or university located in this state;	25329 25330
(g) Two members of the public representing consumers in this state;	25331 25332
(h) One member representing a county humane society organized under Chapter 1717. of the Revised Code.	25333 25334
(3) One member appointed by the speaker of the house of representatives who shall be a family farmer;	25335 25336
(4) One member appointed by the president of the senate who shall be a family farmer.	25337 25338
Not more than seven members appointed to the board at any given time shall be of the same political party.	25339 25340

(B) (1) The governor, the speaker of the house of 25341  
representatives, and the president of the senate shall make 25342  
appointments to the board not later than forty-five days after 25343  
~~the effective date of this section~~ March 31, 2010. 25344

(2) The following initial members of the board appointed 25345  
by the governor shall be appointed for a term ending January 25,  
2011: 25346  
25347

(a) The member representing family farmers; 25348

(b) The dean of the agriculture department of a college or 25349  
university located in this state; 25350

(c) The member who is a veterinarian licensed under 25351  
Chapter 4741. of the Revised Code; 25352

(d) One of the members of the public representing 25353  
consumers in this state. 25354

(3) The following initial members of the board shall be 25355  
appointed for a term ending January 15, 2012: 25356

(a) The member appointed by the speaker of the house of 25357  
representatives who is a family farmer; 25358

(b) One of the members representing a statewide 25359  
organization that represents farmers; 25360

(c) The member representing a county humane society 25361  
organized under Chapter 1717. of the Revised Code; 25362

(d) The member who is knowledgeable about food safety in 25363  
this state. 25364

(4) The following initial members of the board shall be 25365  
appointed for a term ending January 15, 2013: 25366

(a) The member appointed by the president of the senate 25367

who is a family farmer; 25368

(b) One of the members of the public representing 25369  
consumers in this state; 25370

(c) One of the members representing a statewide 25371  
organization that represents farmers. 25372

(C) After the initial terms served in accordance with 25373  
division (B) of this section, terms of office shall be for three 25374  
years with each term ending on the same day of the same month as 25375  
did the term that it succeeds. However, the terms for the 25376  
director of agriculture and the state veterinarian shall 25377  
coincide with the length of time that the person holds the 25378  
position of director or state veterinarian, as applicable. If 25379  
the director or the state veterinarian resigns or that person's 25380  
employment is terminated, the director or state veterinarian, as 25381  
applicable, shall cease to serve on the board, and the successor 25382  
of the director or state veterinarian shall then serve on the 25383  
board in accordance with this section. Every other member shall 25384  
hold office from the date of the member's appointment until the 25385  
end of the term for which the member was appointed. 25386

Vacancies on the board shall be filled in the manner 25387  
provided for original appointments. Any member appointed to fill 25388  
a vacancy occurring prior to the expiration of the term for 25389  
which the member's predecessor was appointed shall hold office 25390  
for the remainder of that term. A member shall continue in 25391  
office subsequent to the expiration date of the member's term 25392  
until the member's successor takes office, or until a period of 25393  
one hundred eighty days has elapsed, whichever occurs first. A 25394  
member may be reappointed upon the expiration of the member's 25395  
term. 25396



(D) The board shall hold at least three regular meetings 25397  
each year and may hold additional meetings at times that the 25398  
chairperson or a majority of the board members considers 25399  
appropriate. At the three regular meetings held by the board 25400  
each year, the board shall conduct a review of the rules 25401  
governing the care and well-being of livestock that have been or 25402  
are proposed to be adopted under section 904.03 of the Revised 25403  
Code. 25404

At the first meeting of the board in each calendar year, 25405  
the director shall designate one member of the board to serve as 25406  
its vice-chairperson. A majority of the board constitutes a 25407  
quorum. The board may act only if a quorum is present and only 25408  
by majority vote of that quorum. A vacancy on the board does not 25409  
impair the right of the other members to exercise all of the 25410  
board's powers. 25411

(E) Serving as an appointed member of the board does not 25412  
constitute holding a public office or position of employment 25413  
under the laws of this state and does not constitute grounds for 25414  
removal of public officers or employees from their offices or 25415  
positions of employment. 25416

(F) Appointed members of the board shall receive no 25417  
compensation for their services. Members shall be reimbursed for 25418  
their actual and necessary expenses incurred in the performance 25419  
of their duties as members. The expenses shall be paid from the 25420  
Ohio livestock care standards animal and consumer protection 25421  
fund created in section ~~904.06~~ 943.26 of the Revised Code. The 25422  
expenses shall be paid in accordance with the rules and 25423  
requirements adopted by the department of administrative 25424  
services that are applicable to state employees. 25425

(G) The board may create committees that it considers 25426

appropriate to make recommendations to the board. Committees may 25427  
include non-board members. 25428

**Sec. 904.04.** (A) In order to assist the Ohio livestock 25429  
care standards board in the administration and enforcement of 25430  
this chapter, the director of agriculture shall do all of the 25431  
following: 25432

(1) Hire all employees of the board, including an 25433  
executive director. Employees of the board shall be in the 25434  
unclassified civil service, serve at the pleasure of the 25435  
director of agriculture, and be compensated with money from the 25436  
~~Ohio livestock care standards~~ animal and consumer protection 25437  
fund created in section ~~904.06~~ 943.26 of the Revised Code. 25438

(2) Enter into contracts on behalf of the board; 25439

(3) Do all of the following with regard to rules governing 25440  
the care and well-being of livestock adopted by the board under 25441  
section 904.03 of the Revised Code: 25442

(a) Process and submit the rules to the joint committee on 25443  
agency rule review pursuant to Chapter 119. of the Revised Code; 25444

(b) Contract for surveys and analyses; 25445

(c) Perform any other activities that assist the board in 25446  
adopting the rules. 25447

(4) Publish and distribute information related to 25448  
livestock care, including educational materials, to livestock 25449  
producers and members of the public; 25450

(5) Investigate complaints regarding violations of the 25451  
rules adopted under section 904.03 of the Revised Code in 25452  
accordance with the authority granted by this chapter, sections 25453  
901.25 to 901.29 of the Revised Code, and rules adopted under 25454

this chapter and section 901.03 of the Revised Code; 25455

(6) Enforce the rules adopted under section 904.03 of the 25456  
Revised Code and levy the civil penalties established by those 25457  
rules. The director may apply to a court of competent 25458  
jurisdiction for a temporary or permanent injunction or other 25459  
appropriate relief for violations of this chapter and rules 25460  
adopted under it. For purposes of this division, the court of 25461  
competent jurisdiction shall be either the court of common pleas 25462  
of Licking county or the court of common pleas of the county 25463  
where the violation is occurring. Money collected from civil 25464  
penalties levied under division (A) (6) of this section shall be 25465  
deposited in the state treasury to the credit of the general 25466  
revenue fund. 25467

(7) Perform any other duties necessary to assist the board 25468  
in the administration and enforcement of this chapter. 25469

(B) With the consent of the premises owner and, if the 25470  
premises owner is different from the livestock owner, the 25471  
livestock owner, the director or the director's authorized 25472  
representative may enter at all reasonable times on any premises 25473  
for the purpose of determining compliance with the rules adopted 25474  
under section 904.03 of the Revised Code. If the director or the 25475  
director's authorized representative is denied access to the 25476  
premises and the director or the director's authorized 25477  
representative suspects that those rules are not being complied 25478  
with, the director may apply for a search warrant authorizing 25479  
access from a court of competent jurisdiction. The court shall 25480  
issue the search warrant if there is probable cause. Probable 25481  
cause may be based on hearsay, provided that there is 25482  
substantial basis for believing the source is credible and there 25483  
is factual basis for the information. 25484

Upon entry on premises in accordance with this division, 25485  
the director or the director's authorized representative shall 25486  
observe biosecurity measures in order to prevent spreading 25487  
disease and infecting livestock. 25488

**Sec. 905.32.** (A) No person shall manufacture or distribute 25489  
in this state any type of fertilizer until a license to 25490  
manufacture or distribute has been obtained by the manufacturer 25491  
or distributor from the department of agriculture upon payment 25492  
of a ~~five-dollar~~ fifty-dollar fee: 25493

(1) For each fixed (permanent) location at which 25494  
fertilizer is manufactured in this state; 25495

(2) For each mobile unit used to manufacture fertilizer in 25496  
this state; 25497

(3) For each location out of the state from which 25498  
fertilizer is distributed into this state; 25499

(4) For each location in this state from which fertilizer 25500  
is distributed in this state. 25501

All licenses shall be valid for one year beginning on the 25502  
first day of December of a calendar year through the thirtieth 25503  
day of November of the following calendar year. A renewal 25504  
application for a license shall be submitted no later than the 25505  
thirtieth day of November each year. A person who submits a 25506  
renewal application for a license after the thirtieth day of 25507  
November shall include with the application a late filing fee of 25508  
~~ten~~ twenty-five dollars. 25509

(B) An application for a license shall include: 25510

(1) The name and address of the licensee; 25511

(2) The name and address of each bulk distribution point 25512

in the state, not licensed for fertilizer manufacture and 25513  
distribution. 25514

The name and address shown on the license shall be shown 25515  
on all labels, pertinent invoices, and bulk storage for 25516  
fertilizers distributed by the licensee in this state. 25517

(C) The licensee shall inform the director of agriculture 25518  
in writing of additional distribution points established during 25519  
the period of the license. 25520

(D) All money collected under this section shall be 25521  
credited to the pesticide, fertilizer, and lime program fund 25522  
created in section 921.22 of the Revised Code. 25523

**Sec. 905.57.** ~~(A) All information furnished to or procured-~~ 25524  
~~by the director of agriculture under section 905.56 of the~~ 25525  
~~Revised Code is for the exclusive use and information of the~~ 25526  
~~director in the discharge of his official duties and is not open~~ 25527  
~~to the public nor to be used in any court in any action or~~ 25528  
~~proceeding therein unless the director is a party to such action~~ 25529  
~~or proceeding, but such information may be consolidated in~~ 25530  
~~statistical tables and published by the director in statistical~~ 25531  
~~form, without disclosing details of information furnished by any~~ 25532  
~~particular person.~~ 25533

~~(B)~~ No person shall willfully divulge any information 25534  
secured while in the employ of the department of agriculture, 25535  
with respect to the transactions, property, files, records, or 25536  
papers of the department, or with respect to the business of any 25537  
manufacturer, seller, or distributor of agricultural liming 25538  
material to any person other than the director or the superior 25539  
of such employee, or when called upon to testify in an action or 25540  
proceeding to which the director is a party. 25541

**Sec. 907.13.** No person shall label agricultural, 25542  
vegetable, or flower seed that is intended for sale in this 25543  
state unless the person holds a valid seed labeler permit that 25544  
has been issued by the director of agriculture in accordance 25545  
with this section. 25546

A person who wishes to obtain a seed labeler permit shall 25547  
file an application with the director on a form that the 25548  
director provides and shall submit a permit fee in the amount of 25549  
~~ten~~fifty dollars. Such a person who labels seed under more than 25550  
one name or at more than one address shall obtain a separate 25551  
seed labeler permit and pay a separate permit fee for each name 25552  
and address. 25553

The applicant shall include the applicant's full name and 25554  
address on the application together with any additional 25555  
information that the director requires by rules adopted under 25556  
section 907.10 of the Revised Code. If the applicant's address 25557  
is not within this state or it does not represent a location in 25558  
this state where the director can collect samples of the 25559  
applicant's seed for analysis, then the applicant shall include 25560  
on the application an address within this state where samples of 25561  
the applicant's seed may be collected for those purposes or 25562  
shall agree to provide the director or the director's authorized 25563  
representative with seeds for sampling upon request. 25564

Upon receipt of a complete application accompanied by the 25565  
~~ten-dollar~~fifty-dollar permit fee, the director shall issue a 25566  
seed labeler's permit to the applicant. All seed labeler permits 25567  
that are issued under this section shall expire on the thirty- 25568  
first day of ~~December~~January of each year regardless of the 25569  
date on which a permit was issued during ~~that year~~the previous 25570  
one-year period. 25571

Each person who obtains a seed labeler permit shall label 25572  
the seed that the person intends for sale in this state in 25573  
accordance with the requirements established in sections 907.01 25574  
to 907.17 of the Revised Code. Each person who holds a valid 25575  
seed labeler permit shall keep the permit posted in a 25576  
conspicuous place in the principal seed room from which the 25577  
person sells seed and shall comply with the reporting and fee 25578  
requirements that are established in section 907.14 of the 25579  
Revised Code. 25580

All money collected under this section shall be credited 25581  
to the commercial feed and seed fund created in section 923.46 25582  
of the Revised Code. 25583

**Sec. 907.14.** (A) A person who holds a valid seed labeler 25584  
permit issued under section 907.13 of the Revised Code shall 25585  
report to the director of agriculture concerning the amount of 25586  
seed that the person sells in this state. The report shall be 25587  
made ~~semiannually~~annually on a form that the director 25588  
prescribes and provides. ~~One semiannual~~The report shall be 25589  
filed with the director prior to the first day of February of 25590  
each year with respect to all sales that the person made during 25591  
the period from the first day of ~~July~~January to the thirty- 25592  
first day of December of the ~~preceding~~previous year. ~~The second~~ 25593  
~~semiannual report shall be filed prior to the first day of~~ 25594  
~~August of each year with respect to all sales that the person~~ 25595  
~~made during the period from the first day of January to the~~ 25596  
~~thirtieth day of June of that year.~~ 25597

(B) A person who holds a valid seed labeler permit shall 25598  
include with each ~~semiannual~~annual report a seed fee based on 25599  
the amount of the seed that the person sold during that 25600  
reporting period as follows: 25601

(1) For soybeans and small grains, including barley, oats, 25602  
rye, wheat, triticale, and spelt, four cents per one hundred 25603  
pounds; 25604

(2) For corn and grain sorghum, five cents per one hundred 25605  
pounds; 25606

(3) (a) For any of the following seed sold at wholesale or 25607  
retail or on consignment or commission, two per cent of the 25608  
wholesale value of the containers of seed or, if the seed is not 25609  
sold wholesale, two per cent of the retail value of the 25610  
containers of seed: 25611

(i) Vegetable and flower seed sold in containers, other 25612  
than hermetically sealed containers, of eight ounces or less; 25613

(ii) Flower seed sold in hermetically sealed containers 25614  
that contain fewer than three hundred seeds; 25615

(iii) Vegetable seed sold in hermetically sealed 25616  
containers that contain fewer than one thousand seeds. 25617

(b) The fees established pursuant to divisions (B) (3) (a) 25618  
(ii) and (iii) of this section apply to both of the following: 25619

(i) Seed sold in hermetically sealed containers that 25620  
contain the amount of seeds specified in division (B) (3) (a) (ii) 25621  
or (iii) of this section, as applicable; 25622

(ii) Seed sold in hermetically sealed containers that do 25623  
not clearly state the number of seeds that they contain. 25624

(c) Except as otherwise provided in division (B) (3) (b) (ii) 25625  
of this section, if the weight of seed in a container, or the 25626  
quantity of seed in a container, exceeds the applicable weight 25627  
or quantity specified in division (B) (3) (a) (i), (ii), or (iii) 25628  
of this section, the fee established in division (B) (4) of this 25629



section applies. 25630

(4) For alfalfa, clover, grass, native grass, mixtures 25631  
containing any of these, and all agricultural, vegetable, and 25632  
flower seeds not specified in divisions (B) (1) to (3) of this 25633  
section, ten cents per one hundred pounds. 25634

If the total amount of the seed fee that is due is less 25635  
than ~~five~~ fifty dollars, the person shall pay ~~the minimum seed~~ 25636  
no fee, ~~which is five dollars.~~ 25637

(C) For each failure to report in full the amount of seed 25638  
sold or to submit the required seed fees in full by the due 25639  
date, a person who holds a valid seed labeler permit shall pay a 25640  
penalty of ten per cent of the amount due or fifty dollars, 25641  
whichever is greater. Failure to pay either the fee or the 25642  
penalty within thirty days after the due date is cause for 25643  
suspension or revocation by the director of the seed labeler 25644  
permit or refusal, without a hearing, to issue a subsequent seed 25645  
labeler permit for which the person applies. 25646

(D) This section does not apply to governmental entities 25647  
that donate seed for conservation purposes. 25648

(E) All money collected under this section shall be 25649  
credited to the commercial feed and seed fund created in section 25650  
923.46 of the Revised Code. 25651

**Sec. 909.01.** As used in sections 909.01 to 909.18 of the 25652  
Revised Code: 25653

(A) "Person" includes corporations, companies, societies, 25654  
associations, partnerships, any individual or combination of 25655  
individuals, or any institution, park, or other public agency 25656  
administered by the state or by any district, county, municipal 25657  
corporation, or other governmental subdivision thereof. When 25658

construing or enforcing such sections, the act, omission, or 25659  
failure of any officer, agent, servant, or other individual 25660  
acting for or employed by any person as above defined within the 25661  
scope of ~~his~~ the person's employment or office is deemed to be 25662  
the act, omission, or failure of such person, as well as that of 25663  
the officer, agent, servant, or other employee. 25664

(B) "Bees" means any stage of any species of the genus 25665  
Apis. 25666

(C) "Bee diseases" means any infectious or contagious 25667  
disease that is pathogenic or parasitic and affects the eggs, or 25668  
the larval, pupal, or adult stages, of bees. 25669

(D) "Apiary" means any place where one or more colonies or 25670  
nuclei of bees are kept. 25671

(E) "Queen rearing apiaries" means any apiary in which 25672  
~~queen bees~~queens are ~~reared~~raised or purchased for sale, trade, 25673  
or gift; or otherwise distributed or used to create, for sale, 25674  
trade or gift, nucs, packages, or colonies. 25675

(F) "Hive" means any modern frame hive, box hive, box, 25676  
barrel, log gum, skep, or any other natural or artificial 25677  
receptacle, or any part thereof, that may be used as a domicile 25678  
for bees. 25679

(G) "Equipment" means any used hives or parts thereof, 25680  
used frames, used honey houses, used tools, used machines, or 25681  
used devices employed in the handling or manipulation of bees, 25682  
honey, or beeswax, or any used container for honey or beeswax 25683  
that may be used in any apiary. 25684

(H) "Serious bee diseases" means any bee disease the 25685  
director of agriculture determines to be a threat to the 25686  
beekeeping industry within the state. 25687

(I) "Africanized honey bees" means any bees identified by the United States department of agriculture by approved identification methods to be classified as *Apis mellifera scutellata*.

(J) "Swarm" means a population of bees that is not permanently established.

(K) "Colony" means the hive and its equipment, including bees, combs, and brood.

(L) "Compliance agreement" means a written agreement between the department of agriculture and any person engaged in queen rearing in which the person agrees to comply with stipulated requirements.

(M) "Nuc" means a small colony of bees in a hive box to which all of the following applies:

(1) The hive box contains three to five frames.

(2) The hive box contains a laying queen bee and the queen's progeny in egg, larval, pupa, and adult stages.

(3) The small colony has honey and a viable population sufficient enough to develop into a full-sized colony.

**Sec. 909.02.** Any person owning or possessing bees shall on or before the first day of June of each year, or thereafter within ~~ten~~ thirty days after coming into ownership or possession of bees, or upon moving bees into this state from outside the state, file with the director of agriculture an application for registration setting forth the exact location of ~~his~~ the person's apiaries and ~~the number of colonies of bees in each apiary, together with~~ such other information as is required by the director, ~~and accompanied by a registration fee of five~~

~~dollars for each separate apiary owned or possessed by him at~~ 25716  
~~time of registration. Any person who submits his application~~ 25717  
~~after the dates specified by this section, or after the dates~~ 25718  
~~specified in rules adopted by the director, shall be subject to~~ 25719  
~~a ten-dollar late filing fee in addition to the five-dollar~~ 25720  
~~registration fee. Upon acceptance of the application, the~~ 25721  
~~director shall issue to such person a certificate of~~ 25722  
~~registration. All certificates registrations issued in~~ 25723  
accordance with this section expire on the following thirty- 25724  
first day of May ~~next following date of issuance or renewal,~~ and 25725  
shall be renewed according to the standard renewal procedure of 25726  
sections 4745.01 to 4745.03 of the Revised Code. 25727

No person shall maintain an apiary ~~located on premises~~ 25728  
~~other than that of his residence unless such the apiary is~~ 25729  
registered under this section and identifiable by an apiary name 25730  
or identification number assigned to such person by the 25731  
director. Such identification number shall be posted in a 25732  
conspicuous location in the apiary. The moving, raising, and 25733  
production of bees, beeswax, honey, and honey products shall be 25734  
deemed an agricultural pursuit. 25735

**Sec. 909.07.** The board of county commissioners may 25736  
~~appropriate such funds as it deems sufficient for the inspection~~ 25737  
~~of apiaries in its county. It may appoint a deputy apiarist~~ 25738  
~~with the consent and concurrence of the director of agriculture,~~ 25739  
~~said deputy to serve during the pleasure of said board except as~~ 25740  
~~specified in this section appoint, with the consent and~~ 25741  
concurrence of the director of agriculture, deputy apiarists. 25742  
~~Such Except as otherwise specified in this section, a deputy~~ 25743  
serves at the pleasure of the applicable board of county 25744  
commissioners. A deputy apiarist shall be paid such a salary as 25745  
the board of county commissioners determine for each day, or for 25746

~~each half day of determines for inspection work actually done,~~ 25747  
~~together with such and other expenses as are necessarily~~ 25748  
~~incurred in the doing of the directly related to inspection~~ 25749  
work. Before the board approves ~~said~~ the salary and expenses for 25750  
payment, ~~such~~ the deputy apiarist shall submit the same to the 25751  
director for ~~his approval~~ review. ~~Such~~ 25752

A deputy apiarist shall work under the direction of the 25753  
director and shall be responsible ~~to him~~ for the ~~enforcement of~~ 25754  
~~sections 909.01 to 909.18, inclusive, of the Revised~~ 25755  
Code inspection of apiaries in assigned counties prescribed by 25756  
the department of agriculture and for the administration and 25757  
enforcement of this chapter. ~~The~~ 25758

The director may terminate the appointment of any deputy 25759  
~~upon submitting to the board a statement that such deputy has~~ 25760  
~~shown himself to be apiarist if there is evidence that the~~ 25761  
deputy has been unethical, negligent, incompetent, inefficient, 25762  
or untrustworthy in the discharge of ~~his~~ official duties. ~~Such~~ A 25763  
deputy apiarist shall furnish to the director ~~such~~ reports as 25764  
are required and ~~upon blanks furnished by him~~ the director. ~~A~~ 25765  
~~duplicate of such reports shall be presented to the board each~~ 25766  
~~time that a statement of salary and expense is presented for~~ 25767  
~~payment.~~ 25768

**Sec. 909.08.** Each person within the state engaged in the 25769  
~~rearing of~~ that intends to sell, trade, gift, or otherwise 25770  
distribute queen bees ~~for sale or gift, before the first day of~~ 25771  
~~April of each year, packaged bees, nucs, or colonies shall file~~ 25772  
with the ~~director~~ department of agriculture a request for the 25773  
~~inspection of his~~ certification of all of the person's queen 25774  
rearing apiaries where queen bees are reared ~~for which~~ 25775  
certification is requested. Each request shall be accompanied by 25776

a certification fee of fifty dollars or an amount specified in 25777  
rules adopted by the director of agriculture. The director ~~shall~~ 25778  
may require all queen rearing apiaries to be inspected as 25779  
specified in rules adopted by the director at least once each 25780  
year. If the inspection results in the diagnosis of any serious 25781  
bee disease or pest or indicates the presence of Africanized 25782  
honey bees, the owner thereof shall not ~~ship, sell, or give away~~ 25783  
~~any queen~~ sell, trade, gift, or otherwise distribute any bees 25784  
until ~~he has the diagnosed problem has been controlled or~~ 25785  
~~eradicated the disease or bees to the satisfaction of the~~ 25786  
director. 25787

When such serious bee diseases or ~~bees pests~~ have been 25788  
controlled or eradicated in the queen rearing apiary, or if no 25789  
serious bee disease or pest is diagnosed or Africanized honey 25790  
bees are found, the director ~~shall may issue a an official~~ 25791  
~~certificate, signed by the state apiarist, a copy of which. A~~ 25792  
copy of the certificate shall be attached to each package or 25793  
~~shipment of~~ included with each queen bees mailed or shipped, nuc, 25794  
or colony provided by the producer. The certificate shall be 25795  
valid for, but not to exceed, one year expire on the thirty-first 25796  
day of May of the following year and may be renewed annually. 25797  
The use of tags or other devices bearing an invalid or altered 25798  
certificate and the misuse of any valid certificate is 25799  
prohibited. 25800

**Sec. 909.09.** No person shall sell, offer for sale, give, 25801  
~~offer to give, barter, or offer to barter~~ trade, or otherwise 25802  
distribute any bees, honeycombs, or used beekeeping equipment 25803  
~~without a permit from the director of agriculture that contains a~~ 25804  
serious bee disease or pest. Upon request, the state or a deputy 25805  
apiarist may issue a transfer permit if, upon inspection, the 25806  
item is determined to be apparently free from serious bee 25807

diseases and pests. The permit, or a copy of it, ~~shall~~ may 25808  
accompany any such transfer of ownership. The director may 25809  
refuse to issue the permit until ~~he finds~~ it is found by 25810  
inspection that any ~~africanized honey bees are eradicated from~~ 25811  
~~and any serious bee diseases~~ and pests are controlled or 25812  
eradicated from the bees, honeycombs, or used beekeeping 25813  
equipment. 25814

This section does not apply to the transfer of ownership 25815  
of honeycomb for human consumption. 25816

**Sec. 909.13.** The director of agriculture, in accordance 25817  
with sections 119.01 to 119.13, ~~inclusive,~~ of the Revised Code, 25818  
may suspend or revoke any registration, certificate, or permit 25819  
issued under ~~sections 909.01 to 909.18, inclusive, of the~~ 25820  
~~Revised Code~~ this chapter, or a compliance agreement entered into 25821  
under this chapter, for cause, including any violation of ~~such~~ 25822  
~~sections this chapter~~ or nonconformity with any rule or order 25823  
promulgated under ~~such sections in accordance with sections~~ 25824  
~~119.01 to 119.13, inclusive, of the Revised Code~~ this chapter. 25825  
There shall be no revocation of a compliance agreement, 25826  
registration, certificate, or permit until the compliance 25827  
agreement holder, registrant, or certificate or permit holder 25828  
first is given an opportunity for a hearing by the director in 25829  
regard thereto in accordance with sections 119.01 to 119.13, ~~—~~ 25830  
~~inclusive,~~ of the Revised Code. An appeal may be taken from the 25831  
action of the director in revocation of a compliance agreement, 25832  
registration, certificate, or permit to the court of common 25833  
pleas as provided in section 119.12 of the Revised Code. 25834

**Sec. 911.02.** Each person, firm, partnership, or 25835  
corporation that owns or operates a bakery shall register each 25836  
bakery that it owns or operates with the director of 25837

agriculture. For the registration, the owner or operator of each 25838  
bakery shall pay an annual fee of ~~thirty dollars for a~~ 25839  
~~production capacity of one thousand pounds of bakery product per~~ 25840  
~~hour or less and an annual fee of thirty dollars for each one~~ 25841  
~~thousand pounds of bakery product per hour capacity, or part~~ 25842  
~~thereof, in excess of one thousand pounds of bakery product per~~ 25843  
~~hour~~ two hundred dollars. 25844

Any person who owns or operates a home bakery with only 25845  
one oven, in a stove of ordinary home kitchen design and located 25846  
in a home, used for the baking of baked goods to be sold, shall 25847  
pay a sum of ten dollars annually for registration regardless of 25848  
the capacity of the home bakery oven. The registration shall be 25849  
renewed annually by the thirtieth day of September and shall be 25850  
renewed according to the standard renewal procedure of Chapter 25851  
4745. of the Revised Code. The registration of the bakery shall 25852  
show the location, including municipal corporation, street, and 25853  
number, the name of the owner, and the name of the operator. The 25854  
application for registration shall be made on a form prescribed 25855  
and provided by the director. All moneys received from 25856  
registration fees and fines collected under sections 911.01 to 25857  
911.20 of the Revised Code shall be deposited with the treasurer 25858  
of state to the credit of the food safety fund created in 25859  
section 915.24 of the Revised Code. All annual renewal 25860  
registration fees required by this section shall be paid by the 25861  
applicant for the renewal to the treasurer of state for deposit 25862  
into the food safety fund. 25863

No bakery product that is manufactured in an out-of-state 25864  
bakery shall be sold or offered for sale within this state 25865  
unless the bakery is in compliance with sections 911.01 to 25866  
911.20 of the Revised Code, and is registered, having paid the 25867  
annual registration fee. 25868



Registration of out-of-state bakeries is not required if a 25869  
reciprocal agreement is in effect whereby a bakery located in 25870  
this state is not subject to a license or registration fee by 25871  
the receiving state or a political subdivision thereof. 25872

**Sec. 913.23.** (A) The director of agriculture may issue 25873  
licenses as required by sections 913.22 to 913.28 of the Revised 25874  
Code, may make the inspections and registrations required by 25875  
those sections, and may prescribe the form of application to be 25876  
filed under this section. 25877

(B) No person shall manufacture or bottle for sale within 25878  
this state any soft drink in closed containers unless the person 25879  
has a license issued by the director. Upon receipt of an 25880  
application for such a license, the director shall examine the 25881  
products and the place of manufacture where the business is to 25882  
be conducted, to determine whether the products and place comply 25883  
with sections 913.22 to 913.28 of the Revised Code. Upon finding 25884  
there is compliance, and upon payment of a license fee of two 25885  
hundred dollars, the director shall issue a license authorizing 25886  
the applicant to manufacture or bottle for sale such soft 25887  
drinks, subject to sections 913.22 to 913.28 of the Revised 25888  
Code. The license shall expire on the last day of March of each 25889  
year unless renewed. 25890

(C) No soft drink that is manufactured or bottled out of 25891  
the state shall be sold or offered for sale within this state 25892  
unless the soft drink and the plant in which the soft drink is 25893  
manufactured or bottled are found by the director to comply with 25894  
sections 913.22 to 913.28 of the Revised Code, and are 25895  
registered by the director, which shall be upon a like 25896  
application as provided in division (B) of this section. 25897

An annual registration fee of two hundred dollars shall be 25898

paid to the director by each applicant under this division. The 25899  
registration shall be renewed annually, and the registration fee 25900  
paid with the application for annual renewal. 25901

Registration of out-of-state soft drink manufacturers or 25902  
bottlers or syrup and extract manufacturers is not required if a 25903  
reciprocal agreement is in effect whereby a soft drink 25904  
manufacturer or bottler or syrup and extract manufacturer 25905  
located in this state is not subject to a license or 25906  
registration fee by another state or a political subdivision 25907  
thereof. 25908

~~(D) No person, other than a manufacturer or bottler~~ 25909  
~~holding a soft drink plant license under this section, shall~~ 25910  
~~sell, offer for sale, use, or have in the person's possession~~ 25911  
~~with intent to sell, any soda water syrup or extract or soft~~ 25912  
~~drink syrup, to be used in making, drawing, or dispensing soda~~ 25913  
~~water or other soft drinks, without first registering the~~ 25914  
~~person's name and address, the name and address of the~~ 25915  
~~manufacturer of the syrup or extract, the number and variety of~~ 25916  
~~such syrups or extracts intended to be sold, and the trade name~~ 25917  
~~or brand of those products, with the director, together with~~ 25918  
~~such samples of the syrups or extracts as the director requests~~ 25919  
~~for analysis. The person also shall pay to the department of~~ 25920  
~~agriculture at the time of making registration a license fee of~~ 25921  
~~one hundred dollars. No license shall be granted by the director~~ 25922  
~~unless the director determines that the syrup or extract is free~~ 25923  
~~from all harmful drugs and other ingredients that, as used, may~~ 25924  
~~be injurious to health. The registration shall be renewed~~ 25925  
~~annually upon like terms. If any manufacturer, bottler, agent,~~ 25926  
~~or seller is licensed or has registered the manufacturer's,~~ 25927  
~~bottler's, agent's, or seller's name and product as required by~~ 25928  
~~this section and has paid the manufacturer's, bottler's,~~ 25929

~~agent's, or seller's fee, the manufacturer's, bottler's,~~ 25930  
~~agent's, or seller's distributor, retail agent, or retail seller~~ 25931  
~~using the products shall not be required to pay that fee. This~~ 25932  
~~section does not apply to local sellers of soft drinks as to~~ 25933  
~~syrops and extracts made by themselves for their own use~~ 25934  
~~exclusively.~~ 25935

~~(E)~~ All moneys received under sections 913.22 to 913.28 of 25936  
the Revised Code shall be deposited with the treasurer of state 25937  
to the credit of the food safety fund created in section 915.24 25938  
of the Revised Code. 25939

~~(F)~~ (E) The director may revoke any license or registration 25940  
issued under sections 913.22 to 913.28 of the Revised Code, 25941  
whenever the director determines that those sections have been 25942  
violated. When a license has been revoked, the licensee shall 25943  
discontinue the manufacture and sale of soft drinks or other 25944  
products for which the license was issued. When a registration 25945  
has been revoked, the registrant shall discontinue the sale 25946  
within this state of the registrant's products until those 25947  
sections have been complied with and a new license or 25948  
registration has been issued. The director may suspend any such 25949  
license or registration temporarily, pending compliance with 25950  
such conditions required by those sections as the director 25951  
prescribes. 25952

**Sec. 915.16.** The license fee for an establishment is ~~fifty~~ 25953  
two hundred dollars. Any operator operating in connection with a 25954  
cold-storage warehouse holding a license under section 915.02 of 25955  
the Revised Code is not required to secure an additional license 25956  
under section 915.15 of the Revised Code so long as the operator 25957  
continues to be licensed as a cold-storage warehouse; but the 25958  
operator shall comply with sections 915.14 to 915.24 of the 25959

Revised Code, and all rules and regulations promulgated 25960  
thereunder. The license issued shall be in such form as the 25961  
department of agriculture prescribes. Licenses shall be valid 25962  
until the last day of November following initial issuance or 25963  
renewal and shall become invalid on that date unless renewed. 25964  
The original license or a certified copy thereof shall be 25965  
conspicuously displayed by the operator in the establishment. 25966

**Sec. 915.24.** (A) There is hereby created in the state 25967  
treasury the food safety fund. All of the following moneys shall 25968  
be credited to the fund: 25969

(1) Bakery registration fees and fines received under 25970  
sections 911.02 to 911.20 of the Revised Code; 25971

(2) Cannery license fees and renewal fees received under 25972  
sections 913.01 to 913.05 of the Revised Code; 25973

(3) Moneys received under sections 913.22 to 913.28 of the 25974  
Revised Code; 25975

(4) License fees, fines, and penalties recovered for the 25976  
violation of sections 915.01 to 915.12 of the Revised Code; 25977

(5) License fees collected under sections 915.14 to 915.23 25978  
of the Revised Code; 25979

(6) License fees, other fees, and fines collected by or 25980  
for the director of agriculture under Chapter 3717. of the 25981  
Revised Code; 25982

(7) Fees collected under section 3715.04 of the Revised 25983  
Code for the issuance of certificates of health and freesale; 25984

(8) Registration fees and other fees collected by the 25985  
director of agriculture under section 3715.041 of the Revised 25986  
Code; 25987

(9) Money received from contracts or cooperative agreements with any agency of the United States government, or any other public or private agency or organization, for either of the following: 25988  
25989  
25990  
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(a) The performance of the prescribed duties of the department of agriculture under this chapter and Chapters 911., 913., 925., 3715., and 3717. of the Revised Code; 25992  
25993  
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(b) Accomplishing cooperative projects within the scope of such duties. 25995  
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(B) The director of agriculture shall use the moneys deposited into the food safety fund to administer and enforce the laws pursuant to which the moneys were collected. 25997  
25998  
25999

**Sec. 921.01.** As used in this chapter: 26000

(A) "Active ingredient" means any ingredient that will prevent, destroy, kill, repel, control, or mitigate any pest, or that will act as a plant regulator, defoliant, or desiccant. 26001  
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(B) "Adulterated" shall apply to any pesticide if its strength or purity is less than or greater than the professed standard or quality as expressed on its labeling or under which it is sold, if any substance has been substituted wholly or in part for the pesticide, or if any valuable constituent of the pesticide has been wholly or in part abstracted. 26004  
26005  
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(C) "Agricultural commodity" means any plant or part thereof or animal or animal product, produced for commercial use by a person, including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons, primarily for the sale, consumption, propagation, or other use, by humans or animals. 26010  
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(D) "Aircraft" means any device used or designed for navigation or flight in the air, except a parachute or other device used primarily as safety equipment.

(E) "Animal" means all vertebrate and invertebrate species, including, but not limited to, humans and other mammals, birds, fish, and shellfish.

(F) "Authorized diagnostic inspection" means a diagnostic inspection conducted by a commercial applicator in the pesticide-use category in which the commercial applicator is licensed under this chapter.

(G) "Beneficial insects" means those insects that, during their life cycle, are effective pollinators of plants, are parasites or predators of pests, or are otherwise beneficial.

(H) "Brand" means any word, name, symbol, device, or combination thereof, that serves to distinguish the pesticide manufactured or distributed by one person from that manufactured or distributed by any other person.

(I) "Pesticide applicator" means a commercial applicator or a private applicator.

(J) "Private applicator" means an individual who is licensed under section 921.11 of the Revised Code.

(K) "Commercial applicator" means an individual who is licensed under section 921.06 of the Revised Code to apply pesticides or to conduct authorized diagnostic inspections.

(L) "Competent" means properly qualified as evidenced by passing the general examination and each applicable pesticide-use category examination for the pesticide-use categories in which a person applies pesticides and, in the case of a person

who is a commercial applicator, conducts diagnostic inspections 26045  
and by meeting any other criteria established by rule. 26046

(M) "Federal act" means the "Federal Insecticide, 26047  
Fungicide and Rodenticide Act," 61 Stat. 163 (1947), 7 U.S.C.A. 26048  
136, as amended. 26049

(N) "Defoliant" means any substance or mixture of 26050  
substances intended for causing the leaves or foliage to drop 26051  
from a plant, with or without causing abscission. 26052

(O) "Desiccant" means any substance or mixture of 26053  
substances intended for artificially accelerating the drying of 26054  
plant tissue. 26055

(P) "Device" means any instrument or contrivance, other 26056  
than a firearm, that is intended for trapping, destroying, 26057  
repelling, or mitigating any pest or any other form of plant or 26058  
animal life, other than human beings and other than bacteria, 26059  
virus, or other microorganism on or in living human beings or 26060  
other living animals. "Device" does not include equipment used 26061  
for the application of pesticides when sold separately 26062  
therefrom. 26063

(Q) "Direct supervision" means ~~either of the following, as~~ 26064  
~~applicable:~~ 26065

~~(1) Unless, unless otherwise prescribed by its labeling,~~ 26066  
a general use pesticide is considered to be applied under the 26067  
direct supervision of a commercial applicator, if it is applied 26068  
by a trained serviceperson acting under the instructions and 26069  
control of a commercial applicator. 26070

~~(2) Unless otherwise prescribed by its labeling, a~~ 26071  
~~restricted use pesticide is considered to be applied under the~~ 26072  
~~direct supervision of a private applicator, if it is applied by~~ 26073

~~an immediate family member or a subordinate employee of that~~ 26074  
~~private applicator acting under the instructions and control of~~ 26075  
~~the private applicator, who is responsible for the actions of~~ 26076  
~~that immediate family member or subordinate employee and who is~~ 26077  
~~available when needed, even though the private applicator is not~~ 26078  
~~physically present at the time and place the restricted use~~ 26079  
~~pesticide application is occurring.~~ 26080

(R) "Directly supervise" means providing direct 26081  
supervision under division ~~(Q) (1) or (2) or both of those~~ 26082  
~~divisions (Q) of this section, as applicable.~~ 26083

(S) "Distribute" means to offer or hold for sale, sell, 26084  
barter, ship, deliver for shipment, or receive and, having so 26085  
received, to deliver or offer to deliver, pesticides in this 26086  
state. "Distribute" does not mean to hold for use, apply, or use 26087  
pesticides or dilutions of pesticides, except when a pesticide 26088  
dealer holds for use, applies, or uses pesticides or dilutions 26089  
of pesticides in the course of business with a commercial 26090  
applicator who is employed by that pesticide dealer. 26091

(T) "Environment" includes water, air, land, and all 26092  
plants and human beings and other animals living therein, and 26093  
the interrelationships that exist among them. 26094

(U) "Fungus" means any nonchlorophyll-bearing thallophyte, 26095  
which is any nonchlorophyll-bearing plant of a lower order than 26096  
mosses and liverworts, as for example, rust, smut, mildew, mold, 26097  
yeast, and bacteria, except those on or in living human beings 26098  
or other animals, or processed food, beverages, or 26099  
pharmaceuticals. 26100

(V) "General use pesticide" means a pesticide that is 26101  
classified for general use under the federal act. 26102



(W) "Ground equipment" means any device, other than aircraft, used on land or water to apply pesticides in any form.

~~(X) "Immediate family" means a person's spouse residing in the person's household, brothers and sisters of the whole or of the half blood, children, including adopted children, parents, and grandparents.~~

~~(Y)~~ "Incidental use" or "incidentally use" means the application of a general use pesticide on an occasional, isolated, site-specific basis in order to avoid immediate personal harm. "Incidental use" or "incidentally use" does not mean regular, routine, or maintenance application of a general use pesticide.

~~(Z)~~ (Y) "Inert ingredient" means an ingredient that is not active.

~~(AA)~~ (Z) "Ingredient statement" means a statement of the name and percentage of each active ingredient, together with the total percentage of inert ingredients. When the pesticide contains arsenic in any form, the ingredient statement shall include percentages of total and water soluble arsenic, each calculated as elemental arsenic.

~~(BB)~~ (AA) "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, including, but not limited to, beetles, bugs, bees, and flies, and to other allied classes of arthropods, including, but not limited to, spiders, mites, ticks, centipedes, and wood lice.

~~(CC)~~ (BB) "Integrated pest management" means a sustainable approach to managing pests by combining biological, cultural,

physical, and chemical tools in a way that minimizes economic, 26132  
health, and environmental risks. 26133

~~(DD)~~(CC) "Label" means the written, printed, or graphic 26134  
matter on, or attached to the pesticide or device, or any of its 26135  
containers or wrappers. 26136

~~(EE)~~(DD) "Labeling" means all labels and other written, 26137  
printed, or graphic matter: 26138

(1) Accompanying the pesticide product or device at any 26139  
time; 26140

(2) To which reference is made on the label or in 26141  
literature accompanying the pesticide product or device, except 26142  
when accurate, nonmisleading reference is made to current 26143  
official publications of the United States environmental 26144  
protection agency, the United States department of agriculture 26145  
or interior, the United States department of health and human 26146  
services, state experiment stations, state agricultural 26147  
colleges, or other similar federal or state institutions or 26148  
official agencies, authorized by law to conduct research in the 26149  
field of pesticides; 26150

(3) Including all brochures, technical and sales 26151  
bulletins, and all advertising material. 26152

~~(FF)~~(EE) "Licensure" includes certification as used in the 26153  
federal act. 26154

~~(GG)~~(FF) "Misbranded" applies, if the conditions of either 26155  
division ~~(GG)~~(1)~~(FF)~~(1) or (2) of this section are satisfied as 26156  
follows: 26157

(1) To any pesticide or device, if at least one of the 26158  
following occurs: 26159

(a) Its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients that is false or misleading in any particular.

(b) It is an imitation of or is distributed under the name of another pesticide or device.

(c) Any word, statement, or other information required to appear on the label or labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs, or graphic matter in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(2) To any pesticide, if at least one of the following occurs:

(a) The labeling of a restricted use pesticide does not contain a statement that it is a restricted use pesticide.

(b) The labeling accompanying it does not contain directions for use that are necessary for effecting the purpose for which the pesticide is intended and, if complied with, together with any requirements imposed by the federal act, that are adequate to protect the environment.

(c) The label does not bear all of the following:

(i) The name, brand, or trademark under which the pesticide is distributed;

(ii) An ingredient statement on the part of the immediate container and on the outside container and wrapper of the retail package, if any, through which the ingredient statement on the immediate container cannot be clearly read, which is presented

or displayed under customary conditions of purchase, provided 26188  
that the ingredient statement may appear prominently on another 26189  
part of the container as permitted by the amended federal act or 26190  
by the director; 26191

(iii) A warning or caution statement that may be necessary 26192  
and that, if complied with together with any requirement imposed 26193  
under the federal act, would be adequate to protect the 26194  
environment; 26195

(iv) The net weight or measure of the contents, subject to 26196  
such reasonable variations as the administrator of the United 26197  
States environmental protection agency or the director of 26198  
agriculture may permit; 26199

(v) The name and address of the manufacturer, registrant, 26200  
or person for whom manufactured; 26201

(vi) The United States environmental protection agency 26202  
registration number assigned to each establishment in which the 26203  
pesticide was produced and the agency registration number 26204  
assigned to it, as required by regulations under the federal 26205  
act. 26206

(d) The pesticide contains any substance or substances in 26207  
quantities highly toxic to human beings unless the label bears, 26208  
in addition to other label requirements, all of the following: 26209

(i) The skull and crossbones; 26210

(ii) The word "poison" in red prominently displayed on a 26211  
background of distinctly contrasting color; 26212

(iii) A statement of an antidote or a practical or 26213  
emergency medical treatment, first aid or otherwise, in case of 26214  
poisoning by the pesticide. 26215

(e) It is contained in a package or other container or 26216  
wrapping that does not conform to the standard established by 26217  
the administrator of the United States environmental protection 26218  
agency. 26219

~~(HH)~~ (GG) "Nematodes" means invertebrate animals of the 26220  
phylum nemathelminthes and class nematoda, which are 26221  
unsegmented, round worms with elongated, fusiform, or sac-like 26222  
bodies covered with cuticle, and that inhabit soil, water, 26223  
plants, or plant parts and also may be called nema or eel-worms. 26224

~~(II)~~ (HH) "Pest" means a harmful, destructive, or nuisance 26225  
insect, fungus, rodent, nematode, bacterium, bird, snail, weed, 26226  
or parasitic plant or a harmful or destructive form of plant or 26227  
animal life or virus, or any plant or animal species that the 26228  
director declares to be a pest, except viruses, bacteria, or 26229  
other microorganisms on or in living animals, including human 26230  
beings. 26231

~~(JJ)~~ (II) "Pesticide" means any substance or mixture of 26232  
substances intended for either of the following: 26233

(1) Preventing, destroying, repelling, or mitigating any 26234  
pest; 26235

(2) Use as a plant regulator, defoliant, or desiccant. 26236

"Pesticide" includes a pest monitoring system designated 26237  
by rule. 26238

~~(KK)~~ (JJ) "Pesticide dealer" means any person who 26239  
distributes restricted use pesticides or pesticides whose uses 26240  
or distribution are further restricted by the director to the 26241  
ultimate user or to a commercial applicator who is employed by 26242  
that pesticide dealer. 26243

<del>(LL)</del> <u>(KK)</u> "Pesticide business" means a person who performs pesticide business activities.	26244 26245
<del>(MM)</del> <u>(LL)</u> "Pesticide business activities" means any of the following:	26246 26247
(1) The application of pesticides to the property of another for hire;	26248 26249
(2) The solicitation to apply pesticides;	26250
(3) The conducting of authorized diagnostic inspections.	26251
<del>(NN) "Pesticide business registered location" means a location at which pesticide business activities are conducted and that is registered through the issuance of a license to a pesticide business under section 921.09 of the Revised Code.</del>	26252 26253 26254 26255
<del>(OO)</del> <u>(MM)</u> "Pesticide-use category" means a specialized field of pesticide application or of diagnostic inspection as defined by rule.	26256 26257 26258
<del>(PP)</del> <u>(NN)</u> "Plant regulator" means any substance or mixture of substances, intended, through physiological action, for accelerating or retarding the growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but does not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.	26259 26260 26261 26262 26263 26264 26265
<del>(OO)</del> <u>(OO)</u> "Product name" means a coined or specific designation applied to an individual pesticide of a fixed combination and derivation.	26266 26267 26268
<del>(RR)</del> <u>(PP)</u> "Registrant" means a person who has registered a pesticide under this chapter.	26269 26270

~~(SS)~~ (QQ) "Restricted use pesticide" means any pesticide or pesticide use classified by the administrator of the United States environmental protection agency for use only by a pesticide applicator ~~or by an individual working under the direct supervision of a pesticide applicator.~~

~~(TT)~~ (RR) "Rule" means a rule adopted under section 921.16 of the Revised Code.

~~(UU)~~ (SS) "Sell or sale" means exchange of ownership or transfer of custody.

~~(VV)~~ (TT) "State restricted use pesticide" means any pesticide or pesticides classified by the director subsequent to a hearing held in accordance with Chapter 119. of the Revised Code for use only by pesticide applicators ~~or individuals working under their direct supervision.~~

~~(WW)~~ (UU) "Unreasonable adverse effects on the environment" means any unreasonable risk to human beings or the environment taking into account the economic, social, and environmental benefits and costs of the use of any pesticide.

~~(XX)~~ (VV) "Trained serviceperson" means an employee of a pesticide business, other business, agency of the United States government, state agency, or political subdivision who has been trained to apply general use pesticides while under the direct supervision of a commercial applicator.

~~(YY)~~ (WW) "Weed" means any plant that grows where not wanted.

~~(ZZ)~~ (XX) "Wildlife" means all living things that are neither human, domesticated, or pests, including, but not limited to, mammals, birds, and aquatic life.

~~(AAA)~~ (YY) "Trade secret" and "confidential business information" mean any formula, plan, pattern, process, tool, mechanism, compound, procedure, production date, or compilation of information that is not patented, that is known only to certain individuals within a commercial concern, and that gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

**Sec. 921.02.** (A) No person shall distribute a pesticide within this state unless the pesticide is registered with the director of agriculture under this chapter. Registrations shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. Registration is not required if a pesticide is shipped from one plant or warehouse to another plant or warehouse operated by the same person and used solely at that plant or warehouse as a constituent part to make a pesticide that is registered under this chapter, or if the pesticide is distributed under the provisions of an experimental use permit issued under section 921.03 of the Revised Code or an experimental use permit issued by the United States environmental protection agency.

(B) The applicant for registration of a pesticide shall file a statement with the director on a form provided by the director, which shall include all of the following:

(1) The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant's name;

(2) The brand and product name of the pesticide;

(3) Any necessary information required for completion of the department of agriculture's application for registration,



including the agency registration number; 26328

(4) A complete copy of the labeling accompanying the 26329  
pesticide and a statement of all claims to be made for it, 26330  
including the directions for use and the use classification as 26331  
provided for in the federal act. 26332

(C) The director, when the director considers it necessary 26333  
in the administration of this chapter, may require the 26334  
submission of the complete formula of any pesticide including 26335  
the active and inert ingredients. 26336

(D) The director may require a full description of the 26337  
tests made and the results thereof upon which the claims are 26338  
based for any pesticide. The director shall not consider any 26339  
data submitted in support of an application, without permission 26340  
of the applicant, in support of any other application for 26341  
registration unless the other applicant first has offered to pay 26342  
reasonable compensation for producing the test data to be relied 26343  
upon and the data are not protected from disclosure by section 26344  
921.04 of the Revised Code. In the case of a renewal of 26345  
registration, a statement shall be required only with respect to 26346  
information that is different from that furnished when the 26347  
pesticide was registered or last registered. 26348

(E) The director may require any other information to be 26349  
submitted with an application. 26350

Any applicant may designate any portion of the required 26351  
registration information as a trade secret or confidential 26352  
business information. Upon receipt of any required registration 26353  
information designated as a trade secret or confidential 26354  
business information, the director shall consider the designated 26355  
information as confidential and shall not reveal or cause to be 26356

revealed any such designated information without the consent of 26357  
the applicants, except to persons directly involved in the 26358  
registration process described in this section or as required by 26359  
law. 26360

(F) ~~Beginning January 1, 2007, each~~ Each applicant shall 26361  
pay a nonrefundable registration and inspection fee of ~~one-two~~ 26362  
hundred fifty dollars for each product name and brand registered 26363  
for the company whose name appears on the label. If an applicant 26364  
files for a renewal of registration after the deadline 26365  
established by rule, the applicant shall pay a penalty fee of 26366  
~~seventy-five~~ one hundred twenty-five dollars for each product 26367  
name and brand registered for the applicant. The penalty fee 26368  
shall be added to the original fee and paid before the renewal 26369  
registration is issued. In addition to any other remedy 26370  
available under this chapter, if a pesticide that is not 26371  
registered pursuant to this section is distributed within this 26372  
state, the person required to register the pesticide shall do so 26373  
and shall pay a penalty fee of ~~seventy-five~~ one hundred twenty- 26374  
five dollars for each product name and brand registered for the 26375  
applicant. The penalty fee shall be added to the original fee of 26376  
~~one-two~~ hundred fifty dollars and paid before the registration 26377  
is issued. 26378

(G) Provided that the state is authorized by the 26379  
administrator of the United States environmental protection 26380  
agency to register pesticides to meet special local needs, the 26381  
director shall require the information set forth under divisions 26382  
(B), (C), (D), and (E) of this section and shall register any 26383  
such pesticide after determining that all of the following 26384  
conditions are met: 26385

(1) Its composition is such as to warrant the proposed 26386

claims for it. 26387

(2) Its labeling and other material required to be 26388  
submitted comply with the requirements of the federal act and of 26389  
this chapter, and rules adopted thereunder. 26390

(3) It will perform its intended function without 26391  
unreasonable adverse effects on the environment. 26392

(4) When used in accordance with widespread and commonly 26393  
recognized practice, it will not generally cause unreasonable 26394  
adverse effects on the environment. 26395

(5) The classification for general or restricted use is in 26396  
conformity with the federal act. 26397

The director shall not make any lack of essentiality a 26398  
criterion for denying the registration of any pesticide. When 26399  
two pesticides meet the requirements of division (G) of this 26400  
section, the director shall not register one in preference to 26401  
the other. 26402

(H) (1) The director may refuse to register a pesticide if 26403  
the application for registration fails to comply with this 26404  
section. 26405

(2) The director may suspend or revoke a pesticide 26406  
registration after a hearing in accordance with Chapter 119. of 26407  
the Revised Code for a pesticide that fails to meet the claims 26408  
made for it on its label. 26409

(3) The director may immediately suspend a pesticide 26410  
registration, prior to a hearing, when the director believes 26411  
that the pesticide poses an immediate hazard to human or animal 26412  
health or a hazard to the environment. Not later than fifteen 26413  
days after suspending the registration, the director shall 26414

determine whether the pesticide poses such a hazard. If the 26415  
director determines that no hazard exists, the director shall 26416  
lift the suspension of the registration. If the director 26417  
determines that a hazard exists, the director shall revoke the 26418  
registration in accordance with Chapter 119. of the Revised 26419  
Code. 26420

(I) All money collected under this section shall be 26421  
credited to the pesticide, fertilizer, and lime program fund 26422  
created in section 921.22 of the Revised Code. 26423

**Sec. 921.06.** (A) (1) No individual shall do any of the 26424  
following without having a commercial applicator license issued 26425  
by the director of agriculture: 26426

(a) Apply pesticides for a pesticide business without 26427  
direct supervision; 26428

(b) Apply pesticides as part of the individual's duties 26429  
while acting as an employee of the United States government, a 26430  
state, county, township, or municipal corporation, or a park 26431  
district, port authority, or sanitary district created under 26432  
Chapter 1545., 4582., or 6115. of the Revised Code, 26433  
respectively; 26434

(c) Apply restricted use pesticides. Division (A) (1) (c) of 26435  
this section does not apply to a private applicator ~~or an~~ 26436  
~~immediate family member or a subordinate employee of a private~~ 26437  
~~applicator who is acting under the direct supervision of that~~ 26438  
~~private applicator.~~ 26439

(d) If the individual is the owner of a business other 26440  
than a pesticide business or an employee of such an owner, apply 26441  
pesticides at any of the following publicly accessible sites 26442  
that are located on the property: 26443

(i) Food service operations that are licensed under Chapter 3717. of the Revised Code;	26444 26445
(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;	26446 26447
(iii) Golf courses;	26448
(iv) Rental properties of more than four apartment units at one location;	26449 26450
(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;	26451 26452
(vi) Child care centers or licensed school child programs as defined in section 5104.01 of the Revised Code;	26453 26454
(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the director of education and workforce;	26455 26456 26457 26458 26459 26460
(viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code, and private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;	26461 26462 26463 26464 26465 26466 26467 26468 26469 26470
(ix) Food processing establishments as defined in section	26471

3715.021 of the Revised Code;	26472
(x) Any other site designated by rule.	26473
(e) Conduct authorized diagnostic inspections.	26474
(2) Divisions (A) (1) (a) to (d) of this section do not apply to an individual who is acting as a trained serviceperson under the direct supervision of a commercial applicator.	26475 26476 26477
(3) Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. The fee for each such license shall be established by rule. If a license is not issued or renewed, the application fee shall be retained by the state as payment for the reasonable expense of processing the application. The director shall by rule classify by pesticide- use category licenses to be issued under this section. A single license may include more than one pesticide-use category. No individual shall be required to pay an additional license fee if the individual is licensed for more than one category.	26478 26479 26480 26481 26482 26483 26484 26485 26486 26487 26488
The fee for each license or renewal does not apply to an applicant who is an employee of the department of agriculture whose job duties require licensure as a commercial applicator as a condition of employment.	26489 26490 26491 26492
(B) Application for a commercial applicator license shall be made on a form prescribed by the director. Each application for a license shall state the pesticide-use category or categories of license for which the applicant is applying and other information that the director determines essential to the administration of this chapter.	26493 26494 26495 26496 26497 26498
(C) (1) Except as provided in division (C) (2) of this section, if the director finds that the applicant is competent	26499 26500

to apply pesticides and conduct diagnostic inspections and that 26501  
the applicant has passed both the general examination and each 26502  
applicable pesticide-use category examination as required under 26503  
division (A) of section 921.12 of the Revised Code, the director 26504  
shall issue a commercial applicator license limited to the 26505  
pesticide-use category or categories for which the applicant is 26506  
found to be competent. If the director rejects an application, 26507  
the director may explain why the application was rejected, 26508  
describe the additional requirements necessary for the applicant 26509  
to obtain a license, and return the application. The applicant 26510  
may resubmit the application without payment of any additional 26511  
fee. 26512

(2) The director shall issue a commercial applicator 26513  
license in accordance with Chapter 4796. of the Revised Code to 26514  
an individual if either of the following applies: 26515

(a) The individual holds a commercial applicator license 26516  
in another state. 26517

(b) The individual has satisfactory work experience, a 26518  
government certification, or a private certification as 26519  
described in that chapter as a commercial applicator in a state 26520  
that does not issue that license. 26521

A license issued under this division shall be limited to 26522  
the pesticide-use category or categories for which the applicant 26523  
is licensed in another state or has satisfactory work 26524  
experience, a government certification, or a private 26525  
certification in that state. 26526

(D) (1) A person who is a commercial applicator shall be 26527  
deemed to hold a private applicator's license for purposes of 26528  
applying pesticides on agricultural commodities that are 26529

produced by the commercial applicator. 26530

(2) A commercial applicator shall apply pesticides only in 26531  
the pesticide-use category or categories in which the applicator 26532  
is licensed under this chapter. 26533

(E) All money collected under this section shall be 26534  
credited to the pesticide, fertilizer, and lime program fund 26535  
created in section 921.22 of the Revised Code. 26536

**Sec. 921.09.** (A) (1) No person shall own or operate a 26537  
pesticide business without obtaining a license from the director 26538  
of agriculture. Licenses shall be issued for a period of time 26539  
established by rule and shall be renewed in accordance with 26540  
deadlines established by rule. 26541

(2) A person applying for a pesticide business license 26542  
shall ~~register~~obtain a license for each location that is owned 26543  
by the person and used for the purpose of engaging in the 26544  
pesticide business. 26545

(B) Any person who owns or operates a pesticide business 26546  
outside of this state, but engages in the business of applying 26547  
pesticides to properties of another for hire in this state, 26548  
shall obtain a license for the person's principal out-of-state 26549  
location from the director. In addition, the person shall 26550  
~~register~~obtain a license for each location that is owned by the 26551  
person in this state and used for the purpose of engaging in the 26552  
pesticide business. 26553

(C) (1) The person applying for a pesticide business 26554  
license shall file a statement with the director, on a form 26555  
provided by the director, that shall include all of the 26556  
following: 26557

(a) The address of the principal place of business of the 26558



pesticide business; 26559

(b) The address of each location ~~that~~ concerning which the 26560  
person intends to ~~register~~ obtain a license under division (A) 26561  
(2) or (B) of this section; 26562

(c) Any other information that the director determines 26563  
necessary and that the director requires by rule. 26564

(2) Each applicant shall pay a license fee established by 26565  
rule for the ~~pesticide~~ principal place of business plus an 26566  
additional fee established by rule for each pesticide business 26567  
~~registered~~ location specified in the application. The license 26568  
may be renewed upon payment of a renewal fee for the principal 26569  
place of business established by rule plus an additional fee 26570  
established by rule for each pesticide business ~~registered~~ 26571  
location. A copy of the license shall be maintained and 26572  
conspicuously displayed at each ~~such~~ pesticide business 26573  
location. 26574

(3) The issuance of a pesticide business license 26575  
constitutes ~~registration~~ licensure of any pesticide business 26576  
location identified in the application under division (C) (1) of 26577  
this section. 26578

(4) The owner or operator of a pesticide business shall 26579  
notify the director not later than fifteen days after any change 26580  
occurs in the information required under division (C) (1) (a) or 26581  
(b) of this section. 26582

(D) The owner or operator of a pesticide business shall 26583  
employ at least one commercial applicator for each pesticide 26584  
business ~~registered~~ location the owner or operator owns or 26585  
operates. 26586

(E) The owner or operator of a pesticide business is 26587

responsible for the acts of each employee in the handling, 26588  
application, and use of pesticides and in the conducting of 26589  
diagnostic inspections. The pesticide business license is 26590  
subject to denial, modification, suspension, or revocation after 26591  
a hearing for any violation of this chapter or any rule adopted 26592  
or order issued under it. The director may levy against the 26593  
owner or operator any civil penalties authorized by division (B) 26594  
of section 921.16 of the Revised Code for any violation of this 26595  
chapter or any rule adopted or order issued under it that is 26596  
committed by the owner or operator or by the owner's or 26597  
operator's officer, employee, or agent. 26598

(F) The director may modify a license issued under this 26599  
section by one of the following methods: 26600

(1) Revoking a licensee's authority to operate out of a 26601  
particular pesticide business ~~registered~~-location listed under 26602  
division (C) (1) (b) of this section; 26603

(2) Preventing a licensee from operating within a specific 26604  
pesticide-use category. 26605

(G) The director may deny a pesticide business license to 26606  
any person whose pesticide business license has been revoked 26607  
within the previous thirty-six months. 26608

(H) Each pesticide business ~~registered~~-location that is 26609  
owned by a pesticide business is subject to inspection by the 26610  
director. 26611

(I) All money collected under this section shall be 26612  
credited to the pesticide, fertilizer, and lime program fund 26613  
created in section 921.22 of the Revised Code. 26614

**Sec. 921.11.** ~~(A) (1)~~ (A) As used in this section, "use" 26615  
means any of the following: 26616

<u>(1) Performing pre-application activities involving mixing and loading the pesticide;</u>	26617 26618
<u>(2) Applying the pesticide by a commercial applicator or private applicator;</u>	26619 26620
<u>(3) Performing other pesticide-related activities, including transporting or storing pesticide containers that have been opened, cleaning equipment, and disposing of excess pesticides, spray mix, equipment wash waters, pesticide containers, and other pesticide-containing materials.</u>	26621 26622 26623 26624 26625
<u>(B) No individual shall <del>apply</del> use restricted use pesticides unless the individual is one of the following:</u>	26626 26627
<del>(a) (1) Licensed under section 921.06 of the Revised Code;</del>	26628
<del>(b) (2) Licensed under division <del>(B)</del> (C) of this section;</del>	26629
<del>(c) A trained serviceperson who is acting under the direct supervision of a commercial applicator;</del>	26630 26631
<del>(d) An immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.</del>	26632 26633 26634
<del>(2) No individual shall directly supervise the application of a restricted use pesticide unless the individual is one of the following:</del>	26635 26636 26637
<del>(a) Licensed under section 921.06 of the Revised Code;</del>	26638
<del>(b) Licensed under division (B) of this section.</del>	26639
<del>(B) (1) (C) (1) Subject to division <del>(B) (2) (C) (2)</del> of this section, the director of agriculture shall adopt rules to establish standards and procedures for the licensure of private applicators. An individual shall apply for a private applicator</del>	26640 26641 26642 26643

license to the director, on forms prescribed by the director. 26644  
The individual shall include in the application the pesticide- 26645  
use category or categories of the license for which the 26646  
individual is applying and any other information that the 26647  
director determines is essential to the administration of this 26648  
chapter. The fee for each license shall be established by rule. 26649  
Licenses shall be issued for a period of time established by 26650  
rule and shall be renewed in accordance with deadlines 26651  
established by rule. If a license is not issued or renewed, the 26652  
state shall retain any fee submitted as payment for reasonable 26653  
expenses of processing the application. 26654

(2) The director shall issue a private applicator license 26655  
in accordance with Chapter 4796. of the Revised Code to an 26656  
individual if either of the following applies: 26657

(a) The individual holds a private applicator license in 26658  
another state. 26659

(b) The individual has satisfactory work experience, a 26660  
government certification, or a private certification as 26661  
described in that chapter as a private applicator in a state 26662  
that does not issue that license. 26663

A license issued under this division shall be limited to 26664  
the pesticide-use category or categories for which the applicant 26665  
is licensed in another state or has satisfactory work 26666  
experience, a government certification, or a private 26667  
certification in that state. 26668

~~(C)~~ (D) An individual who is licensed under this section 26669  
shall use ~~or directly supervise the use of a~~ restricted use 26670  
pesticide only for the purpose of producing agricultural 26671  
commodities on property that is owned or rented by the 26672

individual or the individual's employer. 26673

~~(D)~~(E) All money collected under this section shall be 26674  
credited to the pesticide, fertilizer, and lime program fund 26675  
created in section 921.22 of the Revised Code. 26676

**Sec. 921.12.** ~~(A)~~(A) (1) The director of agriculture shall 26677  
require each applicant for a license by examination under 26678  
section 921.06 or 921.11 of the Revised Code to be examined on 26679  
the applicant's knowledge and competency in each of the 26680  
following: 26681

~~(1)~~(a) This chapter and rules adopted under it; 26682

~~(2)~~(b) The proper use, handling, and application of 26683  
pesticides and, if the applicant is applying for a license under 26684  
section 921.06 of the Revised Code, in the conducting of 26685  
diagnostic inspections in the pesticide-use categories for which 26686  
the applicant has applied. 26687

(2) The director may establish an examination fee by rule 26688  
to be paid by applicants. 26689

(B) Each application for renewal of a license provided for 26690  
in section 921.06 of the Revised Code shall be filed prior to 26691  
the deadline established by rule. If filed after the deadline, a 26692  
penalty of fifty per cent shall be assessed and added to the 26693  
original fee and shall be paid by the applicant before the 26694  
renewal license is issued. However, if a license issued under 26695  
section 921.06 or 921.11 of the Revised Code is not renewed 26696  
within one hundred eighty days after the date of expiration, the 26697  
licensee shall be required to take another examination on this 26698  
chapter and rules adopted under it and on the proper use, 26699  
handling, and application of pesticides and, if applicable, the 26700  
proper conducting of diagnostic inspections in the pesticide-use 26701

categories for which the licensee has been licensed. 26702

(C) A person who fails to pass an examination under 26703  
division (A) or (B) of this section is not entitled to an 26704  
adjudication under Chapter 119. of the Revised Code for that 26705  
failure. 26706

(D) The holder of a commercial applicator license may 26707  
renew the license within one hundred eighty days after the date 26708  
of expiration without re-examination unless the director 26709  
determines that a new examination is necessary to insure that 26710  
the holder continues to meet the requirements of changing 26711  
technology and to assure a continuing level of competence and 26712  
ability to use pesticides safely and properly. 26713

(E) The holder of a private applicator license may renew 26714  
the license within one hundred eighty days after the date of 26715  
expiration without re-examination unless the director determines 26716  
that a new examination is necessary to insure that the holder 26717  
continues to meet the requirements of changing technology and to 26718  
assure a continuing level of competence and ability to use 26719  
pesticides safely and properly. 26720

(F) Instead of requiring a commercial applicator or 26721  
private applicator to complete re-examination successfully under 26722  
division (D) or (E) of this section, the director may require, 26723  
in accordance with criteria established by rule, the commercial 26724  
applicator or private applicator to participate in training 26725  
programs that are designed to foster knowledge of new technology 26726  
and to ensure a continuing level of competence and ability to 26727  
use pesticides safely and properly. The director or the 26728  
director's representative may provide the training or may 26729  
authorize a third party to do so. In order for such 26730  
authorization to occur, the third party and its training program 26731

shall comply with standards and requirements established by 26732  
rule. 26733

**Sec. 921.13.** (A) Any person who is acting in the capacity 26734  
of a pesticide dealer or who advertises or assumes to act as a 26735  
pesticide dealer at any time shall obtain a pesticide dealer 26736  
license from the director of agriculture. Licenses shall be 26737  
issued for a period of time established by rule and shall be 26738  
renewed in accordance with deadlines established by rule. A 26739  
license is required for each location or outlet within this 26740  
state from which the person distributes pesticides. 26741

Any pesticide dealer who has no pesticide dealer outlets 26742  
in this state and who distributes restricted use pesticides 26743  
directly into this state shall obtain a pesticide dealer license 26744  
from the director for the pesticide dealer's principal out-of- 26745  
state location or outlet and for each sales person operating in 26746  
the state. 26747

The applicant shall include a license fee established by 26748  
rule with the application for a license. The application shall 26749  
be made on a form prescribed by the director. 26750

Each pesticide dealer shall ~~submit~~ maintain records ~~to the~~ 26751  
~~director~~ of all of the restricted use pesticides the pesticide 26752  
dealer has distributed, as specified by the director, and 26753  
~~duplicate the~~ records shall be retained by the pesticide dealer 26754  
for a period of time established by rules. 26755

(B) This section does not apply to any federal, state, 26756  
county, or municipal agency that provides pesticides for its own 26757  
programs. 26758

(C) Each licensed pesticide dealer is responsible for the 26759  
acts of each employee in the solicitation and sale of pesticides 26760

and all claims and recommendations for use of pesticides. The 26761  
pesticide dealer's license is subject to denial, suspension, or 26762  
revocation after a hearing for any violation of this chapter 26763  
whether committed by the pesticide dealer or by the pesticide 26764  
dealer's officer, agent, or employee. 26765

(D) All money collected under this section shall be 26766  
credited to the pesticide, fertilizer, and lime program fund 26767  
created in section 921.22 of the Revised Code. 26768

**Sec. 921.14.** (A) Each commercial applicator shall keep a 26769  
record of both of the following: 26770

(1) All diagnostic inspections conducted to determine 26771  
infestations of pests as required by rules adopted under 26772  
division (C) of section 921.16 of the Revised Code; 26773

(2) All pesticide applications made by the applicator and 26774  
by any trained serviceperson ~~acting under the applicator's~~ 26775  
~~direct supervision~~ as required by rules adopted under division 26776  
(C) of section 921.16 of the Revised Code. 26777

Each commercial applicator shall submit copies of the 26778  
records required under division (A) of this section to the 26779  
pesticide business, other business, state agency, or political 26780  
subdivision that employs the commercial applicator. 26781

(B) Each pesticide business, other business, state agency, 26782  
or political subdivision that receives copies of records under 26783  
division (A) of this section shall retain them for a period of 26784  
time established by rule. 26785

(C) Each private applicator shall keep a record of all 26786  
restricted use pesticide applications made by the applicator or 26787  
under the applicator's direct supervision as required by rules 26788  
adopted under division (C) of section 921.16 of the Revised 26789



Code. In addition, each private applicator shall maintain the 26790  
record for a period of three years from the date of the 26791  
restricted use pesticide application to which that record refers 26792  
or for any longer period that the director of agriculture 26793  
determines necessary. 26794

**Sec. 921.16.** (A) The director of agriculture shall adopt 26795  
rules the director determines necessary for the effective 26796  
enforcement and administration of this chapter. The rules may 26797  
relate to, but are not limited to, the time, place, manner, and 26798  
methods of application, materials, and amounts and 26799  
concentrations of application of pesticides, may restrict or 26800  
prohibit the use of pesticides in designated areas during 26801  
specified periods of time, and shall encompass all reasonable 26802  
factors that the director determines necessary to minimize or 26803  
prevent damage to the environment. In addition, the rules shall 26804  
establish the deadlines and time periods for registration, 26805  
registration renewal, late registration renewal, and failure to 26806  
register under section 921.02 of the Revised Code; the fees for 26807  
registration, registration renewal, late registration renewal, 26808  
and failure to register under section 921.02 of the Revised Code 26809  
that shall apply until the fees that are established under that 26810  
section take effect on January 1, 2007; and the fees, deadlines, 26811  
and time periods for licensure and license renewal under 26812  
sections 921.06, 921.09, 921.11, and 921.13 of the Revised Code. 26813

(B) The director shall adopt rules that establish a 26814  
schedule of civil penalties for violations of this chapter, or 26815  
any rule or order adopted or issued under it, provided that the 26816  
civil penalty for a first violation shall not exceed five 26817  
thousand dollars and the civil penalty for each subsequent 26818  
violation shall not exceed ten thousand dollars. In determining 26819  
the amount of a civil penalty for a violation, the director 26820

shall consider factors relevant to the severity of the 26821  
violation, including past violations and the amount of actual or 26822  
potential damage to the environment or to human beings. All 26823  
money collected under this division shall be credited to the 26824  
pesticide, fertilizer, and lime program fund created in section 26825  
921.22 of the Revised Code. 26826

(C) The director shall adopt rules that set forth the 26827  
conditions under which the director: 26828

(1) Requires that notice or posting be given of a proposed 26829  
application of a pesticide; 26830

(2) Requires inspection, condemnation, or repair of 26831  
equipment used to apply a pesticide; 26832

(3) Will suspend, revoke, or refuse to issue any pesticide 26833  
registration for a violation of this chapter; 26834

(4) Requires safe handling, transportation, storage, 26835  
display, distribution, and disposal of pesticides and their 26836  
containers; 26837

(5) Ensures the protection of the health and safety of 26838  
agricultural workers storing, handling, or applying pesticides, 26839  
and all residents of agricultural labor camps, as that term is 26840  
defined in section 3733.41 of the Revised Code, who are living 26841  
or working in the vicinity of pesticide-treated areas; 26842

(6) Requires a record to be kept of all pesticide 26843  
applications made by each commercial applicator and of all 26844  
general use applications made by any trained serviceperson 26845  
acting under the commercial applicator's direct supervision and 26846  
of all restricted use pesticide applications made by each 26847  
private applicator ~~and by any immediate family member or~~ 26848  
~~subordinate employee of that private applicator who is acting~~ 26849

<del>under the private applicator's direct supervision as required</del>	26850
under section 921.14 of the Revised Code;	26851
(7) Determines the pesticide-use categories of diagnostic inspections that must be conducted by a commercial applicator;	26852 26853
(8) Requires a record to be kept of all diagnostic inspections conducted by each commercial applicator and by any trained service person.	26854 26855 26856
(D) The director shall prescribe standards for the licensure of applicators of pesticides consistent with those prescribed by the federal act and the regulations adopted under it or prescribe standards that are more restrictive than those prescribed by the federal act and the regulations adopted under it. The standards may relate to the use of a pesticide or to an individual's pesticide-use category.	26857 26858 26859 26860 26861 26862 26863
The director shall take into consideration standards of the United States environmental protection agency.	26864 26865
(E) The director may adopt rules setting forth the conditions under which the director will:	26866 26867
(1) Collect and examine samples of pesticides or devices;	26868
(2) Specify classes of devices that shall be subject to this chapter;	26869 26870
(3) Prescribe other necessary registration information.	26871
(F) The director may adopt rules that do either or both of the following:	26872 26873
(1) Designate, in addition to those restricted uses so classified by the administrator of the United States environmental protection agency, restricted uses of pesticides	26874 26875 26876

for the state or for designated areas within the state and, if 26877  
the director considers it necessary, to further restrict such 26878  
use; 26879

(2) Define what constitutes "acting under the instructions 26880  
and control of a commercial applicator" as used in the 26881  
definition of "direct supervision" in division ~~(Q) (1)~~ (Q) of 26882  
section 921.01 of the Revised Code. In adopting a rule under 26883  
division (F) (2) of this section, the director shall consider the 26884  
factors associated with the use of pesticide in the various 26885  
pesticide-use categories. Based on consideration of the factors, 26886  
the director may define "acting under the instructions and 26887  
control of a commercial applicator" to include communications 26888  
between a commercial applicator and a trained serviceperson that 26889  
are conducted via landline telephone or a means of wireless 26890  
communication. Any rules adopted under division (F) (2) of this 26891  
section shall be drafted in consultation with representatives of 26892  
the pesticide industry. 26893

(G) Except as provided in division (D) of this section, 26894  
the director shall not adopt any rule under this chapter that is 26895  
inconsistent with the requirements of the federal act and 26896  
regulations adopted thereunder. 26897

(H) The director, after notice and opportunity for 26898  
hearing, may declare as a pest any form of plant or animal life, 26899  
other than human beings and other than bacteria, viruses, and 26900  
other microorganisms on or in living human beings or other 26901  
living animals, that is injurious to health or the environment. 26902

(I) The director may make reports to the United States 26903  
environmental protection agency, in the form and containing the 26904  
information the agency may require. 26905

(J) The director shall adopt rules for the application, use, storage, and disposal of pesticides if, in the director's judgment, existing programs of the United States environmental protection agency necessitate such rules or pesticide labels do not sufficiently address issues or situations identified by the department of agriculture or interested state agencies.

(K) The director shall adopt rules establishing all of the following:

(1) Standards, requirements, and procedures for the examination and re-examination of commercial applicators and private applicators;

(2) With respect to training programs that the director may require commercial applicators and private applicators to complete:

(a) Standards and requirements that a training program must satisfy in order to be offered by the director or the director's representative or in order to be approved by the director if a third party wishes to offer it;

(b) Eligibility standards and requirements that must be satisfied by third parties who wish to provide the training programs;

(c) Procedures that third parties must follow in order to submit a proposed training program to the director for approval;

(d) Criteria that the director must consider when determining whether to authorize a commercial applicator or private applicator to participate in a training program instead of being required to pass a re-examination.

(3) Training requirements for a trained serviceperson.

(L) The director shall adopt all rules under this chapter 26934  
in accordance with Chapter 119. of the Revised Code. 26935

**Sec. 921.23.** (A) Except as provided in division (B) of 26936  
this section, the director of agriculture may suspend, prior to 26937  
a hearing, for not longer than ~~ten~~thirty days, and after the 26938  
opportunity for a hearing may deny, suspend, revoke, refuse to 26939  
renew, or modify any provision of any license, permit, or 26940  
registration issued pursuant to this chapter if the director 26941  
finds that the applicant or the holder of a license, permit, or 26942  
registration is no longer qualified, has violated any provision 26943  
of this chapter or rules adopted under it, has entered into an 26944  
administrative or judicial settlement under the federal act, has 26945  
been found guilty of violating the federal act, or has been 26946  
convicted of a misdemeanor involving moral turpitude or of a 26947  
felony. 26948

(B) The director shall not deny a license, permit, or 26949  
registration issued pursuant to this chapter because an 26950  
applicant was convicted of or pleaded guilty to an offense 26951  
unless the refusal is in accordance with section 9.79 of the 26952  
Revised Code. 26953

**Sec. 921.24.** No person shall do any of the following: 26954

(A) Apply, use, directly supervise such application or 26955  
use, or recommend a pesticide for use inconsistent with the 26956  
pesticide's labeling, treatment standards, or other restrictions 26957  
imposed by the director of agriculture; 26958

(B) Act as a commercial applicator without being licensed 26959  
to do so; 26960

(C) Use any restricted use pesticide, unless the person is 26961  
licensed to do so, ~~is a trained serviceperson acting under the~~ 26962

~~direct supervision of a commercial applicator, or is an~~ 26963  
~~immediate family member or a subordinate employee of a private~~ 26964  
~~applicator under the direct supervision of that private~~ 26965  
~~applicator~~ under this chapter; 26966

(D) Refuse or fail to keep or maintain records required by 26967  
the director in rules adopted under this chapter, or to make 26968  
reports when and as required by the director in rules adopted 26969  
under this chapter; 26970

(E) Falsely or fraudulently represent the effect of 26971  
pesticides or methods to be utilized; 26972

(F) Apply known ineffective or improper materials; 26973

(G) Operate in a negligent manner, which includes the 26974  
operation of faulty or unsafe equipment; 26975

(H) Impersonate any federal, state, county, or municipal 26976  
official; 26977

(I) Make false or fraudulent records, invoices, or 26978  
reports; 26979

(J) Fail to provide training to trained servicepersons in 26980  
the application of general use pesticides; 26981

(K) Fail to provide direct supervision as specified in 26982  
rules adopted under division (C) of section 921.16 of the 26983  
Revised Code; 26984

(L) Distribute a misbranded or adulterated pesticide; 26985

(M) Use fraud or misrepresentation in making application 26986  
for a license or registration or renewal of a license or 26987  
registration; 26988

(N) Refuse, fail, or neglect to comply with any limitation 26989

or restriction of a license or registration issued under this	26990
chapter or rules adopted thereunder;	26991
(O) Aid or abet a licensee or another person in violating	26992
this chapter or rules adopted thereunder;	26993
(P) Make a false or misleading statement in an inspection	26994
concerning any infestation of pests or the use of pesticides;	26995
(Q) Refuse or fail to comply with this chapter, the rules	26996
adopted thereunder, or any lawful order of the director;	26997
(R) Distribute restricted use pesticides to the ultimate	26998
user without a pesticide dealer's license;	26999
(S) Except as provided in division (F) of section 921.26	27000
of the Revised Code, distribute restricted use pesticides to an	27001
ultimate user who is not licensed under section 921.06 or 921.11	27002
of the Revised Code and rules adopted under this chapter;	27003
(T) Use any pesticide that is under an experimental use	27004
permit contrary to the provisions of the permit;	27005
(U) Engage in fraudulent business practices;	27006
(V) Dispose of any pesticide product or container in such	27007
a manner as to have unreasonable adverse effects on the	27008
environment;	27009
(W) Display any pesticide in any manner to produce	27010
unreasonable adverse effects on the environment, or to	27011
contaminate adjacent food, feed, or other products;	27012
(X) Apply any pesticide by aircraft without being licensed	27013
as a commercial applicator;	27014
(Y) Distribute a pesticide that is not registered with the	27015
director;	27016



(Z) Fail to properly supervise a trained serviceperson. 27017

**Sec. 923.42.** (A) No person who manufactures commercial 27018  
feed or customer-formula feed, or whose name appears on the 27019  
label of any commercial feed or customer-formula feed as a 27020  
distributor shall distribute in this state any type of 27021  
commercial feed unless ~~h~~the person is registered ~~with the~~ 27022  
~~director of agriculture on a form provided by the director that~~ 27023  
~~identifies the manufacturer's or distributor's name, place of~~ 27024  
~~business, and location of each manufacturing facility in this~~ 27025  
~~state~~ in accordance with this section. 27026

A manufacturer and distributor shall annually register, on 27027  
a form prescribed by the director of agriculture, and pay a 27028  
registration fee of fifty dollars. The person shall file the 27029  
registration not later than February first of each year. A 27030  
registration expires January thirty-first of the following year. 27031

~~(B) The director shall assign to each manufacturer or~~ 27032  
~~distributor registered under division (A) of this section a~~ 27033  
~~permanent registration number.~~ 27034

~~(C)~~ The director may revoke or suspend a registration or 27035  
refuse to register a person upon a finding that the 27036  
manufacturer, distributor, or person violated any provision of 27037  
sections 923.41 to 923.55 of the Revised Code or any rule 27038  
adopted under those sections. 27039

No registration shall be revoked, suspended, or refused 27040  
until the manufacturer, distributor, or person has an 27041  
opportunity to appear at an adjudication hearing conducted in 27042  
accordance with Chapter 119. of the Revised Code. 27043

(C) For purposes of this section, "manufacturer" includes 27044  
an exempt buyer. 27045

Sec. 923.44. (A) (1) Except as otherwise provided in 27046  
divisions (A) (2), (3), and (4) of this section, the first 27047  
distributor of a commercial feed shall pay the director of 27048  
agriculture ~~a semiannual~~ an annual inspection fee at the rate of 27049  
twenty-five cents per ton, ~~with a minimum payment of twenty-five~~ 27050  
~~dollars,~~ on all commercial feeds distributed by the first 27051  
distributor in this state. The department of agriculture shall 27052  
not collect inspection fees on the first two hundred tons of 27053  
commercial feed sold in a calendar year. 27054

(2) The ~~semiannual~~ annual inspection fee required under 27055  
division (A) (1) of this section shall not be paid by the first 27056  
distributor of a commercial feed if the distribution is made to 27057  
an exempt buyer who shall be responsible for the fee. The 27058  
director shall establish an exempt list consisting of those 27059  
buyers who are responsible for the fee. 27060

(3) The ~~semiannual~~ annual inspection fee shall not be paid 27061  
on a commercial feed if the fee has been paid by a previous 27062  
distributor. 27063

(4) The ~~semiannual~~ annual inspection fee shall not be paid 27064  
on customer-formula feed if the fee has been paid on the 27065  
commercial feeds that are used as components in that customer- 27066  
formula feed. 27067

(B) Each distributor or exempt buyer who is required to 27068  
pay a fee under division (A) (1) or (2) of this section shall 27069  
file ~~a semiannual~~ an annual statement with the director that 27070  
includes the number of net tons of commercial feed distributed 27071  
by the distributor or exempt buyer in this state, ~~within thirty-~~ 27072  
~~days after the thirtieth day of June and within thirty days-~~ 27073  
~~after the thirty-first day of December, respectively, of each-~~ 27074  
for the previous calendar year. The distributor or exempt buyer 27075

shall file the statement with the distributor's or exempt 27076  
buyer's registration required under section 923.42 of the 27077  
Revised Code. 27078

The inspection fee at the rate stated in division (A) (1) 27079  
of this section shall accompany the statement. For a tonnage 27080  
report that is not filed or payment of inspection fees that is 27081  
not made ~~within fifteen days after by~~ the due date established 27082  
in section 923.42 of the Revised Code, a penalty of ten per cent 27083  
of the amount due, ~~with a minimum penalty of or~~ fifty dollars, 27084  
whichever is greater, shall be assessed against the distributor 27085  
or exempt buyer. The amount of fees due, plus penalty, shall 27086  
constitute a debt and become the basis of a judgment against the 27087  
distributor or exempt buyer. 27088

(C) No information furnished under this section shall be 27089  
disclosed by an employee of the department of agriculture in 27090  
such a way as to divulge the operation of any person required to 27091  
make such a report. 27092

(D) All money collected under this section shall be 27093  
credited to the commercial feed and seed fund created in section 27094  
923.46 of the Revised Code. 27095

**Sec. 923.51.** No person shall commit any of the following 27096  
acts or cause to be committed any of the following acts: 27097

(A) Adulterate commercial feed or distribute adulterated 27098  
commercial feed; 27099

(B) Adulterate pet food or distribute adulterated pet 27100  
food; 27101

(C) Misbrand commercial feed or distribute misbranded 27102  
commercial feed; 27103

(D) Adulterate any agricultural commodity such as whole seed, hay, straw, stover, silage, cobs, husks, or hulls and feed it to animals or distribute any such commodity that is adulterated;

(E) Remove or dispose of a commercial feed in violation of a withdrawal from distribution order or a condemnation and confiscation order issued under section 923.52 or 923.53 of the Revised Code or any rules adopted under those sections;

(F) Use for the person's own advantage, or reveal except to the director of agriculture or the director's agent or to the courts when relevant in any judicial proceeding under sections 923.41 to 923.55 of the Revised Code or any rules adopted under those sections, any information acquired under the authority of those sections of the Revised Code or rules adopted under those sections that as a trade secret is entitled to protection;

(G) Fail or refuse to register as required under section 923.42 of the Revised Code or any rule adopted under that section;

(H) Fail to pay inspection fees or file ~~semiannual~~ annual reports as required under section 923.44 of the Revised Code or any rule adopted under that section.

**Sec. 924.212.** (A) The pork marketing program is established. Except as provided under divisions (B) and (C) of this section, the procedures, requirements, and other provisions that are established under sections 924.20 to 924.30 of the Revised Code and rules that apply to the grain marketing program apply to the pork marketing program. For purposes of that application, references in those sections to "grain" are deemed to be replaced with references to "pork."

<u>(B) The pork marketing program operating committee</u>	27133
<u>consists of the following ten members:</u>	27134
<u>(1) Four members appointed by the director of agriculture</u>	27135
<u>who are pork producers. When making such appointments, the</u>	27136
<u>director shall give consideration to Ohio pork producers who are</u>	27137
<u>representatives on the national pork board.</u>	27138
<u>(2) Six members elected in accordance with section 924.22</u>	27139
<u>of the Revised Code, except that the elections shall occur by</u>	27140
<u>district, with one member elected from each district. The</u>	27141
<u>districts are as follows:</u>	27142
<u>(a) District one: Allen, Defiance, Fulton, Henry,</u>	27143
<u>Paulding, Putnam, Van Wert, and Williams counties;</u>	27144
<u>(b) District two: Crawford, Erie, Hancock, Huron, Lucas,</u>	27145
<u>Marion, Ottawa, Richland, Sandusky, Seneca, Wood, and Wyandot</u>	27146
<u>counties;</u>	27147
<u>(c) District three: Auglaize, Mercer, Hardin, Logan, and</u>	27148
<u>Shelby counties;</u>	27149
<u>(d) District four: Ashland, Ashtabula, Carroll,</u>	27150
<u>Columbiana, Coshocton, Cuyahoga, Delaware, Geauga, Harrison,</u>	27151
<u>Holmes, Jefferson, Knox, Lake, Licking, Lorain, Mahoning,</u>	27152
<u>Medina, Morrow, Portage, Stark, Summit, Tuscarawas, Trumbull,</u>	27153
<u>Union, and Wayne counties;</u>	27154
<u>(e) District five: Butler, Darke, Hamilton, Miami,</u>	27155
<u>Montgomery, and Preble counties;</u>	27156
<u>(f) District six: Adams, Athens, Belmont, Brown,</u>	27157
<u>Champaign, Clark, Clermont, Clinton, Fairfield, Fayette,</u>	27158
<u>Franklin, Gallia, Greene, Guernsey, Highland, Hocking, Jackson,</u>	27159
<u>Lawrence, Madison, Meigs, Monroe, Morgan, Muskingum, Noble,</u>	27160

Perry, Pickaway, Pike, Ross, Scioto, Vinton, Warren, and 27161  
Washington counties. 27162

All ten members of the pork marketing program operating 27163  
committee are voting members. 27164

(C) (1) With regard to the levying of assessments under 27165  
section 924.26 of the Revised Code, the assessment on pork shall 27166  
be thirty-five cents per one hundred dollars of value at the 27167  
first point of sale. However, if assessments are levied under 27168  
the national pork checkoff program created by the "Pork 27169  
Promotion, Research, and Consumer Information Act of 1985," 7 27170  
U.S.C. 4801 et seq., no assessments shall be levied for purposes 27171  
of the pork marketing program established under this section. 27172

(2) The operating committee shall not refund to a producer 27173  
any assessments that it collects from the producer. 27174

**Sec. 924.51.** (A) There is hereby created the Ohio grape 27175  
industries committee consisting of ~~nine~~ten members. The members 27176  
shall be the director of agriculture or the director's designee, 27177  
who shall chair the committee, the superintendent of liquor 27178  
control or the superintendent's designee, ~~the chief of the~~ 27179  
~~division of markets of the department of agriculture,~~ the 27180  
viticulture extension specialist of the Ohio agricultural 27181  
research and development center, who shall be a nonvoting 27182  
member, and ~~five~~seven members who shall be residents of this 27183  
state and appointed by the director of agriculture in accordance 27184  
with division (B) of this section. At no time shall the director 27185  
appoint more than ~~five~~seven members to the committee. 27186

(B) Of the ~~five~~seven members of the committee appointed 27187  
by the director of agriculture, not less than ~~two~~three, but not 27188  
more than ~~three~~four shall be persons who receive income from 27189

the production of grapes or grape products. Not less than 27190  
~~two~~three, but not more than ~~three~~four members shall be persons 27191  
who receive income from the production of wine from raw grape or 27192  
fruit products in either raw fruit or fresh juice form. The 27193  
terms for each appointed member of the committee shall be for 27194  
three years, commencing on the first day of January and ending 27195  
on the thirty-first day of December. No appointed member shall 27196  
serve more than two consecutive terms. The director may remove 27197  
any appointed member for cause. 27198

(C) Members shall be appointed to fill vacancies caused by 27199  
death, resignation, or removal in the same manner prescribed for 27200  
regular appointment to the committee. Any member appointed to 27201  
fill a vacancy occurring prior to the expiration of the term for 27202  
which the member's predecessor was appointed shall hold office 27203  
for the remainder of the term. Any member shall continue in 27204  
office subsequent to the expiration date of that member's term 27205  
until that member's successor takes office, or until a period of 27206  
one hundred eighty days has elapsed, whichever occurs first. 27207

(D) All members of the committee are entitled to their 27208  
actual and necessary expenses incurred in the performance of 27209  
their duties as members, payable from moneys received from the 27210  
Ohio grape industries fund created under section 924.54 of the 27211  
Revised Code. 27212

(E) A majority of the committee constitutes a quorum. 27213

**Sec. 927.53.** (A) Each collector or dealer who sells, 27214  
offers, or exposes for sale, or distributes nursery stock within 27215  
this state, or ships nursery stock to other states, shall pay an 27216  
annual license fee of one hundred twenty-five dollars to the 27217  
director of agriculture for each place of business the collector 27218  
or dealer operates. 27219

(B) (1) Each dealer shall furnish the director, annually, 27220  
an affidavit that the dealer will buy and sell only nursery 27221  
stock which has been inspected and certified by an official 27222  
state or federal inspector. 27223

(2) Each dealer's license expires on the thirty-first day 27224  
of December of each year. Each licensed dealer shall apply for 27225  
renewal of the dealer's license prior to the first day of 27226  
January of each year and in accordance with the standard renewal 27227  
procedure of sections 4745.01 to 4745.03 of the Revised Code. 27228

(C) Each licensed nurseryperson shall post conspicuously 27229  
in the nurseryperson's principal place of business, the 27230  
certificate which is issued to the nurseryperson in accordance 27231  
with section 927.61 of the Revised Code. 27232

(D) Each licensed nurseryperson, or dealer, shall post 27233  
conspicuously in each place of business, each certificate or 27234  
license which is issued to the nurseryperson or dealer in 27235  
compliance with this section or section 927.61 of the Revised 27236  
Code. 27237

(E) (1) Each nurseryperson who produces, sells, offers for 27238  
sale, or distributes woody nursery stock within the state, or 27239  
ships woody nursery stock to other states, shall pay to the 27240  
director an annual inspection fee of ~~one~~two hundred dollars 27241  
plus ~~eleven~~fifteen dollars per acre, or fraction thereof, of 27242  
growing nursery stock in intensive production areas and ~~seven~~ 27243  
ten dollars per acre, or fraction thereof, of growing nursery 27244  
stock in nonintensive production areas, as applicable. 27245

(2) Each nurseryperson who limits production and sales of 27246  
nursery stock to brambles, herbaceous, perennial, and other 27247  
nonwoody plants, shall pay to the director an inspection fee of 27248



one hundred dollars, plus eleven dollars per acre, or fraction thereof, of growing nursery stock in intensive and nonintensive production areas. 27249  
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(F) The fees collected under this section shall be credited to the plant pest program fund created in section 927.54 of the Revised Code. 27252  
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**Sec. 928.02.** (A) (1) The director of agriculture ~~shall~~ may establish a program to monitor and regulate hemp cultivation and shall establish a program to monitor and regulate hemp processing in this state. ~~Under the~~ 27255  
27256  
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(2) If the director establishes a program to monitor and regulate hemp cultivation in this state and subsequently intends to transfer authority to the United States department of agriculture to monitor and regulate hemp cultivation in this state, the director shall take whatever actions necessary to effectuate such transfer. 27259  
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(3) If the director implements a program to monitor and regulate hemp cultivation under division (A) (1) of this section, the director shall issue hemp cultivation licenses ~~and hemp processing licenses~~ in accordance with rules adopted under section 928.03 of the Revised Code. 27265  
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~~(2) As~~ (4) If the director implements a program to monitor and regulate hemp cultivation under division (A) (1) of this section and as authorized by the director, the department of agriculture or a university may cultivate ~~or process~~ hemp without a hemp cultivation license ~~or hemp processing license~~ for research purposes. 27270  
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(5) As authorized by the director, the department of agriculture or a university may process hemp without a hemp 27276  
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processing license for research purposes. 27278

(B) ~~Except~~ If the director implements a program to monitor 27279  
and regulate hemp cultivation under division (A) (1) of this 27280  
section and except as authorized under division ~~(A) (2)~~ (A) (4) or 27281  
(E) of this section, any person that wishes to cultivate hemp 27282  
shall apply for and obtain a hemp cultivation license from the 27283  
director in accordance with rules adopted under section 928.03 27284  
of the Revised Code. ~~Except as authorized under division (A) (2)~~ 27285  
(A) (5) or (E) of this section, any person that wishes to process 27286  
hemp shall apply for and obtain a hemp processing license from 27287  
the director in accordance with those rules. Such licenses are 27288  
valid for three years unless earlier suspended or revoked by the 27289  
director. 27290

(C) The department, a university, or any person may, 27291  
without a hemp cultivation license or hemp processing license, 27292  
possess, buy, or sell hemp or a hemp product. 27293

(D) Notwithstanding any other provision of the Revised 27294  
Code to the contrary, the addition of hemp or a hemp product to 27295  
any other product does not adulterate that other product. 27296

(E) ~~The~~ If the director implements a program to monitor 27297  
and regulate hemp cultivation under division (A) (1) of this 27298  
section, the director shall issue a hemp cultivation license ~~or~~ 27299  
~~hemp processing license~~ in accordance with Chapter 4796. of the 27300  
Revised Code to an individual if either of the following 27301  
applies: 27302

(1) The individual holds the applicable license in another 27303  
state. 27304

(2) The individual has satisfactory work experience, a 27305  
government certification, or a private certification as 27306

described in that chapter as a hemp cultivator ~~or hemp processor~~ 27307  
in a state that does not issue the applicable license. 27308

(F) The director shall issue a hemp processing license in 27309  
accordance with Chapter 4796. of the Revised Code to an 27310  
individual if either of the following applies: 27311

(1) The individual holds the applicable license in another 27312  
state. 27313

(2) The individual has satisfactory work experience, a 27314  
government certification, or a private certification as 27315  
described in that chapter as a hemp processor in a state that 27316  
does not issue the applicable license. 27317

**Sec. 928.03.** The director of agriculture, in consultation 27318  
with the governor and attorney general, shall adopt rules in 27319  
accordance with Chapter 119. of the Revised Code establishing 27320  
standards and procedures for the regulation of hemp processing. 27321  
The director also shall adopt such rules, in consultation with 27322  
the governor and attorney general, regarding hemp cultivation 27323  
and processing if the director implements a program to monitor 27324  
and regulate hemp cultivation under division (A)(1) of section 27325  
928.02 of the Revised Code. The rules shall include all of the 27326  
following: 27327

(A) The form of an application for a hemp cultivation 27328  
license and hemp processing license and the information required 27329  
to be included in each license application; 27330

(B) The amount of an initial application fee that an 27331  
applicant shall submit along with an application for a hemp 27332  
cultivation license or a hemp processing license, and the amount 27333  
of an annual license fee that a licensee shall submit for a hemp 27334  
cultivation license or a hemp processing license. In adopting 27335

rules under division (B) of this section, the director shall 27336  
ensure both of the following: 27337

(1) That the amount of the application fee and annual 27338  
license fee does not exceed an amount sufficient to cover the 27339  
costs incurred by the department of agriculture to administer 27340  
and enforce this chapter; 27341

(2) That there is one uniform application fee and one 27342  
uniform annual license fee that applies to all applicants for a 27343  
hemp cultivation license. 27344

(C) Requirements and procedures concerning background 27345  
investigations of each applicant for a hemp cultivation license 27346  
and each applicant for a hemp processing license. The director 27347  
shall include both of the following in the rules adopted under 27348  
this division: 27349

(1) A requirement that each applicant comply with sections 27350  
4776.01 to 4776.04 of the Revised Code; 27351

(2) Provisions that prohibit the director from issuing a 27352  
hemp cultivation license or hemp processing license to an 27353  
applicant that has not complied with those sections. 27354

(D) Requirements regarding the experience, equipment, 27355  
facilities, or land necessary to obtain a hemp cultivation 27356  
license; 27357

(E) Requirements and procedures regarding standards of 27358  
financial responsibility for each applicant for a hemp 27359  
processing license. 27360

(F) Procedures and requirements for the issuance, renewal, 27361  
denial, suspension, and revocation of a hemp cultivation license 27362  
and hemp processing license, including providing for a hearing 27363

under Chapter 119. of the Revised Code with regard to such a 27364  
denial, suspension, or revocation; 27365

(G) Grounds for the denial, suspension, and revocation of 27366  
a hemp cultivation license and of a hemp processing license, 27367  
including a requirement that the director revoke a hemp 27368  
cultivation license or hemp processing license, for a period of 27369  
ten years, of any person who pleads guilty to or is convicted of 27370  
a felony relating to a controlled substance; 27371

(H) A requirement that the director shall not issue a hemp 27372  
cultivation license or hemp processing license to any person who 27373  
has pleaded guilty to or been convicted of a felony relating to 27374  
a controlled substance in the ten years immediately prior to the 27375  
submission of the application for a license; 27376

(I) A requirement that any person that materially 27377  
falsifies information in an application for a hemp cultivation 27378  
license or hemp processing license is ineligible to receive 27379  
either license; 27380

(J) A practice for maintaining relevant information 27381  
regarding land on which hemp is cultivated by hemp cultivation 27382  
licensees, including a legal description of the land, in 27383  
accordance with applicable federal law; 27384

(K) Requirements prohibiting a hemp cultivation licensee 27385  
and a hemp processing licensee from cultivating or processing 27386  
marihuana; 27387

(L) A procedure for testing, using post-decarboxylation or 27388  
other similarly reliable methods, delta-9 tetrahydrocannabinol 27389  
concentration levels of plants and products for purposes of 27390  
determining compliance with this chapter and rules adopted under 27391  
it; 27392

(M) Requirements and procedures for the issuance, 27393  
administration, and enforcement of corrective action plans 27394  
issued under this chapter; 27395

(N) A procedure for conducting annual inspections of, at a 27396  
minimum, a random sample of hemp cultivation license holders to 27397  
verify that plants are not being cultivated in violation of this 27398  
chapter or rules adopted under it; 27399

(O) A procedure for conducting annual inspections of, at a 27400  
minimum, a random sample of hemp processing license holders to 27401  
verify that such license holders are not operating in violation 27402  
of this chapter or rules adopted under it; 27403

(P) A procedure for complying with enforcement procedures 27404  
required under federal law; 27405

(Q) A procedure for the effective disposal of all of the 27406  
following: 27407

(1) Plants, whether growing or not, cultivated in 27408  
violation of this chapter or rules adopted under it; 27409

(2) Products derived from plants cultivated in violation 27410  
of this chapter or rules adopted under it; 27411

(3) Products produced in violation of this chapter or 27412  
rules adopted under it. 27413

(R) Requirements and procedures governing the production, 27414  
storage, and disposal of hemp byproducts. 27415

For the purposes of this chapter and notwithstanding any 27416  
provision of law to the contrary, "hemp product" includes a 27417  
byproduct, produced as a result of processing hemp, that 27418  
contains a delta-9 tetrahydrocannabinol concentration of more 27419  
than three-tenths per cent, provided that the byproduct is 27420

produced, stored, and disposed of in accordance with rules	27421
adopted under division (R) of this section.	27422
(S) Procedures for sharing information regarding hemp	27423
cultivation license holders with the secretary of the USDA;	27424
(T) A setback distance requirement that specifies the	27425
distance that a hemp cultivation license holder shall locate	27426
hemp plants from a location where medical marijuana is being	27427
cultivated. The requirement does not apply to a hemp cultivation	27428
license holder with regard to a medical marijuana cultivator	27429
that locates medical marijuana within the established setback	27430
distance requirement after the hemp cultivation license holder	27431
begins operation.	27432
(U) Annual reporting requirements and procedures for hemp	27433
cultivation license holders and hemp processing license holders;	27434
(V) Recordkeeping and documentation maintenance	27435
requirements and procedures for hemp cultivation license holders	27436
and hemp processing license holders;	27437
(W) Fees for the laboratory testing of plants and	27438
products;	27439
(X) Standards for the testing and labeling of hemp and	27440
hemp products;	27441
(Y) Requirements prohibiting the processing of hemp in a	27442
building used as a personal residence or on land that is zoned	27443
for residential use;	27444
(Z) Production standards and manufacturing practices for	27445
processing hemp;	27446
(AA) Procedures and requirements for the transportation	27447
and storage of both hemp and hemp products;	27448

(BB) Any other requirements or procedures necessary to administer and enforce this chapter. 27449  
27450

**Sec. 928.04.** (A) Except as authorized under division ~~(A)~~ ~~(2)~~ (A) (4) or (5) of section 928.02 of the Revised Code, no person shall cultivate hemp without a hemp cultivation license issued by the director of agriculture under this chapter, if the director implements a program to monitor and regulate hemp cultivation under division (A) (1) of section 928.02 of the Revised Code, or process hemp without a hemp processing license issued by the director of agriculture under this chapter. 27451  
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(B) No person who holds a hemp cultivation license or hemp processing license issued by the director under this chapter shall violate this chapter or rules adopted under it. 27459  
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27461

(C) No person subject to a corrective action plan issued by the director of agriculture under section 928.05 of the Revised Code shall fail to comply with the plan. 27462  
27463  
27464

(D) No person shall transport hemp or a hemp product in violation of rules adopted under section 928.03 of the Revised Code. 27465  
27466  
27467

**Sec. 935.06.** (A) Not later than ninety days after receipt of an application under section 935.05 of the Revised Code, the director of agriculture shall issue or deny a wildlife shelter permit. The director shall issue a permit to an applicant only if all of the following apply: 27468  
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27470  
27471  
27472

(1) The applicant is eighteen years of age or older. 27473

(2) The applicant has registered the dangerous wild animal or animals that are the subject of the application under section 935.04 of the Revised Code. 27474  
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27476



(3) The applicant is in compliance with the standards of 27477  
care established in rules adopted under division (A) (2) of 27478  
section 935.17 of the Revised Code. 27479

(4) The applicant has sterilized each male dangerous wild 27480  
animal that is possessed by the applicant. However, a dangerous 27481  
wild animal is not required to be sterilized if a veterinarian 27482  
that is qualified to provide veterinary care to the dangerous 27483  
wild animal determines that the sterilization is medically 27484  
contraindicated and the applicant has submitted a copy of the 27485  
veterinarian's written determination with the applicant's 27486  
application. 27487

(5) The applicant has signed an affidavit attesting that 27488  
the applicant will not allow members of the public to be in 27489  
physical contact with a dangerous wild animal possessed by the 27490  
applicant. Division (A) (5) of this section does not apply to an 27491  
employee of the applicant or a volunteer who has entered into a 27492  
written agreement with the applicant to work for or volunteer 27493  
for the applicant and assists in the care of a dangerous wild 27494  
animal or animals specified in division (C) (20) of section 27495  
935.01 of the Revised Code possessed by the applicant if the 27496  
care is provided under the direction of the applicant. 27497

(6) The applicant has not been convicted of or pleaded 27498  
guilty to a a disqualifying offense as determined in accordance 27499  
with section 9.79 of the Revised Code and a criminal records 27500  
check performed in accordance with division (B) of this section. 27501

(7) The facility at which a dangerous wild animal or 27502  
dangerous wild animals will be maintained under the permit 27503  
consists of at least one acre. Division (A) (7) of this section 27504  
does not apply to either of the following: 27505

(a) Dangerous wild animals specified in division (C) (20)	27506
of section 935.01 of the Revised Code;	27507
(b) An applicant to whom the director issues a written	27508
waiver stating that the acreage requirement does not apply to	27509
the applicant.	27510
(8) The applicant has signed an affidavit attesting that	27511
the facility at which a dangerous wild animal or dangerous wild	27512
animals will be maintained under the permit and the conditions	27513
in which each dangerous wild animal will be kept in that	27514
facility are in compliance with this chapter and rules.	27515
(9) The applicant has submitted a complete application	27516
that meets the requirements established in section 935.05 of the	27517
Revised Code.	27518
(10) The applicant has submitted the applicable fee under	27519
section 935.05 of the Revised Code.	27520
If a permit is issued, the director shall assign a unique	27521
identification number to the permit.	27522
(B) Prior to issuing or denying a wildlife shelter permit,	27523
the director shall submit a request to the bureau of criminal	27524
identification and investigation in the office of the attorney	27525
general for a criminal records check of the applicant for the	27526
permit. Upon receipt of a request, the superintendent of the	27527
bureau shall conduct a criminal records check in the manner	27528
described in division (B) of section 109.572 of the Revised Code	27529
to determine whether any information exists that indicates that	27530
the applicant previously has been convicted of or pleaded guilty	27531
to any of the following:	27532
(1) A felony drug abuse offense;	27533

(2) An offense of violence that is a felony;	27534
(3) A violation of section 959.13 or 959.131 of the Revised Code or of section 2927.21 of the Revised Code as that section existed prior to its repeal by S.B. 310 of the 129th general assembly.	27535 27536 27537 27538
The applicant is responsible for paying all costs associated with the criminal records check.	27539 27540
(C) If a permit application is denied, two hundred fifty dollars of the permit application fee shall be retained by the director as payment for the reasonable expense of processing the application, and the remainder of the fee shall be returned to the applicant.	27541 27542 27543 27544 27545
(D) Not later than the first day of December of each year, a permit holder shall apply to the director, on a form prescribed and provided by the director, for a renewal of the permit if the permit holder intends to retain possession of the dangerous wild animal or animals that are identified in the permit. Not later than thirty days after receipt of an application for renewal, the director shall renew or deny the renewal of the permit. The director shall renew the permit if the permit holder complies with this chapter and rules and pays a renewal fee in the same amount as the fee established for the initial permit in section 935.05 of the Revised Code. If a renewal permit is denied, two hundred fifty dollars of the renewal fee shall be retained by the director as payment for the reasonable expense of processing the application, and the remainder of the renewal fee shall be returned to the applicant.	27546 27547 27548 27549 27550 27551 27552 27553 27554 27555 27556 27557 27558 27559 27560
(E) If the director denies an application for a permit or a renewal of a permit, the director shall notify the person of	27561 27562

the denial, the grounds for the denial, and the person's right 27563  
to an adjudication under Chapter 119. of the Revised Code. 27564

(F) If a person does not appeal the determination of the 27565  
director to deny an application for a permit or a renewal of a 27566  
permit or if the determination of the director is affirmed under 27567  
Chapter 119. of the Revised Code, not later than thirty days 27568  
after the decision not to appeal or after the determination is 27569  
affirmed, as applicable, the person shall transfer the dangerous 27570  
wild animal or animals that the person possesses to a humane 27571  
society, wildlife sanctuary, rescue facility, facility that is 27572  
an accredited member of either the association of zoos and 27573  
aquariums or the zoological association of America, or facility 27574  
that is located in another state and that complies with that 27575  
state's applicable laws. After the transfer has occurred, the 27576  
person shall submit proof to the director that the dangerous 27577  
wild animal or animals were transferred and shall specify the 27578  
society, sanctuary, or facility to which the animal or animals 27579  
were transferred. 27580

The person is responsible for all costs associated with 27581  
the transfer of the dangerous wild animal or animals. 27582

(G) If a person that has been issued a wildlife shelter 27583  
permit under this section or a wildlife propagation permit under 27584  
section 935.07 of the Revised Code dies, the person's next of 27585  
kin shall do one of the following: 27586

(1) If the next of kin wishes to possess the dangerous 27587  
wild animal or animals, obtain a wildlife shelter permit under 27588  
this section or a wildlife propagation permit under section 27589  
935.07 of the Revised Code, as applicable. That next of kin 27590  
shall comply with this chapter and rules, except that, with 27591  
respect to the next of kin's initial permit, the person need not 27592

pay the applicable permit application fee. 27593

(2) If the deceased person has a last will and testament 27594  
that specifies that the dangerous wild animal or animals 27595  
possessed by the person are to be transferred to another person 27596  
that has been issued a wildlife shelter permit, wildlife 27597  
propagation permit, or rescue facility permit issued under this 27598  
chapter, transfer the dangerous wild animal or animals to the 27599  
applicable permit holder; 27600

(3) Transfer the dangerous wild animal or animals that 27601  
were possessed by the deceased person in accordance with 27602  
division (F) of this section. 27603

(H) All fees collected under this section shall be 27604  
credited to the ~~dangerous and restricted animal~~ and consumer  
protection fund created in section ~~935.25~~ 943.26 of the Revised 27605  
Code. 27606  
27607

**Sec. 935.07.** (A) A person that possesses a registered 27608  
dangerous wild animal in this state on October 1, 2013, that 27609  
wishes to continue to possess the dangerous wild animal on and 27610  
after January 1, 2014, and that intends to propagate the animal 27611  
solely for the purposes of a species survival program that 27612  
complies with rules shall apply for a wildlife propagation 27613  
permit under this section. An applicant need apply for only one 27614  
permit regardless of the number of dangerous wild animals that 27615  
the applicant possesses. 27616

(B) Except as otherwise provided in this section, an 27617  
applicant for a wildlife propagation permit shall comply with 27618  
the requirements and procedures established in sections 935.05 27619  
and 935.06 of the Revised Code. The application fee for a 27620  
wildlife propagation permit shall be one of the following, as 27621

applicable: 27622

(1) One thousand dollars if the applicant possesses not 27623  
more than fifty dangerous wild animals; 27624

(2) Three thousand dollars if the applicant possesses more 27625  
than fifty dangerous wild animals. 27626

(C) The facility at which a dangerous wild animal or 27627  
dangerous wild animals will be maintained under a wildlife 27628  
propagation permit shall consist of at least two acres. Division 27629  
(C) of this section does not apply to either of the following: 27630

(1) Dangerous wild animals specified in division (C) (20) 27631  
of section 935.01 of the Revised Code; 27632

(2) An applicant to whom the director of agriculture 27633  
issues a written waiver stating that the acreage requirement 27634  
does not apply to the applicant. 27635

(D) All fees collected under this section shall be 27636  
credited to the ~~dangerous and restricted animal~~ and consumer 27637  
protection fund created in section ~~935.25~~ 943.26 of the Revised 27638  
Code. 27639

(E) Division (A) (4) of section 935.06 of the Revised Code 27640  
does not apply to an applicant for a wildlife propagation 27641  
permit. 27642

**Sec. 935.09.** (A) Not later than ninety days after receipt 27643  
of an application under section 935.08 of the Revised Code, the 27644  
director of agriculture shall issue or deny a restricted snake 27645  
possession permit. The director shall issue a permit to an 27646  
applicant only if all of the following apply: 27647

(1) The applicant is eighteen years of age or older. 27648

(2) The applicant has signed an affidavit attesting that 27649  
the applicant will not allow members of the public to be in 27650  
physical contact with a restricted snake possessed by the 27651  
applicant. Division (A) (2) of this section does not apply to 27652  
either of the following: 27653

(a) An applicant that displays a restricted snake or 27654  
snakes specified in division (L) (1) of section 935.01 of the 27655  
Revised Code to a primary or secondary school age student; 27656

(b) An employee of the applicant or a volunteer who has 27657  
entered into a written agreement with the applicant to work for 27658  
or volunteer for the applicant and assists in the care of a 27659  
restricted snake or snakes possessed by the applicant if the 27660  
care is provided under the direction of the applicant. 27661

(3) The applicant has not been convicted of or pleaded 27662  
guilty to a felony drug abuse offense, an offense of violence 27663  
that is a felony, or a violation of section 959.13 or 959.131 of 27664  
the Revised Code or of section 2927.21 of the Revised Code as 27665  
that section existed prior to its repeal by S.B. 310 of the 27666  
129th general assembly, as determined by a criminal records 27667  
check performed in accordance with division (B) of this section. 27668

(4) The applicant has signed an affidavit attesting that 27669  
the facility at which a restricted snake or snakes will be 27670  
maintained under the permit and the conditions in which each 27671  
restricted snake will be kept in that facility are in compliance 27672  
with this chapter and rules. 27673

(5) The applicant has submitted a complete application 27674  
that meets the requirements established in section 935.08 of the 27675  
Revised Code. 27676

(6) The applicant has submitted the application fee 27677

established in section 935.08 of the Revised Code. 27678

If a permit is issued, the director shall assign a unique 27679  
identification number to the permit. 27680

(B) Prior to issuing or denying a restricted snake 27681  
possession permit, the director shall submit a request to the 27682  
bureau of criminal identification and investigation in the 27683  
office of the attorney general for a criminal records check of 27684  
the applicant for the permit. Upon receipt of a request, the 27685  
superintendent of the bureau shall conduct a criminal records 27686  
check in the manner described in division (B) of section 109.572 27687  
of the Revised Code to determine whether any information exists 27688  
that indicates that the applicant previously has been convicted 27689  
of or pleaded guilty to any of the following: 27690

(1) A felony drug abuse offense; 27691

(2) An offense of violence that is a felony; 27692

(3) A violation of section 959.13 or 959.131 of the 27693  
Revised Code or of section 2927.21 of the Revised Code as that 27694  
section existed prior to its repeal by S.B. 310 of the 129th 27695  
general assembly. 27696

The applicant is responsible for paying all costs 27697  
associated with the criminal records check. 27698

(C) If a permit application is denied, seventy-five 27699  
dollars of the permit application fee shall be retained by the 27700  
director as payment for the reasonable expense of processing the 27701  
application, and the remainder of the fee shall be returned to 27702  
the applicant. 27703

(D) Not later than the first day of December of each year, 27704  
a permit holder shall apply to the director, on a form 27705



prescribed and provided by the director, for a renewal of the 27706  
permit if the permit holder intends to retain possession of the 27707  
restricted snake or snakes that are identified in the permit. 27708  
Not later than thirty days after receipt of an application for 27709  
renewal, the director shall renew or deny the renewal of the 27710  
permit. The director shall renew the permit if the permit holder 27711  
complies with this chapter and rules and pays a renewal fee in 27712  
the same amount as the fee established for the initial permit in 27713  
section 935.08 of the Revised Code. If a renewal permit is 27714  
denied, seventy-five dollars of the renewal fee shall be 27715  
retained by the director as payment for the reasonable expense 27716  
of processing the application, and the remainder of the renewal 27717  
fee shall be returned to the applicant. 27718

(E) If the director denies an application for a permit or 27719  
a renewal of a permit, the director shall notify the person of 27720  
the denial, the grounds for the denial, and the person's right 27721  
to an adjudication under Chapter 119. of the Revised Code. 27722

(F) If a person does not appeal the determination of the 27723  
director to deny an application for a permit or a renewal of a 27724  
permit or if the determination of the director is affirmed under 27725  
Chapter 119. of the Revised Code, not later than thirty days 27726  
after the decision not to appeal or after the determination is 27727  
affirmed, as applicable, the person shall transfer the 27728  
restricted snake or snakes that the person possesses to a humane 27729  
society, wildlife sanctuary, facility that is an accredited 27730  
member of either the association of zoos and aquariums or the 27731  
zoological association of America, or facility that is located 27732  
in another state and that complies with that state's applicable 27733  
laws. After the transfer has occurred, the person shall submit 27734  
proof to the director that the restricted snake or snakes were 27735  
transferred and shall specify the society, sanctuary, or 27736

facility to which the snake or snakes were transferred. 27737

The person is responsible for all costs associated with 27738  
the transfer of the restricted snake or snakes. 27739

(G) If a person that has been issued a restricted snake 27740  
possession permit under this section or a restricted snake 27741  
propagation permit under section 935.10 of the Revised Code 27742  
dies, the person's next of kin shall do one of the following: 27743

(1) If the next of kin wishes to possess the restricted 27744  
snake or snakes, obtain a restricted snake possession permit 27745  
under this section or a restricted snake propagation permit 27746  
under section 935.10 of the Revised Code, as applicable. That 27747  
next of kin shall comply with this chapter and rules, except 27748  
that, with respect to the next of kin's initial permit, the 27749  
person need not pay the applicable permit application fee. 27750

(2) If the deceased person has a last will and testament 27751  
that specifies that the restricted snake or snakes possessed by 27752  
the person are to be transferred to another person that has been 27753  
issued a restricted snake possession permit under this section 27754  
or a restricted snake propagation permit issued under section 27755  
935.10 of the Revised Code, transfer the restricted snake or 27756  
snakes to the applicable permit holder; 27757

(3) Transfer the restricted snake or snakes that were 27758  
possessed by the deceased person in accordance with division (F) 27759  
of this section. 27760

(H) All fees collected under this section shall be 27761  
credited to the ~~dangerous and restricted animal~~ and consumer 27762  
protection fund created in section ~~935.25~~ 943.26 of the Revised 27763  
Code. 27764

**Sec. 935.10.** (A) (1) A person that possesses a restricted 27765

snake in this state prior to January 1, 2014, that wishes to 27766  
continue to possess the restricted snake on and after that date, 27767  
and that intends to propagate, sell, trade, or otherwise 27768  
transfer the snake shall obtain a restricted snake propagation 27769  
permit under this section not later than January 1, 2014. 27770

(2) A person that acquires a restricted snake in this 27771  
state on or after January 1, 2014, and that intends to 27772  
propagate, sell, trade, or otherwise transfer the snake shall 27773  
obtain a restricted snake propagation permit under this section 27774  
not later than one hundred twenty days after acquiring the 27775  
snake. 27776

(3) An applicant need apply for only one permit regardless 27777  
of the number of restricted snakes that the applicant possesses. 27778

(B) Except as otherwise provided in this section, an 27779  
applicant for a restricted snake propagation permit shall comply 27780  
with the requirements and procedures established in sections 27781  
935.08 and 935.09 of the Revised Code. The application fee for a 27782  
restricted snake propagation permit shall be three hundred 27783  
dollars. 27784

(C) If a permit application is denied, one hundred fifty 27785  
dollars of the permit application fee shall be retained by the 27786  
director of agriculture as payment for the reasonable expense of 27787  
processing the application, and the remainder of the fee shall 27788  
be returned to the applicant. 27789

(D) All fees collected under this section shall be 27790  
credited to the ~~dangerous and restricted animal~~ and consumer 27791  
protection fund created in section ~~935.25-943.26~~ of the Revised 27792  
Code. 27793

**Sec. 935.16.** (A) If a dangerous wild animal or restricted 27794

snake escapes, the person that possesses the animal or snake 27795  
immediately shall notify both of the following: 27796

(1) The sheriff of the county and the chief law 27797  
enforcement officer of the township or municipal corporation 27798  
where the escape occurred; 27799

(2) The division of animal health in the department of 27800  
agriculture by means of the twenty-four-hour telephone number 27801  
that is maintained by the division. 27802

(B) (1) A law enforcement officer or natural resources law 27803  
enforcement officer may destroy a dangerous wild animal or 27804  
restricted snake that has escaped and that poses a threat to 27805  
public safety. 27806

(2) A law enforcement officer or natural resources law 27807  
enforcement officer that destroys an escaped dangerous wild 27808  
animal or restricted snake pursuant to division (B) (1) of this 27809  
section is not liable for damages in a civil action for any 27810  
injury, death, or loss to person or property that allegedly 27811  
arises from the destruction of the animal or snake. 27812

(C) The person that possesses a dangerous wild animal or 27813  
restricted snake that escapes is responsible for all reasonable 27814  
costs associated with the capture or destruction of the animal 27815  
or snake. The person shall reimburse the political subdivision 27816  
that employs the law enforcement officer who captured or 27817  
destroyed the dangerous wild animal or restricted snake for the 27818  
costs incurred in capturing or destroying the animal or snake. 27819  
However, if the law enforcement officer is a state highway 27820  
patrol trooper or if a natural resources law enforcement officer 27821  
captured or destroyed the dangerous wild animal or restricted 27822  
snake, the person shall reimburse the state highway patrol or 27823

department of natural resources, as applicable, for those costs. 27824

(D) (1) Except as provided in division (D) (2) of this 27825  
section, money collected under division (C) of this section 27826  
shall be credited to a special fund, which is hereby created in 27827  
the applicable political subdivision. Money in the special fund 27828  
shall be used exclusively for the administration and enforcement 27829  
of this chapter and rules. 27830

(2) Money collected under division (C) of this section for 27831  
costs incurred by a state highway patrol trooper or a natural 27832  
resources law enforcement officer under this section shall be 27833  
deposited in the state treasury to the credit of the ~~dangerous-~~ 27834  
~~and restricted-animal~~ and consumer protection fund created in 27835  
section ~~935.25-~~943.26 of the Revised Code. 27836

(3) If law enforcement officers from more than one 27837  
jurisdiction assist in the capture or destruction of a dangerous 27838  
wild animal or restricted snake, the money collected shall be 27839  
proportionally distributed to each political subdivision's 27840  
special fund and the dangerous and restricted animal fund, if 27841  
applicable. 27842

**Sec. 935.17.** The director of agriculture shall adopt rules 27843  
in accordance with Chapter 119. of the Revised Code that 27844  
establish all of the following: 27845

(A) Both of the following concerning the registration of 27846  
dangerous wild animals under section 935.04 of the Revised Code: 27847

(1) Any additional information that must be included with 27848  
a registration; 27849

(2) Standards for the care and housing of registered 27850  
dangerous wild animals, including standards for the proper care 27851  
of each species of dangerous wild animal and caging and fencing 27852

of the animals. 27853

The director shall adopt rules under division (A) of this 27854  
section not later than ninety days after ~~the effective date of~~ 27855  
~~this section~~ September 5, 2012. 27856

(B) Standards for the care and well-being of dangerous 27857  
wild animals specified in divisions (C) (1) to (19) of section 27858  
935.01 of the Revised Code that are possessed by the holders of 27859  
wildlife shelter permits and wildlife propagation permits issued 27860  
under this chapter. The standards shall govern at least 27861  
sanitation for, provision of health care for, and feeding, 27862  
caging, housing, and fencing of dangerous wild animals. In 27863  
adopting rules under this division, the director shall consider 27864  
the following factors: 27865

(1) Best management practices for the care and well-being 27866  
of dangerous wild animals; 27867

(2) Public health and safety; 27868

(3) Biosecurity; 27869

(4) The prevention of disease; 27870

(5) Animal morbidity and mortality data; 27871

(6) Generally accepted veterinary medical practices; 27872

(7) Standards adopted by the association of zoos and 27873  
aquariums; 27874

(8) Standards adopted by the zoological association of 27875  
America; 27876

(9) Standards established in the federal animal welfare 27877  
act; 27878

(10) Ethical standards established by the American 27879

veterinary medical association;	27880
(11) Any other factors that the director considers	27881
necessary for the proper care and well-being of dangerous wild	27882
animals in this state.	27883
(C) Standards for the housing of dangerous wild animals	27884
specified in division (C) (20) of section 935.01 of the Revised	27885
Code that are possessed by the holders of wildlife shelter	27886
permits and wildlife propagation permits issued under this	27887
chapter;	27888
(D) All of the following concerning applications for	27889
permits issued under sections 935.06 and 935.07 of the Revised	27890
Code:	27891
(1) Any additional information that must be included with	27892
a permit application;	27893
(2) Criteria for determining what constitutes a species	27894
survival program for the purposes of division (A) of section	27895
935.07 of the Revised Code and requirements and procedures that	27896
are necessary to determine if a program meets those criteria;	27897
(3) The content of the examination specified in division	27898
(B) (6) of section 935.05 of the Revised Code. The rules shall	27899
require the examination to test an applicant's knowledge on	27900
topics that include proper diet, health care, exercise needs,	27901
and housing of the species of dangerous wild animal or animals	27902
that are the subject of the application.	27903
(4) Procedures and requirements concerning the	27904
administration of the examination specified in division (B) (6)	27905
of section 935.05 of the Revised Code.	27906
(E) All of the following concerning applications for	27907

permits issued under sections 935.09 and 935.10 of the Revised Code:	27908
	27909
(1) Any additional information that must be included with a permit application;	27910
	27911
(2) The content of the examination specified in division (B) (5) of section 935.08 of the Revised Code. The rules shall require the examination to test an applicant's knowledge on topics that include proper diet, health care, and housing of the species of restricted snake or snakes that are the subject of the application.	27912
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	27917
(3) Procedures and requirements concerning the administration of the examination specified in division (B) (5) of section 935.08 of the Revised Code.	27918
	27919
	27920
(F) Both of the following concerning applications for permits issued under section 935.101 of the Revised Code:	27921
	27922
(1) Information that must be included in a permit application;	27923
	27924
(2) Criteria and procedures for the issuance or denial of a permit.	27925
	27926
(G) Standards for the care and well-being of dangerous wild animals that are possessed by the holders of permits issued under section 935.101 of the Revised Code. The standards shall govern at least sanitation for, provision of health care for, and feeding, caging, housing, and fencing of dangerous wild animals. In adopting the rules, the director may consider the standards of care and housing established in rules adopted under division (B) of this section and section 935.12 of the Revised Code.	27927
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(H) Procedures and requirements governing the maintenance of records under section 935.15 of the Revised Code; 27936  
27937

(I) Standards for signs that are required to be posted and displayed in accordance with section 935.18 of the Revised Code; 27938  
27939

(J) The amount of civil penalties that may be assessed under section 935.24 of the Revised Code; 27940  
27941

~~(K) Procedures and requirements governing the distribution of money under division (B) (4) of section 935.25 of the Revised Code from the dangerous and restricted animal fund created in that section;~~ 27942  
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27945

~~(L) Any other provisions necessary to administer and enforce this chapter.~~ 27946  
27947

**Sec. 935.20.** (A) On and after January 1, 2014, the director of agriculture immediately shall cause an investigation to be conducted if the director has reason to believe that one of the following may be occurring: 27948  
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27951

(1) A dangerous wild animal is possessed by a person who has not been issued a wildlife shelter permit, wildlife propagation permit, or rescue facility permit under this chapter. 27952  
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(2) A restricted snake is possessed by a person that has not been issued a restricted snake possession permit or restricted snake propagation permit under this chapter. 27956  
27957  
27958

(3) A dangerous wild animal or restricted snake is being treated or kept in a manner that is in violation of this chapter or rules. 27959  
27960  
27961

For purposes of the investigation, the director or the director's designee may order the animal or snake that is the 27962  
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subject of the notification to be quarantined or may order the 27964  
transfer of the animal or snake to a facility that is on the 27965  
list maintained by the director under this section. If the 27966  
director's designee orders the animal or snake to be quarantined 27967  
or transferred, the designee shall provide a copy of the order 27968  
to the director. 27969

(B) The director shall attempt to notify the person owning 27970  
or possessing an animal or snake that has been ordered to be 27971  
quarantined or transferred under division (A) of this section. 27972  
The notice shall be delivered in person or by certified mail. 27973  
The director also may post a copy of a quarantine order at two 27974  
conspicuous locations on the premises where the animal or snake 27975  
is quarantined. The director shall maintain a copy of an order 27976  
issued under this section and evidence that the director 27977  
attempted to notify the person owning or possessing the animal 27978  
or snake. 27979

(C) A quarantine or transfer order issued under this 27980  
section shall contain all of the following: 27981

(1) The name and address of the person owning or 27982  
possessing the animal or snake, if known; 27983

(2) A description of the quarantined or transferred animal 27984  
or snake; 27985

(3) A description of the premises affected by the 27986  
quarantine or transfer; 27987

(4) The reason for the quarantine or transfer; 27988

(5) Any terms and conditions of the quarantine or 27989  
transfer; 27990

(6) A notice that a person adversely affected by the order 27991

may request a hearing to review the order. 27992

(D) A person that is adversely affected by a quarantine or 27993  
transfer order pertaining to a dangerous wild animal or 27994  
restricted snake owned or possessed by the person, within thirty 27995  
days after the order is issued, may request in writing an 27996  
adjudication in accordance with Chapter 119. of the Revised 27997  
Code. A request for an adjudication does not stay a quarantine 27998  
or transfer order. 27999

(E) The owner of or person possessing a dangerous wild 28000  
animal or restricted snake that was quarantined or transferred 28001  
under division (A) of this section shall be responsible for all 28002  
reasonable costs associated with the quarantine or transfer, 28003  
including the costs of transportation, housing, food, and 28004  
veterinary care for the animal or snake. If such an owner or 28005  
person is unable to pay for the reasonable costs, the director 28006  
shall certify the costs to the county auditor to be assessed 28007  
against any property of the owner or person and thereby made a 28008  
lien upon it and collected as other taxes. All money from the 28009  
collection of liens under this division shall be credited in 28010  
accordance with division (J) of this section. 28011

(F) If the state veterinarian determines that a dangerous 28012  
wild animal or restricted snake that was quarantined or 28013  
transferred under division (A) of this section is infected with 28014  
or exposed to a dangerously contagious or infectious disease or 28015  
is seriously injured, the state veterinarian shall so notify the 28016  
director. The director may order the animal or snake to be 28017  
humanely euthanized by a veterinarian if the state veterinarian 28018  
has indicated that euthanization is medically necessary. 28019

(G) A quarantine or transfer order issued under this 28020  
section shall remain in effect until one of the following 28021

occurs: 28022

(1) The director, after reviewing the results of the 28023  
investigation conducted under division (A) of this section, 28024  
issues a written notice of release. 28025

(2) A court of competent jurisdiction orders the 28026  
quarantine or transfer order to be terminated in a proceeding 28027  
conducted under division (H) of this section. 28028

(3) A court of competent jurisdiction orders the seizure 28029  
of the dangerous wild animal or restricted snake in a proceeding 28030  
conducted under division (H) of this section. 28031

(H) If, after reviewing the results of an investigation 28032  
concerning a dangerous wild animal or restricted snake conducted 28033  
under division (A) of this section and after resolution of any 28034  
proceeding conducted under division (D) of this section, the 28035  
director determines that a circumstance described in division 28036  
(A) (1), (2), or (3) of this section is or was occurring, the 28037  
director shall initiate, in a court of competent jurisdiction, a 28038  
proceeding for the permanent seizure of the animal or snake, as 28039  
applicable. If the court affirms the director's determination 28040  
that a circumstance described in division (A) (1), (2), or (3) of 28041  
this section is or was occurring, the court shall order the 28042  
animal or snake seized and shall order the method of disposition 28043  
of the animal or snake. The court may order the person owning or 28044  
possessing the animal or snake to pay all reasonable costs 28045  
associated with the seizure and, if applicable, the costs 28046  
associated with the quarantine or transfer of the animal or 28047  
snake, including the costs of transportation, housing, food, and 28048  
veterinary care of the animal or snake. If the court does not 28049  
affirm the director's determination, the court shall order the 28050  
quarantine or transfer order to be terminated and the animal or 28051

snake to be returned to the person owning or possessing it, if 28052  
applicable. 28053

(I) The director may authorize any of the following to 28054  
conduct an investigation and order the quarantine or transfer of 28055  
a dangerous wild animal or restricted snake under division (A) 28056  
of this section: 28057

(1) Employees of the department of agriculture; 28058

(2) Natural resources law enforcement officers with the 28059  
consent of the director of natural resources; 28060

(3) Employees of the department of health with the consent 28061  
of the director of health; 28062

(4) Employees of a board of health with the consent of the 28063  
board; 28064

(5) Humane society agents appointed under section 1717.06 28065  
of the Revised Code with the consent of the humane society; 28066

(6) Law enforcement officers with the consent of the 28067  
sheriff of the county or the chief law enforcement officer of 28068  
the township or municipal corporation, as applicable, by whom 28069  
the law enforcement officers are employed; 28070

(7) Law enforcement officers who are state highway patrol 28071  
troopers with the consent of the superintendent of the state 28072  
highway patrol. 28073

(J) Money collected for reimbursement of costs associated 28074  
with the quarantine or transfer of dangerous wild animals and 28075  
restricted snakes under this section shall be credited to one of 28076  
the following funds, as applicable: 28077

(1) If the animal or snake was quarantined or transferred 28078

by an employee of the department of agriculture or the 28079  
department of health, a natural resources law enforcement 28080  
officer, or a law enforcement officer who is a state highway 28081  
patrol trooper, the ~~dangerous and restricted animal~~ and consumer  
protection fund created in section ~~935.25~~ 943.26 of the Revised 28082  
Code; 28083  
28084

(2) If the animal or snake was quarantined or transferred 28085  
by an employee of a board of health, a special fund, which is 28086  
hereby created in each health district, that shall be used 28087  
exclusively for the administration and enforcement of this 28088  
chapter and rules; 28089

(3) If the animal or snake was quarantined or transferred 28090  
by a humane society agent, a special fund, which is hereby 28091  
created in each county that has a humane society, that shall be 28092  
used exclusively for the administration and enforcement of this 28093  
chapter and rules; 28094

(4) If the animal or snake was quarantined or transferred 28095  
by a law enforcement officer who is not a state highway patrol 28096  
trooper, the special fund that is created in the political 28097  
subdivision that employs the law enforcement officer in division 28098  
(D) of section 935.16 of the Revised Code. 28099

(K) The director shall maintain a list of facilities 28100  
inside and outside the state that the director determines are 28101  
eligible to accept dangerous wild animals and restricted snakes 28102  
for the purposes of this section. 28103

**Sec. 935.24.** (A) The attorney general, upon request of the 28104  
director of agriculture, shall bring an action for injunction 28105  
against any person who has violated, is violating, or is 28106  
threatening to violate this chapter or rules. The court of 28107

common pleas in which an action for injunction is filed has 28108  
jurisdiction to and shall grant preliminary and permanent 28109  
injunctive relief upon a showing that the person against whom 28110  
the action is brought has violated, is violating, or is 28111  
threatening to violate this chapter or rules. 28112

(B) (1) The director may assess a civil penalty against any 28113  
person that the director determines is not in compliance with 28114  
this chapter or rules. 28115

(2) The director shall afford the person an opportunity 28116  
for an adjudication under Chapter 119. of the Revised Code to 28117  
challenge the director's determination that the person is not in 28118  
compliance with this chapter or rules. However, the person may 28119  
waive the right to an adjudication. 28120

(3) If the opportunity for an adjudication is waived or 28121  
if, after an adjudication, the director determines that a 28122  
violation has occurred or is occurring, the director may issue 28123  
an order and assess a civil penalty in an amount established in 28124  
rules against the violator. The order and the assessment of the 28125  
civil penalty may be appealed in accordance with section 119.12 28126  
of the Revised Code. 28127

(C) Notwithstanding any other section of the Revised Code, 28128  
money resulting from any action taken under this section shall 28129  
be credited to the ~~dangerous and restricted animal~~ and consumer 28130  
protection fund created in section ~~935.25-943.26~~ of the Revised 28131  
Code. 28132

**Sec. 943.01.** As used in this chapter: 28133

(A) "Animals" or "livestock" means horses, mules, and 28134  
other equidae, cattle, sheep, and goats and other bovidae, swine 28135  
and other suidae, poultry, alpacas, and llamas, ~~and monitored~~ 28136

~~captive deer, captive deer with status, or captive deer with  
certified chronic wasting disease status.~~ 28137  
28138

(B) "Dealer" or "broker" means any person found by the 28139  
department of agriculture buying, receiving, selling, 28140  
slaughtering, with the exception of those persons designated by 28141  
division (B)(1) of section 918.10 of the Revised Code, 28142  
exchanging, negotiating, or soliciting the sale, resale, 28143  
exchange, or transfer of any animals in an amount of more than 28144  
two hundred fifty head of cattle, horses, or other equidae or 28145  
five hundred head of sheep, goats, or other bovidae, swine and 28146  
other suidae, poultry, alpacas, or llamas,~~or monitored captive~~ 28147  
~~deer, captive deer with status, or captive deer with certified~~ 28148  
~~chronic wasting disease status~~ during any one year. "Dealer" or 28149  
"broker" does not mean any of the following: 28150

(1) Any railroad or other carrier transporting animals 28151  
either interstate or intrastate; 28152

(2) Any person who by dispersal sale is permanently 28153  
discontinuing the business of farming, dairying, breeding, 28154  
raising, or feeding animals; 28155

(3) Any person who sells livestock that has been raised 28156  
from birth on the premises of the person; 28157

(4) Any person who buys or receives animals for grazing or 28158  
feeding purposes at a premises owned or controlled by the person 28159  
and sells or disposes of the animals after the minimum grazing 28160  
or feeding period of thirty days; 28161

(5) Any person who places livestock in facilities other 28162  
than the person's own pursuant to a written agreement for 28163  
feeding or finishing, provided that the person retains legal and 28164  
equitable title to the livestock during the term of the 28165



agreement. 28166

The exemptions set forth in divisions (B)(1) to (5) of 28167  
this section are exclusive of those activities requiring 28168  
licensure under sections 943.01 to 943.18 of the Revised Code, 28169  
so that a person shall be deemed to be a dealer or broker or 28170  
subject to divisions (B)(1) to (5) of this section, but shall 28171  
not be, or be subject to, both. No person who is a licensed 28172  
dealer or broker and whose license is suspended shall have 28173  
livestock or animals exempted pursuant to divisions (B)(1) to 28174  
(5) of this section. 28175

(C) "Employee" means any person employed by a dealer or 28176  
broker to act in the dealer's or broker's behalf to buy, sell, 28177  
exchange, negotiate, or solicit sale or resale of animals in the 28178  
dealer's or broker's name. 28179

(D) "Small dealer" means any person found by the 28180  
department buying, receiving, selling, slaughtering, with the 28181  
exception of those persons designated by division (B)(1) of 28182  
section 918.10 of the Revised Code, exchanging, negotiating, or 28183  
soliciting the sale, resale, exchange, or transfer of any 28184  
animals in an amount of two hundred fifty head or less of 28185  
cattle, horses, or other equidae or five hundred head or less of 28186  
sheep, goats, or other bovidae, swine or other suidae, poultry, 28187  
alpacas, or llamas, ~~or monitored captive deer, captive deer with~~ 28188  
~~status, or captive deer with certified chronic wasting disease~~ 28189  
~~status~~ during any one year. 28190

~~(E) "Captive whitetail deer licensee" means a person who~~ 28191  
~~has been issued a license under section 943.03 or 943.031 of the~~ 28192  
~~Revised Code and a license under section 1533.71 or 1533.721 of~~ 28193  
~~the Revised Code regarding monitored captive deer, captive deer~~ 28194  
~~with status, or captive deer with certified chronic wasting~~ 28195

<del>disease status.</del>	28196
<del>(F) "Chronic wasting disease" has the same meaning as in 9 C.F.R. 55.1.</del>	28197
	28198
<del>(G) "Captive deer with status" means captive white-tailed deer that have been legally acquired or their offspring, are part of a herd that is monitored and tested for disease in accordance with rules, and are privately owned primarily for the purposes of agriculture, propagation, or providing captive deer to a wild animal hunting preserve licensed under section 1533.721 of the Revised Code.</del>	28199
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<del>(H) "Captive deer with certified chronic wasting disease status" means captive white-tailed deer that have been legally acquired or their offspring, are part of a herd that has been monitored and tested for disease in accordance with rules, including tested for chronic wasting disease for at least five consecutive years in accordance with rules, are privately owned primarily for the purposes of agriculture, propagation, or providing deer to a wild animal hunting preserve licensed under section 1533.721 of the Revised Code, and are certified "with status" in accordance with rules.</del>	28206
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<del>(I) "Monitored captive deer" means whitetail deer that have been legally acquired or their offspring, are tested for chronic wasting disease in accordance with rules, and are held in private ownership for agricultural or personal purposes or in a wild animal hunting preserve licensed under section 1533.721 of the Revised Code.</del>	28216
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<del>(J) "Rule" means a rule adopted under section 943.24 of the Revised Code.</del>	28222
	28223
<b>Sec. 943.04.</b> (A) Fees for the initial issuance of any	28224

license issued pursuant to sections 943.02, 943.03, and 943.031 28225  
of the Revised Code, shall be paid to the department of 28226  
agriculture. 28227

(B) All annual renewal fees for the licenses shall be paid 28228  
by the applicant for the renewal of a license on or before the 28229  
thirty-first day of March of each year to the treasurer of 28230  
state. Except for license fees for small dealers, the fees ~~shall~~ 28231  
~~be based on the number of head of livestock purchased, sold, or~~ 28232  
~~exchanged, in this state, whichever is the greatest, during the~~ 28233  
~~preceding calendar year. Those fees for dealers or brokers shall~~ 28234  
be as follows: 28235

~~Less than 1,000 head \_\_\_\_\_ \$50.00 per annum;~~ 28236

~~For 1,001 to 10,000 head \_\_\_\_\_ \$125.00 per annum;~~ 28237

~~For more than 10,000 head \_\_\_\_\_ \$250.00 per annum.~~ 28238

In the event a dealer or broker operates more than one 28239  
place where livestock is purchased, sold, or exchanged, a fee 28240  
shall be paid for each place, but only the original purchase, 28241  
sale, or exchange shall be counted in computing the amount of 28242  
the fee to be paid for each place operated by the dealer or 28243  
broker. Shipment between yards owned or operated by the dealer 28244  
or broker shall be exempt. 28245

A late fee of one hundred dollars shall be paid for each 28246  
dealer or broker license renewal application that is received 28247  
after the thirty-first day of March each year. 28248

(C) (1) A fee of ~~twenty-five~~ fifty dollars shall be paid by 28249  
each small dealer. 28250

If a small dealer operates more than one place where 28251  
livestock is purchased, sold, or exchanged, a fee shall be paid 28252

for each place, but only the original purchase, sale, or 28253  
exchange shall be counted in computing the amount of fee to be 28254  
paid for each place operated by the small dealer. Shipment 28255  
between yards owned or operated by the small dealer shall be 28256  
exempt. 28257

(2) A late fee of ~~twenty-five~~ one hundred dollars shall be 28258  
paid for each small dealer license renewal application that is 28259  
received after the thirty-first day of March each year. 28260

(D) A fee of ~~twenty~~ thirty dollars shall be paid by each 28261  
licensed weigher and each employee that is appointed by a small 28262  
dealer, dealer, or broker as provided in section 943.02 of the 28263  
Revised Code. 28264

~~(E) A fee of ten dollars shall be paid by each licensed~~ 28265  
~~weigher.~~ 28266

~~(F) All money collected under section 943.03 of the~~ 28267  
Revised Code and under this section shall be credited to the 28268  
animal and consumer protection ~~laboratory~~ fund created in 28269  
section ~~901.43~~ 943.26 of the Revised Code. 28270

**Sec. 943.16.** All fines imposed and collected under section 28271  
943.99 of the Revised Code shall be credited to the animal and 28272  
consumer protection ~~laboratory~~ fund created in section ~~901.43~~ 28273  
943.26 of the Revised Code. 28274

**Sec. 943.26.** The animal and consumer protection fund is 28275  
created in the state treasury. ~~Notwithstanding section 943.04 of~~ 28276  
~~the Revised Code,~~ The fund shall consist of livestock dealer or 28277  
broker fees and civil penalties collected under this chapter, 28278  
all money collected through the issuance of licenses ~~to captive~~ 28279  
~~whitetail deer licensees under this chapter and all money~~ 28280  
~~collected under section 942.04 of the Revised Code shall be~~ 28281

~~credited to the animal and consumer protection fund, which is~~ 28282  
~~hereby created in the state treasury~~ under Chapter 944. of the 28283  
~~Revised Code, and any other money credited to it under the~~ 28284  
~~Revised Code.~~ The director of agriculture shall use money in the 28285  
fund to administer Chapter 942. and sections 943.20 to 943.26 of 28286  
the Revised Code and rules ~~this chapter and Chapters 935., 942.,~~ 28287  
and 944. of the Revised Code and rules adopted under those 28288  
chapters. 28289

**Sec. 943.27.** (A) The director of agriculture, after 28290  
providing an opportunity for an adjudication hearing under 28291  
Chapter 119. of the Revised Code, may assess a civil penalty 28292  
against a person who has violated or is in violation of sections 28293  
943.01 to 943.10 and 943.12 to 943.17 of the Revised Code. If 28294  
the director assesses a civil penalty, the director shall do so 28295  
as follows: 28296

(1) In an amount not exceeding five hundred dollars if, 28297  
within five years of the violation, the director has not 28298  
previously assessed a civil penalty against the person under 28299  
this section; 28300

(2) In an amount not exceeding two thousand five hundred 28301  
dollars if, within five years of the violation, the director has 28302  
previously assessed one civil penalty against the person under 28303  
this section; 28304

(3) In an amount not exceeding ten thousand dollars if, 28305  
within five years of the violation, the director has previously 28306  
assessed two or more civil penalties against the person under 28307  
this section. 28308

(B) Money collected under division (A) of this section 28309  
shall be deposited in the state treasury to the credit of the 28310

animal and consumer protection fund created in section 943.26 of 28311  
the Revised Code. 28312

**Sec. 943.99.** ~~(A)~~Whoever violates section 943.11 of the 28313  
Revised Code is guilty of a felony of the fifth degree. 28314

~~(B) Whoever violates sections 943.01 to 943.10 and 943.12~~ 28315  
~~to 943.17 of the Revised Code is guilty of a misdemeanor of the~~ 28316  
~~first degree.~~ 28317

**Sec. 944.01.** As used in this chapter: 28318

"Captive cervid with certified chronic wasting disease 28319  
status" means captive cervid that have been legally acquired or 28320  
their offspring, are part of a herd that has been monitored and 28321  
tested for disease in accordance with rules, including tested 28322  
for chronic wasting disease for at least five consecutive years 28323  
in accordance with rules, are privately owned primarily for the 28324  
purposes of agriculture, propagation, or providing cervid to a 28325  
wild animal hunting preserve licensed under section 1533.721 of 28326  
the Revised Code, and are certified "with status" in accordance 28327  
with rules. 28328

"Captive cervid with status" means captive cervid that 28329  
have been legally acquired or their offspring, are part of a 28330  
herd that is monitored and tested for disease in accordance with 28331  
rules, and are privately owned primarily for the purposes of 28332  
agriculture, propagation, or providing captive cervid to a wild 28333  
animal hunting preserve licensed under section 1533.721 of the 28334  
Revised Code. 28335

"Captive cervid facility" means a fenced premise where one 28336  
or more cervid are housed or kept. 28337

"Captive whitetail cervid licensee" means a person who has 28338  
been issued a license under section 944.02 of the Revised Code 28339

and a license under section 1533.71 or 1533.721 of the Revised 28340  
Code regarding monitored captive cervid, captive cervid with 28341  
status, or captive cervid with certified chronic wasting disease 28342  
status. 28343

"Cervid" means all members of the family Cervidae and 28344  
their hybrids, including deer, elk, or moose in the genera 28345  
Odocoileus, Cervus, and Alces, and their hybrids. 28346

"Chronic wasting disease" means a transmissible spongiform 28347  
encephalopathy of cervids with clinical signs in affected 28348  
animals that include, but are not limited to, loss of body 28349  
condition, behavioral changes, excessive salivation, increased 28350  
drinking and urination, depression, and eventual death. 28351

"Monitored captive cervid" means cervid that have been 28352  
legally acquired or their offspring, are tested for chronic 28353  
wasting disease in accordance with rules, and are held in 28354  
private ownership for agricultural or personal purposes or in a 28355  
wild animal hunting preserve licensed under section 1533.721 of 28356  
the Revised Code. 28357

"Rule" means a rule adopted under section 944.07 of the 28358  
Revised Code. 28359

**Sec. 944.02.** (A) A person that owns or operates a facility 28360  
that contains one or more cervid shall apply for an annual 28361  
captive cervid facility license on a form and in a manner 28362  
provided by the director of agriculture. 28363

(B) (1) Prior to issuing a license, the director shall 28364  
inspect the applicant's facility. If, after an initial 28365  
inspection, the director finds that the facility's premise is in 28366  
compliance with this chapter and rules adopted under it, the 28367  
director shall notify the applicant and, upon receipt of the 28368

complete application and required license fee, the director 28369  
shall so issue the license. 28370

(2) However, if after inspection the director finds that a 28371  
facility is not in compliance with this chapter and rules 28372  
adopted under it, the director shall deny the license 28373  
application. An applicant may appeal the denial of the license 28374  
application in accordance with Chapter 119. of the Revised Code. 28375

(C) A license issued under this section expires annually 28376  
on the thirty-first day of March each year and, if the director 28377  
finds that the facility is in compliance with this chapter and 28378  
rules adopted under it, shall be renewed according to procedures 28379  
established by the director or prescribed in rules. 28380

(D) The annual license fee for each facility licensed 28381  
under this section, or a renewal thereof, is fifty dollars. All 28382  
fees collected under this section shall be deposited into the 28383  
animal and consumer protection fund created in section 943.26 of 28384  
the Revised Code. 28385

**Sec. 943.20 944.03.** (A) No person shall operate a captive 28386  
cervid facility without first obtaining a license in accordance 28387  
with section 944.02 of the Revised Code. 28388

(B) A person who wishes to own or propagate captive deer- 28389  
cervid with status or captive deer-cervid with certified chronic 28390  
wasting disease status shall obtain a license under section 28391  
943.03 or 943.031-944.02 of the Revised Code in addition to a 28392  
captive white-tailed deer propagation license issued under 28393  
section 1533.71 of the Revised Code. 28394

~~(B)~~ (C) A person who wishes to operate a wild animal 28395  
hunting preserve as defined in section 1531.01 of the Revised 28396  
Code on which monitored captive deer-cervid, captive deer-cervid 28397



with status, or captive ~~deer~~-cervid with certified chronic 28398  
wasting disease status are released and hunted shall obtain a 28399  
license under section ~~943.03 or 943.031~~-944.02 of the Revised 28400  
Code in addition to a wild animal hunting preserve license 28401  
issued under section 1533.721 of the Revised Code. 28402

**Sec. ~~943.21~~ 944.04.** (A) A captive whitetail ~~deer~~-cervid 28403  
licensee shall have monitored captive ~~deer~~-cervid, captive ~~deer~~- 28404  
cervid with status, and captive ~~deer~~-cervid with certified 28405  
chronic wasting disease status in the licensee's herd tested for 28406  
disease in accordance with rules. 28407

(B) A captive whitetail ~~deer~~-cervid licensee shall provide 28408  
the results of all testing required under this section to the 28409  
director of agriculture. 28410

**Sec. ~~943.22~~ 944.05.** The director of agriculture shall take 28411  
actions that the director determines are necessary to mitigate 28412  
or eliminate the presence of chronic wasting disease or other 28413  
disease at a facility owned by a captive whitetail ~~deer~~-cervid 28414  
licensee regarding monitored captive ~~deer~~-cervid, captive ~~deer~~- 28415  
cervid with status, or captive ~~deer~~-cervid with certified 28416  
chronic wasting disease status if the director is notified of a 28417  
positive result from a test for chronic wasting disease or other 28418  
disease for a monitored captive ~~deer~~-cervid, captive ~~deer~~-cervid 28419  
with status, or captive ~~deer~~-cervid with certified chronic 28420  
wasting disease status at the facility. 28421

**Sec. ~~943.23~~ 944.06.** (A) A captive whitetail ~~deer~~-cervid 28422  
licensee shall comply with the requirements established in 28423  
~~sections 943.20 to 943.26 of the Revised Code~~ this chapter and 28424  
in rules. The director of agriculture may suspend or revoke a 28425  
license issued under ~~section 943.03 or 943.031~~ of the Revised 28426  
~~Code~~ this chapter regarding monitored captive ~~deer~~-cervid, 28427

captive ~~deer~~ cervid with status, or captive ~~deer~~ cervid with 28428  
certified chronic wasting disease status if the licensee fails 28429  
to comply with those requirements. 28430

(B) (1) The director, after providing an opportunity for an 28431  
adjudication hearing under Chapter 119. of the Revised Code, may 28432  
assess a civil penalty against a person who has violated or is 28433  
in violation of section ~~943.20~~ 944.03 of the Revised Code. If 28434  
the director assesses a civil penalty, the director shall do so 28435  
as follows: 28436

(a) If, within five years of the violation, the director 28437  
has not previously assessed a civil penalty against the person 28438  
under this section, in an amount not exceeding five hundred 28439  
dollars; 28440

(b) If, within five years of the violation, the director 28441  
has previously assessed one civil penalty against the person 28442  
under this section, in an amount not exceeding two thousand five 28443  
hundred dollars; 28444

(c) If, within five years of the violation, the director 28445  
has previously assessed two or more civil penalties against the 28446  
person under this section, in an amount not exceeding ten 28447  
thousand dollars. 28448

(2) Money collected under division (B) (1) of this section 28449  
shall be deposited in the state treasury to the credit of the 28450  
animal and consumer protection fund created in section 943.26 of 28451  
the Revised Code. 28452

**Sec. ~~943.24~~ 944.07.** The director of agriculture shall 28453  
adopt rules in accordance with Chapter 119. of the Revised Code 28454  
that establish all of the following: 28455

(A) Requirements governing health monitoring and disease 28456

testing of monitored captive ~~deer~~cervid, captive ~~deer~~cervid 28457  
with status, and captive ~~deer~~cervid with certified chronic 28458  
wasting disease status, which testing may include, but is not 28459  
limited to, testing for chronic wasting disease, brucellosis, 28460  
and tuberculosis of such ~~deer~~cervid that are held at a facility 28461  
licensed under section 1533.71 or 1533.721 of the Revised Code; 28462

(B) Requirements governing captive whitetail ~~deer~~cervid 28463  
licensees, including record-keeping requirements related to 28464  
health monitoring and disease testing of monitored captive 28465  
~~deer~~cervid, captive ~~deer~~cervid with status, and captive ~~deer~~cervid 28466  
cervid with certified chronic wasting disease status; 28467

(C) Requirements and procedures that are necessary to 28468  
preserve the health, safety, and welfare of monitored captive 28469  
~~deer~~cervid, captive ~~deer~~cervid with status, or captive ~~deer~~cervid 28470  
cervid with certified chronic wasting disease status; 28471

(D) Requirements and procedures governing the transfer of 28472  
living game and nonnative wildlife, as defined in section 28473  
1531.01 of the Revised Code, from one wild animal hunting 28474  
preserve licensed under section 1533.721 of the Revised Code to 28475  
another such wild animal hunting preserve; 28476

(E) Tagging requirements for captive ~~deer~~cervid with 28477  
status and captive ~~deer~~cervid with certified chronic wasting 28478  
disease status for such ~~deer~~cervid that are propagated pursuant 28479  
to a captive white-tailed deer propagation license issued under 28480  
section 1533.71 of the Revised Code; 28481

(F) Requirements governing the certification of captive 28482  
~~deer~~cervid with certified chronic wasting disease status; 28483

(G) Any other requirements or procedures that are 28484  
necessary to administer and enforce ~~sections 943.20 to 943.26 of~~ 28485

~~the Revised Code~~this chapter. 28486

**Sec. ~~943.25~~ 944.08.** The director of agriculture or the 28487  
director's authorized representative may enter at reasonable 28488  
times on the premises of a captive whitetail ~~deer~~cervid 28489  
licensee to conduct investigations and inspections or to 28490  
otherwise execute duties that are necessary for the 28491  
administration and enforcement of ~~sections 943.20 to 943.26 of~~ 28492  
~~the Revised Code~~this chapter and rules. 28493

**Sec. 956.07.** (A) A person who is applying for an annual 28494  
license to operate a high volume breeder or to act as or perform 28495  
the functions of a dog broker under section 956.04 or 956.05 of 28496  
the Revised Code, as applicable, shall include with the 28497  
application for a license a nonrefundable license application 28498  
fee. The application fees are as follows: 28499

(1) For a high volume breeder: 28500

(a) One hundred fifty dollars if the high volume breeder 28501  
annually sells at least forty, but not more than sixty puppies 28502  
to the public; 28503

(b) Two hundred fifty dollars if the high volume breeder 28504  
annually sells at least sixty-one, but not more than one hundred 28505  
fifty puppies to the public; 28506

(c) Three hundred fifty dollars if the high volume breeder 28507  
annually sells at least one hundred fifty-one, but not more than 28508  
two hundred fifty puppies to the public; 28509

(d) Five hundred dollars if the high volume breeder 28510  
annually sells at least two hundred fifty-one, but not more than 28511  
three hundred fifty puppies to the public; 28512

(e) Seven hundred fifty dollars if the high volume breeder 28513

annually sells three hundred fifty-one or more puppies to the public;

(f) If divisions (A) (1) (a) to (e) of this section do not apply, one hundred and fifty dollars if either of the following applies:

(i) The high volume breeder sells five or more adult dogs or puppies to a dog broker or pet store.

(ii) The high volume breeder keeps, houses, and maintains, at any given time in a calendar year, more than forty puppies that are under four months of age, that have been bred on the premises of the establishment, and that have been primarily kept, housed, and maintained from birth on the premises of the establishment.

(2) For a dog broker, five hundred dollars.

(B) Money collected by the director of agriculture from each application fee submitted under this section shall be deposited in the state treasury to the credit of the ~~high volume breeder kennel control license~~ commercial dog breeding fund created in section 956.18 of the Revised Code. The director shall use fifty dollars of the application fee submitted by a high volume breeder under this section or an amount equal to the fee charged for the registration of a kennel under section 955.14 of the Revised Code in the county in which the high volume breeder is located or will be located, whichever is greater, to reimburse that county. The county auditor shall deposit the transferred money into that county's dog and kennel fund created under section 955.20 of the Revised Code.

**Sec. 956.10.** (A) (1) At least once annually, the director of agriculture or the director's authorized representative shall

inspect a high volume breeder that is subject to licensure under 28543  
this chapter and rules adopted under section 956.03 of the 28544  
Revised Code to ensure compliance with this chapter and rules 28545  
adopted under it, including the standards of care established in 28546  
rules adopted under that section. 28547

(2) The director or the director's authorized 28548  
representative shall inspect a boarding kennel when the director 28549  
or the director's authorized representative has received 28550  
information that the boarding kennel is breeding dogs and may be 28551  
subject to licensure under this chapter and rules adopted under 28552  
section 956.03 of the Revised Code. 28553

(B) The director or the director's authorized 28554  
representative may do any of the following: 28555

(1) Upon receiving a complaint, inspect a high volume 28556  
breeder that is subject to licensure under this chapter and 28557  
rules adopted under section 956.03 of the Revised Code to ensure 28558  
compliance with this chapter and rules adopted under it; 28559

(2) Upon the request of a member of the public, a public 28560  
official, or an animal shelter for dogs, inspect any facility at 28561  
which a person is acting as or performing the functions of a dog 28562  
broker to ensure such compliance; 28563

(3) Upon receiving a complaint, inspect an animal rescue 28564  
for dogs to ensure compliance with section 956.06 of the Revised 28565  
Code and applicable rules adopted under section 956.03 of the 28566  
Revised Code; 28567

(4) Conduct an inspection under this section during 28568  
regular business hours without providing notice in advance. 28569

(C) Inspections shall be conducted in accordance with 28570  
rules adopted under section 956.03 of the Revised Code. A record 28571

of each inspection shall be made by the director or the 28572  
director's authorized representative who is responsible for the 28573  
inspection in accordance with those rules. 28574

(D) The director or the director's authorized 28575  
representative, upon proper identification and upon stating the 28576  
purpose and necessity of an inspection, may enter at reasonable 28577  
times on any public or private property, real or personal, to 28578  
inspect or investigate and to examine or copy records in order 28579  
to determine compliance with this chapter and rules adopted 28580  
under it. The director, the director's authorized 28581  
representative, or the attorney general upon the request of the 28582  
director may apply to the appropriate court in the county in 28583  
which inspection will occur for an appropriate court order or 28584  
search warrant as necessary to achieve the purposes of this 28585  
chapter and rules adopted under it. 28586

(E) No owner or operator of a high volume breeder, person 28587  
acting as or performing the functions of a dog broker, owner or 28588  
operator of a boarding kennel, or owner or operator of an animal 28589  
rescue for dogs shall interfere with an inspection or refuse to 28590  
allow the director or the director's authorized representative 28591  
full access to all areas where dogs are kept or cared for. If 28592  
entry is refused or inspection or investigation is refused, 28593  
hindered, or thwarted by a high volume breeder or dog broker, 28594  
the director may suspend or revoke the breeder's or broker's 28595  
license in accordance with this chapter. 28596

(F) (1) The director may enter into a contract or agreement 28597  
with a veterinarian to conduct inspections under this section. 28598  
The veterinarian shall be considered the director's authorized 28599  
representative for the purposes of this section. 28600

(2) A veterinarian with whom the director has entered into 28601

a contract or agreement under division (F) (1) of this section 28602  
may inspect a high volume breeder with whom the veterinarian has 28603  
established a veterinary-client-patient relationship as 28604  
described in section 4741.04 of the Revised Code only every 28605  
other year. 28606

(3) If the director determines that a veterinarian with 28607  
whom the director has entered into a contract or agreement under 28608  
division (F) (1) of this section has falsified any information 28609  
submitted to the director pursuant to an inspection, the 28610  
director shall inform the veterinary medical licensing board 28611  
created by Chapter 4741. of the Revised Code of the 28612  
falsification. 28613

(G) (1) If entry that is authorized by division (D) of this 28614  
section is refused or if an inspection or investigation is 28615  
refused, hindered, or thwarted by intimidation or otherwise and 28616  
if the director, an authorized representative of the director, 28617  
or the attorney general applies for and obtains a court order or 28618  
a search warrant under division (D) of this section to conduct 28619  
the inspection or investigation, the owner or operator of the 28620  
premises where entry was refused or inspection or investigation 28621  
was refused, hindered, or thwarted, if found guilty of violating 28622  
this chapter or rules adopted under it, is liable to the 28623  
director for all of the following: 28624

(a) The reasonable costs incurred by the director for the 28625  
regular salaries and fringe benefit costs of personnel assigned 28626  
to conduct the inspection or investigation from the time the 28627  
court order or search warrant was issued until the court order 28628  
or search warrant is executed; 28629

(b) The salary, fringe benefits, and travel expenses of 28630  
the director, an authorized representative of the director, or 28631



the attorney general incurred in obtaining the court order or 28632  
search warrant; and 28633

(c) Expenses necessarily incurred for the assistance of 28634  
local law enforcement officers in executing the court order or 28635  
search warrant. 28636

(2) In the application for a court order or a search 28637  
warrant, the director, the director's authorized representative, 28638  
or the attorney general may request and the court, in its order 28639  
granting the court order or search warrant, may order the owner 28640  
or operator of the premises, if found guilty of violating this 28641  
chapter or rules adopted under it, to reimburse the director for 28642  
any of the costs described in division (G)(1) of this section 28643  
that the court finds reasonable. From money recovered under this 28644  
division, the director shall do all of the following: 28645

(a) Reimburse the attorney general for the costs incurred 28646  
by the attorney general in connection with proceedings for 28647  
obtaining the court order or search warrant; 28648

(b) Reimburse the political subdivision in which the 28649  
premises is located for the assistance of its law enforcement 28650  
officers in executing the court order or search warrant; 28651

(c) Deposit the remainder in the state treasury to the 28652  
credit of the ~~high volume breeder kennel control license~~ 28653  
commercial dog breeding fund created in section 956.18 of the 28654  
Revised Code. 28655

(H) A dog warden appointed under Chapter 955. of the 28656  
Revised Code or an agent of a humane society entering on public 28657  
or private property to make investigations and inspections in 28658  
accordance with Chapter 955. or 1717. of the Revised Code, as 28659  
applicable, shall report any violations of this chapter and 28660

rules adopted under it to the director or the director's 28661  
authorized representative. 28662

**Sec. 956.13.** (A) The director of agriculture, after 28663  
providing an opportunity for an adjudication hearing under 28664  
Chapter 119. of the Revised Code, may assess a civil penalty 28665  
against a person who has violated or is violating sections 28666  
956.01 to 956.18 of the Revised Code or rules adopted under 28667  
section 956.03 of the Revised Code. 28668

(B) A person who is assessed a civil penalty under this 28669  
section is liable for a civil penalty of not more than two 28670  
thousand five hundred dollars for a first violation, not more 28671  
than five thousand dollars for a second violation, and not more 28672  
than ten thousand dollars for a third or subsequent violation. 28673

Each day that a violation continues constitutes a separate 28674  
violation. 28675

(C) Any person assessed a civil penalty under this section 28676  
shall pay the amount prescribed to the department of 28677  
agriculture. The department shall remit all money collected 28678  
under this section to the treasurer of state for deposit in the 28679  
~~high volume breeder kennel control license commercial dog~~ 28680  
breeding fund created under section 956.18 of the Revised Code. 28681

**Sec. 956.16.** The director of agriculture, the director's 28682  
authorized representative, or the attorney general may require 28683  
the attendance of witnesses and the production of books, 28684  
records, papers, and dogs that are needed either by the director 28685  
or the attorney general or by any party to a hearing before the 28686  
director and for that purpose may issue a subpoena for any 28687  
witness or a subpoena duces tecum to compel the production of 28688  
any books, records, papers, or dogs. The subpoena shall be 28689

served by personal service or by certified mail. If the subpoena 28690  
is returned because of inability to deliver, or if no return is 28691  
received within thirty days after the date of mailing, the 28692  
subpoena may be served by ordinary mail. If no return of 28693  
ordinary mail is received within thirty days after the date of 28694  
mailing, service shall be deemed to have been made. If the 28695  
subpoena is returned because of inability to deliver, the 28696  
director or the attorney general may designate a person or 28697  
persons to effect either personal or residence service on the 28698  
witness. The person designated to effect personal or residence 28699  
service under this section may be the sheriff of the county in 28700  
which the witness resides or may be found or any other duly 28701  
designated person. The fees and mileage of the person serving 28702  
the subpoena shall be the same as those allowed by the courts of 28703  
common pleas in criminal cases and shall be paid from the funds 28704  
of the department of agriculture. Fees and mileage for the 28705  
witness shall be the same as those allowed for witnesses by the 28706  
courts of common pleas in criminal cases and, upon request of 28707  
the witness following the hearing, shall be paid from the money 28708  
in the ~~high volume breeder kennel control license commercial dog~~ 28709  
breeding fund created in section 956.18 of the Revised Code. 28710

**Sec. 956.18.** (A) All money collected by the director of 28711  
agriculture from ~~late renewal fees under section 956.06, license~~ 28712  
~~fees under section 956.07, and civil penalties assessed under~~ 28713  
~~section 956.13 of the Revised Code~~ fees and civil penalties 28714  
under this chapter shall be deposited in the state treasury to 28715  
the credit of the ~~high volume breeder kennel control license~~ 28716  
~~commercial dog breeding fund~~, which is hereby created. The fund 28717  
shall also consist of money appropriated to it. 28718

(B) The director shall use the money in the fund for the 28719  
purpose of administering ~~sections 956.01 to 956.18 of the~~ 28720

~~Revised Code this chapter and rules adopted under ~~section 956.03~~~~ 28721  
~~of the Revised Code that apply to those sections it.~~ 28722

**Sec. 956.21.** (A) The director of agriculture may issue a 28723  
pet store license to an owner or operator of a pet store when 28724  
the owner or operator does all of the following: 28725

(1) Applies for a license in accordance with this section 28726  
and rules adopted under section 956.03 of the Revised Code; 28727

(2) Affirms in writing that the owner or operator will 28728  
maintain compliance with the applicable requirements established 28729  
under section 959.20 of the Revised Code; 28730

(3) Submits with the application for a pet store license a 28731  
fee of five hundred dollars. 28732

(B) The director of agriculture may deny, suspend, or 28733  
revoke a license issued under this section for a violation of 28734  
division (A), (B), or (C) of section 956.20 of the Revised Code 28735  
or rules adopted under section 956.03 of the Revised Code. The 28736  
denial, suspension, or revocation of a license is not effective 28737  
until the licensee is given written notice of the violation, a 28738  
reasonable amount of time to correct the violation, if possible, 28739  
and an opportunity for a hearing. 28740

The director also may refuse to issue a license under 28741  
division (B) of this section if the applicant has violated 28742  
division (A), (B), or (C) of section 956.20 of the Revised Code 28743  
or the rules adopted under section 956.03 of the Revised Code 28744  
during the thirty-six-month period prior to submitting an 28745  
application for the license. 28746

(C) Any license issued under this section is valid for a 28747  
period of one year from the date of issuance. A pet store 28748  
license must be renewed annually in the manner provided in rules 28749

adopted under section 956.03 of the Revised Code. 28750

(D) Money collected by the director of agriculture from 28751  
each application fee submitted under this section shall be 28752  
deposited in the state treasury to the credit of the ~~pet store~~ 28753  
~~license-commercial dog breeding~~ fund created in section ~~956.181~~ 28754  
956.18 of the Revised Code. 28755

(E) No owner, operator, or manager of a pet store shall 28756  
negligently display, offer for sale, deliver, barter, auction, 28757  
broker, give away, transfer, or sell any live dog from a pet 28758  
store in this state unless a license has been issued for the pet 28759  
store by the director of agriculture in accordance with this 28760  
section and rules adopted under section 956.03 of the Revised 28761  
Code. 28762

**Sec. 956.22.** (A) The director of agriculture, after 28763  
providing an opportunity for an adjudication hearing under 28764  
Chapter 119. of the Revised Code, may assess a civil penalty 28765  
against a person who has violated or is violating division (A), 28766  
(B), or (C) of section 956.20 of the Revised Code or division 28767  
(E) of section 956.21 of the Revised Code. 28768

(B) The person who is assessed a civil penalty under this 28769  
section is liable for a civil penalty of not more than two 28770  
thousand five hundred dollars for a first violation, not more 28771  
than five thousand dollars for a second violation, and not more 28772  
than ten thousand dollars for a third or subsequent violation. 28773

(C) Any person assessed a civil penalty under this section 28774  
shall pay the amount prescribed to the department of 28775  
agriculture. The department shall remit all money collected 28776  
under this section to the treasurer of state for deposit in the 28777  
~~pet store license-commercial dog breeding~~ fund created under 28778

section ~~956.181~~956.18 of the Revised Code. 28779

**Sec. 956.23.** The regulation of pet stores is a matter of 28780  
general statewide interest that requires statewide regulation. 28781  
Sections ~~956.181~~956.19 to 956.23 of the Revised Code and 28782  
section 956.99 of the Revised Code constitute a comprehensive 28783  
plan with respect to all aspects of the regulation of pet 28784  
stores. Accordingly, it is the intent of the general assembly to 28785  
preempt any local ordinance, resolution, or other law adopted to 28786  
regulate the sale, delivery, barter, auction, broker, or 28787  
transfer of a dog to a person from a pet store. 28788

**Sec. 993.01.** As used in this chapter: 28789

(A) "Amusement ride" means any mechanical, aquatic, or 28790  
inflatable device, or combination of those devices that carries 28791  
or conveys passengers on, along, around, over, or through a 28792  
fixed or restricted course or within a defined area for the 28793  
purpose of providing amusement, pleasure, or excitement. 28794  
"Amusement ride" includes carnival rides, bungee jumping 28795  
facilities, and fair rides, but does not include passenger 28796  
tramways as defined in section 4169.01 of the Revised Code, 28797  
manufactured rock climbing walls in climbing facilities 28798  
regulated under Chapter 4175. of the Revised Code, or amusement 28799  
rides operated solely at trade shows for a limited period of 28800  
time. For purposes of this division, "trade show" means a place 28801  
of exhibition not open to the general public where amusement 28802  
ride manufacturers display, promote, operate, and sell amusement 28803  
rides to prospective purchasers. 28804

(B) "Temporary amusement ride" means an amusement ride 28805  
that is relocated at least once per year with or without 28806  
disassembly. 28807

- (C) "Permanent amusement ride" means an amusement ride that is erected to remain a lasting part of the premises. 28808  
28809
- (D) "Owner" means any person who owns or leases and controls or manages the operation of an amusement ride, and includes individuals, partnerships, corporations, both profit and nonprofit, and the state and any of its political subdivisions and their departments or agencies. 28810  
28811  
28812  
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- (E) "Operation" means the use or operation, or both, of an amusement ride with riders. 28815  
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- (F) "Rider" means any person who sits, stands, or is otherwise conveyed or carried as a passenger on an amusement ride, but does not include employees or agents of the owner of the amusement ride. 28817  
28818  
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- (G) "Amusement ride operator" means any person causing the amusement ride to go, stop, or perform its function. 28821  
28822
- (H) "Reassembly" means the installation, erection, or reconstruction of the main mechanical, safety, electrical, or electronic components of an amusement ride following transportation or storage and prior to operation. Replacement of mechanical, safety, electrical, or electronic components of an amusement ride for the purpose of repair or maintenance is not reassembly. 28823  
28824  
28825  
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- (I) "Repair" means to restore an amusement ride to a condition equal to or better than original design specifications. 28830  
28831  
28832
- (J) "Maintenance" means the preservation and upkeep of an amusement ride for the purpose of maintaining its designed operational capability. 28833  
28834  
28835

(K) "Inspection" means a physical examination of an amusement ride by an inspector for the purpose of approving the application for a permit. "Inspection" includes a reinspection.

(L) "Accident" means an occurrence during the operation of an amusement ride that results in death or injury requiring immediate hospital admission.

(M) "Serious injury" means an injury that does not require immediate hospital admission but does require medical treatment, other than first aid, by a physician.

(N) "First aid" means the one-time treatment or subsequent observation of scratches, cuts not requiring stitches, burns, splinters, and contusions or a diagnostic procedure, including examinations and x-rays, that does not ordinarily require medical treatment even though provided by a physician or other licensed professional personnel.

(O) "Advisory council" means the advisory council on amusement ride safety created by section 993.02 of the Revised Code.

(P) "Safe operation" means, except as provided in section 993.10 of the Revised Code, the practical application of maintenance, inspection, and operational processes, as indicated by the manufacturer, owner, or advisory council, that secures a rider from threat of physical danger, harm, or loss.

(Q) "Private facility" means any facility that is accessible only to members of the facility and not accessible to the general public, even upon payment of a fee or charge, and that requires approval for membership by a membership committee representing the current members who have a policy requiring monetary payment to belong to the facility.



(R) "Bungee jumping" means a fall or jump from a height by an individual who is attached to an elastic cord that prevents the individual from hitting the ground, water, or other solid, semi-solid, liquid, or elastic surface.

(S) "Bungee jumping facility" means a device or structure utilized for bungee jumping.

~~(T) "Kiddie ride" means an amusement ride designed for use by children under thirteen years of age who are unaccompanied by another person. "Kiddie ride" includes a roller coaster that is not more than forty feet in elevation at any point on the ride.~~

~~(U)~~ "Climbing facility" has the same meaning as in section 4175.01 of the Revised Code.

**Sec. 993.04.** (A) (1) No person shall operate an amusement ride within the state without a permit issued by the director of agriculture under division (A) (2) of this section. The owner of an amusement ride, whether the ride is a temporary amusement ride or a permanent amusement ride, who desires to operate the amusement ride within the state shall, prior to the operation of the amusement ride and annually thereafter, submit to the department of agriculture an application for a permit, together with the appropriate permit and inspection fee, on a form to be furnished by the department. Prior to issuing any permit the department shall, within thirty days after the date on which it receives the application, inspect each amusement ride described in the application. The owner of an amusement ride shall have the amusement ride ready for inspection not later than two hours after the time that is requested by the person for the inspection.

(2) For each amusement ride found to comply with the rules

adopted by the director under division (B) of this section and 28894  
division (B) of section 993.08 of the Revised Code, the director 28895  
shall issue an annual permit, provided that evidence of 28896  
liability insurance coverage for the amusement ride as required 28897  
by section 993.06 of the Revised Code is on file with the 28898  
department. 28899

(3) The director shall issue with each permit a decal 28900  
indicating that the amusement ride has been issued the permit. 28901  
The owner of the amusement ride shall affix the decal on the 28902  
ride at a location where the decal is easily visible to the 28903  
patrons of the ride. A copy of the permit shall be kept on file 28904  
at the same address as the location of the amusement ride 28905  
identified on the permit, and shall be made available for 28906  
inspection, upon reasonable demand, by any person. An owner may 28907  
operate an amusement ride prior to obtaining a permit, provided 28908  
that the operation is for the purpose of testing the amusement 28909  
ride or training amusement ride operators and other employees of 28910  
the owner and the amusement ride is not open to the public. 28911

(B) (1) The director, in accordance with Chapter 119. of 28912  
the Revised Code, shall adopt rules providing for both of the 28913  
following: 28914

(a) A schedule of fines, with no fine exceeding five 28915  
thousand dollars, for violations of this chapter or any rules 28916  
adopted under this division; 28917

(b) The classification of amusement rides and rules for 28918  
the safe operation and inspection of all amusement rides as are 28919  
necessary for amusement ride safety and for the protection of 28920  
the general public. The classification of amusement rides must 28921  
identify those rides that need more comprehensive inspection and 28922  
testing in addition to regular state inspections, taking into 28923

account hidden components integral to the safety of the ride. 28924

(2) (a) Rules adopted by the director for the safe 28925  
operation and inspection of amusement rides shall be reasonable 28926  
and shall be based upon generally accepted engineering standards 28927  
and practices. The rules shall establish a minimum number of 28928  
inspections to be conducted on each ride depending on the size, 28929  
complexity, nature of the ride, and the number of days the ride 28930  
is in operation during the year for which the applicable permit 28931  
is valid. The rules also shall require the minimum number of 28932  
inspectors assigned to inspect a ride or rides to be reasonable 28933  
and adequate given the number, size, complexity, and nature of 28934  
the ride or rides. 28935

(b) In adopting rules under this section, the director may 28936  
adopt by reference, in whole or in part, the national fire code 28937  
or the national electrical code (NEC) prepared by the national 28938  
fire protection association or the American national standards 28939  
institute (ANSI), or any other principles, tests, or standards 28940  
of nationally recognized technical or scientific authorities. 28941

(c) In adopting rules under this section, the director 28942  
shall adopt, by reference, the following chapters of the 28943  
American society for testing and materials (ASTM) international 28944  
regarding amusement ride safety standards and any other 28945  
equivalent national standard: 28946

(i) ASTM F1193-18; 28947

(ii) ASTM F770-18; 28948

(iii) ASTM F2291-18. 28949

(d) Insofar as is practicable and consistent with this 28950  
chapter, rules adopted under this division shall be consistent 28951  
with the rules of other states. 28952

(3) The department shall cause this chapter and the rules 28953  
adopted in accordance with this division and division (B) of 28954  
section 993.08 of the Revised Code to be published in pamphlet 28955  
form and a copy to be furnished without charge to each owner of 28956  
an amusement ride who holds a current permit or is an applicant 28957  
therefor. 28958

(C) With respect to an application for a permit for an 28959  
amusement ride, an owner may apply to the director for a waiver 28960  
or modification of any rule adopted under division (B) of this 28961  
section if there are practical difficulties or unnecessary 28962  
hardships for the amusement ride to comply with the rules. Any 28963  
application shall set forth the reasons for the request. The 28964  
director, with the approval of the advisory council on amusement 28965  
ride safety, may waive or modify the application of a rule to 28966  
any amusement ride if the public safety is secure. Any 28967  
authorization by the director under this division shall be in 28968  
writing and shall set forth the conditions under which the 28969  
waiver or modification is authorized, and the department shall 28970  
retain separate records of all proceedings under this division. 28971

(D) (1) The director shall employ and provide for training 28972  
of a chief inspector and additional inspectors and employees as 28973  
may be necessary to administer and enforce this chapter. The 28974  
director may appoint or contract with other persons to perform 28975  
inspections of amusement rides, provided that the persons meet 28976  
the qualifications for inspectors established by rules adopted 28977  
under division (B) of this section and are not owners, or 28978  
employees of owners, of any amusement ride subject to inspection 28979  
under this chapter. When employing a new chief inspector or an 28980  
additional inspector after November 6, 2019, the director shall 28981  
give preference to the following: 28982

(a) An individual holding a level one or higher inspector certification from either the national association of amusement ride safety officials (NAARSO), the amusement industry manufacturers and suppliers (AIMS) international, or another substantially equivalent organization as determined by the director; and

(b) An individual who intends, within one year of being hired as an inspector, to complete the requirements for issuance of a level one or higher inspector certification from NAARSO, AIMS International, or another substantially equivalent organization as determined by the director.

(2) No person shall inspect an amusement ride who, within six months prior to the date of inspection, was an employee of the owner of the ride.

(3) Before the director contracts with other persons to inspect amusement rides, the director shall seek the advice of the advisory council on amusement ride safety on whether to contract with those persons. The advice shall not be binding upon the director. After having received the advice of the council, the director may proceed to contract with inspectors in accordance with the procedures specified in division (E) (2) of section 1711.11 of the Revised Code.

(4) With the advice and consent of the advisory council on amusement ride safety, the director may employ a special consultant to conduct an independent investigation of an amusement ride accident. This consultant need not be in the civil service of the state, but shall have qualifications to conduct the investigation acceptable to the council.

(E) (1) Except as otherwise provided in division (E) (1) of

this section, the department shall charge the following 29012  
amusement ride fees: 29013  
29014

	1	2
A	Permit, <u>non-inflatable ride</u>	\$225
B	<u>Permit, inflatable ride</u>	<u>\$100</u>
C	Annual inspection and reinspection per ride:	
D	Kiddie rides	\$100
E	<u>Family rides</u>	<u>\$200</u>
F	<u>Major rides</u>	<u>\$300</u>
G	<u>Spectacular rides</u>	<u>\$400</u>
H	<u>Family/portable roller coasters</u>	<u>\$1,200</u>
I	<u>Tower rides</u>	<u>\$1,800</u>
J	<del>Roller coaster</del> <u>Large roller coasters</u>	<del>\$1,200</del> <u>\$4,000</u>
K	<del>Aerial lifts or bungee jumping facilities</del>	<del>\$450</del>
L	Go karts, per kart	\$5
M	<u>Inflatable rides, three or fewer that are inspected at the same time at the same location and that are owned by the same</u>	<u>\$100 per inflatable ride</u>

	<u>owner</u>	
N	<u>Inflatable rides, four to ten that are inspected at the same time at the same location and that are owned by the same owner</u>	<u>\$75 per inflatable ride</u>
O	<u>Inflatable rides, eleven or more that are inspected at the same time at the same location and that are owned by the same owner</u>	<u>\$50 per inflatable ride</u>
P	<del>Other rides</del>	<del>\$160</del>
Q	Midseason operational inspection per ride	\$25
R	Expedited inspection per ride	\$100
S	Failure to cancel scheduled inspection per ride	\$100
T	Failure to have amusement ride ready for inspection per ride	\$100

The go kart inspection fee is in addition to the inspection fee for the go kart track. 29015  
29016

~~The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing an annual fee that is less than one hundred five dollars for an inspection and reinspection of an inflatable ride. In adopting the rules, the director shall ensure that the fee reasonably reflects the costs of inspection and reinspection of an inflatable ride. If the director issues a permit for an inflatable ride for a time period of less than one~~ 29017  
29018  
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29023

~~year, the director shall charge a prorated fee for the permit— 29024  
equal to one-twelfth of the annual permit fee multiplied by the— 29025  
number of full months for which the permit is issued.— 29026~~

The fees for an expedited inspection, failure to cancel a 29027  
scheduled inspection, and failure to have an amusement ride 29028  
ready for inspection do not apply to go karts. 29029

As used in division (E) (1) of this section, "expedited 29030  
inspection" means an inspection of an amusement ride by the 29031  
department not later than ten days after the owner of the 29032  
amusement ride files an application for a permit under this 29033  
section. 29034

(2) All fees and fines collected by the department under 29035  
this chapter shall be deposited in the state treasury to the 29036  
credit of the amusement ride inspection fund, which is hereby 29037  
created, and shall be used only for the purpose of administering 29038  
and enforcing section 1711.11 of the Revised Code and this 29039  
chapter. 29040

(3) The owner of an amusement ride shall be required to 29041  
pay a reinspection fee only if the reinspection is required by 29042  
division (B) (2) of this section or rules adopted under that 29043  
division, if the reinspection was conducted at the owner's 29044  
request under division (F) of this section, if the reinspection 29045  
is required by division (F) of this section because of an 29046  
accident, or if the reinspection is required by division (F) of 29047  
section 993.07 of the Revised Code. If a reinspection is 29048  
conducted at the request of the chief officer of a fair, 29049  
festival, or event where the ride is operating, the reinspection 29050  
fee shall be charged to the fair, festival, or event. 29051

(4) The rules adopted under division (B) of this section 29052



shall define ~~"roller coaster," "aerial lifts,"~~ "inflatable ride," 29053  
~~"go karts," and "other rides"~~ "kiddie ride," "family ride," 29054  
"major ride," "spectacular ride," "family/portable roller 29055  
coaster," "tower ride," and "large roller coaster" for purposes 29056  
of determining the fees under division (E) of this section. ~~The~~ 29057  
~~rules shall define "other rides" to include go kart tracks.~~ 29058

(F) A reinspection of an amusement ride shall take place 29059  
if an accident occurs, if the owner of the ride or the chief 29060  
officer of the fair, festival, or event where the ride is 29061  
operating requests a reinspection, if the chief inspector 29062  
determines reinspection is necessary in accordance with section 29063  
993.042 of the Revised Code, or if the reinspection is required 29064  
by division (F) of section 993.07 of the Revised Code. 29065

(G) As a supplement to its annual inspection of a 29066  
temporary amusement ride, the department may inspect the ride 29067  
during each scheduled event, as listed in the schedule of events 29068  
provided to the department by the owner pursuant to division (C) 29069  
of section 993.07 of the Revised Code, at which the ride is 29070  
operated in this state. These supplemental inspections are in 29071  
addition to any other inspection or reinspection of the ride as 29072  
may be required under this chapter or rules adopted under it, 29073  
and the owner of the temporary amusement ride is not required to 29074  
pay an inspection or reinspection fee for this supplemental 29075  
inspection unless the supplemental inspection is being conducted 29076  
pursuant to division (B) (2) of this section or rules adopted 29077  
under that division. Nothing in this division shall be construed 29078  
to prohibit the owner of a temporary amusement ride having a 29079  
valid permit to operate in this state from operating the ride at 29080  
a scheduled event before the department conducts a supplemental 29081  
inspection. 29082

(H) The department may annually conduct a midseason operational inspection of every amusement ride upon which it conducts an annual inspection pursuant to division (A) of this section. The midseason operational inspection is in addition to any other inspection or reinspection of the amusement ride as may be required pursuant to this chapter. The owner of an amusement ride shall submit to the department, at the time determined by the department, the midseason operational inspection fee specified in division (E) of this section. The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules specifying the time period during which the department will conduct midseason operational inspections.

**Sec. 1311.04.** (A) (1) Prior to the performance of any labor or work or the furnishing of any materials for an improvement on real property which may give rise to a mechanics' lien under sections 1311.01 to 1311.22 of the Revised Code, the owner, part owner, or lessee who contracts for the labor, work, or materials shall record in the office of the county recorder for each county in which the real property to be improved is located a notice of commencement in substantially the form specified in division (B) of this section.

(2) Only one notice of commencement is required to be filed for a single improvement and if more than one notice of commencement is filed for a single improvement, all notices filed after the original notice shall be deemed to be amendments to the original notice. If an owner, part owner, or lessee contracts with additional original contractors, lenders, or sureties not identified in the original notice of commencement filed for the improvement, the owner, part owner, or lessee shall amend the original notice of commencement to identify the additional original contractors, lenders, and sureties. The date

of the filing of the amended notice is the date of the filing of 29114  
the original notice of commencement. 29115

(B) The notice of commencement required under division (A) 29116  
of this section shall contain, in affidavit form, all of the 29117  
following information: 29118

(1) The legal description of the real property on which 29119  
the improvement is to be made. For purposes of this division, a 29120  
description sufficient to describe the real property for the 29121  
purpose of conveyance, or contained in the instrument by which 29122  
the owner, part owner, or lessee took title, is a legal 29123  
description. 29124

(2) A brief description of the improvement to be performed 29125  
on the property containing sufficient specificity to permit lien 29126  
claimants to identify the improvement; 29127

(3) The name, address, and capacity of the owner, part 29128  
owner, or lessee of the real property contracting for the 29129  
improvement; 29130

(4) The name and address of the fee owner of the real 29131  
property, if the person contracting for the improvement is a 29132  
land contract vendee or lessee; 29133

(5) The name and address of the owner's, part owner's, or 29134  
lessee's designee, if any; 29135

(6) The name and address of all original contractors, 29136  
except that if the notice of commencement is recorded for an 29137  
improvement involving a single- or double-family dwelling and if 29138  
more than one original contractor is involved, instead of 29139  
listing each original contractor, the owner shall state that 29140  
multiple original contractors are involved in the improvement; 29141

(7) The date the owner, part owner, or lessee first  
executed a contract with an original contractor for the  
improvement;

(8) The name and address of all lending institutions which  
provide financing for the improvements, if any;

(9) The name and address of all sureties on any bond which  
guarantee payment of the original contractor's obligations under  
the contract for the improvement, if any;

(10) The following statement:

"To Lien Claimants and Subsequent Purchasers:

Take notice that labor or work is about to begin on or  
materials are about to be furnished for an improvement to the  
real property described in this instrument. A person having a  
mechanics' lien may preserve the lien by providing a notice of  
furnishing to the above-named designee and the above-named  
designee's original contractor, if any, and by timely recording  
an affidavit pursuant to section 1311.06 of the Revised Code.

A copy of this notice may be obtained upon making a  
written request by certified mail to the above-named owner, part  
owner, lessee, designee, or the person with whom you have  
contracted."

(11) The name and address of the person preparing the  
notice;

(12) The following statement:

"The expiration date for this notice of commencement is  
four years from the date of recording unless a different date is  
specified herein."

~~(12)~~-(13) An affidavit of the owner, part owner, or lessee 29169  
or the agent of the owner, part owner, or lessee which verifies 29170  
the notice. 29171

(C) If the notice of commencement furnished by or for an 29172  
owner, part owner, or lessee contains incorrect information, the 29173  
owner, part owner, or lessee is liable for any loss of lien 29174  
rights of a lien claimant and any actual expenses incurred by 29175  
the lien claimant in maintaining lien rights, including 29176  
attorney's fees, if the loss and expenses incurred are a direct 29177  
result of the lien claimant's reliance on the incorrect 29178  
information. 29179

Any lien claimant who has included incorrect information 29180  
in the claimant's affidavit for a lien under section 1311.06 of 29181  
the Revised Code, as a result of incorrect information contained 29182  
in the notice of commencement, may file for record an amended 29183  
affidavit for a lien. The amended affidavit shall contain all of 29184  
the information required by section 1311.06 of the Revised Code 29185  
for an original affidavit. The lien claimant shall serve a copy 29186  
of the amended affidavit on the owner, part owner, or lessee as 29187  
provided in section 1311.07 of the Revised Code. The lien 29188  
claimant may file the amended affidavit for record at any time 29189  
during the time that the lien acquired by the original affidavit 29190  
continues in effect under section 1311.13 of the Revised Code. 29191  
In no event shall the amended affidavit extend such time period. 29192  
The filing of an amended affidavit does not constitute a waiver 29193  
of the rights granted by this division. 29194

(D) Within ten days after the date a subcontractor, 29195  
material supplier, or laborer serves a written request upon the 29196  
owner, part owner, or lessee, or designee for a copy of the 29197  
notice of commencement, the owner, part owner, lessee, or 29198

designee shall serve a copy of the notice of commencement to the 29199  
requesting subcontractor, material supplier, or laborer. 29200

(E) Within ten days after the date a subcontractor, 29201  
material supplier, or laborer serves a written request for a 29202  
copy of the notice of commencement upon the original contractor 29203  
who has been provided with a notice of commencement from the 29204  
owner, part owner, or lessee, or designee and with whom the 29205  
subcontractor, material supplier, or laborer has a direct 29206  
contract, the original contractor shall serve a copy of the 29207  
notice of commencement to the requesting subcontractor, material 29208  
supplier, or laborer. 29209

(F) Within ten days after the date a subcontractor, 29210  
material supplier, or laborer serves a written request for a 29211  
copy of the notice of commencement upon the subcontractor who 29212  
has been provided with a notice of commencement from the owner, 29213  
part owner, lessee, designee, or original contractor and with 29214  
whom the subcontractor, material supplier, or laborer has a 29215  
direct contract, the subcontractor shall serve a copy of the 29216  
notice of commencement upon the requesting subcontractor, 29217  
material supplier, or laborer. 29218

(G) (1) Except as provided in division (G) (2) of this 29219  
section, the owner, part owner, lessee, or designee shall post 29220  
and maintain posted a copy of the notice of commencement in a 29221  
conspicuous place on the real property described in the notice 29222  
during the course of the actual physical improvement to the real 29223  
property. 29224

(2) No owner, part owner, lessee, or designee, has to post 29225  
a copy of the notice of commencement on the real property 29226  
described in the notice for an improvement that is the subject 29227  
of a home purchase contract. 29228

(H) The owner, part owner, lessee, or designee shall serve 29229  
a copy of the notice of commencement upon the original 29230  
contractor. If the owner, part owner, lessee, or designee fails 29231  
to serve a copy of the notice of commencement upon the original 29232  
contractor, the owner, part owner, or lessee is liable to the 29233  
original contractor for all actual expenses incurred by the 29234  
original contractor in obtaining the information otherwise 29235  
provided by the notice of commencement. 29236

(I) If the owner, part owner, lessee, or designee fails to 29237  
record the notice of commencement in accordance with this 29238  
section, the time within which a subcontractor or material 29239  
supplier may serve a notice of furnishing as required by section 29240  
1311.05 of the Revised Code is extended until twenty-one days 29241  
after the notice of commencement has been recorded. A 29242  
subcontractor or material supplier need not serve a notice of 29243  
furnishing to preserve lien rights for the period before the 29244  
notice of commencement is recorded. 29245

(J) If the owner, part owner, lessee, or designee fails to 29246  
serve, upon written request, the notice of commencement in 29247  
accordance with this section, the time within which a 29248  
subcontractor or material supplier may serve a notice of 29249  
furnishing as required by section 1311.05 of the Revised Code is 29250  
extended until twenty-one days after the notice of commencement 29251  
actually has been served to the subcontractor or material 29252  
supplier. The owner, part owner, or lessee who fails to serve 29253  
the notice pursuant to this section is liable to any 29254  
subcontractor or material supplier who becomes a lien claimant 29255  
for all actual expenses incurred by the lien claimant in 29256  
obtaining the information that would have been contained in the 29257  
notice. 29258

(K) If an owner, part owner, lessee, or designee fails to 29259  
post or maintain a copy of the notice of commencement as 29260  
required by division (G) (1) of this section, the owner, part 29261  
owner, or lessee is liable to a subcontractor, material 29262  
supplier, or laborer who becomes a lien claimant for all actual 29263  
expenses incurred by the lien claimant in obtaining the 29264  
information otherwise provided by the posting. 29265

(L) If an original contractor or subcontractor who has 29266  
been provided with a notice of commencement fails to serve a 29267  
copy of the notice of commencement to any subcontractor, 29268  
material supplier, or laborer who requests it, the original 29269  
contractor or subcontractor who fails to serve the copy of the 29270  
notice is liable to the subcontractor, material supplier, or 29271  
laborer who made the request for all costs incurred by the 29272  
subcontractor, material supplier, or laborer in obtaining the 29273  
information contained in the notice of commencement, provided 29274  
that an original contractor or subcontractor who fails to 29275  
provide the notice upon request is not liable under this 29276  
division to any subcontractor, material supplier, or laborer 29277  
with whom the original contractor or subcontractor is not in 29278  
direct privity of contract. 29279

(M) (1) If after the first work, labor, or material has 29280  
been performed on or furnished to the improvement, the owner, 29281  
part owner, lessee, or designee fails to serve, record, or post 29282  
a notice of commencement as required by this section, the 29283  
original contractor may, in writing, request the owner, part 29284  
owner, lessee, or designee to serve, record, or post the notice. 29285  
If an owner, part owner, lessee, or the designee of an owner, 29286  
part owner, or lessee fails or refuses to serve, record, or post 29287  
a notice of commencement within ten days of receipt of a 29288  
request, the owner, part owner, or lessee is liable for the 29289



owner's, part owner's, or lessee's failure or refusal and for 29290  
the designee's failure or refusal, without recourse to the 29291  
original contractor for all damages, costs, and expenses which 29292  
result from the filing of a valid mechanics' lien to the extent 29293  
that the lien, damages, costs, and expenses could have been 29294  
avoided through proper payment. 29295

(2) Nothing in this division shall be interpreted as to 29296  
either of the following: 29297

(a) Relieving an original contractor from the duty to pay 29298  
the original contractor's subcontractors, material suppliers, 29299  
and laborers for labor or work performed or materials furnished 29300  
pursuant to a contract directly with the original contractor; 29301

(b) Obligating an owner, part owner, or lessee to pay for 29302  
work or labor performed or materials furnished by 29303  
subcontractors, material suppliers, or laborers pursuant to 29304  
direct contracts with the original contractor. 29305

(N) (1) If the owner, part owner, or lessee fails to record 29306  
a notice of commencement or an amended notice, any person 29307  
holding a mortgage on the real property to be improved may 29308  
record a notice of commencement or an amended notice on behalf 29309  
of the owner, part owner, or lessee. If the owner, part owner, 29310  
or lessee fails to record a notice of commencement or an amended 29311  
notice within the later of ten days after the performance of any 29312  
labor or work or the furnishing of any material for an 29313  
improvement on real property which gives rise to a mechanics' 29314  
lien under sections 1311.01 to 1311.22 of the Revised Code or 29315  
three days after service of a demand to record the notice or 29316  
amended notice by the original contractor, the original 29317  
contractor may record a notice of commencement or an amended 29318  
notice on behalf of the owner, part owner, or lessee. 29319

(2) If the original contractor or a mortgage holder has recorded a notice of commencement or an amended notice on behalf of the owner, part owner, or lessee, the owner, part owner, or lessee is liable to the original contractor or mortgage holder for all costs and expenses incurred in obtaining the information contained in the notice of commencement or an amended notice and all costs incurred in the preparation and recording of the notice of commencement or an amended notice.

(3) Unless required to file the notice of commencement or an amended notice on behalf of the owner, part owner, or lessee, the party filing a written notice of commencement or amended notice on behalf of the owner, part owner, or lessee is not liable to the owner, part owner, or lessee for any errors contained in the notice of commencement or amended notice.

(4) If a mortgage holder or an original contractor records a notice of commencement or amended notice on behalf of an owner, part owner, or lessee, such fact must be included on the notice or amended notice.

(O) This section does not apply to a home construction contract as defined in section 1311.011 of the Revised Code, except that when a lending institution as defined in division (A) (3) of section 1311.011 of the Revised Code requires that a notice of commencement be recorded as part of the financing for a home construction contract, which is secured in whole or in part by a mortgage on real estate upon which the improvements are to be constructed, the owner, part owner, or lessee may file a notice of commencement pursuant to this section by recording the notice of commencement in the county recorder's office of the county where the owner, part owner, or lessee's property is located. If the property is located in more than one county, the

owner, part owner, or lessee shall record the notice of 29350  
commencement in the county recorders' office of each county in 29351  
which the property is located. 29352

If the owner, part owner, or lessee files a notice of 29353  
commencement pursuant to this division, the attachment, 29354  
continuance, and priority provisions of section 1311.13 of the 29355  
Revised Code apply to that improvement, but the notice of 29356  
furnishing requirements specified in section 1311.05 of the 29357  
Revised Code do not apply to that improvement. 29358

(P) The county recorder of the county where a notice of 29359  
commencement is filed for record shall endorse the date and hour 29360  
of its filing and cause it to be recorded as mechanics' liens 29361  
are recorded, and collect the same fees for recording the notice 29362  
of commencement as are provided in section 317.32 of the Revised 29363  
Code. The recorder shall index the real property described in 29364  
the notice of commencement and shall index the names of all 29365  
owners, part owners, lessees, and land contract vendees in the 29366  
direct index and the names of all original contractors in the 29367  
reverse index as provided for in section 317.18 of the Revised 29368  
Code. 29369

(Q) Notwithstanding this section, if the owner, part 29370  
owner, or lessee is a telephone company, an electric light 29371  
company, a gas company, a water works company, all as defined in 29372  
section 4905.03 of the Revised Code, or a subsidiary or 29373  
affiliate thereof, the owner, part owner, or lessee may, but is 29374  
not required to, record a notice of commencement pursuant to 29375  
division (A) of this section, and is not required to serve, 29376  
post, and provide copies of a notice of commencement pursuant to 29377  
divisions (D), (G), and (H) of this section unless such owner, 29378  
part owner, or lessee elects to record the notice of 29379

commencement. If the owner, part owner, or lessee elects to 29380  
record the notice of commencement and the improvement extends 29381  
beyond one parcel of real property or one county, the owner, 29382  
part owner, or lessee may, in lieu of using the legal 29383  
description required in division (B)(1) of this section, use a 29384  
description which reasonably describes the real property on 29385  
which the improvement is to be made. Any description used other 29386  
than the description specified in division (B)(1) of this 29387  
section shall refer to the township and county in which the 29388  
improvement is located, the name and route number of any local, 29389  
state, or federal highway near the improvement, if any, the post 29390  
office address of the real property, if any, and the name by 29391  
which the owner, part owner, or lessee refers to the 29392  
improvement. 29393

If an owner, part owner, or lessee elects not to record, 29394  
serve, post, or provide copies of a notice of commencement 29395  
pursuant to divisions (A), (D), (G)(1), and (H) of this section, 29396  
the owner, part owner, or lessee is subject to all applicable 29397  
liabilities pursuant to divisions (C), (H), (J), (K), (M), and 29398  
(N) of this section. 29399

(R) If an owner, part owner, lessee, or designee fails to 29400  
record a notice of commencement in accordance with this section, 29401  
no subcontractor or material supplier who performs labor or work 29402  
upon or furnishes material in furtherance of that improvement 29403  
has to serve a notice of furnishing in accordance with section 29404  
1311.05 of the Revised Code in order to preserve the 29405  
subcontractor's or material supplier's lien rights. 29406

(S) A notice of commencement filed as provided herein 29407  
expires ~~six~~four years after its filing date unless the notice 29408  
of commencement or amendments made to the notice of commencement 29409

specify otherwise. 29410

(T) (1) An owner, part owner, or lessee of real property 29411  
who contracts for an improvement, or that person's agent may, 29412  
upon completion of the improvement, submit an affidavit to the 29413  
office of the county recorder for each county in which the real 29414  
property that was improved is located stating all of the 29415  
following: 29416

(a) The name, address, and capacity of the owner, part 29417  
owner, or lessee, or the agent of the owner, part owner, or 29418  
lessee of the real property; 29419

(b) The recording reference for the previously filed 29420  
notice of commencement; 29421

(c) That the improvement is complete. 29422

(2) Upon receipt of an affidavit described in division (T) 29423  
(1) of this section, the county recorder of the county where the 29424  
affidavit is submitted shall indicate in the official records 29425  
that the notice of commencement has expired. 29426

(3) The owner, part owner, or lessee of the real property 29427  
who contracted for the improvement shall serve a copy of the 29428  
recorded affidavit submitted pursuant to division (T) (1) of this 29429  
section, by regular mail, upon the original contractor as well 29430  
as any subcontractor or lower tier project participant that 29431  
served a notice of furnishing pursuant to section 1311.05 of the 29432  
Revised Code. 29433

(4) Service, lack of service, or a deficiency in service 29434  
of the recorded affidavit under division (T) (3) of this section 29435  
does not: 29436

(a) Affect the expiration of the notice of commencement; 29437

<u>(b) Extend the rights of any party seeking to file an affidavit of mechanic's lien;</u>	29438 29439
<u>(c) Affect any time periods or other rights, requirements, or limitations that are set forth in this chapter.</u>	29440 29441
<u>(U) The expiration of a notice of commencement pursuant to division (S) or (T) (2) of this section does not affect the attachment, continuance, or priority of any lien under sections 1311.13, 1311.14, and 1311.15 of the Revised Code.</u>	29442 29443 29444 29445
<b>Sec. 1311.252.</b> (A) Prior to the performance of any labor or work or the furnishing of any materials in furtherance of a public improvement, the public authority shall prepare a notice of commencement in substantially the form specified in division (B) of this section which shall be made readily available to the public upon request.	29446 29447 29448 29449 29450 29451
(B) The notice of commencement required under division (A) of this section shall contain <del>in affidavit form</del> all of the following information:	29452 29453 29454
(1) The name, location, and a number, if any, used by the public authority to identify the public improvement sufficient to permit the public improvement to be identified;	29455 29456 29457
(2) The name and address of the public authority;	29458
(3) The name, address, and trade of all principal contractors;	29459 29460
(4) The date the public authority first executed a contract with a principal contractor for the public improvement;	29461 29462
(5) The name and address of the sureties for all principal contractors;	29463 29464

(6) The name and address of the representative of the public authority upon whom service shall be made for the purposes of serving an affidavit pursuant to section 1311.26 of the Revised Code.

(C) If the notice of commencement is not made available to the public prior to the commencement of work on the public improvement or if the notice of commencement furnished by the public authority contains incorrect information which the claimant relies upon to ~~his~~ the claimant's detriment, the unavailability of the notice or the incorrect notice shall not adversely affect the rights of any claimant under sections 1311.25 to 1311.32 of the Revised Code.

Sec. 1320.01. As used in this chapter:

(A) "Certificate" means a certificate of registration issued under this chapter.

(B) "Company" means a business entity other than an individual or sole proprietorship, including a firm, business trust, partnership, limited liability company, association, corporation, or general partnership.

(C) "Consumer" means any individual who resides in this state and has accrued earned but unpaid income. A provider may use the mailing address or state of residence provided by a consumer to determine the consumer's state of residence for purposes of this chapter.

(D) "Consumer-directed wage access services" means the business of delivering to consumers access to earned but unpaid income based on the consumer's representation, and the provider's reasonable determination, of the consumer's earned but unpaid income.

(E) "Earned but unpaid income" means salary, wages, compensation, or other income that an individual or an employer has represented, and that a provider has reasonably determined, has been earned or has accrued to the benefit of the individual in exchange for the individual's provision of services to the employer or on behalf of the employer, including services provided on an hourly, project-based, piecework, or other basis, and where the individual acts as an independent contractor of the employer, for which the individual has not been paid by the employer at the time of the payment of proceeds. 29494  
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(F) "Earned wage access services" means the business of providing consumer-directed wage access services, employer-integrated wage access services, or both. 29504  
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(G) (1) "Employer" means a person that employs a consumer, or any other person who is contractually obligated to pay a consumer earned but unpaid income in exchange for a consumer's provision of services to the employer or on behalf of the employer, including services provided on an hourly, project-based, piecework, or other basis and where the consumer acts as an independent contractor with respect to the employer. 29507  
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(2) "Employer" does not mean a customer of an employer or any other person whose obligation to make a payment of salary, wages, compensation, or other income to a consumer is not based on the provision of services by that consumer for or on behalf of such person. 29514  
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(H) "Employer-integrated wage access services" means the business of delivering to consumers access to earned but unpaid income that is based on employment, income, and attendance data obtained directly or indirectly from an employer. 29519  
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<u>(I) "Fee" means any of the following:</u>	29523
<u>(1) An amount charged by a provider for delivery or expedited delivery of proceeds to a consumer;</u>	29524 29525
<u>(2) A subscription or membership charge imposed by a provider for a bona fide group of services that includes earned wage access services;</u>	29526 29527 29528
<u>(3) An amount paid by an employer to a provider on a consumer's behalf, which entitles the consumer to receive proceeds at reduced or no cost to the consumer.</u>	29529 29530 29531
<u>(J) "Key officer" means a chief executive officer, chief financial officer, or chief compliance officer.</u>	29532 29533
<u>(K) "Outstanding proceeds" means a payment of proceeds to a consumer by a provider that has not yet been repaid to that provider.</u>	29534 29535 29536
<u>(L) "Proceeds" means a payment of money to a consumer by a provider pursuant to an agreement to provide earned wage access services to that consumer.</u>	29537 29538 29539
<u>(M) "Provider" means a company who is in the business of offering and providing earned wage access services to consumers.</u>	29540 29541
<u>(N) "Registrant" means a company to whom one or more certificates of registration have been issued under this chapter.</u>	29542 29543 29544
<u>(O) "Superintendent of financial institutions" includes the deputy superintendent for consumer finance as provided in section 1181.21 of the Revised Code.</u>	29545 29546 29547
<u>Sec. 1320.02. (A) No person shall offer or provide earned wage access services in this state without having a valid</u>	29548 29549

certificate of registration under this chapter. Each company 29550  
issued a certificate of registration is subject to all 29551  
provisions of this chapter and any associated rules. 29552

(B) For the purpose of registering companies under and 29553  
requiring compliance with this chapter, the superintendent of 29554  
financial institutions may do both of the following: 29555

(1) Require any company registered, or applying for 29556  
registration, under this chapter to do both of the following: 29557

(a) Utilize the nationwide multistate licensing system for 29558  
application, renewal, amendment, or surrender of a certificate 29559  
of registration or for any other activity as the superintendent 29560  
may require; 29561

(b) Pay all applicable charges to utilize the nationwide 29562  
multistate licensing system. 29563

(2) Establish requirements as necessary for the use of the 29564  
nationwide multistate licensing system to meet the purposes of 29565  
these sections, including: 29566

(a) Background checks of key officers for any of the 29567  
following: 29568

(i) Criminal history through fingerprint or other 29569  
databases; 29570

(ii) Civil or administrative records; 29571

(iii) Credit history; 29572

(iv) Any other information considered necessary by the 29573  
nationwide multistate licensing system or the superintendent. 29574

(b) Payment of fees to apply for or renew registrations 29575  
through the nationwide multistate licensing system; 29576

<u>(c) Setting or resetting of renewal or reporting dates;</u>	29577
<u>(d) Requirements for amending or surrendering a</u>	29578
<u>registration or any other such activities as the superintendent</u>	29579
<u>considers necessary for participation in the nationwide</u>	29580
<u>multistate licensing system.</u>	29581
<b><u>Sec. 1320.03. (A) (1) An application for a certificate of</u></b>	29582
<b><u>registration under this chapter shall be in writing, under oath,</u></b>	29583
<b><u>and in the form prescribed by the division of financial</u></b>	29584
<b><u>institutions. The application shall include an affirmation that</u></b>	29585
<b><u>the applicant will abide by this chapter and shall contain any</u></b>	29586
<b><u>information that the division may require. The division shall</u></b>	29587
<b><u>not issue or renew a certificate of registration under this</u></b>	29588
<b><u>chapter for an applicant that is a foreign corporation unless</u></b>	29589
<b><u>that applicant first obtains and maintains a license pursuant to</u></b>	29590
<b><u>Chapter 1703. of the Revised Code.</u></b>	29591
<u>(2) Upon the filing of the application and the payment by</u>	29592
<u>the applicant of a nonrefundable two-hundred-dollar</u>	29593
<u>investigation fee and a nonrefundable three-hundred-dollar</u>	29594
<u>annual registration fee, the division shall investigate the</u>	29595
<u>applicant. If the application involves investigation outside</u>	29596
<u>this state, and it appears that the actual expenses of the</u>	29597
<u>investigation will exceed two hundred dollars, the division may</u>	29598
<u>require the applicant to advance sufficient funds to pay for</u>	29599
<u>those actual expenses. The division shall furnish to the</u>	29600
<u>applicant an itemized statement of any expenses in excess of the</u>	29601
<u>standard two-hundred-dollar investigation fee which the</u>	29602
<u>applicant is required to pay. The division shall not issue a</u>	29603
<u>certificate unless all the required fees have been submitted to</u>	29604
<u>the division.</u>	29605
<u>(3) The investigation required by this section shall</u>	29606

include both a civil and criminal records check of the key 29607  
officers of the applicant and any individual whose identity is 29608  
required to be disclosed in the application. Where the applicant 29609  
is a business entity, the superintendent of financial 29610  
institutions may require a civil and criminal background check 29611  
of any persons that the superintendent determines have the 29612  
authority to direct and control the operations of the applicant. 29613

(4) (a) Notwithstanding division (L) of section 121.08 of 29614  
the Revised Code, the superintendent shall obtain a criminal 29615  
history records check and, as part of that records check, 29616  
request that criminal record information from the federal bureau 29617  
of investigation be obtained. To fulfill this requirement, the 29618  
superintendent of financial institutions shall request the 29619  
superintendent of the bureau of criminal identification and 29620  
investigation, or a vendor approved by the bureau, to conduct a 29621  
criminal records check based on the applicant's fingerprints or, 29622  
if the fingerprints are unreadable, based on the applicant's 29623  
social security number, in accordance with section 109.572 of 29624  
the Revised Code. 29625

(b) Any fee required under division (C) (3) of section 29626  
109.572 of the Revised Code shall be paid by the applicant. 29627

(5) If an application for a certificate of registration 29628  
does not contain all of the information required under division 29629  
(A) of this section, and if such information is not submitted to 29630  
the division within ninety days after the superintendent of 29631  
financial institutions requests the information in writing, 29632  
including by electronic transmission or facsimile, the 29633  
superintendent may consider the application withdrawn. 29634

(6) If the division finds that the financial 29635  
responsibility, experience, and general fitness of the applicant 29636

command the confidence of the public and warrant the belief that 29637  
the business will be operated honestly and fairly in compliance 29638  
with the purposes of this chapter and the rules adopted 29639  
thereunder, and that the applicant has the applicable net worth 29640  
and assets required by division (D) of this section, the 29641  
division shall issue a certificate of registration to the 29642  
applicant. The superintendent shall not use a credit score as 29643  
the sole basis for denying registration under this chapter. 29644

(7) Certificates of registration annually expire on the 29645  
last day of December, unless renewed by the filing of a renewal 29646  
application and payment of a three-hundred-dollar nonrefundable 29647  
annual registration fee on or before that date. 29648

(8) Registrants shall timely file renewal applications on 29649  
forms prescribed by the division and provide any further 29650  
information that the division may require. If a renewal 29651  
application does not contain all of the information required 29652  
under this section, and if that information is not submitted to 29653  
the division within ninety days after the superintendent 29654  
requests the information in writing, including by electronic 29655  
transmission or facsimile, the superintendent may consider the 29656  
application withdrawn. 29657

(9) The superintendent shall not grant a renewal if the 29658  
applicant's certificate of registration is subject to an order 29659  
of suspension, revocation, or an unpaid and past due fine or 29660  
assessment imposed by the superintendent. 29661

(10) If the division finds the applicant does not meet the 29662  
conditions set forth in this section, the division shall issue 29663  
notice to the applicant of the denial, the grounds for the 29664  
denial, and the applicant's reasonable opportunity to be heard 29665  
on the action in accordance with Chapter 119. of the Revised 29666

Code. 29667

(11) If there is a change of five per cent or more in the 29668  
ownership of a registrant, the division may make any 29669  
investigation necessary to determine whether any fact or 29670  
condition exists that, if it had existed at the time of the 29671  
original application for a certificate of registration, the fact 29672  
or condition would have warranted the division to deny the 29673  
application under division (A) (6) of this section. If such a 29674  
fact or condition is found, the division may, in accordance with 29675  
Chapter 119. of the Revised Code, revoke the registrant's 29676  
certificate. 29677

(B) (1) If the annual registration fees collected by the 29678  
superintendent pursuant to division (A) of this section are less 29679  
than the estimated expenditures of the consumer finance section 29680  
of the division of financial institutions in administering this 29681  
chapter for the following fiscal year, as determined by the 29682  
superintendent, the superintendent may assess each registrant an 29683  
additional fee at a rate sufficient to equal in the aggregate 29684  
the difference between the renewal fees billed and the estimated 29685  
expenditures. 29686

(2) Each registrant shall pay the assessed amount to the 29687  
superintendent prior to the last day of June. 29688

(3) In no case shall the assessment exceed ten cents for 29689  
each one hundred dollars of fees, tips, gratuities, and 29690  
donations received by that registrant during the previous 29691  
calendar year. 29692

(4) Subject to division (B) (3) of this section, the 29693  
assessment shall not be less than two hundred fifty dollars per 29694  
registrant and shall not exceed two thousand dollars per 29695

registrant. 29696

(C) Notwithstanding any contrary provision of division (A) 29697  
of this section, the division shall issue a certificate of 29698  
registration in accordance with Chapter 4796. of the Revised 29699  
Code to an applicant if the applicant holds a license or 29700  
registration to offer earned wage access services in another 29701  
state. Issuance of a license to such an applicant is contingent 29702  
upon the applicant's payment of the three-hundred-dollar annual 29703  
registration fee and any assessment charged under division (B) 29704  
of this section. 29705

(D) Each registrant that offers or provides earned wage 29706  
access services under this chapter shall maintain both of the 29707  
following: 29708

(1) A net worth of at least fifty thousand dollars; 29709

(2) For each certificate of registration, assets of at 29710  
least fifty thousand dollars either in use or readily available 29711  
for use in the conduct of the business. 29712

(E) A registrant may operate in this state online or at 29713  
one or more physical places of business. Not more than one place 29714  
of business shall be maintained under the same certificate, but 29715  
the division may issue additional certificates to the same 29716  
registrant. No change in the place of business of a registrant 29717  
to a location outside the original municipal corporation or 29718  
township shall be permitted under the same certificate without 29719  
the approval of a new application, the payment of the 29720  
registration fee, and, if required by the superintendent, the 29721  
payment of an investigation fee of two hundred dollars. When a 29722  
registrant wishes to change its place of business within the 29723  
same municipal corporation or township, it shall give written 29724

notice of the change in advance to the division, which shall 29725  
provide a certificate for the new address without cost. If a 29726  
registrant changes its name, prior to offering or providing 29727  
earned wage access services under the new name, it shall give 29728  
written notice of the change to the division, which shall 29729  
provide a certificate in the new name without cost. This chapter 29730  
does not limit the services of any registrant to residents of 29731  
the municipal corporation or township in which the registrant's 29732  
place of business is situated. A registrant that operates online 29733  
shall post evidence of its registration on its internet web 29734  
site. A registrant that operates at one or more physical places 29735  
of business shall conspicuously post its registration in its 29736  
places of business. Registrations are not transferable or 29737  
assignable. 29738

(F) This chapter does not apply to any entities chartered 29739  
and lawfully doing business under the authority of any law of 29740  
this state, another state, or the United States as a bank, 29741  
savings bank, trust company, savings and loan association, or 29742  
credit union, or a subsidiary of any such entity, which 29743  
subsidiary is regulated by a federal banking agency and is owned 29744  
and controlled by such a depository institution. 29745

(G) Neither the state nor any political subdivision of the 29746  
state shall require a registrant to pay any fee or assessment, 29747  
other than those expressly authorized by this section, as a 29748  
condition of providing earned wage access services in this 29749  
state. 29750

Sec. 1320.04. As often as the superintendent of financial 29751  
institutions considers it necessary, the superintendent may 29752  
examine the records of a registrant. 29753

Sec. 1320.05. A provider subject to this chapter shall do 29754



<u>all of the following:</u>	29755
<u>(A) Develop and implement policies and procedures to</u>	29756
<u>respond to questions raised by consumers and address complaints</u>	29757
<u>from consumers in an expedient manner;</u>	29758
<u>(B) Offer to consumers at least one reasonable option to</u>	29759
<u>obtain proceeds at no cost and clearly explain how to elect that</u>	29760
<u>no-cost option;</u>	29761
<u>(C) Before entering into an agreement with a consumer for</u>	29762
<u>the provision of earned wage access services, do both of the</u>	29763
<u>following:</u>	29764
<u>(1) Inform the consumer of the consumer's rights under the</u>	29765
<u>agreement;</u>	29766
<u>(2) Fully and clearly disclose all fees associated with</u>	29767
<u>the earned wage access services.</u>	29768
<u>(D) Inform the consumer of any material changes to the</u>	29769
<u>terms and conditions of the earned wage access services before</u>	29770
<u>implementing those changes for that consumer;</u>	29771
<u>(E) Allow the consumer to cancel use of the provider's</u>	29772
<u>earned wage access services at any time, without incurring a</u>	29773
<u>cancellation fee or penalty imposed by the provider;</u>	29774
<u>(F) Comply with all applicable local, state, and federal</u>	29775
<u>privacy and information security laws;</u>	29776
<u>(G) If a provider solicits, charges, or receives a tip,</u>	29777
<u>gratuity, or other donation from a consumer, both of the</u>	29778
<u>following:</u>	29779
<u>(1) Clearly and conspicuously disclose to the consumer</u>	29780
<u>immediately prior to each transaction that a tip, gratuity, or</u>	29781

other donation amount may be zero and is voluntary; 29782

(2) Clearly and conspicuously disclose in its service 29783  
contract with the consumer and elsewhere that tips, gratuities, 29784  
or donations are voluntary and that the offering of earned wage 29785  
access services, including the amount of proceeds a consumer is 29786  
eligible to request and the frequency with which proceeds are 29787  
provided to a consumer, is not contingent on whether the 29788  
consumer pays any tip, gratuity, or other donation or on the 29789  
size of the tip, gratuity, or other donation. 29790

(H) Provide proceeds to a consumer by any means mutually 29791  
agreed upon by the consumer and the provider; 29792

(I) If the provider will seek repayment of outstanding 29793  
proceeds or payment of fees or other amounts owed in connection 29794  
with the activities covered by this chapter, including voluntary 29795  
tips, gratuities, or other donations, from a consumer's 29796  
depository institution, including by means of electronic funds 29797  
transfer, do both of the following: 29798

(1) Comply with applicable provisions of the "Electronic 29799  
Funds Transfer Act," 15 U.S.C. 1693 to 1693r, and regulations 29800  
adopted under that act; 29801

(2) Reimburse the consumer for the full amount of any 29802  
overdraft or nonsufficient funds fees imposed on a consumer by 29803  
the consumer's depository institution that were caused by the 29804  
provider attempting to seek payment of any outstanding proceeds, 29805  
fees, or other payments in connection with the activities 29806  
covered by this chapter, including voluntary tips, gratuities, 29807  
or other donations, on a date before, or in an incorrect amount 29808  
from, the date or amount disclosed to the consumer. The provider 29809  
is not subject to the requirements of division (I) (2) of this 29810

section with respect to payments of outstanding amounts or fees 29811  
incurred by a consumer through fraudulent or other unlawful 29812  
means. 29813

Sec. 1320.06. A provider subject to this chapter shall not 29814  
do any of the following: 29815

(A) Share with an employer a portion of any fees, 29816  
voluntary tips, gratuities, or other donations that were 29817  
received from or charged to a consumer for earned wage access 29818  
services; 29819

(B) Require a consumer's credit report or credit score 29820  
provided or issued by a consumer reporting agency to determine a 29821  
consumer's eligibility for earned wage access services; 29822

(C) Accept payment of outstanding proceeds, fees, 29823  
voluntary tips, gratuities, or other donations from a consumer 29824  
by means of a credit card or charge card; 29825

(D) Charge a late fee, deferral fee, interest, or any 29826  
other penalty or charge for failure to pay outstanding proceeds, 29827  
fees, voluntary tips, gratuities, or other donations; 29828

(E) Report to a consumer reporting agency or debt 29829  
collector any information about a consumer regarding the 29830  
consumer's inability to repay outstanding proceeds, fees, 29831  
voluntary tips, gratuities, or other donations to a provider; 29832

(F) (1) Compel or attempt to compel payment by a consumer 29833  
of outstanding proceeds, fees, voluntary tips, gratuities, or 29834  
other donations to the provider through any of the following 29835  
means: 29836

(a) An action against the consumer in a court of competent 29837  
jurisdiction; 29838

<u>(b) Use of a third party to pursue collection from the</u>	29839
<u>consumer on the provider's behalf;</u>	29840
<u>(c) Sale of outstanding amounts to a third-party debt</u>	29841
<u>collector or debt buyer for collection from the consumer.</u>	29842
<u>(2) Nothing in this section shall be interpreted as doing</u>	29843
<u>either of the following:</u>	29844
<u>(a) Precluding the use by a provider of any of the methods</u>	29845
<u>described in division (F) (1) of this section to compel payment</u>	29846
<u>of outstanding proceeds or fees incurred by a consumer through</u>	29847
<u>fraudulent or other unlawful means;</u>	29848
<u>(b) Precluding a provider from pursuing an employer for</u>	29849
<u>breach of its contractual obligations to the provider.</u>	29850
<u>(G) If the provider solicits, charges, or receives tips,</u>	29851
<u>gratuities, or other donations from a consumer, mislead or</u>	29852
<u>deceive consumers about the voluntary nature of the tips,</u>	29853
<u>gratuities, or donations or make representations that tips,</u>	29854
<u>gratuities, or other donations will benefit any specific</u>	29855
<u>individuals.</u>	29856
<u>Sec. 1320.07. (A) Every registered provider shall keep and</u>	29857
<u>use in the provider's business such books, accounts, and records</u>	29858
<u>as will enable the division of financial institutions to</u>	29859
<u>determine whether the provider is complying with this chapter</u>	29860
<u>and with the orders and rules made by the division under this</u>	29861
<u>chapter. Such books, accounts, and records shall be segregated</u>	29862
<u>from those pertaining to transactions that are not subject to</u>	29863
<u>this chapter. Every provider shall preserve the books, accounts,</u>	29864
<u>and records pertaining to earned wage access services</u>	29865
<u>transactions made under this chapter for at least two years</u>	29866
<u>after extending proceeds to a consumer. Accounting systems</u>	29867

maintained in whole or in part by mechanical or electronic data 29868  
processing methods that provide information equivalent to that 29869  
otherwise required are acceptable for the purposes of this 29870  
division. 29871

(B) (1) Each registered provider shall file with the 29872  
division of financial institutions each year a report under oath 29873  
or affirmation, on forms supplied by the division, concerning 29874  
the business and its operations for the preceding calendar year. 29875  
If a provider has more than one place of business in this state, 29876  
the provider shall furnish a report for each location. 29877

(2) The division shall annually publish and make available 29878  
to the public an analysis of the information reported under 29879  
division (B) (1) of this section, but the individual reports are 29880  
not public records for the purposes of Chapter 149. of the 29881  
Revised Code and shall not be open to public inspection. 29882

(3) The published analysis shall include all of the 29883  
following: 29884

(a) Gross revenue attributable to earned wage access 29885  
services; 29886

(b) The total number of transactions in which proceeds 29887  
were remitted to consumers; 29888

(c) The total number of unique consumers to whom proceeds 29889  
were remitted; 29890

(d) The total dollar amount of proceeds remitted to 29891  
consumers; 29892

(e) The total dollar amount of fees, tips, gratuities, and 29893  
donations received from consumers; 29894

(f) The total number of transactions in which proceeds 29895

<u>were remitted to consumers for which providers did not receive</u>	29896
<u>repayment of any outstanding proceeds;</u>	29897
<u>(g) The total dollar amount of transactions described in</u>	29898
<u>division (B) (3) (f) of this section;</u>	29899
<u>(h) The total number of transactions in which proceeds</u>	29900
<u>were remitted to consumers, for which providers received partial</u>	29901
<u>repayment of outstanding proceeds;</u>	29902
<u>(i) The total dollar amount of transactions described in</u>	29903
<u>division (B) (3) (h) of this section and the total dollar amount</u>	29904
<u>of unpaid, outstanding proceeds attributable to those</u>	29905
<u>transactions;</u>	29906
<u>(j) The total number of transactions in which outstanding</u>	29907
<u>proceeds were repaid after the original, scheduled repayment</u>	29908
<u>date;</u>	29909
<u>(k) The total dollar amount of transactions described in</u>	29910
<u>division (B) (3) (j) of this section;</u>	29911
<u>(l) Any other nonprivate information required by the</u>	29912
<u>superintendent.</u>	29913
<b>Sec. 1320.08.</b> <u>(A) The superintendent of financial</u>	29914
<u>institutions shall, in accordance with Chapter 119. of the</u>	29915
<u>Revised Code, suspend or revoke a certificate of registration</u>	29916
<u>issued pursuant to this chapter if the superintendent determines</u>	29917
<u>that either of the following apply:</u>	29918
<u>(1) The registrant has failed to comply with any order</u>	29919
<u>issued by the superintendent pursuant to section 1320.10 of the</u>	29920
<u>Revised Code;</u>	29921
<u>(2) Any fact or condition exists that, if it had existed</u>	29922
<u>or had been known to exist at the time the original or renewal</u>	29923

certificate of registration was issued, the fact or condition 29924  
clearly would have warranted the superintendent to refuse to 29925  
issue a certificate of registration. 29926

(B) The superintendent may make any investigation and 29927  
conduct any hearing the superintendent considers necessary to 29928  
determine whether any company or individual has violated this 29929  
chapter or any rule or order adopted in accordance with this 29930  
chapter, or has otherwise engaged in conduct that would justify 29931  
the suspension, revocation, or refusal of an original or renewal 29932  
certificate of registration, or the imposition of a fine. The 29933  
superintendent may impose a monetary fine of not more than one 29934  
thousand dollars for each such violation. 29935

(C) In making any investigation or conducting any hearing 29936  
pursuant to this section, the superintendent, or any person 29937  
designated by the superintendent, at any time may compel by 29938  
subpoena witnesses, may take depositions of witnesses residing 29939  
within this state in the manner provided for in civil actions, 29940  
pay any witnesses the fees and mileage for their attendance 29941  
provided under section 119.094 of the Revised Code, and 29942  
administer oaths. The superintendent also may compel by order or 29943  
subpoena duces tecum the production of, and examine, all 29944  
relevant books, records, accounts, and other documents. If a 29945  
company or individual does not comply with a subpoena or 29946  
subpoena duces tecum, the superintendent may apply to the court 29947  
of common pleas of Franklin county for an order compelling the 29948  
company or individual to comply with the subpoena or subpoena 29949  
duces tecum or, for failure to do so, an order to be held in 29950  
contempt of court. 29951

(D) In connection with any investigation under this 29952  
section, the superintendent may file an action in the court of 29953

common pleas of Franklin county or the court of common pleas of 29954  
the county in which the company or individual who is the subject 29955  
of the investigation resides, or is engaging in or proposing to 29956  
engage in actions in violation of this chapter, to obtain an 29957  
injunction, temporary restraining order, or other appropriate 29958  
relief. 29959

Sec. 1320.09. (A) (1) Earned wage access services provided 29960  
by a registrant in accordance with this chapter shall not be 29961  
considered to be any of the following: 29962

(a) A loan or other form of credit or debit; 29963

(b) A money transmission; 29964

(c) A violation of, or noncompliant with, any other 29965  
provision of the Revised Code governing the sale or assignment 29966  
of, or an order for, earned but unpaid income. 29967

(2) A registrant providing earned wage access services in 29968  
accordance with this chapter shall not be considered to be a 29969  
creditor, debt collector, lender, or money transmitter. 29970

(B) Notwithstanding any contrary provision of the Revised 29971  
Code, earned wage access services offered or provided by a 29972  
provider in accordance with this chapter are not subject to 29973  
Chapter 1315., 1319., or 1321. of the Revised Code. 29974

(C) Notwithstanding any contrary provision of the Revised 29975  
Code, fees, voluntary tips, gratuities, or other donations paid 29976  
by a consumer to a registrant in accordance with this chapter 29977  
are not interest or finance charges. 29978

(D) If there is a conflict between the provisions of this 29979  
chapter and any other provision of the Revised Code, the 29980  
provisions of this chapter control. 29981



Sec. 1320.10. (A) The division of financial institutions shall administer this chapter. Neither the superintendent of financial institutions nor any deputy, assistant, clerk, examiner, or other person employed by the division to assist in the administration of this chapter shall be interested, directly or indirectly, in a business registered under this chapter. Any person so interested or who becomes so interested shall not be eligible to hold or retain such position. 29982  
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(B) The superintendent of financial institutions, in accordance with Chapter 119. of the Revised Code, may adopt rules and issue specific orders to enforce and carry out the purposes of this chapter. 29990  
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(C) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 29994  
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**Sec. 1321.21.** All fees, charges, penalties, and forfeitures collected under Chapters 1320., 1321., 1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the Revised Code shall be paid to the superintendent of financial institutions and shall be deposited by the superintendent into the state treasury to the credit of the consumer finance fund, which is hereby created. The fund may be expended or obligated by the superintendent for the defrayment of the costs of administration of Chapters 1320., 1321., 1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the Revised Code by the division of financial institutions. All actual and necessary expenses incurred by the superintendent, including any services rendered by the department of commerce for the division's 29998  
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administration of Chapters 1320., 1321., 1322., 4712., 4727., 30012  
and 4728., sections 1315.21 to 1315.30, and sections 1349.25 to 30013  
1349.37 of the Revised Code, shall be paid from the fund. The 30014  
fund shall be assessed a proportionate share of the 30015  
administrative costs of the department and the division. The 30016  
proportionate share of the administrative costs of the division 30017  
of financial institutions shall be determined in accordance with 30018  
procedures prescribed by the superintendent. Such assessment 30019  
shall be paid from the consumer finance fund to the division of 30020  
administration fund or the financial institutions fund. 30021

~~Periodically, in accordance with a schedule the director 30022  
establishes by rule, but at least once every three months, the 30023  
director of budget and management shall transfer five per cent- 30024  
of all charges, penalties, and forfeitures received into the 30025  
consumer finance fund to the financial literacy education fund- 30026  
created under section 121.085 of the Revised Code.~~ 30027

**Sec. 1347.08.** (A) Every state or local agency that 30028  
maintains a personal information system, upon the request and 30029  
the proper identification of any person who is the subject of 30030  
personal information in the system, shall: 30031

(1) Inform the person of the existence of any personal 30032  
information in the system of which the person is the subject; 30033

(2) Except as provided in divisions (C) and (E) (2) of this 30034  
section, permit the person, the person's legal guardian, or an 30035  
attorney who presents a signed written authorization made by the 30036  
person, to inspect all personal information in the system of 30037  
which the person is the subject; 30038

(3) Inform the person about the types of uses made of the 30039  
personal information, including the identity of any users 30040

usually granted access to the system. 30041

(B) Any person who wishes to exercise a right provided by 30042  
this section may be accompanied by another individual of the 30043  
person's choice. 30044

(C) (1) A state or local agency, upon request, shall 30045  
disclose medical, psychiatric, or psychological information to a 30046  
person who is the subject of the information or to the person's 30047  
legal guardian, unless one of the following determines for the 30048  
agency that the disclosure of the information is likely to have 30049  
an adverse effect on the person: a physician, including such a 30050  
person who specializes as a psychiatrist; an advanced practice 30051  
registered nurse, including such a person who specializes as a 30052  
psychiatric-mental health nurse practitioner or psychiatric 30053  
clinical nurse specialist; or a psychologist. If such a 30054  
determination is made, the information shall be released to one 30055  
of the following who is designated by the person or by the 30056  
person's legal guardian: a physician, including such a person 30057  
who specializes as a psychiatrist; an advanced practice 30058  
registered nurse, including such a person who specializes as a 30059  
psychiatric-mental health nurse practitioner or psychiatric 30060  
clinical nurse specialist; or a psychologist. 30061

(2) Upon the signed written request of a licensed attorney 30062  
at law, a licensed physician, or an advanced practice registered 30063  
nurse designated by the inmate, together with the signed written 30064  
request of an inmate of a correctional institution under the 30065  
administration of the department of rehabilitation and 30066  
correction, the department shall disclose medical information to 30067  
the designated attorney, physician, or advanced practice 30068  
registered nurse as provided in division (C) of section 5120.21 30069  
of the Revised Code. 30070

(D) If an individual who is authorized to inspect personal information that is maintained in a personal information system requests the state or local agency that maintains the system to provide a copy of any personal information that the individual is authorized to inspect, the agency shall provide a copy of the personal information to the individual. Each state and local agency may establish reasonable fees for the service of copying, upon request, personal information that is maintained by the agency.

(E) (1) This section regulates access to personal information that is maintained in a personal information system by persons who are the subject of the information, but does not limit the authority of any person, including a person who is the subject of personal information maintained in a personal information system, to inspect or have copied, pursuant to section 149.43 of the Revised Code, a public record as defined in that section.

(2) This section does not provide a person who is the subject of personal information maintained in a personal information system, the person's legal guardian, or an attorney authorized by the person, with a right to inspect or have copied, or require an agency that maintains a personal information system to permit the inspection of or to copy, a confidential law enforcement investigatory record or trial preparation record, as defined in divisions (A) (2) and (4) of section 149.43 of the Revised Code.

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

(1) The contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;

- (2) Information contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of ~~job and family services~~ children and youth or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department of job and family services or a child support enforcement agency; 30101  
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- (3) Papers, records, and books that pertain to an adoption and that are subject to inspection in accordance with section 3107.17 of the Revised Code; 30108  
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- (4) Records specified in division (A) of section 3107.52 of the Revised Code; 30111  
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- (5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual; 30113  
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- (6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code; 30116  
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- (7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend to identify such an individual; 30118  
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- (8) Records that identify an individual described in division (A)(1) of section 5165.88 of the Revised Code, or that would tend to identify such an individual; 30121  
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- (9) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.15 of the Revised Code or contracts under that section with a private or government entity to administer; 30124  
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(10) Information contained in a database established and maintained pursuant to section ~~5101.13~~5180.40 of the Revised Code; 30130  
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(11) Information contained in a database established and maintained pursuant to section 5101.631 of the Revised Code. 30133  
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Sec. 1349.10. (A) (1) "Cable service provider" has the same meaning as in section 1332.01 of the Revised Code. 30135  
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(2) "Cloud service provider" means a third-party company offering a cloud-based platform, infrastructure, application, or storage services. 30137  
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(3) "Direct-to-home satellite service" has the same meaning as in 47 U.S.C. 303, as amended. 30140  
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(4) "Identifying information" means photo identification or public or private transactional data. 30142  
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(5) "Interactive computer service" has the same meaning as in the "Telecommunications Act of 1996," 47 U.S.C. 230, as amended. 30144  
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(6) "Internet provider" means a provider of internet service, including all of the following: 30147  
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(a) Broadband service, however defined or classified by the federal communications commission; 30149  
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(b) Information service or telecommunications service, both as defined in the "Telecommunications Act of 1996," 47 U.S.C. 153, as amended; 30151  
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(c) Internet protocol-enabled services, as defined in section 4927.01 of the Revised Code. 30154  
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(7) "Mobile service" and "telecommunications carrier" have 30156

the same meanings as in the "Telecommunications Act of 1996," 47 30157  
U.S.C. 153, as amended. 30158

(8) "Organization" means both of the following: 30159

(a) A commercial establishment that, for any form of 30160  
consideration, has as a significant or substantial portion of 30161  
its stock-in-trade in, derives a significant or substantial 30162  
portion of its revenues from, devotes a significant or 30163  
substantial portion of its content or advertising to, or 30164  
maintains a substantial section of its sales or online content 30165  
display space for the sale, rental, or viewing of materials that 30166  
are obscene or harmful to juveniles; 30167

(b) A commercial establishment as defined in section 30168  
2907.38 of the Revised Code. An establishment may have other 30169  
principal business purposes that do not involve selling, 30170  
delivering, furnishing, disseminating, providing, exhibiting, or 30171  
presenting any material or performance that is obscene or 30172  
harmful to juveniles on the internet and still be categorized as 30173  
an organization subject to this section. The existence of other 30174  
principal business purposes does not exempt an establishment 30175  
from being categorized as an organization subject to this 30176  
section, so long as one of its principal business purposes 30177  
involves selling, delivering, furnishing, disseminating, 30178  
providing, exhibiting, or presenting any material or performance 30179  
that is obscene or harmful to juveniles on the internet. 30180

(9) "Photo identification" has the same meaning as in 30181  
section 3501.01 of the Revised Code and includes any government- 30182  
issued identification issued by another state, district, 30183  
country, or sovereignty. 30184

(10) "Reasonable age verification methods" means the 30185

following: 30186

(a) Verifying that the person attempting to access the material or performance that is obscene or harmful to juveniles is eighteen years of age or older through the use of a commercial age verification system that uses photo identification or public or private transactional data to verify the person's age; 30187  
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(b) Using third-party and governmental databases that use a commercial age verification system that uses photo identification or public or private transactional data to verify the person's age. 30193  
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(11) "Transactional data" means a sequence of information that documents an exchange, agreement, or transfer between a person, organization, or third party for the purpose of satisfying a request or event. "Transactional data" includes mortgage, educational, and employment records. 30197  
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(12) "Video service provider" has the same meaning as in section 1332.21 of the Revised Code. 30202  
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(B) An organization that sells, delivers, furnishes, disseminates, provides, exhibits, or presents any material or performance that is obscene or harmful to juveniles on the internet shall do all of the following: 30204  
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(1) Verify that any person attempting to access the material or performance that is obscene or harmful to juveniles is eighteen years of age or older through reasonable age verification methods; 30208  
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(2) Verify that any person creating an account or subscription to access any material or performance that is obscene or harmful to juveniles is eighteen years of age or 30212  
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older through reasonable age verification methods. The 30215  
organization shall reverify the age of the person every two 30216  
years thereafter. 30217

(3) (a) Utilize a geofence system maintained and monitored 30218  
by a licensed location-based technology provider to dynamically 30219  
monitor the geolocation of persons attempting to access or 30220  
creating an account or subscription to access the material or 30221  
performance that is obscene or harmful to juveniles; 30222

(b) The location-based technology provider shall perform a 30223  
geolocation check to dynamically monitor the person attempting 30224  
to access or creating an account or subscription to access the 30225  
material or performance that is obscene or harmful to juveniles 30226  
and the person's location. 30227

(c) If the location-based technology provider determines 30228  
that a person is located in this state, the organization that 30229  
sells, delivers, furnishes, disseminates, provides, exhibits, or 30230  
presents any material or performance that is obscene or harmful 30231  
to juveniles on the internet shall block that person until the 30232  
person's age has been verified using reasonable age verification 30233  
methods. 30234

(4) Implement a notification mechanism to alert persons 30235  
attempting to access or creating an account or subscription to 30236  
access the material or performance that is obscene or harmful to 30237  
juveniles, of a geolocation check failure. 30238

(C) (1) (a) Except as otherwise provided in division (C) (1) 30239  
(b) of this section, an organization that sells, delivers, 30240  
furnishes, disseminates, provides, exhibits, or presents any 30241  
material or performance that is obscene or harmful to juveniles 30242  
on the internet and verifies the age of the person creating an 30243

account or subscription to access the material or performance 30244  
that is obscene or harmful to juveniles on the internet shall do 30245  
the following: 30246

(i) Immediately delete all information gathered for the 30247  
purpose of age verification after the age verification is 30248  
completed, except the information maintained for account and 30249  
subscription access and for billing purposes; 30250

(ii) Upon the request of the account holder or subscriber, 30251  
immediately delete the data maintained for user access to the 30252  
account or subscription and for billing purposes; 30253

(iii) Develop and maintain a data privacy policy compliant 30254  
with federal and state law and maintain data in a manner that is 30255  
reasonably secure. 30256

(b) On the expiration of two years after the creation of 30257  
the account or subscription, the organization shall immediately 30258  
delete all information relative to the creation of the user's 30259  
account or subscription and any information maintained for 30260  
billing purposes, unless the account holder or subscriber renews 30261  
the account or subscription. 30262

(2) An organization that sells, delivers, furnishes, 30263  
disseminates, provides, exhibits, or presents any material or 30264  
performance that is obscene or harmful to juveniles on the 30265  
internet and verifies the age of the person attempting to access 30266  
the material or performance that is obscene or harmful to 30267  
juveniles on the internet shall do both of the following: 30268

(a) Immediately delete all information gathered for the 30269  
purpose of age verification after age verification is completed; 30270

(b) Develop and maintain a data privacy policy compliant 30271  
with federal and state law and maintain data in a manner that is 30272

reasonably secure. 30273

(3) An organization described in division (C) (1) or (2) of this section shall immediately delete any identifying information, except the information required for the purpose of granting a person access to the account or subscription and for billing the account or subscription, that is used for age verification of the person attempting to access or creating an account or subscription to access any material or performance on the internet that is obscene or harmful to juveniles after age verification is completed. 30274  
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(4) An organization as described in division (C) (1) or (2) of this section shall not transfer any information collected, except for the purpose of age verification. Any party who receives transferred information for age verification purposes shall immediately delete all information gathered for the purpose of age verification after age verification is completed. 30283  
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(D) This section does not apply to any of the following: 30289

(1) A person who, while employed or contracted by a newspaper, magazine, press association, news agency, news wire service, radio or television station, or similar media, is gathering, processing, transmitting, compiling, editing, or disseminating information for the general public; 30290  
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(2) A provider of an interactive computer service; 30295

(3) A mobile service; 30296

(4) An internet provider; 30297

(5) A cable service provider; 30298

(6) A direct-to-home satellite service; 30299

<u>(7) A video service provider;</u>	30300
<u>(8) A cloud service provider.</u>	30301
<b><u>Sec. 1349.101.</u></b> (A) <u>The attorney general may bring a civil</u>	30302
<u>action against an organization that sells, delivers, furnishes,</u>	30303
<u>disseminates, provides, exhibits, or presents any material or</u>	30304
<u>performance that is obscene or harmful to juveniles on the</u>	30305
<u>internet that fails to comply with the requirements under</u>	30306
<u>divisions (B) (1) or (2) or (C) (1) or (2) of section 1349.10 of</u>	30307
<u>the Revised Code and as a result of that failure a minor gains</u>	30308
<u>access to the material or performance. Before initiating such an</u>	30309
<u>enforcement action, the attorney general shall provide written</u>	30310
<u>notice to the organization identifying and explaining the basis</u>	30311
<u>for each instance of alleged violation.</u>	30312
<u>(B) Except as otherwise provided in division (D) of this</u>	30313
<u>section, the attorney general shall not commence an enforcement</u>	30314
<u>action if the organization, within forty-five days after notice</u>	30315
<u>of the alleged violation is sent, does both of the following:</u>	30316
<u>(1) Cures all violations described in the notice:</u>	30317
<u>(2) Provides the attorney general with a written statement</u>	30318
<u>indicating that the violations are cured and agreeing to refrain</u>	30319
<u>from further noncompliance of the requirements under divisions</u>	30320
<u>(B) (1) or (2) or (C) (1) or (2) of section 1349.10 of the Revised</u>	30321
<u>Code.</u>	30322
<u>(C) If the organization does not timely respond or</u>	30323
<u>continues to fail to comply with the requirements under</u>	30324
<u>divisions (B) (1) or (2) or (C) (1) or (2) of section 1349.10 of</u>	30325
<u>the Revised Code after receiving the notice, the attorney</u>	30326
<u>general may initiate the enforcement action and seek injunctive</u>	30327
<u>relief.</u>	30328

(D) Division (B) of this section does not apply if the 30329  
organization fails to timely comply with all of the requirements 30330  
described in the notice or commits subsequent violations of the 30331  
same type after curing the initial violation under that 30332  
division. Notwithstanding division (C) of this section, if an 30333  
organization commits a subsequent violation of the same type 30334  
after reporting that the initial violation is cured, the 30335  
attorney general may bring a civil action at any time after 30336  
sending notice of the violation under division (A) of this 30337  
section. 30338

(E) Nothing in this section shall be construed to provide 30339  
a private right of action. The attorney general has the 30340  
exclusive authority to enforce this section. 30341

**Sec. 1501.46.** Except as otherwise provided in federal law, 30342  
in circumstances in which the department of natural resources 30343  
conducts, or contracts with a third party to conduct, dredging 30344  
operations in the waters of the state, no license, registration, 30345  
or certification is required for an individual to operate the 30346  
dredging equipment or watercraft associated with such 30347  
operations. No state agency or other public body shall impose 30348  
licensing, registration, or certification requirements on an 30349  
individual operating such dredging equipment or watercraft. 30350

**Sec. 1501.47.** The program support fund is created in the 30351  
state treasury. The fund shall consist of payments from 30352  
divisions within the department of natural resources and any 30353  
other payments received by the department related to the 30354  
purposes of the fund. The director of natural resources shall 30355  
use the money in the fund to support centralized service support 30356  
offices of the department. 30357

**Sec. 1509.02.** There is hereby created in the department of 30358

natural resources the division of oil and gas resources 30359  
management, which shall be administered by the chief of the 30360  
division of oil and gas resources management. The division has 30361  
sole and exclusive authority to regulate the permitting, 30362  
location, and spacing of oil and gas wells and production 30363  
operations within the state, excepting only those activities 30364  
regulated under federal laws for which oversight has been 30365  
delegated to the environmental protection agency and activities 30366  
regulated under sections 6111.02 to 6111.028 of the Revised 30367  
Code. The regulation of oil and gas activities is a matter of 30368  
general statewide interest that requires uniform statewide 30369  
regulation, and this chapter and rules adopted under it 30370  
constitute a comprehensive plan with respect to all aspects of 30371  
the locating, drilling, well stimulation, completing, and 30372  
operating of oil and gas wells within this state, including site 30373  
construction and restoration, permitting related to those 30374  
activities, and the disposal of wastes from those wells. In 30375  
order to assist the division in the furtherance of its sole and 30376  
exclusive authority as established in this section, the chief 30377  
may enter into cooperative agreements with other state agencies 30378  
for advice and consultation, including visitations at the 30379  
surface location of a well on behalf of the division. Such 30380  
cooperative agreements do not confer on other state agencies any 30381  
authority to administer or enforce this chapter and rules 30382  
adopted under it. In addition, such cooperative agreements shall 30383  
not be construed to dilute or diminish the division's sole and 30384  
exclusive authority as established in this section. Nothing in 30385  
this section affects the authority granted to the director of 30386  
transportation and local authorities in section 723.01 or 30387  
4513.34 of the Revised Code, provided that the authority granted 30388  
under those sections shall not be exercised in a manner that 30389  
discriminates against, unfairly impedes, or obstructs oil and 30390

gas activities and operations regulated under this chapter. 30391

The chief shall not hold any other public office, nor 30392  
shall the chief be engaged in any occupation or business that 30393  
might interfere with or be inconsistent with the duties as 30394  
chief. 30395

Money collected by the chief pursuant to sections 1509.06, 30396  
1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 30397  
1509.28, 1509.34, 1509.50, and 5749.02 of the Revised Code, all 30398  
civil penalties paid under section 1509.33 of the Revised Code, 30399  
and, notwithstanding any section of the Revised Code relating to 30400  
the distribution or crediting of fines for violations of the 30401  
Revised Code, all fines imposed under divisions (A) and (B) of 30402  
section 1509.99 of the Revised Code and fines imposed under 30403  
divisions (C) and (D) of section 1509.99 of the Revised Code for 30404  
all violations prosecuted by the attorney general and for 30405  
violations prosecuted by prosecuting attorneys that do not 30406  
involve the transportation of brine by vehicle shall be 30407  
deposited into the state treasury to the credit of the oil and 30408  
gas well fund, which is hereby created. Fines imposed under 30409  
divisions (C) and (D) of section 1509.99 of the Revised Code for 30410  
violations prosecuted by prosecuting attorneys that involve the 30411  
transportation of brine by vehicle and penalties associated with 30412  
a compliance agreement entered into pursuant to this chapter 30413  
shall be paid to the county treasury of the county where the 30414  
violation occurred. 30415

The fund shall be used solely and exclusively for the 30416  
purposes enumerated in division (B) of section 1509.071 of the 30417  
Revised Code, payments to the oil and gas resolution and 30418  
remediation fund created in section 1509.075 of the Revised 30419  
Code, for the expenses of the division associated with the 30420

administration of this chapter and Chapter 1571. of the Revised 30421  
Code and rules adopted under them, and for expenses that are 30422  
critical and necessary for the protection of human health and 30423  
safety and the environment related to oil and gas production in 30424  
this state. The expenses of the division in excess of the moneys 30425  
available in the fund shall be paid from general revenue fund 30426  
appropriations to the department. 30427

**Sec. 1509.07.** (A) (1) (a) Except as provided in division (A) 30428  
(1) (b) or (A) (2) of this section, an owner of any well, except 30429  
an exempt Mississippian well or an exempt domestic well, shall 30430  
obtain liability insurance coverage from a company authorized or 30431  
approved to do business in this state in an amount of not less 30432  
than one million dollars bodily injury coverage and property 30433  
damage coverage to pay damages for injury to persons or damage 30434  
to property caused by the drilling, operation, or plugging of 30435  
all the owner's wells in this state. However, if any well is 30436  
located within an urbanized area, the owner shall obtain 30437  
liability insurance coverage in an amount of not less than three 30438  
million dollars for bodily injury coverage and property damage 30439  
coverage to pay damages for injury to persons or damage to 30440  
property caused by the drilling, operation, or plugging of all 30441  
of the owner's wells in this state. 30442

(b) A board of county commissioners of a county that is an 30443  
owner of a well or a board of township trustees of a township 30444  
that is an owner of a well may elect to satisfy the liability 30445  
coverage requirements specified in division (A) (1) (a) of this 30446  
section by participating in a joint self-insurance pool in 30447  
accordance with the requirements established under section 30448  
2744.081 of the Revised Code. Nothing in division (A) (1) (b) of 30449  
this section shall be construed to allow an entity, other than a 30450  
county or township, to participate in a joint self-insurance 30451



pool to satisfy the liability coverage requirements specified in 30452  
division (A) (1) (a) of this section. 30453

(2) An owner of a horizontal well shall obtain liability 30454  
insurance coverage from an insurer authorized to write such 30455  
insurance in this state or from an insurer approved to write 30456  
such insurance in this state under section 3905.33 of the 30457  
Revised Code in an amount of not less than five million dollars 30458  
bodily injury coverage and property damage coverage to pay 30459  
damages for injury to persons or damage to property caused by 30460  
the production operations of all the owner's wells in this 30461  
state. The insurance policy shall include a reasonable level of 30462  
coverage available for an environmental endorsement. 30463

(3) An owner shall maintain the coverage required under 30464  
division (A) (1) or (2) of this section until all the owner's 30465  
wells are plugged and abandoned or are transferred to an owner 30466  
who has obtained insurance as required under this section and 30467  
who is not under a notice of material and substantial violation 30468  
or under a suspension order. The owner shall provide proof of 30469  
liability insurance coverage to the chief of the division of oil 30470  
and gas resources management upon request. Upon failure of the 30471  
owner to provide that proof when requested, the chief may order 30472  
the suspension of any outstanding permits and operations of the 30473  
owner until the owner provides proof of the required insurance 30474  
coverage. 30475

(B) (1) Except as otherwise provided in this section, an 30476  
owner of any well, before being issued a permit under section 30477  
1509.06 of the Revised Code or before operating or producing 30478  
from a well, shall execute and file with the division of oil and 30479  
gas resources management a surety bond conditioned on compliance 30480  
with the restoration requirements of section 1509.072, the 30481

plugging requirements of section 1509.12, the permit provisions 30482  
of section 1509.13 of the Revised Code, and all rules and orders 30483  
of the chief relating thereto, in an amount set by rule of the 30484  
chief. 30485

(2) The owner may deposit with the chief, instead of a 30486  
surety bond, cash in an amount equal to the surety bond as 30487  
prescribed pursuant to this section or negotiable certificates 30488  
of deposit or irrevocable letters of credit, issued by any bank 30489  
organized or transacting business in this state, having a cash 30490  
value equal to or greater than the amount of the surety bond as 30491  
prescribed pursuant to this section. Cash or certificates of 30492  
deposit shall be deposited upon the same terms as those upon 30493  
which surety bonds may be deposited. If the owner deposits cash, 30494  
the cash shall be credited to the performance cash bond refunds 30495  
fund created in section 1501.16 of the Revised Code. If the 30496  
owner deposits certificates of deposit, the chief shall require 30497  
the bank that issued any such certificate to pledge securities 30498  
of a cash value equal to the amount of the certificate that is 30499  
in excess of the amount insured by the federal deposit insurance 30500  
corporation. The securities shall be security for the repayment 30501  
of the certificate of deposit. 30502

Upon a deposit of cash, certificates of deposit, or 30503  
letters of credit with the chief, the chief shall hold them in 30504  
trust for the purposes for which they have been deposited. 30505

(3) Instead of a surety bond, the chief may accept proof 30506  
of financial responsibility consisting of a sworn financial 30507  
statement showing a net financial worth within this state equal 30508  
to twice the amount of the bond for which it substitutes and, as 30509  
may be required by the chief, a list of producing properties of 30510  
the owner within this state or other evidence showing ability 30511

and intent to comply with the law and rules concerning 30512  
restoration and plugging that may be required by rule of the 30513  
chief. The owner of an exempt Mississippian well is not required 30514  
to file scheduled updates of the financial documents, but shall 30515  
file updates of those documents if requested to do so by the 30516  
chief. The owner of a nonexempt Mississippian well shall file 30517  
updates of the financial documents in accordance with a schedule 30518  
established by rule of the chief. The chief, upon determining 30519  
that an owner for whom the chief has accepted proof of financial 30520  
responsibility instead of bond cannot demonstrate financial 30521  
responsibility, shall order that the owner execute and file a 30522  
bond or deposit cash, certificates of deposit, or irrevocable 30523  
letters of credit as required by this section for the wells 30524  
specified in the order within ten days of receipt of the order. 30525  
If the order is not complied with, all wells of the owner that 30526  
are specified in the order and for which no bond is filed or 30527  
cash, certificates of deposit, or letters of credit are 30528  
deposited shall be plugged. No owner shall fail or refuse to 30529  
plug such a well. Each day on which such a well remains 30530  
unplugged thereafter constitutes a separate offense. 30531

(4) The surety bond provided for in this section shall be 30532  
executed by a surety company authorized to do business in this 30533  
state. 30534

The chief shall not approve any bond until it is 30535  
personally signed and acknowledged by both principal and surety, 30536  
or as to either by the principal's or surety's attorney in fact, 30537  
with a certified copy of the power of attorney attached thereto. 30538  
The chief shall not approve a bond unless there is attached a 30539  
certificate of the superintendent of insurance that the company 30540  
is authorized to transact a fidelity and surety business in this 30541  
state. 30542

All bonds shall be given in a form to be prescribed by the chief and shall run to the state as obligee.

(5) An owner of an exempt Mississippian well or an exempt domestic well, in lieu of filing a surety bond, cash in an amount equal to the surety bond, certificates of deposit, irrevocable letters of credit, or a sworn financial statement, may file a one-time fee of fifty dollars, which shall be deposited in the oil and gas ~~well plugging resolution and remediation~~ fund created in section ~~1509.071~~ 1509.075 of the Revised Code.

(C) An owner, operator, producer, or other person shall not operate a well or produce from a well at any time if the owner, operator, producer, or other person has not satisfied the requirements established in this section.

**Sec. 1509.071.** (A) When the chief of the division of oil and gas resources management finds that an owner has failed to comply with a final nonappealable order issued or compliance agreement entered into under section 1509.04, the restoration requirements of section 1509.072, plugging requirements of section 1509.12, or permit provisions of section 1509.13 of the Revised Code, or rules and orders relating thereto, the chief shall make a finding of that fact and declare any surety bond filed to ensure compliance with those sections and rules forfeited in the amount set by rule of the chief. The chief thereupon shall certify the total forfeiture to the attorney general, who shall proceed to collect the amount of the forfeiture. In addition, the chief may require an owner, operator, producer, or other person who forfeited a surety bond to post a new surety bond in the amount of fifteen thousand dollars for a single well, thirty thousand dollars for two

wells, or fifty thousand dollars for three or more wells. 30573

In lieu of total forfeiture, the surety or owner, at the 30574  
surety's or owner's option, may cause the well to be properly 30575  
plugged and abandoned and the area properly restored or pay to 30576  
the treasurer of state the cost of plugging and abandonment. 30577

(B) (1) All moneys collected because of forfeitures of 30578  
bonds as provided in this section shall be deposited in the 30579  
state treasury to the credit of the oil and gas well fund 30580  
created in section 1509.02 of the Revised Code. 30581

For purposes of promoting the competent management and 30582  
conservation of the state's oil and natural gas resources and 30583  
the proper and lawful plugging of historic oil and gas wells for 30584  
which there is no known responsible owner, the chief annually 30585  
shall spend not less than thirty per cent of the revenue 30586  
credited to the oil and gas well fund during the previous fiscal 30587  
year for both of the following purposes: 30588

(a) In accordance with division (E) of this section, to 30589  
plug orphaned wells or to restore the land surface properly as 30590  
required in section 1509.072 of the Revised Code; 30591

(b) In accordance with division (F) of this section, to 30592  
correct conditions that the chief reasonably has determined are 30593  
causing imminent health or safety risks at an orphaned well or 30594  
associated with a well for which the owner has not initiated a 30595  
corrective action within a reasonable period of time as 30596  
determined by the chief after the chief has attempted to notify 30597  
the owner. 30598

(2) Expenditures from the oil and gas well fund and oil 30599  
and gas resolution and remediation fund shall be made only for 30600  
lawful purposes. ~~In addition~~ Except as otherwise provided in 30601

divisions (B) (2) and (D) of section 1509.075 of the Revised 30602  
Code, expenditures from ~~the fund~~ those funds shall not be made 30603  
to purchase real property or to remove a structure in order to 30604  
access a well. 30605

~~The director of budget and management, in consultation~~ 30606  
~~with the chief, shall establish an accounting code for purposes~~ 30607  
~~of tracking expenditures made as required under this division.~~ 30608

(C) (1) If a landowner discovers a well on the landowner's 30609  
real property and the landowner is not the owner of the well, 30610  
the landowner may report the existence of the well in writing to 30611  
the chief. 30612

(2) If the chief receives a written report from a 30613  
landowner of the discovery of a well previously unknown to the 30614  
division, the chief shall inspect the well not later than thirty 30615  
days after the date of receipt of the landowner's report. 30616

(3) The chief shall establish a scoring matrix for use in 30617  
determining the priority of plugging wells or restoring land 30618  
surfaces at orphaned well sites for purposes of this section. 30619  
The matrix shall include a classification system that 30620  
categorizes orphaned wells as high priority, medium priority, 30621  
and low priority. 30622

(4) The chief shall use the matrix developed under 30623  
division (C) (3) of this section to prioritize plugging and land 30624  
restoration projects under this section. The chief may add 30625  
additional orphaned wells to a project regardless of 30626  
classification. 30627

(D) (1) After determining that a well is an orphaned well, 30628  
the chief shall do all of the following: 30629

(a) Make a reasonable attempt to determine from the 30630

records in the office of the county recorder of the county in 30631  
which the well is located the identity of the current owner of 30632  
the land on which the well is located, the identity of each 30633  
person owning a right or interest in the oil or gas mineral 30634  
interests, and the identities of the persons having a lien upon 30635  
any of the equipment appurtenant to the well. For purposes of 30636  
division (D) (1) (a) of this section, the chief is not required to 30637  
review records in the office of the county recorder that are 30638  
older than forty years from the date on which the chief made the 30639  
determination that the well is an orphaned well. 30640

(b) Mail notice to each person identified in division (D) 30641  
(1) (a) of this section; 30642

(c) Include in the notice to each person having a lien 30643  
upon any equipment appurtenant to the well, a statement 30644  
informing the person that the well is to be plugged and offering 30645  
the person the opportunity to remove that equipment from the 30646  
well site at the person's own expense in order to avoid 30647  
forfeiture of the equipment to this state; 30648

(d) Publish notice in a newspaper of general circulation 30649  
in the county where the well is located that the well is to be 30650  
plugged or post the notice on the department of natural 30651  
resources web site. 30652

(2) If the current address of a person identified in 30653  
division (D) (1) (a) of this section cannot be determined, or if a 30654  
notice provided by mail to a person under division (D) (1) (b) of 30655  
this section is returned undeliverable, the notice published 30656  
under division (D) (1) (d) of this section constitutes sufficient 30657  
notice to the person. 30658

(3) If none of the persons described in division (D) (1) (a) 30659

of this section removes equipment from the well within thirty 30660  
days after the mailing of the notice or publication or posting 30661  
of notice described in division (D) (1) (d) of this section, 30662  
whichever is later, all equipment appurtenant to the well is 30663  
hereby declared to be forfeited to this state without 30664  
compensation and without the necessity for any action by the 30665  
state for use to defray the cost of plugging the well and 30666  
restoring the land surface at the well site. 30667

(E) The chief may expend money from the oil and gas well 30668  
fund and the oil and gas resolution and remediation fund for the 30669  
purpose of division (B) (1) (a) of this section, and such 30670  
expenditures shall be made in accordance with either of the 30671  
following: 30672

(1) The chief may make expenditures pursuant to contracts 30673  
entered into by either the chief or another agency of the state 30674  
with persons who agree to furnish the materials, equipment, 30675  
work, and labor as specified and provided in such a contract for 30676  
activities associated with the restoration or plugging of an 30677  
orphaned well as determined by the chief. If another agency of 30678  
the state enters into the contract, the chief shall prepare the 30679  
scope of work for the restoration or plugging of the well. The 30680  
activities may include excavation to uncover a well, methods to 30681  
locate a well, analyzing the well, stabilizing or other work 30682  
conducted prior to plugging the well, drilling out or cleanout 30683  
of wellbores to remove material from a well, plugging 30684  
operations, installation of vault and vent systems, including 30685  
associated engineering certifications and permits, removal of 30686  
associated equipment, restoration of property, replugging of 30687  
previously plugged orphaned wells or wells for which final 30688  
restoration was completed under section 1509.072 of the Revised 30689  
Code and rules adopted under it, and repair of damage to 30690



property that is caused by such activities. The chief may make 30691  
expenditures for salaries, maintenance, equipment, or other 30692  
administrative purposes, for costs directly attributed to 30693  
locating, analyzing, stabilizing, designing, plugging, 30694  
remediating, or restoring an orphaned well, and for determining 30695  
if a well is an orphaned well. 30696

Agents or employees of persons contracting with the chief 30697  
to locate, analyze, stabilize, design, plug, remediate, or 30698  
restore a well may enter upon any land, public or private, on 30699  
which the well is located, or on adjacent parcels needed for 30700  
access, for the purpose of performing the work. Prior to such 30701  
entry, the chief shall give to the following persons written 30702  
notice of the existence of a contract to locate, analyze, 30703  
stabilize, design, plug, remediate, or restore a well, the names 30704  
of the persons with whom the contract is made, and the date that 30705  
the project will commence: the owner of the well, the owner of 30706  
the land upon which the well is located, the owner of the land 30707  
of an adjacent parcel that will be entered upon, and, if the 30708  
well is located in the same township as or in a township 30709  
adjacent to the excavations and workings of a mine and the owner 30710  
or lessee of that mine has provided written notice identifying 30711  
those townships to the chief at any time during the immediately 30712  
preceding three years, the owner or lessee of the mine. The 30713  
chief may include in the notice to the owner or lessee of the 30714  
mine additional information, such as authorization to plug an 30715  
orphaned well under section 1509.151 of the Revised Code. 30716

(2) (a) The owner of the land on which at least one 30717  
orphaned well is located who has received notice under division 30718  
(D) (1) (b) of this section may plug any such orphaned well and be 30719  
reimbursed by the division of oil and gas resources management 30720  
for the reasonable cost of plugging such wells. In order to plug 30721

the orphaned wells, the landowner shall submit an application to 30722  
the chief on a form prescribed by the chief and approved by the 30723  
technical advisory council on oil and gas created in section 30724  
1509.38 of the Revised Code. The application, at a minimum, 30725  
shall require the landowner to provide the same information as 30726  
is required to be included in the application for a permit to 30727  
plug and abandon under section 1509.13 of the Revised Code. 30728

The application shall be accompanied by a copy of a 30729  
proposed contract to plug and abandon the orphaned wells 30730  
prepared by a contractor regularly engaged in the business of 30731  
plugging oil and gas wells. The proposed contract shall require 30732  
the contractor to furnish all of the materials, equipment, work, 30733  
and labor necessary to plug the orphaned wells properly and 30734  
restore the site including the removal of all associated 30735  
equipment and shall specify the price for doing the work. The 30736  
contractor shall be insured. 30737

Expenditures made under division (E) (2) (a) of this section 30738  
shall be consistent with the expenditures for activities 30739  
described in division (E) (1) of this section. In addition, 30740  
expenditures made under division (E) (2) of this section are not 30741  
subject to section 127.16 of the Revised Code. The application 30742  
constitutes an application for a permit to plug the well for the 30743  
purposes of section 1509.13 of the Revised Code ~~and the~~ 30744  
~~applicant is not required to submit the fee otherwise required~~ 30745  
~~under that section.~~ 30746

(b) Within thirty days after receiving an application and 30747  
accompanying proposed contract under division (E) (2) (a) of this 30748  
section, the chief shall determine whether the plugging would 30749  
comply with the applicable requirements of this chapter and 30750  
applicable rules adopted and orders issued under it and whether 30751

the cost of the plugging under the proposed contract is 30752  
reasonable. If the chief determines that the proposed plugging 30753  
would comply with those requirements and that the proposed cost 30754  
of the plugging is reasonable, the chief shall notify the 30755  
landowner of that determination and issue to the landowner a 30756  
permit to plug the well under section 1509.13 of the Revised 30757  
Code. The chief may disapprove an application submitted under 30758  
division (E) (2) (a) of this section if the chief determines that 30759  
the proposed plugging would not comply with the applicable 30760  
requirements of this chapter and applicable rules adopted and 30761  
orders issued under it, that the cost of the plugging under the 30762  
proposed contract is unreasonable, or that the proposed contract 30763  
is not a bona fide, arm's length contract. 30764

(c) After receiving the chief's notice of the approval of 30765  
the application and permit to plug and abandon a well under 30766  
division (E) (2) (b) of this section, the landowner may enter into 30767  
the proposed contract to plug the well. 30768

(d) Upon determining that the plugging has been completed 30769  
in compliance with the applicable requirements of this chapter 30770  
and applicable rules adopted and orders issued under it, the 30771  
chief shall pay the contractor for the cost of the plugging and 30772  
restoration as set forth in the proposed contract approved by 30773  
the chief and changes or costs approved by the chief. The 30774  
payment shall be paid from the oil and gas well fund or the oil 30775  
and gas resolution and remediation fund. The chief shall only 30776  
make payments for purposes of division (E) (2) of this section 30777  
pursuant to a proper invoice as defined under section 125.01 of 30778  
the Revised Code. 30779

(e) If the chief determines that the plugging was not 30780  
completed in accordance with the applicable requirements, the 30781

chief shall not pay the contractor or landowner for the cost of 30782  
the plugging. 30783

(f) If any equipment was removed from the well during the 30784  
plugging and sold, the chief shall deduct the sale amount of the 30785  
equipment from the payment to the contractor. 30786

(g) Changes made to a contract executed under division (E) 30787  
(2) of this section due to unanticipated conditions may be 30788  
presented to the chief in the form of a written request for 30789  
approval of the additional costs prior to completion of the 30790  
work. The chief shall determine if the changes are necessary to 30791  
comply with this chapter and rules adopted and orders issued 30792  
under it and if the cost of the changes are reasonable. The 30793  
chief shall provide to the contractor a written decision 30794  
regarding the proposed changes. If the chief determines that the 30795  
changes are not necessary or that the costs are not reasonable, 30796  
the chief may either deny the request or establish the amount of 30797  
the cost that the chief approves. Work completed prior to 30798  
receipt of written approval from the chief is not eligible for 30799  
payment, unless waived by the chief. 30800

(3) The chief may establish an annual limit on the number 30801  
of wells that may be plugged under division (E) (2) of this 30802  
section or an annual limit on the expenditures to be made under 30803  
that division. The chief may reject an application submitted 30804  
under division (E) (2) of this section if the chief determines 30805  
that the plugging of other wells take priority. 30806

(4) As used in division (E) (2) of this section, "plug" and 30807  
"plugging" include the plugging of the well, replugging of a 30808  
previously plugged orphaned well or a well for which final 30809  
restoration was completed under section 1509.072 of the Revised 30810  
Code and rules adopted under it, drilling out or cleanout of a 30811

well bore to remove material from a well, installation of 30812  
casings, installation of a vault and vent, restoration, and the 30813  
restoration of the land surface disturbed by the plugging. 30814

(F) (1) Expenditures from the oil and gas well fund or the 30815  
oil and gas resolution and remediation fund for the purpose of 30816  
division (B) (1) (b) of this section may be made pursuant to 30817  
contracts entered into by either the chief or another agency of 30818  
the state with persons who agree to furnish the materials, 30819  
equipment, work, and labor as specified and provided in such a 30820  
contract. The competitive bidding requirements of Chapter 153. 30821  
of the Revised Code do not apply if the chief reasonably 30822  
determines that a situation exists requiring immediate action 30823  
for the correction of the applicable health or safety risk. A 30824  
contract or purchase of materials for purposes of addressing the 30825  
emergency situation is not subject to division (B) of section 30826  
127.16 of the Revised Code. The chief, designated 30827  
representatives of the chief, and agents or employees of persons 30828  
contracting with the chief to locate, analyze, stabilize, 30829  
design, plug, remediate, or restore a well under this division 30830  
may enter upon any land, public or private, on which the well is 30831  
located, or on parcels needed for access, for the purpose of 30832  
performing the work. 30833

(2) The chief shall issue an order that requires the owner 30834  
of a well to pay the actual documented costs of a corrective 30835  
action that is described in division (B) (1) (b) of this section 30836  
concerning the well. The chief shall transmit the money so 30837  
recovered to the treasurer of state who shall deposit the money 30838  
in the ~~state treasury to the credit of the oil and gas well-~~ 30839  
resolution and remediation fund. 30840

(G) Contracts entered into by either the chief or another 30841

agency of the state under this section are not subject to any of 30842  
the following: 30843

(1) Chapter 4115. of the Revised Code; 30844

(2) Chapter 153. of the Revised Code; 30845

(3) Section 4733.17 of the Revised Code. 30846

(H) The owner of land on which a well is located who has 30847  
received notice under division (D) (1) (b) of this section, in 30848  
lieu of plugging the well in accordance with division (E) (2) of 30849  
this section, may cause ownership of the well to be transferred 30850  
in accordance with section 1509.31 of the Revised Code. 30851

If a well is transferred, the owner to whom it is 30852  
transferred shall comply with this chapter and rules adopted 30853  
under it and shall take title to and possession of the equipment 30854  
appurtenant to the well that has been identified by the chief as 30855  
having been abandoned by the former owner of the well. 30856

(I) The chief may engage in cooperative projects under 30857  
this section with any agency of this state, another state, or 30858  
the United States; any other governmental agencies; any state 30859  
university or college as defined in section 3345.27 of the 30860  
Revised Code; or a nonprofit corporation that is exempt from 30861  
federal income taxation under section 501(c) (3) of the "Internal 30862  
Revenue Code of 1986," 26 U.S.C. 1, as amended. A contract 30863  
entered into for purposes of a cooperative project is not 30864  
subject to division (B) of section 127.16 of the Revised Code. 30865

(J) (1) On or before the close of each calendar quarter, 30866  
the chief shall submit a written report to the technical 30867  
advisory council established under section 1509.38 of the 30868  
Revised Code describing the efforts of the division of oil and 30869  
gas resources management to plug orphaned wells during the 30870

immediately preceding calendar quarter. The chief also shall 30871  
include in the report all of the following information: 30872

(a) The total number of known orphaned wells in the state 30873  
and the total number in each county of the state; 30874

(b) The total number of newly discovered orphaned wells 30875  
during the immediately preceding calendar quarter; 30876

(c) The total number of wells plugged in accordance with 30877  
this section during the immediately preceding calendar quarter; 30878

(d) The total number of wells plugged in accordance with 30879  
this section and the estimated average and indirect costs of 30880  
plugging activities conducted under this section prior to the 30881  
date of the report; 30882

(e) The number of wells approved for plugging in 30883  
accordance with this section and the estimated average and 30884  
indirect costs of plugging activities conducted under this 30885  
section during the immediately preceding calendar quarter. 30886

(2) Not later than the thirty-first day of March of each 30887  
year, the chief and the technical advisory council shall jointly 30888  
provide a report containing, at a minimum, the information 30889  
required to be included in the quarterly reports during the 30890  
previous one-year period to all of the following: 30891

(a) The speaker of the house of representatives; 30892

(b) The president of the senate; 30893

(c) The chair of the committee of the house of 30894  
representatives responsible for energy and natural resources 30895  
issues; 30896

(d) The chair of the committee of the senate responsible 30897

for energy and natural resources issues. 30898

Sec. 1509.075. (A) There is hereby created the oil and gas 30899  
resolution and remediation fund, which shall be in the custody 30900  
of the treasurer of state but shall not be part of the state 30901  
treasury. The fund shall consist of moneys transferred to it 30902  
from the oil and gas well fund and any money deposited into it 30903  
under sections 1509.07 and 1509.071 of the Revised Code. 30904  
Notwithstanding any provision of law to the contrary, at the 30905  
beginning of each fiscal year, the treasurer of state shall 30906  
transfer to the oil and gas resolution and remediation fund the 30907  
amount of money in the oil and gas well fund that is in excess 30908  
of the total amount appropriated to the oil and gas well fund 30909  
for that fiscal year. 30910

(B) (1) Money in the oil and gas resolution and remediation 30911  
fund shall be used by the chief of the division of oil and gas 30912  
resources management for the plugging of orphaned wells under 30913  
this chapter. 30914

(2) The chief may use money in the fund for expenses that 30915  
are critical and necessary for the protection of human health 30916  
and safety and the environment related to oil and gas production 30917  
in this state. 30918

(3) The treasurer of state shall disburse moneys from the 30919  
fund quarterly on order of the chief. 30920

(C) The treasurer of state may invest any portion of the 30921  
oil and gas resolution and remediation fund not needed for 30922  
immediate use in the same manner as, and subject to all 30923  
provisions of law with respect to the investment of, state 30924  
funds. 30925

(D) Interest earned on the fund shall be credited to the 30926



fund and reserved for use by the director of natural resources. 30927  
The director may order the treasurer of state to disburse 30928  
interest from the fund for any purpose of the department of 30929  
natural resources, subject to the approval of the technical 30930  
advisory council on oil and gas, as provided in section 1509.38 30931  
of the Revised Code. The director shall provide the treasurer of 30932  
state with written notice of the council's approval before the 30933  
treasurer of state may disburse money from the fund. 30934

**Sec. 1509.13.** (A) (1) Except as otherwise provided in 30935  
division (A) (2) of this section and division (E) (1) of section 30936  
1509.071 of the Revised Code, no person shall plug and abandon a 30937  
well without having a permit to do so issued by the chief of the 30938  
division of oil and gas resources management. The permit shall 30939  
be issued by the chief in accordance with this chapter and shall 30940  
be valid for a period of twenty-four months from the date of 30941  
issue. 30942

(2) The holder of a valid permit issued under section 30943  
1509.06 of the Revised Code may receive approval from an oil and 30944  
gas resources inspector to plug and abandon the well associated 30945  
with that permit, without obtaining the permit required under 30946  
division (A) of this section, if either of the following apply: 30947

(a) The well was drilled to total depth and the well 30948  
cannot or will not be completed. 30949

(b) The well is a lost hole or dry hole. 30950

(3) A permit holder plugging a well pursuant to division 30951  
(A) (2) (a) of this section shall plug the well within thirty days 30952  
of receipt of approval from the oil and gas resources inspector. 30953

(4) A permit holder plugging a well pursuant to division 30954  
(A) (2) (b) of this section shall plug the well immediately after 30955

determining that the well is a lost hole or dry hole in 30956  
accordance with rules adopted under this chapter. 30957

(B) The application for a permit to plug and abandon shall 30958  
be filed as many days in advance as will be necessary for an oil 30959  
and gas resources inspector or, if the well is located in a coal 30960  
bearing township, both a deputy mine inspector and an oil and 30961  
gas resources inspector to be present at the plugging. The 30962  
application shall be filed with the chief upon a form that the 30963  
chief prescribes and shall contain the following information: 30964

(1) The name and address of the applicant; 30965

(2) The signature of the applicant or the applicant's 30966  
authorized agent. When an authorized agent signs an application, 30967  
it shall be accompanied by a certified copy of the appointment 30968  
as that agent. 30969

(3) The location of the well identified by section or lot 30970  
number, city, village, township, and county; 30971

(4) Designation of well by name and number; 30972

(5) The total depth of the well to be plugged; 30973

(6) The date and amount of last production from the well; 30974

(7) Other information that the chief may require. 30975

(C) ~~Except as otherwise provided in division (E) (2) (a) of~~ 30976  
~~section 1509.071 of the Revised Code, the application shall be~~ 30977  
~~accompanied by a nonrefundable fee of two hundred fifty dollars.~~ 30978  
Unless waived by an oil and gas resources inspector, the owner 30979  
of a well or the owner's authorized representative shall notify 30980  
an oil and gas resources inspector at least twenty-four hours 30981  
prior to the commencement of the plugging of a well. No well 30982  
shall be plugged and abandoned without an oil and gas resources 30983

inspector present unless permission has been granted by the 30984  
chief. The owner of a well that has produced oil or gas shall 30985  
give written notice at the same time to the owner of the land 30986  
upon which the well is located and to all lessors that receive 30987  
gas from the well pursuant to an agreement. If the well 30988  
penetrates or passes within one hundred feet of the excavations 30989  
and workings of a mine, the owner of the well shall give written 30990  
notice to the owner or lessee of that mine of the intention to 30991  
abandon the well and of the time when the owner of the well will 30992  
be prepared to commence plugging it. 30993

(D) An applicant may file a request with the chief for 30994  
expedited review of an application for a permit to plug and 30995  
abandon a well. The chief may refuse to accept a request for 30996  
expedited review if, in the chief's judgment, acceptance of the 30997  
request will prevent the issuance, within twenty-one days of 30998  
filing, of permits for which applications filed under section 30999  
1509.06 of the Revised Code are pending. In addition to a 31000  
complete application for a permit that meets the requirements of 31001  
this section ~~and the permit fee prescribed by this section, if~~ 31002  
~~applicable~~, a request for expedited review shall be accompanied 31003  
by a nonrefundable filing fee of five hundred dollars unless the 31004  
chief has ordered the applicant to plug and abandon the well. 31005  
When a request for expedited review is filed, the chief shall 31006  
immediately begin to process the application and shall issue a 31007  
permit within seven days of the filing of the request unless the 31008  
chief, by order, denies the application. 31009

(E) (1) Except as otherwise provided in division (E) (2) of 31010  
this section, any person undertaking the plugging of a well for 31011  
which a permit has been issued under this section shall obtain 31012  
insurance for bodily injury coverage and property damage 31013  
coverage in the amount established under section 1509.07 of the 31014

Revised Code to pay for damages or injury to property or person, 31015  
including damages caused by the plugging of the well. The person 31016  
shall electronically submit proof of insurance to the chief upon 31017  
the chief's request. 31018

(2) Division (E)(1) of this section does not apply to a 31019  
person already required to maintain an insurance policy under 31020  
section 1509.07 of the Revised Code. 31021

(F) This section does not apply to a well plugged or 31022  
abandoned in compliance with section 1571.05 of the Revised 31023  
Code. 31024

**Sec. 1509.38.** (A) There is hereby created in the division 31025  
of oil and gas resources management a technical advisory council 31026  
on oil and gas, which shall consist of eight members to be 31027  
appointed by the governor with the advice and consent of the 31028  
senate. Three members shall be independent oil or gas producers, 31029  
operators, or their representatives, operating and producing 31030  
primarily in this state, three members shall be oil or gas 31031  
producers, operators, or their representatives having 31032  
substantial oil and gas producing operations in this state and 31033  
at least one other state, one member shall represent the public, 31034  
and one member shall represent persons having landowners' 31035  
royalty interests in oil and gas production. All members shall 31036  
be residents of this state, and all members, except the members 31037  
representing the public and persons having landowners' royalty 31038  
interests, shall have at least five years of practical or 31039  
technical experience in oil or gas drilling and production. Not 31040  
more than one member may represent any one company, producer, or 31041  
operator. 31042

(B) Terms of office shall be for three years, commencing 31043  
on the first day of February and ending on the thirty-first day 31044

of January. Each member shall hold office from the date of 31045  
appointment until the end of the term for which the member was 31046  
appointed. A vacancy in the office of a member shall be filled 31047  
by the governor, with the advice and consent of the senate. Any 31048  
member appointed to fill a vacancy occurring prior to the 31049  
expiration of the term for which the member's predecessor was 31050  
appointed shall hold office for the remainder of that term. Any 31051  
member shall continue in office subsequent to the expiration 31052  
date of the member's term until the member's successor takes 31053  
office, or until a period of sixty days has elapsed, whichever 31054  
occurs first. 31055

(C) The council shall select from among its members a 31056  
chairperson, a vice-chairperson, and a secretary. All members 31057  
are entitled to their actual and necessary expenses incurred in 31058  
the performance of their duties as members, payable from the 31059  
appropriations for the division. 31060

(D) The governor may remove any member for inefficiency, 31061  
neglect of duty, or malfeasance in office. 31062

(E) The council shall hold at least one regular meeting in 31063  
each quarter of a calendar year and shall keep a record of its 31064  
proceedings. Special meetings may be called by the chairperson 31065  
and shall be called by the chairperson upon receipt of a written 31066  
request signed by two or more members of the council. A written 31067  
notice of the time and place of each meeting shall be sent to 31068  
each member of the council. Five members constitute a quorum, 31069  
and no action of the council is valid unless five members 31070  
concur. 31071

(F) The council, when requested by the chief of the 31072  
division of oil and gas resources management, shall consult with 31073  
and advise the chief and perform other duties that may be 31074

lawfully delegated to it by the chief. The council may 31075  
participate in hearings held by the chief under this chapter and 31076  
has powers of approval as provided in sections 1509.24 and 31077  
1509.25 of the Revised Code. The council shall conduct the 31078  
activities required, and exercise the authority granted, under 31079  
Chapter 1510. of the Revised Code. 31080

(G) If the council receives a request from the director of 31081  
natural resources to approve an expenditure from the oil and gas 31082  
resolution and remediation fund for purposes of division (D) of 31083  
section 1509.075 of the Revised Code, the council shall vote to 31084  
approve or deny that expenditure. The council shall notify the 31085  
director in writing of the approval or denial. 31086

(H) The council, upon receiving a request from the 31087  
chairperson of the oil and gas commission under division (C) of 31088  
section 1509.35 of the Revised Code, immediately shall prepare 31089  
and provide to the chairperson a list of its members who may 31090  
serve as temporary members of the oil and gas commission as 31091  
provided in that division. 31092

**Sec. 1513.371.** The long-term abandoned mine reclamation 31093  
fund is created in the state treasury. The fund shall be 31094  
administered by the chief of the division of mineral resources 31095  
management and consist of grants awarded by the United States 31096  
secretary of the interior from the federal abandoned mine 31097  
reclamation fund pursuant to the federal "Infrastructure 31098  
Investment and Jobs Act," Pub. L. No. 177-58. All investment 31099  
earnings of the fund shall be credited to the fund. 31100

The fund shall be used for abatement of the causes and 31101  
treatment of the effects of acid mine drainage resulting from 31102  
coal mine practices, including the following: 31103

(A) The costs of building, operating, maintaining, and  
rehabilitating acid mine drainage treatment systems; 31104  
31105

(B) The prevention, abatement, and control of subsidence; 31106

(C) The prevention, abatement, and control of coal mine  
fires. 31107  
31108

**Sec. 1517.11.** (A) There is hereby created in the state 31109  
treasury the natural areas and preserves fund, which shall 31110  
consist of moneys transferred into it under section 5747.113 of 31111  
the Revised Code and of contributions made directly to it. Any 31112  
person may contribute directly to the fund in addition to or 31113  
independently of the income tax refund contribution system 31114  
established in that section. 31115

(B) Moneys in the fund shall be disbursed pursuant to 31116  
vouchers approved by the director of natural resources for use 31117  
by the division of natural areas and preserves solely for the 31118  
following purposes: 31119

~~(A)~~ (1) The acquisition of new or expanded natural areas 31120  
and nature preserves and scenic river lands; 31121

~~(B)~~ (2) Facility development in natural areas and nature 31122  
preserves and scenic river lands; 31123

~~(C)~~ (3) Special projects, including, but not limited to, 31124  
biological inventories, research grants, and the production of 31125  
interpretive material related to natural areas and nature 31126  
preserves and scenic river lands; 31127

~~(D)~~ (4) Routine maintenance for health and safety purposes. 31128

(C) Money in the fund also may be used for the purposes of 31129  
administering a system of wild, scenic, and recreational rivers, 31130  
scenic river lands, and facilities or improvements associated 31131

with such rivers and lands. 31132

(D) Moneys appropriated from the fund shall not be used to 31133  
fund salaries of permanent employees or administrative costs. 31134

(E) All investment earnings of the fund shall be credited 31135  
to the fund. 31136

(F) The chief of the division of natural areas and 31137  
preserves may sell any of the following: 31138

(1) Items related to or that promote Ohio's native plants 31139  
and animals, unique ecology and geology, and general ecological 31140  
preservation and conservation such as pins, apparel, stickers, 31141  
books, bulletins, maps, publications, calendars, and other 31142  
educational articles and division branded merchandise; 31143

(2) Items pertaining to Ohio's ecology including native 31144  
plants and seeds of native plants. 31145

(G) All moneys received under division (F) of this section 31146  
shall be paid into the state treasury to the credit of the 31147  
natural areas and preserves fund created under this section. 31148

**Sec. 1521.16.** (A) Any person who owns a facility that has 31149  
the capacity to withdraw waters of the state in an amount 31150  
greater than one hundred thousand gallons per day from all 31151  
sources and whose construction is completed before January 1, 31152  
1990, shall register the facility by January 1, 1991, with the 31153  
chief of the division of water resources, and any person who 31154  
owns a facility that has the capacity to withdraw waters of the 31155  
state in such an amount and whose construction is completed on 31156  
or after January 1, 1990, shall register the facility with the 31157  
chief within three months after the facility is completed. The 31158  
person shall register the facility using a form prescribed by 31159  
the chief that shall include, without limitation, the name and 31160



address of the registrant and date of registration; the 31161  
locations and sources of the facility's water supply; the 31162  
facility's withdrawal capacity per day and the amount withdrawn 31163  
from each source; the uses made of the water, places of use, and 31164  
places of discharge; and such other information as the chief may 31165  
require by rule. 31166

The registration date of any facility whose construction 31167  
was completed prior to January 1, 1990, and that is registered 31168  
under this division prior to January 1, 1991, shall be January 31169  
1, 1990. The registration date of any facility whose 31170  
construction was completed prior to January 1, 1990, and that is 31171  
required to register under this division prior to January 1, 31172  
1991, but that is not registered prior to that date, and the 31173  
registration date of any facility whose construction was 31174  
completed after January 1, 1990, and that is required to 31175  
register under this division shall be the date on which the 31176  
registration is received by the chief. 31177

(B) In accordance with division (D) of this section, the 31178  
chief shall adopt rules establishing standards and criteria for 31179  
determining when an area of ground water is a ground water 31180  
stress area, the geographic limits of such an area, and a 31181  
threshold withdrawal capacity for the area below which 31182  
registration under this division shall not be required. At any 31183  
time following the adoption of those rules, the chief may by 31184  
order designate an area of ground water as a ground water stress 31185  
area and shall establish in any such order a threshold 31186  
withdrawal capacity for the area below which registration under 31187  
this division shall not be required. 31188

Following the designation of a ground water stress area, 31189  
the chief immediately shall give notice by publication in a 31190

newspaper of general circulation in the designated area that 31191  
shall include a map delineating the designated ground water 31192  
stress area and a statement of the threshold withdrawal capacity 31193  
established for the area below which registration under this 31194  
division shall not be required. The notice shall not appear in 31195  
the legal notices section of the newspaper. Any person who owns 31196  
a facility in the designated ground water stress area that is 31197  
not registered under division (A) of this section and that has 31198  
the capacity to withdraw waters of the state in an amount 31199  
greater than the threshold withdrawal capacity for the area from 31200  
all sources shall register the facility with the chief not later 31201  
than thirty days after publication of the notice. A person 31202  
registering a facility under this division shall do so using a 31203  
form prescribed by the chief. The form shall include the 31204  
information specified in division (A) of this section. 31205

~~(C)~~ (C) (1) Any person who owns a facility registered under 31206  
division (A) or (B) of this section shall file a report annually 31207  
with the chief listing the amount of water withdrawn per day by 31208  
the facility, the return flow per day, and any other information 31209  
the chief may require by rule. 31210

(2) Any person who owns a facility registered under 31211  
division (A) of this section shall pay an annual fee when filing 31212  
the report under division (C) (1) of this section that is based 31213  
on the registered withdrawal capacity of the facility in 31214  
accordance with the following amounts: 31215

(a) For a facility with a registered capacity of one 31216  
hundred thousand to two hundred forty-nine thousand, nine 31217  
hundred ninety-nine gallons per day, seventy-five dollars; 31218

(b) For a facility with a registered capacity of two 31219  
hundred fifty thousand to four hundred ninety-nine thousand, 31220

<u>nine hundred ninety-nine gallons per day, one hundred dollars;</u>	31221
<u>(c) For a facility with a registered capacity of five</u>	31222
<u>hundred thousand to nine hundred ninety-nine thousand, nine</u>	31223
<u>hundred ninety-nine gallons per day, one hundred fifty dollars;</u>	31224
<u>(d) For a facility with a registered capacity of one</u>	31225
<u>million to nine million, nine hundred ninety-nine thousand, nine</u>	31226
<u>hundred ninety-nine gallons per day, two hundred fifty dollars;</u>	31227
<u>(e) For a facility with a registered capacity of ten</u>	31228
<u>million to forty nine million, nine hundred ninety-nine</u>	31229
<u>thousand, nine hundred ninety-nine gallons per day, five hundred</u>	31230
<u>fifty dollars;</u>	31231
<u>(f) For a facility with a registered capacity of fifty</u>	31232
<u>million gallons per day or greater, one thousand fifty dollars.</u>	31233
<u>(3) All fees collected under division (C) (2) of this</u>	31234
<u>section shall be credited to the water management fund created</u>	31235
<u>in section 1521.22 of the Revised Code.</u>	31236
(D) The chief shall adopt, and may amend or rescind, rules	31237
in accordance with Chapter 119. of the Revised Code to carry out	31238
this section.	31239
(E) (1) No person knowingly shall fail to register a	31240
facility or file a report as required under this section.	31241
(2) No person shall file a false registration or report	31242
under this section. Violation of division (E) (2) of this section	31243
is falsification under section 2921.13 of the Revised Code.	31244
<b>Sec. 1521.23.</b> (A) Except as provided in divisions (D) and	31245
(E) of this section, no person shall allow a facility that the	31246
person owns or operates to withdraw waters of the state in an	31247
amount that would result in a new or increased consumptive use	31248

of more than an average of two million gallons of water per day 31249  
in any thirty-day period without first obtaining a permit from 31250  
the chief of the division of water resources under section 31251  
1521.29 of the Revised Code. 31252

(B) Prior to developing a new or increased withdrawal or 31253  
consumptive use capacity that would facilitate a withdrawal 31254  
requiring a permit under section 1521.29 of the Revised Code, an 31255  
owner or operator of a facility shall submit an application for 31256  
a permit to the chief on a form the chief prescribes. The 31257  
applicant shall declare and document all of the following in the 31258  
application: 31259

(1) The facility's current withdrawal capacity per day if 31260  
the withdrawal is to occur at a facility already in operation; 31261

(2) The total new or increased daily withdrawal capacity 31262  
proposed for the facility; 31263

(3) The locations and sources of water proposed to be 31264  
withdrawn; 31265

(4) The locations of proposed discharges or return flows; 31266

(5) The locations and nature of proposed consumptive uses; 31267

(6) The estimated average annual and monthly volumes and 31268  
rates of withdrawal; 31269

(7) The estimated average annual and monthly volumes and 31270  
rates of consumptive use; 31271

(8) The effects the withdrawal is anticipated to have with 31272  
respect to existing uses of water resources; 31273

(9) A description of other ways the applicant's need for 31274  
water may be satisfied if the application is denied or modified; 31275

(10) A description of the conservation practices the applicant intends to follow;	31276 31277
(11) All information required under sections 1521.24 to 1521.27 of the Revised Code if the sources of water for the proposed withdrawal are ground water;	31278 31279 31280
(12) Any other information the chief may require by rule.	31281
(C) Each application shall be accompanied by a nonrefundable fee of <del>one</del> <u>five</u> thousand dollars, which shall be credited to the water management fund created under section 1521.22 of the Revised Code.	31282 31283 31284 31285
(D) A major utility facility that is subject to regulation under Chapter 4906. of the Revised Code, a facility that is subject to regulation under Chapter 1514. of the Revised Code, or a facility that is required to obtain a permit under sections 1522.10 to 1522.30 of the Revised Code need not obtain a permit under section 1521.29 of the Revised Code.	31286 31287 31288 31289 31290 31291
(E) A public water system, as defined in section 6109.01 of the Revised Code, that withdraws waters of the state in an amount that would result in a new or increased consumptive use of more than two million gallons per day need not obtain a permit under section 1521.29 of the Revised Code if one of the following applies:	31292 31293 31294 31295 31296 31297
(1) The public water system was in operation on June 29, 1988, and no substantial changes in the design capacity are proposed for that system.	31298 31299 31300
(2) A public water system that is proposed to be constructed or installed, or an existing system for which changes are proposed, encompasses only water distribution facilities.	31301 31302 31303 31304

**Sec. 1522.12.** (A) For purposes of the compact, the owner 31305  
or operator of a facility within the Lake Erie watershed that is 31306  
not otherwise exempt under section 1522.14 of the Revised Code 31307  
shall obtain a withdrawal and consumptive use permit from the 31308  
chief of the division of water resources if the facility meets 31309  
any of the following threshold criteria: 31310

(1) The facility has a new or increased capacity for 31311  
withdrawals or consumptive uses from Lake Erie or a recognized 31312  
navigation channel of at least two and one-half million gallons 31313  
per day. 31314

(2) Except as provided in division (A) (3) of this section, 31315  
the facility has a new or increased capacity for withdrawals or 31316  
consumptive uses from any river or stream or from ground water 31317  
in the Lake Erie watershed of at least one million gallons per 31318  
day. 31319

(3) (a) Except as provided in division (A) (3) (b) of this 31320  
section, the facility has a new or increased capacity for 31321  
withdrawals or consumptive uses from any river or stream in the 31322  
Lake Erie watershed that is a high quality water of at least one 31323  
hundred thousand gallons per day. Division (A) (3) of this 31324  
section does not apply to withdrawals and consumptive uses from 31325  
outstanding state waters that are designated as such by the 31326  
environmental protection agency due to their exceptional 31327  
recreational values. 31328

(b) If a river or stream or segment thereof is designated 31329  
as a high quality water as of September 4, 2012, the threshold 31330  
established in division (A) (3) (a) of this section applies to the 31331  
river or stream or segment thereof and the entire watershed 31332  
upstream of that river, stream, or segment. If a river or stream 31333  
or segment thereof is designated as a high quality water after 31334

September 4, 2012, the threshold established in division (A) (3) 31335  
(a) of this section applies to the river or stream or segment 31336  
thereof and the entire watershed upstream of that river, stream, 31337  
or segment, provided that the director of environmental 31338  
protection and the director of natural resources, or their 31339  
designees, jointly determine that the proposed withdrawal or 31340  
consumptive use would cause the high quality water to lose its 31341  
designation as a high quality water. If the directors determine 31342  
that the proposed withdrawal or consumptive use would not cause 31343  
the high quality water to lose that designation, the threshold 31344  
established in division (A) (2) of this section applies to the 31345  
withdrawal or consumptive use at a point beginning one thousand 31346  
feet upstream of the upstream end of the designated high quality 31347  
water segment or at a point beginning two times the length of 31348  
the river, stream, or segment that has been designated as a high 31349  
quality water, whichever is greater. 31350

(B) An owner or operator of a facility that is not 31351  
otherwise exempt under section 1522.14 of the Revised Code and 31352  
that is subject to a threshold specified in division (A) of this 31353  
section shall not install or operate the facility or equipment 31354  
that will result in a new or increased withdrawal or consumptive 31355  
use of water in the Lake Erie watershed without first obtaining 31356  
a withdrawal and consumptive use permit. 31357

(C) Permits issued under this section shall be issued only 31358  
for the amount of withdrawal or consumptive use capacity of a 31359  
facility that meets or exceeds threshold amounts established in 31360  
division (A) of this section. A permit shall not be required for 31361  
the portion of the withdrawal and consumptive use capacity of 31362  
the facility below that threshold amount. 31363

(D) An applicant for a permit shall submit an application 31364

to the chief on a form that the chief prescribes. The applicant 31365  
shall include with the application all of the following: 31366

(1) The name, address, and telephone number of the 31367  
applicant and of a contact person for the applicant; 31368

(2) The names, addresses, and other necessary contact 31369  
information of any other owners and operators of the facility; 31370

(3) A description of all of the following: 31371

(a) The facility's current withdrawal capacity per day if 31372  
the withdrawal is to occur at a facility already in operation; 31373

(b) The total new or increased daily withdrawal capacity 31374  
proposed for the facility; 31375

(c) The locations and sources of water proposed to be 31376  
withdrawn; 31377

(d) The locations of proposed discharges or return flows; 31378

(e) The locations and nature of proposed consumptive uses 31379  
and the applicable consumptive use coefficient for the facility; 31380

(f) The estimated average annual and monthly volumes and 31381  
rates of withdrawal; 31382

(g) The estimated average annual and monthly volumes and 31383  
rates of consumptive use; 31384

(h) The environmentally sound and economically feasible 31385  
water conservation measures to be undertaken by the applicant; 31386

(i) Other ways the applicant's need for water may be 31387  
satisfied if the application is denied or modified; 31388

(4) All information required in sections 1522.121 to 31389  
1522.124 of the Revised Code if the source of water for the 31390



proposed withdrawal is ground water; 31391

(5) Any other information the chief may require to 31392  
adequately consider the application; 31393

(6) A nonrefundable application fee of ~~one~~five thousand 31394  
dollars, the proceeds of which shall be credited to the water 31395  
management fund created in section 1521.22 of the Revised Code. 31396

(E) Provided that a facility meets all applicable permit 31397  
conditions, a permit for the facility is valid until the 31398  
facility is the subject of facility abandonment. Once every five 31399  
years, the owner or operator of a facility shall certify to the 31400  
chief that the facility is in compliance with the permit that 31401  
has been issued for the facility. 31402

(F) No person that is required to do so shall fail to 31403  
apply for and receive a withdrawal and consumptive use permit. 31404

(G) A permit issued under this section shall include terms 31405  
and conditions restricting the withdrawal and consumptive use by 31406  
a facility to amounts not exceeding the capacity of the 31407  
facility. 31408

(H) The chief shall issue or deny a permit not later than 31409  
ninety days after receipt of a complete application. If 31410  
applicable, the chief shall comply with the requirements 31411  
regarding prior notice established in Section 4.6 of the 31412  
compact. The chief shall issue or deny a permit through issuance 31413  
of an order. The chief shall issue a permit if all applicable 31414  
criteria for receiving the permit are met as provided in 31415  
sections 1522.10 to 1522.30 of the Revised Code and neither of 31416  
the following applies: 31417

(1) A withdrawal or consumptive use will result in a 31418  
significant lowering of the water level within an aquifer, the 31419

overdrafting of an aquifer, a significant diminution in the 31420  
amount of water available in existing wells, or the interruption 31421  
of existing ground water supplies within the geographic area 31422  
established by the chief pursuant to section 1522.125 of the 31423  
Revised Code without a suitable replacement water supply source. 31424

(2) A withdrawal or consumptive use would cause 31425  
irreparable material damage to an aquifer such that the aquifer 31426  
could no longer yield the amount of water it did before the 31427  
withdrawal or consumptive use proposed in the application. 31428

(I) If the facility for which a permit has been issued 31429  
under this section withdraws ground water, the chief may require 31430  
the continued monitoring and reporting of water levels in each 31431  
aquifer via existing wells or new monitoring wells drilled by 31432  
the permittee. 31433

**Sec. 1533.10.** (A) Except as provided in this section or 31434  
division (A) (2) of section 1533.12 or section 1533.73 or 31435  
1533.731 of the Revised Code, no person shall hunt any wild bird 31436  
or wild quadruped without a hunting license. Each day that any 31437  
person hunts within the state without procuring such a license 31438  
constitutes a separate offense. 31439

(B) (1) Except as otherwise provided in this section, 31440  
division (A) of section 1533.12 of the Revised Code, or in rules 31441  
adopted under division (B) of that section, each applicant for a 31442  
hunting license shall pay an annual fee for each annual license 31443  
in accordance with the following schedule: 31444  
31445

1

2

A Hunting license - resident

\$18.00

B	Hunting license - nonresident that is not a resident of a reciprocal state, ages 18 and older	\$174.00
C	Hunting license - nonresident that is a resident of a reciprocal state, ages 18 and older	\$18.00
D	Apprentice hunting license - resident	\$18.00
E	Apprentice hunting license - nonresident that is not a resident of a reciprocal state	\$174.00
F	Apprentice hunting license - nonresident that is a resident of a reciprocal state	\$18.00
G	Youth hunting license - resident and nonresident	\$9.00
H	Apprentice youth hunting license - resident	\$9.00
I	Senior hunting license - resident	\$9.00
J	Apprentice senior hunting license - resident	\$9.00

(2) Apprentice resident hunting licenses, apprentice youth hunting licenses, apprentice senior hunting licenses, and apprentice nonresident hunting licenses are subject to the requirements established under section 1533.102 of the Revised Code and rules adopted under it.

(3) As used in division (B) (1) of this section: 31451

(a) "Youth" means an applicant who is under the age of eighteen years at the time of application for a license. 31452  
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(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license. 31454  
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(c) "Reciprocal state" means a state that is a party to an agreement under section 1533.91 of the Revised Code. 31456  
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(C) A resident of this state who owns lands in the state 31458  
and the owner's parents, children of any age, and grandchildren 31459  
under eighteen years of age may hunt on the lands without a 31460  
hunting license. A resident of any other state who owns real 31461  
property in this state, and the spouse and children living with 31462  
the property owner, may hunt on that property without a license, 31463  
provided that the state of residence of the real property owner 31464  
allows residents of this state owning real property in that 31465  
state, and the spouse and children living with the property 31466  
owner, to hunt without a license. If the owner of land in this 31467  
state is a limited liability company or a limited liability 31468  
partnership that consists of three or fewer individual members 31469  
or partners, as applicable, an individual member or partner who 31470  
is a resident of this state and the member's or partner's 31471  
parents, children of any age, and grandchildren under eighteen 31472  
years of age may hunt on the land owned by the limited liability 31473  
company or limited liability partnership without a hunting 31474  
license. In addition, if the owner of land in this state is a 31475  
trust that has a total of three or fewer trustees and 31476  
beneficiaries, an individual who is a trustee or beneficiary and 31477  
who is a resident of this state and the individual's parents, 31478  
children of any age, and grandchildren under eighteen years of 31479  
age may hunt on the land owned by the trust without a hunting 31480  
license. The tenant and children of the tenant, residing on 31481  
lands in the state, may hunt on them without a hunting license. 31482

(D) The chief of the division of wildlife may issue a 31483  
small game hunting license expiring three days from the 31484  
effective date of the license to a nonresident of the state, the 31485  
fee for which is thirty-nine dollars. No person shall take or 31486

possess deer, wild turkeys, fur-bearing animals, ducks, geese, 31487  
brant, or any nongame animal while possessing only a small game 31488  
hunting license. 31489

A small game hunting license or an apprentice nonresident 31490  
hunting license does not authorize the taking or possessing of 31491  
ducks, geese, or brant without having obtained, in addition to 31492  
the small game hunting license or the apprentice nonresident 31493  
hunting license, a wetlands habitat stamp as provided in section 31494  
1533.112 of the Revised Code. A small game hunting license or an 31495  
apprentice nonresident hunting license does not authorize the 31496  
taking or possessing of deer, wild turkeys, or fur-bearing 31497  
animals. A nonresident of the state who wishes to take or 31498  
possess deer, wild turkeys, or fur-bearing animals in this state 31499  
shall procure, respectively, a deer or wild turkey permit as 31500  
provided in section 1533.11 of the Revised Code or a fur taker 31501  
permit as provided in section 1533.111 of the Revised Code in 31502  
addition to a nonresident hunting license, an apprentice 31503  
nonresident hunting license, a special youth hunting license, or 31504  
an apprentice youth hunting license, as applicable, as provided 31505  
in this section. 31506

(E) No person shall procure or attempt to procure a 31507  
hunting license by fraud, deceit, misrepresentation, or any 31508  
false statement. 31509

(F) (1) This section does not authorize the taking and 31510  
possessing of deer or wild turkeys without first having 31511  
obtained, in addition to the hunting license required by this 31512  
section, a deer or wild turkey permit as provided in section 31513  
1533.11 of the Revised Code or the taking and possessing of 31514  
ducks, geese, or brant without first having obtained, in 31515  
addition to the hunting license required by this section, a 31516

wetlands habitat stamp as provided in section 1533.112 of the Revised Code. 31517  
31518

(2) This section does not authorize the hunting or trapping of fur-bearing animals without first having obtained, in addition to a hunting license required by this section, a fur taker permit as provided in section 1533.111 of the Revised Code. 31519  
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(G) (1) No hunting license shall be issued unless it is accompanied by a written explanation of the law in section 1533.17 of the Revised Code and the penalty for its violation, including a description of terms of imprisonment and fines that may be imposed. 31524  
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(2) No hunting license, other than an apprentice hunting license, shall be issued unless the applicant presents to the agent authorized to issue the license a previously held hunting license or evidence of having held such a license in content and manner approved by the chief, a certificate of completion issued upon completion of a hunter education and conservation course approved by the chief, or evidence of equivalent training in content and manner approved by the chief. A previously held apprentice hunting license does not satisfy the requirement concerning the presentation of a previously held hunting license or evidence of it. 31529  
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(3) No person shall issue a hunting license, except an apprentice hunting license, to any person who fails to present the evidence required by this section. No person shall purchase or obtain a hunting license, other than an apprentice hunting license, without presenting to the issuing agent the evidence required by this section. Issuance of a hunting license in violation of the requirements of this section is an offense by 31540  
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both the purchaser of the illegally obtained hunting license and 31547  
the clerk or agent who issued the hunting license. Any hunting 31548  
license issued in violation of this section is void. 31549

(H) The chief, with approval of the wildlife council, 31550  
shall adopt rules prescribing a hunter education and 31551  
conservation course for first-time hunting license buyers, other 31552  
than buyers of apprentice hunting licenses, and for volunteer 31553  
instructors. The course shall consist of subjects including, but 31554  
not limited to, hunter safety and health, use of hunting 31555  
implements, hunting tradition and ethics, the hunter and 31556  
conservation, the law in section 1533.17 of the Revised Code 31557  
along with the penalty for its violation, including a 31558  
description of terms of imprisonment and fines that may be 31559  
imposed, and other law relating to hunting. Authorized personnel 31560  
of the division or volunteer instructors approved by the chief 31561  
shall conduct such courses with such frequency and at such 31562  
locations throughout the state as to reasonably meet the needs 31563  
of license applicants. The chief shall issue a certificate of 31564  
completion to each person who successfully completes the course 31565  
and passes an examination prescribed by the chief. 31566

**Sec. 1533.11.** (A) (1) Except as provided in this section or 31567  
section 1533.731 of the Revised Code, no person shall hunt deer 31568  
on lands of another without first obtaining an annual deer 31569  
permit. Except as provided in this section, no person shall hunt 31570  
wild turkeys on lands of another without first obtaining an 31571  
annual wild turkey permit. A deer or wild turkey permit is valid 31572  
during the hunting license year in which the permit is 31573  
purchased. Except as provided in rules adopted under division 31574  
(B) of section 1533.12 of the Revised Code, each applicant for a 31575  
deer or wild turkey permit shall pay an annual fee for each 31576  
permit in accordance with the following schedule: 31577

31578

	1	2
A	Deer permit - resident	\$30.00
B	Deer permit - nonresident	<del>\$74.00</del>
		<u>\$210.00</u>
C	Youth deer permit - resident and nonresident	\$15.00
D	Senior deer permit - resident	\$11.00
E	Wild turkey permit - resident	\$30.00
F	Wild turkey permit - nonresident	\$37.00
G	Youth wild turkey permit - resident and nonresident	\$15.00
H	Senior wild turkey permit - resident	\$11.00

(2) As used in division (A) (1) of this section: 31579

(a) "Youth" means an applicant who is under the age of 31580  
eighteen years at the time of application for a permit. 31581

(b) "Senior" means an applicant who is sixty-six years of 31582  
age or older at the time of application for a permit. 31583

(3) The money received shall be paid into the state 31584  
treasury to the credit of the wildlife fund, created in section 31585  
1531.17 of the Revised Code, exclusively for the use of the 31586  
division of wildlife in the acquisition and development of land 31587  
for deer or wild turkey management, for investigating deer or 31588  
wild turkey problems, and for the stocking, management, and 31589  
protection of deer or wild turkey. 31590



(4) Every person, while hunting deer or wild turkey on lands of another, shall carry the person's deer or wild turkey permit and exhibit it to any enforcement officer so requesting. Failure to so carry and exhibit such a permit constitutes an offense under this section.

(5) The chief of the division of wildlife shall adopt any additional rules the chief considers necessary to carry out this section and section 1533.10 of the Revised Code.

(6) An owner who is a resident of this state or an owner who is exempt from obtaining a hunting license under section 1533.10 of the Revised Code and the parents, children of any age, and grandchildren under eighteen years of age of the owner of lands in this state may hunt deer or wild turkey thereon without a deer or wild turkey permit. If the owner of land in this state is a limited liability company or a limited liability partnership that consists of three or fewer individual members or partners, as applicable, an individual member or partner who is a resident of this state and the member's or partner's parents, children of any age, and grandchildren under eighteen years of age may hunt deer or wild turkey on the land owned by the limited liability company or limited liability partnership without a deer or wild turkey permit. In addition, if the owner of land in this state is a trust that has a total of three or fewer trustees and beneficiaries, an individual who is a trustee or beneficiary and who is a resident of this state and the individual's parents, children of any age, and grandchildren under eighteen years of age may hunt deer or wild turkey on the land owned by the trust without a deer or wild turkey permit. The tenant and children of the tenant may hunt deer or wild turkey on lands where they reside without a deer or wild turkey permit.

(B) A deer or wild turkey permit is not transferable. No 31622  
person shall carry a deer or wild turkey permit issued in the 31623  
name of another person. 31624

(C) The wildlife refunds fund is hereby created in the 31625  
state treasury. The fund shall consist of money received from 31626  
application fees for deer permits that are not issued. Money in 31627  
the fund shall be used to make refunds of such application fees. 31628

(D) If the division establishes a system for the 31629  
electronic submission of information regarding deer or wild 31630  
turkey that are taken, the division shall allow the owner and 31631  
the children of the owner of lands in this state to use the 31632  
owner's name or address for purposes of submitting that 31633  
information electronically via that system. 31634

**Sec. 1533.111.** (A) Except as provided in this section or 31635  
division (A) (2) of section 1533.12 of the Revised Code, no 31636  
person shall hunt or trap fur-bearing animals on land of another 31637  
without first obtaining some type of an annual fur taker permit. 31638

(B) (1) Except as otherwise provided in rules adopted under 31639  
division (B) of section 1533.12 of the Revised Code, each 31640  
applicant for a fur taker permit or an apprentice fur taker 31641  
permit shall pay an annual fee for each annual permit in 31642  
accordance with the following schedule: 31643  
31644

	1	2
A	Fur taker permit	\$14.00
B	Apprentice fur taker permit	\$14.00
C	Senior fur taker permit - resident only	\$7.00

D	Apprentice senior fur taker permit - resident only	\$7.00
E	Special youth fur taker permit	\$7.00
F	Apprentice youth fur taker permit	\$7.00

(2) As used in division (B) (1) of this section: 31645

(a) "Youth" means an applicant who is under the age of 31646  
eighteen years at the time of application for a permit. 31647

(b) "Senior" means an applicant who is sixty-six years of 31648  
age or older at the time of application for a permit. 31649

(C) Each type of fur taker permit is valid during the 31650  
hunting license year in which the permit is purchased. The money 31651  
received shall be paid into the state treasury to the credit of 31652  
the fund established in section 1533.15 of the Revised Code. 31653  
Apprentice fur taker permits and apprentice youth fur taker 31654  
permits are subject to the requirements established under 31655  
section 1533.102 of the Revised Code and rules adopted pursuant 31656  
to it. 31657

(D) (1) No person shall issue a fur taker permit to an 31658  
applicant unless it is accompanied by a written explanation of 31659  
the law in section 1533.17 of the Revised Code and the penalty 31660  
for its violation, including a description of terms of 31661  
imprisonment and fines that may be imposed. 31662

(2) No person shall issue a fur taker permit, other than 31663  
an apprentice fur taker permit or an apprentice youth fur taker 31664  
permit, to an applicant unless the applicant presents to the 31665  
agent authorized to issue a fur taker permit a previously held 31666  
hunting license or trapping or fur taker permit or evidence of 31667  
having held such a license or permit in content and manner 31668

approved by the chief of the division of wildlife, a certificate 31669  
of completion issued upon completion of a trapper education 31670  
course approved by the chief, or evidence of equivalent training 31671  
in content and manner approved by the chief. A previously held 31672  
apprentice hunting license, apprentice fur taker permit, or 31673  
apprentice youth fur taker permit does not satisfy the 31674  
requirement concerning the presentation of a previously held 31675  
hunting license or fur taker permit or evidence of such a 31676  
license or permit. 31677

(3) No person shall issue a fur taker permit, other than 31678  
an apprentice fur taker permit or an apprentice youth fur taker 31679  
permit, to any person who fails to present the evidence required 31680  
by this section. No person shall purchase or obtain a fur taker 31681  
permit, other than an apprentice fur taker permit or an 31682  
apprentice youth fur taker permit, without presenting to the 31683  
issuing agent the evidence required by this section. Issuance of 31684  
a fur taker permit in violation of the requirements of this 31685  
section is an offense by both the purchaser of the illegally 31686  
obtained permit and the clerk or agent who issued the permit. 31687  
Any fur taker permit issued in violation of this section is 31688  
void. 31689

(E) The chief, with approval of the wildlife council, 31690  
shall adopt rules prescribing a trapper education course for 31691  
first-time fur taker permit buyers, other than buyers of 31692  
apprentice fur taker permits or apprentice youth fur taker 31693  
permits, and for volunteer instructors. The course shall consist 31694  
of subjects that include, but are not limited to, trapping 31695  
techniques, animal habits and identification, trapping tradition 31696  
and ethics, the trapper and conservation, the law in section 31697  
1533.17 of the Revised Code along with the penalty for its 31698  
violation, including a description of terms of imprisonment and 31699

finer that may be imposed, and other law relating to trapping. 31700  
Authorized personnel of the division of wildlife or volunteer 31701  
instructors approved by the chief shall conduct the courses with 31702  
such frequency and at such locations throughout the state as to 31703  
reasonably meet the needs of permit applicants. The chief shall 31704  
issue a certificate of completion to each person who 31705  
successfully completes the course and passes an examination 31706  
prescribed by the chief. 31707

(F) Every person, while hunting or trapping fur-bearing 31708  
animals on lands of another, shall carry the person's fur taker 31709  
permit with the person's signature written on the permit. 31710  
Failure to carry such a signed permit constitutes an offense 31711  
under this section. The chief shall adopt any additional rules 31712  
the chief considers necessary to carry out this section. 31713

(G) An owner who is a resident of this state or an owner 31714  
who is exempt from obtaining a hunting license under section 31715  
1533.10 of the Revised Code and the parents, children of any 31716  
age, and grandchildren under eighteen years of age of the owner 31717  
of lands in this state may hunt or trap fur-bearing animals 31718  
thereon without a fur taker permit. If the owner of land in this 31719  
state is a limited liability company or a limited liability 31720  
partnership that consists of three or fewer individual members 31721  
or partners, as applicable, an individual member or partner who 31722  
is a resident of this state and the member's or partner's 31723  
parents, children of any age, and grandchildren under eighteen 31724  
years of age may hunt or trap fur-bearing animals on the land 31725  
owned by the limited liability company or limited liability 31726  
partnership without a fur taker permit. In addition, if the 31727  
owner of land in this state is a trust that has a total of three 31728  
or fewer trustees and beneficiaries, an individual who is a 31729  
trustee or beneficiary and who is a resident of this state and 31730

the individual's parents, children of any age, and grandchildren 31731  
under eighteen years of age may hunt or trap fur-bearing animals 31732  
on the land owned by the trust without a fur taker permit. The 31733  
tenant and children of the tenant may hunt or trap fur-bearing 31734  
animals on lands where they reside without a fur taker permit. 31735

(H) A fur taker permit is not transferable. No person 31736  
shall carry a fur taker permit issued in the name of another 31737  
person. 31738

(I) A fur taker permit entitles a nonresident to take from 31739  
this state fur-bearing animals taken and possessed by the 31740  
nonresident as provided by law or division rule. 31741

**Sec. 1533.131.** The chief of the division of wildlife may 31742  
sell gift certificates that may be used to obtain ~~hunting and~~ 31743  
~~fishing, pay for, or purchase licenses, fur taker, deer, and~~ 31744  
~~wild turkey permits, and wetlands habitat stamps, user fees, and~~ 31745  
conservation-related items provided for under this chapter or 31746  
Chapter 1531. of the Revised Code. For the purposes of this 31747  
~~section, the~~ The chief shall may adopt rules in accordance with 31748  
section 1531.10 of the Revised Code ~~doing necessary to~~ 31749  
administer this section, including all of the following: 31750

(A) ~~Providing that a gift certificate may be used to~~ 31751  
~~obtain a resident or nonresident hunting license under section~~ 31752  
~~1533.10 of the Revised Code, a resident or nonresident fishing~~ 31753  
~~license under section 1533.32 of the Revised Code, a fur taker~~ 31754  
~~permit under section 1533.111 of the Revised Code, a deer or~~ 31755  
~~wild turkey permit under section 1533.11 of the Revised Code, a~~ 31756  
~~wetlands habitat stamp under section 1533.112 of the Revised~~ 31757  
~~Code, or a combination of those licenses, permits, and~~ 31758  
~~stamps~~ Designating which licenses, permits, stamps, user fees, 31759  
and conservation-related items may be obtained, paid for, or 31760

<u>purchased with a gift certificate;</u>	31761
(B) Prescribing the form for the gift certificates;	31762
(C) Authorizing persons who are designated and authorized under section 1533.13 of the Revised Code to sell licenses and permits under this chapter also to sell gift certificates under this section;	31763 31764 31765 31766
<del>(D) Establishing fees for the gift certificates, which shall equal the total of the fee for a resident or nonresident hunting license, a resident or nonresident fishing license, a fur taker permit, a deer or wild turkey permit, a wetlands habitat stamp, or a combination of those licenses, permits, and stamp, as applicable, and the fee established under section 1533.13 of the Revised Code;</del>	31767 31768 31769 31770 31771 31772 31773
<del>(E) Requiring gift certificates to expire one year after the date of purchase.</del>	31774 31775
Nothing in this section or rules adopted under it relieves an individual who receives a gift certificate for a hunting license from complying with the requirement established under section 1533.10 of the Revised Code to present, when applying for the license, a previously held hunting license or evidence of having held such a license in content and manner approved by the chief, a certificate of completion issued upon completion of a hunter education and conservation course approved by the chief, or evidence of equivalent training in content and manner approved by the chief.	31776 31777 31778 31779 31780 31781 31782 31783 31784 31785
Nothing in this section or rules adopted under it relieves an individual who receives a gift certificate for a fur taker permit from complying with the requirements established under section 1533.111 of the Revised Code to present, when applying	31786 31787 31788 31789

for the permit, a previously held hunting license or trapping or 31790  
fur taker permit or evidence of having held such a license or 31791  
permit in content and manner approved by the chief, a 31792  
certificate of completion issued upon completion of a trapper 31793  
education course approved by the chief, or evidence of 31794  
equivalent training in content and manner approved by the chief. 31795

**Sec. 1533.32.** (A) Except as provided in this section or 31796  
division (A) (2) or (C) of section 1533.12 of the Revised Code or 31797  
as exempted at the discretion of the chief of the division of 31798  
wildlife, no person, including nonresidents, shall take or catch 31799  
any fish by angling in any of the waters in the state or engage 31800  
in fishing in those waters without a license. No person shall 31801  
take or catch frogs or turtles without a valid fishing license, 31802  
except as provided in this section. Persons fishing in privately 31803  
owned ponds, lakes, or reservoirs to or from which fish are not 31804  
accustomed to migrate are exempt from the license requirements 31805  
set forth in this section. Persons fishing in privately owned 31806  
ponds, lakes, or reservoirs that are open to public fishing 31807  
through an agreement or lease with the division of wildlife 31808  
shall comply with the license requirements set forth in this 31809  
section. 31810

(B) (1) Except as otherwise provided in rules adopted under 31811  
division (B) of section 1533.12 of the Revised Code, each 31812  
applicant for a fishing license shall pay a fee for each license 31813  
in accordance with the following schedule: 31814  
31815

1

2

A	Annual fishing license - resident	\$24.00
B	Annual fishing license - nonresident that is	<del>\$49.00</del>



	not a resident of a reciprocal state	<u>\$74.00</u>
C	Annual fishing license - nonresident that is a resident of a reciprocal state	\$24.00
D	Annual senior fishing license - resident	\$9.00
E	Three-day tourist fishing license - nonresident that is not a resident of a reciprocal state	<del>\$24.00</del> <u>\$50.00</u>
F	One-day fishing license - <u>resident</u>	\$13.00
G	<u>One-day fishing license - nonresident that is not a resident of a reciprocal state</u>	<u>\$26.00</u>
H	<u>One-day fishing license - nonresident that is a resident of a reciprocal state</u>	<u>\$13.00</u>

- (2) As used in division (B) (1) of this section: 31816
- (a) "Reciprocal state" means a state that is a party to an agreement under section 1533.91 of the Revised Code. 31817  
31818
- (b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license. 31819  
31820
- (3) Any person under the age of sixteen years may take or catch frogs and turtles and take or catch fish by angling without a license. 31821  
31822  
31823
- (C) (1) The chief of the division of wildlife may issue a tourist's license expiring three days from the effective date of the license to a resident of a state that is not a party to an agreement under section 1533.91 of the Revised Code. 31824  
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(2) The chief shall adopt rules under section 1531.10 of 31828  
the Revised Code providing for the issuance of a one-day fishing 31829  
license to a resident of this state or of any other state. A 31830  
one-day fishing license shall allow the holder to take or catch 31831  
fish by angling in the waters in the state, engage in fishing in 31832  
those waters, or take or catch frogs or turtles in those waters 31833  
for one day without obtaining an annual license or a tourist's 31834  
license under this section. At the request of a holder of a one- 31835  
day fishing license who wishes to obtain an annual license, a 31836  
clerk or agent authorized to issue licenses under section 31837  
1533.13 of the Revised Code, not later than the last day on 31838  
which the one-day license would be valid if it were an annual 31839  
license, shall credit the amount of the fee paid for the one-day 31840  
license toward the fee charged for the annual license if so 31841  
authorized by the chief. The clerk or agent shall issue the 31842  
annual license upon presentation of the one-day license and 31843  
payment of a fee in an amount equal to the difference between 31844  
the fee for the annual license and the fee for the one-day 31845  
license. 31846

(3) Unless otherwise provided by division rule, each 31847  
annual license shall begin on the date of issuance and expire a 31848  
year from the date of issuance. 31849

(4) Unless otherwise provided by division rule, each 31850  
multi-year license issued in accordance with section 1533.321 of 31851  
the Revised Code shall begin on the date of issuance and expire 31852  
three years, five years, or ten years from the date of issuance, 31853  
as applicable. 31854

(5) No person shall alter a fishing license or possess a 31855  
fishing license that has been altered. 31856

(6) No person shall procure or attempt to procure a 31857

fishing license by fraud, deceit, misrepresentation, or any 31858  
false statement. 31859

(7) A resident of this state who owns land over, through, 31860  
upon, or along which any water flows or stands, except where the 31861  
land is in or borders on state parks or state-owned lakes, 31862  
together with the members of the immediate families of such 31863  
owners, may take frogs and turtles and may take or catch fish of 31864  
the kind permitted to be taken or caught therefrom without 31865  
procuring a license provided for in this section. This exemption 31866  
extends to tenants actually residing upon such lands and to the 31867  
members of the immediate families of the tenants. A resident of 31868  
any other state who owns land in this state over, through, upon, 31869  
or along which any water flows or stands, except where the land 31870  
is in or borders on state parks or state-owned lakes, and the 31871  
spouse and children living with the owner, may take frogs and 31872  
turtles and may take or catch fish of the kind permitted to be 31873  
taken or caught from that water without obtaining a license 31874  
under this section, provided that the state of residence of the 31875  
owner allows residents of this state owning real property in 31876  
that state, and the spouse and children living with such a 31877  
property owner, to take frogs and turtles and take or catch fish 31878  
without a license. If the owner of such land in this state is a 31879  
limited liability company or a limited liability partnership 31880  
that consists of three or fewer individual members or partners, 31881  
as applicable, an individual member or partner who is a resident 31882  
of this state and the member's or partner's children of any age 31883  
may take frogs and turtles and may take or catch fish of the 31884  
kind permitted to be taken or caught therefrom without procuring 31885  
a license provided for in this section. In addition, if the 31886  
owner of such land in this state is a trust that has a total of 31887  
three or fewer trustees and beneficiaries, an individual who is 31888

a trustee or beneficiary and who is a resident of this state and 31889  
the individual's children of any age may take frogs and turtles 31890  
and may take or catch fish of the kind permitted to be taken or 31891  
caught therefrom without procuring a license provided for in 31892  
this section. Residents of state or county institutions, 31893  
charitable institutions, and military homes in this state may 31894  
take frogs and turtles without procuring the required license, 31895  
provided that a member of the institution or home has an 31896  
identification card, which shall be carried on that person when 31897  
fishing. 31898

(8) Every fisher required to be licensed, while fishing or 31899  
taking or attempting to take frogs or turtles, shall carry the 31900  
license and exhibit it to any person. Failure to so carry and 31901  
exhibit the license constitutes an offense under this section. 31902

**Sec. 1533.71.** (A) Unless otherwise provided in this 31903  
section or by division rule, any person desiring to engage in 31904  
the business of raising and selling game birds, game quadrupeds, 31905  
reptiles, amphibians, or fur-bearing animals in a wholly 31906  
enclosed preserve of which the person is the owner or lessee, or 31907  
to have game birds, game quadrupeds, reptiles, amphibians, or 31908  
fur-bearing animals in captivity, shall submit an application to 31909  
the division of wildlife for a license to do so. This section 31910  
does not apply to a person who possesses wild animals under the 31911  
authority of a license for a wild animal hunting preserve or a 31912  
commercial bird shooting preserve. 31913

The division, when it appears that the application is made 31914  
in good faith and the applicant is in compliance with division 31915  
(B) of this section, if applicable, and upon the payment of the 31916  
fee for each license, may issue to the applicant any of the 31917  
following licenses that may be applied for: 31918

(1) "Commercial propagating license" permitting the 31919  
licensee to propagate game birds, game quadrupeds except captive 31920  
white-tailed deer, reptiles, amphibians, or fur-bearing animals 31921  
in the wholly enclosed preserve the location of which is stated 31922  
in the license and the application therefor, and to sell the 31923  
propagated game birds, game quadrupeds except captive white- 31924  
tailed deer, reptiles, amphibians, or fur-bearing animals and 31925  
ship them from the state alive at any time, and permitting the 31926  
licensee and the licensee's employees to kill the propagated 31927  
game birds, game quadrupeds except captive white-tailed deer, or 31928  
fur-bearing animals and sell the carcasses for food subject to 31929  
sections 1533.71 to 1533.79 of the Revised Code. The fee for 31930  
such a license is forty dollars per annum. 31931

(2) "Noncommercial propagating license" permitting the 31932  
licensee to propagate game birds, game quadrupeds except captive 31933  
white-tailed deer, reptiles, amphibians, or fur-bearing animals 31934  
and to hold the animals in captivity. Game birds, game 31935  
quadrupeds except captive white-tailed deer, reptiles, 31936  
amphibians, and fur-bearing animals propagated or held in 31937  
captivity by authority of a noncommercial propagating license 31938  
are for the licensee's own use and shall not be sold. The fee 31939  
for such a license is twenty-five dollars per annum. 31940

(3) "Captive white-tailed deer propagation license" 31941  
permitting the licensee to propagate captive white-tailed deer, 31942  
hold the animals in captivity, and sell the animals and 31943  
carcasses. The fee for such a license is forty dollars. The 31944  
license is valid until a licensee ceases to hold captive white- 31945  
tailed deer or the license is revoked, whichever occurs earlier. 31946

(B) (1) A person who wishes to obtain a captive white- 31947  
tailed deer propagation license, prior to applying for the 31948

license, shall construct an authorized enclosure that is 31949  
surrounded by a fence that is eight feet in height with a 31950  
minimal deviation not to exceed four per cent, is constructed in 31951  
a manner that prevents ingress and egress of deer, and is 31952  
constructed of materials that are approved by the chief of the 31953  
division of wildlife in consultation with the animal and plant 31954  
health inspection service in the United States department of 31955  
agriculture, the department of agriculture, and representatives 31956  
of the cervid industry in this state. 31957

(2) After constructing an authorized enclosure in 31958  
accordance with division (B)(1) of this section and division 31959  
rules, the person may submit an application for a captive white- 31960  
tailed deer propagation license. 31961

(3) Not later than thirty days after the submission of the 31962  
application, a representative from the division shall inspect 31963  
the authorized enclosure to ensure compliance with division (B) 31964  
(1) of this section and division rules. If the applicant's 31965  
authorized enclosure is not in compliance with all of the 31966  
applicable requirements, the representative shall inform the 31967  
applicant in writing of the deficiencies not later than ten 31968  
business days after the inspection. If the applicant corrects 31969  
the deficiencies, the applicant shall request a reinspection. 31970  
The reinspection shall be conducted in accordance with this 31971  
division not later than thirty days after the request for 31972  
reinspection. 31973

If the applicant's authorized enclosure complies with all 31974  
of the applicable requirements, the chief shall review the 31975  
application and shall issue or deny the license. If the chief 31976  
denies the license, the chief shall return the application to 31977  
the applicant with an explanation of the reasons for denial. The 31978

applicant may correct the deficiencies in the application and 31979  
submit a revised application. If the applicant corrects the 31980  
deficiencies, the chief shall issue the license as provided in 31981  
this section. 31982

(4) Upon receipt of a captive white-tailed deer 31983  
propagation license, receipt of a license under section ~~943.03~~ 31984  
~~or 943.031~~ 944.02 of the Revised Code, and a demonstration to 31985  
the chief or the chief's designee that each captive white-tailed 31986  
deer held by the licensee was legally acquired, the licensee may 31987  
place all of the licensee's deer in the authorized enclosure. 31988  
The licensee thereafter shall comply with this chapter and 31989  
Chapter 1531. of the Revised Code, division rules, ~~sections~~ 31990  
~~943.20 to 943.26~~ and Chapter 944. of the Revised Code, and rules 31991  
adopted under ~~section 943.24 of the Revised Code~~ it. 31992

(C) The division may inspect a facility to which a captive 31993  
white-tailed deer propagation license has been issued only at 31994  
reasonable times and when the inspection is in connection with a 31995  
criminal investigation. 31996

(D) The chief, with the approval of the director of 31997  
agriculture, may suspend or revoke a captive white-tailed deer 31998  
propagation license issued to a person who also has been issued 31999  
a valid license under section ~~943.03 or 943.031~~ 944.02 of the 32000  
Revised Code for the same facility if the person fails to comply 32001  
with this chapter and Chapter 1531. of the Revised Code, 32002  
division rules, ~~sections 943.20 to 943.26~~ and Chapter 944. of 32003  
the Revised Code, and rules adopted under ~~section 943.24 of the~~ 32004  
~~Revised Code~~ it. 32005

(E) Except as provided by law, no person shall possess 32006  
game birds, game quadrupeds, or fur-bearing animals in closed 32007  
season, provided that municipal or governmental zoological parks 32008

are not required to obtain the licenses provided for in this section. 32009  
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(F) Except for a captive white-tailed deer propagation license, all licenses issued under this section shall expire on the fifteenth day of March of each year. 32011  
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(G) The chief shall pay all moneys received as fees for the issuance of licenses under this section into the state treasury to the credit of the fund created by section 1533.15 of the Revised Code for the use of the division in the purchase, preservation, and protection of wild animals and for the necessary clerical help and forms required by sections 1533.71 to 1533.79 of the Revised Code. 32014  
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(H) This section does not authorize the taking or the release for taking of the following: 32021  
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(1) Game birds, without first obtaining a commercial bird shooting preserve license issued under section 1533.72 of the Revised Code; 32023  
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(2) Game or nonnative wildlife, without first obtaining a wild animal hunting preserve license issued under section 1533.721 of the Revised Code. 32026  
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(I) A license shall not be issued under this section to raise or sell a dangerous wild animal or restricted snake as defined in section 935.01 of the Revised Code. 32029  
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32031

**Sec. 1533.721.** (A) Except as otherwise provided by division rule, no person shall offer for hunting or hunt any nonnative wildlife except in a licensed wild animal hunting preserve. No person shall operate a wild animal hunting preserve without first obtaining a wild animal hunting preserve license issued by the chief of the division of wildlife under this 32032  
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section. 32038

(B) Application for a wild animal hunting preserve license 32039  
shall be made on a form prescribed by the chief and shall be 32040  
accompanied by a license application fee of one thousand 32041  
dollars. The application shall contain a list of which species 32042  
of game and nonnative wildlife are to be released for hunting in 32043  
the preserve and any other information required by the chief. 32044

(C) The chief, upon payment of the application fee, shall 32045  
issue to the applicant a wild animal hunting preserve license if 32046  
all of the following conditions are met: 32047

(1) The operation of the wild animal hunting preserve does 32048  
not conflict with a prior reasonable public interest. 32049

(2) The proposed wild animal hunting preserve meets the 32050  
requirements established in division (A) of section 1533.731 of 32051  
the Revised Code. 32052

(3) The applicant is the owner or lessee of the land 32053  
described in the application and maintains that status as the 32054  
owner or lessee of the land until the license expires. 32055

(4) The proposed wild animal hunting preserve has been 32056  
inspected by a representative of the division of wildlife to 32057  
ensure that all wild deer have been removed from the proposed 32058  
wild animal hunting preserve before any game or nonnative 32059  
wildlife are released into the preserve. 32060

(D) Prior to an inspection of a proposed wild animal 32061  
hunting preserve for purposes of division (C) (4) of this 32062  
section, an applicant for a wild animal hunting preserve license 32063  
shall remove all wild deer from the proposed preserve using a 32064  
method that is approved by the chief. All wild deer that cannot 32065  
be removed from the proposed wild animal hunting preserve shall 32066

be killed, and the applicant shall submit a restitution fee in 32067  
accordance with section 1531.201 of the Revised Code. 32068

(E) Inspection of a proposed wild animal hunting preserve 32069  
shall be conducted and approval or disapproval of an initial 32070  
license for such a preserve shall be made between the first day 32071  
of January through the last day of March of the year in which 32072  
the applicant first intends to operate the preserve. 32073

(F) Upon receipt of the initial license for a wild animal 32074  
hunting preserve, receipt of a license under section ~~943.03 or~~ 32075  
~~943.031-944.02~~ of the Revised Code, and a demonstration to the 32076  
chief or the chief's designee that each captive white-tailed 32077  
deer held by the licensee was legally acquired, the licensee may 32078  
place all of the licensee's deer in the wild animal hunting 32079  
preserve. A wild animal hunting preserve licensee holding 32080  
captive white-tailed deer in the preserve shall comply with this 32081  
chapter and Chapter 1531. of the Revised Code, division rules, 32082  
~~sections 943.20 to 943.26 and Chapter 944.~~ of the Revised Code, 32083  
and rules adopted under section ~~943.24-944.07~~ of the Revised 32084  
Code. 32085

(G) (1) Except as otherwise provided in division (G) (2) of 32086  
this section, all licenses issued under this section shall 32087  
expire on the thirtieth day of April of each year. Any license 32088  
holder wishing to own or operate a wild animal hunting preserve 32089  
in the year following the expiration of the license shall submit 32090  
a license renewal form prescribed by the chief and include an 32091  
annual renewal fee of two hundred dollars. 32092

(2) A license issued under this section for a wild animal 32093  
hunting preserve in which only captive white-tailed deer are 32094  
kept does not expire unless the license is revoked by the chief 32095  
under division (H) (2) of this section. 32096

(H) (1) Except as otherwise provided in division (H) (2) of this section, and in accordance with Chapter 119. of the Revised Code, the chief may suspend or revoke a wild animal hunting preserve license if the chief finds that the license holder has violated or is violating this chapter or Chapter 1531. of the Revised Code or any division rule.

(2) The chief, with the approval of the director of agriculture, may suspend or revoke a wild animal hunting preserve license issued to a person who also has been issued a valid license for that preserve under section ~~943.03 or 943.031~~ 944.02 of the Revised Code if the person fails to comply with this chapter and Chapter 1531. of the Revised Code, division rules, ~~sections 943.20 to 943.26~~ Chapter 944. of the Revised Code, and rules adopted under ~~section 943.24 of the Revised Code~~ it.

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

**Sec. 1533.731.** (A) No wild animal hunting preserve shall be less than eighty acres in area. Each such preserve shall be in one continuous block of land, except that the block of land may be intersected by highways or roads. No wild animal hunting preserve shall be located within one thousand five hundred feet of another such preserve.

The boundaries of each wild animal hunting preserve shall be clearly defined by posting, at intervals of not more than four hundred feet, with signs prescribed by the division of

wildlife. Each wild animal hunting preserve shall be surrounded 32127  
by a fence at least eight feet in height, with a minimal 32128  
deviation not to exceed four per cent, that is constructed of a 32129  
woven wire mesh, or such other enclosure approved by the chief 32130  
of the division of wildlife. 32131

(B) (1) Except as provided in divisions (B) (2), (3), and 32132  
(4) of this section, game and nonnative wildlife that have been 32133  
approved by the chief for such use and that have been legally 32134  
acquired or propagated under the authority of a propagating 32135  
license issued under section 1533.71 of the Revised Code or 32136  
propagated within the confines of a licensed wild animal hunting 32137  
preserve may be released and hunted within the confines of the 32138  
licensed wild animal hunting preserve between one-half hour 32139  
before sunrise and one-half hour after sunset, without regard to 32140  
sex, bag limit, or open season, by hunters authorized by the 32141  
holder of the wild animal hunting preserve license to hunt on 32142  
those lands. The chief shall establish, by rule, the allowable 32143  
methods of taking game and nonnative wildlife in a wild animal 32144  
hunting preserve. 32145

(2) No game or nonnative wildlife on the federal 32146  
endangered species list established in accordance with the 32147  
"Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 32148  
1531, as amended, or the state endangered species list 32149  
established in rules adopted under section 1531.25 of the 32150  
Revised Code, no bears native to North America, and no large 32151  
carnivores of the family Felidae shall be released for hunting 32152  
or hunted in any wild animal hunting preserve in this state. 32153

(3) No person shall release for hunting or hunt within a 32154  
wild animal hunting preserve any game or nonnative wildlife not 32155  
listed in the application for a license for that preserve. 32156

(4) No person shall knowingly release for hunting or hunt 32157  
wild boar or feral swine in any wild animal hunting preserve in 32158  
this state. 32159

(C) Unless otherwise specified by division rule, all game 32160  
and nonnative wildlife released on a wild animal hunting 32161  
preserve shall be identified with a tag that shall bear upon it 32162  
a symbol identifying the preserve. 32163

(D) No person shall remove living game or nonnative 32164  
wildlife from a wild animal hunting preserve unless the game or 32165  
nonnative wildlife are being transferred to another wild animal 32166  
hunting preserve in accordance with rules adopted by the 32167  
director of agriculture under section ~~943.24~~ 944.07 of the 32168  
Revised Code. 32169

(E) The holder of a wild animal hunting preserve license 32170  
shall keep a record of all animals that have been released into 32171  
the preserve. The record shall include all of the following: 32172

(1) The date on which each animal was released into the 32173  
preserve; 32174

(2) The number of each species of animals; 32175

(3) The number of males and females of each species of 32176  
animals; 32177

(4) The name and address of each person from whom each 32178  
animal was obtained. 32179

The licensee shall record in a manner specified by the 32180  
division the name and address of each person that takes any game 32181  
or nonnative wildlife from the preserve. The licensee shall 32182  
maintain those records for a period of two years and make them 32183  
available for inspection by the division at all reasonable times 32184

in conjunction with an active criminal investigation. 32185

(F) In addition to complying with the requirements 32186  
established by division (E) of this section, the holder of a 32187  
wild animal hunting preserve license who has captive white- 32188  
tailed deer in the preserve shall keep a record of all known 32189  
escapes of those deer, deaths of those deer that were not a 32190  
result of hunting, and laboratory results for testing for 32191  
chronic wasting disease of those deer that is required by 32192  
section ~~943.21~~944.04 of the Revised Code and rules adopted 32193  
under section ~~943.24~~944.07 of the Revised Code. 32194

(G) For the purposes of division (B) of section 1533.02 of 32195  
the Revised Code, the owner or operator of a wild animal hunting 32196  
preserve shall furnish each person who takes any game or 32197  
nonnative wildlife from the preserve a certificate bearing a 32198  
description of the animal, the date the animal was taken, and 32199  
the name of the preserve. 32200

(H) The holder of a wild animal hunting preserve license 32201  
prominently shall display the license at the place of business 32202  
that is specified in the license. 32203

(I) The chief shall adopt rules under section 1531.10 of 32204  
the Revised Code that provide for the safety of the public and 32205  
for the protection of the game and nonnative wildlife to be 32206  
hunted in a wild animal hunting preserve prior to their release 32207  
in the preserve. 32208

(J) No holder of a wild animal hunting preserve license 32209  
shall violate this chapter or Chapter 1531. of the Revised Code 32210  
or any division rule. 32211

(K) This section does not authorize the hunting of game 32212  
birds in a licensed wild animal hunting preserve unless the 32213

licensee also possesses a valid commercial bird shooting 32214  
preserve license issued under section 1533.72 of the Revised 32215  
Code for the same land for which the wild animal hunting 32216  
preserve license was issued. 32217

(L) A person may hunt game and nonnative wildlife in a 32218  
licensed wild animal hunting preserve without obtaining a 32219  
hunting license otherwise required by section 1533.10 of the 32220  
Revised Code or a deer permit otherwise required by section 32221  
1533.11 of the Revised Code. 32222

**Sec. 1533.77.** (A) Each holder of a noncommercial or 32223  
commercial propagating license issued under section 1533.71 of 32224  
the Revised Code shall keep the license prominently displayed at 32225  
the place of business specified in the license, and shall keep 32226  
accurate written records that shall include the total number of 32227  
game birds, game quadrupeds, or fur-bearing animals possessed on 32228  
the date of application for the license, the number subsequently 32229  
propagated or acquired by purchase or gift, the number that 32230  
escaped, the number that were released, the number that died, 32231  
and the name and address of each person or corporation from whom 32232  
or to whom game birds, game quadrupeds, or fur-bearing animals 32233  
were received as a gift or given as a gift or purchased or sold 32234  
alive or sold for food, and the date of each transaction. These 32235  
records shall be kept permanently on the premises stated in the 32236  
license, and shall be open for inspection by any authorized 32237  
representative of the division of wildlife at all reasonable 32238  
times. 32239

(B) Each holder of a captive white-tailed deer propagation 32240  
license issued under section 1533.71 of the Revised Code shall 32241  
maintain all records that are required in rules adopted under 32242  
section ~~943.24~~ 944.07 of the Revised Code. The records shall be 32243

kept permanently on the premises stated in the license and shall 32244  
be open for inspection by any authorized representative of the 32245  
department of agriculture at all reasonable times and of the 32246  
division of wildlife at all reasonable times in conjunction with 32247  
an active criminal investigation. 32248

(C) The holder of a captive white-tailed deer propagation 32249  
license shall not knowingly falsify any record or tag that is 32250  
required in rules adopted under section ~~943.24~~ 944.07 of the 32251  
Revised Code or in rules adopted under section 1531.10 of the 32252  
Revised Code. 32253

**Sec. 1545.05.** (A) ~~Upon~~ Except as otherwise provided in 32254  
division (C) of this section, upon the creation of a park 32255  
district, the probate judge shall appoint three commissioners 32256  
who shall take office immediately and whose terms shall expire 32257  
one, two, and three years, respectively, from the first day of 32258  
January next after the date of their appointment. Thereafter, 32259  
their successors shall be appointed by the probate judge for 32260  
terms of three years. Before entering upon the performance of 32261  
the duties of the office, each commissioner shall take an oath 32262  
to perform faithfully the duties of the office and, except as 32263  
otherwise provided in section 3.061 of the Revised Code, shall 32264  
give bond for that faithful performance in the sum of five 32265  
thousand dollars. The bond shall be approved by and filed with 32266  
the county auditor. The commissioners shall serve without 32267  
compensation, but shall be allowed their actual and necessary 32268  
expenses incurred in the performance of their duties. 32269

(B) Any board of park commissioners of a park district may 32270  
elect to expand the membership of the board from three members 32271  
to five members upon a majority vote of the board. Upon such a 32272  
vote, the board shall certify to the probate judge a resolution 32273



requesting the judge to appoint two additional members to the 32274  
board. The probate judge shall appoint those additional members, 32275  
and they shall take office immediately upon their appointment. 32276  
One member shall be appointed to a term that expires on the 32277  
first day of January of the year following the year of that 32278  
member's appointment, and one member shall be appointed to a 32279  
term that expires on the first day of January of the second year 32280  
following the year of that member's appointment. Thereafter, 32281  
their successors shall be appointed by the probate judge for 32282  
terms of three years. 32283

(C) (1) A park district that was a township park district 32284  
created before the year 1892, and converted into a park district 32285  
under section 1545.041 of the Revised Code on or before January 32286  
1, 1989, shall have a board of park commissioners with members 32287  
appointed by a majority vote of the board of county 32288  
commissioners of the county in which the park district is 32289  
located. The board of county commissioners shall appoint five 32290  
commissioners, one of whom is a member of the city council of 32291  
the most populous city in the park district, one of whom is a 32292  
member of the village council of the most populous village in 32293  
the park district, one of whom is a member of the board of 32294  
township trustees of the most populous township in the park 32295  
district, one of whom is a citizen who lives in the most 32296  
populous township in the park district, and one of whom is a 32297  
citizen who lives in the most populous city in the park 32298  
district, who shall take office immediately and whose terms 32299  
shall expire one, two, three, four, and five years, 32300  
respectively, from the first day of January next after the date 32301  
of their appointment. Thereafter, their successors shall be 32302  
appointed by the board of county commissioners for terms of 32303  
three years. 32304

(2) If a park district with members of a board of park commissioners appointed under division (C) (1) of this section does not contain a city, village, or township, the board of county commissioners shall appoint any remaining members that are otherwise unable to be appointed according to the requirements of division (C) (1) of this section in accordance with division (A) of this section. 32305  
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(3) Before entering upon the performance of the duties of the office, each commissioner shall take an oath to perform faithfully the duties of the office and, except as otherwise provided in section 3.061 of the Revised Code, shall give bond for that faithful performance in the sum of five thousand dollars. The bond shall be approved by and filed with the county auditor. The commissioners shall serve without compensation, but shall be allowed their actual and necessary expenses incurred in the performance of their duties. 32312  
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**Sec. 1546.25.** The park lodges, maintenance, and repair fund is created in the state treasury. The fund shall consist of money received from contractual agreements with service providers and concessionaires for state park lodges, restaurants, and marinas. The chief of the division of parks and watercraft shall use money in the fund to pay maintenance and repair costs for facilities operated by concessionaires and service providers at state park lodges, restaurants, and marinas. 32321  
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**Sec. 1546.26.** The parks and watercraft holding fund is created in the state treasury. The fund shall consist of money received by the division of parks and watercraft from gift card sales, credit card sales, and sales conducted at field locations. 32330  
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With regard to gift card sales, the chief of the division 32335  
of parks and watercraft shall transfer money in the parks and 32336  
watercraft holding fund to the appropriate fund after gift 32337  
certificates and gift cards are redeemed. 32338

**Sec. 1547.54.** (A) (1) Except as otherwise provided in 32339  
section 1547.542 of the Revised Code, the owner of every 32340  
watercraft requiring registration under this chapter shall file 32341  
an application for a triennial registration certificate with the 32342  
chief of the division of parks and watercraft on forms that 32343  
shall be provided by the chief or by an electronic means 32344  
approved by the chief. The application shall be signed by the 32345  
following: 32346

(a) If the watercraft is owned by two persons under joint 32347  
ownership with right of survivorship established under section 32348  
2131.12 of the Revised Code, by both of those persons as owners 32349  
of the watercraft. The signatures may be done by electronic 32350  
signature if the owners themselves are renewing the registration 32351  
and there are no changes in the registration information since 32352  
the issuance of the immediately preceding registration 32353  
certificate. In all other instances, the signatures shall be 32354  
done manually. 32355

(b) If the watercraft is owned by a minor, by the minor 32356  
and a parent or legal guardian. The signatures may be done by 32357  
electronic signature if the parent or legal guardian and the 32358  
minor themselves are renewing the registration and there are no 32359  
changes in the registration information since the issuance of 32360  
the immediately preceding registration certificate. In all other 32361  
instances, the signatures shall be done manually. 32362

(c) In all other cases, by the owner of the watercraft. 32363  
The signature may be done by electronic signature if the owner 32364

is renewing the registration personally and there are no changes 32365  
in the registration information since the issuance of the 32366  
immediately preceding registration certificate. In all other 32367  
instances, the signatures shall be done manually. 32368

(2) An application for a triennial registration of a 32369  
watercraft filed under division (A)(1) of this section shall be 32370  
accompanied by the following fee: 32371

(a) For canoes, rowboats, and inflatable watercraft that 32372  
are numbered under section 1547.53 of the Revised Code, twelve 32373  
dollars; 32374

(b) For canoes, row boats, and inflatable watercraft that 32375  
are not numbered under section 1547.53 of the Revised Code, 32376  
seventeen dollars; 32377

(c) For class A watercraft, including motorized 32378  
canoes,thirty dollars; 32379

(d) For class 1 watercraft, forty-five dollars; 32380

(e) For class 2 watercraft, sixty dollars; 32381

(f) For class 3 watercraft, seventy-five dollars; 32382

(g) For class 4 watercraft, ninety dollars. 32383

(3) For the purpose of registration, any watercraft 32384  
operated by means of power, sail, or any other mechanical or 32385  
electrical means of propulsion, except motorized canoes,shall be 32386  
registered by length as prescribed in this section. 32387

(4) If an application for registration is filed by two 32388  
persons as owners under division (A)(1)(a) of this section, the 32389  
person who is listed first on the title shall serve as and 32390  
perform the duties of the "owner" and shall be considered the 32391

person "in whose name the watercraft is registered" for purposes 32392  
of divisions (B) to (R) of this section and for purposes of all 32393  
other sections in this chapter. 32394

(B) All registration certificates issued under this 32395  
section are valid for three years and are renewable on a 32396  
triennial basis unless sooner terminated or discontinued in 32397  
accordance with this chapter. The renewal date shall be printed 32398  
on the registration certificate. A registration certificate may 32399  
be renewed by the owner in the manner prescribed by the chief. 32400  
All fees shall be charged according to a proration of the time 32401  
remaining in the registration cycle to the nearest year. 32402

(C) In addition to the fees set forth in this section, the 32403  
chief, or any authorized agent, shall charge an additional 32404  
writing fee of three dollars for any registration certificate 32405  
the chief or authorized agent issues. When the registration 32406  
certificate is issued by an authorized agent, the additional 32407  
writing fee of three dollars shall be retained by the issuing 32408  
agent. When the registration certificate is issued by the chief, 32409  
the additional writing fee of three dollars shall be deposited 32410  
to the credit of the waterways safety fund established in 32411  
section 1547.75 of the Revised Code. 32412

(D) In addition to the fees established in this section, 32413  
watercraft that are not powercraft shall be charged a waterways 32414  
conservation assessment fee of five dollars. The fee shall be 32415  
collected at the time of the issuance of a triennial watercraft 32416  
registration under division (A) (2) of this section and deposited 32417  
in the state treasury and credited to a distinct account in the 32418  
waterways safety fund created in section 1547.75 of the Revised 32419  
Code. 32420

(E) (1) Upon receipt of the application in approved form, 32421

the chief shall enter the same upon the records of the office of 32422  
the division of parks and watercraft, assign a number to the 32423  
watercraft if a number is required under section 1547.53 of the 32424  
Revised Code, and issue to the applicant a registration 32425  
certificate. If a number is assigned by the chief, it shall be 32426  
set forth on the certificate. The registration certificate, in 32427  
physical or digital form, shall be on the watercraft for which 32428  
it is issued and available at all times for inspection whenever 32429  
the watercraft is in operation, except that livery operators may 32430  
retain the registration certificate at the livery where it shall 32431  
remain available for inspection at all times and except as 32432  
otherwise provided in division (E) (2) of this section. 32433

(2) A person who is operating on the waters of this state 32434  
a canoe, kayak, rowboat, or inflatable watercraft meeting the 32435  
definition of a paddlecraft that has not been numbered under 32436  
section 1547.53 of the Revised Code and who is stopped by a law 32437  
enforcement officer in the enforcement of this chapter or rules 32438  
shall present to the officer, not later than seventy-two hours 32439  
after being stopped, a registration certificate, in physical or 32440  
digital form. The registration certificate shall have been 32441  
obtained under this section for the canoe, kayak, rowboat, or 32442  
inflatable watercraft meeting the definition of a paddlecraft 32443  
prior to the time that it was stopped. Failure of the person to 32444  
present the registration certificate within seventy-two hours 32445  
constitutes prima-facie evidence of a violation of this section. 32446

(F) No person shall issue or be issued a registration 32447  
certificate for a watercraft that is required to be issued a 32448  
certificate of title under Chapter 1548. of the Revised Code 32449  
except upon presentation of a certificate of title for the 32450  
watercraft as provided in that chapter, proof of current 32451  
documentation by the United States coast guard, a renewal 32452

registration form provided by the division of parks and 32453  
watercraft, or a certificate of registration issued under this 32454  
section that has expired if there is no change in the ownership 32455  
or description of the watercraft. 32456

(G) Whenever the ownership of a watercraft changes, a new 32457  
application form together with the prescribed fee shall be filed 32458  
with the chief or the chief's agent and a new registration 32459  
certificate shall be issued. The application shall be signed 32460  
manually by the person or persons specified in divisions (A)(1) 32461  
(a) to (c) of this section and shall be accompanied by a two- 32462  
dollar transfer fee. Any remaining time on the registration 32463  
shall be transferred. An authorized agent of the chief shall 32464  
charge an additional writing fee of three dollars, which shall 32465  
be retained by the issuing agent. If the certificate is issued 32466  
by the chief, an additional writing fee of three dollars for 32467  
each certificate issued shall be collected and deposited to the 32468  
credit of the waterways safety fund. 32469

(H) If an agency of the United States has in force an 32470  
overall system of identification numbering for watercraft or 32471  
certain types of watercraft within the United States, the 32472  
numbering system employed by the division shall be in conformity 32473  
with that system. 32474

(I)(1) The chief may assign any registration certificates 32475  
to any authorized agent for the assignment of the registration 32476  
certificates. If a person accepts that authorization, the person 32477  
may be assigned a block of numbers and certificates that upon 32478  
assignment, in conformity with this chapter and Chapter 1548. of 32479  
the Revised Code and with rules, shall be valid as if assigned 32480  
directly by the division. Any person so designated as an agent 32481  
by the chief shall post with the division security as may be 32482

required by the director of natural resources. The chief may 32483  
issue an order temporarily or permanently restricting or 32484  
suspending an agent's authorization without a hearing if the 32485  
chief finds that the agent has violated this chapter or Chapter 32486  
1548. of the Revised Code, rules, or any agreements prescribed 32487  
by the chief. 32488

(2) A clerk of the court of common pleas may apply for 32489  
designation as an authorized agent of the chief. The division 32490  
shall accept the clerk's bond that is required under section 32491  
2303.02 of the Revised Code for any security that is required 32492  
for agents under this division, provided that the bond includes 32493  
a rider or other provision specifically covering the clerk's 32494  
duties as an authorized agent of the chief. 32495

(J) All records of the division made or kept pursuant to 32496  
this section shall be public records. Those records shall be 32497  
available for inspection at reasonable hours and in a manner 32498  
compatible with normal operations of the division. 32499

(K) The owner shall furnish the division notice within 32500  
fifteen days of the following: 32501

(1) The transfer, other than through the creation of a 32502  
security interest in any watercraft, of all or any part of the 32503  
owner's interest or, if the watercraft is owned by two persons 32504  
under joint ownership with right of survivorship established 32505  
under section 2131.12 of the Revised Code, of all or any part of 32506  
the joint interest of either of the two persons. The transfer 32507  
shall not terminate the registration certificate. 32508

(2) Any change in the address appearing on the 32509  
certificate. As a part of the notification, the owner shall 32510  
furnish the chief with the owner's new address. 32511



(3) The destruction or abandonment of the watercraft.	32512
(L) The chief may issue duplicate registration	32513
certificates or duplicate tags to owners of currently registered	32514
watercraft, the fee for which shall be four dollars.	32515
(M) If the chief finds that a registration certificate	32516
previously issued to an owner is in error to a degree that would	32517
impair its basic purpose and use, the chief may issue a	32518
corrected certificate to the owner without charge.	32519
(N) No authorized agent shall issue and no person shall	32520
receive or accept from an authorized agent a registration	32521
certificate assigned to the authorized agent under division (I)	32522
of this section unless the exact month, day, and year of issue	32523
are plainly written on the certificate by the agent.	32524
Certificates issued with incorrect dates of issue are void from	32525
the time they are issued.	32526
(O) The chief, in accordance with Chapter 119. of the	32527
Revised Code, shall adopt rules governing the renewal of	32528
watercraft registrations by electronic means.	32529
(P) As used in this section:	32530
(1) "Disabled veteran" means a person who is included in	32531
either of the following categories:	32532
(a) Because of a service-connected disability, has been or	32533
is awarded funds for the purchase of a motor vehicle under the	32534
"Disabled Veterans' and Servicemen's Automobile Assistance Act	32535
of 1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto;	32536
(b) Has a service-connected disability rated at one	32537
hundred per cent by the veterans administration.	32538
(2) "Prisoner of war" means any regularly appointed,	32539

enrolled, enlisted, or inducted member of the military forces of 32540  
the United States who was captured, separated, and incarcerated 32541  
by an enemy of the United States at any time, and any regularly 32542  
appointed, enrolled, or enlisted member of the military forces 32543  
of Great Britain, France, Australia, Belgium, Brazil, Canada, 32544  
China, Denmark, Greece, the Netherlands, New Zealand, Norway, 32545  
Poland, South Africa, or the republics formerly associated with 32546  
the Union of Soviet Socialist Republics or Yugoslavia who was a 32547  
citizen of the United States at the time of the appointment, 32548  
enrollment, or enlistment, and was captured, separated, and 32549  
incarcerated by an enemy of this country during World War II. 32550

(Q) Any disabled veteran, congressional medal of honor 32551  
awardee, or prisoner of war may apply to the chief for a 32552  
certificate of registration, or for a renewal of the certificate 32553  
of registration, without the payment of any fee required by this 32554  
section. The application for a certificate of registration shall 32555  
be accompanied by evidence of disability or by documentary 32556  
evidence in support of a congressional medal of honor that the 32557  
chief requires by rule. The application for a certificate of 32558  
registration by any person who has been a prisoner of war shall 32559  
be accompanied by written evidence in the form of a record of 32560  
separation, a letter from one of the armed forces of a country 32561  
listed in division (P) (2) of this section, or other evidence 32562  
that the chief may require by rule, that the person was 32563  
honorably discharged or is currently residing in this state on 32564  
active duty with one of the branches of the armed forces of the 32565  
United States, or was a prisoner of war and was honorably 32566  
discharged or received an equivalent discharge or release from 32567  
one of the armed forces of a country listed in division (P) (2) 32568  
of this section. 32569

(R) Annually by the fifteenth day of January, the director 32570

of natural resources shall determine the amount of fees that 32571  
would have been collected in the prior calendar year for each 32572  
certificate of registration issued or renewed pursuant to 32573  
division (Q) of this section and shall certify the total amount 32574  
of foregone revenue to the director of budget and management for 32575  
reimbursement. The director of budget and management shall 32576  
transfer the amount certified from the general revenue fund to 32577  
the waterways safety fund. 32578

**Sec. 1548.06.** (A) (1) Application for a certificate of 32579  
title for a watercraft or outboard motor shall be made upon a 32580  
form prescribed by the chief of the division of parks and 32581  
watercraft and shall be sworn to before a notary public or other 32582  
officer empowered to administer oaths. The application shall be 32583  
filed with the clerk of any court of common pleas. An 32584  
application for a certificate of title may be filed 32585  
electronically by any electronic means approved by the chief in 32586  
any county with the clerk of the court of common pleas of that 32587  
county. The application shall be accompanied by the fee 32588  
prescribed in section 1548.10 of the Revised Code. The fee shall 32589  
be retained by the clerk who issues the certificate of title and 32590  
shall be distributed in accordance with that section. If a clerk 32591  
of a court of common pleas, other than the clerk of the court of 32592  
common pleas of an applicant's county of residence, issues a 32593  
certificate of title to the applicant, the clerk shall transmit 32594  
data related to the transaction to the automated title 32595  
processing system. 32596

(2) If a certificate of title previously has been issued 32597  
for the watercraft or outboard motor, the application for a 32598  
certificate of title also shall be accompanied by the 32599  
certificate of title duly assigned unless otherwise provided in 32600  
this chapter. If a certificate of title previously has not been 32601

issued for the watercraft or outboard motor in this state, the 32602  
application, unless otherwise provided in this chapter, shall be 32603  
accompanied by a manufacturer's or importer's certificate; by a 32604  
sworn statement of ownership if the watercraft or outboard motor 32605  
was purchased by the applicant on or before October 9, 1963, or 32606  
if the watercraft is less than fourteen feet long with a 32607  
permanently affixed mechanical means of propulsion and was 32608  
purchased by the applicant on or before January 1, 2000; or by a 32609  
certificate of title, bill of sale, or other evidence of 32610  
ownership required by the law of another state from which the 32611  
watercraft or outboard motor was brought into this state. 32612  
Evidence of ownership of a watercraft or outboard motor for 32613  
which an Ohio certificate of title previously has not been 32614  
issued and which watercraft or outboard motor does not have 32615  
permanently affixed to it a manufacturer's serial number shall 32616  
be accompanied by the certificate of assignment of a hull 32617  
identification number assigned by the chief as provided in 32618  
section 1548.07 of the Revised Code. 32619

(3) The clerk shall retain the evidence of title presented 32620  
by the applicant and on which the certificate of title is 32621  
issued, except that, if an application for a certificate of 32622  
title is filed electronically, by a vendor on behalf of a 32623  
purchaser of a watercraft or outboard motor, the clerk shall 32624  
retain the completed electronic record to which the vendor 32625  
converted the certificate of title application and other 32626  
required documents. The chief, after consultation with the 32627  
attorney general, shall adopt rules that govern the location at 32628  
which, and the manner in which, are stored the actual 32629  
application and all other documents relating to the sale of a 32630  
watercraft or outboard motor when a vendor files the application 32631  
for a certificate of title electronically on behalf of a 32632

purchaser. 32633

(B) The clerk shall use reasonable diligence in 32634  
ascertaining whether the facts in the application are true by 32635  
checking the application and documents accompanying it or the 32636  
electronic record to which a vendor converted the application 32637  
and accompanying documents with the records of watercraft and 32638  
outboard motors in the clerk's office. If the clerk is satisfied 32639  
that the applicant is the owner of the watercraft or outboard 32640  
motor and that the application is in the proper form, the clerk 32641  
shall issue a physical certificate of title over the clerk's 32642  
signature and sealed with the clerk's seal unless the applicant 32643  
specifically requests the clerk not to issue a physical 32644  
certificate of title and instead to issue an electronic 32645  
certificate of title. However, if the evidence indicates and an 32646  
investigation shows that one or more Ohio titles already exist 32647  
for the watercraft or outboard motor, the chief may cause the 32648  
redundant title or titles to be canceled. 32649

(C) In the case of the sale of a watercraft or outboard 32650  
motor by a vendor to a general purchaser or user, the 32651  
certificate of title shall be obtained in the name of the 32652  
purchaser by the vendor upon application signed by the 32653  
purchaser. In all other cases, the certificate shall be obtained 32654  
by the purchaser. In all cases of transfer of watercraft or 32655  
outboard motors, the application for certificate of title shall 32656  
be filed within thirty days after the later of the date of 32657  
purchase or assignment of ownership of the watercraft or 32658  
outboard motor. If the application for certificate of title is 32659  
not filed within thirty days after the later of the date of 32660  
purchase or assignment of ownership of the watercraft or 32661  
outboard motor, the clerk shall charge a late penalty fee of 32662  
five dollars in addition to the fee prescribed by section 32663

1548.10 of the Revised Code. The clerk shall retain the entire amount of each late penalty fee.

(D) The clerk shall refuse to accept an application for certificate of title unless the applicant either tenders with the application payment of all taxes levied by or pursuant to Chapter 5739. or 5741. of the Revised Code based on the applicant's county of residence less, in the case of a sale by a vendor, any discount to which the vendor is entitled under section 5739.12 of the Revised Code, or submits any of the following:

(1) A receipt issued by the tax commissioner or a clerk of courts showing payment of the tax;

(2) A copy of the unit certificate of exemption completed by the purchaser at the time of sale as provided in section 5739.03 of the Revised Code;

(3) An exemption certificate, in a form prescribed by the tax commissioner, that specifies why the purchase is not subject to the tax imposed by Chapter 5739. or 5741. of the Revised Code.

Payment of the tax shall be in accordance with rules issued by the tax commissioner, and the clerk shall issue a receipt in the form prescribed by the tax commissioner to any applicant who tenders payment of the tax with the application for the certificate of title.

(E) (1) For receiving and disbursing the taxes paid to the clerk by a resident of the clerk's county, the clerk may retain a poundage fee of one and one one-hundredth per cent of the taxes collected, which shall be paid into the certificate of title administration fund created by section 325.33 of the

Revised Code. The clerk shall not retain a poundage fee from 32693  
payments of taxes by persons who do not reside in the clerk's 32694  
county. 32695

(2) A clerk, however, may retain from the taxes paid to 32696  
the clerk an amount equal to the poundage fees associated with 32697  
certificates of title issued by other clerks of courts of common 32698  
pleas to applicants who reside in the first clerk's county. The 32699  
chief of the division of parks and watercraft, in consultation 32700  
with the tax commissioner and the clerks of the courts of common 32701  
pleas, shall develop a report from the automated title 32702  
processing system that informs each clerk of the amount of the 32703  
poundage fees that the clerk is permitted to retain from those 32704  
taxes because of certificates of title issued by the clerks of 32705  
other counties to applicants who reside in the first clerk's 32706  
county. 32707

(F) In the case of casual sales of watercraft or outboard 32708  
motors that are subject to the tax imposed by Chapter 5739. or 32709  
5741. of the Revised Code, the purchase price for the purpose of 32710  
determining the tax shall be the purchase price on an affidavit 32711  
executed and filed with the clerk by the vendor on a form to be 32712  
prescribed by the chief, which shall be prima-facie evidence of 32713  
the price for the determination of the tax. In addition to the 32714  
information required by section 1548.08 of the Revised Code, 32715  
each certificate of title shall contain in bold lettering the 32716  
following notification and statements: "WARNING TO TRANSFEROR 32717  
AND TRANSFEREE (SELLER AND BUYER). You are required by law to 32718  
state the true selling price. A false statement is a violation 32719  
of section 2921.13 of the Revised Code and is punishable by six 32720  
months imprisonment or a fine of up to one thousand dollars, or 32721  
both. All transfers are audited by the department of taxation. 32722  
The seller and buyer must provide any information requested by 32723

the department of taxation. The buyer may be assessed any 32724  
additional tax found to be due." 32725

(G) Each county clerk of courts shall forward to the ~~tax-~~ 32726  
~~commissioner~~ registrar of motor vehicles, in a manner prescribed 32727  
by the tax commissioner, all sales and use tax collections 32728  
resulting from sales of titled watercraft and outboard motors 32729  
during a calendar week on or before the Friday following the 32730  
close of that week. If, on any Friday, the offices of the clerk 32731  
of courts or the state are not open for business, the tax shall 32732  
be forwarded to the ~~commissioner~~ registrar on or before the next 32733  
day on which the offices are open. Every remittance of tax under 32734  
this division shall be accompanied by a remittance report in 32735  
such form as the commissioner, in consultation with the director 32736  
of public safety, prescribes. If the tax due for any week is not 32737  
remitted by a clerk of courts as required under this division, 32738  
the clerk shall forfeit the poundage fees for the sales made 32739  
during that week. The commissioner may require the clerks of 32740  
courts to transmit tax collections and remittance reports 32741  
electronically. 32742

(H) For purposes of a transfer of a certificate of title, 32743  
if the clerk is satisfied that a secured party has discharged a 32744  
lien but has not canceled the lien notation with a clerk, the 32745  
clerk may cancel the lien notation on the automated title 32746  
processing system and notify the clerk of the county of origin. 32747

(I) Every clerk shall have the capability to transact by 32748  
electronic means all procedures and transactions relating to the 32749  
issuance of watercraft or outboard motor certificates of title 32750  
that are described in the Revised Code as being accomplished by 32751  
electronic means. 32752

**Sec. 1561.13.** The chief of the division of mineral 32753



resources management shall conduct examinations for offices and	32754
positions in the division of mineral resources management, and	32755
for mine forepersons, mine electricians, <del>shot firers, and</del>	32756
surface mine blasters, <del>and fire bosses,</del> as follows:	32757
(A) Division of mineral resources management:	32758
(1) Deputy mine inspectors of underground mines;	32759
(2) Deputy mine inspectors of surface mines;	32760
(3) Electrical inspectors;	32761
(4) Superintendent of rescue stations;	32762
(5) Assistant superintendents of rescue stations;	32763
(6) Mine chemists at a division laboratory if the chief	32764
chooses to operate a laboratory.	32765
(B) Mine forepersons:	32766
(1) Mine foreperson of gaseous mines;	32767
(2) Mine foreperson of nongaseous mines;	32768
(3) Mine foreperson of surface mines.	32769
(C) Forepersons:	32770
(1) Foreperson of gaseous mines;	32771
(2) Foreperson of nongaseous mines;	32772
(3) <del>Foreperson of surface maintenance facilities at</del>	32773
<del>underground or surface mines;</del>	32774
<del>(4) Foreperson of surface mines.</del>	32775
(D) <del>Fire bosses.</del>	32776
<del>(E) Mine electricians.</del>	32777

~~(F)~~ (E) Surface mine blasters. 32778

~~(G) Shot firers.~~ 32779

The chief annually shall provide for the examination of 32780  
candidates for appointment or promotion as deputy mine 32781  
inspectors and such other positions and offices set forth in 32782  
division (A) of this section as are necessary. Special 32783  
examinations may be held whenever it becomes necessary to make 32784  
appointments to any of those positions. 32785

The chief shall provide for the examination of persons 32786  
seeking certificates of competency as mine forepersons, 32787  
forepersons, mine electricians, ~~shot firers,~~ and surface mine 32788  
~~blasters, and fire bosses quarterly or more often as required,~~ 32789  
needed and at such times and places within the state as shall, 32790  
in the judgment of the chief, afford the best facilities to the 32791  
greatest number of applicants. ~~Public notice shall be given~~ 32792  
~~through the press or otherwise, not less than ten days in~~ 32793  
~~advance, announcing the time and place at which examinations~~ 32794  
~~under this section are to be held.~~ 32795

The examinations provided for in this section shall be 32796  
conducted under rules adopted under section 1561.05 of the 32797  
Revised Code and conditions prescribed by the chief. Any rules 32798  
that relate to particular candidates shall, upon application of 32799  
any candidate, be furnished to the candidate by the chief; they 32800  
shall also be of uniform application to all candidates in the 32801  
several groups. 32802

**Sec. 1561.16.** (A) As used in this section and sections 32803  
1561.17 to ~~1561.21~~ 1561.20 of the Revised Code, "actual 32804  
practical experience" means previous employment that involved a 32805  
person's regular presence in the type of mining operation in 32806

which the experience is required to exist; participation in 32807  
functions relating to the hazards involved in and the 32808  
utilization of equipment, tools, and work crews and individuals 32809  
for that type of mining; and regular exposure to the methods, 32810  
procedures, and safety laws applicable to that type of mining. 32811  
Credit of up to one year for a portion of the required 32812  
experience time may be given upon documentation to the chief of 32813  
the division of mineral resources management of an educational 32814  
degree in a field related to mining. Credit of up to two years 32815  
of the required experience time may be given upon presentation 32816  
to the chief of proof of graduation from an accredited school of 32817  
mines or mining after a four-year course of study with 32818  
employment in the mining industry during interim breaks during 32819  
the school years. 32820

(B) Except as provided in division (G) of this section, a 32821  
person who applies for a certificate as a mine foreperson of 32822  
gaseous mines shall be able to read and write the English 32823  
language; shall have had at least five years' actual practical 32824  
experience in the underground workings of a gaseous mine or the 32825  
equivalent thereof in the judgment of the chief; and shall have 32826  
had practical experience obtained by actual contact with gas in 32827  
mines and have knowledge of the dangers and nature of noxious 32828  
and explosive gases and ventilation of gaseous mines. An 32829  
applicant for a certificate as a foreperson of gaseous mines 32830  
shall meet the same requirements, except that the applicant 32831  
shall have had at least three years' actual practical experience 32832  
in the underground workings of a gaseous mine or the equivalent 32833  
thereof in the judgment of the chief. Each applicant for 32834  
examination shall pay a fee established in rules adopted under 32835  
this section to the chief on the first day of such examination. 32836

(C) A person who has been issued a certificate as a mine 32837

foreperson or a foreperson of a gaseous mine and who has not 32838  
worked in an underground coal mine for a period of more than two 32839  
calendar years shall apply for and obtain recertification from 32840  
the chief in accordance with rules adopted under this section 32841  
before performing the duties of a mine foreperson or a 32842  
foreperson of a gaseous mine. An applicant for recertification 32843  
shall pay a fee established in rules adopted under this section 32844  
at the time of application for recertification. 32845

(D) A person who has been issued a certificate as a mine 32846  
foreperson or a foreperson of a gaseous mine and who has not 32847  
worked in an underground coal mine for a period of one or more 32848  
calendar years shall successfully complete a retraining course 32849  
in accordance with rules adopted under this section before 32850  
performing the duties of a mine foreperson or a foreperson of a 32851  
gaseous mine. 32852

(E) The chief, in consultation with a statewide 32853  
association representing the coal mining industry and a 32854  
statewide association representing employees of coal mines, 32855  
shall adopt rules in accordance with Chapter 119. of the Revised 32856  
Code that do all of the following: 32857

(1) Prescribe requirements, criteria, and procedures for 32858  
the recertification of a mine foreperson or a foreperson of a 32859  
gaseous mine who has not worked in an underground coal mine for 32860  
a period of more than two calendar years; 32861

(2) Prescribe requirements, criteria, and procedures for 32862  
the retraining of a mine foreperson or a foreperson of a gaseous 32863  
mine who has not worked in an underground coal mine for a period 32864  
of one or more calendar years; 32865

(3) Establish fees for the examination and recertification 32866

of mine forepersons or forepersons of gaseous mines under this section; 32867  
32868

(4) Prescribe any other requirements, criteria, and procedures that the chief determines are necessary to administer this section. 32869  
32870  
32871

(F) Any money collected under this section shall be paid into the state treasury to the credit of the mining regulation and safety fund created in section 1513.30 of the Revised Code. 32872  
32873  
32874

(G) The chief shall issue a certificate as a foreperson of gaseous mines in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 32875  
32876  
32877

(1) The applicant holds a license or certificate in another state. 32878  
32879

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a foreperson of gaseous mines in a state that does not issue that license or certificate. 32880  
32881  
32882  
32883

**Sec. 1561.23.** (A) The chief of the division of mineral resources management shall issue the following certificates to those applicants who pass their examination: 32884  
32885  
32886

(1) Certificates for mine forepersons of gaseous mines; 32887

(2) Certificates for mine forepersons of nongaseous mines; 32888

(3) Certificates for forepersons of gaseous mines; 32889

(4) Certificates for forepersons of nongaseous mines; 32890

(5) ~~Certificates for forepersons of surface maintenance facilities of underground or surface mines;~~ 32891  
32892

~~(6)~~ Certificates for mine forepersons of surface mines; 32893

- ~~(7)~~ (6) Certificates for forepersons of surface mines; 32894
- ~~(8)~~ Certificates for fire bosses; 32895
- ~~(9)~~ (7) Certificates for mine electricians; 32896
- ~~(10)~~ (8) Certificates for surface mine blasters; 32897
- ~~(11)~~ Certificates for shot firers. 32898

(B) Applicants for certificates shall make application to 32899  
the chief, on a form provided by the chief, for examination. All 32900  
applicants shall be able to read and write the English language 32901  
intelligently, and shall furnish the chief with a certificate as 32902  
to the length and description of their practical experience and 32903  
satisfactory evidence of their ability to perform the duties of 32904  
the position for which they make application for examination. 32905

(C) The chief may issue a certificate to an applicant for 32906  
mine foreperson, foreperson, or mine electrician who holds a 32907  
valid certification or other authorization from a state with 32908  
which the department of natural resources has a reciprocal 32909  
agreement for the certification or other authorization. However, 32910  
the applicant shall pass an examination on this chapter and 32911  
rules adopted under it or on any other relevant material that 32912  
the chief determines to be appropriate. 32913

A mine foreperson, foreperson, or mine electrician who has 32914  
been issued a temporary certificate under section 1565.06 of the 32915  
Revised Code prior to ~~the effective date of this amendment~~ 32916  
September 30, 2021, and who holds a valid certification or other 32917  
authorization from a state with which the department has a 32918  
reciprocal agreement for the certification or other 32919  
authorization may continue to operate under the temporary 32920  
certificate until it expires or the chief suspends or revokes 32921  
it. 32922

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

**Sec. 1561.46.** Fees received by the chief of the division of mineral resources management under sections 1561.16 to ~~1561.22~~ 1561.20 of the Revised Code shall be paid by the chief into the state treasury to the credit of the mining regulation and safety fund created in section 1513.30 of the Revised Code.

**Sec. 1561.48.** All money collected under sections 1561.14, 1561.16, 1561.17, ~~1561.18~~, 1561.19, 1561.20, ~~1561.21~~, ~~1561.22~~, 1561.45, and 1561.46 of the Revised Code shall be paid into the state treasury to the credit of the mining regulation and safety fund created by section 1513.30 of the Revised Code. The department of natural resources shall use the money in the fund to pay the operating expenses of the division of mineral resources management.

**Sec. 1701.04.** (A) Any person, singly or jointly with others, and without regard to residence, domicile, or state of incorporation, may form a corporation by signing and filing with the secretary of state articles of incorporation that shall set forth all of the following:

(1) The name of the corporation, which shall be in compliance with division (A) of section 1701.05 of the Revised Code;

(2) The place in this state where the principal office of the corporation is to be located;

(3) The authorized number and the par value per share of

shares with par value, and the authorized number of shares 32952  
without par value, except that the articles of a banking, safe 32953  
deposit, trust, or insurance corporation shall not authorize 32954  
shares without par value; the express terms, if any, of the 32955  
shares; and, if the shares are classified, the designation of 32956  
each class, the authorized number and par value per share, if 32957  
any, of the shares of each class, and the express terms of the 32958  
shares of each class; 32959

(4) If the corporation is to have an initial stated 32960  
capital, the amount of that stated capital. 32961

(B) The articles also may set forth any of the following: 32962

(1) The names of the individuals who are to serve as 32963  
initial directors; 32964

(2) The purpose or purposes for which the corporation is 32965  
formed, but in the absence of a statement of the purpose or 32966  
purposes or except as expressly set forth in such statement, the 32967  
purpose for which any corporation is formed is to engage in any 32968  
lawful act or activity for which a corporation may be formed 32969  
under this chapter, and all lawful acts and activities of the 32970  
corporation are within the purposes of the corporation; 32971

(3) Any priority or other method for balancing the 32972  
purposes for which the corporation is formed; 32973

(4) Any lawful provision for the purpose of defining, 32974  
limiting, or regulating the exercise of the authority of the 32975  
corporation, the incorporators, the directors, the officers, the 32976  
shareholders, or the holders of any class of shares; 32977

(5) Any provision that may be set forth in the 32978  
regulations; 32979



(6) A provision specifying the period of existence of the corporation if it is to be otherwise than perpetual;	32980 32981
(7) A provision eliminating the right of every shareholder to vote cumulatively in the election of directors;	32982 32983
(8) Any additional provision permitted by this chapter.	32984
(C) A written appointment of a statutory agent for the purposes set forth in section 1701.07 of the Revised Code shall be filed with the articles, unless the corporation belongs to one of the classes mentioned in division <del>(O)</del> <u>(N)</u> of that section.	32985 32986 32987 32988
(D) The legal existence of the corporation begins upon the filing of the articles or on a later date specified in the articles that is not more than ninety days after filing, and, unless the articles otherwise provide, its period of existence shall be perpetual.	32989 32990 32991 32992 32993
<b>Sec. 1701.07.</b> (A) Every corporation shall have and maintain an agent, sometimes referred to as the "statutory agent," upon whom any process, notice, or demand required or permitted by statute to be served upon a corporation may be served. The agent shall be one of the following:	32994 32995 32996 32997 32998
(1) A natural person who is a resident of this state;	32999
(2) A domestic or foreign corporation, nonprofit corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited partnership association, professional association, business trust, or unincorporated nonprofit association that has a business address in this state. If the agent is an entity other than a domestic corporation, the agent shall meet the requirements of Title XVII of the Revised Code for an entity of the agent's type to transact business or exercise privileges in this state.	33000 33001 33002 33003 33004 33005 33006 33007 33008

(B) The secretary of state shall not accept original 33009  
articles for filing unless there is filed with the articles a 33010  
written appointment of an agent that is signed by the 33011  
incorporators of the corporation or a majority of them and a 33012  
written acceptance of the appointment that is signed by the 33013  
agent. In all other cases, the corporation shall appoint the 33014  
agent and shall file in the office of the secretary of state a 33015  
written appointment of the agent that is signed by any 33016  
authorized officer of the corporation and a written acceptance 33017  
of the appointment that is either the original acceptance signed 33018  
by the agent or a photocopy, facsimile, or similar reproduction 33019  
of the original acceptance signed by the agent. 33020

(C) (1) The written appointment of an agent shall set forth 33021  
the name and address in this state of the agent, including the 33022  
street and number of the agent's primary residence in this state 33023  
or, if the agent is not a natural person, the agent's usual 33024  
place of business in this state, and shall otherwise be in such 33025  
form as the secretary of state prescribes. The secretary of 33026  
state shall keep a record of the names of corporations, and the 33027  
names and addresses of their respective agents. 33028

(2) As used in division (C) (1) of this section, "usual 33029  
place of business" means a place in this state that is 33030  
customarily open during normal business hours and where an 33031  
individual is generally present who is authorized to perform the 33032  
services of a registered agent, including accepting service of 33033  
process and other notifications for the person serving as a 33034  
statutory agent. "Usual place of business" does not include a 33035  
post office box, regardless of whether that post office box has 33036  
an associated street address. 33037

(D) If any agent dies, removes from the state, or resigns, 33038

the corporation shall forthwith appoint another agent and file 33039  
with the secretary of state, on a form prescribed by the 33040  
secretary of state, a written appointment of the agent. 33041

(E) If the agent changes the agent's address from that 33042  
appearing upon the record in the office of the secretary of 33043  
state, the corporation or the agent shall forthwith file with 33044  
the secretary of state, on a form prescribed by the secretary of 33045  
state, a written statement setting forth the new address. 33046

(F) An agent may resign by filing with the secretary of 33047  
state, on a form prescribed by the secretary of state, a written 33048  
notice to that effect that is signed by the agent and by sending 33049  
a copy of the notice to the corporation at the current or last 33050  
known address of its principal office on or prior to the date 33051  
the notice is filed with the secretary of state. The notice 33052  
shall set forth the name of the corporation, the name and 33053  
current address of the agent, the current or last known address, 33054  
including the street and number or other particular description, 33055  
of the corporation's principal office, the resignation of the 33056  
agent, and a statement that a copy of the notice has been sent 33057  
to the corporation within the time and in the manner prescribed 33058  
by this division. Upon the expiration of thirty days after the 33059  
filing, the authority of the agent shall terminate. 33060

(G) A corporation may revoke the appointment of an agent 33061  
by filing with the secretary of state, on a form prescribed by 33062  
the secretary of state, a written appointment of another agent 33063  
and a statement that the appointment of the former agent is 33064  
revoked. 33065

(H) Any process, notice, or demand required or permitted 33066  
by statute to be served upon a corporation may be served upon 33067  
the corporation by delivering a copy of it to its agent, if a 33068

natural person, or by delivering a copy of it at the address of 33069  
its agent in this state, as the address appears upon the record 33070  
in the office of the secretary of state. If (1) the agent cannot 33071  
be found, or (2) the agent no longer has that address, or (3) 33072  
the corporation has failed to maintain an agent as required by 33073  
this section, and if in any such case the party desiring that 33074  
the process, notice, or demand be served, or the agent or 33075  
representative of the party, shall have filed with the secretary 33076  
of state an affidavit stating that one of the foregoing 33077  
conditions exists and stating the most recent address of the 33078  
corporation that the party after diligent search has been able 33079  
to ascertain, then service of process, notice, or demand upon 33080  
the secretary of state, as the agent of the corporation, may be 33081  
initiated by delivering to the secretary of state or at the 33082  
secretary of state's office quadruplicate copies of such 33083  
process, notice, or demand and by paying to the secretary of 33084  
state a fee of five dollars. The secretary of state shall 33085  
forthwith give notice of the delivery to the corporation at its 33086  
principal office as shown upon the record in the secretary of 33087  
state's office and at any different address shown on its last 33088  
franchise tax report filed in this state, or to the corporation 33089  
at any different address set forth in the above mentioned 33090  
affidavit, and shall forward to the corporation at said 33091  
addresses, by certified mail, with request for return receipt, a 33092  
copy of the process, notice, or demand; and thereupon service 33093  
upon the corporation shall be deemed to have been made. 33094

(I) The secretary of state shall keep a record of each 33095  
process, notice, and demand delivered to the secretary of state 33096  
or at the secretary of state's office under this section or any 33097  
other law of this state that authorizes service upon the 33098  
secretary of state, and shall record the time of the delivery 33099

and the action thereafter with respect thereto. 33100

(J) This section does not limit or affect the right to 33101  
serve any process, notice, or demand upon a corporation in any 33102  
other manner permitted by law. 33103

~~(K) Every corporation shall state in each annual report~~ 33104  
~~filed by it with the department of taxation the name and address~~ 33105  
~~of its statutory agent.~~ 33106

~~(I)~~ Except when an original appointment of an agent is 33107  
filed with the original articles, a written appointment of an 33108  
agent or a written statement filed by a corporation with the 33109  
secretary of state shall be signed by any authorized officer of 33110  
the corporation or by the incorporators of the corporation or a 33111  
majority of them if no directors have been elected. 33112

~~(M)~~ (L) For filing a written appointment of an agent other 33113  
than one filed with original articles, and for filing a 33114  
statement of change of address of an agent, the secretary of 33115  
state shall charge and collect the fee specified in division (R) 33116  
of section 111.16 of the Revised Code. 33117

~~(N)~~ (M) Upon the failure of a corporation to appoint 33118  
another agent or to file a statement of change of address of an 33119  
agent, the secretary of state shall give notice thereof by 33120  
ordinary or electronic mail to the corporation at the electronic 33121  
mail address provided to the secretary of state, or at the 33122  
address set forth in the notice of resignation or on the last 33123  
franchise tax return filed in this state by the corporation. 33124  
Unless the default is cured within thirty days after the mailing 33125  
by the secretary of state of the notice or within any further 33126  
period of time that the secretary of state grants, upon the 33127  
expiration of that period of time from the date of the mailing, 33128

the articles of the corporation shall be canceled without 33129  
further notice or action by the secretary of state. The 33130  
secretary of state shall make a notation of the cancellation on 33131  
the secretary of state's records. 33132

A corporation whose articles have been canceled may be 33133  
reinstated by filing, within two years of the cancellation, on a 33134  
form prescribed by the secretary of state, an application for 33135  
reinstatement and the required appointment of agent or required 33136  
statement, and by paying the filing fee specified in division 33137  
(Q) of section 111.16 of the Revised Code. The rights, 33138  
privileges, and franchises of a corporation whose articles have 33139  
been reinstated are subject to section 1701.922 of the Revised 33140  
Code. The secretary of state shall furnish the tax commissioner 33141  
a monthly list of all corporations canceled and reinstated under 33142  
this division. 33143

~~(O)~~ (N) This section does not apply to banks, trust 33144  
companies, insurance companies, or any corporation defined under 33145  
the laws of this state as a public utility for taxation 33146  
purposes. 33147

**Sec. 1703.041.** (A) Every foreign corporation for profit 33148  
that is licensed to transact business in this state, and every 33149  
foreign nonprofit corporation that is licensed to exercise its 33150  
privileges in this state, shall have and maintain an agent, 33151  
sometimes referred to as the "designated agent," upon whom 33152  
process against the corporation may be served within this state. 33153  
The agent shall be one of the following: 33154

(1) A natural person who is a resident of this state; 33155

(2) A domestic or foreign corporation, nonprofit 33156  
corporation, limited liability company, partnership, limited 33157

partnership, limited liability partnership, limited partnership 33158  
association, professional association, business trust, or 33159  
unincorporated nonprofit association that has a business address 33160  
in this state. If the agent is an entity other than a domestic 33161  
corporation, the agent shall meet the requirements of Title XVII 33162  
of the Revised Code for an entity of the agent's type to 33163  
transact business or exercise privileges in this state. 33164

(B) (1) The written appointment of a designated agent shall 33165  
set forth the name and address of the agent, including the 33166  
street and number of the agent's primary residence in this state 33167  
or, if the agent is not a natural person, the agent's usual 33168  
place of business in this state, and shall otherwise be in such 33169  
form as the secretary of state prescribes. The secretary of 33170  
state shall keep a record of the names of such foreign 33171  
corporations and the names and addresses of their respective 33172  
agents. 33173

(2) As used in division (B) (1) of this section, "usual 33174  
place of business" means a place in this state that is 33175  
customarily open during normal business hours and where an 33176  
individual is generally present who is authorized to perform the 33177  
services of a registered agent, including accepting service of 33178  
process and other notifications for the person serving as a 33179  
statutory agent. "Usual place of business" does not include a 33180  
post office box, regardless of whether that post office box has 33181  
an associated street address. 33182

(C) If the designated agent dies, removes from the state, 33183  
or resigns, the foreign corporation shall forthwith appoint 33184  
another agent and file in the office of the secretary of state, 33185  
on a form prescribed by the secretary of state, a written 33186  
appointment of the new agent. 33187

(D) If the designated agent changes the agent's address 33188  
from that appearing upon the record in the office of the 33189  
secretary of state, the foreign corporation or the designated 33190  
agent in its behalf shall forthwith file with the secretary of 33191  
state, on a form prescribed by the secretary of state, a written 33192  
statement setting forth the agent's new address. 33193

(E) A designated agent may resign by filing with the 33194  
secretary of state, on a form prescribed by the secretary of 33195  
state, a signed statement to that effect. The secretary of state 33196  
shall forthwith mail a copy of the statement to the foreign 33197  
corporation at its principal office as shown by the record in 33198  
the secretary of state's office. Upon the expiration of sixty 33199  
days after the filing, the authority of the agent shall 33200  
terminate. 33201

(F) A foreign corporation may revoke the appointment of a 33202  
designated agent by filing with the secretary of state, on a 33203  
form prescribed by the secretary of state, a written appointment 33204  
of another agent and a statement that the appointment of the 33205  
former agent is revoked. 33206

(G) Process may be served upon a foreign corporation by 33207  
delivering a copy of it to its designated agent, if a natural 33208  
person, or by delivering a copy of it at the address of its 33209  
agent in this state, as the address appears upon the record in 33210  
the office of the secretary of state. 33211

(H) This section does not limit or affect the right to 33212  
serve process upon a foreign corporation in any other manner 33213  
permitted by law. 33214

~~(I) Every foreign corporation for profit shall state in 33215  
each annual report filed by it with the department of taxation 33216~~



~~the name and address of its designated agent in this state.~~ 33217

**Sec. 1707.37.** (A) All fees and charges collected under 33218  
this chapter shall be paid into the state treasury to the credit 33219  
of the division of securities fund, which is hereby created. All 33220  
expenses of the division of securities, other than those 33221  
specified in division (B) of this section, shall be paid from 33222  
the fund. 33223

The fund shall be assessed a proportionate share of the 33224  
administrative costs of the department of commerce in accordance 33225  
with procedures prescribed by the director of commerce. The 33226  
assessments shall be paid from the division of securities fund 33227  
to the division of administration fund. 33228

If moneys in the division of securities fund are 33229  
determined by the director of budget and management and the 33230  
director of commerce to be in excess of those necessary to 33231  
defray all the expenses in any fiscal year, the director of 33232  
budget and management shall transfer the excess to the general 33233  
revenue fund. 33234

(B) There is hereby created in the state treasury the 33235  
division of securities investor education and enforcement 33236  
expense fund, which shall consist of all money received in 33237  
settlement of any violation of this chapter and any cash 33238  
transfers. Money in the fund shall be used to fund grants and 33239  
pay expenses of the division of securities relating to education 33240  
or enforcement for the protection of securities investors and 33241  
the public. The division may adopt rules pursuant to section 33242  
1707.20 of the Revised Code that establish what qualifies as 33243  
such an expense and qualifications for grant funded programs. 33244

**Sec. 1707.47.** (A) As used in this section and section 33245

1707.471 of the Revised Code: 33246

(1) "Claimant" means a person that files an application 33247  
for restitution assistance on behalf of a victim. 33248

(2) "Final order" means a final administrative order 33249  
issued by the division of securities or a final court order in a 33250  
civil or criminal proceeding initiated by the division. 33251

(3) "Victim" means a purchaser identified in a final order 33252  
that has suffered a pecuniary loss as the result of a violation 33253  
of this chapter or any rules adopted thereunder, or, in the case 33254  
of a deceased purchaser so identified, the purchaser's surviving 33255  
spouse or dependent children. 33256

(B) There is hereby created in the state treasury the Ohio 33257  
investor recovery fund, which shall consist of all cash 33258  
transfers from the division of securities fund, created in 33259  
section 1707.37 of the Revised Code, ~~not to exceed an aggregate~~ 33260  
~~total of two million five hundred thousand dollars in any fiscal~~ 33261  
~~year.~~ Money in the Ohio investor recovery fund shall be used for 33262  
the purposes identified in division (C) of this section. 33263

(C) The division shall use the Ohio investor recovery fund 33264  
only to pay awards of restitution assistance and any expenses 33265  
incurred in administering this section. 33266

(D) (1) If the Ohio investor recovery fund is reduced below 33267  
two hundred fifty thousand dollars due to payment in full of 33268  
restitution assistance awards that become final during a month, 33269  
the division shall suspend payment of further claims that become 33270  
final during that month and the following two months. 33271

(2) At the end of the suspension period described in 33272  
division (D) (1) of this section, the division shall pay the 33273  
suspended claims. If the Ohio investor recovery fund would be 33274

exhausted by payment in full of the suspended claims, the amount 33275  
paid to each claimant shall be prorated according to the amount 33276  
remaining in the Ohio investor recovery fund at the end of the 33277  
suspension period. 33278

(E) The state shall not be liable for a determination made 33279  
by the division under this section except to the extent that 33280  
money is available in the Ohio investor recovery fund on the 33281  
date the award is calculated. 33282

(F) The following victims are eligible for restitution 33283  
assistance: 33284

(1) A natural person who is a resident of this state; 33285

(2) A person, other than a natural person, that is 33286  
domiciled in Ohio. 33287

(G) The division shall not award restitution assistance as 33288  
follows: 33289

(1) To more than one claimant per victim; 33290

(2) To a claimant on behalf of a victim that has received 33291  
the full amount of restitution owed from the person ordered to 33292  
pay restitution to the victim in the final order before the 33293  
application for restitution assistance from the fund is filed; 33294

(3) To a claimant if the final order identifies no 33295  
pecuniary loss to the victim on whose behalf the application is 33296  
made; 33297

(4) To a claimant on behalf of a victim that assisted in 33298  
the commission of the violation of this chapter; 33299

(5) If the portion of the final order giving rise to a 33300  
restitution order or otherwise establishing a pecuniary loss to 33301

the victim is overturned on appeal. 33302

(H) If, after the division has made a restitution 33303  
assistance award from the Ohio investor recovery fund under this 33304  
section, the restitution award in the final order is overturned 33305  
on appeal and all legal remedies have been exhausted, then the 33306  
claimant shall forfeit the restitution assistance award. 33307

**Sec. 1713.03.** The chancellor of higher education shall 33308  
establish standards for certificates of authorization to be 33309  
issued to institutions as defined in section 1713.01 of the 33310  
Revised Code, to private institutions exempt from regulation 33311  
under Chapter 3332. of the Revised Code as prescribed in section 33312  
3333.046 of the Revised Code, and to schools holding 33313  
certificates of registration issued by the state board of career 33314  
colleges and schools pursuant to division (C) of section 3332.05 33315  
of the Revised Code. A certificate of authorization may permit 33316  
an institution or school to award one or more types of degrees. 33317

The standards for a certificate of authorization may 33318  
include, for various types of institutions, schools, or degrees, 33319  
minimum qualifications for faculty, library, laboratories, and 33320  
other facilities as adopted and published by the chancellor. The 33321  
standards shall be adopted by the chancellor pursuant to Chapter 33322  
119. of the Revised Code. 33323

An institution or school shall apply to the chancellor for 33324  
a certificate of authorization on forms containing such 33325  
information as is prescribed by the chancellor. Each institution 33326  
or school with a certificate of authorization shall file an 33327  
annual report with the chancellor in such form and containing 33328  
such information as the chancellor prescribes. The annual report 33329  
shall include disclosure of any online program manager, as 33330  
defined in section 1713.032 of the Revised Code, the institution 33331

or school has contracted with to provide instruction to its 33332  
students. 33333

The chancellor shall adopt a rule under Chapter 119. of 33334  
the Revised Code establishing fees to pay the cost of reviewing 33335  
an application for a certificate of authorization, which the 33336  
institution or school shall pay when it applies for a 33337  
certificate of authorization, and establishing fees, which an 33338  
institution or school shall pay, for any further reviews the 33339  
chancellor determines necessary upon examining an institution's 33340  
or school's annual report. 33341

**Sec. 1713.032.** (A) As used in this section: 33342

(1) "Contractual agreement" means a contract in which an 33343  
institution or school with a certificate of authorization, or 33344  
seeking a certificate of authorization, grants an online program 33345  
manager input on or authority over any of the following for an 33346  
online academic program: 33347

(a) Curriculum development, design, or maintenance; 33348

(b) Student recruitment, assessment, and grading; 33349

(c) Course assessment; 33350

(d) Admissions requirements; 33351

(e) Appointment of faculty; 33352

(f) Faculty assessment; 33353

(g) Decision to award course credit or credential; 33354

(h) Institutional governance; 33355

(i) Instruction. 33356

(2) "Online program manager" means a for-profit entity in 33357

a contractual agreement with an institution or school with a 33358  
certificate of authorization, or seeking a certificate of 33359  
authorization, to develop or administer curriculum on behalf of 33360  
the institution or school for online courses or programs. 33361

(B) To the extent practicable, an institution or school 33362  
with a certificate of authorization, or seeking a certificate of 33363  
authorization, that intends to enter into a contractual 33364  
agreement for an academic program shall endeavor to provide to 33365  
the chancellor of higher education a notification of intent at 33366  
least thirty days before entering into a contractual agreement. 33367  
Upon entering into a contractual agreement, an institution or 33368  
school shall immediately provide a copy of the contractual 33369  
agreement to the chancellor and any other documentation 33370  
requested by the chancellor related to ensuring compliance with 33371  
standards, rules, and laws. 33372

(C) The chancellor shall develop materials regarding the 33373  
risks inherent in contractual agreements and implementation of 33374  
such agreements that relate to compliance with standards, rules, 33375  
and laws regarding program approval, including the consequences 33376  
of offering an unapproved program. An institution or school 33377  
shall attest to its review of the materials prior to entering 33378  
into a contractual agreement with an online program manager. 33379

(D) Any contractual agreement executed after the effective 33380  
date of this section shall include a provision that grants the 33381  
institution the authority to invalidate the contract if the 33382  
online program manager does not provide curricula that align 33383  
with the institution's or school's approved program. The 33384  
institution or school shall ensure that each such academic 33385  
program is offered in the manner previously approved by the 33386  
chancellor pursuant to section 3333.04 of the Revised Code or 33387

formally request approval of a significant change to the 33388  
previously approved program or approval of a new academic 33389  
program. 33390

(E) An institution or school that enters a contractual 33391  
agreement shall post on its web site that the institution or 33392  
school utilizes an online program manager. 33393

(F) The chancellor may prescribe the form and manner by 33394  
which the requirements in this section may be satisfied, 33395  
including standardized forms and timelines. 33396

(G) Contractual agreements for private nonprofit 33397  
institutions under this section are not subject to the public 33398  
records law. 33399

(H) A for-profit institution that holds a certificate of 33400  
authorization from the chancellor shall comply with this section 33401  
for any program or degree that is offered under the approval of 33402  
the chancellor. 33403

**Sec. 1713.033.** Each institution or school with a 33404  
certificate of authorization issued under this chapter annually 33405  
shall certify to the chancellor of higher education, on a date 33406  
and in the form and manner determined by the chancellor, a plan 33407  
to preserve student records indefinitely if the institution or 33408  
school was to cease operations. The plan shall include the 33409  
designation and signed confirmation of an official custodian of 33410  
student records. If the chancellor determines it necessary, the 33411  
chancellor may require an institution or school to produce an 33412  
executed agreement with the designated custodian of student 33413  
records, paid in full, to ensure the institution's or school's 33414  
plan can be implemented. 33415

The chancellor may consult with the higher learning 33416

commission, the state board of career colleges and schools, and 33417  
other appropriate entities to establish plans, processes, and 33418  
procedures for institutions and schools to provide indefinite 33419  
access to student records. 33420

Sec. 1713.041. (A) Each institution or school authorized 33421  
to offer courses or degrees under a certificate of authorization 33422  
annually shall provide to the chancellor of higher education all 33423  
of the following: 33424

(1) Verification of current accreditation status and a 33425  
copy of the most recent institutional report from the 33426  
institution's accrediting organization; 33427

(2) A plan to preserve student records indefinitely in the 33428  
event of closure of the institution or discontinuation of 33429  
service. The plan shall include a method by which students and 33430  
alumni of the institution may retrieve student records by 33431  
request. The plan also shall include a designation and signed 33432  
confirmation of an official custodian of student records. 33433  
Student records preserved under the plan shall include, but not 33434  
be limited to: 33435

(a) Academic transcripts; 33436

(b) Financial aid documents; 33437

(c) International student forms; 33438

(d) Tax information. 33439

(3) The following program information: 33440

(a) A list of current degree programs offered by the 33441  
institution in this state; 33442

(b) The results of any external degree program evaluations 33443



<u>conducted in the last year;</u>	33444
<u>(c) A list of any degree programs that have been</u>	33445
<u>eliminated in the last year;</u>	33446
<u>(4) The latest financial statement for the most recent</u>	33447
<u>fiscal year compiled and audited by an independent certified</u>	33448
<u>public accountant, including any management letters provided by</u>	33449
<u>the independent auditor;</u>	33450
<u>(5) Any other information requested by the chancellor.</u>	33451
<u>(B) If an institution or school fails to submit the</u>	33452
<u>information required under division (A) of this section or if</u>	33453
<u>the chancellor finds that the information submitted under that</u>	33454
<u>division is insufficient, the chancellor may suspend, withdraw,</u>	33455
<u>or revoke an institution or school's institutional authorization</u>	33456
<u>or a program's authorization.</u>	33457
<u>(C) Each institution or school shall immediately notify</u>	33458
<u>the chancellor if the institution or school does any of the</u>	33459
<u>following:</u>	33460
<u>(1) Receives notice from the federal government or an</u>	33461
<u>institutional accrediting organization that the institution or</u>	33462
<u>school is subject to heightened reporting standards or special</u>	33463
<u>monitoring status, such as the United States department of</u>	33464
<u>education's heightened cash monitoring process;</u>	33465
<u>(2) Receives preliminary or final accreditation findings;</u>	33466
<u>(3) Becomes the subject of an investigation by a</u>	33467
<u>government agency related to the institution's academic quality,</u>	33468
<u>financial stability, or student consumer protection;</u>	33469
<u>(4) Fails to make any payments to applicable retirement</u>	33470
<u>systems;</u>	33471

<u>(5) Fails to make any scheduled payroll payments;</u>	33472
<u>(6) Fails to make any payments to vendors when due as a result of a cash deficiency or a substantial deficiency in the payment processing system of the institution;</u>	33473 33474 33475
<u>(7) Fails to make any scheduled payment of principal or interest for short- or long-term debt;</u>	33476 33477
<u>(8) Makes budget revisions resulting in a substantially reduced ending fund balance or larger deficit;</u>	33478 33479
<u>(9) Becomes aware of significant negative variance between the most recently adopted annual budget and actual revenues or expenses as projected at the end of the fiscal year.</u>	33480 33481 33482
<u>(D) A document received by the chancellor under division (C) (1), (2), or (3) of this section that is confidential under federal law is not subject to release under a public record request until such time as the document is released publicly by the appropriate entity. Further, financial documentation of the institution or school received by the chancellor under this section is not a public record under section 149.43 of the Revised Code.</u>	33483 33484 33485 33486 33487 33488 33489 33490
<b>Sec. 1923.01.</b> (A) As provided in this chapter, any judge of a county or municipal court or a court of common pleas, within the judge's proper area of jurisdiction, may inquire about persons who make unlawful and forcible entry into lands or tenements and detain them, and about persons who make a lawful and peaceable entry into lands or tenements and hold them unlawfully and by force. If, upon the inquiry, it is found that an unlawful and forcible entry has been made and the lands or tenements are detained, or that, after a lawful entry, lands or tenements are held unlawfully and by force, a judge shall cause	33491 33492 33493 33494 33495 33496 33497 33498 33499 33500

the plaintiff in an action under this chapter to have 33501  
restitution of the lands or tenements. 33502

(B) An action shall be brought under this chapter within 33503  
two years after the cause of action accrues. 33504

(C) As used in this chapter: 33505

(1) "Tenant" means a person who is entitled under a rental 33506  
agreement to the use or occupancy of premises, other than 33507  
premises located in a manufactured home park, to the exclusion 33508  
of others, except that as used in division (A) (6) of section 33509  
1923.02 and section 1923.051 of the Revised Code, "tenant" 33510  
includes a manufactured home park resident. 33511

(2) "Landlord" means the owner, lessor, or sublessor of 33512  
premises, or the agent or person the landlord authorizes to 33513  
manage premises or to receive rent from a tenant under a rental 33514  
agreement, except, if required by the facts of the action to 33515  
which the term is applied, "landlord" means a park operator. 33516

(3) "Resident" has the same meaning as in section 4781.01 33517  
of the Revised Code. 33518

(4) "Residential premises" has the same meaning as in 33519  
section 5321.01 of the Revised Code, except, if required by the 33520  
facts of the action to which the term is applied, "residential 33521  
premises" has the same meaning as in section 4781.01 of the 33522  
Revised Code. 33523

(5) "Rental agreement" means any agreement or lease, 33524  
written or oral, that establishes or modifies the terms, 33525  
conditions, rules, or other provisions concerning the use or 33526  
occupancy of premises by one of the parties to the agreement or 33527  
lease, except that "rental agreement," as used in division (A) 33528  
(13) of section 1923.02 of the Revised Code and where the 33529

context requires as used in this chapter, means a rental agreement as defined in division (D) of section 5322.01 of the Revised Code.

(6) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(7) "School premises" has the same meaning as in section 2925.01 of the Revised Code.

(8) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

~~(9) "Recreational vehicle" and "mobile home" have the same meanings as in section 4501.01 of the Revised Code.~~

~~(10)~~ "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code.

~~(11)~~(10) "Manufactured home park" has the same meaning as in section 4781.01 of the Revised Code and also means any tract of land upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and the owner of the tract of land.

~~(12)~~(11) "Park operator" has the same meaning as in section 4781.01 of the Revised Code and also means a landlord of premises upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and a landlord who is not licensed as a manufactured home park operator pursuant to Chapter 4781. of the Revised Code.

~~(13)~~ (12) "Personal property" means tangible personal 33559  
property other than a manufactured home, or mobile home, ~~or~~ 33560  
~~recreational vehicle~~ that is the subject of an action under this 33561  
chapter. 33562

~~(14)~~ (13) "Preschool or child care center premises" has the 33563  
same meaning as in section 2950.034 of the Revised Code. 33564

~~(15)~~ (14) "Minor tenant" means a tenant under eighteen 33565  
years of age who is not emancipated. 33566

(15) "Titled owner" means a person or estate that owns a 33567  
manufactured or mobile home located in a manufactured home park, 33568  
regardless of whether the person or estate is entitled to occupy 33569  
the lot under the rental agreement with the park operator. 33570

**Sec. 1923.02.** (A) Proceedings under this chapter may be 33571  
had as follows: 33572

(1) Against tenants or manufactured home park residents 33573  
holding over their terms; 33574

(2) Against tenants or manufactured home park residents in 33575  
possession under an oral tenancy, who are in default in the 33576  
payment of rent as provided in division (B) of this section; 33577

(3) In sales of real estate, on executions, orders, or 33578  
other judicial process, when the judgment debtor was in 33579  
possession at the time of the rendition of the judgment or 33580  
decree, by virtue of which the sale was made; 33581

(4) In sales by executors, administrators, or guardians, 33582  
and on partition, when any of the parties to the complaint were 33583  
in possession at the commencement of the action, after the 33584  
sales, so made on execution or otherwise, have been examined by 33585  
the proper court and adjudged legal; 33586

(5) When the defendant is an occupier of lands or tenements, without color of title, and the complainant has the right of possession to them;

(6) In any other case of the unlawful and forcible detention of lands or tenements. For purposes of this division, in addition to any other type of unlawful and forcible detention of lands or tenements, such a detention may be determined to exist when both of the following apply:

(a) A tenant fails to vacate residential premises within three days after both of the following occur:

(i) The tenant's landlord has actual knowledge of or has reasonable cause to believe that the tenant, any person in the tenant's household, or any person on the premises with the consent of the tenant previously has or presently is engaged in a violation of Chapter 2925. or 3719. of the Revised Code, or of a municipal ordinance that is substantially similar to any section in either of those chapters, which involves a controlled substance and which occurred in, is occurring in, or otherwise was or is connected with the premises, whether or not the tenant or other person has been charged with, has pleaded guilty to or been convicted of, or has been determined to be a delinquent child for an act that, if committed by an adult, would be a violation as described in this division. For purposes of this division, a landlord has "actual knowledge of or has reasonable cause to believe" that a tenant, any person in the tenant's household, or any person on the premises with the consent of the tenant previously has or presently is engaged in a violation as described in this division if a search warrant was issued pursuant to Criminal Rule 41 or Chapter 2933. of the Revised Code; the affidavit presented to obtain the warrant named or

described the tenant or person as the individual to be searched 33617  
and particularly described the tenant's premises as the place to 33618  
be searched, named or described one or more controlled 33619  
substances to be searched for and seized, stated substantially 33620  
the offense under Chapter 2925. or 3719. of the Revised Code or 33621  
the substantially similar municipal ordinance that occurred in, 33622  
is occurring in, or otherwise was or is connected with the 33623  
tenant's premises, and states the factual basis for the 33624  
affiant's belief that the controlled substances are located on 33625  
the tenant's premises; the warrant was properly executed by a 33626  
law enforcement officer and any controlled substance described 33627  
in the affidavit was found by that officer during the search and 33628  
seizure; and, subsequent to the search and seizure, the landlord 33629  
was informed by that or another law enforcement officer of the 33630  
fact that the tenant or person has or presently is engaged in a 33631  
violation as described in this division and it occurred in, is 33632  
occurring in, or otherwise was or is connected with the tenant's 33633  
premises. 33634

(ii) The landlord gives the tenant the notice required by 33635  
division (C) of section 5321.17 of the Revised Code. 33636

(b) The court determines, by a preponderance of the 33637  
evidence, that the tenant, any person in the tenant's household, 33638  
or any person on the premises with the consent of the tenant 33639  
previously has or presently is engaged in a violation as 33640  
described in division (A) (6) (a) (i) of this section. 33641

(7) In cases arising out of Chapter 5313. of the Revised 33642  
Code. In those cases, the court has the authority to declare a 33643  
forfeiture of the vendee's rights under a land installment 33644  
contract and to grant any other claims arising out of the 33645  
contract. 33646

(8) Against tenants who have breached an obligation that 33647  
is imposed by section 5321.05 of the Revised Code, other than 33648  
the obligation specified in division (A) (9) of that section, and 33649  
that materially affects health and safety. Prior to the 33650  
commencement of an action under this division, notice shall be 33651  
given to the tenant and compliance secured with section 5321.11 33652  
of the Revised Code. 33653

(9) Against tenants who have breached an obligation 33654  
imposed upon them by a written rental agreement; 33655

(10) Against manufactured home park residents who have 33656  
defaulted in the payment of rent or breached the terms of a 33657  
rental agreement with a park operator. Nothing in this division 33658  
precludes the commencement of an action under division (A) (12) 33659  
of this section when the additional circumstances described in 33660  
that division apply. 33661

(11) Against manufactured home park residents who have 33662  
committed two material violations of the rules of the 33663  
manufactured home park, of the division of industrial compliance 33664  
of the department of commerce, or of applicable state and local 33665  
health and safety codes and who have been notified of the 33666  
violations in compliance with section 4781.45 of the Revised 33667  
Code; 33668

(12) Against a manufactured home park resident, or the 33669  
estate of a manufactured home park resident, who as a result of 33670  
death or otherwise has been absent from the manufactured home 33671  
park for a period of thirty consecutive days prior to the 33672  
commencement of an action under this division and whose 33673  
manufactured home or mobile home, ~~or recreational vehicle that~~ 33674  
~~is parked in the manufactured home park,~~ has been left 33675  
unoccupied for that thirty-day period, without notice to the 33676



park operator and without payment of rent due under the rental agreement with the park operator; 33677  
33678

(13) Against occupants of self-service storage facilities, 33679  
as defined in division (A) of section 5322.01 of the Revised 33680  
Code, who have breached the terms of a rental agreement or 33681  
violated section 5322.04 of the Revised Code; 33682

(14) Against any resident or occupant who, pursuant to a 33683  
rental agreement, resides in or occupies residential premises 33684  
located within one thousand feet of any school premises, 33685  
preschool or child care center premises, children's crisis care 33686  
facility premises, or residential infant care center premises 33687  
and to whom both of the following apply: 33688

(a) The resident's or occupant's name appears on the state 33689  
registry of sex offenders and child-victim offenders maintained 33690  
under section 2950.13 of the Revised Code. 33691

(b) The state registry of sex offenders and child-victim 33692  
offenders indicates that the resident or occupant was convicted 33693  
of or pleaded guilty to a sexually oriented offense or a child- 33694  
victim oriented offense in a criminal prosecution and was not 33695  
sentenced to a serious youthful offender dispositional sentence 33696  
for that offense. 33697

(15) Against any tenant who permits any person to occupy 33698  
residential premises located within one thousand feet of any 33699  
school premises, preschool or child care center premises, 33700  
children's crisis care facility premises, or residential infant 33701  
care center premises if both of the following apply to the 33702  
person: 33703

(a) The person's name appears on the state registry of sex 33704  
offenders and child-victim offenders maintained under section 33705

2950.13 of the Revised Code. 33706

(b) The state registry of sex offenders and child-victim 33707  
offenders indicates that the person was convicted of or pleaded 33708  
guilty to a sexually oriented offense or a child-victim oriented 33709  
offense in a criminal prosecution and was not sentenced to a 33710  
serious youthful offender dispositional sentence for that 33711  
offense. 33712

(B) If a tenant or manufactured home park resident holding 33713  
under an oral tenancy is in default in the payment of rent, the 33714  
tenant or resident forfeits the right of occupancy, and the 33715  
landlord may, at the landlord's option, terminate the tenancy by 33716  
notifying the tenant or resident, as provided in section 1923.04 33717  
of the Revised Code, to leave the premises, for the restitution 33718  
of which an action may then be brought under this chapter. 33719

(C) (1) If a tenant or any other person with the tenant's 33720  
permission resides in or occupies residential premises that are 33721  
located within one thousand feet of any school premises, 33722  
children's crisis care facility premises, or residential infant 33723  
care center premises and is a resident or occupant of the type 33724  
described in division (A) (14) of this section or a person of the 33725  
type described in division (A) (15) of this section, the landlord 33726  
for those residential premises, upon discovery that the tenant 33727  
or other person is a resident, occupant, or person of that 33728  
nature, may terminate the rental agreement or tenancy for those 33729  
residential premises by notifying the tenant and all other 33730  
occupants, as provided in section 1923.04 of the Revised Code, 33731  
to leave the premises. 33732

(2) If a landlord is authorized to terminate a rental 33733  
agreement or tenancy pursuant to division (C) (1) of this section 33734  
but does not so terminate the rental agreement or tenancy, the 33735

landlord is not liable in a tort or other civil action in 33736  
damages for any injury, death, or loss to person or property 33737  
that allegedly result from that decision. 33738

(D) This chapter does not apply to a student tenant as 33739  
defined by division (H) of section 5321.01 of the Revised Code 33740  
when the college or university proceeds to terminate a rental 33741  
agreement pursuant to section 5321.031 of the Revised Code. 33742

(E) The titled owner of the manufactured or mobile home 33743  
shall be joined as a defendant in any proceeding under this 33744  
chapter against a manufactured home park resident who is not the 33745  
titled owner of the manufactured or mobile home. 33746

(F) As used in this section, "children's crisis care 33747  
facility premises" and "residential infant care center premises" 33748  
have the same meanings as in section 2950.034 of the Revised 33749  
Code. 33750

**Sec. 1923.04.** (A) Except as provided in division (B) ~~or~~, 33751  
(C), or (D) of this section, a party desiring to commence an 33752  
action under this chapter shall notify the adverse party to 33753  
leave the premises, for the possession of which the action is 33754  
about to be brought, three or more days before beginning the 33755  
action, by certified mail, return receipt requested, or by 33756  
handing a written copy of the notice to the defendant in person, 33757  
or by leaving it at the defendant's usual place of abode or at 33758  
the premises from which the defendant is sought to be evicted. 33759

Every notice given under this section by a landlord to 33760  
recover residential premises shall contain the following 33761  
language printed or written in a conspicuous manner: "You are 33762  
being asked to leave the premises. If you do not leave, an 33763  
eviction action may be initiated against you. If you are in 33764

doubt regarding your legal rights and obligations as a tenant, 33765  
it is recommended that you seek legal assistance." 33766

(B) The service of notice pursuant to section 5313.06 of 33767  
the Revised Code constitutes compliance with the notice 33768  
requirement of division (A) of this section. The service of the 33769  
notice required by division (C) of section 5321.17 of the 33770  
Revised Code constitutes compliance with the notice requirement 33771  
of division (A) of this section. 33772

(C) If the adverse party in an action under this chapter 33773  
is a deceased resident of a manufactured home park, the notice 33774  
required by division (A) of this section shall be left at the 33775  
premises from which the defendant is sought to be evicted and 33776  
also shall be sent by ordinary mail to the following persons if 33777  
their names and addresses are known to the park operator: 33778

(1) If a probate court has granted letters testamentary or 33779  
of administration for the estate of the adverse party in 33780  
accordance with Title XXI of the Revised Code, the executor or 33781  
administrator appointed by the probate court; 33782

(2) The deceased resident's spouse and any other members 33783  
of the deceased resident's immediate family. 33784

(D) If the adverse party in an action under this chapter 33785  
is a titled owner, the notice required by division (A) of this 33786  
section shall be left at the premises from which the defendant 33787  
is sought to be evicted and also shall be sent by ordinary mail 33788  
to the titled owner if the titled owner's name and address is 33789  
known to the park operator. 33790

**Sec. 1923.06.** (A) Any summons in an action, including a 33791  
claim for possession, pursuant to this chapter shall be issued, 33792  
be in the form specified, and be served and returned as provided 33793

in this section. Such service shall be at least seven days 33794  
before the day set for trial. 33795

(B) Every summons issued under this section to recover 33796  
residential premises shall contain the following language 33797  
printed in a conspicuous manner: "A complaint to evict you or 33798  
the resident of your manufactured or mobile home has been filed 33799  
with this court. No person shall be evicted unless the person's 33800  
right to possession has ended and no person shall be evicted in 33801  
retaliation for the exercise of the person's lawful rights. If 33802  
you are depositing rent with the clerk of this court you shall 33803  
continue to deposit such rent until the time of the court 33804  
hearing. The failure to continue to deposit such rent may result 33805  
in your eviction. You may request a trial by jury. You have the 33806  
right to seek legal assistance. If you cannot afford a lawyer, 33807  
you may contact your local legal aid or legal service office. If 33808  
none is available, you may contact your local bar association." 33809

(C) The clerk of the court in which a complaint to evict 33810  
is filed shall mail any summons by ordinary mail, along with a 33811  
copy of the complaint, document, or other process to be served, 33812  
to the defendant at the address set forth in the caption of the 33813  
summons and to any address set forth in any written instructions 33814  
furnished to the clerk. The mailing shall be evidenced by a 33815  
certificate of mailing which the clerk shall complete and file. 33816

In addition to this ordinary mail service, the clerk also 33817  
shall cause service of that process to be completed under either 33818  
of the following: 33819

(1) Division (D) or (E) of this section or both, depending 33820  
upon which of those two methods of service is requested by the 33821  
plaintiff upon filing the complaint to evict; 33822

(2) Division (F) of this section if the action relates to a deceased manufactured home park resident. 33823  
33824

(D) (1) If requested, the clerk shall deliver sufficient copies of the summons, complaint, document, or other process to be served to, and service shall be made by, one of the following persons: 33825  
33826  
33827  
33828

(a) The sheriff of the county in which the premises are located when the process issues from a court of common pleas or county court; 33829  
33830  
33831

(b) The bailiff of the court for service when process issues from a municipal court; 33832  
33833

(c) Any person who is eighteen years of age or older, who is not a party, and who has been designated by order of the court to make service of process when process issues from any of the courts referred to in divisions (D) (1) (a) and (b) of this section. 33834  
33835  
33836  
33837  
33838

(2) The person serving process shall effect service at the premises that are the subject of the forcible entry and detainer action by one of the following means: 33839  
33840  
33841

(a) By locating the person to be served at the premises to tender a copy of the process and accompanying documents to that person; 33842  
33843  
33844

(b) By leaving a copy of the summons, complaint, document, or other process with a person of suitable age and discretion found at the premises if the person to be served cannot be found at the time the person making service attempts to serve the summons pursuant to division (D) (2) (a) of this section; 33845  
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(c) By posting a copy in a conspicuous place on the 33850

subject premises if service cannot be made pursuant to divisions 33851  
(D) (2) (a) and (b) of this section. 33852

(3) Within five days after receiving the summons, 33853  
complaint, document, or other process from the clerk for 33854  
service, the person making service shall return the process to 33855  
the clerk. The person shall indicate on the process which method 33856  
described in division (D) (2) of this section was used to serve 33857  
the summons. The clerk shall make the appropriate entry on the 33858  
appearance docket. 33859

(E) If requested, the clerk shall mail by certified mail, 33860  
return receipt requested, a copy of the summons, complaint, 33861  
document, or other process to be served to the address set forth 33862  
in the caption of the summons and to any address set forth in 33863  
any written instructions furnished to the clerk. 33864

(F) (1) If the person to be evicted in an action pursuant 33865  
to this chapter is a deceased manufactured home park resident, 33866  
the plaintiff shall provide to the clerk the following 33867  
information: 33868

(a) If the plaintiff knows that a probate court has 33869  
granted letters testamentary or of administration for the estate 33870  
of the deceased resident, the name and address of the probate 33871  
court, the case number of the estate, and the name and address 33872  
of the executor or administrator appointed by the probate court; 33873

(b) If the plaintiff knows that a probate court has not 33874  
granted letters testamentary or of administration for the estate 33875  
of the deceased resident or does not know whether or not a 33876  
probate court has granted letters testamentary or of 33877  
administration for the estate, the names and addresses of the 33878  
deceased resident's spouse and any other members of the deceased 33879

resident's immediate family that are known to the plaintiff; 33880

(c) If the plaintiff does not possess the information set 33881  
forth in division (F) (1) (a) or (b) of this section, an affidavit 33882  
from the plaintiff stating that the plaintiff does not possess 33883  
the information. 33884

(2) (a) Upon receipt from the plaintiff of the information 33885  
set forth in division (F) (1) (a) of this section, the clerk shall 33886  
mail by certified mail, return receipt requested, a copy of the 33887  
summons, complaint, document, or other process to be served to 33888  
the address of the executor or administrator appointed by the 33889  
probate court. 33890

(b) Upon receipt from the plaintiff of the information set 33891  
forth in division (F) (1) (b) or (c) of this section, the clerk 33892  
shall do both of the following: 33893

(i) Mail by ordinary mail and by certified mail, return 33894  
receipt requested, a copy of the summons, complaint, document, 33895  
or other process to be served to the persons and addresses 33896  
provided by the plaintiff, if any. The ordinary mail mailing 33897  
shall be evidenced by a certificate of mailing that the clerk 33898  
shall complete and file. 33899

(ii) Cause service of notice to be made by publication in 33900  
a newspaper of general circulation in the county in which the 33901  
complaint is filed. The publication shall set forth the name and 33902  
address of the court, the case number, the name and address of 33903  
the plaintiff or the plaintiff's attorney, and the name and 33904  
address of the deceased manufactured home park resident. The 33905  
publication shall describe the premises entered upon and 33906  
detained, shall contain a summary statement of the object of the 33907  
eviction complaint against the deceased resident, and shall 33908



state that the claim for restitution of the premises shall be 33909  
scheduled for a hearing in accordance with local court rules, 33910  
but in no event sooner than the seventh day from the date 33911  
service is complete. The clerk shall cause the publication to be 33912  
published at least once a week for two weeks. 33913

(G) Service of process shall be deemed complete on the 33914  
date that any of the following has occurred: 33915

(1) Service is made pursuant to division (D) (2) (a) or (b) 33916  
of this section. 33917

(2) Both ordinary mail service under division (C) and 33918  
service by posting pursuant to division (D) (2) (c) of this 33919  
section have been made. 33920

(3) For service performed pursuant to division (E) or (F) 33921  
(2) (a) of this section, on the date of mailing, if on the date 33922  
of the hearing either of the following applies: 33923

(a) The certified mail has not been returned for any 33924  
reason other than refused or unclaimed. 33925

(b) The certified mail has not been endorsed, and the 33926  
ordinary mail has not been returned. 33927

(4) For service performed under division (F) (2) (b) of this 33928  
section, on the date of mailing under division (F) (2) (b) (i) of 33929  
this section or on the date of the last publication under 33930  
division (F) (2) (b) (ii) of this section, whichever is later, if 33931  
on the date of the hearing, either of the following applies: 33932

(a) The certified mail has not been returned for any 33933  
reason other than refused or unclaimed. 33934

(b) The certified mail has not been endorsed, and the 33935  
ordinary mail has not been returned. 33936

(H) (1) The claim for restitution of the premises shall be 33937  
scheduled for hearing in accordance with local court rules, but 33938  
in no event sooner than the seventh day from the date service is 33939  
complete. 33940

(2) Answer day for any other claims filed with the claim 33941  
for possession shall be twenty-eight days from the date service 33942  
is deemed complete under this section. 33943

(I) As used in this section, "immediate family" means a 33944  
person's spouse, brothers and sisters of the whole or half 33945  
blood, children, including adopted children and stepchildren, 33946  
parents, and grandparents. 33947

**Sec. 1923.09.** (A) If an action under this chapter is not 33948  
continued, the place of trial is not changed, and neither party 33949  
demands a jury on the return day of the summons, a judge of the 33950  
court shall try the cause. After hearing the evidence, if the 33951  
judge concludes that the complaint is not true, the judge shall 33952  
enter judgment against the plaintiff for costs. If the judge 33953  
finds the complaint to be true, the judge shall render a general 33954  
judgment against the defendant, in favor of the plaintiff, for 33955  
restitution of the premises and costs of suit. If the judge 33956  
finds the complaint true in part, the judge shall render a 33957  
judgment for restitution of that part only, and the costs shall 33958  
be taxed as the judge considers just. 33959

(B) If a judgment is entered under this section in favor 33960  
of a plaintiff who is a park operator, and upon a subsequent 33961  
entry for disposition of a manufactured home or mobile home, the 33962  
judge shall include in the judgment entry authority for the 33963  
plaintiff to permit, in accordance with section 1923.12 and 33964  
division (B) of section 1923.13 and division (B) of section 33965  
1923.14 of the Revised Code, the removal from the manufactured 33966

home park and potential sale, destruction, or transfer of 33967  
ownership of the defendant's manufactured home, mobile home, or 33968  
recreational vehicle. 33969

**Sec. 1923.11.** (A) The court shall enter the verdict 33970  
rendered by a jury under section 1923.10 of the Revised Code 33971  
upon the docket, and render judgment in the action as if the 33972  
facts, authorizing the finding of the verdict, had been found by 33973  
the court itself. 33974

(B) If a judgment is entered under this section in favor 33975  
of a plaintiff who is a park operator, the judge shall include 33976  
in the judgment entry authority for the plaintiff to permit, in 33977  
accordance with section 1923.12 and division (B) of section 33978  
1923.13 and division (B) of section 1923.14 of the Revised Code, 33979  
the removal from the manufactured home park and potential sale, 33980  
destruction, or transfer of ownership of the defendant's 33981  
manufactured home, or mobile home, ~~or recreational vehicle.~~ 33982

**Sec. 1923.12.** (A) If a ~~resident or a resident's estate~~ the 33983  
titled owner of a manufactured home or mobile home has been 33984  
evicted from a manufactured home park pursuant to a judgment 33985  
entered under section 1923.09 or 1923.11 of the Revised Code and 33986  
if the ~~resident~~ titled owner or the titled owner's estate has 33987  
abandoned or otherwise left unoccupied the ~~resident's~~ titled 33988  
owner's manufactured home, or mobile home, ~~or recreational~~ 33989  
~~vehicle~~ on the residential premises of the manufactured home 33990  
park for a period of three days following the entry of the 33991  
judgment, the ~~operator of the~~ manufactured home park operator 33992  
may provide to the titled owner ~~of the home or vehicle~~ a written 33993  
notice to remove the manufactured home ~~or vehicle~~ or mobile home 33994  
from the manufactured home park within fourteen days ~~from~~ after 33995  
the date of the delivery of the notice. The park operator shall 33996

deliver or cause the delivery of the notice by ~~personal delivery~~ 33997  
~~to~~ posting it to the door of the manufactured home or mobile 33998  
home that is the subject of the ~~owner~~ notice or by ordinary mail 33999  
sent to the last known address of the titled owner. Except as 34000  
provided in ~~divisions~~ division (D) and ~~(E)~~ of this section, if 34001  
the titled owner of the manufactured home, or mobile home, ~~or~~ 34002  
~~recreational vehicle~~ does not remove it or cause it to be 34003  
removed from the manufactured home park within fourteen days 34004  
~~from~~ after the date of the delivery of the notice, the park 34005  
operator may follow the procedures of division (B) of section 34006  
1923.13 and division (B) of section 1923.14 of the Revised Code 34007  
to permit the removal of the home ~~or vehicle~~ from the 34008  
manufactured home park, and the potential sale, destruction, or 34009  
transfer of ownership of the home ~~or vehicle~~, at the discretion 34010  
of the manufactured home park operator. 34011

(B) Every notice provided to the titled owner of a 34012  
manufactured home, or mobile home, ~~or recreational vehicle~~ under 34013  
this section shall contain the following language printed in a 34014  
conspicuous manner: "You are being asked to remove your 34015  
manufactured home, or mobile home, ~~or recreational vehicle~~ from 34016  
the residential premises of \_\_\_\_\_, a manufactured home 34017  
park, in accordance with a judgment of eviction entered in 34018  
\_\_\_\_\_ court on \_\_\_\_\_ against \_\_\_\_\_. If the 34019  
manufactured home, or mobile home, ~~or recreational vehicle~~ is 34020  
not removed from the manufactured home park within fourteen days 34021  
~~from~~ after the date of delivery of this notice, the home ~~or~~ 34022  
~~vehicle~~ may be sold or destroyed, or its title may be 34023  
transferred to \_\_\_\_\_, pursuant to division (B) of both 34024  
sections 1923.13 and 1923.14 of the Revised Code. If you are in 34025  
doubt regarding your legal rights, it is recommended that you 34026  
seek legal assistance." 34027

(C) (1) Before requesting ~~a writ of execution~~ an order of 34028  
the court under division (B) of section 1923.13 of the Revised 34029  
Code, the park operator shall conduct or cause to be conducted a 34030  
search of the appropriate public records that relate to the 34031  
manufactured home, or mobile home, ~~or recreational vehicle,~~ and 34032  
make or cause to be made reasonably diligent inquiries, for the 34033  
purpose of identifying any persons other than the titled owner 34034  
who have an outstanding right, title, or interest in the home ~~or~~ 34035  
~~vehicle.~~ The clerk of courts shall provide the title information 34036  
upon a request made pursuant to this section. 34037

(2) If the search or inquiries pursuant to division (C) (1) 34038  
of this section reveal any person other than the titled owner 34039  
who has an outstanding right, title, or interest in the 34040  
manufactured home, or mobile home, ~~or recreational vehicle,~~ the 34041  
park operator shall provide by ordinary mail to the last known 34042  
address of the person a written notice ~~to remove the home or~~ 34043  
~~vehicle from the manufactured home park or arrange for the sale~~ 34044  
~~of the home or vehicle within~~ that the person has twenty-one 34045  
days ~~from~~ after the date of the delivery of the notice to 34046  
preserve the person's ownership interest in the home by paying 34047  
to the park owner any outstanding rent and storage fees. Such a 34048  
person forfeits any further action on the title to the home 34049  
following the twenty-first day after delivery of the notice 34050  
unless rent and storage fees are paid to the manufactured home 34051  
park operator. The notice shall also specify the amount of fees 34052  
owed, the method by which to pay the fees, and information on 34053  
how to contact the titled owner for the sale or removal of the 34054  
home. 34055

The notice shall contain the following language printed in 34056  
a conspicuous manner: "You are being asked to ~~remove~~ pay 34057  
outstanding fees in the amount of \_\_\_\_\_ for the manufactured 34058

home, or mobile home, ~~or recreational vehicle~~ that you have an 34059  
outstanding right, title, or interest in from the residential 34060  
premises of \_\_\_\_\_, a manufactured home park, in accordance 34061  
with a judgment of eviction entered in \_\_\_\_\_ court on 34062  
\_\_\_\_\_ against \_\_\_\_\_. If outstanding fees related to 34063  
the manufactured home, or mobile home, ~~or recreational vehicle~~ 34064  
is ~~are~~ not removed from the manufactured home park paid within 34065  
twenty-one days from the date of delivery of this notice, the 34066  
home ~~or vehicle~~ may be sold or destroyed, or its title may be 34067  
transferred to \_\_\_\_\_, pursuant to division (B) of both 34068  
sections 1923.13 and 1923.14 of the Revised Code. Outstanding 34069  
fees may be paid to \_\_\_\_\_. The titled owner may be contacted 34070  
at \_\_\_\_\_. If you are in doubt regarding your legal rights, 34071  
it is recommended that you seek legal assistance." 34072

~~The park operator shall deliver or cause the delivery of~~ 34073  
~~the notice by personal delivery to the person or by ordinary~~ 34074  
~~mail sent to the last known address of the person. If a sale of~~ 34075  
~~the home ~~or vehicle~~ is arranged by the person having an interest~~ 34076  
~~in the home other than the titled owner of the home, the ~~person~~~~ 34077  
~~seller shall pay any rent due to the park operator during the~~ 34078  
~~pendency of the sale. If the person having an interest in the~~ 34079  
~~home does not remove the home ~~or vehicle~~ or arrange for its sale~~ 34080  
within twenty-one days from the date of the delivery of the 34081  
notice, the park operator may follow the procedures of division 34082  
(B) of section 1923.13 and division (B) of section 1923.14 of 34083  
the Revised Code to permit the removal of the home ~~or vehicle~~ 34084  
from the manufactured home park, and the potential sale, 34085  
destruction, or transfer of ownership of the home ~~or vehicle~~. 34086

(3) If the search or inquiries reveal no person who has an 34087  
outstanding right, title, or interest in the manufactured home, or 34088  
mobile home, ~~or recreational vehicle~~, the park operator may 34089

follow the procedures of division (B) of section 1923.13 and 34090  
division (B) of section 1923.14 of the Revised Code to permit 34091  
the removal of the home ~~or vehicle~~ from the manufactured home 34092  
park, and the potential sale, destruction, or transfer of 34093  
ownership of the home ~~or vehicle~~ at the discretion of the park 34094  
operator without limitation by the court. 34095

~~(D)~~(D) (1) If a probate court grants administration with 34096  
respect to the titled owner's estate, and the executor or 34097  
administrator does not pay rent or storage fees before the 34098  
manufactured or mobile home is removed from the manufactured 34099  
home park or sold by a person having an interest in the home in 34100  
accordance with this section, the titled owner's estate forfeits 34101  
its interest in the home. When a ~~deceased resident~~ titled owner 34102  
or a ~~resident's~~ titled owner's estate has been evicted from a 34103  
manufactured home park pursuant to a judgment entered under 34104  
section 1923.09 or 1923.11 of the Revised Code, the removal from 34105  
the park and potential sale, destruction, or transfer of 34106  
ownership of the resident's manufactured home, or mobile home, 34107  
~~or recreational vehicle~~ and any personal property abandoned on 34108  
the residential premises shall be conducted in the manner 34109  
prescribed by the probate court in which letters testamentary or 34110  
of administration have been granted for the estate in accordance 34111  
with Title XXI of the Revised Code. The park operator may store 34112  
the resident's manufactured home, or mobile home, ~~or~~ 34113  
~~recreational vehicle~~ at a storage facility or at another 34114  
location within the manufactured home park during the 34115  
administration of the estate. The park operator shall notify the 34116  
executor or administrator of the ~~resident's~~ titled owner's 34117  
estate where the manufactured home, or mobile home, ~~or~~ 34118  
~~recreational vehicle~~ will be stored during the administration of 34119  
the estate and of rent that continues to accrue. The costs for 34120

the removal and storage of the manufactured home, or mobile 34121  
home, ~~or recreational vehicle~~ shall be a claim against the 34122  
~~resident's~~ titled owner's estate without further presentation of 34123  
the claim to the executor or administrator. 34124

~~(E) (1) When the resident who has been evicted from a 34125  
manufactured home park pursuant to a judgment entered under 34126  
section 1923.09 or 1923.11 of the Revised Code is the titled 34127  
owner of a manufactured home, mobile home, or recreational 34128  
vehicle and is or becomes deceased prior to the removal of the 34129  
home or vehicle from the manufactured home park, and (2) If no 34130  
probate court has granted administration with respect to the 34131  
~~resident's~~ titled owner's estate within ninety twenty-one days 34132  
of after the deceased's death notification to remove the home is 34133  
provided pursuant to division (A) of this section, the park 34134  
operator may ~~store the home or vehicle at a storage facility or~~ 34135  
~~at another location within the manufactured home park before and~~ 34136  
~~after a probate court grants letters testamentary or of~~ 34137  
~~administration with respect to the resident's estate pursuant to~~ 34138  
Title XXI of the Revised Code file a request for an order of the 34139  
court for title to the home. 34140~~

~~(2) If a probate court grants administration with respect 34141  
to the resident's estate within ninety days of the date of the 34142  
eviction of the resident from the park, the removal of the 34143  
manufactured home, mobile home, or recreational vehicle from the 34144  
park and potential sale, destruction, or transfer of ownership 34145  
of the home or vehicle shall be conducted pursuant to division 34146  
~~(D) of this section.~~ 34147~~

~~(3) If no probate court grants administration with respect 34148  
to the resident's estate within ninety days of the date of the 34149  
eviction of the resident from the manufactured home park 34150~~



~~pursuant to a judgment entered under section 1923.09 or 1923.11 of the Revised Code, the park operator shall conduct or cause to be conducted a search of the appropriate public records that relate to the manufactured home, mobile home, or recreational vehicle, and make or cause to be made reasonably diligent inquiries, for the purpose of identifying any persons who have an outstanding right, title, or interest in the home or vehicle.~~ 34151  
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~~(a) If the search or inquiries pursuant to division (E) (3) of this section reveal any person who has an outstanding right, title, or interest in the manufactured home, mobile home, or recreational vehicle, the park operator shall provide to the person a written notice to remove the home or vehicle from the manufactured home park or arrange for the sale of the home or vehicle within twenty-one days from the date of the delivery of the notice. The notice shall be in the form described in division (C) (2) of this section. The park operator shall deliver or cause the delivery of the notice by personal delivery to the person or by ordinary mail sent to the last known address of the person. If a sale of the home or vehicle is arranged, the person shall pay any rent due to the park operator during the pendency of the sale. If the person does not remove the home or vehicle or arrange for its sale within twenty-one days from the date of the delivery of the notice, the park operator may follow the procedures of division (B) of section 1923.13 and division (B) of section 1923.14 of the Revised Code to permit the removal of the home or vehicle from the manufactured home park, and the potential sale, destruction, or transfer of ownership of the home or vehicle.~~ 34158  
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~~(b) If the search or inquiries reveal no person who has an outstanding right, title, or interest in the manufactured home, mobile home, or recreational vehicle that the titled owner is~~ 34179  
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deceased, the park operator shall publish notice of a petition 34182  
for a writ of execution court order in a newspaper of general 34183  
circulation in the county where the home ~~or vehicle~~ has been 34184  
abandoned. The publication shall contain the name of the 34185  
deceased and the last known address of the home ~~or vehicle~~ and 34186  
shall run once a week for two consecutive weeks. The park 34187  
operator shall provide to the clerk of the court written 34188  
certification by the newspaper of the dates of the publication 34189  
and an affidavit signed by the operator attesting to the 34190  
publication. The park operator may then follow the procedures of 34191  
division (B) of section 1923.13 and division (B) of section 34192  
1923.14 of the Revised Code to permit the removal of the home ~~or~~ 34193  
~~vehicle~~ from the manufactured home park, and the potential sale, 34194  
destruction, or transfer of ownership of the home ~~or vehicle~~ at 34195  
the discretion of the park operator without limitation by the 34196  
court. 34197

(E) (1) A park operator that seeks to acquire title to an 34198  
abandoned manufactured or mobile home under this section shall 34199  
submit to the county auditor an affidavit stating that the home 34200  
is abandoned, whether the home is valued at ten thousand dollars 34201  
or less, the date of the eviction judgment, and all persons with 34202  
an outstanding interest in the home other than the titled owner. 34203

(2) If the county auditor agrees with the stated value on 34204  
the affidavit, the county auditor shall sign a certification of 34205  
the original affidavit attesting to the agreement of the value 34206  
of the manufactured home or mobile home and return the affidavit 34207  
to the park operator within thirty days after receipt. 34208  
Electronic submission to the county auditor by the park operator 34209  
of the affidavit and certification is satisfactory for the 34210  
purposes of this section. 34211

(3) If the county auditor disagrees with the stated value 34212  
on the affidavit, the county auditor shall notify the park 34213  
operator of the disagreement within thirty days after receipt of 34214  
the affidavit. The park operator may submit additional materials 34215  
in support of the stated value on the affidavit consistent with 34216  
industry valuation standards within ten days after receipt of 34217  
the notice of the disagreement. If the park operator submits 34218  
additional materials in support of the stated value on the 34219  
affidavit, then after reviewing the additional materials 34220  
submitted, the county auditor shall do one of the following: 34221

(a) If the county auditor agrees with the stated value on 34222  
the affidavit, the county auditor shall sign a certification 34223  
attesting to the agreement of the value of the manufactured home 34224  
or mobile home and return the original affidavit to the park 34225  
operator within ten days after receipt of the additional 34226  
materials. 34227

(b) If the county auditor continues to disagree with the 34228  
stated value on the affidavit, the county auditor shall notify 34229  
the park operator of the continued disagreement within ten days 34230  
of receipt of the additional materials. The park operator may 34231  
appeal to the court for a ruling on the disagreement pursuant to 34232  
court rule. A hearing on the value of the manufactured or mobile 34233  
home shall not require a certified appraiser. 34234

(4) A certification under this section by the county 34235  
auditor respecting the value of a mobile home or manufactured 34236  
home shall not be construed as an official appraisal of the home 34237  
for tax purposes and is not admissible in any proceeding before 34238  
a board of revision or board of tax appeals. 34239

(F) If the county auditor does not timely certify or 34240  
respond to an affidavit of a park operator as required by this 34241

section, the park operator may submit the affidavit to the court 34242  
with verification by the park operator that the county auditor 34243  
has failed to respond to requests for certification, and the 34244  
court shall proceed upon the sworn affidavit of the park 34245  
operator without certification. 34246

(G) A park operator that knowingly falsifies information 34247  
on the affidavit under this section is guilty of falsification 34248  
under section 2921.13 of the Revised Code. 34249

**Sec. 1923.13.** (A) When a judgment of restitution is 34250  
entered by a court in an action under this chapter, unless the 34251  
plaintiff or the plaintiff's agent or attorney proceeds under 34252  
division (B) of this section, at the request of the plaintiff or 34253  
the plaintiff's agent or attorney, that court shall issue a ~~writ~~ 34254  
~~of execution~~ restitution on the judgment, in the following form, 34255  
as near as practicable: 34256

"The state of Ohio, \_\_\_\_\_ county: To 34257  
any constable or police officer of \_\_\_\_\_ township, 34258  
city, or village; or To the sheriff of 34259  
\_\_\_\_\_ county; or To any authorized 34260  
bailiff of the \_\_\_\_\_ (name of court): 34261

Whereas, in a certain action for the forcible entry and 34262  
detention (or the forcible detention, as the case may be), of 34263  
the following described premises, to wit: \_\_\_\_\_, lately 34264  
tried before this court, wherein \_\_\_\_\_ was plaintiff, 34265  
and \_\_\_\_\_ was defendant, \_\_\_\_\_ judgment was 34266  
rendered on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, that 34267  
the plaintiff have restitution of those premises; and also that 34268  
the plaintiff recover costs in the sum of \_\_\_\_\_ You 34269  
therefore are hereby commanded to cause the defendant to be 34270  
forthwith removed from those premises, and the plaintiff to have 34271

restitution of them; also, that you levy of the goods and 34272  
chattels of the defendant, and make the costs previously 34273  
mentioned and all accruing costs, and of this writ make legal 34274  
service and due return. 34275

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ 34276  
\_\_\_\_\_ Judge, \_\_\_\_\_ (Name of court)" 34277

~~(B)~~ (B) (1) When a judgment of restitution is entered by a 34278  
court in any action under this chapter against a titled owner of 34279  
an abandoned manufactured or mobile home park resident or the 34280  
estate of a titled owner of an abandoned manufactured or mobile 34281  
home park resident, at the request of the plaintiff or the 34282  
plaintiff's agent or attorney if the manufactured or mobile home 34283  
has a value of less than ten thousand dollars as determined by 34284  
affidavit of the park operator and affirmed by certification of 34285  
the county auditor, and if the park operator has met all notice 34286  
requirements under section 1923.12 of the Revised Code, that 34287  
court shall issue a writ of execution an order on the judgment, 34288  
in the following form, as near as practicable: 34289

~~"The state of Ohio, \_\_\_\_\_ county; To any constable or~~ 34290  
~~police officer of \_\_\_\_\_ township, city, or village; or To~~ 34291  
~~the sheriff of \_\_\_\_\_ county; or To any authorized bailiff~~ 34292  
~~of the \_\_\_\_\_ (name of court):~~ 34293

"To the clerk of courts, title division: 34294

Whereas, in a certain action for eviction of a ~~resident~~ 34295  
titled owner or a ~~resident's~~ titled owner's estate from the 34296  
following described residential premises of a manufactured home 34297  
park on which the following described manufactured home, or 34298  
mobile home, ~~or recreational vehicle~~ is located, to wit: 34299  
\_\_\_\_\_, lately tried before this court, wherein \_\_\_\_\_ 34300

was plaintiff, and \_\_\_\_\_ was defendant, \_\_\_\_\_ judgment 34301  
in forcible entry and detention was rendered on the \_\_\_\_\_ 34302  
day of \_\_\_\_\_, \_\_\_\_\_, that the plaintiff have 34303  
restitution of the premises ~~and also that the plaintiff recover~~ 34304  
~~costs in the sum of \_\_\_\_\_ You therefore are hereby~~ 34305  
~~authorized to cause the defendant to be removed and set out from~~ 34306  
~~the residential premises, if the defendant holds over on the~~ 34307  
~~premises subsequent to an eviction judgment against the~~ 34308  
~~defendant. In accordance with division (A) of section 1923.12 of~~ 34309  
~~the Revised Code, three days after the eviction judgment, the~~ 34310  
~~plaintiff is hereby commanded to post a fourteen-day notice to~~ 34311  
~~the defendant to sell or remove the manufactured home, mobile~~ 34312  
~~home, or recreational vehicle from the premises, at the~~ 34313  
~~defendant's costs. If the manufactured home, mobile home, or~~ 34314  
~~recreational vehicle is not sold or removed by the defendant at~~ 34315  
~~the expiration of the fourteen-day notice, it is hereby ordered~~ 34316  
~~that the defendant forfeits the right to the manufactured home,~~ 34317  
~~mobile home, or recreational vehicle and the plaintiff is hereby~~ 34318  
~~authorized to exercise the rights set forth herein. Also, you~~ 34319  
~~are to levy of the goods and chattels of the defendant, and make~~ 34320  
~~the costs previously mentioned and all accruing costs, and of~~ 34321  
~~this writ make legal service and due return.~~ 34322

~~Further, you are authorized to cause the manufactured~~ 34323  
~~home, mobile home, or recreational vehicle, and all personal~~ 34324  
~~property on the residential premises, to be retained at their~~ 34325  
~~current location on the residential premises, until they are~~ 34326  
~~disposed of in a manner authorized by this writ or the law of~~ 34327  
~~this state.~~ 34328

~~If the manufactured home, mobile home, or recreational~~ 34329  
~~vehicle has been abandoned by the defendant, the park operator~~ 34330  
~~is hereby commanded to submit a notarized affidavit to the~~ 34331

~~county auditor of the county where the park is located listing~~ 34332  
~~the titled owner, address, serial number, and the value of the~~ 34333  
~~manufactured home, mobile home, or recreational vehicle. Within~~ 34334  
~~fifteen days after receipt of the affidavit, the county auditor~~ 34335  
~~is hereby commanded to confirm whether the county auditor agrees~~ 34336  
~~or disagrees with the stated value on the affidavit. Either of~~ 34337  
~~the following shall apply:~~ 34338

~~(1) If the county auditor agrees with the stated value on~~ 34339  
~~the affidavit, the county auditor is hereby commanded to sign~~ 34340  
~~the original affidavit attesting to the agreement of the value~~ 34341  
~~of the manufactured home, mobile home, or recreational vehicle~~ 34342  
~~and return the original affidavit to the park operator within~~ 34343  
~~fifteen days after receipt of the affidavit from the park~~ 34344  
~~operator.~~ 34345

~~(2) If the county auditor disagrees with the stated value~~ 34346  
~~on the affidavit, the county auditor is hereby commanded to~~ 34347  
~~notify the park operator of the disagreement within fifteen days~~ 34348  
~~after receipt of the affidavit. The park operator is hereby~~ 34349  
~~authorized to submit additional materials in support of the~~ 34350  
~~stated value on the affidavit consistent with industry valuation~~ 34351  
~~standards within ten days after receipt of the notice of the~~ 34352  
~~disagreement. If the park operator submits additional materials~~ 34353  
~~in support of the stated value on the affidavit, then after~~ 34354  
~~reviewing the additional materials submitted, either of the~~ 34355  
~~following shall apply:~~ 34356

~~(a) If the county auditor agrees with the stated value on~~ 34357  
~~the affidavit, the county auditor is hereby commanded to sign~~ 34358  
~~the original affidavit attesting to the agreement of the value~~ 34359  
~~of the manufactured home, mobile home, or recreational vehicle~~ 34360  
~~and return the original affidavit to the park operator within~~ 34361

~~ten days after receipt of the additional materials.~~ 34362

~~(b) If the county auditor continues to disagree with the  
stated value on the affidavit, the county auditor is hereby  
commanded to notify the park operator of the continued  
disagreement within ten days of receipt of the additional  
material and return the original affidavit to the park operator.  
The park operator is hereby authorized to appeal to this court  
for a ruling on the disagreement pursuant to court rule.~~ 34363  
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~~The park operator is hereby commanded to submit to this  
court the affidavit signed by the county auditor stating the  
value of the manufactured home, mobile home, or recreational  
vehicle, which shall be deemed to be the park operator's sworn  
testimony. If the park operator knowingly falsifies information  
on the affidavit the park operator shall be guilty of  
falsification under divisions (A) (1), (3), and (6) of section  
2921.13 of the Revised Code.~~ 34370  
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~~If the manufactured home, mobile home, or recreational  
vehicle has been so abandoned and has a value of more than three  
thousand dollars, and the requirements of section 1923.12 of the  
Revised Code have been satisfied, you are hereby authorized to  
cause the sale of the home or vehicle and personal property in  
the home or vehicle in accordance with division (B) (3) of  
section 1923.14 of the Revised Code. If you are unable to sell  
the manufactured home, mobile home, or recreational vehicle due  
to a want of bidders, after it is offered for sale on two  
occasions, you are hereby commanded to cause the presentation of  
this writ to a clerk of the court of common pleas title division  
for the issuance of a certificate of title transferring the  
title of the home or vehicle to the plaintiff, free and clear of  
all security interests, liens, and encumbrances, in accordance~~ 34378  
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~~with division (B) (3) of section 1923.14 of the Revised Code.~~ 34392

~~If the manufactured home, mobile home, or recreational  
vehicle has been so abandoned and has a value of three thousand  
dollars or less and if the requirements of section 1923.12 of  
the Revised Code have been satisfied, you are hereby authorized  
to cause the presentation of this writ to a clerk of the court  
of common pleas title division for the issuance of a certificate  
of title transferring the title of the home or vehicle to the  
plaintiff, free and clear of all security interests, liens, and  
encumbrances in accordance with division (B) (4) of section  
1923.14 of the Revised Code.~~ 34393  
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~~Upon this writ's presentation by the levying officer to a  
clerk of the court of common pleas title division under the  
circumstances described in either of the two preceding  
paragraphs and in accordance with division (B) (3) or (4) of  
section 1923.14 of the Revised Code, as applicable, the clerk is  
hereby commanded to issue a certificate of title transferring  
the title of the manufactured home, mobile home, or recreational  
vehicle to the plaintiff, free and clear of all security  
interests, liens, and encumbrances, in the manner prescribed in  
section 4505.10 of the Revised Code. Plaintiff has established  
by sworn affidavit that all requirements of section 1923.12 of  
the Revised Code have been met. The search for all parties of  
interest has been reasonably completed and all notices given as  
required by that section. Plaintiff has established just grounds  
for the value of the manufactured or mobile home to be less than  
ten thousand dollars, the value of which is affirmed by  
certification of the county auditor. Plaintiff is authorized to  
cause the manufactured or mobile home, and all personal property  
and vehicles of the defendant on the residential premises, to  
be, at the option of the plaintiff: (1) destroyed or removed~~ 34403  
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from the manufactured home park, (2) retained at its current 34423  
location on the residential premises, or (3) sold by the 34424  
plaintiff. If the manufactured or mobile home is destroyed by 34425  
the plaintiff, the plaintiff shall submit to the county auditor 34426  
a destroyed manufactured or mobile home form detailing the date 34427  
of destruction and location of the manufactured or mobile home 34428  
destroyed. If the manufactured or mobile home is retained at its 34429  
current location or sold by the plaintiff, the plaintiff shall 34430  
notify the county auditor and the clerk of courts, title 34431  
division. 34432

To the clerk of courts, \_\_\_\_\_ county: 34433

You are hereby commanded to issue a certificate of title 34434  
transferring the title of the manufactured or mobile home to 34435  
plaintiff, free and clear of all liens, encumbrances, taxes, 34436  
security interests, and other interests in the manner prescribed 34437  
by section 4505.10 of the Revised Code. The manufactured or 34438  
mobile home is described as a \_\_\_\_\_ (year, model) with a serial 34439  
number of \_\_\_\_\_, title number \_\_\_\_\_. 34440

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 34441  
\_\_\_\_\_, \_\_\_\_\_ Judge, \_\_\_\_\_ (Name of court)." 34442

(2) When a judgment of restitution is entered by a court 34443  
in any action under this chapter against a titled owner of an 34444  
abandoned manufactured or mobile home or the estate of a titled 34445  
owner of an abandoned manufactured or mobile home and if the 34446  
manufactured or mobile home has a value exceeding ten thousand 34447  
dollars, the manufactured or mobile home shall be sold at a 34448  
public auction in the following manner: 34449

(a) The court shall use the services of a licensed 34450  
auctioneer, a bailiff of the municipal court, or the county 34451

sheriff, the expense to be assessed as costs to be reimbursed 34452  
out of the proceeds of any sale in accordance with division (G) 34453  
of section 1923.14 of the Revised Code. 34454

(b) Plaintiff shall coordinate with the bailiff of the 34455  
court, county sheriff, or court-appointed licensed auctioneer to 34456  
schedule the sale. A bailiff of the court shall be present at 34457  
auction to supervise and ensure proper procedures are followed 34458  
and to receive any purchase money. Any purchase money received 34459  
by the bailiff, sheriff, or court-appointed auctioneer shall be 34460  
deposited with the clerk of courts, along with filing a return 34461  
for the sale, as soon as practicable. 34462

(c) The plaintiff shall issue notice of the sale to any 34463  
lienholders or persons with an outstanding interest in the 34464  
abandoned manufactured or mobile home by certified mail, return 34465  
receipt requested. The plaintiff shall file copy of the notice 34466  
with clerk of the municipal court at least three days prior to 34467  
sale. 34468

(d) In addition to the notices required by section 1923.12 34469  
of the Revised Code, where the titled owner of the manufactured 34470  
or mobile home is deceased, notice shall be published in a 34471  
newspaper of general circulation in the county once a week for 34472  
two weeks. The clerk of the municipal court is not required to 34473  
send notice to the defendant regarding the defendant's right to 34474  
an exemptions hearing in accordance with division (B) (3) of 34475  
section 1923.14 of the Revised Code. 34476

(e) The manufactured or mobile home may be sold without an 34477  
appraisal. The value of the manufactured or mobile home shall be 34478  
determined based on an affidavit submitted by the plaintiff and 34479  
certified by the county auditor. 34480

(f) If there are no bidders at the date of auction 34481  
advertised, the bailiff shall file a return to the court 34482  
reflecting that information. The court shall issue an order for 34483  
the transfer of the certificate title of manufactured or mobile 34484  
home to plaintiff. All further proceedings terminate when 34485  
plaintiff accepts transfer of title. 34486

(g) The issuance of an order pursuant to this section for 34487  
transfer of title shall be in the following form, as near as 34488  
practicable: 34489

"To the clerk of courts, title division: 34490

Whereas, in a certain action for the eviction of a titled 34491  
owner or a titled owner's estate from the following described 34492  
premises of a manufactured home park on which the above- 34493  
described manufactured or mobile home, is located, to wit: 34494

. Lately tried before this court, wherein 34495  
was the plaintiff, and \_\_\_\_\_ was the defendant. Judgment in 34496  
forcible entry and detainer was rendered on \_\_\_\_\_ that the 34497  
plaintiff has restitution of the premises. Just grounds for the 34498  
value of the manufactured or mobile home to be greater than ten 34499  
thousand dollars, the value of which was established by 34500  
affidavit of the plaintiff and certification by the county 34501  
auditor, required the public auction of the manufactured or 34502  
mobile home. All requirements for the sale of the abandoned 34503  
manufactured or mobile home have been confirmed and, with no 34504  
bidders, certificate of title is transferred to the plaintiff. 34505  
Plaintiff is authorized to cause the manufactured or mobile 34506  
home, and all personal property and vehicles of the defendant on 34507  
the residential premises, to be, at the option of the plaintiff, 34508  
either (1) destroyed or removed from the manufactured home park, 34509  
or (2) retained at its current location on the residential 34510

premises or sold by plaintiff. If the manufactured or mobile 34511  
home is retained at its current location by the plaintiff, the 34512  
plaintiff shall notify the county auditor and the clerk of 34513  
courts, title division, and the plaintiff is responsible for 34514  
taxes that accrue after receiving title. 34515

To the clerk of courts, \_\_\_\_\_ county: 34516

You are hereby commanded to issue a certificate of title 34517  
transferring the title of the manufactured or mobile home to the 34518  
plaintiff, free and clear of all liens, encumbrances, taxes, 34519  
security interests, and other interests in the manner prescribed 34520  
by section 4505.10 of the Revised Code. The manufactured or 34521  
mobile home is described as a \_\_\_\_\_ (year, model) with a 34522  
serial number of \_\_\_\_\_, title number \_\_\_\_\_. 34523

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ 34524  
Judge \_\_\_\_\_ (name of court)." 34525

(3) If the manufactured or mobile home is sold to the 34526  
highest bidder at the date of auction, the bailiff shall collect 34527  
the purchase money from the highest bidder and deposit the money 34528  
with the municipal clerk of courts as soon as practicable. The 34529  
clerk of courts shall hold the funds on deposit until the court 34530  
examines the proceedings in accordance with section 2329.32 of 34531  
the Revised Code. The bailiff of the court shall file a return 34532  
reflecting completion of the sale with the name of the 34533  
purchaser, the purchase amount, and the sale date. 34534

(4) (a) The plaintiff shall file with the court a motion 34535  
for order confirming sale and a proposed order for transfer of 34536  
title in accordance with this section, which shall be supported 34537  
with an itemization of amounts to be distributed in accordance 34538  
with division (G) of section 1923.14 of the Revised Code. 34539

(b) Upon such motion, the court shall issue an order 34540  
confirming the sale, ordering distribution of proceeds, and 34541  
transferring title to the manufactured or mobile home, which may 34542  
be presented to the common pleas title division. The clerk of 34543  
courts shall distribute the sale proceeds in accordance with the 34544  
order confirming the sale. 34545

(c) The issuance of an order for transfer of title to the 34546  
successful bidder shall be in the following form, as near as 34547  
practicable: 34548

"To the clerk of courts, title division: 34549

Whereas, in a certain action for eviction of a titled 34550  
owner or titled owner's estate from the following described 34551  
premises of a manufactured home park on which the above- 34552  
described manufactured or mobile home is located, to wit: 34553

. Lately tried before this court, wherein 34554  
was the plaintiff, and was the defendant. Judgment in 34555  
forcible entry and detainer was rendered on that the 34556  
plaintiff has restitution of the premises. Just grounds for the 34557  
value of the manufactured or mobile home to be greater than ten 34558  
thousand dollars, the value of which was established by 34559  
affidavit of the plaintiff and certification by the county 34560  
auditor, required the public auction of the manufactured or 34561  
mobile home. All requirements for the sale of the abandoned 34562  
manufactured or mobile home have been met and the certificate of 34563  
title is transferred to , the successful bidder. If 34564  
the manufactured home is retained at its current location by the 34565  
successful bidder, the bidder shall notify the county auditor 34566  
and the clerk of courts, title division. Proceeds of the sale 34567  
shall be disbursed in accordance with division (G) of section 34568  
1923.14 of the Revised Code. 34569

To the clerk of courts, \_\_\_\_\_ county: 34570

You are hereby commanded to issue a certificate of title 34571  
transferring the title of the manufactured or mobile home to 34572  
\_\_\_\_\_ , free and clear of all liens, encumbrances, taxes, 34573  
security interests, and other interests in the manner prescribed 34574  
by section 4505.10 of the Revised Code. The manufactured or 34575  
mobile home is described as a \_\_\_\_\_ (year, model) with a 34576  
serial number of \_\_\_\_\_ , title number \_\_\_\_\_ . 34577

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_ , \_\_\_\_\_ 34578  
Judge \_\_\_\_\_ (name of court)." 34579

**Sec. 1923.14.** ~~(A)~~ (A) (1) Except as otherwise provided in 34580  
this section, within ten days after receiving a ~~writ of~~ 34581  
~~execution court order~~ described in division (A) or (B) of 34582  
section 1923.13 of the Revised Code, the sheriff, police 34583  
officer, constable, or bailiff shall execute it by restoring the 34584  
plaintiff to the possession of the premises, and shall levy and 34585  
collect reasonable costs, not to exceed the standard motion fee, 34586  
and make return, as upon other executions. If an appeal from the 34587  
judgment of restitution is filed and if, following the filing of 34588  
the appeal, a stay of execution is obtained and any required 34589  
bond is filed with the court of common pleas, municipal court, 34590  
or county court, the judge of that court immediately shall issue 34591  
an order to the sheriff, police officer, constable, or bailiff 34592  
commanding the delay of all further proceedings upon the 34593  
execution until the court's disposition. If the premises have 34594  
been restored to the plaintiff, the sheriff, police officer, 34595  
constable, or bailiff shall forthwith place the defendant in 34596  
possession of them, and return the writ with the sheriff's, 34597  
police officer's, constable's, or bailiff's proceedings and the 34598  
costs taxed on it. 34599

(2) The filing fee for a court order for title upon an abandoned manufactured or mobile home with the clerk of courts shall not exceed the court's standard motion fee. 34600  
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(B) (1) After a municipal court or county court issues a writ of execution court order described in division (B) of section 1923.13 of the Revised Code, the clerk of the court shall send by regular mail, to the last known address of each person other than the titled owner of the manufactured home, or mobile home, ~~or recreational vehicle~~ that is the subject of the writ court order who is listed on the writ court order as having any outstanding right, title, or interest in the home, ~~vehicle,~~ or personal property and to the auditor and treasurer of the county in which the court is located, a written notice that the home ~~or vehicle~~ potentially may be sold, destroyed, or have its title transferred under the circumstances described in division (B) (3) ~~or (4)~~ of this section. A person having any outstanding right, title, or interest in the home, ~~vehicle,~~ or personal property is not required to consent to the notice required under this division in order for the writ court order to be executed. 34603  
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(2) Except as otherwise provided in this division, after causing the defendant to be removed from the residential premises of the manufactured home park, if necessary, by writ of restitution, and receiving a writ of execution described in division (B) of section 1923.13 of the Revised Code, in accordance with the writ, the sheriff, police officer, constable, or bailiff may cause the manufactured home, or mobile home, ~~or recreational vehicle~~ that is the subject of the writ court order, and all personal property on the residential premises, to be retained at their current location on the residential premises, until they are claimed by the defendant or they are disposed of in a manner authorized by division (B) (3) ~~or~~ 34619  
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~~(4), or (6)~~ (G) (3) of this section or by another section of 34631  
the Revised Code. 34632

The park operator shall not be liable for any damage 34633  
caused by the park operator's removal of the manufactured home, or 34634  
or mobile home, ~~or recreational vehicle~~ or the removal of the 34635  
personal property from the residential premises, or for any 34636  
damage to the home, ~~vehicle,~~ or personal property during the 34637  
time the home, ~~vehicle,~~ or property remains abandoned or stored 34638  
in the manufactured home park, unless the damage is the result 34639  
of acts that the park operator or the park operator's agents or 34640  
employees performed with malicious purpose, in bad faith, or in 34641  
a wanton or reckless manner. The reasonable costs for a removal 34642  
of the manufactured home, or mobile home, ~~or recreational~~ 34643  
~~vehicle~~ and personal property and, as applicable, the reasonable 34644  
costs for its storage shall constitute a lien upon the home ~~or~~ 34645  
~~vehicle~~ payable by the titled owner of the home ~~or vehicle~~ or 34646  
payable pursuant to division ~~(B) (3)~~ (G) (1) of this section to 34647  
the park operator. 34648

The sheriff, police officer, constable, ~~or~~ bailiff, or 34649  
park operator shall not be liable for any damage caused by the 34650  
park operator's removal of the manufactured home, or mobile 34651  
home, ~~or recreational vehicle~~ or the removal of the personal 34652  
property from the residential premises, or for any damage to the 34653  
home, ~~vehicle,~~ or personal property during the time the home, ~~or~~ 34654  
~~vehicle,~~ or property remains abandoned or stored in the 34655  
manufactured home park. 34656

(3) Except as provided in ~~divisions (B) (4), (5), and (6)~~ 34657  
~~of this section and~~ division (D) of section 1923.12 of the 34658  
Revised Code, within sixty days after receiving a ~~writ of~~ 34659  
~~execution~~ court order described in division (B) of section 34660

1923.13 of the Revised Code for a manufactured home~~, or~~ mobile home~~, or recreational vehicle~~, determined to have a value of more than ~~three~~ ten thousand dollars, the sheriff, police officer, constable, or bailiff shall commence proceedings for the sale of the manufactured home~~, or~~ mobile home, ~~or recreational vehicle~~ that is the subject of the writ, and the abandoned personal property on the residential premises, if the home ~~or vehicle~~ is determined to be abandoned in accordance with the procedures for the sale of goods on execution under Chapter 2329. of the Revised Code. In addition to all notices required to be given under section 2329.13 of the Revised Code, the sheriff, police officer, constable, or bailiff shall serve at their respective last known addresses a written notice of the date, time, and place of the sale upon all persons who are listed on the writ of execution as having any outstanding right, title, or interest in the abandoned manufactured home~~, or~~ mobile home~~, or recreational vehicle~~ and the personal property and shall provide written notice to the auditor and the treasurer of the county in which the court issuing the writ is located.

~~Unless the proceedings are governed by division (D) of section 1923.12 of the Revised Code, notwithstanding~~ Notwithstanding any statutory provision to the contrary, including~~, but not limited to,~~ section 2329.66 of the Revised Code, there shall be no stay of execution or exemption from levy or sale on execution available to the titled owner of the abandoned manufactured home~~, or~~ mobile home~~, or recreational vehicle~~ in relation to a sale under this division. Except as otherwise provided in sections 2113.031, 2117.25, and 5162.21 of the Revised Code in a case involving a deceased ~~resident~~ titled owner or resident's titled owner's estate, the sheriff, police officer, constable, or bailiff shall distribute the proceeds

from the sale of an abandoned manufactured home, or mobile home, 34692  
or recreational vehicle and any personal property under this 34693  
division in the following manner prescribed in division (G) of 34694  
this section. 34695

(C) Upon the agreement of the county auditor and the park 34696  
operator that the value of the abandoned home is greater than 34697  
ten thousand dollars, the park operator shall file with the 34698  
clerk of court a praecipe for the sale of the manufactured home 34699  
or mobile home setting forth the description and location of the 34700  
home. The clerk of court shall deliver the praecipe to the 34701  
bailiff, sheriff, or officer conducting the sale to determine 34702  
the date for the sale. In addition to all notices required to be 34703  
given under section 2329.13 of the Revised Code, the sheriff, 34704  
police officer, constable, or bailiff shall serve at the last 34705  
known address of the titled owner a written notice of the date, 34706  
time, and place of the sale and upon all persons who are listed 34707  
on the writ of execution as having any outstanding right, title, 34708  
or interest in the abandoned manufactured home or mobile home 34709  
and the personal property and shall provide written notice to 34710  
the auditor and the treasurer of the county in which the court 34711  
issuing the writ is located. 34712

(D) All bidders who intend to reside in the park after the 34713  
sale shall apply for residency with the park and be approved for 34714  
residency at least seven days prior to the date of the sale. Any 34715  
successful bidder intending to remove the manufactured home or 34716  
mobile home after the sale shall remove the home within ten days 34717  
after the sale and is liable to the park operator for any damage 34718  
to the lot as a result of the removal of the home. 34719

(E) The successful bidder shall register title with the 34720  
clerk of courts, title division, not later than ten days after 34721

the receipt of the court order to transfer title to the 34722  
successful bidder. 34723

(F) After the sale of the manufactured home or mobile 34724  
home, the park operator shall file with the clerk of courts a 34725  
motion confirming the sale of the home, setting forth the date 34726  
of the sale, the amount of the sale, the purchaser of the home, 34727  
and the distribution of proceeds in accordance with division (G) 34728  
of this section. If there is no purchaser after the sale has 34729  
been conducted, the park operator shall file for a court order 34730  
in conformance with division (B) (2) of section 1923.13 of the 34731  
Revised Code. 34732

(G) (1) The court, upon motion to confirm the sale and the 34733  
issuance of an order confirming the sale, shall order the 34734  
proceeds be distributed as follows: 34735

(a) The sheriff, police officer, constable, or bailiff 34736  
shall first pay the costs for any moving of and any storage 34737  
outside the manufactured home park of the home ~~or vehicle~~ and 34738  
any personal property pursuant to division (B) (2) of this 34739  
section, the costs of the sale, any advertising expenses paid by 34740  
the park operator for the sale of the manufactured home, or 34741  
mobile home, ~~or recreational vehicle~~ under division (B) (3) of 34742  
this section, and any unpaid court costs assessed against the 34743  
defendant in the underlying action. 34744

(b) Following the payment required by division ~~(B) (3) (a)~~ 34745  
(G) (1) (a) of this section, the sheriff, police officer, 34746  
constable, or bailiff shall pay all outstanding tax liens on the 34747  
home ~~or vehicle~~. 34748

(c) Following the payment required by division ~~(B) (3) (b)~~ 34749  
(G) (1) (b) of this section, the sheriff, police officer, 34750

constable, or bailiff shall pay all other outstanding security 34751  
interests, liens, or encumbrances on the home ~~or vehicle~~ by 34752  
priority of filing or other priority. 34753

(d) Following the payment required by division ~~(B) (3) (e)~~ 34754  
(G) (1) (c) of this section, the sheriff, police officer, 34755  
constable, or bailiff shall pay any outstanding monetary 34756  
judgment rendered under section 1923.09 or 1923.11 of the 34757  
Revised Code in favor of the plaintiff and any costs associated 34758  
with retaining the home ~~or vehicle~~ prior to the sale at its 34759  
location on the residential premises within the manufactured 34760  
home park pursuant to division (B) (2) of this section. 34761

(e) After complying with divisions ~~(B) (3) (a)~~ (G) (1) (a) to 34762  
(d) of this section, the sheriff, police officer, constable, or 34763  
bailiff shall report any remaining money as unclaimed funds 34764  
pursuant to Chapter 169. of the Revised Code. 34765

~~Upon the return of any writ of execution for the~~ 34766  
~~satisfaction of which an abandoned manufactured home, mobile~~ 34767  
~~home, or recreational vehicle has been sold under this division,~~ 34768  
~~on careful examination of the proceedings of the sheriff, police~~ 34769  
~~officer, constable, or bailiff conducting the sale, if the court~~ 34770  
~~that issued the writ finds that the sale was made, in all~~ 34771  
~~respects, in conformity with this division, the court shall~~ 34772  
~~direct the clerk of the court to make an entry on the journal~~ 34773  
~~that the court is satisfied with the legality of the sale and~~ 34774  
~~order the clerk of the court of common pleas title division to~~ 34775  
~~issue a certificate of title, free and clear of all security~~ 34776  
~~interests, liens, and encumbrances, to the purchaser of the home~~ 34777  
~~or vehicle. If the manufactured home, mobile home, or~~ 34778  
~~recreational vehicle sold under this division is located in a~~ 34779  
~~manufactured home park, the purchaser of the home or vehicle~~ 34780

~~shall have no right to maintain the home or vehicle in the~~ 34781  
~~manufactured home park without the park operator's consent and~~ 34782  
~~the sheriff, police officer, constable, or bailiff conducting~~ 34783  
~~the sale shall notify all prospective purchasers of this fact~~ 34784  
~~prior to the commencement of the sale.~~ 34785

~~If, after it is offered for sale on two occasions under~~ 34786  
~~this division, the abandoned manufactured home, mobile home, or~~ 34787  
~~recreational vehicle cannot be sold due to a want of bidders,~~ 34788  
~~the sheriff, police officer, constable, or bailiff shall present~~ 34789  
~~the writ of execution unsatisfied to the clerk of the court of~~ 34790  
~~common pleas title division, of the county in which the writ was~~ 34791  
~~issued for the issuance by the clerk in the manner prescribed in~~ 34792  
~~section 4505.10 of the Revised Code of a certificate of title~~ 34793  
~~transferring the title of the home or vehicle to the plaintiff,~~ 34794  
~~free and clear of all security interests, liens, and~~ 34795  
~~encumbrances. If any taxes are owed on the home or vehicle at~~ 34796  
~~this time, the county auditor shall remove the delinquent taxes~~ 34797  
~~from the manufactured home tax list and the delinquent~~ 34798  
~~manufactured home tax list and remit any penalties for late~~ 34799  
~~payment of manufactured home taxes. Acceptance of the~~ 34800  
~~certificate of title by the plaintiff terminates all further~~ 34801  
~~proceedings under this section. In accordance with division (E)~~ 34802  
~~(3) of section 4503.061 of the Revised Code, the plaintiff shall~~ 34803  
~~notify the county auditor of the transfer of title. Pursuant to~~ 34804  
~~section 4503.061 of the Revised Code, if the manufactured home,~~ 34805  
~~mobile home, or recreational vehicle is destroyed or removed,~~ 34806  
~~the plaintiff shall provide the county auditor with notice of~~ 34807  
~~removal or destruction of the manufactured home, mobile home, or~~ 34808  
~~recreational vehicle.~~ 34809

~~(4) Except as provided in division (B) (5) or (6) of this~~ 34810  
~~section and division (D) of section 1923.12 of the Revised Code,~~ 34811

~~within thirty days after receiving a writ of execution described 34812  
in division (B) of section 1923.13 of the Revised Code, if the 34813  
manufactured home, mobile home, or recreational vehicle is 34814  
determined to be abandoned and to have a value of three thousand 34815  
dollars or less, the sheriff, police officer, constable, or 34816  
bailiff shall present the writ of execution to the clerk of the 34817  
court of common pleas title division, of the county in which the 34818  
writ was issued for the issuance by the clerk in the manner 34819  
prescribed in section 4505.10 of the Revised Code of a 34820  
certificate of title transferring the title of the home or 34821  
vehicle to the plaintiff, free and clear of all security 34822  
interests, liens, and encumbrances. If any taxes are owed on the 34823  
home or vehicle at this time, the county auditor shall remove 34824  
the delinquent taxes from the manufactured home tax list and the 34825  
delinquent manufactured home tax list and remit any penalties 34826  
for late payment of manufactured home taxes. Acceptance of the 34827  
certificate of title by the plaintiff terminates all further 34828  
proceedings under this section. In accordance with division (E) 34829  
(3) of section 4503.061 of the Revised Code, the plaintiff shall 34830  
notify the county auditor of the transfer of title. Pursuant to 34831  
section 4503.0611 of the Revised Code, if the manufactured home, 34832  
mobile home, or recreational vehicle is destroyed or removed, 34833  
the plaintiff shall provide the county auditor with notice of 34834  
removal or destruction of the manufactured home, mobile home, or 34835  
recreational vehicle. 34836~~

~~(5)-(2) At any time prior to the issuance of the writ of 34837  
execution court order described in division (B) of section 34838  
1923.13 of the Revised Code, the titled owner of the 34839  
manufactured home, or mobile home, or recreational vehicle that 34840  
would be the subject of the writ order may remove the abandoned 34841  
home or vehicle from the manufactured home park upon payment to 34842~~

the county auditor of all outstanding tax liens on the home ~~or~~ 34843  
~~vehicle~~ and, unless the titled owner is indigent, payment to the 34844  
clerk of court of all unpaid court costs assessed against the 34845  
defendant in the underlying action. After the issuance of the 34846  
~~writ of execution~~ court order, the titled owner of the home ~~or~~ 34847  
~~vehicle~~ may remove the abandoned home ~~or vehicle~~ from the 34848  
manufactured home park at any time up to the day before the 34849  
scheduled sale, destruction, or transfer of the home ~~or vehicle~~ 34850  
pursuant to division (B) (3) ~~or (4)~~ of this section upon payment 34851  
of all of the following: 34852

(a) All costs incurred by the sheriff, police officer, 34853  
constable, or bailiff; 34854

(b) All outstanding tax liens on the home ~~or vehicle~~; 34855

(c) Unless the titled owner is indigent, all unpaid court 34856  
costs assessed against the defendant in the underlying action. 34857

~~(6)~~ (3) At any time after the issuance of the ~~writ of~~ 34858  
~~execution~~ court order described in division (B) of section 34859  
1923.13 of the Revised Code, the holder of any outstanding lien, 34860  
right, title, or interest in the manufactured home, or mobile 34861  
home, ~~or recreational vehicle~~, other than the titled owner of 34862  
the home ~~or vehicle~~, may stop the sheriff, police officer, 34863  
constable, or bailiff from proceeding with the sale under this 34864  
division by doing both of the following: 34865

(a) Commencing a proceeding to repossess the home ~~or~~ 34866  
~~vehicle~~ pursuant to Chapters 1309. and 1317. of the Revised 34867  
Code; 34868

(b) Paying to the park operator all monthly rental 34869  
payments for the lot on which the home ~~or vehicle~~ is located 34870  
from the time of the issuance of the ~~writ of execution~~ court 34871



order until the time that the home ~~or vehicle~~ is sold pursuant 34872  
to Chapters 1309. and 1317. of the Revised Code. 34873

~~(7)(a)~~ (4) (a) At any time prior to the day before the 34874  
scheduled sale of the property pursuant to division (B) (3) of 34875  
this section, the defendant may remove any personal property of 34876  
the defendant from the abandoned home ~~or vehicle~~ or other place 34877  
of storage. 34878

(b) If personal property owned by a person other than the 34879  
defendant is abandoned on the residential premises and has not 34880  
previously been removed, the owner of the personal property may 34881  
remove the personal property from the abandoned home ~~or vehicle~~ 34882  
or other place of storage up to the day before the scheduled 34883  
sale of the property pursuant to division (B) (3) of this section 34884  
upon presentation of proof of ownership of the property that is 34885  
satisfactory to the sheriff, police officer, constable, or 34886  
bailiff conducting the sale. 34887

(5) If the manufactured or mobile home is not sold at the 34888  
scheduled sale, the clerk of the court of common pleas shall 34889  
issue a certificate of title to the plaintiff. The certificate 34890  
of title shall contain a notation that it is issued, free and 34891  
clear of all liens and encumbrances, including any liens for 34892  
delinquent or current manufactured home taxes, whether or not 34893  
such taxes are yet due and payable. The county auditor shall 34894  
also remove all such taxes from the manufactured home tax list 34895  
and the delinquent manufactured home tax list and shall remit 34896  
any tax penalties and interest charged against the property. The 34897  
transfer of title to the home is exempt from conveyance fees 34898  
imposed under sections 319.54 and 322.06 of the Revised Code. 34899  
Acceptance of the certificate of title by the plaintiff 34900  
terminates all further proceedings under this section. The 34901

plaintiff shall notify the county auditor of the transfer of 34902  
title in accordance with division (E) (3) of section 4503.061 of 34903  
the Revised Code, and the county auditor shall notify the county 34904  
treasurer of the transfer of title. The plaintiff shall submit 34905  
proof of registration with the auditor to the clerk of courts to 34906  
effectuate the transfer of title. If the manufactured home or 34907  
mobile home is destroyed or removed, the plaintiff shall provide 34908  
the county auditor with notice of removal or destruction of the 34909  
manufactured home or mobile home. 34910

(H) After the issuance of the order of sale by the court, 34911  
the titled owner of the home may remove the abandoned home from 34912  
the manufactured home park at any time up to the day before the 34913  
scheduled sale, destruction, or transfer of the home pursuant to 34914  
this section. 34915

**Sec. 2101.16.** (A) Except as provided in section 2101.164 34916  
of the Revised Code, the fees enumerated in this division shall 34917  
be charged and collected, if possible, by the probate judge and 34918  
shall be in full for all services rendered in the respective 34919  
proceedings: 34920

	1	2	3
A	(1)	Account, in addition to advertising charges	
B		_____	\$12.00
C		Waivers and proof of notice of hearing on account, per page, minimum one dollar	
D		_____	\$1.00
E	(2)	Account of distribution, in addition to advertising	

	charges	
F	_____	\$7.00
G	(3) Adoption of child, petition for	
H	_____	\$20.00
I	(4) Alter or cancel contract for sale or purchase of real property, complaint to	
J	_____	\$20.00
K	(5) Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section	
L	_____	\$5.00
M	(6) Appropriation suit, per day, hearing in	
N	_____	\$20.00
O	(7) Birth, application for registration of	
P	_____	\$7.00
Q	(8) Birth record, application to correct	
R	_____	\$5.00
S	(9) Bond, application for new or additional	
T	_____	\$5.00

U	(10) Bond, application for release of surety or reduction of	
V	_____	\$5.00
W	(11) Bond, receipt for securities deposited in lieu of	
X	_____	\$5.00
Y	(12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar	
Z	_____	\$1.00
AA	(13) Citation and issuing citation, application for	
AB	_____	\$5.00
AC	(14) Change of name, petition for	
AD	_____	\$20.00
AE	(15) Claim, application of administrator or executor for allowance of administrator's or executor's own	
AF	_____	\$10.00
AG	(16) Claim, application to compromise or settle	
AH	_____	\$10.00
AI	(17) Claim, authority to present	
AJ	_____	\$10.00
AK	(18) Commissioner, appointment of	

AL	_____	\$5.00
AM	(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for	
AN	_____	\$5.00
AO	(20) Competency, application to procure adjudication of	
AP	_____	\$20.00
AQ	(21) Complete contract, application to	
AR	_____	\$10.00
AS	(22) Concealment of assets, citation for	
AT	_____	\$10.00
AU	(23) Construction of will, complaint for	
AV	_____	\$20.00
AW	(24) Continue decedent's business, application to	
AX	_____	\$10.00
AY	Monthly reports of operation	
AZ	_____	\$5.00
BA	(25) Declaratory judgment, complaint for	
BB	_____	\$20.00
BC	(26) Deposit of will	

BD	_____	\$5.00
BE	(27) Designation of heir	
BF	_____	\$20.00
BG	(28) Distribution in kind, application, assent, and order for	
BH	_____	\$5.00
BI	(29) Distribution under section 2109.36 of the Revised Code, application for an order of	
BJ	_____	\$7.00
BK	(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars	
BL	_____	\$15.00
BM	(31) Exceptions to any proceeding named in this section, contest of appointment or	
BN	_____	\$10.00
BO	(32) Election of surviving partner to purchase assets of partnership, proceedings relating to	
BP	_____	\$10.00
BQ	(33) Election of surviving spouse under will	
BR	_____	\$5.00

BS	(34) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of	
BT	_____	\$35.00
BU	(35) Foreign will, application to record	
BV	_____	\$10.00
BW	Record of foreign will, additional, per page	
BX	_____	\$1.00
BY	(36) Forms when supplied by the probate court, not to exceed	
BZ	_____	\$10.00
CA	(37) Heirship, complaint to determine	
CB	_____	\$20.00
CC	(38) Injunction proceedings	
CD	_____	\$20.00
CE	(39) Improve real property, petition to	
CF	_____	\$20.00
CG	(40) Inventory with appraisement	
CH	_____	\$10.00
CI	(41) Inventory without appraisement	

CJ	_____	\$7.00
CK	(42) Investment or expenditure of funds, application for	
CL	_____	\$10.00
CM	(43) Invest in real property, application to	
CN	_____	\$10.00
CO	(44) Lease for oil, gas, coal, or other mineral, petition to	
CP	_____	\$20.00
CQ	(45) Lease or lease and improve real property, petition to	
CR	_____	\$20.00
CS	(46) Marriage license	
CT	_____	\$10.00
CU	Certified abstract of each marriage	
CV	_____	\$2.00
CW	(47) Minor or incompetent person, etc., disposal of estate under twenty-five thousand dollars of	
CX	_____	\$10.00
CY	(48) Mortgage or mortgage and repair or improve real property, complaint to	
CZ	_____	\$20.00



DA	(49) Newly discovered assets, report of	
DB	_____	\$7.00
DC	(50) Nonresident executor or administrator to bar creditors' claims, proceedings by	
DD	_____	\$20.00
DE	(51) Power of attorney or revocation of power, bonding company	
DF	_____	\$10.00
DG	(52) Presumption of death, petition to establish	
DH	_____	\$20.00
DI	(53) Probating will	
DJ	_____	\$15.00
DK	Proof of notice to beneficiaries	
DL	_____	\$5.00
DM	(54) Purchase personal property, application of surviving spouse to	
DN	_____	\$10.00
DO	(55) Purchase real property at appraised value, petition of surviving spouse to	
DP	_____	\$20.00

DQ	(56) Receipts in addition to advertising charges, application and order to record	
DR	_____	\$5.00
DS	Record of those receipts, additional, per page	
DT	_____	\$1.00
DU	(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page	
DV	_____	\$1.00
DW	(58) Release of estate by mortgagee or other lienholder	
DX	_____	\$5.00
DY	(59) Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code	
DZ	_____	\$60.00
EA	(60) Removal of fiduciary, application for	
EB	_____	\$10.00
EC	(61) Requalification of executor or administrator	
ED	_____	\$10.00
EE	(62) Resignation of fiduciary	

EF	_____	\$5.00
EG	(63) Sale bill, public sale of personal property	
EH	_____	\$10.00
EI	(64) Sale of personal property and report, application for	
EJ	_____	\$10.00
EK	(65) Sale of real property, petition for	
EL	_____	\$25.00
EM	(66) Terminate guardianship, petition to	
EN	_____	\$10.00
EO	(67) Transfer of real property, application, entry, and certificate for	
EP	_____	\$7.00
EQ	(68) Unclaimed money, application to invest	
ER	_____	\$7.00
ES	(69) Vacate approval of account or order of distribution, motion to	
ET	_____	\$10.00
EU	(70) Writ of execution	
EV	_____	\$5.00

EW	(71) Writ of possession	
EX	_____	\$5.00
EY	(72) Wrongful death, application and settlement of claim for	
EZ	_____	\$20.00
FA	(73) Year's allowance, petition to review	
FB	_____	\$7.00
FC	(74) Guardian's report, filing and review of	
FD	_____	\$5.00
FE	(75) Person with a mental illness subject to court order, filing of affidavit and proceedings for	
FF	_____	\$25.00

(B) (1) In relation to an application for the appointment 34922  
of a guardian or the review of a report of a guardian under 34923  
section 2111.49 of the Revised Code, the probate court, pursuant 34924  
to court order or in accordance with a court rule, may direct 34925  
that the applicant or the estate pay any or all of the expenses 34926  
of an investigation conducted pursuant to section 2111.041 or 34927  
division (A) (2) of section 2111.49 of the Revised Code. If the 34928  
investigation is conducted by a public employee or investigator 34929  
who is paid by the county, the fees for the investigation shall 34930  
be paid into the county treasury. If the court finds that an 34931  
alleged incompetent or a ward is indigent, the court may waive 34932  
the costs, fees, and expenses of an investigation. 34933

(2) In relation to the appointment or functioning of a 34934

guardian for a minor or the guardianship of a minor, the probate court may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.042 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that the guardian or applicant is indigent, the court may waive the costs, fees, and expenses of an investigation.

(3) In relation to the filing of an affidavit of mental illness for a person with a mental illness subject to court order, the court may waive the fee under division (A) (75) of this section if the court finds that the affiant is indigent or for good cause shown.

(C) Thirty dollars of the thirty-five-dollar fee collected pursuant to division (A) (34) of this section and twenty dollars of the sixty-dollar fee collected pursuant to division (A) (59) of this section shall be deposited by the county treasurer in the indigent guardianship fund created pursuant to section 2111.51 of the Revised Code.

(D) The fees of witnesses, jurors, sheriffs, coroners, and constables for services rendered in the probate court or by order of the probate judge shall be the same as provided for similar services in the court of common pleas.

(E) The probate court, by rule, may require an advance deposit for costs, not to exceed one hundred twenty-five dollars, at the time application is made for an appointment as executor or administrator or at the time a will is presented for probate.

(F) (1) The "putative father registry fund" is hereby 34964  
created in the state treasury. The department of ~~job and family~~ 34965  
~~services~~ children and youth shall use the money in the fund to 34966  
fund the department's costs of performing its duties related to 34967  
the putative father registry established under section 3107.062 34968  
of the Revised Code. 34969

(2) If the department determines that money in the 34970  
putative father registry fund is more than is needed for its 34971  
duties related to the putative father registry, the department 34972  
may use the surplus moneys in the fund as permitted in division 34973  
(D) of section 2151.3527 or section 5103.155 of the Revised 34974  
Code. 34975

**Sec. 2151.27.** (A) (1) Subject to division (A) (2) of this 34976  
section, any person having knowledge of a child who appears to 34977  
have violated section 2151.87 of the Revised Code or to be a 34978  
juvenile traffic offender or to be an unruly, abused, neglected, 34979  
or dependent child may file a sworn complaint with respect to 34980  
that child in the juvenile court of the county in which the 34981  
child has a residence or legal settlement or in which the 34982  
violation, unruliness, abuse, neglect, or dependency allegedly 34983  
occurred. If an alleged abused, neglected, or dependent child is 34984  
taken into custody pursuant to division (D) of section 2151.31 34985  
of the Revised Code or is taken into custody pursuant to 34986  
division (A) of section 2151.31 of the Revised Code without the 34987  
filing of a complaint and placed into shelter care pursuant to 34988  
division (C) of that section, a sworn complaint shall be filed 34989  
with respect to the child before the end of the next day after 34990  
the day on which the child was taken into custody. The sworn 34991  
complaint may be upon information and belief, and, in addition 34992  
to the allegation that the child committed the violation or is 34993  
an unruly, abused, neglected, or dependent child, the complaint 34994

shall allege the particular facts upon which the allegation that 34995  
the child committed the violation or is an unruly, abused, 34996  
neglected, or dependent child is based. 34997

(2) Any person having knowledge of a child who appears to 34998  
be an unruly child for being an habitual truant may file a sworn 34999  
complaint with respect to that child and the parent, guardian, 35000  
or other person having care of the child in the juvenile court 35001  
of the county in which the child has a residence or legal 35002  
settlement or in which the child is supposed to attend public 35003  
school. The sworn complaint may be upon information and belief 35004  
and shall contain the following allegations: 35005

(a) That the child is an unruly child for being an 35006  
habitual truant and, in addition, the particular facts upon 35007  
which that allegation is based; 35008

(b) That the parent, guardian, or other person having care 35009  
of the child has failed to cause the child's attendance at 35010  
school in violation of section 3321.38 of the Revised Code and, 35011  
in addition, the particular facts upon which that allegation is 35012  
based. 35013

(B) If a child, before arriving at the age of eighteen 35014  
years, allegedly commits an act for which the child may be 35015  
adjudicated an unruly child and if the specific complaint 35016  
alleging the act is not filed or a hearing on that specific 35017  
complaint is not held until after the child arrives at the age 35018  
of eighteen years, the court has jurisdiction to hear and 35019  
dispose of the complaint as if the complaint were filed and the 35020  
hearing held before the child arrived at the age of eighteen 35021  
years. 35022

(C) If the complainant in a case in which a child is 35023

alleged to be an abused, neglected, or dependent child desires 35024  
permanent custody of the child or children, temporary custody of 35025  
the child or children, whether as the preferred or an 35026  
alternative disposition, or the placement of the child in a 35027  
planned permanent living arrangement, the complaint shall 35028  
contain a prayer specifically requesting permanent custody, 35029  
temporary custody, or the placement of the child in a planned 35030  
permanent living arrangement. 35031

(D) Any person with standing under applicable law may file 35032  
a complaint for the determination of any other matter over which 35033  
the juvenile court is given jurisdiction by section 2151.23 of 35034  
the Revised Code. The complaint shall be filed in the county in 35035  
which the child who is the subject of the complaint is found or 35036  
was last known to be found. 35037

(E) A public children services agency, acting pursuant to 35038  
a complaint or an action on a complaint filed under this 35039  
section, is not subject to the requirements of section 3127.23 35040  
of the Revised Code. 35041

(F) Upon the filing of a complaint alleging that a child 35042  
is an unruly child, the court may hold the complaint in abeyance 35043  
pending the child's successful completion of actions that 35044  
constitute a method to divert the child from the juvenile court 35045  
system. The method may be adopted by a county pursuant to 35046  
divisions (D) and (E) of section 121.37 of the Revised Code or 35047  
it may be another method that the court considers satisfactory. 35048  
If the child completes the actions to the court's satisfaction, 35049  
the court may dismiss the complaint. If the child fails to 35050  
complete the actions to the court's satisfaction, the court may 35051  
consider the complaint. 35052

(G) Upon the filing of a complaint that a child is an 35053



unruly child that is based solely on a child being an habitual 35054  
truant, the court shall consider an alternative to adjudication, 35055  
including actions that constitute a method to divert the child 35056  
from the juvenile court system, using the Rules of Juvenile 35057  
Procedure, or by any other means if such an alternative is 35058  
available to the court and the child has not already 35059  
participated or failed to complete one of the available 35060  
alternatives. The court shall consider the complaint only as a 35061  
matter of last resort. 35062

(H) If a complaint that a child is an unruly child based 35063  
on the child being an habitual truant proceeds to consideration 35064  
by the court, the prosecution shall bear the burden of proving 35065  
beyond a reasonable doubt the following: 35066

(1) That the child is of compulsory school age, as defined 35067  
in section 3321.01 of the Revised Code; 35068

(2) That the child was absent without legitimate excuse 35069  
for absence from the public school the child was supposed to 35070  
attend for thirty or more consecutive hours, forty-two or more 35071  
hours in one school month, or seventy-two or more hours in a 35072  
school year. 35073

The child may assert as an affirmative defense the fact 35074  
that the child did participate in, or made satisfactory progress 35075  
on, ~~the absence intervention plan~~ any interventions or other 35076  
alternatives to adjudication as described in ~~division (C) of~~ 35077  
section 3321.191 of the Revised Code. 35078

**Sec. 2151.311.** (A) A person taking a child into custody 35079  
shall, with all reasonable speed and in accordance with division 35080  
(C) of this section, either: 35081

(1) Release the child to the child's parents, guardian, or 35082

other custodian, unless the child's detention or shelter care 35083  
appears to be warranted or required as provided in section 35084  
2151.31 of the Revised Code; 35085

(2) Bring the child to the court or deliver the child to a 35086  
place of detention or shelter care designated by the court and 35087  
promptly give notice thereof, together with a statement of the 35088  
reason for taking the child into custody, to a parent, guardian, 35089  
or other custodian and to the court. 35090

(B) If a parent, guardian, or other custodian fails, when 35091  
requested by the court, to bring the child before the court as 35092  
provided by this section, the court may issue its warrant 35093  
directing that the child be taken into custody and brought 35094  
before the court. 35095

(C) (1) Before taking any action required by division (A) 35096  
of this section, a person taking a child into custody may hold 35097  
the child for processing purposes in a county, multicounty, or 35098  
municipal jail or workhouse, or other place where an adult 35099  
convicted of crime, under arrest, or charged with crime is held 35100  
for either of the following periods of time: 35101

(a) For a period not to exceed six hours, if all of the 35102  
following apply: 35103

(i) The child is alleged to be a delinquent child for the 35104  
commission of an act that would be a felony if committed by an 35105  
adult; 35106

(ii) The child remains beyond the range of touch of all 35107  
adult detainees; 35108

(iii) The child is visually supervised by jail or 35109  
workhouse personnel at all times during the detention; 35110

- (iv) The child is not handcuffed or otherwise physically secured to a stationary object during the detention. 35111  
35112
- (b) For a period not to exceed three hours, if all of the following apply: 35113  
35114
- (i) The child is alleged to be a delinquent child for the commission of an act that would be a misdemeanor if committed by an adult, is alleged to be a delinquent child for violating a court order regarding the child's adjudication as an unruly child for being an habitual truant, or is alleged to be an unruly child or a juvenile traffic offender; 35115  
35116  
35117  
35118  
35119  
35120
- (ii) The child remains beyond the range of touch of all adult detainees; 35121  
35122
- (iii) The child is visually supervised by jail or workhouse personnel at all times during the detention; 35123  
35124
- (iv) The child is not handcuffed or otherwise physically secured to a stationary object during the detention. 35125  
35126
- (2) If a child has been transferred to an adult court for prosecution for the alleged commission of a criminal offense, subsequent to the transfer, the child may be held as described in division (F) of section 2152.26 or division ~~(B)~~ (C) of section 5120.16 of the Revised Code. 35127  
35128  
35129  
35130  
35131
- (D) If a person who is alleged to be or has been adjudicated a delinquent child or who is in any other category of persons identified in this section is confined under authority of this section in a place specified in division (C) of this section, the fact of the person's admission to and confinement in that place is restricted as described in division (G) of section 2152.26 of the Revised Code. 35132  
35133  
35134  
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35138

(E) As used in division (C) (1) of this section, 35139  
"processing purposes" means all of the following: 35140

(1) Fingerprinting, photographing, or fingerprinting and 35141  
photographing the child in a secure area of the facility; 35142

(2) Interrogating the child, contacting the child's parent 35143  
or guardian, arranging for placement of the child, or arranging 35144  
for transfer or transferring the child, while holding the child 35145  
in a nonsecure area of the facility. 35146

**Sec. 2151.316.** (A) The department of children and youth 35147  
shall adopt rules in accordance with Chapter 119. of the Revised 35148  
Code to establish and enforce a foster youth bill of rights for 35149  
individuals who are in the temporary or permanent custody of a 35150  
public children services agency or a planned permanent living 35151  
arrangement or in the Title IV-E eligible care and placement 35152  
responsibility of a juvenile court or other governmental agency 35153  
that provides Title IV-E reimbursable placement services and who 35154  
are subject to out-of-home care or placed with a kinship 35155  
caregiver as defined in section ~~5101.85~~5180.50 of the Revised 35156  
Code. 35157

(B) If the rights of an individual, as established under 35158  
division (A) of this section, conflict with the rights of a 35159  
resource family or resource caregiver, as established in section 35160  
5103.163 of the Revised Code, the rights of the individual shall 35161  
preempt the rights of the resource family or resource caregiver. 35162

(C) The rights established by rules under this section 35163  
shall not create grounds for a civil action against the 35164  
department, the recommending agency, or the custodial agency. 35165

**Sec. 2151.356.** (A) The records of a case in which a person 35166  
was adjudicated a delinquent child for committing a violation of 35167

section 2903.01, 2903.02, or 2907.02 of the Revised Code shall 35168  
not be sealed under this section. 35169

(B)(1) The juvenile court shall promptly order the 35170  
immediate sealing of records pertaining to a juvenile in any of 35171  
the following circumstances: 35172

(a) If the court receives a record from a public office or 35173  
agency under division (B)(2) of this section; 35174

(b) If a person was brought before or referred to the 35175  
court for allegedly committing a delinquent or unruly act and 35176  
the case was resolved without the filing of a complaint against 35177  
the person with respect to that act pursuant to section 2151.27 35178  
of the Revised Code; 35179

(c) If a person was charged with violating division (E)(1) 35180  
of section 4301.69 of the Revised Code and the person has 35181  
successfully completed a diversion program under division (E)(2) 35182  
(a) of section 4301.69 of the Revised Code with respect to that 35183  
charge; 35184

(d) If a complaint was filed against a person alleging 35185  
that the person was a delinquent child, an unruly child, or a 35186  
juvenile traffic offender and the court ~~dismisses~~ does both of 35187  
the following: 35188

(i) Dismisses the complaint after a trial on the merits of 35189  
the case or finds the person not to be a delinquent child, an 35190  
unruly child, or a juvenile traffic offender; 35191

(ii) Finds that the interests of the person alleged to be 35192  
a delinquent child, an unruly child, or a juvenile traffic 35193  
offender in having the records pertaining to the case sealed are 35194  
not substantially outweighed by any legitimate governmental 35195  
needs to maintain those records. 35196

(e) Notwithstanding division (C) of this section and 35197  
subject to section 2151.358 of the Revised Code, if a person has 35198  
been adjudicated an unruly child, ~~that~~ and both of the 35199  
following apply: 35200

(i) The person has attained eighteen years of age, and the 35201  
person is not under the jurisdiction of the court in relation to 35202  
a complaint alleging the person to be a delinquent child. 35203

(ii) The court finds that the interests of the person in 35204  
having the records pertaining to the case sealed are not 35205  
substantially outweighed by any legitimate governmental needs to 35206  
maintain those records. 35207

(2) The appropriate public office or agency shall 35208  
immediately deliver all original records at that public office 35209  
or agency pertaining to a juvenile to the court, if the person 35210  
was arrested or taken into custody for allegedly committing a 35211  
delinquent or unruly act, no complaint was filed against the 35212  
person with respect to the commission of the act pursuant to 35213  
section 2151.27 of the Revised Code, and the person was not 35214  
brought before or referred to the court for the commission of 35215  
the act. The records delivered to the court as required under 35216  
this division shall not include fingerprints, DNA specimens, and 35217  
DNA records described under division (A)(3) of section 2151.357 35218  
of the Revised Code. 35219

(C)(1) The juvenile court shall consider the sealing of 35220  
records pertaining to a juvenile upon the court's own motion or 35221  
upon the application of a person if the person has been 35222  
adjudicated a delinquent child for committing an act other than 35223  
a violation of section 2903.01, 2903.02, or 2907.02 of the 35224  
Revised Code, an unruly child, or a juvenile traffic offender 35225  
and if, at the time of the motion or application, the person is 35226

not under the jurisdiction of the court in relation to a 35227  
complaint alleging the person to be a delinquent child. The 35228  
court shall not require a fee for the filing of the application. 35229  
The motion or application may be made on or after the time 35230  
specified in whichever of the following is applicable: 35231

(a) If the person is under eighteen years of age, at any 35232  
time after six months after any of the following events occur: 35233

(i) The termination of any order made by the court in 35234  
relation to the adjudication; 35235

(ii) The unconditional discharge of the person from the 35236  
department of youth services with respect to a dispositional 35237  
order made in relation to the adjudication or from an 35238  
institution or facility to which the person was committed 35239  
pursuant to a dispositional order made in relation to the 35240  
adjudication; 35241

(iii) The court enters an order under section 2152.84 or 35242  
2152.85 of the Revised Code that contains a determination that 35243  
the child is no longer a juvenile offender registrant. 35244

(b) If the person is eighteen years of age or older, at 35245  
any time after the later of the following: 35246

(i) The person's attainment of eighteen years of age; 35247

(ii) The occurrence of any event identified in divisions 35248  
(C) (1) (a) (i) to (iii) of this section. 35249

(2) In making the determination whether to seal records 35250  
pursuant to division (C) (1) of this section, all of the 35251  
following apply: 35252

(a) The court may require a person filing an application 35253  
under division (C) (1) of this section to submit any relevant 35254

documentation to support the application. 35255

(b) The court may cause an investigation to be made to 35256  
determine if the person who is the subject of the proceedings 35257  
has been rehabilitated to a satisfactory degree. 35258

(c) The court shall promptly, but not less than thirty 35259  
days prior to the hearing, notify the prosecuting attorney of 35260  
any proceedings to seal records initiated pursuant to division 35261  
(C) (1) of this section. The prosecutor shall provide timely 35262  
notice to a victim and a victim's representative, if applicable, 35263  
if the victim or victim's representative requested notice of the 35264  
proceedings in the underlying case. 35265

(d) (i) The prosecuting attorney may file a response with 35266  
the court within thirty days of receiving notice of the sealing 35267  
proceedings. 35268

(ii) If the prosecuting attorney does not file a response 35269  
with the court or if the prosecuting attorney files a response 35270  
but indicates that the prosecuting attorney does not object to 35271  
the sealing of the records, the court may order the records of 35272  
the person that are under consideration to be sealed without 35273  
conducting a hearing on the motion or application. If the court 35274  
decides in its discretion to conduct a hearing on the motion or 35275  
application, the court shall conduct the hearing within thirty 35276  
days after making that decision and shall give notice, by 35277  
regular mail, of the date, time, and location of the hearing to 35278  
the prosecuting attorney and to the person who is the subject of 35279  
the records under consideration. The victim, the victim's 35280  
representative, and the victim's attorney, if applicable, may be 35281  
present and heard orally, in writing, or both at any hearing 35282  
under this division. The court shall consider the oral and 35283  
written statement of any victim, victim's representative, and 35284



victim's attorney, if applicable. 35285

(iii) If the prosecuting attorney files a response with 35286  
the court that indicates that the prosecuting attorney objects 35287  
to the sealing of the records, the court shall conduct a hearing 35288  
on the motion or application within thirty days after the court 35289  
receives the response. The court shall give notice, by regular 35290  
mail, of the date, time, and location of the hearing to the 35291  
prosecuting attorney and to the person who is the subject of the 35292  
records under consideration. The victim, the victim's 35293  
representative, and the victim's attorney, if applicable, may be 35294  
present and heard orally, in writing, or both at any hearing 35295  
under this division. The court shall consider the oral and 35296  
written statement of any victim, victim's representative, and 35297  
victim's attorney, if applicable. 35298

(e) After conducting a hearing in accordance with division 35299  
(C) (2) (d) of this section or after due consideration when a 35300  
hearing is not conducted, except as provided in division (B) (1) 35301  
(c) of this section, the court may order the records of the 35302  
person that are the subject of the motion or application to be 35303  
sealed if it finds that the person has been rehabilitated to a 35304  
satisfactory degree. In determining whether the person has been 35305  
rehabilitated to a satisfactory degree, the court may consider 35306  
all of the following: 35307

(i) The age of the person; 35308

(ii) The nature of the case; 35309

(iii) The cessation or continuation of delinquent, unruly, 35310  
or criminal behavior; 35311

(iv) The education and employment history of the person; 35312

(v) The granting of a new tier classification or 35313

declassification from the juvenile offender registry pursuant to 35314  
section 2152.85 of the Revised Code, except for public registry- 35315  
qualified juvenile offender registrants; 35316

(vi) Any other circumstances that may relate to the 35317  
rehabilitation of the person who is the subject of the records 35318  
under consideration. 35319

(D) (1) (a) The juvenile court shall provide verbal notice 35320  
to a person whose records are sealed under division (B) of this 35321  
section, if that person is present in the court at the time the 35322  
court issues a sealing order, that explains what sealing a 35323  
record means, states that the person may apply to have those 35324  
records expunged under section 2151.358 of the Revised Code, and 35325  
explains what expunging a record means. 35326

(b) The juvenile court shall provide written notice to a 35327  
person whose records are sealed under division (B) of this 35328  
section by regular mail to the person's last known address, if 35329  
that person is not present in the court at the time the court 35330  
issues a sealing order and if the court does not seal the 35331  
person's record upon the court's own motion, that explains what 35332  
sealing a record means, states that the person may apply to have 35333  
those records expunged under section 2151.358 of the Revised 35334  
Code, and explains what expunging a record means. 35335

(2) Upon final disposition of a case in which a person has 35336  
been adjudicated a delinquent child for committing an act other 35337  
than a violation of section 2903.01, 2903.02, or 2907.02 of the 35338  
Revised Code, an unruly child, or a juvenile traffic offender, 35339  
the juvenile court shall provide written notice to the person 35340  
that does all of the following: 35341

(a) States that the person may apply to the court for an 35342

order to seal the record; 35343

(b) Explains what sealing a record means; 35344

(c) States that the person may apply to the court for an 35345  
order to expunge the record under section 2151.358 of the 35346  
Revised Code; 35347

(d) Explains what expunging a record means. 35348

(3) The department of youth services and any other 35349  
institution or facility that unconditionally discharges a person 35350  
who has been adjudicated a delinquent child, an unruly child, or 35351  
a juvenile traffic offender shall immediately give notice of the 35352  
discharge to the court that committed the person. The court 35353  
shall note the date of discharge on a separate record of 35354  
discharges of those natures. 35355

**Sec. 2151.3527.** (A) The director of children and youth 35356  
shall promulgate forms designed to gather pertinent medical 35357  
information concerning a deserted child and the child's parents. 35358  
The forms shall clearly and unambiguously state on each page 35359  
that the information requested is to facilitate medical care for 35360  
the child, that the forms may be fully or partially completed or 35361  
left blank, that completing the forms or parts of the forms is 35362  
completely voluntary, and that no adverse legal consequence will 35363  
result from failure to complete any part of the forms. 35364

(B) The director shall promulgate written materials to be 35365  
made available to the parents of a child delivered pursuant to 35366  
section 2151.3516 of the Revised Code. The materials shall 35367  
describe services available to assist parents and newborns and 35368  
shall include information directly relevant to situations that 35369  
might cause parents to desert a child and information on the 35370  
procedures for a person to follow in order to reunite with a 35371

child the person delivered under section 2151.3516 of the Revised Code, including notice that the person will be required to submit to a DNA test, at that person's expense, to prove that the person is the parent of the child.

(C) The director of ~~job and family services~~ children and youth shall distribute the medical information forms and written materials promulgated pursuant to this section to all of the following:

(1) Entities permitted to receive a deserted child as specified in section 2151.3517 of the Revised Code;

(2) Public children services agencies;

(3) Other public or private agencies that, in the discretion of the director, are best able to disseminate the forms and materials to the persons who are most in need of the forms and materials.

(D) If the department ~~of job and family services~~ determines that money in the putative father registry fund created under section 2101.16 of the Revised Code is more than is needed for its duties related to the putative father registry, the department may use surplus moneys in the fund for costs related to the development, distribution, and publication of forms and materials promulgated pursuant to divisions (A) and (B) of this section.

(E) The department ~~of job and family services~~ shall develop an educational plan, in collaboration with the Ohio family and children first cabinet council, for informing at-risk populations who are most likely to voluntarily deliver a child under section 2151.3516 of the Revised Code concerning the provisions of sections 2151.3515 to 2151.3533 of the Revised

Code. 35401

**Sec. 2151.416.** (A) Each agency that is required by section 35402  
2151.412 of the Revised Code to prepare a case plan for a child 35403  
shall complete a semiannual administrative review of the case 35404  
plan no later than six months after the earlier of the date on 35405  
which the complaint in the case was filed or the child was first 35406  
placed in shelter care. After the first administrative review, 35407  
the agency shall complete semiannual administrative reviews no 35408  
later than every six months. If the court issues an order 35409  
pursuant to section 2151.414 or 2151.415 of the Revised Code, 35410  
the agency shall complete an administrative review no later than 35411  
six months after the court's order and continue to complete 35412  
administrative reviews no later than every six months after the 35413  
first review, except that the court hearing held pursuant to 35414  
section 2151.417 of the Revised Code may take the place of any 35415  
administrative review that would otherwise be held at the time 35416  
of the court hearing. When conducting a review, the child's 35417  
health and safety shall be the paramount concern. 35418

(B) Each administrative review required by division (A) of 35419  
this section shall be conducted by a review panel of at least 35420  
three persons, including, but not limited to, both of the 35421  
following: 35422

(1) A caseworker with day-to-day responsibility for, or 35423  
familiarity with, the management of the child's case plan; 35424

(2) A person who is not responsible for the management of 35425  
the child's case plan or for the delivery of services to the 35426  
child or the parents, guardian, or custodian of the child. 35427

(C) Each semiannual administrative review shall include, 35428  
but not be limited to, a joint meeting by the review panel with 35429

the parents, guardian, or custodian of the child, the guardian 35430  
ad litem of the child, and the child's foster care provider and 35431  
shall include an opportunity for those persons to submit any 35432  
written materials to be included in the case record of the 35433  
child. If a parent, guardian, custodian, guardian ad litem, or 35434  
foster care provider of the child cannot be located after 35435  
reasonable efforts to do so or declines to participate in the 35436  
administrative review after being contacted, the agency does not 35437  
have to include them in the joint meeting. 35438

(D) The agency shall prepare a written summary of the 35439  
semiannual administrative review that shall include, but not be 35440  
limited to, all of the following: 35441

(1) A conclusion regarding the safety and appropriateness 35442  
of the child's foster care placement; 35443

(2) The extent of the compliance with the case plan of all 35444  
parties; 35445

(3) The extent of progress that has been made toward 35446  
alleviating the circumstances that required the agency to assume 35447  
temporary custody of the child; 35448

(4) An estimated date by which the child may be returned 35449  
to and safely maintained in the child's home or placed for 35450  
adoption or legal custody; 35451

(5) An updated case plan that includes any changes that 35452  
the agency is proposing in the case plan; 35453

(6) The recommendation of the agency as to which agency or 35454  
person should be given custodial rights over the child for the 35455  
six-month period after the administrative review; 35456

(7) The names of all persons who participated in the 35457

administrative review; 35458

(8) A summary of the agency's intensive efforts to secure 35459  
a placement with an appropriate and willing kinship caregiver as 35460  
defined in section ~~5101.85~~5180.50 of the Revised Code, 35461  
including any use of search technology to find biological family 35462  
members of the child and all other efforts undertaken since the 35463  
last review, unless a court has determined that intensive 35464  
efforts are unnecessary pursuant to section 2151.4118 of the 35465  
Revised Code. 35466

(E) The agency shall file the summary with the court no 35467  
later than seven days after the completion of the administrative 35468  
review. If the agency proposes a change to the case plan as a 35469  
result of the administrative review, the agency shall file the 35470  
proposed change with the court at the time it files the summary. 35471  
The agency shall give notice of the summary and proposed change 35472  
in writing before the end of the next day after filing them to 35473  
all parties and the child's guardian ad litem. All parties and 35474  
the guardian ad litem shall have seven days after the date the 35475  
notice is sent to object to and request a hearing on the 35476  
proposed change. 35477

(1) If the court receives a timely request for a hearing, 35478  
the court shall schedule a hearing pursuant to section 2151.417 35479  
of the Revised Code to be held not later than thirty days after 35480  
the court receives the request. The court shall give notice of 35481  
the date, time, and location of the hearing to all parties and 35482  
the guardian ad litem. The agency may implement the proposed 35483  
change after the hearing, if the court approves it. The agency 35484  
shall not implement the proposed change unless it is approved by 35485  
the court. 35486

(2) If the court does not receive a timely request for a 35487

hearing, the court may approve the proposed change without a 35488  
hearing. If the court approves the proposed change without a 35489  
hearing, it shall journalize the case plan with the change not 35490  
later than fourteen days after the change is filed with the 35491  
court. If the court does not approve the proposed change to the 35492  
case plan, it shall schedule a review hearing to be held 35493  
pursuant to section 2151.417 of the Revised Code no later than 35494  
thirty days after the expiration of the fourteen-day time period 35495  
and give notice of the date, time, and location of the hearing 35496  
to all parties and the guardian ad litem of the child. If, 35497  
despite the requirements of this division and division (D) of 35498  
section 2151.417 of the Revised Code, the court neither approves 35499  
and journalizes the proposed change nor conducts a hearing, the 35500  
agency may implement the proposed change not earlier than 35501  
fifteen days after it is submitted to the court. 35502

(F) The director of children and youth may adopt rules 35503  
pursuant to Chapter 119. of the Revised Code for procedures and 35504  
standard forms for conducting administrative reviews pursuant to 35505  
this section. 35506

(G) The juvenile court that receives the written summary 35507  
of the administrative review, upon determining, either from the 35508  
written summary, case plan, or otherwise, that the custody or 35509  
care arrangement is not in the best interest of the child, may 35510  
terminate the custody of an agency and place the child in the 35511  
custody of another institution or association certified by the 35512  
department of children and youth under section 5103.03 of the 35513  
Revised Code. 35514

**Sec. 2151.4115.** ~~(A)~~—As used in sections 2151.4116 to 35515  
2151.4122 of the Revised Code: 35516

~~(1)~~—(A) "Kinship caregiver" has the same meaning as used 35517



in section ~~5101.85~~5180.50 of the Revised Code. 35518

~~(2)~~(B) "Search technology" means any locate-and-research 35519  
tool, search engine, electronic database, or social media search 35520  
tool available to a public children services agency or a private 35521  
child placing agency. 35522

**Sec. 2151.421.** (A) (1) (a) No person described in division 35523  
(A) (1) (b) of this section who is acting in an official or 35524  
professional capacity and knows, or has reasonable cause to 35525  
suspect based on facts that would cause a reasonable person in a 35526  
similar position to suspect, that a child under eighteen years 35527  
of age, or a person under twenty-one years of age with a 35528  
developmental disability or physical impairment, has suffered or 35529  
faces a threat of suffering any physical or mental wound, 35530  
injury, disability, or condition of a nature that reasonably 35531  
indicates abuse or neglect of the child shall fail to 35532  
immediately report that knowledge or reasonable cause to suspect 35533  
to the entity or persons specified in this division. Except as 35534  
otherwise provided in this division or section 5120.173 of the 35535  
Revised Code, the person making the report shall make it to the 35536  
public children services agency or a peace officer in the county 35537  
in which the child resides or in which the abuse or neglect is 35538  
occurring or has occurred. If the person making the report is a 35539  
peace officer, the officer shall make it to the public children 35540  
services agency in the county in which the child resides or in 35541  
which the abuse or neglect is occurring or has occurred. In the 35542  
circumstances described in section 5120.173 of the Revised Code, 35543  
the person making the report shall make it to the entity 35544  
specified in that section. 35545

(b) Division (A) (1) (a) of this section applies to any 35546  
person who is an attorney; health care professional; 35547

practitioner of a limited branch of medicine as specified in	35548
section 4731.15 of the Revised Code; licensed school	35549
psychologist; independent marriage and family therapist or	35550
marriage and family therapist; coroner; administrator or	35551
employee of a child care center; administrator or employee of a	35552
residential camp, child day camp, or private, nonprofit	35553
therapeutic wilderness camp; administrator or employee of a	35554
certified child care agency or other public or private children	35555
services agency; school teacher; school employee; school	35556
authority; peace officer; humane society agent; dog warden,	35557
deputy dog warden, or other person appointed to act as an animal	35558
control officer for a municipal corporation or township in	35559
accordance with state law, an ordinance, or a resolution;	35560
person, other than a cleric, rendering spiritual treatment	35561
through prayer in accordance with the tenets of a well-	35562
recognized religion; employee of a county department of job and	35563
family services who is a professional and who works with	35564
children and families; <u>employee of an entity that provides home</u>	35565
<u>visiting services under the help me grow program established by</u>	35566
<u>the department of children and youth pursuant to section 5180.21</u>	35567
<u>of the Revised Code;</u> superintendent or regional administrator	35568
employed by the department of youth services; superintendent,	35569
board member, or employee of a county board of developmental	35570
disabilities; investigative agent contracted with by a county	35571
board of developmental disabilities; employee of the department	35572
of developmental disabilities; employee of a facility or home	35573
that provides respite care in accordance with section 5123.171	35574
of the Revised Code; employee of an entity that provides	35575
homemaker services; employee of a qualified organization as	35576
defined in section 2151.90 of the Revised Code; a host family as	35577
defined in section 2151.90 of the Revised Code; foster	35578
caregiver; a person performing the duties of an assessor	35579

pursuant to Chapter 3107. or 5103. of the Revised Code; third 35580  
party employed by a public children services agency to assist in 35581  
providing child or family related services; court appointed 35582  
special advocate; or guardian ad litem. 35583

(c) If two or more health care professionals, after 35584  
providing health care services to a child, determine or suspect 35585  
that the child has been or is being abused or neglected, the 35586  
health care professionals may designate one of the health care 35587  
professionals to report the abuse or neglect. A single report 35588  
made under this division shall meet the reporting requirements 35589  
of division (A) (1) of this section. 35590

(2) Except as provided in division (A) (3) of this section, 35591  
an attorney, physician, or advanced practice registered nurse is 35592  
not required to make a report pursuant to division (A) (1) of 35593  
this section concerning any communication the attorney, 35594  
physician, or advanced practice registered nurse receives from a 35595  
client or patient in an attorney-client, physician-patient, or 35596  
advanced practice registered nurse-patient relationship, if, in 35597  
accordance with division (A) or (B) of section 2317.02 of the 35598  
Revised Code, the attorney, physician, or advanced practice 35599  
registered nurse could not testify with respect to that 35600  
communication in a civil or criminal proceeding. 35601

(3) The client or patient in an attorney-client, 35602  
physician-patient, or advanced practice registered nurse-patient 35603  
relationship described in division (A) (2) of this section is 35604  
deemed to have waived any testimonial privilege under division 35605  
(A) or (B) of section 2317.02 of the Revised Code with respect 35606  
to any communication the attorney, physician, or advanced 35607  
practice registered nurse receives from the client or patient in 35608  
that relationship, and the attorney, physician, or advanced 35609

practice registered nurse shall make a report pursuant to 35610  
division (A) (1) of this section with respect to that 35611  
communication, if all of the following apply: 35612

(a) The client or patient, at the time of the 35613  
communication, is a child under eighteen years of age or is a 35614  
person under twenty-one years of age with a developmental 35615  
disability or physical impairment. 35616

(b) The attorney, physician, or advanced practice 35617  
registered nurse knows, or has reasonable cause to suspect based 35618  
on facts that would cause a reasonable person in similar 35619  
position to suspect that the client or patient has suffered or 35620  
faces a threat of suffering any physical or mental wound, 35621  
injury, disability, or condition of a nature that reasonably 35622  
indicates abuse or neglect of the client or patient. 35623

(c) The abuse or neglect does not arise out of the 35624  
client's or patient's attempt to have an abortion without the 35625  
notification of her parents, guardian, or custodian in 35626  
accordance with section 2151.85 of the Revised Code. 35627

(4) (a) No cleric and no person, other than a volunteer, 35628  
designated by any church, religious society, or faith acting as 35629  
a leader, official, or delegate on behalf of the church, 35630  
religious society, or faith who is acting in an official or 35631  
professional capacity, who knows, or has reasonable cause to 35632  
believe based on facts that would cause a reasonable person in a 35633  
similar position to believe, that a child under eighteen years 35634  
of age, or a person under twenty-one years of age with a 35635  
developmental disability or physical impairment, has suffered or 35636  
faces a threat of suffering any physical or mental wound, 35637  
injury, disability, or condition of a nature that reasonably 35638  
indicates abuse or neglect of the child, and who knows, or has 35639

reasonable cause to believe based on facts that would cause a 35640  
reasonable person in a similar position to believe, that another 35641  
cleric or another person, other than a volunteer, designated by 35642  
a church, religious society, or faith acting as a leader, 35643  
official, or delegate on behalf of the church, religious 35644  
society, or faith caused, or poses the threat of causing, the 35645  
wound, injury, disability, or condition that reasonably 35646  
indicates abuse or neglect shall fail to immediately report that 35647  
knowledge or reasonable cause to believe to the entity or 35648  
persons specified in this division. Except as provided in 35649  
section 5120.173 of the Revised Code, the person making the 35650  
report shall make it to the public children services agency or a 35651  
peace officer in the county in which the child resides or in 35652  
which the abuse or neglect is occurring or has occurred. In the 35653  
circumstances described in section 5120.173 of the Revised Code, 35654  
the person making the report shall make it to the entity 35655  
specified in that section. 35656

(b) Except as provided in division (A) (4) (c) of this 35657  
section, a cleric is not required to make a report pursuant to 35658  
division (A) (4) (a) of this section concerning any communication 35659  
the cleric receives from a penitent in a cleric-penitent 35660  
relationship, if, in accordance with division (C) of section 35661  
2317.02 of the Revised Code, the cleric could not testify with 35662  
respect to that communication in a civil or criminal proceeding. 35663

(c) The penitent in a cleric-penitent relationship 35664  
described in division (A) (4) (b) of this section is deemed to 35665  
have waived any testimonial privilege under division (C) of 35666  
section 2317.02 of the Revised Code with respect to any 35667  
communication the cleric receives from the penitent in that 35668  
cleric-penitent relationship, and the cleric shall make a report 35669  
pursuant to division (A) (4) (a) of this section with respect to 35670

that communication, if all of the following apply: 35671

(i) The penitent, at the time of the communication, is a 35672  
child under eighteen years of age or is a person under twenty- 35673  
one years of age with a developmental disability or physical 35674  
impairment. 35675

(ii) The cleric knows, or has reasonable cause to believe 35676  
based on facts that would cause a reasonable person in a similar 35677  
position to believe, as a result of the communication or any 35678  
observations made during that communication, the penitent has 35679  
suffered or faces a threat of suffering any physical or mental 35680  
wound, injury, disability, or condition of a nature that 35681  
reasonably indicates abuse or neglect of the penitent. 35682

(iii) The abuse or neglect does not arise out of the 35683  
penitent's attempt to have an abortion performed upon a child 35684  
under eighteen years of age or upon a person under twenty-one 35685  
years of age with a developmental disability or physical 35686  
impairment without the notification of her parents, guardian, or 35687  
custodian in accordance with section 2151.85 of the Revised 35688  
Code. 35689

(d) Divisions (A) (4) (a) and (c) of this section do not 35690  
apply in a cleric-penitent relationship when the disclosure of 35691  
any communication the cleric receives from the penitent is in 35692  
violation of the sacred trust. 35693

(e) As used in divisions (A) (1) and (4) of this section, 35694  
"cleric" and "sacred trust" have the same meanings as in section 35695  
2317.02 of the Revised Code. 35696

(B) Anyone who knows, or has reasonable cause to suspect 35697  
based on facts that would cause a reasonable person in similar 35698  
circumstances to suspect, that a child under eighteen years of 35699

age, or a person under twenty-one years of age with a 35700  
developmental disability or physical impairment, has suffered or 35701  
faces a threat of suffering any physical or mental wound, 35702  
injury, disability, or other condition of a nature that 35703  
reasonably indicates abuse or neglect of the child may report or 35704  
cause reports to be made of that knowledge or reasonable cause 35705  
to suspect to the entity or persons specified in this division. 35706  
Except as provided in section 5120.173 of the Revised Code, a 35707  
person making a report or causing a report to be made under this 35708  
division shall make it or cause it to be made to the public 35709  
children services agency or to a peace officer. In the 35710  
circumstances described in section 5120.173 of the Revised Code, 35711  
a person making a report or causing a report to be made under 35712  
this division shall make it or cause it to be made to the entity 35713  
specified in that section. 35714

(C) Any report made pursuant to division (A) or (B) of 35715  
this section shall be made forthwith either by telephone, in 35716  
person, or electronically and shall be followed by a written 35717  
report, if requested by the receiving agency or officer. The 35718  
written report shall contain: 35719

(1) The names and addresses of the child and the child's 35720  
parents or the person or persons having custody of the child, if 35721  
known; 35722

(2) The child's age and the nature and extent of the 35723  
child's injuries, abuse, or neglect that is known or reasonably 35724  
suspected or believed, as applicable, to have occurred or of the 35725  
threat of injury, abuse, or neglect that is known or reasonably 35726  
suspected or believed, as applicable, to exist, including any 35727  
evidence of previous injuries, abuse, or neglect; 35728

(3) Any other information, including, but not limited to, 35729

results and reports of any medical examinations, tests, or 35730  
procedures performed under division (D) of this section, that 35731  
might be helpful in establishing the cause of the injury, abuse, 35732  
or neglect that is known or reasonably suspected or believed, as 35733  
applicable, to have occurred or of the threat of injury, abuse, 35734  
or neglect that is known or reasonably suspected or believed, as 35735  
applicable, to exist. 35736

(D) (1) Any person, who is required by division (A) of this 35737  
section to report child abuse or child neglect that is known or 35738  
reasonably suspected or believed to have occurred, may take or 35739  
cause to be taken color photographs of areas of trauma visible 35740  
on a child and, if medically necessary for the purpose of 35741  
diagnosing or treating injuries that are suspected to have 35742  
occurred as a result of child abuse or child neglect, perform or 35743  
cause to be performed radiological examinations and any other 35744  
medical examinations of, and tests or procedures on, the child. 35745

(2) The results and any available reports of examinations, 35746  
tests, or procedures made under division (D) (1) of this section 35747  
shall be included in a report made pursuant to division (A) of 35748  
this section. Any additional reports of examinations, tests, or 35749  
procedures that become available shall be provided to the public 35750  
children services agency, upon request. 35751

(3) If a health care professional provides health care 35752  
services in a hospital, children's advocacy center, or emergency 35753  
medical facility to a child about whom a report has been made 35754  
under division (A) of this section, the health care professional 35755  
may take any steps that are reasonably necessary for the release 35756  
or discharge of the child to an appropriate environment. Before 35757  
the child's release or discharge, the health care professional 35758  
may obtain information, or consider information obtained, from 35759



other entities or individuals that have knowledge about the 35760  
child. Nothing in division (D) (3) of this section shall be 35761  
construed to alter the responsibilities of any person under 35762  
sections 2151.27 and 2151.31 of the Revised Code. 35763

(4) A health care professional may conduct medical 35764  
examinations, tests, or procedures on the siblings of a child 35765  
about whom a report has been made under division (A) of this 35766  
section and on other children who reside in the same home as the 35767  
child, if the professional determines that the examinations, 35768  
tests, or procedures are medically necessary to diagnose or 35769  
treat the siblings or other children in order to determine 35770  
whether reports under division (A) of this section are warranted 35771  
with respect to such siblings or other children. The results of 35772  
the examinations, tests, or procedures on the siblings and other 35773  
children may be included in a report made pursuant to division 35774  
(A) of this section. 35775

(5) Medical examinations, tests, or procedures conducted 35776  
under divisions (D) (1) and (4) of this section and decisions 35777  
regarding the release or discharge of a child under division (D) 35778  
(3) of this section do not constitute a law enforcement 35779  
investigation or activity. 35780

(E) (1) When a peace officer receives a report made 35781  
pursuant to division (A) or (B) of this section, upon receipt of 35782  
the report, the peace officer who receives the report shall 35783  
refer the report to the appropriate public children services 35784  
agency, in accordance with requirements specified under division 35785  
(B) (6) of section 2151.4221 of the Revised Code, unless an 35786  
arrest is made at the time of the report that results in the 35787  
appropriate public children services agency being contacted 35788  
concerning the possible abuse or neglect of a child or the 35789

possible threat of abuse or neglect of a child. 35790

(2) When a public children services agency receives a 35791  
report pursuant to this division or division (A) or (B) of this 35792  
section, upon receipt of the report, the public children 35793  
services agency shall do all of the following: 35794

(a) Comply with section 2151.422 of the Revised Code; 35795

(b) If the county served by the agency is also served by a 35796  
children's advocacy center and the report alleges sexual abuse 35797  
of a child or another type of abuse of a child that is specified 35798  
in the memorandum of understanding that creates the center as 35799  
being within the center's jurisdiction, comply regarding the 35800  
report with the protocol and procedures for referrals and 35801  
investigations, with the coordinating activities, and with the 35802  
authority or responsibility for performing or providing 35803  
functions, activities, and services stipulated in the 35804  
interagency agreement entered into under section 2151.428 of the 35805  
Revised Code relative to that center; 35806

(c) Unless an arrest is made at the time of the report 35807  
that results in the appropriate law enforcement agency being 35808  
contacted concerning the possible abuse or neglect of a child or 35809  
the possible threat of abuse or neglect of a child, and in 35810  
accordance with requirements specified under division (B)(6) of 35811  
section 2151.4221 of the Revised Code, notify the appropriate 35812  
law enforcement agency of the report, if the public children 35813  
services agency received either of the following: 35814

(i) A report of abuse of a child; 35815

(ii) A report of neglect of a child that alleges a type of 35816  
neglect identified by the department of children and youth in 35817  
rules adopted under division (L)(2) of this section. 35818

(F) No peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by a physician or advanced practice registered nurse, the physician or nurse, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code.

(G) (1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under sections 2151.4220 to 2151.4234 of the Revised Code. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with

division (I)(1) of this section and protects the rights of the 35850  
person making the report under this section. 35851

A failure to make the investigation in accordance with the 35852  
memorandum is not grounds for, and shall not result in, the 35853  
dismissal of any charges or complaint arising from the report or 35854  
the suppression of any evidence obtained as a result of the 35855  
report and does not give, and shall not be construed as giving, 35856  
any rights or any grounds for appeal or post-conviction relief 35857  
to any person. The public children services agency shall report 35858  
each case to the uniform statewide automated child welfare 35859  
information system that the department of children and youth 35860  
shall maintain in accordance with section ~~5101.13~~ 5180.40 of the 35861  
Revised Code. The public children services agency shall submit a 35862  
report of its investigation, in writing, to the law enforcement 35863  
agency. 35864

(2) The public children services agency shall make any 35865  
recommendations to the county prosecuting attorney or city 35866  
director of law that it considers necessary to protect any 35867  
children that are brought to its attention. 35868

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 35869  
(I) (3) of this section, any person, health care professional, 35870  
hospital, institution, school, health department, or agency 35871  
shall be immune from any civil or criminal liability for injury, 35872  
death, or loss to person or property that otherwise might be 35873  
incurred or imposed as a result of any of the following: 35874

(i) Participating in the making of reports pursuant to 35875  
division (A) of this section or in the making of reports in good 35876  
faith, pursuant to division (B) of this section; 35877

(ii) Participating in medical examinations, tests, or 35878

procedures under division (D) of this section; 35879

(iii) Providing information used in a report made pursuant 35880  
to division (A) of this section or providing information in good 35881  
faith used in a report made pursuant to division (B) of this 35882  
section; 35883

(iv) Participating in a judicial proceeding resulting from 35884  
a report made pursuant to division (A) of this section or 35885  
participating in good faith in a proceeding resulting from a 35886  
report made pursuant to division (B) of this section. 35887

(b) Immunity under division (H) (1) (a) (ii) of this section 35888  
shall not apply when a health care provider has deviated from 35889  
the standard of care applicable to the provider's profession. 35890

(c) Notwithstanding section 4731.22 of the Revised Code, 35891  
the physician-patient privilege shall not be a ground for 35892  
excluding evidence regarding a child's injuries, abuse, or 35893  
neglect, or the cause of the injuries, abuse, or neglect in any 35894  
judicial proceeding resulting from a report submitted pursuant 35895  
to this section. 35896

(2) In any civil or criminal action or proceeding in which 35897  
it is alleged and proved that participation in the making of a 35898  
report under this section was not in good faith or participation 35899  
in a judicial proceeding resulting from a report made under this 35900  
section was not in good faith, the court shall award the 35901  
prevailing party reasonable attorney's fees and costs and, if a 35902  
civil action or proceeding is voluntarily dismissed, may award 35903  
reasonable attorney's fees and costs to the party against whom 35904  
the civil action or proceeding is brought. 35905

(I) (1) Except as provided in divisions (I) (4) and (N) of 35906  
this section and sections 2151.423 and 2151.4210 of the Revised 35907

Code, a report made under this section is confidential. The 35908  
information provided in a report made pursuant to this section 35909  
and the name of the person who made the report shall not be 35910  
released for use, and shall not be used, as evidence in any 35911  
civil action or proceeding brought against the person who made 35912  
the report. Nothing in this division shall preclude the use of 35913  
reports of other incidents of known or suspected abuse or 35914  
neglect in a civil action or proceeding brought pursuant to 35915  
division (M) of this section against a person who is alleged to 35916  
have violated division (A) (1) of this section, provided that any 35917  
information in a report that would identify the child who is the 35918  
subject of the report or the maker of the report, if the maker 35919  
of the report is not the defendant or an agent or employee of 35920  
the defendant, has been redacted. In a criminal proceeding, the 35921  
report is admissible in evidence in accordance with the Rules of 35922  
Evidence and is subject to discovery in accordance with the 35923  
Rules of Criminal Procedure. 35924

(2) (a) Except as provided in division (I) (2) (b) of this 35925  
section, no person shall permit or encourage the unauthorized 35926  
dissemination of the contents of any report made under this 35927  
section. 35928

(b) A health care professional that obtains the same 35929  
information contained in a report made under this section from a 35930  
source other than the report may disseminate the information, if 35931  
its dissemination is otherwise permitted by law. 35932

(3) A person who knowingly makes or causes another person 35933  
to make a false report under division (B) of this section that 35934  
alleges that any person has committed an act or omission that 35935  
resulted in a child being an abused child or a neglected child 35936  
is guilty of a violation of section 2921.14 of the Revised Code. 35937

(4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or peace officer to which the report was made or referred, on the request of the child fatality review board, the suicide fatality review committee, or the director of health pursuant to guidelines established under section 3701.70 of the Revised Code, shall submit a summary sheet of information providing a summary of the report to the review board or review committee of the county in which the deceased child resided at the time of death or to the director. On the request of the review board, review committee, or director, the agency or peace officer may, at its discretion, make the report available to the review board, review committee, or director. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center.

(5) Not later than five business days after the determination of a disposition, a public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement

entered into under section 2151.428 of the Revised Code, in 35969  
writing of the disposition of the investigation. The agency 35970  
shall not provide to the person any information that identifies 35971  
the person who made the report, statements of witnesses, or 35972  
police or other investigative reports. The written notice of 35973  
disposition shall be made in a form designated by the department 35974  
of ~~job and family services~~ children and youth and shall inform 35975  
the person of the right to appeal the disposition. 35976

(J) Any report that is required by this section, other 35977  
than a report that is made to the state highway patrol as 35978  
described in section 5120.173 of the Revised Code, shall result 35979  
in protective services and emergency supportive services being 35980  
made available by the public children services agency on behalf 35981  
of the children about whom the report is made. The agency 35982  
required to provide the services shall be the agency conducting 35983  
the investigation of the report pursuant to section 2151.422 of 35984  
the Revised Code. If a ~~child~~ family is determined to ~~be a~~ 35985  
~~candidate for~~ benefit from prevention services, the agency also 35986  
~~shall~~ may make efforts to prevent neglect or abuse, to enhance a 35987  
child's welfare, and to preserve the family unit intact by 35988  
referring a report for assessment and provision of services to 35989  
an agency providing prevention services, if appropriate 35990  
prevention services are available from a local provider or other 35991  
reasonable source. 35992

(K) (1) Except as provided in division (K) (4) or (5) of 35993  
this section, a person who is required to make a report under 35994  
division (A) of this section may make a reasonable number of 35995  
requests of the public children services agency that receives or 35996  
is referred the report, or of the children's advocacy center 35997  
that is referred the report if the report is referred to a 35998  
children's advocacy center pursuant to an interagency agreement 35999



entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an investigation of the report;

(b) Whether the agency or center is continuing to investigate the report;

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2) (a) A person may request the information specified in division (K) (1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.

(b) When a peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K) (1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.

(c) If the person making the report provides the person's name and contact information on making the report, the public

children services agency that received or was referred the 36028  
report shall send a written notice via United States mail or 36029  
electronic mail, in accordance with the person's preference, to 36030  
the person not later than seven calendar days after receipt of 36031  
the report. The notice shall provide the status of the agency's 36032  
investigation into the report made, who the person may contact 36033  
at the agency for further information, and a description of the 36034  
person's rights under division (K) (1) of this section. 36035

(d) Each request is subject to verification of the 36036  
identity of the person making the report. If that person's 36037  
identity is verified, the agency shall provide the person with 36038  
the information described in division (K) (1) of this section a 36039  
reasonable number of times, except that the agency shall not 36040  
disclose any confidential information regarding the child who is 36041  
the subject of the report other than the information described 36042  
in those divisions. 36043

(3) A request made pursuant to division (K) (1) of this 36044  
section is not a substitute for any report required to be made 36045  
pursuant to division (A) of this section. 36046

(4) If an agency other than the agency that received or 36047  
was referred the report is conducting the investigation of the 36048  
report pursuant to section 2151.422 of the Revised Code, the 36049  
agency conducting the investigation shall comply with the 36050  
requirements of division (K) of this section. 36051

(5) A health care professional who made a report under 36052  
division (A) of this section, or on whose behalf such a report 36053  
was made as provided in division (A) (1) (c) of this section, may 36054  
authorize a person to obtain the information described in 36055  
division (K) (1) of this section if the person requesting the 36056  
information is associated with or acting on behalf of the health 36057

care professional who provided health care services to the child 36058  
about whom the report was made. 36059

(6) If the person making the report provides the person's 36060  
name and contact information on making the report, the public 36061  
children services agency that received or was referred the 36062  
report shall send a written notice via United States mail or 36063  
electronic mail, in accordance with the person's preference, to 36064  
the person not later than seven calendar days after the agency 36065  
closes the investigation into the case reported by the person. 36066  
The notice shall notify the person that the agency has closed 36067  
the investigation. 36068

(L) (1) The director of children and youth shall adopt 36069  
rules in accordance with Chapter 119. of the Revised Code to 36070  
implement this section. The department of children and youth may 36071  
enter into a plan of cooperation with any other governmental 36072  
entity to aid in ensuring that children are protected from abuse 36073  
and neglect. The department shall make recommendations to the 36074  
attorney general that the department determines are necessary to 36075  
protect children from child abuse and child neglect. 36076

(2) The director of children and youth shall adopt rules 36077  
in accordance with Chapter 119. of the Revised Code to identify 36078  
the types of neglect of a child that a public children services 36079  
agency shall be required to notify law enforcement of pursuant 36080  
to division (E) (2) (c) (ii) of this section. 36081

(M) Whoever violates division (A) of this section is 36082  
liable for compensatory and exemplary damages to the child who 36083  
would have been the subject of the report that was not made. A 36084  
person who brings a civil action or proceeding pursuant to this 36085  
division against a person who is alleged to have violated 36086  
division (A) (1) of this section may use in the action or 36087

proceeding reports of other incidents of known or suspected 36088  
abuse or neglect, provided that any information in a report that 36089  
would identify the child who is the subject of the report or the 36090  
maker of the report, if the maker is not the defendant or an 36091  
agent or employee of the defendant, has been redacted. 36092

(N) (1) As used in this division: 36093

(a) "Out-of-home care" includes a nonchartered nonpublic 36094  
school if the alleged child abuse or child neglect, or alleged 36095  
threat of child abuse or child neglect, described in a report 36096  
received by a public children services agency allegedly occurred 36097  
in or involved the nonchartered nonpublic school and the alleged 36098  
perpetrator named in the report holds a certificate, permit, or 36099  
license issued by the state board of education under section 36100  
3301.071 or Chapter 3319. of the Revised Code. 36101

(b) "Administrator, director, or other chief 36102  
administrative officer" means the superintendent of the school 36103  
district if the out-of-home care entity subject to a report made 36104  
pursuant to this section is a school operated by the district. 36105

(2) No later than the end of the day following the day on 36106  
which a public children services agency receives a report of 36107  
alleged child abuse or child neglect, or a report of an alleged 36108  
threat of child abuse or child neglect, that allegedly occurred 36109  
in or involved an out-of-home care entity, the agency shall 36110  
provide written notice of the allegations contained in and the 36111  
person named as the alleged perpetrator in the report to the 36112  
administrator, director, or other chief administrative officer 36113  
of the out-of-home care entity that is the subject of the report 36114  
unless the administrator, director, or other chief 36115  
administrative officer is named as an alleged perpetrator in the 36116  
report. If the administrator, director, or other chief 36117

administrative officer of an out-of-home care entity is named as 36118  
an alleged perpetrator in a report of alleged child abuse or 36119  
child neglect, or a report of an alleged threat of child abuse 36120  
or child neglect, that allegedly occurred in or involved the 36121  
out-of-home care entity, the agency shall provide the written 36122  
notice to the owner or governing board of the out-of-home care 36123  
entity that is the subject of the report. The agency shall not 36124  
provide witness statements or police or other investigative 36125  
reports. 36126

(3) No later than three days after the day on which a 36127  
public children services agency that conducted the investigation 36128  
as determined pursuant to section 2151.422 of the Revised Code 36129  
makes a disposition of an investigation involving a report of 36130  
alleged child abuse or child neglect, or a report of an alleged 36131  
threat of child abuse or child neglect, that allegedly occurred 36132  
in or involved an out-of-home care entity, the agency shall send 36133  
written notice of the disposition of the investigation to the 36134  
administrator, director, or other chief administrative officer 36135  
and the owner or governing board of the out-of-home care entity. 36136  
The agency shall not provide witness statements or police or 36137  
other investigative reports. 36138

(0) As used in this section: 36139

(1) "Children's advocacy center" and "sexual abuse of a 36140  
child" have the same meanings as in section 2151.425 of the 36141  
Revised Code. 36142

(2) "Health care professional" means an individual who 36143  
provides health-related services. "Health care professional" 36144  
includes all of the following: a physician, including a hospital 36145  
intern or resident; a dentist; a podiatrist; a registered nurse, 36146  
including such a nurse who is an advanced practice registered 36147

nurse; a licensed practical nurse; a home care nurse; a licensed 36148  
psychologist; a speech-language pathologist; an audiologist; a 36149  
person engaged in social work or the practice of professional 36150  
counseling; and an employee of a home health agency. "Health 36151  
care professional" does not include a practitioner of a limited 36152  
branch of medicine as specified in section 4731.15 of the 36153  
Revised Code, licensed school psychologist, independent marriage 36154  
and family therapist or marriage and family therapist, or 36155  
coroner. 36156

(3) "Investigation" means the public children services 36157  
agency's response to an accepted report of child abuse or 36158  
neglect through either an alternative response or a traditional 36159  
response. 36160

(4) "Peace officer" means a sheriff, deputy sheriff, 36161  
constable, police officer of a township or joint police 36162  
district, marshal, deputy marshal, municipal police officer, or 36163  
a state highway patrol trooper. 36164

**Sec. 2151.423.** A public children services agency shall 36165  
disclose confidential information discovered during an 36166  
investigation conducted pursuant to section 2151.421 or 2151.422 36167  
of the Revised Code to any federal, state, or local government 36168  
entity, including any appropriate military authority or any 36169  
~~agency providing prevention services~~ provider to the 36170  
~~child~~family, that needs the information to carry out its 36171  
responsibilities to protect children from abuse or neglect. 36172

Information disclosed pursuant to this section is 36173  
confidential and is not subject to disclosure pursuant to 36174  
section 149.43 or 1347.08 of the Revised Code by the agency to 36175  
whom the information was disclosed. The agency receiving the 36176  
information shall maintain the confidentiality of information 36177

disclosed pursuant to this section. 36178

**Sec. 2151.424.** (A) If a child has been placed in a 36179  
certified foster home or is in the custody of, or has been 36180  
placed with, a kinship caregiver as defined in section ~~5101.85-~~ 36181  
5180.50 of the Revised Code, a court, prior to conducting any 36182  
hearing pursuant to division (F) (2) or (3) of section 2151.412 36183  
or section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 36184  
2151.416, or 2151.417 of the Revised Code with respect to the 36185  
child, shall notify the foster caregiver or kinship caregiver of 36186  
the date, time, and place of the hearing. At the hearing, the 36187  
foster caregiver or kinship caregiver shall have the right to be 36188  
heard. 36189

(B) If a public children services agency or private child 36190  
placing agency has permanent custody of a child and a petition 36191  
to adopt the child has been filed under Chapter 3107. of the 36192  
Revised Code, the agency, prior to conducting a review under 36193  
section 2151.416 of the Revised Code, or a court, prior to 36194  
conducting a hearing under division (F) (2) or (3) of section 36195  
2151.412 or section 2151.416 or 2151.417 of the Revised Code, 36196  
shall notify the prospective adoptive parent of the date, time, 36197  
and place of the review or hearing. At the review or hearing, 36198  
the prospective adoptive parent shall have the right to be 36199  
heard. 36200

(C) The notice and the opportunity to be heard do not make 36201  
the foster caregiver, kinship caregiver, or prospective adoptive 36202  
parent a party in the action or proceeding pursuant to which the 36203  
review or hearing is conducted. 36204

**Sec. 2151.45.** As used in sections 2151.45 to 2151.455 of 36205  
the Revised Code, "emancipated young adult" and "representative" 36206  
have the same meanings as in section ~~5101.141-~~5180.42 of the 36207

Revised Code. 36208

**Sec. 2151.451.** (A) The juvenile court of the county, to 36209  
which either of the following applies regarding an emancipated 36210  
young adult described under division (A) (1) of section ~~5101.1411~~ 36211  
5180.428 of the Revised Code, may exercise jurisdiction over the 36212  
emancipated young adult for purposes of sections 2151.45 to 36213  
2151.455 of the Revised Code: 36214

(1) The county in which the emancipated young adult 36215  
resides; 36216

(2) The county in which the emancipated young adult 36217  
resided when the custody, arrangement, or care and placement 36218  
described in division (A) (3) (a) of section ~~5101.1411~~ 5180.42 of 36219  
the Revised Code terminated. 36220

(B) A juvenile court, on its own motion or the motion of 36221  
any party, may transfer a proceeding under sections 2151.45 to 36222  
2151.455 of the Revised Code to a juvenile court with 36223  
jurisdiction as provided in this section. 36224

**Sec. 2151.452.** A juvenile court shall do both of the 36225  
following regarding an emancipated young adult described under 36226  
division (A) (1) of section ~~5101.1411~~ 5180.428 of the Revised 36227  
Code: 36228

(A) Not later than one hundred eighty days after the 36229  
voluntary participation agreement becomes effective, make a 36230  
determination as to whether the emancipated young adult's best 36231  
interest is served by continuing the care and placement with the 36232  
department of children and youth or its representative. 36233

(B) Not later than twelve months after the effective date 36234  
of the voluntary participation agreement, and at least once 36235  
every twelve months thereafter, make a determination that the 36236



department or its representative has made reasonable efforts to 36237  
finalize a permanency plan to prepare the emancipated young 36238  
adult for independence. 36239

**Sec. 2151.453.** If any determination required under section 36240  
2151.452 of the Revised Code is not timely made, the federal 36241  
payments for foster care under division (A) (1) of section 36242  
~~5101.1411~~ 5180.428 of the Revised Code for the emancipated young 36243  
adult shall be suspended. The payments shall resume upon a 36244  
subsequent determination that reasonable efforts have been made 36245  
to prepare the emancipated young adult for independence, but 36246  
only if both of the following apply: 36247

(A) The emancipated young adult complies with division (A) 36248  
(1) of section ~~5101.1411~~ 5180.428 of the Revised Code. 36249

(B) There has been a timely determination of best interest 36250  
under division (A) of section 2151.452 of the Revised Code. 36251

**Sec. 2152.26.** (A) Except as provided in divisions (B) and 36252  
(F) of this section, a child alleged to be or adjudicated a 36253  
delinquent child or a juvenile traffic offender may be held only 36254  
in the following places: 36255

(1) A certified foster home or a home approved by the 36256  
court; 36257

(2) A facility operated by a certified child welfare 36258  
agency; 36259

(3) Any other suitable place designated by the court. 36260

(B) In addition to the places listed in division (A) of 36261  
this section, a child alleged to be or adjudicated a delinquent 36262  
child or a person described in division (C) (7) of section 36263  
2152.02 of the Revised Code may be held in a detention facility 36264

for delinquent children that is under the direction or 36265  
supervision of the court or other public authority or of a 36266  
private agency and approved by the court, and a child 36267  
adjudicated a delinquent child may be held in accordance with 36268  
division (F) (2) of this section in a facility of a type 36269  
specified in that division. 36270

(C) (1) Except as provided under division (C) (1) of section 36271  
2151.311 of the Revised Code or division (A) (5) of section 36272  
2152.21 of the Revised Code, a child alleged to be or 36273  
adjudicated a juvenile traffic offender may not be held in any 36274  
of the following facilities: 36275

(a) A state correctional institution, county, multicounty, 36276  
or municipal jail or workhouse, or other place in which an adult 36277  
convicted of crime, under arrest, or charged with a crime is 36278  
held. 36279

(b) A secure correctional facility. 36280

(2) Except as provided under this section, sections 36281  
2151.56 to 2151.59, and divisions (A) (5) and (6) of section 36282  
2152.21 of the Revised Code, a child alleged to be or 36283  
adjudicated a juvenile traffic offender may not be held for more 36284  
than twenty-four hours in a detention facility. 36285

(D) Except as provided in division (F) of this section or 36286  
in division (C) of section 2151.311, in division (C) (2) of 36287  
section 5139.06 and section 5120.162, or in division ~~(B)~~ (C) of 36288  
section 5120.16 of the Revised Code, a child who is alleged to 36289  
be or is adjudicated a delinquent child or a person described in 36290  
division (C) (7) of section 2152.02 of the Revised Code may not 36291  
be held in a state correctional institution, county, 36292  
multicounty, or municipal jail or workhouse, or other place 36293

where an adult convicted of crime, under arrest, or charged with  
crime is held. 36294  
36295

(E) Unless the detention is pursuant to division (F) of 36296  
this section or division (C) of section 2151.311, division (C) 36297  
(2) of section 5139.06 and section 5120.162, or division ~~(B)~~(C) 36298  
of section 5120.16 of the Revised Code, the official in charge 36299  
of the institution, jail, workhouse, or other facility shall 36300  
inform the court immediately when a person who is or appears to 36301  
be under the age of eighteen years, or a person who is charged 36302  
with a violation of an order of a juvenile court or a violation 36303  
of probation or parole conditions imposed by a juvenile court 36304  
and who is or appears to be between the ages of eighteen and 36305  
twenty-one years, is received at the facility and shall deliver 36306  
the person to the court upon request or transfer the person to a 36307  
detention facility designated by the court. 36308

(F) (1) If a case is transferred to another court for 36309  
criminal prosecution pursuant to section 2152.12 of the Revised 36310  
Code and the alleged offender is a person described in division 36311  
(C) (7) of section 2152.02 of the Revised Code, the person may 36312  
not be transferred for detention pending the criminal 36313  
prosecution in a jail or other facility except under the 36314  
circumstances described in division (F) (4) of this section. Any 36315  
child held in accordance with division (F) (3) of this section 36316  
shall be confined in a manner that keeps the child beyond the 36317  
sight and sound of all adult detainees. The child shall be 36318  
supervised at all times during the detention. 36319

(2) If a person is adjudicated a delinquent child or 36320  
juvenile traffic offender or is a person described in division 36321  
(C) (7) of section 2152.02 of the Revised Code and the court 36322  
makes a disposition of the person under this chapter, at any 36323

time after the person attains twenty-one years of age, the 36324  
person may be held under that disposition or under the 36325  
circumstances described in division (F) (4) of this section in 36326  
places other than those specified in division (A) of this 36327  
section, including, but not limited to, a county, multicounty, 36328  
or municipal jail or workhouse, or other place where an adult 36329  
convicted of crime, under arrest, or charged with crime is held. 36330

(3) (a) A person alleged to be a delinquent child may be 36331  
held in places other than those specified in division (A) of 36332  
this section, including, but not limited to, a county, 36333  
multicounty, or municipal jail, if the delinquent act that the 36334  
child allegedly committed would be a felony if committed by an 36335  
adult, and if either of the following applies: 36336

(i) The person attains twenty-one years of age before the 36337  
person is arrested or apprehended for that act. 36338

(ii) The person is arrested or apprehended for that act 36339  
before the person attains twenty-one years of age, but the 36340  
person attains twenty-one years of age before the court orders a 36341  
disposition in the case. 36342

(b) If, pursuant to division (F) (3) (a) of this section, a 36343  
person is held in a place other than a place specified in 36344  
division (A) of this section, the person has the same rights to 36345  
bail as an adult charged with the same offense who is confined 36346  
in a jail pending trial. 36347

(4) (a) Any person whose case is transferred for criminal 36348  
prosecution pursuant to section 2152.10 or 2152.12 of the 36349  
Revised Code or any person who has attained the age of eighteen 36350  
years but has not attained the age of twenty-one years and who 36351  
is being held in a place specified in division (B) of this 36352

section may be held under that disposition or charge in places 36353  
other than those specified in division (B) of this section, 36354  
including a county, multicounty, or municipal jail or workhouse, 36355  
or other place where an adult under arrest or charged with crime 36356  
is held if the juvenile court, upon its own motion or upon 36357  
motion by the prosecutor and after notice and hearing, 36358  
establishes by a preponderance of the evidence and makes written 36359  
findings of either of the following: 36360

(i) With respect to a person whose case is transferred for 36361  
criminal prosecution pursuant to either specified section or who 36362  
has attained the age of eighteen years but who has not attained 36363  
the age of twenty-one years and is being so held, that the youth 36364  
is a threat to the safety and security of the facility; 36365

(ii) With respect to a person who has attained the age of 36366  
eighteen years but who has not attained the age of twenty-one 36367  
years and is being so held, that the best interests of the youth 36368  
require that the youth be held in a place other than a place 36369  
specified in division (B) of this section, including a county, 36370  
multicounty, or municipal jail or workhouse, or other place 36371  
where an adult under arrest or charged with crime is held. 36372

(b) In determining for purposes of division (F) (4) (a) (i) 36373  
of this section whether a youth is a threat to the safety and 36374  
security of the facility, evidence that the youth is a threat to 36375  
the safety and security of the facility may include, but is not 36376  
limited to, whether the youth has done any of the following: 36377

(i) Injured or created an imminent danger to the life or 36378  
health of another youth or staff member in the facility or 36379  
program by violent behavior; 36380

(ii) Escaped from the facility or program in which the 36381

youth is being held on more than one occasion; 36382

(iii) Established a pattern of disruptive behavior as 36383  
verified by a written record that the youth's behavior is not 36384  
conducive to the established policies and procedures of the 36385  
facility or program in which the youth is being held. 36386

(c) If a prosecutor submits a motion requesting that a 36387  
person be held in a place other than those specified in division 36388  
(B) of this section or if the court submits its own motion, the 36389  
juvenile court shall hold a hearing within five days of the 36390  
filing of the motion, and, in determining whether a place other 36391  
than those specified in division (B) of this section is the 36392  
appropriate place of confinement for the person, the court shall 36393  
consider the following factors: 36394

(i) The age of the person; 36395

(ii) Whether the person would be deprived of contact with 36396  
other people for a significant portion of the day or would not 36397  
have access to recreational facilities or age-appropriate 36398  
educational opportunities in order to provide physical 36399  
separation from adults; 36400

(iii) The person's current emotional state, intelligence, 36401  
and developmental maturity, including any emotional and 36402  
psychological trauma, and the risk to the person in an adult 36403  
facility, which may be evidenced by mental health or 36404  
psychological assessments or screenings made available to the 36405  
prosecuting attorney and the defense counsel; 36406

(iv) Whether detention in a juvenile facility would 36407  
adequately serve the need for community protection pending the 36408  
outcome of the criminal proceeding; 36409

(v) The relative ability of the available adult and 36410

juvenile detention facilities to meet the needs of the person, 36411  
including the person's need for age-appropriate mental health 36412  
and educational services delivered by individuals specifically 36413  
trained to deal with youth; 36414

(vi) Whether the person presents an imminent risk of self- 36415  
inflicted harm or an imminent risk of harm to others within a 36416  
juvenile facility; 36417

(vii) Any other factors the juvenile court considers to be 36418  
relevant. 36419

(d) If the juvenile court determines that a place other 36420  
than those specified in division (B) of this section is the 36421  
appropriate place for confinement of a person pursuant to 36422  
division (F) (4) (a) of this section, the person may petition the 36423  
juvenile court for a review hearing thirty days after the 36424  
initial confinement decision, thirty days after any subsequent 36425  
review hearing, or at any time after the initial confinement 36426  
decision upon an emergency petition by the youth due to the 36427  
youth facing an imminent danger from others or the youth's self. 36428  
Upon receipt of the petition, the juvenile court has discretion 36429  
over whether to conduct the review hearing and may set the 36430  
matter for a review hearing if the youth has alleged facts or 36431  
circumstances that, if true, would warrant reconsideration of 36432  
the youth's placement in a place other than those specified in 36433  
division (B) of this section based on the factors listed in 36434  
division (F) (4) (c) of this section. 36435

(e) Upon the admission of a person described in division 36436  
(F) (4) (a) of this section to a place other than those specified 36437  
in division (B) of this section, the facility shall advise the 36438  
person of the person's right to request a review hearing as 36439  
described in division (F) (4) (d) of this section. 36440

(f) Any person transferred under division (F) (4) (a) of 36441  
this section to a place other than those specified in division 36442  
(B) of this section shall be confined in a manner that keeps 36443  
those under eighteen years of age beyond sight and sound of all 36444  
adult detainees. Those under eighteen years of age shall be 36445  
supervised at all times during the detention. 36446

(G) (1) If a person who is alleged to be or has been 36447  
adjudicated a delinquent child or who is in any other category 36448  
of persons identified in this section or section 2151.311 of the 36449  
Revised Code is confined under authority of any Revised Code 36450  
section in a place other than a place specified in division (B) 36451  
of this section, including a county, multicounty, or municipal 36452  
jail or workhouse, or other place where an adult under arrest or 36453  
charged with crime is held, subject to division (G) (2) of this 36454  
section, all identifying information, other than the person's 36455  
county of residence, age, gender, and race and the charges 36456  
against the person, that relates to the person's admission to 36457  
and confinement in that place is not a public record open for 36458  
inspection or copying under section 149.43 of the Revised Code 36459  
and is confidential and shall not be released to any person 36460  
other than to a court, to a law enforcement agency for law 36461  
enforcement purposes, or to a person specified by court order. 36462

(2) Division (G) (1) of this section does not apply with 36463  
respect to a person whose case is transferred for criminal 36464  
prosecution pursuant to section 2152.10 or 2152.12 of the 36465  
Revised Code, who is convicted of or pleads guilty to an offense 36466  
in that case, who is confined after that conviction or guilty 36467  
plea in a place other than a place specified in division (B) of 36468  
this section, and to whom one of the following applies: 36469

(a) The case was transferred other than pursuant to 36470



division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code. 36471  
36472

(b) The case was transferred pursuant to division (A) (1) 36473  
(a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, 36474  
and the person is sentenced for the offense pursuant to division 36475  
(B) (4) of section 2152.121 of the Revised Code. 36476

(c) The case was transferred pursuant to division (A) (1) 36477  
(a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, 36478  
the person is sentenced for the offense pursuant to division (B) 36479  
(3) of section 2152.121 of the Revised Code by the court in 36480  
which the person was convicted of or pleaded guilty to the 36481  
offense, and the sentence imposed by that court is invoked 36482  
pursuant to division (B) (3) (b) of section 2152.121 of the 36483  
Revised Code. 36484

**Sec. 2303.12.** (A) As used in this section: 36485

(1) "Case file" means the compendium of original documents 36486  
filed in a civil, criminal, or probate action or proceeding in 36487  
the court of common pleas, including the pleadings, motions, 36488  
orders, and judgments of the court on a case by case basis. 36489

(2) "General docket" means the appearance docket, trial 36490  
docket, journal, execution docket, and case files in relation to 36491  
those dockets and journal. 36492

(B) The clerk of the court of common pleas shall keep 36493  
records as indicated by the Rules of Superintendence for the 36494  
Courts of Ohio. They shall be called the appearance docket, 36495  
trial docket and printed duplicates of the trial docket for the 36496  
use of the court and the officers thereof, journal, and 36497  
execution docket. The clerk shall also keep a record in book 36498  
form or the clerk may prepare a record by using any photostatic, 36499

photographic, miniature photographic, film, microfilm, or 36500  
microphotographic process, electrostatic process, perforated 36501  
tape, magnetic tape, or other electromagnetic means, electronic 36502  
data processing, machine readable media, graphic or video 36503  
display, or any combination thereof, which correctly and 36504  
accurately copies or reproduces every case file and other 36505  
original document, paper, or instrument in writing. The clerk 36506  
shall keep an index to the trial docket and to the printed 36507  
duplicates of the trial docket and of the journal direct, and to 36508  
the appearance docket, record, and execution docket, direct and 36509  
reverse. All clerks keeping records and information by the 36510  
methods described in this section shall keep and make readily 36511  
available to the public the machine and equipment necessary to 36512  
reproduce the records and information in a readable form. 36513

(C) The clerk of the court of common pleas shall keep 36514  
confidential information that is subject to a real property 36515  
confidentiality notice under section 111.431 of the Revised 36516  
Code, in accordance with that section. 36517

(D) (1) Subject to division (D) (2) of this section, not the 36518  
clerk of court shall do both of the following: 36519

(a) Not later than eighteen months after the effective 36520  
date of this amendment April 6, 2023, the clerk of court shall 36521  
make available online on the clerk of court's web site the 36522  
general docket of the court for remote access and printing by 36523  
the public of the information in that docket, including all 36524  
individual documents in each case file, pertaining to civil 36525  
cases filed on or after the effective date of this amendment 36526  
April 6, 2023. 36527

(b) Not later than eighteen months after the effective 36528  
date of this amendment, the clerk of court shall make available 36529

online on the clerk of court's web site the general docket of 36530  
the court for remote access and printing by the public of the 36531  
information in that docket, including all individual documents 36532  
in each case file, pertaining to criminal and probate cases 36533  
filed on or after the effective date of this amendment. 36534

(2) The clerk of court is not required to make available 36535  
online under division (D) (1) of this section either of the 36536  
following: 36537

(a) The general docket of the division of domestic 36538  
relations, or the juvenile court, or the probate court; 36539

(b) If the court does not have a division of domestic 36540  
relations, the general docket in civil cases pertaining to 36541  
domestic relations. 36542

(E) Nothing in division (D) of this section shall be 36543  
construed as making available online any of the following: 36544

(1) Internal documents such as notes, emails, drafts, 36545  
recommendations, advice, or research of judicial officers and 36546  
court staff; 36547

(2) Any document or any information in a case file the 36548  
public access to which the court has ordered restricted under 36549  
the Rules of Superintendence for the Courts of Ohio. 36550

**Sec. 2303.201.** (A) (1) The court of common pleas of any 36551  
county may determine that for the efficient operation of the 36552  
court additional funds are required to computerize the court, to 36553  
make available computerized legal research services, or to do 36554  
both. Upon making a determination that additional funds are 36555  
required for either or both of those purposes, the court shall 36556  
~~authorize~~ do one of the following: 36557

(a) If the court of common pleas of a county has complied 36558  
with the requirements in division (D)(1) of section 2303.12 of 36559  
the Revised Code, authorize and direct the clerk of the court of 36560  
common pleas to charge one additional fee, not to exceed six 36561  
dollars, on the filing of each cause of action or appeal under 36562  
divisions (A), (Q), and (U) of section 2303.20 of the Revised 36563  
Code; 36564

(b) If the court of common pleas of a county has not 36565  
complied with the requirements in division (D)(1) of section 36566  
2303.12 of the Revised Code, authorize and direct the clerk of 36567  
the court of common pleas to charge one additional fee, not to 36568  
exceed three dollars, on the filing of each cause of action or 36569  
appeal under divisions (A), (Q), and (U) of section 2303.20 of 36570  
the Revised Code. 36571

(2) All fees collected under division (A)(1) of this 36572  
section shall be paid to the county treasurer. The treasurer 36573  
shall place the funds from the fees in a separate fund to be 36574  
disbursed either upon an order of the court, subject to an 36575  
appropriation by the board of county commissioners, or upon an 36576  
order of the court, subject to the court making an annual report 36577  
available to the public listing the use of all such funds, in an 36578  
amount not greater than the actual cost to the court of 36579  
procuring and maintaining computerization of the court, 36580  
computerized legal research services, or both. 36581

(3) If the court determines that the funds in the fund 36582  
described in division (A)(2) of this section are more than 36583  
sufficient to satisfy the purpose for which the additional fee 36584  
described in division (A)(1) of this section was imposed, the 36585  
court may declare a surplus in the fund and, subject to an 36586  
appropriation by the board of county commissioners, expend those 36587

surplus funds, or upon an order of the court, subject to the 36588  
court making an annual report available to the public listing 36589  
the use of all such funds, expend those surplus funds, for other 36590  
appropriate technological expenses of the court. 36591

(B) (1) (a) Except as provided in division (B) (1) (b) of this 36592  
section, the clerk of the court of common pleas of any county 36593  
may determine that, for the efficient operation of the office of 36594  
the clerk of the court of common pleas, additional funds are 36595  
required to make technological advances in or to computerize the 36596  
office of the clerk of the court of common pleas ~~and, upon~~ . 36597  
Upon making that determination, authorize the court shall do one 36598  
of the following: 36599

(i) If the court of common pleas of a county has complied 36600  
with the requirements in division (D) (1) of section 2303.12 of 36601  
the Revised Code, authorize and direct that an additional fee, 36602  
not to exceed twenty dollars, on the filing of each cause of 36603  
action or appeal, on the filing, docketing, and endorsing of 36604  
each certificate of judgment, or on the docketing and indexing 36605  
of each aid in execution or petition to vacate, revive, or 36606  
modify a judgment under divisions (A), (P), (Q), (T), and (U) of 36607  
section 2303.20 of the Revised Code and not to exceed one dollar 36608  
each for the services described in divisions (B), (C), (D), (F), 36609  
(H), and (L) of section 2303.20 of the Revised Code, be charged; 36610

(ii) If the court of common pleas of a county has not 36611  
complied with the requirements in division (D) (1) of section 36612  
2303.12 of the Revised Code, authorize and direct that an 36613  
additional fee, not to exceed ten dollars, on the filing of each 36614  
cause of action or appeal, on the filing, docketing, and 36615  
endorsing of each certificate of judgment, or on the docketing 36616  
and indexing of each aid in execution or petition to vacate, 36617

revive, or modify a judgment under divisions (A), (P), (Q), (T), 36618  
and (U) of section 2303.20 of the Revised Code and not to exceed 36619  
fifty cents each for the services described in divisions (B), 36620  
(C), (D), (F), (H), and (L) of section 2303.20 of the Revised 36621  
Code, be charged. 36622

(b) In a county in which the clerk of the court of common 36623  
pleas is appointed, the court may make the determination 36624  
described in division (B) (1) (a) of this section and, upon that 36625  
determination, may include such a computerization fee in the 36626  
schedule of fees and costs. 36627

(2) Subject to division (B) (3) of this section, all moneys 36628  
collected under division (B) (1) (a) of this section shall be paid 36629  
to the county treasurer to be disbursed, subject to an 36630  
appropriation made by the board of county commissioners, in an 36631  
amount no greater than the actual cost to the court of procuring 36632  
and maintaining technology and computer systems for the office 36633  
of the clerk of the court of common pleas. 36634

(3) If the court or the clerk of the court of common pleas 36635  
of a county makes the determination described in division (B) (1) 36636  
(a) of this section, the board of county commissioners of that 36637  
county may issue one or more general obligation bonds for the 36638  
purpose of procuring and maintaining the technology and computer 36639  
systems for the office of the clerk of the court of common 36640  
pleas. In addition to the purposes stated in division (B) (1) (a) 36641  
of this section for which the moneys collected under that 36642  
division may be expended, the moneys additionally may be 36643  
expended to pay debt charges on and financing costs related to 36644  
any general obligation bonds issued pursuant to division (B) (3) 36645  
of this section as they become due. General obligation bonds 36646  
issued pursuant to division (B) (3) of this section are Chapter 36647

133. securities. 36648

(C) The court of common pleas shall collect the sum of 36649  
twenty-six dollars as additional filing fees in each new civil 36650  
action or proceeding for the charitable public purpose of 36651  
providing financial assistance to legal aid societies that 36652  
operate within the state and to support the office of the state 36653  
public defender. This division does not apply to a juvenile 36654  
division of a court of common pleas, except that an additional 36655  
filing fee of fifteen dollars shall apply to custody, 36656  
visitation, and parentage actions; to a probate division of a 36657  
court of common pleas, except that the additional filing fees 36658  
shall apply to name change, guardianship, adoption, and 36659  
decedents' estate proceedings; or to an execution on a judgment, 36660  
proceeding in aid of execution, or other post-judgment 36661  
proceeding arising out of a civil action. The filing fees 36662  
required to be collected under this division shall be in 36663  
addition to any other filing fees imposed in the action or 36664  
proceeding and shall be collected at the time of the filing of 36665  
the action or proceeding. The court shall not waive the payment 36666  
of the additional filing fees in a new civil action or 36667  
proceeding unless the court waives the advanced payment of all 36668  
filing fees in the action or proceeding. All such moneys 36669  
collected during a month except for an amount equal to up to one 36670  
per cent of those moneys retained to cover administrative costs 36671  
shall be transmitted on or before the twentieth day of the 36672  
following month by the clerk of the court to the treasurer of 36673  
state in a manner prescribed by the treasurer of state or by the 36674  
Ohio access to justice foundation. The treasurer of state shall 36675  
deposit four per cent of the funds collected under this division 36676  
to the credit of the civil case filing fee fund established 36677  
under section 120.07 of the Revised Code and ninety-six per cent 36678

of the funds collected under this division to the credit of the 36679  
legal aid fund established under section 120.52 of the Revised 36680  
Code. 36681

The court may retain up to one per cent of the moneys it 36682  
collects under this division to cover administrative costs, 36683  
including the hiring of any additional personnel necessary to 36684  
implement this division. If the court fails to transmit to the 36685  
treasurer of state the moneys the court collects under this 36686  
division in a manner prescribed by the treasurer of state or by 36687  
the Ohio access to justice foundation, the court shall forfeit 36688  
the moneys the court retains under this division to cover 36689  
administrative costs, including the hiring of any additional 36690  
personnel necessary to implement this division, and shall 36691  
transmit to the treasurer of state all moneys collected under 36692  
this division, including the forfeited amount retained for 36693  
administrative costs, for deposit in the legal aid fund. 36694

(D) On and after the thirtieth day after December 9, 1994, 36695  
the court of common pleas shall collect the sum of thirty-two 36696  
dollars as additional filing fees in each new action or 36697  
proceeding for annulment, divorce, or dissolution of marriage 36698  
for the purpose of funding shelters for victims of domestic 36699  
violence pursuant to sections 3113.35 to 3113.39 of the Revised 36700  
Code. The filing fees required to be collected under this 36701  
division shall be in addition to any other filing fees imposed 36702  
in the action or proceeding and shall be collected at the time 36703  
of the filing of the action or proceeding. The court shall not 36704  
waive the payment of the additional filing fees in a new action 36705  
or proceeding for annulment, divorce, or dissolution of marriage 36706  
unless the court waives the advanced payment of all filing fees 36707  
in the action or proceeding. On or before the twentieth day of 36708  
each month, all moneys collected during the immediately 36709



preceding month pursuant to this division shall be deposited by 36710  
the clerk of the court into the county treasury in the special 36711  
fund used for deposit of additional marriage license fees as 36712  
described in section 3113.34 of the Revised Code. Upon their 36713  
deposit into the fund, the moneys shall be retained in the fund 36714  
and expended only as described in section 3113.34 of the Revised 36715  
Code. 36716

(E) (1) The court of common pleas may determine that, for 36717  
the efficient operation of the court, additional funds are 36718  
necessary to acquire and pay for special projects of the court, 36719  
including, but not limited to, the acquisition of additional 36720  
facilities or the rehabilitation of existing facilities, the 36721  
acquisition of equipment, the hiring and training of staff, 36722  
community service programs, mediation or dispute resolution 36723  
services, the employment of magistrates, the training and 36724  
education of judges, acting judges, and magistrates, and other 36725  
related services. Upon that determination, the court by rule may 36726  
charge a fee, in addition to all other court costs, on the 36727  
filing of each criminal cause, civil action or proceeding, or 36728  
judgment by confession. 36729

If the court of common pleas offers or requires a special 36730  
program or additional services in cases of a specific type, the 36731  
court by rule may assess an additional charge in a case of that 36732  
type, over and above court costs, to cover the special program 36733  
or service. The court shall adjust the special assessment 36734  
periodically, but not retroactively, so that the amount assessed 36735  
in those cases does not exceed the actual cost of providing the 36736  
service or program. 36737

All moneys collected under division (E) of this section 36738  
shall be paid to the county treasurer for deposit into either a 36739

general special projects fund or a fund established for a 36740  
specific special project. Moneys from a fund of that nature 36741  
shall be disbursed upon an order of the court, subject to an 36742  
appropriation by the board of county commissioners, in an amount 36743  
no greater than the actual cost to the court of a project. If a 36744  
specific fund is terminated because of the discontinuance of a 36745  
program or service established under division (E) of this 36746  
section, the court may order, subject to an appropriation by the 36747  
board of county commissioners, that moneys remaining in the fund 36748  
be transferred to an account established under this division for 36749  
a similar purpose. 36750

(2) As used in division (E) of this section: 36751

(a) "Criminal cause" means a charge alleging the violation 36752  
of a statute or ordinance, or subsection of a statute or 36753  
ordinance, that requires a separate finding of fact or a 36754  
separate plea before disposition and of which the defendant may 36755  
be found guilty, whether filed as part of a multiple charge on a 36756  
single summons, citation, or complaint or as a separate charge 36757  
on a single summons, citation, or complaint. "Criminal cause" 36758  
does not include separate violations of the same statute or 36759  
ordinance, or subsection of the same statute or ordinance, 36760  
unless each charge is filed on a separate summons, citation, or 36761  
complaint. 36762

(b) "Civil action or proceeding" means any civil 36763  
litigation that must be determined by judgment entry. 36764

**Sec. 2303.26.** The clerk of the court of common pleas shall 36765  
exercise the powers conferred and perform the duties enjoined 36766  
upon the clerk by statute and by the common law; and in the 36767  
performance of official duties the clerk shall be under the 36768  
direction of the court. The clerk shall not restrict, prohibit, 36769

or otherwise modify the rights of parties to seek service on 36770  
party defendants allowed by the Rules of Civil Procedure, either 36771  
singularly or concurrently. 36772

In furtherance of the performance of the duties enjoined 36773  
upon the clerk by statute, common law, and the Rules of 36774  
Superintendence for the Courts of Ohio, the clerk of the court 36775  
of common pleas shall be responsible for determining the best 36776  
means and methods for storing, maintaining, and retrieving all 36777  
papers delivered to the clerk, whether delivered in writing or 36778  
in electronic form, in compliance with Rule 26 of the Rules of 36779  
Superintendence for the Courts of Ohio. Once determined by the 36780  
clerk of court of common pleas, the clerk shall be responsible 36781  
for implementing the means and methods for storage, maintenance, 36782  
and retrieval. 36783

**Sec. 2307.66.** (A) A victim of a violation of section 36784  
2917.211 of the Revised Code has and may commence a civil cause 36785  
of action against the offender for any of the following, in 36786  
addition to reasonable attorney's fees and the costs of bringing 36787  
the civil action: 36788

(1) An injunction or a temporary restraining order 36789  
prohibiting further dissemination of the image that is the 36790  
subject of the violation; 36791

(2) Compensatory and punitive damages for harm resulting 36792  
from the violation. 36793

(B) The victim shall be presumed to have suffered harm as 36794  
a result of the nonconsensual dissemination of private sexual 36795  
images or the nonconsensual dissemination of fabricated sexual 36796  
images. 36797

(C) A civil action brought under division (A) of this 36798

section shall be brought within four years after the victim 36799  
discovers the private sexual image or fabricated sexual image. 36800

(D) The cause of action created by this section is in 36801  
addition to any other cause of action available under statutory 36802  
or common law. 36803

~~(D)~~ (E) As used in this section, "victim" has the same 36804  
meaning as in section 2930.01 of the Revised Code. 36805

(F) "Fabricated sexual image" means a created, adapted, or 36806  
modified image that depicts another person, the other person is 36807  
recognizable in the image by the other person's face, likeness, 36808  
or other distinguishing characteristic, and the other person 36809  
depicted in the image is in a state of nudity or is engaged in a 36810  
sexual act. 36811

**Sec. 2329.66.** (A) Every person who is domiciled in this 36812  
state may hold property exempt from execution, garnishment, 36813  
attachment, or sale to satisfy a judgment or order, as follows: 36814

(1) (a) In the case of a judgment or order regarding money 36815  
owed for health care services rendered or health care supplies 36816  
provided to the person or a dependent of the person, one parcel 36817  
or item of real or personal property that the person or a 36818  
dependent of the person uses as a residence. Division (A) (1) (a) 36819  
of this section does not preclude, affect, or invalidate the 36820  
creation under this chapter of a judgment lien upon the exempted 36821  
property but only delays the enforcement of the lien until the 36822  
property is sold or otherwise transferred by the owner or in 36823  
accordance with other applicable laws to a person or entity 36824  
other than the surviving spouse or surviving minor children of 36825  
the judgment debtor. Every person who is domiciled in this state 36826  
may hold exempt from a judgment lien created pursuant to 36827

division (A) (1) (a) of this section the person's interest, not to 36828  
exceed one hundred twenty-five thousand dollars, in the exempted 36829  
property. 36830

(b) In the case of all other judgments and orders, the 36831  
person's interest, not to exceed one hundred twenty-five 36832  
thousand dollars, in one parcel or item of real or personal 36833  
property that the person or a dependent of the person uses as a 36834  
residence. 36835

(c) For purposes of divisions (A) (1) (a) and (b) of this 36836  
section, "parcel" means a tract of real property as identified 36837  
on the records of the auditor of the county in which the real 36838  
property is located. 36839

(2) The person's interest, not to exceed three thousand 36840  
two hundred twenty-five dollars, in one motor vehicle; 36841

(3) The person's interest, not to exceed four hundred 36842  
dollars, in cash on hand, money due and payable, money to become 36843  
due within ninety days, tax refunds, and money on deposit with a 36844  
bank, savings and loan association, credit union, public 36845  
utility, landlord, or other person, other than personal 36846  
earnings. 36847

(4) (a) The person's interest, not to exceed five hundred 36848  
twenty-five dollars in any particular item or ten thousand seven 36849  
hundred seventy-five dollars in aggregate value, in household 36850  
furnishings, household goods, wearing apparel, appliances, 36851  
books, animals, crops, musical instruments, firearms, and 36852  
hunting and fishing equipment that are held primarily for the 36853  
personal, family, or household use of the person; 36854

(b) The person's aggregate interest in one or more items 36855  
of jewelry, not to exceed one thousand three hundred fifty 36856

dollars, held primarily for the personal, family, or household	36857
use of the person or any of the person's dependents.	36858
(5) The person's interest, not to exceed an aggregate of	36859
two thousand twenty-five dollars, in all implements,	36860
professional books, or tools of the person's profession, trade,	36861
or business, including agriculture;	36862
(6) (a) The person's interest in a beneficiary fund set	36863
apart, appropriated, or paid by a benevolent association or	36864
society, as exempted by section 2329.63 of the Revised Code;	36865
(b) The person's interest in contracts of life or	36866
endowment insurance or annuities, as exempted by section 3911.10	36867
of the Revised Code;	36868
(c) The person's interest in a policy of group insurance	36869
or the proceeds of a policy of group insurance, as exempted by	36870
section 3917.05 of the Revised Code;	36871
(d) The person's interest in money, benefits, charity,	36872
relief, or aid to be paid, provided, or rendered by a fraternal	36873
benefit society, as exempted by section 3921.18 of the Revised	36874
Code;	36875
(e) The person's interest in the portion of benefits under	36876
policies of sickness and accident insurance and in lump sum	36877
payments for dismemberment and other losses insured under those	36878
policies, as exempted by section 3923.19 of the Revised Code.	36879
(7) The person's professionally prescribed or medically	36880
necessary health aids;	36881
(8) The person's interest in a burial lot, including, but	36882
not limited to, exemptions under section 517.09 or 1721.07 of	36883
the Revised Code;	36884

(9) The person's interest in the following:	36885
(a) Moneys paid or payable for maintenance or rights, as exempted by section 3304.19 of the Revised Code;	36886 36887
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	36888 36889
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	36890 36891
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	36892 36893
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	36894 36895 36896
(f) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	36897 36898
(10) (a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C) (2) (b) of that section, in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, in cases in which an order for forfeiture was issued under division (A) or (B) of section 2929.192 of the Revised Code, and in cases in which an order was issued under section 2929.193 or 2929.194 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights to or interests in a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's rights to or interests in a participant account in any deferred	36899 36900 36901 36902 36903 36904 36905 36906 36907 36908 36909 36910 36911 36912 36913

compensation program offered by the ~~Ohio~~ public employees 36914  
~~deferred compensation retirement~~ board, a government unit, or a 36915  
municipal corporation, or the person's other accrued or accruing 36916  
rights or interests, as exempted by section 143.11, 145.56, 36917  
146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the 36918  
Revised Code, and the person's rights to or interests in 36919  
benefits from the Ohio public safety officers death benefit 36920  
fund; 36921

(b) Except as provided in sections 3119.80, 3119.81, 36922  
3121.02, 3121.03, and 3123.06 of the Revised Code, the person's 36923  
rights to receive or interests in receiving a payment or other 36924  
benefits under any pension, annuity, or similar plan or 36925  
contract, not including a payment or benefit from a stock bonus 36926  
or profit-sharing plan or a payment included in division (A) (6) 36927  
(b) or (10) (a) of this section, on account of illness, 36928  
disability, death, age, or length of service, to the extent 36929  
reasonably necessary for the support of the person and any of 36930  
the person's dependents, except if all the following apply: 36931

(i) The plan or contract was established by or under the 36932  
auspices of an insider that employed the person at the time the 36933  
person's rights or interests under the plan or contract arose. 36934

(ii) The payment is on account of age or length of 36935  
service. 36936

(iii) The plan or contract is not qualified under the 36937  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 36938  
amended. 36939

(c) Except for any portion of the assets that were 36940  
deposited for the purpose of evading the payment of any debt and 36941  
except as provided in sections 3119.80, 3119.81, 3121.02, 36942



3121.03, and 3123.06 of the Revised Code, the person's rights or 36943  
interests in the assets held in, or to directly or indirectly 36944  
receive any payment or benefit under, any individual retirement 36945  
account, individual retirement annuity, "Roth IRA," account 36946  
opened pursuant to a program administered by a state under 36947  
section 529 or 529A of the "Internal Revenue Code of 1986," 100 36948  
Stat. 2085, 26 U.S.C. 1, as amended, or education individual 36949  
retirement account that provides payments or benefits by reason 36950  
of illness, disability, death, retirement, or age or provides 36951  
payments or benefits for purposes of education or qualified 36952  
disability expenses, to the extent that the assets, payments, or 36953  
benefits described in division (A)(10)(c) of this section are 36954  
attributable to or derived from any of the following or from any 36955  
earnings, dividends, interest, appreciation, or gains on any of 36956  
the following: 36957

(i) Contributions of the person that were less than or 36958  
equal to the applicable limits on deductible contributions to an 36959  
individual retirement account or individual retirement annuity 36960  
in the year that the contributions were made, whether or not the 36961  
person was eligible to deduct the contributions on the person's 36962  
federal tax return for the year in which the contributions were 36963  
made; 36964

(ii) Contributions of the person that were less than or 36965  
equal to the applicable limits on contributions to a Roth IRA or 36966  
education individual retirement account in the year that the 36967  
contributions were made; 36968

(iii) Contributions of the person that are within the 36969  
applicable limits on rollover contributions under subsections 36970  
219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3) 36971  
(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 36972

1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended; 36973

(iv) Contributions by any person into any plan, fund, or 36974  
account that is formed, created, or administered pursuant to, or 36975  
is otherwise subject to, section 529 or 529A of the "Internal 36976  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 36977

(d) Except for any portion of the assets that were 36978  
deposited for the purpose of evading the payment of any debt and 36979  
except as provided in sections 3119.80, 3119.81, 3121.02, 36980  
3121.03, and 3123.06 of the Revised Code, the person's rights or 36981  
interests in the assets held in, or to receive any payment 36982  
under, any Keogh or "H.R. 10" plan that provides benefits by 36983  
reason of illness, disability, death, retirement, or age, to the 36984  
extent reasonably necessary for the support of the person and 36985  
any of the person's dependents. 36986

(e) The person's rights to or interests in any assets held 36987  
in, or to directly or indirectly receive any payment or benefit 36988  
under, any individual retirement account, individual retirement 36989  
annuity, "Roth IRA," account opened pursuant to a program 36990  
administered by a state under section 529 or 529A of the 36991  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 36992  
amended, or education individual retirement account that a 36993  
decedent, upon or by reason of the decedent's death, directly or 36994  
indirectly left to or for the benefit of the person, either 36995  
outright or in trust or otherwise, including, but not limited 36996  
to, any of those rights or interests in assets or to receive 36997  
payments or benefits that were transferred, conveyed, or 36998  
otherwise transmitted by the decedent by means of a will, trust, 36999  
exercise of a power of appointment, beneficiary designation, 37000  
transfer or payment on death designation, or any other method or 37001  
procedure. 37002

(f) The exemptions under divisions (A) (10) (a) to (e) of this section also shall apply or otherwise be available to an alternate payee under a qualified domestic relations order (QDRO) or other similar court order.

(g) A person's interest in any plan, program, instrument, or device described in divisions (A) (10) (a) to (e) of this section shall be considered an exempt interest even if the plan, program, instrument, or device in question, due to an error made in good faith, failed to satisfy any criteria applicable to that plan, program, instrument, or device under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(11) The person's right to receive spousal support, child support, an allowance, or other maintenance to the extent reasonably necessary for the support of the person and any of the person's dependents;

(12) The person's right to receive, or moneys received during the preceding twelve calendar months from, any of the following:

(a) An award of reparations under sections 2743.51 to 2743.72 of the Revised Code, to the extent exempted by division (D) of section 2743.66 of the Revised Code;

(b) A payment on account of the wrongful death of an individual of whom the person was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the person and any of the person's dependents;

(c) Except in cases in which the person who receives the payment is an inmate, as defined in section 2969.21 of the Revised Code, and in which the payment resulted from a civil action or appeal against a government entity or employee, as

defined in section 2969.21 of the Revised Code, a payment, not 37032  
to exceed twenty thousand two hundred dollars, on account of 37033  
personal bodily injury, not including pain and suffering or 37034  
compensation for actual pecuniary loss, of the person or an 37035  
individual for whom the person is a dependent; 37036

(d) A payment in compensation for loss of future earnings 37037  
of the person or an individual of whom the person is or was a 37038  
dependent, to the extent reasonably necessary for the support of 37039  
the debtor and any of the debtor's dependents. 37040

(13) Except as provided in sections 3119.80, 3119.81, 37041  
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 37042  
earnings of the person owed to the person for services in an 37043  
amount equal to the greater of the following amounts: 37044

(a) If paid weekly, thirty times the current federal 37045  
minimum hourly wage; if paid biweekly, sixty times the current 37046  
federal minimum hourly wage; if paid semimonthly, sixty-five 37047  
times the current federal minimum hourly wage; or if paid 37048  
monthly, one hundred thirty times the current federal minimum 37049  
hourly wage that is in effect at the time the earnings are 37050  
payable, as prescribed by the "Fair Labor Standards Act of 37051  
1938," 52 Stat. 1060, 29 U.S.C. 206(a) (1), as amended; 37052

(b) Seventy-five per cent of the disposable earnings owed 37053  
to the person. 37054

(14) The person's right in specific partnership property, 37055  
as exempted by the person's rights in a partnership pursuant to 37056  
section 1776.50 of the Revised Code, except as otherwise set 37057  
forth in section 1776.50 of the Revised Code; 37058

(15) A seal and official register of a notary public, as 37059  
exempted by section 147.04 of the Revised Code; 37060

(16) The person's interest in a tuition unit or a payment under section 3334.09 of the Revised Code pursuant to a tuition payment contract, as exempted by section 3334.15 of the Revised Code; 37061  
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(17) Any other property that is specifically exempted from execution, attachment, garnishment, or sale by federal statutes other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 U.S.C.A. 101, as amended; 37065  
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(18) The person's aggregate interest in any property, not to exceed one thousand seventy-five dollars, except that division (A)(18) of this section applies only in bankruptcy proceedings. 37069  
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(B) On April 1, 2010, and on the first day of April in each third calendar year after 2010, the Ohio judicial conference shall adjust each dollar amount set forth in this section to reflect any increase in the consumer price index for all urban consumers, as published by the United States department of labor, or, if that index is no longer published, a generally available comparable index, for the three-year period ending on the thirty-first day of December of the preceding year. Any adjustments required by this division shall be rounded to the nearest twenty-five dollars. 37073  
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The Ohio judicial conference shall prepare a memorandum specifying the adjusted dollar amounts. The judicial conference shall transmit the memorandum to the director of the legislative service commission, and the director shall publish the memorandum in the register of Ohio. (Publication of the memorandum in the register of Ohio shall continue until the next memorandum specifying an adjustment is so published.) The judicial conference also may publish the memorandum in any other 37083  
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manner it concludes will be reasonably likely to inform persons 37091  
who are affected by its adjustment of the dollar amounts. 37092

(C) As used in this section: 37093

(1) "Disposable earnings" means net earnings after the 37094  
garnishee has made deductions required by law, excluding the 37095  
deductions ordered pursuant to section 3119.80, 3119.81, 37096  
3121.02, 3121.03, or 3123.06 of the Revised Code. 37097

(2) "Insider" means: 37098

(a) If the person who claims an exemption is an 37099  
individual, a relative of the individual, a relative of a 37100  
general partner of the individual, a partnership in which the 37101  
individual is a general partner, a general partner of the 37102  
individual, or a corporation of which the individual is a 37103  
director, officer, or in control; 37104

(b) If the person who claims an exemption is a 37105  
corporation, a director or officer of the corporation; a person 37106  
in control of the corporation; a partnership in which the 37107  
corporation is a general partner; a general partner of the 37108  
corporation; or a relative of a general partner, director, 37109  
officer, or person in control of the corporation; 37110

(c) If the person who claims an exemption is a 37111  
partnership, a general partner in the partnership; a general 37112  
partner of the partnership; a person in control of the 37113  
partnership; a partnership in which the partnership is a general 37114  
partner; or a relative in, a general partner of, or a person in 37115  
control of the partnership; 37116

(d) An entity or person to which or whom any of the 37117  
following applies: 37118

(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.

(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (C) (2) (d) (i) of this section applies.

(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.

(e) An insider, as otherwise defined in this section, of a person or entity to which division (C) (2) (d) (i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;

(f) A managing agent of the person who claims an exemption.

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.

(D) For purposes of this section, "interest" shall be 37148  
determined as follows: 37149

(1) In bankruptcy proceedings, as of the date a petition 37150  
is filed with the bankruptcy court commencing a case under Title 37151  
11 of the United States Code; 37152

(2) In all cases other than bankruptcy proceedings, as of 37153  
the date of an appraisal, if necessary under section 2329.68 of 37154  
the Revised Code, or the issuance of a writ of execution. 37155

An interest, as determined under division (D) (1) or (2) of 37156  
this section, shall not include the amount of any lien otherwise 37157  
valid pursuant to section 2329.661 of the Revised Code. 37158

**Sec. 2743.03.** (A) (1) There is hereby created a court of 37159  
claims. Except as provided under section 107.43 of the Revised 37160  
Code, the court of claims is a court of record and has 37161  
exclusive, original jurisdiction of all civil actions against 37162  
the state permitted by the waiver of immunity contained in 37163  
section 2743.02 of the Revised Code and exclusive jurisdiction 37164  
of the causes of action of all parties in civil actions that are 37165  
removed to the court of claims. The court shall have full equity 37166  
powers in all actions within its jurisdiction and may entertain 37167  
and determine all counterclaims, cross-claims, and third-party 37168  
claims. 37169

(2) If the claimant in a civil action as described in 37170  
division (A) (1) of this section also files a claim for a 37171  
declaratory judgment, injunctive relief, or other equitable 37172  
relief against the state that arises out of the same 37173  
circumstances that gave rise to the civil action described in 37174  
division (A) (1) of this section, the court of claims has 37175  
exclusive, original jurisdiction to hear and determine that 37176



claim in that civil action. This division does not affect, and 37177  
shall not be construed as affecting, the original jurisdiction 37178  
of another court of this state to hear and determine a civil 37179  
action in which the sole relief that the claimant seeks against 37180  
the state is a declaratory judgment, injunctive relief, or other 37181  
equitable relief. 37182

(3) In addition to its exclusive, original jurisdiction as 37183  
conferred by divisions (A) (1) and (2) of this section, the court 37184  
of claims has exclusive, original jurisdiction as follows: 37185

(a) As described in division (F) of section 2743.02, 37186  
division (B) of section 3335.03, and division (C) of section 37187  
5903.02 of the Revised Code; 37188

(b) Under section 2743.75 of the Revised Code to hear 37189  
complaints alleging a denial of access to public records in 37190  
violation of division (B) of section 149.43 of the Revised Code, 37191  
regardless of whether the public office or person responsible 37192  
for public records is an office or employee of the state or of a 37193  
political subdivision; 37194

(c) Under section 118.29 of the Revised Code to appoint a 37195  
receiver. 37196

(B) The court of claims shall sit in Franklin county, its 37197  
hearings shall be public, and it shall consist of incumbent 37198  
justices or judges of the supreme court, courts of appeals, or 37199  
courts of common pleas, or retired justices or judges eligible 37200  
for active duty pursuant to division (C) of Section 6 of Article 37201  
IV, Ohio Constitution, sitting by temporary assignment of the 37202  
chief justice of the supreme court. The chief justice may direct 37203  
the court to sit in any county for cases on removal upon a 37204  
showing of substantial hardship and whenever justice dictates. 37205

(C) (1) A civil action against the state shall be heard and 37206  
determined by a single judge. Upon application by the claimant 37207  
or the state, the chief justice of the supreme court may assign 37208  
a panel of three judges to hear and determine a civil action 37209  
presenting novel or complex issues of law or fact. Concurrence 37210  
of two members of the panel is necessary for any judgment or 37211  
order. 37212

(2) Whenever the chief justice of the supreme court 37213  
believes an equitable resolution of a case will be expedited, 37214  
the chief justice may appoint magistrates in accordance with 37215  
Civil Rule 53 to hear the case. 37216

(3) When any dispute under division (B) of section 153.12 37217  
of the Revised Code is brought to the court of claims, upon 37218  
request of either party to the dispute, the chief justice of the 37219  
supreme court shall appoint a single referee or a panel of three 37220  
referees. The referees need not be attorneys, but shall be 37221  
persons knowledgeable about construction contract law, a member 37222  
of the construction industry panel of the American arbitration 37223  
association, or an individual or individuals deemed qualified by 37224  
the chief justice to serve. No person shall serve as a referee 37225  
if that person has been employed by an affected state agency or 37226  
a contractor or subcontractor involved in the dispute at any 37227  
time in the preceding five years. Proceedings governing referees 37228  
shall be in accordance with Civil Rule 53, except as modified by 37229  
this division. The referee or panel of referees shall submit its 37230  
report, which shall include a recommendation and finding of 37231  
fact, to the judge assigned to the case by the chief justice, 37232  
within thirty days of the conclusion of the hearings. Referees 37233  
appointed pursuant to this division shall be compensated on a 37234  
per diem basis at the same rate as is paid to judges of the 37235  
court and also shall be paid their expenses. If a single referee 37236

is appointed or a panel of three referees is appointed, then, 37237  
with respect to one referee of the panel, the compensation and 37238  
expenses of the referee shall not be taxed as part of the costs 37239  
in the case but shall be included in the budget of the court. If 37240  
a panel of three referees is appointed, the compensation and 37241  
expenses of the two remaining referees shall be taxed as costs 37242  
of the case. 37243

All costs of a case shall be apportioned among the 37244  
parties. The court may not require that any party deposit with 37245  
the court cash, bonds, or other security in excess of two 37246  
hundred dollars to guarantee payment of costs without the prior 37247  
approval in each case of the chief justice. 37248

(4) An appeal from a decision of the attorney general 37249  
pursuant to sections 2743.51 to 2743.72 of the Revised Code 37250  
shall be heard and determined by the court of claims. 37251

(D) The Rules of Civil Procedure shall govern practice and 37252  
procedure in all actions in the court of claims, except insofar 37253  
as inconsistent with this chapter. The supreme court may 37254  
promulgate rules governing practice and procedure in actions in 37255  
the court as provided in Section 5 of Article IV, Ohio 37256  
Constitution. 37257

(E) (1) A party who files a counterclaim against the state 37258  
or makes the state a third-party defendant in an action 37259  
commenced in any court, other than the court of claims, shall 37260  
file a petition for removal in the court of claims. The petition 37261  
shall state the basis for removal, be accompanied by a copy of 37262  
all process, pleadings, and other papers served upon the 37263  
petitioner, and shall be signed in accordance with Civil Rule 37264  
11. A petition for removal based on a counterclaim shall be 37265  
filed within twenty-eight days after service of the counterclaim 37266

of the petitioner. A petition for removal based on third-party 37267  
practice shall be filed within twenty-eight days after the 37268  
filing of the third-party complaint of the petitioner. 37269

(2) Within seven days after filing a petition for removal, 37270  
the petitioner shall give written notice to the parties, and 37271  
shall file a copy of the petition with the clerk of the court in 37272  
which the action was brought originally. The filing effects the 37273  
removal of the action to the court of claims, and the clerk of 37274  
the court where the action was brought shall forward all papers 37275  
in the case to the court of claims. The court of claims shall 37276  
adjudicate all civil actions removed. The court may remand a 37277  
civil action to the court in which it originated upon a finding 37278  
that the removal petition does not justify removal, or upon a 37279  
finding that the state is no longer a party. 37280

(3) Bonds, undertakings, or security and injunctions, 37281  
attachments, sequestrations, or other orders issued prior to 37282  
removal remain in effect until dissolved or modified by the 37283  
court of claims. 37284

**Sec. 2907.15.** (A) As used in this section: 37285

(1) "Public retirement system" means the public employees 37286  
retirement system, state teachers retirement system, school 37287  
employees retirement system, Ohio police and fire pension fund, 37288  
state highway patrol retirement system, or a municipal 37289  
retirement system of a municipal corporation of this state. 37290

(2) "Government deferred compensation program" means such 37291  
a program offered by the ~~Ohio~~ public employees ~~deferred~~ 37292  
~~compensation retirement~~ board; a municipal corporation; or a 37293  
~~governmental~~ government unit, as defined in section 148.06 of 37294  
the Revised Code. 37295

(3) "Deferred compensation program participant" means a 37296  
"participating employee" or "continuing member," as defined in 37297  
section 148.01 of the Revised Code, or any other public employee 37298  
who has funds in a government deferred compensation program. 37299

(4) "Alternative retirement plan" means an alternative 37300  
retirement plan provided pursuant to Chapter 3305. of the 37301  
Revised Code. 37302

(5) "Prosecutor" has the same meaning as in section 37303  
2935.01 of the Revised Code. 37304

In any case in which a sentencing court orders restitution 37305  
to the victim under section 2929.18 or 2929.28 of the Revised 37306  
Code for a violation of section 2907.02, 2907.03, 2907.04, or 37307  
2907.05 of the Revised Code and in which the offender is a 37308  
government deferred compensation program participant, is an 37309  
electing employee, as defined in section 3305.01 of the Revised 37310  
Code, or is a member of, or receiving a pension, benefit, or 37311  
allowance, other than a survivorship benefit, from, a public 37312  
retirement system and committed the offense against a child, 37313  
student, patient, or other person with whom the offender had 37314  
contact in the context of the offender's public employment, at 37315  
the request of the victim the prosecutor shall file a motion 37316  
with the sentencing court specifying the government deferred 37317  
compensation program, alternative retirement plan, or public 37318  
retirement system and requesting that the court issue an order 37319  
requiring the government deferred compensation program, 37320  
alternative retirement plan, or public retirement system to 37321  
withhold the amount required as restitution from one or more of 37322  
the following: any payment to be made from a government deferred 37323  
compensation program, any payment or benefit under an 37324  
alternative retirement plan, or under a pension, annuity, 37325

allowance, or any other benefit, other than a survivorship 37326  
benefit, that has been or is in the future granted to the 37327  
offender; from any payment of accumulated employee contributions 37328  
standing to the offender's credit with the government deferred 37329  
compensation program, alternative retirement plan, or public 37330  
retirement system; or from any payment of any other amounts to 37331  
be paid to the offender pursuant to Chapter 145., 148., 742., 37332  
3307., 3309., or 5505. of the Revised Code on withdrawal of 37333  
contributions. The motion may be filed at any time subsequent to 37334  
the conviction of the offender or entry of a guilty plea. On the 37335  
filing of the motion, the clerk of the court in which the motion 37336  
is filed shall notify the offender and the government deferred 37337  
compensation program, alternative retirement plan, or public 37338  
retirement system, in writing, of all of the following: that the 37339  
motion was filed; that the offender will be granted a hearing on 37340  
the issuance of the requested order if the offender files a 37341  
written request for a hearing with the clerk prior to the 37342  
expiration of thirty days after the offender receives the 37343  
notice; that, if a hearing is requested, the court will schedule 37344  
a hearing as soon as possible and notify the offender and the 37345  
government deferred compensation program, alternative retirement 37346  
plan, or public retirement system of the date, time, and place 37347  
of the hearing; that, if a hearing is conducted, it will be 37348  
limited to a consideration of whether the offender can show good 37349  
cause why the order should not be issued; that, if a hearing is 37350  
conducted, the court will not issue the order if the court 37351  
determines, based on evidence presented at the hearing by the 37352  
offender, that there is good cause for the order not to be 37353  
issued; that the court will issue the order if a hearing is not 37354  
requested or if a hearing is conducted but the court does not 37355  
determine, based on evidence presented at the hearing by the 37356  
offender, that there is good cause for the order not to be 37357

issued; and that, if the order is issued, the government 37358  
deferred compensation program, alternative retirement plan, or 37359  
public retirement system specified in the motion will be 37360  
required to withhold the amount required as restitution from 37361  
payments to the offender. 37362

(B) In any case in which a motion requesting the issuance 37363  
of a withholding order as described in division (A) of this 37364  
section is filed, the offender may receive a hearing on the 37365  
motion by delivering a written request for a hearing to the 37366  
court prior to the expiration of thirty days after the 37367  
offender's receipt of the notice provided pursuant to division 37368  
(A) of this section. If the offender requests a hearing within 37369  
the prescribed time, the court shall schedule a hearing as soon 37370  
as possible after the request is made and notify the offender 37371  
and the government deferred compensation program, alternative 37372  
retirement plan, or public retirement system of the date, time, 37373  
and place of the hearing. A hearing scheduled under this 37374  
division shall be limited to a consideration of whether there is 37375  
good cause, based on evidence presented by the offender, for the 37376  
requested order not to be issued. If the court determines, based 37377  
on evidence presented by the offender, that there is good cause 37378  
for the order not to be issued, the court shall deny the motion 37379  
and shall not issue the order. Good cause for not issuing the 37380  
order includes a determination by the court that the order would 37381  
severely impact the offender's ability to support the offender's 37382  
dependents. 37383

If the offender does not request a hearing within the 37384  
prescribed time or the court conducts a hearing but does not 37385  
determine, based on evidence presented by the offender, that 37386  
there is good cause for the order not to be issued, the court 37387  
shall order the government deferred compensation program, 37388

alternative retirement plan, or public retirement system to 37389  
withhold the amount required as restitution from one or more of 37390  
the following: any payments to be made from a government 37391  
deferred compensation program, any payment or benefit under an 37392  
alternative retirement plan, or under a pension, annuity, 37393  
allowance, or under any other benefit, other than a survivorship 37394  
benefit, that has been or is in the future granted to the 37395  
offender; from any payment of accumulated employee contributions 37396  
standing to the offender's credit with the government deferred 37397  
compensation program, alternative retirement plan, or public 37398  
retirement system; or from any payment of any other amounts to 37399  
be paid to the offender upon withdrawal of contributions 37400  
pursuant to Chapter 145., 148., 742., 3307., 3309., or 5505. of 37401  
the Revised Code and to continue the withholding for that 37402  
purpose, in accordance with the order, out of each payment to be 37403  
made on or after the date of issuance of the order, until 37404  
further order of the court. On receipt of an order issued under 37405  
this division, the government deferred compensation program, 37406  
alternative retirement plan, or public retirement system shall 37407  
withhold the amount required as restitution, in accordance with 37408  
the order, from any such payments and immediately forward the 37409  
amount withheld to the clerk of the court in which the order was 37410  
issued for payment to the person to whom restitution is to be 37411  
made. The order shall not apply to any portion of payments made 37412  
from a government deferred compensation program, alternative 37413  
retirement plan, or public retirement system to a person other 37414  
than the offender pursuant to a previously issued domestic court 37415  
order. 37416

(C) Service of a notice required by division (A) or (B) of 37417  
this section shall be effected in the same manner as provided in 37418  
the Rules of Civil Procedure for the service of process. 37419



(D) Upon the filing of charges under section 2907.02, 37420  
2907.03, 2907.04, or 2907.05 of the Revised Code against a 37421  
person who is a deferred compensation program participant, an 37422  
electing employee participating in an alternative retirement 37423  
plan, or a member of, or receiving a pension benefit, or 37424  
allowance, other than a survivorship benefit, from a public 37425  
retirement system for an offense against a child, student, 37426  
patient, or other person with whom the offender had contact in 37427  
the context of the offender's public employment, the prosecutor 37428  
shall send written notice that charges have been filed against 37429  
that person to the appropriate government deferred compensation 37430  
program, alternative retirement plan, or public retirement 37431  
system. The notice shall specifically identify the person 37432  
charged. 37433

**Sec. 2909.05.** (A) No person shall knowingly cause serious 37434  
physical harm to an occupied structure or any of its contents. 37435

(B) (1) No person shall knowingly cause physical harm to 37436  
property that is owned or possessed by another, when either of 37437  
the following applies: 37438

(a) The property is used by its owner or possessor in the 37439  
owner's or possessor's profession, business, trade, or 37440  
occupation, and the value of the property or the amount of 37441  
physical harm involved is one thousand dollars or more; 37442

(b) Regardless of the value of the property or the amount 37443  
of damage done, the property or its equivalent is necessary in 37444  
order for its owner or possessor to engage in the owner's or 37445  
possessor's profession, business, trade, or occupation. 37446

(2) No person shall knowingly cause serious physical harm 37447  
to property that is owned, leased, or controlled by a 37448

governmental entity. A governmental entity includes, but is not 37449  
limited to, the state or a political subdivision of the state, a 37450  
school district, the board of trustees of a public library or 37451  
public university, or any other body corporate and politic 37452  
responsible for governmental activities only in geographical 37453  
areas smaller than that of the state. 37454

(C) No person, without privilege to do so, shall knowingly 37455  
cause serious physical harm to any tomb, monument, gravestone, 37456  
or other similar structure that is used as a memorial for the 37457  
dead; to any fence, railing, curb, or other property that is 37458  
used to protect, enclose, or ornament any cemetery; or to a 37459  
cemetery. 37460

(D) No person, without privilege to do so, shall knowingly 37461  
cause physical harm to a place of burial by breaking and 37462  
entering into a tomb, crypt, casket, or other structure that is 37463  
used as a memorial for the dead or as an enclosure for the dead. 37464

(E) Whoever violates this section is guilty of vandalism. 37465  
Except as otherwise provided in this division, vandalism is a 37466  
felony of the fifth degree that is punishable by a fine of up to 37467  
two thousand five hundred dollars in addition to the penalties 37468  
specified for a felony of the fifth degree in sections 2929.11 37469  
to 2929.18 of the Revised Code. If the value of the property or 37470  
the amount of physical harm involved is seven thousand five 37471  
hundred dollars or more but less than one hundred fifty thousand 37472  
dollars, vandalism is a felony of the fourth degree. If the 37473  
value of the property or the amount of physical harm involved is 37474  
one hundred fifty thousand dollars or more, vandalism is a 37475  
felony of the third degree. 37476

(F) For purposes of this section: 37477

(1) "Cemetery" means any place of burial and includes 37478  
burial sites under section 149.3010 of the Revised Code and 37479  
burial sites that contain American Indian burial objects placed 37480  
with or containing American Indian human remains. 37481

(2) "Serious physical harm" means physical harm to 37482  
property that results in loss to the value of the property of 37483  
one thousand dollars or more. 37484

**Sec. 2913.401.** (A) As used in this section: 37485

(1) "Medicaid services" has the same meaning as in section 37486  
5164.01 of the Revised Code. 37487

(2) "Property" means any real or personal property or 37488  
other asset in which a person has any legal title or interest. 37489

(B) No person shall knowingly do any of the following in 37490  
an application for enrollment in the medicaid program or in a 37491  
document that requires a disclosure of assets for the purpose of 37492  
determining eligibility for the medicaid program: 37493

(1) Make or cause to be made a false or misleading 37494  
statement; 37495

(2) Conceal an interest in property; 37496

(3) (a) Except as provided in division (B) (3) (b) of this 37497  
section, fail to disclose a transfer of property that occurred 37498  
during the period beginning thirty-six months before submission 37499  
of the application or document and ending on the date the 37500  
application or document was submitted; 37501

(b) Fail to disclose a transfer of property that occurred 37502  
during the period beginning sixty months before submission of 37503  
the application or document and ending on the date the 37504  
application or document was submitted and that was made to an 37505

irrevocable trust a portion of which is not distributable to the 37506  
applicant for or recipient of medicaid or to a revocable trust. 37507

(C) (1) Whoever violates this section is guilty of medicaid 37508  
eligibility fraud. Except as otherwise provided in this 37509  
division, a violation of this section is a misdemeanor of the 37510  
first degree. If the value of the medicaid services paid as a 37511  
result of the violation is one thousand dollars or more and is 37512  
less than seven thousand five hundred dollars, a violation of 37513  
this section is a felony of the fifth degree. If the value of 37514  
the medicaid services paid as a result of the violation is seven 37515  
thousand five hundred dollars or more and is less than one 37516  
hundred fifty thousand dollars, a violation of this section is a 37517  
felony of the fourth degree. If the value of the medicaid 37518  
services paid as a result of the violation is one hundred fifty 37519  
thousand dollars or more, a violation of this section is a 37520  
felony of the third degree. 37521

(2) In addition to imposing a sentence under division (C) 37522  
(1) of this section, the court ~~shall~~may order that a person who 37523  
is guilty of medicaid eligibility fraud make restitution in the 37524  
~~full~~ amount of two hundred per cent of any medicaid services 37525  
paid on behalf of an applicant for or recipient of medicaid for 37526  
which the applicant or recipient was not eligible, plus interest 37527  
at the rate applicable to judgments on unreimbursed amounts from 37528  
the date on which the medicaid services were paid to the date on 37529  
which restitution is made. 37530

(3) The remedies and penalties provided in this section 37531  
are not exclusive and do not preclude the use of any other 37532  
criminal or civil remedy for any act that is in violation of 37533  
this section. 37534

(D) This section does not apply to a person who fully 37535

disclosed in an application for medicaid or in a document that 37536  
requires a disclosure of assets for the purpose of determining 37537  
eligibility for medicaid all of the interests in property of the 37538  
applicant for or recipient of medicaid, all transfers of 37539  
property by the applicant for or recipient of medicaid, and the 37540  
circumstances of all those transfers. 37541

(E) Any amounts of medicaid services recovered as 37542  
restitution under this section and any interest on those amounts 37543  
shall be credited to the general revenue fund, and any 37544  
applicable federal share shall be returned to the appropriate 37545  
agency or department of the United States. 37546

**Sec. 2915.01.** As used in this chapter: 37547

(A) "Bookmaking" means the business of receiving or paying 37548  
off bets. 37549

(B) "Bet" means the hazarding of anything of value upon 37550  
the result of an event, undertaking, or contingency, but does 37551  
not include a bona fide business risk. 37552

(C) "Scheme of chance" means a slot machine unless 37553  
authorized under Chapter 3772. of the Revised Code, lottery 37554  
unless authorized under Chapter 3770. of the Revised Code, 37555  
numbers game, pool conducted for profit, or other scheme in 37556  
which a participant gives a valuable consideration for a chance 37557  
to win a prize, but does not include bingo, a skill-based 37558  
amusement machine, or a pool not conducted for profit. "Scheme 37559  
of chance" includes the use of an electronic device to reveal 37560  
the results of a game entry if valuable consideration is paid, 37561  
directly or indirectly, for a chance to win a prize. Valuable 37562  
consideration is deemed to be paid for a chance to win a prize 37563  
in the following instances: 37564

(1) Less than fifty per cent of the goods or services sold by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one location;

(2) Less than fifty per cent of participants who purchase goods or services at any one location do not accept, use, or redeem the goods or services sold or purportedly sold;

(3) More than fifty per cent of prizes at any one location are revealed to participants through an electronic device simulating a game of chance or a "casino game" as defined in section 3772.01 of the Revised Code;

(4) The good or service sold by a scheme of chance operator in exchange for a game entry cannot be used or redeemed in the manner advertised;

(5) A participant pays more than fair market value for goods or services offered by a scheme of chance operator in order to receive one or more game entries;

(6) A participant may use the electronic device to purchase additional game entries;

(7) A participant may purchase additional game entries by using points or credits won as prizes while using the electronic device;

(8) A scheme of chance operator pays out in prize money more than twenty per cent of the gross revenue received at one location; or

(9) A participant makes a purchase or exchange in order to obtain any good or service that may be used to facilitate play on the electronic device.

As used in this division, "electronic device" means a

mechanical, video, digital, or electronic machine or device that 37593  
is capable of displaying information on a screen or other 37594  
mechanism and that is owned, leased, or otherwise possessed by 37595  
any person conducting a scheme of chance, or by that person's 37596  
partners, affiliates, subsidiaries, or contractors. "Electronic 37597  
device" does not include an electronic instant bingo system. 37598

(D) "Game of chance" means poker, craps, roulette, or 37599  
other game in which a player gives anything of value in the hope 37600  
of gain, the outcome of which is determined largely by chance, 37601  
but does not include bingo. 37602

(E) "Game of chance conducted for profit" means any game 37603  
of chance designed to produce income for the person who conducts 37604  
or operates the game of chance, but does not include bingo. 37605

(F) "Gambling device" means any of the following: 37606

(1) A book, totalizer, or other equipment for recording 37607  
bets; 37608

(2) A ticket, token, or other device representing a 37609  
chance, share, or interest in a scheme of chance or evidencing a 37610  
bet; 37611

(3) A deck of cards, dice, gaming table, roulette wheel, 37612  
slot machine, or other apparatus designed for use in connection 37613  
with a game of chance; 37614

(4) Any equipment, device, apparatus, or paraphernalia 37615  
specially designed for gambling purposes; 37616

(5) Bingo supplies sold or otherwise provided, or used, in 37617  
violation of this chapter. 37618

(G) "Gambling offense" means any of the following: 37619

(1) A violation of this chapter;	37620
(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any provision of this chapter or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;	37621 37622 37623 37624 37625
(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;	37626 37627 37628
(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G) (1), (2), or (3) of this section.	37629 37630 37631
(H) Except as otherwise provided in this chapter, "charitable organization" means either of the following:	37632 37633
(1) An organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c) (3) of the Internal Revenue Code;	37634 37635 37636
(2) A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under subsection 501(c) (4), (c) (7), (c) (8), (c) (10), or (c) (19) of the Internal Revenue Code.	37637 37638 37639 37640 37641
To qualify as a "charitable organization," an organization shall have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under section 2915.08 of the Revised Code or the conducting of any game of chance as provided in division (D) of section 2915.02 of the Revised Code.	37642 37643 37644 37645 37646 37647 37648



(I) "Religious organization" means any church, body of  
communicants, or group that is not organized or operated for  
profit and that gathers in common membership for regular worship  
and religious observances.

(J) "Veteran's organization" means any individual post or  
state headquarters of a national veteran's association or an  
auxiliary unit of any individual post of a national veteran's  
association, which post, state headquarters, or auxiliary unit  
is incorporated as a nonprofit corporation and either has  
received a letter from the state headquarters of the national  
veteran's association indicating that the individual post or  
auxiliary unit is in good standing with the national veteran's  
association or has received a letter from the national veteran's  
association indicating that the state headquarters is in good  
standing with the national veteran's association. As used in  
this division, "national veteran's association" means any  
veteran's association that has been in continuous existence as  
such for a period of at least five years and either is  
incorporated by an act of the United States congress or has a  
national dues-paying membership of at least five thousand  
persons.

(K) "Volunteer firefighter's organization" means any  
organization of volunteer firefighters, as defined in section  
146.01 of the Revised Code, that is organized and operated  
exclusively to provide financial support for a volunteer fire  
department or a volunteer fire company and that is recognized or  
ratified by a county, municipal corporation, or township.

(L) "Fraternal organization" means any society, order,  
state headquarters, or association within this state, except a  
college or high school fraternity, that is not organized for

profit, that is a branch, lodge, or chapter of a national or 37679  
state organization, that exists exclusively for the common 37680  
business or sodality of its members. 37681

(M) "Volunteer rescue service organization" means any 37682  
organization of volunteers organized to function as an emergency 37683  
medical service organization, as defined in section 4765.01 of 37684  
the Revised Code. 37685

(N) "Charitable bingo game" means any bingo game described 37686  
in division (O) (1) or (2) of this section that is conducted by a 37687  
charitable organization that has obtained a license pursuant to 37688  
section 2915.08 of the Revised Code and the proceeds of which 37689  
are used for a charitable purpose. 37690

(O) "Bingo" means either of the following: 37691

(1) A game with all of the following characteristics: 37692

(a) The participants use bingo cards or sheets, including 37693  
paper formats and electronic representation or image formats, 37694  
that are divided into twenty-five spaces arranged in five 37695  
horizontal and five vertical rows of spaces, with each space, 37696  
except the central space, being designated by a combination of a 37697  
letter and a number and with the central space being designated 37698  
as a free space. 37699

(b) The participants cover the spaces on the bingo cards 37700  
or sheets that correspond to combinations of letters and numbers 37701  
that are announced by a bingo game operator. 37702

(c) A bingo game operator announces combinations of 37703  
letters and numbers that appear on objects that a bingo game 37704  
operator selects by chance, either manually or mechanically, 37705  
from a receptacle that contains seventy-five objects at the 37706  
beginning of each game, each object marked by a different 37707

combination of a letter and a number that corresponds to one of 37708  
the seventy-five possible combinations of a letter and a number 37709  
that can appear on the bingo cards or sheets. 37710

(d) The winner of the bingo game includes any participant 37711  
who properly announces during the interval between the 37712  
announcements of letters and numbers as described in division 37713  
(O) (1) (c) of this section, that a predetermined and preannounced 37714  
pattern of spaces has been covered on a bingo card or sheet 37715  
being used by the participant. 37716

(2) Instant bingo, electronic instant bingo, and raffles. 37717

(P) "Conduct" means to back, promote, organize, manage, 37718  
carry on, sponsor, or prepare for the operation of bingo or a 37719  
game of chance, a scheme of chance, or a sweepstakes. 37720

(Q) "Bingo game operator" means any person, except 37721  
security personnel, who performs work or labor at the site of 37722  
bingo, including, but not limited to, collecting money from 37723  
participants, handing out bingo cards or sheets or objects to 37724  
cover spaces on bingo cards or sheets, selecting from a 37725  
receptacle the objects that contain the combination of letters 37726  
and numbers that appear on bingo cards or sheets, calling out 37727  
the combinations of letters and numbers, distributing prizes, 37728  
selling or redeeming instant bingo tickets or cards, selling or 37729  
redeeming electronic instant bingo tickets, credits, or 37730  
vouchers, accessing an electronic instant bingo system other 37731  
than as a participant, supervising the operation of a punch 37732  
board, selling raffle tickets, selecting raffle tickets from a 37733  
receptacle and announcing the winning numbers in a raffle, and 37734  
preparing, selling, and serving food or beverages. "Bingo game 37735  
operator" does not include a person who is installing, 37736  
maintaining, updating, or repairing an electronic instant bingo 37737

system. 37738

(R) "Participant" means any person who plays bingo. 37739

(S) "Bingo session" means a period that includes both of 37740  
the following: 37741

(1) Not to exceed five continuous hours for the conduct of 37742  
one or more games described in division (O) (1) of this section, 37743  
instant bingo, and electronic instant bingo; 37744

(2) A period for the conduct of instant bingo and 37745  
electronic instant bingo for not more than two hours before and 37746  
not more than two hours after the period described in division 37747  
(S) (1) of this section. 37748

(T) "Gross receipts" means all money or assets, including 37749  
admission fees, that a person receives from bingo without the 37750  
deduction of any amounts for prizes paid out or for the expenses 37751  
of conducting bingo. "Gross receipts" does not include any money 37752  
directly taken in from the sale of food or beverages by a 37753  
charitable organization conducting bingo, or by a bona fide 37754  
auxiliary unit or society of a charitable organization 37755  
conducting bingo, provided all of the following apply: 37756

(1) The auxiliary unit or society has been in existence as 37757  
a bona fide auxiliary unit or society of the charitable 37758  
organization for at least two years prior to conducting bingo. 37759

(2) The person who purchases the food or beverage receives 37760  
nothing of value except the food or beverage and items 37761  
customarily received with the purchase of that food or beverage. 37762

(3) The food and beverages are sold at customary and 37763  
reasonable prices. 37764

(U) "Security personnel" includes any person who either is 37765

a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to sections 109.71 to 109.79 of the Revised Code and who is hired to provide security for the premises on which bingo is conducted.

(V) "Charitable purpose" means that the net profit of bingo, other than instant bingo or electronic instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:

(1) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

(2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five per cent of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in division (B)(12) of section 5739.02 of the Revised Code, is used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) of section 5739.02 of the Revised

Code, is donated to a governmental agency, or is used for 37796  
nonprofit youth activities, the purchase of United States or 37797  
Ohio flags that are donated to schools, youth groups, or other 37798  
bona fide nonprofit organizations, promotion of patriotism, or 37799  
disaster relief; 37800

(3) A fraternal organization that has been in continuous 37801  
existence in this state for fifteen years and that uses the net 37802  
profit exclusively for religious, charitable, scientific, 37803  
literary, or educational purposes, or for the prevention of 37804  
cruelty to children or animals, if contributions for such use 37805  
would qualify as a deductible charitable contribution under 37806  
subsection 170 of the Internal Revenue Code; 37807

(4) A volunteer firefighter's organization that uses the 37808  
net profit for the purposes set forth in division (K) of this 37809  
section. 37810

(W) "Internal Revenue Code" means the "Internal Revenue 37811  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 37812  
amended. 37813

(X) "Youth athletic organization" means any organization, 37814  
not organized for profit, that is organized and operated 37815  
exclusively to provide financial support to, or to operate, 37816  
athletic activities for persons who are twenty-one years of age 37817  
or younger by means of sponsoring, organizing, operating, or 37818  
contributing to the support of an athletic team, club, league, 37819  
or association. 37820

(Y) "Youth athletic park organization" means any 37821  
organization, not organized for profit, that satisfies both of 37822  
the following: 37823

(1) It owns, operates, and maintains playing fields that 37824

satisfy both of the following: 37825

(a) The playing fields are used for athletic activities by 37826  
one or more organizations, not organized for profit, each of 37827  
which is organized and operated exclusively to provide financial 37828  
support to, or to operate, athletic activities for persons who 37829  
are eighteen years of age or younger by means of sponsoring, 37830  
organizing, operating, or contributing to the support of an 37831  
athletic team, club, league, or association. 37832

(b) The playing fields are not used for any profit-making 37833  
activity at any time during the year. 37834

(2) It uses the proceeds of bingo it conducts exclusively 37835  
for the operation, maintenance, and improvement of its playing 37836  
fields of the type described in division (Y)(1) of this section. 37837

(Z) "Bingo supplies" means bingo cards or sheets; instant 37838  
bingo tickets or cards; electronic bingo aids; raffle tickets; 37839  
punch boards; seal cards; instant bingo ticket dispensers; 37840  
electronic instant bingo systems; and devices for selecting or 37841  
displaying the combination of bingo letters and numbers or 37842  
raffle tickets. Items that are "bingo supplies" are not gambling 37843  
devices if sold or otherwise provided, and used, in accordance 37844  
with this chapter. For purposes of this chapter, "bingo 37845  
supplies" are not to be considered equipment used to conduct a 37846  
bingo game. 37847

(AA) "Instant bingo" means a form of bingo that shall use 37848  
folded or banded tickets or paper cards with perforated break- 37849  
open tabs, a face of which is covered or otherwise hidden from 37850  
view to conceal a number, letter, or symbol, or set of numbers, 37851  
letters, or symbols, some of which have been designated in 37852  
advance as prize winners, and may also include games in which 37853

some winners are determined by the random selection of one or 37854  
more bingo numbers by the use of a seal card or bingo blower. 37855  
"Instant bingo" also includes a punch board game. In all 37856  
"instant bingo" the prize amount and structure shall be 37857  
predetermined. "Instant bingo" does not include electronic 37858  
instant bingo or any device that is activated by the insertion 37859  
of a coin, currency, token, or an equivalent, and that contains 37860  
as one of its components a video display monitor that is capable 37861  
of displaying numbers, letters, symbols, or characters in 37862  
winning or losing combinations. 37863

(BB) "Seal card" means a form of instant bingo that uses 37864  
instant bingo tickets in conjunction with a board or placard 37865  
that contains one or more seals that, when removed or opened, 37866  
reveal predesignated winning numbers, letters, or symbols. 37867

(CC) "Raffle" means a form of bingo in which the one or 37868  
more prizes are won by one or more persons who have purchased a 37869  
raffle ticket. The one or more winners of the raffle are 37870  
determined by drawing a ticket stub or other detachable section 37871  
from a receptacle containing ticket stubs or detachable sections 37872  
corresponding to all tickets sold for the raffle. "Raffle" does 37873  
not include the drawing of a ticket stub or other detachable 37874  
section of a ticket purchased to attend a professional sporting 37875  
event if both of the following apply: 37876

(1) The ticket stub or other detachable section is used to 37877  
select the winner of a free prize given away at the professional 37878  
sporting event; and 37879

(2) The cost of the ticket is the same as the cost of a 37880  
ticket to the professional sporting event on days when no free 37881  
prize is given away. 37882



(DD) "Punch board" means a form of instant bingo that uses a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.

(EE) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.

(FF) "Net profit" means gross profit minus expenses.

(GG) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:

(1) The purchase or lease of bingo supplies;

(2) The annual license fee required under section 2915.08 of the Revised Code;

(3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;

(4) Audits and accounting services;

(5) Safes;

(6) Cash registers;

(7) Hiring security personnel;

(8) Advertising bingo;

(9) Renting premises in which to conduct a bingo session;

(10) Tables and chairs;

(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;	37909 37910 37911 37912 37913
(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;	37914 37915
(13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (F)(1) of section 2915.08 of the Revised Code.	37916 37917 37918 37919
(HH) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.	37920 37921 37922
(II) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	37923 37924 37925 37926
(JJ) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	37927 37928 37929 37930
(KK) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:	37931 37932
(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;	37933 37934 37935
(2) Modifies, converts, adds to, or removes parts from the	37936

bingo supplies to further their promotion or sale for use in 37937  
this state. 37938

(LL) "Manufacturer" means any person who assembles 37939  
completed bingo supplies from raw materials, other items, or 37940  
subparts or who modifies, converts, adds to, or removes parts 37941  
from bingo supplies to further their promotion or sale. 37942

(MM) "Gross annual revenues" means the annual gross 37943  
receipts derived from the conduct of bingo described in division 37944  
(O) (1) of this section plus the annual net profit derived from 37945  
the conduct of bingo described in division (O) (2) of this 37946  
section. 37947

(NN) "Instant bingo ticket dispenser" means a mechanical 37948  
device that dispenses an instant bingo ticket or card as the 37949  
sole item of value dispensed and that has the following 37950  
characteristics: 37951

(1) It is activated upon the insertion of United States 37952  
currency. 37953

(2) It performs no gaming functions. 37954

(3) It does not contain a video display monitor or 37955  
generate noise. 37956

(4) It is not capable of displaying any numbers, letters, 37957  
symbols, or characters in winning or losing combinations. 37958

(5) It does not simulate or display rolling or spinning 37959  
reels. 37960

(6) It is incapable of determining whether a dispensed 37961  
bingo ticket or card is a winning or nonwinning ticket or card 37962  
and requires a winning ticket or card to be paid by a bingo game 37963  
operator. 37964

(7) It may provide accounting and security features to aid 37965  
in accounting for the instant bingo tickets or cards it 37966  
dispenses. 37967

(8) It is not part of an electronic network and is not 37968  
interactive. 37969

(OO) (1) "Electronic bingo aid" means an electronic device 37970  
used by a participant to monitor bingo cards or sheets purchased 37971  
at the time and place of a bingo session and that does all of 37972  
the following: 37973

(a) It provides a means for a participant to input numbers 37974  
and letters announced by a bingo caller. 37975

(b) It compares the numbers and letters entered by the 37976  
participant to the bingo faces previously stored in the memory 37977  
of the device. 37978

(c) It identifies a winning bingo pattern. 37979

(2) "Electronic bingo aid" does not include any device 37980  
into which a coin, currency, token, or an equivalent is inserted 37981  
to activate play. 37982

(PP) "Deal" means a single game of instant bingo tickets, 37983  
or a single game of electronic instant bingo tickets, all with 37984  
the same serial number. 37985

(QQ) (1) "Slot machine" means either of the following: 37986

(a) Any mechanical, electronic, video, or digital device 37987  
that is capable of accepting anything of value, directly or 37988  
indirectly, from or on behalf of a player who gives the thing of 37989  
value in the hope of gain; 37990

(b) Any mechanical, electronic, video, or digital device 37991

that is capable of accepting anything of value, directly or 37992  
indirectly, from or on behalf of a player to conduct bingo or a 37993  
scheme or game of chance. 37994

(2) "Slot machine" does not include a skill-based 37995  
amusement machine, an instant bingo ticket dispenser, or an 37996  
electronic instant bingo system. 37997

~~(RR) "Net profit from the proceeds of the sale of instant 37998  
bingo or electronic instant bingo" means gross profit minus the 37999  
ordinary, necessary, and reasonable expense expended for the 38000  
purchase of bingo supplies for the purpose of conducting instant 38001  
bingo or electronic instant bingo, and, in the case of instant 38002  
bingo or electronic instant bingo conducted by a veteran's, 38003  
fraternal, or sporting organization, minus the payment by that 38004  
organization of real property taxes and assessments levied on a 38005  
premises on which instant bingo or electronic instant bingo is 38006  
conducted.— 38007~~

~~(SS)~~—"Charitable instant bingo organization" means an 38008  
organization that is exempt from federal income taxation under 38009  
subsection 501(a) and described in subsection 501(c)(3) of the 38010  
Internal Revenue Code and is a charitable organization as 38011  
defined in this section. A "charitable instant bingo 38012  
organization" does not include a charitable organization that is 38013  
exempt from federal income taxation under subsection 501(a) and 38014  
described in subsection 501(c)(3) of the Internal Revenue Code 38015  
and that is created by a veteran's organization, a fraternal 38016  
organization, or a sporting organization in regards to bingo 38017  
conducted or assisted by a veteran's organization, a fraternal 38018  
organization, or a sporting organization pursuant to section 38019  
2915.13 of the Revised Code. 38020

~~(TT)~~ (SS) "Game flare" means the board or placard, or 38021

electronic representation of a board or placard, that 38022  
accompanies each deal of instant bingo or electronic instant 38023  
bingo tickets and that includes the following information for 38024  
the game: 38025

(1) The name of the game; 38026

(2) The manufacturer's name or distinctive logo; 38027

(3) The form number; 38028

(4) The ticket count; 38029

(5) The prize structure, including the number of winning 38030  
tickets by denomination and the respective winning symbol or 38031  
number combinations for the winning tickets; 38032

(6) The cost per play; 38033

(7) The serial number of the game. 38034

~~(UU) (1)~~ (TT) (1) "Skill-based amusement machine" means a 38035  
mechanical, video, digital, or electronic device that rewards 38036  
the player or players, if at all, only with merchandise prizes 38037  
or with redeemable vouchers redeemable only for merchandise 38038  
prizes, provided that with respect to rewards for playing the 38039  
game all of the following apply: 38040

(a) The wholesale value of a merchandise prize awarded as 38041  
a result of the single play of a machine does not exceed ten 38042  
dollars; 38043

(b) Redeemable vouchers awarded for any single play of a 38044  
machine are not redeemable for a merchandise prize with a 38045  
wholesale value of more than ten dollars; 38046

(c) Redeemable vouchers are not redeemable for a 38047  
merchandise prize that has a wholesale value of more than ten 38048

dollars times the fewest number of single plays necessary to 38049  
accrue the redeemable vouchers required to obtain that prize; 38050  
and 38051

(d) Any redeemable vouchers or merchandise prizes are 38052  
distributed at the site of the skill-based amusement machine at 38053  
the time of play. 38054

A card for the purchase of gasoline is a redeemable 38055  
voucher for purposes of division ~~(UU) (1)~~ (TT) (1) of this section 38056  
even if the skill-based amusement machine for the play of which 38057  
the card is awarded is located at a place where gasoline may not 38058  
be legally distributed to the public or the card is not 38059  
redeemable at the location of, or at the time of playing, the 38060  
skill-based amusement machine. 38061

(2) A device shall not be considered a skill-based 38062  
amusement machine and shall be considered a slot machine if it 38063  
pays cash or one or more of the following apply: 38064

(a) The ability of a player to succeed at the game is 38065  
impacted by the number or ratio of prior wins to prior losses of 38066  
players playing the game. 38067

(b) Any reward of redeemable vouchers is not based solely 38068  
on the player achieving the object of the game or the player's 38069  
score; 38070

(c) The outcome of the game, or the value of the 38071  
redeemable voucher or merchandise prize awarded for winning the 38072  
game, can be controlled by a source other than any player 38073  
playing the game. 38074

(d) The success of any player is or may be determined by a 38075  
chance event that cannot be altered by player actions. 38076

(e) The ability of any player to succeed at the game is 38077  
determined by game features not visible or known to the player. 38078

(f) The ability of the player to succeed at the game is 38079  
impacted by the exercise of a skill that no reasonable player 38080  
could exercise. 38081

(3) All of the following apply to any machine that is 38082  
operated as described in division ~~(UU) (1)~~ (TT) (1) of this 38083  
section: 38084

(a) As used in division ~~(UU)~~ (TT) of this section, "game" 38085  
and "play" mean one event from the initial activation of the 38086  
machine until the results of play are determined without payment 38087  
of additional consideration. An individual utilizing a machine 38088  
that involves a single game, play, contest, competition, or 38089  
tournament may be awarded redeemable vouchers or merchandise 38090  
prizes based on the results of play. 38091

(b) Advance play for a single game, play, contest, 38092  
competition, or tournament participation may be purchased. The 38093  
cost of the contest, competition, or tournament participation 38094  
may be greater than a single noncontest, competition, or 38095  
tournament play. 38096

(c) To the extent that the machine is used in a contest, 38097  
competition, or tournament, that contest, competition, or 38098  
tournament has a defined starting and ending date and is open to 38099  
participants in competition for scoring and ranking results 38100  
toward the awarding of redeemable vouchers or merchandise prizes 38101  
that are stated prior to the start of the contest, competition, 38102  
or tournament. 38103

(4) For purposes of division ~~(UU) (1)~~ (TT) (1) of this 38104  
section, the mere presence of a device, such as a pin-setting, 38105



ball-releasing, or scoring mechanism, that does not contribute 38106  
to or affect the outcome of the play of the game does not make 38107  
the device a skill-based amusement machine. 38108

~~(VV)~~ (UU) "Merchandise prize" means any item of value, but 38109  
shall not include any of the following: 38110

(1) Cash, gift cards, or any equivalent thereof; 38111

(2) Plays on games of chance, state lottery tickets, or 38112  
bingo; 38113

(3) Firearms, tobacco, or alcoholic beverages; or 38114

(4) A redeemable voucher that is redeemable for any of the 38115  
items listed in division ~~(VV)~~ (1) (UU) (1), (2), or (3) of this 38116  
section. 38117

~~(WW)~~ (VV) "Redeemable voucher" means any ticket, token, 38118  
coupon, receipt, or other noncash representation of value. 38119

~~(XX)~~ (WW) "Pool not conducted for profit" means a scheme 38120  
in which a participant gives a valuable consideration for a 38121  
chance to win a prize and the total amount of consideration 38122  
wagered is distributed to a participant or participants. 38123

~~(YY)~~ (XX) "Sporting organization" means a hunting, 38124  
fishing, or trapping organization, other than a college or high 38125  
school fraternity or sorority, that is not organized for profit, 38126  
that is affiliated with a state or national sporting 38127  
organization, including but not limited to, the league of Ohio 38128  
sportsmen, and that has been in continuous existence in this 38129  
state for a period of three years. 38130

~~(ZZ)~~ (YY) "Community action agency" has the same meaning 38131  
as in section ~~122.66~~ 5101.311 of the Revised Code. 38132

~~(AAA) (1)~~ (ZZ) (1) "Sweepstakes terminal device" means a 38133  
mechanical, video, digital, or electronic machine or device that 38134  
is owned, leased, or otherwise possessed by any person 38135  
conducting a sweepstakes, or by that person's partners, 38136  
affiliates, subsidiaries, or contractors, that is intended to be 38137  
used by a sweepstakes participant, and that is capable of 38138  
displaying information on a screen or other mechanism. A device 38139  
is a sweepstakes terminal device if any of the following apply: 38140

(a) The device uses a simulated game terminal as a 38141  
representation of the prizes associated with the results of the 38142  
sweepstakes entries. 38143

(b) The device utilizes software such that the simulated 38144  
game influences or determines the winning of or value of the 38145  
prize. 38146

(c) The device selects prizes from a predetermined finite 38147  
pool of entries. 38148

(d) The device utilizes a mechanism that reveals the 38149  
content of a predetermined sweepstakes entry. 38150

(e) The device predetermines the prize results and stores 38151  
those results for delivery at the time the sweepstakes entry 38152  
results are revealed. 38153

(f) The device utilizes software to create a game result. 38154

(g) The device reveals the prize incrementally, even 38155  
though the device does not influence the awarding of the prize 38156  
or the value of any prize awarded. 38157

(h) The device determines and associates the prize with an 38158  
entry or entries at the time the sweepstakes is entered. 38159

(2) As used in this division and in section 2915.02 of the 38160

Revised Code:	38161
(a) "Enter" means the act by which a person becomes eligible to receive any prize offered in a sweepstakes.	38162 38163
(b) "Entry" means one event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed.	38164 38165 38166
(c) "Prize" means any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.	38167 38168 38169 38170 38171
(d) "Sweepstakes terminal device facility" means any location in this state where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in division (G) of section 2915.02 of the Revised Code.	38172 38173 38174 38175
<del>(BBB)</del> <u>(AAA)</u> "Sweepstakes" means any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. "Sweepstakes" does not include bingo as authorized under this chapter, pari-mutuel wagering as authorized by Chapter 3769. of the Revised Code, lotteries conducted by the state lottery commission as authorized by Chapter 3770. of the Revised Code, and casino gaming as authorized by Chapter 3772. of the Revised Code.	38176 38177 38178 38179 38180 38181 38182 38183 38184 38185
<del>(CCC) (1)</del> <u>(BBB) (1)</u> "Electronic instant bingo" means a form of bingo that consists of an electronic or digital representation of instant bingo in which a participant wins a prize if the participant's electronic instant bingo ticket	38186 38187 38188 38189

contains a combination of numbers or symbols that was designated 38190  
in advance as a winning combination, and to which all of the 38191  
following apply: 38192

(a) Each deal has a predetermined, finite number of 38193  
winning and losing tickets and a predetermined prize amount and 38194  
deal structure, provided that there may be multiple winning 38195  
combinations in each deal and multiple winning tickets. 38196

(b) Each electronic instant bingo ticket within a deal has 38197  
a unique serial number that is not regenerated. 38198

(c) Each electronic instant bingo ticket within a deal is 38199  
sold for the same price. 38200

(d) After a participant purchases an electronic instant 38201  
bingo ticket, the combination of numbers or symbols on the 38202  
ticket is revealed to the participant. 38203

(e) The reveal of numbers or symbols on the ticket may 38204  
incorporate an entertainment or bonus theme, provided that the 38205  
reveal does not include spinning reels that resemble a slot 38206  
machine. 38207

(f) The reveal theme, if any, does not require additional 38208  
consideration or award any prize other than any predetermined 38209  
prize associated with the electronic instant bingo ticket. 38210

(2) "Electronic instant bingo" shall not include any of 38211  
the following: 38212

(a) Any game, entertainment, or bonus theme that 38213  
replicates or simulates any of the following: 38214

(i) The gambling games of keno, blackjack, roulette, 38215  
poker, craps, other casino-style table games; 38216

(ii) Horse racing;	38217
(iii) Gambling games offered in this state on slot machines or video lottery terminals. As used in this division, "video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.	38218 38219 38220 38221
(b) Any device operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more rotating reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to a rest;	38222 38223 38224 38225 38226 38227 38228
(c) Any device that includes a coin or token slot, tray, or hopper and the ability to dispense coins, cash, tokens, or anything of value other than a credit ticket voucher.	38229 38230 38231
<del>(DDD)</del> -(CCC) "Electronic instant bingo system" means both of the following:	38232 38233
(1) A mechanical, electronic, digital, or video device and associated software to which all of the following apply:	38234 38235
(a) It is used by not more than one player at a time to play electronic instant bingo on a single screen that is physically connected to the device;	38236 38237 38238
(b) It is located on the premises of the principal place of business of a veteran's- <del>or</del> , <u>fraternal, or sporting</u> organization that holds a type II or type III bingo license to conduct electronic instant bingo at that location issued under section 2915.08 of the Revised Code.	38239 38240 38241 38242 38243
(2) Any associated equipment or software used to manage,	38244

monitor, or document any aspect of electronic instant bingo.	38245
<b>Sec. 2915.02.</b> (A) No person shall do any of the following:	38246
(1) Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking;	38247 38248
(2) Establish, promote, or operate or knowingly engage in conduct that facilitates any game of chance conducted for profit or any scheme of chance;	38249 38250 38251
(3) Knowingly procure, transmit, exchange, or engage in conduct that facilitates the procurement, transmission, or exchange of information for use in establishing odds or determining winners in connection with bookmaking or with any game of chance conducted for profit or any scheme of chance;	38252 38253 38254 38255 38256
(4) Engage in betting or in playing any scheme or game of chance as a substantial source of income or livelihood;	38257 38258
(5) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility and either:	38259 38260 38261
(a) Give to another person any item described in division- <del>(VV)</del> <del>(1)</del> <u>(UU)</u> (1), (2), (3), or (4) of section 2915.01 of the Revised Code as a prize for playing or participating in a sweepstakes; or	38262 38263 38264 38265
(b) Give to another person any merchandise prize, or a redeemable voucher for a merchandise prize, the wholesale value of which is in excess of ten dollars and which is awarded as a single entry for playing or participating in a sweepstakes. Redeemable vouchers shall not be redeemable for a merchandise prize that has a wholesale value of more than ten dollars.	38266 38267 38268 38269 38270 38271
(6) Conduct, or participate in the conduct of, a	38272

sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility without first obtaining a current annual "certificate of registration" from the attorney general as required by division (F) of this section;

(7) With purpose to violate division (A) (1), (2), (3), (4), (5), or (6) of this section, acquire, possess, control, or operate any gambling device.

(B) For purposes of division (A) (1) of this section, a person facilitates bookmaking if the person in any way knowingly aids an illegal bookmaking operation, including, without limitation, placing a bet with a person engaged in or facilitating illegal bookmaking. For purposes of division (A) (2) of this section, a person facilitates a game of chance conducted for profit or a scheme of chance if the person in any way knowingly aids in the conduct or operation of any such game or scheme, including, without limitation, playing any such game or scheme.

(C) This section does not prohibit conduct in connection with gambling expressly permitted by law.

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

(1) Games of chance, if all of the following apply:

(a) The games of chance are not craps for money or roulette for money.

(b) The games of chance are conducted by a charitable organization that is, and has received from the internal revenue service a determination letter that is currently in effect, stating that the organization is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c) (3) of the Internal Revenue Code.

(c) The games of chance are conducted at festivals of the charitable organization that are conducted not more than a total of five days a calendar year, and are conducted on premises owned by the charitable organization for a period of no less than one year immediately preceding the conducting of the games of chance, on premises leased from a governmental unit, or on premises that are leased from a veteran's or fraternal organization and that have been owned by the lessor veteran's or fraternal organization for a period of no less than one year immediately preceding the conducting of the games of chance.

A charitable organization shall not lease premises from a veteran's or fraternal organization to conduct a festival described in division (D) (1) (c) of this section if the veteran's or fraternal organization already has leased the premises twelve times during the preceding year to charitable organizations for that purpose. If a charitable organization leases premises from a veteran's or fraternal organization to conduct a festival described in division (D) (1) (c) of this section, the charitable organization shall not pay a rental rate for the premises per day of the festival that exceeds the rental rate per bingo session that a charitable organization may pay under division (B) (1) of section 2915.09 of the Revised Code when it leases premises from another charitable organization to conduct bingo games.

(d) All of the money or assets received from the games of chance after deduction only of prizes paid out during the conduct of the games of chance are used by, or given, donated, or otherwise transferred to, any organization that is described in subsection 509(a) (1), 509(a) (2), or 509(a) (3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and



described in subsection 501(c)(3) of the Internal Revenue Code; 38333

(e) The games of chance are not conducted during, or 38334  
within ten hours of, a bingo game conducted for amusement 38335  
purposes only pursuant to section 2915.12 of the Revised Code. 38336

No person shall receive any commission, wage, salary, 38337  
reward, tip, donation, gratuity, or other form of compensation, 38338  
directly or indirectly, for operating or assisting in the 38339  
operation of any game of chance. 38340

(2) Any tag fishing tournament operated under a permit 38341  
issued under section 1533.92 of the Revised Code, as "tag 38342  
fishing tournament" is defined in section 1531.01 of the Revised 38343  
Code; 38344

(3) Bingo conducted by a charitable organization that 38345  
holds a license issued under section 2915.08 of the Revised 38346  
Code. 38347

(E) Division (D) of this section shall not be construed to 38348  
authorize the sale, lease, or other temporary or permanent 38349  
transfer of the right to conduct games of chance, as granted by 38350  
that division, by any charitable organization that is granted 38351  
that right. 38352

(F) Any person desiring to conduct, or participate in the 38353  
conduct of, a sweepstakes with the use of a sweepstakes terminal 38354  
device at a sweepstakes terminal device facility shall first 38355  
register with the office of the attorney general and obtain an 38356  
annual certificate of registration by providing a filing fee of 38357  
two hundred dollars and all information as required by rule 38358  
adopted under division (H) of this section. Not later than the 38359  
tenth day of each month, each sweepstakes terminal device 38360  
operator shall file a sweepstakes terminal device monthly report 38361

with the attorney general and provide a filing fee of fifty 38362  
dollars and all information required by rule adopted under 38363  
division (H) of this section. All information provided to the 38364  
attorney general under this division shall be available to law 38365  
enforcement upon request. 38366

(G) A person may apply to the attorney general, on a form 38367  
prescribed by the attorney general, for a certificate of 38368  
compliance that the person is not operating a sweepstakes 38369  
terminal device facility. The form shall require the person to 38370  
include the address of the business location where sweepstakes 38371  
terminal devices will be used and to make the following 38372  
certifications: 38373

(1) That the person will not use more than two sweepstakes 38374  
terminal devices at the business location; 38375

(2) That the retail value of sweepstakes prizes to be 38376  
awarded at the business location using sweepstakes terminal 38377  
devices during a reporting period will be less than three per 38378  
cent of the gross revenue received at the business location 38379  
during the reporting period; 38380

(3) That no other form of gaming except lottery ticket 38381  
sales as authorized under Chapter 3770. of the Revised Code will 38382  
be conducted at the business location or in an adjoining area of 38383  
the business location; 38384

(4) That any sweepstakes terminal device at the business 38385  
location will not allow any deposit of any money, coin, or 38386  
token, or the use of any credit card, debit card, prepaid card, 38387  
or any other method of similar payment to be used, directly or 38388  
indirectly, to participate in a sweepstakes; 38389

(5) That notification of any prize will not take place on 38390

the same day as a participant's sweepstakes entry; and 38391

(6) That the person consents to provide any other 38392  
information to the attorney general as required by rule adopted 38393  
under division (H) of this section. 38394

The filing fee for a certificate of compliance is two 38395  
hundred fifty dollars. The attorney general may charge up to an 38396  
additional two hundred fifty dollars for reasonable expenses 38397  
resulting from any investigation related to an application for a 38398  
certificate of compliance. 38399

A certificate of compliance is effective for one year. The 38400  
certificate holder may reapply for a certificate of compliance. 38401  
A person issued a certificate of compliance shall file 38402  
semiannual reports with the attorney general stating the number 38403  
of sweepstakes terminal devices at the business location and 38404  
that the retail value of prizes awarded at the business location 38405  
using sweepstakes terminal devices is less than three per cent 38406  
of the gross revenue received at the business location. 38407

(H) The attorney general shall adopt rules setting forth: 38408

(1) The required information to be submitted by persons 38409  
conducting a sweepstakes with the use of a sweepstakes terminal 38410  
device at a sweepstakes terminal device facility as described in 38411  
division (F) of this section; and 38412

(2) The requirements pertaining to a certificate of 38413  
compliance under division (G) of this section, which shall 38414  
provide for a person to file a consolidated application and a 38415  
consolidated semiannual report if a person has more than one 38416  
business location. 38417

The attorney general shall issue a certificate of 38418  
registration or a certificate of compliance to all persons who 38419

have successfully satisfied the applicable requirements of this 38420  
section. The attorney general shall post online a registry of 38421  
all properly registered and certified sweepstakes terminal 38422  
device operators. 38423

(I) The attorney general may refuse to issue an annual 38424  
certificate of registration or certificate of compliance to any 38425  
person or, if one has been issued, the attorney general may 38426  
revoke a certificate of registration or a certificate of 38427  
compliance if the applicant has provided any information to the 38428  
attorney general as part of a registration, certification, 38429  
monthly report, semiannual report, or any other information that 38430  
is materially false or misleading, or if the applicant or any 38431  
officer, partner, or owner of five per cent or more interest in 38432  
the applicant has violated any provision of this chapter. 38433

(J) The attorney general may take any necessary and 38434  
reasonable action to determine a violation of this chapter, 38435  
including requesting documents and information, performing 38436  
inspections of premises, or requiring the attendance of any 38437  
person at an examination under oath. 38438

(K) Whoever violates this section is guilty of gambling, a 38439  
misdemeanor of the first degree. If the offender previously has 38440  
been convicted of any gambling offense, gambling is a felony of 38441  
the fifth degree. Notwithstanding this division, failing to file 38442  
a sweepstakes terminal device monthly report as required by 38443  
division (F) of this section or the semiannual report required 38444  
by division (G) of this section is a misdemeanor of the first 38445  
degree. 38446

**Sec. 2915.06.** (A) No person shall give to another person 38447  
any item described in division ~~(VV) (1)~~ (UU) (1), (2), (3), or (4) 38448  
of section 2915.01 of the Revised Code in exchange for a noncash 38449

prize, toy, or novelty received as a reward for playing or 38450  
operating a skill-based amusement machine or for a free or 38451  
reduced-price game won on a skill-based amusement machine. 38452

(B) Whoever violates division (A) of this section is 38453  
guilty of skill-based amusement machine prohibited conduct. A 38454  
violation of division (A) of this section is a misdemeanor of 38455  
the first degree for each redemption of a prize that is involved 38456  
in the violation. If the offender previously has been convicted 38457  
of a violation of division (A) of this section, a violation of 38458  
that division is a felony of the fifth degree for each 38459  
redemption of a prize that is involved in the violation. The 38460  
maximum fine authorized to be imposed for a felony of the fifth 38461  
degree shall be imposed upon the offender. 38462

**Sec. 2915.08.** (A) (1) Except as otherwise permitted under 38463  
section 2915.092 of the Revised Code, annually before the first 38464  
day of January, a charitable organization that desires to 38465  
conduct bingo shall apply to the attorney general for one or 38466  
more of the following types of licenses to conduct bingo, as 38467  
appropriate: 38468

(a) A type I license to conduct bingo as described in 38469  
division (O) (1) of section 2915.01 of the Revised Code; 38470

(b) A type II license to conduct instant bingo, electronic 38471  
instant bingo, or both at a bingo session; 38472

(c) A type III license to conduct instant bingo, 38473  
electronic instant bingo, or both other than at a bingo session, 38474  
in accordance with sections 2915.093 to 2915.095 or sections 38475  
2915.13 to 2915.15 of the Revised Code, as applicable. 38476

(2) A veteran's organization ~~or~~, fraternal organization, 38477  
or sporting organization that is authorized under section 38478

2915.14 of the Revised Code to conduct electronic instant bingo 38479  
may be issued only one license to conduct electronic instant 38480  
bingo at any one time. The organization may conduct electronic 38481  
instant bingo under that license at only one location specified 38482  
on the license, which shall be the organization's principal 38483  
place of business. 38484

(B) The application shall be accompanied by a license fee 38485  
as follows: 38486

(1) If the charitable organization was not licensed to 38487  
conduct bingo under this chapter before July 1, 2003, a fee 38488  
established by the attorney general by rule adopted pursuant to 38489  
section 111.15 of the Revised Code. 38490

(2) If the charitable organization was licensed to conduct 38491  
bingo under this chapter before July 1, 2003, the following 38492  
applicable fee: 38493

(a) For a type I license for a charitable organization 38494  
that wishes to conduct bingo during twenty-six or more weeks in 38495  
any calendar year, a license fee of two hundred dollars; 38496

(b) For a type II or type III license for a charitable 38497  
organization that previously has not been licensed under this 38498  
chapter to conduct instant bingo or electronic instant bingo and 38499  
that wishes to conduct bingo during twenty-six or more weeks in 38500  
any calendar year, a license fee of five hundred dollars; 38501

(c) For a type II or type III license for a charitable 38502  
organization that previously has been licensed under this 38503  
chapter to conduct instant bingo or electronic instant bingo and 38504  
that desires to conduct bingo during twenty-six or more weeks in 38505  
any calendar year, a license fee that is based upon the gross 38506  
profits received by the charitable organization from the 38507

operation of instant bingo or electronic instant bingo during 38508  
the one-year period ending on the thirty-first day of October of 38509  
the year immediately preceding the year for which the license is 38510  
sought, and that is one of the following: 38511

(i) Five hundred dollars, if the total is fifty thousand 38512  
dollars or less; 38513

(ii) One thousand two hundred fifty dollars plus one- 38514  
fourth per cent of the gross profit, if the total is more than 38515  
fifty thousand dollars but less than two hundred fifty thousand 38516  
one dollars; 38517

(iii) Two thousand two hundred fifty dollars plus one-half 38518  
per cent of the gross profit, if the total is more than two 38519  
hundred fifty thousand dollars but less than five hundred 38520  
thousand one dollars; 38521

(iv) Three thousand five hundred dollars plus one per cent 38522  
of the gross profit, if the total is more than five hundred 38523  
thousand dollars but less than one million one dollars; 38524

(v) Five thousand dollars plus one per cent of the gross 38525  
profit, if the total is one million one dollars or more. 38526

~~(e)~~(d) For a type I, type II, or type III license for a 38527  
charitable organization that desires to conduct bingo during 38528  
fewer than twenty-six weeks in any calendar year, a reduced 38529  
license fee established by the attorney general by rule adopted 38530  
pursuant to section 111.15 of the Revised Code. 38531

(C) The application shall be in the form prescribed by the 38532  
attorney general, shall be signed and sworn to by the applicant, 38533  
and shall contain all of the following: 38534

(1) The name and post-office address of the applicant; 38535

(2) A statement that the applicant is a charitable organization and that it has been in continuous existence as a charitable organization in this state for two years immediately preceding the making of the application;

(3) The location at which the organization will conduct bingo, which location shall be within the county in which the principal place of business of the applicant is located, the days of the week and the times on each of those days when bingo will be conducted, whether the organization owns, leases, or subleases the premises, and a copy of the rental agreement if it leases or subleases the premises;

(4) A statement of the applicant's previous history, record, and association that is sufficient to establish that the applicant is a charitable organization, and a copy of a determination letter that is issued by the Internal Revenue Service and states that the organization is tax exempt under subsection 501(a) and described in subsection 501(c) (3), 501(c) (4), 501(c) (7), 501(c) (8), 501(c) (10), or 501(c) (19) of the Internal Revenue Code;

(5) A statement as to whether the applicant has ever had any previous application refused, whether it previously has had a license revoked or suspended, and the reason stated by the attorney general for the refusal, revocation, or suspension;

(6) A statement of the charitable purposes for which the net profit derived from bingo described in division (O) (1) of section 2915.01 of the Revised Code will be used, or a statement of how the net profit derived from instant bingo or electronic instant bingo will be distributed in accordance with section 2915.101 of the Revised Code, as applicable;



(7) Other necessary and reasonable information that the attorney general may require by rule adopted pursuant to section 111.15 of the Revised Code; 38565  
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(8) If the applicant is a charitable trust as defined in section 109.23 of the Revised Code, a statement as to whether it has registered with the attorney general pursuant to section 109.26 of the Revised Code or filed annual reports pursuant to section 109.31 of the Revised Code, and, if it is not required to do either, the exemption in section 109.26 or 109.31 of the Revised Code that applies to it; 38568  
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(9) If the applicant is a charitable organization as defined in section 1716.01 of the Revised Code, a statement as to whether it has filed with the attorney general a registration statement pursuant to section 1716.02 of the Revised Code and a financial report pursuant to section 1716.04 of the Revised Code, and, if it is not required to do both, the exemption in section 1716.03 of the Revised Code that applies to it; 38575  
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(10) In the case of an applicant seeking to qualify as a youth athletic park organization, a statement issued by a board or body vested with authority under Chapter 755. of the Revised Code for the supervision and maintenance of recreation facilities in the territory in which the organization is located, certifying that the playing fields owned by the organization were open for use to all residents of that territory, regardless of race, color, creed, religion, sex, or national origin, for athletic activities by youth athletic organizations that do not discriminate on the basis of race, color, creed, religion, sex, or national origin, and that the fields were not used for any profit-making activity at any time during the year. That type of board or body is authorized to 38582  
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issue the statement upon request and shall issue the statement 38595  
if it finds that the applicant's playing fields were so used. 38596

(D) The attorney general, within thirty days after 38597  
receiving a timely filed application from a charitable 38598  
organization that has been issued a license under this section 38599  
that has not expired and has not been revoked or suspended, 38600  
shall send a temporary permit to the applicant specifying the 38601  
date on which the application was filed with the attorney 38602  
general and stating that, pursuant to section 119.06 of the 38603  
Revised Code, the applicant may continue to conduct bingo until 38604  
a new license is granted or, if the application is rejected, 38605  
until fifteen days after notice of the rejection is mailed to 38606  
the applicant. The temporary permit does not affect the validity 38607  
of the applicant's application and does not grant any rights to 38608  
the applicant except those rights specifically granted in 38609  
section 119.06 of the Revised Code. The issuance of a temporary 38610  
permit by the attorney general pursuant to this division does 38611  
not prohibit the attorney general from rejecting the applicant's 38612  
application because of acts that the applicant committed, or 38613  
actions that the applicant failed to take, before or after the 38614  
issuance of the temporary permit. 38615

(E) Within thirty days after receiving an initial license 38616  
application from a charitable organization to conduct bingo, the 38617  
attorney general shall conduct a preliminary review of the 38618  
application and notify the applicant regarding any deficiencies. 38619  
Once an application is deemed complete, or beginning on the 38620  
thirtieth day after the application is filed, if the attorney 38621  
general failed to notify the applicant of any deficiencies, the 38622  
attorney general shall have an additional sixty days to conduct 38623  
an investigation and either grant, grant with limits, 38624  
restrictions, or probationary conditions, or deny the 38625

application based on findings established and communicated in 38626  
accordance with divisions (F) and (I) of this section. As an 38627  
option to granting, granting with limits, restrictions, or 38628  
probationary conditions, or denying an initial license 38629  
application, the attorney general may grant a temporary license 38630  
and request additional time to conduct the investigation if the 38631  
attorney general has cause to believe that additional time is 38632  
necessary to complete the investigation and has notified the 38633  
applicant in writing about the specific concerns raised during 38634  
the investigation. 38635

(F) (1) The attorney general shall adopt rules to enforce 38636  
sections 2915.01, 2915.02, and 2915.07 to 2915.15 of the Revised 38637  
Code to ensure that bingo is conducted in accordance with those 38638  
sections and to maintain proper control over the conduct of 38639  
bingo. Except as otherwise provided in this section, the rules 38640  
shall be adopted pursuant to Chapter 119. of the Revised Code. 38641  
The attorney general shall license charitable organizations to 38642  
conduct bingo in conformance with this chapter and with the 38643  
licensing provisions of Chapter 119. of the Revised Code. 38644

(2) If any of the following applies to an organization, 38645  
the attorney general may refuse to grant a license to the 38646  
organization, may revoke or suspend the organization's license, 38647  
or may place limits, restrictions, or probationary conditions on 38648  
the organization's license for a limited or indefinite period, 38649  
as determined by the attorney general: 38650

(a) The organization fails or has failed at any time to 38651  
meet any requirement of section 109.26, 109.31, or 1716.02, or 38652  
sections 2915.07 to 2915.15 of the Revised Code, or violates or 38653  
has violated any provision of sections 2915.02 or 2915.07 to 38654  
2915.13 of the Revised Code or any rule adopted by the attorney 38655

general pursuant to this chapter. 38656

(b) The organization makes or has made an incorrect or 38657  
false statement that is material to the granting of the license 38658  
in an application filed under this section. 38659

(c) The organization submits or has submitted any 38660  
incorrect or false information relating to an application if the 38661  
information is material to the granting of the license. 38662

(d) The organization maintains or has maintained any 38663  
incorrect or false information that is material to the granting 38664  
of the license in the records required to be kept pursuant to 38665  
section 2915.10 of the Revised Code, if applicable. 38666

(e) The attorney general has good cause to believe that 38667  
the organization will not conduct bingo in accordance with 38668  
sections 2915.07 to 2915.15 of the Revised Code or with any rule 38669  
adopted by the attorney general pursuant to this chapter. 38670

(3) If the attorney general has good cause to believe that 38671  
any director or officer of the organization has breached the 38672  
director's or officer's fiduciary duty to, or committed theft or 38673  
any other type of misconduct related to, the organization or any 38674  
other charitable organization that has been issued a bingo 38675  
license under this chapter, the attorney general may refuse to 38676  
grant a license to the organization, may impose limits, 38677  
restrictions, or probationary conditions on the license, or may 38678  
revoke or suspend the organization's license for a period not to 38679  
exceed five years. 38680

(4) The attorney general may impose a civil fine on an 38681  
organization licensed or permitted under this chapter for 38682  
failure to comply with any restrictions, limits, or probationary 38683  
conditions on its license, and for failure to comply with this 38684

chapter or any rule adopted under this chapter, according to a 38685  
schedule of fines that the attorney general shall adopt in 38686  
accordance with Chapter 119. of the Revised Code. 38687

(5) For the purposes of division (F) of this section, any 38688  
action of an officer, trustee, agent, representative, or bingo 38689  
game operator of an organization is an action of the 38690  
organization. 38691

(G) The attorney general may grant licenses to charitable 38692  
organizations that are branches, lodges, or chapters of national 38693  
charitable organizations. 38694

(H) The attorney general shall send notice of any of the 38695  
following actions in writing to the prosecuting attorney and 38696  
sheriff of the county in which the charitable organization is 38697  
located and to any other law enforcement agency in that county 38698  
that so requests, of all of the following: 38699

(1) The issuance of a license under this section; 38700

(2) The issuance of an amended license under this section; 38701

(3) The rejection of an application for and refusal to 38702  
grant a license under this section; 38703

(4) The revocation of any license previously issued under 38704  
this section; 38705

(5) The suspension of any license previously issued under 38706  
this section; 38707

(6) The placing of any limits, restrictions, or 38708  
probationary conditions placed on a license issued under this 38709  
section. 38710

(I) A license issued by the attorney general under this 38711

section shall set forth the information contained on the 38712  
application of the charitable organization that the attorney 38713  
general determines is relevant, including, but not limited to, 38714  
the location at which the organization will conduct bingo, 38715  
whether the license is a type I, type II, or type III license, 38716  
and the days of the week and the times on each of those days 38717  
when bingo will be conducted. If the attorney general refuses to 38718  
grant, places limits, restrictions, or probationary conditions 38719  
on, or revokes or suspends a license, the attorney general shall 38720  
notify the applicant in writing and specifically identify the 38721  
reason for the refusal, revocation, limit, restriction, 38722  
probationary condition, or suspension in narrative form and, if 38723  
applicable, by identifying the section of the Revised Code 38724  
violated. The failure of the attorney general to give the 38725  
written notice of the reasons for the refusal, revocation, 38726  
limit, restriction, probationary condition, or suspension or a 38727  
mistake in the written notice does not affect the validity of 38728  
the attorney general's refusal to grant, or the revocation or 38729  
suspension of, or limit, restriction, probationary condition on, 38730  
a license. If the attorney general fails to give the written 38731  
notice or if there is a mistake in the written notice, the 38732  
applicant may bring an action to compel the attorney general to 38733  
comply with this division or to correct the mistake, but the 38734  
attorney general's order refusing to grant, or placing a limit, 38735  
restriction, or probationary condition on, or revoking or 38736  
suspending, a license shall not be enjoined during the pendency 38737  
of the action. 38738

(J) (1) (a) Except as otherwise provided in division (J) (2) 38739  
of this section, a charitable organization that has been issued 38740  
a license under this section but that cannot conduct bingo at 38741  
the location, or on the day of the week or at the time, 38742

specified on the license due to circumstances that make it 38743  
impractical to do so, or that desires to conduct instant bingo 38744  
other than at a bingo session at additional locations not 38745  
identified on the license, may apply in writing, together with 38746  
an application fee of two hundred fifty dollars, to the attorney 38747  
general, at least thirty days prior to a change in or addition 38748  
of a location, day of the week, or time, and request an amended 38749  
license. 38750

(b) As applicable, the application shall describe the 38751  
causes making it impractical for the organization to conduct 38752  
bingo in conformity with its license and shall indicate the 38753  
location, days of the week, and times on each of those days when 38754  
it desires to conduct bingo and, as applicable, shall indicate 38755  
the additional locations at which it desires to conduct instant 38756  
bingo other than at a bingo session. 38757

(c) Except as otherwise provided in division (J) (3) of 38758  
this section, the attorney general shall issue the amended 38759  
license in accordance with division (I) of this section, and the 38760  
organization shall surrender its original license to the 38761  
attorney general. 38762

(2) (a) A charitable organization that has been issued a 38763  
license under this section to conduct electronic instant bingo 38764  
but that cannot conduct electronic instant bingo at the 38765  
location, or on the day of the week or at the time, specified on 38766  
the license due to circumstances that make it impractical to do 38767  
so, may apply in writing, together with an application fee of 38768  
two hundred fifty dollars, to the attorney general, at least 38769  
thirty days prior to a change in a location, day of the week, or 38770  
time, and request an amended license. A charitable organization 38771  
may not apply for an amended license to conduct electronic 38772

instant bingo at any additional location. 38773

(b) The application shall describe the causes making it 38774  
impractical for the organization to conduct electronic instant 38775  
bingo in conformity with its license and shall indicate the 38776  
location, days of the week, and times on each of those days when 38777  
it desires to conduct electronic instant bingo. 38778

(c) Except as otherwise provided in division (J) (3) of 38779  
this section, the attorney general shall issue the amended 38780  
license in accordance with division (I) of this section, and the 38781  
organization shall surrender its original license to the 38782  
attorney general. 38783

(3) The attorney general may refuse to grant an amended 38784  
license under division (J) (1) or (2) of this section according 38785  
to the terms of division (F) of this section. 38786

(K) The attorney general may enter into a written contract 38787  
with any other state agency to delegate to that state agency the 38788  
powers prescribed to the attorney general under Chapter 2915. of 38789  
the Revised Code. 38790

(L) The attorney general, by rule adopted pursuant to 38791  
section 111.15 of the Revised Code, may adopt rules to determine 38792  
the requirements for a charitable organization that is exempt 38793  
from federal income taxation under subsection 501(a) and 38794  
described in subsection 501(c) (3) of the Internal Revenue Code 38795  
to be in good standing in the state. 38796

**Sec. 2915.101.** Except as otherwise provided by law, a 38797  
charitable organization that conducts instant bingo or 38798  
electronic instant bingo shall distribute the ~~net profit from~~ 38799  
~~the proceeds of the sale of instant bingo or electronic instant~~ 38800  
~~bingo as follows:~~ proceeds in accordance with this section. 38801



(A) (1) If a veteran's organization, a fraternal organization, or a sporting organization ~~conducted the~~ conducts instant bingo ~~or electronic instant bingo~~, the organization shall distribute the net-gross profit ~~from the proceeds of the sale of instant bingo or electronic instant bingo~~, as follows:

(a) For the first ~~two hundred fifty~~ three hundred thirty thousand dollars, or a greater amount prescribed by the attorney general to adjust for changes in prices as measured by the consumer price index as defined in section 325.18 of the Revised Code and other factors affecting the organization's expenses, ~~as defined in division (GG) of section 2915.01 of the Revised Code~~, or less of net-gross profit from the proceeds of the sale of instant bingo ~~or electronic instant bingo~~ generated in a calendar year:

(i) At least twenty-five per cent shall be distributed to an organization described in division (V) (1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

(ii) Not more than seventy-five per cent may be deducted and retained by the organization for reimbursement of or for the organization's expenses, ~~as defined in division (GG) of section 2915.01 of the Revised Code~~, in conducting the instant bingo ~~or electronic instant bingo~~ game.

(b) For any net-gross profit from the proceeds of the sale of instant bingo ~~or electronic instant bingo~~ of more than ~~two hundred fifty~~ three hundred thirty thousand dollars or an adjusted amount generated in a calendar year:

(i) A minimum of fifty per cent shall be distributed to an organization described in division (V) (1) of section 2915.01 of

the Revised Code or to a department or agency of the federal 38831  
government, the state, or any political subdivision. 38832

(ii) Five per cent may be distributed for the 38833  
organization's own charitable purposes or to a community action 38834  
agency. 38835

(iii) Forty-five per cent may be deducted and retained by 38836  
the organization for reimbursement of or for the organization's 38837  
expenses, ~~as defined in division (GC) of section 2915.01 of the~~ 38838  
~~Revised Code,~~ in conducting the instant bingo ~~or electronic~~ 38839  
~~instant bingo game.~~ 38840

(2) If a veteran's organization, a fraternal organization, 38841  
or a sporting organization does not distribute the full 38842  
percentages specified in divisions (A) (1) (a) and (b) of this 38843  
section for the purposes specified in those divisions, the 38844  
organization shall distribute the balance of the net gross 38845  
~~profit from the proceeds of the sale of instant bingo or~~ 38846  
~~electronic instant bingo~~ not distributed or retained for those 38847  
purposes to an organization described in division (V) (1) of 38848  
section 2915.01 of the Revised Code. 38849

~~(B)~~ (B) (1) If a veteran's or fraternal organization 38850  
conducts electronic instant bingo, the organization shall 38851  
distribute the gross profit as follows: 38852

(a) For the first three hundred thirty thousand dollars, 38853  
or a greater amount prescribed by the attorney general to adjust 38854  
for changes in prices as measured by the consumer price index as 38855  
defined in section 325.18 of the Revised Code and other factors 38856  
affecting the organization's expenses, or less of gross profit 38857  
from the proceeds of the sale of electronic instant bingo 38858  
generated in a calendar year: 38859

(i) At least twenty-five per cent shall be distributed to an organization described in division (V) (1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision. 38860  
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(ii) Not more than seventy-five per cent may be deducted and retained by the organization for reimbursement of or for the organization's expenses in conducting the electronic instant bingo game. 38864  
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(b) For any gross profit from the proceeds of the sale of electronic instant bingo of more than three hundred thirty thousand dollars or an adjusted amount generated in a calendar year: 38868  
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(i) A minimum of fifty per cent shall be distributed to an organization described in division (V) (1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision. 38872  
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(ii) Five per cent may be distributed for the organization's own charitable purposes or to a community action agency. 38876  
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(iii) Forty-five per cent may be deducted and retained by the organization for reimbursement of or for the organization's expenses in conducting the electronic instant bingo game. 38879  
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(2) If a veteran's or fraternal organization does not distribute the full percentages specified in divisions (B) (1) (a) and (b) of this section for the purposes specified in those divisions, the organization shall distribute the balance of the gross profit not distributed or retained for those purposes to an organization described in division (V) (1) of section 2915.01 of the Revised Code. 38882  
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(C) If a charitable organization other than a veteran's organization, a fraternal organization, or a sporting organization ~~conducted the~~ conducts instant bingo or electronic instant bingo, the organization shall distribute one hundred per cent of the net profit ~~from the proceeds of the sale of instant bingo or electronic instant bingo~~ to an organization described in division (V) (1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

~~(C)~~ (D) Nothing in this section prohibits a veteran's organization, a fraternal organization, or a sporting organization from distributing any net-gross profit ~~from the proceeds of the sale of instant bingo or electronic instant bingo~~ to an organization that is described in subsection 501(c) (3) of the Internal Revenue Code when the organization that is described in subsection 501(c) (3) of the Internal Revenue Code is one that makes donations to other organizations and permits donors to advise or direct such donations so long as the donations comply with requirements established in or pursuant to subsection 501(c) (3) of the Internal Revenue Code.

**Sec. 2915.13.** (A) Subject to the requirements of sections 2915.14 and 2915.15 of the Revised Code concerning electronic instant bingo, a veteran's organization, a fraternal organization, or a sporting organization authorized to conduct a bingo session pursuant to this chapter may conduct instant bingo, electronic instant bingo, or both other than at a bingo session under a type III license issued under section 2915.08 of the Revised Code if all of the following apply:

(1) The veteran's organization, fraternal organization, or sporting organization limits the sale of instant bingo or

electronic instant bingo to ~~twelve~~sixteen hours during any day, 38919  
provided that the sale does not begin earlier than ~~ten~~eight 38920  
a.m. and ends not later than two a.m. 38921

(2) The veteran's organization, fraternal organization, or 38922  
sporting organization limits the sale of instant bingo or 38923  
electronic instant bingo to its own premises and to its own 38924  
members and invited guests. 38925

(3) The veteran's organization, fraternal organization, or 38926  
sporting organization is raising money for an organization that 38927  
is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of 38928  
the Internal Revenue Code and is either a governmental unit or 38929  
an organization that maintains its principal place of business 38930  
in this state, that is exempt from federal income taxation under 38931  
subsection 501(a) and described in subsection 501(c)(3) of the 38932  
Internal Revenue Code, and that is in good standing in this 38933  
state and executes a written contract with that organization as 38934  
required in division (B) of this section. 38935

(B) If a veteran's organization, fraternal organization, 38936  
or sporting organization authorized to conduct instant bingo or 38937  
electronic instant bingo pursuant to division (A) of this 38938  
section is raising money for another organization that is 38939  
described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of 38940  
the Internal Revenue Code and is either a governmental unit or 38941  
an organization that maintains its principal place of business 38942  
in this state, that is exempt from federal income taxation under 38943  
subsection 501(a) and described in subsection 501(c)(3) of the 38944  
Internal Revenue Code, and that is in good standing in this 38945  
state, the veteran's organization, fraternal organization, or 38946  
sporting organization shall execute a written contract with the 38947  
organization that is described in subsection 509(a)(1), 509(a) 38948

(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this state in order to conduct instant bingo or electronic instant bingo. That contract shall include a statement of the percentage of the ~~net proceeds~~ gross profit that the veteran's, fraternal, or sporting organization will be distributing to the organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this state under section 2915.101 of the Revised Code.

(C)(1) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo or electronic instant bingo pursuant to division (A) of this section has been issued a liquor permit under Chapter 4303. of the Revised Code, that permit may be subject to suspension, revocation, or cancellation if the veteran's organization, fraternal organization, or sporting organization violates a provision of this chapter.

(2) No veteran's organization, fraternal organization, or sporting organization that enters into a written contract pursuant to division (B) of this section shall violate any provision of this chapter or permit, aid, or abet any other person in violating any provision of this chapter.

(D) A veteran's organization, fraternal organization, or sporting organization shall give all required proceeds earned from the conduct of instant bingo or electronic instant bingo to the organization with which the veteran's organization, fraternal organization, or sporting organization has entered into a written contract.

(E) Whoever violates this section is guilty of illegal instant bingo or electronic instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo or electronic instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal instant bingo or electronic instant bingo conduct is a felony of the fifth degree.

**Sec. 2915.14.** (A) No charitable organization shall conduct electronic instant bingo unless all of the following are true:

(1) The organization is a veteran's organization described in division (J) of section 2915.01 of the Revised Code, ~~or is a~~ fraternal organization described in division (L) of section 2915.01 of the Revised Code, or a sporting organization described in division (XX) of section 2915.01 of the Revised Code, and the organization qualified as a veteran's organization ~~or~~, fraternal organization, or sporting organization as applicable, on or before June 30, 2021.

(2) The organization is a veteran's organization described in subsection 501(c) (4) of the Internal Revenue Code or is, and has received from the internal revenue service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), and is described in subsection 501(c) (7), 501(c) (8), 501(c) (10), or 501(c) (19) of the Internal Revenue Code.

(3) The organization has not conducted a raffle in violation of division (B) of section 2915.092 of the Revised Code using an electronic raffle machine, as described in Ohio Veterans and Fraternal Charitable Coalition v. DeWine, Case No. 13-CV-13610 (C.P. Franklin Co. February 23, 2018), at any time on or after January 1, 2022.

(B) No charitable organization that conducts electronic instant bingo shall do any of the following:

(1) Possess an electronic instant bingo system that was not obtained in accordance with this chapter or with any rule adopted under this chapter;

(2) Conduct electronic instant bingo on any day, at any time, or on any premises not specified on the organization's type II or type III license issued under section 2915.08 of the Revised Code;

(3) Hold more than one valid license to conduct electronic instant bingo at any one time;

(4) Conduct electronic instant bingo on more than one premises or on any premises other than the charitable organization's principal place of business;

(5) Operate more than ten electronic bingo systems at the premises on which the charitable organization conducts electronic instant bingo under its license;

(6) Fail to display both of the following conspicuously at the premises on which the charitable organization conducts electronic instant bingo:

(a) The charitable organization's bingo license;

(b) The serial number of each deal of electronic instant



bingo tickets being sold. 39037

(7) Permit any person the charitable organization knows, 39038  
or should have known, to be under eighteen years of age to play 39039  
electronic instant bingo; 39040

(8) Sell or provide to any person an electronic instant 39041  
bingo ticket for a price different from the price displayed on 39042  
the game flare for that deal, except that the charitable 39043  
organization may give a participant who wins an electronic 39044  
instant bingo game an electronic instant bingo ticket as a prize 39045  
in place of a cash prize; 39046

(9) Fail, once an electronic instant bingo deal is begun, 39047  
to continue to sell tickets in that deal until all prizes have 39048  
been awarded; 39049

(10) Permit any person whom the organization knows, or 39050  
should have known, has been convicted of a felony or gambling 39051  
offense in any jurisdiction to be a bingo game operator in the 39052  
conduct of electronic instant bingo; 39053

(11) Permit a bingo game operator to play electronic 39054  
instant bingo; 39055

(12) (a) Except as otherwise provided in division (B) (12) 39056  
(b) of this section, pay compensation to a bingo game operator 39057  
for conducting electronic instant bingo. 39058

(b) Division (B) (12) (a) of this section does not prohibit 39059  
an employee of a veteran's organization or fraternal 39060  
organization from redeeming electronic instant bingo tickets or 39061  
vouchers for the organization's members or invited guests, so 39062  
long as no portion of the employee's compensation is paid from 39063  
any bingo receipts. 39064

(13) Pay consulting fees to any person in relation to	39065
electronic instant bingo.	39066
(C) No person shall sell, offer to sell, or otherwise	39067
provide or offer to provide an electronic instant bingo system	39068
to any person for use in this state unless the electronic	39069
instant bingo system has been approved under section 2915.15 of	39070
the Revised Code.	39071
(D) The attorney general shall adopt rules under Chapter	39072
119. of the Revised Code to ensure the integrity of electronic	39073
instant bingo, including, but not limited to, rules governing	39074
all of the following:	39075
(1) The requirements to receive a license or endorsement	39076
to conduct electronic instant bingo;	39077
(2) The location and number of electronic instant bingo	39078
systems in use, which shall not exceed ten at the single	39079
licensed location per organization;	39080
(3) The times when electronic instant bingo may be	39081
offered;	39082
(4) Signage requirements in facilities where electronic	39083
instant bingo is offered;	39084
(5) Electronic instant bingo device and system	39085
specifications, including reveal features and game themes;	39086
(6) Procedures and standards for the review, approval,	39087
inspection, and monitoring of electronic instant bingo systems,	39088
as described in section 2915.15 of the Revised Code;	39089
(7) Procedures and standards for the review and approval	39090
of any changes to technology, systems, or games licensed or	39091
permitted under this chapter;	39092

(8) The fees to be charged under section 2915.15 of the Revised Code for review, approval, inspection, and monitoring of electronic instant bingo systems;

(9) Procedures allowing the attorney general to seek a summary suspension of a license to conduct electronic instant bingo or a license to manufacture or distribute electronic instant bingo systems if the attorney general has good cause to believe that the person or organization licensed to conduct electronic instant bingo, or the person or organization licensed to manufacture or distribute electronic instant bingo systems, or any of the organization's employees, officers, directors, agents, representatives, or partners, has violated this chapter or a rule adopted under this chapter.

(E) Whoever knowingly violates division (A), (B), or (C) of this section or a rule adopted under division (D) of this section is guilty of illegal electronic instant bingo conduct. Illegal electronic instant bingo conduct is a misdemeanor of the first degree, except that if the offender previously has been convicted of a violation of division (A) or (B) of this section or of a rule adopted under division (D) of this section, illegal instant bingo conduct is a felony of the fifth degree.

**Sec. 2917.211.** (A) As used in this section:

(1) "Child-victim oriented offense" and "sexually oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

(2) "Disseminate" means to post, distribute, or publish on a computer device, computer network, web site, or other electronic device or medium of communication.

~~(2)~~ (3) "Image" means a photograph, film, videotape,

digital recording, or other depiction or portrayal of a person. 39122

~~(3)~~ (4) "Interactive computer service" has the meaning 39123  
defined in the "Telecommunications Act of 1996," 47 U.S.C. 230, 39124  
as amended. 39125

~~(4)~~ (5) "Internet provider" means a provider of internet 39126  
service, including all of the following: 39127

(a) Broadband service, however defined or classified by 39128  
the federal communications commission; 39129

(b) Information service or telecommunications service, 39130  
both as defined in the "Telecommunications Act of 1996," 47 39131  
U.S.C. 153, as amended; 39132

(c) Internet protocol-enabled services, as defined in 39133  
section 4927.01 of the Revised Code. 39134

~~(5)~~ (6) "Mobile service" and "telecommunications carrier" 39135  
have the meanings defined in 47 U.S.C. 153, as amended. 39136

~~(6)~~ (7) "Cable service provider" has the same meaning as 39137  
in section 1332.01 of the Revised Code. 39138

~~(7)~~ (8) "Direct-to-home satellite service" has the meaning 39139  
defined in 47 U.S.C. 303, as amended. 39140

~~(8)~~ (9) "Video service provider" has the same meaning as 39141  
in section 1332.21 of the Revised Code. 39142

~~(9)~~ (10) "Sexual act" means any of the following: 39143

(a) Sexual activity; 39144

(b) Masturbation; 39145

(c) An act involving a bodily substance that is performed 39146  
for the purpose of sexual arousal or gratification; 39147

(d) Sado-masochistic abuse.	39148
<u>(11) "Fabricated sexual image" has the same meaning as in section 2307.66 of the Revised Code.</u>	39149 39150
(B) No person shall knowingly disseminate an image of another person if all of the following apply:	39151 39152
(1) The person in the image is eighteen years of age or older.	39153 39154
(2) The person in the image can be identified from the image itself or from information displayed in connection with the image and the offender supplied the identifying information.	39155 39156 39157
(3) The person in the image is in a state of nudity or is engaged in a sexual act.	39158 39159
(4) The image is disseminated without consent from the person in the image.	39160 39161
(5) The image is disseminated with intent to harm the person in the image.	39162 39163
(C) <u>No person shall knowingly disseminate a fabricated sexual image of another person without the other person's consent.</u>	39164 39165 39166
<u>(D) No person shall, without the consent of the depicted person, in order to harass, extort, threaten, or cause physical, emotional, reputational, or economic harm to a person falsely depicted, knowingly do either of the following:</u>	39167 39168 39169 39170
<u>(1) Create a fabricated sexual image with intent to distribute;</u>	39171 39172
<u>(2) Solicit the creation of a fabricated sexual image with intent to distribute.</u>	39173 39174

(E) This section does not prohibit the dissemination of an image or fabricated sexual image if any of the following apply: 39175  
39176

(1) The image or fabricated sexual image is disseminated for the purpose of a criminal investigation that is otherwise lawful. 39177  
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(2) The image or fabricated sexual image is disseminated for the purpose of, or in connection with, the reporting of unlawful conduct. 39180  
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(3) The image or fabricated sexual image is part of a news report or commentary or an artistic or expressive work, such as a performance, work of art, literary work, theatrical work, musical work, motion picture, film, or audiovisual work. 39183  
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(4) The image or fabricated sexual image is disseminated by a law enforcement officer, or a corrections officer or guard in a detention facility, acting within the scope of the person's official duties. 39187  
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(5) The image or fabricated sexual image is disseminated for another lawful public purpose. 39191  
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(6) ~~The~~ If the person in the image or fabricated sexual image is eighteen years of age or older, the person in the image or fabricated sexual image is knowingly and willingly in a state of nudity or engaged in a sexual act and is knowingly and willingly in a location in which the person does not have a reasonable expectation of privacy. 39193  
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(7) The image or fabricated sexual image is disseminated for the purpose of medical treatment or examination. 39199  
39200

~~(D)~~ (F) The following entities are not liable for a violation of this section solely as a result of an image or 39201  
39202

fabricated sexual image or other information provided by another 39203  
person: 39204

- (1) A provider of interactive computer service; 39205
- (2) A mobile service; 39206
- (3) A telecommunications carrier; 39207
- (4) An internet provider; 39208
- (5) A cable service provider; 39209
- (6) A direct-to-home satellite service; 39210
- (7) A video service provider. 39211

~~(E)~~ (G) Any conduct that is a violation of this section 39212  
and any other section of the Revised Code may be prosecuted 39213  
under this section, the other section, or both sections. 39214

~~(F) (1) (a)~~ (H) (1) (a) Except as otherwise provided in 39215  
division ~~(F) (1) (b), (c), or (d)~~ (H) (1) (b) of this section, 39216  
whoever violates division (B) of this section is guilty of 39217  
nonconsensual dissemination of private sexual images, a 39218  
~~misdemeanor~~ felony of the ~~third~~ fifth degree. 39219

(b) If the offender previously has been convicted of or 39220  
pleaded guilty to a violation of division (B) of this section, a 39221  
sexually oriented offense, or a child-victim oriented offense, 39222  
nonconsensual dissemination of private sexual images is a 39223  
~~misdemeanor~~ felony of the ~~second~~ fourth degree. 39224

~~(c) If the offender previously has been convicted of or~~ 39225  
~~pleaded guilty to two or more violations of this section,~~ 39226  
~~nonconsensual dissemination of private sexual images is a~~ 39227  
~~misdemeanor of the first degree.~~ 39228

~~(d) If the offender is under eighteen years of age and the~~ 39229

~~person in the image is not more than five years older than the~~ 39230  
~~offender, the offender shall not be prosecuted under this~~ 39231  
~~section.~~ 39232

~~(2)~~ (2) (a) Except as otherwise provided in division (H) (2) 39233  
(b) of this section, whoever violates division (C) of this 39234  
section is guilty of nonconsensual dissemination of fabricated 39235  
sexual images, a felony of the fourth degree. 39236

(b) If the offender has previously been convicted of or 39237  
pleaded guilty to a violation of this section, a sexually 39238  
oriented offense, or a child-victim oriented offense, 39239  
nonconsensual dissemination of fabricated sexual images is a 39240  
felony of the third degree. 39241

(3) (a) Except as otherwise provided in division (H) (3) (b) 39242  
of this section, whoever violates division (D) of this section 39243  
is guilty of nonconsensual creation of fabricated sexual images, 39244  
a felony of the fourth degree. 39245

(b) If the offender has previously been convicted of or 39246  
pleaded guilty to a violation of this section, a sexually 39247  
oriented offense, or a child-victim oriented offense, 39248  
nonconsensual creation of fabricated sexual images is a felony 39249  
of the third degree. 39250

(4) In addition to any other penalty or disposition 39251  
authorized or required by law, the court may order any person 39252  
who is convicted of a violation of this section or who is 39253  
adjudicated delinquent by reason of a violation of this section 39254  
to criminally forfeit all of the following property to the state 39255  
under Chapter 2981. of the Revised Code: 39256

(a) Any profits or proceeds and any property the person 39257  
has acquired or maintained in violation of this section that the 39258



sentencing court determines to have been acquired or maintained 39259  
as a result of the violation; 39260

(b) Any interest in, securities of, claim against, or 39261  
property or contractual right of any kind affording a source of 39262  
influence over any enterprise that the person has established, 39263  
operated, controlled, or conducted in violation of this section 39264  
that the sentencing court determines to have been acquired or 39265  
maintained as a result of the violation. 39266

~~(G)~~ (I) A victim of a violation of this section may 39267  
commence a civil cause of action against the offender, as 39268  
described in section 2307.66 of the Revised Code. 39269

**Sec. 2919.171.** (A) (1) A physician who performs or induces 39270  
or attempts to perform or induce an abortion on a pregnant woman 39271  
shall submit a report to the department of health in accordance 39272  
with the forms, rules, and regulations adopted by the department 39273  
that includes all of the information the physician is required 39274  
to certify in writing or determine under section 2919.17, 39275  
section 2919.18, divisions (A) and (C) of section 2919.192, 39276  
division (C) of section 2919.193, division (B) of section 39277  
2919.195, or division (A) of section 2919.196 of the Revised 39278  
Code. 39279

(2) If a person other than the physician described in 39280  
division (A) (1) of this section makes or maintains a record 39281  
required by sections 2919.192 to 2919.196 of the Revised Code on 39282  
the physician's behalf or at the physician's direction, that 39283  
person shall comply with the reporting requirement described in 39284  
division (A) (1) of this section as if the person were the 39285  
physician described in that division. 39286

(B) By ~~September 30~~ the first day of March of each year, 39287

the department of health shall issue a public report that 39288  
provides statistics for the previous calendar year compiled from 39289  
all of the reports covering that calendar year submitted to the 39290  
department in accordance with this section for each of the items 39291  
listed in division (A) of this section. The report shall also 39292  
provide the statistics for each previous calendar year in which 39293  
a report was filed with the department pursuant to this section, 39294  
adjusted to reflect any additional information that a physician 39295  
provides to the department in a late or corrected report. The 39296  
department shall ensure that none of the information included in 39297  
the report could reasonably lead to the identification of any 39298  
pregnant woman upon whom an abortion is performed. 39299

(C) (1) The physician shall submit the report described in 39300  
division (A) of this section to the department of health within 39301  
fifteen days after the woman is discharged. If the physician 39302  
fails to submit the report more than thirty days after that 39303  
fifteen-day deadline, the physician shall be subject to a late 39304  
fee of five hundred dollars for each additional thirty-day 39305  
period or portion of a thirty-day period the report is overdue. 39306  
A physician who is required to submit to the department of 39307  
health a report under division (A) of this section and who has 39308  
not submitted a report or has submitted an incomplete report 39309  
more than one year following the fifteen-day deadline may, in an 39310  
action brought by the department of health, be directed by a 39311  
court of competent jurisdiction to submit a complete report to 39312  
the department of health within a period of time stated in a 39313  
court order or be subject to contempt of court. 39314

(2) If a physician fails to comply with the requirements 39315  
of this section, other than filing a late report with the 39316  
department of health, or fails to submit a complete report to 39317  
the department of health in accordance with a court order, the 39318

physician is subject to division (B)(43) of section 4731.22 of the Revised Code. 39319  
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(3) No person shall falsify any report required under this section. Whoever violates this division is guilty of abortion report falsification, a misdemeanor of the first degree. 39321  
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(D) The department of health shall adopt rules pursuant to section 111.15 of the Revised Code to assist in compliance with this section. 39324  
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**Sec. 2921.13.** (A) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies: 39327  
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39329

(1) The statement is made in any official proceeding. 39330

(2) The statement is made with purpose to incriminate another. 39331  
39332

(3) The statement is made with purpose to mislead a public official in performing the public official's official function. 39333  
39334

(4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention, and contingency benefits and services; disability financial assistance; retirement benefits or health care coverage from a state retirement system; economic development assistance, as defined in section 9.66 of the Revised Code; or other benefits administered by a governmental agency or paid out of a public treasury. 39335  
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(5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement. 39343  
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- (6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths. 39347  
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- (7) The statement is in writing on or in connection with a report or return that is required or authorized by law. 39349  
39350
- (8) The statement is in writing and is made with purpose to induce another to extend credit to or employ the offender, to confer any degree, diploma, certificate of attainment, award of excellence, or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment. 39351  
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- (9) The statement is made with purpose to commit or facilitate the commission of a theft offense. 39358  
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- (10) The statement is knowingly made to a probate court in connection with any action, proceeding, or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint, or other pleading, or an inventory, account, or report. 39360  
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- (11) The statement is made on an account, form, record, stamp, label, or other writing that is required by law. 39366  
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- (12) The statement is made in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity. 39368  
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- (13) The statement is made in a document or instrument of 39375

writing that purports to be a judgment, lien, or claim of 39376  
indebtedness and is filed or recorded with the secretary of 39377  
state, a county recorder, or the clerk of a court of record. 39378

(14) The statement is made in an application filed with a 39379  
county sheriff pursuant to section 2923.125 of the Revised Code 39380  
in order to obtain or renew a concealed handgun license or is 39381  
made in an affidavit submitted to a county sheriff to obtain a 39382  
concealed handgun license on a temporary emergency basis under 39383  
section 2923.1213 of the Revised Code. 39384

(15) The statement is required under section 5743.71 of 39385  
the Revised Code in connection with the person's purchase of 39386  
cigarettes or tobacco products in a delivery sale. 39387

(16) The statement is made to the department of children 39388  
and youth in connection with the Ohio adoption grant program for 39389  
the purpose of qualifying for or obtaining an adoption grant 39390  
under sections 5101.19 to 5101.194 of the Revised Code. 39391

(B) No person, in connection with the purchase of a 39392  
firearm, as defined in section 2923.11 of the Revised Code, 39393  
shall knowingly furnish to the seller of the firearm a 39394  
fictitious or altered driver's or commercial driver's license or 39395  
permit, a fictitious or altered identification card, or any 39396  
other document that contains false information about the 39397  
purchaser's identity. 39398

(C) No person, in an attempt to obtain a concealed handgun 39399  
license under section 2923.125 of the Revised Code, shall 39400  
knowingly present to a sheriff a fictitious or altered document 39401  
that purports to be certification of the person's competence in 39402  
handling a handgun as described in division (B) (3) of that 39403  
section. 39404

(D) It is no defense to a charge under division (A) (6) of 39405  
this section that the oath or affirmation was administered or 39406  
taken in an irregular manner. 39407

(E) If contradictory statements relating to the same fact 39408  
are made by the offender within the period of the statute of 39409  
limitations for falsification, it is not necessary for the 39410  
prosecution to prove which statement was false but only that one 39411  
or the other was false. 39412

(F) (1) Whoever violates division (A) (1), (2), (3), (4), 39413  
(5), (6), (7), (8), (10), (11), (13), ~~or~~ (15), or (16) of this 39414  
section is guilty of falsification. Except as otherwise provided 39415  
in this division, falsification is a misdemeanor of the first 39416  
degree. 39417

(2) Whoever violates division (A) (9) of this section is 39418  
guilty of falsification in a theft offense. Except as otherwise 39419  
provided in this division, falsification in a theft offense is a 39420  
misdemeanor of the first degree. If the value of the property or 39421  
services stolen is one thousand dollars or more and is less than 39422  
seven thousand five hundred dollars, falsification in a theft 39423  
offense is a felony of the fifth degree. If the value of the 39424  
property or services stolen is seven thousand five hundred 39425  
dollars or more and is less than one hundred fifty thousand 39426  
dollars, falsification in a theft offense is a felony of the 39427  
fourth degree. If the value of the property or services stolen 39428  
is one hundred fifty thousand dollars or more, falsification in 39429  
a theft offense is a felony of the third degree. 39430

(3) Whoever violates division (A) (12) or (B) of this 39431  
section is guilty of falsification to purchase a firearm, a 39432  
felony of the fifth degree. 39433

(4) Whoever violates division (A) (14) or (C) of this section is guilty of falsification to obtain a concealed handgun license, a felony of the fourth degree. 39434  
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(5) Whoever violates division (A) of this section in removal proceedings under section 319.26, 321.37, 507.13, or 733.78 of the Revised Code is guilty of falsification regarding a removal proceeding, a felony of the third degree. 39437  
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(G) A person who violates this section is liable in a civil action to any person harmed by the violation for injury, death, or loss to person or property incurred as a result of the commission of the offense and for reasonable attorney's fees, court costs, and other expenses incurred as a result of prosecuting the civil action commenced under this division. A civil action under this division is not the exclusive remedy of a person who incurs injury, death, or loss to person or property as a result of a violation of this section. 39441  
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**Sec. 2921.36.** (A) No person shall knowingly convey, or attempt to convey, onto the grounds of a detention facility or of an institution, office building, or other place that is under the control of the department of mental health and addiction services, the department of developmental disabilities, the department of youth services, or the department of rehabilitation and correction any of the following items: 39450  
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(1) Any deadly weapon or dangerous ordnance, as defined in section 2923.11 of the Revised Code, or any part of or ammunition for use in such a deadly weapon or dangerous ordnance; 39457  
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(2) Any drug of abuse, as defined in section 3719.011 of the Revised Code; 39461  
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(3) Any intoxicating liquor, as defined in section 4301.01 39463  
of the Revised Code, except for small amounts of wine for 39464  
sacramental purposes when the person engaging in the specified 39465  
conduct is a cleric, as defined in section 2317.02 of the 39466  
Revised Code. 39467

(B) Division (A) of this section does not apply to any 39468  
person who conveys or attempts to convey an item onto the 39469  
grounds of a detention facility or of an institution, office 39470  
building, or other place under the control of the department of 39471  
mental health and addiction services, the department of 39472  
developmental disabilities, the department of youth services, or 39473  
the department of rehabilitation and correction pursuant to the 39474  
written authorization of the person in charge of the detention 39475  
facility or the institution, office building, or other place and 39476  
in accordance with the written rules of the detention facility 39477  
or the institution, office building, or other place. 39478

(C) No person shall knowingly deliver, or attempt to 39479  
deliver, to any person who is confined in a detention facility, 39480  
to a child confined in a youth services facility, to a prisoner 39481  
who is temporarily released from confinement for a work 39482  
assignment, or to any patient in an institution under the 39483  
control of the department of mental health and addiction 39484  
services or the department of developmental disabilities any 39485  
item listed in division (A) (1), (2), or (3) of this section. 39486

(D) No person shall knowingly deliver, or attempt to 39487  
deliver, cash to any person who is confined in a detention 39488  
facility, to a child confined in a youth services facility, or 39489  
to a prisoner who is temporarily released from confinement for a 39490  
work assignment. 39491

(E) No person shall knowingly deliver, or attempt to 39492



deliver, to any person who is confined in a detention facility, 39493  
to a child confined in a youth services facility, or to a 39494  
prisoner who is temporarily released from confinement for a work 39495  
assignment a cellular telephone, two-way radio, or other 39496  
electronic communications device. 39497

(F) (1) It is an affirmative defense to a charge under 39498  
division (A) (1) of this section that the weapon or dangerous 39499  
ordnance in question was being transported in a motor vehicle 39500  
for any lawful purpose, that it was not on the actor's person, 39501  
and, if the weapon or dangerous ordnance in question was a 39502  
firearm, that it was unloaded and was being carried in a closed 39503  
package, box, or case or in a compartment that can be reached 39504  
only by leaving the vehicle. 39505

(2) It is an affirmative defense to a charge under 39506  
division (C) of this section that the actor was not otherwise 39507  
prohibited by law from delivering the item to the confined 39508  
person, the child, the prisoner, or the patient and that either 39509  
of the following applies: 39510

(a) The actor was permitted by the written rules of the 39511  
detention facility or the institution, office building, or other 39512  
place to deliver the item to the confined person or the patient. 39513

(b) The actor was given written authorization by the 39514  
person in charge of the detention facility or the institution, 39515  
office building, or other place to deliver the item to the 39516  
confined person or the patient. 39517

(G) (1) Whoever violates division (A) (1) of this section or 39518  
commits a violation of division (C) of this section involving an 39519  
item listed in division (A) (1) of this section is guilty of 39520  
illegal conveyance of weapons onto the grounds of a specified 39521

governmental facility, a felony of the third degree. If the 39522  
offender is an officer or employee of the department of 39523  
rehabilitation and correction or the department of youth 39524  
services or a contractor or employee of a contractor providing 39525  
services to the department of rehabilitation and correction or 39526  
the department of youth services, the court shall impose a 39527  
mandatory prison term from the range of definite prison terms 39528  
prescribed in division (A) (3) (b) of section 2929.14 of the 39529  
Revised Code for a felony of the third degree. 39530

(2) Whoever violates division (A) (2) of this section or 39531  
commits a violation of division (C) of this section involving 39532  
any drug of abuse is guilty of illegal conveyance of drugs of 39533  
abuse onto the grounds of a specified governmental facility, a 39534  
felony of the third degree. If the offender is an officer or 39535  
employee of the department of rehabilitation and correction or 39536  
of the department of youth services or a contractor or employee 39537  
of a contractor providing services to the department of 39538  
rehabilitation and correction or the department of youth 39539  
services, the court shall impose a mandatory prison term from 39540  
the range of definite prison terms prescribed in division (A) (3) 39541  
(b) of section 2929.14 of the Revised Code for a felony of the 39542  
third degree. 39543

(3) Whoever violates division (A) (3) of this section or 39544  
commits a violation of division (C) of this section involving 39545  
any intoxicating liquor is guilty of illegal conveyance of 39546  
intoxicating liquor onto the grounds of a specified governmental 39547  
facility, a misdemeanor of the second degree. 39548

(4) Whoever violates division (D) of this section is 39549  
guilty of illegal conveyance of cash onto the grounds of a 39550  
detention facility, a misdemeanor of the first degree. If the 39551

offender previously has been convicted of or pleaded guilty to a 39552  
violation of division (D) of this section, illegal conveyance of 39553  
cash onto the grounds of a detention facility is a felony of the 39554  
fifth degree. 39555

~~(5) Whoever~~ (5) (a) Except as provided in division (G) (5) (b) 39556  
of this section, whoever violates division (E) of this section 39557  
is guilty of illegal conveyance of a communications device onto 39558  
the grounds of a specified governmental facility, a ~~misdemeanor~~ 39559  
felony of the first-fifth degree, or if the offender previously 39560  
has been convicted of or pleaded guilty to a violation of 39561  
division (E) of this section, a felony of the ~~fifth~~ third 39562  
degree. 39563

(b) If the offender is an officer or employee of the 39564  
department of rehabilitation and correction or the department of 39565  
youth services or a contractor or employee of a contractor 39566  
providing services to the department of rehabilitation and 39567  
correction or the department of youth services, a violation of 39568  
division (E) of this section is a felony of the third degree, 39569  
and the court shall impose a mandatory prison term from the 39570  
range of definite prison terms prescribed in division (A) (3) (b) 39571  
of section 2929.14 of the Revised Code for a felony of the third 39572  
degree. 39573

**Sec. 2921.41.** (A) No public official or party official 39574  
shall commit any theft offense, as defined in division (K) of 39575  
section 2913.01 of the Revised Code, when either of the 39576  
following applies: 39577

(1) The offender uses the offender's office in aid of 39578  
committing the offense or permits or assents to its use in aid 39579  
of committing the offense; 39580

(2) The property or service involved is owned by this 39581  
state, any other state, the United States, a county, a municipal 39582  
corporation, a township, or any political subdivision, 39583  
department, or agency of any of them, is owned by a political 39584  
party, or is part of a political campaign fund. 39585

(B) Whoever violates this section is guilty of theft in 39586  
office. Except as otherwise provided in this division, theft in 39587  
office is a felony of the fifth degree. If the value of property 39588  
or services stolen is one thousand dollars or more and is less 39589  
than seven thousand five hundred dollars, theft in office is a 39590  
felony of the fourth degree. If the value of property or 39591  
services stolen is seven thousand five hundred dollars or more 39592  
and is less than one hundred fifty thousand dollars, theft in 39593  
office is a felony of the third degree. If the value of property 39594  
or services stolen is one hundred fifty thousand dollars or more 39595  
and is less than seven hundred fifty thousand dollars, theft in 39596  
office is a felony of the second degree. If the value of 39597  
property or services stolen is seven hundred fifty thousand 39598  
dollars or more, theft in office is a felony of the first 39599  
degree. 39600

(C) (1) A public official or party official who pleads 39601  
guilty to theft in office and whose plea is accepted by the 39602  
court or a public official or party official against whom a 39603  
verdict or finding of guilt for committing theft in office is 39604  
returned is forever disqualified from holding any public office, 39605  
employment, or position of trust in this state. 39606

(2) (a) (i) A court that imposes sentence for a violation of 39607  
this section based on conduct described in division (A) (2) of 39608  
this section shall require the public official or party official 39609  
who is convicted of or pleads guilty to the offense to make 39610

restitution for all of the property or the service that is the 39611  
subject of the offense, in addition to the term of imprisonment 39612  
and any fine imposed. The total amount of restitution imposed 39613  
under this division shall include costs of auditing the public 39614  
entities specified in division (A) (2) of this section that own 39615  
the property or service involved in the conduct described in 39616  
that division that is a violation of this section, but, except 39617  
as otherwise provided in a negotiated plea agreement, shall not 39618  
exceed the amount of the restitution imposed for all of the 39619  
property or the service that is the subject of the offense. 39620

(ii) A court that imposes sentence for a violation of this 39621  
section based on conduct described in division (A) (1) of this 39622  
section and that determines at trial that this state or a 39623  
political subdivision of this state if the offender is a public 39624  
official, or a political party in the United States or this 39625  
state if the offender is a party official, suffered actual loss 39626  
as a result of the offense shall require the offender to make 39627  
restitution to the state, political subdivision, or political 39628  
party for all of the actual loss experienced, in addition to the 39629  
term of imprisonment and any fine imposed. The total amount of 39630  
restitution imposed under this division shall include costs of 39631  
auditing the state, political subdivision, or political party 39632  
that suffered the actual loss based on conduct described in that 39633  
division that is a violation of this section, but, except as 39634  
otherwise provided in a negotiated plea agreement, shall not 39635  
exceed the amount of the restitution imposed for all of the 39636  
actual loss suffered. 39637

(b) (i) In any case in which a sentencing court is required 39638  
to order restitution under division (C) (2) (a) of this section 39639  
and in which the offender, at the time of the commission of the 39640  
offense or at any other time, was a member of the public 39641

employees retirement system, the Ohio police and fire pension 39642  
fund, the state teachers retirement system, the school employees 39643  
retirement system, or the state highway patrol retirement 39644  
system; was an electing employee, as defined in section 3305.01 39645  
of the Revised Code, participating in an alternative retirement 39646  
plan provided pursuant to Chapter 3305. of the Revised Code; was 39647  
a participating employee or continuing member, as defined in 39648  
section 148.01 of the Revised Code, in a deferred compensation 39649  
program offered by the ~~Ohio~~ public employees ~~deferred-~~ 39650  
~~compensation-retirement~~ board; was an officer or employee of a 39651  
municipal corporation who was a participant in a deferred 39652  
compensation program offered by that municipal corporation; was 39653  
an officer or employee of a government unit, as defined in 39654  
section 148.06 of the Revised Code, who was a participant in a 39655  
deferred compensation program offered by that government unit, 39656  
or was a participating employee, continuing member, or 39657  
participant in any deferred compensation program described in 39658  
this division and a member of a retirement system specified in 39659  
this division or a retirement system of a municipal corporation, 39660  
the entity to which restitution is to be made may file a motion 39661  
with the sentencing court specifying any retirement system, any 39662  
provider as defined in section 3305.01 of the Revised Code, and 39663  
any deferred compensation program of which the offender was a 39664  
member, electing employee, participating employee, continuing 39665  
member, or participant and requesting the court to issue an 39666  
order requiring the specified retirement system, the specified 39667  
provider under the alternative retirement plan, or the specified 39668  
deferred compensation program, or, if more than one is specified 39669  
in the motion, the applicable combination of these, to withhold 39670  
the amount required as restitution from any payment that is to 39671  
be made under a pension, annuity, or allowance, under an option 39672  
in the alternative retirement plan, under a participant account, 39673

as defined in section 148.01 of the Revised Code, or under any 39674  
other type of benefit, other than a survivorship benefit, that 39675  
has been or is in the future granted to the offender, from any 39676  
payment of accumulated employee contributions standing to the 39677  
offender's credit with that retirement system, that provider of 39678  
the option under the alternative retirement plan, or that 39679  
deferred compensation program, or, if more than one is specified 39680  
in the motion, the applicable combination of these, and from any 39681  
payment of any other amounts to be paid to the offender upon the 39682  
offender's withdrawal of the offender's contributions pursuant 39683  
to Chapter 145., 148., 742., 3307., 3309., or 5505. of the 39684  
Revised Code. A motion described in this division may be filed 39685  
at any time subsequent to the conviction of the offender or 39686  
entry of a guilty plea. Upon the filing of the motion, the clerk 39687  
of the court in which the motion is filed shall notify the 39688  
offender, the specified retirement system, the specified 39689  
provider under the alternative retirement plan, or the specified 39690  
deferred compensation program, or, if more than one is specified 39691  
in the motion, the applicable combination of these, in writing, 39692  
of all of the following: that the motion was filed; that the 39693  
offender will be granted a hearing on the issuance of the 39694  
requested order if the offender files a written request for a 39695  
hearing with the clerk prior to the expiration of thirty days 39696  
after the offender receives the notice; that, if a hearing is 39697  
requested, the court will schedule a hearing as soon as possible 39698  
and notify the offender, any specified retirement system, any 39699  
specified provider under an alternative retirement plan, and any 39700  
specified deferred compensation program of the date, time, and 39701  
place of the hearing; that, if a hearing is conducted, it will 39702  
be limited only to a consideration of whether the offender can 39703  
show good cause why the requested order should not be issued; 39704  
that, if a hearing is conducted, the court will not issue the 39705

requested order if the court determines, based on evidence 39706  
presented at the hearing by the offender, that there is good 39707  
cause for the requested order not to be issued; that the court 39708  
will issue the requested order if a hearing is not requested or 39709  
if a hearing is conducted but the court does not determine, 39710  
based on evidence presented at the hearing by the offender, that 39711  
there is good cause for the requested order not to be issued; 39712  
and that, if the requested order is issued, any retirement 39713  
system, any provider under an alternative retirement plan, and 39714  
any deferred compensation program specified in the motion will 39715  
be required to withhold the amount required as restitution from 39716  
payments to the offender. 39717

(ii) In any case in which a sentencing court is required 39718  
to order restitution under division (C) (2) (a) of this section 39719  
and in which a motion requesting the issuance of a withholding 39720  
order as described in division (C) (2) (b) (i) of this section is 39721  
filed, the offender may receive a hearing on the motion by 39722  
delivering a written request for a hearing to the court prior to 39723  
the expiration of thirty days after the offender's receipt of 39724  
the notice provided pursuant to division (C) (2) (b) (i) of this 39725  
section. If a request for a hearing is made by the offender 39726  
within the prescribed time, the court shall schedule a hearing 39727  
as soon as possible after the request is made and shall notify 39728  
the offender, the specified retirement system, the specified 39729  
provider under the alternative retirement plan, or the specified 39730  
deferred compensation program, or, if more than one is specified 39731  
in the motion, the applicable combination of these, of the date, 39732  
time, and place of the hearing. A hearing scheduled under this 39733  
division shall be limited to a consideration of whether there is 39734  
good cause, based on evidence presented by the offender, for the 39735  
requested order not to be issued. If the court determines, based 39736



on evidence presented by the offender, that there is good cause 39737  
for the order not to be issued, the court shall deny the motion 39738  
and shall not issue the requested order. If the offender does 39739  
not request a hearing within the prescribed time or if the court 39740  
conducts a hearing but does not determine, based on evidence 39741  
presented by the offender, that there is good cause for the 39742  
order not to be issued, the court shall order the specified 39743  
retirement system, the specified provider under the alternative 39744  
retirement plan, or the specified deferred compensation program, 39745  
or, if more than one is specified in the motion, the applicable 39746  
combination of these, to withhold the amount required as 39747  
restitution under division (C) (2) (a) of this section from any 39748  
payments to be made under a pension, annuity, or allowance, 39749  
under a participant account, as defined in section 148.01 of the 39750  
Revised Code, under an option in the alternative retirement 39751  
plan, or under any other type of benefit, other than a 39752  
survivorship benefit, that has been or is in the future granted 39753  
to the offender, from any payment of accumulated employee 39754  
contributions standing to the offender's credit with that 39755  
retirement system, that provider under the alternative 39756  
retirement plan, or that deferred compensation program, or, if 39757  
more than one is specified in the motion, the applicable 39758  
combination of these, and from any payment of any other amounts 39759  
to be paid to the offender upon the offender's withdrawal of the 39760  
offender's contributions pursuant to Chapter 145., 148., 742., 39761  
3307., 3309., or 5505. of the Revised Code, and to continue the 39762  
withholding for that purpose, in accordance with the order, out 39763  
of each payment to be made on or after the date of issuance of 39764  
the order, until further order of the court. Upon receipt of an 39765  
order issued under this division, the public employees 39766  
retirement system, the Ohio police and fire pension fund, the 39767  
state teachers retirement system, the school employees 39768

retirement system, the state highway patrol retirement system, a 39769  
municipal corporation retirement system, the provider under the 39770  
alternative retirement plan, and the deferred compensation 39771  
program offered by the ~~Ohio~~ public employees ~~deferred-~~ 39772  
~~compensation~~ retirement board, a municipal corporation, or a 39773  
government unit, as defined in section 148.06 of the Revised 39774  
Code, whichever are applicable, shall withhold the amount 39775  
required as restitution, in accordance with the order, from any 39776  
such payments and immediately shall forward the amount withheld 39777  
to the clerk of the court in which the order was issued for 39778  
payment to the entity to which restitution is to be made. 39779

(iii) Service of a notice required by division (C) (2) (b) 39780  
(i) or (ii) of this section shall be effected in the same manner 39781  
as provided in the Rules of Civil Procedure for the service of 39782  
process. 39783

(c) Consistent with the ruling of the supreme court of the 39784  
United States in Kelly v. Robinson, 479 U.S. 36 (1986), 39785  
restitution imposed under division (C) (2) (a) of this section is 39786  
not dischargeable under Chapter 7 of the United States 39787  
Bankruptcy Code pursuant to 11 U.S.C. 523, as amended. 39788

(D) Upon the filing of charges against a person under this 39789  
section, the prosecutor, as defined in section 2935.01 of the 39790  
Revised Code, who is assigned the case shall send written notice 39791  
that charges have been filed against that person to the public 39792  
employees retirement system, the Ohio police and fire pension 39793  
fund, the state teachers retirement system, the school employees 39794  
retirement system, the state highway patrol retirement system, 39795  
the provider under an alternative retirement plan, any municipal 39796  
corporation retirement system in this state, and the deferred 39797  
compensation program offered by the ~~Ohio~~ public employees 39798

~~deferred compensation retirement~~ board, a municipal corporation, 39799  
or a government unit, as defined in section 148.06 of the 39800  
Revised Code. The written notice shall specifically identify the 39801  
person charged. 39802

**Sec. 2925.14.** (A) As used in this section, "drug 39803  
paraphernalia" means any equipment, product, or material of any 39804  
kind that is used by the offender, intended by the offender for 39805  
use, or designed for use, in propagating, cultivating, growing, 39806  
harvesting, manufacturing, compounding, converting, producing, 39807  
processing, preparing, testing, analyzing, packaging, 39808  
repackaging, storing, containing, concealing, injecting, 39809  
ingesting, inhaling, or otherwise introducing into the human 39810  
body, a controlled substance in violation of this chapter. "Drug 39811  
paraphernalia" includes, but is not limited to, any of the 39812  
following equipment, products, or materials that are used by the 39813  
offender, intended by the offender for use, or designed by the 39814  
offender for use, in any of the following manners: 39815

(1) A kit for propagating, cultivating, growing, or 39816  
harvesting any species of a plant that is a controlled substance 39817  
or from which a controlled substance can be derived; 39818

(2) A kit for manufacturing, compounding, converting, 39819  
producing, processing, or preparing a controlled substance; 39820

(3) Any object, instrument, or device for manufacturing, 39821  
compounding, converting, producing, processing, or preparing 39822  
methamphetamine; 39823

(4) An isomerization device for increasing the potency of 39824  
any species of a plant that is a controlled substance; 39825

(5) Testing equipment for identifying, or analyzing the 39826  
strength, effectiveness, or purity of, a controlled substance, 39827

<del>except for those exempted in <u>unless</u></del> division (D) (4) of this	39828
section <u>applies to the testing equipment;</u>	39829
(6) A scale or balance for weighing or measuring a	39830
controlled substance;	39831
(7) A diluent or adulterant, such as quinine	39832
hydrochloride, mannitol, mannite, dextrose, or lactose, for	39833
cutting a controlled substance;	39834
(8) A separation gin or sifter for removing twigs and	39835
seeds from, or otherwise cleaning or refining, marihuana;	39836
(9) A blender, bowl, container, spoon, or mixing device	39837
for compounding a controlled substance;	39838
(10) A capsule, balloon, envelope, or container for	39839
packaging small quantities of a controlled substance;	39840
(11) A container or device for storing or concealing a	39841
controlled substance;	39842
(12) A hypodermic syringe, needle, or instrument for	39843
parenterally injecting a controlled substance into the human	39844
body;	39845
(13) An object, instrument, or device for ingesting,	39846
inhaling, or otherwise introducing into the human body,	39847
marihuana, cocaine, hashish, or hashish oil, such as a metal,	39848
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or	39849
without a screen, permanent screen, hashish head, or punctured	39850
metal bowl; water pipe; carburetion tube or device; smoking or	39851
carburetion mask; roach clip or similar object used to hold	39852
burning material, such as a marihuana cigarette, that has become	39853
too small or too short to be held in the hand; miniature cocaine	39854
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric	39855

pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 39856

(B) In determining if any equipment, product, or material 39857  
is drug paraphernalia, a court or law enforcement officer shall 39858  
consider, in addition to other relevant factors, the following: 39859

(1) Any statement by the owner, or by anyone in control, 39860  
of the equipment, product, or material, concerning its use; 39861

(2) The proximity in time or space of the equipment, 39862  
product, or material, or of the act relating to the equipment, 39863  
product, or material, to a violation of any provision of this 39864  
chapter; 39865

(3) The proximity of the equipment, product, or material 39866  
to any controlled substance; 39867

(4) The existence of any residue of a controlled substance 39868  
on the equipment, product, or material; 39869

(5) Direct or circumstantial evidence of the intent of the 39870  
owner, or of anyone in control, of the equipment, product, or 39871  
material, to deliver it to any person whom the owner or person 39872  
in control of the equipment, product, or material knows intends 39873  
to use the object to facilitate a violation of any provision of 39874  
this chapter. A finding that the owner, or anyone in control, of 39875  
the equipment, product, or material, is not guilty of a 39876  
violation of any other provision of this chapter does not 39877  
prevent a finding that the equipment, product, or material was 39878  
intended or designed by the offender for use as drug 39879  
paraphernalia. 39880

(6) Any oral or written instruction provided with the 39881  
equipment, product, or material concerning its use; 39882

(7) Any descriptive material accompanying the equipment, 39883

product, or material and explaining or depicting its use; 39884

(8) National or local advertising concerning the use of 39885  
the equipment, product, or material; 39886

(9) The manner and circumstances in which the equipment, 39887  
product, or material is displayed for sale; 39888

(10) Direct or circumstantial evidence of the ratio of the 39889  
sales of the equipment, product, or material to the total sales 39890  
of the business enterprise; 39891

(11) The existence and scope of legitimate uses of the 39892  
equipment, product, or material in the community; 39893

(12) Expert testimony concerning the use of the equipment, 39894  
product, or material. 39895

(C) (1) Subject to divisions (D) (2), (3), and (4) of this 39896  
section, no person shall knowingly use, or possess with purpose 39897  
to use, drug paraphernalia. 39898

(2) No person shall knowingly sell, or possess or 39899  
manufacture with purpose to sell, drug paraphernalia, if the 39900  
person knows or reasonably should know that the equipment, 39901  
product, or material will be used as drug paraphernalia. 39902

(3) No person shall place an advertisement in any 39903  
newspaper, magazine, handbill, or other publication that is 39904  
published and printed and circulates primarily within this 39905  
state, if the person knows that the purpose of the advertisement 39906  
is to promote the illegal sale in this state of the equipment, 39907  
product, or material that the offender intended or designed for 39908  
use as drug paraphernalia. 39909

(D) (1) This section does not apply to manufacturers, 39910  
licensed health professionals authorized to prescribe drugs, 39911

pharmacists, owners of pharmacies, and other persons whose 39912  
conduct is in accordance with Chapters 3719., 4715., 4723., 39913  
4729., 4730., 4731., 4741., and 4772. of the Revised Code. This 39914  
section shall not be construed to prohibit the possession or use 39915  
of a hypodermic as authorized by section 3719.172 of the Revised 39916  
Code. 39917

(2) Division (C)(1) of this section does not apply to a 39918  
person's use, or possession with purpose to use, any drug 39919  
paraphernalia that is equipment, a product, or material of any 39920  
kind that is used by the person, intended by the person for use, 39921  
or designed for use in storing, containing, concealing, 39922  
injecting, ingesting, inhaling, or otherwise introducing into 39923  
the human body marihuana. 39924

(3) Division (B)(2) of section 2925.11 of the Revised Code 39925  
applies with respect to a violation of division (C)(1) of this 39926  
section when a person seeks or obtains medical assistance for 39927  
another person who is experiencing a drug overdose, a person 39928  
experiences a drug overdose and seeks medical assistance for 39929  
that overdose, or a person is the subject of another person 39930  
seeking or obtaining medical assistance for that overdose. 39931

(4) Division (C)(1) of this section does not apply to a 39932  
person's use, or possession with purpose to use, ~~any~~ drug 39933  
testing strips to determine the presence of fentanyl or a 39934  
fentanyl-related compound or any other equipment, product, or 39935  
material approved by the state board of pharmacy, in rules 39936  
adopted under section 4729.261 of the Revised Code, as a type of 39937  
instrument that demonstrates efficacy in reducing drug poisoning 39938  
by determining the presence of a specific compound or group of 39939  
compounds. 39940

(E) Notwithstanding Chapter 2981. of the Revised Code, any 39941

drug paraphernalia that was used, possessed, sold, or 39942  
manufactured in a violation of this section shall be seized, 39943  
after a conviction for that violation shall be forfeited, and 39944  
upon forfeiture shall be disposed of pursuant to division (B) of 39945  
section 2981.12 of the Revised Code. 39946

(F) (1) Whoever violates division (C) (1) of this section is 39947  
guilty of illegal use or possession of drug paraphernalia, a 39948  
misdemeanor of the fourth degree. 39949

(2) Except as provided in division (F) (3) of this section, 39950  
whoever violates division (C) (2) of this section is guilty of 39951  
dealing in drug paraphernalia, a misdemeanor of the second 39952  
degree. 39953

(3) Whoever violates division (C) (2) of this section by 39954  
selling drug paraphernalia to a juvenile is guilty of selling 39955  
drug paraphernalia to juveniles, a misdemeanor of the first 39956  
degree. 39957

(4) Whoever violates division (C) (3) of this section is 39958  
guilty of illegal advertising of drug paraphernalia, a 39959  
misdemeanor of the second degree. 39960

(G) (1) If the offender is a professionally licensed 39961  
person, in addition to any other sanction imposed for a 39962  
violation of this section, the court immediately shall comply 39963  
with section 2925.38 of the Revised Code. 39964

If the offender has a driver's or commercial driver's 39965  
license or permit, section 2929.33 of the Revised Code applies. 39966

(2) Any offender who received a mandatory suspension of 39967  
the offender's driver's or commercial driver's license or permit 39968  
under this section prior to September 13, 2016, may file a motion 39969  
with the sentencing court requesting the termination of the 39970



suspension. However, an offender who pleaded guilty to or was 39971  
convicted of a violation of section 4511.19 of the Revised Code 39972  
or a substantially similar municipal ordinance or law of another 39973  
state or the United States that arose out of the same set of 39974  
circumstances as the violation for which the offender's license 39975  
or permit was suspended under this section shall not file such a 39976  
motion. 39977

Upon the filing of a motion under division (G) (2) of this 39978  
section, the sentencing court, in its discretion, may terminate 39979  
the suspension. 39980

**Sec. 2927.11.** (A) No person, without privilege to do so, 39981  
shall purposely deface, damage, pollute, or otherwise physically 39982  
mistreat any of the following: 39983

(1) The flag of the United States or of this state; 39984

(2) Any public monument; 39985

(3) Any historical or commemorative marker, or any 39986  
structure, Indian mound or earthwork, cemetery, thing, or site 39987  
of great historical or archaeological interest; 39988

(4) A place of worship, its furnishings, or religious 39989  
artifacts or sacred texts within the place of worship or within 39990  
the grounds upon which the place of worship is located; 39991

(5) A work of art or museum piece; 39992

(6) Any burial site under section 149.3010 of the Revised 39993  
Code; 39994

(7) Any other object of reverence or sacred devotion. 39995

(B) Whoever violates this section is guilty of 39996  
desecration. A violation of division (A) (1), (2), (3), (5), ~~or~~ 39997

(6), or (7) of this section is a misdemeanor of the second 39998  
degree. Except as otherwise provided in this division, a 39999  
violation of division (A) (4) of this section is a felony of the 40000  
fifth degree that is punishable by a fine of up to two thousand 40001  
five hundred dollars in addition to the penalties specified for 40002  
a felony of the fifth degree in sections 2929.13 to 2929.18 of 40003  
the Revised Code. If the value of the property or the amount of 40004  
physical harm involved in a violation of division (A) (4) of this 40005  
section is five thousand dollars or more but less than one 40006  
hundred thousand dollars, a violation of that division is a 40007  
felony of the fourth degree. If the value of the property or the 40008  
amount of physical harm involved in a violation of division (A) 40009  
(4) of this section is one hundred thousand dollars or more, a 40010  
violation of that division is a felony of the third degree. 40011

(C) As used in this section, "cemetery" means any place of 40012  
burial and includes burial sites that contain American Indian 40013  
burial objects placed with or containing American Indian human 40014  
remains. 40015

**Sec. 2929.12.** (A) Unless otherwise required by section 40016  
2929.13 or 2929.14 of the Revised Code, a court that imposes a 40017  
sentence under this chapter upon an offender for a felony has 40018  
discretion to determine the most effective way to comply with 40019  
the purposes and principles of sentencing set forth in section 40020  
2929.11 of the Revised Code. In exercising that discretion, the 40021  
court shall consider the factors set forth in divisions (B) and 40022  
(C) of this section relating to the seriousness of the conduct, 40023  
the factors provided in divisions (D) and (E) of this section 40024  
relating to the likelihood of the offender's recidivism, the 40025  
factors set forth in division (F) of this section pertaining to 40026  
the offender's service in the armed forces of the United States, 40027  
and the factors set forth in division (G) of this section 40028

relating to Alford pleas and, in addition, may consider any 40029  
other factors that are relevant to achieving those purposes and 40030  
principles of sentencing. 40031

(B) The sentencing court shall consider all of the 40032  
following that apply regarding the offender, the offense, or the 40033  
victim, and any other relevant factors, as indicating that the 40034  
offender's conduct is more serious than conduct normally 40035  
constituting the offense: 40036

(1) The physical or mental injury suffered by the victim 40037  
of the offense due to the conduct of the offender was 40038  
exacerbated because of the physical or mental condition or age 40039  
of the victim. 40040

(2) The victim of the offense suffered serious physical, 40041  
psychological, or economic harm, including serious physical harm 40042  
the victim caused to the victim's self, as a result of the 40043  
offense. 40044

(3) The victim died by suicide as a result of the offense. 40045

(4) The offender held a public office or position of trust 40046  
in the community, and the offense related to that office or 40047  
position. 40048

(5) The offender's occupation, elected office, or 40049  
profession obliged the offender to prevent the offense or bring 40050  
others committing it to justice. 40051

(6) The offender's professional reputation or occupation, 40052  
elected office, or profession was used to facilitate the offense 40053  
or is likely to influence the future conduct of others. 40054

(7) The offender's relationship with the victim 40055  
facilitated the offense. 40056

(8) The offender committed the offense for hire or as a part of an organized criminal activity. 40057  
40058

(9) In committing the offense, the offender was motivated by prejudice based on race, ethnic background, gender, sexual orientation, or religion. 40059  
40060  
40061

(10) If the offense is a violation of section 2919.25 or a violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code involving a person who was a family or household member at the time of the violation, the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children. 40062  
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(C) The sentencing court shall consider all of the following that apply regarding the offender, the offense, or the victim, and any other relevant factors, as indicating that the offender's conduct is less serious than conduct normally constituting the offense: 40070  
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40072  
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(1) The victim induced or facilitated the offense. 40075

(2) In committing the offense, the offender acted under strong provocation. 40076  
40077

(3) In committing the offense, the offender did not cause or expect to cause physical harm to any person or property. 40078  
40079

(4) There are substantial grounds to mitigate the offender's conduct, although the grounds are not enough to constitute a defense. 40080  
40081  
40082

(D) The sentencing court shall consider all of the following that apply regarding the offender, and any other 40083  
40084

relevant factors, as factors indicating that the offender is 40085  
likely to commit future crimes: 40086

(1) At the time of committing the offense, the offender 40087  
was under release from confinement before trial or sentencing; 40088  
was under a sanction imposed pursuant to section 2929.16, 40089  
2929.17, or 2929.18 of the Revised Code; was under post-release 40090  
control pursuant to section 2967.28 or any other provision of 40091  
the Revised Code for an earlier offense or had been unfavorably 40092  
terminated from post-release control for a prior offense 40093  
pursuant to division (B) of section 2967.16 or section 2929.141 40094  
of the Revised Code; was under transitional control in 40095  
connection with a prior offense; or had absconded from the 40096  
offender's approved community placement resulting in the 40097  
offender's removal from the transitional control program under 40098  
section 2967.26 of the Revised Code. 40099

(2) The offender previously was adjudicated a delinquent 40100  
child pursuant to Chapter 2151. of the Revised Code prior to 40101  
January 1, 2002, or pursuant to Chapter 2152. of the Revised 40102  
Code, or the offender has a history of criminal convictions. 40103

(3) The offender has not been rehabilitated to a 40104  
satisfactory degree after previously being adjudicated a 40105  
delinquent child pursuant to Chapter 2151. of the Revised Code 40106  
prior to January 1, 2002, or pursuant to Chapter 2152. of the 40107  
Revised Code, or the offender has not responded favorably to 40108  
sanctions previously imposed for criminal convictions. 40109

(4) The offender has demonstrated a pattern of drug or 40110  
alcohol abuse that is related to the offense, and the offender 40111  
refuses to acknowledge that the offender has demonstrated that 40112  
pattern, or the offender refuses treatment for the drug or 40113  
alcohol abuse. 40114

- (5) The offender shows no genuine remorse for the offense. 40115
- (E) The sentencing court shall consider all of the 40116  
following that apply regarding the offender, and any other 40117  
relevant factors, as factors indicating that the offender is not 40118  
likely to commit future crimes: 40119
- (1) Prior to committing the offense, the offender had not 40120  
been adjudicated a delinquent child. 40121
- (2) Prior to committing the offense, the offender had not 40122  
been convicted of or pleaded guilty to a criminal offense. 40123
- (3) Prior to committing the offense, the offender had led 40124  
a law-abiding life for a significant number of years. 40125
- (4) The offense was committed under circumstances not 40126  
likely to recur. 40127
- (5) Except as provided in division (G) of this section, 40128  
the offender shows genuine remorse for the offense. 40129
- (F) The sentencing court shall consider the offender's 40130  
military service record and whether the offender has an 40131  
emotional, mental, or physical condition that is traceable to 40132  
the offender's service in the armed forces of the United States 40133  
and that was a contributing factor in the offender's commission 40134  
of the offense or offenses. 40135
- (G) If the offender enters an Alford plea, the sentencing 40136  
court shall not consider whether the offender showed genuine 40137  
remorse for the offense and shall not impose as any condition of 40138  
the sentence a requirement that the offender admit guilt. 40139
- Sec. 2929.15.** (A) (1) If in sentencing an offender for a 40140  
felony the court is not required to impose a prison term, a 40141  
mandatory prison term, or a term of life imprisonment upon the 40142

offender, the court may directly impose a sentence that consists 40143  
of one or more community control sanctions authorized pursuant 40144  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 40145  
the court is sentencing an offender for a fourth degree felony 40146  
OVI offense under division (G) (1) of section 2929.13 of the 40147  
Revised Code, in addition to the mandatory term of local 40148  
incarceration imposed under that division and the mandatory fine 40149  
required by division (B) (3) of section 2929.18 of the Revised 40150  
Code, the court may impose upon the offender a community control 40151  
sanction or combination of community control sanctions in 40152  
accordance with sections 2929.16 and 2929.17 of the Revised 40153  
Code. If the court is sentencing an offender for a third or 40154  
fourth degree felony OVI offense under division (G) (2) of 40155  
section 2929.13 of the Revised Code, in addition to the 40156  
mandatory prison term or mandatory prison term and additional 40157  
prison term imposed under that division, the court also may 40158  
impose upon the offender a community control sanction or 40159  
combination of community control sanctions under section 2929.16 40160  
or 2929.17 of the Revised Code, but the offender shall serve all 40161  
of the prison terms so imposed prior to serving the community 40162  
control sanction. 40163

The duration of all community control sanctions imposed on 40164  
an offender under this division shall not exceed five years. If 40165  
the offender absconds or otherwise leaves the jurisdiction of 40166  
the court in which the offender resides without obtaining 40167  
permission from the court or the offender's probation officer to 40168  
leave the jurisdiction of the court, or if the offender is 40169  
confined in any institution for the commission of any offense 40170  
while under a community control sanction, the period of the 40171  
community control sanction ceases to run until the offender is 40172  
brought before the court for its further action. If the court 40173

sentences the offender to one or more nonresidential sanctions 40174  
under section 2929.17 of the Revised Code, the court shall 40175  
impose as a condition of the nonresidential sanctions that, 40176  
during the period of the sanctions, the offender must abide by 40177  
the law and must not leave the state without the permission of 40178  
the court or the offender's probation officer. The court may 40179  
impose any other conditions of release under a community control 40180  
sanction that the court considers appropriate, including, but 40181  
not limited to, requiring that the offender not ingest or be 40182  
injected with a drug of abuse and submit to random drug testing 40183  
as provided in division (D) of this section to determine whether 40184  
the offender ingested or was injected with a drug of abuse and 40185  
requiring that the results of the drug test indicate that the 40186  
offender did not ingest or was not injected with a drug of 40187  
abuse. 40188

(2) (a) If a court sentences an offender to any community 40189  
control sanction or combination of community control sanctions 40190  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 40191  
the Revised Code, the court shall place the offender under the 40192  
general control and supervision of a department of probation in 40193  
the county that serves the court for purposes of reporting to 40194  
the court a violation of any condition of the sanctions, any 40195  
condition of release under a community control sanction imposed 40196  
by the court, a violation of law, or the departure of the 40197  
offender from this state without the permission of the court or 40198  
the offender's probation officer. Alternatively, if the offender 40199  
resides in another county and a county department of probation 40200  
has been established in that county or that county is served by 40201  
a multicounty probation department established under section 40202  
2301.27 of the Revised Code, the court may request the court of 40203  
common pleas of that county to receive the offender into the 40204



general control and supervision of that county or multicounty 40205  
department of probation for purposes of reporting to the court a 40206  
violation of any condition of the sanctions, any condition of 40207  
release under a community control sanction imposed by the court, 40208  
a violation of law, or the departure of the offender from this 40209  
state without the permission of the court or the offender's 40210  
probation officer, subject to the jurisdiction of the trial 40211  
judge over and with respect to the person of the offender, and 40212  
to the rules governing that department of probation. 40213

If there is no department of probation in the county that 40214  
serves the court, the court shall place the offender, regardless 40215  
of the offender's county of residence, under the general control 40216  
and supervision of the adult parole authority, unless the court 40217  
has entered into an agreement with the authority as described in 40218  
division (B) or (C) of section 2301.32 of the Revised Code, or 40219  
under an entity authorized under division (B) of section 2301.27 40220  
of the Revised Code to provide probation and supervisory 40221  
services to counties for purposes of reporting to the court a 40222  
violation of any of the sanctions, any condition of release 40223  
under a community control sanction imposed by the court, a 40224  
violation of law, or the departure of the offender from this 40225  
state without the permission of the court or the offender's 40226  
probation officer. 40227

(b) If the court imposing sentence on an offender 40228  
sentences the offender to any community control sanction or 40229  
combination of community control sanctions authorized pursuant 40230  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 40231  
if the offender violates any condition of the sanctions, 40232  
violates any condition of release under a community control 40233  
sanction imposed by the court, violates any law, or departs the 40234  
state without the permission of the court or the offender's 40235

probation officer, the public or private person or entity that 40236  
operates or administers the sanction or the program or activity 40237  
that comprises the sanction shall report the violation or 40238  
departure directly to the sentencing court, or shall report the 40239  
violation or departure to the county or multicounty department 40240  
of probation with general control and supervision over the 40241  
offender under division (A)(2)(a) of this section or the officer 40242  
of that department who supervises the offender, or, if there is 40243  
no such department with general control and supervision over the 40244  
offender under that division, to the adult parole authority 40245  
unless the court has entered into an agreement with the 40246  
authority as described in division (B) or (C) of section 2301.32 40247  
of the Revised Code, or to an entity authorized under division 40248  
(B) of section 2301.27 of the Revised Code to provide probation 40249  
and supervisory services to the county. If the public or private 40250  
person or entity that operates or administers the sanction or 40251  
the program or activity that comprises the sanction reports the 40252  
violation or departure to the county or multicounty department 40253  
of probation, the adult parole authority, or any other entity 40254  
providing probation and supervisory services to the county, the 40255  
department's, authority's, or other entity's officers may treat 40256  
the offender as if the offender were on probation and in 40257  
violation of the probation, and shall report the violation of 40258  
the condition of the sanction, any condition of release under a 40259  
community control sanction imposed by the court, the violation 40260  
of law, or the departure from the state without the required 40261  
permission to the sentencing court. 40262

(3) If an offender who is eligible for community control 40263  
sanctions under this section admits to having a drug addiction 40264  
or the court has reason to believe that the offender has a drug 40265  
addiction, and if the offense for which the offender is being 40266

sentenced was related to the addiction, the court may require 40267  
that the offender be assessed by a properly credentialed 40268  
professional within a specified period of time and shall require 40269  
the professional to file a written assessment of the offender 40270  
with the court. If a court imposes treatment and recovery 40271  
support services as a community control sanction, the court 40272  
shall direct the level and type of treatment and recovery 40273  
support services after consideration of the written assessment, 40274  
if available at the time of sentencing, and recommendations of 40275  
the professional and other treatment and recovery support 40276  
services providers. 40277

(4) If an assessment completed pursuant to division (A) (3) 40278  
of this section indicates that the offender has an addiction to 40279  
drugs or alcohol, the court may include in any community control 40280  
sanction imposed for a violation of section 2925.02, 2925.03, 40281  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 40282  
2925.36, or 2925.37 of the Revised Code a requirement that the 40283  
offender participate in alcohol and drug addiction services and 40284  
recovery supports certified under section 5119.36 of the Revised 40285  
Code or offered by a properly credentialed community addiction 40286  
services provider. 40287

(B) (1) Except as provided in division (B) (2) of this 40288  
section, if the conditions of a community control sanction 40289  
imposed for a felony are violated or if the offender violates a 40290  
law or leaves the state without the permission of the court or 40291  
the offender's probation officer, the sentencing court may 40292  
impose on the violator one or more of the following penalties: 40293

(a) A longer time under the same sanction if the total 40294  
time under the sanctions does not exceed the five-year limit 40295  
specified in division (A) of this section; 40296

(b) A more restrictive sanction under section 2929.16, 40297  
2929.17, or 2929.18 of the Revised Code, including but not 40298  
limited to, a new term in a community-based correctional 40299  
facility, halfway house, or jail pursuant to division (A) (6) of 40300  
section 2929.16 of the Revised Code; 40301

(c) A prison term on the offender pursuant to section 40302  
2929.14 of the Revised Code and division (B) (3) of this section, 40303  
provided that a prison term imposed under this division is 40304  
subject to the following limitations and rules, as applicable: 40305

(i) If the prison term is imposed for any technical 40306  
violation of the conditions of a community control sanction 40307  
imposed for a felony of the fifth degree, the prison term shall 40308  
not exceed ninety days, provided that if the remaining period of 40309  
community control at the time of the violation or the remaining 40310  
period of the reserved prison sentence at that time is less than 40311  
ninety days, the prison term shall not exceed the length of the 40312  
remaining period of community control or the remaining period of 40313  
the reserved prison sentence. If the court imposes a prison term 40314  
as described in this division, division (B) (2) (b) of this 40315  
section applies. 40316

(ii) If the prison term is imposed for any technical 40317  
violation of the conditions of a community control sanction 40318  
imposed for a felony of the fourth degree that is not an offense 40319  
of violence and is not a sexually oriented offense, the prison 40320  
term shall not exceed one hundred eighty days, provided that if 40321  
the remaining period of the community control at the time of the 40322  
violation or the remaining period of the reserved prison 40323  
sentence at that time is less than one hundred eighty days, the 40324  
prison term shall not exceed the length of the remaining period 40325  
of community control or the remaining period of the reserved 40326

prison sentence. If the court imposes a prison term as described 40327  
in this division, division (B) (2) (b) of this section applies. 40328

(iii) A court is not limited in the number of times it may 40329  
sentence an offender to a prison term under division (B) (1) (c) 40330  
of this section for a violation of the conditions of a community 40331  
control sanction or for a violation of a law or leaving the 40332  
state without the permission of the court or the offender's 40333  
probation officer. If an offender who is under a community 40334  
control sanction violates the conditions of the sanction or 40335  
violates a law or leaves the state without the permission of the 40336  
court or the offender's probation officer, is sentenced to a 40337  
prison term for the violation or conduct, is released from the 40338  
term after serving it, and subsequently violates the conditions 40339  
of the sanction or violates a law or leaves the state without 40340  
the permission of the court or the offender's probation officer, 40341  
the court may impose a new prison term sanction on the offender 40342  
under division (B) (1) (c) of this section for the subsequent 40343  
violation or conduct. 40344

(2) (a) If an offender was acting pursuant to division (B) 40345  
(2) (b) of section 2925.11 or a related provision of section 40346  
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 40347  
doing violated the conditions of a community control sanction 40348  
based on a minor drug possession offense, as defined in section 40349  
2925.11 of the Revised Code, or violated section 2925.12, 40350  
division (C) (1) of section 2925.14, or section 2925.141 of the 40351  
Revised Code, the sentencing court shall not impose any of the 40352  
penalties described in division (B) (1) of this section based on 40353  
the violation. 40354

(b) If a court imposes a prison term on an offender under 40355  
division (B) (1) (c) (i) or (ii) of this section for a technical 40356

violation of the conditions of a community control sanction, one 40357  
of the following is applicable with respect to the time that the 40358  
offender spends in prison under the term: 40359

(i) Subject to division (B)(2)(b)(ii) of this section, it 40360  
shall be credited against the offender's community control 40361  
sanction that was being served at the time of the violation, and 40362  
the remaining time under that community control sanction shall 40363  
be reduced by the time that the offender spends in prison under 40364  
the prison term. By determination of the court, the offender 40365  
upon release from the prison term either shall continue serving 40366  
the remaining time under the community control sanction, as 40367  
reduced under this division, or shall have the community control 40368  
sanction terminated. 40369

(ii) If, at the time a prison term is imposed for a 40370  
technical violation, the offender was serving a residential 40371  
community control sanction imposed under section 2929.16 of the 40372  
Revised Code, the time spent serving the residential community 40373  
control sanction shall be credited against the offender's 40374  
reserved prison sentence, and the remaining time under that 40375  
residential community control sanction and under the reserved 40376  
prison sentence shall be reduced by the time that the offender 40377  
spends in prison under the prison term. By determination of the 40378  
court, the offender upon release from the prison term either 40379  
shall continue serving the remaining time under the residential 40380  
community control sanction, as reduced under this division, or 40381  
shall have the residential community control sanction 40382  
terminated. 40383

(3) The prison term, if any, imposed on a violator 40384  
pursuant to this division and division (B)(1) of this section 40385  
shall be within the range of prison terms described in this 40386

division and shall not exceed a prison term from the range of 40387  
terms specified in the notice provided to the offender at the 40388  
sentencing hearing pursuant to division (B) (4) of section 40389  
2929.19 of the Revised Code. The court may reduce the longer 40390  
period of time that the offender is required to spend under the 40391  
longer sanction, the more restrictive sanction, or a prison term 40392  
imposed pursuant to division (B) (1) of this section by the time 40393  
the offender successfully spent under the sanction that was 40394  
initially imposed. Except as otherwise specified in this 40395  
division, the prison term imposed under this division and 40396  
division (B) (1) of this section shall be within the range of 40397  
prison terms available as a definite term for the offense for 40398  
which the sanction that was violated was imposed. If the offense 40399  
for which the sanction that was violated was imposed is a felony 40400  
of the first or second degree committed on or after March 22, 40401  
2019, the prison term so imposed under this division shall be 40402  
within the range of prison terms available as a minimum term for 40403  
the offense under division (A) (1) (a) or (2) (a) of section 40404  
2929.14 of the Revised Code. 40405

(C) If an offender, for a significant period of time, 40406  
fulfills the conditions of a sanction imposed pursuant to 40407  
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 40408  
exemplary manner, the court may reduce the period of time under 40409  
the sanction or impose a less restrictive sanction, but the 40410  
court shall not permit the offender to violate any law or permit 40411  
the offender to leave the state without the permission of the 40412  
court or the offender's probation officer. 40413

(D) (1) If a court under division (A) (1) of this section 40414  
imposes a condition of release under a community control 40415  
sanction that requires the offender to submit to random drug 40416  
testing, the department of probation, the adult parole 40417

authority, or any other entity that has general control and 40418  
supervision of the offender under division (A) (2) (a) of this 40419  
section may cause the offender to submit to random drug testing 40420  
performed by a laboratory or entity that has entered into a 40421  
contract with any of the governmental entities or officers 40422  
authorized to enter into a contract with that laboratory or 40423  
entity under section 341.26, 753.33, or 5120.63 of the Revised 40424  
Code. 40425

(2) If no laboratory or entity described in division (D) 40426  
(1) of this section has entered into a contract as specified in 40427  
that division, the department of probation, the adult parole 40428  
authority, or any other entity that has general control and 40429  
supervision of the offender under division (A) (2) (a) of this 40430  
section shall cause the offender to submit to random drug 40431  
testing performed by a reputable public laboratory to determine 40432  
whether the individual who is the subject of the drug test 40433  
ingested or was injected with a drug of abuse. 40434

(3) A laboratory or entity that has entered into a 40435  
contract pursuant to section 341.26, 753.33, or 5120.63 of the 40436  
Revised Code shall perform the random drug tests under division 40437  
(D) (1) of this section in accordance with the applicable 40438  
standards that are included in the terms of that contract. A 40439  
public laboratory shall perform the random drug tests under 40440  
division (D) (2) of this section in accordance with the standards 40441  
set forth in the policies and procedures established by the 40442  
department of rehabilitation and correction pursuant to section 40443  
5120.63 of the Revised Code. An offender who is required under 40444  
division (A) (1) of this section to submit to random drug testing 40445  
as a condition of release under a community control sanction and 40446  
whose test results indicate that the offender ingested or was 40447  
injected with a drug of abuse shall pay the fee for the drug 40448



test if the department of probation, the adult parole authority, 40449  
or any other entity that has general control and supervision of 40450  
the offender requires payment of a fee. A laboratory or entity 40451  
that performs the random drug testing on an offender under 40452  
division (D) (1) or (2) of this section shall transmit the 40453  
results of the drug test to the appropriate department of 40454  
probation, the adult parole authority, or any other entity that 40455  
has general control and supervision of the offender under 40456  
division (A) (2) (a) of this section. 40457

(E) As used in this section, "technical violation" means a 40458  
violation of the conditions of a community control sanction 40459  
imposed for a felony of the fifth degree, or for a felony of the 40460  
fourth degree that is not an offense of violence and is not a 40461  
sexually oriented offense, and to which neither of the following 40462  
applies: 40463

(1) The violation consists of a new criminal offense that 40464  
is a felony or that is a misdemeanor other than a minor 40465  
misdemeanor, and the violation is committed while under the 40466  
community control sanction. 40467

(2) The violation consists of or includes the offender's 40468  
articulated or demonstrated refusal to participate in the 40469  
community control sanction imposed on the offender or any of its 40470  
conditions, and the refusal demonstrates to the court that the 40471  
offender has abandoned the objects of the community control 40472  
sanction or condition. 40473

(F) A court shall not, under division (A) (1) of this 40474  
section, impose a condition of release under a community control 40475  
sanction that requires an offender who has pleaded guilty by 40476  
entering an Alford plea to otherwise admit guilt for the 40477  
offense. 40478

**Sec. 2929.25.** (A) (1) Except as provided in sections 40479  
2929.22 and 2929.23 of the Revised Code or when a jail term is 40480  
required by law, in sentencing an offender for a misdemeanor, 40481  
other than a minor misdemeanor, the sentencing court may do 40482  
either of the following: 40483

(a) Directly impose a sentence that consists of one or 40484  
more community control sanctions authorized by section 2929.26, 40485  
2929.27, or 2929.28 of the Revised Code. The court may impose 40486  
any other conditions of release under a community control 40487  
sanction that the court considers appropriate. If the court 40488  
imposes a jail term upon the offender, the court may impose any 40489  
community control sanction or combination of community control 40490  
sanctions in addition to the jail term. 40491

(b) Impose a jail term under section 2929.24 of the 40492  
Revised Code from the range of jail terms authorized under that 40493  
section for the offense, suspend all or a portion of the jail 40494  
term imposed, and place the offender under a community control 40495  
sanction or combination of community control sanctions 40496  
authorized under section 2929.26, 2929.27, or 2929.28 of the 40497  
Revised Code. 40498

(2) The duration of all community control sanctions 40499  
imposed upon an offender and in effect for an offender at any 40500  
time shall not exceed five years. 40501

(3) At sentencing, if a court directly imposes a community 40502  
control sanction or combination of community control sanctions 40503  
pursuant to division (A) (1) (a) or (B) of this section, the court 40504  
shall state the duration of the community control sanctions 40505  
imposed and shall notify the offender that if any of the 40506  
conditions of the community control sanctions are violated the 40507  
court may do any of the following: 40508

(a) Impose a longer time under the same community control 40509  
sanction if the total time under all of the offender's community 40510  
control sanctions does not exceed the five-year limit specified 40511  
in division (A) (2) of this section; 40512

(b) Impose a more restrictive community control sanction 40513  
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 40514  
but the court is not required to impose any particular sanction 40515  
or sanctions; 40516

(c) Impose a definite jail term from the range of jail 40517  
terms authorized for the offense under section 2929.24 of the 40518  
Revised Code. 40519

(B) If a court sentences an offender to any community 40520  
control sanction or combination of community control sanctions 40521  
pursuant to division (A) (1) (a) of this section, the sentencing 40522  
court retains jurisdiction over the offender and the period of 40523  
community control for the duration of the period of community 40524  
control. Upon the motion of either party or on the court's own 40525  
motion, the court, in the court's sole discretion and as the 40526  
circumstances warrant, may modify the community control 40527  
sanctions or conditions of release previously imposed, 40528  
substitute a community control sanction or condition of release 40529  
for another community control sanction or condition of release 40530  
previously imposed, or impose an additional community control 40531  
sanction or condition of release. 40532

(C) (1) If a court sentences an offender to any community 40533  
control sanction or combination of community control sanctions 40534  
authorized under section 2929.26, 2929.27, or 2929.28 of the 40535  
Revised Code, the court shall place the offender under the 40536  
general control and supervision of the court or of a department 40537  
of probation in the jurisdiction that serves the court for 40538

purposes of reporting to the court a violation of any of the 40539  
conditions of the sanctions imposed. If the offender resides in 40540  
another jurisdiction and a department of probation has been 40541  
established to serve the municipal court or county court in that 40542  
jurisdiction, the sentencing court may request the municipal 40543  
court or the county court to receive the offender into the 40544  
general control and supervision of that department of probation 40545  
for purposes of reporting to the sentencing court a violation of 40546  
any of the conditions of the sanctions imposed. The sentencing 40547  
court retains jurisdiction over any offender whom it sentences 40548  
for the duration of the sanction or sanctions imposed. 40549

(2) The sentencing court shall require as a condition of 40550  
any community control sanction that the offender abide by the 40551  
law and not leave the state without the permission of the court 40552  
or the offender's probation officer. In the interests of doing 40553  
justice, rehabilitating the offender, and ensuring the 40554  
offender's good behavior, the court may impose additional 40555  
requirements on the offender. The offender's compliance with the 40556  
additional requirements also shall be a condition of the 40557  
community control sanction imposed upon the offender. 40558

(D) (1) If the court imposing sentence upon an offender 40559  
sentences the offender to any community control sanction or 40560  
combination of community control sanctions authorized under 40561  
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 40562  
the offender violates any of the conditions of the sanctions, 40563  
the public or private person or entity that supervises or 40564  
administers the program or activity that comprises the sanction 40565  
shall report the violation directly to the sentencing court or 40566  
to the department of probation or probation officer with general 40567  
control and supervision over the offender. If the public or 40568  
private person or entity reports the violation to the department 40569

of probation or probation officer, the department or officer 40570  
shall report the violation to the sentencing court. 40571

(2) Except as provided in division (D) (3) of this section, 40572  
if an offender violates any condition of a community control 40573  
sanction, the sentencing court may impose upon the violator one 40574  
or more of the following penalties: 40575

(a) A longer time under the same community control 40576  
sanction if the total time under all of the community control 40577  
sanctions imposed on the violator does not exceed the five-year 40578  
limit specified in division (A) (2) of this section; 40579

(b) A more restrictive community control sanction; 40580

(c) A combination of community control sanctions, 40581  
including a jail term. 40582

(3) If an offender was acting pursuant to division (B) (2) 40583  
(b) of section 2925.11 or a related provision under section 40584  
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 40585  
doing violated the conditions of a community control sanction 40586  
based on a minor drug possession offense, as defined in section 40587  
2925.11 of the Revised Code, or violated section 2925.12, 40588  
division (C) (1) of section 2925.14, or section 2925.141 of the 40589  
Revised Code, the sentencing court shall not impose any of the 40590  
penalties described in division (D) (2) of this section based on 40591  
the violation. 40592

(4) If the court imposes a jail term upon a violator 40593  
pursuant to division (D) (2) of this section, the total time 40594  
spent in jail for the misdemeanor offense and the violation of a 40595  
condition of the community control sanction shall not exceed the 40596  
maximum jail term available for the offense for which the 40597  
sanction that was violated was imposed. The court may reduce the 40598

longer period of time that the violator is required to spend 40599  
under the longer sanction or the more restrictive sanction 40600  
imposed under division (D) (2) of this section by all or part of 40601  
the time the violator successfully spent under the sanction that 40602  
was initially imposed. 40603

(E) Except as otherwise provided in this division, if an 40604  
offender, for a significant period of time, fulfills the 40605  
conditions of a community control sanction imposed pursuant to 40606  
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 40607  
exemplary manner, the court may reduce the period of time under 40608  
the community control sanction or impose a less restrictive 40609  
community control sanction. Fulfilling the conditions of a 40610  
community control sanction does not relieve the offender of a 40611  
duty to make restitution under section 2929.28 of the Revised 40612  
Code. 40613

(F) A court shall not, under division (A) (1) of this 40614  
section, impose a condition of release under a community control 40615  
sanction that requires an offender who has pleaded guilty by 40616  
entering an Alford plea to otherwise admit guilt for the 40617  
offense. 40618

**Sec. 2949.12.** (A) Unless the execution of sentence is 40619  
suspended or, the convicted felon has less than thirty days to 40620  
serve in prison and the department of rehabilitation and 40621  
correction, the county sheriff, and the court agree otherwise, 40622  
or, for convictions occurring on or after the effective date of 40623  
this amendment, the convicted felon is under eighteen years of 40624  
age, a convicted felon who is sentenced to serve a term of 40625  
imprisonment in a state correctional institution shall be 40626  
conveyed, within five days after sentencing, excluding 40627  
Saturdays, Sundays, and legal holidays, by the sheriff of the 40628

county in which the conviction was had to the facility that is 40629  
designated by the department of rehabilitation and correction 40630  
for the reception of convicted felons. The sheriff shall deliver 40631  
the convicted felon into the custody of the managing officer of 40632  
the reception facility and, at that time, unless the department 40633  
and the sheriff have agreed to electronically processed prisoner 40634  
commitment, shall present the managing officer with a copy of 40635  
the convicted felon's sentence that clearly describes each 40636  
offense for which the felon was sentenced to a correctional 40637  
institution, designates each section of the Revised Code that 40638  
the felon violated and that resulted in the felon's conviction 40639  
and sentence to a correctional institution, designates the 40640  
sentence imposed for each offense for which the felon was 40641  
sentenced to a correctional institution, and, pursuant to 40642  
section 2967.191 of the Revised Code, specifies the total number 40643  
of days, if any, that the felon was confined for any reason 40644  
prior to conviction and sentence. The sheriff, at that time, 40645  
also shall present the managing officer with a copy of the 40646  
indictment. The clerk of the court of common pleas shall furnish 40647  
the copies of the sentence and indictment. In the case of a 40648  
person under the age of eighteen years who is certified to the 40649  
court of common pleas by the juvenile court, the clerk of the 40650  
court of common pleas also shall attach a copy of the 40651  
certification to the copy of the indictment. 40652

The convicted felon shall be assigned to an institution or 40653  
designated to be housed in a county, multicounty, municipal, 40654  
municipal-county, or multicounty-municipal jail or workhouse, if 40655  
authorized pursuant to section 5120.161 of the Revised Code, 40656  
shall be conveyed to the institution, jail, or workhouse, and 40657  
shall be kept within the institution, jail, or workhouse until 40658  
the term of the felon's imprisonment expires, the felon is 40659

pardoned, paroled, or placed under a post-release control 40660  
sanction, or the felon is transferred under laws permitting the 40661  
transfer of prisoners. If the execution of the felon's sentence 40662  
is suspended, and the judgment thereafter affirmed, the felon 40663  
shall be conveyed, in the same manner as if the execution of the 40664  
felon's sentence had not been suspended, to the reception 40665  
facility as soon as practicable after the judge directs the 40666  
execution of sentence. The trial judge or other judge of the 40667  
court, in the judge's discretion and for good cause shown, may 40668  
extend the time of the conveyance. 40669

(B) (1) A convicted felon who is under eighteen years old 40670  
at the execution of sentence shall be committed to the 40671  
department of youth services and assigned to an institution 40672  
within the department of youth services and, within five days 40673  
after sentencing, excluding Saturdays, Sundays, and legal 40674  
holidays, the sheriff of the county in which the conviction was 40675  
had shall deliver the felon to the facility designated by the 40676  
department of youth services. The sheriff, at that time, shall 40677  
present the managing officer with a copy of the sentence, a copy 40678  
of the indictment, and a copy of the certification from the 40679  
juvenile court to the court of common pleas. The convicted felon 40680  
shall be held in the institution operated by the department of 40681  
youth services until the felon is eighteen years of age, until 40682  
the term of the felon's imprisonment expires, until the felon is 40683  
pardoned, paroled, or placed under a post-release control 40684  
sanction, until the department of youth services, in the 40685  
discretion of the director of youth services, lacks capacity to 40686  
house the felon, or until the felon is transferred under laws 40687  
permitting the transfer of prisoners. 40688

(2) A convicted felon who is committed to the department 40689  
of youth services under division (B) (1) of this section shall be 40690



transferred to the department of rehabilitation and correction 40691  
and committed to an institution under division (A) of this 40692  
section for the remainder of the felon's sentence when the felon 40693  
attains the age of eighteen or when the felon, because of a rule 40694  
violation or violations, is determined by the department of 40695  
youth services to a danger to self or others. At the time of a 40696  
transfer under division (B) (2) of this section, the sheriff 40697  
shall present the managing officer with a copy of the sentence, 40698  
a copy of the indictment, and a copy of the certification from 40699  
the juvenile court to the court of common pleas. 40700

**Sec. 2953.32.** (A) (1) Sections 2953.32 ~~to~~ and 2953.34 of 40701  
the Revised Code do not apply to any of the following: 40702

(a) Convictions under Chapter 4506., 4507., 4510., 4511., 40703  
or 4549. of the Revised Code, or a conviction for a violation of 40704  
a municipal ordinance that is substantially similar to any 40705  
section contained in any of those chapters; 40706

(b) Convictions of a felony offense of violence that is 40707  
not a sexually oriented offense; 40708

(c) Convictions of a sexually oriented offense when the 40709  
offender is subject to the requirements of Chapter 2950. of the 40710  
Revised Code or Chapter 2950. of the Revised Code as it existed 40711  
prior to January 1, 2008; 40712

(d) Convictions of an offense in circumstances in which 40713  
the victim of the offense was less than thirteen years of age, 40714  
except for convictions under section 2919.21 of the Revised 40715  
Code; 40716

(e) Convictions for a violation of section 2921.41 of the 40717  
Revised Code; 40718

(f) Convictions of a felony of the first or second degree; 40719

(g) Convictions for a violation of section 2919.25 of the Revised Code that is a misdemeanor of the first or second degree or convictions for a violation of a municipal ordinance that is substantially similar to that section;

(h) Convictions of a felony of the third degree if the offender has more than one other conviction of any felony or, if the person has exactly two convictions of a felony of the third degree, has more convictions in total than those two third degree felony convictions and two misdemeanor convictions.

(2) Sections 2953.32 to 2953.34 of the Revised Code apply to the following for purposes of sealing, but not for purposes of expungement of the record of the case:

(a) Convictions for a violation of section 2919.25 of the Revised Code that is a misdemeanor of the third or fourth degree or convictions for a violation of a municipal ordinance that is substantially similar to that section;

(b) Convictions for a violation of section 2919.27 of the Revised Code or convictions for a violation of a municipal ordinance that is substantially similar to that section.

(3) For purposes of division (A) (1) (h) of this section, both of the following apply:

(a) When two or more convictions result from or are connected with the same act or result from offenses committed at the same time, they shall be counted as one conviction.

(b) When two or three convictions result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses

committed at the same time, they shall be counted as one 40749  
conviction, provided that a court may decide as provided in 40750  
division (D) (1) (i) of this section that it is not in the public 40751  
interest for the two or three convictions to be counted as one 40752  
conviction. 40753

(B) (1) Except as provided in section 2953.61 of the 40754  
Revised Code or as otherwise provided in division (B) (1) (a) (iii) 40755  
of this section, an eligible offender may apply to the 40756  
sentencing court if convicted in this state, or to a court of 40757  
common pleas if convicted in another state or in a federal 40758  
court, for the sealing or expungement of the record of the case 40759  
that pertains to the conviction, except for convictions listed 40760  
in division (A) (1) of this section. Application may be made at 40761  
whichever of the following times is applicable regarding the 40762  
offense: 40763

(a) An application for sealing under this section may be 40764  
made at whichever of the following times is applicable regarding 40765  
the offense: 40766

(i) Except as otherwise provided in division (B) (1) (a) (iv) 40767  
of this section, at the expiration of three years after the 40768  
offender's final discharge if convicted of one or two felonies 40769  
of the third degree, so long as none of the offenses is a 40770  
violation of section 2921.43 of the Revised Code; 40771

(ii) Except as otherwise provided in division (B) (1) (a) 40772  
(iv) of this section, at the expiration of one year after the 40773  
offender's final discharge if convicted of one or more felonies 40774  
of the fourth or fifth degree or one or more misdemeanors, so 40775  
long as none of the offenses is a violation of section 2921.43 40776  
of the Revised Code or a felony offense of violence; 40777

(iii) At the expiration of seven years after the 40778  
offender's final discharge if the record includes one or more 40779  
convictions of soliciting improper compensation in violation of 40780  
section 2921.43 of the Revised Code; 40781

(iv) If the offender was subject to the requirements of 40782  
Chapter 2950. of the Revised Code or Chapter 2950. of the 40783  
Revised Code as it existed prior to January 1, 2008, at the 40784  
expiration of five years after the requirements have ended under 40785  
section 2950.07 of the Revised Code or section 2950.07 of the 40786  
Revised Code as it existed prior to January 1, 2008, or are 40787  
terminated under section 2950.15 or 2950.151 of the Revised 40788  
Code; 40789

(v) At the expiration of six months after the offender's 40790  
final discharge if convicted of a minor misdemeanor. 40791

(b) An application for expungement under this section may 40792  
be made at whichever of the following times is applicable 40793  
regarding the offense: 40794

(i) Except as otherwise provided in division (B) (1) (b) (ii) 40795  
of this section, if the offense is a misdemeanor, at the 40796  
expiration of one year after the offender's final discharge; 40797

(ii) If the offense is a minor misdemeanor, at the 40798  
expiration of six months after the offender's final discharge; 40799

(iii) If the offense is a felony, at the expiration of ten 40800  
years after the time specified in division (B) (1) (a) of this 40801  
section at which the person may file an application for sealing 40802  
with respect to that felony offense. 40803

(2) Any person who has been arrested for any misdemeanor 40804  
offense and who has effected a bail forfeiture for the offense 40805  
charged may apply to the court in which the misdemeanor criminal 40806

case was pending when bail was forfeited for the sealing or 40807  
expungement of the record of the case that pertains to the 40808  
charge. Except as provided in section 2953.61 of the Revised 40809  
Code, the application may be filed at whichever of the following 40810  
times is applicable regarding the offense: 40811

(a) An application for sealing under this section may be 40812  
made at any time after the date on which the bail forfeiture was 40813  
entered upon the minutes of the court or the journal, whichever 40814  
entry occurs first. 40815

(b) An application for expungement under this section may 40816  
be made at whichever of the following times is applicable 40817  
regarding the offense: 40818

(i) Except as provided in division (B) (2) (b) (ii) of this 40819  
section, at any time after the expiration of one year from the 40820  
date on which the bail forfeiture was entered upon the minutes 40821  
of the court or the journal, whichever entry occurs first; 40822

(ii) If the offense is a minor misdemeanor, at any time 40823  
after the expiration of six months from the date on which the 40824  
bail forfeiture was entered upon the minutes of the court or the 40825  
journal, whichever entry occurs first. 40826

(C) Upon the filing of an application under this section, 40827  
the court shall set a date for a hearing and shall notify the 40828  
prosecutor for the case of the hearing on the application not 40829  
less than sixty days prior to the hearing. Pursuant to the Ohio 40830  
Constitution, the prosecutor shall provide timely notice of the 40831  
application and the date and time of the hearing to a victim and 40832  
victim's representative, if applicable, if the victim or 40833  
victim's representative requested notice of the proceedings in 40834  
the underlying case. The court shall hold the hearing not less 40835

than forty-five days and not more than ninety days from the date 40836  
of the filing of the application. The prosecutor may object to 40837  
the granting of the application by filing a written objection 40838  
with the court not later than thirty days prior to the date set 40839  
for the hearing. The prosecutor shall specify in the objection 40840  
the reasons for believing a denial of the application is 40841  
justified. The victim, victim's representative, and victim's 40842  
attorney, if applicable, may be present and heard orally, in 40843  
writing, or both at any hearing under this section. The court 40844  
shall direct its regular probation officer, a state probation 40845  
officer, or the department of probation of the county in which 40846  
the applicant resides to make inquiries and written reports as 40847  
the court requires concerning the applicant. The probation 40848  
officer or county department of probation that the court directs 40849  
to make inquiries and written reports as the court requires 40850  
concerning the applicant shall determine whether or not the 40851  
applicant was fingerprinted at the time of arrest or under 40852  
section 109.60 of the Revised Code. If the applicant was so 40853  
fingerprinted, the probation officer or county department of 40854  
probation shall include with the written report a record of the 40855  
applicant's fingerprints. If the applicant was convicted of or 40856  
pleaded guilty to a violation of division (A) (2) or (B) of 40857  
section 2919.21 of the Revised Code, the probation officer or 40858  
county department of probation that the court directed to make 40859  
inquiries concerning the applicant shall contact the child 40860  
support enforcement agency enforcing the applicant's obligations 40861  
under the child support order to inquire about the offender's 40862  
compliance with the child support order. 40863

(D) (1) At the hearing held under division (C) of this 40864  
section, the court shall do each of the following: 40865

(a) Determine whether the applicant is pursuing sealing or 40866

expunging a conviction of an offense that is prohibited under 40867  
division (A) of this section or whether the forfeiture of bail 40868  
was agreed to by the applicant and the prosecutor in the case, 40869  
and determine whether the application was made at the time 40870  
specified in division (B) (1) (a) or (b) or division (B) (2) (a) or 40871  
(b) of this section that is applicable with respect to the 40872  
application and the subject offense; 40873

(b) Determine whether criminal proceedings are pending 40874  
against the applicant; 40875

(c) Determine whether the applicant has been rehabilitated 40876  
to the satisfaction of the court; 40877

(d) If the prosecutor has filed an objection in accordance 40878  
with division (C) of this section, consider the reasons against 40879  
granting the application specified by the prosecutor in the 40880  
objection; 40881

(e) If the victim objected, pursuant to the Ohio 40882  
Constitution, consider the reasons against granting the 40883  
application specified by the victim in the objection; 40884

(f) Weigh the interests of the applicant in having the 40885  
records pertaining to the applicant's conviction or bail 40886  
forfeiture sealed or expunged against the legitimate needs, if 40887  
any, of the government to maintain those records; 40888

(g) Consider the oral or written statement of any victim, 40889  
victim's representative, and victim's attorney, if applicable; 40890

(h) If the applicant was an eligible offender of the type 40891  
described in division (A) (3) of section 2953.36 of the Revised 40892  
Code as it existed prior to April 4, 2023, determine whether the 40893  
offender has been rehabilitated to a satisfactory degree. In 40894  
making the determination, the court may consider all of the 40895

following: 40896

- (i) The age of the offender; 40897
- (ii) The facts and circumstances of the offense; 40898
- (iii) The cessation or continuation of criminal behavior; 40899
- (iv) The education and employment of the offender; 40900
- (v) Any other circumstances that may relate to the  
offender's rehabilitation. 40901  
40902

(i) If the court is required to determine whether an 40903  
applicant for sealing or expungement has two or three 40904  
convictions that result from the same indictment, information, 40905  
or complaint, from the same plea of guilty, or from the same 40906  
official proceeding, and result from related criminal acts that 40907  
were committed within a three-month period but do not result 40908  
from the same act or from offenses committed at the same time, 40909  
in making its determination, the court initially shall determine 40910  
whether it is not in the public interest for the two or three 40911  
convictions to be counted as one conviction. If the court 40912  
determines that it is not in the public interest for the two or 40913  
three convictions to be counted as one conviction, the court 40914  
shall determine whether, when counting the convictions 40915  
individually, the applicant is pursuing sealing or expunging a 40916  
conviction that is prohibited under division (A) of this 40917  
section. 40918

(2) If the court determines, after complying with division 40919  
(D) (1) of this section, that the offender is not pursuing 40920  
sealing or expunging a conviction of an offense that is 40921  
prohibited under division (A) of this section or that the 40922  
forfeiture of bail was agreed to by the applicant and the 40923  
prosecutor in the case, that the application was made at the 40924



time specified in division (B) (1) (a) or (b) or division (B) (2) 40925  
(a) or (b) of this section that is applicable with respect to 40926  
the application and the subject offense, that no criminal 40927  
proceeding is pending against the applicant, that the interests 40928  
of the applicant in having the records pertaining to the 40929  
applicant's conviction or bail forfeiture sealed or expunged are 40930  
not outweighed by any legitimate governmental needs to maintain 40931  
those records, and that the rehabilitation of the applicant has 40932  
been attained to the satisfaction of the court, both of the 40933  
following apply: 40934

(a) The court, except as provided in division (D) (4) or 40935  
(5) of this section or division (D), (F), or (G) of section 40936  
2953.34 of the Revised Code, shall order all official records of 40937  
the case that pertain to the conviction or bail forfeiture 40938  
sealed if the application was for sealing or expunged if the 40939  
application was for expungement and, except as provided in 40940  
division (C) of section 2953.34 of the Revised Code, all index 40941  
references to the case that pertain to the conviction or bail 40942  
forfeiture deleted and, in the case of bail forfeitures, shall 40943  
dismiss the charges in the case. 40944

(b) The proceedings in the case that pertain to the 40945  
conviction or bail forfeiture shall be considered not to have 40946  
occurred and the conviction or bail forfeiture of the person who 40947  
is the subject of the proceedings shall be sealed if the 40948  
application was for sealing or expunged if the application was 40949  
for expungement, except that upon conviction of a subsequent 40950  
offense, a sealed record of prior conviction or bail forfeiture 40951  
may be considered by the court in determining the sentence or 40952  
other appropriate disposition, including the relief provided for 40953  
in sections 2953.31, 2953.32, and 2953.34 of the Revised Code. 40954

(3) An applicant may request the sealing or expungement of the records of more than one case in a single application under this section. Upon the filing of an application under this section, the applicant, unless the applicant presents a poverty affidavit showing that the applicant is indigent, shall pay an application fee of fifty dollars and may pay a local court fee of not more than fifty dollars, regardless of the number of records the application requests to have sealed or expunged. If the applicant pays a fee, the court shall pay three-fifths of the fee collected into the state treasury, with half of that amount credited to the attorney general reimbursement fund created by section 109.11 of the Revised Code. If the applicant pays a fee, the court shall pay two-fifths of the fee collected into the county general revenue fund if the sealed or expunged conviction or bail forfeiture was pursuant to a state statute, or into the general revenue fund of the municipal corporation involved if the sealed or expunged conviction or bail forfeiture was pursuant to a municipal ordinance.

(4) If the court orders the official records pertaining to the case sealed or expunged, the court shall do one of the following:

(a) If the applicant was fingerprinted at the time of arrest or under section 109.60 of the Revised Code and the record of the applicant's fingerprints was provided to the court under division (C) of this section, forward a copy of the sealing or expungement order and the record of the applicant's fingerprints to the bureau of criminal identification and investigation.

(b) If the applicant was not fingerprinted at the time of arrest or under section 109.60 of the Revised Code, or the

record of the applicant's fingerprints was not provided to the 40985  
court under division (C) of this section, but fingerprinting was 40986  
required for the offense, order the applicant to appear before a 40987  
sheriff to have the applicant's fingerprints taken according to 40988  
the fingerprint system of identification on the forms furnished 40989  
by the superintendent of the bureau of criminal identification 40990  
and investigation. The sheriff shall forward the applicant's 40991  
fingerprints to the court. The court shall forward the 40992  
applicant's fingerprints and a copy of the sealing or 40993  
expungement order to the bureau of criminal identification and 40994  
investigation. 40995

Failure of the court to order fingerprints at the time of 40996  
sealing or expungement does not constitute a reversible error. 40997

(5) Notwithstanding any other provision of the Revised 40998  
Code to the contrary, when the bureau of criminal identification 40999  
and investigation receives notice from a court that the record 41000  
of a conviction or bail forfeiture has been expunged under this 41001  
section, the bureau of criminal identification and investigation 41002  
shall maintain a record of the expunged conviction record for 41003  
the limited purpose of determining an individual's qualification 41004  
or disqualification for employment in law enforcement. The 41005  
bureau of criminal identification and investigation shall not be 41006  
compelled by the court to destroy, delete, or erase those 41007  
records so that the records are permanently irretrievable. These 41008  
records may only be disclosed or provided to law enforcement for 41009  
the limited purpose of determining an individual's qualification 41010  
or disqualification for employment in law enforcement. 41011

When any other entity other than the bureau of criminal 41012  
identification and investigation receives notice from a court 41013  
that the record of a conviction or bail forfeiture has been 41014

expunged under this section, the entity shall destroy, delete, 41015  
and erase the record as appropriate for the record's physical or 41016  
electronic form or characteristic so that the record is 41017  
permanently irretrievable. 41018

**Sec. 2967.12.** (A) Except as provided in division (G) of 41019  
this section, at least sixty days before the adult parole 41020  
authority recommends any pardon or commutation of sentence, or 41021  
grants any parole, the authority shall provide a notice of the 41022  
pendency of the pardon, commutation, or parole, setting forth 41023  
the name of the person on whose behalf it is made, the offense 41024  
of which the person was convicted or to which the person pleaded 41025  
guilty, the time of conviction or the guilty plea, and the term 41026  
of the person's sentence, to the prosecuting attorney and the 41027  
judge of the court of common pleas of the county in which the 41028  
indictment against the person was found. If there is more than 41029  
one judge of that court of common pleas, the authority shall 41030  
provide the notice to the presiding judge. Upon the request of 41031  
the prosecuting attorney or of any law enforcement agency, the 41032  
authority shall provide to the requesting prosecuting attorney 41033  
and law enforcement agencies an institutional summary report 41034  
that covers the subject person's participation while confined in 41035  
a state correctional institution in training, work, and other 41036  
rehabilitative activities and any disciplinary action taken 41037  
against the person while so confined. The department of 41038  
rehabilitation and correction may utilize electronic means to 41039  
provide this notice. The department of rehabilitation and 41040  
correction, at the same time that it provides the notice to the 41041  
prosecuting attorney and judge under this division, also shall 41042  
post on the database it maintains pursuant to section 5120.66 of 41043  
the Revised Code the offender's name and all of the information 41044  
specified in division (A) (1) (c) (iii) of that section. 41045

(B) If a request for notification has been made pursuant 41046  
to section 2930.16 of the Revised Code or if division (H) of 41047  
this section applies, the office of victim services or the adult 41048  
parole authority also shall provide notice to the victim or the 41049  
victim's representative at least sixty days prior to 41050  
recommending any pardon or commutation of sentence for, or 41051  
granting any parole to, the person. The notice shall include the 41052  
information required by division (A) of this section and may be 41053  
provided by telephone or through electronic means. The notice 41054  
also shall inform the victim or the victim's representative that 41055  
the victim or representative may send a written statement 41056  
relative to the victimization and the pending action to the 41057  
adult parole authority and that, if the authority receives any 41058  
written statement prior to recommending a pardon or commutation 41059  
or granting a parole for a person, the authority will consider 41060  
the statement before it recommends a pardon or commutation or 41061  
grants a parole. All written and oral statements provided by a 41062  
victim or victim's representative to the department of 41063  
rehabilitation and correction in connection with the pendency of 41064  
any pardon, commutation, or parole are confidential and 41065  
privileged and are not subject to subpoena or discovery, 41066  
admissible in evidence in any action, or public records under 41067  
section 149.43 of the Revised Code. 41068

If the person is being considered for parole, the notice 41069  
shall inform the victim or the victim's representative that a 41070  
full board hearing of the parole board may be held and that the 41071  
victim or victim's representative may contact the office of 41072  
victims' services for further information. If the person being 41073  
considered for parole was convicted of or pleaded guilty to a 41074  
violation of section 2903.01 or 2903.02 of the Revised Code, an 41075  
offense of violence that is a felony of the first, second, or 41076

third degree, or an offense punished by a sentence of life 41077  
imprisonment, the notice shall inform the victim of that 41078  
offense, the victim's representative, or a member of the 41079  
victim's immediate family that the victim, the victim's 41080  
representative, and the victim's immediate family have the right 41081  
to give testimony at a full board hearing of the parole board 41082  
and that the victim or victim's representative may contact the 41083  
office of victims' services for further information. 41084

(C) When notice of the pendency of any pardon, commutation 41085  
of sentence, or parole has been provided to a judge or 41086  
prosecutor or posted on the database as required in division (A) 41087  
of this section and a hearing on the pardon, commutation, or 41088  
parole is continued to a date certain, the authority shall 41089  
provide notice of the further consideration of the pardon, 41090  
commutation, or parole at least sixty days before the further 41091  
consideration. The notice of the further consideration shall be 41092  
provided to the proper judge and prosecuting attorney at least 41093  
sixty days before the further consideration, and may be provided 41094  
using electronic means, and, if the initial notice was posted on 41095  
the database as provided in division (A) of this section, the 41096  
notice of the further consideration shall be posted on the 41097  
database at least sixty days before the further consideration. 41098  
If the prosecuting attorney or a law enforcement agency was 41099  
provided a copy of the institutional summary report relative to 41100  
the subject person under division (A) of this section, the 41101  
authority shall include with the notice of the further 41102  
consideration sent to the prosecuting attorney any new 41103  
information with respect to the person that relates to 41104  
activities and actions of the person that are of a type covered 41105  
by the report and shall send to the law enforcement agency a 41106  
report that provides notice of the further consideration and 41107

includes any such new information with respect to the person. 41108  
When notice of the pendency of any pardon, commutation, or 41109  
parole has been given as provided in division (B) of this 41110  
section and the hearing on it is continued to a date certain, 41111  
the authority shall give notice of the further consideration to 41112  
the victim or the victim's representative in accordance with 41113  
section 2930.03 of the Revised Code. 41114

(D) In case of an application for the pardon or 41115  
commutation of sentence of a person sentenced to capital 41116  
punishment, the governor may modify the requirements of 41117  
notification and publication if there is not sufficient time for 41118  
compliance with the requirements before the date fixed for the 41119  
execution of sentence. 41120

(E) If an offender is serving a prison term imposed under 41121  
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 41122  
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 41123  
Code and if the parole board terminates its control over the 41124  
offender's service of that term pursuant to section 2971.04 of 41125  
the Revised Code, the parole board immediately shall provide 41126  
written notice of its termination of control or the transfer of 41127  
control to the entities and persons specified in section 2971.04 41128  
of the Revised Code. 41129

(F) The failure of the adult parole authority to comply 41130  
with the notice or posting provisions of division (A), (B), or 41131  
(C) of this section or the failure of the parole board to comply 41132  
with the notice provisions of division (E) of this section do 41133  
not give any rights or any grounds for appeal or post-conviction 41134  
relief to the person serving the sentence. 41135

(G) Divisions (A), (B), and (C) of this section do not 41136  
apply to any release of a person that is of the type described 41137

in division (B) (2) (b) of section 5120.031 of the Revised Code. 41138

(H) If a defendant is incarcerated for the commission of 41139  
aggravated murder, murder, or an offense of violence that is a 41140  
felony of the first, second, or third degree or is under a 41141  
sentence of life imprisonment, except as otherwise provided in 41142  
this division, the notice described in division (B) of this 41143  
section shall be given to the victim or victim's representative 41144  
regardless of whether the victim or victim's representative has 41145  
made a request for notification. The notice described in 41146  
division (B) of this section shall not be given under this 41147  
division to a victim or victim's representative if the victim or 41148  
victim's representative has requested pursuant to division (B) 41149  
(2) of section 2930.03 of the Revised Code that the victim or 41150  
the victim's representative not be provided the notice. The 41151  
notice described in division (B) of this section does not have 41152  
to be given under this division to a victim or victim's 41153  
representative if notice was given to the victim or victim's 41154  
representative with respect to at least two prior considerations 41155  
of pardon, commutation, or parole of a person and the victim or 41156  
victim's representative did not provide any written statement 41157  
relative to the victimization and the pending action, did not 41158  
attend any hearing conducted relative to the pending action, and 41159  
did not otherwise respond to the office with respect to the 41160  
pending action. Regardless of whether the victim or victim's 41161  
representative has requested that the notice described in 41162  
division (B) of this section be provided or not be provided, the 41163  
office of victim services or adult parole authority shall give 41164  
similar notice to the law enforcement agency that arrested the 41165  
defendant if any officer of that agency was a victim of the 41166  
offense and to any member of the victim's immediate family who 41167  
requests notification. If notice is to be given under this 41168



division, the office or authority may give the notice by any 41169  
reasonable means, including regular mail, telephone, and 41170  
electronic mail, in accordance with division (D) (1) of section 41171  
2930.16 of the Revised Code. If the notice is based on an 41172  
offense committed prior to March 22, 2013, the notice to the 41173  
victim or victim's representative also shall include the opt-out 41174  
information described in division (D) (1) of section 2930.16 of 41175  
the Revised Code. The office or authority, in accordance with 41176  
division (D) (2) of section 2930.16 of the Revised Code, shall 41177  
keep a record of all attempts to provide the notice, and of all 41178  
notices provided, under this division. 41179

Division (H) of this section, and the notice-related 41180  
provisions of divisions (E) (2) and (K) of section 2929.20, 41181  
division (D) (1) of section 2930.16, division (E) (1) (b) of 41182  
section 2967.19 as it existed prior to ~~the effective date of~~ 41183  
~~this amendment~~ April 4, 2023, division (A) (3) (b) of section 41184  
2967.26, division (D) (1) of section 2967.28, and division (A) (2) 41185  
of section 5149.101 of the Revised Code enacted in the act in 41186  
which division (H) of this section was enacted, shall be known 41187  
as "Roberta's Law." 41188

(I) In addition to and independent of the right of a 41189  
victim to make a statement as described in division (A) of this 41190  
section or pursuant to section 2930.17 of the Revised Code or to 41191  
otherwise make a statement, the authority for a judge or 41192  
prosecuting attorney to furnish statements and information, make 41193  
recommendations, and give testimony as described in division (A) 41194  
of this section, the right of a prosecuting attorney, judge, or 41195  
victim to give testimony or submit a statement at a full parole 41196  
board hearing pursuant to section 5149.101 of the Revised Code, 41197  
and any other right or duty of a person to present information 41198  
or make a statement, any person may send to the adult parole 41199

authority at any time prior to the authority's recommending a 41200  
pardon or commutation or granting a parole for the offender a 41201  
written statement relative to the offense and the pending 41202  
action. 41203

(J) As used in this section, "victim's immediate family" 41204  
means the mother, father, spouse, sibling, or child of the 41205  
victim, provided that in no case does "victim's immediate 41206  
family" include the offender with respect to whom the notice in 41207  
question applies. 41208

**Sec. 2967.14.** (A) As used in this section: 41209

(1) "School" has the same meaning as in section 2925.01 of 41210  
the Revised Code. 41211

(2) "Child care center" has the same meaning as in section 41212  
5104.01 of the Revised Code. 41213

(B) The department of rehabilitation and correction or the 41214  
adult parole authority may require or allow a parolee, a 41215  
releasee, or a prisoner otherwise released from a state 41216  
correctional institution to reside in a halfway house or other 41217  
suitable community residential center that has been licensed by 41218  
the division of parole and community services pursuant to 41219  
division ~~(C)~~-(D) of this section during a part or for the entire 41220  
period of the offender's or parolee's conditional release or of 41221  
the releasee's term of post-release control. The court of common 41222  
pleas that placed an offender under a sanction consisting of a 41223  
term in a halfway house or in an alternative residential 41224  
sanction may require the offender to reside in a halfway house 41225  
or other suitable community residential center that is 41226  
designated by the court and that has been licensed by the 41227  
division pursuant to division ~~(C)~~-(D) of this section during a 41228

part or for the entire period of the offender's residential 41229  
sanction. 41230

~~(B)~~ (C) The division of parole and community services may 41231  
negotiate and enter into agreements with any public or private 41232  
agency or a department or political subdivision of the state 41233  
that operates a halfway house, reentry center, or community 41234  
residential center that has been licensed by the division 41235  
pursuant to division ~~(C)~~ (D) of this section. An agreement under 41236  
this division shall provide for the purchase of beds, shall set 41237  
limits of supervision and levels of occupancy, and shall 41238  
determine the scope of services for all eligible offenders, 41239  
including those subject to a residential sanction, as defined in 41240  
rules adopted by the director of rehabilitation and correction 41241  
in accordance with Chapter 119. of the Revised Code, or those 41242  
released from prison without supervision. The payments for beds 41243  
and services shall not exceed the total operating costs of the 41244  
halfway house, reentry center, or community residential center 41245  
during the term of an agreement. The director of rehabilitation 41246  
and correction shall adopt rules in accordance with Chapter 119. 41247  
of the Revised Code for determining includable and excludable 41248  
costs and income to be used in computing the agency's average 41249  
daily per capita costs with its facility at full occupancy. 41250

The director of rehabilitation and correction shall adopt 41251  
rules providing for the use of no more than fifteen per cent of 41252  
the amount appropriated to the department each fiscal year for 41253  
the halfway house, reentry center, and community residential 41254  
center program to pay for contracts with licensed halfway houses 41255  
for nonresidential services for offenders under the supervision 41256  
of the adult parole authority, including but not limited to, 41257  
offenders supervised pursuant to an agreement entered into by 41258  
the adult parole authority and a court of common pleas under 41259

section 2301.32 of the Revised Code. The nonresidential services 41260  
may include, but are not limited to, treatment for substance 41261  
abuse, mental health counseling, counseling for sex offenders, 41262  
electronic monitoring services, aftercare, and other 41263  
nonresidential services that the director identifies by rule. 41264

~~(C)~~ (D) The division of parole and community services may 41265  
license a halfway house, reentry center, or community 41266  
residential center as a suitable facility for the care and 41267  
treatment of adult offenders, including offenders sentenced 41268  
under section 2929.16 or 2929.26 of the Revised Code, only if 41269  
the halfway house, reentry center, or community residential 41270  
center does not operate within five hundred feet of a school or 41271  
child care center and complies with the standards that the 41272  
division adopts in accordance with Chapter 119. of the Revised 41273  
Code for the licensure of halfway houses, reentry centers, and 41274  
community residential centers. The division shall annually 41275  
inspect each licensed halfway house, licensed reentry center, 41276  
and licensed community residential center to determine if it is 41277  
in compliance with the licensure standards. 41278

~~(D)~~ (E) The division of parole and community services may 41279  
expend up to one-half per cent of the annual appropriation made 41280  
for halfway house programs, for goods or services that benefit 41281  
those programs. 41282

**Sec. 2967.26.** (A) (1) The department of rehabilitation and 41283  
correction, by rule, may establish a transitional control 41284  
program for the purpose of closely monitoring a prisoner's 41285  
adjustment to community supervision during the final one hundred 41286  
eighty days of the prisoner's confinement. If the department 41287  
establishes a transitional control program under this division, 41288  
the division of parole and community services of the department 41289

of rehabilitation and correction may transfer eligible prisoners 41290  
to transitional control status under the program during the 41291  
final one hundred eighty days of their confinement and under the 41292  
terms and conditions established by the department, shall 41293  
provide for the confinement as provided in this division of each 41294  
eligible prisoner so transferred, and shall supervise each 41295  
eligible prisoner so transferred in one or more community 41296  
control sanctions. Each eligible prisoner who is transferred to 41297  
transitional control status under the program shall be confined 41298  
in a suitable facility that is licensed pursuant to division ~~(C)~~ 41299  
(D) of section 2967.14 of the Revised Code, or shall be confined 41300  
in a residence the department has approved for this purpose and 41301  
be monitored pursuant to an electronic monitoring device, as 41302  
defined in section 2929.01 of the Revised Code. If the 41303  
department establishes a transitional control program under this 41304  
division, the rules establishing the program shall include 41305  
criteria that define which prisoners are eligible for the 41306  
program, criteria that must be satisfied to be approved as a 41307  
residence that may be used for confinement under the program of 41308  
a prisoner that is transferred to it and procedures for the 41309  
department to approve residences that satisfy those criteria, 41310  
and provisions of the type described in division (C) of this 41311  
section. At a minimum, the criteria that define which prisoners 41312  
are eligible for the program shall provide all of the following: 41313

(a) That a prisoner is eligible for the program if the 41314  
prisoner is serving a prison term or term of imprisonment for an 41315  
offense committed prior to March 17, 1998, and if, at the time 41316  
at which eligibility is being determined, the prisoner would 41317  
have been eligible for a furlough under this section as it 41318  
existed immediately prior to March 17, 1998, or would have been 41319  
eligible for conditional release under former section 2967.23 of 41320

the Revised Code as that section existed immediately prior to 41321  
March 17, 1998; 41322

(b) That no prisoner who is serving a mandatory prison 41323  
term is eligible for the program until after expiration of the 41324  
mandatory term; 41325

(c) That no prisoner who is serving a prison term or term 41326  
of life imprisonment without parole imposed pursuant to section 41327  
2971.03 of the Revised Code is eligible for the program. 41328

(2) At least sixty days prior to transferring to 41329  
transitional control under this section a prisoner who is 41330  
serving a definite term of imprisonment or definite prison term 41331  
of less than one year for an offense committed on or after July 41332  
1, 1996, or who is serving a minimum term of less than one year 41333  
under a non-life felony indefinite prison term, on or after 41334  
April 4, 2023, the division of parole and community services of 41335  
the department of rehabilitation and correction shall give 41336  
notice of the pendency of the transfer to transitional control 41337  
to the court of common pleas of the county in which the 41338  
indictment against the prisoner was found and of the fact that 41339  
the court may disapprove the transfer of the prisoner to 41340  
transitional control and shall include the institutional summary 41341  
report prepared by the head of the state correctional 41342  
institution in which the prisoner is confined. The head of the 41343  
state correctional institution in which the prisoner is 41344  
confined, upon the request of the division of parole and 41345  
community services, shall provide to the division for inclusion 41346  
in the notice sent to the court under this division an 41347  
institutional summary report on the prisoner's conduct in the 41348  
institution and in any institution from which the prisoner may 41349  
have been transferred. The institutional summary report shall 41350

cover the prisoner's participation in school, vocational 41351  
training, work, treatment, and other rehabilitative activities 41352  
and any disciplinary action taken against the prisoner. If the 41353  
court disapproves of the transfer of the prisoner to 41354  
transitional control, the court shall notify the division of the 41355  
disapproval within thirty days after receipt of the notice. If 41356  
the court timely disapproves the transfer of the prisoner to 41357  
transitional control, the division shall not proceed with the 41358  
transfer. If the court does not timely disapprove the transfer 41359  
of the prisoner to transitional control, the division may 41360  
transfer the prisoner to transitional control. 41361

(3) (a) If the victim of an offense for which a prisoner 41362  
was sentenced to a prison term or term of imprisonment has 41363  
requested notification under section 2930.16 of the Revised Code 41364  
and has provided the department of rehabilitation and correction 41365  
with the victim's name and address or if division (A) (3) (b) of 41366  
this section applies, the division of parole and community 41367  
services, at least sixty days prior to transferring the prisoner 41368  
to transitional control pursuant to this section, shall notify 41369  
the victim and the victim's representative, if applicable, of 41370  
the pendency of the transfer and of the victim's and victim's 41371  
representative's right to submit a statement to the division 41372  
regarding the impact of the transfer of the prisoner to 41373  
transitional control. If the victim or victim's representative's 41374  
subsequently submits a statement of that nature to the division, 41375  
the division shall consider the statement in deciding whether to 41376  
transfer the prisoner to transitional control. 41377

(b) If a prisoner is incarcerated for the commission of 41378  
aggravated murder, murder, or an offense of violence that is a 41379  
felony of the first, second, or third degree or under a sentence 41380  
of life imprisonment, except as otherwise provided in this 41381

division, the notice described in division (A) (3) (a) of this 41382  
section shall be given regardless of whether the victim has 41383  
requested the notification. The notice described in division (A) 41384  
(3) (a) of this section shall not be given under this division to 41385  
a victim if the victim has requested pursuant to division (B) (2) 41386  
of section 2930.03 of the Revised Code that the victim not be 41387  
provided the notice. If notice is to be provided to a victim 41388  
under this division, the authority may give the notice by any 41389  
reasonable means, including regular mail, telephone, and 41390  
electronic mail, in accordance with division (D) (1) of section 41391  
2930.16 of the Revised Code. If the notice is based on an 41392  
offense committed prior to March 22, 2013, the notice also shall 41393  
include the opt-out information described in division (D) (1) of 41394  
section 2930.16 of the Revised Code. The authority, in 41395  
accordance with division (D) (2) of section 2930.16 of the 41396  
Revised Code, shall keep a record of all attempts to provide the 41397  
notice, and of all notices provided, under this division. 41398

Division (A) (3) (b) of this section, and the notice-related 41399  
provisions of divisions (E) (2) and (K) of section 2929.20, 41400  
division (D) (1) of section 2930.16, division (H) of section 41401  
2967.12, division (E) (1) (b) of section 2967.19 as it existed 41402  
prior to April 4, 2023, division (D) (1) of section 2967.28, and 41403  
division (A) (2) of section 5149.101 of the Revised Code enacted 41404  
in the act in which division (A) (3) (b) of this section was 41405  
enacted, shall be known as "Roberta's Law." 41406

(4) The department of rehabilitation and correction, at 41407  
least sixty days prior to transferring a prisoner to 41408  
transitional control pursuant to this section, shall post on the 41409  
database it maintains pursuant to section 5120.66 of the Revised 41410  
Code the prisoner's name and all of the information specified in 41411  
division (A) (1) (c) (iv) of that section. In addition to and 41412



independent of the right of a victim to submit a statement as 41413  
described in division (A) (3) of this section or to otherwise 41414  
make a statement and in addition to and independent of any other 41415  
right or duty of a person to present information or make a 41416  
statement, any person may send to the division of parole and 41417  
community services at any time prior to the division's transfer 41418  
of the prisoner to transitional control a written statement 41419  
regarding the transfer of the prisoner to transitional control. 41420  
In addition to the information, reports, and statements it 41421  
considers under divisions (A) (2) and (3) of this section or that 41422  
it otherwise considers, the division shall consider each 41423  
statement submitted in accordance with this division in deciding 41424  
whether to transfer the prisoner to transitional control. 41425

(B) Each prisoner transferred to transitional control 41426  
under this section shall be confined in the manner described in 41427  
division (A) of this section during any period of time that the 41428  
prisoner is not actually working at the prisoner's approved 41429  
employment, engaged in a vocational training or another 41430  
educational program, engaged in another program designated by 41431  
the director, or engaged in other activities approved by the 41432  
department. 41433

(C) The department of rehabilitation and correction shall 41434  
adopt rules for transferring eligible prisoners to transitional 41435  
control, supervising and confining prisoners so transferred, 41436  
administering the transitional control program in accordance 41437  
with this section, and using the moneys deposited into the 41438  
transitional control fund established under division (E) of this 41439  
section. 41440

(D) The department of rehabilitation and correction may 41441  
adopt rules for the issuance of passes for the limited purposes 41442

described in this division to prisoners who are transferred to 41443  
transitional control under this section. If the department 41444  
adopts rules of that nature, the rules shall govern the granting 41445  
of the passes and shall provide for the supervision of prisoners 41446  
who are temporarily released pursuant to one of those passes. 41447  
Upon the adoption of rules under this division, the department 41448  
may issue passes to prisoners who are transferred to 41449  
transitional control status under this section in accordance 41450  
with the rules and the provisions of this division. All passes 41451  
issued under this division shall be for a maximum of forty-eight 41452  
hours and may be issued only for the following purposes: 41453

(1) To visit a relative in imminent danger of death; 41454

(2) To have a private viewing of the body of a deceased 41455  
relative; 41456

(3) To visit with family; 41457

(4) To otherwise aid in the rehabilitation of the 41458  
prisoner. 41459

(E) The division of parole and community services may 41460  
require a prisoner who is transferred to transitional control to 41461  
pay to the division the reasonable expenses incurred by the 41462  
division in supervising or confining the prisoner while under 41463  
transitional control. Inability to pay those reasonable expenses 41464  
shall not be grounds for refusing to transfer an otherwise 41465  
eligible prisoner to transitional control. Amounts received by 41466  
the division of parole and community services under this 41467  
division shall be deposited into the transitional control fund, 41468  
which is hereby created in the state treasury and which hereby 41469  
replaces and succeeds the furlough services fund that formerly 41470  
existed in the state treasury. All moneys that remain in the 41471

furlough services fund on March 17, 1998, shall be transferred 41472  
on that date to the transitional control fund. The transitional 41473  
control fund shall be used solely to pay costs related to the 41474  
operation of the transitional control program established under 41475  
this section. The director of rehabilitation and correction 41476  
shall adopt rules in accordance with section 111.15 of the 41477  
Revised Code for the use of the fund. 41478

(F) A prisoner who violates any rule established by the 41479  
department of rehabilitation and correction under division (A), 41480  
(C), or (D) of this section may be transferred to a state 41481  
correctional institution pursuant to rules adopted under 41482  
division (A), (C), or (D) of this section, but the prisoner 41483  
shall receive credit towards completing the prisoner's sentence 41484  
for the time spent under transitional control. 41485

If a prisoner is transferred to transitional control under 41486  
this section, upon successful completion of the period of 41487  
transitional control, the prisoner may be released on parole or 41488  
under post-release control pursuant to section 2967.13 or 41489  
2967.28 of the Revised Code and rules adopted by the department 41490  
of rehabilitation and correction. If the prisoner is released 41491  
under post-release control, the duration of the post-release 41492  
control, the type of post-release control sanctions that may be 41493  
imposed, the enforcement of the sanctions, and the treatment of 41494  
prisoners who violate any sanction applicable to the prisoner 41495  
are governed by section 2967.28 of the Revised Code. 41496

**Sec. 2967.271.** (A) As used in this section: 41497

(1) "Offender's minimum prison term" means the minimum 41498  
prison term imposed on an offender under a non-life felony 41499  
indefinite prison term, diminished as provided in section 41500  
2967.191 or 2967.193 of the Revised Code or in any other 41501

provision of the Revised Code, other than division (F) of this 41502  
section, that provides for diminution or reduction of an 41503  
offender's sentence. 41504

(2) "Offender's presumptive earned early release date" 41505  
means the date that is determined under the procedures described 41506  
in division (F) of this section by the reduction, if any, of an 41507  
offender's minimum prison term by the sentencing court and the 41508  
crediting of that reduction toward the satisfaction of the 41509  
minimum term. 41510

(3) "Rehabilitative programs and activities" means 41511  
education programs, vocational training, employment in prison 41512  
industries, treatment for substance abuse, or other constructive 41513  
programs developed by the department of rehabilitation and 41514  
correction with specific standards for performance by prisoners. 41515

(4) "Security level" means the security level in which an 41516  
offender is classified under the inmate classification level 41517  
system of the department of rehabilitation and correction that 41518  
then is in effect. 41519

(5) "Sexually oriented offense" has the same meaning as in 41520  
section 2950.01 of the Revised Code. 41521

(B) When an offender is sentenced to a non-life felony 41522  
indefinite prison term, there shall be a presumption that the 41523  
person shall be released from service of the sentence on the 41524  
expiration of the offender's minimum prison term or on the 41525  
offender's presumptive earned early release date, whichever is 41526  
earlier. 41527

(C) The presumption established under division (B) of this 41528  
section is a rebuttable presumption that the department of 41529  
rehabilitation and correction may rebut as provided in this 41530

division. Unless the department rebuts the presumption, the 41531  
offender shall be released from service of the sentence on the 41532  
expiration of the offender's minimum prison term or on the 41533  
offender's presumptive earned early release date, whichever is 41534  
earlier. The department may rebut the presumption only if the 41535  
department determines, at a hearing, that one or more of the 41536  
following applies: 41537

(1) Regardless of the security level in which the offender 41538  
is classified at the time of the hearing, both of the following 41539  
apply: 41540

(a) During the offender's incarceration, the offender 41541  
committed institutional rule infractions that involved 41542  
compromising the security of a state correctional institution, 41543  
compromising the safety of the staff of a state correctional 41544  
institution or its inmates, or physical harm or the threat of 41545  
physical harm to the staff of a state correctional institution 41546  
or its inmates, or committed a violation of law that was not 41547  
prosecuted, and the infractions or violations demonstrate that 41548  
the offender has not been rehabilitated. 41549

(b) The offender's behavior while incarcerated, including, 41550  
but not limited to the infractions and violations specified in 41551  
division (C) (1) (a) of this section, demonstrate that the 41552  
offender continues to pose a threat to society. 41553

(2) Regardless of the security level in which the offender 41554  
is classified at the time of the hearing, the offender has been 41555  
placed by the department in extended restrictive housing at any 41556  
time within the year preceding the date of the hearing. 41557

(3) At the time of the hearing, the offender is classified 41558  
by the department as a security level three, four, or five, or 41559

at a higher security level. 41560

(D) (1) If the department of rehabilitation and correction, 41561  
pursuant to division (C) of this section, rebuts the presumption 41562  
established under division (B) of this section, the department 41563  
may maintain the offender's incarceration in a state 41564  
correctional institution under the sentence after the expiration 41565  
of the offender's minimum prison term or, for offenders who have 41566  
a presumptive earned early release date, after the offender's 41567  
presumptive earned early release date. The department may 41568  
maintain the offender's incarceration under this division for an 41569  
additional period of incarceration determined by the department. 41570  
The additional period of incarceration shall be a reasonable 41571  
period determined by the department, shall be specified by the 41572  
department, and shall not exceed the offender's maximum prison 41573  
term. 41574

(2) If the department maintains an offender's 41575  
incarceration for an additional period under division (D) (1) of 41576  
this section, there shall be a presumption that the offender 41577  
shall be released on the expiration of the offender's minimum 41578  
prison term plus the additional period of incarceration 41579  
specified by the department as provided under that division or, 41580  
for offenders who have a presumptive earned early release date, 41581  
on the expiration of the additional period of incarceration to 41582  
be served after the offender's presumptive earned early release 41583  
date that is specified by the department as provided under that 41584  
division. The presumption is a rebuttable presumption that the 41585  
department may rebut, but only if it conducts a hearing and 41586  
makes the determinations specified in division (C) of this 41587  
section, and if the department rebuts the presumption, it may 41588  
maintain the offender's incarceration in a state correctional 41589  
institution for an additional period determined as specified in 41590

division (D) (1) of this section. Unless the department rebuts 41591  
the presumption at the hearing, the offender shall be released 41592  
from service of the sentence on the expiration of the offender's 41593  
minimum prison term plus the additional period of incarceration 41594  
specified by the department or, for offenders who have a 41595  
presumptive earned early release date, on the expiration of the 41596  
additional period of incarceration to be served after the 41597  
offender's presumptive earned early release date as specified by 41598  
the department. 41599

The provisions of this division regarding the 41600  
establishment of a rebuttable presumption, the department's 41601  
rebuttal of the presumption, and the department's maintenance of 41602  
an offender's incarceration for an additional period of 41603  
incarceration apply, and may be utilized more than one time, 41604  
during the remainder of the offender's incarceration. If the 41605  
offender has not been released under division (C) of this 41606  
section or this division prior to the expiration of the 41607  
offender's maximum prison term imposed as part of the offender's 41608  
non-life felony indefinite prison term, the offender shall be 41609  
released upon the expiration of that maximum term. 41610

(E) The department shall provide notices of hearings to be 41611  
conducted under division (C) or (D) of this section in the same 41612  
manner, and to the same persons, as specified in section 2967.12 41613  
and Chapter 2930. of the Revised Code with respect to hearings 41614  
to be conducted regarding the possible release on parole of an 41615  
inmate. 41616

(F) (1) The director of the department of rehabilitation 41617  
and correction may notify the sentencing court in writing that 41618  
the director is recommending that the court grant a reduction in 41619  
the minimum prison term imposed on a specified offender who is 41620

41621 serving a non-life felony indefinite prison term and who is  
41622 eligible under division (F)(8) of this section for such a  
41623 reduction, due to the offender's exceptional conduct while  
41624 incarcerated or the offender's adjustment to incarceration. If  
41625 the director wishes to recommend such a reduction for an  
41626 offender, the director shall send the notice to the court not  
41627 earlier than ninety days prior to the date on which the director  
41628 wishes to credit the reduction toward the satisfaction of the  
41629 offender's minimum prison term. If the director recommends such  
41630 a reduction for an offender, there shall be a presumption that  
41631 the court shall grant the recommended reduction to the offender.  
41632 The presumption established under this division is a rebuttable  
41633 presumption that may be rebutted as provided in division (F)(4)  
41634 of this section.

41635 The director shall include with the notice sent to a court  
41636 under this division an institutional summary report that covers  
41637 the offender's participation while confined in a state  
41638 correctional institution in rehabilitative programs and  
41639 activities and any disciplinary action taken against the  
41640 offender while so confined, and any other documentation  
41641 requested by the court, if available.

41642 The notice the director sends to a court under this  
41643 division shall do all of the following:

41644 (a) Identify the offender;

41645 (b) Specify the length of the recommended reduction, which  
41646 shall be for five to fifteen per cent of the offender's minimum  
41647 term determined in accordance with rules adopted by the  
41648 department under division (F)(7) of this section;

41649 (c) Specify the reason or reasons that qualify the



offender for the recommended reduction; 41650

(d) Inform the court of the rebuttable presumption and 41651  
that the court must either approve or, if the court finds that 41652  
the presumption has been rebutted, disapprove of the recommended 41653  
reduction, and that if it approves of the recommended reduction, 41654  
it must grant the reduction; 41655

(e) Inform the court that it must notify the department of 41656  
its decision as to approval or disapproval not later than sixty 41657  
days after receipt of the notice from the director. 41658

(2) When the director, under division (F)(1) of this 41659  
section, submits a notice to a sentencing court that the 41660  
director is recommending that the court grant a reduction in the 41661  
minimum prison term imposed on an offender serving a non-life 41662  
felony indefinite prison term, the department promptly shall 41663  
provide to the prosecuting attorney of the county in which the 41664  
offender was indicted a copy of the written notice, a copy of 41665  
the institutional summary report described in that division, and 41666  
any other information provided to the court. 41667

(3) Upon receipt of a notice submitted by the director 41668  
under division (F)(1) of this section, the court shall schedule 41669  
a hearing to consider whether to grant the reduction in the 41670  
minimum prison term imposed on the specified offender that was 41671  
recommended by the director or to find that the presumption has 41672  
been rebutted and disapprove the recommended reduction. Upon 41673  
scheduling the hearing, the court promptly shall give notice of 41674  
the hearing to the prosecuting attorney of the county in which 41675  
the offender was indicted and to the department. The notice 41676  
shall inform the prosecuting attorney that the prosecuting 41677  
attorney may submit to the court, prior to the date of the 41678  
hearing, written information relevant to the recommendation and 41679

may present at the hearing written information and oral 41680  
information relevant to the recommendation. 41681

Upon receipt of the notice from the court, the prosecuting 41682  
attorney shall notify the victim of the offender or the victim's 41683  
representative of the recommendation by the director, the date, 41684  
time, and place of the hearing, the fact that the victim may 41685  
submit to the court, prior to the date of the hearing, written 41686  
information relevant to the recommendation, and the address and 41687  
procedure for submitting the information. 41688

(4) At the hearing scheduled under division (F)(3) of this 41689  
section, the court shall afford the prosecuting attorney an 41690  
opportunity to present written information and oral information 41691  
relevant to the director's recommendation. In making its 41692  
determination as to whether to grant or disapprove the reduction 41693  
in the minimum prison term imposed on the specified offender 41694  
that was recommended by the director, the court shall consider 41695  
any report and other documentation submitted by the director, 41696  
any information submitted by a victim, any information submitted 41697  
or presented at the hearing by the prosecuting attorney, and all 41698  
of the factors set forth in divisions (B) to (D) of section 41699  
2929.12 of the Revised Code that are relevant to the offender's 41700  
offense and to the offender. 41701

Unless the court, after considering at the hearing the 41702  
specified reports, documentation, information, and relevant 41703  
factors, finds that the presumption that the recommended 41704  
reduction shall be granted has been rebutted and disapproves the 41705  
recommended reduction, the court shall grant the recommended 41706  
reduction. The court may disapprove the recommended reduction 41707  
only if, after considering at the hearing the specified reports, 41708  
documentation, information, and relevant factors, it finds that 41709

the presumption that the reduction shall be granted has been 41710  
rebutted. The court may find that the presumption has been 41711  
rebutted and disapprove the recommended reduction only if it 41712  
determines at the hearing that one or more of the following 41713  
applies: 41714

(a) Regardless of the security level in which the offender 41715  
is classified at the time of the hearing, during the offender's 41716  
incarceration, the offender committed institutional rule 41717  
infractions that involved compromising the security of a state 41718  
correctional institution, compromising the safety of the staff 41719  
of a state correctional institution or its inmates, or physical 41720  
harm or the threat of physical harm to the staff of a state 41721  
correctional institution or its inmates, or committed a 41722  
violation of law that was not prosecuted, and the infractions or 41723  
violations demonstrate that the offender has not been 41724  
rehabilitated. 41725

(b) The offender's behavior while incarcerated, including, 41726  
but not limited to, the infractions and violations specified in 41727  
division (F)(4)(a) of this section, demonstrates that the 41728  
offender continues to pose a threat to society. 41729

(c) At the time of the hearing, the offender is classified 41730  
by the department as a security level three, four, or five, or 41731  
at a higher security level. 41732

(d) During the offender's incarceration, the offender did 41733  
not productively participate in a majority of the rehabilitative 41734  
programs and activities recommended by the department for the 41735  
offender, or the offender participated in a majority of such 41736  
recommended programs or activities but did not successfully 41737  
complete a reasonable number of the programs or activities in 41738  
which the offender participated. 41739

(e) After release, the offender will not be residing in a  
halfway house, reentry center, or community residential center  
licensed under division ~~(C)~~ (D) of section 2967.14 of the  
Revised Code and, after release, does not have any other place  
to reside at a fixed residence address.

(5) If the court pursuant to division (F) (4) of this  
section finds that the presumption that the recommended  
reduction in the offender's minimum prison term has been  
rebutted and disapproves the recommended reduction, the court  
shall notify the department of the disapproval not later than  
sixty days after receipt of the notice from the director. The  
court shall specify in the notification the reason or reasons  
for which it found that the presumption was rebutted and  
disapproved the recommended reduction. The court shall not  
reduce the offender's minimum prison term, and the department  
shall not credit the amount of the disapproved reduction toward  
satisfaction of the offender's minimum prison term.

If the court pursuant to division (F) (4) of this section  
grants the recommended reduction of the offender's minimum  
prison term, the court shall notify the department of the grant  
of the reduction not later than sixty days after receipt of the  
notice from the director, the court shall reduce the offender's  
minimum prison term in accordance with the recommendation  
submitted by the director, and the department shall credit the  
amount of the reduction toward satisfaction of the offender's  
minimum prison term.

Upon deciding whether to disapprove or grant the  
recommended reduction of the offender's minimum prison term, the  
court shall notify the prosecuting attorney of the decision and  
the prosecuting attorney shall notify the victim or victim's

representative of the court's decision. 41770

(6) If the court under division (F) (5) of this section 41771  
grants the reduction in the minimum prison term imposed on an 41772  
offender that was recommended by the director and reduces the 41773  
offender's minimum prison term, the date determined by the 41774  
department's crediting of the reduction toward satisfaction of 41775  
the offender's minimum prison term is the offender's presumptive 41776  
earned early release date. 41777

(7) The department of rehabilitation and correction by 41778  
rule shall specify both of the following for offenders serving a 41779  
non-life felony indefinite prison term: 41780

(a) The type of exceptional conduct while incarcerated and 41781  
the type of adjustment to incarceration that will qualify an 41782  
offender serving such a prison term for a reduction under 41783  
divisions (F) (1) to (6) of this section of the minimum prison 41784  
term imposed on the offender under the non-life felony 41785  
indefinite prison term. 41786

(b) The per cent of reduction that it may recommend for, 41787  
and that may be granted to, an offender serving such a prison 41788  
term under divisions (F) (1) to (6) of this section, based on the 41789  
offense level of the offense for which the prison term was 41790  
imposed, with the department specifying the offense levels used 41791  
for purposes of this division and assigning a specific 41792  
percentage reduction within the range of five to fifteen per 41793  
cent for each such offense level. 41794

(8) Divisions (F) (1) to (6) of this section do not apply 41795  
with respect to an offender serving a non-life felony indefinite 41796  
prison term for a sexually oriented offense, and no offender 41797  
serving such a prison term for a sexually oriented offense is 41798

eligible to be recommended for or granted, or may be recommended 41799  
for or granted, a reduction under those divisions in the 41800  
offender's minimum prison term imposed under that non-life 41801  
felony indefinite prison term. 41802

(G) If an offender is sentenced to a non-life felony 41803  
indefinite prison term, any reference in a section of the 41804  
Revised Code to a definite prison term shall be construed as 41805  
referring to the offender's minimum term under that sentence 41806  
plus any additional period of time of incarceration specified by 41807  
the department under division (D) (1) or (2) of this section, 41808  
except to the extent otherwise specified in the section or to 41809  
the extent that that construction clearly would be 41810  
inappropriate. 41811

**Sec. 2967.28.** (A) As used in this section: 41812

(1) "Monitored time" means the monitored time sanction 41813  
specified in section 2929.17 and defined in section 2929.01 of 41814  
the Revised Code. 41815

(2) "Deadly weapon" and "dangerous ordnance" have the same 41816  
meanings as in section 2923.11 of the Revised Code. 41817

(3) "Felony sex offense" means a violation of a section 41818  
contained in Chapter 2907. of the Revised Code that is a felony. 41819

(4) "Risk reduction sentence" means a prison term imposed 41820  
by a court, when the court recommends pursuant to section 41821  
2929.143 of the Revised Code that the offender serve the 41822  
sentence under section 5120.036 of the Revised Code, and the 41823  
offender may potentially be released from imprisonment prior to 41824  
the expiration of the prison term if the offender successfully 41825  
completes all assessment and treatment or programming required 41826  
by the department of rehabilitation and correction under section 41827

5120.036 of the Revised Code. 41828

(5) "Victim's immediate family" has the same meaning as in 41829  
section 2967.12 of the Revised Code. 41830

(6) "Minor drug possession offense" has the same meaning 41831  
as in section 2925.11 of the Revised Code. 41832

(7) "Single validated risk assessment tool" means the 41833  
single validated risk assessment tool selected by the department 41834  
of rehabilitation and correction under section 5120.114 of the 41835  
Revised Code. 41836

(B) Each sentence to a prison term, other than a term of 41837  
life imprisonment, for a felony of the first degree, for a 41838  
felony of the second degree, for a felony sex offense, or for a 41839  
felony of the third degree that is an offense of violence and is 41840  
not a felony sex offense shall include a requirement that the 41841  
offender be subject to a period of post-release control imposed 41842  
by the parole board after the offender's release from 41843  
imprisonment. For post-release control to be imposed, the 41844  
offender must be committed to the department of rehabilitation 41845  
and correction as set forth in section 5120.16 of the Revised 41846  
Code. This division applies with respect to all prison terms of 41847  
a type described in this division, including a term of any such 41848  
type that is a risk reduction sentence. If a court imposes a 41849  
sentence including a prison term of a type described in this 41850  
division on or after July 11, 2006, the failure of a sentencing 41851  
court to notify the offender pursuant to division (B) (2) (d) of 41852  
section 2929.19 of the Revised Code of this requirement or to 41853  
include in the judgment of conviction entered on the journal a 41854  
statement that the offender's sentence includes this requirement 41855  
does not negate, limit, or otherwise affect the mandatory period 41856  
of supervision that is required for the offender under this 41857

division. This division applies with respect to all prison terms 41858  
of a type described in this division, including a non-life 41859  
felony indefinite prison term. Section 2929.191 of the Revised 41860  
Code applies if, prior to July 11, 2006, a court imposed a 41861  
sentence including a prison term of a type described in this 41862  
division and failed to notify the offender pursuant to division 41863  
(B) (2) (d) of section 2929.19 of the Revised Code regarding post- 41864  
release control or to include in the judgment of conviction 41865  
entered on the journal or in the sentence pursuant to division 41866  
(D) (1) of section 2929.14 of the Revised Code a statement 41867  
regarding post-release control. Unless reduced by the parole 41868  
board pursuant to division (D) of this section when authorized 41869  
under that division, a period of post-release control required 41870  
by this division for an offender shall be of one of the 41871  
following periods: 41872

(1) For a felony sex offense, five years; 41873

(2) For a felony of the first degree that is not a felony 41874  
sex offense, up to five years, but not less than two years; 41875

(3) For a felony of the second degree that is not a felony 41876  
sex offense, up to three years, but not less than eighteen 41877  
months; 41878

(4) For a felony of the third degree that is an offense of 41879  
violence and is not a felony sex offense, up to three years, but 41880  
not less than one year. 41881

(C) Any sentence to a prison term for a felony of the 41882  
third, fourth, or fifth degree that is not subject to division 41883  
(B) (1) or (4) of this section shall include a requirement that 41884  
the offender be subject to a period of post-release control of 41885  
up to two years after the offender's release from imprisonment, 41886



if the parole board, in accordance with division (D) of this 41887  
section, determines that a period of post-release control is 41888  
necessary for that offender. For post-release control to be 41889  
imposed, the offender must be committed to the department of 41890  
rehabilitation and correction as set forth in section 5120.16 of 41891  
the Revised Code. This division applies with respect to all 41892  
prison terms of a type described in this division, including a 41893  
term of any such type that is a risk reduction sentence. Section 41894  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 41895  
a court imposed a sentence including a prison term of a type 41896  
described in this division and failed to notify the offender 41897  
pursuant to division (B) (2) (e) of section 2929.19 of the Revised 41898  
Code regarding post-release control or to include in the 41899  
judgment of conviction entered on the journal or in the sentence 41900  
pursuant to division (D) (2) of section 2929.14 of the Revised 41901  
Code a statement regarding post-release control. Pursuant to an 41902  
agreement entered into under section 2967.29 of the Revised 41903  
Code, a court of common pleas or parole board may impose 41904  
sanctions or conditions on an offender who is placed on post- 41905  
release control under this division. 41906

(D) (1) Before the prisoner is released from imprisonment, 41907  
the parole board or, pursuant to an agreement under section 41908  
2967.29 of the Revised Code, the court shall impose on a 41909  
prisoner described in division (B) of this section, shall impose 41910  
on a prisoner described in division (C) of this section who is 41911  
to be released before the expiration of the prisoner's stated 41912  
prison term under a risk reduction sentence, may impose on a 41913  
prisoner described in division (C) of this section who is not to 41914  
be released before the expiration of the prisoner's stated 41915  
prison term under a risk reduction sentence, and shall impose on 41916  
a prisoner described in division (B) (2) (b) of section 5120.031 41917

or in division (B) (1) of section 5120.032 of the Revised Code, 41918  
one or more post-release control sanctions to apply during the 41919  
prisoner's period of post-release control. Whenever the board or 41920  
court imposes one or more post-release control sanctions on a 41921  
prisoner, the board or court, in addition to imposing the 41922  
sanctions, also shall include as a condition of the post-release 41923  
control that the offender not leave the state without permission 41924  
of the court or the offender's parole or probation officer and 41925  
that the offender abide by the law. The board or court may 41926  
impose any other conditions of release under a post-release 41927  
control sanction that the board or court considers appropriate, 41928  
and the conditions of release may include any community 41929  
residential sanction, community nonresidential sanction, or 41930  
financial sanction that the sentencing court was authorized to 41931  
impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the 41932  
Revised Code. Prior to the release of a prisoner for whom it 41933  
will impose one or more post-release control sanctions under 41934  
this division, the parole board or court shall review the 41935  
prisoner's criminal history, results from the single validated 41936  
risk assessment tool, and the record of the prisoner's conduct 41937  
while imprisoned. The parole board or court shall consider any 41938  
recommendation regarding post-release control sanctions for the 41939  
prisoner made by the office of victims' services. After 41940  
considering those materials, the board or court shall determine, 41941  
for a prisoner described in division (B) of this section, 41942  
division (B) (2) (b) of section 5120.031, or division (B) (1) of 41943  
section 5120.032 of the Revised Code and for a prisoner 41944  
described in division (C) of this section who is to be released 41945  
before the expiration of the prisoner's stated prison term under 41946  
a risk reduction sentence, which post-release control sanction 41947  
or combination of post-release control sanctions is reasonable 41948  
under the circumstances or, for a prisoner described in division 41949

(C) of this section who is not to be released before the 41950  
expiration of the prisoner's stated prison term under a risk 41951  
reduction sentence, whether a post-release control sanction is 41952  
necessary and, if so, which post-release control sanction or 41953  
combination of post-release control sanctions is reasonable 41954  
under the circumstances. In the case of a prisoner convicted of 41955  
a felony of the fourth or fifth degree other than a felony sex 41956  
offense, the board or court shall presume that monitored time is 41957  
the appropriate post-release control sanction unless the board 41958  
or court determines that a more restrictive sanction is 41959  
warranted. A post-release control sanction imposed under this 41960  
division takes effect upon the prisoner's release from 41961  
imprisonment. 41962

Regardless of whether the prisoner was sentenced to the 41963  
prison term prior to, on, or after July 11, 2006, prior to the 41964  
release of a prisoner for whom it will impose one or more post- 41965  
release control sanctions under this division, the parole board 41966  
shall notify the prisoner that, if the prisoner violates any 41967  
sanction so imposed or any condition of post-release control 41968  
described in division (B) of section 2967.131 of the Revised 41969  
Code that is imposed on the prisoner, the parole board may 41970  
impose a prison term of up to one-half of the stated prison term 41971  
originally imposed on the prisoner. 41972

At least thirty days before the prisoner is released from 41973  
imprisonment under post-release control, except as otherwise 41974  
provided in this paragraph, the department of rehabilitation and 41975  
correction shall notify the victim and the victim's immediate 41976  
family of the date on which the prisoner will be released, the 41977  
period for which the prisoner will be under post-release control 41978  
supervision, and the terms and conditions of the prisoner's 41979  
post-release control regardless of whether the victim or 41980

victim's immediate family has requested the notification. The 41981  
notice described in this paragraph shall not be given to a 41982  
victim or victim's immediate family if the victim or the 41983  
victim's immediate family has requested pursuant to division (B) 41984  
(2) of section 2930.03 of the Revised Code that the notice not 41985  
be provided to the victim or the victim's immediate family. At 41986  
least thirty days before the prisoner is released from 41987  
imprisonment and regardless of whether the victim or victim's 41988  
immediate family has requested that the notice described in this 41989  
paragraph be provided or not be provided to the victim or the 41990  
victim's immediate family, the department also shall provide 41991  
notice of that nature to the prosecuting attorney in the case 41992  
and the law enforcement agency that arrested the prisoner if any 41993  
officer of that agency was a victim of the offense. 41994

If the notice given under the preceding paragraph to the 41995  
victim or the victim's immediate family is based on an offense 41996  
committed prior to March 22, 2013, and if the department of 41997  
rehabilitation and correction has not previously successfully 41998  
provided any notice to the victim or the victim's immediate 41999  
family under division (B), (C), or (D) of section 2930.16 of the 42000  
Revised Code with respect to that offense and the offender who 42001  
committed it, the notice also shall inform the victim or the 42002  
victim's immediate family that the victim or the victim's 42003  
immediate family may request that the victim or the victim's 42004  
immediate family not be provided any further notices with 42005  
respect to that offense and the offender who committed it and 42006  
shall describe the procedure for making that request. The 42007  
department may give the notices to which the preceding paragraph 42008  
applies by any reasonable means, including regular mail, 42009  
telephone, and electronic mail. If the department attempts to 42010  
provide notice to any specified person under the preceding 42011

paragraph but the attempt is unsuccessful because the department 42012  
is unable to locate the specified person, is unable to provide 42013  
the notice by its chosen method because it cannot determine the 42014  
mailing address, electronic mail address, or telephone number at 42015  
which to provide the notice, or, if the notice is sent by mail, 42016  
the notice is returned, the department shall make another 42017  
attempt to provide the notice to the specified person. If the 42018  
second attempt is unsuccessful, the department shall make at 42019  
least one more attempt to provide the notice. If the notice is 42020  
based on an offense committed prior to March 22, 2013, in each 42021  
attempt to provide the notice to the victim or victim's 42022  
immediate family, the notice shall include the opt-out 42023  
information described in this paragraph. The department, in the 42024  
manner described in division (D) (2) of section 2930.16 of the 42025  
Revised Code, shall keep a record of all attempts to provide the 42026  
notice, and of all notices provided, under this paragraph and 42027  
the preceding paragraph. The record shall be considered as if it 42028  
was kept under division (D) (2) of section 2930.16 of the Revised 42029  
Code. This paragraph, the preceding paragraph, and the notice- 42030  
related provisions of divisions (E) (2) and (K) of section 42031  
2929.20, division (D) (1) of section 2930.16, division (H) of 42032  
section 2967.12, division (E) (1) (b) of section 2967.19 as it 42033  
existed prior to ~~the effective date of this amendment~~ April 4, 42034  
2023, division (A) (3) (b) of section 2967.26, and division (A) (2) 42035  
of section 5149.101 of the Revised Code enacted in the act in 42036  
which this paragraph and the preceding paragraph were enacted, 42037  
shall be known as "Roberta's Law." 42038

(2) If a prisoner who is placed on post-release control 42039  
under this section is released before the expiration of the 42040  
definite term that is the prisoner's stated prison term or the 42041  
expiration of the minimum term that is part of the prisoner's 42042

indefinite prison term imposed under a non-life felony 42043  
indefinite prison term by reason of credit earned under section 42044  
2967.193 or 2967.194 or a reduction under division (F) of 42045  
section 2967.271 of the Revised Code and if the prisoner earned 42046  
sixty or more days of credit, the adult parole authority may 42047  
supervise the offender with an active global positioning system 42048  
device for the first fourteen days after the offender's release 42049  
from imprisonment. This division does not prohibit or limit the 42050  
imposition of any post-release control sanction otherwise 42051  
authorized by this section. 42052

(3) After a prisoner is released from imprisonment and 42053  
during the period of post-release control applicable to the 42054  
releasee, the adult parole authority or, pursuant to an 42055  
agreement under section 2967.29 of the Revised Code, the court 42056  
may review the releasee's behavior under the post-release 42057  
control sanctions imposed upon the releasee under this section. 42058  
The authority or court may determine, based upon the review and 42059  
in accordance with the standards established under division (E) 42060  
of this section, that the releasee has satisfactorily complied 42061  
with the sanctions imposed, and if such a determination is made, 42062  
the authority may recommend a less restrictive sanction, reduce 42063  
the period of post-release control, or, no sooner than the 42064  
minimum period of time required under section 2967.16 of the 42065  
Revised Code, recommend that the parole board or court terminate 42066  
the duration of the period of post-release control. In no case 42067  
shall the board or court reduce the duration of the period of 42068  
control imposed for a felony sex offense described in division 42069  
(B)(1) of this section. 42070

(4) The department of rehabilitation and correction shall 42071  
develop factors that the parole board or court shall consider in 42072  
determining under division (D)(3) of this section whether to 42073

terminate the period of control imposed on a releasee. 42074

(E) The department of rehabilitation and correction, in 42075  
accordance with Chapter 119. of the Revised Code, shall adopt 42076  
rules that do all of the following: 42077

(1) Establish standards for the imposition by the parole 42078  
board of post-release control sanctions under this section that 42079  
are consistent with the overriding purposes and sentencing 42080  
principles set forth in section 2929.11 of the Revised Code and 42081  
that are appropriate to the needs of releasees; 42082

(2) Establish standards that provide for a period of post- 42083  
release control of up to two years for all prisoners described 42084  
in division (C) of this section who are to be released before 42085  
the expiration of their stated prison term under a risk 42086  
reduction sentence and standards by which the parole board can 42087  
determine which prisoners described in division (C) of this 42088  
section who are not to be released before the expiration of 42089  
their stated prison term under a risk reduction sentence should 42090  
be placed under a period of post-release control; 42091

(3) Establish standards to be used by the parole board in 42092  
reducing or terminating the duration of the period of post- 42093  
release control imposed by the court when authorized under 42094  
division (D) of this section, in imposing a more restrictive 42095  
post-release control sanction than monitored time on a prisoner 42096  
convicted of a felony of the fourth or fifth degree other than a 42097  
felony sex offense, or in imposing a less restrictive control 42098  
sanction on a releasee based on results from the single 42099  
validated risk assessment tool and on the releasee's activities 42100  
including, but not limited to, remaining free from criminal 42101  
activity and from the abuse of alcohol or other drugs, 42102  
successfully participating in approved rehabilitation programs, 42103

maintaining employment, and paying restitution to the victim or 42104  
meeting the terms of other financial sanctions; 42105

(4) Establish standards to be used by the adult parole 42106  
authority in modifying a releasee's post-release control 42107  
sanctions pursuant to division (D)(2) of this section; 42108

(5) Establish standards to be used by the adult parole 42109  
authority or parole board in imposing further sanctions under 42110  
division (F) of this section on releasees who violate post- 42111  
release control sanctions, including standards that do the 42112  
following: 42113

(a) Classify violations according to the degree of 42114  
seriousness; 42115

(b) Define the circumstances under which formal action by 42116  
the parole board is warranted; 42117

(c) Govern the use of evidence at violation hearings; 42118

(d) Ensure procedural due process to an alleged violator; 42119

(e) Prescribe nonresidential community control sanctions 42120  
for most misdemeanor and technical violations; 42121

(f) Provide procedures for the return of a releasee to 42122  
imprisonment for violations of post-release control. 42123

(F) (1) Whenever the parole board imposes one or more post- 42124  
release control sanctions on an offender under this section, the 42125  
offender upon release from imprisonment shall be under the 42126  
general jurisdiction of the adult parole authority and generally 42127  
shall be supervised by the field services section through its 42128  
staff of parole and field officers as described in section 42129  
5149.04 of the Revised Code, as if the offender had been placed 42130  
on parole. If the offender upon release from imprisonment 42131



violates the post-release control sanction or any conditions 42132  
described in division (A) of section 2967.131 of the Revised 42133  
Code that are imposed on the offender, the public or private 42134  
person or entity that operates or administers the sanction or 42135  
the program or activity that comprises the sanction shall report 42136  
the violation directly to the adult parole authority or to the 42137  
officer of the authority who supervises the offender. The 42138  
authority's officers may treat the offender as if the offender 42139  
were on parole and in violation of the parole, and otherwise 42140  
shall comply with this section. 42141

(2) If the adult parole authority or, pursuant to an 42142  
agreement under section 2967.29 of the Revised Code, the court 42143  
determines that a releasee has violated a post-release control 42144  
sanction or any conditions described in division (A) of section 42145  
2967.131 of the Revised Code imposed on the releasee and that a 42146  
more restrictive sanction is appropriate, the authority or court 42147  
may impose a more restrictive sanction on the releasee, in 42148  
accordance with the standards established under division (E) of 42149  
this section or in accordance with the agreement made under 42150  
section 2967.29 of the Revised Code, or may report the violation 42151  
to the parole board for a hearing pursuant to division (F) (3) of 42152  
this section. The authority or court may not, pursuant to this 42153  
division, increase the duration of the releasee's post-release 42154  
control or impose as a post-release control sanction a 42155  
residential sanction that includes a prison term, but the 42156  
authority or court may impose on the releasee any other 42157  
residential sanction, nonresidential sanction, or financial 42158  
sanction that the sentencing court was authorized to impose 42159  
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 42160  
Revised Code. 42161

(3) The parole board or, pursuant to an agreement under 42162

section 2967.29 of the Revised Code, the court may hold a 42163  
hearing on any alleged violation by a releasee of a post-release 42164  
control sanction or any conditions described in division (A) of 42165  
section 2967.131 of the Revised Code that are imposed upon the 42166  
releasee. Except as otherwise provided in this division, if 42167  
after the hearing the board or court finds that the releasee 42168  
violated the sanction or condition, the board or court may 42169  
increase the duration of the releasee's post-release control up 42170  
to the maximum duration authorized by division (B) or (C) of 42171  
this section or impose a more restrictive post-release control 42172  
sanction. If a releasee was acting pursuant to division (B) (2) 42173  
(b) of section 2925.11 or a related provision of section 42174  
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 42175  
doing violated the conditions of a post-release control sanction 42176  
based on a minor drug possession offense, as defined in that 42177  
section, or violated section 2925.12, division (C) (1) of section 42178  
2925.14, or section 2925.141 of the Revised Code, the board or 42179  
the court shall not impose any of the penalties described in 42180  
this division based on the violation. When appropriate, the 42181  
board or court may impose as a post-release control sanction a 42182  
residential sanction that includes a prison term. The board or 42183  
court shall consider a prison term as a post-release control 42184  
sanction imposed for a violation of post-release control when 42185  
the violation involves a deadly weapon or dangerous ordnance, 42186  
physical harm or attempted serious physical harm to a person, or 42187  
sexual misconduct. Unless a releasee's stated prison term was 42188  
reduced pursuant to section 5120.032 of the Revised Code, the 42189  
period of a prison term that is imposed as a post-release 42190  
control sanction under this division shall not exceed nine 42191  
months, and the maximum cumulative prison term for all 42192  
violations under this division shall not exceed one-half of the 42193  
definite prison term that was the stated prison term originally 42194

imposed on the offender as part of this sentence or, with 42195  
respect to a stated non-life felony indefinite prison term, one- 42196  
half of the minimum prison term that was imposed as part of that 42197  
stated prison term originally imposed on the offender. If a 42198  
releasee's stated prison term was reduced pursuant to section 42199  
5120.032 of the Revised Code, the period of a prison term that 42200  
is imposed as a post-release control sanction under this 42201  
division and the maximum cumulative prison term for all 42202  
violations under this division shall not exceed the period of 42203  
time not served in prison under the sentence imposed by the 42204  
court. The period of a prison term that is imposed as a post- 42205  
release control sanction under this division shall not count as, 42206  
or be credited toward, the remaining period of post-release 42207  
control. If, during the period of the releasee's post-release 42208  
control, the releasee serves as a post-release control sanction 42209  
the maximum prison time available as a sanction, the post- 42210  
release control shall terminate. 42211

If an offender is imprisoned for a felony committed while 42212  
under post-release control supervision and is again released on 42213  
post-release control for a period of time, the maximum 42214  
cumulative prison term for all violations under this division 42215  
shall not exceed one-half of the total stated prison terms of 42216  
the earlier felony, reduced by any prison term administratively 42217  
imposed by the parole board or court, plus one-half of the total 42218  
stated prison term of the new felony. 42219

(G) (1) If an offender is simultaneously subject to a 42220  
period of parole under an indefinite or life sentence and a 42221  
period of post-release control, or is simultaneously subject to 42222  
two periods of post-release control, the period of supervision 42223  
that expires last shall determine the length and form of 42224  
supervision for all the periods and the related sentences. 42225

(2) An offender shall receive credit for post-release control supervision during the period of parole, and shall not be eligible for final release under section 2967.16 of the Revised Code until the post-release control period otherwise would have ended.

(3) If the period of parole ends prior to the end of the period of post-release control, the requirements of parole supervision shall be satisfied during the post-release control period.

(H) (1) A period of post-release control shall not be imposed consecutively to any other post-release control period.

(2) The period of post-release control for a releasee who commits a felony while under post-release control for an earlier felony shall be the longer of the period of post-release control specified for the new felony under division (B) or (C) of this section or the time remaining under the period of post-release control imposed for the earlier felony as determined by the parole board or court.

**Sec. 2969.13.** All moneys that are collected pursuant to section 2929.32 of the Revised Code and required to be deposited in the crime victims recovery fund shall be credited ~~by the treasurer of state~~ to the fund. Any interest earned on the money in the fund shall be credited to the fund.

**Sec. 2981.02.** (A) (1) The following property is subject to forfeiture to the state or a political subdivision under either the criminal or delinquency process in section 2981.04 of the Revised Code or the civil process in section 2981.05 of the Revised Code:

(a) Contraband involved in an offense;

(b) Proceeds derived from or acquired through the commission of an offense;	42255 42256
(c) An instrumentality that is used in or intended to be used in the commission or facilitation of any of the following offenses when the use or intended use, consistent with division (B) of this section, is sufficient to warrant forfeiture under this chapter:	42257 42258 42259 42260 42261
(i) A felony;	42262
(ii) A misdemeanor, when forfeiture is specifically authorized by a section of the Revised Code or by a municipal ordinance that creates the offense or sets forth its penalties;	42263 42264 42265
(iii) An attempt to commit, complicity in committing, or a conspiracy to commit an offense of the type described in divisions (A) (3) (a) and (b) of this section.	42266 42267 42268
(2) In determining whether an alleged instrumentality was used in or was intended to be used in the commission or facilitation of an offense or an attempt, complicity, or conspiracy to commit an offense in a manner sufficient to warrant its forfeiture, the trier of fact shall consider the following factors the trier of fact determines are relevant:	42269 42270 42271 42272 42273 42274
(a) Whether the offense could not have been committed or attempted but for the presence of the instrumentality;	42275 42276
(b) Whether the primary purpose in using the instrumentality was to commit or attempt to commit the offense;	42277 42278
(c) The extent to which the instrumentality furthered the commission of, or attempt to commit, the offense.	42279 42280
(B) The property described in division <del>(F) (2)</del> <u>(H) (4)</u> of section 2917.211 of the Revised Code is subject to forfeiture	42281 42282

under the criminal or delinquency process in section 2981.04 of 42283  
the Revised Code, if the forfeiture is ordered by the court 42284  
imposing sentence or an order of disposition. 42285

(C) This chapter does not apply to or limit forfeitures 42286  
under Title XLV of the Revised Code, including forfeitures 42287  
relating to section 2903.06 or 2903.08 of the Revised Code. 42288

**Sec. 3101.08.** An ordained or licensed minister of any 42289  
religious society or congregation within this state who is 42290  
licensed to solemnize marriages, the governor or a former 42291  
governor of this state, a judge of a county court in accordance 42292  
with section 1907.18 of the Revised Code, a judge of a municipal 42293  
court in accordance with section 1901.14 of the Revised Code, a 42294  
probate judge in accordance with section 2101.27 of the Revised 42295  
Code, the mayor of a municipal corporation anywhere within this 42296  
state, the superintendent of Ohio deaf and blind education 42297  
services, or any religious society in conformity with the rules 42298  
of its church, may join together as husband and wife any persons 42299  
who are not prohibited by law from being joined in marriage. 42300

**Sec. 3105.171.** (A) As used in this section: 42301

(1) "Distributive award" means any payment or payments, in 42302  
real or personal property, that are payable in a lump sum or 42303  
over time, in fixed amounts, that are made from separate 42304  
property or income, and that are not made from marital property 42305  
and do not constitute payments of spousal support, as defined in 42306  
section 3105.18 of the Revised Code. 42307

(2) "During the marriage" means whichever of the following 42308  
is applicable: 42309

(a) Except as provided in division (A) (2) (b) of this 42310  
section, the period of time from the date of the marriage 42311

through the date of the final hearing in an action for divorce 42312  
or in an action for legal separation; 42313

(b) If the court determines that the use of either or both 42314  
of the dates specified in division (A) (2) (a) of this section 42315  
would be inequitable, the court may select dates that it 42316  
considers equitable in determining marital property. If the 42317  
court selects dates that it considers equitable in determining 42318  
marital property, "during the marriage" means the period of time 42319  
between those dates selected and specified by the court. 42320

(3) (a) "Marital property" means, subject to division (A) 42321  
(3) (b) of this section, all of the following: 42322

(i) All real and personal property that currently is owned 42323  
by either or both of the spouses, including, but not limited to, 42324  
the retirement benefits of the spouses, and that was acquired by 42325  
either or both of the spouses during the marriage; 42326

(ii) All interest that either or both of the spouses 42327  
currently has in any real or personal property, including, but 42328  
not limited to, the retirement benefits of the spouses, and that 42329  
was acquired by either or both of the spouses during the 42330  
marriage; 42331

(iii) Except as otherwise provided in this section, all 42332  
income and appreciation on separate property, due to the labor, 42333  
monetary, or in-kind contribution of either or both of the 42334  
spouses that occurred during the marriage; 42335

(iv) A participant account, as defined in section 148.01 42336  
of the Revised Code, of either of the spouses, to the extent of 42337  
the following: the moneys that have been deferred by a 42338  
continuing member or participating employee, as defined in that 42339  
section, and that have been transmitted to the ~~Ohio~~ public 42340

employees ~~deferred compensation~~ retirement board during the 42341  
marriage and any income that is derived from the investment of 42342  
those moneys during the marriage; the moneys that have been 42343  
deferred by an officer or employee of a municipal corporation 42344  
and that have been transmitted to the governing board, 42345  
administrator, depository, or trustee of the deferred 42346  
compensation program of the municipal corporation during the 42347  
marriage and any income that is derived from the investment of 42348  
those moneys during the marriage; or the moneys that have been 42349  
deferred by an officer or employee of a government unit, as 42350  
defined in section 148.06 of the Revised Code, and that have 42351  
been transmitted to the governing board, as defined in that 42352  
section, during the marriage and any income that is derived from 42353  
the investment of those moneys during the marriage. 42354

(b) "Marital property" does not include any separate 42355  
property. 42356

(4) "Passive income" means income acquired other than as a 42357  
result of the labor, monetary, or in-kind contribution of either 42358  
spouse. 42359

(5) "Personal property" includes both tangible and 42360  
intangible personal property. 42361

(6) (a) "Separate property" means all real and personal 42362  
property and any interest in real or personal property that is 42363  
found by the court to be any of the following: 42364

(i) An inheritance by one spouse by bequest, devise, or 42365  
descent during the course of the marriage; 42366

(ii) Any real or personal property or interest in real or 42367  
personal property that was acquired by one spouse prior to the 42368  
date of the marriage; 42369



(iii) Passive income and appreciation acquired from separate property by one spouse during the marriage;	42370 42371
(iv) Any real or personal property or interest in real or personal property acquired by one spouse after a decree of legal separation issued under section 3105.17 of the Revised Code;	42372 42373 42374
(v) Any real or personal property or interest in real or personal property that is excluded by a valid antenuptial or postnuptial agreement;	42375 42376 42377
(vi) Compensation to a spouse for the spouse's personal injury, except for loss of marital earnings and compensation for expenses paid from marital assets;	42378 42379 42380
(vii) Any gift of any real or personal property or of an interest in real or personal property that is made after the date of the marriage and that is proven by clear and convincing evidence to have been given to only one spouse.	42381 42382 42383 42384
(b) The commingling of separate property with other property of any type does not destroy the identity of the separate property as separate property, except when the separate property is not traceable.	42385 42386 42387 42388
(B) In divorce proceedings, the court shall, and in legal separation proceedings upon the request of either spouse, the court may, determine what constitutes marital property and what constitutes separate property. In either case, upon making such a determination, the court shall divide the marital and separate property equitably between the spouses, in accordance with this section. For purposes of this section, the court has jurisdiction over all property, excluding the social security benefits of a spouse other than as set forth in division (F) (9) of this section, in which one or both spouses have an interest.	42389 42390 42391 42392 42393 42394 42395 42396 42397 42398

(C) (1) Except as provided in this division or division (E) 42399  
of this section, the division of marital property shall be 42400  
equal. If an equal division of marital property would be 42401  
inequitable, the court shall not divide the marital property 42402  
equally but instead shall divide it between the spouses in the 42403  
manner the court determines equitable. In making a division of 42404  
marital property, the court shall consider all relevant factors, 42405  
including those set forth in division (F) of this section. 42406

(2) Each spouse shall be considered to have contributed 42407  
equally to the production and acquisition of marital property. 42408

(3) The court shall provide for an equitable division of 42409  
marital property under this section prior to making any award of 42410  
spousal support to either spouse under section 3105.18 of the 42411  
Revised Code and without regard to any spousal support so 42412  
awarded. 42413

(4) If the marital property includes a participant 42414  
account, as defined in section 148.01 of the Revised Code, the 42415  
court shall not order the division or disbursement of the moneys 42416  
and income described in division (A) (3) (a) (iv) of this section 42417  
to occur in a manner that is inconsistent with the law, rules, 42418  
or plan governing the deferred compensation program involved or 42419  
prior to the time that the spouse in whose name the participant 42420  
account is maintained commences receipt of the moneys and income 42421  
credited to the account in accordance with that law, rules, and 42422  
plan. 42423

(D) Except as otherwise provided in division (E) of this 42424  
section or by another provision of this section, the court shall 42425  
disburse a spouse's separate property to that spouse. If a court 42426  
does not disburse a spouse's separate property to that spouse, 42427  
the court shall make written findings of fact that explain the 42428

factors that it considered in making its determination that the 42429  
spouse's separate property should not be disbursed to that 42430  
spouse. 42431

(E) (1) The court may make a distributive award to 42432  
facilitate, effectuate, or supplement a division of marital 42433  
property. The court may require any distributive award to be 42434  
secured by a lien on the payor's specific marital property or 42435  
separate property. 42436

(2) The court may make a distributive award in lieu of a 42437  
division of marital property in order to achieve equity between 42438  
the spouses, if the court determines that a division of the 42439  
marital property in kind or in money would be impractical or 42440  
burdensome. 42441

(3) The court shall require each spouse to disclose in a 42442  
full and complete manner all marital property, separate 42443  
property, and other assets, debts, income, and expenses of the 42444  
spouse. 42445

(4) If a spouse has engaged in financial misconduct, 42446  
including, but not limited to, the dissipation, destruction, 42447  
concealment, nondisclosure, or fraudulent disposition of assets, 42448  
the court may compensate the offended spouse with a distributive 42449  
award or with a greater award of marital property. 42450

(5) If a spouse has substantially and willfully failed to 42451  
disclose marital property, separate property, or other assets, 42452  
debts, income, or expenses as required under division (E) (3) of 42453  
this section, the court may compensate the offended spouse with 42454  
a distributive award or with a greater award of marital property 42455  
not to exceed three times the value of the marital property, 42456  
separate property, or other assets, debts, income, or expenses 42457

that are not disclosed by the other spouse. 42458

(F) In making a division of marital property and in 42459  
determining whether to make and the amount of any distributive 42460  
award under this section, the court shall consider all of the 42461  
following factors: 42462

(1) The duration of the marriage; 42463

(2) The assets and liabilities of the spouses; 42464

(3) The desirability of awarding the family home, or the 42465  
right to reside in the family home for reasonable periods of 42466  
time, to the spouse with custody of the children of the 42467  
marriage; 42468

(4) The liquidity of the property to be distributed; 42469

(5) The economic desirability of retaining intact an asset 42470  
or an interest in an asset; 42471

(6) The tax consequences of the property division upon the 42472  
respective awards to be made to each spouse; 42473

(7) The costs of sale, if it is necessary that an asset be 42474  
sold to effectuate an equitable distribution of property; 42475

(8) Any division or disbursement of property made in a 42476  
separation agreement that was voluntarily entered into by the 42477  
spouses; 42478

(9) Any retirement benefits of the spouses, excluding the 42479  
social security benefits of a spouse except as may be relevant 42480  
for purposes of dividing a public pension; 42481

(10) Any other factor that the court expressly finds to be 42482  
relevant and equitable. 42483

(G) In any order for the division or disbursement of 42484

property or a distributive award made pursuant to this section, 42485  
the court shall make written findings of fact that support the 42486  
determination that the marital property has been equitably 42487  
divided and shall specify the dates it used in determining the 42488  
meaning of "during the marriage." 42489

(H) Except as otherwise provided in this section, the 42490  
holding of title to property by one spouse individually or by 42491  
both spouses in a form of co-ownership does not determine 42492  
whether the property is marital property or separate property. 42493

(I) A division or disbursement of property or a 42494  
distributive award made under this section is not subject to 42495  
future modification by the court except upon the express written 42496  
consent or agreement to the modification by both spouses. 42497

(J) The court may issue any orders under this section that 42498  
it determines equitable, including, but not limited to, either 42499  
of the following types of orders: 42500

(1) An order granting a spouse the right to use the 42501  
marital dwelling or any other marital property or separate 42502  
property for any reasonable period of time; 42503

(2) An order requiring the sale or encumbrancing of any 42504  
real or personal property, with the proceeds from the sale and 42505  
the funds from any loan secured by the encumbrance to be applied 42506  
as determined by the court. 42507

**Sec. 3105.63.** (A) (1) A petition for dissolution of 42508  
marriage shall be signed by both spouses and shall have attached 42509  
and incorporated a separation agreement agreed to by both 42510  
spouses. The separation agreement shall provide for a division 42511  
of all property; spousal support; if there are minor children of 42512  
the marriage, the allocation of parental rights and 42513

responsibilities for the care of the minor children, the 42514  
designation of a residential parent and legal custodian of the 42515  
minor children, child support, and parenting time rights; and, 42516  
if the spouses so desire, an authorization for the court to 42517  
modify the amount or terms of spousal support, or the division 42518  
of property, provided in the separation agreement. If there are 42519  
minor children of the marriage, the spouses may address the 42520  
allocation of the parental rights and responsibilities for the 42521  
care of the minor children by including in the separation 42522  
agreement a plan under which both parents will have shared 42523  
rights and responsibilities for the care of the minor children. 42524  
The spouses shall file the plan with the petition for 42525  
dissolution of marriage and shall include in the plan the 42526  
provisions described in division (G) of section 3109.04 of the 42527  
Revised Code. 42528

(2) The division of property in the separation agreement 42529  
shall include any participant account, as defined in section 42530  
148.01 of the Revised Code, of either of the spouses, to the 42531  
extent of the following: 42532

(a) The moneys that have been deferred by a continuing 42533  
member or participating employee, as defined in that section, 42534  
and that have been transmitted to the ~~Ohio~~-public employees 42535  
~~deferred compensation retirement~~ board during the marriage and 42536  
any income that is derived from the investment of those moneys 42537  
during the marriage; 42538

(b) The moneys that have been deferred by an officer or 42539  
employee of a municipal corporation and that have been 42540  
transmitted to the governing board, administrator, depository, 42541  
or trustee of the deferred compensation program of the municipal 42542  
corporation during the marriage and any income that is derived 42543

from the investment of those moneys during the marriage; 42544

(c) The moneys that have been deferred by an officer or 42545  
employee of a government unit, as defined in section 148.06 of 42546  
the Revised Code, and that have been transmitted to the 42547  
governing board, as defined in that section, during the marriage 42548  
and any income that is derived from the investment of those 42549  
moneys during the marriage. 42550

(3) The separation agreement shall not require or permit 42551  
the division or disbursement of the moneys and income described 42552  
in division (A) (2) of this section to occur in a manner that is 42553  
inconsistent with the law, rules, or plan governing the deferred 42554  
compensation program involved or prior to the time that the 42555  
spouse in whose name the participant account is maintained 42556  
commences receipt of the moneys and income credited to the 42557  
account in accordance with that law, rules, and plan. 42558

(B) An amended separation agreement may be filed at any 42559  
time prior to or during the hearing on the petition for 42560  
dissolution of marriage. Upon receipt of a petition for 42561  
dissolution of marriage, the court may cause an investigation to 42562  
be made pursuant to the Rules of Civil Procedure. 42563

(C) (1) If a petition for dissolution of marriage contains 42564  
an authorization for the court to modify the amount or terms of 42565  
spousal support provided in the separation agreement, the 42566  
modification shall be in accordance with section 3105.18 of the 42567  
Revised Code. 42568

(2) If a petition for dissolution of marriage contains an 42569  
authorization for the court to modify the division of property 42570  
provided in the separation agreement, the modification shall be 42571  
made with the express written consent or agreement of both 42572

spouses. 42573

**Sec. 3107.01.** As used in sections 3107.01 to 3107.20 of 42574  
the Revised Code: 42575

(A) "Adoption" means to create the legal relationship of 42576  
parent and child between the petitioner and the adopted person, 42577  
as if the adopted person were a legitimate blood descendant of 42578  
the petitioner, for all purposes including inheritance and 42579  
applicability of statutes, documents, and instruments, whether 42580  
executed before or after the adoption is decreed, and which do 42581  
not expressly exclude an adopted person from their operation or 42582  
effect. 42583

(B) "Agency" means any public or private organization 42584  
certified, licensed, or otherwise specially empowered by law or 42585  
rule to place minors for adoption. 42586

(C) "Attorney" means a person who has been admitted to the 42587  
bar by order of the Ohio supreme court. 42588

(D) "Best interest" means the factors a court uses to 42589  
determine the best interest of a child as set forth in section 42590  
3107.161 of the Revised Code. 42591

(E) "Child" means a son or daughter, whether by birth or 42592  
by adoption. 42593

(F) "Court" means the probate courts of this state, and 42594  
when the context requires, means the court of any other state 42595  
empowered to grant petitions for adoption. 42596

(G) "Date of placement" means the date on which a child is 42597  
living with the child's prospective adoptive parent and becomes 42598  
eligible for adoption pursuant to statutory authority, judgment 42599  
decree or court order, or as otherwise authorized by law. 42600



(H) "Foster caregiver" has the same meaning as in section 42601  
5103.02 of the Revised Code. 42602

(I) "Identifying information" means any of the following 42603  
with regard to a person: first name, last name, maiden name, 42604  
alias, social security number, address, telephone number, place 42605  
of employment, number used to identify the person for the 42606  
purpose of the statewide education management information system 42607  
established pursuant to section 3301.0714 of the Revised Code, 42608  
and any other number federal or state law requires or permits to 42609  
be used to identify the person. 42610

(J) "Kinship caregiver" has the same meaning as in section 42611  
~~5101.85~~ 5180.50 of the Revised Code. 42612

(K) "Legal custodian" has the same meaning as in section 42613  
5103.16 of the Revised Code. 42614

(L) "Legal custody" has the same meaning as in section 42615  
2151.011 of the Revised Code. 42616

(M) "Minor" means a person under the age of eighteen 42617  
years. 42618

(N) "Parent" means a legally recognized natural or 42619  
adoptive parent of a child. 42620

(O) "Party" means a petitioner, adoptee, or any other 42621  
person or agency that is part of an adoption proceeding and 42622  
whose consent to the adoption is necessary but has not been 42623  
obtained. 42624

(P) "Permanent custody" has the same meaning as in section 42625  
2151.011 of the Revised Code. 42626

(Q) "Placement" means the act by a public children 42627  
services agency, a private child placing agency, or a parent who 42628

is utilizing an agency or attorney that is intended to arrange 42629  
for the care or custody of a child in accordance with Chapter 42630  
5103. of the Revised Code. 42631

(R) "Planned permanent living arrangement" has the same 42632  
meaning as in section 2151.011 of the Revised Code. 42633

(S) "Putative father" means a man, including one under age 42634  
eighteen, who may be a child's father and to whom all of the 42635  
following apply: 42636

(1) He is not married to the child's mother at the time of 42637  
the child's conception or birth; 42638

(2) He has not adopted the child; 42639

(3) He has not been determined, prior to the date a 42640  
petition to adopt the child is filed, to have a parent and child 42641  
relationship with the child by a court proceeding pursuant to 42642  
sections 3111.01 to 3111.18 of the Revised Code, a court 42643  
proceeding in another state, an administrative agency proceeding 42644  
pursuant to sections 3111.38 to 3111.54 of the Revised Code, or 42645  
an administrative agency proceeding in another state; 42646

(4) He has not acknowledged paternity of the child 42647  
pursuant to sections 3111.21 to 3111.35 of the Revised Code. 42648

**Sec. 3107.012.** (A) A foster caregiver may use the 42649  
application prescribed under division (B) of this section to 42650  
obtain the services of an agency to arrange an adoption for the 42651  
foster caregiver if the foster caregiver seeks to adopt the 42652  
foster caregiver's foster child who ~~has resided~~ resides in the 42653  
foster caregiver's home ~~for at least six months prior to the~~ 42654  
~~date the foster caregiver submits the application to the agency.~~ 42655

(B) The department of children and youth shall prescribe 42656

an application for a foster caregiver to use under division (A) 42657  
of this section. The application shall not require that the 42658  
foster caregiver provide any information the foster caregiver 42659  
already provided the department, or undergo an inspection the 42660  
foster caregiver already underwent, to obtain a foster home 42661  
certificate under section 5103.03 of the Revised Code. 42662

(C) An agency that receives an application prescribed 42663  
under division (B) of this section from a foster caregiver 42664  
authorized to use the application shall not require, as a 42665  
condition of the agency accepting or approving the application, 42666  
that the foster caregiver undergo a criminal records check under 42667  
section 2151.86 of the Revised Code as a prospective adoptive 42668  
parent. The agency shall inform the foster caregiver, in 42669  
accordance with division (G) of section 2151.86 of the Revised 42670  
Code, that the foster caregiver must undergo the criminal 42671  
records check before a court may issue a final decree of 42672  
adoption or interlocutory order of adoption under section 42673  
3107.14 of the Revised Code. 42674

**Sec. 3107.031.** Except as otherwise provided in this 42675  
section, an assessor shall conduct a home study for the purpose 42676  
of ascertaining whether a person seeking to adopt a minor is 42677  
suitable to adopt. A written report of the home study shall be 42678  
filed with the court at least ten days before the petition for 42679  
adoption is heard. 42680

A person seeking to adopt a minor who knowingly makes a 42681  
false statement that is included in the written report of a home 42682  
study conducted pursuant to this section is guilty of the 42683  
offense of falsification under section 2921.13 of the Revised 42684  
Code, and such a home study shall not be filed with the court. 42685  
If such a home study is filed with the court, the court may 42686

strike the home study from the court's records. 42687

The report shall contain the opinion of the assessor as to 42688  
whether the person who is the subject of the report is suitable 42689  
to adopt a minor, any multiple children assessment required 42690  
under section 3107.032 of the Revised Code, and other 42691  
information and documents specified in rules adopted by the 42692  
director of children and youth under section 3107.033 of the 42693  
Revised Code. The assessor shall not consider the person's age 42694  
when determining whether the person is suitable to adopt if the 42695  
person is old enough to adopt as provided by section 3107.03 of 42696  
the Revised Code. 42697

An assessor may request departments or agencies within or 42698  
outside this state to assist in the home study as may be 42699  
appropriate and to make a written report to be included with and 42700  
attached to the report to the court. The assessor shall make 42701  
similar home studies and reports on behalf of other assessors 42702  
designated by the courts of this state or another place. 42703

Upon order of the court, the costs of the home study and 42704  
other proceedings shall be paid by the person seeking to adopt, 42705  
and, if the home study is conducted by a public agency or public 42706  
employee, the part of the cost representing any services and 42707  
expenses shall be taxed as costs and paid into the state 42708  
treasury or county treasury, as the court may direct. 42709

On request, the assessor shall provide the person seeking 42710  
to adopt a copy of the report of the home study. The assessor 42711  
shall delete from that copy any provisions concerning the 42712  
opinion of other persons, excluding the assessor, of the 42713  
person's suitability to adopt a minor. 42714

This section does not apply to a foster caregiver seeking 42715

to adopt the foster caregiver's foster child if the foster child 42716  
~~has resided~~ resides in the foster caregiver's home ~~for at least~~ 42717  
~~six months prior to the date~~ and the foster caregiver submits an 42718  
application prescribed under division (B) of section 3107.012 of 42719  
the Revised Code to the agency arranging the adoption. 42720

**Sec. 3107.033.** The director of children and youth shall 42721  
adopt rules in accordance with Chapter 119. of the Revised Code 42722  
specifying both of the following: 42723

(A) The manner in which a home study is to be conducted 42724  
and the information and documents to be included in a home study 42725  
report, which shall include, pursuant to section 3107.034 of the 42726  
Revised Code, a summary report of a search of the uniform 42727  
statewide automated child welfare information system established 42728  
in section ~~5101.13~~ 5180.40 of the Revised Code and a report of a 42729  
check of a central registry of another state if a request for a 42730  
check of a central registry of another state is required under 42731  
division (A) of section 3107.034 of the Revised Code. The 42732  
director shall ensure that rules adopted under this section 42733  
align the home study content, time period, and process with any 42734  
foster care home study content, time period, and process 42735  
required by rules adopted under section 5103.03 of the Revised 42736  
Code. 42737

(B) A procedure under which a person whose application for 42738  
adoption has been denied as a result of a search of the uniform 42739  
statewide automated child welfare information system established 42740  
in section ~~5101.13~~ 5180.40 of the Revised Code as part of the 42741  
home study may appeal the denial to the agency that employed the 42742  
assessor who filed the report. 42743

**Sec. 3107.034.** (A) Whenever a prospective adoptive parent 42744  
or a person eighteen years of age or older who resides with a 42745

prospective adoptive parent has resided in another state within 42746  
the five-year period immediately prior to the date on which a 42747  
criminal records check is requested for the person under 42748  
division (A) of section 2151.86 of the Revised Code, the 42749  
administrative director of an agency, or attorney, who arranges 42750  
the adoption for the prospective adoptive parent shall request a 42751  
check of the central registry of abuse and neglect of this state 42752  
from the department of children and youth regarding the 42753  
prospective adoptive parent or the person eighteen years of age 42754  
or older who resides with the prospective adoptive parent to 42755  
enable the agency or attorney to check any child abuse and 42756  
neglect registry maintained by that other state. The 42757  
administrative director or attorney shall make the request and 42758  
shall review the results of the check before a final decree of 42759  
adoption or an interlocutory order of adoption making the person 42760  
an adoptive parent may be made. Information received pursuant to 42761  
the request shall be considered for purposes of this chapter as 42762  
if it were a summary report required under section 3107.033 of 42763  
the Revised Code. The department of children and youth shall 42764  
comply with any request to check the central registry that is 42765  
similar to the request described in this division and that is 42766  
received from any other state. 42767

(B) The summary report of a search of the uniform 42768  
statewide automated child welfare information system established 42769  
in section ~~5101.13~~5180.40 of the Revised Code that is required 42770  
under section 3107.033 of the Revised Code shall contain, if 42771  
applicable, a chronological list of abuse and neglect 42772  
determinations or allegations of which the person seeking to 42773  
adopt is subject and in regards to which a public children 42774  
services agency has done one of the following: 42775

(1) Determined that abuse or neglect occurred; 42776

(2) Initiated an investigation, and the investigation is ongoing; 42777  
42778

(3) Initiated an investigation and the agency was unable to determine whether abuse or neglect occurred. 42779  
42780

(C) The summary report required under section 3107.033 of the Revised Code shall not contain any of the following: 42781  
42782

(1) An abuse and neglect determination of which the person seeking to adopt is subject and in regards to which a public children services agency determined that abuse or neglect did not occur; 42783  
42784  
42785  
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(2) Information or reports the dissemination of which is prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended; 42787  
42788  
42789  
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(3) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect. 42791  
42792

(D) (1) An application for adoption may be denied based on a summary report containing the information described under division (B) (1) of this section, when considered within the totality of the circumstances. An application that is denied may be appealed using the procedure adopted pursuant to division (B) of section 3107.033 of the Revised Code. 42793  
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(2) An application for adoption shall not be denied solely based on a summary report containing the information described under division (B) (2) or (3) of this section. 42799  
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42801

**Sec. 3107.062.** (A) (1) ~~The department of job and family services~~ children and youth shall establish a putative father registry. To register, a putative father must complete a 42802  
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registration form prescribed under section 3107.065 of the 42805  
Revised Code and submit it to the department. The registration 42806  
form shall include the putative father's name; the name of the 42807  
mother of the person he claims as his child; and the address or 42808  
telephone number at which he wishes to receive, pursuant to 42809  
section 3107.11 of the Revised Code, notice of any petition that 42810  
may be filed to adopt a minor he claims as his child. 42811

(2) A putative father may register at any time. For the 42812  
purpose of preserving the requirement of his consent to an 42813  
adoption, a putative father shall register before or not later 42814  
than fifteen days after the birth of the child. No fee shall be 42815  
charged for registration. 42816

(B) On receipt of a completed registration form, the 42817  
department shall indicate on the form the date of receipt and 42818  
file it in the putative father registry. The department shall 42819  
maintain registration forms in a manner that enables it to 42820  
access a registration form using either the name of the putative 42821  
father or of the mother. 42822

(C) The department of children and youth shall grant the 42823  
office of child support in the department of job and family 42824  
services and a child support enforcement agency access to the 42825  
putative father registry for purposes of section 3111.69 of the 42826  
Revised Code. 42827

**Sec. 3107.063.** (A) An attorney arranging a minor's 42828  
adoption, a mother, a public children services agency, a private 42829  
noncustodial agency, or a private child placing agency may 42830  
request at any time that the department of ~~job and family~~ 42831  
~~services~~ children and youth search the putative father registry 42832  
to determine whether a man is registered as the minor's putative 42833  
father. The request shall include the mother's name. On receipt 42834



of the request, the department shall search the registry. If the 42835  
department determines that a man is registered as the minor's 42836  
putative father, it shall provide the attorney, mother, or 42837  
agency a certified copy of the man's registration form. If the 42838  
department determines that no man is registered as the minor's 42839  
putative father, it shall provide the attorney, mother, or 42840  
agency a certified written statement to that effect. The 42841  
department shall specify in the statement the date the search 42842  
request was submitted. No fee shall be charged for searching the 42843  
registry. 42844

Division (B) of section 3107.17 of the Revised Code does 42845  
not apply to this section. 42846

(B) If the department of ~~job and family services~~ children 42847  
and youth provides a certified copy of a putative father's 42848  
registration form pursuant to division (A) of this section, the 42849  
department also shall provide a written notice to the putative 42850  
father: 42851

(1) That he may be the father of the minor he claims as 42852  
his child on the registration form; 42853

(2) That the minor is being or may be placed for adoption; 42854  
and 42855

(3) Of his right to consent or refuse to consent to the 42856  
minor's adoption to the extent provided under Chapter 3107. of 42857  
the Revised Code. 42858

(C) The department shall provide the notice under this 42859  
section not later than ten business days after the date it 42860  
provides the certified copy of the registration form pursuant to 42861  
division (A) of this section. 42862

**Sec. 3107.064.** (A) Except as provided in division (B) of 42863

this section, a court shall not issue a final decree of adoption 42864  
or finalize an interlocutory order of adoption unless the mother 42865  
placing the minor for adoption or the agency or attorney 42866  
arranging the adoption files with the court a certified document 42867  
provided by the department of ~~job and family services~~ children 42868  
and youth under section 3107.063 of the Revised Code. The court 42869  
shall not accept the document unless the date the department 42870  
places on the document pursuant to that section is sixteen or 42871  
more days after the date of the minor's birth. 42872

(B) The document described in division (A) of this section 42873  
is not required if any of the following apply: 42874

(1) The mother was married at the time the minor was 42875  
conceived or born; 42876

(2) The parent placing the minor for adoption previously 42877  
adopted the minor; 42878

(3) Prior to the date a petition to adopt the minor is 42879  
filed, a man has been determined to have a parent and child 42880  
relationship with the minor by a court proceeding pursuant to 42881  
sections 3111.01 to 3111.18 of the Revised Code, a court 42882  
proceeding in another state, an administrative agency proceeding 42883  
pursuant to sections 3111.38 to 3111.54 of the Revised Code, or 42884  
an administrative agency proceeding in another state; 42885

(4) The minor's father acknowledged paternity of the minor 42886  
and that acknowledgment has become final pursuant to section 42887  
2151.232, 3111.25, or 3111.821 of the Revised Code; 42888

(5) A public children services agency has permanent 42889  
custody of the minor pursuant to Chapter 2151. or division (B) 42890  
of section 5103.15 of the Revised Code after both parents lost 42891  
or surrendered parental rights, privileges, and responsibilities 42892

over the minor. 42893

**Sec. 3107.065.** Not later than ninety days after the 42894  
effective date of this section, the director of ~~job and family~~ 42895  
~~services~~ children and youth shall do both of the following: 42896

(A) Adopt rules in accordance with Chapter 119. of the 42897  
Revised Code governing the putative father registry. The rules 42898  
shall establish the registration form to be used by a putative 42899  
father under section 3107.062 of the Revised Code. 42900

(B) Establish a campaign to promote awareness of the 42901  
putative father registry. The campaign shall include 42902  
informational materials about the registry. 42903

**Sec. 3107.38.** (A) As used in sections 3107.38 to 3107.394 42904  
of the Revised Code: 42905

(1) "Adopted person" means a person who was adopted but is 42906  
not an adopted person as defined in section 3107.45 of the 42907  
Revised Code. 42908

(2) "Adoption file" means a file maintained by the 42909  
department of health under sections 3705.12 to 3705.124 of the 42910  
Revised Code. 42911

(3) "Biological parent" means a parent, by birth, of a 42912  
person who is, or is to become, an adopted person. 42913

(4) "Biological parent's name redaction request form" 42914  
means the form prescribed under section 3107.391 of the Revised 42915  
Code. 42916

(5) "Biological sibling" means a sibling, by birth, of a 42917  
person who is, or is to become, an adopted person. 42918

(6) "Contact preference form" means the form prescribed 42919

- under section 3107.39 of the Revised Code. 42920
- (7) "File of releases" means the filing system for 42921  
releases that former section 3107.40 of the Revised Code, as 42922  
repealed by Sub. S.B. 23 of the 130th general assembly, required 42923  
the department of health to maintain. 42924
- (8) "Items of identification" include a motor vehicle 42925  
driver's or commercial driver's license, an identification card 42926  
issued under sections 4507.50 to 4507.52 of the Revised Code, a 42927  
marriage application, a social security card, a credit card, a 42928  
military identification card, or an employee identification 42929  
card. 42930
- (9) "Lineal descendant of an adopted person" means a 42931  
person who by reason of blood or adoption is a lineal descendant 42932  
of an adopted person. 42933
- (10) "Offspring" means a child, by birth, of a person. 42934
- (11) "Release" means both of the following: 42935
- (a) A release filed by a biological parent or biological 42936  
sibling pursuant to former section 3107.40 of the Revised Code, 42937  
as repealed by Sub. S.B. 23 of the 130th general assembly, that 42938  
authorized the release of identifying information to the 42939  
biological parent's offspring or the release of specified 42940  
information to the biological sibling's adopted sibling pursuant 42941  
to former section 3107.41 of the Revised Code, as repealed by 42942  
Sub. S.B. 23 of the 130th general assembly; 42943
- (b) A withdrawal of release filed by a biological parent 42944  
or biological sibling pursuant to former section 3107.40 of the 42945  
Revised Code, as repealed by Sub. S.B. 23 of the 130th general 42946  
assembly. 42947

(B) Subject to division (C) of this section, an adopted person or lineal descendant of an adopted person may submit a written request to the department of health for the department to provide the adopted person or lineal descendant of an adopted person with a copy of the contents of the adopted person's adoption file. The request shall provide the requester's address and notarized signature and be accompanied by two items of identification of the requester. If the requester is a lineal descendant of an adopted person, the request shall also provide notarized documentation evidencing the requester's relationship to the adopted person. On receipt of a request and payment of the fee required by section 3705.241 of the Revised Code, the department shall mail to the requester, at the address provided in the request, a copy of the contents of the adopted person's adoption file if the department has an adoption file, including all releases transferred to the adoption file pursuant to section 3107.381 of the Revised Code, for the adopted person. If the adoption file includes a biological parent's name redaction request form from a biological parent, the department shall redact the biological parent's name from the copy of the contents of the adoption file that is mailed to the requester. If the department removes the biological parent's name redaction request form from the adoption file pursuant to division ~~(D)~~ (A) of section 3107.391 of the Revised Code after the department mails the copy of the contents of the adoption file to the requester, the department shall mail to the requester another copy of the contents with the biological parent's name included.

(C) An adopted person or lineal descendant of an adopted person may not submit a request under this section until the adopted person or lineal descendant is at least eighteen years of age.

~~Sec. 3107.391. (A) The department of job and family services shall prescribe a biological parent's name redaction request form. The form shall include all of the following:~~ 42979  
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~~(1) Information about the procedures and requirements for a biological parent to do either of the following:~~ 42982  
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~~(a) Have the form placed in the adoption file of the biological parent's offspring so that the biological parent's name is redacted from a copy of the contents of the adoption file that a person receives under section 3107.38 of the Revised Code;~~ 42984  
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~~(b) Have the form removed from the adoption file if the biological parent later decides to permit the biological parent's name to be included in a copy of the contents of the adoption file that a person receives under section 3107.38 of the Revised Code.~~ 42989  
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~~(2) Provisions necessary for the department of health to be able to identify the adoption file of the adopted person to whom the form pertains;~~ 42994  
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~~(3) A place for the biological parent to attest that the biological parent is the biological parent of the adopted person to whom the form pertains.~~ 42997  
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~~(B) The department of job and family services shall make the biological parent's name redaction request form available to the department of health.~~ 43000  
43001  
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~~(C) (1) Until one year after the effective date of this section, the department of health shall make a biological parent's name redaction request form available to a biological parent on request. The department may accept a completed biological parent's name redaction request form only if all of~~ 43003  
43004  
43005  
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~~the following apply:~~ 43008

~~(a) The form is submitted to the department not later than one year after the effective date of this section.~~ 43009  
43010

~~(b) The form has been notarized.~~ 43011

~~(c) The biological parent provides the department two items of identification of the biological parent.~~ 43012  
43013

~~(d) If a social and medical history for the biological parent was not previously prepared or such a history was prepared but should be corrected or expanded, the biological parent does the following as appropriate:~~ 43014  
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~~(i) Completes a social and medical history form in accordance with section 3107.091 or 3107.393 of the Revised Code;~~ 43018  
43019  
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~~(ii) Corrects or expands the biological parent's social and medical history in accordance with division (D) of section 3107.09 of the Revised Code.~~ 43021  
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~~(e) The department is satisfied that the form has been substantially completed.~~ 43024  
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~~(2) If the department determines that it may accept the biological parent's name redaction request form, it shall accept the form. As soon as the department identifies the adoption file of the adopted person to whom the form pertains, it shall place the form in that file.~~ 43026  
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~~(D)(1) A biological parent who has had a biological parent's name redaction request form accepted under division (C) of this section by the department of health between March 20, 2014, and March 20, 2015, may request at any time that the department remove the form from the adoption file of the adopted~~ 43031  
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person to whom the form pertains if the biological parent 43036  
decides to permit the biological parent's name to be included in 43037  
a copy of the contents of the adoption file that a person 43038  
receives under section 3107.38 of the Revised Code. The 43039  
department shall remove the form from the adoption file if the 43040  
biological parent provides the department all of the following: 43041

~~(a)~~ (1) Two items of identification of the biological 43042  
parent; 43043

~~(b)~~ (2) Information the department needs to be able to 43044  
identify the adoption file of the adopted person to whom the 43045  
form pertains; 43046

~~(c)~~ (3) A notarized attestation that the biological parent 43047  
is the biological parent of the adopted person to whom the form 43048  
pertains. 43049

~~(2)~~ (B) When the department removes a biological parent's 43050  
name redaction request form from an adoption file under division 43051  
~~(D)~~ (1) (A) of this section, the department shall destroy the 43052  
form. 43053

**Sec. 3109.14.** (A) As used in this section, "birth record" 43054  
and "certification of birth" have the meanings given in section 43055  
3705.01 of the Revised Code. 43056

(B) (1) The director of health, a person authorized by the 43057  
director, a local commissioner of health, or a local registrar 43058  
of vital statistics shall charge and collect a fee for each 43059  
certified copy of a birth record, for each certification of 43060  
birth, and for each copy of a death record. The fee shall be 43061  
three dollars. The fee is in addition to the fee imposed by 43062  
section 3705.24 or any other section of the Revised Code. A 43063  
local commissioner of health or a local registrar of vital 43064



statistics may retain an amount of each additional fee 43065  
collected, not to exceed three per cent of the amount of the 43066  
additional fee, to be used for costs directly related to the 43067  
collection of the fee and the forwarding of the fee to the 43068  
department of health. 43069

The additional fees collected by the director of health or 43070  
a person authorized by the director and the additional fees 43071  
collected but not retained by a local commissioner of health or 43072  
a local registrar of vital statistics shall be forwarded to the 43073  
department of health not later than thirty days following the 43074  
end of each quarter. Not later than two days after the fees are 43075  
forwarded to the department each quarter, the department shall 43076  
pay deposit the collected fees ~~to the treasurer of state in~~ 43077  
~~accordance with rules adopted by the treasurer of state under~~ 43078  
~~section 113.08 of the Revised Code~~ in the state treasury to the 43079  
credit of the children's trust fund. A person or government 43080  
entity that fails to forward the fees in a timely manner, as 43081  
determined by the department, shall send to the department, in 43082  
addition to the fees, a penalty equal to ten per cent of the 43083  
fees. The department also shall deposit any penalty received in 43084  
the state treasury to the credit of the children's trust fund. 43085

(2) Upon the filing for a divorce decree under section 43086  
3105.10 or a decree of dissolution under section 3105.65 of the 43087  
Revised Code, a court of common pleas shall charge and collect a 43088  
fee. The fee shall be eleven dollars. The fee is in addition to 43089  
any other court costs or fees. The county clerk of courts may 43090  
retain an amount of each additional fee collected, not to exceed 43091  
three per cent of the amount of the additional fee, to be used 43092  
for costs directly related to the collection of the fee and the 43093  
forwarding of the fee to the treasurer of state. The additional 43094  
fees collected, but not retained, under division (B) (2) of this 43095

section shall be forwarded to the treasurer of state not later than twenty days following the end of each month.

The treasurer of state shall deposit the fees received under division (B) (2) of this section in the state treasury to the credit of the children's trust fund. A county clerk of courts that fails to forward the fees in a timely manner, as determined by the treasurer of state, shall send to the treasurer of state, in addition to the fees, a penalty equal to ten per cent of the fees. The treasurer of state also shall deposit any penalty received in the state treasury to the credit of the children's trust fund.

~~(C) The treasurer of state shall deposit the fees paid or forwarded under this section in the state treasury to the credit of the children's trust fund, which is hereby created. A person or government entity that fails to forward the fees in a timely manner, as determined by the treasurer of state, shall send to the treasurer of state, in addition to the fees, a penalty equal to ten per cent of the fees.~~

The children's trust fund is created in the state treasury. The treasurer of state shall invest the moneys in the fund, and all earnings resulting from investment of the fund shall be credited to the fund, except that actual administrative costs incurred by the treasurer of state in administering the fund may be deducted from the earnings resulting from investments. The amount that may be deducted shall not exceed three per cent of the total amount of fees credited to the fund in each fiscal year, except that the children's trust fund board may approve an amount for actual administrative costs exceeding three per cent but not exceeding four per cent of such amount. The balance of the investment earnings shall be credited to the

fund. Moneys credited to the fund shall be used only for the 43126  
purposes described in sections 3109.13 to 3109.179 of the 43127  
Revised Code. 43128

**Sec. 3109.171.** For the purpose of administering child 43129  
abuse and child neglect prevention programming and services 43130  
approved by the children's trust fund board, there are hereby 43131  
created ~~the following eight~~ child abuse and child neglect 43132  
prevention regions ~~in the state:~~ 43133

~~One region consisting of the following counties: Defiance,~~ 43134  
~~Erie, Fulton, Hancock, Henry, Huron, Lucas, Ottawa, Paulding,~~ 43135  
~~Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot.~~ 43136

~~One region consisting of the following counties:~~ 43137  
~~Ashtabula, Cuyahoga, Geauga, and Lake.~~ 43138

~~One region consisting of the following counties: Ashland,~~ 43139  
~~Columbiana, Holmes, Lorain, Mahoning, Medina, Portage, Stark,~~ 43140  
~~Summit, Trumbull, and Wayne.~~ 43141

~~One region consisting of the following counties: Allen,~~ 43142  
~~Auglaize, Champaign, Clark, Darke, Greene, Hardin, Logan,~~ 43143  
~~Mercer, Miami, Montgomery, Preble, and Shelby.~~ 43144

~~One region consisting of the following counties: Crawford,~~ 43145  
~~Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Madison,~~ 43146  
~~Marion, Morrow, Pickaway, Richland, and Union.~~ 43147

~~One region consisting of the following counties: Belmont,~~ 43148  
~~Carroll, Coshocton, Guernsey, Harrison, Jefferson, Monroe,~~ 43149  
~~Muskingum, Noble, and Tuscarawas.~~ 43150

~~One region consisting of the following counties: Adams,~~ 43151  
~~Brown, Butler, Clermont, Clinton, Hamilton, Highland, and~~ 43152  
~~Warren.~~ 43153

~~One region consisting of the following counties: Athens,~~ 43154  
~~Gallia, Hocking, Jackson, Lawrence, Meigs, Morgan, Perry, Pike,~~ 43155  
~~Ross, Scioto, Vinton, and Washington. The board, in consultation~~ 43156  
~~with the department of children and youth, shall determine the~~ 43157  
~~number of regions and the counties within each region. Each~~ 43158  
~~county in the state shall be included in a region.~~ 43159

**Sec. 3109.172.** (A) As used in this section, "county 43160  
prevention specialist" includes the following: 43161

(1) Members of agencies responsible for the administration 43162  
of children's services in the counties within a child abuse and 43163  
child neglect prevention region established in section 3109.171 43164  
of the Revised Code; 43165

(2) Providers of alcohol or drug addiction services or 43166  
members of boards of alcohol, drug addiction, and mental health 43167  
services that serve counties within a region; 43168

(3) Providers of mental health services or members of 43169  
boards of alcohol, drug addiction, and mental health services 43170  
that serve counties within a region; 43171

(4) Members of county boards of developmental disabilities 43172  
that serve counties within a region; 43173

(5) Members of the educational community appointed by the 43174  
superintendent of the school district with the largest 43175  
enrollment in the counties within a region; 43176

(6) Juvenile justice officials serving counties within a 43177  
region; 43178

(7) Pediatricians, health department nurses, and other 43179  
members of the medical community in the counties within a 43180  
region; 43181

(8) Counselors and social workers serving counties within a region;	43182 43183
(9) Head start agencies serving counties within a region;	43184
(10) Child care providers serving counties within a region;	43185 43186
(11) Parent advocates with relevant experience and knowledge of services in a region;	43187 43188
(12) Other persons with demonstrated knowledge in programs for children serving counties within a region.	43189 43190
(B) Each child abuse and child neglect prevention region shall have a child abuse and child neglect regional prevention council as appointed under divisions (C), (D), and (E) of this section. Each council shall operate in accordance with rules adopted by the department of children and youth pursuant to Chapter 119. of the Revised Code.	43191 43192 43193 43194 43195 43196
(C) (1) Each board of county commissioners within a region may appoint up to two county prevention specialists to the council representing the county, in accordance with rules adopted by the department of children and youth under Chapter 119. of the Revised Code. <u>The reappointment of a chairperson by a board of county commissioners in accordance with division (D) of this section shall not be considered to be an appointment under this division.</u>	43197 43198 43199 43200 43201 43202 43203 43204
(2) The children's trust fund board may appoint additional county prevention specialists to each region's council at the board's discretion.	43205 43206 43207
(D) Each council member appointed under <del>division (C) (1) of</del> this section shall be appointed for a two-year term. <del>Each</del>	43208 43209

~~council member appointed under division (C) (2) of this section~~ 43210  
~~shall be appointed for a three-year term.~~ A member may be 43211  
reappointed, but for two consecutive terms only. A council 43212  
member selected as chairperson of a child abuse and child 43213  
neglect regional prevention council in accordance with division 43214  
(G) of this section is eligible to be reappointed by the 43215  
original appointing authority. 43216

(E) A member may be removed from the council by the 43217  
member's appointing authority for misconduct, incompetence, or 43218  
neglect of duty. 43219

(F) Each appointed member of a council shall serve without 43220  
compensation but shall be reimbursed for all actual and 43221  
necessary expenses incurred in the performance of official 43222  
duties. 43223

(G) A chairperson shall be selected by the council's 43224  
regional prevention coordinator from among the county prevention 43225  
specialists serving on the council. 43226

(1) The chairperson shall serve as a nonvoting member of 43227  
the council. 43228

(2) The chairperson shall preside over council meetings or 43229  
may call upon the vice-chairperson to preside over meetings. 43230

(H) At the first regular meeting of the year, which shall 43231  
be called by the chairperson, the members shall elect a vice- 43232  
chairperson by a majority vote. 43233

(1) The vice-chairperson shall preside over council 43234  
meetings in the absence of the chairperson or upon the request 43235  
of the chairperson. 43236

(2) The vice-chairperson functions in the same capacity as 43237

the chairperson and becomes a nonvoting member when presiding 43238  
over a council meeting. 43239

(I) Each council shall meet at least quarterly. 43240

(J) Council members shall do all of the following: 43241

(1) Attend meetings of the council on which they serve; 43242

(2) Assist the regional prevention coordinator in 43243  
conducting a needs assessment to ascertain the child abuse and 43244  
child neglect prevention programming and services that are 43245  
needed in their region; 43246

(3) Collaborate on assembling the council's regional 43247  
prevention plan based on children's trust fund board guidelines 43248  
pursuant to section 3109.174 of the Revised Code; 43249

(4) Assist the council's regional prevention coordinator 43250  
with all of the following: 43251

(a) Implementing the regional prevention plan, including 43252  
monitoring fulfillment of child abuse and child neglect 43253  
prevention deliverables and achievement of prevention outcomes; 43254

(b) Coordinating county data collection; 43255

(c) Ensuring timely and accurate reporting to the 43256  
children's trust fund board. 43257

(5) Any additional duties specified in accordance with 43258  
rules adopted by the department pursuant to Chapter 119. of the 43259  
Revised Code. 43260

(K) No council member shall participate in matters of the 43261  
council pertaining to their own interests, including 43262  
applications for funding by a council member or any entity, 43263  
public or private, of which a council member serves as either a 43264

board member or employee. 43265

(L) Each council shall file with the children's trust fund 43266  
board, not later than the due dates specified by the board, a 43267  
progress report and an annual report regarding the council's 43268  
child abuse and child neglect prevention programs and activities 43269  
undertaken in accordance with the council's regional prevention 43270  
plan. The reports shall contain all information required by the 43271  
board. 43272

**Sec. 3109.173.** (A) Each child abuse and child neglect 43273  
regional prevention council shall be under the direction of a 43274  
regional prevention coordinator. The children's trust fund board 43275  
~~shall may~~ select each region's coordinator through a competitive 43276  
selection process conducted by the board. If the board has not 43277  
selected a regional coordinator through a competitive selection 43278  
process for a region, children's trust fund staff shall serve as 43279  
coordinator for that region. 43280

(B) Regional prevention coordinators shall do all of the 43281  
following: 43282

(1) Select a representative to serve as chairperson of the 43283  
regional prevention council pursuant to division (G) of section 43284  
3109.172 of the Revised Code; 43285

(2) Conduct a needs assessment to ascertain the child 43286  
abuse and neglect prevention programming and services that are 43287  
needed in the region; 43288

(3) Work with county prevention specialists in the region 43289  
to assemble the regional prevention plan based on children's 43290  
trust fund board guidelines pursuant to section 3109.174 of the 43291  
Revised Code; 43292

(4) Implement the regional prevention plan, including the 43293



following:	43294
(a) Monitoring fulfillment of prevention deliverables and achievement of prevention outcomes;	43295 43296
(b) Coordinating county data collection;	43297
(c) Ensuring timely and accurate reporting to the board.	43298
(5) Any additional duties specified by the department in rules adopted pursuant to Chapter 119. of the Revised Code.	43299 43300
<b>Sec. 3109.178.</b> (A) <del>Each child abuse and child neglect regional prevention council</del> <u>An entity</u> may request from the children's trust fund board up to five thousand dollars <del>for each county within the council's region</del> to be used as one-time, start-up costs for the establishment and operation of a children's advocacy center to serve <del>each</del> <u>at least one county</u> <del>in the region or a center to serve two or more contiguous counties within the region.</del>	43301 43302 43303 43304 43305 43306 43307 43308
(B) On receipt of a request made under this section, the board shall review and approve or disapprove the request.	43309 43310
(C) If the board disapproves the request, the board shall send to the <del>requesting council</del> <u>entity requesting funds</u> written notice of the disapproval that states the reasons for the disapproval.	43311 43312 43313 43314
(D) No funds allocated <del>to a council</del> under this section may be used as start-up costs for any children's advocacy center unless the center has as a component a primary prevention strategy.	43315 43316 43317 43318
(E) <del>A council</del> <u>An entity</u> that receives funds under this section in any fiscal year shall not use the funds received in a different fiscal year or for a different center in any fiscal	43319 43320 43321

year without the approval of the board. 43322

(F) A children's advocacy center established using funds 43323  
awarded under this section shall comply with sections 2151.425 43324  
to 2151.428 of the Revised Code. 43325

**Sec. 3115.201.** (A) In a proceeding to establish or enforce 43326  
a support order or to determine parentage of a child, a tribunal 43327  
or support enforcement agency of this state may exercise 43328  
personal jurisdiction over a nonresident individual if any of 43329  
the following apply: 43330

(1) The individual is personally served with summons 43331  
within this state. 43332

(2) The individual submits to the jurisdiction of this 43333  
state by consent in a record, by entering a general appearance, 43334  
or by filing a responsive document having the effect of waiving 43335  
any contest to personal jurisdiction. 43336

(3) The individual resided with the child in this state. 43337

(4) The individual resided in this state and provided 43338  
prenatal expenses or support for the child. 43339

(5) The child resides in this state as a result of the 43340  
acts or directives of the individual. 43341

(6) The individual engaged in sexual intercourse in this 43342  
state and the child may have been conceived by that act of 43343  
intercourse. 43344

(7) The individual asserted parentage of a child in the 43345  
putative father registry maintained in this state by the 43346  
department of ~~job and family services~~children and youth. 43347

(8) There is any other basis consistent with the 43348

Constitutions of this state and the United States for the 43349  
exercise of personal jurisdiction. 43350

(B) The bases of personal jurisdiction set forth in 43351  
division (A) of this section or in any other law of this state 43352  
may not be used to acquire personal jurisdiction for a tribunal 43353  
of this state to modify a child-support order of another state 43354  
unless the requirements of section 3115.611 of the Revised Code 43355  
are met or, in the case of a foreign support order, unless the 43356  
requirements of section 3115.615 of the Revised Code are met. 43357

**Sec. 3119.01.** (A) As used in the Revised Code, "child 43358  
support enforcement agency" means a child support enforcement 43359  
agency designated under former section 2301.35 of the Revised 43360  
Code prior to October 1, 1997, or a private or government entity 43361  
designated as a child support enforcement agency under section 43362  
307.981 of the Revised Code. 43363

(B) As used in this chapter and Chapters 3121., 3123., and 43364  
3125. of the Revised Code: 43365

(1) "Administrative child support order" means any order 43366  
issued by a child support enforcement agency for the support of 43367  
a child pursuant to section 3109.19 or 3111.81 of the Revised 43368  
Code or former section 3111.211 of the Revised Code, section 43369  
3111.21 of the Revised Code as that section existed prior to 43370  
January 1, 1998, or section 3111.20 or 3111.22 of the Revised 43371  
Code as those sections existed prior to March 22, 2001. 43372

(2) "Child support order" means either a court child 43373  
support order or an administrative child support order. 43374

(3) "Obligee" means the person who is entitled to receive 43375  
the support payments under a support order. 43376

(4) "Obligor" means the person who is required to pay 43377

support under a support order.	43378
(5) "Support order" means either an administrative child support order or a court support order.	43379 43380
(C) As used in this chapter:	43381
(1) "Caretaker" means any of the following, other than a parent:	43382 43383
(a) A person with whom the child resides for at least thirty consecutive days, and who is the child's primary caregiver;	43384 43385 43386
(b) A person who is receiving public assistance on behalf of the child;	43387 43388
(c) A person or agency with legal custody of the child, including a county department of job and family services or a public children services agency;	43389 43390 43391
(d) A guardian of the person or the estate of a child;	43392
(e) Any other appropriate court or agency with custody of the child.	43393 43394
"Caretaker" excludes a "host family" as defined under section 2151.90 of the Revised Code.	43395 43396
(2) "Cash medical support" means an amount ordered to be paid in a child support order toward the ordinary medical expenses incurred during a calendar year.	43397 43398 43399
(3) "Child care cost" means annual out-of-pocket costs for the care and supervision of a child or children subject to the order that is related to work or employment training.	43400 43401 43402
(4) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of	43403 43404

the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 43405  
2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3109.20, 43406  
3111.13, 3113.04, 3113.07, 3113.31, 3119.11, 3119.65, or 3119.70 43407  
of the Revised Code, or division (B) of former section 3113.21 43408  
of the Revised Code. 43409

(5) "Court-ordered parenting time" means the amount of 43410  
parenting time a parent is to have under a parenting time order 43411  
or the amount of time the children are to be in the physical 43412  
custody of a parent under a shared parenting order. 43413

(6) "Court support order" means either a court child 43414  
support order or an order for the support of a spouse or former 43415  
spouse issued pursuant to Chapter 3115. of the Revised Code, 43416  
section 3105.18, 3105.65, or 3113.31 of the Revised Code, or 43417  
division (B) of former section 3113.21 of the Revised Code. 43418

(7) "CPI-U" means the consumer price index for all urban 43419  
consumers, published by the United States department of labor, 43420  
bureau of labor statistics. 43421

(8) "Extraordinary medical expenses" means any uninsured 43422  
medical expenses incurred for a child during a calendar year 43423  
that exceed the total cash medical support amount owed by the 43424  
parents during that year. 43425

(9) "Federal poverty level" has the same meaning as in 43426  
section 5121.30 of the Revised Code. 43427

(10) "Income" means either of the following: 43428

(a) For a parent who is employed to full capacity, the 43429  
gross income of the parent; 43430

(b) For a parent who is unemployed or underemployed, the 43431  
sum of the gross income of the parent and any potential income 43432

of the parent. 43433

(11) "Income share" means the percentage derived from a 43434  
comparison of each parent's annual income after allowable 43435  
deductions and credits as indicated on the worksheet to the 43436  
total annual income of both parents. 43437

(12) "Insurer" means any person authorized under Title 43438  
XXXIX of the Revised Code to engage in the business of insurance 43439  
in this state, any health insuring corporation, and any legal 43440  
entity that is self-insured and provides benefits to its 43441  
employees or members. 43442

(13) "Gross income" means, except as excluded in division 43443  
(C) (13) of this section, the total of all earned and unearned 43444  
income from all sources during a calendar year, whether or not 43445  
the income is taxable, and includes income from salaries, wages, 43446  
overtime pay, and bonuses to the extent described in division 43447  
(D) of section 3119.05 of the Revised Code; commissions; 43448  
royalties; tips; rents; dividends; severance pay; pensions; 43449  
interest; trust income; annuities; social security benefits, 43450  
including retirement, disability, and survivor benefits that are 43451  
not means-tested; workers' compensation benefits; unemployment 43452  
insurance benefits; disability insurance benefits; benefits that 43453  
are not means-tested and that are received by and in the 43454  
possession of the veteran who is the beneficiary for any 43455  
service-connected disability under a program or law administered 43456  
by the United States department of veterans' affairs or 43457  
veterans' administration; spousal support actually received; and 43458  
all other sources of income. "Gross income" includes income of 43459  
members of any branch of the United States armed services or 43460  
national guard, including, amounts representing base pay, basic 43461  
allowance for quarters, basic allowance for subsistence, 43462

supplemental subsistence allowance, cost of living adjustment, 43463  
specialty pay, variable housing allowance, and pay for training 43464  
or other types of required drills; self-generated income; and 43465  
potential cash flow from any source. 43466

"Gross income" does not include any of the following: 43467

(a) Benefits received from means-tested government 43468  
administered programs, including Ohio works first; prevention, 43469  
retention, and contingency; means-tested veterans' benefits; 43470  
supplemental security income; supplemental nutrition assistance 43471  
program; disability financial assistance; or other assistance 43472  
for which eligibility is determined on the basis of income or 43473  
assets; 43474

(b) Benefits for any service-connected disability under a 43475  
program or law administered by the United States department of 43476  
veterans' affairs or veterans' administration that are not 43477  
means-tested, that have not been distributed to the veteran who 43478  
is the beneficiary of the benefits, and that are in the 43479  
possession of the United States department of veterans' affairs 43480  
or veterans' administration; 43481

(c) Child support amounts received for children who are 43482  
not included in the current calculation; 43483

(d) Amounts paid for mandatory deductions from wages such 43484  
as union dues but not taxes, social security, or retirement in 43485  
lieu of social security; 43486

(e) Nonrecurring or unsustainable income or cash flow 43487  
items; 43488

(f) Adoption assistance, kinship guardianship assistance, 43489  
and foster care maintenance payments made pursuant to Title IV-E 43490  
of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 43491

(1980), as amended; 43492

(g) State kinship guardianship assistance described in 43493  
section 5153.163 of the Revised Code and payment from the 43494  
kinship support program described in section ~~5101.881~~ 5180.531 43495  
of the Revised Code. 43496

(14) "Nonrecurring or unsustainable income or cash flow 43497  
item" means an income or cash flow item the parent receives in 43498  
any year or for any number of years not to exceed three years 43499  
that the parent does not expect to continue to receive on a 43500  
regular basis. "Nonrecurring or unsustainable income or cash 43501  
flow item" does not include a lottery prize award that is not 43502  
paid in a lump sum or any other item of income or cash flow that 43503  
the parent receives or expects to receive for each year for a 43504  
period of more than three years or that the parent receives and 43505  
invests or otherwise uses to produce income or cash flow for a 43506  
period of more than three years. 43507

(15) "Ordinary medical expenses" includes copayments and 43508  
deductibles, and uninsured medical-related costs for the 43509  
children of the order. 43510

(16) (a) "Ordinary and necessary expenses incurred in 43511  
generating gross receipts" means actual cash items expended by 43512  
the parent or the parent's business and includes depreciation 43513  
expenses of business equipment as shown on the books of a 43514  
business entity. 43515

(b) Except as specifically included in "ordinary and 43516  
necessary expenses incurred in generating gross receipts" by 43517  
division (C) (16) (a) of this section, "ordinary and necessary 43518  
expenses incurred in generating gross receipts" does not include 43519  
depreciation expenses and other noncash items that are allowed 43520



as deductions on any federal tax return of the parent or the 43521  
parent's business. 43522

(17) "Personal earnings" means compensation paid or 43523  
payable for personal services, however denominated, and includes 43524  
wages, salary, commissions, bonuses, draws against commissions, 43525  
profit sharing, vacation pay, or any other compensation. 43526

(18) "Potential income" means both of the following for a 43527  
parent who the court pursuant to a court support order, or a 43528  
child support enforcement agency pursuant to an administrative 43529  
child support order, determines is voluntarily unemployed or 43530  
voluntarily underemployed: 43531

(a) Imputed income that the court or agency determines the 43532  
parent would have earned if fully employed as determined from 43533  
the following criteria: 43534

(i) The parent's prior employment experience; 43535

(ii) The parent's education; 43536

(iii) The parent's physical and mental disabilities, if 43537  
any; 43538

(iv) The availability of employment in the geographic area 43539  
in which the parent resides; 43540

(v) The prevailing wage and salary levels in the 43541  
geographic area in which the parent resides; 43542

(vi) The parent's special skills and training; 43543

(vii) Whether there is evidence that the parent has the 43544  
ability to earn the imputed income; 43545

(viii) The age and special needs of the child for whom 43546  
child support is being calculated under this section; 43547

(ix) The parent's increased earning capacity because of experience;	43548 43549
(x) The parent's decreased earning capacity because of a felony conviction;	43550 43551
(xi) Any other relevant factor.	43552
(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.	43553 43554 43555 43556 43557 43558
(19) "Schedule" means the basic child support schedule created pursuant to section 3119.021 of the Revised Code.	43559 43560
(20) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses.	43561 43562 43563 43564 43565 43566 43567 43568 43569 43570
(21) "Self-sufficiency reserve" means the minimal amount necessary for an obligor to adequately subsist upon, as determined under section 3119.021 of the Revised Code.	43571 43572 43573
(22) "Split parental rights and responsibilities" means a situation in which there is more than one child who is the subject of an allocation of parental rights and responsibilities	43574 43575 43576

and each parent is the residential parent and legal custodian of 43577  
at least one of those children. 43578

(23) "Worksheet" means the applicable worksheet created in 43579  
rules adopted under section 3119.022 of the Revised Code that is 43580  
used to calculate a parent's child support obligation. 43581

**Sec. 3121.441.** (A) Notwithstanding the provisions of this 43582  
chapter, Chapters 3119., 3123., and 3125., and sections 3770.071 43583  
and 5107.20 of the Revised Code providing for the office of 43584  
child support in the department of job and family services to 43585  
collect, withhold, or deduct spousal support, when a court 43586  
pursuant to section 3105.18 or 3105.65 of the Revised Code 43587  
issues or modifies an order requiring an obligor to pay spousal 43588  
support or grants or modifies a decree of dissolution of 43589  
marriage incorporating a separation agreement that provides for 43590  
spousal support, or at any time after the issuance, granting, or 43591  
modification of an order or decree of that type, the court may 43592  
permit the obligor to make the spousal support payments directly 43593  
to the obligee instead of to the office if the obligee and the 43594  
obligor have no minor children born as a result of their 43595  
marriage and the obligee has not assigned the spousal support 43596  
amounts to the department pursuant to section 5107.20 or 5160.38 43597  
of the Revised Code. 43598

(B) A court that permits an obligor to make spousal 43599  
support payments directly to the obligee pursuant to division 43600  
(A) of this section shall order the obligor to make the spousal 43601  
support payments as a check, as a money order, or in any other 43602  
form that establishes a clear record of payment. 43603

(C) If a court permits an obligor to make spousal support 43604  
payments directly to an obligee pursuant to division (A) of this 43605  
section and the obligor is in default in making any spousal 43606

support payment to the obligee, the court, upon motion of the 43607  
obligee or on its own motion, may rescind the permission granted 43608  
under that division. After the rescission, the court shall 43609  
determine the amount of arrearages in the spousal support 43610  
payments and order the obligor to make to the office of child 43611  
support in the department of job and family services any spousal 43612  
support payments that are in arrears and any future spousal 43613  
support payments. Upon the issuance of the order of the court 43614  
under this division, the provisions of this chapter, Chapters 43615  
3119., 3123., and 3125., and sections 3770.071, 3770.074, and 43616  
5107.20 of the Revised Code apply with respect to the 43617  
collection, withholding, or deduction of the obligor's spousal 43618  
support payments that are the subject of that order of the 43619  
court. 43620

**Sec. 3123.89.** (A) The department of job and family 43621  
services shall develop and implement a real time data match 43622  
program with the state lottery commission and its lottery sales 43623  
agents and lottery agents to identify obligors who are subject 43624  
to a final and enforceable determination of default made under 43625  
sections 3123.01 to 3123.07 of the Revised Code. 43626

(B) Upon the data match program's implementation, the 43627  
department, in consultation with the commission, shall 43628  
promulgate rules to facilitate withholding, in appropriate 43629  
circumstances and in accordance with ~~section~~ sections 3770.071 43630  
and 3770.074 of the Revised Code, by the commission or its 43631  
lottery sales agents or lottery agents of an amount sufficient 43632  
to satisfy any past due support owed by an obligor from a 43633  
lottery prize award owed to the obligor up to the amount of the 43634  
award. The rules shall describe an expedited method for 43635  
withholding, and the time frame for transmission of the amount 43636  
withheld to the department. 43637

(C) As used in this section, ~~"lottery":~~ 43638

~~(1) "Lottery prize award" has the same meaning as in~~ 43639  
~~section 3770.10 of the Revised Code~~ includes a prize award from 43640  
a video lottery terminal but does not include winnings from 43641  
lottery sports gaming, except for winnings from lottery sports 43642  
gaming wagers placed through a terminal described in division 43643  
(B) (3) of section 3770.24 of the Revised Code. 43644

(2) "Lottery sports gaming" has the same meaning as in 43645  
section 3770.23 of the Revised Code. 43646

(3) "Video lottery terminal" has the same meaning as in 43647  
section 3770.21 of the Revised Code. 43648

**Sec. 3123.90.** (A) As used in this section: 43649

(1) "Casino facility," "casino operator," and "management 43650  
company" have the meanings defined in section 3772.01 of the 43651  
Revised Code. 43652

(2) "Sports gaming proprietor" has the meaning defined in 43653  
section 3775.01 of the Revised Code. 43654

(3) "Lottery sports gaming" has the same meaning as in 43655  
section 3770.23 of the Revised Code. 43656

(B) The department of job and family services shall 43657  
develop and implement a real time data match program with each 43658  
casino facility's casino operator or management company and with 43659  
each sports gaming proprietor to identify obligors who are 43660  
subject to a final and enforceable determination of default made 43661  
under sections 3123.01 to 3123.07 of the Revised Code. 43662

(C) ~~Upon~~ Subject to division (E) of this section, upon the 43663  
data match program's implementation, if a person receives a 43664  
payout of winnings at a casino facility or from sports gaming in 43665

an amount for which reporting to the internal revenue service of 43666  
the amount is required by section 6041 of the Internal Revenue 43667  
Code, as amended, the casino operator, management company, or 43668  
sports gaming proprietor shall refer to the data match program 43669  
to determine if the person entitled to the winnings is in 43670  
default under a support order. If the data match program 43671  
indicates that the person is in default, the casino operator, 43672  
management company, or sports gaming proprietor shall withhold 43673  
from the person's winnings an amount sufficient to satisfy any 43674  
past due support owed by the obligor identified in the data 43675  
match up to the amount of the winnings. 43676

(D) Not later than fourteen days after withholding the 43677  
amount, the casino operator, management company, or sports 43678  
gaming proprietor shall electronically transmit any amount 43679  
withheld to the department as payment on the support obligation. 43680

(E) A sports gaming proprietor that offers lottery sports 43681  
gaming through a terminal described in division (B) (3) of 43682  
section 3770.24 of the Revised Code shall not withhold amounts 43683  
under this section from winnings from wagers placed through that 43684  
terminal. The state lottery commission shall withhold amounts 43685  
from those winnings under section 3770.071 of the Revised Code. 43686

(F) The department, in consultation with the Ohio casino 43687  
control commission, may adopt rules under Chapter 119. of the 43688  
Revised Code as are necessary for implementation of this 43689  
section. 43690

**Sec. 3301.01.** ~~(A) There is hereby created the state board 43691  
of education consisting of nineteen members with eleven elected 43692  
members, one each to be elected in accordance with section 43693  
3301.03 of the Revised Code from each of the districts 43694  
established in accordance with division (B) of this section, and 43695~~

~~with eight~~five members to be appointed by the governor with the 43696  
advice and consent of the senate.- 43697

~~In addition to the nineteen elected or appointed members, 43698  
the chairperson of the committee of the senate that primarily 43699  
deals with education and the chairperson of the committee of the 43700  
house of representatives that primarily deals with education 43701  
shall be nonvoting ex officio members of the board.- 43702~~

~~(B) (1) The territory of each state board of education 43703  
district for each elected voting member of the board shall 43704  
consist of the territory of three contiguous senate districts as 43705  
established in the most recent apportionment for members of the 43706  
general assembly, but the territory of no senate district shall 43707  
be part of the territory of more than one state board of 43708  
education district. Each state board of education district shall 43709  
be as compact as practicable. The districts shall include, when 43710  
practicable, some districts that primarily consist of territory 43711  
in rural areas and some districts that primarily consist of 43712  
territory in urban areas.- 43713~~

~~(2) If, after the apportionment for members of the general 43714  
assembly is made in any year, the general assembly does not 43715  
during that year enact legislation establishing state board of 43716  
education districts in accordance with division (B) (1) of this 43717  
section, the governor shall designate the boundaries of the 43718  
districts in accordance with division (B) (1) of this section no 43719  
later than the thirty-first day of January of the year next 43720  
succeeding such apportionment. Upon making such designation, the 43721  
governor shall give written notice of the boundaries of the 43722  
districts to each member of the state board of education, 43723  
including the nonvoting ex officio members; the superintendent 43724  
of public instruction; the director of education and workforce; 43725~~

~~the president of the senate; the speaker of the house of  
representatives; and the board of elections of each county in  
each new district. On the first day of February in any year in  
which the governor designates the boundaries of state board of  
education districts under this section, the state board of  
education districts as they existed prior to that date shall  
cease to exist and the new districts shall be created.~~

**Sec. 3301.02.** (A) ~~Elected voting members of the state  
board of education shall be elected as required by expiration of  
respective terms, each for a term of four years or until a  
successor is elected and qualified. One elected member shall be  
elected from each district respectively in which the term of  
office of a board member expires on the first day of January  
following the election. The term of office of each member so  
elected shall begin on the first day of January immediately  
following this election.~~

~~(B) At any time the boundaries of state board of education  
districts are changed under division (B) of section 3301.01 of  
the Revised Code, a member of the state board whose term will  
not expire within two years of the time the change in boundaries  
is made shall represent, for the remainder of the term for which  
the member was elected, the state board district containing the  
largest portion of the population of the district from which the  
member was elected. If more than one member whose term will not  
so expire would represent the same district under the provisions  
of this section, either the general assembly, if the general  
assembly enacted legislation establishing those districts under  
division (B) (2) of section 3301.01 of the Revised Code, or the  
governor, if the governor designated the boundaries of the  
districts under that division, shall designate which member  
shall represent each district for the balance of the members'~~



~~terms.~~ 43757

~~(C) Appointed voting members~~Members of the board shall 43758  
serve four-year terms beginning the first day of January and 43759  
ending on the thirty-first day of December. ~~Except as provided~~ 43760  
~~in division (D) of this section, members may be reappointed.~~ 43761

~~(D)~~(B) No person, ~~elected or appointed,~~ shall hold the 43762  
office of member of the state board of education for a period of 43763  
longer than two successive terms of four years. Terms shall be 43764  
considered successive unless separated by a period of four or 43765  
more years. Only terms beginning on or after January 1, 1996, 43766  
shall be considered in determining an individual's eligibility 43767  
to hold office. 43768

(C) Notwithstanding any provision of the Revised Code to 43769  
the contrary, members who were elected or appointed under this 43770  
section as it existed prior to the effective date of this 43771  
amendment shall remain in office until the expiration of their 43772  
current terms. Upon the expiration of the current term of 43773  
elected members, all eleven elected offices shall be abolished 43774  
and no successor shall be elected after the effective date of 43775  
this amendment. If such elected member vacates the office prior 43776  
to the expiration of the member's term, no individual shall be 43777  
appointed or elected to fill that vacancy, and that office is 43778  
abolished. The offices of the first three appointed members to 43779  
reach the expiration of their current terms or vacate the office 43780  
prior to the expiration of their current terms shall be 43781  
abolished. Thereafter, the state board consists of five 43782  
appointed members as prescribed under section 3301.01 of the 43783  
Revised Code. 43784

**Sec. 3301.03.** ~~Each elected voting member of the state~~ 43785  
~~board of education shall be a qualified elector residing in the~~ 43786

~~territory composing the district from which the member is~~ 43787  
~~elected, and shall be nominated and elected to office as~~ 43788  
~~provided by Title XXXV of the Revised Code. (A) Each appointed~~ 43789  
~~voting member of the board shall be a qualified elector residing~~ 43790  
~~in the state. At least four of the appointed voting members~~ 43791  
~~shall represent rural school districts in the state, as~~ 43792  
~~evidenced by the member's current place of residence and at~~ 43793  
~~least one~~ One member shall represent each of the following: 43794

~~(A) The member's children attend, or at one time attended,~~ 43795  
~~school in a~~ (1) A rural school district; 43796

~~(B) The member's past or present occupation is associated~~ 43797  
~~with rural areas of the state~~ (2) A suburban school district; 43798

~~(C) The member possesses other credentials or experience~~ 43799  
~~demonstrating knowledge and familiarity with rural~~ (3) An urban 43800  
~~school districts~~ district; 43801

(4) A community school established under Chapter 3314. of 43802  
the Revised Code; 43803

(5) A chartered nonpublic school. 43804

~~No elected or appointed voting member of the board shall,~~ 43805  
~~during the member's term of office, hold any other office of~~ 43806  
~~trust or profit or be an employee or officer of any public or~~ 43807  
~~private elementary or secondary school. Before entering on the~~ 43808  
~~duties of office, each elected and appointed voting member shall~~ 43809  
~~subscribe to the official oath of office.~~ 43810

~~Each voting member of the state board of education shall~~ 43811  
~~be paid a salary fixed pursuant to division (J) of section~~ 43812  
~~124.15 of the Revised Code, together with the member's actual~~ 43813  
~~and necessary expenses incurred while engaged in the performance~~ 43814  
~~of the member's official duties or in the conduct of authorized~~ 43815

board business, and while en route to and from the member's home 43816  
for such purposes. 43817

~~(D)~~(B) As used in this section only, "office of trust or 43818  
profit" means: 43819

(1) A federal or state elective office or an elected 43820  
office of a political subdivision of the state; 43821

(2) A position on a board or commission of the state that 43822  
is appointed by the governor; 43823

(3) An office set forth in section 121.03, 121.04, or 43824  
121.05 of the Revised Code; 43825

(4) An office of the government of the United States that 43826  
is appointed by the president of the United States. 43827

**Sec. 3301.06.** A vacancy in the state board of education 43828  
may be caused by death, ~~nonresidence,~~ resignation, removal from 43829  
office, ~~failure of a person elected to qualify within ten days~~ 43830  
~~after the organization of the board or of the person's election,~~ 43831  
~~removal from the district of election or from residence in the~~ 43832  
~~state,~~ or absence from any ~~two~~three consecutive regular meetings 43833  
~~of the board if such absence is caused by reasons declared~~ 43834  
~~insufficient by a vote of twelve members of the board. When a~~ 43835  
~~vacancy occurs in the office of an elected member, the governor~~ 43836  
~~shall, within a period of thirty days and with the advice and~~ 43837  
~~consent of the senate, appoint a qualified person residing in~~ 43838  
~~the district in which the vacancy occurred to fill the vacancy~~ 43839  
~~until the next general election at which members of the state~~ 43840  
~~board of education are elected, at which time a qualified~~ 43841  
~~elector residing in the district in which the vacancy occurred~~ 43842  
~~shall be elected for the unexpired term. Such member shall~~ 43843  
~~assume office at the next succeeding meeting of the board for~~ 43844

any reason. When a vacancy occurs in the office of an ~~appointed~~  
member, the governor shall, within a period of thirty days and  
with the advice and consent of the senate, appoint a qualified  
person, in accordance with section 3301.03 of the Revised Code,  
to serve the remainder of the term.

**Sec. 3301.071.** (A) (1) Except as provided in division (E)  
of this section, in the case of nontax-supported schools,  
standards for teacher certification prescribed under section  
3301.07 of the Revised Code shall provide for certification,  
without further educational requirements, of any administrator,  
supervisor, or teacher who has attended and received a  
bachelor's degree or a master's degree from a college or  
university accredited by a national or regional association in  
the United States except that, at the discretion of the state  
board of education, this requirement may be met by having an  
equivalent degree from a foreign college or university of  
comparable standing.

(2) Except as provided in division (E) of this section, in  
the case of nonchartered, nontax-supported schools, the  
standards for teacher certification prescribed under section  
3301.07 of the Revised Code shall provide for certification,  
without further educational requirements, of any administrator,  
supervisor, or teacher who has attended and received a diploma  
from a "bible college" or "bible institute" described in  
division (E) of section 1713.02 of the Revised Code.

(3) A certificate issued under division (A) (3) of this  
section shall be valid only for teaching foreign language,  
music, religion, computer technology, or fine arts.

Notwithstanding division (A) (1) of this section and except  
as provided in division (E) of this section, the standards for

teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification of a person as a teacher upon receipt by the state board of an affidavit signed by the chief administrative officer of a chartered nonpublic school seeking to employ the person, stating that the person meets one of the following conditions:

(a) The person has specialized knowledge, skills, or expertise that qualifies the person to provide instruction.

(b) The person has provided to the chief administrative officer evidence of at least three years of teaching experience in a public or nonpublic school.

(c) The person has provided to the chief administrative officer evidence of completion of a teacher training program named in the affidavit.

(B) Each person applying for a certificate under this section for purposes of serving in a nonpublic school chartered by the director of education and workforce under section 3301.16 of the Revised Code shall pay a fee in the amount established under division ~~(A)~~(B) of section 3319.51 of the Revised Code. Any fees received under this division shall be paid into the state treasury to the credit of the ~~state board of education certification fund established under division (B) of section 3319.51~~ occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.

(C) A person applying for or holding any certificate pursuant to this section for purposes of serving in a nonpublic school chartered by the director is subject to sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code and sections 3319.31

and 3319.311 of the Revised Code. 43904

(D) Divisions (B) and (C) of this section and sections 43905  
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 43906  
to any administrators, supervisors, or teachers in nonchartered, 43907  
nontax-supported schools. 43908

(E) The state board shall issue a certificate to serve in 43909  
a nonpublic school as an administrator, supervisor, or teacher 43910  
in accordance with Chapter 4796. of the Revised Code to an 43911  
applicant if either of the following applies: 43912

(1) The applicant holds a certificate in another state. 43913

(2) The applicant has satisfactory work experience, a 43914  
government certification, or a private certification as 43915  
described in that chapter as a nonpublic school administrator, 43916  
supervisor, or teacher in a state that does not issue one or 43917  
more of those certificates. 43918

**Sec. 3301.074.** (A) Except as provided in division (E) of 43919  
this section, the state board of education shall, by rule 43920  
adopted in accordance with Chapter 119. of the Revised Code, 43921  
establish standards for licensing school district treasurers and 43922  
business managers, for the renewal of such licenses, and for the 43923  
issuance of duplicate copies of licenses. Licenses of the 43924  
following types shall be issued or renewed by the board to 43925  
applicants who meet the standards for the license or the renewal 43926  
of the license for which application is made: 43927

(1) Treasurer, valid for serving as treasurer of a school 43928  
district in accordance with section 3313.22 of the Revised Code; 43929

(2) Business manager, valid for serving as business 43930  
manager of a school district in accordance with section 3319.03 43931  
of the Revised Code. 43932

(B) Each application for a license or renewal or duplicate copy of a license shall be accompanied by the payment of a fee in the amount established under division ~~(A)~~(B) of section 3319.51 of the Revised Code. Any fees received under this section shall be paid into the state treasury to the credit of the ~~state board of education licensure fund established under division (B) of section 3319.51~~ occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.

(C) Any person employed under section 3313.22 of the Revised Code as a treasurer on July 1, 1983, shall be considered to meet the standards for licensure as a treasurer and for renewal of such license. Any person employed under section 3319.03 of the Revised Code as a business manager on July 1, 1983, shall be considered to meet the standards for licensure as a business manager and for renewal of such license.

(D) Any person applying for or holding any license pursuant to this section is subject to sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code and sections 3319.31 and 3319.311 of the Revised Code.

(E) The state board shall issue a license to act as a school district treasurer or business manager in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

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

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a school district treasurer or

business manager in a state that does not issue one of those licenses or both.

**Sec. 3301.0711.** (A) The department of education and workforce shall:

(1) Annually furnish to, grade, and score all assessments required by divisions (A) (1) and (B) (1) of section 3301.0710 of the Revised Code to be administered by city, local, exempted village, and joint vocational school districts, except that each district shall score any assessment administered pursuant to division (B) (10) of this section. Each assessment so furnished shall include the data verification code of the student to whom the assessment will be administered, as assigned pursuant to division (D) (2) of section 3301.0714 of the Revised Code. In furnishing the practice versions of Ohio graduation tests prescribed by division (D) of section 3301.0710 of the Revised Code, the department shall make the tests available on its web site for reproduction by districts. In awarding contracts for grading assessments, the department shall give preference to Ohio-based entities employing Ohio residents.

(2) Adopt rules for the ethical use of assessments and prescribing the manner in which the assessments prescribed by section 3301.0710 of the Revised Code shall be administered to students.

(B) Except as provided in divisions (C) and (J) of this section, the board of education of each city, local, and exempted village school district shall, in accordance with rules adopted under division (A) of this section:

(1) Administer the English language arts assessments prescribed under division (A) (1) (a) of section 3301.0710 of the



Revised Code twice annually to all students in the third grade 43991  
who have not attained the score designated for that assessment 43992  
under division (A) (2) (c) of section 3301.0710 of the Revised 43993  
Code. 43994

(2) Administer the mathematics assessment prescribed under 43995  
division (A) (1) (a) of section 3301.0710 of the Revised Code at 43996  
least once annually to all students in the third grade. 43997

(3) Administer the assessments prescribed under division 43998  
(A) (1) (b) of section 3301.0710 of the Revised Code at least once 43999  
annually to all students in the fourth grade. 44000

(4) Administer the assessments prescribed under division 44001  
(A) (1) (c) of section 3301.0710 of the Revised Code at least once 44002  
annually to all students in the fifth grade. 44003

(5) Administer the assessments prescribed under division 44004  
(A) (1) (d) of section 3301.0710 of the Revised Code at least once 44005  
annually to all students in the sixth grade. 44006

(6) Administer the assessments prescribed under division 44007  
(A) (1) (e) of section 3301.0710 of the Revised Code at least once 44008  
annually to all students in the seventh grade. 44009

(7) Administer the assessments prescribed under division 44010  
(A) (1) (f) of section 3301.0710 of the Revised Code at least once 44011  
annually to all students in the eighth grade. 44012

(8) Except as provided in division (B) (9) of this section, 44013  
administer any assessment prescribed under division (B) (1) of 44014  
section 3301.0710 of the Revised Code as follows: 44015

(a) At least once annually to all tenth grade students and 44016  
at least twice annually to all students in eleventh or twelfth 44017  
grade who have not yet attained the score on that assessment 44018

designated under that division; 44019

(b) To any person who has successfully completed the 44020  
curriculum in any high school or the individualized education 44021  
program developed for the person by any high school pursuant to 44022  
section 3323.08 of the Revised Code but has not received a high 44023  
school diploma and who requests to take such assessment, at any 44024  
time such assessment is administered in the district. 44025

(9) In lieu of the board of education of any city, local, 44026  
or exempted village school district in which the student is also 44027  
enrolled, the board of a joint vocational school district shall 44028  
administer any assessment prescribed under division (B)(1) of 44029  
section 3301.0710 of the Revised Code at least twice annually to 44030  
any student enrolled in the joint vocational school district who 44031  
has not yet attained the score on that assessment designated 44032  
under that division. A board of a joint vocational school 44033  
district may also administer such an assessment to any student 44034  
described in division (B)(8)(b) of this section. 44035

(10) If the district has a three-year average graduation 44036  
rate of not more than seventy-five per cent, administer each 44037  
assessment prescribed by division (D) of section 3301.0710 of 44038  
the Revised Code in September to all ninth grade students who 44039  
entered ninth grade prior to July 1, 2014. 44040

Except as provided in section 3313.614 of the Revised Code 44041  
for administration of an assessment to a person who has 44042  
fulfilled the curriculum requirement for a high school diploma 44043  
but has not passed one or more of the required assessments, the 44044  
assessments prescribed under division (B)(1) of section 44045  
3301.0710 of the Revised Code shall not be administered after 44046  
the date specified in the rules adopted under division (D)(1) of 44047  
section 3301.0712 of the Revised Code. 44048

(11) (a) Except as provided in divisions (B) (11) (b) and (c) 44049  
of this section, administer the assessments prescribed by 44050  
division (B) (2) of section 3301.0710 and section 3301.0712 of 44051  
the Revised Code in accordance with the timeline and plan for 44052  
implementation of those assessments prescribed by rule adopted 44053  
under division (D) (1) of section 3301.0712 of the Revised Code; 44054

(b) A student who has presented evidence to the district 44055  
or school of having satisfied the condition prescribed by 44056  
division (A) (1) of section 3313.618 of the Revised Code to 44057  
qualify for a high school diploma prior to the date of the 44058  
administration of the assessment prescribed under division (B) 44059  
(1) of section 3301.0712 of the Revised Code shall not be 44060  
required to take that assessment. However, no board shall 44061  
prohibit a student who is not required to take such assessment 44062  
from taking the assessment. 44063

(c) A student shall not be required to retake the Algebra 44064  
I end-of-course examination or the English language arts II end- 44065  
of-course examination prescribed under division (B) (2) of 44066  
section 3301.0712 of the Revised Code in grades nine through 44067  
twelve if the student demonstrates at least a proficient level 44068  
of skill, as prescribed under division (B) (5) (a) of that 44069  
section, or achieves a competency score, as prescribed under 44070  
division (B) (10) of that section, in an administration of the 44071  
examination prior to grade nine. 44072

(C) (1) (a) In the case of a student receiving special 44073  
education services under Chapter 3323. of the Revised Code, the 44074  
individualized education program developed for the student under 44075  
that chapter shall specify the manner in which the student will 44076  
participate in the assessments administered under this section, 44077  
except that a student with significant cognitive disabilities to 44078

whom an alternate assessment is administered in accordance with 44079  
division (C) (1) of this section and a student determined to have 44080  
a disability that includes an intellectual disability as 44081  
outlined in guidance issued by the department shall not be 44082  
required to take the assessment prescribed under division (B) (1) 44083  
of section 3301.0712 of the Revised Code. The individualized 44084  
education program may excuse the student from taking any 44085  
particular assessment required to be administered under this 44086  
section if it instead specifies an alternate assessment method 44087  
approved by the department as conforming to requirements of 44088  
federal law for receipt of federal funds for disadvantaged 44089  
pupils. To the extent possible, the individualized education 44090  
program shall not excuse the student from taking an assessment 44091  
unless no reasonable accommodation can be made to enable the 44092  
student to take the assessment. No board shall prohibit a 44093  
student who is not required to take an assessment under division 44094  
(C) (1) of this section from taking the assessment. 44095

(b) Any alternate assessment approved by the department 44096  
for a student under this division shall produce measurable 44097  
results comparable to those produced by the assessment it 44098  
replaces in order to allow for the student's results to be 44099  
included in the data compiled for a school district or building 44100  
under section 3302.03 of the Revised Code. 44101

(c) (i) Any student enrolled in a chartered nonpublic 44102  
school who has been identified, based on an evaluation conducted 44103  
in accordance with section 3323.03 of the Revised Code or 44104  
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 44105  
29 U.S.C.A. 794, as amended, as a child with a disability shall 44106  
be excused from taking any particular assessment required to be 44107  
administered under this section if either of the following 44108  
apply: 44109

(I) A plan developed for the student pursuant to rules 44110  
adopted by the department excuses the student from taking that 44111  
assessment. 44112

(II) The chartered nonpublic school develops a written 44113  
plan in which the school, in consultation with the student's 44114  
parents, determines that an assessment or alternative assessment 44115  
with accommodations does not accurately assess the student's 44116  
academic performance. The plan shall include an academic profile 44117  
of the student's academic performance and shall be reviewed 44118  
annually to determine if the student's needs continue to require 44119  
excusal from taking the assessment. 44120

(ii) A student with significant cognitive disabilities to 44121  
whom an alternate assessment is administered in accordance with 44122  
division (C) (1) of this section and a student determined to have 44123  
a disability that includes an intellectual disability as 44124  
outlined in guidance issued by the department shall not be 44125  
required to take the assessment prescribed under division (B) (1) 44126  
of section 3301.0712 of the Revised Code. 44127

(iii) In the case of any student so excused from taking an 44128  
assessment under division (C) (1) (c) of this section, the 44129  
chartered nonpublic school shall not prohibit the student from 44130  
taking the assessment. 44131

(2) A district board may, for medical reasons or other 44132  
good cause, excuse a student from taking an assessment 44133  
administered under this section on the date scheduled, but that 44134  
assessment shall be administered to the excused student not 44135  
later than nine days following the scheduled date. The district 44136  
board shall annually report the number of students who have not 44137  
taken one or more of the assessments required by this section to 44138  
the department not later than the thirtieth day of June. 44139

(3) No school district board shall excuse any English learner from taking any particular assessment required to be administered under this section, except that any English learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department shall not be required to take the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code.

However, no board shall prohibit an English learner who is not required to take that assessment from taking the assessment.

A board may permit any English learner to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department.

For each English learner, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department.

The guidance and procedures issued by the department for the purposes of division (C) (3) of this section shall comply with the rules adopted under section 3301.0731 of the Revised Code.

(4) (a) The governing authority of a chartered nonpublic school may excuse an English learner from taking any assessment administered under this section.

(b) No governing authority shall require an English learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department to take the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code.

(c) No governing authority shall prohibit an English learner from taking an assessment from which the student was excused under division (C) (4) of this section.

(D) (1) In the school year next succeeding the school year in which the assessments prescribed by division (A) (1) or (B) (1) of section 3301.0710 of the Revised Code or former division (A) (1), (A) (2), or (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide to the student intervention services commensurate with the student's performance, including any intensive intervention required under section 3313.608 of the Revised Code, in any skill in which the student failed to demonstrate at least a score at the proficient level on the assessment.

(2) Following any administration of the assessments prescribed by division (D) of section 3301.0710 of the Revised Code to ninth grade students, each school district that has a three-year average graduation rate of not more than seventy-five per cent shall determine for each high school in the district whether the school shall be required to provide intervention services to any students who took the assessments. In determining which high schools shall provide intervention services based on the resources available, the district shall consider each school's graduation rate and scores on the practice assessments. The district also shall consider the scores received by ninth grade students on the English language arts and mathematics assessments prescribed under division (A) (1) (f) of section 3301.0710 of the Revised Code in the eighth grade in determining which high schools shall provide intervention services.

Each high school selected to provide intervention services 44200  
under this division shall provide intervention services to any 44201  
student whose results indicate that the student is failing to 44202  
make satisfactory progress toward being able to attain scores at 44203  
the proficient level on the Ohio graduation tests. Intervention 44204  
services shall be provided in any skill in which a student 44205  
demonstrates unsatisfactory progress and shall be commensurate 44206  
with the student's performance. Schools shall provide the 44207  
intervention services prior to the end of the school year, 44208  
during the summer following the ninth grade, in the next 44209  
succeeding school year, or at any combination of those times. 44210

(E) Except as provided in section 3313.608 of the Revised 44211  
Code and division (N) of this section, no school district board 44212  
of education shall utilize any student's failure to attain a 44213  
specified score on an assessment administered under this section 44214  
as a factor in any decision to deny the student promotion to a 44215  
higher grade level. However, a district board may choose not to 44216  
promote to the next grade level any student who does not take an 44217  
assessment administered under this section or make up an 44218  
assessment as provided by division (C) (2) of this section and 44219  
who is not exempt from the requirement to take the assessment 44220  
under division (C) (3) of this section. 44221

(F) No person shall be charged a fee for taking any 44222  
assessment administered under this section. 44223

(G) (1) Each school district board shall designate one 44224  
location for the collection of assessments administered in the 44225  
spring under division (B) (1) of this section and those 44226  
administered under divisions (B) (2) to (7) of this section. Each 44227  
district board shall submit the assessments to the entity with 44228  
which the department contracts for the scoring of the 44229



assessments as follows: 44230

(a) If the district's total enrollment in grades 44231  
kindergarten through twelve during the first full school week of 44232  
October was less than two thousand five hundred, not later than 44233  
the Friday after all of the assessments have been administered; 44234

(b) If the district's total enrollment in grades 44235  
kindergarten through twelve during the first full school week of 44236  
October was two thousand five hundred or more, but less than 44237  
seven thousand, not later than the Monday after all of the 44238  
assessments have been administered; 44239

(c) If the district's total enrollment in grades 44240  
kindergarten through twelve during the first full school week of 44241  
October was seven thousand or more, not later than the Tuesday 44242  
after all of the assessments have been administered. 44243

However, any assessment that a student takes during the 44244  
make-up period described in division (C) (2) of this section 44245  
shall be submitted not later than the Friday following the day 44246  
the student takes the assessment. 44247

(2) The department or an entity with which the department 44248  
contracts for the scoring of the assessment shall send to each 44249  
school district board a list of the individual scores of all 44250  
persons taking a state achievement assessment as follows: 44251

(a) Except as provided in division (G) (2) (b) or (c) of 44252  
this section, within forty-five days after the administration of 44253  
the assessments prescribed by sections 3301.0710 and 3301.0712 44254  
of the Revised Code, but in no case shall the scores be returned 44255  
later than the thirtieth day of June following the 44256  
administration; 44257

(b) In the case of the third-grade English language arts 44258

assessment, within forty-five days after the administration of 44259  
that assessment, but in no case shall the scores be returned 44260  
later than the fifteenth day of June following the 44261  
administration; 44262

(c) In the case of the writing component of an assessment 44263  
or end-of-course examination in the area of English language 44264  
arts, except for the third-grade English language arts 44265  
assessment, the results may be sent after forty-five days of the 44266  
administration of the writing component, but in no case shall 44267  
the scores be returned later than the thirtieth day of June 44268  
following the administration. 44269

(3) For assessments administered under this section by a 44270  
joint vocational school district, the department or entity shall 44271  
also send to each city, local, or exempted village school 44272  
district a list of the individual scores of any students of such 44273  
city, local, or exempted village school district who are 44274  
attending school in the joint vocational school district. 44275

(4) Beginning with the 2019-2020 school year, a school 44276  
district, other public school, or chartered nonpublic school may 44277  
administer the third-grade English language arts or mathematics 44278  
assessment, or both, in a paper format in any school year for 44279  
which the district board of education or school governing body 44280  
adopts a resolution indicating that the district or school 44281  
chooses to administer the assessment in a paper format. The 44282  
board or governing body shall submit a copy of the resolution to 44283  
the department of education and workforce not later than the 44284  
first day of May prior to the school year for which it will 44285  
apply. If the resolution is submitted, the district or school 44286  
shall administer the assessment in a paper format to all 44287  
students in the third grade, except that any student whose 44288

individualized education program or plan developed under section 44289  
504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 44290  
794, as amended, specifies that taking the assessment in an 44291  
online format is an appropriate accommodation for the student 44292  
may take the assessment in an online format. 44293

(5) A classical school may administer all assessments 44294  
administered under this section in a paper format, except that 44295  
any student whose individualized education program or plan 44296  
developed under section 504 of the "Rehabilitation Act of 1973," 44297  
29 U.S.C. 794 specifies that taking the assessment in an online 44298  
format is an appropriate accommodation for the student may take 44299  
the assessment in an online format. 44300

(H) Individual scores on any assessments administered 44301  
under this section shall be released by a district board only in 44302  
accordance with section 3319.321 of the Revised Code and the 44303  
rules adopted under division (A) of this section. No district 44304  
board or its employees shall utilize individual or aggregate 44305  
results in any manner that conflicts with rules for the ethical 44306  
use of assessments adopted pursuant to division (A) of this 44307  
section. 44308

(I) Except as provided in division (G) of this section, 44309  
the department or an entity with which the department contracts 44310  
for the scoring of the assessment shall not release any 44311  
individual scores on any assessment administered under this 44312  
section. The department shall adopt rules to ensure the 44313  
protection of student confidentiality at all times. The rules 44314  
may require the use of the data verification codes assigned to 44315  
students pursuant to division (D)(2) of section 3301.0714 of the 44316  
Revised Code to protect the confidentiality of student scores. 44317

(J) Notwithstanding division (D) of section 3311.52 of the 44318

Revised Code, this section does not apply to the board of 44319  
education of any cooperative education school district except as 44320  
provided under rules adopted pursuant to this division. 44321

(1) In accordance with rules that the department shall 44322  
adopt, the board of education of any city, exempted village, or 44323  
local school district with territory in a cooperative education 44324  
school district established pursuant to divisions (A) to (C) of 44325  
section 3311.52 of the Revised Code may enter into an agreement 44326  
with the board of education of the cooperative education school 44327  
district for administering any assessment prescribed under this 44328  
section to students of the city, exempted village, or local 44329  
school district who are attending school in the cooperative 44330  
education school district. 44331

(2) In accordance with rules that the department shall 44332  
adopt, the board of education of any city, exempted village, or 44333  
local school district with territory in a cooperative education 44334  
school district established pursuant to section 3311.521 of the 44335  
Revised Code shall enter into an agreement with the cooperative 44336  
district that provides for the administration of any assessment 44337  
prescribed under this section to both of the following: 44338

(a) Students who are attending school in the cooperative 44339  
district and who, if the cooperative district were not 44340  
established, would be entitled to attend school in the city, 44341  
local, or exempted village school district pursuant to section 44342  
3313.64 or 3313.65 of the Revised Code; 44343

(b) Persons described in division (B) (8) (b) of this 44344  
section. 44345

Any assessment of students pursuant to such an agreement 44346  
shall be in lieu of any assessment of such students or persons 44347

pursuant to this section. 44348

(K) (1) (a) Except as otherwise provided in division (K) (1) 44349  
or (2) of this section, each chartered nonpublic school for 44350  
which at least sixty-five per cent of its total enrollment is 44351  
made up of students who are participating in state scholarship 44352  
programs shall administer the assessments prescribed by division 44353  
(A) of section 3301.0710 of the Revised Code or an alternative 44354  
standardized assessment determined by the department. In 44355  
accordance with procedures and deadlines prescribed by the 44356  
department, the parent or guardian of a student enrolled in the 44357  
school who is not participating in a state scholarship program 44358  
may submit notice to the chief administrative officer of the 44359  
school that the parent or guardian does not wish to have the 44360  
student take the assessments prescribed for the student's grade 44361  
level under division (A) of section 3301.0710 of the Revised 44362  
Code. If a parent or guardian submits an opt-out notice, the 44363  
school shall not administer the assessments to that student. 44364  
This option does not apply to any assessment required for a high 44365  
school diploma under section 3313.612 of the Revised Code. 44366

(b) Any chartered nonpublic school that enrolls students 44367  
who are participating in state scholarship programs may 44368  
administer an alternative standardized assessment determined by 44369  
the department instead of the assessments prescribed by division 44370  
(A) of section 3301.0710 of the Revised Code. 44371

Each chartered nonpublic school subject to division (K) (1) 44372  
(a) or (b) of this section shall report the results of each 44373  
assessment administered under those divisions to the department. 44374

(2) A chartered nonpublic school may submit to the 44375  
director of education and workforce a request for a waiver from 44376  
administering the elementary assessments prescribed by division 44377

(A) of section 3301.0710 of the Revised Code. The director shall 44378  
approve or disapprove a request for a waiver submitted under 44379  
division (K) (2) of this section. 44380

To be eligible to submit a request for a waiver, a 44381  
chartered nonpublic school shall meet the following conditions: 44382

(a) At least ninety-five per cent of the students enrolled 44383  
in the school are children with disabilities, as defined under 44384  
section 3323.01 of the Revised Code, or have received a 44385  
diagnosis by a school district or from a physician, including a 44386  
neuropsychiatrist or psychiatrist, or a psychologist who is 44387  
authorized to practice in this or another state as having a 44388  
condition that impairs academic performance, such as dyslexia, 44389  
dyscalculia, attention deficit hyperactivity disorder, or 44390  
Asperger's syndrome. 44391

(b) The school has solely served a student population 44392  
described in division (K) (1) (a) of this section for at least ten 44393  
years. 44394

(c) The school provides to the department at least five 44395  
years of records of internal testing conducted by the school 44396  
that affords the department data required for accountability 44397  
purposes, including diagnostic assessments and nationally 44398  
standardized norm-referenced achievement assessments that 44399  
measure reading and math skills. 44400

(3) Any chartered nonpublic school that is not subject to 44401  
division (K) (1) of this section may participate in the 44402  
assessment program by administering any of the assessments 44403  
prescribed by division (A) of section 3301.0710 of the Revised 44404  
Code. The chief administrator of the school shall specify which 44405  
assessments the school will administer. Such specification shall 44406

be made in writing to the director prior to the first day of 44407  
August of any school year in which assessments are administered 44408  
and shall include a pledge that the nonpublic school will 44409  
administer the specified assessments in the same manner as 44410  
public schools are required to do under this section and rules 44411  
adopted by the department. 44412

(4) The department shall furnish the assessments 44413  
prescribed by section 3301.0710 of the Revised Code to each 44414  
chartered nonpublic school that is subject to division (K) (1) of 44415  
this section or participates under division (K) (3) of this 44416  
section. 44417

(L) If a chartered nonpublic school is educating students 44418  
in grades nine through twelve, the following shall apply: 44419

(1) Except as provided in division (L) (4) of this section, 44420  
for a student who is enrolled in a chartered nonpublic school 44421  
that is accredited through the independent schools association 44422  
of the central states and who is attending the school under a 44423  
state scholarship program, the student shall either take all of 44424  
the assessments prescribed by division (B) of section 3301.0712 44425  
of the Revised Code or take an alternative assessment approved 44426  
by the department under section 3313.619 of the Revised Code. 44427  
However, a student who is excused from taking an assessment 44428  
under division (C) of this section or has presented evidence to 44429  
the chartered nonpublic school of having satisfied the condition 44430  
prescribed by division (A) (1) of section 3313.618 of the Revised 44431  
Code to qualify for a high school diploma prior to the date of 44432  
the administration of the assessment prescribed under division 44433  
(B) (1) of section 3301.0712 of the Revised Code shall not be 44434  
required to take that assessment. No governing authority of a 44435  
chartered nonpublic school shall prohibit a student who is not 44436

required to take such assessment from taking the assessment. 44437

(2) For a student who is enrolled in a chartered nonpublic 44438  
school that is accredited through the independent schools 44439  
association of the central states, and who is not attending the 44440  
school under a state scholarship program, the student shall not 44441  
be required to take any assessment prescribed under section 44442  
3301.0712 or 3313.619 of the Revised Code. 44443

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 44444  
of this section, for a student who is enrolled in a chartered 44445  
nonpublic school that is not accredited through the independent 44446  
schools association of the central states, regardless of whether 44447  
the student is attending or is not attending the school under a 44448  
state scholarship program, the student shall do one of the 44449  
following: 44450

(i) Take all of the assessments prescribed by division (B) 44451  
of section 3301.0712 of the Revised Code; 44452

(ii) Take only the assessment prescribed by division (B) 44453  
(1) of section 3301.0712 of the Revised Code, provided that the 44454  
student's school publishes the results of that assessment for 44455  
each graduating class. The published results of that assessment 44456  
shall include the overall composite scores, mean scores, twenty- 44457  
fifth percentile scores, and seventy-fifth percentile scores for 44458  
each subject area of the assessment. 44459

(iii) Take an alternative assessment approved by the 44460  
department under section 3313.619 of the Revised Code. 44461

(b) A student who is excused from taking an assessment 44462  
under division (C) of this section or has presented evidence to 44463  
the chartered nonpublic school of having satisfied the condition 44464  
prescribed by division (A) (1) of section 3313.618 of the Revised 44465



Code to qualify for a high school diploma prior to the date of 44466  
the administration of the assessment prescribed under division 44467  
(B) (1) of section 3301.0712 of the Revised Code shall not be 44468  
required to take that assessment. No governing authority of a 44469  
chartered nonpublic school shall prohibit a student who is not 44470  
required to take such assessment from taking the assessment. 44471

(4) The assessments prescribed by sections 3301.0712 and 44472  
3313.619 of the Revised Code shall not be administered to any 44473  
student attending the school, if the school meets all of the 44474  
following conditions: 44475

(a) At least ninety-five per cent of the students enrolled 44476  
in the school are children with disabilities, as defined under 44477  
section 3323.01 of the Revised Code, or have received a 44478  
diagnosis by a school district or from a physician, including a 44479  
neuropsychologist or psychiatrist, or a psychologist who is 44480  
authorized to practice in this or another state as having a 44481  
condition that impairs academic performance, such as dyslexia, 44482  
dyscalculia, attention deficit hyperactivity disorder, or 44483  
Asperger's syndrome. 44484

(b) The school has solely served a student population 44485  
described in division (L) (4) (a) of this section for at least ten 44486  
years. 44487

(c) The school makes available to the department at least 44488  
five years of records of internal testing conducted by the 44489  
school that affords the department data required for 44490  
accountability purposes, including growth in student achievement 44491  
in reading or mathematics, or both, as measured by nationally 44492  
norm-referenced assessments that have developed appropriate 44493  
standards for students. 44494

Division (L) (4) of this section applies to any student 44495  
attending such school regardless of whether the student receives 44496  
special education or related services and regardless of whether 44497  
the student is attending the school under a state scholarship 44498  
program. 44499

(M) (1) The superintendent of Ohio deaf and blind education 44500  
services shall administer the assessments described by sections 44501  
3301.0710 and 3301.0712 of the Revised Code for the state school 44502  
for the blind ~~and~~, the state school for the deaf, and Rita 44503  
community school. The superintendent of Ohio deaf and blind 44504  
education services shall administer the assessments in the same 44505  
manner as district boards are required to do under this section 44506  
and rules adopted by the department and in conformity with 44507  
division (C) (1) (a) of this section. 44508

(2) The department shall furnish the assessments described 44509  
by sections 3301.0710 and 3301.0712 of the Revised Code to the 44510  
superintendent of Ohio deaf and blind education services. 44511

(N) Notwithstanding division (E) of this section, a school 44512  
district may use a student's failure to attain a score in at 44513  
least the proficient range on the mathematics assessment 44514  
described by division (A) (1) (a) of section 3301.0710 of the 44515  
Revised Code or on an assessment described by division (A) (1) 44516  
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 44517  
Code as a factor in retaining that student in the current grade 44518  
level. 44519

(O) (1) In the manner specified in divisions (O) (3) ~~and~~ 44520  
(4) ~~, (6), and (7)~~ of this section, the assessments required by 44521  
division (A) (1) of section 3301.0710 of the Revised Code shall 44522  
become public records pursuant to section 149.43 of the Revised 44523  
Code on the thirty-first day of July following the school year 44524

that the assessments were administered. 44525

(2) The department may field test proposed questions with 44526  
samples of students to determine the validity, reliability, or 44527  
appropriateness of questions for possible inclusion in a future 44528  
year's assessment. The department also may use anchor questions 44529  
on assessments to ensure that different versions of the same 44530  
assessment are of comparable difficulty. 44531

Field test questions and anchor questions shall not be 44532  
considered in computing scores for individual students. Field 44533  
test questions and anchor questions may be included as part of 44534  
the administration of any assessment required by division (A) (1) 44535  
or (B) of section 3301.0710 and division (B) of section 44536  
3301.0712 of the Revised Code. 44537

(3) Any field test question or anchor question 44538  
administered under division (O) (2) of this section shall not be 44539  
a public record. Such field test questions and anchor questions 44540  
shall be redacted from any assessments which are released as a 44541  
public record pursuant to division (O) (1) of this section. 44542

~~(4) This division applies to the assessments prescribed by 44543  
division (A) of section 3301.0710 of the Revised Code. 44544~~

~~(a) The first administration of each assessment, as 44545  
specified in former section 3301.0712 of the Revised Code, shall 44546  
be a public record. 44547~~

~~(b) For subsequent administrations of each assessment 44548  
prior to the 2011-2012 school year, not less than forty per cent 44549  
of the questions on the assessment that are used to compute a 44550  
student's score shall be a public record. The department shall 44551  
determine which questions will be needed for reuse on a future 44552  
assessment and those questions shall not be public records and 44553~~

~~shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (O) (3) of this section.~~ 44554  
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~~(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public record.~~ 44562  
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~~(5) Each assessment prescribed by division (B) (1) of section 3301.0710 of the Revised Code shall not be a public record.~~ 44565  
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~~(6) (a) Except as provided in division (O) (6) (b) of this section, for the administrations in the 2014-2015, 2015-2016, and 2016-2017 school years, questions on the assessments prescribed under division (A) of section 3301.0710 and division (B) (2) of section 3301.0712 of the Revised Code and the corresponding preferred answers that are used to compute a student's score shall become a public record as follows:~~ 44568  
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~~(i) Forty per cent of the questions and preferred answers on the assessments on the thirty-first day of July following the administration of the assessment;~~ 44575  
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~~(ii) Twenty per cent of the questions and preferred answers on the assessment on the thirty-first day of July one year after the administration of the assessment;~~ 44578  
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~~(iii) The remaining forty per cent of the questions and preferred answers on the assessment on the thirty-first day of~~ 44581  
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~~July two years after the administration of the assessment.~~ 44583

~~The entire content of an assessment shall become a public record within three years of its administration.~~ 44584  
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~~The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.~~ 44586  
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~~(b) No questions and corresponding preferred answers shall become a public record under division (O) (6) of this section after July 31, 2017.~~ 44591  
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~~(7) Division (O) (7) (O) (4) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B) (2) of section 3301.0712 of the Revised Code.~~ 44594  
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Beginning with the assessments administered in the spring of the ~~2017-2018~~ 2025-2026 school year, not less than ~~forty~~ twenty per cent of the questions on each assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the corresponding statewide academic standard adopted under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under division (O) (3) of this section. 44597  
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- (P) As used in this section: 44612
- (1) "Three-year average" means the average of the most 44613  
recent consecutive three school years of data. 44614
- (2) "Dropout" means a student who withdraws from school 44615  
before completing course requirements for graduation and who is 44616  
not enrolled in an education program approved by the department 44617  
or an education program outside the state. "Dropout" does not 44618  
include a student who has departed the country. 44619
- (3) "Graduation rate" means the ratio of students 44620  
receiving a diploma to the number of students who entered ninth 44621  
grade four years earlier. Students who transfer into the 44622  
district are added to the calculation. Students who transfer out 44623  
of the district for reasons other than dropout are subtracted 44624  
from the calculation. If a student who was a dropout in any 44625  
previous year returns to the same school district, that student 44626  
shall be entered into the calculation as if the student had 44627  
entered ninth grade four years before the graduation year of the 44628  
graduating class that the student joins. 44629
- (4) "State scholarship programs" means the educational 44630  
choice scholarship pilot program established under sections 44631  
3310.01 to 3310.17 of the Revised Code, the autism scholarship 44632  
program established under section 3310.41 of the Revised Code, 44633  
the Jon Peterson special needs scholarship program established 44634  
under sections 3310.51 to 3310.64 of the Revised Code, and the 44635  
pilot project scholarship program established under sections 44636  
3313.974 to 3313.979 of the Revised Code. 44637
- (5) "Other public school" means a community school 44638  
established under Chapter 3314., a STEM school established under 44639  
Chapter 3326., or a college-preparatory boarding school 44640

established under Chapter 3328. of the Revised Code. 44641

(6) "English learner" has the same meaning as in section 44642  
3301.0731 of the Revised Code. 44643

(7) "Classical school" has the same meaning as in section 44644  
3317.02 of the Revised Code. 44645

**Sec. 3301.0712.** (A) The department of education and 44646  
workforce and the chancellor of higher education shall develop a 44647  
system of college and work ready assessments as described in 44648  
division (B) of this section to assess whether each student upon 44649  
graduating from high school is ready to enter college or the 44650  
workforce. Beginning with students who enter the ninth grade for 44651  
the first time on or after July 1, 2014, the system shall 44652  
replace the Ohio graduation tests prescribed in division (B)(1) 44653  
of section 3301.0710 of the Revised Code as a measure of student 44654  
academic performance and one determinant of eligibility for a 44655  
high school diploma in the manner prescribed by rule adopted 44656  
under division (D) of this section. 44657

(B) The college and work ready assessment system shall 44658  
consist of the following: 44659

(1) (a) Except as provided in division (B)(1)(b) of this 44660  
section, nationally standardized assessments that measure 44661  
college and career readiness and are used for college admission. 44662  
The assessments shall be selected jointly by the department and 44663  
the chancellor, and one of which shall be selected by each 44664  
school district or school to administer to its students. The 44665  
assessments prescribed under division (B)(1) of this section 44666  
shall be administered to all eleventh-grade students in the 44667  
spring of the school year. 44668

(b) Beginning with students who enter the ninth grade for 44669

the first time on or after July 1, 2022, the parent or guardian 44670  
of a student may elect not to have a nationally standardized 44671  
assessment administered to that student. In that event, the 44672  
student's school district or school shall not administer the 44673  
nationally standardized assessment to that student. 44674

(2) (a) Except as provided in division (B) (2) (b) of this 44675  
section, seven end-of-course examinations, one in each of the 44676  
areas of English language arts I, English language arts II, 44677  
science, Algebra I, geometry, American history, and American 44678  
government. The end-of-course examinations shall be selected 44679  
jointly by the department and the chancellor in consultation 44680  
with faculty in the appropriate subject areas at institutions of 44681  
higher education of the university system of Ohio. Advanced 44682  
placement examinations and international baccalaureate 44683  
examinations, as prescribed under section 3313.6013 of the 44684  
Revised Code, in the areas of science, American history, and 44685  
American government may be used as end-of-course examinations in 44686  
accordance with division (B) (4) (a) (i) of this section. Final 44687  
course grades for courses taken under any other advanced 44688  
standing program, as prescribed under section 3313.6013 of the 44689  
Revised Code, in the areas of science, American history, and 44690  
American government may be used in lieu of end-of-course 44691  
examinations in accordance with division (B) (4) (a) (ii) of this 44692  
section. 44693

(b) Beginning with students who enter ninth grade for the 44694  
first time on or after July 1, 2019, five end-of-course 44695  
examinations, one in each areas of English language arts II, 44696  
science, Algebra I, American history, and American government. 44697  
However, only the end-of-course examinations in English language 44698  
arts II and Algebra I shall be required for graduation. 44699



The department shall, as necessary to implement division 44700  
(B) (2) (b) of this section, seek a waiver from the United States 44701  
secretary of education for testing requirements prescribed under 44702  
federal law to allow for the use and implementation of Algebra I 44703  
as the primary assessment of high school mathematics. If the 44704  
department does not receive a waiver under this division, the 44705  
end-of-course examinations for students described in division 44706  
(B) (2) (b) of this section also shall include an end-of-course 44707  
examination in the area of geometry. However, the geometry end- 44708  
of-course examination shall not be required for graduation. 44709

(3) The end-of-course examinations in American history and 44710  
American government shall require demonstration of mastery of 44711  
the American history and American government content for social 44712  
studies standards adopted under division (A) (1) (b) of section 44713  
3301.079 of the Revised Code and the topics required under 44714  
division (M) of section 3313.603 of the Revised Code. 44715

At least twenty per cent of the end-of-course examination 44716  
in American government shall address the topics on American 44717  
history and American government described in division (M) of 44718  
section 3313.603 of the Revised Code. 44719

(4) (a) Notwithstanding anything to the contrary in this 44720  
section, both of the following shall apply: 44721

(i) If a student is enrolled in an appropriate advanced 44722  
placement or international baccalaureate course, that student 44723  
shall take the advanced placement or international baccalaureate 44724  
examination in lieu of the science, American history, or 44725  
American government end-of-course examinations prescribed under 44726  
division (B) (2) of this section. The department shall specify 44727  
the score levels for each advanced placement examination and 44728  
international baccalaureate examination for purposes of 44729

calculating the minimum cumulative performance score that 44730  
demonstrates the level of academic achievement necessary to earn 44731  
a high school diploma. 44732

(ii) If a student is enrolled in an appropriate course 44733  
under any other advanced standing program, as described in 44734  
section 3313.6013 of the Revised Code, that student shall not be 44735  
required to take the science, American history, or American 44736  
government end-of-course examination, whichever is applicable, 44737  
prescribed under division (B) (2) of this section. Instead, that 44738  
student's final course grade shall be used in lieu of the 44739  
applicable end-of-course examination prescribed under that 44740  
section. The department, in consultation with the chancellor, 44741  
shall adopt guidelines for purposes of calculating the 44742  
corresponding final course grades that demonstrate the level of 44743  
academic achievement necessary to earn a high school diploma. 44744

Division (B) (4) (a) (ii) of this section shall apply only to 44745  
courses for which students receive transcribed credit, as 44746  
defined in section 3365.01 of the Revised Code. It shall not 44747  
apply to remedial or developmental courses. 44748

(b) No student shall take a substitute examination or 44749  
examination prescribed under division (B) (4) (a) of this section 44750  
in place of the end-of-course examinations in English language 44751  
arts I, English language arts II, Algebra I, or geometry 44752  
prescribed under division (B) (2) of this section. 44753

(c) The department shall consider additional assessments 44754  
that may be used as substitute examinations in lieu of the end- 44755  
of-course examinations prescribed under division (B) (2) of this 44756  
section. 44757

(5) The department shall do all of the following: 44758

(a) Determine and designate at least five ranges of scores 44759  
on each of the end-of-course examinations prescribed under 44760  
division (B) (2) of this section, and substitute examinations 44761  
prescribed under division (B) (4) of this section. Not later than 44762  
sixty days after the designation of ranges of scores, the 44763  
director of education and workforce shall conduct a public 44764  
presentation before the standing committees of the house of 44765  
representatives and the senate that consider primary and 44766  
secondary education legislation regarding the designated range 44767  
of scores. Each range of scores shall be considered to 44768  
demonstrate a level of achievement so that any student attaining 44769  
a score within such range has achieved one of the following: 44770

- (i) An advanced level of skill; 44771
- (ii) An accomplished level of skill; 44772
- (iii) A proficient level of skill; 44773
- (iv) A basic level of skill; 44774
- (v) A limited level of skill. 44775

(b) Determine a method by which to calculate a cumulative 44776  
performance score based on the results of a student's end-of- 44777  
course examinations or substitute examinations; 44778

(c) Determine the minimum cumulative performance score 44779  
that demonstrates the level of academic achievement necessary to 44780  
earn a high school diploma under division (A) (2) of section 44781  
3313.618 of the Revised Code. However, no new minimum cumulative 44782  
performance score shall be determined after October 17, 2019. 44783

(d) Develop a table of corresponding score equivalents for 44784  
the end-of-course examinations and substitute examinations in 44785  
order to calculate student performance consistently across the 44786

different examinations. 44787

A score of two on an advanced placement examination or a 44788  
score of two or three on an international baccalaureate 44789  
examination shall be considered equivalent to a proficient level 44790  
of skill as specified under division (B) (5) (a) (iii) of this 44791  
section. 44792

(6) (a) A student who meets both of the following 44793  
conditions shall not be required to take an end-of-course 44794  
examination: 44795

(i) The student received high school credit prior to July 44796  
1, 2015, for a course for which the end-of-course examination is 44797  
prescribed. 44798

(ii) The examination was not available for administration 44799  
prior to July 1, 2015. 44800

Receipt of credit for the course described in division (B) 44801  
(6) (a) (i) of this section shall satisfy the requirement to take 44802  
the end-of-course examination. A student exempted under division 44803  
(B) (6) (a) of this section may take the applicable end-of-course 44804  
examination at a later date. 44805

(b) For purposes of determining whether a student who is 44806  
exempt from taking an end-of-course examination under division 44807  
(B) (6) (a) of this section has attained the cumulative score 44808  
prescribed by division (B) (5) (c) of this section, such student 44809  
shall select either of the following: 44810

(i) The student is considered to have attained a 44811  
proficient score on the end-of-course examination from which the 44812  
student is exempt; 44813

(ii) The student's final course grade shall be used in 44814

lieu of a score on the end-of-course examination from which the student is exempt.

The department, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.

(7) (a) Notwithstanding anything to the contrary in this section, the department may replace the algebra I end-of-course examination prescribed under division (B) (2) of this section with an algebra II end-of-course examination, beginning with the 2016-2017 school year for students who enter ninth grade on or after July 1, 2016.

(b) If the department replaces the algebra I end-of-course examination with an algebra II end-of-course examination as authorized under division (B) (7) (a) of this section, both of the following shall apply:

(i) A student who is enrolled in an advanced placement or international baccalaureate course in algebra II shall take the advanced placement or international baccalaureate examination in lieu of the algebra II end-of-course examination.

(ii) A student who is enrolled in an algebra II course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, shall not be required to take the algebra II end-of-course examination. Instead, that student's final course grade shall be used in lieu of the examination.

(c) If a school district or school utilizes an integrated approach to mathematics instruction, the district or school may

do either or both of the following: 44844

(i) Administer an integrated mathematics I end-of-course 44845  
examination in lieu of the prescribed algebra I end-of-course 44846  
examination; 44847

(ii) Administer an integrated mathematics II end-of-course 44848  
examination in lieu of the prescribed geometry end-of-course 44849  
examination. 44850

(8) (a) For students entering the ninth grade for the first 44851  
time on or after July 1, 2014, but prior to July 1, 2015, the 44852  
assessment in the area of science shall be physical science or 44853  
biology. For students entering the ninth grade for the first 44854  
time on or after July 1, 2015, the assessment in the area of 44855  
science shall be biology. 44856

(b) Until July 1, 2019, the department shall make 44857  
available the end-of-course examination in physical science for 44858  
students who entered the ninth grade for the first time on or 44859  
after July 1, 2014, but prior to July 1, 2015, and who wish to 44860  
retake the examination. 44861

(c) The department shall adopt rules prescribing the 44862  
requirements for the end-of-course examination in science for 44863  
students who entered the ninth grade for the first time on or 44864  
after July 1, 2014, but prior to July 1, 2015, and who have not 44865  
met the requirement prescribed by section 3313.618 of the 44866  
Revised Code by July 1, 2019, due to a student's failure to 44867  
satisfy division (A) (2) of section 3313.618 of the Revised Code. 44868

(9) The department shall not develop or administer an end- 44869  
of-course examination in the area of world history. 44870

(10) The department, in consultation with the chancellor 44871  
and the governor's office of workforce transformation, shall 44872

determine a competency score for both of the Algebra I and 44873  
English language arts II end-of-course examinations for the 44874  
purpose of graduation eligibility. 44875

(C) The department shall convene a group of national 44876  
experts, state experts, and local practitioners to provide 44877  
advice, guidance, and recommendations for the alignment of 44878  
standards and model curricula to the assessments and in the 44879  
design of the end-of-course examinations prescribed by this 44880  
section. 44881

(D) Upon completion of the development of the assessment 44882  
system, the department shall adopt rules prescribing all of the 44883  
following: 44884

(1) A timeline and plan for implementation of the 44885  
assessment system, including a phased implementation if the 44886  
department determines such a phase-in is warranted; 44887

(2) The date after which a person shall meet the 44888  
requirements of the entire assessment system as a prerequisite 44889  
for a diploma of adult education under section 3313.611 of the 44890  
Revised Code; 44891

(3) Whether and the extent to which a person may be 44892  
excused from an American history end-of-course examination and 44893  
an American government end-of-course examination under division 44894  
(H) of section 3313.61 and division (B) (3) of section 3313.612 44895  
of the Revised Code; 44896

(4) The date after which a person who has fulfilled the 44897  
curriculum requirement for a diploma but has not passed one or 44898  
more of the required assessments at the time the person 44899  
fulfilled the curriculum requirement shall meet the requirements 44900  
of the entire assessment system as a prerequisite for a high 44901

school diploma under division (B) of section 3313.614 of the Revised Code; 44902  
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(5) The extent to which the assessment system applies to students enrolled in a dropout ~~recovery and prevention~~ and recovery program for purposes of division (F) of section 3313.603 ~~and or a dropout prevention and recovery community school under~~ section 3314.36 of the Revised Code. 44904  
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(E) (1) Any person enrolled in a nonchartered nonpublic school or any person who is exempt from attendance at school for the purpose of home education under section 3321.042 of the Revised Code may choose to participate in the system of assessments administered under divisions (B) (1) and (2) of this section. However, no such person shall be required to participate in the system of assessments. 44909  
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(2) The department shall adopt rules for the administration and scoring of any assessments under division (E) (1) of this section. 44916  
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(F) The department shall select at least one nationally recognized job skills assessment. Each school district shall administer that assessment to those students who opt to take it. The department shall reimburse a school district for the costs of administering that assessment. The department shall establish the minimum score a student must attain on the job skills assessment in order to demonstrate a student's workforce readiness and employability. The administration of the job skills assessment to a student under this division shall not exempt a school district from administering the assessments prescribed in division (B) of this section to that student. 44919  
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**Sec. 3301.0714.** (A) The department of education and 44930



workforce shall adopt rules for a statewide education management 44931  
information system. The rules shall require the department to 44932  
establish guidelines for the establishment and maintenance of 44933  
the system in accordance with this section and the rules adopted 44934  
under this section. The guidelines shall include: 44935

(1) Standards identifying and defining the types of data 44936  
in the system in accordance with divisions (B) and (C) of this 44937  
section; 44938

(2) Procedures for annually collecting and reporting the 44939  
data to the department in accordance with division (D) of this 44940  
section; 44941

(3) Procedures for annually compiling the data in 44942  
accordance with division (G) of this section; 44943

(4) Procedures for annually reporting the data to the 44944  
public in accordance with division (H) of this section; 44945

(5) Standards to provide strict safeguards to protect the 44946  
confidentiality of personally identifiable student data. 44947

(B) The guidelines adopted under this section shall 44948  
require the data maintained in the education management 44949  
information system to include at least the following: 44950

(1) Student participation and performance data, for each 44951  
grade in each school district as a whole and for each grade in 44952  
each school building in each school district, that includes: 44953

(a) The numbers of students receiving each category of 44954  
instructional service offered by the school district, such as 44955  
regular education instruction, vocational education instruction, 44956  
specialized instruction programs or enrichment instruction that 44957  
is part of the educational curriculum, instruction for gifted 44958

students, instruction for students with disabilities, and 44959  
remedial instruction. The guidelines shall require instructional 44960  
services under this division to be divided into discrete 44961  
categories if an instructional service is limited to a specific 44962  
subject, a specific type of student, or both, such as regular 44963  
instructional services in mathematics, remedial reading 44964  
instructional services, instructional services specifically for 44965  
students gifted in mathematics or some other subject area, or 44966  
instructional services for students with a specific type of 44967  
disability. The categories of instructional services required by 44968  
the guidelines under this division shall be the same as the 44969  
categories of instructional services used in determining cost 44970  
units pursuant to division (C) (3) of this section. 44971

(b) The numbers of students receiving support or 44972  
extracurricular services for each of the support services or 44973  
extracurricular programs offered by the school district, such as 44974  
counseling services, health services, and extracurricular sports 44975  
and fine arts programs. The categories of services required by 44976  
the guidelines under this division shall be the same as the 44977  
categories of services used in determining cost units pursuant 44978  
to division (C) (4) (a) of this section. 44979

(c) Average student grades in each subject in grades nine 44980  
through twelve; 44981

(d) Academic achievement levels as assessed under sections 44982  
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 44983

(e) The number of students designated as having a 44984  
disabling condition pursuant to division (C) (1) of section 44985  
3301.0711 of the Revised Code; 44986

(f) The numbers of students reported to the department 44987

pursuant to division (C) (2) of section 3301.0711 of the Revised Code;	44988 44989
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	44990 44991 44992 44993
(h) Expulsion rates;	44994
(i) Suspension rates;	44995
(j) Dropout rates;	44996
(k) Rates of retention in grade;	44997
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with the director's rules;	44998 44999 45000
(m) Graduation rates, to be calculated in a manner specified by the department that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	45001 45002 45003 45004 45005
<del>(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A) (2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.</del>	45006 45007 45008 45009 45010 45011 45012 45013 45014
<del>(o) The number of students earning each state diploma seal</del>	45015

included in the system prescribed under division (A) of section 45016  
3313.6114 of the Revised Code; 45017

~~(p)~~ (o) The number of students demonstrating competency 45018  
for graduation using each option described in divisions (B) (1) 45019  
(a) to (d) of section 3313.618 of the Revised Code; 45020

~~(q)~~ (p) The number of students completing each 45021  
foundational and supporting option as part of the demonstration 45022  
of competency for graduation pursuant to division (B) (1) (b) of 45023  
section 3313.618 of the Revised Code; 45024

~~(r)~~ (q) The number of students enrolled in all-day 45025  
kindergarten, as defined in section 3321.05 of the Revised Code. 45026

(2) Personnel and classroom enrollment data for each 45027  
school district, including: 45028

(a) The total numbers of licensed employees and 45029  
nonlicensed employees and the numbers of full-time equivalent 45030  
licensed employees and nonlicensed employees providing each 45031  
category of instructional service, instructional support 45032  
service, and administrative support service used pursuant to 45033  
division (C) (3) of this section. The guidelines adopted under 45034  
this section shall require these categories of data to be 45035  
maintained for the school district as a whole and, wherever 45036  
applicable, for each grade in the school district as a whole, 45037  
for each school building as a whole, and for each grade in each 45038  
school building. 45039

(b) The total number of employees and the number of full- 45040  
time equivalent employees providing each category of service 45041  
used pursuant to divisions (C) (4) (a) and (b) of this section, 45042  
and the total numbers of licensed employees and nonlicensed 45043  
employees and the numbers of full-time equivalent licensed 45044

employees and nonlicensed employees providing each category used 45045  
pursuant to division (C) (4) (c) of this section. The guidelines 45046  
adopted under this section shall require these categories of 45047  
data to be maintained for the school district as a whole and, 45048  
wherever applicable, for each grade in the school district as a 45049  
whole, for each school building as a whole, and for each grade 45050  
in each school building. 45051

(c) The total number of regular classroom teachers 45052  
teaching classes of regular education and the average number of 45053  
pupils enrolled in each such class, in each of grades 45054  
kindergarten through five in the district as a whole and in each 45055  
school building in the school district. 45056

(d) The number of lead teachers employed by each school 45057  
district and each school building. 45058

(3) (a) Student demographic data for each school district, 45059  
including information regarding the gender ratio of the school 45060  
district's pupils, the racial make-up of the school district's 45061  
pupils, the number of English learners in the district, and an 45062  
appropriate measure of the number of the school district's 45063  
pupils who reside in economically disadvantaged households. The 45064  
demographic data shall be collected in a manner to allow 45065  
correlation with data collected under division (B) (1) of this 45066  
section. Categories for data collected pursuant to division (B) 45067  
(3) of this section shall conform, where appropriate, to 45068  
standard practices of agencies of the federal government. 45069

(b) With respect to each student entering kindergarten, 45070  
whether the student previously participated in a public 45071  
preschool program, a private preschool program, or a head start 45072  
program, and the number of years the student participated in 45073  
each of these programs. 45074

(4) (a) The core curriculum and instructional materials being used for English language arts in each of grades pre- kindergarten to five;	45075 45076 45077
(b) The reading intervention programs being used in each of grades pre-kindergarten to twelve.	45078 45079
(5) <u>Beginning with the 2025-2026 school year, the causes of student absences from school, including at least all of the following:</u>	45080 45081 45082
<u>(a) Chronic illness requiring hospitalization;</u>	45083
<u>(b) Chronic illness not requiring hospitalization;</u>	45084
<u>(c) Temporary medical absence with written explanation from a family doctor;</u>	45085 45086
<u>(d) Temporary medical absence with explanation from parent, guardian, or legal custodian;</u>	45087 45088
<u>(e) Regular medical or dental appointment;</u>	45089
<u>(f) Family-selected extra-curricular activity;</u>	45090
<u>(g) International student exchange program;</u>	45091
<u>(h) Participation in agricultural organization activities;</u>	45092
<u>(i) Family travel;</u>	45093
<u>(j) Foster care placement;</u>	45094
<u>(k) Foster care - student school transfer;</u>	45095
<u>(l) Foster care - required visitation;</u>	45096
<u>(m) Foster care - medical appointment;</u>	45097
<u>(n) Lack of transportation by a school district, if the district regularly provides transportation;</u>	45098 45099

(o) Lack of transportation by parent, guardian, or 45100  
custodian, if the school district does not regularly provide 45101  
transportation; 45102

(p) Any additional categories identified through review of 45103  
national and surrounding state best practices to identify the 45104  
causes of student absences. 45105

(6) Any data required to be collected pursuant to federal 45106  
law. 45107

(C) The education management information system shall 45108  
include cost accounting data for each district as a whole and 45109  
for each school building in each school district. The guidelines 45110  
adopted under this section shall require the cost data for each 45111  
school district to be maintained in a system of mutually 45112  
exclusive cost units and shall require all of the costs of each 45113  
school district to be divided among the cost units. The 45114  
guidelines shall require the system of mutually exclusive cost 45115  
units to include at least the following: 45116

(1) Administrative costs for the school district as a 45117  
whole. The guidelines shall require the cost units under this 45118  
division (C) (1) to be designed so that each of them may be 45119  
compiled and reported in terms of average expenditure per pupil 45120  
in enrolled ADM in the school district, as determined pursuant 45121  
to section 3317.03 of the Revised Code. 45122

(2) Administrative costs for each school building in the 45123  
school district. The guidelines shall require the cost units 45124  
under this division (C) (2) to be designed so that each of them 45125  
may be compiled and reported in terms of average expenditure per 45126  
full-time equivalent pupil receiving instructional or support 45127  
services in each building. 45128

(3) Instructional services costs for each category of 45129  
instructional service provided directly to students and required 45130  
by guidelines adopted pursuant to division (B) (1) (a) of this 45131  
section. The guidelines shall require the cost units under 45132  
division (C) (3) of this section to be designed so that each of 45133  
them may be compiled and reported in terms of average 45134  
expenditure per pupil receiving the service in the school 45135  
district as a whole and average expenditure per pupil receiving 45136  
the service in each building in the school district and in terms 45137  
of a total cost for each category of service and, as a breakdown 45138  
of the total cost, a cost for each of the following components: 45139

(a) The cost of each instructional services category 45140  
required by guidelines adopted under division (B) (1) (a) of this 45141  
section that is provided directly to students by a classroom 45142  
teacher; 45143

(b) The cost of the instructional support services, such 45144  
as services provided by a speech-language pathologist, classroom 45145  
aide, multimedia aide, or librarian, provided directly to 45146  
students in conjunction with each instructional services 45147  
category; 45148

(c) The cost of the administrative support services 45149  
related to each instructional services category, such as the 45150  
cost of personnel that develop the curriculum for the 45151  
instructional services category and the cost of personnel 45152  
supervising or coordinating the delivery of the instructional 45153  
services category. 45154

(4) Support or extracurricular services costs for each 45155  
category of service directly provided to students and required 45156  
by guidelines adopted pursuant to division (B) (1) (b) of this 45157  
section. The guidelines shall require the cost units under 45158



division (C) (4) of this section to be designed so that each of 45159  
them may be compiled and reported in terms of average 45160  
expenditure per pupil receiving the service in the school 45161  
district as a whole and average expenditure per pupil receiving 45162  
the service in each building in the school district and in terms 45163  
of a total cost for each category of service and, as a breakdown 45164  
of the total cost, a cost for each of the following components: 45165

(a) The cost of each support or extracurricular services 45166  
category required by guidelines adopted under division (B) (1) (b) 45167  
of this section that is provided directly to students by a 45168  
licensed employee, such as services provided by a guidance 45169  
counselor or any services provided by a licensed employee under 45170  
a supplemental contract; 45171

(b) The cost of each such services category provided 45172  
directly to students by a nonlicensed employee, such as 45173  
janitorial services, cafeteria services, or services of a sports 45174  
trainer; 45175

(c) The cost of the administrative services related to 45176  
each services category in division (C) (4) (a) or (b) of this 45177  
section, such as the cost of any licensed or nonlicensed 45178  
employees that develop, supervise, coordinate, or otherwise are 45179  
involved in administering or aiding the delivery of each 45180  
services category. 45181

(D) (1) The guidelines adopted under this section shall 45182  
require school districts to collect information about individual 45183  
students, staff members, or both in connection with any data 45184  
required by division (B) or (C) of this section or other 45185  
reporting requirements established in the Revised Code. The 45186  
guidelines may also require school districts to report 45187  
information about individual staff members in connection with 45188

any data required by division (B) or (C) of this section or 45189  
other reporting requirements established in the Revised Code. 45190  
The guidelines shall not authorize school districts to request 45191  
social security numbers of individual students. The guidelines 45192  
shall prohibit the reporting under this section of a student's 45193  
name, address, and social security number to the department. The 45194  
guidelines shall also prohibit the reporting under this section 45195  
of any personally identifiable information about any student, 45196  
except for the purpose of assigning the data verification code 45197  
required by division (D) (2) of this section, to any other person 45198  
unless such person is employed by the school district or the 45199  
information technology center operated under section 3301.075 of 45200  
the Revised Code and is authorized by the district or technology 45201  
center to have access to such information or is employed by an 45202  
entity with which the department contracts for the scoring or 45203  
the development of state assessments. The guidelines may require 45204  
school districts to provide the social security numbers of 45205  
individual staff members and the county of residence for a 45206  
student. Nothing in this section prohibits the department from 45207  
providing a student's county of residence to the department of 45208  
taxation to facilitate the distribution of tax revenue. 45209

(2) (a) The guidelines shall provide for each school 45210  
district or community school to assign a data verification code 45211  
that is unique on a statewide basis over time to each student 45212  
whose initial Ohio enrollment is in that district or school and 45213  
to report all required individual student data for that student 45214  
utilizing such code. The guidelines shall also provide for 45215  
assigning data verification codes to all students enrolled in 45216  
districts or community schools on the effective date of the 45217  
guidelines established under this section. The assignment of 45218  
data verification codes for other entities, as described in 45219

division (D) (2) (d) of this section, the use of those codes, and 45220  
the reporting and use of associated individual student data 45221  
shall be coordinated by the department of education and 45222  
workforce in accordance with state and federal law. 45223

School districts shall report individual student data to 45224  
the department through the information technology centers 45225  
utilizing the code. The entities described in division (D) (2) (d) 45226  
of this section shall report individual student data to the 45227  
department in the manner prescribed by the department. 45228

(b) (i) Except as provided in sections 3301.941, 3310.11, 45229  
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 45230  
Code, and in division (D) (2) (b) (ii) of this section, at no time 45231  
shall the department have access to information that would 45232  
enable any data verification code to be matched to personally 45233  
identifiable student data. 45234

(ii) For the purpose of making per-pupil payments to 45235  
community schools under section 3317.022 of the Revised Code, 45236  
the department shall have access to information that would 45237  
enable any data verification code to be matched to personally 45238  
identifiable student data. 45239

(c) Each school district and community school shall ensure 45240  
that the data verification code is included in the student's 45241  
records reported to any subsequent school district, community 45242  
school, or state institution of higher education, as defined in 45243  
section 3345.011 of the Revised Code, in which the student 45244  
enrolls. Any such subsequent district or school shall utilize 45245  
the same identifier in its reporting of data under this section. 45246

(d) (i) The director of any state agency that administers a 45247  
publicly funded program providing services to children who are 45248

younger than compulsory school age, as defined in section 45249  
3321.01 of the Revised Code, including the directors of health, 45250  
job and family services, mental health and addiction services, 45251  
children and youth, and developmental disabilities, shall 45252  
request and receive, pursuant to sections 3301.0723 and 5180.33 45253  
of the Revised Code, a data verification code for a child who is 45254  
receiving those services. 45255

(ii) The director of developmental disabilities, director 45256  
of health, director of job and family services, director of 45257  
children and youth, director of mental health and addiction 45258  
services, medicaid director, executive director of the 45259  
commission on minority health, executive director of the 45260  
opportunities for Ohioans with disabilities agency, or director 45261  
of education and workforce, on behalf of a program that receives 45262  
public funds and provides services to children who are younger 45263  
than compulsory school age, may request and receive, pursuant to 45264  
section 3301.0723 of the Revised Code, a data verification code 45265  
for a child who is receiving services from the program. 45266

(E) The guidelines adopted under this section may require 45267  
school districts to collect and report data, information, or 45268  
reports other than that described in divisions (A), (B), and (C) 45269  
of this section for the purpose of complying with other 45270  
reporting requirements established in the Revised Code. The 45271  
other data, information, or reports may be maintained in the 45272  
education management information system but are not required to 45273  
be compiled as part of the profile formats required under 45274  
division (G) of this section or the annual statewide report 45275  
required under division (H) of this section. 45276

(F) The board of education of each school district shall 45277  
annually collect and report to the department, in accordance 45278

with the guidelines established by the department, the data 45279  
required pursuant to this section. A school district may collect 45280  
and report these data notwithstanding section 2151.357 or 45281  
3319.321 of the Revised Code. 45282

(G) The department shall, in accordance with the 45283  
procedures it adopts, annually compile the data reported by each 45284  
school district pursuant to division (D) of this section. The 45285  
department shall design formats for profiling each school 45286  
district as a whole and each school building within each 45287  
district and shall compile the data in accordance with these 45288  
formats. These profile formats shall: 45289

(1) Include all of the data gathered under this section in 45290  
a manner that facilitates comparison among school districts and 45291  
among school buildings within each school district; 45292

(2) Present the data on academic achievement levels as 45293  
assessed by the testing of student achievement maintained 45294  
pursuant to division (B) (1) (d) of this section. 45295

(H) (1) The department shall, in accordance with the 45296  
procedures it adopts, annually prepare a statewide report for 45297  
all school districts and the general public that includes the 45298  
profile of each of the school districts developed pursuant to 45299  
division (G) of this section. Copies of the report shall be sent 45300  
to each school district. 45301

(2) The department shall, in accordance with the 45302  
procedures it adopts, annually prepare an individual report for 45303  
each school district and the general public that includes the 45304  
profiles of each of the school buildings in that school district 45305  
developed pursuant to division (G) of this section. 45306

(I) Any data that is collected or maintained pursuant to 45307

this section and that identifies an individual pupil is not a 45308  
public record for the purposes of section 149.43 of the Revised 45309  
Code. 45310

(J) As used in this section: 45311

(1) "School district" means any city, local, exempted 45312  
village, or joint vocational school district and, in accordance 45313  
with section 3314.17 of the Revised Code, any community school. 45314  
As used in division (L) of this section, "school district" also 45315  
includes any educational service center or other educational 45316  
entity required to submit data using the system established 45317  
under this section. 45318

(2) "Cost" means any expenditure for operating expenses 45319  
made by a school district excluding any expenditures for debt 45320  
retirement except for payments made to any commercial lending 45321  
institution for any loan approved pursuant to section 3313.483 45322  
of the Revised Code. 45323

(K) Any person who removes data from the information 45324  
system established under this section for the purpose of 45325  
releasing it to any person not entitled under law to have access 45326  
to such information is subject to section 2913.42 of the Revised 45327  
Code prohibiting tampering with data. 45328

(L) (1) In accordance with division (L) (2) of this section 45329  
and the rules adopted under division (L) (10) of this section, 45330  
the department may sanction any school district that reports 45331  
incomplete or inaccurate data, reports data that does not 45332  
conform to data requirements and descriptions published by the 45333  
department, fails to report data in a timely manner, or 45334  
otherwise does not make a good faith effort to report data as 45335  
required by this section. 45336

(2) If the department decides to sanction a school 45337  
district under this division, the department shall take the 45338  
following sequential actions: 45339

(a) Notify the district in writing that the department has 45340  
determined that data has not been reported as required under 45341  
this section and require the district to review its data 45342  
submission and submit corrected data by a deadline established 45343  
by the department. The department also may require the district 45344  
to develop a corrective action plan, which shall include 45345  
provisions for the district to provide mandatory staff training 45346  
on data reporting procedures. 45347

(b) Withhold up to ten per cent of the total amount of 45348  
state funds due to the district for the current fiscal year and, 45349  
if not previously required under division (L) (2) (a) of this 45350  
section, require the district to develop a corrective action 45351  
plan in accordance with that division; 45352

(c) Withhold an additional amount of up to twenty per cent 45353  
of the total amount of state funds due to the district for the 45354  
current fiscal year; 45355

(d) Direct department staff or an outside entity to 45356  
investigate the district's data reporting practices and make 45357  
recommendations for subsequent actions. The recommendations may 45358  
include one or more of the following actions: 45359

(i) Arrange for an audit of the district's data reporting 45360  
practices by department staff or an outside entity; 45361

(ii) Conduct a site visit and evaluation of the district; 45362

(iii) Withhold an additional amount of up to thirty per 45363  
cent of the total amount of state funds due to the district for 45364  
the current fiscal year; 45365

- (iv) Continue monitoring the district's data reporting; 45366
- (v) Assign department staff to supervise the district's data management system; 45367  
45368
- (vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section; 45369  
45370  
45371
- (vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section; 45372  
45373  
45374  
45375
- (viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district; 45376  
45377  
45378  
45379  
45380
- (ix) Any other action designed to correct the district's data reporting problems. 45381  
45382
- (3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files. 45383  
45384  
45385  
45386  
45387  
45388
- (4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that 45389  
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45391  
45392  
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45394



if the department withheld funding under division (L) (2) (c) of 45395  
this section, the department shall not release the funds 45396  
withheld under division (L) (2) (b) of this section and, if the 45397  
department withheld funding under division (L) (2) (d) of this 45398  
section, the department shall not release the funds withheld 45399  
under division (L) (2) (b) or (c) of this section. 45400

(5) Notwithstanding anything in this section to the 45401  
contrary, the department may use its own staff or an outside 45402  
entity to conduct an audit of a school district's data reporting 45403  
practices any time the department has reason to believe the 45404  
district has not made a good faith effort to report data as 45405  
required by this section. If any audit conducted by an outside 45406  
entity under division (L) (2) (d) (i) or (5) of this section 45407  
confirms that a district has not made a good faith effort to 45408  
report data as required by this section, the district shall 45409  
reimburse the department for the full cost of the audit. The 45410  
department may withhold state funds due to the district for this 45411  
purpose. 45412

(6) Prior to issuing a revised report card for a school 45413  
district under division (L) (2) (d) (viii) of this section, the 45414  
department may hold a hearing to provide the district with an 45415  
opportunity to demonstrate that it made a good faith effort to 45416  
report data as required by this section. The hearing shall be 45417  
conducted by a referee appointed by the department. Based on the 45418  
information provided in the hearing, the referee shall recommend 45419  
whether the department should issue a revised report card for 45420  
the district. If the referee affirms the department's contention 45421  
that the district did not make a good faith effort to report 45422  
data as required by this section, the district shall bear the 45423  
full cost of conducting the hearing and of issuing any revised 45424  
report card. 45425

(7) If the department determines that any inaccurate data reported under this section caused a school district to receive excess state funds in any fiscal year, the district shall reimburse the department an amount equal to the excess funds, in accordance with a payment schedule determined by the department. The department may withhold state funds due to the district for this purpose.

(8) Any school district that has funds withheld under division (L) (2) of this section may appeal the withholding in accordance with Chapter 119. of the Revised Code.

(9) In all cases of a disagreement between the department and a school district regarding the appropriateness of an action taken under division (L) (2) of this section, the burden of proof shall be on the district to demonstrate that it made a good faith effort to report data as required by this section.

(10) The director of education and workforce shall adopt rules under Chapter 119. of the Revised Code to implement division (L) of this section.

(M) No information technology center or school district shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the department.

(N) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke a license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management

information system. 45455

(O) No person shall release or maintain any information 45456  
about any student in violation of this section. Whoever violates 45457  
this division is guilty of a misdemeanor of the fourth degree. 45458

~~(P) The department shall disaggregate the data collected 45459  
under division (B) (1) (n) of this section according to the race 45460  
and socioeconomic status of the students assessed. 45461~~

~~(Q) If the department cannot compile any of the 45462  
information required by division (I) of section 3302.03 of the 45463  
Revised Code based upon the data collected under this section, 45464  
the department shall develop a plan and a reasonable timeline 45465  
for the collection of any data necessary to comply with that 45466  
division. 45467~~

**Sec. 3301.0715.** (A) Except as required under division (B) 45468  
(1) of section 3313.608 or as specified in division (D) (3) of 45469  
section 3301.079 of the Revised Code, the board of education of 45470  
each city, local, and exempted village school district shall 45471  
administer each applicable diagnostic assessment developed and 45472  
provided to the district in accordance with section 3301.079 of 45473  
the Revised Code to the following: 45474

(1) Any student who transfers into the district or to a 45475  
different school within the district if each applicable 45476  
diagnostic assessment was not administered by the district or 45477  
school the student previously attended in the current school 45478  
year, within thirty days after the date of transfer. If the 45479  
district or school into which the student transfers cannot 45480  
determine whether the student has taken any applicable 45481  
diagnostic assessment in the current school year, the district 45482  
or school may administer the diagnostic assessment to the 45483

student. However, if a student transfers into the district prior 45484  
to the administration of the diagnostic assessments to all 45485  
students under division (B) of this section, the district may 45486  
administer the diagnostic assessments to that student on the 45487  
date or dates determined under that division. 45488

~~(2) Each kindergarten student, not earlier than the first 45489  
day of July of the school year and not later than the twentieth 45490  
day of instruction of that school year. 45491~~

~~For the purpose of division (A) (2) of this section, the 45492  
district shall administer the kindergarten readiness assessment 45493  
provided by the department of children and youth. In no case 45494  
shall the results of the readiness assessment be used to 45495  
prohibit a student from enrolling in kindergarten. 45496~~

~~(3) Each student enrolled in first, second, or third 45497  
grade. 45498~~

Division (A) of this section does not apply to students 45499  
with significant cognitive disabilities, as defined by the 45500  
department. 45501

(B) Each district board shall administer each diagnostic 45502  
assessment when the board deems appropriate, provided the 45503  
administration complies with section 3313.608 of the Revised 45504  
Code. However, the board shall administer any diagnostic 45505  
assessment at least once annually to all students in the 45506  
appropriate grade level. A district board may administer any 45507  
diagnostic assessment in the fall and spring of a school year to 45508  
measure the amount of academic growth attributable to the 45509  
instruction received by students during that school year. 45510

(C) A district may use different diagnostic assessments 45511  
from those adopted under division (D) of section 3301.079 of the 45512

Revised Code in order to satisfy the requirements of division 45513  
(A) (3) of this section if the district meets either of the 45514  
following conditions for the immediately preceding school year: 45515

(1) The district received a grade of "A" or "B" for the 45516  
performance index score under division (C) (1) (b) of section 45517  
3302.03 of the Revised Code or for the value-added progress 45518  
dimension under division (C) (1) (e) of that section. 45519

(2) The district received a performance rating of four 45520  
stars or higher for achievement under division (D) (3) (b) of 45521  
section 3302.03 of the Revised Code or for progress under 45522  
division (D) (3) (c) of that section. 45523

(D) Each district board shall utilize and score any 45524  
diagnostic assessment administered under division (A) of this 45525  
section in accordance with rules established by the department 45526  
of education ~~or the department of children and youth and~~ 45527  
workforce. After the administration of any diagnostic 45528  
assessment, each district shall provide a student's completed 45529  
diagnostic assessment, the results of such assessment, and any 45530  
other accompanying documents used during the administration of 45531  
the assessment to the parent of that student, and shall include 45532  
all such documents and information in any plan developed for the 45533  
student under division (C) of section 3313.608 of the Revised 45534  
Code. Each district shall submit, in the manner prescribed by 45535  
~~each the~~ department, the results of ~~the all~~ diagnostic 45536  
assessments administered under this section, regardless of the 45537  
type of assessment used under section 3313.608 of the Revised 45538  
Code ~~as follows:~~ 45539

~~(1) The results of the kindergarten readiness assessment~~ 45540  
~~to the department of children and youth;~~ 45541

~~(2) The results of all diagnostic assessments to the  
department of education.~~ 45542  
45543

The department of education and ~~the department of children  
and youth and workforce~~ may issue reports with respect to the 45544  
45545  
data collected. ~~Either The~~ department may ~~report school and~~ 45546  
45547  
~~district level kindergarten diagnostic assessment data and use~~  
diagnostic assessment data to calculate the measures prescribed 45548  
45549  
by divisions (B) (1) (g), (C) (1) (g), and (D) (1) (h) of section  
3302.03 of the Revised Code ~~and the data reported under division~~ 45550  
45551  
~~(D) (2) (e) of that section.~~

(E) Each district board shall provide intervention 45552  
45553  
services to students whose diagnostic assessments show that they  
are failing to make satisfactory progress toward attaining the 45554  
45555  
academic standards for their grade level.

(F) ~~Any chartered nonpublic school may elect to administer~~ 45556  
45557  
~~the kindergarten readiness assessment to all kindergarten~~  
students enrolled in the school. If the school so elects, the 45558  
45559  
~~chief administrator of the school shall notify the director of~~  
children and youth not later than the thirty-first day of March 45560  
45561  
~~prior to any school year in which the school will administer the~~  
assessment. The department of children and youth shall furnish 45562  
45563  
~~the assessment to the school at no cost to the school. In~~  
administering the assessment, the school shall do all of the 45564  
45565  
~~following:~~

~~(1) Enter into a written agreement with the department of~~ 45566  
45567  
~~children and youth specifying that the school will share each~~  
participating student's assessment data with the department of 45568  
45569  
~~education and the department of children and youth and, that for~~  
the purpose of reporting the data to the department of education 45570  
45571  
~~and department of children and youth, each participating student~~

~~will be assigned a data verification code as described in 45572  
division (D) (2) of section 3301.0714 of the Revised Code; 45573~~

~~(2) Require the assessment to be administered by a teacher 45574  
certified under section 3301.071 of the Revised Code who either 45575  
has completed training on administering the kindergarten- 45576  
readiness assessment provided by the department of children and 45577  
youth or has been trained by another person who has completed 45578  
such training; 45579~~

~~(3) Administer the assessment in the same manner as school 45580  
districts are required to do under this section and the rules 45581  
established under division (D) of this section. 45582~~

~~(G) A school district in which less than eighty per cent 45583  
of its students score at the proficient level or higher on the 45584  
third-grade English language arts assessment prescribed under 45585  
section 3301.0710 of the Revised Code shall establish a reading 45586  
improvement plan supported by reading specialists. Prior to 45587  
implementation, the plan shall be approved by the school 45588  
district board of education. 45589~~

**Sec. 3301.0723.** (A) All of the following apply to the 45590  
independent contractor engaged by the department of education 45591  
and workforce to create and maintain for school districts and 45592  
community schools the student data verification codes required 45593  
by division (D) (2) of section 3301.0714 of the Revised Code: 45594

(1) Upon request of the director of any state agency that 45595  
administers a publicly funded program providing services to 45596  
children who are younger than compulsory school age, including 45597  
the directors of health, children and youth, mental health and 45598  
addiction services, and developmental disabilities, the 45599  
contractor shall assign a data verification code to a child who 45600

is receiving such services and shall provide that code to the 45601  
director. 45602

(2) Upon request of the director of developmental 45603  
disabilities, director of health, director of job and family 45604  
services, director of children and youth, director of mental 45605  
health and addiction services, medicaid director, executive 45606  
director of the commission on minority health, executive 45607  
director of the opportunities for Ohioans with disabilities 45608  
agency, or director of education and workforce and on behalf of 45609  
a program that receives public funds and provides services to 45610  
children younger than compulsory school age, the contractor 45611  
shall assign a data verification code to a child who is 45612  
receiving such services from the program and shall provide that 45613  
code to the director. 45614

(3) The contractor also shall provide the codes requested 45615  
under division (A) of this section to the department of 45616  
education and workforce. 45617

For purposes of division (A) of this section, "compulsory 45618  
school age" has the same meaning as in section 3321.01 of the 45619  
Revised Code. 45620

(B) The director of a state agency that receives a child's 45621  
data verification code under division (A)(1) of this section 45622  
shall use that code to submit information for that child to the 45623  
department of education and workforce in accordance with section 45624  
3301.0714 of the Revised Code. 45625

The director of a state agency that receives a child's 45626  
data verification code under division (A)(2) of this section 45627  
shall provide that code to the publicly or privately funded 45628  
program providing services to the child. The program shall use 45629



that code to submit information for that child to the department 45630  
of education and workforce in accordance with section 3301.0714 45631  
of the Revised Code, but only to the extent permitted by federal 45632  
law. 45633

(C) A public school that receives from the independent 45634  
contractor the data verification code for a child assigned under 45635  
division (A) of this section shall not request or assign to that 45636  
child another data verification code under division (D) (2) of 45637  
section 3301.0714 of the Revised Code. That school and any other 45638  
public school in which the child subsequently enrolls shall use 45639  
the data verification code assigned under division (A) of this 45640  
section to report data relative to that student required under 45641  
section 3301.0714 of the Revised Code. 45642

**Sec. 3301.0727.** (A) As used in this section, "dropout 45643  
prevention and recovery community school" has the same meaning 45644  
as in section ~~3319.301~~ 3314.02 of the Revised Code. 45645

(B) Notwithstanding any provision to the contrary in 45646  
section 3301.0710, 3301.0711, or 3301.0712 of the Revised Code, 45647  
a dropout prevention and recovery community school shall do both 45648  
of the following with regard to the administration of end-of- 45649  
course examinations required under section 3301.0712 of the 45650  
Revised Code: 45651

(1) In addition to the annual testing windows established 45652  
by the director of education and workforce under division (C) of 45653  
section 3301.0710 of the Revised Code, administer the 45654  
examinations in an online or paper format based on the needs of 45655  
the student; 45656

(2) Adhere to security requirements prescribed under 45657  
section 3319.151 of the Revised Code for the online examinations 45658

administered under division (B) (1) of this section. 45659

(C) The director of education and workforce shall 45660  
establish extended testing windows of ten weeks in duration in 45661  
the fall and spring for dropout prevention and recovery 45662  
community schools so that they may administer assessments in 45663  
closer proximity to when students complete related coursework. 45664  
The director also shall establish a summer testing window for 45665  
students participating in summer instruction. 45666

(D) Nothing in this section shall be construed to relieve 45667  
a dropout prevention and recovery community school from its 45668  
obligation to administer testing in-person as otherwise required 45669  
by law. 45670

**Sec. 3301.136.** The department of education and workforce 45671  
shall compile a list of tutoring programs that it considers to 45672  
be of high quality and have the potential to accelerate learning 45673  
for students in the areas of English language arts, mathematics, 45674  
science, and social studies. For this purpose, the department 45675  
shall request the qualifications of public and private entities 45676  
that provide tutoring programs for students. The requested 45677  
qualifications shall include program efficacy data or other 45678  
evidence of program effectiveness for students who participate 45679  
in the tutoring programs. The department shall establish a 45680  
rubric to evaluate the programs and determine a minimum score 45681  
for a tutoring program to be included on the department's list. 45682

In compiling the list, the department may designate 45683  
individual tutoring programs as more appropriate for certain 45684  
grade levels, populations of students, or subject areas. 45685

The department shall immediately remove from the list any 45686  
tutoring program in the area of English language arts that the 45687

department determines is not aligned to the science of reading 45688  
or uses a three-cueing approach, as defined in section 3313.6028 45689  
of the Revised Code. 45690

The department may establish multiple application periods 45691  
in any school year for entities to submit their qualifications 45692  
for consideration to be included on the list. However, the 45693  
department shall post the initial list of tutoring programs on 45694  
the department's web site not later than October 1, 2022. After 45695  
the initial list is posted, the department shall, at least every 45696  
three years thereafter, provide an opportunity for entities to 45697  
submit their qualifications for consideration to be included on 45698  
the list and post an updated list of tutoring programs on the 45699  
department's web site. No school district or school shall be 45700  
required to use a tutoring program on the list. 45701

**Sec. 3301.165.** (A) As used in this section: 45702

(1) "Adjusted gross income" has the same meaning as in 45703  
section 5747.01 of the Revised Code. 45704

(2) "Federal poverty guidelines" has the same meaning as 45705  
in section 5101.46 of the Revised Code. 45706

(3) "Community school" means a community school 45707  
established under Chapter 3314. of the Revised Code. 45708

(4) "Scholarship student" means a student who is 45709  
participating in a state scholarship program. 45710

(5) "State scholarship programs" has the same meaning as 45711  
in section 3301.0711 of the Revised Code. 45712

(6) "STEM school" means a STEM school established under 45713  
Chapter 3326. of the Revised Code. 45714

(B) The department of education and workforce shall 45715

establish a system by which an individual may compare the 45716  
performance data of scholarship students enrolled in a chartered 45717  
nonpublic school with the performance data of similar students 45718  
enrolled in the school district in which the school is located 45719  
or a community school, STEM school, or other chartered nonpublic 45720  
school in that district. The department shall make the system 45721  
available on its publicly accessible web site. 45722

In calculating the performance of similar students under 45723  
this section, the department shall consider age, grade, race and 45724  
ethnicity, gender, and socioeconomic status. 45725

(C) (1) Annually, the department shall post on its publicly 45726  
accessible web site the number of students who receive an 45727  
educational choice scholarship under section 3310.032 of the 45728  
Revised Code and, as the data is available, students who receive 45729  
educational choice scholarships under section 3310.03 of the 45730  
Revised Code and the pilot project scholarship program 45731  
established under sections 3313.974 to 3313.979 of the Revised 45732  
Code disaggregated according to the following categories: 45733

(a) Students with a family adjusted gross income at or 45734  
below four hundred fifty per cent of the federal poverty 45735  
guidelines; 45736

(b) Students with a family adjusted gross income above 45737  
four hundred fifty per cent of the federal poverty guidelines, 45738  
but at or below five hundred per cent of the federal poverty 45739  
guidelines; 45740

(c) Students with a family adjusted gross income above 45741  
five hundred per cent of the federal poverty guidelines, but at 45742  
or below five hundred fifty per cent of the federal poverty 45743  
guidelines; 45744

(d) Students with a family adjusted gross income above 45745  
five hundred fifty per cent of the federal poverty guidelines, 45746  
but at or below six hundred per cent of the federal poverty 45747  
guidelines; 45748

(e) Students with a family adjusted gross income above six 45749  
hundred per cent of the federal poverty guidelines, but at or 45750  
below six hundred fifty per cent of the federal poverty 45751  
guidelines; 45752

(f) Students with a family adjusted gross income above six 45753  
hundred fifty per cent of the federal poverty guidelines, but at 45754  
or below seven hundred per cent of the federal poverty 45755  
guidelines; 45756

(g) Students with a family adjusted gross income above 45757  
seven hundred per cent of the federal poverty guidelines, but at 45758  
or below seven hundred fifty per cent of the federal poverty 45759  
guidelines; 45760

(h) Students with a family adjusted gross income above 45761  
seven hundred fifty per cent of the federal poverty guidelines. 45762

The department may disaggregate data under division (C) (1) 45763  
of this section according to other categories that the 45764  
department determines are appropriate. 45765

(2) The department of education and workforce shall 45766  
request from the department of taxation any data necessary for 45767  
the department of education and workforce to compute and post 45768  
data as required under division (C) (1) of this section. 45769

(D) Annually, the department shall post on its publicly 45770  
accessible web site all of the following for each chartered 45771  
nonpublic school: 45772

<u>(1) The school's total enrollment;</u>	45773
<u>(2) The number of scholarship students enrolled in the</u>	45774
<u>school, disaggregated by whether, in the prior school year, the</u>	45775
<u>students were enrolled in one of the following:</u>	45776
<u>(a) That school;</u>	45777
<u>(b) A different chartered nonpublic school;</u>	45778
<u>(c) A nonchartered nonpublic school;</u>	45779
<u>(d) A city, local, or exempted village school district;</u>	45780
<u>(e) A community school;</u>	45781
<u>(f) A STEM school;</u>	45782
<u>(g) If the student was not enrolled in a district or</u>	45783
<u>school in the prior school year, whether either of the following</u>	45784
<u>apply to the student:</u>	45785
<u>(i) The student, in the prior school year, was exempted</u>	45786
<u>from attendance at school for the purpose of home education</u>	45787
<u>under section 3321.042 of the Revised Code.</u>	45788
<u>(ii) The student, in the current school year, is enrolling</u>	45789
<u>in school in this state for the first time.</u>	45790
<u>(3) The total amount of state support received by the</u>	45791
<u>school through all of the following:</u>	45792
<u>(a) State scholarship programs;</u>	45793
<u>(b) Auxiliary services payments as described under</u>	45794
<u>division (E) of section 3317.024 of the Revised Code;</u>	45795
<u>(c) Administrative and clerical services cost</u>	45796
<u>reimbursements as described in section 3317.063 of the Revised</u>	45797
<u>Code.</u>	45798

**Sec. 3301.221.** (A) As used in this section and section 45799  
3313.60 of the Revised Code, "evidence-based" means a program or 45800  
practice that does either of the following: 45801

(1) Demonstrates a rationale based on high-quality 45802  
research findings or positive evaluation that such a program or 45803  
practice is likely to improve relevant outcomes and includes 45804  
ongoing efforts to examine the effects of the program or 45805  
practice; 45806

(2) Has a statistically significant effect on relevant 45807  
outcomes based on: 45808

(a) Strong evidence from at least one well-designed and 45809  
well-implemented experimental study; 45810

(b) Moderate evidence from at least one well-designed and 45811  
well-implemented quasi-experimental study; or 45812

(c) Promising evidence from at least one well-designed and 45813  
well-implemented correlation study with statistical controls for 45814  
selection bias. 45815

(B) The department of education and workforce, in 45816  
consultation with the department of public safety and the 45817  
department of mental health and addiction services, shall 45818  
maintain a universal list of approved training programs, to be 45819  
posted on the department of education and workforce's web site, 45820  
for instruction in suicide awareness and prevention and violence 45821  
prevention as prescribed under division (A) (5) (h) of section 45822  
3313.60 and division (D) of section 3319.073 of the Revised 45823  
Code. The list of approved training programs shall include at 45824  
least one option that is free or of no cost to schools. The 45825  
approved training programs shall be evidence-based and include 45826  
the following: 45827

(1) How to instruct school personnel to identify the signs	45828
and symptoms of depression, suicide, and self-harm in students;	45829
(2) How to instruct students to identify the signs and	45830
symptoms of depression, suicide, and self-harm in their peers;	45831
(3) How to identify appropriate mental health services	45832
within schools and within larger communities, and when and how	45833
to refer youth and their families to those services;	45834
(4) How to teach students about mental health and	45835
depression, warning signs of suicide, and the importance of and	45836
processes for seeking help on behalf of self and peers and	45837
reporting of these behaviors;	45838
(5) How to identify observable warning signs and signals	45839
of individuals who may be a threat to themselves or others;	45840
(6) The importance of taking threats seriously and seeking	45841
help;	45842
(7) How students can report dangerous, violent,	45843
threatening, harmful, or potentially harmful activity, including	45844
the use of the district's chosen anonymous reporting program.	45845
(C) The department of education and workforce, in	45846
consultation with the department of mental health and addiction	45847
services, shall maintain a list of approved training programs,	45848
to be posted on the department of education and workforce's web	45849
site, for instruction in social inclusion as prescribed by	45850
division (A) (5) (j) of section 3313.60 of the Revised Code. The	45851
list of approved training programs shall include at least one	45852
option that is free or of no cost to schools. The approved	45853
training programs shall be evidence-based and include the	45854
following:	45855



(1) What social isolation is and how to identify it in others; 45856  
45857

(2) What social inclusion is and the importance of establishing connections with peers; 45858  
45859

(3) When and how to seek help for peers who may be socially isolated; 45860  
45861

(4) How to utilize strategies for more social inclusion in classrooms and the school community. 45862  
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(D) A program that uses the success sequence curriculum provided by Ohio adolescent health centers shall qualify as an approved evidence-based training program under this section and be considered to meet the minimum requirements to teach risk prevention skills across the required subject areas to youth. 45864  
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Sec. 3301.24. (A) Not later than December 31, 2025, the department of education and workforce shall develop a model policy on the use of artificial intelligence in schools. The model policy shall address appropriate use of artificial intelligence by students and staff for educational purposes. 45869  
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(B) Not later than July 1, 2026, each school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code shall adopt a policy on the use of artificial intelligence. The district or school may adopt the department's model policy developed under division (A) of this section. 45874  
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Sec. 3301.541. (A) (1) The director, head teacher, elementary principal, or site administrator of a preschool program shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to 45880  
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the preschool program for employment as a person responsible for 45885  
the care, custody, or control of a child. If the applicant does 45886  
not present proof that the applicant has been a resident of this 45887  
state for the five-year period immediately prior to the date 45888  
upon which the criminal records check is requested or does not 45889  
provide evidence that within that five-year period the 45890  
superintendent has requested information about the applicant 45891  
from the federal bureau of investigation in a criminal records 45892  
check, the director, head teacher, or elementary principal shall 45893  
request that the superintendent obtain information from the 45894  
federal bureau of investigation as a part of the criminal 45895  
records check for the applicant. If the applicant presents proof 45896  
that the applicant has been a resident of this state for that 45897  
five-year period, the director, head teacher, or elementary 45898  
principal may request that the superintendent include 45899  
information from the federal bureau of investigation in the 45900  
criminal records check. 45901

(2) Any director, head teacher, elementary principal, or 45902  
site administrator required by division (A)(1) of this section 45903  
to request a criminal records check shall provide to each 45904  
applicant a copy of the form prescribed pursuant to division (C) 45905  
(1) of section 109.572 of the Revised Code, provide to each 45906  
applicant a standard impression sheet to obtain fingerprint 45907  
impressions prescribed pursuant to division (C)(2) of section 45908  
109.572 of the Revised Code, obtain the completed form and 45909  
impression sheet from each applicant, and forward the completed 45910  
form and impression sheet to the superintendent of the bureau of 45911  
criminal identification and investigation at the time the person 45912  
requests a criminal records check pursuant to division (A)(1) of 45913  
this section. 45914

(3) Any applicant who receives pursuant to division (A)(2) 45915

of this section a copy of the form prescribed pursuant to 45916  
division (C) (1) of section 109.572 of the Revised Code and a 45917  
copy of an impression sheet prescribed pursuant to division (C) 45918  
(2) of that section and who is requested to complete the form 45919  
and provide a set of fingerprint impressions shall complete the 45920  
form or provide all the information necessary to complete the 45921  
form and provide the impression sheet with the impressions of 45922  
the applicant's fingerprints. If an applicant, upon request, 45923  
fails to provide the information necessary to complete the form 45924  
or fails to provide impressions of the applicant's fingerprints, 45925  
the preschool program shall not employ that applicant for any 45926  
position for which a criminal records check is required by 45927  
division (A) (1) of this section. 45928

(B) (1) Except as provided in rules adopted by the 45929  
department of ~~education and workforce~~ children and youth in 45930  
accordance with division (E) of this section, no preschool 45931  
program shall employ a person as a person responsible for the 45932  
care, custody, or control of a child if the person previously 45933  
has been convicted of or pleaded guilty to any of the following: 45934

(a) A violation of section 2903.01, 2903.02, 2903.03, 45935  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 45936  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 45937  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 45938  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 45939  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 45940  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 45941  
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 45942  
section 2905.04 of the Revised Code as it existed prior to July 45943  
1, 1996, a violation of section 2919.23 of the Revised Code that 45944  
would have been a violation of section 2905.04 of the Revised 45945  
Code as it existed prior to July 1, 1996, had the violation 45946

occurred prior to that date, a violation of section 2925.11 of 45947  
the Revised Code that is not a minor drug possession offense, or 45948  
felonious sexual penetration in violation of former section 45949  
2907.12 of the Revised Code; 45950

(b) A violation of an existing or former law of this 45951  
state, any other state, or the United States that is 45952  
substantially equivalent to any of the offenses or violations 45953  
described in division (B) (1) (a) of this section. 45954

(2) A preschool program may employ an applicant 45955  
conditionally until the criminal records check required by this 45956  
section is completed and the preschool program receives the 45957  
results of the criminal records check. If the results of the 45958  
criminal records check indicate that, pursuant to division (B) 45959  
(1) of this section, the applicant does not qualify for 45960  
employment, the preschool program shall release the applicant 45961  
from employment. 45962

(C) (1) Each preschool program shall pay to the bureau of 45963  
criminal identification and investigation the fee prescribed 45964  
pursuant to division (C) (3) of section 109.572 of the Revised 45965  
Code for each criminal records check conducted in accordance 45966  
with that section upon the request pursuant to division (A) (1) 45967  
of this section of the director, head teacher, elementary 45968  
principal, or site administrator of the preschool program. 45969

(2) A preschool program may charge an applicant a fee for 45970  
the costs it incurs in obtaining a criminal records check under 45971  
this section. A fee charged under this division shall not exceed 45972  
the amount of fees the preschool program pays under division (C) 45973  
(1) of this section. If a fee is charged under this division, 45974  
the preschool program shall notify the applicant at the time of 45975  
the applicant's initial application for employment of the amount 45976

of the fee and that, unless the fee is paid, the applicant will 45977  
not be considered for employment. 45978

(D) The report of any criminal records check conducted by 45979  
the bureau of criminal identification and investigation in 45980  
accordance with section 109.572 of the Revised Code and pursuant 45981  
to a request under division (A) (1) of this section is not a 45982  
public record for the purposes of section 149.43 of the Revised 45983  
Code and shall not be made available to any person other than 45984  
the applicant who is the subject of the criminal records check 45985  
or the applicant's representative, the preschool program 45986  
requesting the criminal records check or its representative, and 45987  
any court, hearing officer, or other necessary individual in a 45988  
case dealing with the denial of employment to the applicant. 45989

(E) The department of ~~education and workforce~~ children and 45990  
youth shall adopt rules pursuant to Chapter 119. of the Revised 45991  
Code to implement this section, including rules specifying 45992  
circumstances under which a preschool program may hire a person 45993  
who has been convicted of an offense listed in division (B) (1) 45994  
of this section but who meets standards in regard to 45995  
rehabilitation set by the department. 45996

(F) Any person required by division (A) (1) of this section 45997  
to request a criminal records check shall inform each person, at 45998  
the time of the person's initial application for employment, 45999  
that the person is required to provide a set of impressions of 46000  
the person's fingerprints and that a criminal records check is 46001  
required to be conducted and satisfactorily completed in 46002  
accordance with section 109.572 of the Revised Code if the 46003  
person comes under final consideration for appointment or 46004  
employment as a precondition to employment for that position. 46005

(G) As used in this section: 46006

(1) "Applicant" means a person who is under final consideration for appointment or employment in a position with a preschool program as a person responsible for the care, custody, or control of a child, except that "applicant" does not include a person already employed by a board of education, community school, or chartered nonpublic school in a position of care, custody, or control of a child who is under consideration for a different position with such board or school.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

(H) If the board of education of a local school district adopts a resolution requesting the assistance of the educational service center in which the local district has territory in conducting criminal records checks of substitute teachers under this section, the appointing or hiring officer of such educational service center governing board shall serve for purposes of this section as the appointing or hiring officer of the local board in the case of hiring substitute teachers for employment in the local district.

**Sec. 3301.57.** (A) For the purpose of improving programs, facilities, and implementation of the standards promulgated under section 3301.53 of the Revised Code, ~~the department of education and workforce and the department of children and youth~~ shall provide consultation and technical assistance to school districts, county boards of developmental disabilities, community schools, authorized private before and after school care programs, and eligible nonpublic schools operating preschool programs or school child programs, and in-service

training to preschool staff members, school child program staff 46037  
members, and nonteaching employees. 46038

(B) The department of education and workforce, the 46039  
department of children and youth, and the school district board 46040  
of education, county board of developmental disabilities, 46041  
community school, or eligible nonpublic school shall jointly 46042  
monitor each preschool program and each school child program. 46043

If the program receives any grant or other funding from 46044  
the state or federal government, the department of education and 46045  
workforce and the department of children and youth annually 46046  
shall monitor all reports on attendance, financial support, and 46047  
expenditures according to provisions for use of the funds. 46048

(C) The ~~department of education and workforce and the~~ 46049  
department of children and youth, at least once during every 46050  
twelve-month period of operation of a preschool program or a 46051  
licensed school child program, shall inspect the program and 46052  
provide a written inspection report to the superintendent of the 46053  
school district, county board of developmental disabilities, 46054  
community school, or eligible nonpublic school. The ~~departments~~ 46055  
department may inspect any program more than once, as considered 46056  
necessary by the ~~departments~~ department, during any twelve-month 46057  
period of operation. All inspections may be unannounced. No 46058  
person shall interfere with any inspection conducted pursuant to 46059  
this division or to the rules adopted pursuant to sections 46060  
3301.52 to 3301.59 of the Revised Code. 46061

Upon receipt of any complaint that a preschool program or 46062  
a licensed school child program is out of compliance with the 46063  
requirements in sections 3301.52 to 3301.59 of the Revised Code 46064  
or the rules adopted under those sections, the department of 46065  
children and youth shall investigate and may inspect the 46066

program. If the complaint is related to a teacher, the 46067  
department shall coordinate with the ~~department~~ state board of 46068  
education to investigate and take action on a teacher's license. 46069

(D) If a preschool program or a licensed school child 46070  
program is determined to be out of compliance with the 46071  
requirements of sections 3301.52 to 3301.59 of the Revised Code 46072  
or the rules adopted under those sections, the department of 46073  
children and youth shall notify the appropriate superintendent, 46074  
county board of developmental disabilities, community school, 46075  
authorized private before and after school care program, or 46076  
eligible nonpublic school in writing regarding the nature of the 46077  
violation, what must be done to correct the violation, and by 46078  
what date the correction must be made. If the correction is not 46079  
made by the date established by the department, it may commence 46080  
action under Chapter 119. of the Revised Code to close the 46081  
program or to revoke the license of the program. If a program 46082  
does not comply with an order to cease operation issued in 46083  
accordance with Chapter 119. of the Revised Code, the department 46084  
shall notify the attorney general, the prosecuting attorney of 46085  
the county in which the program is located, or the city 46086  
attorney, village solicitor, or other chief legal officer of the 46087  
municipal corporation in which the program is located that the 46088  
program is operating in violation of sections 3301.52 to 3301.59 46089  
of the Revised Code or the rules adopted under those sections 46090  
and in violation of an order to cease operation issued in 46091  
accordance with Chapter 119. of the Revised Code. Upon receipt 46092  
of the notification, the attorney general, prosecuting attorney, 46093  
city attorney, village solicitor, or other chief legal officer 46094  
shall file a complaint in the court of common pleas of the 46095  
county in which the program is located requesting the court to 46096  
issue an order enjoining the program from operating. The court 46097



shall grant the requested injunctive relief upon a showing that 46098  
the program named in the complaint is operating in violation of 46099  
sections 3301.52 to 3301.59 of the Revised Code or the rules 46100  
adopted under those sections and in violation of an order to 46101  
cease operation issued in accordance with Chapter 119. of the 46102  
Revised Code. 46103

(E) The ~~department of education and workforce and~~ 46104  
department of children and youth shall prepare an annual report 46105  
on inspections conducted under this section. The report shall 46106  
include the number of inspections conducted, the number and 46107  
types of violations found, and the steps taken to address the 46108  
violations. The ~~departments~~ department shall file the report 46109  
with the governor, the president and minority leader of the 46110  
senate, and the speaker and minority leader of the house of 46111  
representatives on or before the first day of January of each 46112  
year. 46113

**Sec. 3302.03.** Not later than the thirty-first day of July 46114  
of each year, the department of education and workforce shall 46115  
submit preliminary report card data for overall academic 46116  
performance and for each separate performance measure for each 46117  
school district, and each school building, in accordance with 46118  
this section. 46119

Annually, not later than the fifteenth day of September or 46120  
the preceding Friday when that day falls on a Saturday or 46121  
Sunday, the department shall assign a letter grade or 46122  
performance rating for overall academic performance and for each 46123  
separate performance measure for each school district, and each 46124  
school building in a district, in accordance with this section. 46125  
The department shall adopt rules pursuant to Chapter 119. of the 46126  
Revised Code to implement this section. The department's rules 46127

shall establish performance criteria for each letter grade or 46128  
performance rating and prescribe a method by which the 46129  
department assigns each letter grade or performance rating. For 46130  
a school building to which any of the performance measures do 46131  
not apply, due to grade levels served by the building, the 46132  
department shall designate the performance measures that are 46133  
applicable to the building and that must be calculated 46134  
separately and used to calculate the building's overall grade or 46135  
performance rating. The department shall issue annual report 46136  
cards reflecting the performance of each school district, each 46137  
building within each district, and for the state as a whole 46138  
using the performance measures and letter grade or performance 46139  
rating system described in this section. The department shall 46140  
include on the report card for each district and each building 46141  
within each district the most recent two-year trend data in 46142  
student achievement for each subject and each grade. 46143

(A) (1) For the 2012-2013 school year, the department shall 46144  
issue grades as described in division (F) of this section for 46145  
each of the following performance measures: 46146

(a) Annual measurable objectives; 46147

(b) Performance index score for a school district or 46148  
building. Grades shall be awarded as a percentage of the total 46149  
possible points on the performance index system as adopted by 46150  
the department. In adopting benchmarks for assigning letter 46151  
grades under division (A) (1) (b) of this section, the department 46152  
shall designate ninety per cent or higher for an "A," at least 46153  
seventy per cent but not more than eighty per cent for a "C," 46154  
and less than fifty per cent for an "F." 46155

(c) The extent to which the school district or building 46156  
meets each of the applicable performance indicators established 46157

by the department under section 3302.02 of the Revised Code and 46158  
the percentage of applicable performance indicators that have 46159  
been achieved. In adopting benchmarks for assigning letter 46160  
grades under division (A) (1) (c) of this section, the department 46161  
shall designate ninety per cent or higher for an "A." 46162

(d) The four- and five-year adjusted cohort graduation 46163  
rates. 46164

In adopting benchmarks for assigning letter grades under 46165  
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 46166  
department shall designate a four-year adjusted cohort 46167  
graduation rate of ninety-three per cent or higher for an "A" 46168  
and a five-year cohort graduation rate of ninety-five per cent 46169  
or higher for an "A." 46170

(e) The overall score under the value-added progress 46171  
dimension of a school district or building, for which the 46172  
department shall use up to three years of value-added data as 46173  
available. The letter grade assigned for this growth measure 46174  
shall be as follows: 46175

(i) A score that is at least one standard error of measure 46176  
above the mean score shall be designated as an "A." 46177

(ii) A score that is less than one standard error of 46178  
measure above but greater than one standard error of measure 46179  
below the mean score shall be designated as a "B." 46180

(iii) A score that is less than or equal to one standard 46181  
error of measure below the mean score but greater than two 46182  
standard errors of measure below the mean score shall be 46183  
designated as a "C." 46184

(iv) A score that is less than or equal to two standard 46185  
errors of measure below the mean score but is greater than three 46186

standard errors of measure below the mean score shall be 46187  
designated as a "D." 46188

(v) A score that is less than or equal to three standard 46189  
errors of measure below the mean score shall be designated as an 46190  
"F." 46191

Whenever the value-added progress dimension is used as a 46192  
graded performance measure in this division and divisions (B) 46193  
and (C) of this section, whether as an overall measure or as a 46194  
measure of separate subgroups, the grades for the measure shall 46195  
be calculated in the same manner as prescribed in division (A) 46196  
(1) (e) of this section. 46197

(f) The value-added progress dimension score for a school 46198  
district or building disaggregated for each of the following 46199  
subgroups: students identified as gifted, students with 46200  
disabilities, and students whose performance places them in the 46201  
lowest quintile for achievement on a statewide basis. Each 46202  
subgroup shall be a separate graded measure. 46203

(2) The department shall adopt a resolution describing the 46204  
performance measures, benchmarks, and grading system for the 46205  
2012-2013 school year and shall adopt rules in accordance with 46206  
Chapter 119. of the Revised Code that prescribe the methods by 46207  
which the performance measures under division (A) (1) of this 46208  
section shall be assessed and assigned a letter grade, including 46209  
performance benchmarks for each letter grade. 46210

At least forty-five days prior to the department's 46211  
adoption of rules to prescribe the methods by which the 46212  
performance measures under division (A) (1) of this section shall 46213  
be assessed and assigned a letter grade, the department shall 46214  
conduct a public presentation before the standing committees of 46215

the house of representatives and the senate that consider 46216  
education legislation describing such methods, including 46217  
performance benchmarks. 46218

(3) There shall not be an overall letter grade for a 46219  
school district or building for the 2012-2013 school year. 46220

(B) (1) For the 2013-2014 school year, the department shall 46221  
issue grades as described in division (F) of this section for 46222  
each of the following performance measures: 46223

(a) Annual measurable objectives; 46224

(b) Performance index score for a school district or 46225  
building. Grades shall be awarded as a percentage of the total 46226  
possible points on the performance index system as created by 46227  
the department. In adopting benchmarks for assigning letter 46228  
grades under division (B) (1) (b) of this section, the department 46229  
shall designate ninety per cent or higher for an "A," at least 46230  
seventy per cent but not more than eighty per cent for a "C," 46231  
and less than fifty per cent for an "F." 46232

(c) The extent to which the school district or building 46233  
meets each of the applicable performance indicators established 46234  
by the department under section 3302.03 of the Revised Code and 46235  
the percentage of applicable performance indicators that have 46236  
been achieved. In adopting benchmarks for assigning letter 46237  
grades under division (B) (1) (c) of this section, the department 46238  
shall designate ninety per cent or higher for an "A." 46239

(d) The four- and five-year adjusted cohort graduation 46240  
rates; 46241

(e) The overall score under the value-added progress 46242  
dimension of a school district or building, for which the 46243  
department shall use up to three years of value-added data as 46244

available. 46245

(f) The value-added progress dimension score for a school 46246  
district or building disaggregated for each of the following 46247  
subgroups: students identified as gifted in superior cognitive 46248  
ability and specific academic ability fields under Chapter 3324. 46249  
of the Revised Code, students with disabilities, and students 46250  
whose performance places them in the lowest quintile for 46251  
achievement on a statewide basis. Each subgroup shall be a 46252  
separate graded measure. 46253

(g) Whether a school district or building is making 46254  
progress in improving literacy in grades kindergarten through 46255  
three, as determined using a method prescribed by the 46256  
department. The department shall adopt rules to prescribe 46257  
benchmarks and standards for assigning grades to districts and 46258  
buildings for purposes of division (B) (1) (g) of this section. In 46259  
adopting benchmarks for assigning letter grades under divisions 46260  
(B) (1) (g) and (C) (1) (g) of this section, the department shall 46261  
determine progress made based on the reduction in the total 46262  
percentage of students scoring below grade level, or below 46263  
proficient, compared from year to year on the reading and 46264  
writing diagnostic assessments administered under section 46265  
3301.0715 of the Revised Code and the third grade English 46266  
language arts assessment under section 3301.0710 of the Revised 46267  
Code, as applicable. The department shall designate for a "C" 46268  
grade a value that is not lower than the statewide average value 46269  
for this measure. No grade shall be issued under divisions (B) 46270  
(1) (g) and (C) (1) (g) of this section for a district or building 46271  
in which less than five per cent of students have scored below 46272  
grade level on the diagnostic assessment administered to 46273  
students in kindergarten under division (B) (1) of section 46274  
3313.608 of the Revised Code. 46275

(h) For a high mobility school district or building, an additional value-added progress dimension score. For this measure, the department shall use value-added data from the most recent school year available and shall use assessment scores for only those students to whom the district or building has administered the assessments prescribed by section 3301.0710 of the Revised Code for each of the two most recent consecutive school years.

As used in this division, "high mobility school district or building" means a school district or building where at least twenty-five per cent of its total enrollment is made up of students who have attended that school district or building for less than one year.

(2) In addition to the graded measures in division (B) (1) of this section, the department shall include on a school district's or building's report card all of the following without an assigned letter grade:

(a) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;

(b) The number of a district's or building's students who have earned at least three college credits through dual enrollment or advanced standing programs, such as the post-secondary enrollment options program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's transcript or other official document, either of which is issued by the institution of higher education from which the student earned the college credit. The credits earned

that are reported under divisions (B) (2) (b) and (C) (2) (c) of 46306  
this section shall not include any that are remedial or 46307  
developmental and shall include those that count toward the 46308  
curriculum requirements established for completion of a degree. 46309

(c) The percentage of students enrolled in a district or 46310  
building who have taken a national standardized test used for 46311  
college admission determinations and the percentage of those 46312  
students who are determined to be remediation-free in accordance 46313  
with standards adopted under division (F) of section 3345.061 of 46314  
the Revised Code; 46315

(d) The percentage of the district's or the building's 46316  
students who receive industry-recognized credentials as approved 46317  
under section 3313.6113 of the Revised Code. 46318

(e) The percentage of students enrolled in a district or 46319  
building who are participating in an international baccalaureate 46320  
program and the percentage of those students who receive a score 46321  
of four or better on the international baccalaureate 46322  
examinations. 46323

(f) The percentage of the district's or building's 46324  
students who receive an honors diploma under division (B) of 46325  
section 3313.61 of the Revised Code. 46326

(3) The department shall adopt rules in accordance with 46327  
Chapter 119. of the Revised Code that prescribe the methods by 46328  
which the performance measures under divisions (B) (1) (f) and (B) 46329  
(1) (g) of this section will be assessed and assigned a letter 46330  
grade, including performance benchmarks for each grade. 46331

At least forty-five days prior to the department's 46332  
adoption of rules to prescribe the methods by which the 46333  
performance measures under division (B) (1) of this section shall 46334



be assessed and assigned a letter grade, the department shall 46335  
conduct a public presentation before the standing committees of 46336  
the house of representatives and the senate that consider 46337  
education legislation describing such methods, including 46338  
performance benchmarks. 46339

(4) There shall not be an overall letter grade for a 46340  
school district or building for the 2013-2014, 2014-2015, 2015- 46341  
2016, and 2016-2017 school years. 46342

(C) (1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 46343  
2018-2019, 2019-2020, and 2020-2021 school years, the department 46344  
shall issue grades as described in division (F) of this section 46345  
for each of the performance measures prescribed in division (C) 46346  
(1) of this section. The graded measures are as follows: 46347

(a) Annual measurable objectives. For the 2017-2018 school 46348  
year, the department shall not include any subgroup data in the 46349  
annual measurable objectives that includes data from fewer than 46350  
twenty-five students. For the 2018-2019 school year, the 46351  
department shall not include any subgroup data in the annual 46352  
measurable objectives that includes data from fewer than twenty 46353  
students. Beginning with the 2019-2020 school year, the 46354  
department shall not include any subgroup data in the annual 46355  
measurable objectives that includes data from fewer than fifteen 46356  
students. 46357

(b) Performance index score for a school district or 46358  
building. Grades shall be awarded as a percentage of the total 46359  
possible points on the performance index system as created by 46360  
the department. In adopting benchmarks for assigning letter 46361  
grades under division (C) (1) (b) of this section, the department 46362  
shall designate ninety per cent or higher for an "A," at least 46363  
seventy per cent but not more than eighty per cent for a "C," 46364

and less than fifty per cent for an "F." 46365

(c) The extent to which the school district or building 46366  
meets each of the applicable performance indicators established 46367  
by the department under section 3302.03 of the Revised Code and 46368  
the percentage of applicable performance indicators that have 46369  
been achieved. In adopting benchmarks for assigning letter 46370  
grades under division (C) (1) (c) of this section, the department 46371  
shall designate ninety per cent or higher for an "A." 46372

(d) The four- and five-year adjusted cohort graduation 46373  
rates; 46374

(e) The overall score under the value-added progress 46375  
dimension, or another measure of student academic progress if 46376  
adopted by the department, of a school district or building, for 46377  
which the department shall use up to three years of value-added 46378  
data as available. 46379

In adopting benchmarks for assigning letter grades for 46380  
overall score on value-added progress dimension under division 46381  
(C) (1) (e) of this section, the department shall prohibit the 46382  
assigning of a grade of "A" for that measure unless the 46383  
district's or building's grade assigned for value-added progress 46384  
dimension for all subgroups under division (C) (1) (f) of this 46385  
section is a "C" or higher. 46386

For the metric prescribed by division (C) (1) (e) of this 46387  
section, the department may adopt a student academic progress 46388  
measure to be used instead of the value-added progress 46389  
dimension. If the department adopts such a measure, it also 46390  
shall prescribe a method for assigning letter grades for the new 46391  
measure that is comparable to the method prescribed in division 46392  
(A) (1) (e) of this section. 46393

(f) The value-added progress dimension score of a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the department. Each subgroup shall be a separate graded measure.

The department may adopt student academic progress measures to be used instead of the value-added progress dimension. If the department adopts such measures, it also shall prescribe a method for assigning letter grades for the new measures that is comparable to the method prescribed in division (A) (1) (e) of this section.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the department. The department shall adopt rules to prescribe benchmarks and standards for assigning grades to a district or building for purposes of division (C) (1) (g) of this section. The department shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under division (C) (1) (g) of this section for a district or building in which less than five per cent of students have scored below grade level on the kindergarten diagnostic assessment under division (B) (1) of section 3313.608 of the Revised Code.

(h) For a high mobility school district or building, an additional value-added progress dimension score. For this

measure, the department shall use value-added data from the most recent school year available and shall use assessment scores for only those students to whom the district or building has administered the assessments prescribed by section 3301.0710 of the Revised Code for each of the two most recent consecutive school years.

As used in this division, "high mobility school district or building" means a school district or building where at least twenty-five per cent of its total enrollment is made up of students who have attended that school district or building for less than one year.

(2) In addition to the graded measures in division (C) (1) of this section, the department shall include on a school district's or building's report card all of the following without an assigned letter grade:

(a) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with the standards adopted under division (F) of section 3345.061 of the Revised Code;

(b) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;

(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-

technical courses offered through dual enrollment or statewide 46453  
articulation, that appear on a student's college transcript 46454  
issued by the institution of higher education from which the 46455  
student earned the college credit. The credits earned that are 46456  
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 46457  
shall not include any that are remedial or developmental and 46458  
shall include those that count toward the curriculum 46459  
requirements established for completion of a degree. 46460

(d) The percentage of the district's or building's 46461  
students who receive an honor's diploma under division (B) of 46462  
section 3313.61 of the Revised Code; 46463

(e) The percentage of the district's or building's 46464  
students who receive industry-recognized credentials as approved 46465  
under section 3313.6113 of the Revised Code; 46466

(f) The percentage of students enrolled in a district or 46467  
building who are participating in an international baccalaureate 46468  
program and the percentage of those students who receive a score 46469  
of four or better on the international baccalaureate 46470  
examinations; 46471

(g) The results of the college and career-ready 46472  
assessments administered under division (B) (1) of section 46473  
3301.0712 of the Revised Code; 46474

(h) Whether the school district or building has 46475  
implemented a positive behavior intervention and supports 46476  
framework in compliance with the requirements of section 3319.46 46477  
of the Revised Code, notated as a "yes" or "no" answer. 46478

(3) The department shall adopt rules pursuant to Chapter 46479  
119. of the Revised Code that establish a method to assign an 46480  
overall grade for a school district or school building for the 46481

2017-2018 school year and each school year thereafter. The rules 46482  
shall group the performance measures in divisions (C) (1) and (2) 46483  
of this section into the following components: 46484

(a) Gap closing, which shall include the performance 46485  
measure in division (C) (1) (a) of this section; 46486

(b) Achievement, which shall include the performance 46487  
measures in divisions (C) (1) (b) and (c) of this section; 46488

(c) Progress, which shall include the performance measures 46489  
in divisions (C) (1) (e) and (f) of this section; 46490

(d) Graduation, which shall include the performance 46491  
measure in division (C) (1) (d) of this section; 46492

(e) Kindergarten through third-grade literacy, which shall 46493  
include the performance measure in division (C) (1) (g) of this 46494  
section; 46495

(f) Prepared for success, which shall include the 46496  
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 46497  
and (f) of this section. The department shall develop a method 46498  
to determine a grade for the component in division (C) (3) (f) of 46499  
this section using the performance measures in divisions (C) (2) 46500  
(a), (b), (c), (d), (e), and (f) of this section. When 46501  
available, the department may incorporate the performance 46502  
measure under division (C) (2) (g) of this section into the 46503  
component under division (C) (3) (f) of this section. When 46504  
determining the overall grade for the prepared for success 46505  
component prescribed by division (C) (3) (f) of this section, no 46506  
individual student shall be counted in more than one performance 46507  
measure. However, if a student qualifies for more than one 46508  
performance measure in the component, the department may, in its 46509  
method to determine a grade for the component, specify an 46510

additional weight for such a student that is not greater than or 46511  
equal to 1.0. In determining the overall score under division 46512  
(C) (3) (f) of this section, the department shall ensure that the 46513  
pool of students included in the performance measures aggregated 46514  
under that division are all of the students included in the 46515  
four- and five-year adjusted graduation cohort. 46516

In the rules adopted under division (C) (3) of this 46517  
section, the department shall adopt a method for determining a 46518  
grade for each component in divisions (C) (3) (a) to (f) of this 46519  
section. The department also shall establish a method to assign 46520  
an overall grade of "A," "B," "C," "D," or "F" using the grades 46521  
assigned for each component. The method the department adopts 46522  
for assigning an overall grade shall give equal weight to the 46523  
components in divisions (C) (3) (b) and (c) of this section. 46524

At least forty-five days prior to the department's 46525  
adoption of rules to prescribe the methods for calculating the 46526  
overall grade for the report card, as required by this division, 46527  
the department shall conduct a public presentation before the 46528  
standing committees of the house of representatives and the 46529  
senate that consider education legislation describing the format 46530  
for the report card, weights that will be assigned to the 46531  
components of the overall grade, and the method for calculating 46532  
the overall grade. 46533

(D) For the 2021-2022 school year and each school year 46534  
thereafter, all of the following apply: 46535

(1) The department shall include on a school district's or 46536  
building's report card all of the following performance measures 46537  
without an assigned performance rating: 46538

(a) Whether the district or building meets the gifted 46539

performance indicator under division (A) (2) of section 3302.02 46540  
of the Revised Code and the extent to which the district or 46541  
building meets gifted indicator performance benchmarks; 46542

(b) The extent to which the district or building meets the 46543  
chronic absenteeism indicator under division (A) (3) of section 46544  
3302.02 of the Revised Code; 46545

(c) Performance index score percentage for a district or 46546  
building, which shall be calculated by dividing the district's 46547  
or building's performance index score according to the 46548  
performance index system created by the department by the 46549  
maximum performance index score for a district or building. The 46550  
maximum performance index score shall be as follows: 46551

(i) For a building, the average of the highest two per 46552  
cent of performance index scores achieved by a building for the 46553  
school year for which a report card is issued; 46554

(ii) For a district, the average of the highest two per 46555  
cent of performance index scores achieved by a district for the 46556  
school year for which a report card is issued. 46557

(d) The overall score under the value-added progress 46558  
dimension of a district or building, for which the department 46559  
shall use three consecutive years of value-added data. In using 46560  
three years of value-added data to calculate the measure 46561  
prescribed under division (D) (1) (d) of this section, the 46562  
department shall assign a weight of fifty per cent to the most 46563  
recent year's data and a weight of twenty-five per cent to the 46564  
data of each of the other years. However, if three consecutive 46565  
years of value-added data is not available, the department shall 46566  
use prior years of value-added data to calculate the measure, as 46567  
follows: 46568



(i) If two consecutive years of value-added data is not available, the department shall use one year of value-added data to calculate the measure. 46569  
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(ii) If two consecutive years of value-added data is available, the department shall use two consecutive years of value-added data to calculate the measure. In using two years of value-added data to calculate the measure, the department shall assign a weight of sixty-seven per cent to the most recent year's data and a weight of thirty-three per cent to the data of the other year. 46572  
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(e) The four-year adjusted cohort graduation rate. 46579

(f) The five-year adjusted cohort graduation rate. 46580

(g) The percentage of students in the district or building who score proficient or higher on the reading segment of the third grade English language arts assessment under section 3301.0710 of the Revised Code. 46581  
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To the extent possible, the department shall include the results of the summer administration of the third grade reading assessment under section 3301.0710 of the Revised Code in the performance measures prescribed under divisions (D) (1) (g) and (h) of this section. 46585  
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(h) Whether a district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the department. The method shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading segments of the diagnostic assessments administered under section 3301.0715 of the Revised Code, ~~including the~~ 46590  
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~~kindergarten readiness assessment,~~ and the third grade English 46598  
language arts assessment under section 3301.0710 of the Revised 46599  
Code, as applicable. The method shall not include a deduction 46600  
for students who did not pass the third grade English language 46601  
arts assessment under section 3301.0710 of the Revised Code and 46602  
were not on a reading improvement and monitoring plan. 46603

The performance measure prescribed under division (D) (1) 46604  
(h) of this section shall not be included on the report card of 46605  
a district or building in which less than ten per cent of 46606  
students have scored below grade level on the diagnostic 46607  
assessment administered to students in kindergarten under 46608  
division (B) (1) of section 3313.608 of the Revised Code. 46609

(i) The percentage of students in a district or building 46610  
who are promoted to the fourth grade ~~and not subject to~~ 46611  
~~retention under division (A) (2) of section 3313.608 of the~~ 46612  
~~Revised Code~~ based on the student's score on the third grade 46613  
English language arts assessment under division (A) (3) of 46614  
section 3301.0710 of the Revised Code or demonstrate competency 46615  
on an alternative assessment under division (C) of section 46616  
3313.608 of the Revised Code; 46617

(j) A post-secondary readiness measure. This measure shall 46618  
be calculated by dividing the number of students included in the 46619  
four-year adjusted graduation rate cohort who demonstrate post- 46620  
secondary readiness by the total number of students included in 46621  
the denominator of the four-year adjusted graduation rate 46622  
cohort. Demonstration of post-secondary readiness shall include 46623  
a student doing any of the following: 46624

(i) Attaining a remediation-free score, in accordance with 46625  
standards adopted under division (F) of section 3345.061 of the 46626  
Revised Code, on a nationally standardized assessment prescribed 46627

under division (B) (1) of section 3301.0712 of the Revised Code; 46628

(ii) Attaining required scores on three or more advanced 46629  
placement, college-level examination program, or international 46630  
baccalaureate examinations. The required score for an advanced 46631  
placement examination shall be a three or better. The required 46632  
score for a college-level examination program examination shall 46633  
be a passing score, as determined by the department. The 46634  
required score for an international baccalaureate examination 46635  
shall be a four or better. A student may satisfy this condition 46636  
with any combination of advanced placement, college-level 46637  
examination program, or international baccalaureate 46638  
examinations. 46639

(iii) Earning at least twelve college credits through 46640  
advanced standing programs, such as the college credit plus 46641  
program under Chapter 3365. of the Revised Code, an early 46642  
college high school program under section 3313.6013 of the 46643  
Revised Code, and state-approved career-technical courses 46644  
offered through dual enrollment or statewide articulation, that 46645  
appear on a student's college transcript issued by the 46646  
institution of higher education from which the student earned 46647  
the college credit. Earned credits reported under division (D) 46648  
(1) (j) (iii) of this section shall include credits that count 46649  
toward the curriculum requirements established for completion of 46650  
a degree, but shall not include any remedial or developmental 46651  
credits. 46652

(iv) Meeting the additional criteria for an honors diploma 46653  
under division (B) of section 3313.61 of the Revised Code; 46654

(v) Earning an industry-recognized credential or license 46655  
issued by a state agency or board for practice in a vocation 46656  
that requires an examination for issuance of that license 46657

approved under section 3313.6113 of the Revised Code;	46658
(vi) Satisfying any of the following conditions:	46659
(I) Completing a pre-apprenticeship aligned with options established under section 3313.904 of the Revised Code in the student's chosen career field;	46660 46661 46662
(II) Completing an apprenticeship registered with the apprenticeship council established under section 4139.02 of the Revised Code in the student's chosen career field;	46663 46664 46665
(III) Providing evidence of acceptance into an apprenticeship program after high school that is restricted to participants eighteen years of age or older.	46666 46667 46668
(vii) Earning a cumulative score of proficient or higher on three or more state technical assessments aligned with section 3313.903 of the Revised Code in a single career pathway;	46669 46670 46671
(viii) Earning an OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code and completing two hundred fifty hours of an internship or other work-based learning experience that is either:	46672 46673 46674 46675
(I) Approved by the business advisory council established under section 3313.82 of the Revised Code that represents the student's district; or	46676 46677 46678
(II) Aligned to the career-technical education pathway approved by the department in which the student is enrolled.	46679 46680
(ix) Providing evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code.	46681 46682 46683
A student who satisfies more than one of the conditions	46684

prescribed under this division shall be counted as one student 46685  
for the purposes of calculating the measure prescribed under 46686  
division (D) (1) (j) of this section. 46687

(2) In addition to the performance measures under division 46688  
(D) (1) of this section, the department shall report on a 46689  
district's or building's report card all of the following data 46690  
without an assigned performance rating: 46691

(a) The applicable performance indicators established by 46692  
the department under division (A) (1) of section 3302.02 of the 46693  
Revised Code; 46694

(b) The overall score under the value-added progress 46695  
dimension of a district or building for the most recent school 46696  
year; 46697

(c) A composite of the overall scores under the value- 46698  
added progress dimension of a district or building for the 46699  
previous three school years or, if only two years of value-added 46700  
data are available, for the previous two years; 46701

(d) The percentage of students included in the four- and 46702  
five-year adjusted cohort graduation rates of a district or 46703  
building who did not receive a high school diploma under section 46704  
3313.61 or 3325.08 of the Revised Code. To the extent possible, 46705  
the department shall disaggregate that data according to the 46706  
following categories: 46707

(i) Students who are still enrolled in the district or 46708  
building and receiving general education services; 46709

(ii) Students with an individualized education program, as 46710  
defined in section 3323.01 of the Revised Code, who satisfied 46711  
the conditions for a high school diploma under section 3313.61 46712  
or 3325.08 of the Revised Code, but opted not to receive a 46713

diploma and are still receiving education services; 46714

(iii) Students with an individualized education program 46715  
who have not yet satisfied conditions for a high school diploma 46716  
under section 3313.61 or 3325.08 of the Revised Code and who are 46717  
still receiving education services; 46718

(iv) Students who are no longer enrolled in any district 46719  
or building; 46720

(v) Students who, upon enrollment in the district or 46721  
building for the first time, had completed fewer units of high 46722  
school instruction required under section 3313.603 of the 46723  
Revised Code than other students in the four- or five-year 46724  
adjusted cohort graduation rate. 46725

The department may disaggregate the data prescribed under 46726  
division (D) (2) (d) of this section according to other categories 46727  
that the department determines are appropriate. 46728

~~(e) The results of the kindergarten diagnostic assessment— 46729  
prescribed under division (D) of section 3301.079 of the Revised 46730  
Code;— 46731~~

~~(f) Post-graduate outcomes for students who were enrolled 46732  
in a district or building and received a high school diploma 46733  
under section 3313.61 or 3325.08 of the Revised Code in the 46734  
school year prior to the school year for which the report card 46735  
is issued, including the percentage of students who: 46736~~

(i) Enrolled in a post-secondary educational institution. 46737  
To the extent possible, the department shall disaggregate that 46738  
data according to whether the student enrolled in a four-year 46739  
institution of higher education, a two-year institution of 46740  
higher education, an Ohio technical center that provides adult 46741  
technical education services and is recognized by the chancellor 46742

of higher education, or another type of post-secondary 46743  
educational institution. 46744

(ii) Entered an apprenticeship program registered with the 46745  
apprenticeship council established under Chapter 4139. of the 46746  
Revised Code. The department may include other job training 46747  
programs with similar rigor and outcomes. 46748

(iii) Attained gainful employment, as determined by the 46749  
department; 46750

(iv) Enlisted in a branch of the armed forces of the 46751  
United States, as defined in section 5910.01 of the Revised 46752  
Code. 46753

~~(g)~~ (f) Whether the school district or building has 46754  
implemented a positive behavior intervention and supports 46755  
framework in compliance with the requirements of section 3319.46 46756  
of the Revised Code, notated with a "yes" or "no"; 46757

~~(h)~~ (g) The number and percentage of high school seniors in 46758  
each school year who completed the free application for federal 46759  
student aid; 46760

~~(i)~~ (h) Beginning with the report card issued under this 46761  
section for the 2022-2023 school year, a student opportunity 46762  
profile measure that reports data regarding the opportunities 46763  
provided to students by a district or building. To the extent 46764  
possible, and when appropriate, the data shall be disaggregated 46765  
by grade level and subgroup. The measure also shall include data 46766  
regarding the statewide average, the average for similar school 46767  
districts, and, for a building, the average for the district in 46768  
which the building is located. The measure shall include all of 46769  
the following data for the district or building: 46770

(i) The average ratio of teachers of record to students in 46771

each grade level in a district or building;	46772
(ii) The average ratio of school counselors to students in a district or building;	46773 46774
(iii) The average ratio of nurses to students in a district or building;	46775 46776
(iv) The average ratio of licensed librarians and library media specialists to students in a district or building;	46777 46778
(v) The average ratio of social workers to students in a district or building;	46779 46780
(vi) The average ratio of mental health professionals to students in a district or building;	46781 46782
(vii) The average ratio of paraprofessionals to students in a district or building;	46783 46784
(viii) The percentage of teachers with fewer than three years of experience teaching in any school;	46785 46786
(ix) The percentage of principals with fewer than three years of experience as a principal in any school;	46787 46788
(x) The percentage of teachers who are not teaching in the subject or field for which they are certified or licensed;	46789 46790
(xi) The percentage of kindergarten students who are enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code;	46791 46792 46793
(xii) The percentage of students enrolled in a performing or visual arts course;	46794 46795
(xiii) The percentage of students enrolled in a physical education or wellness course;	46796 46797



(xiv) The percentage of students enrolled in a world language course;	46798 46799
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	46800 46801
(xvi) The percentage of students participating in one or more cocurricular activities;	46802 46803
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;	46804 46805 46806 46807
(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;	46808 46809 46810 46811
(xix) The percentage of students participating in enrichment or support programs offered by the district or building outside of the normal school day;	46812 46813 46814
(xx) The percentage of eligible students participating each school day in school breakfast programs offered by the district or building in accordance with section 3313.813 or 3313.818 of the Revised Code;	46815 46816 46817 46818
(xxi) The percentage of students who are transported by a school bus each school day;	46819 46820
(xxii) The ratio of portable technology devices that students may take home to the number of students.	46821 46822
The department shall include only opportunity measures at the building level for which data for buildings is available, as determined by a school district.	46823 46824 46825

~~(j)~~(i) (i) The percentage of students included in the 46826  
four- and five-year adjusted cohort graduation rates of the 46827  
district or building who completed all of grades nine through 46828  
twelve while enrolled in the district or building; 46829

(ii) The four-year adjusted cohort graduation rate for 46830  
only those students who were continuously enrolled in the same 46831  
district or building for grades nine through twelve. 46832

~~(k)~~(j) Whether the district or building provides 46833  
information about and promotes the college credit plus program 46834  
established under Chapter 3365. of the Revised Code to students 46835  
in accordance with section 3365.04 of the Revised Code, notated 46836  
with a "yes" or "no"; 46837

~~(l)~~(k) The percentage of students in the district or 46838  
building to whom both of the following apply: 46839

(i) The students are promoted to fourth grade and not 46840  
subject to retention under division (A) (2) of section 3313.608 46841  
of the Revised Code. 46842

(ii) The students completed all of the grade levels 46843  
offered prior to the fourth grade in the district or building. 46844

(3) Except as provided in division (D) (3) (f) of this 46845  
section, the department shall use the method prescribed under 46846  
rules adopted under division (D) (4) of this section to assign 46847  
performance ratings of "one star," "two stars," "three stars," 46848  
"four stars," or "five stars," as described in division (F) of 46849  
this section, for a district or building for the individual 46850  
components prescribed under division (D) (3) of this section. The 46851  
department also shall assign an overall performance rating for a 46852  
district or building in accordance with division (D) (3) (g) of 46853  
this section. The method shall use the performance measures 46854

prescribed under division (D) (1) of this section to calculate 46855  
performance ratings for components. The method may report data 46856  
under division (D) (2) of this section with corresponding 46857  
components, but shall not use the data to calculate performance 46858  
ratings for that component. The performance measures and 46859  
reported data shall be grouped together into components as 46860  
follows: 46861

(a) Gap closing. In addition to other criteria determined 46862  
appropriate by the department, performance ratings for the gap 46863  
closing component shall reflect whether each of the following 46864  
performance measures are met or not met: 46865

(i) The gifted performance indicator as described in 46866  
division (D) (1) (a) of this section; 46867

(ii) The chronic absenteeism indicator as described in 46868  
division (D) (1) (b) of this section; 46869

(iii) For English learners, an English language 46870  
proficiency improvement indicator established by the department; 46871

(iv) The subgroup graduation targets; 46872

(v) The subgroup achievement targets in both mathematics 46873  
and English language arts; 46874

(vi) The subgroup progress targets in both mathematics and 46875  
English language arts. 46876

Achievement and progress targets under division (D) (3) (a) 46877  
of this section shall be calculated individually, and districts 46878  
and buildings shall receive a status of met or not met on each 46879  
measure. The department shall not require a subgroup of a 46880  
district or building to meet both the achievement and progress 46881  
targets at the same time to receive a status of met. 46882

The department shall not include any subgroup data in this measure that includes data from fewer than fifteen students. Any penalty for failing to meet the required assessment participation rate must be partially in proportion to how close the district or building was to meeting the rate requirement.

(b) Achievement, which shall include the performance measure in division (D) (1) (c) of this section and the reported data in division (D) (2) (a) of this section. Performance ratings for the achievement component shall be awarded as a percentage of the maximum performance index score described in division (D) (1) (c) of this section.

(c) Progress, which shall include the performance measure in division (D) (1) (d) of this section and the reported data in divisions (D) (2) (b) and (c) of this section;

(d) Graduation, which shall include the performance measures in divisions (D) (1) (e) and (f) of this section and the reported data in divisions (D) (2) (d) and (j) of this section. The four-year adjusted cohort graduation rate shall be assigned a weight of sixty per cent and the five-year adjusted cohort graduation rate shall be assigned a weight of forty per cent.

(e) Early literacy, which shall include the performance measures in divisions (D) (1) (g), (h), and (i) of this section and the reported data in ~~divisions (D) (2) (e) and (l)~~ division (D) (2) (k) of this section.

If the measure prescribed under division (D) (1) (h) of this section is included in a report card, performance ratings for the early literacy component shall give a weight of forty per cent to the measure prescribed under division (D) (1) (g) of this section, a weight of thirty-five per cent to the measure

prescribed under division (D) (1) (i) of this section, and a 46912  
weight of twenty-five per cent to the measure prescribed under 46913  
division (D) (1) (h) of this section. 46914

If the measure prescribed under division (D) (1) (h) of this 46915  
section is not included in a report card of a district or 46916  
building, performance ratings for the early literacy component 46917  
shall give a weight of sixty per cent to the measure prescribed 46918  
under division (D) (1) (g) of this section and a weight of forty 46919  
per cent to the measure prescribed under division (D) (1) (i) of 46920  
this section. 46921

(f) College, career, workforce, and military readiness, 46922  
which shall include the performance measure in division (D) (1) 46923  
(j) of this section and the reported data in division ~~(D) (2) (f)~~ 46924  
(D) (2) (e) of this section. 46925

For the 2021-2022, 2022-2023, and 2023-2024 school years, 46926  
the department only shall report the data for, and not assign a 46927  
performance rating to, the college, career, workforce, and 46928  
military readiness component. The reported data shall include 46929  
the percentage of students who demonstrate post-secondary 46930  
readiness using any of the options described in division (D) (1) 46931  
(j) of this section. 46932

The department shall analyze the data included in the 46933  
performance measure prescribed in division (D) (1) (j) of this 46934  
section for the 2021-2022, 2022-2023, and 2023-2024 school 46935  
years. Using that data, the department shall develop and propose 46936  
rules for a method to assign a performance rating to the 46937  
college, career, workforce, and military readiness component 46938  
based on that measure. The method to assign a performance rating 46939  
shall not include a tiered structure or per student bonuses. The 46940  
rules shall specify that a district or building shall not 46941

receive lower than a performance rating of three stars for the 46942  
component if the district's or building's performance on the 46943  
component meets or exceeds a level of improvement set by the 46944  
department. Notwithstanding division (D) (4) (b) of this section, 46945  
more than half of the total districts and buildings may earn a 46946  
performance rating of three stars on this component to account 46947  
for the districts and buildings that earned a performance rating 46948  
of three stars because they met or exceeded the level of 46949  
improvement set by the department. 46950

The department shall submit the rules to the joint 46951  
committee on agency rule review. The committee shall conduct at 46952  
least one public hearing on the proposed rules and approve or 46953  
disapprove the rules. If the committee approves the rules, the 46954  
department shall adopt the rules in accordance with Chapter 119. 46955  
of the Revised Code. If the rules are adopted, the department 46956  
shall assign a performance rating to the college, career, 46957  
workforce, and military readiness component under the rules 46958  
beginning with the 2024-2025 school year, and for each school 46959  
year thereafter. If the committee disapproves the rules, the 46960  
component shall be included in the report card only as reported 46961  
data for the 2024-2025 school year, and each school year 46962  
thereafter. 46963

(g) (i) Except as provided for in division (D) (3) (g) (ii) of 46964  
this section, beginning with the 2022-2023 school year, under 46965  
the method prescribed under rules adopted in division (D) (4) of 46966  
this section, the department shall use the performance ratings 46967  
assigned for the components prescribed in divisions (D) (3) (a) to 46968  
(e) of this section to determine and assign an overall 46969  
performance rating of "one star," "one and one-half stars," "two 46970  
stars," "two and one-half stars," "three stars," "three and one- 46971  
half stars," "four stars," "four and one-half stars," or "five 46972

stars" for a district or building. The method shall give equal 46973  
weight to the components in divisions (D) (3) (b) and (c) of this 46974  
section. The method shall give equal weight to the components in 46975  
divisions (D) (3) (a), (d), and (e) of this section. The 46976  
individual weights of each of the components prescribed in 46977  
divisions (D) (3) (a), (d), and (e) of this section shall be equal 46978  
to one-half of the weight given to the component prescribed in 46979  
division (D) (3) (b) of this section. 46980

(ii) If the joint committee on agency rule review approves 46981  
the department's rules regarding the college, career, workforce, 46982  
and military readiness component as described in division (D) (3) 46983  
(f) of this section, for the 2024-2025 school year, and each 46984  
school year thereafter, the department's method shall use the 46985  
components in divisions (D) (3) (a), (b), (c), (d), (e), and (f) 46986  
of this section to calculate the overall performance rating. The 46987  
method shall give equal weight to the components in divisions 46988  
(D) (3) (b) and (c) of this section. The method shall give equal 46989  
weight to the components prescribed in divisions (D) (3) (a), (d), 46990  
(e), and (f) of this section. The individual weights of each of 46991  
the components prescribed in divisions (D) (3) (a), (d), (e), and 46992  
(f) of this section shall be equal to one-half the weight given 46993  
to the component prescribed in division (D) (3) (b) of this 46994  
section. 46995

If the joint committee on agency rule review disapproves 46996  
the department's rules regarding the college, career, workforce, 46997  
and military readiness component as described in division (D) (3) 46998  
(f) of this section, division (D) (3) (g) (ii) of this section does 46999  
not apply. 47000

(4) (a) The department shall adopt rules in accordance with 47001  
Chapter 119. of the Revised Code to establish the performance 47002

criteria, benchmarks, and rating system necessary to implement 47003  
divisions (D) and (F) of this section, including the method for 47004  
the department to assign performance ratings under division (D) 47005  
(3) of this section. 47006

(b) In establishing the performance criteria, benchmarks, 47007  
and rating system, the department shall consult with stakeholder 47008  
groups and advocates that represent parents, community members, 47009  
students, business leaders, and educators from different school 47010  
typology regions. The department shall use data from prior 47011  
school years and simulations to ensure that there is meaningful 47012  
differentiation among districts and buildings across all 47013  
performance ratings and that, except as permitted in division 47014  
(D) (3) (f) of this section, more than half of all districts or 47015  
buildings do not earn the same performance rating in any 47016  
component or overall performance rating. 47017

(c) The department shall adopt the rules prescribed by 47018  
division (D) (4) of this section not later than March 31, 2022. 47019  
However, the department shall notify districts and buildings of 47020  
the changes to the report card prescribed in law not later than 47021  
one week after September 30, 2021. 47022

(d) Prior to adopting or updating rules under division (D) 47023  
(4) of this section, the director of education and workforce and 47024  
the department shall conduct a public presentation before the 47025  
standing committees of the house of representatives and the 47026  
senate that consider primary and secondary education legislation 47027  
describing the format for the report card and the performance 47028  
criteria, benchmarks, and rating system, including the method to 47029  
assign performance ratings under division (D) (3) of this 47030  
section. 47031

(E) The department may develop a measure of student 47032



academic progress for high school students using only data from 47033  
assessments in English language arts and mathematics. If the 47034  
department develops this measure, each school district and 47035  
applicable school building shall be assigned a separate letter 47036  
grade for it not sooner than the 2017-2018 school year. The 47037  
district's or building's grade for that measure shall not be 47038  
included in determining the district's or building's overall 47039  
letter grade. 47040

(F) (1) The letter grades assigned to a school district or 47041  
building under this section shall be as follows: 47042

(a) "A" for a district or school making excellent 47043  
progress; 47044

(b) "B" for a district or school making above average 47045  
progress; 47046

(c) "C" for a district or school making average progress; 47047

(d) "D" for a district or school making below average 47048  
progress; 47049

(e) "F" for a district or school failing to meet minimum 47050  
progress. 47051

(2) For the overall performance rating under division (D) 47052  
(3) of this section, the department shall include a descriptor 47053  
for each performance rating as follows: 47054

(a) "Significantly exceeds state standards" for a 47055  
performance rating of five stars; 47056

(b) "Exceeds state standards" for a performance rating of 47057  
four stars or four and one-half stars; 47058

(c) "Meets state standards" for a performance rating of 47059

three stars or three and one-half stars; 47060

(d) "Needs support to meet state standards" for a 47061  
performance rating of two stars or two and one-half stars; 47062

(e) "Needs significant support to meet state standards" 47063  
for a performance rating of one star or one and one-half stars. 47064

(3) For performance ratings for each component under 47065  
divisions (D) (3) (a) to (f) of this section, the department shall 47066  
include a description of each component and performance rating. 47067  
The description shall include component-specific context to each 47068  
performance rating earned, estimated comparisons to other school 47069  
districts and buildings if appropriate, and any other 47070  
information determined by the department. The descriptions shall 47071  
be not longer than twenty-five words in length when possible. In 47072  
addition to such descriptions, the department shall include the 47073  
descriptors in division (F) (2) of this section for component 47074  
performance ratings. 47075

(4) Each report card issued under this section shall 47076  
include all of the following: 47077

(a) A graphic that depicts the performance ratings of a 47078  
district or school on a color scale. The color associated with a 47079  
performance rating of three stars shall be green and the color 47080  
associated with a performance rating of one star shall be red. 47081

(b) An arrow graphic that shows data trends for 47082  
performance ratings for school districts or buildings. The 47083  
department shall determine the data to be used for this graphic, 47084  
which shall include at least the three most recent years of 47085  
data. 47086

(c) A description regarding the weights that are assigned 47087  
to each component and used to determine an overall performance 47088

rating, as prescribed under division (D) (3) (g) of this section, 47089  
which shall be included in the presentation of the overall 47090  
performance rating on each report card. 47091

(G) When reporting data on student achievement and 47092  
progress, the department shall disaggregate that data according 47093  
to the following categories: 47094

(1) Performance of students by grade-level; 47095

(2) Performance of students by race and ethnic group; 47096

(3) Performance of students by gender; 47097

(4) Performance of students grouped by those who have been 47098  
enrolled in a district or school for three or more years; 47099

(5) Performance of students grouped by those who have been 47100  
enrolled in a district or school for more than one year and less 47101  
than three years; 47102

(6) Performance of students grouped by those who have been 47103  
enrolled in a district or school for one year or less; 47104

(7) Performance of students grouped by those who are 47105  
economically disadvantaged; 47106

(8) Performance of students grouped by those who are 47107  
enrolled in a conversion community school established under 47108  
Chapter 3314. of the Revised Code; 47109

(9) Performance of students grouped by those who are 47110  
classified as English learners; 47111

(10) Performance of students grouped by those who have 47112  
disabilities; 47113

(11) Performance of students grouped by those who are 47114  
classified as migrants; 47115

(12) Performance of students grouped by those who are 47116  
identified as gifted in superior cognitive ability and the 47117  
specific academic ability fields of reading and math pursuant to 47118  
Chapter 3324. of the Revised Code. In disaggregating specific 47119  
academic ability fields for gifted students, the department 47120  
shall use data for those students with specific academic ability 47121  
in math and reading. If any other academic field is assessed, 47122  
the department shall also include data for students with 47123  
specific academic ability in that field as well. 47124

(13) Performance of students grouped by those who perform 47125  
in the lowest quintile for achievement on a statewide basis, as 47126  
determined by a method prescribed by the department. 47127

The department may disaggregate data on student 47128  
performance according to other categories that the department 47129  
determines are appropriate. To the extent possible, the 47130  
department shall disaggregate data on student performance 47131  
according to any combinations of two or more of the categories 47132  
listed in divisions (G) (1) to (13) of this section that it deems 47133  
relevant. 47134

In reporting data pursuant to division (G) of this 47135  
section, the department shall not include in the report cards 47136  
any data statistical in nature that is statistically unreliable 47137  
or that could result in the identification of individual 47138  
students. For this purpose, the department shall not report 47139  
student performance data for any group identified in division 47140  
(G) of this section that contains less than ten students. If the 47141  
department does not report student performance data for a group 47142  
because it contains less than ten students, the department shall 47143  
indicate on the report card that is why data was not reported. 47144

(H) The department may include with the report cards any 47145

additional education and fiscal performance data it deems 47146  
valuable. 47147

(I) The department shall include on each report card a 47148  
list of additional information collected by the department that 47149  
is available regarding the district or building for which the 47150  
report card is issued. When available, such additional 47151  
information shall include student mobility data disaggregated by 47152  
race and socioeconomic status, college enrollment data, and the 47153  
reports prepared under section 3302.031 of the Revised Code. 47154

The department shall maintain a site on the world wide 47155  
web. The report card shall include the address of the site and 47156  
shall specify that such additional information is available to 47157  
the public at that site. The department shall also provide a 47158  
copy of each item on the list to the superintendent of each 47159  
school district. The district superintendent shall provide a 47160  
copy of any item on the list to anyone who requests it. 47161

(J) (1) (a) Except as provided in division (J) (1) (b) of this 47162  
section, for any district that sponsors a conversion community 47163  
school under Chapter 3314. of the Revised Code, the department 47164  
shall combine data regarding the academic performance of 47165  
students enrolled in the community school with comparable data 47166  
from the schools of the district for the purpose of determining 47167  
the performance of the district as a whole on the report card 47168  
issued for the district under this section or section 3302.033 47169  
of the Revised Code. 47170

(b) The department shall not combine data from any 47171  
conversion community school that a district sponsors if ~~a~~ 47172  
~~majority of the students enrolled in the~~ conversion community 47173  
~~school are enrolled in~~ is a dropout prevention and recovery 47174  
~~program that is operated by the~~ community school, as ~~described~~ 47175

~~in division (B) (1) of~~ defined in section 3314.35-3314.02 of the Revised Code. The department shall include as an addendum to the district's report card the ratings and performance measures that are required under section 3314.017 of the Revised Code for any community school to which division (J) (1) (b) of this section applies. This addendum shall include, at a minimum, the data specified in divisions (C) (1) (a), (C) (2), and (C) (3) of section 3314.017 of the Revised Code.

(2) Any district that leases a building to a community school located in the district or that enters into an agreement with a community school located in the district whereby the district and the school endorse each other's programs may elect to have data regarding the academic performance of students enrolled in the community school combined with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the district report card. Any district that so elects shall annually file a copy of the lease or agreement with the department.

(3) Any municipal school district, as defined in section 3311.71 of the Revised Code, that sponsors a community school located within the district's territory, or that enters into an agreement with a community school located within the district's territory whereby the district and the community school endorse each other's programs, may exercise either or both of the following elections:

(a) To have data regarding the academic performance of students enrolled in that community school combined with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the district's report card;

(b) To have the number of students attending that 47206  
community school noted separately on the district's report card. 47207

The election authorized under division (J) (3) (a) of this 47208  
section is subject to approval by the governing authority of the 47209  
community school. 47210

Any municipal school district that exercises an election 47211  
to combine or include data under division (J) (3) of this 47212  
section, by the first day of October of each year, shall file 47213  
with the department documentation indicating eligibility for 47214  
that election, as required by the department. 47215

(K) The department shall include on each report card the 47216  
percentage of teachers in the district or building who are 47217  
properly certified or licensed teachers, as defined in section 47218  
3319.074 of the Revised Code, and a comparison of that 47219  
percentage with the percentages of such teachers in similar 47220  
districts and buildings. 47221

(L) (1) In calculating English language arts, mathematics, 47222  
science, American history, or American government assessment 47223  
passage rates used to determine school district or building 47224  
performance under this section, the department shall include all 47225  
students taking an assessment with accommodation or to whom an 47226  
alternate assessment is administered pursuant to division (C) (1) 47227  
or (3) of section 3301.0711 of the Revised Code and all students 47228  
who take substitute examinations approved under division (B) (4) 47229  
of section 3301.0712 of the Revised Code in the subject areas of 47230  
science, American history and American government. 47231

(2) In calculating performance index scores, rates of 47232  
achievement on the performance indicators established by the 47233  
department under section 3302.02 of the Revised Code, and annual 47234

measurable objectives for determining adequate yearly progress 47235  
for school districts and buildings under this section, the 47236  
department shall do all of the following: 47237

(a) Include for each district or building only those 47238  
students who are included in the ADM certified for the first 47239  
full school week of October and are continuously enrolled in the 47240  
district or building through the time of the spring 47241  
administration of any assessment prescribed by division (A) (1) 47242  
or (B) (1) of section 3301.0710 or division (B) of section 47243  
3301.0712 of the Revised Code that is administered to the 47244  
student's grade level; 47245

(b) Include cumulative totals from both the fall and 47246  
spring administrations of the third grade English language arts 47247  
achievement assessment and, to the extent possible, the summer 47248  
administration of that assessment; 47249

(c) Include for each district or building any English 47250  
learner in accordance with the department's plan, as approved by 47251  
the United States secretary of education, to comply with the 47252  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 47253  
to 6339. 47254

As used in this section, "English learner" has the same 47255  
meaning as in section 3301.0731 of the Revised Code. 47256

(M) Beginning with the 2015-2016 school year and at least 47257  
once every three years thereafter, the department shall review 47258  
and may adjust the benchmarks for assigning letter grades or 47259  
performance ratings to the performance measures and components 47260  
prescribed under divisions (C) (3), (D), and (E) of this section. 47261

**Sec. 3302.034.** (A) The department of education and 47262  
workforce shall adopt and specify measures in addition to those 47263



included on the report card issued under section 3302.03 of the Revised Code. The measures adopted under this section shall be reported separately, as specified under division (B) of this section, for each school district, each building in a district, each community school established under Chapter 3314., each STEM school established under Chapter 3326., and each college-preparatory boarding school established under Chapter 3328. of the Revised Code. The measures shall include at least the following:

(1) Data for students who have passed over a grade or subject area under an acceleration policy prescribed under section 3324.10 of the Revised Code;

(2) The number of students who are economically disadvantaged as determined by the department;

(3) The number of lead teachers employed by each district and each building once the data is available through the education management information system established under section 3301.0714 of the Revised Code;

(4) The amount of students screened and identified as gifted under Chapter 3324. of the Revised Code;

(5) ~~Postgraduate student outcome data as described under division (E) (2) (d) (ii) of section 3314.017 of the Revised Code,~~ including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate;

(6) Availability of courses in fine arts;

(7) Participation with other school districts to provide career-technical education services to students.

(B) The department shall report this information annually 47292  
beginning with the 2013-2014 school year and make this 47293  
information available on its web site for comparison purposes. 47294

**Sec. 3302.20.** (A) The department of education and 47295  
workforce shall develop standards for determining, from the 47296  
existing data reported in accordance with sections 3301.0714 and 47297  
3314.17 of the Revised Code, the amount of annual operating 47298  
expenditures for classroom instructional purposes and for 47299  
nonclassroom purposes for each city, exempted village, local, 47300  
and joint vocational school district, each community school 47301  
established under Chapter 3314. that is not an internet- or 47302  
computer-based community school, each internet- or computer- 47303  
based community school, and each STEM school established under 47304  
Chapter 3326. of the Revised Code. In developing the standards, 47305  
the department shall adapt existing standards used by 47306  
professional organizations, research organizations, and other 47307  
state governments. The department also shall align the 47308  
expenditure categories required for reporting under the 47309  
standards with the categories that are required for reporting to 47310  
the United States department of education under federal law. 47311

(B) (1) The department shall categorize all city, exempted 47312  
village, and local school districts into not less than three nor 47313  
more than five groups based primarily on average daily student 47314  
enrollment as reported on the most recent report card issued for 47315  
each district under section 3302.03 of the Revised Code. 47316

(2) The department shall categorize all joint vocational 47317  
school districts into not less than three nor more than five 47318  
groups based primarily on enrolled ADM as that term is defined 47319  
in section 3317.02 of the Revised Code rounded to the nearest 47320  
whole number. 47321

(3) The department shall categorize all community schools 47322  
that are not internet- or computer-based community schools into 47323  
not less than three nor more than five groups based primarily on 47324  
average daily student enrollment as reported on the most recent 47325  
report card issued for each community school under sections 47326  
3302.03 and 3314.012 of the Revised Code or, in the case of a 47327  
school to which section 3314.017 of the Revised Code applies, on 47328  
the total number of students reported under divisions (B) (1) and 47329  
(2) of section 3314.08 of the Revised Code. 47330

(4) The department shall categorize all internet- or 47331  
computer-based community schools into a single category. 47332

(5) The department shall categorize all STEM schools into 47333  
a single category. 47334

(C) Using the standards adopted under division (A) of this 47335  
section and the data reported under sections 3301.0714 and 47336  
3314.17 of the Revised Code, the department shall compute 47337  
annually for each fiscal year, the following: 47338

(1) The percentage of each district's, community school's, 47339  
or STEM school's total operating budget spent for classroom 47340  
instructional purposes; 47341

(2) The statewide average percentage for all districts, 47342  
community schools, and STEM schools combined spent for classroom 47343  
instructional purposes; 47344

(3) The average percentage for each of the categories of 47345  
districts and schools established under division (B) of this 47346  
section spent for classroom instructional purposes; 47347

(4) The ranking of each district, community school, or 47348  
STEM school within its respective category established under 47349  
division (B) of this section according to the following: 47350

(a) From highest to lowest percentage spent for classroom instructional purposes;	47351 47352
(b) From lowest to highest percentage spent for noninstructional purposes.	47353 47354
(5) The total operating expenditures per pupil for each district, community school, and STEM school;	47355 47356
(6) The total operating expenditure per equivalent pupils for each district, community school, and STEM school.	47357 47358
(D) In its display of rankings within each category under division (C) (4) of this section, the department shall make the following notations:	47359 47360 47361
(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is:	47362 47363 47364
(a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditure per equivalent pupils;	47365 47366 47367
(b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest performance index scores.	47368 47369 47370
(2) Within each category of joint vocational school districts, the department shall denote each district that is:	47371 47372
(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditure per equivalent pupils;	47373 47374 47375
(b) Among the twenty per cent of all joint vocational school districts statewide with the highest report card scores	47376 47377

under section 3302.033 of the Revised Code. 47378

(3) Within each category of community schools that are not 47379  
internet- or computer-based community schools, the department 47380  
shall denote each school that is: 47381

(a) Among the twenty per cent of all such community 47382  
schools statewide with the lowest total operating expenditure 47383  
per equivalent pupils; 47384

(b) Among the twenty per cent of all such community 47385  
schools statewide with the highest performance index scores, 47386  
excluding such community schools to which section 3314.017 of 47387  
the Revised Code applies. 47388

(4) Within the category of internet- or computer-based 47389  
community schools, the department shall denote each school that 47390  
is: 47391

(a) Among the twenty per cent of all such community 47392  
schools statewide with the lowest total operating expenditure 47393  
per equivalent pupils; 47394

(b) Among the twenty per cent of all such community 47395  
schools statewide with the highest performance index scores, 47396  
excluding such community schools to which section 3314.017 of 47397  
the Revised Code applies. 47398

(5) Within the category of STEM schools, the department 47399  
shall denote each school that is: 47400

(a) Among the twenty per cent of all STEM schools 47401  
statewide with the lowest total operating expenditure per 47402  
equivalent pupils; 47403

(b) Among the twenty per cent of all STEM schools 47404  
statewide with the highest performance index scores. 47405

For purposes of divisions (D) (3) (b) and (4) (b) of this section, the display shall note that, in accordance with section 3314.017 of the Revised Code, a performance index score is not reported for some ~~community schools that serve primarily students enrolled in dropout prevention and recovery programs~~ community schools.

(E) The department shall post in a prominent location on its web site the information prescribed by divisions (C) and (D) of this section. The department also shall include on each district's, community school's, and STEM school's annual report card issued under section 3302.03 or 3314.017 of the Revised Code the respective information computed for the district or school under divisions (C) (1) and (4) of this section, the statewide information computed under division (C) (2) of this section, and the information computed for the district's or school's category under division (C) (3) of this section.

(F) As used in this section:

(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(2) A school district's, community school's, or STEM school's performance index score rank is its performance index score rank as computed under section 3302.21 of the Revised Code.

(3) "Expenditure per equivalent pupils" has the same meaning as in section 3302.26 of the Revised Code.

(4) "Dropout prevention and recovery community school" has the same meaning as in section 3314.02 of the Revised Code.

**Sec. 3305.05.** (A) As used in this section and section 3305.051 of the Revised Code, "academic or administrative

employee" means any full-time employee not receiving any 47435  
benefit, allowance, or other payment granted on the employee's 47436  
account from a state retirement system who, before August 1, 47437  
2005, met one of the following requirements: 47438

(1) The employee was a member of the faculty of a public 47439  
institution of higher education. 47440

(2) The employee was a member of the administrative staff 47441  
of a public institution of higher education serving in a 47442  
position in the unclassified civil service pursuant to section 47443  
124.11 of the Revised Code. 47444

(3) If section 124.11 of the Revised Code did not apply to 47445  
the public institution of higher education, the employee was a 47446  
member of the administrative staff of a public institution of 47447  
higher education serving in a position comparable to a position 47448  
in the unclassified civil service. 47449

In all cases of doubt, the board of trustees of the public 47450  
institution of higher education shall determine whether any 47451  
person is an academic or administrative employee for purposes of 47452  
this chapter, and the board's decision shall be final. 47453

(B) (1) Each person who, on August 1, 2005, is an eligible 47454  
employee of a public institution of higher education and has 47455  
accrued less than five years of service credit in a state 47456  
retirement system may, not later than one hundred twenty days 47457  
after August 1, 2005, make an election to participate in an 47458  
alternative retirement plan available at the employing public 47459  
institution, unless, prior to August 1, 2005, the person had an 47460  
opportunity pursuant to former section 3305.05 of the Revised 47461  
Code to make such an election as an academic or administrative 47462  
employee of that public institution of higher education. 47463

(2) An eligible employee whose employment with a public institution of higher education commences on or after August 1, 2005, may, not later than one hundred twenty days after the starting date of the employment, make an election to participate in an alternative retirement plan available at the employing public institution.

(3) An eligible employee who, on or after August 1, 2005, terminates employment at one public institution of higher education and subsequently is employed by another public institution of higher education in a position for which an alternative retirement plan is available may, not later than one hundred twenty days after the starting date of the employment, elect to participate in an alternative retirement plan available at that public institution.

(C) (1) An eligible employee who makes an election to participate in an alternative retirement plan under division (B) of this section shall ~~submit~~ make the election in writing and sign the election. The public institution of higher education employing the eligible employee may permit the employee to sign the election by electronic signature. The employee shall submit the election to the designated officer of the employee's employing public institution of higher education. Once submitted, the election is irrevocable while the eligible employee continues to be employed by the public institution of higher education. Not later than ten days after the election becomes irrevocable, the officer shall file a certified copy of the election with the state retirement system to which, apart from the election, the employee's employment would be subject.

Each public institution of higher education that employs a person eligible to make an election under division (B) of this



section shall notify, in writing, the state retirement system 47494  
that applies to that employment in the manner specified by that 47495  
state retirement system. The notice shall include the person's 47496  
name and address. The notice shall be given not later than ten 47497  
days after the first date the person is on the institution's 47498  
payroll. 47499

(2) Elections made under division (B) of this section take 47500  
effect as follows: 47501

(a) An election under division (B) (1) of this section is 47502  
effective as of the date on which the employee's election to 47503  
participate in the alternative retirement plan becomes 47504  
irrevocable. 47505

(b) An election under division (B) (2) or (3) of this 47506  
section is effective as of the electing employee's starting date 47507  
of employment. 47508

(3) An eligible employee's election under division (B) of 47509  
this section applies to the employee's employment in all 47510  
positions at that public institution, unless the employee 47511  
terminates employment at the public institution and does not 47512  
return to employment in any position at that public institution 47513  
for at least three hundred sixty-five days after the date of 47514  
termination. 47515

(4) An eligible employee who makes an election under 47516  
division (B) of this section is forever barred from claiming or 47517  
purchasing service credit under any state retirement system for 47518  
the period of employment while the election is in effect. 47519

(D) (1) An eligible employee who fails to make an election 47520  
under division (B) of this section within the one-hundred-twenty 47521  
day election period shall be deemed to have elected to 47522

participate in the state retirement system that applies to the 47523  
employee's employment. 47524

(2) An eligible employee who fails to make an election 47525  
under division (B) of this section shall not be permitted to 47526  
make an election for employment in any other position at the 47527  
public institution of higher education while employed at that 47528  
public institution, unless the employee terminates employment at 47529  
the public institution and does not return to employment in any 47530  
position at the public institution for at least three hundred 47531  
sixty-five days after the date of termination. 47532

**Sec. 3305.053.** (A) The board of trustees of a public 47533  
institution of higher education shall permit an employee who 47534  
makes an election under section 3305.05 or 3305.051 of the 47535  
Revised Code to do ~~all~~ both of the following: 47536

~~(A)~~ (1) Select, from among the providers that have entered 47537  
into an agreement with the public institution of higher 47538  
education under section 3305.04 of the Revised Code, the 47539  
provider of an investment option for that employee; 47540

~~(B)~~ (2) Subject to any terms and conditions established by 47541  
the public institution of higher education, change the provider 47542  
selected under division ~~(A)~~ (A) (1) of this section any time 47543  
during the plan year. 47544

(B) A public institution of higher education may allow an 47545  
employee who seeks to change the employee's provider under 47546  
division (A) (2) of this section to sign a form to change 47547  
providers by electronic signature. 47548

(C) If under division ~~(B)~~ (A) (2) of this section an 47549  
employee changes providers, the employee may direct the provider 47550  
to transfer to the new provider the employee's account balance 47551

either in whole or in part, as directed by the employee, except 47552  
that the provider is not required to immediately transfer any 47553  
part of the account invested at the employee's election in a 47554  
fixed annuity account if the contract with the employee under 47555  
which the investment was made permits the provider to make such 47556  
a transfer over a period of time not exceeding ten years and the 47557  
contract was filed with and approved by the department of 47558  
insurance pursuant to section 3911.011 of the Revised Code. 47559

~~Sec. 3307.074. The secretary of state, or any person~~ 47560  
~~acting on personal knowledge and subject to the penalties of~~ 47561  
~~perjury, may file a A complaint with the Ohio elections~~ 47562  
~~commission alleging a violation of section 3307.073 of the~~ 47563  
~~Revised Code may be filed in accordance with section 3517.14 of~~ 47564  
~~the Revised Code. The complaint shall be made on a form~~ 47565  
~~prescribed and provided by the commission.~~ 47566

~~On receipt of a complaint under this section, the~~ 47567  
~~commission shall hold a hearing open to the public to determine~~ 47568  
~~whether the violation alleged in the complaint has occurred. The~~ 47569  
~~commission may administer oaths and issue subpoenas to any~~ 47570  
~~person in the state compelling the attendance of witnesses and~~ 47571  
~~the production of relevant papers, books, accounts, and reports.~~ 47572  
~~On the refusal of any person to obey a subpoena or to be sworn~~ 47573  
~~or to answer as a witness, the commission may apply to the court~~ 47574  
~~of common pleas of Franklin county under section 2705.03 of the~~ 47575  
~~Revised Code. The court shall hold contempt proceedings in~~ 47576  
~~accordance with Chapter 2705. of the Revised Code.~~ 47577

~~The commission shall provide the person accused of the~~ 47578  
~~violation at least seven days prior notice of the time, date,~~ 47579  
~~and place of the hearing. The accused may be represented by an~~ 47580  
~~attorney and shall have an opportunity to present evidence, call~~ 47581

witnesses, and cross-examine witnesses. 47582

~~At the hearing, the commission shall determine whether the 47583  
violation alleged in the complaint has occurred. If the 47584  
commission determines that a violation of division (A) of 47585  
section 3307.073 of the Revised Code has occurred, the 47586  
commission shall either impose a fine under section 3307.99 of 47587  
the Revised Code or enter a finding that good cause has been 47588  
shown not to impose the fine. If the commission determines that 47589  
a violation of division (B) of section 3307.073 of the Revised 47590  
Code has occurred, the commission shall impose the fine 47591  
described in section 3307.99 of the Revised Code, refer the 47592  
matter to the appropriate prosecutor, or enter a finding that 47593  
good cause has been shown not to impose a fine or refer the 47594  
matter to a prosecutor. 47595~~

**Sec. 3307.99.** (A) Whoever violates division (A) of section 47596  
3307.073 of the Revised Code shall be fined not more than one 47597  
hundred dollars for each day of the violation. 47598

(B) Whoever violates division (B) of section 3307.073 of 47599  
the Revised Code shall be imprisoned for not more than six 47600  
months or fined not more than five thousand dollars, or both. 47601

~~(C) Fines imposed by the Ohio elections commission under 47602  
this section shall be paid into the Ohio elections commission 47603  
fund created under section 3513.10 of the Revised Code. 47604~~

**Sec. 3309.074.** ~~The secretary of state, or any person 47605  
acting on personal knowledge and subject to the penalties of 47606  
perjury, may file a A complaint with the Ohio elections 47607  
commission alleging a violation of section 3309.073 of the 47608  
Revised Code may be filed in accordance with section 3517.14 of 47609  
the Revised Code. ~~The complaint shall be made on a form 47610~~~~

~~prescribed and provided by the commission.~~ 47611

~~A complaint shall be filed not later than two years after  
the occurrence of the act or failure to act that is the subject  
of the complaint, except that if the act or failure to act  
involves fraud, concealment, or misrepresentation and was not  
discovered during that two-year period, a complaint may be filed  
not later than one year after discovery of the act or failure to  
act.~~ 47612  
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~~On receipt of a complaint under this section, the  
commission shall hold a hearing open to the public to determine  
whether the violation alleged in the complaint has occurred. The  
commission may administer oaths and issue subpoenas to any  
person in the state compelling the attendance of witnesses and  
the production of relevant papers, books, accounts, and reports.  
On the refusal of any person to obey a subpoena or to be sworn  
or to answer as a witness, the commission may apply to the court  
of common pleas of Franklin county under section 2705.03 of the  
Revised Code. The court shall hold contempt proceedings in  
accordance with Chapter 2705. of the Revised Code.~~ 47619  
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~~The commission shall provide the person accused of the  
violation at least seven days prior notice of the time, date,  
and place of the hearing. The accused may be represented by an  
attorney and shall have an opportunity to present evidence, call  
witnesses, and cross-examine witnesses.~~ 47630  
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~~At the hearing, the commission shall determine whether the  
violation alleged in the complaint has occurred. If the  
commission determines that a violation of division (A) of  
section 3309.073 of the Revised Code has occurred, the  
commission shall either impose a fine under section 3309.99 of  
the Revised Code or enter a finding that good cause has been~~ 47635  
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~~shown not to impose the fine. If the commission determines that  
a violation of division (B) of section 3309.073 of the Revised  
Code has occurred, the commission shall impose the fine  
described in section 3309.99 of the Revised Code, refer the  
matter to the appropriate prosecutor, or enter a finding that  
good cause has been shown to not impose a fine or refer the  
matter to the appropriate prosecutor.~~

**Sec. 3309.99.** (A) Whoever violates division (A) of section 3309.073 of the Revised Code shall be fined not more than one hundred dollars for each day of the violation.

(B) Whoever violates division (B) of section 3309.073 of the Revised Code shall be imprisoned for not more than six months or fined not more than five thousand dollars, or both.

~~(C) Fines imposed by the Ohio elections commission under this section shall be paid into the Ohio elections commission fund created under section 3513.10 of the Revised Code.~~

**Sec. 3310.033.** (A) As used in this section:

(1) "Foster child" means a child placed with a foster caregiver, as defined in section 5103.02 of the Revised Code.

(2) "Qualifying student" means a student who is not entitled to attend school under section 3313.64 or 3313.65 of the Revised Code in a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code.

(3) "Kinship caregiver" has the same meaning as in section ~~5101.85~~ 5180.50 of the Revised Code.

(4) "Sibling" means any of the following:

(a) A brother, half-brother, sister, or half-sister by

birth, marriage, or adoption; 47669

(b) A cousin by birth, marriage, or adoption who is 47670  
residing in the same household; 47671

(c) A foster child who is residing in the same household, 47672  
including a child who is subsequently adopted by the child's 47673  
foster family; 47674

(d) A child residing in the same household who is placed 47675  
with a guardian or legal custodian; 47676

(e) A child who is residing in the same household and is 47677  
being cared for by a kinship caregiver; 47678

(f) Any other child under eighteen years of age who has 47679  
resided in the same household for at least forty-five 47680  
consecutive days within the last calendar year. 47681

(5) "Caretaker" means the parent of a minor child or a 47682  
relative acting in the parent's place. "Caretaker" also means 47683  
another responsible adult who has care of the child and in whose 47684  
household the child resides and, if not for residing in that 47685  
household, the child would be homeless or likely to be homeless. 47686

(B) Notwithstanding anything in the Revised Code to the 47687  
contrary, a qualifying student shall be eligible for an 47688  
educational choice scholarship under section 3310.03 of the 47689  
Revised Code, regardless of whether the student is enrolled in a 47690  
school building described in division (A)(1) or (C) of that 47691  
section, if any of the following apply: 47692

(1) The student's sibling received an educational choice 47693  
scholarship under section 3310.03 of the Revised Code for the 47694  
school year immediately prior to the school year for which the 47695  
student is seeking a scholarship; 47696

(2) The student is a foster child;	47697
(3) The student is a child placed with a guardian, legal custodian, or kinship caregiver;	47698 47699
(4) The student is not a child placed with a guardian, legal custodian, or kinship caregiver, but has resided in the same household as such a child for at least forty-five consecutive days within the last calendar year;	47700 47701 47702 47703
(5) The student is not a foster child, but resides in a home that has received certification under section 5103.03 of the Revised Code;	47704 47705 47706
(6) The student satisfies all of the following conditions:	47707
(a) The student is not a foster child or a student described in division (B)(4) of this section.	47708 47709
(b) The student has resided in the household of an individual who is not the student's parent or guardian for at least forty-five consecutive days within the last calendar year and, if not for residing in that household, the student would have been homeless.	47710 47711 47712 47713 47714
(c) The student's parent or guardian resides in this state.	47715 47716
(7) The student is not a child described in division (B) (6) of this section, but has resided in the same household as a child described in that division for at least forty-five consecutive days within the last calendar year.	47717 47718 47719 47720
(C) A student who receives an educational choice scholarship under this section remains eligible for that scholarship and may continue to receive a scholarship in subsequent school years until the student completes grade	47721 47722 47723 47724



twelve, so long as the student satisfies the conditions 47725  
specified in divisions (D) (2) and (3) of section 3310.03 of the 47726  
Revised Code. 47727

(D) The department of education and workforce may request 47728  
any individual applying for a scholarship under this section on 47729  
behalf of a qualifying student to provide appropriate 47730  
documentation, as defined by the department, that the student 47731  
meets the eligibility qualifications prescribed under this 47732  
section. In the case of a student who qualifies under division 47733  
(B) (6) of this section, such documentation shall be provided by 47734  
the student's parent, guardian, or caretaker. 47735

Sec. 3310.037. A student is not eligible to receive an 47736  
educational choice scholarship awarded under sections 3310.01 to 47737  
3310.17 of the Revised Code if the treasurer of state has 47738  
established an educational savings account for the student under 47739  
section 3310.23 of the Revised Code for the school year for 47740  
which the scholarship is sought. 47741

**Sec. 3310.15.** (A) The department of education and 47742  
workforce annually shall compile the scores attained by 47743  
scholarship students to whom an assessment is administered under 47744  
section 3310.14 of the Revised Code. The scores shall be 47745  
aggregated as follows: 47746

(1) By state, which shall include all students awarded a 47747  
scholarship under the educational choice scholarship pilot 47748  
program and who were required to take an assessment under 47749  
section 3310.14 of the Revised Code; 47750

(2) By school district, which shall include all 47751  
scholarship students who were required to take an assessment 47752  
under section 3310.14 of the Revised Code and for whom the 47753

district is the student's resident district; 47754

(3) By chartered nonpublic school, which shall include all 47755  
scholarship students enrolled in that school who were required 47756  
to take an assessment under section 3310.14 of the Revised Code. 47757

(B) The department shall disaggregate the student 47758  
performance data described in division (A) of this section 47759  
according to the following categories: 47760

(1) Grade level; 47761

(2) Race and ethnicity; 47762

(3) Gender; 47763

(4) Students who have participated in the scholarship 47764  
program for three or more years; 47765

(5) Students who have participated in the scholarship 47766  
program for more than one year and less than three years; 47767

(6) Students who have participated in the scholarship 47768  
program for one year or less; 47769

(7) Economically disadvantaged students. 47770

(C) The department shall post the student performance data 47771  
required under divisions (A) and (B) of this section on its web 47772  
site and, by the ~~first-fifteenth~~ day of ~~February-September~~ or 47773  
the preceding Friday when that day falls on a Saturday or Sunday 47774  
each year, shall distribute that data to the parent of each 47775  
eligible student. In reporting student performance data under 47776  
this division, the department shall not include any data that is 47777  
statistically unreliable or that could result in the 47778  
identification of individual students. For this purpose, the 47779  
department shall not report performance data for any group that 47780

contains less than ten students. 47781

Not later than July 1, 2025, the department shall develop 47782  
a measure of student growth for scholarship students enrolled in 47783  
chartered nonpublic schools. The measure of student growth shall 47784  
be used to report data annually on student growth for students 47785  
in grades four through eight during the school year in which 47786  
data is reported. No data shall be reported for schools with 47787  
fewer than ten scholarship students. The department shall make 47788  
the growth reports available on its publicly accessible web 47789  
site. 47790

(D) The department shall provide the parent of each 47791  
scholarship student with information comparing the student's 47792  
performance on the assessments administered under section 47793  
3310.14 of the Revised Code with the average performance of 47794  
similar students enrolled in the building operated by the 47795  
student's resident district that the scholarship student would 47796  
otherwise attend. In calculating the performance of similar 47797  
students, the department shall consider age, grade, race and 47798  
ethnicity, gender, and socioeconomic status. 47799

**Sec. 3310.16.** (A) For the 2020-2021 school year and each 47800  
school year thereafter, the department of education and 47801  
workforce shall accept, process, and award scholarships each 47802  
year for the educational choice scholarship pilot program under 47803  
sections 3310.03 and 3310.032 of the Revised Code, as follows: 47804

(1) The application period shall open on the first day of 47805  
February prior to the first day of July of the school year for 47806  
which a scholarship is sought. Not later than forty-five days 47807  
after an applicant submits to the department of education and 47808  
workforce a completed application, the department shall 47809  
determine whether that applicant is eligible for a scholarship 47810

and notify the applicant whether or not the applicant is 47811  
eligible. The department shall award a scholarship to each 47812  
student with an approved application. However, for any 47813  
application submitted on or after the fifteenth day of October 47814  
of the school year for which a scholarship is sought, the 47815  
department shall prorate the amount of the awarded scholarship 47816  
based on how much of the school year remains after the date of 47817  
the student's enrollment in the chartered nonpublic school. 47818

(2) In each school year, the department shall accept 47819  
applications for conditional approval of a scholarship sought 47820  
for that year or the next school year. Not later than five days 47821  
after receiving an application under this division, the 47822  
department shall grant conditional approval to an applicant who 47823  
is eligible for a scholarship and notify the applicant whether 47824  
or not conditional approval is granted. 47825

(B) If the department determines an application submitted 47826  
under this section contains an error or deficiency, the 47827  
department shall notify the applicant who submitted that 47828  
application not later than fourteen days after the application 47829  
is submitted. 47830

(C) The departments of education and workforce, job and 47831  
family services, and taxation shall enter into a data sharing 47832  
agreement so that, in administering this section, the department 47833  
of education and workforce shall be able to determine, based on 47834  
the address provided in a student's application, whether that 47835  
student is eligible for an educational choice scholarship under 47836  
section 3310.03 of the Revised Code and whether the student 47837  
meets the residency requirements for an educational choice 47838  
scholarship under section 3310.032 of the Revised Code. 47839

(D) No city, local, or exempted village school district 47840

shall have access to an application submitted under this 47841  
section. 47842

(E) The department shall require each applicant to include 47843  
the school and, if applicable the school district, in which the 47844  
applicant is enrolled, or that the student is receiving home 47845  
education, for the school year prior to the one for which an 47846  
applicant submits an application under this section. 47847

Sec. 3310.21. As used in this section and sections 3310.22 47848  
to 3310.26 of the Revised Code: 47849

(A) "Chartered nonpublic school" has the same meaning as 47850  
in section 3310.01 of the Revised Code. 47851

(B) "Community school" means a community school 47852  
established under Chapter 3314. of the Revised Code. 47853

(C) "Parent" has the same meaning as in section 3313.98 of 47854  
the Revised Code. 47855

(D) "Participating school" means a nonchartered nonpublic 47856  
school that participates in the nonchartered educational savings 47857  
account program in accordance with section 3310.25 of the 47858  
Revised Code. 47859

(E) "Resident district" means the school district in which 47860  
a student is entitled to attend school under section 3313.64 or 47861  
3313.65 of the Revised Code. 47862

(F) "Scholarship account" means an educational savings 47863  
account established under section 3310.23 of the Revised Code. 47864

(G) "School district" means a city, local, or exempted 47865  
village school district. 47866

(H) "State scholarship" means a scholarship awarded under 47867

the educational choice scholarship pilot program established 47868  
under sections 3310.01 to 3310.17 of the Revised Code, the 47869  
autism scholarship program established under section 3310.41 of 47870  
the Revised Code, the Jon Peterson special needs scholarship 47871  
program established under sections 3310.51 to 3310.64 of the 47872  
Revised Code, or the pilot project scholarship program 47873  
established under sections 3313.974 to 3313.979 of the Revised 47874  
Code. 47875

(I) "STEM school" means a STEM school established under 47876  
Chapter 3326. of the Revised Code. 47877

**Sec. 3310.22.** (A) The nonchartered educational savings 47878  
account program is established to begin operating for the 2026- 47879  
2027 school year. The treasurer of state shall administer the 47880  
program with the assistance of the department of education and 47881  
workforce. Under the program, the treasurer of state shall 47882  
establish an educational savings account for each participating 47883  
student to purchase educational goods and services, including 47884  
tuition at participating schools. Funding for each educational 47885  
savings account shall be transferred by the department of 47886  
education and workforce from the nonchartered educational 47887  
savings account unit, as defined in section 3317.02 of the 47888  
Revised Code, in accordance with section 3317.022 of the Revised 47889  
Code. 47890

(B) The department shall establish a system under which a 47891  
student, parent, participating school, or any other individual 47892  
may submit a complaint about an alleged violation of the 47893  
program's requirements. The department shall investigate each 47894  
complaint that it receives. During the investigation, the 47895  
department shall provide updates to and respond to questions 47896  
from both the subject of the complaint and the party who 47897

submitted the complaint. The department shall complete each 47898  
investigation promptly. 47899

Upon completion of an investigation, the department shall 47900  
submit to the party who submitted a complaint, the subject of 47901  
the complaint, and the treasurer of state a report regarding the 47902  
investigation's findings, including whether the program's 47903  
requirements were violated. If the department's report indicates 47904  
the program's requirements were violated, the treasurer of state 47905  
shall determine a resolution to the complaint and require 47906  
corrective actions to be taken, including remediation plans and 47907  
other potential consequences for the subject of the complaint. 47908

(C) The treasurer of state shall establish due process 47909  
procedures for individuals and participating schools who are 47910  
determined noncompliant with the requirements of the program 47911  
under this section and sections 3310.24 and 3310.25 of the 47912  
Revised Code. The procedures shall provide an individual or 47913  
school with at least a notice of the noncompliance 47914  
determination, an opportunity for a hearing regarding it, and an 47915  
opportunity to appeal it prior to the treasurer of state 47916  
determining a resolution or undertaking any action regarding it. 47917

**Sec. 3310.23.** (A) Not later than February 1, 2026, the 47918  
treasurer of state shall develop an application procedure for 47919  
the nonchartered educational savings account program. Under the 47920  
procedure, the treasurer of state shall open an application 47921  
period for a school year on the first day of February 47922  
immediately prior to the first day of July of that school year. 47923  
The parent of a student enrolled in a participating school may 47924  
submit an application to participate in the program during that 47925  
application period. The treasurer of state shall accept and 47926  
process each application that is submitted. The application 47927

- shall require the parent to do all of the following: 47928
- (1) Provide the student's and parent's names and address; 47929
  - (2) Provide documentation verifying the student's enrollment and attendance at a participating school; 47930  
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  - (3) Provide the student's participating school's tuition and fee schedule; 47932  
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  - (4) Affirm that the student will take a nationally recognized standardized achievement assessment; 47934  
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  - (5) If the parent is reapplying for a scholarship account in accordance with division (C) of this section, provide the student's nationally recognized standardized achievement assessment scores for the prior school year. As a matter of convenience, the student's participating school may submit the nationally recognized standardized achievement assessment scores on behalf of the student's parent. 47936  
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  - (6) Affirm the parent will maintain records and related documentation regarding educational expenses on which the parent spends funds from the scholarship account, including any receipts for tuition, fees, textbooks, and curriculum materials; 47943  
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  - (7) Affirm the parent will not enroll the student in a school district, community school, STEM school, or chartered nonpublic school while the student is participating in the program; 47947  
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  - (8) Affirm the parent will not use funds in a scholarship account for any purpose other than those described in division (A) of section 3310.24 of the Revised Code; 47951  
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  - (9) Provide other information determined necessary by the treasurer of state. 47954  
47955



(B) For an educational savings account sought for the 47956  
2026-2027 school year, and for each school year thereafter, the 47957  
treasurer of state shall approve a completed application 47958  
submitted on behalf of a student, and establish an educational 47959  
savings account for that student, if both of the following 47960  
apply: 47961

(1) The student is enrolling in any of grades kindergarten 47962  
through twelve in a participating school for the school year for 47963  
which an account is sought. 47964

(2) The student has not received a state scholarship for 47965  
the school year for which an account is sought. 47966

(C) A student for whom an educational savings account is 47967  
established under this section for a school year shall be 47968  
required to reapply under this section to have an account 47969  
established for a subsequent school year. 47970

The treasurer of state shall notify parents of students 47971  
for whom a scholarship account is established of the renewal 47972  
process, the deadline for renewal, and that failure to renew in 47973  
a timely manner may result in a temporary suspension of access 47974  
to funds until an account is renewed. The treasurer of state 47975  
shall provide support to ensure a smooth transition from school 47976  
year to school year for renewing parents and students. 47977

(D) To the extent practicable, the treasurer of state 47978  
shall establish a scholarship account prior to the start of the 47979  
school year for which it is sought if the parent submits an 47980  
application prior to the school year's start. 47981

**Sec. 3310.24.** (A) Funds transferred by the department of 47982  
education and workforce under section 3317.022 of the Revised 47983  
Code to a scholarship account established for a student shall be 47984

used by the student's parent to pay for tuition and fees at a 47985  
participating school. Any funds remaining in the scholarship 47986  
account after paying for tuition and fees shall be used for 47987  
textbooks, instructional materials, and supplies. 47988

(B) Upon request of the parent of a student for whom a 47989  
scholarship account is established, the treasurer of state shall 47990  
disburse funds from that account by either of the following 47991  
methods as selected by the parent: 47992

(1) The treasurer of state shall disburse funds directly 47993  
to an approved vendor who provides educational goods or services 47994  
described in division (A) of this section to the student. The 47995  
treasurer of state shall establish a process to solicit and 47996  
approve vendors for the purposes of this section. Under that 47997  
process, a participating school that complies with the 47998  
requirements prescribed under section 3310.25 of the Revised 47999  
Code shall be considered an approved vendor. 48000

(2) The treasurer of state shall disburse funds to 48001  
reimburse the student's parent for any costs incurred by the 48002  
parent for educational goods or services described in division 48003  
(A) of this section for that student. Prior to disbursing funds 48004  
to reimburse a parent, the treasurer of state shall require that 48005  
the parent provide appropriate documentation, as determined by 48006  
the treasurer of state, that the costs incurred by the parent 48007  
are in accordance with division (A) of this section. 48008

(C) Any refund or other repayment of funds by a 48009  
participating school or other educational provider shall be 48010  
returned to the student's scholarship account. Such a refund or 48011  
repayment shall not be made directly to the student or the 48012  
student's parent. 48013

(D) If a student for whom a scholarship account has been established for a school year disenrolls from the student's participating school and does not enroll in a different participating school during that school year, the treasurer of state shall transfer the balance of any funds in the student's account, including any prorated refund from a participating school, to the general revenue fund. The treasurer shall transfer funds under this division on the first day of January and the first day of July of each year. 48014  
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(E) If the parent of a student for whom a scholarship account is established for a school year reapplies to have an account established for the immediately subsequent school year, the treasurer of state shall, on the thirtieth day of June of the school year for which the account is established, transfer to the student's new account the balance of funds in the student's old account. 48023  
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(F) If the parent of a student for whom a scholarship account is established for a school year does not reapply to have a new account established for the immediately subsequent school year, the treasurer of state shall, on the first day of July of the year following the school year for which the account is established, transfer the balance of any funds in the student's old account to the general revenue fund. 48030  
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(G) Nothing in this section prohibits the parent of a student for whom a scholarship account is established from making payments for the costs of educational goods and services not covered by the funds in that account. However, the parent of a student shall not deposit funds in the student's scholarship account. 48037  
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(H) The treasurer of state may conduct random audits to 48043

verify that parents are using funds from a student's scholarship 48044  
account in accordance with this section. If the treasurer of 48045  
state determines a misuse of funds, the treasurer of state shall 48046  
take any action the treasurer of state determines appropriate, 48047  
including suspension or termination of a student's participation 48048  
in the program. 48049

(I) The treasurer of state shall certify to the office of 48050  
budget and management the amount of funds transferred to the 48051  
general revenue fund under divisions (D) and (F) of this 48052  
section. 48053

**Sec. 3310.25.** (A) A nonchartered nonpublic school that 48054  
elects to participate in the nonchartered educational savings 48055  
account program for a school year shall notify the treasurer of 48056  
state of that fact by a deadline established by the treasurer of 48057  
state. 48058

(B) Each nonchartered nonpublic school that participates 48059  
in the program shall do all of the following: 48060

(1) Maintain records and related documentation regarding 48061  
the educational expenses on which the school spends the funds it 48062  
receives under the program, including receipts for tuition, 48063  
textbooks, and curricula; 48064

(2) Maintain a physical location in the state at which 48065  
each student has regular and direct contact with teachers. For 48066  
the purposes of this section, "physical location" does not 48067  
include a building that primarily serves as a residence. 48068

(3) Notify the treasurer of state and the department of 48069  
any change in the school's name, school director, mailing 48070  
address, or physical location within fifteen days of the change; 48071

(4) Require the parent of a student for whom a scholarship 48072

account is established to endorse the use of funds from a 48073  
scholarship account by the school or approve the transfer of 48074  
funds from the scholarship account to the school. 48075

(C) Each nonchartered nonpublic school that participates 48076  
in the program shall comply with the requirements prescribed 48077  
under the program. However, such schools are autonomous and not 48078  
an agent of the state or federal governments. Therefore, all of 48079  
the following apply: 48080

(1) The treasurer of state shall not regulate the 48081  
curriculum, instructional methods, or other aspects of a 48082  
school's educational program. 48083

(2) The program does not expand the authority of the 48084  
treasurer of state to impose on nonchartered nonpublic schools 48085  
any additional requirements beyond those expressly prescribed 48086  
under the program. 48087

(3) Nonchartered nonpublic schools that participate in the 48088  
program shall be given maximum freedom to provide for the 48089  
educational needs of their students. 48090

(D) The treasurer of state may remove a nonchartered 48091  
nonpublic school from the list of schools participating in the 48092  
program if the treasurer of state determines the school has 48093  
failed to comply with the requirements prescribed under this 48094  
section. 48095

(E) (1) The treasurer of state shall provide the department 48096  
with the list of nonchartered nonpublic schools that participate 48097  
in the program. 48098

(2) Annually, the department shall do all of the following 48099  
regarding each nonchartered nonpublic school that participates 48100  
in the program: 48101

(a) Verify the school has filed with the department, in accordance with section 3301.0732 of the Revised Code, a copy of the report prescribed under section 3301.07 of the Revised Code; 48102  
48103  
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(b) Request from the board of health of the city or general health district in which the school's physical location is located a copy of any report of any inspection conducted by the board of health of that physical location; 48105  
48106  
48107  
48108

(c) Request from the state fire marshal a copy of any report of any fire inspection of the school's physical location; 48109  
48110

(d) Prepare and submit to the treasurer of state a report regarding whether, based on the information collected under divisions (E) (2) (a) to (c) of this section, the school is compliant with the minimum education standards and health, fire, and safety laws. 48111  
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(3) If the department's report under division (E) (2) (d) of this section demonstrates that a school is not compliant, the treasurer of state shall take any action the treasurer of state determines appropriate against the school. 48116  
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(F) (1) The department shall compile the scores attained by students with a scholarship account and provided to the treasurer of state under section 3310.23 of the Revised Code. The department shall aggregate the scores as follows: 48120  
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(a) By state, which shall include all students with a scholarship account; 48124  
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(b) By school district, which shall include all students with a scholarship account and for whom the district is the student's resident district; 48126  
48127  
48128

(c) By nonchartered nonpublic school, which shall include 48129

all students with a scholarship account and who were enrolled in that school. 48130  
48131

(2) The department shall disaggregate the student performance data described in division (F)(1) of this section according to the following categories: 48132  
48133  
48134

(a) Grade level; 48135

(b) Race and ethnicity; 48136

(c) Gender; 48137

(d) Students with a scholarship account who have participated in the program for three or more years; 48138  
48139

(e) Students with a scholarship account who have participated in the program for more than one year and less than three years; 48140  
48141  
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(f) Students with a scholarship account who have participated in the program for one year or less; 48143  
48144

(g) Economically disadvantaged students. 48145

(3) Not later than the first day of February each year, the department shall post the student performance data required under divisions (F)(1) and (F)(2) of this section on its web site. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students. 48146  
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(4) Not later than July 1, 2026, the department shall develop a measure of student growth for students with 48155  
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scholarship accounts that are enrolled in nonchartered nonpublic 48157  
schools. The measure of student growth shall be used to report 48158  
data annually on student growth for students in grades four 48159  
through eight during the school year in which data is reported. 48160  
No data shall be reported for schools with fewer than ten 48161  
students with scholarship accounts. The department shall make 48162  
the growth reports available on its publicly accessible web 48163  
site. 48164

(5) The treasurer of state shall collect and provide to 48165  
the department any data necessary for the department to perform 48166  
its duties under this division. 48167

(G) The treasurer of state may conduct random audits to 48168  
verify that nonchartered nonpublic schools that participate in 48169  
the program are using funds received under the program in 48170  
accordance with this section. If the treasurer of state 48171  
determines a misuse of funds, the treasurer of state shall take 48172  
any action the treasurer of state determines appropriate, 48173  
including suspension or termination of a school's participation 48174  
in the program. 48175

**Sec. 3310.26.** (A) As used in this section: 48176

(1) "Adjusted gross income" has the same meaning as in 48177  
section 5747.01 of the Revised Code. 48178

(2) "Base amount" means an amount equal to the maximum 48179  
educational choice scholarship amount for the student's grade 48180  
level under division (A) (10) (a) (ii) (I) of section 3317.022 of 48181  
the Revised Code for the fiscal year multiplied by 0.75. 48182

(3) "Constant multiplier" means 0.50. 48183

(4) "Federal poverty level multiplier" means a percentage 48184  
equal to the student's family income percentage of the federal 48185



poverty guidelines for the fiscal year. 48186

(5) "Federal poverty guidelines" has the same meaning as 48187  
in section 5101.46 of the Revised Code. 48188

(6) "Minimum amount" means an amount equal to the base 48189  
amount for the fiscal year multiplied by 0.10. 48190

(7) "Power equation" means the following formula: 48191

The federal poverty level multiplier X ln(constant 48192  
multiplier) 48193

(B) The department of education and workforce shall 48194  
determine the scholarship amount for a student for whom a 48195  
scholarship account is established for a fiscal year, as 48196  
follows: 48197

(1) For a student with a family adjusted gross income at 48198  
or below four hundred fifty per cent of the federal poverty 48199  
guidelines for the fiscal year, the base amount; 48200

(2) For a student with a family adjusted gross income 48201  
above four hundred fifty per cent of the federal poverty 48202  
guidelines, an amount calculated according to the following 48203  
formula: 48204

The base amount X (1 / the constant multiplier)<sup>4.5</sup> X 48205  
e<sup>power equation</sup> 48206

If the amount calculated for a student under division (B) 48207  
(2) of this division is less than the minimum amount, the 48208  
student's scholarship amount shall be the minimum amount. 48209

(C) For the purposes of calculating a scholarship amount 48210  
for a student under this section, the department shall require a 48211  
student's parent to submit documentation regarding the student's 48212

family income. The department shall use the documentation 48213  
submitted for the first school year that the student has a 48214  
scholarship amount calculated under this section to calculate 48215  
the amount for that school year and each subsequent school year, 48216  
unless, for a subsequent school year, the parent requests the 48217  
department recalculate the student's scholarship amount based on 48218  
updated documentation. 48219

A parent shall submit documentation, or a request for a 48220  
recalculation, to the department in a form and manner prescribed 48221  
by the department. 48222

**Sec. 3310.41.** (A) As used in this section: 48223

(1) "Alternative public provider" means either of the 48224  
following providers that agrees to enroll a child in the 48225  
provider's special education program to implement the child's 48226  
individualized education program or an education plan developed 48227  
by the school district under division ~~(K)~~(L) of this section and 48228  
to which the child's parent owes fees for the services provided 48229  
to the child: 48230

(a) A school district that is not the school district in 48231  
which the child is entitled to attend school; 48232

(b) A public entity other than a school district. 48233

(2) "Eligible applicant" means any of the following: 48234

(a) Either of the natural or adoptive parents of a 48235  
qualified special education child, except as otherwise specified 48236  
in this division. 48237

When the marriage of the natural or adoptive parents of 48238  
the child has been terminated by a divorce, dissolution of 48239  
marriage, or annulment, or when the natural or adoptive parents 48240

of the child are living separate and apart under a legal 48241  
separation decree, and a court has issued an order allocating 48242  
the parental rights and responsibilities with respect to the 48243  
child, "eligible applicant" means the residential parent as 48244  
designated by the court. If the court issues a shared parenting 48245  
decree, "eligible applicant" means either parent. "Eligible 48246  
applicant" does not mean a parent whose custodial rights have 48247  
been terminated. 48248

(b) The custodian of a qualified special education child, 48249  
when a court has granted temporary, legal, or permanent custody 48250  
of the child to an individual other than either of the natural 48251  
or adoptive parents of the child or to a government agency; 48252

(c) The guardian of a qualified special education child, 48253  
when a court has appointed a guardian for the child; 48254

(d) The grandparent of a qualified special education 48255  
child, when the grandparent is the child's attorney in fact 48256  
under a power of attorney executed under sections 3109.51 to 48257  
3109.62 of the Revised Code or when the grandparent has executed 48258  
a caretaker authorization affidavit under sections 3109.65 to 48259  
3109.73 of the Revised Code; 48260

(e) The surrogate parent appointed for a qualified special 48261  
education child pursuant to division (B) of section 3323.05 and 48262  
section 3323.051 of the Revised Code; 48263

(f) A qualified special education child, if the child does 48264  
not have a custodian or guardian and the child is at least 48265  
eighteen years of age and less than twenty-two years of age. 48266

(3) "Entitled to attend school" means entitled to attend 48267  
school in a school district under section 3313.64 or 3313.65 of 48268  
the Revised Code. 48269

~~(3)~~(4) "Formula ADM" has the same meaning as in section 48270  
3317.02 of the Revised Code. 48271

~~(4)~~(5) "Preschool child with a disability" and 48272  
"individualized education program" have the same meanings as in 48273  
section 3323.01 of the Revised Code. 48274

~~(5) "Parent" has the same meaning as in section 3313.64 of 48275  
the Revised Code, except that "parent" does not mean a parent— 48276  
whose custodial rights have been terminated. "Parent" also— 48277  
includes the custodian of a qualified special education child,— 48278  
when a court has granted temporary, legal, or permanent custody— 48279  
of the child to an individual other than either of the natural— 48280  
or adoptive parents of the child or to a government agency.— 48281~~

(6) "Qualified special education child" is a child who is 48282  
at least three years of age and less than twenty-two years of 48283  
age and who either was enrolled in the school district in which 48284  
the child is entitled to attend school in any grade from 48285  
preschool through twelve in the school year prior to the year in 48286  
which a scholarship under this section is ~~first~~sought for the 48287  
child or is eligible to enter school in any grade preschool 48288  
through twelve or is less than twenty-two years of age in the 48289  
school district in which the child is entitled to attend school 48290  
in the school year in which a scholarship under this section is 48291  
~~first~~sought for the child and for whom any of the following 48292  
conditions apply: 48293

(a) The school district in which the child is entitled to 48294  
attend school has identified the child as autistic. A child who 48295  
has been identified as having a "pervasive developmental 48296  
disorder - not otherwise specified (PPD-NOS)" shall be 48297  
considered to be an autistic child for purposes of this section. 48298

(b) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child that includes services related to autism.

(c) The child has been diagnosed as autistic by a physician or psychologist.

(d) All of the following apply:

(i) The child is enrolled in a chartered or nonchartered nonpublic school, is home educated in accordance with section 3321.042 of the Revised Code, or is a student older than compulsory school age and less than twenty-two years of age and received a home education in accordance with section 3321.042 of the Revised Code and has not received a diploma under section 3313.6110 of the Revised Code.

(ii) The child has an individualized education program developed under Chapter 3323. of the Revised Code that includes services related to autism.

(iii) The child is still eligible to receive transition services under the child's individualized education program.

(7) "Registered private provider" means a nonpublic school or other nonpublic entity that has been approved by the department of education and workforce to participate in the program established under this section.

(8) "Special education program" means a school or facility that provides special education and related services to children with disabilities.

(B) There is hereby established the autism scholarship program. Under the program, the department shall pay a

scholarship under section 3317.022 of the Revised Code to ~~the~~ 48327  
~~parent of each qualified special education child~~ an eligible 48328  
applicant upon application of that ~~parent~~ eligible applicant 48329  
pursuant to procedures and deadlines established by rule of the 48330  
department. Each scholarship shall be used only to pay tuition 48331  
for the child on whose behalf the scholarship is awarded to 48332  
attend a special education program or programs that implements 48333  
the child's individualized education program or education plan 48334  
and that is operated by an alternative public provider or by a 48335  
registered private provider, and to pay for other services 48336  
agreed to by the provider and the ~~parent of a qualified special~~ 48337  
~~education child~~ eligible applicant that are not included in the 48338  
individualized education program or education plan but are 48339  
associated with educating the child. Upon agreement with the 48340  
~~parent of a qualified special education child~~ eligible applicant, 48341  
the alternative public provider or the registered private 48342  
provider may modify the services provided to the child. The 48343  
purpose of the scholarship is to permit the ~~parent of a~~ 48344  
~~qualified special education child~~ eligible applicant the choice 48345  
to send the child to a special education program or programs, 48346  
instead of the one operated by or for the school district in 48347  
which the child is entitled to attend school, to receive the 48348  
services prescribed in the child's individualized education 48349  
program or education plan once the individualized education 48350  
program or education plan is finalized and any other services 48351  
agreed to by the provider and the ~~parent of a qualified special~~ 48352  
~~education child~~ eligible applicant. The services provided under 48353  
the scholarship shall include an educational component or 48354  
services designed to assist the child to benefit from the 48355  
child's education. 48356

At the discretion of the eligible applicant, multiple 48357

alternative public providers or registered private providers may 48358  
be contracted to provide services to implement an individualized 48359  
education program or education plan as the eligible applicant 48360  
and providers determine are necessary and associated with 48361  
educating the qualified special education child. A qualified 48362  
special education child shall not be limited to receiving 48363  
services from a single provider for any services as identified 48364  
in the individualized education program or education plan, 48365  
including a single type of service. 48366

(C) Services, including intervention services, educational 48367  
services, academic services, tutoring services, aide services, 48368  
and other related special education services, provided through 48369  
the program established under this section may be provided 48370  
virtually by any of the following: 48371

(1) An educational aide or assistant who holds a valid 48372  
permit issued under section 3319.088 of the Revised Code; 48373

(2) An instructional assistant who holds a valid permit 48374  
issued under section 3310.43 of the Revised Code; 48375

(3) A qualified, credentialed provider in accordance with 48376  
standards established by the department; 48377

(4) A teacher or substitute teacher licensed by the state 48378  
board of education. 48379

(D) A scholarship under this section shall not be awarded 48380  
~~to the parent of a child~~ an eligible applicant while the child's 48381  
individualized education program is being developed by the 48382  
school district in which the child is entitled to attend school, 48383  
or while any administrative or judicial mediation or proceedings 48384  
with respect to the content of the child's individualized 48385  
education program are pending. A scholarship under this section 48386

shall not be used for a child to attend a public special 48387  
education program that operates under a contract, compact, or 48388  
other bilateral agreement between the school district in which 48389  
the child is entitled to attend school and another school 48390  
district or other public provider, or for a child to attend a 48391  
community school established under Chapter 3314. of the Revised 48392  
Code. However, nothing in this section or in any rule adopted by 48393  
the department shall prohibit ~~a parent~~ an eligible applicant 48394  
whose child attends a public special education program under a 48395  
contract, compact, or other bilateral agreement, or ~~a parent~~ an 48396  
eligible applicant whose child attends a community school, from 48397  
applying for and accepting a scholarship under this section so 48398  
that the ~~parent~~ eligible applicant may withdraw the child from 48399  
that program or community school and use the scholarship for the 48400  
child to attend a special education program for which the ~~parent~~ 48401  
eligible applicant is required to pay for services for the 48402  
child. 48403

(E) Except for development of the child's individualized 48404  
education program or education plan, the school district in 48405  
which a qualified special education child is entitled to attend 48406  
school and the child's school district of residence, as defined 48407  
in section 3323.01 of the Revised Code, if different, are not 48408  
obligated to provide the child with a free appropriate public 48409  
education under Chapter 3323. of the Revised Code for as long as 48410  
the child continues to attend the special education program 48411  
operated by either an alternative public provider or a 48412  
registered private provider for which a scholarship is awarded 48413  
under the autism scholarship program. If at any time, the 48414  
eligible applicant for the child decides no longer to accept 48415  
scholarship payments and enrolls the child in the special 48416  
education program of the school district in which the child is 48417



entitled to attend school, that district shall provide the child 48418  
with a free appropriate public education under Chapter 3323. of 48419  
the Revised Code. 48420

(F) A child attending a special education program with a 48421  
scholarship under this section shall continue to be entitled to 48422  
transportation to and from that program in the manner prescribed 48423  
by law. 48424

(G) As prescribed in division (A) (2) (h) of section 3317.03 48425  
of the Revised Code, a child who is not a preschool child with a 48426  
disability for whom a scholarship is awarded under this section 48427  
shall be counted in the formula ADM of the district in which the 48428  
child is entitled to attend school and not in the formula ADM of 48429  
any other school district. 48430

(H) A scholarship shall not be paid under section 3317.022 48431  
of the Revised Code to ~~a parent~~ an eligible applicant for 48432  
payment of tuition owed to a nonpublic entity unless that entity 48433  
is a registered private provider. The department shall approve 48434  
entities that meet the standards established by rule of the 48435  
department for the program established under this section. 48436

(I) The department shall adopt rules under Chapter 119. of 48437  
the Revised Code prescribing procedures necessary to implement 48438  
this section, including, but not limited to, procedures and 48439  
deadlines for ~~parents~~ eligible applicants to apply for 48440  
scholarships, standards for registered private providers, and 48441  
procedures for approval of entities as registered private 48442  
providers. 48443

The rules also shall specify that intervention services, 48444  
including virtual services, under the autism scholarship program 48445  
may be provided by a qualified, credentialed provider, including 48446

an educator or substitute teacher licensed by the state board of education, and shall additionally include, but not be limited to, all of the following:

(1) A behavior analyst certified by a nationally recognized organization that certifies behavior analysts;

(2) A psychologist licensed to practice in this state under Chapter 4732. of the Revised Code;

(3) An independent school psychologist or school psychologist licensed to practice in this state under Chapter 4732. of the Revised Code;

(4) Any person employed by a licensed psychologist, licensed independent school psychologist, or licensed school psychologist, while carrying out specific tasks, under the licensee's supervision, as an extension of the licensee's legal and ethical authority as specified under Chapter 4732. of the Revised Code who is ascribed as "psychology trainee," "psychology assistant," "psychology intern," or other appropriate term that clearly implies their supervised or training status;

(5) Unlicensed persons holding a doctoral degree in psychology or special education from a program approved by the department;

(6) A "registered behavior technician" as described under rule 5123-9-41 of the Administrative Code working under the supervision and following the intervention plan of a certified Ohio behavior analyst or a behavior analyst certified by a nationally recognized organization that certifies behavior analysts;

(7) A "certified Ohio behavior analyst" under Chapter

4783. of the Revised Code;	48476
(8) An occupational therapist or physical therapist licensed to practice in this state under Chapter 4755. of the Revised Code;	48477 48478 48479
(9) A speech-language pathologist licensed to practice in this state under Chapter 4753. of the Revised Code;	48480 48481
(10) An intervention specialist who holds a valid license issued by the state board;	48482 48483
(11) A literacy intervention specialist certified through pathways recognized by the Ohio dyslexia committee established by section 3323.25 of the Revised Code. To the extent that certification for any of the following positions is approved by the Ohio dyslexia committee under section 3323.25 of the Revised Code, literary intervention specialists may include:	48484 48485 48486 48487 48488 48489
(a) A structured literacy dyslexia interventionist;	48490
(b) A structured literacy dyslexia specialist;	48491
(c) A certified academic language practitioner;	48492
(d) A certified academic language therapist.	48493
(12) <u>An educational aide or assistant with a valid permit issued under section 3319.088 of the Revised Code;</u>	48494 48495
(13) <u>An instructional assistant with a valid permit issued in accordance with section 3310.43 of the Revised Code;</u>	48496 48497
(14) <u>Any other qualified individual as determined by the department.</u>	48498 48499
<u>The rules also shall specify that supervision of a qualified, credentialed provider may be conducted virtually.</u>	48500 48501

(J) For billing purposes under the autism scholarship program, services provided by a teacher or substitute teacher licensed by the state board of education shall be classified as academic services and shall not be classified as aide services. The department shall use this differentiation to simplify monthly audit procedures. 48502  
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(K) The department shall provide reasonable notice to all ~~parents of children eligible applicants~~ receiving a scholarship under the autism scholarship program, alternative public providers, and registered private providers of any amendment to a rule governing, or change in the administration of, the autism scholarship program. 48508  
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~~(K)~~ (L) If a child qualifies for the autism scholarship program pursuant to a diagnosis under division (A) (6) (c) of this section and does not have an individualized education program that includes services related to autism, the school district in which the child is entitled to attend school shall develop an education plan for the child. 48514  
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~~(L)~~ (M) Not later than the thirtieth day of June each year, each alternative public provider and registered private provider enrolling students receiving autism scholarships shall submit to the department, in a form and manner prescribed by the department, the tuition rates charged by the provider for the following school year. 48520  
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~~(M)~~ (N) The department shall not require ~~the parent of a student~~ an eligible applicant who applies for or receives a scholarship under this section to complete any kind of income verification regarding the student's family income. 48526  
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(O) The department shall maintain a list of each 48530

registered private provider and the location of that provider on 48531  
its publicly accessible web site. 48532

**Sec. 3310.412.** A student is not eligible to receive an 48533  
autism scholarship awarded under section 3310.41 of the Revised 48534  
Code if the treasurer of state has established an educational 48535  
savings account for the student under section 3310.23 of the 48536  
Revised Code for the school year for which the scholarship is 48537  
sought. 48538

**Sec. 3310.413.** As used in this section, "junior reserve 48539  
officer training corps program" means a junior reserve officer 48540  
training corps (JROTC) program approved by the congress of the 48541  
United States under title 10 of the United States Code. 48542

A qualified special education child, as defined in section 48543  
3310.41 of the Revised Code, receiving home education under 48544  
section 3321.042 of the Revised Code who participates in a 48545  
junior reserve officer training corps program maintained by the 48546  
child's resident school district in accordance with 10 U.S.C. 48547  
2031f(1) shall not be considered enrolled in that district for 48548  
purposes of determining eligibility for an autism scholarship 48549  
under section 3310.41 of the Revised Code. 48550

**Sec. 3310.51.** As used in sections 3310.51 to 3310.64 of 48551  
the Revised Code: 48552

(A) "Alternative public provider" means either of the 48553  
following providers that agrees to enroll a child in the 48554  
provider's special education program to implement the child's 48555  
individualized education program and to which the eligible 48556  
applicant owes fees for the services provided to the child: 48557

(1) A school district that is not the school district in 48558  
which the child is entitled to attend school or the child's 48559

school district of residence, if different; 48560

(2) A public entity other than a school district. 48561

(B) "Child with a disability" and "individualized 48562  
education program" have the same meanings as in section 3323.01 48563  
of the Revised Code. 48564

(C) "Eligible applicant" means any of the following: 48565

(1) Either of the natural or adoptive parents of a 48566  
qualified special education child, except as otherwise specified 48567  
in this division. When the marriage of the natural or adoptive 48568  
parents of the student has been terminated by a divorce, 48569  
dissolution of marriage, or annulment, or when the natural or 48570  
adoptive parents of the student are living separate and apart 48571  
under a legal separation decree, and a court has issued an order 48572  
allocating the parental rights and responsibilities with respect 48573  
to the child, "eligible applicant" means the residential parent 48574  
as designated by the court. If the court issues a shared 48575  
parenting decree, "eligible applicant" means either parent. 48576  
"Eligible applicant" does not mean a parent whose custodial 48577  
rights have been terminated. 48578

(2) The custodian of a qualified special education child, 48579  
when a court has granted temporary, legal, or permanent custody 48580  
of the child to an individual other than either of the natural 48581  
or adoptive parents of the child or to a government agency; 48582

(3) The guardian of a qualified special education child, 48583  
when a court has appointed a guardian for the child; 48584

(4) The grandparent of a qualified special education 48585  
child, when the grandparent is the child's attorney in fact 48586  
under a power of attorney executed under sections 3109.51 to 48587  
3109.62 of the Revised Code or when the grandparent has executed 48588

a caretaker authorization affidavit under sections 3109.65 to 48589  
3109.73 of the Revised Code; 48590

(5) The surrogate parent appointed for a qualified special 48591  
education child pursuant to division (B) of section 3323.05 and 48592  
section 3323.051 of the Revised Code; 48593

(6) A qualified special education child, if the child does 48594  
not have a custodian or guardian and the child is at least 48595  
eighteen years of age and less than twenty-two years of age. 48596

(D) "Entitled to attend school" means entitled to attend 48597  
school in a school district under sections 3313.64 and 3313.65 48598  
of the Revised Code. 48599

(E) "Formula ADM" has the same meaning as in section 48600  
3317.02 of the Revised Code. 48601

(F) "Qualified special education child" is a child for 48602  
whom all of the following conditions apply: 48603

(1) The child is at least ~~five~~three years of age and less 48604  
than twenty-two years of age. 48605

(2) The school district in which the child is entitled to 48606  
attend school, or the child's school district of residence if 48607  
different, has identified the child as a child with a 48608  
disability. 48609

(3) The school district in which the child is entitled to 48610  
attend school, or the child's school district of residence if 48611  
different, has developed an individualized education program 48612  
under Chapter 3323. of the Revised Code for the child. 48613

(4) The child ~~either~~ meets one of the following 48614  
conditions: 48615

(a) Was enrolled in the schools of the school district in 48616  
which the child is entitled to attend school in any grade from 48617  
~~kindergarten~~ preschool through twelve in the school year prior 48618  
to the school year in which a scholarship is ~~first~~ sought for 48619  
the child; 48620

(b) Is eligible to enter school in any grade ~~kindergarten~~ 48621  
preschool through twelve in the school district in which the 48622  
child is entitled to attend school in the school year in which a 48623  
scholarship is ~~first~~ sought for the child; 48624

(c) All of the following apply: 48625

(i) The child is at least eighteen years of age and less 48626  
than twenty-two years of age. 48627

(ii) The child is enrolled in a chartered or nonchartered 48628  
nonpublic school, is home educated in accordance with section 48629  
3321.042 of the Revised Code, or is a student older than 48630  
compulsory school age and less than twenty-two years of age and 48631  
received a home education in accordance with section 3321.042 of 48632  
the Revised Code and has not received a diploma under section 48633  
3313.6110 of the Revised Code. 48634

(iii) The child is still eligible to receive transition 48635  
services under the child's individualized education program. 48636

(5) The department of education and workforce has not 48637  
approved a scholarship for the child under the educational 48638  
choice scholarship pilot program, under sections 3310.01 to 48639  
3310.17 of the Revised Code, the autism scholarship program, 48640  
under section 3310.41 of the Revised Code, or the pilot project 48641  
scholarship program, under sections 3313.974 to 3313.979 of the 48642  
Revised Code for the same school year in which a scholarship 48643  
under the Jon Peterson special needs scholarship program is 48644



sought. 48645

(6) The treasurer of state has not established an educational savings account for the student under section 3310.23 of the Revised Code for the same school year in which a scholarship under the Jon Peterson special needs scholarship program is sought. 48646  
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(7) The child and the child's parents are in compliance with the state compulsory attendance law under Chapter 3321. of the Revised Code. 48651  
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(G) "Registered private provider" means a nonpublic school or other nonpublic entity that has been registered by the superintendent of public instruction under section 3310.58 of the Revised Code prior to ~~the effective date of this amendment~~ October 3, 2023, or the department of education and workforce on or after that date. 48654  
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(H) "Scholarship" means a scholarship awarded under the Jon Peterson special needs scholarship program pursuant to sections 3310.51 to 3310.64 of the Revised Code. 48660  
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(I) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code. A community school established under Chapter 3314. of the Revised Code is not a "school district of residence" for purposes of sections 3310.51 to 3310.64 of the Revised Code. 48663  
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(J) "School year" has the same meaning as in section 3313.62 of the Revised Code. 48668  
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(K) "Special education program" means a school or facility that provides special education and related services to children with disabilities. 48670  
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**Sec. 3310.52.** (A) The Jon Peterson special needs 48673  
scholarship program is hereby established. Under the program, 48674  
beginning with the 2012-2013 school year, subject to division 48675  
(B) of this section, the department of education and workforce 48676  
annually shall pay a scholarship under section 3317.022 of the 48677  
Revised Code to an eligible applicant for services provided by 48678  
an alternative public provider or a registered private provider 48679  
for a qualified special education child. The scholarship shall 48680  
be used only to pay all or part of the fees for the child to 48681  
attend the special education program or programs operated by the 48682  
alternative public provider or registered private provider to 48683  
implement the child's individualized education program or 48684  
programs, in lieu of the child's attending the special education 48685  
program operated by the school district in which the child is 48686  
entitled to attend school, and other services agreed to by the 48687  
provider and eligible applicant that are not included in the 48688  
individualized education program but are associated with 48689  
educating the child. 48690

At the discretion of an eligible applicant, multiple 48691  
alternative public providers or registered private providers may 48692  
be contracted to provide services to implement the 48693  
individualized education program as the eligible applicant and 48694  
providers determine are necessary and associated with educating 48695  
the qualified special education child. A qualified special 48696  
education child is not limited to receiving services from a 48697  
single provider for any services as identified in the 48698  
individualized education program, including a single type of 48699  
service. 48700

Beginning in the 2014-2015 school year, if the child is 48701  
receiving special education services for a disability specified 48702  
in division (A) of section 3317.013 of the Revised Code, the 48703

scholarship shall be used only to pay for related services that 48704  
are included in the child's individualized education program. 48705  
Upon agreement with the eligible applicant, the alternative 48706  
public provider or registered private provider may modify the 48707  
services provided to the child. 48708

Services, including intervention services, educational 48709  
services, academic services, tutoring services, aide services, 48710  
and other related special education services, provided through 48711  
the program established under this section may be provided 48712  
virtually by any of the following: 48713

(1) An educational aide or assistant who holds a valid 48714  
permit issued under section 3319.088 of the Revised Code; 48715

(2) An instructional assistant who holds a valid permit 48716  
issued under section 3310.43 of the Revised Code; 48717

(3) A qualified, credentialed provider in accordance with 48718  
standards established by the department; 48719

(4) A teacher or substitute teacher licensed by the state 48720  
board of education. 48721

(B) The number of scholarships awarded under the program 48722  
in any fiscal year shall not exceed five per cent of the total 48723  
number of students residing in the state identified as children 48724  
with disabilities during the previous fiscal year. 48725

(C) The department shall pay a scholarship under section 48726  
3317.022 of the Revised Code to the ~~parent of each qualified~~ 48727  
~~special education child~~ eligible applicant, unless the ~~parent~~ 48728  
eligible applicant authorizes a direct payment to the child's 48729  
provider, upon application ~~of that parent~~ in the manner 48730  
prescribed by the department. However, the department shall not 48731  
adopt specific dates for application deadlines for scholarships 48732

under the program. 48733

(D) The department shall not require ~~the parent of a~~ 48734  
~~student~~ an eligible applicant who applies for or receives a 48735  
scholarship under this section to complete any kind of income 48736  
verification regarding the student's family income. 48737

**Sec. 3310.523.** As used in this section, "junior reserve 48738  
officer training corps program" means a junior reserve officer 48739  
training corps (JROTC) program approved by the congress of the 48740  
United States under title 10 of the United States Code. 48741

A qualified special education child receiving home 48742  
education under section 3321.042 of the Revised Code who 48743  
participates in a junior reserve officer training corps program 48744  
maintained by the child's resident school district in accordance 48745  
with 10 U.S.C. 2031f(1) shall not be considered enrolled in that 48746  
district for purposes of determining eligibility for a Jon 48747  
Peterson special needs scholarship under section 3310.52 of the 48748  
Revised Code. 48749

**Sec. 3310.58.** No nonpublic school or entity shall receive 48750  
payments from an eligible applicant for services for a qualified 48751  
special education child under the Jon Peterson special needs 48752  
scholarship program until the school or entity registers with 48753  
the department of education and workforce. The department shall 48754  
maintain a list of each registered private provider and the 48755  
location of that provider on its publicly accessible web site. 48756  
The department shall register and designate as a registered 48757  
private provider any nonpublic school or entity that meets the 48758  
following requirements: 48759

(A) The school or entity complies with the 48760  
antidiscrimination provisions of 42 U.S.C. 2000d, regardless of 48761

whether the school or entity receives federal financial 48762  
assistance. 48763

(B) If the school or entity is not chartered by the 48764  
director of education and workforce under section 3301.16 of the 48765  
Revised Code, the school or entity agrees to comply with 48766  
sections 3319.39, 3319.391, and 3319.392 of the Revised Code as 48767  
if it were a school district. 48768

(C) The teaching and nonteaching professionals employed by 48769  
the school or entity, or employed by any subcontractors of the 48770  
school or entity, hold appropriate credentials for the qualified 48771  
special education children enrolled in and the services provided 48772  
through the special education program it operates. The list of 48773  
professionals who hold appropriate credentials to provide 48774  
services under a special education program include all of the 48775  
following: 48776

(1) A behavior analyst certified by a nationally 48777  
recognized organization that certifies behavior analysts; 48778

(2) A psychologist licensed to practice in this state 48779  
under Chapter 4732. of the Revised Code; 48780

(3) An independent school psychologist or school 48781  
psychologist licensed to practice in this state under Chapter 48782  
4732. of the Revised Code; 48783

(4) Any person employed by a licensed psychologist, 48784  
licensed independent school psychologist, or licensed school 48785  
psychologist, while carrying out specific tasks, under the 48786  
licensee's supervision, as an extension of the licensee's legal 48787  
and ethical authority as specified under Chapter 4732. of the 48788  
Revised Code who is ascribed as "psychology trainee," 48789  
"psychology assistant," "psychology intern," or other 48790

appropriate term that clearly implies their supervised or	48791
training status;	48792
(5) An unlicensed person holding a doctoral degree in	48793
psychology or special education from a program approved by the	48794
department;	48795
(6) A registered behavior technician as described in rule	48796
5123-9-41 of the Administrative Code working under the	48797
supervision and following the intervention plan of a certified	48798
Ohio behavior analyst or behavior analyst certified by a	48799
nationally recognized organization that certifies behavior	48800
analysts;	48801
(7) A certified Ohio behavior analyst under Chapter 4783.	48802
of the Revised Code;	48803
(8) An occupational therapist or physical therapist	48804
licensed to practice in this state under Chapter 4755. of the	48805
Revised Code;	48806
(9) A speech-language pathologist licensed to practice in	48807
this state under Chapter 4753. of the Revised Code;	48808
(10) An intervention specialist who holds a valid license	48809
issued by the state board;	48810
(11) A literacy intervention specialist certified through	48811
pathways recognized by the Ohio dyslexia committee established	48812
by section 3323.25 of the Revised Code. To the extent that	48813
certification for any of the following positions is approved by	48814
the Ohio dyslexia committee under section 3323.25 of the Revised	48815
Code, literary intervention specialists may include:	48816
(a) A structured literacy dyslexia interventionist;	48817
(b) A structured literacy dyslexia specialist;	48818

- (c) A certified academic language practitioner; 48819
- (d) A certified academic language therapist. 48820
- (12) An educational aide or assistant with a valid permit issued under section 3319.088 of the Revised Code; 48821  
48822
- (13) An instructional assistant with a valid permit issued in accordance with section 3310.43 of the Revised Code; 48823  
48824
- (14) Any other qualified individual as determined by the department. 48825  
48826
- (D) For billing purposes under the Jon Peterson special needs scholarship program, services provided by a teacher or substitute teacher licensed by the state board of education shall be classified as academic services and shall not be classified as aide services. The department shall use this differentiation to simplify monthly audit procedures. 48827  
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- (E) The school's or entity's educational program shall be approved by the department. 48833  
48834
- ~~(E)~~ (F) The school or entity meets applicable health and safety standards established by law. 48835  
48836
- ~~(F)~~ (G) The school or entity agrees to retain on file documentation as required by the department. 48837  
48838
- ~~(G)~~ (H) The school or entity agrees to provide a record of the implementation of the individualized education program for each qualified special education child enrolled in the school's or entity's special education program, including evaluation of the child's progress, to the school district in which the child is entitled to attend school, in the form and manner prescribed by the department. 48839  
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~~(H)~~(I) The school or entity agrees that, if it declines to 48846  
enroll a particular qualified special education child, it will 48847  
notify in writing the eligible applicant of its reasons for 48848  
declining to enroll the child. 48849

**Sec. 3310.64.** The department of education and workforce 48850  
shall adopt rules in accordance with Chapter 119. of the Revised 48851  
Code prescribing procedures necessary to implement sections 48852  
3310.51 to 3310.63 of the Revised Code including, but not 48853  
limited to, procedures for parents to apply for scholarships, 48854  
standards for registered private providers, and procedures for 48855  
registration of private providers. 48856

The rules also shall specify that intervention services, 48857  
including virtual services, under the Jon Peterson special needs 48858  
scholarship program may be provided by a qualified, credentialed 48859  
provider, including an educator or substitute teacher licensed 48860  
by the state board of education, and shall additionally include, 48861  
but not be limited to, the credentialed professionals listed in 48862  
division (C) of section 3310.58 of the Revised Code. 48863

The rules also shall specify that supervision of a 48864  
qualified, credentialed provider may be conducted virtually. 48865

**Sec. 3313.41.** (A) Except as provided in divisions (C), 48866  
(D), and (F) of this section and in sections 3313.412 and 48867  
3313.413 of the Revised Code, when a board of education decides 48868  
to dispose of real or personal property that it owns in its 48869  
corporate capacity and that exceeds in value ten thousand 48870  
dollars, it shall sell the property at public auction, after 48871  
giving at least thirty days' notice of the auction by 48872  
publication in a newspaper of general circulation in the school 48873  
district, by publication as provided in section 7.16 of the 48874  
Revised Code, or by posting notices in five of the most public 48875



places in the school district in which the property, if it is 48876  
real property, is situated, or, if it is personal property, in 48877  
the school district of the board of education that owns the 48878  
property. The board may offer real property for sale as an 48879  
entire tract or in parcels. The board of education shall accept 48880  
the highest bid at a public auction under this division. 48881

(B) When the board of education has offered real or 48882  
personal property for sale at public auction at least once 48883  
pursuant to division (A) of this section, and the property has 48884  
not been sold, the board may sell it at a private sale. 48885  
Regardless of how it was offered at public auction, at a private 48886  
sale, the board shall, as it considers best, sell real property 48887  
as an entire tract or in parcels, and personal property in a 48888  
single lot or in several lots. 48889

(C) If a board of education decides to dispose of real or 48890  
personal property that it owns in its corporate capacity and 48891  
that exceeds in value ten thousand dollars, it may sell the 48892  
property to the adjutant general; to any subdivision or taxing 48893  
authority as respectively defined in section 5705.01 of the 48894  
Revised Code, township park district, board of park 48895  
commissioners established under Chapter 755. of the Revised 48896  
Code, or park district established under Chapter 1545. of the 48897  
Revised Code; to a wholly or partially tax-supported university, 48898  
university branch, or college; to a nonprofit institution of 48899  
higher education that has a certificate of authorization under 48900  
Chapter 1713. of the Revised Code; to the governing authority of 48901  
a chartered nonpublic school; or to the board of trustees of a 48902  
school district library, upon such terms as are agreed upon. The 48903  
sale of real or personal property to the board of trustees of a 48904  
school district library is limited, in the case of real 48905  
property, to a school district library within whose boundaries 48906

the real property is situated, or, in the case of personal 48907  
property, to a school district library whose boundaries lie in 48908  
whole or in part within the school district of the selling board 48909  
of education. 48910

(D) When a board of education decides to trade as a part 48911  
or an entire consideration, an item of personal property on the 48912  
purchase price of an item of similar personal property, it may 48913  
trade the same upon such terms as are agreed upon by the parties 48914  
to the trade. 48915

(E) The president and the treasurer of the board of 48916  
education shall execute and deliver deeds or other necessary 48917  
instruments of conveyance to complete any sale or trade under 48918  
this section. 48919

(F) When a board of education has identified a parcel of 48920  
real property that it determines is needed for school purposes, 48921  
the board may, upon a majority vote of the members of the board, 48922  
acquire that property by exchanging real property that the board 48923  
owns in its corporate capacity for the identified real property 48924  
or by using real property that the board owns in its corporate 48925  
capacity as part or an entire consideration for the purchase 48926  
price of the identified real property. Any exchange or 48927  
acquisition made pursuant to this division shall be made by a 48928  
conveyance executed by the president and the treasurer of the 48929  
board. 48930

(G) When a school district board of education has property 48931  
that the board, by resolution, finds is not needed for school 48932  
district use, is obsolete, or is unfit for the use for which it 48933  
was acquired, the board may donate that property in accordance 48934  
with this division if the fair market value of the property is, 48935  
in the opinion of the board, two thousand five hundred dollars 48936

or less. 48937

The property may be donated to an eligible nonprofit 48938  
organization that is located in this state and is exempt from 48939  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 48940  
Before donating any property under this division, the board 48941  
shall adopt a resolution expressing its intent to make unneeded, 48942  
obsolete, or unfit-for-use school district property available to 48943  
these organizations. The resolution shall include guidelines and 48944  
procedures the board considers to be necessary to implement the 48945  
donation program and shall indicate whether the school district 48946  
will conduct the donation program or the board will contract 48947  
with a representative to conduct it. If a representative is 48948  
known when the resolution is adopted, the resolution shall 48949  
provide contact information such as the representative's name, 48950  
address, and telephone number. 48951

The resolution shall include within its procedures a 48952  
requirement that any nonprofit organization desiring to obtain 48953  
donated property under this division shall submit a written 48954  
notice to the board or its representative. The written notice 48955  
shall include evidence that the organization is a nonprofit 48956  
organization that is located in this state and is exempt from 48957  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3); 48958  
a description of the organization's primary purpose; a 48959  
description of the type or types of property the organization 48960  
needs; and the name, address, and telephone number of a person 48961  
designated by the organization's governing board to receive 48962  
donated property and to serve as its agent. The written notice 48963  
may be submitted electronically to the board or its 48964  
representative. 48965

After adoption of the resolution, the board shall 48966

continually post in the board's office notice of its intent to 48967  
donate school district property that is unneeded, obsolete, or 48968  
unfit for use to eligible nonprofit organizations. If the school 48969  
district maintains a web site on the internet, the notice shall 48970  
be posted continually at that web site. 48971

The board or its representatives shall maintain a list of 48972  
all nonprofit organizations that notify the board or its 48973  
representative of their desire to obtain donated property under 48974  
this division and that the board or its representative 48975  
determines to be eligible, in accordance with the requirements 48976  
set forth in this section and in the donation program's 48977  
guidelines and procedures, to receive donated property. 48978

The board or its representative also shall maintain a list 48979  
of all school district property the board finds to be unneeded, 48980  
obsolete, or unfit for use and to be available for donation 48981  
under this division. The list shall be posted continually in a 48982  
conspicuous location in the board's office, and, if the school 48983  
district maintains a web site on the internet, the list shall be 48984  
posted continually at that web site. An item of property on the 48985  
list shall be donated to the eligible nonprofit organization 48986  
that first declares to the board or its representative its 48987  
desire to obtain the item unless the board previously has 48988  
established, by resolution, a list of eligible nonprofit 48989  
organizations that shall be given priority with respect to the 48990  
item's donation. Priority may be given on the basis that the 48991  
purposes of a nonprofit organization have a direct relationship 48992  
to specific school district purposes of programs provided or 48993  
administered by the board. A resolution giving priority to 48994  
certain nonprofit organizations with respect to the donation of 48995  
an item of property shall specify the reasons why the 48996  
organizations are given that priority. 48997

Members of the board shall consult with the Ohio ethics 48998  
commission, and comply with Chapters 102. and 2921. of the 48999  
Revised Code, with respect to any donation under this division 49000  
to a nonprofit organization of which a board member, any member 49001  
of a board member's family, or any business associate of a board 49002  
member is a trustee, officer, board member, or employee. 49003

(H) Except as provided in section 3313.413 of the Revised 49004  
Code, a board of education that plans to demolish a building 49005  
that it owns in its corporate capacity and that exceeds in value 49006  
ten thousand dollars shall offer the building for sale in the 49007  
manner prescribed under divisions (A) to (F) of this section 49008  
prior to demolishing the building. However, this division does 49009  
not apply to a building located on, or adjacent to, a tract or 49010  
parcel of land where other school district buildings used for 49011  
educational instruction are located. 49012

**Sec. 3313.411.** (A) As used in this section: 49013

(1) "College-preparatory boarding school" means a college- 49014  
preparatory boarding school established under Chapter 3328. of 49015  
the Revised Code. 49016

(2) "Community school" means a community school 49017  
established under Chapter 3314. of the Revised Code. 49018

(3) "High-performing community school" has the same 49019  
meaning as in section 3313.413 of the Revised Code. 49020

(4) "STEM school" means a science, technology, 49021  
engineering, and mathematics school established under Chapter 49022  
3326. of the Revised Code. 49023

(5) "Unused school facilities" means either: 49024

(a) Any real property that has been used by a school 49025

district for school operations, including, but not limited to, 49026  
academic instruction or administration, since July 1, 1998, but 49027  
has not been used in that capacity for one year; 49028

(b) Any school building that has been used for direct 49029  
academic instruction but less than sixty per cent of the 49030  
building was used for that purpose in the preceding school year. 49031

(B) (1) Except as provided in section 3313.412 of the 49032  
Revised Code, on and after June 30, 2011, any school district 49033  
board of education shall offer any unused school facilities it 49034  
owns in its corporate capacity for lease or sale to the 49035  
governing authorities of community schools, the boards of 49036  
trustees of any college-preparatory boarding schools, ~~and~~ the 49037  
governing bodies of any STEM schools, the governing authorities 49038  
of any chartered nonpublic schools, that are located within the 49039  
territory of the district. Not later than sixty days after the 49040  
district board makes the offer, interested governing 49041  
authorities, boards of trustees, and governing bodies shall 49042  
notify the district treasurer in writing of the intention to 49043  
lease or purchase the property. 49044

The district board shall give priority to the governing 49045  
authorities of high-performing community schools that are 49046  
located within the territory of the district. 49047

(2) At the same time that a district board makes the offer 49048  
required under division (B) (1) of this section, the board also 49049  
may, but shall not be required to, offer that property for sale 49050  
or lease to the governing authorities of community schools with 49051  
plans, stipulated in their contracts entered into under section 49052  
3314.03 of the Revised Code, either to relocate their operations 49053  
to the territory of the district or to add facilities, as 49054  
~~authorized by division (B) (3) or (4) of~~ under section 3314.05 of 49055

the Revised Code, to be located within the territory of the 49056  
district. 49057

(C) (1) If, not later than sixty days after the district 49058  
board makes the offer, only one governing authority of a high- 49059  
performing community school offered the property under division 49060  
(B) of this section notifies the district treasurer in writing 49061  
of the intention to purchase the property pursuant to that 49062  
division, the district board shall sell the property to that 49063  
party for the appraised fair market value of the property as 49064  
determined in an appraisal of the property that is not more than 49065  
one year old. 49066

If, not later than sixty days after the district board 49067  
makes the offer, more than one governing authority of a high- 49068  
performing community school offered the property under division 49069  
(B) of this section notifies the district treasurer in writing 49070  
of the intention to purchase the property pursuant to that 49071  
division, the board shall conduct a public auction in the manner 49072  
required for auctions of district property under division (A) of 49073  
section 3313.41 of the Revised Code. Only the governing 49074  
authorities of high-performing community schools that notified 49075  
the district treasurer of the intention to purchase the property 49076  
pursuant to division (B) of this section are eligible to bid at 49077  
the auction. The district board is not obligated to accept any 49078  
bid for the property that is lower than the appraised fair 49079  
market value of the property as determined in an appraisal that 49080  
is not more than one year old. 49081

(2) If, not later than sixty days after the district board 49082  
makes the offer, no governing authority of a high-performing 49083  
community school notifies the district treasurer of its 49084  
intention to purchase the property pursuant to division (B) of 49085

this section, the board shall then proceed with the offers from 49086  
all other start-up community schools, college-preparatory 49087  
boarding schools, ~~and~~ STEM schools, and chartered nonpublic 49088  
schools made pursuant to that division. 49089

If more than one such entity notifies the district 49090  
treasurer of its intention to purchase the property pursuant to 49091  
division (B) of this section, the board shall conduct a public 49092  
auction in the manner required for auctions of district property 49093  
under division (A) of section 3313.41 of the Revised Code. Only 49094  
the entities that notified the district treasurer pursuant to 49095  
division (B) of this section are eligible to bid at the auction. 49096

(3) If more than one governing authority of a high- 49097  
performing community school notifies the district treasurer in 49098  
writing of the intention to lease the property pursuant to 49099  
division (B) of this section, the district board shall conduct a 49100  
lottery to select from among those governing authorities the one 49101  
qualified governing authority to which the district board shall 49102  
lease the property. 49103

If no such governing authority of a high-performing 49104  
community school notifies the district treasurer of its 49105  
intention to lease the property pursuant to division (B) of this 49106  
section, the board shall then proceed with the offers from all 49107  
other start-up community schools, college-preparatory boarding 49108  
schools, ~~and~~ STEM schools, and chartered nonpublic schools made 49109  
pursuant to that division. If more than one other start-up 49110  
community school, college-preparatory boarding school, ~~or~~ STEM 49111  
school, or chartered nonpublic school notified the district 49112  
treasurer of its intention to lease the property pursuant to 49113  
division (B) of this section, the district board shall conduct a 49114  
lottery to select from among those parties the one qualified 49115



party to which the district board shall lease the property. 49116

(4) The lease price offered by a district board to a 49117  
community school, college-preparatory boarding school, ~~or~~STEM 49118  
school, or chartered nonpublic school under this section shall 49119  
not be higher than the fair market value for such a leasehold as 49120  
determined in an appraisal that is not more than one year old. 49121

(5) If no qualified party offered the property under 49122  
division (B) of this section accepts the offer to lease or buy 49123  
the property within sixty days after the offer is made, the 49124  
district board ~~may~~shall then offer the property ~~to any other~~ 49125  
~~entity in accordance~~for sale in the manner prescribed under 49126  
with divisions (A) to (F) of section 3313.41 of the Revised 49127  
Code. 49128

(D) Notwithstanding division (B) of this section, a school 49129  
district board may renew any agreement it originally entered 49130  
into prior to June 30, 2011, to lease real property to an entity 49131  
other than a community school, college-preparatory boarding 49132  
school, ~~or~~STEM school, or chartered nonpublic school. Nothing 49133  
in this section shall affect the leasehold arrangements between 49134  
the district board and that other entity. 49135

(E) (1) Except as provided in division (E) (2) of this 49136  
section, the governing authority of a community school, board of 49137  
trustees of a college-preparatory boarding school, ~~or~~governing 49138  
body of a STEM school, or the governing authority of a chartered 49139  
nonpublic school shall not sell any property purchased under 49140  
division (B) of this section within five years of purchasing 49141  
that property. 49142

~~(2)~~(2) (a) The governing authority, board of trustees, or 49143  
governing body may sell a property purchased under division (B) 49144

of this section within five years of the purchase, only if the governing authority, board of trustees, or governing body sells or transfers that property to another entity described in that division.

(b) If the governing authority, board of trustees, or governing body that sells property purchased under division (B) of this section for an amount greater than what it paid for the property, it shall pay to the district board from which the property was purchased the difference between the amount that it receives for the sale of the property and the amount it originally paid to the district board for the property.

(G) A school district board of education shall not be required to offer any unused school facilities it owns in its corporate capacity for lease or sale under this section if the facility is located on, or adjacent to, a tract or parcel of land where other school district facilities used for educational instruction are located.

**Sec. 3313.413.** (A) As used in this section, "high-performing community school" means either a community school established under Chapter 3314. of the Revised Code that meets any of the following conditions:

~~(1) A community school established under Chapter 3314. of the Revised Code that meets the following conditions:~~

~~(a) Except as provided in division (A) (1) (b) or (c) of this section, the school both:~~

~~(i) Has received either a grade of "A," "B," or "C" for the performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code or a performance rating of three stars or higher for achievement under division (D) (3) (b) of that~~

~~section; or has increased its performance index score under~~ 49174  
~~division (C) (1) (b) or (D) (1) (d) of section 3302.03 of the~~ 49175  
~~Revised Code in each of the previous three years of operation;~~ 49176  
~~and~~ 49177

~~(ii) Has received either a grade of "A" or "B" for the~~ 49178  
~~value-added progress dimension under division (C) (1) (e) of~~ 49179  
~~section 3302.03 of the Revised Code or a performance rating of~~ 49180  
~~four stars or higher for progress under division (D) (3) (e) of~~ 49181  
~~that section on its most recent report card rating issued under~~ 49182  
~~that section~~ Except as provided for in division (A) (2) or (3) of 49183  
this section, the community school does both of the following: 49184

(a) The school has a higher performance index score than 49185  
the school district in which the school is located on the two 49186  
most recent report cards issued under section 3302.03 of the 49187  
Revised Code. 49188

(b) The school either has a performance rating of four 49189  
stars or higher for progress on the most recent report card 49190  
issued under section 3302.03 of the Revised Code or is a school 49191  
described under division (B) (1) of section 3314.35 of the 49192  
Revised Code and did not receive a rating for progress on the 49193  
most recent report card. 49194

~~(b) (2) If the community school serves only grades~~ 49195  
~~kindergarten through three, the school received either a grade~~ 49196  
~~of "A" or "B" for making progress in improving literacy in~~ 49197  
~~grades kindergarten through three under division (C) (1) (g) of~~ 49198  
~~section 3302.03 of the Revised Code or a performance rating of~~ 49199  
~~four stars or higher for early literacy under division (D) (3) (e)~~ 49200  
~~of that section on its most recent report card issued under that~~ 49201  
section 3302.03 of the Revised Code. 49202

~~(e) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (B) (1) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code.~~

~~(2) A newly established community school that is implementing a community school model that has a track record of high-quality academic performance, as determined by the department of education and workforce.~~ (3) If the community school has not commenced operations or has been in operation for less than one school year, the school meets the following conditions:

(a) The school is replicating an operational and instructional model used by a community school described in division (A) (1) or (2) of this section.

(b) The school either:

(i) Has an operator that received an overall rating of three stars or higher, or a "C" or higher, on its most recent performance report published under section 3314.031 of the Revised Code;

(ii) Does not have an operator and is sponsored by a sponsor that was rated "exemplary" or "effective" on its most recent evaluation conducted under section 3314.016 of the Revised Code.

(B) When a school district board of education decides to dispose of real property or demolish a building it owns in its corporate capacity under section 3313.41 of the Revised Code, the board shall first offer that property to the governing authorities of all start-up community schools, the boards of

trustees of any college-preparatory boarding schools, ~~and~~ the 49232  
governing bodies of any STEM schools, and the governing 49233  
authorities of any chartered nonpublic schools that are located 49234  
within the territory of the district. Not later than sixty days 49235  
after the district board makes the offer, interested governing 49236  
authorities, boards of trustees, and governing bodies shall 49237  
notify the district treasurer in writing of the intention to 49238  
purchase the property. 49239

The district board shall give priority to the governing 49240  
authorities of high-performing community schools that are 49241  
located within the territory of the district. 49242

(1) If more than one governing authority of a high- 49243  
performing community school notifies the district treasurer of 49244  
its intention to purchase the property pursuant to division (B) 49245  
of this section, the board shall conduct a public auction in the 49246  
manner required for auctions of district property under division 49247  
(A) of section 3313.41 of the Revised Code. Only the governing 49248  
authorities of high-performing community schools that notified 49249  
the district treasurer pursuant to division (B) of this section 49250  
are eligible to bid at the auction. 49251

(2) If no governing authority of a high-performing 49252  
community school notifies the district treasurer of its 49253  
intention to purchase the property pursuant to division (B) of 49254  
this section, the board shall then proceed with the offers from 49255  
all other start-up community schools, college-preparatory 49256  
boarding schools, ~~and~~ STEM schools, and chartered nonpublic 49257  
schools made pursuant to that division. If more than one such 49258  
entity notifies the district treasurer of its intention to 49259  
purchase the property pursuant to division (B) of this section, 49260  
the board shall conduct a public auction in the manner required 49261

for auctions of district property under division (A) of section 49262  
3313.41 of the Revised Code. Only the entities that notified the 49263  
district treasurer pursuant to division (B) of this section are 49264  
eligible to bid at the auction. 49265

(3) If no governing authority, board of trustees, or 49266  
governing body notifies the district treasurer of its intention 49267  
to purchase the property pursuant to division (B) of this 49268  
section, the district may then offer the property for sale in 49269  
the manner prescribed under divisions (A) to (F) of section 49270  
3313.41 of the Revised Code. 49271

(C) Notwithstanding anything to the contrary in sections 49272  
3313.41 and 3313.411 of the Revised Code, the purchase price of 49273  
any real property sold to any of the entities in accordance with 49274  
division (B) of this section shall not be more than the 49275  
appraised fair market value of that property as determined in an 49276  
appraisal of the property that is not more than one year old. 49277

(D) If a governing authority, board of trustees, or 49278  
governing body sells property purchased under division (B) of 49279  
this section, it shall pay to the district board from which the 49280  
property was purchased the difference between the amount that it 49281  
receives for the sale of the property and the amount it 49282  
originally paid to the district board for the property. 49283

(E) Not later than the first day of October of each year, 49284  
the department of education and workforce shall post in a 49285  
prominent location on its web site a list of schools that 49286  
qualify as high-performing community schools for purposes of 49287  
this section and section 3313.411 of the Revised Code. 49288

**Sec. 3313.489.** (A) The director of education and workforce 49289  
shall examine each ~~five-year~~ three-year projection of revenues 49290

and expenditures submitted under section 5705.391 of the Revised Code and shall determine whether the information contained therein, together with any other relevant information, indicates that the district may be financially unable to operate its instructional program on all days set forth in its adopted school calendars and pay all obligated expenses during the current fiscal year. If a board of education has not adopted a school calendar for the school year beginning on the first day of July of the current fiscal year at the time an examination is required under this division, the director shall examine the ~~five-year~~ three-year projection and determine whether the district may be financially unable to pay all obligated expenses and operate its instructional program for the number of days on which instruction was held in the preceding fiscal year.

(B) If the director of education and workforce determines pursuant to division (A) of this section that a school district may be financially unable to operate its instructional program on all days required by such division and pay all obligated expenses during the current fiscal year, the director shall provide written notification of such determination to the president of the district's board of education and the auditor of state.

(C) This section does not apply to a school district declared to be under a fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code.

**Sec. 3313.603.** (A) As used in this section:

(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.

(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.

(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:

(1) English language arts, four units;

(2) Health, one-half unit;

(3) Mathematics, three units;

(4) Physical education, one-half unit;

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:

(a) Biological sciences, one unit;

(b) Physical sciences, one unit.

(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:

(a) American history, one-half unit;

(b) American government, one-half unit.

(7) Social studies, two units.

Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of



instruction prescribed by division (B) (7) of this section shall 49347  
include at least one-half unit of instruction in the study of 49348  
world history and civilizations. 49349

(8) Elective units, seven units until September 15, 2003, 49350  
and six units thereafter. 49351

Each student's electives shall include at least one unit, 49352  
or two half units, chosen from among the areas of 49353  
business/technology, fine arts, and/or foreign language. 49354

(C) Beginning with students who enter ninth grade for the 49355  
first time on or after July 1, 2010, except as provided in 49356  
divisions (D) to (F) of this section, the requirements for 49357  
graduation from every public and chartered nonpublic high school 49358  
shall include twenty units that are designed to prepare students 49359  
for the workforce and college. The units shall be distributed as 49360  
follows: 49361

(1) English language arts, four units; 49362

(2) Health, one-half unit, which shall include instruction 49363  
in nutrition and the benefits of nutritious foods and physical 49364  
activity for overall health; 49365

(3) Mathematics, four units, which shall include one unit 49366  
of algebra II or the equivalent of algebra II, or one unit of 49367  
advanced computer science as described in the standards adopted 49368  
pursuant to division (A) (4) of section 3301.079 of the Revised 49369  
Code. However, students who enter ninth grade for the first time 49370  
on or after July 1, 2015, and who are pursuing a career- 49371  
technical instructional track shall not be required to take 49372  
algebra II or advanced computer science, and instead may 49373  
complete a career-based pathway mathematics course approved by 49374  
the department of education and workforce as an alternative. 49375

For students who choose to take advanced computer science 49376  
in lieu of algebra II under division (C) (3) of this section, the 49377  
school shall communicate to those students that some 49378  
institutions of higher education may require algebra II for the 49379  
purpose of college admission. Also, the parent, guardian, or 49380  
legal custodian of each student who chooses to take advanced 49381  
computer science in lieu of algebra II shall sign and submit to 49382  
the school a document containing a statement acknowledging that 49383  
not taking algebra II may have an adverse effect on college 49384  
admission decisions. 49385

A student may fulfill one unit of mathematics under 49386  
division (C) (3) of this section by completing one-half unit of 49387  
financial literacy instruction to satisfy the requirement 49388  
prescribed under division (C) (9) of this section and one-half 49389  
unit of a mathematics course. The one-half unit course in 49390  
mathematics shall not be in algebra II, or its equivalent, or a 49391  
course for which the department requires an end-of-course 49392  
examination under section 3301.0712 of the Revised Code. 49393

Students who choose to take one unit of advanced computer 49394  
science in lieu of algebra II, as described in division (C) (3) 49395  
of this section, shall not be permitted to complete one-half 49396  
unit of financial literacy instruction to satisfy the 49397  
mathematics unit requirements of that division. Instead, those 49398  
students shall be required to complete the one-half unit of 49399  
financial literacy instruction under division (C) (8) of this 49400  
section. 49401

(4) Physical education, one-half unit; 49402

(5) Science, three units with inquiry-based laboratory 49403  
experience that engages students in asking valid scientific 49404  
questions and gathering and analyzing information, which shall 49405

include the following, or their equivalent:	49406
(a) Physical sciences, one unit;	49407
(b) Life sciences, one unit;	49408
(c) Advanced study in one or more of the following sciences, one unit:	49409 49410
(i) Chemistry, physics, or other physical science;	49411
(ii) Advanced biology or other life science;	49412
(iii) Astronomy, physical geology, or other earth or space science;	49413 49414
(iv) Computer science.	49415
No student shall substitute a computer science course for a life sciences or biology course under division (C) (5) of this section.	49416 49417 49418
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	49419 49420 49421
(a) American history, one-half unit;	49422
(b) American government, one-half unit.	49423
(7) Social studies, two units.	49424
Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (C) (7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.	49425 49426 49427 49428 49429
(8) Five units consisting of one or any combination of foreign language, fine arts, business, career-technical	49430 49431

education, family and consumer sciences, technology which may 49432  
include computer science, agricultural education, a junior 49433  
reserve officer training corps (JROTC) program approved by the 49434  
congress of the United States under title 10 of the United 49435  
States Code, or English language arts, mathematics, science, or 49436  
social studies courses not otherwise required under division (C) 49437  
of this section. 49438

One-half unit of instruction under division (C) (8) of this 49439  
section may be instruction in financial literacy to satisfy the 49440  
requirement under division (C) (9) of this section. 49441

(9) (a) Except as provided in division (C) (9) (b) of this 49442  
section, for students who enter ninth grade for the first time 49443  
on or after July 1, 2022, financial literacy, one-half unit. 49444  
Each student shall elect to complete the one-half unit of 49445  
instruction in financial literacy either in lieu of one-half 49446  
unit of instruction in mathematics under division (C) (3) of this 49447  
section or an elective under division (C) (8) of this section. A 49448  
student may fulfill the financial literacy instruction 49449  
requirement under division (C) (9) of this section through the 49450  
successful completion of an advanced placement course in 49451  
microeconomics or macroeconomics. 49452

(b) A student attending a nonpublic school accredited 49453  
through the independent schools association of the central 49454  
states or any other chartered nonpublic school shall not be 49455  
required to complete the one-half unit of financial literacy 49456  
instruction prescribed in division (C) (9) (a) of this section, 49457  
unless that student is attending the school under a state 49458  
scholarship program as defined in section 3301.0711 of the 49459  
Revised Code. 49460

The study and instruction of financial literacy required 49461

under division (C) (9) of this section shall align with the 49462  
academic content standards for financial literacy and 49463  
entrepreneurship adopted under division (A) (2) of section 49464  
3301.079 of the Revised Code. The instruction provided under an 49465  
advanced placement course in microeconomics or macroeconomics 49466  
shall be considered to be aligned with those academic content 49467  
standards. In developing the curriculum for the study and 49468  
instruction of financial literacy, schools may use available 49469  
public-private partnerships and resources and materials that 49470  
exist in business, industry, and through the centers for 49471  
economics education at institutions of higher education. 49472

Ohioans must be prepared to apply increased knowledge and 49473  
skills in the workplace and to adapt their knowledge and skills 49474  
quickly to meet the rapidly changing conditions of the twenty- 49475  
first century. National studies indicate that all high school 49476  
graduates need the same academic foundation, regardless of the 49477  
opportunities they pursue after graduation. The goal of Ohio's 49478  
system of elementary and secondary education is to prepare all 49479  
students for and seamlessly connect all students to success in 49480  
life beyond high school graduation, regardless of whether the 49481  
next step is entering the workforce, beginning an 49482  
apprenticeship, engaging in post-secondary training, serving in 49483  
the military, or pursuing a college degree. 49484

The requirements for graduation prescribed in division (C) 49485  
of this section are the standard expectation for all students 49486  
entering ninth grade for the first time at a public or chartered 49487  
nonpublic high school on or after July 1, 2010. A student may 49488  
satisfy this expectation through a variety of methods, 49489  
including, but not limited to, integrated, applied, career- 49490  
technical, and traditional coursework. 49491

Stronger coordination between high schools and 49492  
institutions of higher education is necessary to prepare 49493  
students for more challenging academic endeavors and to lessen 49494  
the need for academic remediation in college, thereby reducing 49495  
the costs of higher education for Ohio's students, families, and 49496  
the state. The department and the chancellor of higher education 49497  
shall develop policies to ensure that only in rare instances 49498  
will students who complete the requirements for graduation 49499  
prescribed in division (C) of this section require academic 49500  
remediation after high school. 49501

School districts, community schools, and chartered 49502  
nonpublic schools shall integrate technology into learning 49503  
experiences across the curriculum in order to maximize 49504  
efficiency, enhance learning, and prepare students for success 49505  
in the technology-driven twenty-first century. Districts and 49506  
schools shall use distance and web-based course delivery as a 49507  
method of providing or augmenting all instruction required under 49508  
this division, including laboratory experience in science. 49509  
Districts and schools shall utilize technology access and 49510  
electronic learning opportunities provided by the broadcast 49511  
educational media commission, chancellor, the Ohio learning 49512  
network, education technology centers, public television 49513  
stations, and other public and private providers. 49514

(D) Except as provided in division (E) of this section, a 49515  
student who enters ninth grade on or after July 1, 2010, and 49516  
before July 1, 2016, may qualify for graduation from a public or 49517  
chartered nonpublic high school even though the student has not 49518  
completed the requirements for graduation prescribed in division 49519  
(C) of this section if all of the following conditions are 49520  
satisfied: 49521

(1) During the student's third year of attending high school, as determined by the school, the student and the student's parent, guardian, or custodian sign and file with the school a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio without further coursework.

(2) The student and parent, guardian, or custodian fulfill any procedural requirements the school stipulates to ensure the student's and parent's, guardian's, or custodian's informed consent and to facilitate orderly filing of statements under division (D)(1) of this section. Annually, each district or school shall notify the department of the number of students who choose to qualify for graduation under division (D) of this section and the number of students who complete the student's success plan and graduate from high school.

(3) The student and the student's parent, guardian, or custodian and a representative of the student's high school jointly develop a student success plan for the student in the manner described in division (C)(1) of section 3313.6020 of the Revised Code that specifies the student matriculating to a two-year degree program, acquiring a business and industry-recognized credential, or entering an apprenticeship.

(4) The student's high school provides counseling and support for the student related to the plan developed under division (D)(3) of this section during the remainder of the student's high school experience.

(5) (a) Except as provided in division (D) (5) (b) of this section, the student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section.

(b) Beginning with students who enter ninth grade for the first time on or after July 1, 2014, a student shall be required to complete successfully, at the minimum, the curriculum prescribed in division (B) of this section, except as follows:

(i) Mathematics, four units, one unit which shall be one of the following:

(I) Probability and statistics;

(II) Computer science;

(III) Applied mathematics or quantitative reasoning;

(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014.

(ii) Elective units, five units;

(iii) Science, three units as prescribed by division (B) of this section which shall include inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information.

(E) Each school district and chartered nonpublic school retains the authority to require an even more challenging minimum curriculum for high school graduation than specified in division (B) or (C) of this section. A school district board of education, through the adoption of a resolution, or the governing authority of a chartered nonpublic school may stipulate any of the following:



(1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate; 49579  
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(2) An exception to the district's or school's minimum high school curriculum that is comparable to the exception provided in division (D) of this section but with additional requirements, which may include a requirement that the student successfully complete more than the minimum curriculum prescribed in division (B) of this section; 49581  
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(3) That no exception comparable to that provided in division (D) of this section is available. 49587  
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If a school district or chartered nonpublic school requires a foreign language as an additional graduation requirement under division (E) of this section, a student may apply one unit of instruction in computer coding to satisfy one unit of foreign language. If a student applies more than one computer coding course to satisfy the foreign language requirement, the courses shall be sequential and progressively more difficult. 49589  
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(F) A student enrolled in a dropout prevention and recovery program, which program has received a waiver from the department, may qualify for graduation from high school by successfully completing a competency-based instructional program administered by the dropout prevention and recovery program in lieu of completing the requirements for graduation prescribed in division (C) of this section. The department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions: 49597  
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(1) The program serves only students not younger than 49607

sixteen years of age and not older than twenty-one years of age. 49608

(2) The program enrolls students who, at the time of their 49609  
initial enrollment, either, or both, are at least one grade 49610  
level behind their cohort age groups or experience crises that 49611  
significantly interfere with their academic progress such that 49612  
they are prevented from continuing their traditional programs. 49613

(3) The program requires students to attain at least the 49614  
applicable score designated for each of the assessments 49615  
prescribed under division (B) (1) of section 3301.0710 of the 49616  
Revised Code or, to the extent prescribed by rule of the 49617  
department under division (D) (5) of section 3301.0712 of the 49618  
Revised Code, division (B) (2) of that section. 49619

(4) The program develops a student success plan for the 49620  
student in the manner described in division (C) (1) of section 49621  
3313.6020 of the Revised Code that specifies the student's 49622  
matriculating to a two-year degree program, acquiring a business 49623  
and industry-recognized credential, or entering an 49624  
apprenticeship. 49625

(5) The program provides counseling and support for the 49626  
student related to the plan developed under division (F) (4) of 49627  
this section during the remainder of the student's high school 49628  
experience. 49629

(6) The program requires the student and the student's 49630  
parent, guardian, or custodian to sign and file, in accordance 49631  
with procedural requirements stipulated by the program, a 49632  
written statement asserting the parent's, guardian's, or 49633  
custodian's consent to the student's graduating without 49634  
completing the requirements for graduation prescribed in 49635  
division (C) of this section and acknowledging that one 49636

consequence of not completing those requirements is 49637  
ineligibility to enroll in most state universities in Ohio 49638  
without further coursework. 49639

(7) Prior to receiving the waiver, the program has 49640  
submitted to the department an instructional plan that 49641  
demonstrates how the academic content standards adopted by the 49642  
department under section 3301.079 of the Revised Code will be 49643  
taught and assessed. 49644

(8) Prior to receiving the waiver, the program has 49645  
submitted to the department a policy on career advising that 49646  
satisfies the requirements of section 3313.6020 of the Revised 49647  
Code, with an emphasis on how every student will receive career 49648  
advising. 49649

(9) Prior to receiving the waiver, the program has 49650  
submitted to the department a written agreement outlining the 49651  
future cooperation between the program and any combination of 49652  
local job training, postsecondary education, nonprofit, and 49653  
health and social service organizations to provide services for 49654  
students in the program and their families. 49655

Divisions (F) (8) and (9) of this section apply only to 49656  
waivers granted on or after July 1, 2015. 49657

If the department does not act either to grant the waiver 49658  
or to reject the program application for the waiver within sixty 49659  
days as required under this section, the waiver shall be 49660  
considered to be granted. 49661

(G) Every high school may permit students below the ninth 49662  
grade to take advanced work. If a high school so permits, it 49663  
shall award high school credit for successful completion of the 49664  
advanced work and shall count such advanced work toward the 49665

graduation requirements of division (B) or (C) of this section 49666  
if the advanced work was both: 49667

(1) Taught by a person who possesses a license or 49668  
certificate issued under section 3301.071, 3319.22, or 3319.222 49669  
of the Revised Code that is valid for teaching high school; 49670

(2) Designated by the board of education of the city, 49671  
local, or exempted village school district, the board of the 49672  
cooperative education school district, or the governing 49673  
authority of the chartered nonpublic school as meeting the high 49674  
school curriculum requirements. 49675

Each high school shall record on the student's high school 49676  
transcript all high school credit awarded under division (G) of 49677  
this section. In addition, if the student completed a seventh- 49678  
or eighth-grade fine arts course described in division (K) of 49679  
this section and the course qualified for high school credit 49680  
under that division, the high school shall record that course on 49681  
the student's high school transcript. 49682

(H) The department shall make its individual academic 49683  
career plan available through its Ohio career information system 49684  
web site for districts and schools to use as a tool for 49685  
communicating with and providing guidance to students and 49686  
families in selecting high school courses. 49687

(I) A school district or chartered nonpublic school may 49688  
integrate academic content in a subject area for which the 49689  
department has adopted standards under section 3301.079 of the 49690  
Revised Code into a course in a different subject area, 49691  
including a career-technical education course, in accordance 49692  
with guidance for integrated coursework developed by the 49693  
department. Upon successful completion of an integrated course, 49694

a student may receive credit for both subject areas that were 49695  
integrated into the course. Units earned for subject area 49696  
content delivered through integrated academic and career- 49697  
technical instruction are eligible to meet the graduation 49698  
requirements of division (B) or (C) of this section. 49699

For purposes of meeting graduation requirements, if an 49700  
end-of-course examination has been prescribed under section 49701  
3301.0712 of the Revised Code for the subject area delivered 49702  
through integrated instruction, the school district or school 49703  
may administer the related subject area examinations upon the 49704  
student's completion of the integrated course. 49705

Nothing in division (I) of this section shall be construed 49706  
to excuse any school district, chartered nonpublic school, or 49707  
student from any requirement in the Revised Code related to 49708  
curriculum, assessments, or the awarding of a high school 49709  
diploma. 49710

(J) (1) The department, in consultation with the 49711  
chancellor, shall adopt a statewide plan implementing methods 49712  
for students to earn units of high school credit based on a 49713  
demonstration of subject area competency, instead of or in 49714  
combination with completing hours of classroom instruction. The 49715  
plan shall include a standard method for recording demonstrated 49716  
proficiency on high school transcripts. Each school district and 49717  
community school shall comply with the department's plan adopted 49718  
under this division and award units of high school credit in 49719  
accordance with the plan. The department may adopt existing 49720  
methods for earning high school credit based on a demonstration 49721  
of subject area competency as necessary prior to the 2009-2010 49722  
school year. 49723

(2) The department shall update the statewide plan adopted 49724

pursuant to division (J) (1) of this section to also include 49725  
methods for students enrolled in seventh and eighth grade to 49726  
meet curriculum requirements based on a demonstration of subject 49727  
area competency, instead of or in combination with completing 49728  
hours of classroom instruction. Beginning with the 2017-2018 49729  
school year, each school district and community school also 49730  
shall comply with the updated plan adopted pursuant to this 49731  
division and permit students enrolled in seventh and eighth 49732  
grade to meet curriculum requirements based on subject area 49733  
competency in accordance with the plan. 49734

(3) The department shall develop a framework for school 49735  
districts and community schools to use in granting units of high 49736  
school credit to students who demonstrate subject area 49737  
competency through work-based learning experiences, internships, 49738  
or cooperative education. Beginning with the 2018-2019 school 49739  
year, each district and community school shall comply with the 49740  
framework. Each district and community school also shall review 49741  
any policy it has adopted regarding the demonstration of subject 49742  
area competency to identify ways to incorporate work-based 49743  
learning experiences, internships, and cooperative education 49744  
into the policy in order to increase student engagement and 49745  
opportunities to earn units of high school credit. 49746

(K) This division does not apply to students who qualify 49747  
for graduation from high school under division (D) or (F) of 49748  
this section, or to students pursuing a career-technical 49749  
instructional track as determined by the school district board 49750  
of education or the chartered nonpublic school's governing 49751  
authority. Nevertheless, the general assembly encourages such 49752  
students to consider enrolling in a fine arts course as an 49753  
elective. 49754

Beginning with students who enter ninth grade for the first time on or after July 1, 2010, each student enrolled in a public or chartered nonpublic high school shall complete two semesters or the equivalent of fine arts to graduate from high school. The coursework may be completed in any of grades seven to twelve. Each student who completes a fine arts course in grade seven or eight may elect to count that course toward the five units of electives required for graduation under division (C) (8) of this section, if the course satisfied the requirements of division (G) of this section. In that case, the high school shall award the student high school credit for the course and count the course toward the five units required under division (C) (8) of this section. If the course in grade seven or eight did not satisfy the requirements of division (G) of this section, the high school shall not award the student high school credit for the course but shall count the course toward the two semesters or the equivalent of fine arts required by this division.

(L) Notwithstanding anything to the contrary in this section, the board of education of each school district and the governing authority of each chartered nonpublic school may adopt a policy to excuse from the high school physical education requirement each student who, during high school, has participated in interscholastic athletics, marching band, show choir, or cheerleading for at least two full seasons or in the junior reserve officer training corps for at least two full school years. If the board or authority adopts such a policy, the board or authority shall not require the student to complete any physical education course as a condition to graduate. However, the student shall be required to complete one-half unit, consisting of at least sixty hours of instruction, in

another course of study. In the case of a student who has 49786  
participated in the junior reserve officer training corps for at 49787  
least two full school years, credit received for that 49788  
participation may be used to satisfy the requirement to complete 49789  
one-half unit in another course of study. 49790

(M) It is important that high school students learn and 49791  
understand United States history and the governments of both the 49792  
United States and the state of Ohio. Therefore, beginning with 49793  
students who enter ninth grade for the first time on or after 49794  
July 1, 2012, the study of American history and American 49795  
government required by divisions (B) (6) and (C) (6) of this 49796  
section shall include the study of all of the following 49797  
documents: 49798

(1) The Declaration of Independence; 49799

(2) The Northwest Ordinance; 49800

(3) The Constitution of the United States with emphasis on 49801  
the Bill of Rights; 49802

(4) The Ohio Constitution. 49803

The study of each of the documents prescribed in divisions 49804  
(M) (1) to (4) of this section shall include study of that 49805  
document in its original context. 49806

The study of American history and government required by 49807  
divisions (B) (6) and (C) (6) of this section shall include the 49808  
historical evidence of the role of documents such as the 49809  
Federalist Papers and the Anti-Federalist Papers to firmly 49810  
establish the historical background leading to the establishment 49811  
of the provisions of the Constitution and Bill of Rights. 49812

(N) A student may apply one unit of instruction in 49813



computer science to satisfy one unit of mathematics or one unit of science under division (C) of this section as the student chooses, regardless of the field of certification of the teacher who teaches the course, so long as that teacher meets the licensure requirements prescribed by section 3319.236 of the Revised Code and, prior to teaching the course, completes a professional development program determined to be appropriate by the district board.

If a student applies more than one computer science course to satisfy curriculum requirements under that division, the courses shall be sequential and progressively more difficult or cover different subject areas within computer science.

(O) Notwithstanding anything to the contrary in this section, the board of education of each school district and the governing authority of each chartered nonpublic school may adopt a policy to excuse from the financial literacy instruction requirement under division (C) (9) of this section each student who, during high school, participates in a financial literacy program offered through a student branch, as defined in section 1733.04 of the Revised Code, or by a bank, as defined in section 1101.01 of the Revised Code. The policy shall require the financial literacy program to meet or exceed the academic content standards and model curriculum for financial literacy and entrepreneurship instruction adopted under section 3301.079 of the Revised Code. The policy shall address how long a student is required to participate in the program to qualify for an exemption under this division.

Not later than July 1, 2026, the department shall develop and post on its web site a model policy and guidelines for districts and schools to use in developing a policy under this

division. 49844

**Sec. 3313.608.** (A) (1) Beginning with students who enter 49845  
third grade in the school year that starts July 1, 2009, and 49846  
until June 30, 2013, unless the student is excused under 49847  
division (C) of section 3301.0711 of the Revised Code from 49848  
taking the assessment described in this section, for any student 49849  
who does not attain at least the equivalent level of achievement 49850  
designated under division (A) (3) of section 3301.0710 of the 49851  
Revised Code on the assessment prescribed under that section to 49852  
measure skill in English language arts expected at the end of 49853  
third grade, each school district, in accordance with the policy 49854  
adopted under section 3313.609 of the Revised Code, shall do one 49855  
of the following: 49856

(a) Promote the student to fourth grade if the student's 49857  
principal and reading teacher agree that other evaluations of 49858  
the student's skill in reading demonstrate that the student is 49859  
academically prepared to be promoted to fourth grade; 49860

(b) Promote the student to fourth grade but provide the 49861  
student with intensive intervention services in fourth grade; 49862

(c) Retain the student in third grade. 49863

(2) Beginning with students who enter third grade in the 49864  
2013-2014 school year, unless the student is excused under 49865  
division (C) of section 3301.0711 of the Revised Code from 49866  
taking the assessment described in this section, no school 49867  
district shall promote to fourth grade any student who does not 49868  
attain at least the equivalent level of achievement designated 49869  
under division (A) (3) of section 3301.0710 of the Revised Code 49870  
on the assessment prescribed under that section to measure skill 49871  
in English language arts expected at the end of third grade, 49872

unless one of the following applies: 49873

(a) The student is an English learner who has been 49874  
enrolled in United States schools for less than three full 49875  
school years and has had less than three years of instruction in 49876  
an English as a second language program. 49877

(b) The student is a child with a disability entitled to 49878  
special education and related services under Chapter 3323. of 49879  
the Revised Code and the student's individualized education 49880  
program exempts the student from retention under this division. 49881

(c) The student demonstrates an acceptable level of 49882  
performance on an alternative standardized reading assessment as 49883  
determined by the department of education and workforce. 49884

(d) All of the following apply: 49885

(i) The student is a child with a disability entitled to 49886  
special education and related services under Chapter 3323. of 49887  
the Revised Code. 49888

(ii) The student has taken the third grade English 49889  
language arts achievement assessment prescribed under section 49890  
3301.0710 of the Revised Code. 49891

(iii) The student's individualized education program or 49892  
plan under section 504 of the "Rehabilitation Act of 1973," 87 49893  
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has 49894  
received intensive remediation in reading for two school years 49895  
but still demonstrates a deficiency in reading. 49896

(iv) The student previously was retained in any of grades 49897  
kindergarten to three. 49898

(e) (i) The student received intensive remediation for 49899  
reading for two school years but still demonstrates a deficiency 49900

in reading and was previously retained in any of grades 49901  
kindergarten to three. 49902

(ii) A student who is promoted under division (A) (2) (e) (i) 49903  
of this section shall continue to receive intensive reading 49904  
instruction in grade four. The instruction shall include an 49905  
altered instructional day that includes specialized diagnostic 49906  
information and specific research-based reading strategies for 49907  
the student that have been successful in improving reading among 49908  
low-performing readers. 49909

(f) A student's parent or guardian, in consultation with 49910  
the student's reading teacher and building principal, requests 49911  
that the student, regardless of if the student is reading at 49912  
grade level, be promoted to the fourth grade. 49913

A student who is promoted under division (A) (2) (f) of this 49914  
section shall continue to receive intensive reading instruction 49915  
in the same manner as a student retained under this section 49916  
until the student is able to read at grade level. 49917

(B) (1) Beginning in the 2012-2013 school year, to assist 49918  
students in meeting the third grade guarantee established by 49919  
this section, each school district board of education shall 49920  
adopt policies and procedures with which it annually shall 49921  
assess the reading skills of each student, except those students 49922  
with significant cognitive disabilities or other disabilities as 49923  
authorized by the department on a case-by-case basis, enrolled 49924  
in kindergarten to third grade and shall identify students who 49925  
are reading below their grade level. The reading skills 49926  
assessment shall be completed by the thirtieth day of September 49927  
for students in grades one to three, and by the twentieth day of 49928  
instruction of the school year for students in kindergarten. 49929  
Each district shall use the diagnostic assessment to measure 49930

reading ability for the appropriate grade level adopted under 49931  
section 3301.079 of the Revised Code, or a comparable tool 49932  
approved by the department of education and workforce, to 49933  
identify such students. The policies and procedures shall 49934  
require the students' classroom teachers to be involved in the 49935  
assessment and the identification of students reading below 49936  
grade level. The assessment may be administered electronically 49937  
using live, two-way video and audio connections whereby the 49938  
teacher administering the assessment may be in a separate 49939  
location from the student. 49940

(2) For each student identified by the diagnostic 49941  
assessment prescribed under this section as having reading 49942  
skills below grade level, the district shall do both of the 49943  
following: 49944

(a) Provide to the student's parent or guardian, in 49945  
writing, all of the following: 49946

(i) Notification that the student has been identified as 49947  
having a substantial deficiency in reading; 49948

(ii) A description of the current services that are 49949  
provided to the student; 49950

(iii) A description of the proposed supplemental 49951  
instructional services and supports that will be provided to the 49952  
student that are designed to remediate the identified areas of 49953  
reading deficiency; 49954

(iv) Notification that if the student attains a score in 49955  
the range designated under division (A) (3) of section 3301.0710 49956  
of the Revised Code on the assessment prescribed under that 49957  
section to measure skill in English language arts expected at 49958  
the end of third grade, the student shall be retained unless the 49959

student is exempt under division (A) of this section. The 49960  
notification shall specify that the assessment under section 49961  
3301.0710 of the Revised Code is not the sole determinant of 49962  
promotion and that additional evaluations and assessments are 49963  
available to the student to assist parents and the district in 49964  
knowing when a student is reading at or above grade level and 49965  
ready for promotion. 49966

(v) A statement that connects the child's proficiency 49967  
level in reading to long-term outcomes of success related to 49968  
proficiency in reading. 49969

(b) Provide intensive reading instruction services and 49970  
regular diagnostic assessments to the student immediately 49971  
following identification of a reading deficiency until the 49972  
development of the reading improvement and monitoring plan 49973  
required by division (C) of this section. These intervention 49974  
services shall be aligned with the science of reading as defined 49975  
under section 3313.6028 of the Revised Code and include 49976  
research-based reading strategies that have been shown to be 49977  
successful in improving reading among low-performing readers and 49978  
instruction targeted at the student's identified reading 49979  
deficiencies. 49980

(3) For each student retained under division (A) of this 49981  
section, the district shall do all of the following: 49982

(a) Provide intense remediation services until the student 49983  
is able to read at grade level. The remediation services shall 49984  
include intensive interventions in reading that address the 49985  
areas of deficiencies identified under this section including, 49986  
but not limited to, not less than ninety minutes of reading 49987  
instruction per day, and may include any of the following: 49988

(i) Small group instruction;	49989
(ii) Reduced teacher-student ratios;	49990
(iii) More frequent progress monitoring;	49991
(iv) Tutoring or mentoring;	49992
(v) Transition classes containing third and fourth grade students;	49993 49994
(vi) Extended school day, week, or year;	49995
(vii) Summer reading camps.	49996
(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;	49997 49998 49999 50000
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	50001 50002 50003
The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education and workforce. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.	50004 50005 50006 50007 50008 50009 50010 50011
(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific	50012 50013 50014 50015

academic ability field.	50016
As used in this division, "specific academic ability	50017
field" has the same meaning as in section 3324.01 of the Revised	50018
Code.	50019
(C) For each student required to be provided intervention	50020
services under this section, the district shall develop a	50021
reading improvement and monitoring plan within sixty days after	50022
receiving the student's results on the diagnostic assessment or	50023
comparable tool administered under division (B)(1) of this	50024
section. The district shall involve the student's parent or	50025
guardian and classroom teacher in developing the plan. The plan	50026
shall include all of the following:	50027
(1) Identification of the student's specific reading	50028
deficiencies;	50029
(2) A description of the additional instructional services	50030
and support that will be provided to the student to remediate	50031
the identified reading deficiencies;	50032
(3) Opportunities for the student's parent or guardian to	50033
be involved in the instructional services and support described	50034
in division (C)(2) of this section;	50035
(4) A process for monitoring the extent to which the	50036
student receives the instructional services and support	50037
described in division (C)(2) of this section;	50038
(5) A reading curriculum during regular school hours that	50039
does all of the following:	50040
(a) Assists students to read at grade level;	50041
(b) Provides scientifically based and reliable assessment;	50042



(c) Provides initial and ongoing analysis of each student's reading progress. 50043  
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(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade. 50045  
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(7) ~~High-dosage~~ The provision of high-dosage tutoring opportunities aligned with the student's classroom instruction through a state-approved vendor on the list of high-quality tutoring vendors under section 3301.136 of the Revised Code or a locally approved ~~opportunity program~~ that aligns with high-dosage tutoring best practices identified by the department. High-dosage tutoring ~~opportunities~~ shall include ~~additional~~ instruction time of at least three days per week, or at least fifty hours over thirty-six weeks. High-dosage tutoring may be incorporated into a student's regular classroom instruction. 50051  
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The district shall continue to provide the plan developed under division (C) of this section until the student achieves the required level of skill in reading for the student's current grade level. 50061  
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Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section. 50065  
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The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the 50069  
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department. 50072

(D) Each school district shall report annually to the 50073  
department on its implementation and compliance with this 50074  
section using guidelines prescribed by the department. The 50075  
director of education and workforce annually shall report to the 50076  
governor and general assembly the number and percentage of 50077  
students in grades kindergarten through four reading below grade 50078  
level based on the diagnostic assessments administered under 50079  
division (B) of this section and the achievement assessments 50080  
administered under divisions (A) (1) (a) and (b) of section 50081  
3301.0710 of the Revised Code in English language arts, 50082  
aggregated by school district and building; the types of 50083  
intervention services provided to students; and, if available, 50084  
an evaluation of the efficacy of the intervention services 50085  
provided. 50086

(E) Any summer remediation services funded in whole or in 50087  
part by the state and offered by school districts to students 50088  
under this section shall meet the following conditions: 50089

(1) The remediation methods are based on reliable 50090  
educational research. 50091

(2) The school districts conduct assessment before and 50092  
after students participate in the program to facilitate 50093  
monitoring results of the remediation services. 50094

(3) The parents of participating students are involved in 50095  
programming decisions. 50096

(F) Any intervention or remediation services required by 50097  
this section shall include intensive, explicit, and systematic 50098  
instruction. 50099

(G) This section does not create a new cause of action or 50100

a substantive legal right for any person. 50101

(H) (1) Except as provided under divisions (H) (2), (3), and 50102  
(4) of this section, each student described in division (B) (3) 50103  
or (C) of this section who enters third grade for the first time 50104  
on or after July 1, 2013, shall be assigned a teacher who has at 50105  
least one year of teaching experience and who satisfies one or 50106  
more of the following criteria: 50107

(a) The teacher holds a reading endorsement on the 50108  
teacher's license and has attained a passing score on the 50109  
corresponding assessment for that endorsement, as applicable. 50110

(b) The teacher has completed a master's degree program 50111  
with a major in reading. 50112

(c) The teacher was rated "most effective" for reading 50113  
instruction consecutively for the most recent two years based on 50114  
assessments of student growth measures developed by a vendor and 50115  
that is on the list of student assessments approved by the 50116  
department under division (B) (2) of section 3319.112 of the 50117  
Revised Code. 50118

(d) The teacher was rated "above expected value added," in 50119  
reading instruction, as determined by criteria established by 50120  
the department, for the most recent, consecutive two years. 50121

(e) The teacher has earned a passing score on a rigorous 50122  
test of principles of scientifically research-based reading 50123  
instruction as approved by the department. 50124

(f) The teacher holds an educator license for teaching 50125  
grades pre-kindergarten through three or four through nine 50126  
issued on or after July 1, 2017. 50127

(2) Notwithstanding division (H) (1) of this section, a 50128

student described in division (B) (3) or (C) of this section who 50129  
enters third grade for the first time on or after July 1, 2013, 50130  
may be assigned to a teacher with less than one year of teaching 50131  
experience provided that the teacher meets one or more of the 50132  
criteria described in divisions (H) (1) (a) to (f) of this section 50133  
and that teacher is assigned a teacher mentor who meets the 50134  
qualifications of division (H) (1) of this section. 50135

(3) Notwithstanding division (H) (1) of this section, a 50136  
student described in division (B) (3) or (C) of this section who 50137  
enters third grade for the first time on or after July 1, 2013, 50138  
but prior to July 1, 2016, may be assigned to a teacher who 50139  
holds an alternative credential approved by the department or 50140  
who has successfully completed training that is based on 50141  
principles of scientifically research-based reading instruction 50142  
that has been approved by the department. The alternative 50143  
credentials and training described in division (H) (3) of this 50144  
section shall be aligned with the reading competencies adopted 50145  
by the department of education and workforce under section 50146  
3301.077 of the Revised Code. 50147

(4) Notwithstanding division (H) (1) of this section, a 50148  
student described in division (B) (3) or (C) of this section who 50149  
enters third grade for the first time on or after July 1, 2013, 50150  
may receive reading intervention or remediation services under 50151  
this section from an individual employed as a speech-language 50152  
pathologist who holds a license issued by the state speech and 50153  
hearing professionals board under Chapter 4753. of the Revised 50154  
Code and a registration under section 3319.221 of the Revised 50155  
Code. 50156

(5) A teacher, other than a student's teacher of record, 50157  
may provide any services required under this section, so long as 50158

that other teacher meets the requirements of division (H) of 50159  
this section and the teacher of record and the school principal 50160  
agree to the assignment. Any such assignment shall be documented 50161  
in the student's reading improvement and monitoring plan. 50162

As used in this division, "teacher of record" means the 50163  
classroom teacher to whom a student is assigned. 50164

(I) Notwithstanding division (H) of this section, a 50165  
teacher may teach reading to any student who is an English 50166  
language learner, and has been in the United States for three 50167  
years or less, or to a student who has an individualized 50168  
education program developed under Chapter 3323. of the Revised 50169  
Code if that teacher holds an alternative credential approved by 50170  
the department or has successfully completed training that is 50171  
based on principles of scientifically research-based reading 50172  
instruction that has been approved by the department. The 50173  
alternative credentials and training described in this division 50174  
shall be aligned with the reading competencies adopted by the 50175  
department of education and workforce under section 3301.077 of 50176  
the Revised Code. 50177

(J) If, on or after June 4, 2013, a school district or 50178  
community school cannot furnish the number of teachers needed 50179  
who satisfy one or more of the criteria set forth in division 50180  
(H) of this section for the 2013-2014 school year, the school 50181  
district or community school shall develop and submit a staffing 50182  
plan by June 30, 2013. The staffing plan shall include criteria 50183  
that will be used to assign a student described in division (B) 50184  
(3) or (C) of this section to a teacher, credentials or training 50185  
held by teachers currently teaching at the school, and how the 50186  
school district or community school will meet the requirements 50187  
of this section. The school district or community school shall 50188

post the staffing plan on its web site for the applicable school year. 50189  
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Not later than March 1, 2014, and on the first day of March in each year thereafter, a school district or community school that has submitted a plan under this division shall submit to the department a detailed report of the progress the district or school has made in meeting the requirements under this section. 50191  
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A school district or community school may request an extension of a staffing plan beyond the 2013-2014 school year. Extension requests must be submitted to the department not later than the thirtieth day of April prior to the start of the applicable school year. The department may grant extensions valid through the 2015-2016 school year. 50197  
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(K) The department of education and workforce shall designate one or more staff members to provide guidance and assistance to school districts and community schools in implementing the third grade guarantee established by this section, including any standards or requirements adopted to implement the guarantee and to provide information and support for reading instruction and achievement. 50203  
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**Sec. 3313.609.** (A) As used in this section:— 50210

~~(1) "Truant" means absent without excuse.~~ 50211

~~(2) "Academically prepared", "academically prepared"~~ means whatever educational standard the board of education of each city, exempted village, local, and joint vocational school district establishes as necessary for the promotion of a student to the next grade level pursuant to the policy adopted under division (B) of this section. 50212  
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(B) The board of education of each city, exempted village, local, and joint vocational school district shall adopt a grade promotion and retention policy for students that complies with this section and section 3313.608 of the Revised Code. The policy shall prohibit the promotion of a student to the next grade level if the student ~~has been truant for more than ten percent of the required attendance days of the current school year~~ and has failed two or more of the required curriculum subject areas in the current grade unless the student's principal and the teachers of any failed subject areas agree that the student is academically prepared to be promoted to the next grade level.

**Sec. 3313.6013.** (A) As used in this section, "advanced standing program" means a program that enables a student to earn credit toward a degree from an institution of higher education while enrolled in high school or that enables a student to complete coursework while enrolled in high school that may earn credit toward a degree from an institution of higher education upon the student's attainment of a specified score on an examination covering the coursework. Advanced standing programs may include any of the following:

(1) The college credit plus program established under Chapter 3365. of the Revised Code;

(2) Advanced placement courses;

(3) International baccalaureate diploma courses;

(4) Early college high school programs;

(5) Courses that comply with the career-technical education credit transfer criteria, policies, and procedures established under section 3333.162 of the Revised Code;

(6) The college-level examination program.

(B) Each city, local, exempted village, and joint vocational school district and each chartered nonpublic high school shall provide students enrolled in grades nine through twelve with the opportunity to participate in an advanced standing program. For this purpose, each school district and chartered nonpublic high school shall offer at least one advanced standing program in accordance with division (B) (1) or (2) of this section, as applicable.

(1) A city, local, or exempted village school district meets the requirements of this division through its mandatory participation in the college credit plus program established under Chapter 3365. of the Revised Code. However, a city, local, or exempted village school district may offer any other advanced standing program, in addition to the college credit plus program, and each joint vocational school district shall offer at least one other advanced standing program, to students in good standing, as defined by the partnership for continued learning under section 3301.42 of the Revised Code as it existed prior to October 16, 2009, or as subsequently defined by the department of education and workforce.

(2) A chartered nonpublic high school that elects to participate in the college credit plus program established under Chapter 3365. of the Revised Code meets the requirements of this division. Each chartered nonpublic high school that elects not to participate in the college credit plus program instead shall offer at least one other advanced standing program to students in good standing, as defined by the partnership for continued learning under section 3301.42 of the Revised Code as it existed prior to October 16, 2009, or as subsequently defined by the department of education and workforce.



(C) Each school district and each chartered nonpublic high school, at least annually, shall provide information about the advanced standing programs offered by the district or school to all students enrolled in grades six through eleven. The district or school shall include information about all of the following:

(1) The process colleges and universities use in awarding credit for advanced placement and international baccalaureate courses and examinations, including minimum scores required by state institutions of higher education, as defined in section 3345.011 of the Revised Code, for a student to receive college credit;

(2) The availability of tuition and fee waivers for advanced placement and international baccalaureate courses and examinations;

(3) The availability of online advanced placement or international baccalaureate courses, including those that may be available at no cost;

(4) The benefits of earning postsecondary credit through advanced placement or international baccalaureate courses;

(5) The availability of advanced placement or international baccalaureate courses offered throughout the district.

The district or school may include additional information as determined appropriate by the district or school.

(D) Except as provided for in Chapter 3365. of the Revised Code, no city, local, exempted village, and joint vocational school district shall charge an enrolled student an additional fee or tuition for participation in any advanced standing program offered by the district. Students may be required to pay

the costs associated with taking an advanced placement or 50306  
international baccalaureate examination. 50307

(E) Any agreement between a school district or school and 50308  
an associated college governing the operation of an early 50309  
college high school program shall be exempt from the 50310  
requirements of the college credit plus program, provided the 50311  
program meets the definition set forth in division (F) (2) of 50312  
this section and is approved by the director of education and 50313  
workforce and the chancellor of higher education. 50314

The college credit plus program also shall not govern any 50315  
advanced placement course or international baccalaureate diploma 50316  
course as described under this section. 50317

(F) As used in this section: 50318

(1) "Associated college" means a public or private 50319  
college, as defined in section 3365.01 of the Revised Code, 50320  
which has entered into an agreement with a school district or 50321  
school to establish an early college high school program, as 50322  
described in division (F) (2) of this section, and awards 50323  
transcripted credit, as defined in section 3365.01 of the 50324  
Revised Code, to students through that program. 50325

(2) "Early college high school program" means a 50326  
partnership between at least one school district or school and 50327  
at least one institution of higher education that allows 50328  
participants to simultaneously complete requirements toward 50329  
earning a regular high school diploma and have the opportunity 50330  
to earn not less than twenty-four credits that are transferable 50331  
to the institutions of higher education in the partnership as 50332  
part of an organized course of study toward a post-secondary 50333  
degree or credential at no cost to the participant or 50334

participant's family. The program also shall prioritize the 50335  
following students: 50336

(a) Students who are underrepresented in regard to 50337  
completing post-secondary education; 50338

(b) Students who are economically disadvantaged, as 50339  
defined by the department of education and workforce; 50340

(c) Students whose parents did not earn a college degree. 50341

**Sec. 3313.6022.** (A) As used in this section, "released 50342  
time" means a period of time during which a student is excused 50343  
from school to attend a course in religious instruction 50344  
conducted by a private entity off school district property. 50345

(B) A school district board of education shall adopt a 50346  
policy that authorizes a student to be excused from school to 50347  
attend a released time course in religious instruction for at 50348  
least one period per week, provided that each of the following 50349  
applies: 50350

(1) The student's parent or guardian gives written 50351  
consent. 50352

(2) The sponsoring entity maintains attendance records and 50353  
makes them available to the school district the student attends. 50354

(3) Transportation to and from the place of instruction, 50355  
including transportation for students with disabilities, is the 50356  
complete responsibility of the sponsoring entity, parent, 50357  
guardian, or student. 50358

(4) The sponsoring entity makes provisions for and assumes 50359  
liability for the student. 50360

(5) No public funds are expended and no public school 50361

personnel are involved in providing the religious instruction. 50362

(6) The student assumes responsibility for any missed 50363  
schoolwork. 50364

While in attendance in a released time course in religious 50365  
instruction, a student shall not be considered absent from 50366  
school. No student may be released from a core curriculum 50367  
subject course to attend a religious instruction course. 50368

(C) A school district board of education shall collaborate 50369  
with a sponsoring entity of a released time course in religious 50370  
instruction to identify a time to offer the course during the 50371  
school day. 50372

(D) A policy adopted under division (B) of this section 50373  
shall not exceed either of the following: 50374

(1) For students in elementary school, two periods in 50375  
total per week; 50376

(2) For students in high school, the amount of time that 50377  
is equivalent to attending two units of high school credit per 50378  
week. 50379

(E) A policy adopted under division (B) of this section 50380  
may authorize high school students to earn up to two units of 50381  
high school credit for the completion of a released time course 50382  
in religious instruction. In determining whether to award credit 50383  
for completion of such a course, the board shall evaluate the 50384  
course based on purely secular criteria that are substantially 50385  
the same criteria used to evaluate similar nonpublic high school 50386  
courses for purposes of determining whether to award credit for 50387  
such courses to a student transferring from a nonpublic high 50388  
school to a public high school. However, there shall be no 50389  
criteria requiring that released time courses be completed only 50390

at a nonpublic school. The decision to award credit for a 50391  
released time course of religious instruction shall be neutral 50392  
to, and shall not involve any test for, religious content or 50393  
denominational affiliation. 50394

For purposes of this division, secular criteria may 50395  
include, but are not limited to, the following: 50396

(1) The number of hours of classroom instruction time; 50397

(2) A review of the course syllabus that reflects course 50398  
requirements and materials used; 50399

(3) The methods of assessment used in the course; 50400

(4) The qualifications of the course instructor, which 50401  
shall be similar to the qualifications of other teachers within 50402  
the district. 50403

Notwithstanding division (C) (8) of section 3313.603 of the 50404  
Revised Code, high school credit awarded to a student for a 50405  
released time course in religious instruction may substitute for 50406  
the same amount of credit in subjects listed in that division. 50407

~~(E)~~ (F) A school district, member of a school district 50408  
board of education, or school district employee is not liable in 50409  
damages in a civil action for injury allegedly arising during a 50410  
student's transportation to or from a place of instruction when 50411  
private transportation is used under a released time policy 50412  
adopted under this section. This division does not eliminate, 50413  
limit, or reduce any other immunity or defense that a school 50414  
district, member of a school district board of education, or 50415  
school district employee may be entitled to under Chapter 2744. 50416  
or any other provision of the Revised Code or under the common 50417  
law of this state. 50418

**Sec. 3313.6028.** (A) (1) As used in Title XXXIII of the Revised Code, "science of reading" means an interdisciplinary body of scientific evidence that:

(a) Informs how students learn to read and write proficiently;

(b) Explains why some students have difficulty with reading and writing;

(c) Indicates that all students benefit from explicit and systematic instruction in phonemic awareness, phonics, vocabulary, fluency, comprehension, and writing to become effective readers;

(d) Does not rely on any model of teaching students to read based on meaning, structure and syntax, and visual cues, including a three-cueing approach.

(2) As used in this section, "three-cueing approach" means any model of teaching students to read based on meaning, structure and syntax, and visual cues.

(B) The department of education and workforce shall establish a list of high-quality core curriculum and instructional materials in English language arts, and a list of evidence-based reading intervention programs, that are aligned with the science of reading and strategies for effective literacy instruction.

(C) Beginning not later than the 2024-2025 school year, each school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code, shall use core curriculum and instructional materials in English language arts in each of grades pre-kindergarten to five and evidence-based reading

intervention programs in each of grades pre-kindergarten to 50448  
twelve only from the lists established under division (B) of 50449  
this section. Except as provided in division (D) of this 50450  
section, no district or school shall use any core curriculum, 50451  
instructional materials, or intervention program in grades pre- 50452  
kindergarten to five that use the three-cueing approach to teach 50453  
students to read. 50454

(D) A district or school may apply to the department for a 50455  
waiver on an individual student basis to use curriculum, 50456  
instructional materials, or an intervention program in grades 50457  
pre-kindergarten through five that uses the three-cueing 50458  
approach to teach students to read, except as follows: 50459

(1) No student for whom a reading improvement and 50460  
monitoring plan has been developed under division (C) of section 50461  
3313.608 of the Revised Code shall be eligible for a waiver. 50462

(2) If a student has an individualized education program 50463  
that explicitly indicates the three-cueing approach is 50464  
appropriate for the student's learning needs, the student shall 50465  
not be required to have a waiver. 50466

In determining whether to approve a waiver requested under 50467  
this section, the department shall consider the performance of 50468  
the student's district or school on the state report card issued 50469  
under section 3302.03 of the Revised Code, including on the 50470  
early literacy component prescribed under division (D)(3)(e) of 50471  
that section. 50472

(E)(1) The department shall identify vendors that provide 50473  
professional development to educators, including pre-service 50474  
teachers and faculty employed by educator preparation programs, 50475  
on the use of high-quality core curriculum and instructional 50476

materials and reading intervention programs on the lists 50477  
established under division (B) of this section. 50478

(2) A professional development committee established under 50479  
section 3319.22 of the Revised Code shall qualify any completed 50480  
professional development coursework provided by a vendor 50481  
described in division (E)(1) of this section to count towards 50482  
professional development coursework requirements for teacher 50483  
licensure renewal. 50484

(3) A professional development committee shall permit a 50485  
teacher to apply any hours earned over the minimum amount of 50486  
hours required for professional development coursework for 50487  
teacher licensure renewal under division (E)(2) of this section 50488  
to the next renewal period for that license. 50489

Sec. 3313.6031. (A) As used in this section, "other high 50490  
school" means any of the following that offers any of grades 50491  
nine through twelve: 50492

(1) A community school established under Chapter 3314. of 50493  
the Revised Code; 50494

(2) A STEM school established under Chapter 3326. of the 50495  
Revised Code; 50496

(3) A chartered nonpublic school. 50497

(B) Each city, local, exempted village, and joint 50498  
vocational school district and other high school that has 50499  
students enrolled in courses that comply with the career- 50500  
technical education credit transfer criteria, policies, and 50501  
procedures established under section 3333.162 of the Revised 50502  
Code shall adopt and implement a policy for the awarding of 50503  
grades and the calculation of class standing for those courses. 50504



A district's or school's policy under this section shall 50505  
be equivalent to the district's or school's policy for courses 50506  
taken under the advanced standing programs described in 50507  
divisions (A) (1) to (3) of section 3313.6013 of the Revised Code 50508  
or for other courses designated as honors courses by the 50509  
district or school, including procedures for awarding a weighted 50510  
grade or enhancing a student's class standing for those courses. 50511

**Sec. 3313.6032.** (A) As used in this section, "advanced 50512  
learning opportunities in mathematics" or "advanced mathematics 50513  
course" means learning opportunities or a course that provides 50514  
academic content or rigor that exceeds the standard mathematics 50515  
curriculum for the student's grade level, as determined by the 50516  
district. 50517

(B) Except as otherwise provided in division (C) of this 50518  
section, each city, local, exempted village, and joint- 50519  
vocational school district shall provide each student that 50520  
achieves an advanced level of skill on a mathematics achievement 50521  
assessment as prescribed under section 3301.0710 or end-of- 50522  
course examination under section 3301.0712 of the Revised Code 50523  
with advanced learning opportunities in mathematics including 50524  
advanced mathematics courses in the following school year. Each 50525  
student shall take any corresponding required achievement 50526  
assessment or end-of-course examination for any mathematics 50527  
course the student takes under those sections. 50528

(C) (1) No school district is subject to division (B) of 50529  
this section if it does not offer the advanced learning 50530  
opportunities in mathematics or an advanced mathematics course 50531  
for the grade level in which the student is enrolled for the 50532  
next school year. 50533

(2) Each school district shall notify the parent or 50534

guardian of a student who qualifies for advanced learning 50535  
opportunities in mathematics under division (B) of this section 50536  
of that determination. The parent or guardian of any such 50537  
student may submit a written request for that student to not 50538  
receive the advanced learning opportunities in mathematics or to 50539  
not be enrolled in the advanced mathematics course. In which 50540  
case, the district shall not be required to provide that student 50541  
with advanced mathematics instruction under division (B) of this 50542  
section. 50543

**Sec. 3313.618.** (A) In addition to the curriculum 50544  
requirements specified by the board of education of a school 50545  
district or governing authority of a chartered nonpublic school, 50546  
each student entering ninth grade for the first time on or after 50547  
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 50548  
one of the following conditions or the conditions prescribed 50549  
under division (B) of this section in order to qualify for a 50550  
high school diploma: 50551

(1) Be remediation-free, in accordance with standards 50552  
adopted under division (F) of section 3345.061 of the Revised 50553  
Code, on each of the nationally standardized assessments in 50554  
English, mathematics, and reading; 50555

(2) Attain a score specified under division (B) (5) (c) of 50556  
section 3301.0712 of the Revised Code on the end-of-course 50557  
examinations prescribed under division (B) of section 3301.0712 50558  
of the Revised Code. 50559

(3) Attain a score that demonstrates workforce readiness 50560  
and employability on a nationally recognized job skills 50561  
assessment selected by the department of education and workforce 50562  
under division (F) of section 3301.0712 of the Revised Code and 50563  
obtain either an industry-recognized credential or a license 50564

issued by a state agency or board for practice in a vocation 50565  
that requires an examination for issuance of that license. 50566

For the purposes of this division, the industry-recognized 50567  
credentials and licenses shall be as approved under section 50568  
3313.6113 of the Revised Code. 50569

A student may choose to qualify for a high school diploma 50570  
by satisfying any of the separate requirements prescribed by 50571  
divisions (A) (1) to (3) of this section. If the student's school 50572  
district or school does not administer the examination 50573  
prescribed by one of those divisions that the student chooses to 50574  
take to satisfy the requirements of this section, the school 50575  
district or school may require that student to arrange for the 50576  
applicable scores to be sent directly to the district or school 50577  
by the company or organization that administers the examination. 50578

(B) In addition to the curriculum requirements specified 50579  
by the district board or school governing authority, each 50580  
student entering ninth grade for the first time on or after July 50581  
1, 2019, shall satisfy the following conditions in order to 50582  
qualify for a high school diploma: 50583

(1) Attain a competency score as determined under division 50584  
(B) (10) of section 3301.0712 of the Revised Code on each of the 50585  
Algebra I and English language arts II end-of-course 50586  
examinations prescribed under division (B) (2) of section 50587  
3301.0712 of the Revised Code. 50588

School districts and chartered nonpublic schools shall 50589  
offer remedial support to any student who fails to attain a 50590  
competency score on one or both of the Algebra I and English 50591  
language arts II end-of-course examinations. 50592

Following the first administration of the exam, if a 50593

student fails to attain a competency score on one or both of the Algebra I and English language arts II end-of-course examinations that student must retake the respective examination at least once.

If a student fails to attain a competency score on a retake examination, the student may demonstrate competency in the failed subject area through one of the following options:

(a) Earn course credit taken through the college credit plus program established under Chapter 3365. of the Revised Code in the failed subject area;

(b) Complete two of the following options, one of which must be foundational:

(i) Foundational options to demonstrate competency, which include completing two hundred fifty hours of a work-based learning experience with evidence of positive evaluations, earning a cumulative score of proficient or higher on three or more state technical assessments aligned with section 3313.903 of the Revised Code in a single career pathway, obtaining an industry-recognized credential, or group of credentials, approved under section 3313.6113 of the Revised Code that is at least equal to the total number of points established under that section to qualify for a high school diploma, obtaining a license approved under section 3313.6113 of the Revised Code that is issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license, completing a pre-apprenticeship aligned with options established under section 3313.904 of the Revised Code in the student's chosen career field, completing an apprenticeship registered with the apprenticeship council established under section 4139.02 of the Revised Code in the student's chosen

career field, or providing evidence of acceptance into an 50624  
apprenticeship program after high school that is restricted to 50625  
participants eighteen years of age or older; 50626

(ii) Supporting options to demonstrate competency, which 50627  
~~include completing two hundred fifty hours of a work-based-~~ 50628  
~~learning experience with evidence of positive evaluations,~~ 50629  
obtaining an OhioMeansJobs-readiness seal under section 50630  
3313.6112 of the Revised Code, or attaining a workforce 50631  
readiness score, as determined by the department, on the 50632  
nationally recognized job skills assessment selected by the 50633  
department under division (F) of section 3301.0712 of the 50634  
Revised Code. 50635

(c) Provide evidence that the student has enlisted in a 50636  
branch of the armed services of the United States as defined in 50637  
section 5910.01 of the Revised Code. 50638

(d) Be remediation-free, in accordance with standards 50639  
adopted under division (F) of section 3345.061 of the Revised 50640  
Code, in the failed subject area on a nationally standardized 50641  
assessment prescribed under division (B) (1) of section 3301.0712 50642  
of the Revised Code. For English language arts II, a student 50643  
must be remediation-free in the subjects of English and reading 50644  
on the nationally standardized assessment. 50645

Subject to division (L) (2) of section 3313.61 of the 50646  
Revised Code, for any students receiving special education and 50647  
related services under Chapter 3323. of the Revised Code, the 50648  
individualized education program developed for the student under 50649  
that chapter shall specify the manner in which the student will 50650  
participate in the assessments administered under this division 50651  
or an alternate assessment in accordance with division (C) (1) of 50652  
section 3301.0711 of the Revised Code. 50653

(2) Earn at least two of the state diploma seals 50654  
prescribed under division (A) of section 3313.6114 of the 50655  
Revised Code, at least one of which shall be any of the 50656  
following: 50657

(a) The state seal of biliteracy established under section 50658  
3313.6111 of the Revised Code; 50659

(b) The OhioMeansJobs-readiness seal established under 50660  
section 3313.6112 of the Revised Code; 50661

(c) One of the state diploma seals established under 50662  
divisions (C) (1) to (7) of section 3313.6114 of the Revised 50663  
Code. 50664

(C) (1) A student who transfers into an Ohio public or 50665  
chartered nonpublic high school from another state or enrolls in 50666  
such a high school after receiving home education or attending a 50667  
nonchartered, nontax-supported school in the previous school 50668  
year shall meet the requirements of division (B) or (D) of this 50669  
section, as applicable, in order to qualify for a high school 50670  
diploma. However, any student subject to division (B) of this 50671  
section who transfers or enrolls after the start of the 50672  
student's twelfth grade year and fails to attain a competency 50673  
score on the Algebra I or English language arts II end-of-course 50674  
examination shall not be required to retake the applicable 50675  
examination prior to demonstrating competency in the failed 50676  
subject area under the options prescribed in divisions (B) (1) (a) 50677  
to (d) of this section. 50678

(2) The department shall prescribe standards that allow a 50679  
transfer student who, prior to the student's transfer, took an 50680  
assessment described in division (B) (1) or (2) of section 50681  
3301.0712 or section 3313.619 of the Revised Code to apply the 50682

score from that assessment towards graduation requirements at 50683  
the student's new public or chartered nonpublic school. 50684

(D) Notwithstanding division (B) of this section, in 50685  
addition to the curriculum requirements specified by the school 50686  
governing authority, a chartered nonpublic school student 50687  
subject to division (L) (3) (a) (ii) of section 3301.0711 of the 50688  
Revised Code entering ninth grade for the first time on or after 50689  
July 1, 2019, shall qualify for a high school diploma if the 50690  
student earns a remediation-free score in the areas of English, 50691  
mathematics, and reading, in accordance with standards adopted 50692  
under division (F) of section 3345.061 of the Revised Code, on a 50693  
nationally standardized assessment prescribed under division (B) 50694  
(1) of section 3301.0712 of the Revised Code. No such student 50695  
shall be required to take the Algebra I or English language arts 50696  
II end-of-course examination or earn diploma seals under this 50697  
section. 50698

(E) The department shall not create or require any 50699  
additional assessment for the granting of any type of high 50700  
school diploma other than as prescribed by this section. Except 50701  
as provided in sections 3313.6111, 3313.6112, and 3313.6114 of 50702  
the Revised Code, the department or the director of education 50703  
and workforce shall not create any endorsement or designation 50704  
that may be affiliated with a high school diploma. 50705

**Sec. 3313.6113.** (A) The director of education and 50706  
workforce, in collaboration with the governor's office of 50707  
workforce transformation and representatives of business 50708  
organizations, shall establish a committee to develop a list of 50709  
industry-recognized credentials and licenses that may be used to 50710  
qualify for a high school diploma under section 3313.618 of the 50711  
Revised Code and shall be used for state report card purposes 50712

under section 3302.03 of the Revised Code. 50713

(B) The committee shall do the following: 50714

(1) Establish criteria for acceptable industry-recognized 50715  
credentials and licenses aligned with the in-demand jobs list 50716  
published by the department of job and family services; 50717

(2) Review the list of industry-recognized credentials and 50718  
licenses that was in existence on January 1, 2018, and update 50719  
the list as it considers necessary; 50720

(3) Review and update the list of industry-recognized 50721  
credentials and licenses at least biennially; 50722

(4) Assign a point value for each industry-recognized 50723  
credential and establish the total number of points for 50724  
industry-recognized credentials that—a student must earn to 50725  
qualify for a high school diploma under sections 3313.618 and 50726  
3313.6114 of the Revised Code; 50727

(5) Update the list of industry-recognized credentials to 50728  
include a driver's license obtained by a student through a 50729  
driver education course offered by a school district in 50730  
accordance with section 3301.17 of the Revised Code. 50731

(C) For purposes of divisions (B) (2) (d), (C) (2) (e), and 50732  
(D) (1) (j) (v) of section 3302.03 of the Revised Code, the 50733  
department of education and workforce shall include only those 50734  
students who earn an industry-recognized credential, or group of 50735  
credentials, at least equal to the total number of points 50736  
established by the committee under this section to qualify for a 50737  
high school diploma. 50738

**Sec. 3313.6114.** (A) The department of education and 50739  
workforce shall establish a system of state diploma seals for 50740



the purposes of allowing a student to qualify for graduation 50741  
under section 3313.618 of the Revised Code. State diploma seals 50742  
may be attached or affixed to the high school diploma of a 50743  
student enrolled in a public or chartered nonpublic school. The 50744  
system of state diploma seals shall consist of all of the 50745  
following: 50746

(1) The state seal of biliteracy established under section 50747  
3313.6111 of the Revised Code; 50748

(2) The OhioMeansJobs-readiness seal established under 50749  
section 3313.6112 of the Revised Code; 50750

(3) The state diploma seals prescribed under division (C) 50751  
of this section. 50752

(B) A school district, community school established under 50753  
Chapter 3314. of the Revised Code, STEM school established under 50754  
Chapter 3326. of the Revised Code, college-preparatory boarding 50755  
school established under Chapter 3328. of the Revised Code, or 50756  
chartered nonpublic school shall attach or affix the state seals 50757  
prescribed under division (C) of this section to the diploma and 50758  
transcript of a student enrolled in the district or school who 50759  
meets the requirements established under that division. 50760

(C) The department shall establish all of the following 50761  
state diploma seals: 50762

(1) An industry-recognized credential seal. A student 50763  
shall meet the requirement for this seal by doing either of the 50764  
following: 50765

(a) Earning an industry-recognized credential, or group of 50766  
credentials, approved under section 3313.6113 of the Revised 50767  
Code that is both of the following: 50768

(i) At least equal to the total number of points established under section 3313.6113 of the Revised Code to qualify for a high school diploma;

(ii) Aligned to a job that is determined to be in demand in this state and its regions under section 6301.11 of the Revised Code.

(b) Obtaining a license approved under section 3313.6113 of the Revised Code that is issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license.

(2) A college-ready seal. A student shall meet the requirement for this seal by attaining a score that is remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code or by attaining a passing score, as determined by the department of education and workforce and aligned with current statewide college-level examination program scores identified by the department of higher education, on a college-level examination program examination.

(3) A military seal. A student shall meet the requirement for this seal by doing one of the following:

(a) Providing evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code;

(b) Participating in a junior reserve officer training program approved by the congress of the United States under title 10 of the United States Code;

(c) Providing evidence that the student has accepted a scholarship to enter the reserve officer training corps;	50798 50799
(d) Providing evidence that the student has been appointed to a United States military service academy.	50800 50801
(4) A citizenship seal. A student shall meet the requirement for this seal by doing any of the following:	50802 50803
(a) Demonstrating at least a proficient level of skill as prescribed under division (B) (5) (a) of section 3301.0712 of the Revised Code on both the American history and American government end-of-course examinations prescribed under division (B) (2) of section 3301.0712 of the Revised Code;	50804 50805 50806 50807 50808
(b) Attaining a score level prescribed under division (B) (5) (d) of section 3301.0712 of the Revised Code that is at least the equivalent of a proficient level of skill in appropriate advanced placement or international baccalaureate examinations <u>or by attaining a passing score, as determined by the department, on a college-level examination program examination in lieu of the American history and American government end-of-course examinations;</u>	50809 50810 50811 50812 50813 50814 50815 50816
(c) In lieu of the American history and American government end-of-course examinations, attaining a final course grade that is the equivalent of a "B" or higher in either:	50817 50818 50819
(i) An American history course and an American government course that are offered by the student's high school;	50820 50821
(ii) Appropriate courses taken through the college credit plus program established under Chapter 3365. of the Revised Code.	50822 50823 50824
(d) In the case of a student who takes an alternate	50825

assessment in accordance with division (C) (1) of section 50826  
3301.0711 of the Revised Code, attaining a score established by 50827  
the department on the alternate assessment in social studies; 50828

(e) In the case of a student who transfers into an Ohio 50829  
public or chartered nonpublic high school from another state or 50830  
who enrolls in an Ohio public or chartered nonpublic high school 50831  
after receiving home education or attending a nonchartered, 50832  
nontax-supported school in the previous school year, attaining a 50833  
final course grade that is the equivalent of a "B" or higher in 50834  
courses that correspond with the American history and American 50835  
government end-of-course examinations and that the student 50836  
completed in the state from which the student transferred or 50837  
completed while receiving home education or attending a 50838  
nonchartered, nontax-supported school. Division (C) (4) (e) of 50839  
this section does not apply to any such student with respect to 50840  
an American history or American government course for which an 50841  
end-of-course examination is associated that the student takes 50842  
after enrolling in the high school. 50843

(5) A science seal. A student shall meet the requirement 50844  
for this seal by doing any of the following: 50845

(a) Demonstrating at least a proficient level of skill as 50846  
prescribed under division (B) (5) (a) of section 3301.0712 of the 50847  
Revised Code on the science end-of-course examination prescribed 50848  
under division (B) (2) of section 3301.0712 of the Revised Code; 50849

(b) Attaining a score level prescribed under division (B) 50850  
(5) (d) of section 3301.0712 of the Revised Code that is at least 50851  
the equivalent of a proficient level of skill in an appropriate 50852  
advanced placement or international baccalaureate examination or 50853  
by attaining a passing score, as determined by the department, 50854  
on a college-level examination program examination in lieu of 50855

the science end-of-course examination; 50856

(c) In lieu of the science end-of-course examination, 50857  
attaining a final course grade that is the equivalent of a "B" 50858  
or higher in either: 50859

(i) A science course listed in divisions (C) (5) (c) (i) to 50860  
(iii) of section 3313.603 of the Revised Code that is offered by 50861  
the student's high school; 50862

(ii) An appropriate course taken through the college 50863  
credit plus program established under Chapter 3365. of the 50864  
Revised Code. 50865

(d) In the case of a student who takes an alternate 50866  
assessment in accordance with division (C) (1) of section 50867  
3301.0711 of the Revised Code, attaining a score established by 50868  
the department on the alternate assessment in science; 50869

(e) In the case of a student who transfers into an Ohio 50870  
public or chartered nonpublic high school from another state or 50871  
enrolls in an Ohio public or chartered nonpublic high school 50872  
after receiving home education or attending a nonchartered, 50873  
nontax-supported school in the previous school year, attaining a 50874  
final course grade that is the equivalent of a "B" or higher in 50875  
a course that corresponds with the science end-of-course 50876  
examination and that the student completed in the state from 50877  
which the student transferred or completed while receiving home 50878  
instruction or attending a nonchartered, nontax-supported 50879  
school. Division (C) (5) (e) of this section does not apply to any 50880  
such student who takes a science course for which an end-of- 50881  
course examination is associated after enrolling in the high 50882  
school. 50883

(6) An honors diploma seal. A student shall meet the 50884

requirement for this seal by meeting the additional criteria for 50885  
an honors diploma under division (B) of section 3313.61 of the 50886  
Revised Code. 50887

(7) A technology seal. A student shall meet the 50888  
requirement for this seal by doing any of the following: 50889

(a) Subject to division (B) (5) (d) of section 3301.0712 of 50890  
the Revised Code, attaining a score level that is at least the 50891  
equivalent of a proficient level of skill in an appropriate 50892  
advanced placement or international baccalaureate examination or 50893  
by attaining a passing score, as determined by the department of 50894  
education and workforce and aligned with the current statewide 50895  
college-level examination program scores identified by the 50896  
department of higher education, on a college-level examination 50897  
program examination; 50898

(b) Attaining a final course grade that is the equivalent 50899  
of a "B" or higher in an appropriate course taken through the 50900  
college credit plus program established under Chapter 3365. of 50901  
the Revised Code; 50902

(c) Completing a course offered through the student's 50903  
district or school that meets guidelines developed by the 50904  
department. However, a district or school shall not be required 50905  
to offer a course that meets those guidelines. 50906

(d) In the case of a student who transfers into an Ohio 50907  
public or chartered nonpublic high school from another state or 50908  
enrolls in an Ohio public or chartered nonpublic high school 50909  
after receiving home education or attending a nonchartered, 50910  
nontax-supported school in the previous school year, attaining a 50911  
final course grade that is the equivalent of a "B" or higher in 50912  
an appropriate course, as determined by the district or school, 50913

that the student completed in the state from which the student 50914  
transferred or completed while receiving home education or 50915  
attending a nonchartered, nontax-supported school. 50916

(8) A community service seal. A student shall meet the 50917  
requirement for this seal by completing a community service 50918  
project that is aligned with guidelines adopted by the student's 50919  
district board or school governing authority. 50920

(9) A fine and performing arts seal. A student shall meet 50921  
the requirement for this seal by demonstrating skill in the fine 50922  
or performing arts according to an evaluation that is aligned 50923  
with guidelines adopted by the student's district board or 50924  
school governing authority. 50925

(10) A student engagement seal. A student shall meet the 50926  
requirement for this seal by participating in extracurricular 50927  
activities such as athletics, clubs, or student government to a 50928  
meaningful extent, as determined by guidelines adopted by the 50929  
student's district board or school governing authority. 50930

(D) (1) Each district or school shall develop guidelines 50931  
for at least one of the state seals prescribed under divisions 50932  
(C) (8) to (10) of this section. 50933

(2) For the purposes of determining whether a student who 50934  
transfers to a district or school has satisfied the state 50935  
diploma seal requirement under division (B) (2) of section 50936  
3313.618 of the Revised Code, each district or school shall 50937  
recognize a state diploma seal prescribed under divisions (C) (8) 50938  
to (10) of this section and earned by a student at another 50939  
district or a different public or chartered nonpublic school 50940  
regardless of whether the district or school to which the 50941  
student transfers has developed guidelines under this section 50942

for that state seal. 50943

(3) In guidelines developed for a state diploma seal 50944  
prescribed under divisions (C) (8) to (10) of this section, each 50945  
district or school shall include a method to give, to the extent 50946  
feasible, a student who transfers into the district or school a 50947  
proportional amount of credit for any progress the student was 50948  
making toward earning that state seal at the school district or 50949  
different public or chartered nonpublic school from which the 50950  
student transfers. 50951

(E) Each district or school shall maintain appropriate 50952  
records to identify students who have met the requirements 50953  
prescribed under division (C) of this section for earning the 50954  
state seals established under that division. 50955

(F) The department shall prepare and deliver to each 50956  
district or school an appropriate mechanism for assigning a 50957  
state diploma seal established under division (C) of this 50958  
section. 50959

(G) A student shall not be charged a fee to be assigned a 50960  
state seal prescribed under division (C) of this section on the 50961  
student's diploma and transcript. 50962

**Sec. 3313.64.** (A) As used in this section and in section 50963  
3313.65 of the Revised Code: 50964

(1) (a) Except as provided in division (A) (1) (b) of this 50965  
section, "parent" means either parent, unless the parents are 50966  
separated or divorced or their marriage has been dissolved or 50967  
annulled, in which case "parent" means the parent who is the 50968  
residential parent and legal custodian of the child. When a 50969  
child is in the legal custody of a government agency or a person 50970  
other than the child's natural or adoptive parent, "parent" 50971



means the parent with residual parental rights, privileges, and responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and be the legal custodian of the child and all residual parental rights, privileges, and responsibilities.

(b) When a child is the subject of a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code, "parent" means the grandparent designated as attorney in fact under the power of attorney. When a child is the subject of a caretaker authorization affidavit executed under sections 3109.64 to 3109.73 of the Revised Code, "parent" means the grandparent that executed the affidavit.

(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.

(4) Except as used in division (C)(2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.

(b) The home is operated by a person who is licensed, 51001  
certified, or approved by the state to operate the home for such 51002  
purpose. 51003

(c) The home accepted the child through a placement by a 51004  
person licensed, certified, or approved to place a child in such 51005  
a home by the state. 51006

(d) The home is a children's home created under section 51007  
5153.21 or 5153.36 of the Revised Code. 51008

(5) "Agency" means all of the following: 51009

(a) A public children services agency; 51010

(b) An organization that holds a certificate issued by the 51011  
department of children and youth in accordance with the 51012  
requirements of section 5103.03 of the Revised Code and assumes 51013  
temporary or permanent custody of children through commitment, 51014  
agreement, or surrender, and places children in family homes for 51015  
the purpose of adoption; 51016

(c) Comparable agencies of other states or countries that 51017  
have complied with applicable requirements of section 2151.39 of 51018  
the Revised Code or as applicable, sections 5103.20 to 5103.22 51019  
or 5103.23 to 5103.237 of the Revised Code. 51020

(6) A child is placed for adoption if either of the 51021  
following occurs: 51022

(a) An agency to which the child has been permanently 51023  
committed or surrendered enters into an agreement with a person 51024  
pursuant to section 5103.16 of the Revised Code for the care and 51025  
adoption of the child. 51026

(b) The child's natural parent places the child pursuant 51027  
to section 5103.16 of the Revised Code with a person who will 51028

care for and adopt the child. 51029

(7) "Preschool child with a disability" has the same 51030  
meaning as in section 3323.01 of the Revised Code. 51031

(8) "Child," unless otherwise indicated, includes 51032  
preschool children with disabilities. 51033

(9) "Active duty" means active duty pursuant to an 51034  
executive order of the president of the United States, an act of 51035  
the congress of the United States, or section 5919.29 or 5923.21 51036  
of the Revised Code. 51037

(B) Except as otherwise provided in section 3321.01 of the 51038  
Revised Code for admittance to kindergarten and first grade, a 51039  
child who is at least five but under twenty-two years of age and 51040  
any preschool child with a disability shall be admitted to 51041  
school as provided in this division. 51042

(1) A child shall be admitted to the schools of the school 51043  
district in which the child's parent resides. 51044

(2) Except as provided in division (B) (4) of this section 51045  
or division (B) of section 2151.362 and section 3317.30 of the 51046  
Revised Code, a child who does not reside in the district where 51047  
the child's parent resides shall be admitted to the schools of 51048  
the district in which the child resides if any of the following 51049  
applies: 51050

(a) The child is in the legal or permanent custody of a 51051  
government agency or a person other than the child's natural or 51052  
adoptive parent. 51053

(b) The child resides in a home. 51054

(c) The child requires special education. 51055

(3) A child who is not entitled under division (B) (2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:

(a) The placement for adoption has been terminated.

(b) Another school district is required to admit the child under division (B) (1) of this section.

(4) (a) A child who does not reside in the district where the child's parent resides is not required to be admitted to the schools of the district in which the child resides if both of the following apply:

(i) The child resides in a home, or in a facility similarly licensed in another state, and the child was placed in the home or facility by the child's parent in consultation with, and upon the recommendation of, the Ohio resilience through integrated systems and excellence program for children and youth involved in multiple state systems.

(ii) The home provides education services that meet the minimum education standards under division (D) (2) of section 3301.07 of the Revised Code or, in the case of a facility located in another state, meets substantially similar requirements of the jurisdiction where the facility is located, except that the home or facility may provide the child with less than the minimum number of instructional hours required only as necessary to accommodate the child's treatment program.

(b) Upon a child's admission to a home pursuant to division (B) (4) (a) of this section, the home shall notify the

district where the child's parent resides and the district where 51085  
the home is located that the home is providing educational 51086  
services to the child until the child is discharged. Upon a 51087  
child's admission to a facility located in another state 51088  
pursuant to division (B) (4) (a) of this section, the facility 51089  
shall notify the district where the child's parent resides that 51090  
the facility is providing educational services to the child 51091  
until the child is discharged. In either case, the district 51092  
where the child's parent resides shall continue to enroll the 51093  
student as provided in division (C) (5) of this section and shall 51094  
excuse the child from attendance until the child is discharged 51095  
from the home or facility. 51096

(c) Upon a child's discharge from a home or facility, the 51097  
home or facility shall notify the district where the child's 51098  
parent resides. The home or facility and the district shall 51099  
collaborate on a supportive reentry plan into school for the 51100  
child. 51101

Division (B) of this section does not prohibit the board 51102  
of education of a school district from placing a child with a 51103  
disability who resides in the district in a special education 51104  
program outside of the district or its schools in compliance 51105  
with Chapter 3323. of the Revised Code. 51106

(C) A district shall not charge tuition for children 51107  
admitted under division (B) (1) or (3) of this section. If the 51108  
district admits a child under division (B) (2) of this section, 51109  
tuition shall be paid to the district that admits the child as 51110  
provided in divisions (C) (1) to (3) of this section, unless 51111  
division (C) (4) of this section applies to the child: 51112

(1) If the child receives special education in accordance 51113  
with Chapter 3323. of the Revised Code, the school district of 51114

residence, as defined in section 3323.01 of the Revised Code, 51115  
shall pay tuition for the child in accordance with section 51116  
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 51117  
regardless of who has custody of the child or whether the child 51118  
resides in a home. 51119

(2) For a child that does not receive special education in 51120  
accordance with Chapter 3323. of the Revised Code, except as 51121  
otherwise provided in division (C) (2) (d) of this section, if the 51122  
child is in the permanent or legal custody of a government 51123  
agency or person other than the child's parent, tuition shall be 51124  
paid by: 51125

(a) The district in which the child's parent resided at 51126  
the time the court removed the child from home or at the time 51127  
the court vested legal or permanent custody of the child in the 51128  
person or government agency, whichever occurred first; 51129

(b) If the parent's residence at the time the court 51130  
removed the child from home or placed the child in the legal or 51131  
permanent custody of the person or government agency is unknown, 51132  
tuition shall be paid by the district in which the child resided 51133  
at the time the child was removed from home or placed in legal 51134  
or permanent custody, whichever occurred first; 51135

(c) If a school district cannot be established under 51136  
division (C) (2) (a) or (b) of this section, tuition shall be paid 51137  
by the district determined as required by section 2151.362 of 51138  
the Revised Code by the court at the time it vests custody of 51139  
the child in the person or government agency; 51140

(d) If at the time the court removed the child from home 51141  
or vested legal or permanent custody of the child in the person 51142  
or government agency, whichever occurred first, one parent was 51143

in a residential or correctional facility or a juvenile 51144  
residential placement and the other parent, if living and not in 51145  
such a facility or placement, was not known to reside in this 51146  
state, tuition shall be paid by the district determined under 51147  
division (D) of section 3313.65 of the Revised Code as the 51148  
district required to pay any tuition while the parent was in 51149  
such facility or placement; 51150

(e) If the department of education and workforce has 51151  
determined, pursuant to division (A) (2) of section 2151.362 of 51152  
the Revised Code, that a school district other than the one 51153  
named in the court's initial order, or in a prior determination 51154  
of the department, is responsible to bear the cost of educating 51155  
the child, the district so determined shall be responsible for 51156  
that cost. 51157

(3) If the child is not in the permanent or legal custody 51158  
of a government agency or person other than the child's parent 51159  
and the child resides in a home, tuition shall be paid by one of 51160  
the following: 51161

(a) The school district in which the child's parent 51162  
resides; 51163

(b) If the child's parent is not a resident of this state, 51164  
the home in which the child resides. 51165

(4) Division (C) (4) of this section applies to any child 51166  
who is admitted to a school district under division (B) (2) of 51167  
this section, resides in a home that is not a foster home, a 51168  
home maintained by the department of youth services, a detention 51169  
facility established under section 2152.41 of the Revised Code, 51170  
or a juvenile facility established under section 2151.65 of the 51171  
Revised Code, and receives educational services at the home or 51172

facility in which the child resides pursuant to a contract 51173  
between the home or facility and the school district providing 51174  
those services. 51175

If a child to whom division (C) (4) of this section applies 51176  
is a special education student, a district may choose whether to 51177  
receive a tuition payment for that child under division (C) (4) 51178  
of this section or to receive a payment for that child under 51179  
section 3323.14 of the Revised Code. If a district chooses to 51180  
receive a payment for that child under section 3323.14 of the 51181  
Revised Code, it shall not receive a tuition payment for that 51182  
child under division (C) (4) of this section. 51183

If a child to whom division (C) (4) of this section applies 51184  
is not a special education student, a district shall receive a 51185  
tuition payment for that child under division (C) (4) of this 51186  
section. 51187

In the case of a child to which division (C) (4) of this 51188  
section applies, the total educational cost to be paid for the 51189  
child shall be determined by a formula approved by the 51190  
department of education and workforce, which formula shall be 51191  
designed to calculate a per diem cost for the educational 51192  
services provided to the child for each day the child is served 51193  
and shall reflect the total actual cost incurred in providing 51194  
those services. The department shall certify the total 51195  
educational cost to be paid for the child to both the school 51196  
district providing the educational services and, if different, 51197  
the school district that is responsible to pay tuition for the 51198  
child. The department shall deduct the certified amount from the 51199  
state basic aid funds payable under Chapter 3317. of the Revised 51200  
Code to the district responsible to pay tuition and shall pay 51201  
that amount to the district providing the educational services 51202



to the child. 51203

(5) In the case of a child to whom division (B)(4) of this section applies, and except as otherwise provided in division (C)(5)(f) of this section, tuition shall be paid to the home or facility for educational services provided to the child by the school district in which the child's parent resides according to the following: 51204  
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(a) The total educational cost to be paid for the child shall be determined by a formula approved by the department of education and workforce. The department shall design the formula to calculate a per diem cost for the educational services provided to the child for each day the child is served and shall reflect the total actual cost incurred in providing those services. The department shall certify the total educational cost to be paid for the child to both the home or facility providing the educational services and the district that is responsible to pay the tuition for the child. The department shall deduct the certified amount from the state basic aid funds payable under Chapter 3317. of the Revised Code to the district responsible to pay tuition and shall pay that amount to the home or facility providing the educational services to the child. 51210  
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(b) The district responsible to pay tuition shall continue to report the child in its enrollment for purposes of section 3317.03 of the Revised Code. 51224  
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(c) If the parent's residence changes to a different school district while the child resides in the home or facility, the department of education and workforce may re-determine the school district responsible for tuition based on evidence provided by the district currently responsible for tuition. 51227  
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(d) Upon a child's discharge from the home or facility, 51232  
the home or facility shall immediately notify the district where 51233  
the child's parent resides and the department of education and 51234  
workforce. The notification shall include a certified transcript 51235  
of all coursework completed by the child while residing in the 51236  
home or facility. The district where the child's parent resides 51237  
shall accept all coursework completed by the child while in the 51238  
home or facility and shall award credit for that coursework in 51239  
accordance with district policy. 51240

(e) Following discharge from the home or facility and 51241  
return to the parent's residence, high school students shall 51242  
meet requirements under section 3313.618 of the Revised Code in 51243  
order to qualify for a high school diploma that are no more 51244  
stringent than those that apply to students who enroll into an 51245  
Ohio public or chartered nonpublic high school after receiving a 51246  
home education under section 3321.042 of the Revised Code. 51247

(f) If the child is provided educational services by a 51248  
chartered nonpublic school while residing in a home and the 51249  
child has been awarded a scholarship under a state scholarship 51250  
program, as defined in section 3301.0711 of the Revised Code, no 51251  
school district shall be responsible for paying tuition under 51252  
division (C) (5) of this section. 51253

(D) Tuition required to be paid under divisions (C) (2) and 51254  
(3) (a) of this section shall be computed in accordance with 51255  
section 3317.08 of the Revised Code. Tuition required to be paid 51256  
under division (C) (3) (b) of this section shall be computed in 51257  
accordance with section 3317.081 of the Revised Code. If a home 51258  
fails to pay the tuition required by division (C) (3) (b) of this 51259  
section, the board of education providing the education may 51260  
recover in a civil action the tuition and the expenses incurred 51261

in prosecuting the action, including court costs and reasonable attorney's fees. If the prosecuting attorney or city director of law represents the board in such action, costs and reasonable attorney's fees awarded by the court, based upon the prosecuting attorney's, director's, or one of their designee's time spent preparing and presenting the case, shall be deposited in the county or city general fund.

(E) A board of education may enroll a child free of any tuition obligation for a period not to exceed sixty days, on the sworn statement of an adult resident of the district that the resident has initiated legal proceedings for custody of the child.

(F) In the case of any individual entitled to attend school under this division, no tuition shall be charged by the school district of attendance and no other school district shall be required to pay tuition for the individual's attendance. Notwithstanding division (B), (C), or (E) of this section:

(1) All persons at least eighteen but under twenty-two years of age who live apart from their parents, support themselves by their own labor, and have not successfully completed the high school curriculum or the individualized education program developed for the person by the high school pursuant to section 3323.08 of the Revised Code, are entitled to attend school in the district in which they reside.

(2) Any child under eighteen years of age who is married is entitled to attend school in the child's district of residence.

(3) A child is entitled to attend school in the district in which either of the child's parents is employed if the child

has a medical condition that may require emergency medical 51291  
attention. The parent of a child entitled to attend school under 51292  
division (F) (3) of this section shall submit to the board of 51293  
education of the district in which the parent is employed a 51294  
statement from the child's physician, certified nurse-midwife, 51295  
clinical nurse specialist, or certified nurse practitioner 51296  
certifying that the child's medical condition may require 51297  
emergency medical attention. The statement shall be supported by 51298  
such other evidence as the board may require. 51299

(4) Any child residing with a person other than the 51300  
child's parent is entitled, for a period not to exceed twelve 51301  
months, to attend school in the district in which that person 51302  
resides if the child's parent files an affidavit with the 51303  
superintendent of the district in which the person with whom the 51304  
child is living resides stating all of the following: 51305

(a) That the parent is serving outside of the state in the 51306  
armed services of the United States; 51307

(b) That the parent intends to reside in the district upon 51308  
returning to this state; 51309

(c) The name and address of the person with whom the child 51310  
is living while the parent is outside the state. 51311

(5) Any child under the age of twenty-two years who, after 51312  
the death of a parent, resides in a school district other than 51313  
the district in which the child attended school at the time of 51314  
the parent's death is entitled to continue to attend school in 51315  
the district in which the child attended school at the time of 51316  
the parent's death for the remainder of the school year, subject 51317  
to approval of that district board. 51318

(6) A child under the age of twenty-two years who resides 51319

with a parent who is having a new house built in a school 51320  
district outside the district where the parent is residing is 51321  
entitled to attend school for a period of time in the district 51322  
where the new house is being built. In order to be entitled to 51323  
such attendance, the parent shall provide the district 51324  
superintendent with the following: 51325

(a) A sworn statement explaining the situation, revealing 51326  
the location of the house being built, and stating the parent's 51327  
intention to reside there upon its completion; 51328

(b) A statement from the builder confirming that a new 51329  
house is being built for the parent and that the house is at the 51330  
location indicated in the parent's statement. 51331

(7) A child under the age of twenty-two years residing 51332  
with a parent who has a contract to purchase a house in a school 51333  
district outside the district where the parent is residing and 51334  
who is waiting upon the date of closing of the mortgage loan for 51335  
the purchase of such house is entitled to attend school for a 51336  
period of time in the district where the house is being 51337  
purchased. In order to be entitled to such attendance, the 51338  
parent shall provide the district superintendent with the 51339  
following: 51340

(a) A sworn statement explaining the situation, revealing 51341  
the location of the house being purchased, and stating the 51342  
parent's intent to reside there; 51343

(b) A statement from a real estate broker or bank officer 51344  
confirming that the parent has a contract to purchase the house, 51345  
that the parent is waiting upon the date of closing of the 51346  
mortgage loan, and that the house is at the location indicated 51347  
in the parent's statement. 51348

The district superintendent shall establish a period of 51349  
time not to exceed ninety days during which the child entitled 51350  
to attend school under division (F) (6) or (7) of this section 51351  
may attend without tuition obligation. A student attending a 51352  
school under division (F) (6) or (7) of this section shall be 51353  
eligible to participate in interscholastic athletics under the 51354  
auspices of that school, provided the board of education of the 51355  
school district where the student's parent resides, by a formal 51356  
action, releases the student to participate in interscholastic 51357  
athletics at the school where the student is attending, and 51358  
provided the student receives any authorization required by a 51359  
public agency or private organization of which the school 51360  
district is a member exercising authority over interscholastic 51361  
sports. 51362

(8) A child whose parent is a full-time employee of a 51363  
city, local, or exempted village school district, or of an 51364  
educational service center, may be admitted to the schools of 51365  
the district where the child's parent is employed, or in the 51366  
case of a child whose parent is employed by an educational 51367  
service center, in the district that serves the location where 51368  
the parent's job is primarily located, provided the district 51369  
board of education establishes such an admission policy by 51370  
resolution adopted by a majority of its members. Any such policy 51371  
shall take effect on the first day of the school year and the 51372  
effective date of any amendment or repeal may not be prior to 51373  
the first day of the subsequent school year. The policy shall be 51374  
uniformly applied to all such children and shall provide for the 51375  
admission of any such child upon request of the parent. No child 51376  
may be admitted under this policy after the first day of classes 51377  
of any school year. 51378

(9) A child who is with the child's parent under the care 51379

of a shelter for victims of domestic violence, as defined in 51380  
section 3113.33 of the Revised Code, is entitled to attend 51381  
school free in the district in which the child is with the 51382  
child's parent, and no other school district shall be required 51383  
to pay tuition for the child's attendance in that school 51384  
district. 51385

The enrollment of a child in a school district under this 51386  
division shall not be denied due to a delay in the school 51387  
district's receipt of any records required under section 51388  
3313.672 of the Revised Code or any other records required for 51389  
enrollment. Any days of attendance and any credits earned by a 51390  
child while enrolled in a school district under this division 51391  
shall be transferred to and accepted by any school district in 51392  
which the child subsequently enrolls. The department of 51393  
education and workforce shall adopt rules to ensure compliance 51394  
with this division. 51395

(10) Any child under the age of twenty-two years whose 51396  
parent has moved out of the school district after the 51397  
commencement of classes in the child's senior year of high 51398  
school is entitled, subject to the approval of that district 51399  
board, to attend school in the district in which the child 51400  
attended school at the time of the parental move for the 51401  
remainder of the school year and for one additional semester or 51402  
equivalent term. A district board may also adopt a policy 51403  
specifying extenuating circumstances under which a student may 51404  
continue to attend school under division (F)(10) of this section 51405  
for an additional period of time in order to successfully 51406  
complete the high school curriculum for the individualized 51407  
education program developed for the student by the high school 51408  
pursuant to section 3323.08 of the Revised Code. 51409

(11) As used in this division, "grandparent" means a parent of a parent of a child. A child under the age of twenty-two years who is in the custody of the child's parent, resides with a grandparent, and does not require special education is entitled to attend the schools of the district in which the child's grandparent resides, provided that, prior to such attendance in any school year, the board of education of the school district in which the child's grandparent resides and the board of education of the school district in which the child's parent resides enter into a written agreement specifying that good cause exists for such attendance, describing the nature of this good cause, and consenting to such attendance.

In lieu of a consent form signed by a parent, a board of education may request the grandparent of a child attending school in the district in which the grandparent resides pursuant to division (F) (11) of this section to complete any consent form required by the district, including any authorization required by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised Code. Upon request, the grandparent shall complete any consent form required by the district. A school district shall not incur any liability solely because of its receipt of a consent form from a grandparent in lieu of a parent.

Division (F) (11) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a school district, a member of a board of education, or an employee of a school district. This section does not affect, and shall not be construed as affecting, any immunities from defenses to tort liability created or recognized by Chapter 2744. of the Revised Code for a school district, member, or employee.



(12) A child under the age of twenty-two years is entitled 51440  
to attend school in a school district other than the district in 51441  
which the child is entitled to attend school under division (B), 51442  
(C), or (E) of this section provided that, prior to such 51443  
attendance in any school year, both of the following occur: 51444

(a) The superintendent of the district in which the child 51445  
is entitled to attend school under division (B), (C), or (E) of 51446  
this section contacts the superintendent of another district for 51447  
purposes of this division; 51448

(b) The superintendents of both districts enter into a 51449  
written agreement that consents to the attendance and specifies 51450  
that the purpose of such attendance is to protect the student's 51451  
physical or mental well-being or to deal with other extenuating 51452  
circumstances deemed appropriate by the superintendents. 51453

While an agreement is in effect under this division for a 51454  
student who is not receiving special education under Chapter 51455  
3323. of the Revised Code and notwithstanding Chapter 3327. of 51456  
the Revised Code, the board of education of neither school 51457  
district involved in the agreement is required to provide 51458  
transportation for the student to and from the school where the 51459  
student attends. 51460

A student attending a school of a district pursuant to 51461  
this division shall be allowed to participate in all student 51462  
activities, including interscholastic athletics, at the school 51463  
where the student is attending on the same basis as any student 51464  
who has always attended the schools of that district while of 51465  
compulsory school age. 51466

(13) All school districts shall comply with the "McKinney- 51467  
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 51468

the education of homeless children. Each city, local, and 51469  
exempted village school district shall comply with the 51470  
requirements of that act governing the provision of a free, 51471  
appropriate public education, including public preschool, to 51472  
each homeless child. 51473

When a child loses permanent housing and becomes a 51474  
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 51475  
child who is such a homeless person changes temporary living 51476  
arrangements, the child's parent or guardian shall have the 51477  
option of enrolling the child in either of the following: 51478

(a) The child's school of origin, as defined in 42 51479  
U.S.C.A. 11432(g) (3) (C); 51480

(b) The school that is operated by the school district in 51481  
which the shelter where the child currently resides is located 51482  
and that serves the geographic area in which the shelter is 51483  
located. 51484

(14) A child under the age of twenty-two years who resides 51485  
with a person other than the child's parent is entitled to 51486  
attend school in the school district in which that person 51487  
resides if both of the following apply: 51488

(a) That person has been appointed, through a military 51489  
power of attorney executed under section 574(a) of the "National 51490  
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 51491  
(1993), 10 U.S.C. 1044b, or through a comparable document 51492  
necessary to complete a family care plan, as the parent's agent 51493  
for the care, custody, and control of the child while the parent 51494  
is on active duty as a member of the national guard or a reserve 51495  
unit of the armed forces of the United States or because the 51496  
parent is a member of the armed forces of the United States and 51497

is on a duty assignment away from the parent's residence. 51498

(b) The military power of attorney or comparable document 51499  
includes at least the authority to enroll the child in school. 51500

The entitlement to attend school in the district in which 51501  
the parent's agent under the military power of attorney or 51502  
comparable document resides applies until the end of the school 51503  
year in which the military power of attorney or comparable 51504  
document expires. 51505

(G) A board of education, after approving admission, may 51506  
waive tuition for students who will temporarily reside in the 51507  
district and who are either of the following: 51508

(1) Residents or domiciliaries of a foreign nation who 51509  
request admission as foreign exchange students; 51510

(2) Residents or domiciliaries of the United States but 51511  
not of Ohio who request admission as participants in an exchange 51512  
program operated by a student exchange organization. 51513

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 51514  
3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 51515  
attend school or participate in a special education program in a 51516  
school district other than in the district where the child is 51517  
entitled to attend school under division (B) of this section. 51518

(I) (1) Notwithstanding anything to the contrary in this 51519  
section or section 3313.65 of the Revised Code, a child under 51520  
twenty-two years of age may attend school in the school district 51521  
in which the child, at the end of the first full week of October 51522  
of the school year, was entitled to attend school as otherwise 51523  
provided under this section or section 3313.65 of the Revised 51524  
Code, if at that time the child was enrolled in the schools of 51525  
the district but since that time the child or the child's parent 51526

has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year. Division (I)(1) of this section applies only if both of the following conditions are satisfied:

(a) The board of education of the school district in which the child was entitled to attend school at the end of the first full week in October and of the district to which the child or child's parent has relocated each has adopted a policy to enroll children described in division (I)(1) of this section.

(b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.

(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division (E) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code.

(J) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to receive tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount credited under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. If the tuition rate credited to the district of attendance exceeds the rate deducted from the district required to pay tuition, the department of education and workforce shall pay the district of attendance the difference from amounts deducted from all districts' payments under division (C) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each

school district shall, by the fifteenth day of January and July, 51587  
furnish the director of education and workforce a report of the 51588  
names of each child who attended the district's schools under 51589  
divisions (C) (2) and (3) of this section or section 3313.65 of 51590  
the Revised Code during the preceding six calendar months, the 51591  
duration of the attendance of those children, the school 51592  
district responsible for tuition on behalf of the child, and any 51593  
other information that the director requires. 51594

Upon receipt of the report the director, pursuant to 51595  
division (C) of section 3317.023 of the Revised Code, shall 51596  
deduct each district's tuition obligations under divisions (C) 51597  
(2) and (3) of this section or section 3313.65 of the Revised 51598  
Code and pay to the district of attendance that amount plus any 51599  
amount required to be paid by the state. 51600

(K) In the event of a disagreement, the director of 51601  
education and workforce shall determine the school district in 51602  
which the parent resides. 51603

(L) Nothing in this section requires or authorizes, or 51604  
shall be construed to require or authorize, the admission to a 51605  
public school in this state of a pupil who has been permanently 51606  
excluded from public school attendance by the director pursuant 51607  
to sections 3301.121 and 3313.662 of the Revised Code. 51608

(M) In accordance with division (B) (1) of this section, a 51609  
child whose parent is a member of the national guard or a 51610  
reserve unit of the armed forces of the United States and is 51611  
called to active duty, or a child whose parent is a member of 51612  
the armed forces of the United States and is ordered to a 51613  
temporary duty assignment outside of the district, may continue 51614  
to attend school in the district in which the child's parent 51615  
lived before being called to active duty or ordered to a 51616

temporary duty assignment outside of the district, as long as 51617  
the child's parent continues to be a resident of that district, 51618  
and regardless of where the child lives as a result of the 51619  
parent's active duty status or temporary duty assignment. 51620  
However, the district is not responsible for providing 51621  
transportation for the child if the child lives outside of the 51622  
district as a result of the parent's active duty status or 51623  
temporary duty assignment. 51624

Sec. 3313.7118. Each public school, as defined in section 51625  
3301.28 of the Revised Code, and chartered nonpublic school that 51626  
serves elementary school students shall provide either an 51627  
electronic or paper copy of the informational materials 51628  
described in section 3707.61 of the Revised Code to each 51629  
student's parent or guardian on the student's enrollment in 51630  
elementary school. 51631

**Sec. 3313.753.** (A) As used in this section: 51632

(1) "Electronic communications device" means any device 51633  
that is powered by batteries or electricity and that is capable 51634  
of receiving, transmitting, or receiving and transmitting 51635  
communications between two or more persons or a communication 51636  
from or to a person. 51637

(2) "School" means any school that is operated by a board 51638  
of education of a city, local, exempted village, or joint 51639  
vocational school district. 51640

(3) "School building" means any building in which any of 51641  
the instruction, extracurricular activities, or training 51642  
provided by a school is conducted. 51643

(4) "School grounds or premises" means either of the 51644  
following: 51645

(a) The parcel of real property on which any school building is situated; 51646  
51647

(b) Any other parcel of real property that is owned or leased by a board of education and on which some of the instruction, extracurricular activities, or training of the school is conducted. 51648  
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(B) The board of education of any city, exempted village, local, joint vocational, or cooperative education school district may adopt a policy prohibiting students from carrying an electronic communications device in any school building or on any school grounds or premises of the district. The policy may provide for exceptions to this prohibition as specified in the policy. The policy shall specify any disciplinary measures that will be taken for violation of this prohibition. 51652  
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If a board of education adopts a policy under this division, the board shall post the policy in a central location in each school building and make it available to students and parents upon request. 51660  
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~~(C)~~ (C) (1) Not later than the first day of ~~July~~ January that immediately follows ~~the effective date of this amendment~~ the effective date of this amendment, each school district board of education shall adopt a policy governing the use of cellular telephones by students during school hours. The policy shall ~~do~~ all of the following: 51664  
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~~(1) Emphasize that student cellular telephone use be as limited as possible during school hours;~~ 51670  
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~~(2) Reduce cellular telephone-related distractions in classroom settings;~~ 51672  
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~~(3) prohibit all cellular telephone use by students during~~ 51674



the instructional day, except as described in division (C) (2) of this section. 51675  
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(2) If determined appropriate by the district board, or if 51677  
included in a student's individualized education program 51678  
developed under Chapter 3323. of the Revised Code or plan 51679  
developed under section 504 of the "Rehabilitation Act of 1973," 51680  
29 U.S.C. 794, ~~permit~~ students ~~to~~ may use cellular telephones or 51681  
other electronic communications devices for student learning or 51682  
to monitor or address a health concern. 51683

(D) ~~Division (C) of this section shall not be construed to~~ 51684  
~~require a district board to adopt a policy that prohibits all-~~ 51685  
~~cellular telephone use by students. Nonetheless, any~~ Any 51686  
district board that adopts a policy that prohibits all cellular 51687  
telephone use by students shall be considered to have met the 51688  
requirements in division (C) of this section. 51689

(E) Any district board that adopts a policy that meets the 51690  
requirements prescribed in division (C) of this section prior to 51691  
~~the effective date of this amendment~~ the effective date of this 51692  
amendment, shall be considered to have met the requirement to 51693  
adopt a policy under this section. 51694

(F) Each district board that adopts a policy under this 51695  
section after ~~the effective date of this amendment~~ the effective 51696  
date of this amendment, shall do so at a public meeting of the 51697  
board. 51698

(G) Each district board shall make any policy it adopts 51699  
under this section publicly available and post it prominently on 51700  
its publicly accessible web site, if it has one. 51701

(H) Not later than sixty days after ~~the effective date of~~ 51702  
~~this amendment~~ the effective date of this amendment, the 51703

department of education and workforce shall develop a model 51704  
policy that meets the requirements prescribed in division (C) of 51705  
this section. To the extent possible, the model policy shall 51706  
take into account available research concerning the effect of 51707  
the use of cellular telephones by students in school settings. 51708  
The model policy may be utilized by districts and schools. 51709

**Sec. 3313.90.** As used in this section, "formula ADM" has 51710  
the same meaning as in section 3317.02 of the Revised Code. 51711  
Notwithstanding division (D) of section 3311.19 and division (D) 51712  
of section 3311.52 of the Revised Code, the provisions of this 51713  
section that apply to a city school district do not apply to any 51714  
joint vocational or cooperative education school district. 51715

(A) Except as provided in division (B) of this section, 51716  
each city, local, and exempted village school district shall, by 51717  
one of the following means, provide to students enrolled in 51718  
grades seven through twelve career-technical education adequate 51719  
to prepare a student enrolled therein for an occupation: 51720

(1) Establishing and maintaining a career-technical 51721  
education program that meets standards adopted by the department 51722  
of education and workforce; 51723

(2) Being a member of a joint vocational school district 51724  
that meets standards adopted by the department; 51725

(3) Contracting for career-technical education with a 51726  
joint vocational school district or another school district that 51727  
meets the standards adopted by the department. 51728

The standards of the department shall include criteria for 51729  
the participation by nonpublic students in career-technical 51730  
education programs without financial assessment, charge, or 51731  
tuition to such student except such assessments, charges, or 51732

tuition paid by resident public school students in such 51733  
programs. Such nonpublic school students shall be included in 51734  
the formula ADM of the school district maintaining the career- 51735  
technical education program as part-time students in proportion 51736  
to the time spent in the career-technical education program. 51737

By the thirtieth day of October of each year, the director 51738  
of education and workforce shall determine and certify to the 51739  
superintendent of each school district subject to this section 51740  
either that the district is in compliance with the requirements 51741  
of this section for the current school year or that the district 51742  
is not in compliance. If the director certifies that the 51743  
district is not in compliance, the director shall notify the 51744  
board of education of the district of the actions necessary to 51745  
bring the district into compliance with this section. 51746

In meeting standards established by the department, school 51747  
districts, where practicable, shall provide career-technical 51748  
education programs in high schools. A minimum enrollment of 51749  
~~fifteen hundred students in grades nine through twelve is~~ 51750  
~~established as a base for comprehensive career-technical~~ 51751  
~~education course offerings. Beginning with the 2015-2016 school~~ 51752  
~~year, this base shall increase to a minimum enrollment of two~~ 51753  
thousand two hundred fifty students in grades seven through 51754  
twelve is the base for comprehensive career-technical education 51755  
course offerings. A school district may meet this requirement 51756  
alone, through a cooperative arrangement pursuant to section 51757  
3313.92 of the Revised Code, through school district 51758  
consolidation, by membership in a joint vocational school 51759  
district, by contract with a school district, by contract with a 51760  
school licensed by any state agency established by the Revised 51761  
Code which school operates its courses offered for contracting 51762  
with public schools under standards as to staffing and 51763

facilities comparable to those prescribed by the department for 51764  
public schools provided no instructor in such courses shall be 51765  
required to be certificated by the department, or in a 51766  
combination of such ways. Exceptions to the minimum enrollment 51767  
prescribed by this section may be made by the department based 51768  
on sparsity of population or other factors indicating that 51769  
comprehensive educational and career-technical education 51770  
programs as required by this section can be provided through an 51771  
alternate plan. 51772

(B) ~~If~~ Until July 1, 2026, the department shall waive the 51773  
requirement for a city, local, or exempted village school 51774  
district to provide career-technical education to students 51775  
enrolled in grades seven and eight for that particular school 51776  
year, if the board of education of a city, local, or exempted 51777  
~~village school that~~ district adopts a resolution that specifies 51778  
the district's intent not to provide career-technical education 51779  
to students enrolled in grades seven and eight for a particular 51780  
school year and submits that resolution to the department by the 51781  
thirtieth day of September of that school year, ~~the department~~ 51782  
~~shall waive the requirement for that district to provide career-~~ 51783  
~~technical education to students enrolled in grades seven and~~ 51784  
~~eight for that particular school year.~~ 51785

**Sec. 3313.901.** (A) As used in this section, "Ohio 51786  
technical center" has the same meaning as in section 3333.94 of 51787  
the Revised Code. 51788

(B) Upon approval by the department of education and 51789  
workforce, any city, exempted village, local, or joint 51790  
vocational school district may contract with an Ohio technical 51791  
center to serve students in any of grades seven to twelve who 51792  
are enrolled in a career-technical education program at the 51793

district but cannot enroll in a course at the district for any 51794  
of the following reasons: 51795

(1) The course is at capacity and cannot serve all 51796  
students who want to enroll in the course. 51797

(2) The student has a scheduling conflict that prevents 51798  
the student from taking the course at the time offered by the 51799  
district. 51800

(3) The district does not offer the course due to lack of 51801  
enrollment, lack of a qualified teacher, or lack of facilities. 51802

(4) Any other reason determined by the department. 51803

(C) School districts shall apply to the department for 51804  
approval to contract with an Ohio technical center under this 51805  
section. Applicants shall submit a plan to the department 51806  
describing how the district and the Ohio technical center will 51807  
establish a collaborative partnership to provide career- 51808  
technical education to students. Prior to approval, the 51809  
department shall consider the extent to which the partnership 51810  
will increase access to career-technical education courses for 51811  
students. 51812

(D) If the department approves an application under this 51813  
section, the school district that received that approval shall 51814  
do all of the following: 51815

(1) Award a student high school credit for completion of 51816  
any career-technical education course at an Ohio technical 51817  
center; 51818

(2) Report the student in the education management 51819  
information system established under section 3301.0714 of the 51820  
Revised Code as enrolled in the district for the time the 51821

student is taking a course at an Ohio technical center, but the district shall indicate that the course is being taken through a center rather than at the district;

(3) Not count a student taking a course at an Ohio technical center as more than one full-time equivalent student, unless the student is enrolled full-time in the district during the regularly scheduled school day and takes the course at the center during time outside of normal school hours;

(4) Pay the Ohio technical center for each student taking a course at the technical center. The payment amount shall be the lesser of the standard tuition charged for the course by the center or the applicable one of the following:

(a) If the center is located on the same campus as the high school in which the student is enrolled, the amount equal to the statewide average base cost per pupil and the amount applicable to the student pursuant to division (C) of section 3317.014 of the Revised Code for the portion of the full-time equivalency the student is enrolled in the course, without application of the district's state share percentage;

(b) If the center is not located on the same campus as the high school in which the student is enrolled, \$7,500.

(E) A district and an Ohio technical center may enter into an agreement under this section to establish alternate amounts than those prescribed under division (D) of this section that the district will pay to the center.

(F) A district may use career-technical education funds received under division (C) of section 3317.014 of the Revised Code to pay for any costs incurred by students enrolling in courses at an Ohio technical center under this section. The

department shall consider that cost as an approved career- 51851  
technical education expense under division ~~(F)~~(E) of section 51852  
3317.014 of the Revised Code. 51853

(G) Notwithstanding anything to the contrary in the 51854  
Revised Code, an individual who holds an adult education permit 51855  
issued by the state board of education and is employed by an 51856  
Ohio technical center may provide instruction to a student in 51857  
grades seven through twelve who is taking a course at an Ohio 51858  
technical center under this section. 51859

(H) If the department approves an application from a 51860  
school district to contract with an Ohio technical center under 51861  
this section, the district shall not prohibit a student enrolled 51862  
in the district from taking any course for which the district 51863  
has contracted at the technical center. 51864

**Sec. 3313.902.** (A) As used in this section: 51865

(1) "Competency-based educational program" means any 51866  
system of academic instruction, assessment, grading, and 51867  
reporting in which individuals receive credit based on 51868  
demonstrations and assessments of their learning rather than the 51869  
amount of time they spend studying a subject. A competency-based 51870  
educational program shall encourage accelerated learning among 51871  
individuals who master academic materials quickly while 51872  
providing additional instructional support time for individuals 51873  
who need it. 51874

(2) "Eligible individual" means an individual who 51875  
satisfies all of the following criteria: 51876

(a) The individual is at least eighteen years of age. 51877

(b) The individual is officially withdrawn from school. 51878

(c) The individual has not been awarded a high school diploma or a certificate of high school equivalence as defined in section 4109.06 of the Revised Code. 51879  
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(3) "Eligible provider" means a city, local, or exempted village school district that operates a dropout prevention and recovery program or a joint vocational school district that operates an adult education program. 51882  
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(4) "Ohio technical center" has the same meaning as in section 3333.94 of the Revised Code. 51886  
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(B) An eligible provider may establish a competency-based educational program that complies with standards adopted by the department of education and workforce and may enroll eligible individuals in the program for up to three consecutive school years for the purpose of earning a high school diploma. The provider shall establish a career plan for each individual enrolled in the program that specifies the individual's career goals and describes how the individual will demonstrate competency or earn course credits under division (C) of this section to earn a diploma and attain the individual's career goals. 51888  
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(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the Revised Code, the department shall award a high school diploma to an individual enrolled in a program under division (B) of this section who meets either of the following conditions: 51899  
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(1) The individual demonstrates competency by completing at least three of the following activities, at least one of which shall be the activity described in division (C) (1) (a) or (b) of this section: 51904  
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<u>(a) Attaining a competency score as determined under</u>	51908
<u>division (B) (10) of section 3301.0712 of the Revised Code on</u>	51909
<u>each of the Algebra I and English language arts II end-of-course</u>	51910
<u>examinations prescribed under division (B) (2) of that section;</u>	51911
<u>(b) Attaining a workforce readiness score, as determined</u>	51912
<u>by the department, on the nationally recognized job skills</u>	51913
<u>assessment selected by the department under division (F) of</u>	51914
<u>section 3301.0712 of the Revised Code;</u>	51915
<u>(c) Obtaining an industry-recognized credential, or group</u>	51916
<u>of credentials, in a single career field approved under section</u>	51917
<u>3313.6113 of the Revised Code that meets the criteria</u>	51918
<u>established under that section to qualify for a high school</u>	51919
<u>diploma or earning an industry-recognized credential that is</u>	51920
<u>aligned to a technical education program provided by an Ohio</u>	51921
<u>technical center;</u>	51922
<u>(d) Earning a cumulative score of proficient or higher on</u>	51923
<u>three or more state technical assessments aligned with section</u>	51924
<u>3313.903 of the Revised Code in a single career pathway;</u>	51925
<u>(e) Doing either of the following:</u>	51926
<u>(i) Completing a pre-apprenticeship program aligned with</u>	51927
<u>options established under section 3313.904 of the Revised Code</u>	51928
<u>in the individual's chosen career field and providing evidence</u>	51929
<u>of acceptance into a registered apprenticeship program in that</u>	51930
<u>career field;</u>	51931
<u>(ii) Completing an apprenticeship registered with the</u>	51932
<u>apprenticeship council established under section 4139.02 of the</u>	51933
<u>Revised Code in the individual's chosen career field.</u>	51934
<u>(f) Completing two hundred fifty hours of a work-based</u>	51935
<u>learning experience with evidence of positive evaluations;</u>	51936

<u>(g) Obtaining an OhioMeansJobs-readiness seal under</u>	51937
<u>section 3313.6112 of the Revised Code.</u>	51938
<u>(2) The individual demonstrates competency by completing</u>	51939
<u>at least two of the activities described in divisions (C) (1) (a)</u>	51940
<u>to (g) of this section and earns course credits distributed as</u>	51941
<u>follows:</u>	51942
<u>(a) English language arts, four credits;</u>	51943
<u>(b) Mathematics, four credits. One credit may be a career-</u>	51944
<u>based mathematics course aligned to the individual's career plan</u>	51945
<u>developed under division (B) of this section.</u>	51946
<u>(c) Science, three credits;</u>	51947
<u>(d) Social studies, three credits;</u>	51948
<u>(e) Financial literacy, one-half credit. The one-half</u>	51949
<u>credit of financial literacy may be applied toward the number of</u>	51950
<u>mathematics or social studies credits required under division</u>	51951
<u>(C) (2) of this section.</u>	51952
<u>(D) An eligible provider shall report each individual</u>	51953
<u>enrolled in a program under division (B) of this section to the</u>	51954
<u>department. The department annually shall certify the enrollment</u>	51955
<u>and attendance of each individual reported under this division</u>	51956
<u>and shall pay the provider up to \$7,500 for each such individual</u>	51957
<u>per school year, as determined by the department based on the</u>	51958
<u>extent of the individual's successful completion of the diploma</u>	51959
<u>requirements prescribed in division (C) of this section.</u>	51960
<u>(E) Notwithstanding anything in this section to the</u>	51961
<u>contrary, an eligible provider may request that the department</u>	51962
<u>allow an eligible individual to enroll in a program under</u>	51963
<u>division (B) of this section for more than three consecutive</u>	51964

school years due to a hardship experienced by the individual 51965  
that necessitates additional time to meet the diploma 51966  
requirements prescribed in division (C) of this section. 51967

(F) An eligible individual shall not be assigned to 51968  
classes or settings with individuals who are younger than 51969  
eighteen years of age. 51970

(G) Each eligible provider shall contact each individual 51971  
to whom a diploma is awarded under this section to collect data 51972  
on the individual's career and educational outcomes at six 51973  
months, twelve months, and eighteen months after the awarding of 51974  
the diploma. At each time of contact, the provider shall request 51975  
information regarding whether the individual is gainfully 51976  
employed, participating in an apprenticeship, enrolled in 51977  
postsecondary education, or serving in the military. The 51978  
provider shall report the data collected to the department in 51979  
the manner determined by the department. 51980

(H) The department shall adopt rules as necessary to 51981  
administer this section. The rules may include all of the 51982  
following: 51983

(1) Standards for competency-based educational programs; 51984

(2) Standards for applying an individual's work or life 51985  
experiences toward the requirements of division (C) of this 51986  
section; 51987

(3) Requirements for determining the amount paid to 51988  
providers under division (D) of this section; 51989

(4) Guidelines for approving or denying a hardship request 51990  
made under division (E) of this section. 51991

**Sec. 3313.975.** As used in this section and in sections 51992

3313.976 to 3313.979 of the Revised Code, "the pilot project school district" or "the district" means any school district included in the pilot project scholarship program pursuant to this section.

(A) The director of education and workforce shall implement the pilot project scholarship program and shall include in such program any school districts that are or have ever been under federal court order requiring supervision and operational management of the district by the state superintendent or director. The program shall provide for a number of students residing in any such district to receive scholarships to attend alternative schools, and for an equal number of students to receive tutorial assistance grants while attending public school in any such district.

(B) The director shall establish an application process and deadline for accepting applications from students residing in the district to participate in the scholarship program. In the initial year of the program students may only use a scholarship to attend school in grades kindergarten through third.

The director shall award as many scholarships and tutorial assistance grants as can be funded given the amount appropriated for the program.

(C) (1) The pilot project program shall continue in effect each year that the general assembly has appropriated sufficient money to fund scholarships and tutorial assistance grants. In each year the program continues, new students may receive scholarships in grades kindergarten to twelve. A student who has received a scholarship may continue to receive one until the student has completed grade twelve.

(2) If the general assembly discontinues the scholarship program, all students who are attending an alternative school under the pilot project shall be entitled to continued admittance to that specific school through all grades that are provided in such school, under the same conditions as when they were participating in the pilot project. The director shall continue to make scholarship payments in accordance with section 3317.022 of the Revised Code for students who remain enrolled in an alternative school under this provision in any year that funds have been appropriated for this purpose.

If funds are not appropriated, the tuition charged to the parents of a student who remains enrolled in an alternative school under this provision shall not be increased beyond the amount equal to the amount of the scholarship plus any additional amount charged that student's parent in the most recent year of attendance as a participant in the pilot project, except that tuition for all the students enrolled in such school may be increased by the same percentage.

(D) Notwithstanding sections 124.39 and 3311.83 of the Revised Code, if the pilot project school district experiences a decrease in enrollment due to participation in a state-sponsored scholarship program pursuant to sections 3313.974 to 3313.979 of the Revised Code, the district board of education may enter into an agreement with any teacher it employs to provide to that teacher severance pay or early retirement incentives, or both, if the teacher agrees to terminate the employment contract with the district board, provided any collective bargaining agreement in force pursuant to Chapter 4117. of the Revised Code does not prohibit such an agreement for termination of a teacher's employment contract.

(E) Except as provided for in division (C) (2) of section 3365.07 of the Revised Code, the director shall not require the parent of a student who applies for or receives a scholarship under the pilot project program to complete any kind of income verification regarding the student's family income.

(F) A student is not eligible to receive a scholarship under sections 3313.975 to 3313.979 of the Revised Code if the treasurer of state has established an educational savings account for the student under section 3310.23 of the Revised Code for the school year for which the scholarship is sought.

**Sec. 3314.013.** (A) Until May 22, 2013, no internet- or computer-based community school shall operate unless the school was open for instruction as of May 1, 2005. No entity described in division (C) (1) of section 3314.02 of the Revised Code shall enter into a contract to sponsor an internet- or computer-based community school, including a conversion school, between May 1, 2005, and May 22, 2013, except as follows:

(1) The entity may renew a contract that the entity entered into with an internet- or computer-based community school prior to May 1, 2005, if the school was open for operation as of that date.

(2) The entity may assume sponsorship of an existing internet- or computer-based community school that was formerly sponsored by another entity and may enter into a contract with that community school in accordance with section 3314.03 of the Revised Code.

If a sponsor entered into a contract with an internet- or computer-based community school, including a conversion school, but the school was not open for operation as of May 1, 2005, the

contract shall be void and the entity shall not enter into 52082  
another contract with the school until May 22, 2013. 52083

(B) (1) Beginning on July 1, 2013, up to five new internet- 52084  
or computer-based community schools may open each year, subject 52085  
to approval of the director of education and workforce under 52086  
division (B) (2) of this section. 52087

(2) The director shall approve applications for new 52088  
internet- or computer-based community schools from only those 52089  
applicants demonstrating experience and quality. 52090

The department of education and workforce shall adopt 52091  
rules prescribing measures to determine experience and quality 52092  
of applicants in accordance with Chapter 119. of the Revised 52093  
Code. The measures shall include, but not be limited to, the 52094  
following considerations: 52095

(a) The sponsor's experience with online schools; 52096

(b) The operator's experience with online schools; 52097

(c) The sponsor's and operator's previous record for 52098  
student performance; 52099

(d) A preference for operators with previous experience in 52100  
Ohio. 52101

(3) The department shall notify any new internet- or 52102  
computer-based community school governed by division (B) of this 52103  
section of whether the director has approved or disapproved the 52104  
school's application to open for the 2013-2014 school year not 52105  
later than July 1, 2013. Notwithstanding the dates prescribed 52106  
for adoption and signing on sponsor contracts in division (D) of 52107  
section 3314.02 of the Revised Code, or the date for opening a 52108  
school for instruction required by division (A) (25) of section 52109

3314.03 of the Revised Code, a new internet- or computer-based 52110  
community school approved for opening for the 2013-2014 school 52111  
year under division (B) of this section may open and operate in 52112  
that school year regardless of whether it has complied with 52113  
those contract and opening dates. For each school year 52114  
thereafter, the school shall comply with all applicable 52115  
provisions of this chapter. 52116

(4) Notwithstanding divisions (B) (1) and (2) of this 52117  
section, a sponsor rated "exemplary" on its most recent 52118  
evaluation conducted under section 3314.016 of the Revised Code 52119  
is permitted to open up to two new internet- or computer-based 52120  
community schools that ~~will primarily serve students enrolled in~~ 52121  
~~a~~ are dropout prevention and recovery ~~program~~ community schools 52122  
each year, not to exceed six new schools in a five-year period. 52123

(C) Nothing in division (A) or (B) of this section 52124  
prohibits an internet- or computer-based community school from 52125  
increasing the number of grade levels it offers. 52126

**Sec. 3314.015.** (A) The department of education and 52127  
workforce shall be responsible for the oversight of any and all 52128  
sponsors of the community schools established under this chapter 52129  
and shall provide technical assistance to schools and sponsors 52130  
in their compliance with applicable laws and the terms of the 52131  
contracts entered into under section 3314.03 of the Revised Code 52132  
and in the development and start-up activities of those schools. 52133  
In carrying out its duties under this section, the department 52134  
shall do all of the following: 52135

(1) In providing technical assistance to proposing 52136  
parties, governing authorities, and sponsors, conduct training 52137  
sessions and distribute informational materials; 52138



(2) Approve entities to be sponsors of community schools;	52139
(3) Monitor and evaluate, as required under section	52140
3314.016 of the Revised Code, the effectiveness of any and all	52141
sponsors in their oversight of the schools with which they have	52142
contracted;	52143
(4) By December thirty-first of each year, issue a report	52144
to the governor, the speaker of the house of representatives,	52145
the president of the senate, and the chairpersons of the house	52146
and senate committees principally responsible for education	52147
matters regarding the effectiveness of academic programs,	52148
operations, and legal compliance and of the financial condition	52149
of all community schools established under this chapter and on	52150
the performance of community school sponsors;	52151
(5) From time to time, make legislative recommendations to	52152
the general assembly designed to enhance the operation and	52153
performance of community schools.	52154
(B) (1) Except as provided in sections 3314.021 and	52155
3314.027 of the Revised Code, no entity shall enter into a	52156
preliminary agreement under division (C) (2) of section 3314.02	52157
of the Revised Code or renew an existing contract to sponsor a	52158
community school until it has received approval from the	52159
department to sponsor community schools under this chapter and	52160
has entered into a written agreement with the department	52161
regarding the manner in which the entity will conduct such	52162
sponsorship.	52163
On and after July 1, 2017, each entity that sponsors a	52164
community school in this state, except for an entity described	52165
in sections 3314.021 and 3314.027 of the Revised Code, shall	52166
attain approval from the department in order to continue	52167

sponsoring schools regardless of whether that entity intends to 52168  
enter into a preliminary agreement or renew an existing 52169  
contract. 52170

All new and renewed agreements between the department and 52171  
a sponsor shall contain specific language addressing the 52172  
parameters under which the department can intervene and 52173  
potentially revoke sponsorship authority in the event that the 52174  
sponsor is unwilling or unable to fulfill its obligations. 52175  
Additionally, each agreement shall set forth any territorial 52176  
restrictions and limits on the number of schools that entity may 52177  
sponsor, provide for an annual evaluation process, and include a 52178  
stipulation permitting the department to modify the agreement 52179  
under the following circumstances: 52180

(a) Poor fiscal management; 52181

(b) Lack of academic progress. 52182

(2) The initial term of a sponsor's agreement with the 52183  
department shall be for up to five years. 52184

(a) An agreement entered into with the department pursuant 52185  
to this section may be renewed for a term of up to ten years 52186  
using the following criteria: 52187

(i) The academic performance of students enrolled in each 52188  
community school the entity sponsors, as determined by the 52189  
department pursuant to division (B)(1)(a) of section 3314.016 of 52190  
the Revised Code; 52191

(ii) The sponsor's adherence to quality practices, as 52192  
determined by the department pursuant to division (B)(1)(b) of 52193  
section 3314.016 of the Revised Code; 52194

(iii) The sponsor's compliance with all applicable laws 52195

and administrative rules. 52196

(b) Each agreement between the department and a sponsor 52197  
shall specify that entities with an overall rating of 52198  
"exemplary" for at least two consecutive years shall not be 52199  
subject to the limit on the number of community schools the 52200  
entity may sponsor or any territorial restrictions on 52201  
sponsorship, for so long as that entity continues to be rated 52202  
"exemplary." 52203

(c) The department shall adopt in accordance with Chapter 52204  
119. of the Revised Code rules containing criteria, procedures, 52205  
and deadlines for processing applications for approval of 52206  
sponsors, for oversight of sponsors, for notifying a sponsor of 52207  
noncompliance with applicable laws and administrative rules 52208  
under division (F) of this section, for revocation of the 52209  
approval of sponsors under division (C) of this section, and for 52210  
entering into written agreements with sponsors. The rules shall 52211  
require an entity to submit evidence of the entity's ability and 52212  
willingness to comply with the provisions of division ~~(D)~~ (C) of 52213  
section 3314.03 of the Revised Code. The rules also shall 52214  
require all entities approved as sponsors to demonstrate a 52215  
record of financial responsibility and successful implementation 52216  
of educational programs. If an entity seeking approval to 52217  
sponsor community schools in this state sponsors or operates 52218  
schools in another state, at least one of the schools sponsored 52219  
or operated by the entity must be comparable to or better than 52220  
the performance of Ohio schools in need of continuous 52221  
improvement under section 3302.03 of the Revised Code, as 52222  
determined by the department. 52223

Subject to section 3314.016 of the Revised Code, an entity 52224  
that sponsors community schools may enter into preliminary 52225

agreements and sponsor up to one hundred schools, provided each 52226  
school and the contract for sponsorship meets the requirements 52227  
of this chapter. A sponsor that was rated "exemplary" on its 52228  
most recent rating under section 3314.016 of the Revised Code 52229  
may sponsor up to two hundred such schools. 52230

(3) The department shall determine, pursuant to criteria 52231  
specified in rules adopted in accordance with Chapter 119. of 52232  
the Revised Code, whether the mission proposed to be specified 52233  
in the contract of a community school to be sponsored by a state 52234  
university board of trustees or the board's designee under 52235  
division (C) (1) (e) of section 3314.02 of the Revised Code 52236  
complies with the requirements of that division. Such 52237  
determination of the department is final. 52238

(4) The department shall determine, pursuant to criteria 52239  
specified in rules adopted in accordance with Chapter 119. of 52240  
the Revised Code, if any tax-exempt entity under section 501(c) 52241  
(3) of the Internal Revenue Code that is proposed to be a 52242  
sponsor of a community school is an education-oriented entity 52243  
for purpose of satisfying the condition prescribed in division 52244  
(C) (1) (f) (iii) of section 3314.02 of the Revised Code. Such 52245  
determination of the department is final. 52246

(C) If at any time the department finds that a sponsor is 52247  
not in compliance or is no longer willing to comply with its 52248  
contract with any community school or with the department's 52249  
rules for sponsorship, the department shall conduct a hearing in 52250  
accordance with Chapter 119. of the Revised Code on that matter. 52251  
If after the hearing, the department has confirmed the original 52252  
finding, it may revoke the sponsor's approval to sponsor 52253  
community schools. In that case, the department's office of Ohio 52254  
school sponsorship, established under section 3314.029 of the 52255

Revised Code, may assume the sponsorship of any schools with 52256  
which the sponsor has contracted until the earlier of the 52257  
expiration of two school years or until a new sponsor as 52258  
described in division (C) (1) of section 3314.02 of the Revised 52259  
Code is secured by the school's governing authority. The office 52260  
of Ohio school sponsorship may extend the term of the contract 52261  
in the case of a school for which it has assumed sponsorship 52262  
under this division as necessary to accommodate the term of the 52263  
department's authorization to sponsor the school specified in 52264  
this division. Community schools sponsored under this division 52265  
shall not apply to the limit on directly authorized community 52266  
schools under division (A) (3) of section 3314.029 of the Revised 52267  
Code. However, nothing in this division shall preclude a 52268  
community school affected by this division from applying for 52269  
sponsorship under that section. 52270

(D) The decision of the department to disapprove an entity 52271  
for sponsorship of a community school or to revoke approval for 52272  
such sponsorship under division (C) of this section, may be 52273  
appealed by the entity in accordance with section 119.12 of the 52274  
Revised Code. 52275

(E) The department shall adopt procedures for use by a 52276  
community school governing authority and sponsor when the school 52277  
permanently closes and ceases operation, which shall include at 52278  
least procedures for data reporting to the department, handling 52279  
of student records, distribution of assets in accordance with 52280  
section 3314.074 of the Revised Code, and other matters related 52281  
to ceasing operation of the school. 52282

(F) (1) In lieu of revoking a sponsor's authority to 52283  
sponsor community schools under division (C) of this section, if 52284  
the department finds that a sponsor is not in compliance with 52285

applicable laws and administrative rules, the department shall 52286  
declare in a written notice to the sponsor the specific laws or 52287  
rules, or both, for which the sponsor is noncompliant. A sponsor 52288  
notified under division (F)(1) of this section shall respond to 52289  
the department not later than fourteen days after the 52290  
notification with a proposed plan to remedy the conditions for 52291  
which the sponsor was found to be noncompliant. The department 52292  
shall approve or disapprove the plan not later than fourteen 52293  
days after receiving it. If the plan is disapproved, the sponsor 52294  
may submit a revised plan to the department not later than 52295  
fourteen days after receiving notification of disapproval from 52296  
the department or not later than sixty days after the date the 52297  
sponsor received notification of noncompliance from the 52298  
department, whichever is earlier. The department shall approve 52299  
or disapprove the revised plan not later than fourteen days 52300  
after receiving it or not later than sixty days after the date 52301  
the sponsor received notification of noncompliance from the 52302  
department, whichever is earlier. A sponsor may continue to make 52303  
revisions by the deadlines prescribed in division (F)(1) of this 52304  
section to any revised plan that is disapproved by the 52305  
department until the sixtieth day after the date the sponsor 52306  
received notification of noncompliance from the department. 52307

If a plan or a revised plan is approved, the sponsor shall 52308  
implement it not later than sixty days after the date the 52309  
sponsor received notification of noncompliance from the 52310  
department or not later than thirty days after the plan is 52311  
approved, whichever is later. If a sponsor does not respond to 52312  
the department or implement an approved compliance plan by the 52313  
deadlines prescribed by division (F)(1) of this section, or if a 52314  
sponsor does not receive approval of a compliance plan on or 52315  
before the sixtieth day after the date the sponsor received 52316

notification of noncompliance from the department, the 52317  
department shall declare in written notice to the sponsor that 52318  
the sponsor is in probationary status, and may limit the 52319  
sponsor's ability to sponsor additional schools. 52320

(2) A sponsor that has been placed on probationary status 52321  
under division (F)(1) of this section may apply to the 52322  
department for its probationary status to be lifted. The 52323  
application for a sponsor's probationary status to be lifted 52324  
shall include evidence, occurring after the initial notification 52325  
of noncompliance, of the sponsor's compliance with applicable 52326  
laws and administrative rules. Not later than fourteen days 52327  
after receiving an application from the sponsor, the department 52328  
shall decide whether or not to remove the sponsor's probationary 52329  
status. 52330

(G) In carrying out its duties under this chapter, the 52331  
department shall not impose requirements on community schools or 52332  
their sponsors that are not permitted by law or duly adopted 52333  
rules. 52334

(H) This section applies to entities that sponsor 52335  
conversion community schools and new start-up schools. 52336

(I) Nothing in divisions (C) to (F) of this section 52337  
prohibits the department from taking any action permitted or 52338  
required under the written agreement between the department and 52339  
a sponsoring entity without a hearing on the matter, in the 52340  
event that the sponsor is unwilling or unable to fulfill its 52341  
obligations. 52342

**Sec. 3314.016.** This section applies to any entity that 52343  
sponsors a community school, regardless of whether section 52344  
3314.021 or 3314.027 of the Revised Code exempts the entity from 52345

the requirement to be approved for sponsorship under divisions 52346  
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 52347  
office of Ohio school sponsorship established under section 52348  
3314.029 of the Revised Code shall be rated under division (B) 52349  
of this section, but divisions (A) and (C) of this section do 52350  
not apply to the office. 52351

(A) An entity that sponsors a community school shall be 52352  
permitted to enter into contracts under section 3314.03 of the 52353  
Revised Code to sponsor additional community schools only if the 52354  
entity meets all of the following criteria: 52355

(1) The entity is in compliance with all provisions of 52356  
this chapter requiring sponsors of community schools to report 52357  
data or information to the department of education and 52358  
workforce. 52359

(2) The entity is not rated as "ineffective" under 52360  
division (B) (6) of this section. 52361

(3) Except as set forth in sections 3314.021 and 3314.027 52362  
of the Revised Code, the entity has received approval from and 52363  
entered into an agreement with the department pursuant to 52364  
section 3314.015 of the Revised Code. 52365

(B) (1) The department shall develop and implement an 52366  
evaluation system that annually rates and assigns an overall 52367  
rating to each entity that sponsors a community school. The 52368  
department, not later than the first day of February of each 52369  
year, shall post on the department's web site the framework for 52370  
the evaluation system, including technical documentation that 52371  
the department intends to use to rate sponsors for the next 52372  
school year. The department shall solicit public comment on the 52373  
evaluation system for thirty consecutive days. Not later than 52374



the first day of April of each year, the department shall 52375  
compile and post on the department's web site all public 52376  
comments that were received during the public comment period. 52377  
The evaluation system shall be posted on the department's web 52378  
site by the fifteenth day of July of each school year. Any 52379  
changes to the evaluation system after that date shall take 52380  
effect the following year. The evaluation system shall be based 52381  
on the following components: 52382

(a) Academic performance of students enrolled in community 52383  
schools sponsored by the same entity. The academic performance 52384  
component shall be derived from the performance measures 52385  
prescribed for the state report cards under section 3302.03 or 52386  
3314.017 of the Revised Code, and shall be based on the 52387  
performance of the schools for the school year for which the 52388  
evaluation is conducted. In addition to the academic performance 52389  
for a specific school year, the academic performance component 52390  
shall also include year-to-year changes in the overall sponsor 52391  
portfolio. For a community school for which no graded 52392  
performance measures are applicable or available, the department 52393  
shall use nonreport card performance measures specified in the 52394  
contract between the community school and the sponsor under 52395  
division (A) (4) of section 3314.03 of the Revised Code. 52396

(b) Adherence by a sponsor to the quality practices 52397  
prescribed by the department under division (B) (3) of this 52398  
section. For a sponsor that was rated "effective" or "exemplary" 52399  
on its most recent rating, the department may evaluate that 52400  
sponsor's adherence to quality practices once over a period of 52401  
three years. If the department elects to evaluate a sponsor once 52402  
over a period of three years, the most recent rating for a 52403  
sponsor's adherence to quality practices shall be used when 52404  
determining an annual overall rating conducted under this 52405

section. 52406

(c) Compliance with all applicable laws and administrative 52407  
rules by an entity that sponsors a community school. 52408

Under the evaluation system prescribed under division (B) 52409  
(1) of this section, the department shall not assign an overall 52410  
rating of "ineffective" or lower to an entity that sponsors a 52411  
community school solely because that entity received no points 52412  
on one of the components prescribed under that division. 52413

(2) In calculating an academic performance component, the 52414  
department shall exclude all community schools that have been in 52415  
operation for not more than two full school years and all 52416  
community schools described in division (B) (2) of section 52417  
3314.35 of the Revised Code. However, the academic performance 52418  
of the community schools described in division (B) (2) of section 52419  
3314.35 of the Revised Code shall be reported, but shall not be 52420  
used as a factor when determining a sponsoring entity's rating 52421  
under this section. 52422

(3) The department, in consultation with entities that 52423  
sponsor community schools, shall prescribe quality practices for 52424  
community school sponsors and develop an instrument to measure 52425  
adherence to those quality practices. The quality practices 52426  
shall be based on standards developed by the national 52427  
association of charter school authorizers or any other 52428  
nationally organized community school organization. 52429

(4) (a) The department may permit peer review of a 52430  
sponsor's adherence to the quality practices prescribed under 52431  
division (B) (3) of this section. Peer reviewers shall be limited 52432  
to individuals employed by sponsors rated "effective" or 52433  
"exemplary" on the most recent ratings conducted under this 52434

section. 52435

(b) The department shall require individuals participating 52436  
in peer review under division (B) (4) (a) of this section to 52437  
complete training approved or established by the department. 52438

(c) The department may enter into an agreement with 52439  
another entity to provide training to individuals conducting 52440  
peer review of sponsors. Prior to entering into an agreement 52441  
with an entity, the department shall review and approve of the 52442  
entity's training program. 52443

(5) The director of education and workforce shall adopt 52444  
rules in accordance with Chapter 119. of the Revised Code 52445  
prescribing standards for measuring compliance with applicable 52446  
laws and rules under division (B) (1) (c) of this section. 52447

(6) The department annually shall rate all entities that 52448  
sponsor community schools as either "exemplary," "effective," 52449  
"ineffective," or "poor," based on the components prescribed by 52450  
division (B) of this section, where each component is weighted 52451  
equally. A separate rating shall be given by the department for 52452  
each component of the evaluation system. 52453

The department shall publish the ratings between the first 52454  
day of October and the fifteenth day of November. 52455

Prior to the publication of the final ratings, the 52456  
department shall designate and provide notice of a period of at 52457  
least ten business days during which each sponsor may review the 52458  
information used by the department to determine the sponsor's 52459  
rating on the components prescribed by division (B) (1) of this 52460  
section. If the sponsor believes there is an error in the 52461  
department's evaluation, the sponsor may request adjustments to 52462  
the rating of any of those components based on documentation 52463

previously submitted as part of an evaluation. The sponsor shall 52464  
provide to the department any necessary evidence or information 52465  
to support the requested adjustments. The department shall 52466  
review the evidence and information, determine whether an 52467  
adjustment is valid, and promptly notify the sponsor of its 52468  
determination and reasons. If any adjustments to the data could 52469  
result in a change to the rating on the applicable component or 52470  
to the overall rating, the department shall recalculate the 52471  
ratings prior to publication. 52472

The department shall provide training on an annual basis 52473  
regarding the evaluation system prescribed under this section. 52474  
The training shall, at a minimum, describe methodology, 52475  
timelines, and data required for the evaluation system. The 52476  
first training session shall occur not later than March 2, 2016. 52477  
Beginning in 2018, the training shall be made available to each 52478  
entity that sponsors a community school by the fifteenth day of 52479  
July of each year and shall include guidance on any changes made 52480  
to the evaluation system. 52481

(7) (a) Entities with an overall rating of "exemplary" for 52482  
the two most recent years in which the entity was evaluated may 52483  
take advantage of the following incentives: 52484

(i) Renewal of the written agreement with the department, 52485  
not to exceed ten years, provided that the entity consents to 52486  
continued evaluation of adherence to quality practices as 52487  
described in division (B) (1) (b) of this section; 52488

(ii) The ability to extend the term of the contract 52489  
between the sponsoring entity and the community school beyond 52490  
the term described in the written agreement with the department; 52491

(iii) An exemption from the preliminary agreement and 52492

contract adoption and execution deadline requirements prescribed 52493  
in division (D) of section 3314.02 of the Revised Code; 52494

(iv) An exemption from the automatic contract expiration 52495  
requirement, should a new community school fail to open by the 52496  
thirtieth day of September of the calendar year in which the 52497  
community school contract is executed; 52498

(v) No limit on the number of community schools the entity 52499  
may sponsor; 52500

(vi) No territorial restrictions on sponsorship. 52501

An entity may continue to sponsor any community schools 52502  
with which it entered into agreements under division (B) (7) (a) 52503  
(v) or (vi) of this section while rated "exemplary," 52504  
notwithstanding the fact that the entity later receives a lower 52505  
overall rating. 52506

(b) Entities with an overall rating of "exemplary" or 52507  
"effective" for the three most recent years in which the entity 52508  
was evaluated shall be evaluated by the department once every 52509  
three years. 52510

(c) (i) Entities that receive an overall rating of 52511  
"ineffective" shall be prohibited from sponsoring any new or 52512  
additional community schools during the time in which the 52513  
sponsor is rated as "ineffective" and shall be subject to a 52514  
quality improvement plan based on correcting the deficiencies 52515  
that led to the "ineffective" rating, with timelines and 52516  
benchmarks that have been established by the department. 52517

(ii) Entities that receive an overall rating of 52518  
"ineffective" on their three most recent ratings shall have all 52519  
sponsorship authority revoked. Within thirty days after 52520  
receiving its third rating of "ineffective," the entity may 52521

appeal the revocation of its sponsorship authority to the 52522  
director, who shall appoint an independent hearing officer to 52523  
conduct a hearing in accordance with Chapter 119. of the Revised 52524  
Code. The hearing shall be conducted within thirty days after 52525  
receipt of the notice of appeal. Within forty-five days after 52526  
the hearing is completed, the director shall determine whether 52527  
the revocation is appropriate based on the hearing conducted by 52528  
the independent hearing officer, and if determined appropriate, 52529  
the revocation shall be confirmed. 52530

(d) Entities that receive an overall rating of "poor" 52531  
shall have all sponsorship authority revoked. Within thirty days 52532  
after receiving a rating of "poor," the entity may appeal the 52533  
revocation of its sponsorship authority to the director, who 52534  
shall appoint an independent hearing officer to conduct a 52535  
hearing in accordance with Chapter 119. of the Revised Code. The 52536  
hearing shall be conducted within thirty days after receipt of 52537  
the notice of appeal. Within forty-five days after the hearing 52538  
is completed, the director shall determine whether the 52539  
revocation is appropriate based on the hearing conducted by the 52540  
independent hearing officer, and if determined appropriate, the 52541  
revocation shall be confirmed. 52542

(8) For the 2014-2015 school year and each school year 52543  
thereafter, student academic performance prescribed under 52544  
division (B)(1)(a) of this section shall include student 52545  
academic performance data from dropout prevention and recovery 52546  
~~community schools that primarily serve students enrolled in a~~ 52547  
~~dropout prevention and recovery program.~~ 52548

(C) If the governing authority of a community school 52549  
enters into a contract with a sponsor prior to the date on which 52550  
the sponsor is prohibited from sponsoring additional schools 52551

under division (A) of this section and the school has not opened 52552  
for operation as of that date, that contract shall be void and 52553  
the school shall not open until the governing authority secures 52554  
a new sponsor by entering into a contract with the new sponsor 52555  
under section 3314.03 of the Revised Code. However, the 52556  
department's office of Ohio school sponsorship, established 52557  
under section 3314.029 of the Revised Code, may assume the 52558  
sponsorship of the school until the earlier of the expiration of 52559  
two school years or until a new sponsor is secured by the 52560  
school's governing authority. A community school sponsored by 52561  
the department under this division shall not be included when 52562  
calculating the maximum number of directly authorized community 52563  
schools permitted under division (A) (3) of section 3314.029 of 52564  
the Revised Code. 52565

(D) When an entity's authority to sponsor schools is 52566  
revoked pursuant to division (B) (7) (c) or (d) of this section, 52567  
the office of Ohio school sponsorship shall assume sponsorship 52568  
of any schools with which the original sponsor has contracted 52569  
for the remainder of that school year. The office may continue 52570  
sponsoring those schools until the earlier of: 52571

(1) The expiration of two school years from the time that 52572  
sponsorship is revoked; 52573

(2) When a new sponsor is secured by the governing 52574  
authority pursuant to division (C) (1) of section 3314.02 of the 52575  
Revised Code. 52576

Any community school sponsored under this division shall 52577  
not be counted for purposes of directly authorized community 52578  
schools under division (A) (3) of section 3314.029 of the Revised 52579  
Code. 52580

(E) The department shall recalculate the rating for the 2017-2018 school year for each sponsor of a community school that receives recalculated ratings pursuant to division (I) of section 3314.017 of the Revised Code.

**Sec. 3314.017.** (A) The department of education and workforce shall prescribe by rules, adopted in accordance with Chapter 119. of the Revised Code, an academic performance rating and report card system that satisfies the requirements of this section for dropout prevention and recovery community schools ~~that primarily serve students enrolled in dropout prevention and recovery programs as described in division (B)(1) of section 3314.35 of the Revised Code,~~ to be used in lieu of the system prescribed under sections 3302.03 and 3314.012 of the Revised Code beginning with the 2012-2013 school year. Each such school shall comply with the testing and reporting requirements of the system as prescribed by the department.

(B) Nothing in this section shall at any time relieve a school from its obligations under the "No Child Left Behind Act of 2001" to make "adequate yearly progress," as both that act and that term are defined in section 3302.01 of the Revised Code, or a school's amenability to the provisions of section 3302.04 or 3302.041 of the Revised Code. The department shall continue to report each school's performance as required by the act and to enforce applicable sanctions under section 3302.04 or 3302.041 of the Revised Code.

(C) The rules adopted by the department shall prescribe the following performance indicators for the rating and report card system required by this section:

(1) Graduation rate for each of the following student cohorts:



(a) The number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class;	52611 52612 52613
(b) The number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	52614 52615 52616
(c) The number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	52617 52618 52619
(d) The number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	52620 52621 52622 52623
(e) The number of students who graduate in eight years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.	52624 52625 52626 52627
(2) The percentage of twelfth-grade students currently enrolled in the school who have attained the designated passing score on all of the state high school achievement assessments required under division (B) (1) of section 3301.0710 of the Revised Code or the cumulative performance score on the end-of-course examinations prescribed under division (B) (2) of section 3301.0712 of the Revised Code, whichever applies, and other students enrolled in the school, regardless of grade level, who are within three months of their twenty-second birthday and have attained the designated passing score on all of the state high school achievement assessments or the cumulative performance score on the end-of-course examinations, whichever applies, by	52628 52629 52630 52631 52632 52633 52634 52635 52636 52637 52638 52639

their twenty-second birthday; 52640

(3) Annual measurable objectives as defined in section 52641  
3302.01 of the Revised Code; 52642

(4) Growth in student achievement in reading, or 52643  
mathematics, or both as measured by separate nationally norm- 52644  
referenced assessments that have developed appropriate standards 52645  
for students enrolled in dropout prevention and recovery 52646  
programs, adopted or approved by the department. 52647

(D) (1) The department's rules shall prescribe the expected 52648  
performance levels and benchmarks for each of the indicators 52649  
prescribed by division (C) of this section based on the data 52650  
gathered by the department under division (G) of this section 52651  
and simulations created by the department. Based on a school's 52652  
level of attainment or nonattainment of the expected performance 52653  
levels and benchmarks for each of the indicators, the department 52654  
shall rate each school in one of the following categories: 52655

(a) Exceeds standards; 52656

(b) Meets standards; 52657

(c) Does not meet standards. 52658

(2) The department's rules shall establish all of the 52659  
following: 52660

(a) Performance levels and benchmarks for the indicators 52661  
described in divisions (C) (1) to (3) of this section; 52662

(b) Both of the following: 52663

(i) Performance levels and benchmarks for the indicator 52664  
described in division (C) (4) of this section; 52665

(ii) Standards for awarding a dropout prevention and 52666

~~recovery community school described in division (B) (1) of~~ 52667  
~~section 3314.35 of the Revised Code~~ an overall designation, 52668  
which shall be calculated as follows: 52669

(I) Thirty per cent of the score shall be based on the 52670  
indicators described in division (C) (1) of this section that are 52671  
applicable to the school year for which the overall designation 52672  
is granted. 52673

(II) Thirty per cent of the score shall be based on the 52674  
indicators described in division (C) (4) of this section. 52675

(III) Twenty per cent of the score shall be based on the 52676  
indicators described in division (C) (2) of this section. 52677

(IV) Twenty per cent of the score shall be based on the 52678  
indicators described in division (C) (3) of this section. 52679

(3) If both of the indicators described in divisions (C) 52680  
(1) and (2) of this section improve by ten per cent for two 52681  
consecutive years, a school shall be rated not less than "meets 52682  
standards." 52683

The rating and the relevant performance data for each 52684  
school shall be posted on the department's web site, and a copy 52685  
of the rating and data shall be provided to the governing 52686  
authority of the community school. 52687

~~(E) (1) For the 2012-2013 school year, the department shall~~ 52688  
~~issue a report card including the following performance~~ 52689  
~~measures, but without a performance rating as described in~~ 52690  
~~divisions (D) (1) (a) to (c) of this section, for each community~~ 52691  
~~school described in division (B) (1) of section 3314.35 of the~~ 52692  
~~Revised Code:~~ 52693

~~(a) The graduation rates as described in divisions (C) (1)~~ 52694

<del>(a) to (c) of this section;</del>	52695
<del>(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C) (2) of this section;</del>	52696
	52697
	52698
	52699
<del>(c) The statewide average for the graduation rates and assessment passage rates described in divisions (C) (1) (a) to (e) and (C) (2) of this section;</del>	52700
	52701
	52702
<del>(d) Annual measurable objectives described in division (C) (3) of this section.</del>	52703
	52704
<del>(2) For the 2013-2014 school year, the department shall issue a report card including the following performance measures for each community school described in division (B) (1) of section 3314.35 of the Revised Code:</del>	52705
	52706
	52707
	52708
<del>(a) The graduation rates described in divisions (C) (1) (a) to (d) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;</del>	52709
	52710
	52711
<del>(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C) (2) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;</del>	52712
	52713
	52714
	52715
	52716
<del>(c) Annual measurable objectives described in division (C) (3) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;</del>	52717
	52718
	52719
<del>(d) Both of the following without an assigned rating:</del>	52720
<del>(i) Growth in annual student achievement in reading and mathematics described in division (C) (4) of this section, if</del>	52721
	52722

~~available;~~ 52723

~~(ii) Student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate.~~ 52724  
52725  
52726

~~(3) Beginning with the 2014-2015 school year, and annually thereafter, the~~ 52727  
~~(E) The department annually shall issue a report card for each dropout prevention and recovery community school described in division (B) (1) of section 3314.35 of the Revised Code that includes all of the following performance measures, including a performance rating for each measure as described in divisions (D) (1) (a) to (c) of this section:~~ 52728  
52729  
52730  
52731  
52732  
52733

~~(a) (1) The graduation rates as described in division (C) (1) of this section;~~ 52734  
52735

~~(b) (2) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C) (2) of this section;~~ 52736  
52737  
52738  
52739

~~(c) (3) Annual measurable objectives described in division (C) (3) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;~~ 52740  
52741  
52742

~~(d) (4) Growth in annual student achievement in reading and mathematics as described in division (C) (4) of this section;~~ 52743  
52744

~~(e) (5) An overall performance designation for the school calculated under rules adopted under division (D) (2) of this section.~~ 52745  
52746  
52747

The department shall also include student outcome data, 52748  
including postsecondary credit earned, nationally recognized 52749  
career or technical certification, military enlistment, job 52750

placement, attendance rate, and progress on closing achievement 52751  
gaps for each school. This information shall not be included in 52752  
the calculation of a school's performance rating. 52753

(F) Not later than the thirty-first day of July of each 52754  
year, the department shall submit preliminary report card data 52755  
for overall academic performance for each performance measure 52756  
prescribed in division ~~(E) (3)~~ (E) of this section for each 52757  
community school to which this section applies. 52758

(G) For the purposes of prescribing performance levels and 52759  
benchmarks under division (D) of this section, the department 52760  
shall gather and analyze data from prior school years for each 52761  
dropout prevention and recovery community school ~~described in~~ 52762  
~~division (E) (1) of section 3314.35 of the Revised Code.~~ Each 52763  
such school shall cooperate with the department. The department 52764  
shall consult with stakeholder groups in performing its duties 52765  
under this division. 52766

(H) The department shall review the performance levels and 52767  
benchmarks for performance indicators in the report card issued 52768  
under this section and may revise them based on the data 52769  
collected under division (G) of this section. 52770

(I) For the purposes of division (F) of section 3314.351 52771  
of the Revised Code, the department shall recalculate the 52772  
ratings for each school under division (E) (3) of this section 52773  
for the 2017-2018 school year and calculate the ratings under 52774  
that division for the 2018-2019 school year using the indicators 52775  
prescribed by division (C) of this section, as it exists on and 52776  
after July 18, 2019. 52777

**Sec. 3314.02.** (A) As used in this chapter: 52778

(1) "Sponsor" means the board of education of a school 52779

district or the governing board of an educational service center 52780  
that agrees to the conversion of all or part of a school or 52781  
building under division (B) of this section, or an entity listed 52782  
in division (C) (1) of this section, which has been approved by 52783  
the department of education and workforce to sponsor community 52784  
schools or is exempted by section 3314.021 or 3314.027 of the 52785  
Revised Code from obtaining approval, and with which the 52786  
governing authority of a community school enters into a contract 52787  
under section 3314.03 of the Revised Code. 52788

(2) "Pilot project area" means the school districts 52789  
included in the territory of the former community school pilot 52790  
project established by former Section 50.52 of Am. Sub. H.B. No. 52791  
215 of the 122nd general assembly. 52792

(3) "Challenged school district" means any of the 52793  
following: 52794

(a) A school district that is part of the pilot project 52795  
area; 52796

(b) A school district that meets one of the following 52797  
conditions: 52798

(i) On March 22, 2013, the district was in a state of 52799  
academic emergency or in a state of academic watch under section 52800  
3302.03 of the Revised Code, as that section existed prior to 52801  
March 22, 2013; 52802

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 52803  
2015-2016 school years, the district received a grade of "D" or 52804  
"F" for the performance index score and a grade of "F" for the 52805  
value-added progress dimension under section 3302.03 of the 52806  
Revised Code; 52807

(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 52808

and 2020-2021 school years, the district has received an overall 52809  
grade of "D" or "F" under division (C) (3) of section 3302.03 of 52810  
the Revised Code, or, for at least two of the three most recent 52811  
school years, the district received a grade of "F" for the 52812  
value-added progress dimension under division (C) (1) (e) of that 52813  
section; 52814

(iv) For the 2021-2022 school year and for any school year 52815  
thereafter, the district has received an overall performance 52816  
rating of less than three stars under division (D) (3) of section 52817  
3302.03 of the Revised Code, or, for at least two of the three 52818  
most recent school years, the district received one star for 52819  
progress under division (D) (3) (c) of that section. 52820

(c) A big eight school district; 52821

(d) A school district ranked in the lowest five per cent 52822  
of school districts according to performance index score under 52823  
section 3302.21 of the Revised Code. 52824

(4) "Big eight school district" means a school district 52825  
that for fiscal year 1997 had both of the following: 52826

(a) A percentage of children residing in the district and 52827  
participating in the predecessor of Ohio works first greater 52828  
than thirty per cent, as reported pursuant to section 3317.10 of 52829  
the Revised Code; 52830

(b) An average daily membership greater than twelve 52831  
thousand, as reported pursuant to former division (A) of section 52832  
3317.03 of the Revised Code. 52833

(5) "New start-up school" means a community school other 52834  
than one created by converting all or part of an existing public 52835  
school or educational service center building, as designated in 52836  
the school's contract pursuant to division (A) (17) of section 52837



3314.03 of the Revised Code. 52838

(6) "Urban school district" means one of the state's 52839  
twenty-one urban school districts as defined in division (O) of 52840  
section 3317.02 of the Revised Code as that section existed 52841  
prior to July 1, 1998. 52842

(7) "Internet- or computer-based community school" means a 52843  
community school established under this chapter in which the 52844  
enrolled students work primarily from their residences on 52845  
assignments in nonclassroom-based learning opportunities 52846  
provided via an internet- or other computer-based instructional 52847  
method that does not rely on regular classroom instruction or 52848  
via comprehensive instructional methods that include internet- 52849  
based, other computer-based, and noncomputer-based learning 52850  
opportunities unless a student receives career-technical 52851  
education under section 3314.086 of the Revised Code. 52852

A community school that operates mainly as an internet- or 52853  
computer-based community school and provides career-technical 52854  
education under section 3314.086 of the Revised Code shall be 52855  
considered an internet- or computer-based community school, even 52856  
if it provides some classroom-based instruction, so long as it 52857  
provides instruction via the methods described in this division. 52858

(8) "Operator" or "management company" means either of the 52859  
following: 52860

(a) An individual or organization that manages the daily 52861  
operations of a community school pursuant to a contract between 52862  
the operator or management company and the school's governing 52863  
authority; 52864

(b) A nonprofit organization that provides programmatic 52865  
oversight and support to a community school under a contract 52866

with the school's governing authority and that retains the right 52867  
to terminate its affiliation with the school if the school fails 52868  
to meet the organization's quality standards. 52869

(9) "Alliance municipal school district" has the same 52870  
meaning as in section 3311.86 of the Revised Code. 52871

(10) "Dropout prevention and recovery community school" 52872  
means a community school that enrolls only students who are at 52873  
least fourteen years of age and not older than twenty-one years 52874  
of age and who, at the time of their initial enrollment, are at 52875  
least one grade level behind their cohort age groups or 52876  
experience crises that significantly interfere with their 52877  
academic progress such that they are prevented from continuing 52878  
their traditional educational programs. 52879

(B) (1) Any person or group of individuals may initially 52880  
propose under this division the conversion of all or a portion 52881  
of a public school to a community school. The proposal shall be 52882  
made to the board of education of the city, local, exempted 52883  
village, or joint vocational school district in which the public 52884  
school is proposed to be converted. 52885

(2) Any person or group of individuals may initially 52886  
propose under this division the conversion of all or a portion 52887  
of a building operated by an educational service center to a 52888  
community school. The proposal shall be made to the governing 52889  
board of the service center. 52890

On or after July 1, 2017, except as provided in section 52891  
3314.027 of the Revised Code, any educational service center 52892  
that sponsors a community school shall be approved by and enter 52893  
into a written agreement with the department as described in 52894  
section 3314.015 of the Revised Code. 52895

(3) Upon receipt of a proposal, and after an agreement has been entered into pursuant to section 3314.015 of the Revised Code, a board may enter into a preliminary agreement with the person or group proposing the conversion of the public school or service center building, indicating the intention of the board to support the conversion to a community school. A proposing person or group that has a preliminary agreement under this division may proceed to finalize plans for the school, establish a governing authority for the school, and negotiate a contract with the board. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the board shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code and division (C) of this section.

(4) The sponsor of a conversion community school proposed to open in an alliance municipal school district shall be subject to approval by the department of education and workforce for sponsorship of that school using the criteria established under division (A) of section 3311.87 of the Revised Code.

Division (B) (4) of this section does not apply to a sponsor that, on or before September 29, 2015, was exempted under section 3314.021 or 3314.027 of the Revised Code from the requirement to be approved for sponsorship under divisions (A) (2) and (B) (1) of section 3314.015 of the Revised Code.

(5) A school established in accordance with division (B) of this section that later enters into a sponsorship contract with an entity that is not a school district or educational service center shall, at the time of entering into the new contract, be deemed a community school established in accordance with division (C) of this section.

(C) (1) Provided all other conditions of sponsorship and governance are satisfied, any person or group of individuals may propose under this division the establishment of a new start-up school regardless of the school's proposed location. The proposal may be made to any of the following entities:

(a) The board of education of the district in which the school is proposed to be located;

(b) The board of education of any joint vocational school district with territory in the county in which is located the majority of the territory of the district in which the school is proposed to be located;

(c) The board of education of any other city, local, or exempted village school district having territory in the same county where the district in which the school is proposed to be located has the major portion of its territory;

(d) The governing board of any educational service center, regardless of the location of the proposed school, may sponsor a new start-up school if all of the following are satisfied:

(i) If applicable, it satisfies the requirements of division (E) of section 3311.86 of the Revised Code;

(ii) It is approved to do so by the department;

(iii) It enters into an agreement with the department under section 3314.015 of the Revised Code.

(e) A sponsoring authority designated by the board of trustees of any of the thirteen state universities listed in section 3345.011 of the Revised Code or the board of trustees itself as long as a mission of the proposed school to be specified in the contract under division (A) (2) of section

3314.03 of the Revised Code and as approved by the department 52954  
under division (B) (3) of section 3314.015 of the Revised Code 52955  
will be the practical demonstration of teaching methods, 52956  
educational technology, or other teaching practices that are 52957  
included in the curriculum of the university's teacher 52958  
preparation program approved by the chancellor of higher 52959  
education; 52960

(f) Any qualified tax-exempt entity under section 501(c) 52961  
(3) of the Internal Revenue Code as long as all of the following 52962  
conditions are satisfied: 52963

(i) The entity has been in operation for at least five 52964  
years prior to applying to be a community school sponsor. 52965

(ii) The entity has assets of at least five hundred 52966  
thousand dollars and a demonstrated record of financial 52967  
responsibility. 52968

(iii) The department has determined that the entity is an 52969  
education-oriented entity under division (B) (4) of section 52970  
3314.015 of the Revised Code and the entity has a demonstrated 52971  
record of successful implementation of educational programs. 52972

(iv) The entity is not a community school. 52973

(g) The mayor of a city in which the majority of the 52974  
territory of a school district to which section 3311.60 of the 52975  
Revised Code applies is located, regardless of whether that 52976  
district has created the position of independent auditor as 52977  
prescribed by that section. The mayor's sponsorship authority 52978  
under this division is limited to community schools that are 52979  
located in that school district. Such mayor may sponsor 52980  
community schools only with the approval of the city council of 52981  
that city, after establishing standards with which community 52982

schools sponsored by the mayor must comply, and after entering 52983  
into a sponsor agreement with the department as prescribed under 52984  
section 3314.015 of the Revised Code. The mayor shall establish 52985  
the standards for community schools sponsored by the mayor not 52986  
later than one hundred eighty days after July 15, 2013, and 52987  
shall submit them to the department upon their establishment. 52988  
The department shall approve the mayor to sponsor community 52989  
schools in the district, upon receipt of an application by the 52990  
mayor to do so. Not later than ninety days after the 52991  
department's approval of the mayor as a community school 52992  
sponsor, the department shall enter into the sponsor agreement 52993  
with the mayor. 52994

Any entity described in division (C) (1) of this section 52995  
may enter into a preliminary agreement pursuant to division (C) 52996  
(2) of this section with the proposing person or group, provided 52997  
that entity has been approved by and entered into a written 52998  
agreement with the department pursuant to section 3314.015 of 52999  
the Revised Code. 53000

(2) A preliminary agreement indicates the intention of an 53001  
entity described in division (C) (1) of this section to sponsor 53002  
the community school. A proposing person or group that has such 53003  
a preliminary agreement may proceed to finalize plans for the 53004  
school, establish a governing authority as described in division 53005  
(E) of this section for the school, and negotiate a contract 53006  
with the entity. Provided the proposing person or group adheres 53007  
to the preliminary agreement and all provisions of this chapter, 53008  
the entity shall negotiate in good faith to enter into a 53009  
contract in accordance with section 3314.03 of the Revised Code. 53010

(3) A new start-up school that is established in a school 53011  
district described in either division (A) (3) (b) or (d) of this 53012

section may continue in existence once the school district no longer meets the conditions described in either division, provided there is a valid contract between the school and a sponsor.

(4) A copy of every preliminary agreement entered into under this division shall be filed with the director of education and workforce.

(D) A majority vote of the board of a sponsoring entity and a majority vote of the members of the governing authority of a community school shall be required to adopt a contract and convert the public school or educational service center building to a community school or establish the new start-up school. Beginning September 29, 2005, adoption of the contract shall occur not later than the fifteenth day of March, and signing of the contract shall occur not later than the fifteenth day of May, prior to the school year in which the school will open. The governing authority shall notify the department of education and workforce when the contract has been signed. Subject to sections 3314.013 and 3314.016 of the Revised Code, an unlimited number of community schools may be established in any school district provided that a contract is entered into for each community school pursuant to this chapter.

(E) (1) As used in this division, "immediate relatives" are limited to spouses, children, parents, grandparents, and siblings, as well as in-laws residing in the same household as the person serving on the governing authority.

Each new start-up community school established under this chapter shall be under the direction of a governing authority which shall consist of a board of not less than five individuals.

(2) (a) No person shall serve on the governing authority or  
operate the community school under contract with the governing  
authority under any of the following circumstances:

(i) The person owes the state any money or is in a dispute  
over whether the person owes the state any money concerning the  
operation of a community school that has closed.

(ii) The person would otherwise be subject to division (B)  
of section 3319.31 of the Revised Code with respect to refusal,  
limitation, or revocation of a license to teach, if the person  
were a licensed educator.

(iii) The person has pleaded guilty to or been convicted  
of theft in office under section 2921.41 of the Revised Code, or  
has pleaded guilty to or been convicted of a substantially  
similar offense in another state.

(b) No person shall serve on the governing authority or  
engage in the financial day-to-day management of the community  
school under contract with the governing authority unless and  
until that person has submitted to a criminal records check in  
the manner prescribed by section 3319.39 of the Revised Code.

(c) Each sponsor of a community school shall annually  
verify that a finding for recovery has not been issued by the  
auditor of state against any individual or individuals who  
propose to create a community school or any member of the  
governing authority, the operator, or any employee of each  
community school with responsibility for fiscal operations or  
authorization to expend money on behalf of the school.

(3) No person shall serve on the governing authorities of  
more than five start-up community schools at the same time  
unless both of the following apply:



(a) The person serves in a volunteer capacity and receives 53072  
no compensation under division (E) (5) of this section from any 53073  
governing authority on which the person serves. 53074

(b) For any school that has an operator, the operator is a 53075  
nonprofit organization. 53076

(4) (a) For a community school established under this 53077  
chapter that is not sponsored by a school district or an 53078  
educational service center, no present or former member, or 53079  
immediate relative of a present or former member, of the 53080  
governing authority shall be an owner, employee, or consultant 53081  
of the community school's sponsor or operator, unless at least 53082  
one year has elapsed since the conclusion of the person's 53083  
membership on the governing authority. 53084

(b) For a community school established under this chapter 53085  
that is sponsored by a school district or an educational service 53086  
center, no present or former member, or immediate relative of a 53087  
present or former member, of the governing authority shall: 53088

(i) Be an officer of the district board or service center 53089  
governing board that serves as the community school's sponsor, 53090  
unless at least one year has elapsed since the conclusion of the 53091  
person's membership on the governing authority; 53092

(ii) Serve as an employee of, or a consultant for, the 53093  
department, division, or section of the sponsoring district or 53094  
service center that is directly responsible for sponsoring 53095  
community schools, or have supervisory authority over such a 53096  
department, division, or section, unless at least one year has 53097  
elapsed since the conclusion of the person's membership on the 53098  
governing authority. 53099

(5) The governing authority of a start-up or conversion 53100

community school may provide by resolution for the compensation 53101  
of its members. However, no individual who serves on the 53102  
governing authority of a start-up or conversion community school 53103  
shall be compensated more than one hundred twenty-five dollars 53104  
per meeting of that governing authority and no such individual 53105  
shall be compensated more than a total amount of five thousand 53106  
dollars per year for all governing authorities upon which the 53107  
individual serves. Each member of the governing authority may be 53108  
paid compensation for attendance at an approved training 53109  
program, provided that such compensation shall not exceed sixty 53110  
dollars a day for attendance at a training program three hours 53111  
or less in length and one hundred twenty-five dollars a day for 53112  
attendance at a training program longer than three hours in 53113  
length. 53114

(6) No person who is the employee of a school district or 53115  
educational service center shall serve on the governing 53116  
authority of any community school sponsored by that school 53117  
district or service center. 53118

(7) Each member of the governing authority of a community 53119  
school shall annually file a disclosure statement setting forth 53120  
the names of any immediate relatives or business associates 53121  
employed by any of the following within the previous three 53122  
years: 53123

(a) The sponsor or operator of that community school; 53124

(b) A school district or educational service center that 53125  
has contracted with that community school; 53126

(c) A vendor that is or has engaged in business with that 53127  
community school. 53128

(8) No person who is a member of a school district board 53129

of education shall serve on the governing authority of any 53130  
community school. 53131

(F) (1) A new start-up school that is established prior to 53132  
August 15, 2003, in an urban school district that is not also a 53133  
big-eight school district may continue to operate after that 53134  
date and the contract between the school's governing authority 53135  
and the school's sponsor may be renewed, as provided under this 53136  
chapter, after that date. 53137

(2) A community school that was established prior to June 53138  
29, 1999, and is located in a county contiguous to the pilot 53139  
project area and in a school district that was not a challenged 53140  
school district may continue to operate after that date, 53141  
provided the school complies with all provisions of this 53142  
chapter. The contract between the school's governing authority 53143  
and the school's sponsor may be renewed. 53144

(3) Any educational service center that, on June 30, 2007, 53145  
sponsors a community school that is not located in a county 53146  
within the territory of the service center or in a county 53147  
contiguous to such county may continue to sponsor that community 53148  
school on and after June 30, 2007, and may renew its contract 53149  
with the school. 53150

(4) The department of education and workforce shall not 53151  
restrict the establishment of a new start-up community school to 53152  
those located in a challenged school district as was required by 53153  
this section prior to September 30, 2021. 53154

**Sec. 3314.021.** (A) This section applies to any entity that 53155  
is exempt from taxation under section 501(c)(3) of the Internal 53156  
Revenue Code and that satisfies the conditions specified in 53157  
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 53158

Revised Code but does not satisfy the condition specified in 53159  
division (C) (1) (f) (i) of that section. 53160

(B) Notwithstanding division (C) (1) (f) (i) of section 53161  
3314.02 of the Revised Code, and subject to division (D) (2) of 53162  
this section, an entity described in division (A) of this 53163  
section may do both of the following without obtaining the 53164  
department of education and workforce's initial approval of its 53165  
sponsorship under divisions (A) (2) and (B) (1) of section 53166  
3314.015 of the Revised Code: 53167

(1) Succeed the board of trustees of a state university 53168  
located in the pilot project area or that board's designee as 53169  
the sponsor of a community school established under this 53170  
chapter; 53171

(2) Continue to sponsor that school in conformance with 53172  
the terms of the contract between the board of trustees or its 53173  
designee and the governing authority of the community school and 53174  
renew that contract as provided in division ~~(E)~~ (D) of section 53175  
3314.03 of the Revised Code. 53176

(C) The entity that succeeds the board of trustees or the 53177  
board's designee as sponsor of a community school under division 53178  
(B) of this section also may enter into contracts to sponsor 53179  
other community schools regardless of the proposed school's 53180  
location, without obtaining the department's initial approval of 53181  
its sponsorship of those schools under divisions (A) (2) and (B) 53182  
(1) of section 3314.015 of the Revised Code as long as the 53183  
contracts conform with and the entity complies with all other 53184  
requirements of this chapter. 53185

(D) (1) Regardless of the entity's authority to sponsor 53186  
community schools without the initial approval of the 53187

department, the entity is under the continuing oversight of the 53188  
department in accordance with rules adopted under section 53189  
3314.015 of the Revised Code. 53190

(2) If an entity described in division (A) of this section 53191  
receives a rating below "effective" under division (B) of 53192  
section 3314.016 of the Revised Code for two or more consecutive 53193  
years, that entity shall receive approval from the department to 53194  
sponsor community schools and enter into a written agreement 53195  
with the department in accordance with division (B) (1) of 53196  
section 3314.015 of the Revised Code prior to entering into any 53197  
further preliminary agreements under division (C) (2) of section 53198  
3314.02 of the Revised Code or renewing any existing contract to 53199  
sponsor a community school. 53200

(E) (1) As used in division (E) of this section: 53201

(a) "Board of trustees" means a board of trustees of a 53202  
state university located in the pilot project area. 53203

(b) "Rating" means a sponsor rating under section 3314.016 53204  
of the Revised Code. 53205

(2) Notwithstanding anything to the contrary in division 53206  
(B) (7) (b) of section 3314.016 of the Revised Code, for the 53207  
purposes of that division, the department shall consider an 53208  
entity that succeeded a board of trustees as the sponsor of a 53209  
community school in accordance with division (B) (1) of this 53210  
section to have received the same rating for the 2016-2017 53211  
school year as the board of trustees, provided all of the 53212  
following apply: 53213

(a) The department assigned the board of trustees a rating 53214  
of either "effective" or "exemplary" for the 2016-2017 school 53215  
year. 53216

(b) The department did not assign the entity its own rating for the 2016-2017 school year. 53217  
53218

(c) The department assigned the entity its own rating for the 2017-2018 school year. 53219  
53220

**Sec. 3314.03.** A copy of every contract entered into under this section shall be filed with the director of education and workforce. The department of education and workforce shall make available on its web site a copy of every approved, executed contract filed with the director under this section. 53221  
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(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following: 53226  
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(1) That the school shall be established as either of the following: 53229  
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(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003; 53231  
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(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003. 53234  
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(2) The education program of the school, including the school's mission and educational philosophy, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum; 53236  
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(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 53240  
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(4) Performance standards, including but not limited to 53244

all applicable report card measures set forth in section 3302.03 53245  
or 3314.017 of the Revised Code, by which the success of the 53246  
school will be evaluated by the sponsor; 53247

(5) The admission standards of section 3314.06 of the 53248  
Revised Code and, if applicable, section 3314.061 of the Revised 53249  
Code; 53250

(6) (a) Dismissal procedures; 53251

(b) A requirement that the governing authority adopt an 53252  
attendance policy that includes a procedure for automatically 53253  
withdrawing a student from the school if the student without a 53254  
legitimate excuse fails to participate in seventy-two 53255  
consecutive hours of the learning opportunities offered to the 53256  
student. 53257

(7) The ways by which the school will achieve racial and 53258  
ethnic balance reflective of the community it serves; 53259

(8) Requirements for financial audits by the auditor of 53260  
state. The contract shall require financial records of the 53261  
school to be maintained in the same manner as are financial 53262  
records of school districts, pursuant to rules of the auditor of 53263  
state. Audits shall be conducted in accordance with section 53264  
117.10 of the Revised Code. 53265

(9) An addendum to the contract outlining the facilities 53266  
to be used that contains at least the following information: 53267

(a) A detailed description of each facility used for 53268  
instructional purposes; 53269

(b) The annual costs associated with leasing each facility 53270  
that are paid by or on behalf of the school; 53271

(c) The annual mortgage principal and interest payments 53272

that are paid by the school; 53273

(d) The name of the lender or landlord, identified as 53274  
such, and the lender's or landlord's relationship to the 53275  
operator, if any. 53276

(10) Qualifications of employees, including both of the 53277  
following: 53278

(a) A requirement that the school's classroom teachers be 53279  
licensed in accordance with sections 3319.22 to 3319.31 of the 53280  
Revised Code, except that a community school may engage 53281  
noncertificated persons to teach up to twelve hours or forty 53282  
hours per week pursuant to section 3319.301 of the Revised Code; 53283

(b) A prohibition against the school employing an 53284  
individual described in section 3314.104 of the Revised Code in 53285  
any position. 53286

(11) That the school will comply with the following 53287  
requirements: 53288

(a) The school will provide learning opportunities to a 53289  
minimum of twenty-five students for a minimum of nine hundred 53290  
twenty hours per school year. 53291

(b) The governing authority will purchase liability 53292  
insurance, or otherwise provide for the potential liability of 53293  
the school. 53294

(c) The school will be nonsectarian in its programs, 53295  
admission policies, employment practices, and all other 53296  
operations, and will not be operated by a sectarian school or 53297  
religious institution. 53298

(d) The school will comply with sections 9.90, 9.91, 53299  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 53300



3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.24, 3301.948, 53301  
3302.037, 3313.472, 3313.473, 3313.474, 3313.50, 3313.539, 53302  
3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.609, 3313.6012, 53303  
3313.6013, 3313.6014, 3313.6020, 3313.6024, 3313.6026, 53304  
3313.6028, 3313.6029, 3313.6031, 3313.643, 3313.648, 3313.6411, 53305  
3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 53306  
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 53307  
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 53308  
3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 3313.814, 53309  
3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 53310  
3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.238, 53311  
3319.318, 3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 53312  
3319.41, 3319.46, 3319.90, 3319.614, 3320.01, 3320.02, 3320.03, 53313  
3320.04, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 53314  
3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 53315  
4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 117., 53316  
1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of 53317  
the Revised Code as if it were a school district and will comply 53318  
with section 3301.0714 of the Revised Code in the manner 53319  
specified in section 3314.17 of the Revised Code. 53320

(e) The school shall comply with Chapter 102. and section 53321  
2921.42 of the Revised Code. 53322

(f) The school will comply with sections 3313.61, 53323  
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 53324  
Revised Code, except that for students who enter ninth grade for 53325  
the first time before July 1, 2010, the requirement in sections 53326  
3313.61 and 3313.611 of the Revised Code that a person must 53327  
successfully complete the curriculum in any high school prior to 53328  
receiving a high school diploma may be met by completing the 53329  
curriculum adopted by the governing authority of the community 53330  
school rather than the curriculum specified in Title XXXVIII of 53331

the Revised Code or any rules of the department. Beginning with 53332  
students who enter ninth grade for the first time on or after 53333  
July 1, 2010, the requirement in sections 3313.61 and 3313.611 53334  
of the Revised Code that a person must successfully complete the 53335  
curriculum of a high school prior to receiving a high school 53336  
diploma shall be met by completing the requirements prescribed 53337  
in section 3313.6027 and division (C) of section 3313.603 of the 53338  
Revised Code, unless the person qualifies under division (D) or 53339  
(F) of that section. Each school shall comply with the plan for 53340  
awarding high school credit based on demonstration of subject 53341  
area competency, and beginning with the 2017-2018 school year, 53342  
with the updated plan that permits students enrolled in seventh 53343  
and eighth grade to meet curriculum requirements based on 53344  
subject area competency adopted by the department under 53345  
divisions (J) (1) and (2) of section 3313.603 of the Revised 53346  
Code. Beginning with the 2018-2019 school year, the school shall 53347  
comply with the framework for granting units of high school 53348  
credit to students who demonstrate subject area competency 53349  
through work-based learning experiences, internships, or 53350  
cooperative education developed by the department under division 53351  
(J) (3) of section 3313.603 of the Revised Code. 53352

(g) The school governing authority will submit within four 53353  
months after the end of each school year a report of its 53354  
activities and progress in meeting the goals and standards of 53355  
divisions (A) (3) and (4) of this section and its financial 53356  
status to the sponsor and the parents of all students enrolled 53357  
in the school. 53358

(h) The school, unless it is an internet- or computer- 53359  
based community school, will comply with section 3313.801 of the 53360  
Revised Code as if it were a school district. 53361

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.

(j) If the school operates a preschool program that is licensed by the department under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the department of children and youth under section 3301.53 of the Revised Code.

(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:

(i) An internet- or computer-based community school;

(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (B) (2) of section 3314.35 of the Revised Code.

(l) The school will comply with section 3321.191 of the Revised Code, unless it is an internet- or computer-based community school that is subject to section 3314.261 of the Revised Code.

(m) The school will comply with section 3313.7118 of the Revised Code if it serves elementary school students.

(12) Arrangements for providing health and other benefits to employees;

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division ~~(E)~~ (D) of this section.

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, ~~specification~~ both of the following:

(a) Specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

(b) Alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion.

- (18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school; 53419  
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- (19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following: 53422  
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- (a) Prohibit the enrollment of students who reside outside the district in which the school is located; 53428  
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- (b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located; 53430  
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- (c) Permit the enrollment of students who reside in any other district in the state. 53433  
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- (20) A provision recognizing the authority of the department to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code; 53435  
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- (21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code; 53439  
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- (22) A provision recognizing both of the following: 53442
- (a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations; 53443  
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(b) The authority of the department as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.

(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code;

(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school.

(25) Beginning in the 2006-2007 school year, the school will open for operation not later than the thirtieth day of September each school year, unless the mission of the school as specified under division (A) (2) of this section is solely to serve dropouts. In its initial year of operation, if the school fails to open by the thirtieth day of September, or within one year after the adoption of the contract pursuant to division (D) of section 3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.

(26) Whether the school's governing authority is planning to seek designation for the school as a STEM school equivalent under section 3326.032 of the Revised Code;

- (27) That the school's attendance and participation policies will be available for public inspection; 53476  
53477
- (28) That the school's attendance and participation records shall be made available to the department, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code; 53478  
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- (29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information: 53485  
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- (a) An indication of what blended learning model or models will be used; 53488  
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- (b) A description of how student instructional needs will be determined and documented; 53490  
53491
- (c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level; 53492  
53493
- (d) The school's attendance requirements, including how the school will document participation in learning opportunities; 53494  
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- (e) A statement describing how student progress will be monitored; 53497  
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- (f) A statement describing how private student data will be protected; 53499  
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- (g) A description of the professional development activities that will be offered to teachers. 53501  
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(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;

(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.

(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

(34) A provision establishing the process by which the governing authority of the school will be selected in the future.

(35) A description of the management and administration of the school.

(36) A provision requiring the governing authority to adopt policies and procedures to establish internal financial controls for the school.

~~(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:~~



~~(1) The process by which the governing authority of the school will be selected in the future;~~ 53531  
53532

~~(2) The management and administration of the school;~~ 53533

~~(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;~~ 53534  
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~~(4) The instructional program and educational philosophy of the school;~~ 53539  
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~~(5) Internal financial controls.~~ 53541

~~When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.~~ 53542  
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~~(C)~~ A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state. 53546  
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~~(D)~~ (C) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department under division (B) of section 3314.015 of the Revised Code and shall include the following: 53556  
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- (1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract; 53560  
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- (2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis; 53563  
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- (3) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract; 53566  
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- (4) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor; 53569  
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- (5) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year. 53576  
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- ~~(E)~~ (D) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, 53579  
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and 3314.073 of the Revised Code. 53589

~~(F)~~(E) If a community school fails to open for operation 53590  
within one year after the contract entered into under this 53591  
section is adopted pursuant to division (D) of section 3314.02 53592  
of the Revised Code or permanently closes prior to the 53593  
expiration of the contract, the contract shall be void and the 53594  
school shall not enter into a contract with any other sponsor. A 53595  
school shall not be considered permanently closed because the 53596  
operations of the school have been suspended pursuant to section 53597  
3314.072 of the Revised Code. 53598

**Sec. 3314.034.** (A) Subject to division (B) of this 53599  
section, and except as described in division (E) of this 53600  
section, any community school to which either of the following 53601  
conditions apply shall be prohibited from entering into a 53602  
contract with a new sponsor: 53603

(1) The community school has received, on the most recent 53604  
report card issued for that school under section 3302.03 of the 53605  
Revised Code, either of the following: 53606

(a) A grade of "D" or "F" for the performance index score, 53607  
under division (C) (1) (b) of section 3302.03 of the Revised Code, 53608  
and an overall grade of "D" or "F" for the value-added progress 53609  
dimension or another measure of student academic progress if 53610  
adopted by the department of education and workforce, under 53611  
division (C) (1) (e) of that section; 53612

(b) A performance rating of less than three stars for 53613  
achievement under division (D) (3) (b) of section 3302.03 of the 53614  
Revised Code and a performance rating of less than three stars 53615  
for progress under division (D) (3) (c) of that section. 53616

(2) The community school is ~~one in which a majority of the~~ 53617

~~students are enrolled in a dropout prevention and recovery-~~ 53618  
~~program~~ community school, and it has received a rating of "does 53619  
not meet standards" for the annual student growth measure and 53620  
combined graduation rates on the most recent report card issued 53621  
for the school under section 3314.017 of the Revised Code. 53622

(B) A community school to which division (A) of this 53623  
section applies may enter into a contract with a new sponsor if 53624  
all of the following conditions are satisfied: 53625

(1) The proposed sponsor received a rating of "effective" 53626  
or higher pursuant to division (B) (6) of section 3314.016 of the 53627  
Revised Code on its most recent evaluation conducted according 53628  
to that section, or the proposed sponsor is the office of Ohio 53629  
school sponsorship established in section 3314.029 of the 53630  
Revised Code. 53631

(2) The community school submits a request to enter into a 53632  
new contract with a sponsor. 53633

(3) The community school has not submitted a prior request 53634  
that was granted. 53635

(4) The department grants the school's request pursuant to 53636  
division (C) of this section. 53637

(C) (1) A school shall submit a request to change sponsors 53638  
under this section not later than on the fifteenth day of 53639  
February of the year in which the school wishes to do so. If a 53640  
community school to which division (A) (1) of this section 53641  
applies submits a request to the department to enter into a 53642  
contract with a new sponsor and a majority of the school's 53643  
students are children with disabilities receiving special 53644  
education and related services under Chapter 3323. of the 53645  
Revised Code, the department shall at least consider the 53646

school's performance as measured against the average performance 53647  
of all other community schools that primarily serve children 53648  
with disabilities. 53649

(2) The department shall grant or deny the request not 53650  
later than thirty days after the department receives it. If the 53651  
department denies the request, the community school may submit 53652  
an appeal to the director of education and workforce who shall 53653  
hold a hearing in accordance with Chapter 119. of the Revised 53654  
Code. The community school shall file its notice of appeal to 53655  
the director not later than ten days after receiving the 53656  
decision from the department. The director shall conduct the 53657  
hearing not later than thirty days after receiving the school's 53658  
notice of appeal and act upon the determination of the hearing 53659  
officer not later than the twenty-fifth day of June of the year 53660  
in which the school wishes to change sponsors. 53661

(D) Factors to be considered during a hearing held 53662  
pursuant to division (C) of this section include, but are not 53663  
limited to, the following: 53664

(1) The school's impact on the students and the community 53665  
or communities it serves; 53666

(2) The quality and quantity of academic and 53667  
administrative support the school receives from its current 53668  
sponsor to help the school to improve; 53669

(3) The sponsor's annual evaluations of the community 53670  
school under division ~~(D) (2)~~ (c) (2) of section 3314.03 of the 53671  
Revised Code for the previous three years; 53672

(4) The academic performance of the school, taking into 53673  
account the demographic information of the students enrolled in 53674  
the school; 53675

- (5) The academic performance of alternative schools that serve comparable populations of students as those served by the community school; 53676  
53677  
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- (6) The fiscal stability of the school; 53679
- (7) The results of any audits of the school by the auditor of state; 53680  
53681
- (8) The length of time the school has been under the oversight of its current sponsor; 53682  
53683
- (9) The number of times the school has changed sponsors prior to the current request; 53684  
53685
- (10) Parent and student satisfaction rates as demonstrated by surveys, if available. 53686  
53687
- (E) Notwithstanding anything to the contrary in this section, if a community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code meets both of the following criteria, the school may enter into a contract with a new sponsor, provided that the new sponsor satisfies the criteria in division (B)(1) of this section: 53688  
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- (1) The school received, on its most recent report card issued under section 3302.03 of the Revised Code, a performance rating of at least three stars for progress under division (D)(3)(c) of that section. 53696  
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- (2) As calculated for the most recent school year under section 3302.035 of the Revised Code, the school's performance index score for students with disabilities was higher than the performance index score for students with disabilities of the 53700  
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school district in which the school is located. 53704

**Sec. 3314.05.** (A) The contract between the community 53705  
school and the sponsor shall specify the facilities to be used 53706  
for the community school and the method of acquisition. ~~Except~~ 53707  
~~as provided in divisions (B) (3) and (4) of this section, no~~ 53708  
~~community school shall be established in more than one school~~ 53709  
~~district under the same contract.~~ 53710

(B) Division (B) of this section shall not apply to 53711  
internet- or computer-based community schools. 53712

(1) A community school may be located in multiple 53713  
facilities under the same contract ~~only if the limitations on~~ 53714  
~~availability of space prohibit serving all the grade levels~~ 53715  
~~specified in the contract in a single facility or division (B)~~ 53716  
~~(2), (3), or (4) of this section applies to the school. The~~ 53717  
~~school shall not offer the same grade level classrooms in more~~ 53718  
~~than one facility.~~ 53719

~~(2) A community school may be located in multiple~~ 53720  
~~facilities under the same contract and, notwithstanding division~~ 53721  
~~(B) (1) of this section, may assign students in the same grade~~ 53722  
~~level to multiple facilities, as long as all of the following~~ 53723  
~~apply:~~ 53724

~~(a) The governing authority has entered into and maintains~~ 53725  
~~a contract with an operator of the type described in division~~ 53726  
~~(A) (8) (b) of section 3314.02 of the Revised Code.~~ 53727

~~(b) The contract with that operator qualified the school~~ 53728  
~~to be established pursuant to division (A) of former section~~ 53729  
~~3314.016 of the Revised Code.~~ 53730

~~(c) The school's rating under section 3302.03 of the~~ 53731  
~~Revised Code does not fall below a combination of any of the~~ 53732

~~following for two or more consecutive years:—~~ 53733

~~(i) A rating of "in need of continuous improvement" under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;—~~ 53734  
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~~(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, a rating of "C" for both the performance index score under division (A) (1) (b) or (B) (1) (b) and the value-added dimension under division (A) (1) (c) or (B) (1) (c) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "C" for the performance index score under division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the Revised Code;—~~ 53737  
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~~(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021 school years, an overall grade of "C" under division (C) (3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E) (3) (e) of section 3314.017 of the Revised Code;—~~ 53745  
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~~(iv) For the 2021-2022 school year and any school year thereafter, an overall performance rating of three stars under division (D) (3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E) (3) (e) of section 3314.017 of the Revised Code.~~ 53750  
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~~(3) On and after September 30, 2021, a new start-up community school may be established in two school districts under the same contract regardless of the proposed location of either district if both of the following apply:—~~ 53755  
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~~(a) The school operates not more than one facility in each school district and, in accordance with division (B) (1) of this section, the school does not offer the same grade level—~~ 53759  
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~~classrooms in both facilities; and~~ 53762

~~(b) Transportation between the two facilities does not  
require more than thirty minutes of direct travel time as  
measured by school bus.~~ 53763  
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~~(4) A community school may be located in multiple  
facilities under the same contract and, notwithstanding division  
(B) (1) of this section, may assign students in the same grade  
level to multiple facilities, as long as both of the following  
apply:~~ 53766  
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(a) The facilities are all located in the same county or  
in any county adjacent to the county in which the community  
school's primary facility is located. 53771  
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(b) Either of the following conditions are satisfied: 53774

(i) The community school is sponsored by a board of  
education of a city, local, or exempted village school district  
having territory in the same county where the facilities of the  
community school are located or in any county adjacent to the  
county in which the community school's primary facility is  
located; 53775  
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(ii) The community school is managed by an operator. 53781

(2) ~~In the case of a community school to which division  
(B) (4) of this section applies and that maintains facilities in~~ 53782  
53783  
more than one school district, the school's governing authority  
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shall designate one of those districts to be considered the  
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school's primary location and the district in which the school  
53786  
is located for the purposes of division (A) (19) of section  
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3314.03 and divisions (C) and (H) of section 3314.06 of the  
53788  
Revised Code and for all other purposes of this chapter and  
53789  
shall notify the department of that designation. 53790

A community school governing authority that elects to 53791  
modify a community school's primary location shall notify the 53792  
department of that modification. 53793

~~(5)~~(3) Any facility used for a community school shall 53794  
meet all health and safety standards established by law for 53795  
school buildings. 53796

(C) In the case where a community school is proposed to be 53797  
located in a facility owned by a school district or educational 53798  
service center, the facility may not be used for such community 53799  
school unless the district or service center board owning the 53800  
facility enters into an agreement for the community school to 53801  
utilize the facility. Use of the facility may be under any terms 53802  
and conditions agreed to by the district or service center board 53803  
and the school. 53804

(D) Two or more separate community schools may be located 53805  
in the same facility. 53806

(E) In the case of a community school that is located in 53807  
multiple facilities, beginning July 1, 2012, the department 53808  
shall assign a unique identification number to the school and to 53809  
each facility maintained by the school. Each number shall be 53810  
used for identification purposes only. Nothing in this division 53811  
shall be construed to require the department to calculate the 53812  
amount of funds paid under this chapter, or to compute any data 53813  
required for the report cards issued under section 3314.012 of 53814  
the Revised Code, for each facility separately. The department 53815  
shall make all such calculations or computations for the school 53816  
as a whole. 53817

~~(F)(1) In the case of a community school that exists prior~~ 53818  
~~to September 30, 2021, to which division (B)(3) of this section~~ 53819

~~applies, if only one of the school districts in which the school is established was located in a challenged school district prior to September 30, 2021, that district continues to be considered the school's primary location and the district in which the school is located for the purposes of division (A) (19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter unless and until the school's governing authority designates a different school district as the school's primary location in accordance with division (F) (2) of this section. If both of the school districts in which the school is established were challenged school districts on that date, and the primary location was already designated by the school's governing authority pursuant to the requirements of this section as it existed prior to September 30, 2021, that designation remains unless and until the school's governing authority designates a different primary location.~~

~~(2) (a) On and after September 30, 2021, when a new start-up community school is established in two school districts under the same contract, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A) (19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of education and workforce of that designation.~~

~~(b) A community school governing authority that elects to modify a community school's primary location, whether in accordance with division (F) (1) of this section or otherwise, shall notify the department of that modification.~~

**Sec. 3314.07.** (A) The expiration of the contract for a community school between a sponsor and a school shall be the date provided in the contract. A successor contract may be entered into pursuant to division ~~(E)~~ (D) of section 3314.03 of the Revised Code unless the contract is terminated or not renewed pursuant to this section.

(B) (1) A sponsor may choose not to renew a contract at its expiration or may choose to terminate a contract prior to its expiration for any of the following reasons:

(a) Failure to meet student performance requirements stated in the contract;

(b) Failure to meet generally accepted standards of fiscal management;

(c) Violation of any provision of the contract or applicable state or federal law;

(d) Other good cause.

(2) A sponsor may choose to terminate a contract prior to its expiration if the sponsor has suspended the operation of the contract under section 3314.072 of the Revised Code.

(3) Not later than the fifteenth day of January in the year in which the sponsor intends to terminate or take actions not to renew the community school's contract, the sponsor shall notify the school of the proposed action in writing. The notice shall include the reasons for the proposed action in detail, the effective date of the termination or nonrenewal, and a statement that the school may, within fourteen days of receiving the notice, request an informal hearing before the sponsor. Such request must be in writing. The informal hearing shall be held within fourteen days of the receipt of a request for the

hearing. Not later than fourteen days after the informal 53879  
hearing, the sponsor shall issue a written decision either 53880  
affirming or rescinding the decision to terminate or not renew 53881  
the contract. 53882

(4) The termination of a contract under this section shall 53883  
be effective upon the occurrence of the later of the following 53884  
events: 53885

(a) The date the sponsor notifies the school of its 53886  
decision to terminate the contract as prescribed in division (B) 53887  
(3) of this section; 53888

(b) If an informal hearing is requested under division (B) 53889  
(3) of this section and as a result of that hearing the sponsor 53890  
affirms its decision to terminate the contract, the effective 53891  
date of the termination specified in the notice issued under 53892  
division (B) (3) of this section. 53893

(5) Any community school whose contract is terminated or 53894  
not renewed under division (B) (1) (a) or (b) of this section 53895  
shall close permanently at the end of the current school year or 53896  
on a date specified in the notification of termination or 53897  
nonrenewal under division (B) (3) of this section. Any community 53898  
school whose contract is terminated or not renewed for failure 53899  
to meet student performance requirements stated in the contract, 53900  
or for failure to meet generally accepted standards of fiscal 53901  
management under this division shall not enter into a contract 53902  
with any other sponsor. 53903

(C) A child attending a community school whose contract 53904  
has been terminated, nonrenewed, or suspended or that closes for 53905  
any reason shall be admitted to the schools of the district in 53906  
which the child is entitled to attend under section 3313.64 or 53907

3313.65 of the Revised Code. Any deadlines established for the 53908  
purpose of admitting students under section 3313.97 or 3313.98 53909  
of the Revised Code shall be waived for students to whom this 53910  
division pertains. 53911

(D) If a community school does not intend to renew a 53912  
contract with its sponsor, the community school shall notify its 53913  
sponsor in writing of that fact at least one hundred eighty days 53914  
prior to the expiration of the contract. Such a community school 53915  
may enter into a contract with a new sponsor in accordance with 53916  
section 3314.03 of the Revised Code upon the expiration of the 53917  
previous contract. 53918

(E) A sponsor of a community school and the officers, 53919  
directors, or employees of such a sponsor are immune from civil 53920  
liability for any action authorized under this chapter or the 53921  
contract entered into with the school under section 3314.03 of 53922  
the Revised Code that is taken to fulfill the sponsor's 53923  
responsibility to oversee and monitor the school. The sponsor 53924  
and its officers, directors, or employees are not liable in 53925  
damages in a tort or other civil action for harm allegedly 53926  
arising from any of the following: 53927

(1) A failure of the community school or any of its 53928  
officers, directors, or employees to perform any statutory or 53929  
common law duty or responsibility or any other legal obligation; 53930

(2) An action or omission of the community school or any 53931  
of its officers, directors, or employees that results in harm. 53932

(3) A failure of the community school or any of its 53933  
officers, directors, or employees to meet the obligations of any 53934  
contract or other obligation entered into on behalf of the 53935  
community school and another party. 53936

(F) As used in this section:	53937
(1) "Harm" means injury, death, or loss to person or property.	53938 53939
(2) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons.	53940 53941 53942 53943
<b>Sec. 3314.08.</b> (A) As used in this section:	53944
(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.	53945 53946
(2) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	53947 53948 53949
(B) The department of education and workforce shall adopt rules requiring the governing authority of each community school established under this chapter to annually report all of the following:	53950 53951 53952 53953
(1) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;	53954 53955 53956 53957
(2) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	53958 53959 53960 53961
(3) The number of students reported under division (B) (2) of this section receiving special education and related services pursuant to an IEP for a disability described in each of	53962 53963 53964

divisions (A) to (F) of section 3317.013 of the Revised Code;	53965
(4) The full-time equivalent number of students reported under divisions (B) (1) and (2) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A) (1) to (5) of section 3317.014 of the Revised Code that are provided by the community school;	53966 53967 53968 53969 53970
(5) The number of students reported under divisions (B) (1) and (2) of this section who are not reported under division (B) (4) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A) (1) to (5) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;	53971 53972 53973 53974 53975 53976 53977
(6) The number of students reported under divisions (B) (1) and (2) of this section who are category one to three English learners described in each of divisions (A) to (C) of section 3317.016 of the Revised Code;	53978 53979 53980 53981
(7) The number of students reported under divisions (B) (1) and (2) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B) (7) of this section based on anything other than family income.	53982 53983 53984 53985 53986
(8) For each student, the city, exempted village, or local school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	53987 53988 53989
(9) The number of students enrolled in a preschool program operated by the school that is licensed under sections 3301.52 to 3301.59 of the Revised Code who are not receiving special education and related services pursuant to an IEP.	53990 53991 53992 53993



A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A) (2) of section 3321.01 of the Revised Code.

A governing authority of a community school shall not include in its report under divisions (B) (1) to (9) of this section any student for whom tuition is charged under division (F) of this section.

(C) (1) (a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the director of education and workforce documentation, as prescribed by the director, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold costs.

(b) The community school shall report under division (C) (1) (a) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(2) In any fiscal year, a community school receiving funds under division (A) (7) of section 3317.022 of the Revised Code shall spend those funds only for the purposes that the

department designates as approved for career-technical education 54024  
expenses. Career-technical education expenses approved by the 54025  
department shall include only expenses connected to the delivery 54026  
of career-technical programming to career-technical students. 54027  
The department shall require the school to report data annually 54028  
so that the department may monitor the school's compliance with 54029  
the requirements regarding the manner in which funding received 54030  
under division (A) (7) of section 3317.022 of the Revised Code 54031  
may be spent. 54032

(3) Notwithstanding anything to the contrary in section 54033  
3313.90 of the Revised Code, except as provided in division (C) 54034  
(5) of this section, all funds received under division (A) (7) of 54035  
section 3317.022 of the Revised Code shall be spent in the 54036  
following manner: 54037

(a) At least seventy-five per cent of the funds shall be 54038  
spent on curriculum development, purchase, and implementation; 54039  
instructional resources and supplies; industry-based program 54040  
certification; student assessment, credentialing, and placement; 54041  
curriculum specific equipment purchases and leases; career- 54042  
technical student organization fees and expenses; home and 54043  
agency linkages; work-based learning experiences; professional 54044  
development; and other costs directly associated with career- 54045  
technical education programs including development of new 54046  
programs. 54047

(b) Not more than twenty-five per cent of the funds shall 54048  
be used for personnel expenditures. 54049

(4) A community school shall spend the funds it receives 54050  
under division (A) (4) of section 3317.022 of the Revised Code in 54051  
accordance with section 3317.25 of the Revised Code. 54052

(5) The department may waive the requirement in division 54053  
(C) (3) of this section for any community school that exclusively 54054  
provides one or more career-technical workforce development 54055  
programs in arts and communications that are not equipment- 54056  
intensive, as determined by the department. 54057

(6) For fiscal years ~~2024–2026~~ and ~~2025~~2027, a community 54058  
school shall spend the funds it receives under division (A) (5) 54059  
of section 3317.022 of the Revised Code only for services for 54060  
English learners. 54061

(D) A board of education sponsoring a community school may 54062  
utilize local funds to make enhancement grants to the school or 54063  
may agree, either as part of the contract or separately, to 54064  
provide any specific services to the community school at no cost 54065  
to the school. 54066

(E) A community school may not levy taxes or issue bonds 54067  
secured by tax revenues. 54068

(F) No community school shall charge tuition for the 54069  
enrollment of any student who is a resident of this state. A 54070  
community school may charge tuition for the enrollment of any 54071  
student who is not a resident of this state. 54072

(G) (1) (a) A community school may borrow money to pay any 54073  
necessary and actual expenses of the school in anticipation of 54074  
the receipt of any portion of the payments to be received by the 54075  
school pursuant to section 3317.022 of the Revised Code. The 54076  
school may issue notes to evidence such borrowing. The proceeds 54077  
of the notes shall be used only for the purposes for which the 54078  
anticipated receipts may be lawfully expended by the school. 54079

(b) A school may also borrow money for a term not to 54080  
exceed fifteen years for the purpose of acquiring facilities. 54081

(2) The state is not liable for debt incurred by the governing authority of a community school.

(H) The department shall adjust the amounts paid under section 3317.022 of the Revised Code to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The department shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under section 3317.022 of the Revised Code including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools as provided under section 3317.022 of the Revised Code. For purposes of this division:

(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code.

(2) A student shall be considered to be enrolled in a community school for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has commenced participation in learning opportunities as defined in the contract with the sponsor, or thirty days prior to the date on which the student is entered into the education management information system established under section 3301.0714 of the Revised Code. For purposes of applying this division and divisions (H) (3) and (4) of this section to a community school student, "learning opportunities" shall be defined in the contract, which shall describe both classroom-based and non-classroom-based learning opportunities and shall be in compliance with criteria and documentation requirements for

student participation which shall be established by the 54112  
department. Any student's instruction time in non-classroom- 54113  
based learning opportunities shall be certified by an employee 54114  
of the community school. A student's enrollment shall be 54115  
considered to cease on the date on which any of the following 54116  
occur: 54117

(a) The community school receives documentation from a 54118  
parent terminating enrollment of the student. 54119

(b) The community school is provided documentation of a 54120  
student's enrollment in another public or private school. 54121

(c) The community school ceases to offer learning 54122  
opportunities to the student pursuant to the terms of the 54123  
contract with the sponsor or the operation of any provision of 54124  
this chapter. 54125

Except as otherwise specified in this paragraph, beginning 54126  
in the 2011-2012 school year, any student who completed the 54127  
prior school year in an internet- or computer-based community 54128  
school shall be considered to be enrolled in the same school in 54129  
the subsequent school year until the student's enrollment has 54130  
ceased as specified in division (H) (2) of this section. The 54131  
department shall continue paying amounts for the student under 54132  
section 3317.022 of the Revised Code without interruption at the 54133  
start of the subsequent school year. However, if the student 54134  
without a legitimate excuse fails to participate in the first 54135  
seventy-two consecutive hours of learning opportunities offered 54136  
to the student in that subsequent school year, the student shall 54137  
be considered not to have re-enrolled in the school for that 54138  
school year and the department shall recalculate the payments to 54139  
the school for that school year to account for the fact that the 54140  
student is not enrolled. 54141

(3) The department shall determine each community school student's percentage of full-time equivalency based on the percentage of learning opportunities offered by the community school to that student, reported either as number of hours or number of days, is of the total learning opportunities offered by the community school to a student who attends for the school's entire school year. However, no internet- or computer-based community school shall be credited for any time a student spends participating in learning opportunities beyond ten hours within any period of twenty-four consecutive hours. Whether it reports hours or days of learning opportunities, each community school shall offer not less than nine hundred twenty hours of learning opportunities during the school year.

(4) With respect to the calculation of full-time equivalency under division (H) (3) of this section, the department shall waive the number of hours or days of learning opportunities not offered to a student because the community school was closed during the school year due to disease epidemic, hazardous weather conditions, law enforcement emergencies, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for school use, so long as the school was actually open for instruction with students in attendance during that school year for not less than the minimum number of hours required by this chapter. The department shall treat the school as if it were open for instruction with students in attendance during the hours or days waived under this division.

(I) The department of education and workforce shall reduce the amounts paid under section 3317.022 of the Revised Code to

reflect payments made to colleges under section 3365.07 of the Revised Code. 54173  
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(J) (1) No student shall be considered enrolled in any internet- or computer-based community school or, if applicable to the student, in any community school that is required to provide the student with a computer pursuant to division (C) of section 3314.22 of the Revised Code, unless both of the following conditions are satisfied: 54175  
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(a) The student possesses or has been provided with all required hardware and software materials and all such materials are operational so that the student is capable of fully participating in the learning opportunities specified in the contract between the school and the school's sponsor as required by division (A) (23) of section 3314.03 of the Revised Code; 54181  
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(b) The school is in compliance with division (A) of section 3314.22 of the Revised Code, relative to such student. 54187  
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(2) In accordance with policies adopted by the department of education and workforce, in consultation with the auditor of state, the department shall reduce the amounts otherwise payable under section 3317.022 of the Revised Code to any community school that includes in its program the provision of computer hardware and software materials to any student, if such hardware and software materials have not been delivered, installed, and activated for each such student in a timely manner or other educational materials or services have not been provided according to the contract between the individual community school and its sponsor. 54189  
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The director and the auditor of state shall jointly establish a method for auditing any community school to which 54200  
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this division pertains to ensure compliance with this section. 54202

The director, auditor of state, and the governor shall 54203  
jointly make recommendations to the general assembly for 54204  
legislative changes that may be required to assure fiscal and 54205  
academic accountability for such schools. 54206

(K) (1) If the department determines that a review of a 54207  
community school's enrollment is necessary, such review shall be 54208  
completed and written notice of the findings shall be provided 54209  
to the governing authority of the community school and its 54210  
sponsor within ninety days of the end of the community school's 54211  
fiscal year, unless extended for a period not to exceed thirty 54212  
additional days for one of the following reasons: 54213

(a) The department and the community school mutually agree 54214  
to the extension. 54215

(b) Delays in data submission caused by either a community 54216  
school or its sponsor. 54217

(2) If the review results in a finding that additional 54218  
funding is owed to the school, such payment shall be made within 54219  
thirty days of the written notice. If the review results in a 54220  
finding that the community school owes moneys to the state, the 54221  
following procedure shall apply: 54222

(a) Within ten business days of the receipt of the notice 54223  
of findings, the community school may appeal the department's 54224  
determination to the director. 54225

(b) The director shall conduct an informal hearing on the 54226  
matter within thirty days of receipt of such an appeal and shall 54227  
issue a decision within fifteen days of the conclusion of the 54228  
hearing. 54229



(c) Any decision made by the director under this division 54230  
is final. 54231

(3) If it is decided that the community school owes moneys 54232  
to the state, the department shall deduct such amount from the 54233  
school's future payments in accordance with guidelines issued by 54234  
the director. 54235

(L) The department shall not pay to a community school 54236  
under section 3317.022 of the Revised Code any amount for any of 54237  
the following: 54238

(1) Any student who has graduated from the twelfth grade 54239  
of a public or nonpublic high school; 54240

(2) Any student who is not a resident of the state; 54241

(3) Any student who was enrolled in the community school 54242  
during the previous school year when assessments were 54243  
administered under section 3301.0711 of the Revised Code but did 54244  
not take one or more of the assessments required by that section 54245  
and was not excused pursuant to division (C)(1) or (3) of that 54246  
section, unless the director grants the student a waiver from 54247  
the requirement to take the assessment and a parent is not 54248  
paying tuition for the student pursuant to section 3314.26 of 54249  
the Revised Code. The director may grant a waiver only for good 54250  
cause in accordance with rules adopted by the department. 54251

(4) Any student who has attained the age of twenty-two 54252  
years, except for veterans of the armed services whose 54253  
attendance was interrupted before completing the recognized 54254  
twelve-year course of the public schools by reason of induction 54255  
or enlistment in the armed forces and who apply for enrollment 54256  
in a community school not later than four years after 54257  
termination of war or their honorable discharge. If, however, 54258

any such veteran elects to enroll in special courses organized 54259  
for veterans for whom tuition is paid under federal law, or 54260  
otherwise, the department shall not pay to a community school 54261  
under section 3317.022 of the Revised Code any amount for that 54262  
veteran. 54263

**Sec. 3314.089.** (A) In any fiscal year, a community school 54264  
receiving funds calculated under division (A) (8) of section 54265  
3317.022 of the Revised Code shall spend those funds only for 54266  
the purposes that the department designates as approved for 54267  
career-technical education expenses. Career-technical education 54268  
expenses approved by the department shall include only expenses 54269  
connected to the delivery of career-technical programming to 54270  
career-technical students. The department shall require the 54271  
school to report data annually so that the department may 54272  
monitor the school's compliance with the requirements regarding 54273  
the manner in which funding received under division (A) (8) of 54274  
section 3317.022 of the Revised Code may be spent. 54275

(B) Except as provided in division (C) of this section, 54276  
all funds received under division (A) (8) of section 3317.022 of 54277  
the Revised Code shall be spent in the following manner: 54278

(1) At least seventy-five per cent of the funds shall be 54279  
spent on curriculum development, purchase, and implementation; 54280  
instructional resources and supplies; industry-based program 54281  
certification; student assessment, credentialing, and placement; 54282  
curriculum specific equipment purchases and leases; career- 54283  
technical student organization fees and expenses; home and 54284  
agency linkages; work-based learning experiences; professional 54285  
development; and other costs directly associated with career- 54286  
technical education programs including development of new 54287  
programs. 54288

(2) Not more than twenty-five per cent of the funds shall 54289  
be used for personnel expenditures. 54290

(C) The department may waive the requirements in division 54291  
(B) of this section for any community school that exclusively 54292  
provides one or more career-technical workforce development 54293  
programs in arts and communications that are not equipment- 54294  
intensive, as determined by the department. 54295

~~(D) In any fiscal year, a community school receiving funds 54296  
under division (H) of section 3317.014 of the Revised Code shall 54297  
spend those funds only on the following purposes:— 54298~~

~~(1) Delivery of career awareness programs to students— 54299  
enrolled in grades kindergarten through twelve;— 54300~~

~~(2) Provision of a common, consistent curriculum to 54301  
students throughout their primary and secondary education;— 54302~~

~~(3) Assistance to teachers in providing a career— 54303  
development curriculum to students;— 54304~~

~~(4) Development of a career development plan for each 54305  
student that stays with that student for the duration of the 54306  
student's primary and secondary education;— 54307~~

~~(5) Provision of opportunities for students to engage in 54308  
activities, such as career fairs, hands-on experiences, and job— 54309  
shadowing, across all career pathways at each grade level.— 54310~~

~~The department may deny payment under division (E) of 54311  
section 3317.014 of the Revised Code to any school that the 54312  
department determines is using funds paid under division (H) of 54313  
section 3317.014 of the Revised Code for other purposes. 54314~~

**Sec. 3314.19.** The sponsor of each community school shall 54315  
provide the ~~following~~ assurances required under this section in 54316

writing to the department of education and workforce not later 54317  
than ~~ten~~ five business days prior to the opening of the school's 54318  
first year of operation or, if the school is not an internet- or 54319  
computer-based community school and it ~~changes the~~ relocates to 54320  
a different building from which it operates or opens a satellite 54321  
location, not later than five business days prior to the opening 54322  
of the first year it operates from the new ~~building~~ facility. 54323  
In cases where a school adds a facility to the existing school 54324  
location or the school is an internet or computer-based 54325  
community school and changes its location or adds a satellite 54326  
location, the sponsor shall provide the assurances not later 54327  
than one day prior to the operation in the new facility. The 54328  
assurances shall include the following statements: 54329

(A) That a current copy of the contract between the 54330  
sponsor and the governing authority of the school entered into 54331  
under section 3314.03 of the Revised Code has been filed with 54332  
the department and that any subsequent modifications to that 54333  
contract will be filed with the department; 54334

(B) That the school has submitted to the sponsor a plan 54335  
for providing special education and related services to students 54336  
with disabilities and has demonstrated the capacity to provide 54337  
those services in accordance with Chapter 3323. of the Revised 54338  
Code and federal law; 54339

(C) That the school has a plan and procedures for 54340  
administering the achievement and diagnostic assessments 54341  
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of 54342  
the Revised Code; 54343

(D) That school personnel have the necessary training, 54344  
knowledge, and resources to properly use and submit information 54345  
to all databases maintained by the department for the collection 54346

of education data, including the education management 54347  
information system established under section 3301.0714 of the 54348  
Revised Code in accordance with methods and timelines 54349  
established under section 3314.17 of the Revised Code; 54350

(E) That all required information about the school has 54351  
been submitted to the Ohio education directory system or any 54352  
successor system; 54353

(F) That the school will enroll at least the minimum 54354  
number of students required by division (A) (11) (a) of section 54355  
3314.03 of the Revised Code in the school year for which the 54356  
assurances are provided; 54357

(G) That all classroom teachers are licensed in accordance 54358  
with sections 3319.22 to 3319.31 of the Revised Code, except for 54359  
noncertificated persons engaged to teach up to twelve hours or 54360  
forty hours per week pursuant to section 3319.301 of the Revised 54361  
Code; 54362

(H) That the school's fiscal officer is in compliance with 54363  
section 3314.011 of the Revised Code; 54364

(I) That the school has complied with sections 3319.39 and 54365  
3319.391 of the Revised Code with respect to all employees and 54366  
that the school has conducted a criminal records check of each 54367  
of its governing authority members; 54368

(J) That the school holds all of the following: 54369

(1) Proof of property ownership or a lease for the 54370  
facilities used by the school; 54371

(2) A certificate of occupancy; 54372

(3) Liability insurance for the school, as required by 54373  
division (A) (11) (b) of section 3314.03 of the Revised Code, that 54374

the sponsor considers sufficient to indemnify the school's facilities, staff, and governing authority against risk;	54375 54376
(4) A satisfactory health and safety inspection;	54377
(5) A satisfactory fire inspection;	54378
(6) A valid food permit, if applicable.	54379
(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	54380 54381 54382
(L) That the school has designated a date it will open for the school year for which the assurances are provided that is in compliance with division (A) (25) of section 3314.03 of the Revised Code;	54383 54384 54385 54386
(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.	54387 54388 54389
(N) That, for any school that operates using the blended learning model, as defined in section 3301.079 of the Revised Code, the sponsor has reviewed the following information, submitted by the school:	54390 54391 54392 54393
(1) An indication of what blended learning model or models will be used;	54394 54395
(2) A description of how student instructional needs will be determined and documented;	54396 54397
(3) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	54398 54399
(4) The school's attendance requirements, including how the school will document participation in learning	54400 54401

opportunities;	54402
(5) A statement describing how student progress will be monitored;	54403 54404
(6) A statement describing how private student data will be protected;	54405 54406
(7) A description of the professional development activities that will be offered to teachers.	54407 54408
<b>Sec. 3314.191.</b> Notwithstanding any provision to the contrary in the Revised Code, the department of education and workforce shall make no payment under section 3317.022 of the Revised Code to a community school opening for its first year of operation until the sponsor of that school confirms all of the following:	54409 54410 54411 54412 54413 54414
(A) The school is in compliance with the provisions described in divisions (A), (H), (I), and (J) (3) of section 3314.19 of the Revised Code.	54415 54416 54417
(B) The sponsor has approved the financial controls required by the <del>comprehensive plan for the school contract the sponsor enters into with the governing authority of the community school under division (B) (5) of section 3314.03</del> of the Revised Code.	54418 54419 54420 54421 54422
(C) The school facilities will be ready and open for use by the date prescribed in the contract entered into under section 3314.03 of the Revised Code, and the sponsor has reviewed any lease, purchase agreement, permits required by statute or contract, and construction plans.	54423 54424 54425 54426 54427
(D) The chief administrator of the community school actively is managing daily operations at the school.	54428 54429

(E) The projected enrollment reported to the department is accurate. 54430  
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**Sec. 3314.261.** This section shall not apply to an internet- or computer-based community school ~~in which a majority of the students are enrolled in a dropout prevention and recovery program~~ that is a dropout prevention and recovery community school. 54432  
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(A) For purposes of this section, "instructional activities" means the following classroom-based or nonclassroom-based activities that a student is expected to complete, participate in, or attend during any given school day: 54437  
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(1) Online logins to curriculum or programs; 54441

(2) Offline activities; 54442

(3) Completed assignments within a particular program, curriculum, or class; 54443  
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(4) Testing; 54445

(5) Face-to-face communications or meetings with school staff or service providers; 54446  
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(6) Telephone or video conferences with school staff or service providers; 54448  
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(7) Other documented communication with school staff or service providers related to school curriculum or programs. 54450  
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(B) (1) Each internet- or computer-based community school's attendance policy adopted in accordance with division (A) (6) (b) of section 3314.03 of the Revised Code shall specify that a student is considered in attendance at the school when the student satisfies either of the following conditions: 54452  
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(a) The student participates in at least ninety per cent 54457  
of the hours of instructional activities offered by the school 54458  
in that school year; 54459

(b) The student is on pace for on-time completion of any 54460  
course in which the student is enrolled. The school's attendance 54461  
policy shall define "on pace for on-time completion" for 54462  
purposes of division (B) (1) (b) of this section. 54463

(2) If a student is not considered in attendance under 54464  
division (B) (1) of this section, the student shall be considered 54465  
absent for those hours of instructional activities offered by 54466  
the school in that school year in which the student does not 54467  
participate. 54468

(3) In the event that a student has thirty or more hours 54469  
of unexcused absences in any semester, the internet- or 54470  
computer-based community school in which the student is enrolled 54471  
shall submit a written report to the student's parent, guardian, 54472  
or custodian. 54473

(C) Notwithstanding section 3321.191 of the Revised Code, 54474  
each internet- or computer-based community school shall develop 54475  
and adopt a policy regarding failure to participate in 54476  
instructional activities. The policy shall state that a student 54477  
shall become subject to certain consequences, including 54478  
disenrollment from the school, if both of the following 54479  
conditions are satisfied: 54480

(1) After the student's parent, guardian, or custodian 54481  
receives a written report under division (B) (2) of this section, 54482  
the student fails to comply with the policy adopted under 54483  
division (C) of this section within a reasonable period of time 54484  
specified by the school; 54485

(2) Other intervention strategies contained in the policy 54486  
adopted under division (C) of this section fail to cause a 54487  
student's attendance to comply with the policy. 54488

(D) If an internet- or computer-based community school 54489  
disenrolled a student pursuant to a policy adopted under 54490  
division (C) of this section, the student shall not be eligible 54491  
to re-enroll in that school for the remainder of the school year 54492  
in which the student is disenrolled. This division does not 54493  
prohibit a disenrolled student from enrolling in another 54494  
internet- or computer-based community school. 54495

(E) If an internet- or computer-based community school 54496  
disenrolls a student pursuant to a policy adopted under division 54497  
(C) of this section, the school shall do both of the following: 54498

(1) Provide the student's parent, guardian, or custodian 54499  
with a list of alternative educational options available to the 54500  
student; 54501

(2) Within forty-eight hours of the student's 54502  
disenrollment, notify the student's resident school district in 54503  
writing. 54504

(F) Nothing in this section shall be construed to affect 54505  
the procedure for automatically withdrawing a student from 54506  
school that must be adopted as part of a school's attendance 54507  
policy in accordance with division (A) (6) (b) of section 3314.03 54508  
of the Revised Code. 54509

**Sec. 3314.29.** (A) This section applies to any internet- or 54510  
computer-based community school that meets all of the following 54511  
conditions: 54512

(1) Serves all of grades kindergarten through twelve; 54513

- (2) Has an enrollment of at least two thousand students; 54514
- (3) Has a sponsor that was not rated ineffective or poor 54515  
on its most recent evaluation under section 3314.016 of the 54516  
Revised Code. 54517
- (B) Beginning with the 2018-2019 school year, the 54518  
governing authority of a community school to which this section 54519  
applies may adopt a resolution to divide the school into two or 54520  
three separate schools as follows: 54521
- (1) If the school is divided into two schools, one school 54522  
shall serve grades kindergarten through eight and one school 54523  
shall serve grades nine through twelve. 54524
- (2) If the school is divided into three schools, one 54525  
school shall serve grades kindergarten through five, one school 54526  
shall serve grades six through eight, and one school shall serve 54527  
grades nine through twelve. 54528
- (C) The resolution adopted by the governing authority 54529  
shall not be effective unless approved by the school's sponsor. 54530  
Following approval of the resolution by the sponsor, and by the 54531  
fifteenth day of March prior to the school year in which it will 54532  
take effect, the governing authority shall file the resolution 54533  
with the department of education and workforce. The division of 54534  
the schools shall be effective on the first day of July 54535  
succeeding the date the resolution is filed with the department. 54536
- (D) All of the following shall apply to each new school 54537  
created as a result of the resolution authorized by this section 54538  
and to the school that is divided as a result of the resolution: 54539
- (1) Each school shall have the same governing authority. 54540
- (2) The sponsor and governing authority shall enter into a 54541

separate contract under section 3314.03 of the Revised Code for 54542  
each school. 54543

(3) No school shall ~~primarily serve students enrolled in-~~ 54544  
~~be~~ a dropout prevention and recovery ~~program operated by the-~~ 54545  
~~school~~ community school. 54546

(4) No school shall be permitted to divide again under 54547  
this section. 54548

(5) Notwithstanding anything to the contrary in division 54549  
(B) (2) of section 3314.016 of the Revised Code, each school 54550  
shall be included in the calculation of the academic performance 54551  
component for purposes of rating the schools' sponsor under the 54552  
evaluation system prescribed by that section. 54553

(6) Each school shall be subject to the laws contained in 54554  
Chapter 3314. of the Revised Code, except as otherwise specified 54555  
in this section. 54556

(E) The department shall issue a report card under section 54557  
3314.012 of the Revised Code for each new school created as a 54558  
result of the resolution authorized by this section and for the 54559  
school that is divided as a result of the resolution. For 54560  
purposes of the report cards and other reporting requirements 54561  
under this chapter, the department shall assign the school that 54562  
serves the highest grades the same internal retrieval number 54563  
previously used by the school that is divided under this 54564  
section. The department shall assign a new internal retrieval 54565  
number to each other school resulting from the division. 54566

Notwithstanding division (A) of section 3314.012 of the 54567  
Revised Code, the ratings a school receives on its report card 54568  
for the first two full school years after the division under 54569  
this section shall count toward closure of the school under 54570

section 3314.35 of the Revised Code and any other matter that is based on report card ratings or measures.

**Sec. 3314.35.** (A) Except as provided in division (B) of this section and section 3314.355 of the Revised Code, this section applies to any community school that meets one of the following criteria:

(1) The school does not offer a grade level higher than three and, for the three most recent school years, satisfies either of the following criteria:

(a) The school has received a performance rating of one star for early literacy under division (D) (3) (e) of section 3302.03 of the Revised Code;

(b) The school has received an overall performance rating of less than two stars under division (D) (3) of section 3302.03 of the Revised Code.

(2) The school offers any of grade levels four to eight but does not offer a grade level higher than nine and, for the three most recent school years, satisfies either of the following criteria:

(a) The school has received a performance rating of one star for both achievement under division (D) (3) (b) of section 3302.03 of the Revised Code and progress under division (D) (3) (c) of that section;

(b) The school has received an overall performance rating of less than two stars under division (D) of section 3302.03 of the Revised Code and a performance rating of one star for progress under division (D) (3) (c) of that section.

(3) The school offers any of grade levels ten to twelve

and, for the three most recent school years, satisfies either of  
the following criteria:

(a) The school has received a performance rating of "one  
star" for achievement under division (D) (3) (b) of section  
3302.03 of the Revised Code and has not met annual measurable  
objectives for gap closing under division (D) (3) (a) of that  
section, as determined by the department of education and  
workforce;

(b) The school has received an overall performance rating  
of less than two stars under division (D) of section 3302.03 of  
the Revised Code and a performance rating of one star for  
progress under division (D) (1) (b) of that section.

For purposes of division (A) of this section only, the  
department shall calculate the value-added progress dimension  
for a community school using assessment scores for only those  
students to whom the school has administered the achievement  
assessments prescribed by section 3301.0710 of the Revised Code  
for at least the two most recent school years but using value-  
added data from only the most recent school year.

(B) This section does not apply to either of the  
following:

(1) Any dropout prevention and recovery community school  
~~in which a majority of the students are enrolled in a dropout~~  
~~prevention and recovery program that is operated by the school.~~  
Rather, such schools shall be subject to closure only as  
provided in section 3314.351 of the Revised Code. However, prior  
to July 1, 2014, a community school in which a majority of the  
students are enrolled in a dropout prevention and recovery  
program shall be exempt from this section only if it has been

granted a waiver under section 3314.36 of the Revised Code. 54628

(2) Any community school in which a majority of the 54629  
enrolled students are children with disabilities receiving 54630  
special education and related services in accordance with 54631  
Chapter 3323. of the Revised Code. 54632

(C) Any community school to which this section applies 54633  
shall permanently close at the conclusion of the school year in 54634  
which the school first becomes subject to this section. The 54635  
sponsor and governing authority of the school shall comply with 54636  
all procedures for closing a community school adopted by the 54637  
department under division (E) of section 3314.015 of the Revised 54638  
Code. The governing authority of the school shall not enter into 54639  
a contract with any other sponsor under section 3314.03 of the 54640  
Revised Code after the school closes. 54641

(D) Nothing in this section or in any other provision of 54642  
the Revised Code prohibits the sponsor of a community school 54643  
from exercising its option not to renew a contract for any 54644  
reason or from terminating a contract prior to its expiration 54645  
for any of the reasons set forth in section 3314.07 of the 54646  
Revised Code. 54647

**Sec. 3314.351.** (A) This section applies to any dropout 54648  
prevention and recovery community school ~~in which a majority of~~ 54649  
~~the students are enrolled in a dropout prevention and recovery~~ 54650  
~~program.~~ Except as provided in division (F) of this section, any 54651  
such community school that has received a designation of "does 54652  
not meet standards," as described in division (D)(1) of section 54653  
3314.017 of the Revised Code on the report card issued under 54654  
that section, for the three most recent school years shall be 54655  
subject to closure in accordance with this section. 54656

(B) Not later than the first day of September in each school year, the department of education and workforce shall notify each school subject to closure under this section that the school must close not later than the thirtieth day of the following June.

A school so notified shall close as required.

(C) A school that opens on or after July 1, 2014, shall not be subject to closure under this section for its first two years of operation. A school that is in operation prior to July 1, 2014, shall not be subject to closure under this section until after August 31, 2016.

(D) The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code. The governing authority of the school shall not enter into a contract with any other sponsor under section 3314.03 of the Revised Code after the school closes.

(E) Nothing in this section or in any other provision of the Revised Code prohibits the sponsor of a community school from exercising its option not to renew a contract for any reason or from terminating a contract prior to its expiration for any of the reasons set forth in section 3314.07 of the Revised Code.

(F) Beginning in the 2019-2020 school year, no school shall be subject to closure under this section based on the report card issued for that school for the 2017-2018 or 2018-2019 school year if the school received an overall rating of "meets standards" or "exceeds standards" for the 2017-2018 or 2018-2019 school year pursuant to division (I) of section



3314.017 of the Revised Code. However, no school permanently 54686  
closed under this section prior to the 2019-2020 school year 54687  
shall be eligible to reopen based on the calculated or 54688  
recalculated ratings under division (I) of section 3314.017 of 54689  
the Revised Code. 54690

**Sec. 3314.36.** (A) Section 3314.35 of the Revised Code does 54691  
not apply to any dropout prevention and recovery community 54692  
~~school in which a majority of the students are enrolled in a~~ 54693  
~~dropout prevention and recovery program that is operated by the~~ 54694  
~~school and that~~ has been granted a waiver by the former 54695  
department of education prior to July 1, 2014. 54696

(B) All dropout prevention and recovery community schools 54697  
~~in which a majority of the students are enrolled in a dropout~~ 54698  
~~prevention and recovery program~~ are subject to the provisions of 54699  
section 3314.351 of the Revised Code, regardless of whether a 54700  
waiver has been granted under this section prior to July 1, 54701  
2014. Thereafter, no waivers shall be granted under this 54702  
section. 54703

**Sec. 3314.361.** ~~Notwithstanding anything to the contrary in~~ 54704  
~~this chapter, a~~ A community school that operates a drug recovery 54705  
program in cooperation with a court shall be considered a 54706  
dropout prevention and recovery ~~program~~ community school for 54707  
purposes of this chapter, ~~regardless of the ages of students or~~ 54708  
~~grade levels served by the school~~ and shall comply with all 54709  
enrollment restrictions applicable to such a school. 54710

**Sec. 3314.362.** Notwithstanding division (A) (10) of section 54711  
3314.02 of the Revised Code, a community school that primarily 54712  
serves students enrolled in a dropout prevention and recovery 54713  
program may continue to operate in the 2025-2026 and 2026-2027 54714  
school years without complying with that division and shall be 54715

considered a dropout prevention and recovery community school 54716  
for the purposes of Title XXXVIII of the Revised Code for those 54717  
school years. 54718

Notwithstanding anything in the Revised Code to the 54719  
contrary, beginning July 1, 2027, any community school that 54720  
primarily serves students enrolled in a dropout prevention and 54721  
recovery program is a dropout prevention and recovery community 54722  
school, as defined in division (A) (10) of section 3314.02 of the 54723  
Revised Code. Prior to that date, the school, upon approval of 54724  
the school's sponsor, shall do one or both of the following with 54725  
any grades that do not comply with division (A) (10) of section 54726  
3314.02 of the Revised Code: 54727

(A) Transfer those grades to a separate community school. 54728  
The department of education and workforce shall assign the 54729  
separate community school its own internal retrieval number. 54730

(B) Cease offering those grades. 54731

The school shall assist students who are not eligible to 54732  
enroll in the dropout prevention and recovery community school 54733  
to transfer to a separate community school or enroll in a 54734  
different school, as applicable. 54735

**Sec. 3314.38.** (A) As used in this section: 54736

(1) "Competency-based educational program" and "eligible 54737  
individual" have the same meanings as in section 3313.902 of the 54738  
Revised Code. 54739

(2) "Eligible provider" means a community school that 54740  
operates a dropout prevention and recovery program. 54741

(B) An eligible provider may establish a competency-based 54742  
educational program that complies with standards adopted by the 54743

department of education and workforce and may enroll eligible 54744  
individuals in the program for up to three consecutive school 54745  
years for the purpose of earning a high school diploma. The 54746  
provider shall establish a career plan for each individual 54747  
enrolled in the program that specifies the individual's career 54748  
goals and describes how the individual will demonstrate 54749  
competency or earn course credits under division (C) of section 54750  
3313.902 of the Revised Code to earn a diploma and attain the 54751  
individual's career goals. Notwithstanding sections 3313.61, 54752  
3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the 54753  
Revised Code, the department shall award a highschool diploma 54754  
to an individual enrolled in a program who satisfies one of the 54755  
conditions specified in division (C) of section 3313.902 of the 54756  
Revised Code. 54757

(C) An eligible provider shall report each individual 54758  
enrolled in a program under division (B) of this section to the 54759  
department. This report shall be in addition to the report 54760  
required under division (B) of section 3314.08 of the Revised 54761  
Code. The department annually shall certify the enrollment and 54762  
attendance of each individual reported under this division and 54763  
shall pay the provider up to \$7,500 per school year, as 54764  
determined by the department based on the extent of the 54765  
individual's successful completion of the diploma requirements 54766  
prescribed in division (C) of section 3313.902 of the Revised 54767  
Code. 54768

(D) An eligible provider that enrolls individuals under 54769  
division (B) of this section is subject to the requirements of 54770  
section 3313.902 of the Revised Code, as applicable. 54771

**Sec. 3314.381.** ~~(A) As used in this section, "dropout~~ 54772  
~~recovery community school" has the same meaning as in section~~ 54773

~~3319.301 of the Revised Code.~~ 54774

~~(B)~~ The department of education and workforce shall 54775  
establish the dropout prevention and recovery advisory council. 54776  
The council shall provide a forum for communication and 54777  
collaboration between the department and parties involved in the 54778  
establishment and operation of dropout prevention and recovery 54779  
community schools, including sponsors and operators. 54780

~~(C)~~(B) The advisory council shall consist of the following 54781  
members appointed by the director of education and workforce: 54782

(1) Two members of the state board of education; 54783

(2) One employee of the department who works directly with 54784  
dropout prevention and recovery community schools, including any 54785  
employee who works as a liaison with such schools; 54786

(3) Seven individuals with experience in dropout 54787  
prevention and recovery community schools, their operators, and 54788  
their sponsors. In appointing these individuals, the director 54789  
shall ensure they represent a diverse array of schools in terms 54790  
of enrollment, programs, learning models, and methods of 54791  
instruction. 54792

~~(D)~~(C) The advisory council shall, in collaboration with 54793  
the director, review all existing rules and guidance previously 54794  
developed or adopted by the department pursuant to division ~~(D)~~ 54795  
(C) of section 3314.382 of the Revised Code. 54796

**Sec. 3314.382.** (A) ~~As used in this section, "dropout-~~ 54797  
~~recovery community school" has the same meaning as in section-~~ 54798  
~~3319.301 of the Revised Code.~~ 54799

~~(B)~~ Notwithstanding anything to the contrary in the 54800  
Revised Code, the department of education and workforce shall 54801

only adopt rules in accordance with Chapter 119. of the Revised Code for any requirement to be imposed on a dropout prevention and recovery community school. The department shall not develop guidelines that impose requirements on the general and uniform operation of a dropout prevention and recovery community school.

~~(C)~~(B) Pursuant to section 119.035 of the Revised Code, prior to adoption, the dropout prevention and recovery advisory council established under section 3314.381 of the Revised Code shall review any proposed rule described in division ~~(B)~~(A) of this section.

~~(D)~~(C) Any guidance document previously developed by the department that establishes general and uniform operations regarding a dropout recovery community school in effect on ~~the effective date of this section~~ October 3, 2023, is void after that date.

**Sec. 3315.063.** No board of education of any school district shall expend more than fifteen per cent of the board's annual operating budget on administrative salaries and benefits and other costs associated with the district's administrative offices.

**Sec. 3316.031.** (A) The director of education and workforce, in consultation with the auditor of state, shall develop guidelines for identifying fiscal practices and budgetary conditions that, if uncorrected, could result in a future declaration of a fiscal watch or fiscal emergency within a school district.

The guidelines shall not include a requirement that a school district submit financial statements according to generally accepted accounting principles.

(B) (1) If the director determines from a school district's ~~five-year~~ three-year forecast submitted under section 5705.391 of the Revised Code that a district is engaging in any of those practices or that any of those conditions exist within the district, after consulting with the district board of education concerning the practices or conditions, the director may declare the district to be under a fiscal caution.

(2) If the auditor of state finds that a district is engaging in any of those practices or that any of those conditions exist within the district, the auditor of state shall report that finding to the director and, after consulting with the district board of education concerning the practices or conditions, the director may declare the district to be under a fiscal caution.

(3) Unless the auditor of state has elected to declare a state of fiscal watch under division (A) (4) of section 3316.03 of the Revised Code, the director shall declare a school district to be under a fiscal caution if the conditions described in divisions (A) (4) (a) and (b) of that section are both satisfied with respect to the school district.

(C) When the director declares a district to be under fiscal caution, the director shall promptly notify the district board of education of that declaration and shall request the board to provide written proposals for discontinuing or correcting the fiscal practices or budgetary conditions that prompted the declaration and for preventing the district from experiencing further fiscal difficulties that could result in the district being declared to be in a state of fiscal watch or fiscal emergency.

(D) The director, or a designee, may visit and inspect any

district that is declared to be under a fiscal caution. The 54861  
department of education and workforce shall provide technical 54862  
assistance to the district board in implementing proposals to 54863  
eliminate the practices or budgetary conditions that prompted 54864  
the declaration of fiscal caution and may make recommendations 54865  
concerning the board's proposals. 54866

(E) If the director finds that a school district declared 54867  
to be under a fiscal caution has not made reasonable proposals 54868  
or otherwise taken action to discontinue or correct the fiscal 54869  
practices or budgetary conditions that prompted the declaration 54870  
of fiscal caution, and if the director considers it necessary to 54871  
prevent further fiscal decline, the director may determine that 54872  
the district should be in a state of fiscal watch. As provided 54873  
in division (A) (3) of section 3316.03 of the Revised Code, the 54874  
auditor of state shall declare the district to be in a state of 54875  
fiscal watch if the auditor of state finds the director's 54876  
determination to be reasonable. 54877

**Sec. 3316.043.** Upon the approval by the director of 54878  
education and workforce of an initial financial plan under 54879  
section 3316.04 of the Revised Code or a financial recovery plan 54880  
under section 3316.06 of the Revised Code, the board of 54881  
education of the school district for which the plan was approved 54882  
shall revise the district's ~~five-year~~ three-year projection of 54883  
revenues and expenditures in accordance with rules adopted under 54884  
section 5705.391 of the Revised Code so that the ~~five-year~~ 54885  
three-year projection is consistent with the financial plan or 54886  
financial recovery plan. In the case of a school district 54887  
declared to be in a state of fiscal emergency, the ~~five-year~~ 54888  
three-year projection shall be revised by the financial planning 54889  
and supervision commission for that district. 54890

**Sec. 3316.08.** During a school district's fiscal emergency 54891  
period, the auditor of state shall determine annually, or at any 54892  
other time upon request of the financial planning and 54893  
supervision commission, whether the school district will incur 54894  
an operating deficit. If the auditor of state determines that a 54895  
school district will incur an operating deficit, the auditor of 54896  
state shall certify that determination to the director of 54897  
education and workforce, the financial planning and supervision 54898  
commission, and the board of education of the school district. 54899  
Upon receiving the auditor of state's certification, the 54900  
commission shall adopt a resolution requesting that the board of 54901  
education work with the county auditor or tax commissioner to 54902  
estimate the amount and rate of a tax levy that is needed under 54903  
section 5705.194, 5705.199, or 5705.21 or Chapter 5748. of the 54904  
Revised Code to produce a positive fund balance not later than 54905  
the ~~fifth~~ third year of the ~~five-year~~ three-year forecast 54906  
submitted under section 5705.391 of the Revised Code. 54907

The board of education shall recommend to the commission 54908  
whether the board supports or opposes a tax levy under section 54909  
5705.194, 5705.199, or 5705.21 or Chapter 5748. of the Revised 54910  
Code and shall provide supporting documentation to the 54911  
commission of its recommendation. 54912

After considering the board of education's recommendation 54913  
and supporting documentation, the commission shall adopt a 54914  
resolution to either submit a ballot question proposing a tax 54915  
levy or not to submit such a question. 54916

Except as otherwise provided in this division, the tax 54917  
shall be levied in the manner prescribed for a tax levied under 54918  
section 5705.194, 5705.199, or 5705.21 or under Chapter 5748. of 54919  
the Revised Code. If the commission decides that a tax should be 54920



levied, the tax shall be levied for the purpose of paying 54921  
current operating expenses of the school district. The rate of a 54922  
property tax levied under section 5705.194, 5705.199, 5705.21, 54923  
or 5748.09 of the Revised Code shall be determined by the county 54924  
auditor, and the rate of an income tax levied under section 54925  
5748.02, 5748.08, or 5748.09 of the Revised Code shall be 54926  
determined by the tax commissioner, upon the request of the 54927  
commission. The commission, in consultation with the board of 54928  
education, shall determine the election at which the question of 54929  
the tax shall appear on the ballot, and the commission shall 54930  
submit a copy of its resolution to the board of elections not 54931  
later than ninety days prior to the day of that election. The 54932  
board of elections conducting the election shall certify the 54933  
results of the election to the board of education and to the 54934  
financial planning and supervision commission. 54935

**Sec. 3316.16.** (A) A school district financial planning and 54936  
supervision commission, with respect to its functions under this 54937  
chapter, shall continue in existence until such time as a 54938  
determination is made under division (B) of this section that 54939  
all of the following have occurred: 54940

(1) An effective financial accounting and reporting system 54941  
in accordance with section 3316.10 of the Revised Code is in the 54942  
process of being implemented, and it is reasonably expected that 54943  
this implementation will be completed within two years. 54944

(2) All of the fiscal emergency conditions determined 54945  
pursuant to division (B) of section 3316.03 of the Revised Code 54946  
have been corrected or eliminated, and no new fiscal emergency 54947  
conditions have occurred. 54948

(3) The objectives of the financial recovery plan 54949  
described in section 3316.06 of the Revised Code are being met. 54950

(4) The school district board has prepared a financial 54951  
forecast for a ~~five-year~~ three-year period in accordance with 54952  
the standards issued by the auditor of state and an opinion has 54953  
been rendered by the auditor of state that the financial 54954  
forecast is considered to be nonadverse. The forecast shall 54955  
display the district's projected compliance with section 3315.18 54956  
of the Revised Code beginning in the year the commission is 54957  
proposed for termination. 54958

(B) The determination that all conditions listed in 54959  
division (A) of this section for the termination of the 54960  
existence of the commission and its functions exist may be made 54961  
either by the auditor of state or by the commission and shall be 54962  
certified to the commission, the auditor of state, the governor, 54963  
the director of budget and management, and the budget 54964  
commission, whereupon such commission and its functions under 54965  
this chapter shall terminate. This determination shall be made 54966  
by the auditor of state upon the filing with the auditor of 54967  
state of a written request for such a determination by the 54968  
school district board, the governor, or the commission, or may 54969  
be made by the auditor of state upon the auditor of state's own 54970  
initiative. 54971

(C) The commission shall prepare and submit at the time of 54972  
such certification a final report of its activities, in such 54973  
form as is appropriate for the purpose of providing a record of 54974  
its activities and assisting other commissions created under 54975  
this chapter in the conduct of their functions. All of the books 54976  
and records of the commission shall be delivered to the auditor 54977  
of state for retention and safekeeping. 54978

(D) Upon receipt of the certification provided for in 54979  
division (B) of this section, the director of budget and 54980

management shall follow the procedures set forth in section 54981  
126.29 of the Revised Code. 54982

(E) If, at the time of termination of the commission, an 54983  
effective financial accounting and reporting system has not been 54984  
fully implemented, the auditor of state shall monitor the 54985  
progress of implementation and shall exercise authority under 54986  
this section and Chapter 117. of the Revised Code to secure full 54987  
implementation at the earliest time feasible but within two 54988  
years after such termination. 54989

**Sec. 3317.01.** As used in this section, "school district," 54990  
unless otherwise specified, means any city, local, exempted 54991  
village, joint vocational, or cooperative education school 54992  
district and any educational service center. 54993

This chapter shall be administered by the department of 54994  
education and workforce. The department of education and 54995  
workforce shall calculate the amounts payable to each school 54996  
district and shall certify the amounts payable to each eligible 54997  
district to the treasurer of the district as provided by this 54998  
chapter. Certification of moneys pursuant to this section shall 54999  
include the amounts payable to each school building, at a 55000  
frequency determined by the department, for each subgroup of 55001  
students, as defined in section 3317.40 of the Revised Code, 55002  
receiving services, provided for by state funding, from the 55003  
district or school. No moneys shall be distributed pursuant to 55004  
this chapter without the approval of the controlling board. 55005

The department shall, in accordance with appropriations 55006  
made by the general assembly, meet the financial obligations of 55007  
this chapter. 55008

Moneys distributed to school districts pursuant to this 55009

chapter shall be calculated based on the annual enrollment 55010  
calculated from the three reports required under ~~sections~~ 55011  
section 3317.03 and 3317.036 of the Revised Code and paid on a 55012  
fiscal year basis, beginning with the first day of July and 55013  
extending through the thirtieth day of June. In any given fiscal 55014  
year, prior to school districts submitting the first report 55015  
required under section 3317.03 of the Revised Code, enrollment 55016  
for the districts shall be calculated based on the third report 55017  
submitted by the districts for the previous fiscal year. The 55018  
moneys appropriated for each fiscal year shall be distributed 55019  
periodically to each school district unless otherwise provided 55020  
for. The department, in June of each year, shall submit to the 55021  
controlling board the department's year-end distributions 55022  
pursuant to this chapter. 55023

Except as otherwise provided, payments under this chapter 55024  
shall be made only to those school districts in which: 55025

(A) The school district, except for any educational 55026  
service center and any joint vocational or cooperative education 55027  
school district, levies for current operating expenses at least 55028  
twenty mills, unless the school district is levying less than 55029  
that amount due solely to the operation of section 5705.316 of 55030  
the Revised Code. Levies for joint vocational or cooperative 55031  
education school districts or county school financing districts, 55032  
limited to or to the extent apportioned to current expenses, 55033  
shall be included in this qualification requirement. School 55034  
district income tax levies under Chapter 5748. of the Revised 55035  
Code, limited to or to the extent apportioned to current 55036  
operating expenses, shall be included in this qualification 55037  
requirement to the extent determined by the tax commissioner 55038  
under division (C) of section 3317.021 of the Revised Code. 55039

(B) The school year next preceding the fiscal year for 55040  
which such payments are authorized meets the requirement of 55041  
section 3313.48 of the Revised Code, with regard to the minimum 55042  
number of hours school must be open for instruction with pupils 55043  
in attendance, for individualized parent-teacher conference and 55044  
reporting periods, and for professional meetings of teachers. 55045

A school district shall not be considered to have failed 55046  
to comply with this division because schools were open for 55047  
instruction but either twelfth grade students were excused from 55048  
attendance for up to the equivalent of three school days or only 55049  
a portion of the kindergarten students were in attendance for up 55050  
to the equivalent of three school days in order to allow for the 55051  
gradual orientation to school of such students. 55052

A board of education or governing board of an educational 55053  
service center which has not conformed with other law and the 55054  
rules pursuant thereto, shall not participate in the 55055  
distribution of funds authorized by this chapter, except for 55056  
good and sufficient reason established to the satisfaction of 55057  
the department and the state controlling board. 55058

All funds allocated to school districts under this 55059  
chapter, except those specifically allocated for other purposes, 55060  
shall be used to pay current operating expenses only. 55061

**Sec. 3317.011.** This section shall apply only for fiscal 55062  
years ~~2024-2026~~ and ~~2025~~2027. 55063

(A) As used in this section: 55064

(1) "Average administrative assistant salary" means the 55065  
average salary of administrative assistants employed by city, 55066  
local, and exempted village school districts in this state with 55067  
salaries greater than \$20,000 but less than \$65,000, using 55068

fiscal year 2022 data, as determined by the department of 55069  
education and workforce. 55070

(2) "Average bookkeeping and accounting employee salary" 55071  
means the average salary of bookkeeping employees and accounting 55072  
employees employed by city, local, and exempted village school 55073  
districts in this state with salaries greater than \$20,000 but 55074  
less than \$80,000, using fiscal year 2022 data, as determined by 55075  
the department. 55076

(3) "Average clerical staff salary" means the average 55077  
salary of clerical staff employed by city, local, and exempted 55078  
village school districts in this state with salaries greater 55079  
than \$15,000 but less than \$50,000, using fiscal year 2022 data, 55080  
as determined by the department. 55081

(4) "Average counselor salary" means the average salary of 55082  
counselors employed by city, local, and exempted village school 55083  
districts in this state with salaries greater than \$30,000 but 55084  
less than \$95,000, using fiscal year 2022 data, as determined by 55085  
the department. 55086

(5) "Average education management information system 55087  
support employee salary" means the average salary of accounting 55088  
employees employed by city, local, and exempted village school 55089  
districts in this state with salaries greater than \$30,000 but 55090  
less than \$90,000, using fiscal year 2022 data, as determined by 55091  
the department. 55092

(6) "Average librarian and media staff salary" means the 55093  
average salary of librarians and media staff employed by city, 55094  
local, and exempted village school districts in this state with 55095  
salaries greater than \$30,000 but less than \$95,000, using 55096  
fiscal year 2022 data, as determined by the department. 55097

(7) "Average other district administrator salary" means 55098  
the average salary of all assistant superintendents and 55099  
directors employed by city, local, and exempted village school 55100  
districts in this state with salaries greater than \$50,000 but 55101  
less than \$135,000, using fiscal year 2022 data, as determined 55102  
by the department. 55103

(8) "Average principal salary" means the average salary of 55104  
all principals employed by city, local, and exempted village 55105  
school districts in this state with salaries greater than 55106  
\$50,000 but less than \$120,000, using fiscal year 2022 data, as 55107  
determined by the department. 55108

(9) "Average superintendent salary" means the average 55109  
salary of all superintendents employed by city, local, and 55110  
exempted village school districts in this state with salaries 55111  
greater than \$60,000 but less than \$180,000, using fiscal year 55112  
2022 data, as determined by the department. 55113

(10) "Average teacher cost" for a fiscal year is equal to 55114  
the sum of the following: 55115

(a) The average salary of teachers employed by city, 55116  
local, and exempted village school districts in this state with 55117  
salaries greater than \$30,000 but less than \$95,000, using 55118  
fiscal year 2022 data, as determined by the department; 55119

(b) An amount for teacher benefits equal to 0.16 times the 55120  
average salary calculated under division (A) (10) (a) of this 55121  
section; 55122

(c) An amount for district-paid insurance costs equal to 55123  
the following product: 55124

The statewide weighted average employer-paid monthly premium 55125  
based on data reported by city, local, and exempted village 55126

school districts to the state employment relations board for the 55127  
health insurance survey conducted in accordance with divisions 55128  
(K) (5) and (6) of section 4117.02 of the Revised Code using 55129  
fiscal year 2022 data X 12 55130

(11) "Eligible school district" means a city, local, or 55131  
exempted village school district that satisfies one of the 55132  
following: 55133

(a) The district is a member of an organization that 55134  
regulates interscholastic athletics. 55135

(b) The district has teams in at least three different 55136  
sports that participate in an interscholastic league. 55137

(B) When calculating a district's aggregate base cost 55138  
under this section, the department shall use data from fiscal 55139  
year 2022 for all of the following: 55140

(1) The average salaries determined under divisions (A) 55141  
(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of this 55142  
section; 55143

(2) The amount for teacher benefits determined under 55144  
division (A) (10) (b) of this section; 55145

(3) The district-paid insurance costs determined under 55146  
division (A) (10) (c) of this section; 55147

(4) The spending determined under divisions (E) (4) (a), (E) 55148  
(5) (a), (E) (6) (a), and (H) (1) of this section and the 55149  
corresponding student counts determined under divisions (E) (4) 55150  
(b), (E) (5) (b), (E) (6) (b), and (H) (2) of this section; 55151

(5) The information determined under division (G) (3) of 55152  
this section. 55153



(C) A city, local, or exempted village school district's aggregate base cost for a fiscal year shall be equal to the following sum:

(The district's teacher base cost for that fiscal year computed under division (D) of this section) + (the district's student support base cost for that fiscal year computed under division (E) of this section) + (the district's leadership and accountability base cost for that fiscal year computed under division (F) of this section) + (the district's building leadership and operations base cost for that fiscal year computed under division (G) of this section) + (the athletic co-curricular activities base cost for that fiscal year computed under division (H) of this section, if the district is an eligible school district)

(D) The department shall compute a district's teacher base cost for a fiscal year as follows:

(1) Calculate the district's classroom teacher cost for that fiscal year as follows:

(a) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in kindergarten and divide that number by 20;

(b) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades one through three and divide that number by 23;

(c) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades four through eight but are not enrolled in a career-technical education program or class described under

section 3317.014 of the Revised Code and divide that number by 55183  
25; 55184

(d) Determine the full-time equivalency of students in the 55185  
district's base cost enrolled ADM for that fiscal year that are 55186  
enrolled in grades nine through twelve but are not enrolled in a 55187  
career-technical education program or class described under 55188  
section 3317.014 of the Revised Code and divide that number by 55189  
27; 55190

(e) Determine the full-time equivalency of students in the 55191  
district's base cost enrolled ADM for that fiscal year that are 55192  
enrolled in a career-technical education program or class, as 55193  
certified under divisions (B) (11), (12), (13), (14), and (15) of 55194  
section 3317.03 of the Revised Code, and divide that number by 55195  
18; 55196

(f) Compute the sum of the quotients obtained under 55197  
divisions (D) (1) (a), (b), (c), (d), and (e) of this section; 55198

(g) Compute the classroom teacher cost by multiplying the 55199  
average teacher cost for that fiscal year by the sum computed 55200  
under division (D) (1) (f) of this section. 55201

(2) Calculate the district's special teacher cost for that 55202  
fiscal year as follows: 55203

(a) Divide the district's base cost enrolled ADM for that 55204  
fiscal year by 150; 55205

(b) If the quotient obtained under division (D) (2) (a) of 55206  
this section is greater than 6, the special teacher cost shall 55207  
be equal to that quotient multiplied by the average teacher cost 55208  
for that fiscal year. 55209

(c) If the quotient obtained under division (D) (2) (a) of 55210

this section is less than or equal to 6, the special teacher 55211  
cost shall be equal to 6 multiplied by the average teacher cost 55212  
for that fiscal year. 55213

(3) Calculate the district's substitute teacher cost for 55214  
that fiscal year in accordance with the following formula: 55215

(a) Compute the substitute teacher daily rate with 55216  
benefits by multiplying the substitute teacher daily rate of \$90 55217  
by 1.16; 55218

(b) Compute the substitute teacher cost in accordance with 55219  
the following formula: 55220

[The sum computed under division (D) (1) (f) of this section + 55221  
(the greater of the quotient obtained under division (D) (2) (a) 55222  
of this section and 6)] X the amount computed under division (D) 55223  
(3) (a) of this section X 5 55224

(4) Calculate the district's professional development cost 55225  
for that fiscal year in accordance with the following formula: 55226

[The sum computed under division (D) (1) (f) of this section + 55227  
(the greater of the quotient obtained under division (D) (2) (a) 55228  
of this section and 6)] X [(the sum of divisions (A) (10) (a) and 55229  
(b) of this section for that fiscal year)/180] X 4 55230

(5) Calculate the district's teacher base cost for that 55231  
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 55232  
and (4) of this section. 55233

(E) The department shall compute a district's student 55234  
support base cost for a fiscal year as follows: 55235

(1) Calculate the district's guidance counselor cost for 55236  
that fiscal year as follows: 55237

(a) Determine the number of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve and divide that number by 360;	55238 55239 55240
(b) Compute the counselor cost in accordance with the following formula:	55241 55242
(The greater of the quotient obtained under division (E) (1) (a) of this section and 1) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	55243 55244 55245 55246
(2) Calculate the district's librarian and media staff cost for that fiscal year as follows:	55247 55248
(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000;	55249 55250
(b) Compute the librarian and media staff cost in accordance with the following formula:	55251 55252
The quotient obtained under division (E) (2) (a) of this section X [(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	55253 55254 55255 55256
(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:	55257 55258
(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;	55259 55260
(b) Compute the staffing cost for student wellness and success in accordance with the following formula:	55261 55262
(The greater of the quotient obtained under division (E) (3) (a) of this section and 5) X [(the average counselor salary for that	55263 55264

fiscal year X 1.16) + the amount specified under division (A)	55265
(10) (c) of this section for that fiscal year]	55266
(4) Calculate the district's academic co-curricular	55267
activities cost for that fiscal year as follows:	55268
(a) Determine the total amount of spending for academic	55269
co-curricular activities reported by city, local, and exempted	55270
village school districts to the department using fiscal year	55271
2022 data;	55272
(b) Determine the sum of the enrolled ADM of every school	55273
district in the state using fiscal year 2022 data as specified	55274
under division (E) (4) (a) of this section;	55275
(c) Compute the academic co-curricular activities cost in	55276
accordance with the following formula:	55277
(The amount determined under division (E) (4) (a) of this section	55278
/ the sum determined under division (E) (4) (b) of this section) X	55279
the district's base cost enrolled ADM for the fiscal year for	55280
which the academic co-curricular activities cost is computed	55281
(5) Calculate the district's building safety and security	55282
cost for that fiscal year as follows:	55283
(a) Determine the total amount of spending for building	55284
safety and security reported by city, local, and exempted	55285
village school districts to the department using fiscal year	55286
2022 data;	55287
(b) Determine the sum of the enrolled ADM of every school	55288
district in the state that reported the data specified under	55289
division (E) (5) (a) of this section using fiscal year 2022 data;	55290
(c) Compute the building safety and security cost in	55291
accordance with the following formula:	55292

(The amount determined under division (E) (5) (a) of this section	55293
/ the sum determined under division (E) (5) (a) of this section) X	55294
the district's base cost enrolled ADM for the fiscal year for	55295
which the building safety and security cost is computed	55296
(6) Calculate the district's supplies and academic content	55297
cost for that fiscal year as follows:	55298
(a) Determine the total amount of spending for supplies	55299
and academic content, excluding supplies for transportation and	55300
maintenance, reported by city, local, and exempted village	55301
school districts to the department using fiscal year 2022 data;	55302
(b) Determine the sum of the enrolled ADM of every school	55303
district in the state using fiscal year 2022 data as specified	55304
under division (E) (6) (a) of this section;	55305
(c) Compute the supplies and academic content cost in	55306
accordance with the following formula:	55307
(The amount determined under division (E) (6) (a) of this section	55308
/ the sum determined under division (E) (6) (b) of this section) X	55309
the district's base cost enrolled ADM for the fiscal year for	55310
which the supplies and academic content cost is computed	55311
(7) Calculate the district's technology cost for that	55312
fiscal year in accordance with the following formula:	55313
\$37.50 X the district's base cost enrolled ADM for that fiscal	55314
year	55315
(8) Calculate the district's student support base cost for	55316
that fiscal year, which equals the sum of divisions (E) (1), (2),	55317
(3), (4), (5), (6), and (7) of this section.	55318
(F) The department shall compute a district's leadership	55319
and accountability base cost for a fiscal year as follows:	55320

- (1) Calculate the district's superintendent cost for that fiscal year as follows: 55321  
55322
- (a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to [(\$160,000 X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]. 55323  
55324  
55325  
55326  
55327
- (b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following: 55328  
55329  
55330  
55331
- (i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16)]/3500}; 55332  
55333
- (ii) (\$80,000 X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year. 55334  
55335
- (c) If the district's base cost enrolled ADM is less than 500, then the district's superintendent cost shall be equal to [(\$80,000 X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]. 55336  
55337  
55338  
55339
- (2) Calculate the district's treasurer cost for that fiscal year as follows: 55340  
55341
- (a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's treasurer cost shall be equal to [(\$130,000 X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]. 55342  
55343  
55344  
55345
- (b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's treasurer cost shall be equal to 55346  
55347  
55348

the sum of the following: 55349

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X  $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\}$ ; 55350  
55351

(ii)  $(\$60,000 \times 1.16)$  + the amount specified under division (A) (10) (c) of this section for that fiscal year. 55352  
55353

(c) If the district's base cost enrolled ADM is less than 500, then the district's treasurer cost shall be equal to 55354  
55355  
 $[(\$60,000 \times 1.16) + \text{the amount specified under division (A) (10) (c) of this section for that fiscal year}]$ . 55356  
55357

(3) Calculate the district's other district administrator cost for that fiscal year as follows: 55358  
55359

(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year; 55360  
55361  
55362

(b) Divide the district's base cost enrolled ADM for that fiscal year by 750; 55363  
55364

(c) Compute the other district administrator cost in accordance with the following formula: 55365  
55366

$\{[(\text{The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section} - \text{the amount specified under division (A) (10) (c) of this section for that fiscal year}) \times \text{the quotient obtained under division (F) (3) (a) of this section}] + \text{the amount specified under division (A) (10) (c) of this section}\} \times (\text{the greater of the quotient obtained under division (F) (3) (b) of this section and } 2)$  55367  
55368  
55369  
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55372  
55373

(4) Calculate the district's fiscal support cost for that fiscal year as follows: 55374  
55375



(a) Divide the district's base cost enrolled ADM for that fiscal year by 850;	55376 55377
(b) Determine the lesser of the following:	55378
(i) The maximum of the quotient obtained under division (F) (4) (a) of this section and 2;	55379 55380
(ii) 35.	55381
(c) Compute the fiscal support cost in accordance with the following formula:	55382 55383
The number obtained under division (F) (4) (b) of this section X [(the average bookkeeping and accounting employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	55384 55385 55386 55387
(5) Calculate the district's education management information system support cost for that fiscal year as follows:	55388 55389
(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;	55390 55391
(b) Compute the education management information system support cost in accordance with the following formula:	55392 55393
(The greater of the quotient obtained under division (F) (5) (a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	55394 55395 55396 55397 55398
(6) Calculate the district's leadership support cost for that fiscal year as follows:	55399 55400
(a) Determine the greater of the quotient obtained under division (F) (3) (b) of this section and 2, and add 1 to that	55401 55402

number;	55403
(b) Divide the number obtained under division (F) (6) (a) of this section by 3;	55404 55405
(c) Compute the leadership support cost in accordance with the following formula:	55406 55407
(The greater of the quotient obtained under division (F) (6) (b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	55408 55409 55410 55411
(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:	55412 55413 55414
\$31 X the district's base cost enrolled ADM for that fiscal year	55415
(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of this section.	55416 55417 55418 55419
(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows:	55420 55421 55422
(1) Calculate the district's building leadership cost for that fiscal year as follows:	55423 55424
(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year;	55425 55426
(b) Divide the district's base cost enrolled ADM for that fiscal year by 450;	55427 55428
(c) Compute the building leadership cost in accordance	55429

with the following formula: 55430

{[(The district's superintendent cost for that fiscal year 55431  
calculated under division (F) (1) of this section - the amount 55432  
specified under division (A) (10) (c) of this section for that 55433  
fiscal year) X the quotient obtained under division (G) (1) (a) of 55434  
this section] + the amount specified under division (A) (10) (c) 55435  
of this section for that fiscal year} X the quotient obtained 55436  
under division (G) (1) (b) of this section 55437

(2) Calculate the district's building leadership support 55438  
cost for that fiscal year as follows: 55439

(a) Divide the district's base cost enrolled ADM for that 55440  
fiscal year by 400; 55441

(b) Determine the number of school buildings in the 55442  
district for ~~that~~ the preceding fiscal year; 55443

(c) Compute the building leadership support cost in 55444  
accordance with the following formula: 55445

(i) If the quotient obtained under division (G) (2) (a) of 55446  
this section is less than the number obtained under division (G) 55447  
(2) (b) of this section, then the district's building leadership 55448  
support cost shall be equal to {the number obtained under 55449  
division (G) (2) (b) of this section for that fiscal year X [(the 55450  
average clerical staff salary for that fiscal year X 1.16) + the 55451  
amount specified under division (A) (10) (c) of this section for 55452  
that fiscal year]}. 55453

(ii) If the quotient obtained under division (G) (2) (a) of 55454  
this section is greater than or equal to the number obtained 55455  
under division (G) (2) (b) of this section, then the district's 55456  
building leadership support cost shall be equal to {[the lesser 55457  
of (the number obtained under division (G) (2) (b) of this section 55458

X 3) and the quotient obtained under division (G) (2) (a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]}].

(3) Calculate the district's building operations cost for that fiscal year as follows:

(a) Determine both of the following:

(i) The average building square feet per pupil for all city, local, and exempted village school district buildings in the state;

(ii) The average cost per square foot for all city, local, and exempted village school district buildings in the state.

(b) Compute the building operations cost in accordance with the following formula:

The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G) (3) (a) (i) of this section X the number determined under division (G) (3) (a) (ii) of this section) - (the amount determined under division (E) (5) (a) of this section for that fiscal year/ the sum determined under division (E) (5) (b) of this section for that fiscal year)]

(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G) (1), (2), and (3) of this section.

(H) If a district is an eligible school district, the department shall compute the district's athletic co-curricular activities base cost for a fiscal year as follows:

(1) Determine the total amount of spending for athletic co-curricular activities reported by city, local, and exempted

village school districts to the department for that fiscal year;	55487
(2) Determine the sum of the enrolled ADM of every school district in the state for that fiscal year;	55488 55489
(3) Compute the district's athletic co-curricular activities base cost in accordance with the following formula:	55490 55491
(The amount determined under division (H) (1) of this section /	55492
the sum determined under division (H) (2) of this section) X the	55493
district's base cost enrolled ADM for the fiscal year for which	55494
the funds for athletic co-curricular activities are computed	55495
<b>Sec. 3317.012.</b> This section shall apply only for fiscal	55496
years <del>2024</del> <u>2026</u> and <del>2025</del> <u>2027</u> .	55497
(A) As used in this section, "average administrative assistant salary," "average bookkeeping and accounting employee salary," "average clerical staff salary," "average counselor salary," "average education management information system support employee salary," "average librarian and media staff salary," "average other district administrator salary," "average principal salary," "average superintendent salary," and "average teacher cost" have the same meanings as in section 3317.011 of the Revised Code.	55498 55499 55500 55501 55502 55503 55504 55505 55506
(B) When calculating a district's aggregate base cost under this section, the department shall use data from fiscal year 2022 for all of the following:	55507 55508 55509
(1) The average salaries determined under divisions (A) (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of section 3317.011 of the Revised Code;	55510 55511 55512
(2) The amount for teacher benefits determined under division (A) (10) (b) of section 3317.011 of the Revised Code;	55513 55514

(3) The district-paid insurance costs determined under	55515
division (A) (10) (c) of section 3317.011 of the Revised Code;	55516
(4) Spending determined under divisions (E) (4) (a), (E) (5)	55517
(a), and (H) (1) of section 3317.011 of the Revised Code and the	55518
corresponding student counts determined under divisions (E) (4)	55519
(b), (E) (5) (b), and (H) (2) of that section;	55520
(5) The information determined under division (G) (3) of	55521
section 3317.011 of the Revised Code.	55522
(C) A joint vocational school district's aggregate base	55523
cost for a fiscal year shall be equal to the following sum:	55524
The district's teacher base cost for that fiscal year computed	55525
under division (D) of this section + the district's student	55526
support base cost for that fiscal year computed under division	55527
(E) of this section + the district's leadership and	55528
accountability base cost for that fiscal year computed under	55529
division (F) of this section + the district's building	55530
leadership and operations base cost for that fiscal year	55531
computed under division (G) of this section	55532
(D) The department of education and workforce shall	55533
compute a district's teacher base cost for a fiscal year as	55534
follows:	55535
(1) Calculate the district's classroom teacher cost for	55536
that fiscal year as follows:	55537
(a) Determine the full-time equivalency of students in the	55538
district's base cost enrolled ADM for that fiscal year that are	55539
enrolled in a career-technical education program or class, as	55540
certified under divisions (D) (2) (h), (i), (j), (k), and (l) of	55541
section 3317.03 of the Revised Code, and divide that number by	55542
18;	55543

(b) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades six through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;

(c) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;

(d) Compute the sum of the quotients obtained under divisions (D) (1) (a), (b), and (c) of this section;

(e) Compute the classroom teacher base cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D) (1) (d) of this section.

(2) Calculate the district's cost for that fiscal year for teachers providing health and physical education, instruction regarding employability and soft skills, development and coordination of internships and job placements, career-technical student organization activities, pre-apprenticeship and apprenticeship coordination, and any assessment related to career-technical education, including any nationally recognized job skills or end-of-course assessment, as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;

(b) If the quotient obtained under division (D) (2) (a) of this section is greater than 6, the teacher cost shall be equal

to that quotient multiplied by the average teacher cost for that 55573  
fiscal year. 55574

(c) If the quotient obtained under division (D) (2) (a) of 55575  
this section is less than or equal to 6, the teacher cost shall 55576  
be equal to 6 multiplied by the average teacher cost for that 55577  
fiscal year. 55578

(3) Calculate the district's substitute teacher cost for 55579  
that fiscal year in accordance with the following formula: 55580

(a) Compute the substitute teacher daily rate with benefits 55581  
by multiplying the substitute teacher daily rate of \$90 by 1.16; 55582

(b) Compute the substitute teacher cost in accordance with 55583  
the following formula: 55584

[The sum computed under division (D) (1) (d) of this section + 55585  
(the greater of the quotient obtained under division (D) (2) (a) 55586  
of this section and 6)] X the amount computed under division (D) 55587  
(3) (a) of this section X 5 55588

(4) Calculate the district's professional development cost 55589  
for that fiscal year in accordance with the following formula: 55590

[The sum computed under division (D) (1) (d) of this section + 55591  
(the greater of the quotient obtained under division (D) (2) (a) 55592  
of this section and 6)] X [(the sum of divisions (A) (10) (a) and 55593  
(b) of section 3317.011 of the Revised Code for that fiscal 55594  
year)/180] X 4 55595

(5) Calculate the district's teacher base cost for that 55596  
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 55597  
and (4) of this section. 55598

(E) The department shall compute a district's student 55599  
support base cost for a fiscal year as follows: 55600



(1) Calculate the district's guidance counselor cost for that fiscal year as follows:	55601 55602
(a) Determine the number of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve and divide that number by 360;	55603 55604 55605
(b) Compute the counselor cost in accordance with the following formula:	55606 55607
(The greater of the quotient obtained under division (E) (1) (a) of this section and 1) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]	55608 55609 55610 55611 55612
(2) Calculate the district's librarian and media staff cost for that fiscal year as follows:	55613 55614
(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000;	55615 55616
(b) Compute the librarian and media staff cost in accordance with the following formula:	55617 55618
The quotient obtained under division (E) (2) (a) of this section X [(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]	55619 55620 55621 55622
(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:	55623 55624
(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;	55625 55626
(b) Compute the staffing cost for student wellness and	55627

success in accordance with the following formula: 55628

The quotient obtained under division (E) (3) (a) of this section X 55629  
[(the average counselor salary for that fiscal year X 1.16) + 55630  
the amount specified under division (A) (10) (c) of section 55631  
3317.011 of the Revised Code for that fiscal year] 55632

(4) Calculate the district's cost for that fiscal year for 55633  
career-technical curriculum specialists and coordinators, career 55634  
assessment and program placement, recruitment and orientation, 55635  
student success coordination, analysis of test results, 55636  
development of intervention and remediation plans and monitoring 55637  
of those plans, and satellite program coordination in accordance 55638  
with the following formula: 55639

[(The amount determined under division (E) (4) (a) of section 55640  
3317.011 of the Revised Code for that fiscal year / the sum 55641  
determined under division (E) (4) (b) of section 3317.011 of the 55642  
Revised Code) + (the amount determined under division (H) (1) of 55643  
section 3317.011 of the Revised Code for that fiscal year / the 55644  
sum determined under division (H) (2) of section 3317.011 of the 55645  
Revised Code)] X the district's base cost enrolled ADM for the 55646  
fiscal year for which the district's cost under this division is 55647  
computed 55648

(5) Compute the district's building safety and security 55649  
cost for that fiscal year in accordance with the following 55650  
formula: 55651

(The amount determined under division (E) (5) (a) of section 55652  
3317.011 of the Revised Code for that fiscal year / the sum 55653  
determined under division (E) (5) (b) of section 3317.011 of the 55654  
Revised Code) X the district's base cost enrolled ADM for the 55655  
fiscal year for which the building safety and security cost is 55656

computed 55657

(6) Compute the district's supplies and academic content 55658  
cost for that fiscal year in accordance with the following 55659  
formula: 55660

(The amount determined under division (E) (6) (a) of section 55661  
3317.011 of the Revised Code for that fiscal year / the sum 55662  
determined under division (E) (6) (b) of section 3317.011 of the 55663  
Revised Code) X the district's base cost enrolled ADM for the 55664  
fiscal year for which the supplies and academic content cost is 55665  
computed 55666

(7) Calculate the district's technology cost for that 55667  
fiscal year in accordance with the following formula: 55668

\$37.50 X the district's base cost enrolled ADM for that fiscal 55669  
year 55670

(8) Calculate the district's student support base cost for 55671  
that fiscal year, which equals the sum of divisions (E) (1), (2), 55672  
(3), (4), (5), (6), and (7) of this section. 55673

(F) The department shall compute a district's leadership 55674  
and accountability base cost for a fiscal year as follows: 55675

(1) Calculate the district's superintendent cost for that 55676  
fiscal year as follows: 55677

(a) If the district's base cost enrolled ADM for that 55678  
fiscal year is greater than 4,000, then the district's 55679  
superintendent cost shall be equal to [(\$160,000 X 1.16) + the 55680  
amount specified under division (A) (10) (c) of section 3317.011 55681  
of the Revised Code for that fiscal year]. 55682

(b) If the district's base cost enrolled ADM for that 55683  
fiscal year is less than or equal to 4,000 but greater than or 55684

equal to 500, the district's superintendent cost shall be equal 55685  
to the sum of the following: 55686

(i) (The district's base cost enrolled ADM for that fiscal 55687  
year - 500) X  $\{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\};$  55688

(ii)  $(\$80,000 \times 1.16)$  + the amount specified under division 55689  
(A) (10) (c) of section 3317.011 of the Revised Code for that 55690  
fiscal year. 55691

(c) If the district's base cost enrolled ADM is less than 55692  
500, then the district's superintendent cost shall be equal to 55693  
 $[(\$80,000 \times 1.16) +$  the amount specified under division (A) (10) 55694  
(c) of section 3317.011 of the Revised Code for that fiscal 55695  
year]. 55696

(2) Calculate the district's treasurer cost for that 55697  
fiscal year as follows: 55698

(a) If the district's base cost enrolled ADM for that 55699  
fiscal year is greater than 4,000, then the district's treasurer 55700  
cost shall be equal to  $[(\$130,000 \times 1.16) +$  the amount specified 55701  
under division (A) (10) (c) of section 3317.011 of the Revised 55702  
Code for that fiscal year]. 55703

(b) If the district's base cost enrolled ADM for that 55704  
fiscal year is less than or equal to 4,000 but greater than or 55705  
equal to 500, the district's treasurer cost shall be equal to 55706  
the sum of the following: 55707

(i) (The district's base cost enrolled ADM for that fiscal 55708  
year - 500) X  $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\};$  55709

(ii)  $(\$60,000 \times 1.16)$  + the amount specified under division 55710  
(A) (10) (c) of section 3317.011 of the Revised Code for that 55711  
fiscal year. 55712

(c) If the district's base cost enrolled ADM is less than 55713  
500, then the district's treasurer cost shall be equal to 55714  
[( $\$60,000 \times 1.16$ ) + the amount specified under division (A) (10) 55715  
(c) of section 3317.011 of the Revised Code for that fiscal 55716  
year]. 55717

(3) Calculate the district's other district administrator 55718  
cost for that fiscal year as follows: 55719

(a) Divide the average other district administrator salary 55720  
for that fiscal year by the average superintendent salary for 55721  
that fiscal year; 55722

(b) Divide the district's base cost enrolled ADM for that 55723  
fiscal year by 750; 55724

(c) Compute the other district administrator cost in 55725  
accordance with the following formula: 55726

{[(The district's superintendent cost for that fiscal year 55727  
calculated under division (F) (1) of this section - the amount 55728  
specified under division (A) (10) (c) of section 3317.011 of the 55729  
Revised Code for that fiscal year) X the quotient obtained under 55730  
division (F) (3) (a) of this section] + the amount specified under 55731  
division (A) (10) (c) of section 3317.011 of the Revised Code} X 55732  
(the greater of the quotient obtained under division (F) (3) (b) 55733  
of this section and 2) 55734

(4) Calculate the district's fiscal support cost for that 55735  
fiscal year as follows: 55736

(a) Divide the district's base cost enrolled ADM for that 55737  
fiscal year by 850; 55738

(b) Determine the lesser of the following: 55739

(i) The maximum of the quotient obtained under division 55740

(F) (4) (a) of this section and 2;	55741
(ii) 35.	55742
(c) Compute the fiscal support cost in accordance with the following formula:	55743 55744
The number obtained under division (F) (4) (b) of this section X [(the average bookkeeping and accounting employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]	55745 55746 55747 55748 55749
(5) Calculate the district's education management information system support cost for that fiscal year as follows:	55750 55751
(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;	55752 55753
(b) Compute the education management information system support cost in accordance with the following formula:	55754 55755
(The greater of the quotient obtained under division (F) (5) (a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]	55756 55757 55758 55759 55760
(6) Calculate the district's leadership support cost for that fiscal year as follows:	55761 55762
(a) Determine the greater of the quotient obtained under division (F) (3) (b) of this section and 2 and add 1 to that number;	55763 55764 55765
(b) Divide the number obtained under division (F) (6) (a) of this section by 3;	55766 55767

(c) Compute the leadership support cost in accordance with the following formula: 55768  
55769

(The greater of the quotient obtained under division (F) (6) (b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year] 55770  
55771  
55772  
55773  
55774

(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula: 55775  
55776  
55777

\$31 X the district's base cost enrolled ADM for that fiscal year 55778

(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of this section; 55779  
55780  
55781  
55782

(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows: 55783  
55784  
55785

(1) Calculate the district's building leadership cost for that fiscal year as follows: 55786  
55787

(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year; 55788  
55789

(b) Divide the district's base cost enrolled ADM for that fiscal year by 450; 55790  
55791

(c) Compute the building leadership cost in accordance with the following formula: 55792  
55793

{[(The district's superintendent cost for that fiscal year 55794

calculated under division (F) (1) of this section - the amount 55795  
specified under division (A) (10) (c) of section 3317.011 of the 55796  
Revised Code for that fiscal year) X the quotient obtained under 55797  
division (G) (1) (a) of this section] + the amount specified under 55798  
division (A) (10) (c) of section 3317.011 of the Revised Code for 55799  
that fiscal year} X the quotient obtained under division (G) (1) 55800  
(b) of this section 55801

(2) Calculate the district's building leadership support 55802  
cost for that fiscal year as follows: 55803

(a) Divide the district's base cost enrolled ADM for that 55804  
fiscal year by 400; 55805

(b) Determine the number of school buildings in the 55806  
district for ~~that~~ the preceding fiscal year; 55807

(c) Compute the building leadership support cost in 55808  
accordance with the following formula: 55809

(i) If the quotient obtained under division (G) (2) (a) of 55810  
this section is less than the number obtained under division (G) 55811  
(2) (b) of this section, then the district's building leadership 55812  
support cost shall be equal to {the number obtained under 55813  
division (G) (2) (b) of this section X [(the average clerical 55814  
staff salary X 1.16) + the amount specified under division (A) 55815  
(10) (c) of section 3317.011 of the Revised Code for that fiscal 55816  
year]}. 55817

(ii) If the quotient obtained under division (G) (2) (a) of 55818  
this section is greater than or equal to the number obtained 55819  
under division (G) (2) (b) of this section, then the district's 55820  
building leadership support cost shall be equal to {[the lesser 55821  
of (the number obtained under division (G) (2) (b) of this section 55822  
X 3) and the quotient obtained under division (G) (2) (a) of this 55823



section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]}].

(3) Compute the district's building operations cost for that fiscal year in accordance with the following formula:

The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G) (3) (a) (i) of section 3317.011 of the Revised Code X the number determined under division (G) (3) (a) (ii) of section 3317.011 of the Revised Code) - (the amount determined under division (E) (5) (a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E) (5) (b) of section 3317.011 of the Revised Code for that fiscal year)]

(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G) (1), (2), and (3) of this section.

**Sec. 3317.014.** (A) The multiples for the following categories of career-technical education programs approved by the department of education and workforce under section 3317.161 of the Revised Code shall be as follows:

(1) A multiple of 0.6230 for students enrolled in career-technical education workforce development programs in agricultural and environmental systems, construction technologies, engineering and science technologies, finance, health science, information technology, and manufacturing technologies, each of which shall be defined by the department in consultation with the governor's office of workforce transformation;

(2) A multiple of 0.5905 for students enrolled in

workforce development programs in business and administration, 55853  
hospitality and tourism, human services, law and public safety, 55854  
transportation systems, and arts and communications, each of 55855  
which shall be defined by the department in consultation with 55856  
the governor's office of workforce transformation; 55857

(3) A multiple of 0.2154 for students enrolled in career- 55858  
based intervention programs, which shall be defined by the 55859  
department in consultation with the governor's office of 55860  
workforce transformation; 55861

(4) A multiple of 0.1830 for students enrolled in 55862  
workforce development programs in education and training, 55863  
marketing, workforce development academics, public 55864  
administration, and career development, each of which shall be 55865  
defined by the department in consultation with the governor's 55866  
office of workforce transformation; 55867

(5) A multiple of 0.1570 for students enrolled in family 55868  
and consumer science programs, which shall be defined by the 55869  
department in consultation with the governor's office of 55870  
workforce transformation. 55871

(B) The multiple for career-technical education associated 55872  
services, as defined by the department, shall be 0.0294. 55873

(C) The department shall calculate career-technical 55874  
education funds for each funding unit that is a city, local, 55875  
exempted village, or joint vocational school district or the 55876  
community and STEM school unit as follows: 55877

(1) For fiscal years ~~2024-2026~~ and ~~2025-2027~~, the sum of 55878  
the following: 55879

(a) The funding unit's category one career-technical 55880  
education ADM X the multiple specified in division (A) (1) of 55881

this section X the statewide average career-technical base cost 55882  
per pupil for that fiscal year X if the funding unit is a city, 55883  
local, exempted village, or joint vocational school district, 55884  
the district's state share percentage; 55885

(b) The funding unit's category two career-technical 55886  
education ADM X the multiple specified in division (A) (2) of 55887  
this section X the statewide average career-technical base cost 55888  
per pupil for that fiscal year X if the funding unit is a city, 55889  
local, exempted village, or joint vocational school district, 55890  
the district's state share percentage; 55891

(c) The funding unit's category three career-technical 55892  
education ADM X the multiple specified in division (A) (3) of 55893  
this section X the statewide average career-technical base cost 55894  
per pupil for that fiscal year X if the funding unit is a city, 55895  
local, exempted village, or joint vocational school district, 55896  
the district's state share percentage; 55897

(d) The funding unit's category four career-technical 55898  
education ADM X the multiple specified in division (A) (4) of 55899  
this section X the statewide average career-technical base cost 55900  
per pupil for that fiscal year X if the funding unit is a city, 55901  
local, exempted village, or joint vocational school district, 55902  
the district's state share percentage; 55903

(e) The funding unit's category five career-technical 55904  
education ADM X the multiple specified in division (A) (5) of 55905  
this section X the statewide average career-technical base cost 55906  
per pupil for that fiscal year X if the funding unit is a city, 55907  
local, exempted village, or joint vocational school district, 55908  
the district's state share percentage. 55909

(2) For fiscal year ~~2026~~ 2028 and each fiscal year 55910

thereafter, the sum of the following: 55911

(a) An amount calculated in a manner determined by the 55912  
general assembly times the funding unit's category one career- 55913  
technical education ADM; 55914

(b) An amount calculated in a manner determined by the 55915  
general assembly times the funding unit's category two career- 55916  
technical education ADM; 55917

(c) An amount calculated in a manner determined by the 55918  
general assembly times the funding unit's category three career- 55919  
technical education ADM; 55920

(d) An amount calculated in a manner determined by the 55921  
general assembly times the funding unit's category four career- 55922  
technical education ADM; 55923

(e) An amount calculated in a manner determined by the 55924  
general assembly times the funding unit's category five career- 55925  
technical education ADM. 55926

(3) Payment of funds calculated under division (C) of this 55927  
section is subject to approval under section 3317.161 of the 55928  
Revised Code. 55929

(D) Subject to division (I) of section 3317.023 of the 55930  
Revised Code, the department shall calculate career-technical 55931  
associated services funds for each funding unit that is a city, 55932  
local, exempted village, or joint vocational school district or 55933  
the community and STEM school unit as follows: 55934

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following 55935  
product: 55936

(If the funding unit is a city, local, exempted village, or 55937  
joint vocational school district, the funding unit's state share 55938

percentage) X the multiple for career-technical education 55939  
associated services specified under division (B) of this section 55940  
X the statewide average career-technical base cost per pupil for 55941  
that fiscal year X the sum of the funding unit's categories one 55942  
through five career-technical education ADM 55943

(2) For fiscal year ~~2026~~2028 and each fiscal year 55944  
thereafter, an amount calculated in a manner determined by the 55945  
general assembly times the funding unit's categories one through 55946  
five career-technical education ADM. 55947

~~(E) (1) In accordance with division (I) of section 3317.023 55948  
of the Revised Code, the department shall compute career- 55949  
awareness and exploration funds for each city, local, exempted- 55950  
village, and joint vocational school district, community school- 55951  
established under Chapter 3314. of the Revised Code, and STEM- 55952  
school established under Chapter 3326. of the Revised Code that 55953  
is part of a career technical planning district. The department 55954  
shall pay the lead district in each career technical planning- 55955  
district as follows:- 55956~~

~~(a) For fiscal years 2024 and 2025, an amount equal to the 55957  
following product:- 55958~~

~~The sum of enrolled ADM for all districts and schools within the 55959  
career technical planning district X \$7.50, for fiscal year 55960  
2024, or \$10, for fiscal year 2025- 55961~~

~~(b) For fiscal year 2026 and each fiscal year thereafter, 55962  
an amount calculated in a manner determined by the general- 55963  
assembly, if the general assembly authorizes such a payment to 55964  
city, local, exempted village, and joint vocational school 55965  
districts, community schools, and STEM schools.- 55966~~

~~(2) The lead district of a career technical planning- 55967~~

~~district shall use career awareness and exploration funds in accordance with division (H) of this section.~~ 55968  
55969

~~(F)(1)~~ In any fiscal year, a school district receiving 55970  
funds calculated under division (C) of this section shall spend 55971  
those funds only for the purposes that the department designates 55972  
as approved for career-technical education expenses. Career- 55973  
technical education expenses approved by the department shall 55974  
include only expenses connected to the delivery of career- 55975  
technical programming to career-technical students. The 55976  
department shall require the school district to report data 55977  
annually so that the department may monitor the district's 55978  
compliance with the requirements regarding the manner in which 55979  
funding calculated under division (C) of this section may be 55980  
spent. 55981

(2) All funds received under division (C) of this section 55982  
shall be spent in the following manner: 55983

(a) At least seventy-five per cent of the funds shall be 55984  
spent on curriculum development, purchase, and implementation; 55985  
instructional resources and supplies; industry-based program 55986  
certification; student assessment, credentialing, and placement; 55987  
curriculum specific equipment purchases and leases; career- 55988  
technical student organization fees and expenses; home and 55989  
agency linkages; work-based learning experiences; professional 55990  
development; and other costs directly associated with career- 55991  
technical education programs including development of new 55992  
programs. 55993

(b) Not more than twenty-five per cent of the funds shall 55994  
be used for personnel expenditures. 55995

~~(G)~~(F) In any fiscal year, a school district receiving 55996

funds calculated under division (D) of this section, or through 55997  
a transfer of funds pursuant to division (I) of section 3317.023 55998  
of the Revised Code, shall spend those funds only for the 55999  
purposes that the department designates as approved for career- 56000  
technical education associated services expenses, which may 56001  
include ~~such~~ all of the following purposes as apprenticeship- 56002  
~~coordinators, coordinators for other career-technical education-~~ 56003  
~~services, career-technical evaluation, and other purposes-~~ 56004  
~~designated by the department.:~~ 56005

(1) Engaging and collaborating with education and 56006  
workforce stakeholders in the service area; 56007

(2) Developing and maintaining a comprehensive plan to 56008  
increase career-focused education activities; 56009

(3) Ensuring that plans are informed by quality data and 56010  
using data to expand access to career-focused activities for all 56011  
students; 56012

(4) Planning and allocating resources for the growth, 56013  
sustainability, and enhancement of career-focused activities in 56014  
the long term; 56015

(5) Establishing continuous improvement and program 56016  
approval processes. 56017

The department may deny payment of funds calculated under 56018  
division (D) of this section to any district that the department 56019  
determines is not operating those services or is using funds 56020  
calculated under division (D) of this section, or through a 56021  
transfer of funds pursuant to division (I) of section 3317.023 56022  
of the Revised Code, for other purposes. 56023

~~(H) In any fiscal year, a lead district of a career-~~ 56024  
~~technical planning district receiving funds under division (E)-~~ 56025

~~of this section, shall utilize those funds to deliver relevant~~ 56026  
~~career awareness and exploration programs to all students within~~ 56027  
~~its career technical planning district in a manner that is~~ 56028  
~~consistent with the career technical planning district's plan~~ 56029  
~~that is on file with the department. The lead district that~~ 56030  
~~receives funds under this division shall spend those funds only~~ 56031  
~~for the following purposes:—~~ 56032

~~(1) Delivery of career awareness programs to students~~ 56033  
~~enrolled in grades kindergarten through twelve;—~~ 56034

~~(2) Provision of a common, consistent curriculum to~~ 56035  
~~students throughout their primary and secondary education;—~~ 56036

~~(3) Assistance to teachers in providing a career~~ 56037  
~~development curriculum to students;—~~ 56038

~~(4) Development of a career development plan for each~~ 56039  
~~student that stays with that student for the duration of the~~ 56040  
~~student's primary and secondary education;—~~ 56041

~~(5) Provision of opportunities for students to engage in~~ 56042  
~~activities, such as career fairs, hands-on experiences, and job~~ 56043  
~~shadowing, across all career pathways at each grade level.—~~ 56044

~~The department may deny payment under this division to any~~ 56045  
~~district or school that the department determines is using funds~~ 56046  
~~paid under this division for other purposes.—~~ 56047

**Sec. 3317.016.** As used in this section, "English learner" 56048  
has the same meaning as in section 3301.0731 of the Revised 56049  
Code. 56050

The multiples for English learners shall be as follows: 56051

(A) A multiple of 0.2104 for each student who has been 56052  
identified as an English learner following the state's 56053



standardized identification process enrolled in schools in the United States for 180 school days or less.

(B) A multiple of 0.1577 for each student who, for fiscal years ~~2024-2026~~ and ~~2025-2027~~ has been identified as an English learner following the state's standardized identification process and enrolled in schools in the United States for more than 180 school days until the student achieves a proficient score on the spring administration of the state's English language proficiency assessments prescribed by division (C) (3) of section 3301.0711 of the Revised Code or who, for fiscal year ~~2026-2028~~ and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division.

(C) A multiple of 0.1053 for each student who, for fiscal years ~~2024-2026~~ and ~~2025-2027~~, achieves a score of proficient on the spring administration of the state's English language proficiency assessments prescribed by division (C) (3) of section 3301.0711 of the Revised Code for the two school years following the school year in which the student achieved that level of achievement or who, for fiscal year ~~2026-2028~~ and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division.

**Sec. 3317.017.** This section shall apply only for fiscal years ~~2024-2026~~ and ~~2025-2027~~.

(A) The department of education and workforce shall compute a city, local, or exempted village school district's per-pupil local capacity amount for a fiscal year as follows:

(1) Calculate the district's valuation per pupil for that fiscal year as follows:

(a) Determine the minimum of the district's three-year

average valuation for the fiscal year for which the calculation 56083  
is made and the district's taxable value for the most recent tax 56084  
year for which data is available; 56085

(b) Divide the amount determined under division (A) (1) (a) 56086  
of this section by the district's base cost enrolled ADM for the 56087  
fiscal year for which the calculation is made. 56088

(2) Calculate the district's local share federal adjusted 56089  
gross income per pupil for that fiscal year as follows: 56090

(a) Determine the minimum of the following: 56091

(i) The average of the total federal adjusted gross income 56092  
of the district's residents for the three most recent tax years 56093  
for which data is available, as certified under section 3317.021 56094  
of the Revised Code; 56095

(ii) The total federal adjusted gross income of the 56096  
district's residents for the most recent tax year for which data 56097  
is available, as certified under section 3317.021 of the Revised 56098  
Code. 56099

(b) Divide the amount determined under division (A) (2) (a) 56100  
of this section by the district's base cost enrolled ADM for the 56101  
fiscal year for which the calculation is made. 56102

(3) Calculate the district's adjusted local share federal 56103  
adjusted gross income per pupil for that fiscal year as follows: 56104

(a) Determine both of the following: 56105

(i) The median federal adjusted gross income of the 56106  
district's residents for the most recent tax year for which data 56107  
is available, as certified under section 3317.021 of the Revised 56108  
Code; 56109

(ii) The number of state tax returns filed by taxpayers residing in the district for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code. 56110  
56111  
56112  
56113

(b) Compute the product of divisions (A) (3) (a) (i) and (ii) of this section; 56114  
56115

(c) Divide the amount determined under division (A) (3) (b) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made. 56116  
56117  
56118

(4) Calculate the district's per-pupil local capacity percentage as follows: 56119  
56120

(a) Determine the median of the median federal adjusted gross incomes determined for all districts statewide under division (A) (3) (a) (i) of this section for that fiscal year; 56121  
56122  
56123

(b) Divide the district's median federal adjusted gross income for that fiscal year determined under division (A) (3) (a) (i) of this section by the median federal adjusted gross income for all districts statewide determined under division (A) (4) (a) of this section; 56124  
56125  
56126  
56127  
56128

(c) Rank all school districts in order of the ratios calculated under division (A) (4) (b) of this section, from the district with the highest ratio calculated under division (A) (4) (b) of this section to the district with the lowest ratio calculated under division (A) (4) (b) of this section; 56129  
56130  
56131  
56132  
56133

(d) Determine the district's per-pupil local capacity percentage as follows: 56134  
56135

(i) If the ratio calculated for the district under division (A) (4) (b) of this section is greater than or equal to 56136  
56137

the ratio calculated under division (A) (4) (b) of this section 56138  
for the district with the fortieth highest ratio as determined 56139  
under division (A) (4) (c) of this section, the district's per- 56140  
pupil local capacity percentage shall be equal to 0.025. 56141

(ii) If the ratio calculated for the district under 56142  
division (A) (4) (b) of this section is less than the ratio 56143  
calculated under division (A) (4) (b) of this section for the 56144  
district with the fortieth highest ratio as determined under 56145  
division (A) (4) (c) of this section but greater than 1.0, the 56146  
district's per-pupil local capacity percentage shall be equal to 56147  
an amount calculated as follows: 56148

{[(The ratio calculated for the district under division (A) (4) 56149  
(b) of this section - 1) X 0.0025]/ (the ratio calculated under 56150  
division (A) (4) (b) of this section for the district with the 56151  
fortieth highest ratio as determined under division (A) (4) (c) of 56152  
this section - 1)} + 0.0225 56153

(iii) If the ratio calculated for the district under 56154  
division (A) (4) (b) of this section is less than or equal to 1.0, 56155  
the district's per-pupil local capacity percentage shall be 56156  
equal to the amount calculated under division (A) (4) (b) of this 56157  
section times 0.0225. 56158

(5) Calculate the district's per-pupil local capacity 56159  
amount for that fiscal year as follows: 56160

(The district's valuation per pupil calculated under division 56161  
(A) (1) of this section for that fiscal year X the district's 56162  
per-pupil local capacity percentage calculated under division 56163  
(A) (4) of this section X 0.60) + (the district's local share 56164  
federal adjusted gross income per pupil calculated under 56165  
division (A) (2) of this section for that fiscal year X the 56166

district's per-pupil local capacity percentage calculated under 56167  
division (A) (4) of this section X 0.20 ) + (the district's 56168  
adjusted local share federal adjusted gross income per pupil 56169  
calculated under division (A) (3) of this section for that fiscal 56170  
year X the district's per-pupil local capacity percentage 56171  
calculated under division (A) (4) of this section X 0.20) 56172

(B) The department shall compute a city, local, or 56173  
exempted village school district's state share for a fiscal year 56174  
as follows: 56175

(1) If the district's per-pupil local capacity amount for 56176  
that fiscal year divided by the district's base cost per pupil 56177  
for that fiscal year is greater than 0.90, then the district's 56178  
state share shall be equal to (the district's base cost per 56179  
pupil for that fiscal year X 0.10 X the district's enrolled ADM 56180  
for that fiscal year). 56181

(2) If the district's per-pupil local capacity amount for 56182  
that fiscal year divided by the district's base cost per pupil 56183  
for that fiscal year is less than or equal to 0.90, then the 56184  
district's state share for that fiscal year shall be equal to 56185  
[(the district's base cost per pupil for that fiscal year - the 56186  
district's per-pupil local capacity amount for that fiscal year) 56187  
X the district's enrolled ADM for that fiscal year]. 56188

(C) The department shall compute a city, local, or 56189  
exempted village school district's state share percentage for a 56190  
fiscal year as follows: 56191

(the district's base cost per pupil amount for that fiscal year 56192  
- the district's per pupil local capacity amount for that fiscal 56193  
year)/(the district's base cost per pupil amount for that fiscal 56194  
year). 56195

If the result is less than 0.10, the state share 56196  
percentage shall be 0.10. 56197

**Sec. 3317.018.** (A) The statewide average base cost per 56198  
pupil shall be determined as follows: 56199

(1) For fiscal year 2024, the statewide average base cost 56200  
per pupil shall be equal to the sum of the aggregate base cost 56201  
calculated for all city, local, and exempted village school 56202  
districts in the state for that fiscal year under section 56203  
3317.011 of the Revised Code divided by the sum of the base cost 56204  
enrolled ADMs of all of the city, local, and exempted village 56205  
school districts in the state for that fiscal year. 56206

(2) For fiscal ~~year~~years 2025, 2026, and 2027, the 56207  
statewide average base cost per pupil shall be equal to the 56208  
amount calculated under division (A)(1) of this section. 56209

(B) The statewide average career-technical base cost per 56210  
pupil shall be determined as follows: 56211

(1) For fiscal year 2024, the statewide average career- 56212  
technical base cost per pupil shall be equal to the sum of the 56213  
aggregate base cost calculated for all joint vocational school 56214  
districts in the state for that fiscal year under section 56215  
3317.012 of the Revised Code divided by the sum of the base cost 56216  
enrolled ADMs of all of the joint vocational school districts in 56217  
the state for that fiscal year. 56218

(2) For fiscal ~~year~~years 2025, 2026, and 2027, the 56219  
statewide average career-technical base cost per pupil shall be 56220  
equal to the amount calculated under division (B)(1) of this 56221  
section. 56222

**Sec. 3317.019.** (A) (1) Subject to division (C) of this 56223  
section, for fiscal years ~~2024-2026~~ and 2025-2027, the department 56224

of education and workforce shall pay temporary transitional aid 56225  
to each city, local, and exempted village school district 56226  
according to the following formula: 56227

(The district's funding base, as that term is defined in section 56228  
3317.02 of the Revised Code, X 0.95 for fiscal year 2026 or 0.90 56229  
for fiscal year 2027) - (the district's payment under section 56230  
3317.022 of the Revised Code ~~— the district's payment for~~ 56231  
~~supplemental targeted assistance under section 3317.0218 of the~~ 56232  
~~Revised Code for the fiscal year for which each payment is~~ 56233  
~~computed~~) 56234

If the computation made under division (A) (1) of this 56235  
section results in a negative number, the district's funding 56236  
under division (A) (1) of this section shall be zero. 56237

(2) For fiscal years ~~2024–2026~~ and ~~2025~~2027, the 56238  
department shall pay temporary transitional transportation aid 56239  
to that district according to the following formula: 56240

[[(The amount calculated for the district for fiscal year 2020 56241  
under division (A) (2) of Section 265.220 of H.B. 166 of the 56242  
133rd general assembly, prior to any funding reductions 56243  
authorized by Executive Order 2020-19D, "Implementing Additional 56244  
Spending Controls to Balance the State Budget" issued on May 7, 56245  
2020) - (the district's payment for fiscal year 2019 under 56246  
division (D) (2) of section 3314.091 of the Revised Code as that 56247  
division existed prior to September 30, 2021)] X 0.95 for fiscal 56248  
year 2026 or 0.90 for fiscal year 2027] - (the district's 56249  
payment under section 3317.0212 of the Revised Code for the 56250  
fiscal year for which the payment is computed) 56251

If the computation made under division (A) (2) of this 56252  
section results in a negative number, the district's funding 56253

under division (A) (2) of this section shall be zero. 56254

(B) If a local school district participates in the 56255  
establishment of a joint vocational school district that begins 56256  
receiving payments under section 3317.16 of the Revised Code for 56257  
fiscal year ~~2024-2026~~ or fiscal year ~~2025-2027~~, but does not 56258  
receive payments for the fiscal year immediately preceding that 56259  
fiscal year, the department shall adjust, as necessary, the 56260  
district's funding base, as that term is defined in section 56261  
3317.02 of the Revised Code, according to the amounts received 56262  
by the district in the immediately preceding fiscal year for 56263  
career-technical education students who attend the newly 56264  
established joint vocational school district. 56265

(C) (1) For purposes of division (C) of this section, a 56266  
district's "decrease threshold" for a fiscal year is the greater 56267  
of the following: 56268

(a) Twenty; 56269

(b) Ten per cent of the number of the district's students 56270  
counted under division (A) (1) (b) of section 3317.03 of the 56271  
Revised Code for the previous fiscal year. 56272

(2) For fiscal years ~~2024-2026~~ and ~~2025-2027~~, if a district 56273  
has fewer students counted under division (A) (1) (b) of section 56274  
3317.03 of the Revised Code for that fiscal year than for the 56275  
previous fiscal year and the positive difference between those 56276  
two student counts is greater than or equal to the district's 56277  
decrease threshold for that fiscal year, the amount paid to the 56278  
district under division (A) of this section shall be reduced by 56279  
the following amount: 56280

The statewide average base cost per pupil X [(the positive 56281  
difference between the number of the district's students counted 56282



under division (A) (1) (b) of section 3317.03 of the Revised Code 56283  
for that fiscal year and the number of the district's students 56284  
counted under that division for the previous fiscal year) - the 56285  
district's decrease threshold for that fiscal year] 56286

At no time, however, shall the amount paid to a district 56287  
under division (A) of this section be less than zero. 56288

**Sec. 3317.0110.** This section shall apply only for fiscal 56289  
years ~~2024~~2026 and ~~2025~~2027. 56290

(A) As used in this section: 56291

(1) "Average teacher cost" for a fiscal year has the same 56292  
meaning as in section 3317.011 of the Revised Code. 56293

(2) "Eligible community or STEM school" means a community 56294  
or STEM school that satisfies one of the following: 56295

(a) The school is a member of an organization that 56296  
regulates interscholastic athletics. 56297

(b) The school has teams in at least three different 56298  
sports that participate in an interscholastic league. 56299

(B) When calculating a community or STEM school's 56300  
aggregate base cost under this section, the department shall use 56301  
data from fiscal year 2022 for the average teacher cost. 56302

(C) A community or STEM school's aggregate base cost for a 56303  
fiscal year shall be equal to the following sum: 56304

(The school's teacher base cost for that fiscal year computed 56305  
under division (D) of this section) + (the school's student 56306  
support base cost for that fiscal year computed under division 56307

(E) of this section) + (the school's leadership and 56308  
accountability base cost for that fiscal year computed under 56309

division (F) of this section) + (the school's building 56310  
leadership and operations base cost for that fiscal year 56311  
computed under division (G) of this section) + (the school's 56312  
athletic co-curricular activities base cost for that fiscal year 56313  
computed under division (H) of this section, if the school is an 56314  
eligible community or STEM school) 56315

(D) The department of education shall compute a community 56316  
or STEM school's teacher base cost for a fiscal year as follows: 56317

(1) Calculate the school's classroom teacher cost for that 56318  
fiscal year as follows: 56319

(a) Determine the full-time equivalency of students 56320  
enrolled in the school for that fiscal year that are enrolled in 56321  
kindergarten and divide that number by 20; 56322

(b) Determine the full-time equivalency of students 56323  
enrolled in the school for that fiscal year that are enrolled in 56324  
grades one through three and divide that number by 23; 56325

(c) Determine the full-time equivalency of students 56326  
enrolled in the school for that fiscal year that are enrolled in 56327  
grades four through eight but are not enrolled in a career- 56328  
technical education program or class described under section 56329  
3317.014 of the Revised Code and divide that number by 25; 56330

(d) Determine the full-time equivalency of students 56331  
enrolled in the school for that fiscal year that are enrolled in 56332  
grades nine through twelve but are not enrolled in a career- 56333  
technical education program or class described under section 56334  
3317.014 of the Revised Code and divide that number by 27; 56335

(e) Determine the full-time equivalency of students 56336  
enrolled in the school for that fiscal year that are enrolled in 56337  
a career-technical education program or class, as reported under 56338

division (B) (4) of section 3314.08 of the Revised Code, and	56339
divide that number by 18;	56340
(f) Compute the sum of the quotients obtained under	56341
divisions (D) (1) (a), (b), (c), (d), and (e) of this section;	56342
(g) Compute the classroom teacher cost by multiplying the	56343
average teacher cost for that fiscal year by the sum computed	56344
under division (D) (1) (f) of this section.	56345
(2) Calculate the school's special teacher cost for that	56346
fiscal year as follows:	56347
(a) Divide the number of students enrolled in the school	56348
for that fiscal year by 150;	56349
(b) Compute the special teacher cost by multiplying the	56350
quotient obtained under division (D) (2) (a) of this section by	56351
the average teacher cost for that fiscal year.	56352
(3) Calculate the school's substitute teacher cost for	56353
that fiscal year in accordance with the following formula:	56354
(a) Compute the substitute teacher daily rate with	56355
benefits by multiplying the substitute teacher daily rate of \$90	56356
by 1.16;	56357
(b) Compute the substitute teacher cost in accordance with	56358
the following formula:	56359
(The sum computed under division (D) (1) (f) of this section + the	56360
quotient obtained under division (D) (2) (a) of this section) X	56361
the amount computed under division (D) (3) (a) of this section X 5	56362
(4) Calculate the school's professional development cost	56363
for that fiscal year in accordance with the following formula:	56364
(The sum computed under division (D) (1) (f) of this section + the	56365

quotient obtained under division (D) (2) (a) of this section) X 56366  
[(the sum of divisions (A) (10) (a) and (b) of section 3317.011 of 56367  
the Revised Code for that fiscal year)/180] X 4 56368

(5) Calculate the school's teacher base cost for that 56369  
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 56370  
and (4) of this section. 56371

(E) The department shall compute a community or STEM 56372  
school's student support base cost for a fiscal year as follows: 56373

The number of students enrolled in the school for that fiscal 56374  
year X [(the sum of the student support base cost calculated for 56375  
all city, local, and exempted village school districts in the 56376  
state for that fiscal year under division (E) of section 56377  
3317.011 of the Revised Code) / the sum of the base cost 56378  
enrolled ADMs of all of the city, local, and exempted village 56379  
school districts in the state for that fiscal year] 56380

(F) The department shall compute a community or STEM 56381  
school's leadership and accountability base cost for a fiscal 56382  
year as follows: 56383

The number of students enrolled in the school for that fiscal 56384  
year X (the sum of the leadership and accountability base cost 56385  
calculated for all city, local, and exempted village school 56386  
districts in the state for that fiscal year under division (F) 56387  
of section 3317.011 of the Revised Code / the sum of the base 56388  
cost enrolled ADMs of all of the city, local, and exempted 56389  
village school districts in the state for that fiscal year) 56390

(G) The department shall compute a community or STEM 56391  
school's building leadership and operations base cost for a 56392  
fiscal year as follows: 56393

The number of students enrolled in the school for that fiscal 56394

year X (the sum of the building leadership and accountability  
base cost calculated for all city, local, and exempted village  
school districts in the state for that fiscal year under  
division (G) of section 3317.011 of the Revised Code / the sum  
of the base cost enrolled ADMs of all of the city, local, and  
exempted village school districts in the state for that fiscal  
year)

(H) If a community or STEM school is an eligible community  
or STEM school, the department shall compute the school's  
athletic co-curricular activities base cost for a fiscal year as  
follows:

The number of students enrolled in the school for that fiscal  
year X (the amount determined under division (H) (1) of section  
3317.011 of the Revised Code / the sum determined under division  
(H) (2) of section 3317.011 of the Revised Code)

**Sec. 3317.02.** As used in this chapter:

(A) "Alternative school" has the same meaning as in  
section 3313.974 of the Revised Code.

(B) "Autism scholarship unit" means a unit that consists  
of all of the students for whom autism scholarships are awarded  
under section 3310.41 of the Revised Code.

(C) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a district's  
"base cost enrolled ADM" for a fiscal year means the greater of  
the following:

(1) The district's enrolled ADM for the previous fiscal  
year;

(2) The average of the district's enrolled ADM for the  
previous three fiscal years.

(D) (1) "Base cost per pupil" means the following for a 56423  
city, local, or exempted village school district: 56424

(a) For fiscal years ~~2024-2026~~ and ~~2025-2027~~, the aggregate 56425  
base cost calculated for that district for that fiscal year 56426  
under section 3317.011 of the Revised Code divided by the 56427  
district's base cost enrolled ADM for that fiscal year; 56428

(b) For fiscal year ~~2026-2028~~ and each fiscal year 56429  
thereafter, an amount calculated in a manner determined by the 56430  
general assembly. 56431

(2) "Base cost per pupil" means the following for a joint 56432  
vocational school district: 56433

(a) For fiscal years ~~2024-2026~~ and ~~2025-2027~~, the aggregate 56434  
base cost calculated for that district for that fiscal year 56435  
under section 3317.012 of the Revised Code divided by the 56436  
district's base cost enrolled ADM for that fiscal year; 56437

(b) For fiscal year ~~2026-2028~~ and each fiscal year 56438  
thereafter, an amount calculated in a manner determined by the 56439  
general assembly. 56440

(E) (1) "Category one career-technical education ADM" means 56441  
the enrollment of students during the school year on a full-time 56442  
equivalency basis in career-technical education programs 56443  
described in division (A) (1) of section 3317.014 of the Revised 56444  
Code and, in the case of a funding unit that is a city, local, 56445  
exempted village, or joint vocational school district, certified 56446  
under division (B) (11) or (D) (2) (h) of section 3317.03 of the 56447  
Revised Code or, in the case of the community and STEM school 56448  
unit, reported by all community and STEM schools statewide under 56449  
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 56450  
and division (D) of section 3326.32 of the Revised Code. 56451

(2) "Category two career-technical education ADM" means 56452  
the enrollment of students during the school year on a full-time 56453  
equivalency basis in career-technical education programs 56454  
described in division (A) (2) of section 3317.014 of the Revised 56455  
Code and, in the case of a funding unit that is a city, local, 56456  
exempted village, or joint vocational school district, certified 56457  
under division (B) (12) or (D) (2) (i) of section 3317.03 of the 56458  
Revised Code or, in the case of the community and STEM school 56459  
unit, reported by all community and STEM schools statewide under 56460  
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 56461  
and division (D) of section 3326.32 of the Revised Code. 56462

(3) "Category three career-technical education ADM" means 56463  
the enrollment of students during the school year on a full-time 56464  
equivalency basis in career-technical education programs 56465  
described in division (A) (3) of section 3317.014 of the Revised 56466  
Code and, in the case of a funding unit that is a city, local, 56467  
exempted village, or joint vocational school district, certified 56468  
under division (B) (13) or (D) (2) (j) of section 3317.03 of the 56469  
Revised Code or, in the case of the community and STEM school 56470  
unit, reported by all community and STEM schools statewide under 56471  
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 56472  
and division (D) of section 3326.32 of the Revised Code. 56473

(4) "Category four career-technical education ADM" means 56474  
the enrollment of students during the school year on a full-time 56475  
equivalency basis in career-technical education programs 56476  
described in division (A) (4) of section 3317.014 of the Revised 56477  
Code and, in the case of a funding unit that is a city, local, 56478  
exempted village, or joint vocational school district, certified 56479  
under division (B) (14) or (D) (2) (k) of section 3317.03 of the 56480  
Revised Code or, in the case of the community and STEM school 56481  
unit, reported by all community and STEM schools statewide under 56482

divisions (B) (4) and (5) of section 3314.08 of the Revised Code 56483  
and division (D) of section 3326.32 of the Revised Code. 56484

(5) "Category five career-technical education ADM" means 56485  
the enrollment of students during the school year on a full-time 56486  
equivalency basis in career-technical education programs 56487  
described in division (A) (5) of section 3317.014 of the Revised 56488  
Code and, in the case of a funding unit that is a city, local, 56489  
exempted village, or joint vocational school district, certified 56490  
under division (B) (15) or (D) (2) (1) of section 3317.03 of the 56491  
Revised Code or, in the case of the community and STEM school 56492  
unit, reported by all community and STEM schools statewide under 56493  
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 56494  
and division (D) of section 3326.32 of the Revised Code. 56495

(F) (1) "Category one English learner ADM" means the full- 56496  
time equivalent number of English learners described in division 56497  
(A) of section 3317.016 of the Revised Code and, in the case of 56498  
a funding unit that is a city, local, exempted village, or joint 56499  
vocational school district, certified under division (B) (16) or 56500  
(D) (2) (m) of section 3317.03 of the Revised Code or, in the case 56501  
of the community and STEM school unit, reported by all community 56502  
and STEM schools statewide under division (B) (6) of section 56503  
3314.08 of the Revised Code and division (E) of section 3326.32 56504  
of the Revised Code. 56505

(2) "Category two English learner ADM" means the full-time 56506  
equivalent number of English learners described in division (B) 56507  
of section 3317.016 of the Revised Code and, in the case of a 56508  
funding unit that is a city, local, exempted village, or joint 56509  
vocational school district, certified under division (B) (17) or 56510  
(D) (2) (n) of section 3317.03 of the Revised Code or, in the case 56511  
of the community and STEM school unit, reported by all community 56512



and STEM schools statewide under division (B) (6) of section 56513  
3314.08 of the Revised Code and division (E) of section 3326.32 56514  
of the Revised Code. 56515

(3) "Category three English learner ADM" means the full- 56516  
time equivalent number of English learners described in division 56517  
(C) of section 3317.016 of the Revised Code and, in the case of 56518  
a funding unit that is a city, local, exempted village, or joint 56519  
vocational school district, certified under division (B) (18) or 56520  
(D) (2) (o) of section 3317.03 of the Revised Code or, in the case 56521  
of the community and STEM school unit, reported by all community 56522  
and STEM schools statewide under division (B) (6) of section 56523  
3314.08 of the Revised Code and division (E) of section 3326.32 56524  
of the Revised Code. 56525

(G) (1) "Category one special education ADM" means the 56526  
full-time equivalent number of children with disabilities 56527  
receiving special education services for the disability 56528  
specified in division (A) of section 3317.013 of the Revised 56529  
Code and, in the case of a funding unit that is a city, local, 56530  
exempted village, or joint vocational school district, certified 56531  
under division (B) (5) or (D) (2) (b) of section 3317.03 of the 56532  
Revised Code or, in the case of the community and STEM school 56533  
unit, reported by all community and STEM schools statewide under 56534  
division (B) (3) of section 3314.08 of the Revised Code and 56535  
division (C) of section 3326.32 of the Revised Code. 56536

(2) "Category two special education ADM" means the full- 56537  
time equivalent number of children with disabilities receiving 56538  
special education services for those disabilities specified in 56539  
division (B) of section 3317.013 of the Revised Code and, in the 56540  
case of a funding unit that is a city, local, exempted village, 56541  
or joint vocational school district, certified under division 56542

(B) (6) or (D) (2) (c) of section 3317.03 of the Revised Code or, 56543  
in the case of the community and STEM school unit, reported by 56544  
all community and STEM schools statewide under division (B) (3) 56545  
of section 3314.08 of the Revised Code and division (C) of 56546  
section 3326.32 of the Revised Code. 56547

(3) "Category three special education ADM" means the full- 56548  
time equivalent number of students receiving special education 56549  
services for those disabilities specified in division (C) of 56550  
section 3317.013 of the Revised Code, and, in the case of a 56551  
funding unit that is a city, local, exempted village, or joint 56552  
vocational school district, certified under division (B) (7) or 56553  
(D) (2) (d) of section 3317.03 of the Revised Code or, in the case 56554  
of the community and STEM school unit, reported by all community 56555  
and STEM schools statewide under division (B) (3) of section 56556  
3314.08 of the Revised Code and division (C) of section 3326.32 56557  
of the Revised Code. 56558

(4) "Category four special education ADM" means the full- 56559  
time equivalent number of students receiving special education 56560  
services for those disabilities specified in division (D) of 56561  
section 3317.013 of the Revised Code and, in the case of a 56562  
funding unit that is a city, local, exempted village, or joint 56563  
vocational school district, certified under division (B) (8) or 56564  
(D) (2) (e) of section 3317.03 of the Revised Code or, in the case 56565  
of the community and STEM school unit, reported by all community 56566  
and STEM schools statewide under division (B) (3) of section 56567  
3314.08 of the Revised Code and division (C) of section 3326.32 56568  
of the Revised Code. 56569

(5) "Category five special education ADM" means the full- 56570  
time equivalent number of students receiving special education 56571  
services for the disabilities specified in division (E) of 56572

section 3317.013 of the Revised Code and, in the case of a 56573  
funding unit that is a city, local, exempted village, or joint 56574  
vocational school district, certified under division (B)(9) or 56575  
(D)(2)(f) of section 3317.03 of the Revised Code or, in the case 56576  
of the community and STEM school unit, reported by all community 56577  
and STEM schools statewide under division (B)(3) of section 56578  
3314.08 of the Revised Code and division (C) of section 3326.32 56579  
of the Revised Code. 56580

(6) "Category six special education ADM" means the full- 56581  
time equivalent number of students receiving special education 56582  
services for the disabilities specified in division (F) of 56583  
section 3317.013 of the Revised Code and, in the case of a 56584  
funding unit that is a city, local, exempted village, or joint 56585  
vocational school district certified under division (B)(10) or 56586  
(D)(2)(g) of section 3317.03 of the Revised Code or, in the case 56587  
of the community and STEM school unit, reported by all community 56588  
and STEM schools statewide under division (B)(3) of section 56589  
3314.08 of the Revised Code and division (C) of section 3326.32 56590  
of the Revised Code. 56591

(H) "Community and STEM school unit" means a unit that 56592  
consists of all of the students enrolled in community schools 56593  
established under Chapter 3314. of the Revised Code and science, 56594  
technology, engineering, and mathematics schools established 56595  
under Chapter 3326. of the Revised Code. 56596

(I)(1) "Economically disadvantaged index for a school 56597  
district" means the following: 56598

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the square of 56599  
the quotient of that district's percentage of students in its 56600  
enrolled ADM who are identified as economically disadvantaged as 56601  
defined by the department of education and workforce, divided by 56602

the percentage of students in the statewide ADM identified as economically disadvantaged. For purposes of this calculation: 56603  
56604

(i) For a city, local, or exempted village school district, the "statewide ADM" equals the sum of the following: 56605  
56606

(I) The enrolled ADM for all city, local, and exempted village school districts combined; 56607  
56608

(II) The statewide enrollment of students in community schools established under Chapter 3314. of the Revised Code; 56609  
56610

(III) The statewide enrollment of students in science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code. 56611  
56612  
56613

(ii) For a joint vocational school district, the "statewide ADM" equals the sum of the enrolled ADM for all joint vocational school districts combined. 56614  
56615  
56616

(b) For fiscal year ~~2026~~2028 and each fiscal year thereafter, an index calculated in a manner determined by the general assembly. 56617  
56618  
56619

(2) "Economically disadvantaged index for a community or STEM school" means the following: 56620  
56621

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the square of the quotient of the percentage of students enrolled in the school who are identified as economically disadvantaged as defined by the department, divided by the percentage of students in the statewide ADM identified as economically disadvantaged. For purposes of this calculation, the "statewide ADM" equals the "statewide ADM" for city, local, and exempted village school districts described in division (I)(1)(a)(i) of this section. For the purposes of applying this calculation to a classical 56622  
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school, the percentage of students enrolled in a classical 56631  
school who are identified as economically disadvantaged shall be 56632  
the average of all brick-and-mortar community schools for that 56633  
year. 56634

(b) For fiscal year ~~2026~~2028 and each fiscal year 56635  
thereafter, an index calculated in a manner determined by the 56636  
general assembly. 56637

(J) "Educational choice scholarship unit" means a unit 56638  
that consists of all of the students for whom educational choice 56639  
scholarships are awarded under sections 3310.03 and 3310.032 of 56640  
the Revised Code. 56641

(K) "Enrolled ADM" means the following: 56642

(1) For a city, local, or exempted village school 56643  
district, the enrollment reported under division (A) of section 56644  
3317.03 of the Revised Code, as verified by the department and 56645  
adjusted if so ordered under division (K) of that section, and 56646  
as further adjusted by the department, as follows: 56647

(a) Add the students described in division (A) (1) (b) of 56648  
section 3317.03 of the Revised Code; 56649

(b) Subtract the students counted under divisions (A) (2) 56650  
(a), (b), (d), (g), (h), (i), ~~and~~ (j), and (k) of section 56651  
3317.03 of the Revised Code; 56652

(c) Count only twenty per cent of the number of joint 56653  
vocational school district students counted under division (A) 56654  
(3) of section 3317.03 of the Revised Code; 56655

(d) Add twenty per cent of the number of students who are 56656  
entitled to attend school in the district under section 3313.64 56657  
or 3313.65 of the Revised Code and are enrolled in another 56658

school district under a career-technical education compact; 56659

(e) Add twenty per cent of the number of students 56660  
described in division (A) (1) (b) of section 3317.03 of the 56661  
Revised Code who enroll in a joint vocational school district or 56662  
under a career-technical education compact. 56663

(2) For a joint vocational school district, the final 56664  
number verified by the department, based on the enrollment 56665  
reported and certified under division (D) of section 3317.03 of 56666  
the Revised Code, as adjusted, if so ordered, under division (K) 56667  
of that section, and as further adjusted by the department by 56668  
adding the students described in division (D) (1) (b) of section 56669  
3317.03 of the Revised Code; 56670

(3) For the community and STEM school unit, the sum of the 56671  
number of students reported as enrolled in community schools 56672  
under divisions (B) (1) and (2) of section 3314.08 of the Revised 56673  
Code and the number of students reported as enrolled in STEM 56674  
schools under division (A) of section 3326.32 of the Revised 56675  
Code; 56676

(4) For the educational choice scholarship unit, the 56677  
number of students for whom educational choice scholarships are 56678  
awarded under sections 3310.03 and 3310.032 of the Revised Code 56679  
as reported under division (A) (2) (g) of section 3317.03 of the 56680  
Revised Code; 56681

(5) For the pilot project scholarship unit, the number of 56682  
students for whom pilot project scholarships are awarded under 56683  
sections 3313.974 to 3313.979 of the Revised Code as reported 56684  
under division (A) (2) (b) of section 3317.03 of the Revised Code; 56685

(6) For the autism scholarship unit, the number of 56686  
students for whom autism scholarships are awarded under section 56687

3310.41 of the Revised Code as reported under division (A) (2) (h) 56688  
of section 3317.03 of the Revised Code; 56689

(7) For the Jon Peterson special needs scholarship unit, 56690  
the number of students for whom Jon Peterson special needs 56691  
scholarships are awarded under sections 3310.51 to 3310.64 of 56692  
the Revised Code as reported under division (A) (2) (h) of section 56693  
3317.03 of the Revised Code; 56694

(8) For the nonchartered educational savings account unit, 56695  
the number of students for whom educational savings accounts are 56696  
established under sections 3310.21 to 3310.26 of the Revised 56697  
Code as reported under division (A) (2) (k) of section 3317.03 of 56698  
the Revised Code. 56699

(L) (1) "Formula ADM" means, for a city, local, or exempted 56700  
village school district, the enrollment reported under division 56701  
(A) of section 3317.03 of the Revised Code, as verified by the 56702  
department and adjusted if so ordered under division (K) of that 56703  
section, and as further adjusted by the department, as follows: 56704

(a) Count only twenty per cent of the number of joint 56705  
vocational school district students counted under division (A) 56706  
(3) of section 3317.03 of the Revised Code; 56707

(b) Add twenty per cent of the number of students who are 56708  
entitled to attend school in the district under section 3313.64 56709  
or 3313.65 of the Revised Code and are enrolled in another 56710  
school district under a career-technical education compact. 56711

(2) "Formula ADM" means, for a joint vocational school 56712  
district, the final number verified by the department, based on 56713  
the enrollment reported and certified under division (D) of 56714  
section 3317.03 of the Revised Code, as adjusted, if so ordered, 56715  
under division (K) of that section. 56716

(M) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career-technical education ADM in the same proportion the student is counted in enrolled ADM and formula ADM.

(N) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding base" means, for a city, local, or exempted village school district, the sum of the following as calculated by the department:

(1) The district's "general funding base," which equals the amount calculated as follows:

(a) Compute the sum of the following:

(i) The amount calculated for the district for fiscal year 2020 under division (A) (1) of Section 265.220 of H.B. 166 of the 133rd general assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd general assembly and prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020;

(ii) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the district's payments for fiscal year 2020 under divisions (C) (1), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.

(b) Subtract from the amount calculated in division (N) (1) (a) of this section the sum of the following:



(i) The following difference:	56746
(The amount paid to the district under division (A) (5) of section 3317.022 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C) (1) (e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly)	56747 56748 56749 56750 56751 56752 56753 56754 56755 56756
(ii) The payments deducted from the district and paid to a community school for fiscal year 2020 under divisions (C) (1) (a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code as those divisions existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly;	56757 56758 56759 56760 56761 56762
(iii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school for fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly;	56763 56764 56765 56766 56767 56768 56769
(iv) The payments deducted from the district under division (C) of section 3310.08 of the Revised Code as that division existed prior to September 30, 2021, division (C) (2) of section 3310.41 of the Revised Code as that division existed prior to September 30, 2021, and former section 3310.55 of the Revised Code for fiscal year 2020 and, in the case of a pilot	56770 56771 56772 56773 56774 56775

project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district under Section 265.210 of H.B. 166 of the 133rd general assembly to operate the pilot project scholarship program for fiscal year 2020 under sections 3313.974 to 3313.979 of the Revised Code;

(v) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the payments subtracted from the district for fiscal year 2020 under divisions (B) (1) and (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.

(2) The district's "disadvantaged pupil impact aid funding base," which equals the following difference:

(The amount paid to the district under division (A) (5) of section 3317.022 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C) (1) (e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly)

(O) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding base" means, for a joint vocational school district, the sum of the following as calculated by the department:

(1) The district's "general funding base," which equals the amount calculated as follows:

(a) Compute the sum of the following:

(i) The district's payments for fiscal year 2020 under Section 265.225 of H.B. 166 of the 133rd general assembly after

any adjustments required under Section 265.227 of H.B. 166 of the 133rd general assembly; 56805  
56806

(ii) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the district's payments for fiscal year 2020 under divisions (D) (1) and (2) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021. 56807  
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56809  
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(b) Subtract from the amount paid to the district under division (A) (3) of section 3317.16 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019. 56811  
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56814

(2) The district's "disadvantaged pupil impact aid funding base," which equals the amount paid to the district under division (A) (3) of section 3317.16 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019. 56815  
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56817  
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(P) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding base" for a community school means the following: 56820  
56821

(1) For a community school that was in operation for the entirety of fiscal year 2020, the amount paid to the school for that fiscal year under division (C) (1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly and the amount, if any, paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly; 56822  
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(2) For a community school that was in operation for part of fiscal year 2020, the amount that would have been paid to the school for that fiscal year under division (C) (1) of section 56831  
56832  
56833

3314.08 of the Revised Code as that division existed prior to 56834  
September 30, 2021, in accordance with division (A) of Section 56835  
265.230 of H.B. 166 of the 133rd general assembly if the school 56836  
had been in operation for the entirety of that fiscal year, as 56837  
calculated by the department, and the amount that would have 56838  
been paid to the school for that fiscal year under section 56839  
3314.085 of the Revised Code in accordance with division (B) of 56840  
Section 265.230 of H.B. 166 of the 133rd general assembly, if 56841  
any, if the school had been in operation for the entirety of 56842  
that fiscal year, as calculated by the department; 56843

(3) For a community school that was not in operation for 56844  
fiscal year 2020, the amount that would have been paid to the 56845  
school if it was in operation for that school year under 56846  
division (C)(1) of section 3314.08 of the Revised Code as that 56847  
division existed prior to September 30, 2021, in accordance with 56848  
division (A) of Section 265.230 of H.B. 166 of the 133rd general 56849  
assembly if the school had been in operation for the entirety of 56850  
that fiscal year, as calculated by the department, and the 56851  
amount that would have been paid to the school for that fiscal 56852  
year under section 3314.085 of the Revised Code in accordance 56853  
with division (B) of Section 265.230 of H.B. 166 of the 133rd 56854  
general assembly, if any, if the school had been in operation 56855  
for the entirety of that fiscal year, as calculated by the 56856  
department. 56857

(Q) For fiscal years 2024-2026 and 2025-2027, "funding 56858  
base" for a STEM school means the following: 56859

(1) For a science, technology, engineering, and 56860  
mathematics school that was in operation for the entirety of 56861  
fiscal year 2020, the amount paid to the school for that fiscal 56862  
year under section 3326.33 of the Revised Code as that section 56863

existed prior to September 30, 2021, in accordance with division 56864  
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 56865  
and the amount, if any, paid to the school for that fiscal year 56866  
under section 3326.41 of the Revised Code in accordance with 56867  
division (B) of Section 265.235 of H.B. 166 of the 133rd general 56868  
assembly; 56869

(2) For a science, technology, engineering, and 56870  
mathematics school that was in operation for part of fiscal year 56871  
2020, the amount that would have been paid to the school for 56872  
that fiscal year under section 3326.33 of the Revised Code as 56873  
that section existed prior to September 30, 2021, in accordance 56874  
with division (A) of Section 265.235 of H.B. 166 of the 133rd 56875  
general assembly if the school had been in operation for the 56876  
entirety of that fiscal year, as calculated by the department, 56877  
and the amount that would have been paid to the school for that 56878  
fiscal year under section 3326.41 of the Revised Code in 56879  
accordance with division (B) of Section 265.235 of H.B. 166 of 56880  
the 133rd general assembly, if any, if the school had been in 56881  
operation for the entirety of that fiscal year, as calculated by 56882  
the department; 56883

(3) For a science, technology, engineering, and 56884  
mathematics school that was not in operation for fiscal year 56885  
2020, the amount that would have been paid to the school if it 56886  
was in operation for that school year under section 3326.33 of 56887  
the Revised Code as that section existed prior to September 30, 56888  
2021, in accordance with division (A) of Section 265.235 of H.B. 56889  
166 of the 133rd general assembly if the school had been in 56890  
operation for the entirety of that fiscal year, as calculated by 56891  
the department, and the amount that would have been paid to the 56892  
school for that fiscal year under section 3326.41 of the Revised 56893  
Code in accordance with division (B) of Section 265.235 of H.B. 56894

166 of the 133rd general assembly, if any, if the school had 56895  
been in operation for the entirety of that fiscal year, as 56896  
calculated by the department. 56897

(R) "Funding unit" means any of the following: 56898

(1) A city, local, exempted village, or joint vocational 56899  
school district; 56900

(2) The community and STEM school unit; 56901

(3) The educational choice scholarship unit; 56902

(4) The pilot project scholarship unit; 56903

(5) The autism scholarship unit; 56904

(6) The Jon Peterson special needs scholarship unit; 56905

(7) The nonchartered educational savings account unit. 56906

(S) "Jon Peterson special needs scholarship unit" means a 56907  
unit that consists of all of the students for whom Jon Peterson 56908  
scholarships are awarded under sections 3310.51 to 3310.64 of 56909  
the Revised Code. 56910

(T) "Internet- or computer-based community school" has the 56911  
same meaning as in section 3314.02 of the Revised Code. 56912

(U) "LRE student with a disability" means a child with a 56913  
disability who has an individualized education program providing 56914  
for the student to spend more than half of each school day in a 56915  
regular school setting with nondisabled students. For purposes 56916  
of this division, "individualized education program" and "child 56917  
with a disability" have the same meanings as in section 3323.01 56918  
of the Revised Code, and "LRE" is an abbreviation for "least 56919  
restrictive environment." 56920

(V) "Medically fragile child" means a child to whom all of 56921

the following apply: 56922

(1) The child requires the services of a doctor of 56923  
medicine or osteopathic medicine at least once a week due to the 56924  
instability of the child's medical condition. 56925

(2) The child requires the services of a registered nurse 56926  
on a daily basis. 56927

(3) The child is at risk of institutionalization in a 56928  
hospital, skilled nursing facility, or intermediate care 56929  
facility for individuals with intellectual disabilities. 56930

(W) (1) A child may be identified as having an "other 56931  
health impairment-major" if the child's condition meets the 56932  
definition of "other health impaired" established in rules 56933  
previously adopted by the department and if either of the 56934  
following apply: 56935

(a) The child is identified as having a medical condition 56936  
that is among those listed by the department as conditions where 56937  
a substantial majority of cases fall within the definition of 56938  
"medically fragile child." 56939

(b) The child is determined by the department to be a 56940  
medically fragile child. A school district superintendent may 56941  
petition the department for a determination that a child is a 56942  
medically fragile child. 56943

(2) A child may be identified as having an "other health 56944  
impairment-minor" if the child's condition meets the definition 56945  
of "other health impaired" established in rules previously 56946  
adopted by the department but the child's condition does not 56947  
meet either of the conditions specified in division (W) (1) (a) or 56948  
(b) of this section. 56949

(X) (1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, 56950  
local, exempted village, or joint vocational school district's, 56951  
community school's, or STEM school's "general phase-in 56952  
percentage" is equal to the percentage for that fiscal year that 56953  
is determined by the general assembly. 56954

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, 56955  
local, exempted village, or joint vocational school district's 56956  
"phase-in percentage for disadvantaged pupil impact aid" is 56957  
equal to the percentage for that fiscal year that is determined 56958  
by the general assembly. 56959

(Y) "Pilot project scholarship unit" means a unit that 56960  
consists of all of the students for whom pilot project 56961  
scholarships are awarded under sections 3313.974 to 3313.979 of 56962  
the Revised Code. 56963

(Z) "Preschool child with a disability" means a child with 56964  
a disability, as defined in section 3323.01 of the Revised Code, 56965  
who is at least age three but is not of compulsory school age, 56966  
as defined in section 3321.01 of the Revised Code, and who is 56967  
not currently enrolled in kindergarten. 56968

(AA) "Related services" includes: 56969

(1) Child study, special education supervisors and 56970  
coordinators, speech and hearing services, adaptive physical 56971  
development services, occupational or physical therapy, teacher 56972  
assistants for children with disabilities whose disabilities are 56973  
described in division (B) of section 3317.013 or division (G) (3) 56974  
of this section, behavioral intervention, interpreter services, 56975  
work study, nursing services, and specialized integrative 56976  
services as those terms are defined by the department; 56977

(2) Speech and language services provided to any student 56978



with a disability, including any student whose primary or only disability is a speech and language disability; 56979  
56980

(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services; 56981  
56982  
56983

(4) Any service included in units funded under former division (0) (1) of section 3317.024 of the Revised Code; 56984  
56985

(5) Any other related service needed by children with disabilities in accordance with their individualized education programs. 56986  
56987  
56988

(BB) "School district," unless otherwise specified, means city, local, and exempted village school districts. 56989  
56990

(CC) "Separately educated student with a disability" has the same meaning as in section 3313.974 of the Revised Code. 56991  
56992

(DD) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 56993  
56994

(EE) (1) "State share percentage" means the following for a city, local, or exempted village school district: 56995  
56996

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the state share percentage calculated under section 3317.017 of the Revised Code; 56997  
56998  
56999

(b) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly. 57000  
57001  
57002

(2) "State share percentage" means ~~the following, for a joint vocational school district:~~ 57003  
57004

~~(a) For fiscal years 2024 and 2025, the percentage~~ 57005

~~calculated in accordance with the following formula:~~ 57006

~~The amount computed for the district under division (A) (1) of section 3317.16 of the Revised Code for that fiscal year / the aggregate base cost calculated for the district for that fiscal year under section 3317.012 of the Revised Code~~ 57007  
57008  
57009  
57010

~~(b) For fiscal year 2026 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly, the district's state share percentage calculated under section 3317.165 of the Revised Code.~~ 57011  
57012  
57013  
57014

(FF) "Statewide average base cost per pupil" means the following: 57015  
57016

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the statewide average base cost per pupil calculated under division (A) of section 3317.018 of the Revised Code; 57017  
57018  
57019

(2) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 57020  
57021  
57022

(GG) "Statewide average career-technical base cost per pupil" means the following: 57023  
57024

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the statewide average career-technical base cost per pupil calculated under division (B) of section 3317.018 of the Revised Code; 57025  
57026  
57027

(2) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 57028  
57029  
57030

(HH) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code. 57031  
57032  
57033

(II) "Taxes charged and payable" means the taxes charged 57034  
and payable against real and public utility property after 57035  
making the reduction required by section 319.301 of the Revised 57036  
Code, plus the taxes levied against tangible personal property. 57037

(JJ) For purposes of sections 3317.017 and ~~3317.16~~ 57038  
3317.165 of the Revised Code, "three-year average valuation" for 57039  
a fiscal year means the average of total taxable value for the 57040  
three most recent tax years for which data is available, as 57041  
certified under section 3317.021 of the Revised Code. 57042

(KK) "Total ADM" means, for a city, local, or exempted 57043  
village school district, the enrollment reported under division 57044  
(A) of section 3317.03 of the Revised Code minus the enrollment 57045  
reported under divisions (A)(2)(a), (b), (g), (h), ~~and (i)~~, and 57046  
(k) of that section, as verified by the department and adjusted 57047  
if so ordered under division (K) of that section. 57048

(LL) "Total special education ADM" means the sum of 57049  
categories one through six special education ADM. 57050

(MM) "Total taxable value" means the sum of the amounts 57051  
certified for a city, local, exempted village, or joint 57052  
vocational school district under divisions (A)(1) and (2) of 57053  
section 3317.021 of the Revised Code. 57054

(NN) "Tuition discount" means any deduction from the base 57055  
tuition amount per student charged by a chartered nonpublic 57056  
school, to which the student's family is entitled due to one or 57057  
more of the following conditions: 57058

(1) The student's family has multiple children enrolled in 57059  
the same school. 57060

(2) The student's family is a member of or affiliated with 57061  
a religious or secular organization that provides oversight of 57062

the school or from which the school has agreed to enroll 57063  
students. 57064

(3) The student's parent is an employee of the school. 57065

(4) Some other qualification not based on the income of 57066  
the student's family or the student's athletic or academic 57067  
ability and for which all students in the school may qualify. 57068

(OO) "Classical school" means a community school 57069  
established under Chapter 3314. of the Revised Code that is a 57070  
member of the Ohio classical school association, or its 57071  
successor organization, and uses a curriculum substantially 57072  
similar to that of a nationally recognized classical school 57073  
network. 57074

(PP) "Nonchartered educational savings account unit" means 57075  
a unit that consists of all the students for whom educational 57076  
savings accounts are established under sections 3310.21 to 57077  
3310.26 of the Revised Code. 57078

**Sec. 3317.021.** (A) On or before the first day of June of 57079  
each year, the tax commissioner shall certify to the department 57080  
of education and workforce and the office of budget and 57081  
management the information described in divisions (A) (1) to (5) 57082  
of this section for each city, exempted village, and local 57083  
school district, and the information required by divisions (A) 57084  
(1) and (2) of this section for each joint vocational school 57085  
district, and it shall be used, along with the information 57086  
certified under division (B) of this section, in making the 57087  
computations for the district under this chapter. 57088

(1) The taxable value of real and public utility real 57089  
property in the school district subject to taxation in the 57090  
preceding tax year, by class and by county of location. 57091

(2) The taxable value of tangible personal property,	57092
including public utility personal property, subject to taxation	57093
by the district for the preceding tax year.	57094
(3) (a) The total property tax rate and total taxes charged	57095
and payable for the current expenses for the preceding tax year	57096
and the total property tax rate and the total taxes charged and	57097
payable to a joint vocational district for the preceding tax	57098
year that are limited to or to the extent apportioned to current	57099
expenses.	57100
(b) The portion of the amount of taxes charged and payable	57101
reported for each city, local, and exempted village school	57102
district under division (A) (3) (a) of this section attributable	57103
to a joint vocational school district.	57104
(4) The value of all real and public utility real property	57105
in the school district exempted from taxation minus both of the	57106
following:	57107
(a) The value of real and public utility real property in	57108
the district owned by the United States government and used	57109
exclusively for a public purpose;	57110
(b) The value of real and public utility real property in	57111
the district exempted from taxation under Chapter 725. or 1728.	57112
or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62,	57113
5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.	57114
(5) The <del>total</del> <u>median</u> federal adjusted gross income of the	57115
residents of the school district, based on tax returns filed by	57116
the residents of the district, for the most recent year for	57117
which this information is available, and the median Ohio	57118
adjusted gross income of the residents of the school district	57119
determined on the basis of tax returns filed for the second	57120

preceding tax year by the residents of the district. 57121

(6) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the number of 57122  
state tax returns filed by the residents of the district for the 57123  
most recent year for which this information is available. 57124

(B) On or before the first day of May each year, the tax 57125  
commissioner shall certify to the department of education and 57126  
workforce and the office of budget and management the total 57127  
taxable real property value of railroads and, separately, the 57128  
total taxable tangible personal property value of all public 57129  
utilities for the preceding tax year, by school district and by 57130  
county of location. 57131

(C) If on the basis of the information certified under 57132  
division (A) of this section, the department determines that any 57133  
district fails in any year to meet the qualification requirement 57134  
specified in division (A) of section 3317.01 of the Revised 57135  
Code, the department shall immediately request the tax 57136  
commissioner to determine the extent to which any school 57137  
district income tax levied by the district under Chapter 5748. 57138  
of the Revised Code shall be included in meeting that 57139  
requirement. Within five days of receiving such a request from 57140  
the department, the tax commissioner shall make the 57141  
determination required by this division and report the quotient 57142  
obtained under division (C)(3) of this section to the department 57143  
and the office of budget and management. This quotient 57144  
represents the number of mills that the department shall include 57145  
in determining whether the district meets the qualification 57146  
requirement of division (A) of section 3317.01 of the Revised 57147  
Code. 57148

The tax commissioner shall make the determination required 57149  
by this division as follows: 57150

(1) Multiply one mill times the total taxable value of the district as determined in divisions (A) (1) and (2) of this section;

(2) Estimate the total amount of tax liability for the current tax year under taxes levied by Chapter 5748. of the Revised Code that are apportioned to current operating expenses of the district, excluding any income tax receipts allocated for the project cost, debt service, or maintenance set-aside associated with a state-assisted classroom facilities project as authorized by section 3318.052 of the Revised Code;

(3) Divide the amount estimated under division (C) (2) of this section by the product obtained under division (C) (1) of this section.

**Sec. 3317.022.** The department of education and workforce shall compute and distribute state core foundation funding to each eligible funding unit that is a city, local, or exempted village school district, the community and STEM school unit, the educational choice scholarship unit, the pilot project scholarship unit, the autism scholarship unit, ~~and~~ the Jon Peterson special needs scholarship unit, and the nonchartered educational savings account unit for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins in accordance with the following:

For fiscal years ~~2024-2026~~ and ~~2025~~2027, for a funding unit that is a city, local, or exempted village school district:

The district's funding base + [(the district's state core foundation funding components for that fiscal year calculated under divisions (A) (1), (2), (3), (5), (6), (7), and (8) of this

section - the district's general funding base calculated in 57180  
accordance with division (N) (1) of section 3317.02 of the 57181  
Revised Code) X the district's general phase-in percentage for 57182  
that fiscal year] + [(the district's disadvantaged pupil impact 57183  
aid for that fiscal year calculated under division (A) (4) of 57184  
this section - the district's disadvantaged pupil impact aid 57185  
funding base calculated in accordance with division (N) (2) of 57186  
section 3317.02 of the Revised Code) X the district's phase-in 57187  
percentage for disadvantaged pupil impact aid for that fiscal 57188  
year] ~~+ the district's supplemental targeted assistance funds~~ 57189  
~~calculated under section 3317.0218 of the Revised Code~~ 57190

For fiscal year ~~2026-2028~~ and each fiscal year thereafter, 57191  
for a funding unit that is a city, local, or exempted village 57192  
school district, the sum of the district's state core foundation 57193  
funding components for that fiscal year calculated under 57194  
divisions (A) (1), (2), (3), (4), (5), (6), (7), and (8) of this 57195  
section ~~and the district's supplemental targeted assistance~~ 57196  
~~funds calculated under section 3317.0218 of the Revised Code~~, if 57197  
the general assembly authorizes such payments to these funding 57198  
units. 57199

For fiscal years ~~2024-2026~~ and ~~2025~~2027, for the community 57200  
and STEM school unit, an amount calculated in accordance with 57201  
section 3317.026 of the Revised Code. 57202

For fiscal ~~years 2026-year 2028~~ and each fiscal year 57203  
thereafter, for the community and STEM school unit, an amount 57204  
calculated in accordance with divisions (A) (1), (3), (4), (5), 57205  
(7), (8), ~~and~~ (9), and (14) of this section, if the general 57206  
assembly authorizes such payments to these funding units. 57207

For the educational choice scholarship unit, the amount 57208  
calculated under division (A) (10) of this section. 57209



For the pilot project scholarship unit, the amount 57210  
calculated under division (A) (11) of this section. 57211

For the autism scholarship unit, the amount calculated 57212  
under division (A) (12) of this section. 57213

For the Jon Peterson special needs scholarship unit, the 57214  
amount calculated under division (A) (13) of this section. 57215

For fiscal year 2027 and each fiscal year thereafter, for 57216  
the nonchartered educational savings account unit, the amount 57217  
calculated under division (A) (15) of this section. 57218

(A) A funding unit's state core foundation funding 57219  
components shall be the following: 57220

(1) (a) If the funding unit is a city, local, or exempted 57221  
village school district, the district's state share, which is 57222  
equal to the following: 57223

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the amount 57224  
calculated under division (B) of section 3317.017 of the Revised 57225  
Code; 57226

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 57227  
thereafter, an amount calculated in a manner determined by the 57228  
general assembly. 57229

(b) If the funding unit is the community and STEM school 57230  
unit, the aggregate base cost for all schools in that unit, 57231  
which is equal to the following: 57232

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the amount 57233  
calculated under section 3317.0110 of the Revised Code; 57234

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 57235  
thereafter, an amount calculated in a manner determined by the 57236

general assembly.	57237
(2) If the funding unit is a city, local, or exempted village school district, targeted assistance funds equal to the following:	57238 57239 57240
(a) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , an amount calculated under section 3317.0217 of the Revised Code;	57241 57242
(b) For fiscal year <del>2026-2028</del> and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	57243 57244 57245
(3) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as follows:	57246 57247 57248 57249 57250
(a) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , the sum of the following:	57251 57252
(i) The funding unit's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;	57253 57254 57255 57256 57257 57258
(ii) The funding unit's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;	57259 57260 57261 57262 57263 57264

(iii) The funding unit's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(iv) The funding unit's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(v) The funding unit's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(vi) The funding unit's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage.

(b) For fiscal year ~~2026~~2028 and each fiscal year thereafter, the sum of the following:

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one special education ADM;

(ii) An amount calculated in a manner determined by the 57294  
general assembly times the funding unit's category two special 57295  
education ADM; 57296

(iii) An amount calculated in a manner determined by the 57297  
general assembly times the funding unit's category three special 57298  
education ADM; 57299

(iv) An amount calculated in a manner determined by the 57300  
general assembly times the funding unit's category four special 57301  
education ADM; 57302

(v) An amount calculated in a manner determined by the 57303  
general assembly times the funding unit's category five special 57304  
education ADM; 57305

(vi) An amount calculated in a manner determined by the 57306  
general assembly times the funding unit's category six special 57307  
education ADM. 57308

(4) If the funding unit is a city, local, or exempted 57309  
village school district or the community and STEM school unit, 57310  
disadvantaged pupil impact aid calculated according to the 57311  
following formula: 57312

(a) If the funding unit is a city, local, or exempted 57313  
village school district, an amount equal to the following: 57314

(i) For fiscal years 2024-2026 and 2025-2027, the following 57315  
product: 57316

\$422 X (the district's economically disadvantaged index) X the 57317  
number of students who are economically disadvantaged as 57318  
certified under division (B) (21) of section 3317.03 of the 57319  
Revised Code 57320

(ii) For fiscal year 2026-2028 and each fiscal year 57321

thereafter, an amount calculated in a manner determined by the  
general assembly.

(b) If the funding unit is the community and STEM school  
unit, an amount equal to the following:

(i) For fiscal years ~~2024-2026~~ and ~~2025-2027~~, an amount  
calculated as follows:

(I) For each student in the funding unit's enrolled ADM  
who is economically disadvantaged and is not enrolled in an  
internet- or computer-based community school, multiply \$422 by  
the economically disadvantaged index of the school in which the  
student is enrolled;

(II) For each student in the funding unit's enrolled ADM  
who is economically disadvantaged and is enrolled in an  
internet- or computer-based community school, multiply \$211 by  
the economically disadvantaged index of the school in which the  
student is enrolled;

(III) Compute the funding unit's disadvantaged pupil  
impact aid by calculating the sum of the amounts determined  
under ~~division~~ divisions (A) (4) (b) (i) (I) and (II) of this  
section.

(ii) For fiscal year ~~2026-2028~~ and each fiscal year  
thereafter, an amount calculated as follows:

(I) For each student in the funding unit's enrolled ADM  
~~who is economically disadvantaged and is not enrolled in an  
internet- or computer-based community school,~~ calculate an  
amount in the manner determined by the general assembly;

(II) Compute the funding unit's disadvantaged pupil impact  
aid by calculating the sum of the amounts determined under

division (A) (4) (b) (ii) (I) of this section. 57350

(5) If the funding unit is a city, local, or exempted 57351  
village school district or the community and STEM school unit, 57352  
English learner funds calculated as follows: 57353

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the sum of 57354  
the following: 57355

(i) The funding unit's category one English learner ADM X 57356  
the multiple specified in division (A) of section 3317.016 of 57357  
the Revised Code X the statewide average base cost per pupil for 57358  
that fiscal year X if the funding unit is a city, local, or 57359  
exempted village school district, the district's state share 57360  
percentage; 57361

(ii) The funding unit's category two English learner ADM X 57362  
the multiple specified in division (B) of section 3317.016 of 57363  
the Revised Code X the statewide average base cost per pupil for 57364  
that fiscal year X if the funding unit is a city, local, or 57365  
exempted village school district, the district's state share 57366  
percentage; 57367

(iii) The funding unit's category three English learner 57368  
ADM X the multiple specified in division (C) of section 3317.016 57369  
of the Revised Code X the statewide average base cost per pupil 57370  
for that fiscal year X if the funding unit is a city, local, or 57371  
exempted village school district, the district's state share 57372  
percentage. 57373

(b) For fiscal year ~~2026~~2028 and each fiscal year 57374  
thereafter, the sum of the following: 57375

(i) An amount calculated in a manner determined by the 57376  
general assembly times the funding unit's category one English 57377  
learner ADM; 57378

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two English learner ADM;	57379 57380 57381
(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three English learner ADM.	57382 57383 57384
(6) (a) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , if the funding unit is a city, local, or exempted village school district, all of the following:	57385 57386 57387
(i) Gifted identification funds calculated according to the following formula:	57388 57389
\$24 X the district's enrolled ADM for grades kindergarten through six X the district's state share percentage	57390 57391
(ii) Gifted referral funds calculated according to the following formula:	57392 57393
\$2.50 X the district's enrolled ADM X the district's state share percentage	57394 57395
<del>(iii) Gifted professional development funds calculated according to the following formula:</del>	57396 57397
<del>(The greater of the number of gifted students enrolled in the district as certified under division (B) (22) of section 3317.03 of the Revised Code and ten per cent of the district's enrolled ADM) X the district's state share percentage X \$21, for fiscal year 2024, or \$28, for fiscal year 2025</del>	57398 57399 57400 57401 57402
<del>(iv)</del> Gifted unit funding calculated under section 3317.051 of the Revised Code.	57403 57404
(b) For fiscal year <del>2026-2028</del> and each fiscal year	57405

thereafter, all of the following:	57406
(i) Gifted identification funds calculated in a manner determined by the general assembly;	57407 57408
(ii) Gifted referral funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;	57409 57410 57411
<del>(iii) Gifted professional development funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;</del>	57412 57413 57414
<del>(iv) Gifted unit funding calculated in an amount determined by the general assembly.</del>	57415 57416
(7) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code.	57417 57418 57419 57420
(8) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education associated services funds calculated under division (D) of section 3317.014 of the Revised Code.	57421 57422 57423 57424
(9) If the funding unit is the community and STEM school unit, an amount calculated as follows:	57425 57426
(a) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , an amount equal to the following:	57427 57428
[The number of students in the funding unit's enrolled ADM who are reported under division (B) (5) of section 3314.08 of the Revised Code X (the aggregate base cost calculated for all schools in the funding unit for that fiscal year under section 3317.0110 of the Revised Code / the funding unit's enrolled ADM)	57429 57430 57431 57432 57433



X.20] 57434

(b) For fiscal year ~~2026~~2028 and each fiscal year 57435  
thereafter, an amount calculated in a manner determined by the 57436  
general assembly. 57437

(10) If the funding unit is the educational choice 57438  
scholarship unit, an amount calculated as follows: 57439

(a) For each student in the funding unit's enrolled ADM, 57440  
determine the lesser of the following: 57441

(i) The base tuition of the chartered nonpublic school in 57442  
which the student is enrolled minus the total amount of any 57443  
applicable tuition discounts for which the student qualifies; 57444

(ii) (I) If the student receives a scholarship under 57445  
section 3310.03 of the Revised Code, or received a scholarship 57446  
for the first time under section 3310.032 of the Revised Code 57447  
prior to ~~the effective date of this amendment~~ October 3, 2023, 57448  
and the student's parent does not elect to receive a scholarship 57449  
amount under division (A) (10) (a) (ii) (II) of this section, 57450  
\$5,500, if the student is in grades kindergarten through eight, 57451  
or \$7,500, if the student is in grades nine through twelve. 57452

(II) If the student receives a scholarship for the first 57453  
time under section 3310.032 of the Revised Code on and after ~~the~~ 57454  
~~effective date of this amendment~~ October 3, 2023, or if a 57455  
student who received a scholarship for the first time under that 57456  
section prior to that date and the student's parent elects to 57457  
receive a scholarship amount under division (A) (10) (a) (ii) (II) 57458  
of this section, an amount calculated in accordance with section 57459  
3310.08 of the Revised Code. The department shall provide an 57460  
opportunity each fiscal year for a parent to elect to receive a 57461  
scholarship amount under division (A) (10) (a) (ii) (II) of this 57462

section. 57463

The amounts specified in division (A) (10) (a) (ii) (I) of 57464  
this section shall increase in future fiscal years by the same 57465  
percentage that the statewide average base cost per pupil 57466  
increases in future fiscal years. 57467

(b) Compute the sum of the amounts calculated under 57468  
division (A) (10) (a) of this section. 57469

(11) If the funding unit is the pilot project scholarship 57470  
unit, an amount calculated as follows: 57471

(a) For each student in the funding unit's enrolled ADM, 57472  
determine the lesser of the following: 57473

(i) The net tuition charges of the student's alternative 57474  
school; 57475

(ii) \$5,500, if the student is in grades kindergarten 57476  
through eight, or \$7,500, if the student is in grades nine 57477  
through twelve. 57478

The amounts specified in division (A) (11) (a) (ii) of this 57479  
section shall increase in future fiscal years by the same 57480  
percentage that the statewide average base cost per pupil 57481  
increases in future fiscal years. 57482

For purposes of division (A) (11) (a) of this section, the 57483  
net tuition and fees charged to a student shall be the tuition 57484  
amount specified by the alternative school minus all other 57485  
financial aid, discounts, and adjustments received for the 57486  
student. In cases where discounts are offered for multiple 57487  
students from the same family, and not all students in the same 57488  
family are scholarship recipients, the net tuition amount 57489  
attributable to the scholarship recipient shall be the lowest 57490

net tuition to which the family is entitled. 57491

The department shall provide for an increase in the amount 57492  
determined for any student who is an LRE student with a 57493  
disability and shall further increase such amount in the case of 57494  
any separately educated student with a disability, as that term 57495  
is defined in section 3313.974 of the Revised Code. Such 57496  
increases shall take into account the instruction, related 57497  
services, and transportation costs of educating such students. 57498

(b) Compute the sum of the amounts calculated under 57499  
division (A) (17) (a) of this section. 57500

(12) If the funding unit is the autism scholarship unit, 57501  
an amount calculated as follows: 57502

(a) For each student in the funding unit's enrolled ADM, 57503  
determine the lesser of the following: 57504

(i) The tuition charged for the student's special 57505  
education program, as that term is defined in section 3310.41 of 57506  
the Revised Code; 57507

(ii) ~~\$32,445~~\$34,000. 57508

(b) Compute the sum of the amounts calculated under 57509  
division (A) (12) (a) of this section. 57510

(13) If the funding unit is the Jon Peterson special needs 57511  
scholarship unit, an amount calculated as follows: 57512

(a) For each student in the funding unit's enrolled ADM, 57513  
determine the least of the following: 57514

(i) The amount of fees charged for that school year by the 57515  
student's alternative public provider or registered private 57516  
provider, as those terms are defined in section 3310.51 of the 57517

Revised Code; 57518

(ii) \$7,190 plus an amount determined as follows: 57519

(I) If the student is receiving special education services 57520  
for a disability specified in division (A) of section 3317.013 57521  
of the Revised Code, ~~\$1,751, for fiscal year 2024, and \$2,395-~~ 57522  
~~for fiscal year 2025~~\$2,510; 57523

(II) If the student is receiving special education 57524  
services for a disability specified in division (B) of section 57525  
3317.013 of the Revised Code, ~~\$4,442, for fiscal year 2024, and-~~ 57526  
~~\$5,280 for fiscal year 2025~~\$5,533; 57527

(III) If the student is receiving special education 57528  
services for a disability specified in division (C) of section 57529  
3317.013 of the Revised Code, ~~\$10,673, for fiscal year 2024, and~~ 57530  
~~\$11,960 for fiscal year 2025~~\$12,534; 57531

(IV) If the student is receiving special education 57532  
services for a disability specified in division (D) of section 57533  
3317.013 of the Revised Code, ~~\$14,243, for fiscal year 2024, and~~ 57534  
~~\$15,787 for fiscal year 2025~~\$16,545; 57535

(V) If the student is receiving special education services 57536  
for a disability specified in division (E) of section 3317.013 57537  
of the Revised Code, ~~\$19,290, for fiscal year 2024, and \$21,197-~~ 57538  
~~for fiscal year 2025~~\$22,214; 57539

(VI) If the student is receiving special education 57540  
services for a disability specified in division (F) of section 57541  
3317.013 of the Revised Code, ~~\$28,438, for fiscal year 2024, and~~ 57542  
~~\$30,469 for fiscal year 2025~~\$31,932. 57543

(iii) ~~\$30,000, for fiscal year 2024, and \$32,445 for-~~ 57544  
~~fiscal year 2025~~\$34,000. 57545

The amount specified in division (A) (13) (a) (ii) of this section shall increase in future fiscal years by the same percentage that the statewide average base cost per pupil increases in future fiscal years.

The amounts specified in divisions (A) (13) (a) (ii) (I) to (VI) of this section shall increase in future fiscal years by the same percentage that the amounts calculated by the general assembly for those categories of special education services under division (A) (3) of this section increase in future fiscal years.

(b) Compute the sum of the amounts calculated under division (A) (13) (a) of this section.

(14) If the funding unit is the community and STEM school unit, an equity supplement calculated as follows:

\$650 X each student in the funding unit's enrolled ADM who is not enrolled in an internet- or computer-based community school.

(15) If the funding unit is the nonchartered educational savings account unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, an amount calculated under section 3310.26 of the Revised Code;

(b) Compute the sum of the amounts calculated under division (A) (15) (a) of this section.

(B) In any fiscal year, a funding unit that is a city, local, or exempted village school district shall spend for purposes that the department designates as approved for special education and related services expenses at least the amount calculated as follows:

(The base cost per pupil calculated for the district for that

fiscal year X the total special education ADM) + (the district's  
category one special education ADM X the multiple specified in  
division (A) of section 3317.013 of the Revised Code X the  
statewide average base cost per pupil) + (the district's  
category two special education ADM X the multiple specified in  
division (B) of section 3317.013 of the Revised Code X the  
statewide average base cost per pupil) + (the district's  
category three special education ADM X the multiple specified in  
division (C) of section 3317.013 of the Revised Code X the  
statewide average base cost per pupil) + (the district's  
category four special education ADM X the multiple specified in  
division (D) of section 3317.013 of the Revised Code X the  
statewide average base cost per pupil) + (the district's  
category five special education ADM X the multiple specified in  
division (E) of section 3317.013 of the Revised Code X the  
statewide average base cost per pupil) + (the district's  
category six special education ADM X the multiple specified in  
division (F) of section 3317.013 of the Revised Code X the  
statewide average base cost per pupil)

The purposes approved by the department for special  
education expenses shall include, but shall not be limited to,  
identification of children with disabilities, compliance with  
state rules governing the education of children with  
disabilities and prescribing the continuum of program options  
for children with disabilities, provision of speech language  
pathology services, and the portion of the school district's  
overall administrative and overhead costs that are attributable  
to the district's special education student population.

(C) A funding unit that is a city, local, or exempted  
village school district shall spend the funds it receives under  
division (A) (4) of this section in accordance with section

3317.25 of the Revised Code. 57605

(D) (1) Except as provided in division (B) of section 57606  
3317.026 of the Revised Code, the department shall distribute to 57607  
each community school established under Chapter 3314. of the 57608  
Revised Code and to each STEM school established under Chapter 57609  
3326. of the Revised Code, from the funds paid to the community 57610  
and STEM school unit under this section, an amount for each 57611  
student enrolled in the school equal to the sum of the 57612  
following: 57613

(a) The school's base cost per pupil for that fiscal year, 57614  
calculated as follows: 57615

(i) For fiscal years 2024-2026 and 2025-2027: 57616

The aggregate base cost calculated for the school for that 57617  
fiscal year under section 3317.0110 of the Revised Code / the 57618  
number of students enrolled in the school for that fiscal year 57619

(ii) For fiscal year 2026-2028 and each fiscal year 57620  
thereafter, an amount determined by the general assembly under 57621  
division (A) (1) (b) (ii) of this section divided by the number of 57622  
students enrolled in the school for that fiscal year. 57623

(b) If the student is a special education student: 57624

(i) For fiscal years 2024-2026 and 2025-2027, the multiple 57625  
specified for the student's special education category under 57626  
section 3317.013 of the Revised Code times the statewide average 57627  
base cost per pupil; 57628

(ii) For fiscal year 2026-2028 and each fiscal year 57629  
thereafter, the amount calculated for the student's special 57630  
education category in a manner determined by the general 57631  
assembly under division (A) (3) (b) of this section. 57632

(c) If <del>the school is not an internet or computer based</del>	57633
<del>community school</del> and the student is economically disadvantaged:	57634
(i) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , the amount	57635
calculated for the student under division (A) (4) (b) (i) (I) <u>or</u>	57636
<u>(II)</u> of this section;	57637
(ii) For fiscal year <del>2026-2028</del> and each fiscal year	57638
thereafter, an amount calculated for the student in the manner	57639
determined by the general assembly under division (A) (4) (b) (ii)	57640
(I) of this section.	57641
(d) If the student is an English learner:	57642
(i) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , the multiple	57643
specified for the student's English learner category under	57644
section 3317.016 of the Revised Code times the statewide average	57645
base cost per pupil;	57646
(ii) For fiscal year <del>2026-2028</del> and each fiscal year	57647
thereafter, the amount calculated for the student's special	57648
education category in a manner determined by the general	57649
assembly under division (A) (5) (b) of this section.	57650
(e) If the student is a career-technical education	57651
student:	57652
(i) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , the multiple	57653
specified for the student's career-technical education category	57654
under section 3317.014 of the Revised Code times the statewide	57655
average career-technical base cost per pupil;	57656
(ii) For fiscal year <del>2026-2028</del> and each fiscal year	57657
thereafter, the amount calculated for the student's career-	57658
technical education category in a manner determined by the	57659
general assembly under section 3317.014 of the Revised Code.	57660



(f) If the student is a career-technical education student: 57661  
57662

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the multiple for career-technical associated services specified under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil; 57663  
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(ii) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, the amount calculated for career-technical associated services in a manner determined by the general assembly under section 3317.014 of the Revised Code. 57667  
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(g) If the school is not an internet- or computer-based community school, an equity supplement equal to \$650 for each student enrolled in the school. 57671  
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(2) The department shall distribute to each community school established under Chapter 3314. of the Revised Code and to each STEM school established under Chapter 3326. of the Revised Code, from the funds paid to the community and STEM school unit under this section, an amount equal to the amount calculated for the school under division (A) (9) of this section. 57674  
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(E) The department shall distribute to the parent of each student for whom an educational choice scholarship is awarded under section 3310.03 or 3310.032 of the Revised Code, or to the student if at least eighteen years of age, from the funds paid to the educational choice scholarship unit under this section, a scholarship equal to the amount calculated for the student under division (A) (10) (a) of this section. The scholarship shall be distributed in monthly partial payments, and the department shall proportionately reduce or terminate the payments for any student who withdraws from a chartered nonpublic school prior to 57680  
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the end of the school year. 57690

For purposes of divisions (E) and (F) of this section, in 57691  
the case of a student who is not living with the student's 57692  
parent, the department shall distribute the scholarship payments 57693  
to the student's guardian, legal custodian, kinship caregiver, 57694  
foster caregiver, or caretaker. For the purposes of this 57695  
division, "caretaker" has the same meaning as in section 57696  
3310.033 of the Revised Code, "kinship caregiver" has the same 57697  
meaning as in section ~~5101.85~~ 5180.50 of the Revised Code, and 57698  
"foster caregiver" has the same meaning as in section 5103.02 of 57699  
the Revised Code. 57700

(F) If a student is awarded a pilot project scholarship 57701  
under sections 3313.974 to 3313.979 of the Revised Code, the 57702  
department shall distribute to the parent of the student, if the 57703  
student is attending a registered private school as defined in 57704  
section 3313.974 of the Revised Code, or the student's school 57705  
district of attendance, if the scholarship is to be used for 57706  
payments to a public school in a school district adjacent to the 57707  
pilot project school district pursuant to section 3327.06 of the 57708  
Revised Code, a scholarship from the funds paid to the pilot 57709  
project scholarship unit under this section that is equal to the 57710  
amount calculated for the student under division (A) (11) (a) of 57711  
this section. 57712

In the case of a scholarship distributed to a student's 57713  
parent, the scholarship shall be distributed in monthly partial 57714  
payments. The scholarship amount shall be proportionately 57715  
reduced in the case of any such student who is not enrolled in a 57716  
registered private school, as that term is defined in section 57717  
3313.974 of the Revised Code, for the entire school year. 57718

In the case of a scholarship distributed to a student's 57719

school district of attendance, the department shall, on behalf 57720  
of the student's parents, use the scholarship to make the 57721  
tuition payments required by section 3327.06 of the Revised Code 57722  
to the student's school district of attendance, except that, 57723  
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 57724  
Revised Code, the total payments in any school year shall not 57725  
exceed the scholarship amount calculated for the student under 57726  
division (A)(11)(a) of this section. 57727

(G) The department shall distribute to the parent of each 57728  
student for whom an autism scholarship is awarded under section 57729  
3310.41 of the Revised Code, from the funds paid to the autism 57730  
scholarship unit under this section, a scholarship equal to the 57731  
amount calculated for the student under division (A)(12)(a) of 57732  
this section. The scholarship shall be distributed from time to 57733  
time in partial payments. The scholarship amount shall be 57734  
proportionately reduced in the case of any student who is not 57735  
enrolled in the special education program for which a 57736  
scholarship was awarded under section 3310.41 of the Revised 57737  
Code for the entire school year. The department shall make no 57738  
payments to the parent of a student while any administrative or 57739  
judicial mediation or proceedings with respect to the content of 57740  
the student's individualized education program are pending. 57741

(H) The department shall distribute to the parent of each 57742  
student for whom a Jon Peterson special needs scholarship is 57743  
awarded under sections 3310.51 to 3310.64 of the Revised Code, 57744  
from the funds paid to the Jon Peterson special needs 57745  
scholarship unit under this section, a scholarship equal to the 57746  
amount calculated for the student under division (A)(13)(a) of 57747  
this section. The scholarship shall be distributed in periodic 57748  
payments, and the department shall proportionately reduce or 57749  
terminate the payments for any student who is not enrolled in 57750

the special education program of an alternative public provider 57751  
or a registered private provider, as those terms are defined in 57752  
section 3310.51 of the Revised Code, for the entire school year. 57753

(I) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a school 57754  
district shall spend the funds it receives under division (A) (5) 57755  
of this section only for services for English learners. 57756

(J) For ~~fiscal year 2024 and each fiscal year thereafter~~, 57757  
a school district shall spend the funds it receives under 57758  
division (A) (6) of this section only for the identification of 57759  
gifted students, gifted coordinator services, and gifted 57760  
intervention specialist services, ~~and gifted professional~~ 57761  
~~development~~. For ~~fiscal year 2024 and each fiscal year~~ 57762  
~~thereafter~~, if the department determines that a district is not 57763  
in compliance with this division, it shall reduce the district's 57764  
payments for that fiscal year under this chapter by an amount 57765  
equal to the amount paid to the district for that fiscal year 57766  
under division (A) (6) of this section that was not spent in 57767  
accordance with this division. The department shall reduce the 57768  
payment within ninety days of data finalization. 57769

(K) The department shall transfer to each educational 57770  
savings account established for a student by the treasurer of 57771  
state under sections 3310.21 to 3310.26 of the Revised Code, 57772  
from the funds paid to the nonchartered educational savings 57773  
account unit under this section, an amount of funds equal to the 57774  
amount calculated for the student under division (A) (15) (a) of 57775  
this section. The department shall distribute those funds in one 57776  
annual payment. To the extent practicable, the department shall 57777  
make that payment for which an account is established prior to 57778  
the school year for which it is sought before the first day of 57779  
that school year. 57780

**Sec. 3317.023.** (A) The amounts required to be paid to a district under this chapter shall be adjusted by the amount of the computations made under divisions (B) to (K) of this section.

As used in this section:

(1) "Career-technical planning district" or "CTPD" means a school district or group of school districts designated by the department of education and workforce as being responsible for the planning for and provision of career-technical education services to students within the district or group. A community school established under Chapter 3314. of the Revised Code or a STEM school established under Chapter 3326. of the Revised Code that is serving students in any of grades seven through twelve shall be assigned to a career-technical planning district by the department.

(2) "Lead district" means a school district, including a joint vocational school district, designated by the department as a CTPD, or designated to provide primary career-technical education leadership within a CTPD composed of a group of districts, community schools assigned to the CTPD, and STEM schools assigned to the CTPD.

(B) If a local, city, or exempted village school district to which a governing board of an educational service center provides services pursuant to an agreement entered into under section 3313.843 of the Revised Code, deduct the amount of the payment required for the reimbursement of the governing board under that section.

(C) (1) If the district is required to pay to or entitled to receive tuition from another school district under division

(C) (2) or (3) of section 3313.64 or section 3313.65 of the Revised Code, or if the department is required to determine the correct amount of tuition and make a deduction or credit under section 3317.08 of the Revised Code, deduct and credit such amounts as provided in division (J) of section 3313.64 or section 3317.08 of the Revised Code.

(2) For each child for whom the district is responsible for tuition or payment under division (A) (1) of section 3317.082 or section 3323.091 of the Revised Code, deduct the amount of tuition or payment for which the district is responsible.

(D) If the district has been certified by the department under section 3313.90 of the Revised Code as not in compliance with the requirements of that section, deduct an amount equal to ten per cent of the amount computed for the district under this chapter.

(E) If the district has received a loan from a commercial lending institution for which payments are made pursuant to division (E) (3) of section 3313.483 of the Revised Code, deduct an amount equal to such payments.

(F) (1) If the district is a party to an agreement entered into under division (D), (E), or (F) of section 3311.06 or division (B) of section 3311.24 of the Revised Code and is obligated to make payments to another district under such an agreement, deduct an amount equal to such payments if the district school board notifies the department in writing that it wishes to have such payments deducted.

(2) If the district is entitled to receive payments from another district that has notified the department to deduct such payments under division (F) (1) of this section, add the amount

of such payments. 57839

(G) If the district is required to pay an amount of funds 57840  
to a cooperative education district pursuant to a provision 57841  
described by division (B) (4) of section 3311.52 or division (B) 57842  
(8) of section 3311.521 of the Revised Code, deduct such amounts 57843  
as provided under that provision and credit those amounts to the 57844  
cooperative education district for payment to the district under 57845  
division (B) (1) of section 3317.19 of the Revised Code. 57846

(H) (1) If a district is educating a student entitled to 57847  
attend school in another district pursuant to a shared education 57848  
contract, compact, or cooperative education agreement other than 57849  
an agreement entered into pursuant to section 3313.842 of the 57850  
Revised Code, credit to that educating district on an FTE basis 57851  
both of the following: 57852

(a) An amount equal to the statewide average base cost per 57853  
pupil. 57854

(b) Any amount applicable to the student pursuant to 57855  
section 3317.013 or 3317.014 of the Revised Code. 57856

(2) Deduct any amount credited pursuant to division (H) (1) 57857  
of this section from amounts paid to the school district in 57858  
which the student is entitled to attend school pursuant to 57859  
section 3313.64 or 3313.65 of the Revised Code. 57860

(3) If the district is required by a shared education 57861  
contract, compact, or cooperative education agreement to make 57862  
payments to an educational service center, deduct the amounts 57863  
from payments to the district and add them to the amounts paid 57864  
to the service center. 57865

(I) (1) If a district, including a joint vocational school 57866  
district, is a lead district of a CTPD, credit to that district 57867

the amount calculated for each school district within that CTPD 57868  
under ~~divisions~~ division (D) ~~and (E)~~ of section 3317.014 of the 57869  
Revised Code and for each community school and STEM school 57870  
assigned to the CTPD under ~~divisions~~ division (D) ~~and (E)~~ of 57871  
section 3317.014 of the Revised Code. 57872

(2) Deduct from each appropriate district that is not a 57873  
lead district, or from the appropriate community school or STEM 57874  
school, the amount attributable to that district or school that 57875  
is credited to a lead district under division (I)(1) of this 57876  
section. 57877

(J) If the department pays a joint vocational school 57878  
district under division (C)(3) of section 3317.16 of the Revised 57879  
Code for excess costs of providing special education and related 57880  
services to a student with a disability, as calculated under 57881  
division (C)(1) of that section, the department shall deduct the 57882  
amount of that payment from the city, local, or exempted village 57883  
school district that is responsible as specified in that section 57884  
for the excess costs. 57885

(K)(1) If the district reports an amount of excess cost 57886  
for special education services for a child under division (C) of 57887  
section 3323.14 of the Revised Code, the department shall pay 57888  
that amount to the district. 57889

(2) If the district reports an amount of excess cost for 57890  
special education services for a child under division (C) of 57891  
section 3323.14 of the Revised Code, the department shall deduct 57892  
that amount from the district of residence of that child. 57893

**Sec. 3317.024.** The following shall be distributed monthly, 57894  
quarterly, or annually as may be determined by the department of 57895  
education and workforce: 57896



(A) An amount for each island school district and each joint state school district for the operation of each high school and each elementary school maintained within such district and for capital improvements for such schools. Such amounts shall be determined on the basis of standards adopted by the department. However, for fiscal years 2012 and 2013, an island district shall receive the lesser of its actual cost of operation, as certified to the department, or ninety-three per cent of the amount the district received in state operating funding for fiscal year 2011. If an island district received no funding for fiscal year 2011, it shall receive no funding for either of fiscal year 2012 or 2013.

(B) An amount for each school district required to pay tuition for a child in an institution maintained by the department of youth services pursuant to section 3317.082 of the Revised Code, provided the child was not included in the calculation of the district's formula ADM, as that term is defined in section 3317.02 of the Revised Code, for the preceding school year.

(C) (1) An amount for the approved cost of transporting eligible pupils with disabilities attending a special education program approved by the department of education and workforce whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by the school district or educational service center. For fiscal years ~~2024-2026~~ and ~~2025~~2027, this amount shall be equal to the actual costs incurred in the prior fiscal year by the district or service center when transporting those students, as reported to the department, multiplied by one of the following:

(a) For a district, the ~~percentage determined for the~~ 57927  
~~district for that fiscal year under divisions (E) (1) (c) (i) and~~ 57928  
~~(ii) of section 3317.0212 of the Revised Code~~ greater of the 57929  
district's state share percentage for the fiscal year or forty- 57930  
three and three-quarters per cent for fiscal year 2026 and 57931  
forty-five and eighty-three hundredths per cent for fiscal year 57932  
2027; 57933

(b) For a service center, ~~thirty-seven~~ forty-three and 57934  
~~one-half~~ three-quarters per cent for fiscal year ~~2024~~ 2026 and 57935  
~~forty-one and two-thirds~~ forty-five and eighty-three-hundredths 57936  
per cent for fiscal year ~~2025~~ 2027. 57937

(2) No district or service center is eligible to receive a 57938  
payment under division (C) of this section for the cost of 57939  
transporting any pupil whom it transports by regular school bus 57940  
and who is included in the district's transportation ADM. 57941

(3) For fiscal years ~~2024~~ 2026 and ~~2025~~ 2027, both of the 57942  
following apply: 57943

(a) The department of education and workforce shall also 57944  
establish the deadline for each district and service center to 57945  
report its actual costs for transporting students described in 57946  
division (C) (1) of this section. 57947

(b) The costs reported by each district and service center 57948  
under division (C) of this section shall be subject to periodic, 57949  
random audits by the department of education and workforce. 57950

(D) An amount to each school district, including each 57951  
cooperative education school district, pursuant to section 57952  
3313.81 of the Revised Code to assist in providing free lunches 57953  
to needy children. The amounts shall be determined on the basis 57954  
of rules adopted by the department of education and workforce. 57955

(E) (1) An amount for auxiliary services to each school district, for each pupil attending a chartered nonpublic elementary or high school within the district that has not elected to receive funds under division (E) (2) of this section.

(2) (a) An amount for auxiliary services paid directly to each chartered nonpublic school that has elected to receive funds under division (E) (2) of this section for each pupil attending the school. To elect to receive funds under division (E) (2) of this section, a school, by the first day of April of each odd-numbered year, shall notify the department of education and workforce and the school district in which the school is located of the election and shall submit to the department an affidavit certifying that the school shall expend the funds in the manner outlined in section 3317.062 of the Revised Code. The election shall take effect the following first day of July. The school subsequently may rescind its election, but it may do so only in an odd-numbered year by notifying the department and the school district in which the school is located of the rescission not later than the first day of April of that year. Beginning the following first day of July after the rescission, the school shall receive funds under division (E) (1) of this section.

(b) Not later later than ten days after the notification of approval and issuance of a charter to a nonpublic school, that school may elect to receive funds under division (E) (2) of this section. If no election is made, the chartered nonpublic school shall receive funds under division (E) (1) of this section. The school may subsequently change its election in accordance with division (E) (2) (a) of this section.

(c) A chartered nonpublic school that elects to receive auxiliary services funds under division (E) (2) of this section

may designate an organization that oversees one or more 57986  
nonpublic schools to receive those funds on its behalf. 57987

(i) Each chartered nonpublic school that designates an 57988  
organization to receive auxiliary services funds on its behalf 57989  
shall notify the department of education and workforce of the 57990  
organization's name not later than the first day of April of 57991  
each odd-numbered year. 57992

(ii) A school may rescind its decision, but may do so only 57993  
in each odd-numbered year by notifying the department of that 57994  
rescission not later than the first day of April of that year. A 57995  
rescission submitted in compliance with this division takes 57996  
effect on the following first day of July, and the school 57997  
district may elect to then begin receiving auxiliary services 57998  
funds directly or as specified under division (E)(1) of this 57999  
section. 58000

(iii) An organization shall disburse the auxiliary 58001  
services funds of all chartered nonpublic schools that have 58002  
designated the organization to receive funds on their behalf in 58003  
accordance with division (E)(2)(c) of this section. If multiple 58004  
chartered nonpublic schools designate the same organization to 58005  
receive auxiliary services funds on their behalf, that 58006  
organization may use one or more accounts for the purposes of 58007  
managing the funds. The organization shall maintain appropriate 58008  
accounting and reporting standards and ensure that each 58009  
chartered nonpublic school receives the auxiliary services funds 58010  
to which the school is entitled. 58011

(iv) Each chartered nonpublic school that elects to 58012  
receive funds directly in accordance with division (E)(2) of 58013  
this section or the organization designated to receive and 58014  
disburse auxiliary services funds on behalf of a chartered 58015

nonpublic school shall maintain records of receipt and 58016  
expenditures of the funds in a manner that conforms with 58017  
generally accepted accounting principles. 58018

(v) The department of education and workforce shall create 58019  
and disseminate a standardized reporting form that chartered 58020  
nonpublic schools and organizations designated to receive funds 58021  
in accordance with division (E) (2) (c) of this section may use to 58022  
comply with division (E) (2) (c) (iv) of this section. However, the 58023  
department shall not require schools to use that form. 58024

(vi) An organization that manages a school's auxiliary 58025  
services funds pursuant to a designation made in accordance with 58026  
division (E) (2) (c) of this section may require the school's 58027  
governing authority to pay a fee for that service that does not 58028  
exceed four per cent of the total amount of payments for 58029  
auxiliary services that the school receives from the state. A 58030  
school may pay any fee assessed pursuant to division (E) (2) (c) 58031  
(vi) of this section using auxiliary services funds. 58032

(d) The amount paid under divisions (E) (1) and (2) of this 58033  
section shall equal the total amount appropriated for the 58034  
implementation of sections 3317.06 and 3317.062 of the Revised 58035  
Code divided by the average daily membership in grades 58036  
kindergarten through twelve in chartered nonpublic elementary 58037  
and high schools within the state as determined as of the last 58038  
day of October of each school year. 58039

(F) An amount for each county board of developmental 58040  
disabilities for the approved cost of transportation required 58041  
for children attending special education programs operated by 58042  
the county board under section 3323.09 of the Revised Code. For 58043  
fiscal years ~~2024-2026~~ and ~~2025~~2027, this amount shall be equal 58044  
to the actual costs incurred in the prior fiscal year by the 58045

county board when transporting those students multiplied by 58046  
~~thirty-seven~~ forty-three and ~~one-half~~ three-quarters per cent 58047  
for fiscal year ~~2024-2026~~ and ~~forty-one and two-thirds~~ forty- 58048  
five and eighty-three hundredths per cent for fiscal year 58049  
~~2025~~2027. 58050

(G) An amount to each institution defined under section 58051  
3317.082 of the Revised Code providing elementary or secondary 58052  
education to children other than children receiving special 58053  
education under section 3323.091 of the Revised Code. This 58054  
amount for any institution in any fiscal year shall equal the 58055  
total of all tuition amounts required to be paid to the 58056  
institution under division (A) (1) of section 3317.082 of the 58057  
Revised Code. 58058

The department of education and workforce or any board of 58059  
education or governing board may provide for any resident of a 58060  
district or educational service center territory any educational 58061  
service for which funds are made available to the board by the 58062  
United States under the authority of public law, whether such 58063  
funds come directly or indirectly from the United States or any 58064  
agency or department thereof or through the state or any agency, 58065  
department, or political subdivision thereof. 58066

**Sec. 3317.026.** This section shall apply only for fiscal 58067  
years ~~2024-2026~~ and ~~2025~~2027. 58068

(A) For each fiscal year, the department of education and 58069  
workforce shall calculate an amount for the community and STEM 58070  
school unit as follows: 58071

(1) For each community school and STEM school, determine 58072  
the sum of the following: 58073

(a) The aggregate base cost calculated for the school for 58074

that fiscal year under section 3317.0110 of the Revised Code; 58075

(b) The sum of the following: 58076

(i) The school's category one special education ADM X the 58077  
multiple specified in division (A) of section 3317.013 of the 58078  
Revised Code X the statewide average base cost per pupil for 58079  
that fiscal year; 58080

(ii) The school's category two special education ADM X the 58081  
multiple specified in division (B) of section 3317.013 of the 58082  
Revised Code X the statewide average base cost per pupil for 58083  
that fiscal year; 58084

(iii) The school's category three special education ADM X 58085  
the multiple specified in division (C) of section 3317.013 of 58086  
the Revised Code X the statewide average base cost per pupil for 58087  
that fiscal year; 58088

(iv) The school's category four special education ADM X 58089  
the multiple specified in division (D) of section 3317.013 of 58090  
the Revised Code X the statewide average base cost per pupil for 58091  
that fiscal year; 58092

(v) The school's category five special education ADM X the 58093  
multiple specified in division (E) of section 3317.013 of the 58094  
Revised Code X the statewide average base cost per pupil for 58095  
that fiscal year; 58096

(vi) The school's category six special education ADM X the 58097  
multiple specified in division (F) of section 3317.013 of the 58098  
Revised Code X the statewide average base cost per pupil for 58099  
that fiscal year. 58100

~~(e)~~(c)(i) If the school is not an internet- or computer- 58101  
based community school, an amount of disadvantaged pupil impact 58102

aid equal to the following:	58103
\$422 X the school's economically disadvantaged index X the	58104
number of students in the school's enrolled ADM who are	58105
economically disadvantaged	58106
(ii) <u>If the school is an internet- or computer-based</u>	58107
<u>community school, an amount of disadvantaged pupil impact aid</u>	58108
<u>equal to the following:</u>	58109
<u>\$211 X the school's economically disadvantaged index X the</u>	58110
<u>number of students in the school's enrolled ADM who are</u>	58111
<u>economically disadvantaged</u>	58112
(d) The sum of the following:	58113
(i) The school's category one English learner ADM X the	58114
multiple specified in division (A) of section 3317.016 of the	58115
Revised Code X the statewide average base cost per pupil for	58116
that fiscal year;	58117
(ii) The school's category two English learner ADM X the	58118
multiple specified in division (B) of section 3317.016 of the	58119
Revised Code X the statewide average base cost per pupil for	58120
that fiscal year;	58121
(iii) The school's category three English learner ADM X	58122
the multiple specified in division (C) of section 3317.016 of	58123
the Revised Code X the statewide average base cost per pupil for	58124
that fiscal year.	58125
(e) The sum of the following:	58126
(i) The school's category one career-technical education	58127
ADM X the multiple specified under division (A) (1) of section	58128
3317.014 of the Revised Code X the statewide average career-	58129
technical base cost per pupil for that fiscal year;	58130



(ii) The school's category two career-technical education	58131
ADM X the multiple specified under division (A) (2) of section	58132
3317.014 of the Revised Code X the statewide average career-	58133
technical base cost per pupil for that fiscal year;	58134
(iii) The school's category three career-technical	58135
education ADM X the multiple specified under division (A) (3) of	58136
section 3317.014 of the Revised Code X the statewide average	58137
career-technical base cost per pupil for that fiscal year;	58138
(iv) The school's category four career-technical education	58139
ADM X the multiple specified under division (A) (4) of section	58140
3317.014 of the Revised Code X the statewide average career-	58141
technical base cost per pupil for that fiscal year;	58142
(v) The school's category five career-technical education	58143
ADM X the multiple specified under division (A) (5) of section	58144
3317.014 of the Revised Code X the statewide average career-	58145
technical base cost per pupil for that fiscal year.	58146
(f) An amount equal to the following:	58147
The multiple for career-technical associated services	58148
specified under division (B) of section 3317.014 of the Revised	58149
Code X the statewide average career-technical base cost per	58150
pupil for that fiscal year X the sum of the school's categories	58151
one through five career-technical education ADM	58152
(g) If the school is a community school, an amount equal	58153
to the following:	58154
The number of students reported by the community school	58155
under division (B) (5) of section 3314.08 of the Revised Code X	58156
(the aggregate base cost calculated for the school for that	58157
fiscal year under section 3317.0110 of the Revised Code / the	58158
school's enrolled ADM) X 0.20	58159

<u>(h) If the school is not an internet- or computer-based</u>	58160
<u>community school, an equity supplement calculated as follows:</u>	58161
<u>The number of students in the school's enrolled ADM X \$650</u>	58162
(2) For each community and STEM school, determine the	58163
lesser of the following:	58164
(a) The following sum:	58165
The school's funding base + {[the sum calculated for the	58166
school under division (A) of this section) - the school's	58167
funding base] X the school's general phase-in percentage for	58168
that fiscal year}	58169
(b) The sum of the amounts calculated for the school for	58170
that fiscal year under division (A) of this section.	58171
(3) Compute the sum of the amounts determined under	58172
division (B) of this section to determine the amount calculated	58173
for the community and STEM school unit.	58174
(B) Notwithstanding division (D) of section 3317.022 of	58175
the Revised Code, for each fiscal year, the department shall	58176
distribute to each community school and each STEM school, from	58177
the funds paid to the community and STEM school unit under	58178
section 3317.022 of the Revised Code, an amount equal to the	58179
amount determined for that school under division (A) (2) of this	58180
section.	58181
<b>Sec. 3317.0212.</b> (A) As used in this section:	58182
(1) For fiscal years <u>2024-2026</u> and <u>2025-2027</u> , "assigned	58183
bus" means a school bus used to transport qualifying riders.	58184
(2) For fiscal years <u>2024-2026</u> and <u>2025-2027</u> , "density"	58185
means the total riders per square mile of a school district.	58186

(3) For fiscal years ~~2024-2026~~ and ~~2025~~2027, 58187  
"nontraditional ridership" means the average number of 58188  
qualifying riders who are enrolled in a community school 58189  
established under Chapter 3314. of the Revised Code, in a STEM 58190  
school established under Chapter 3326. of the Revised Code, or 58191  
in a nonpublic school and are provided school bus service by a 58192  
school district during the first full week of October. 58193

(4) "Qualifying riders" means the following: 58194

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, resident 58195  
students enrolled in preschool and regular education in grades 58196  
kindergarten to twelve who are provided school bus service by a 58197  
school district, including students with dual enrollment in a 58198  
joint vocational school district or a cooperative education 58199  
school district, and students enrolled in a community school, 58200  
STEM school, or nonpublic school; 58201

(b) For fiscal year ~~2026-2028~~ and each fiscal year 58202  
thereafter, students specified by the general assembly. 58203

(5) "Qualifying ridership" means the following: 58204

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the greater 58205  
of the average number of qualifying riders counted in the 58206  
morning or counted in the afternoon who are provided school bus 58207  
service by a school district during the first full week of 58208  
October; 58209

(b) For fiscal year ~~2026-2028~~ and each fiscal year 58210  
thereafter, a ridership determined in a manner specified by the 58211  
general assembly. 58212

(6) "Rider density" means the following: 58213

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following 58214

quotient: 58215

A school district's total number of qualifying riders/ the 58216  
number of square miles in the district 58217

(b) For fiscal year ~~2026~~2028 and each fiscal year 58218  
thereafter, a number calculated in a manner determined by the 58219  
general assembly. 58220

(7) For fiscal years ~~2024~~2026 and ~~2025~~2027, "riders" 58221  
means students enrolled in regular and special education in 58222  
grades kindergarten through twelve who are provided school bus 58223  
service by a school district, including students with dual 58224  
enrollment in a joint vocational school district or a 58225  
cooperative education school district, and students enrolled in 58226  
a community school, STEM school, or nonpublic school. 58227

(8) "School bus service" means a school district's 58228  
transportation of qualifying riders in any of the following 58229  
types of vehicles: 58230

(a) School buses owned or leased by the district; 58231

(b) School buses operated by a private contractor hired by 58232  
the district; 58233

(c) School buses operated by another school district or 58234  
entity with which the district has contracted, either as part of 58235  
a consortium for the provision of transportation or otherwise. 58236

(B) Not later than the first day of November, for fiscal 58237  
years ~~2024~~2026 and ~~2025~~2027, or a date determined by the 58238  
general assembly, for fiscal year ~~2026~~2028 and each fiscal year 58239  
thereafter, of each year, each city, local, and exempted village 58240  
school district shall report to the department of education and 58241  
workforce its qualifying ridership and any other information 58242

requested by the department. Subsequent adjustments to the 58243  
reported numbers shall be made only in accordance with rules 58244  
adopted by the department. 58245

(C) The department shall calculate the statewide 58246  
transportation cost per student as follows: 58247

(1) Determine each city, local, and exempted village 58248  
school district's transportation cost per student by dividing 58249  
the district's total costs for school bus service in the 58250  
previous fiscal year by its qualifying ridership in the previous 58251  
fiscal year. 58252

(2) After excluding districts that do not provide school 58253  
bus service and the ten districts with the highest 58254  
transportation costs per student and the ten districts with the 58255  
lowest transportation costs per student, divide the aggregate 58256  
cost for school bus service for the remaining districts in the 58257  
previous fiscal year by the aggregate qualifying ridership of 58258  
those districts in the previous fiscal year. 58259

(D) The department shall calculate the statewide 58260  
transportation cost per mile as follows: 58261

(1) Determine each city, local, and exempted village 58262  
school district's transportation cost per mile by dividing the 58263  
district's total costs for school bus service in the previous 58264  
fiscal year by its total number of miles driven for school bus 58265  
service in the previous fiscal year. 58266

(2) After excluding districts that do not provide school 58267  
bus service and the ten districts with the highest 58268  
transportation costs per mile and the ten districts with the 58269  
lowest transportation costs per mile, divide the aggregate cost 58270  
for school bus service for the remaining districts in the 58271

previous fiscal year by the aggregate miles driven for school bus service in those districts in the previous fiscal year. 58272  
58273

(E) The department shall calculate each city, local, and exempted village school district's transportation base payment as follows: 58274  
58275  
58276

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027: 58277

(a) Calculate the sum of the following: 58278

(i) The product of the statewide transportation cost per student and the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in the district; 58279  
58280  
58281  
58282

(ii) 1.5 times the statewide transportation cost per student times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in community schools established under Chapter 3314. of the Revised Code or STEM schools established under Chapter 3326. of the Revised Code; 58283  
58284  
58285  
58286  
58287  
58288

(iii) 2.0 times the statewide transportation cost per student times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in nonpublic schools. 58289  
58290  
58291  
58292

(b) Calculate the sum of the following: 58293

(i) The product of the statewide transportation cost per mile and the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in the district; 58294  
58295  
58296  
58297

(ii) 1.5 times the statewide transportation cost per mile times the number of miles driven for school bus service as 58298  
58299

reported for qualifying riders for the current fiscal year who 58300  
are enrolled in community schools or STEM schools; 58301

(iii) 2.0 times the statewide transportation cost per mile 58302  
times the number of miles driven for school bus service as 58303  
reported for qualifying riders for the current fiscal year who 58304  
are enrolled in nonpublic schools. 58305

(c) Multiply the greater of the amounts calculated under 58306  
divisions (E) (1) (a) and (b) of this section by the following: 58307

(i) For fiscal year ~~2024~~2026, the greater of ~~thirty-seven-~~ 58308  
~~forty-five~~ and ~~one-half-eighty-three~~ hundredths per cent or the 58309  
district's state share percentage, as defined in section 3317.02 58310  
of the Revised Code; 58311

(ii) For fiscal year ~~2025~~2027, the greater of ~~forty-one-~~ 58312  
~~and two-thirds-fifty~~ per cent or the district's state share 58313  
percentage. 58314

(2) For fiscal year ~~2026-2028~~ and each fiscal year 58315  
thereafter, an amount determined by the general assembly. 58316

(F) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 58317  
department shall pay a district's efficiency adjustment payment 58318  
in accordance with divisions (F) (1) to (3) of this section. For 58319  
fiscal year ~~2026-2028~~ and each fiscal year thereafter, the 58320  
department shall pay a district's efficiency adjustment payment 58321  
in a manner determined by the general assembly, if the general 58322  
assembly authorizes such a payment to districts. 58323

(1) The department annually shall establish a target 58324  
number of qualifying riders per assigned bus for each city, 58325  
local, and exempted village school district. The department 58326  
shall use the ~~most recently available~~ data from the previous 58327  
fiscal year in establishing the target number. The target number 58328

shall be based on the statewide median number of riders per 58329  
assigned bus as adjusted to reflect the district's density in 58330  
comparison to the density of all other districts. The department 58331  
shall post on the department's web site each district's target 58332  
number of riders per assigned bus and a description of how the 58333  
target number was determined. 58334

(2) The department shall determine each school district's 58335  
efficiency index by dividing the district's number of riders per 58336  
assigned bus by its target number of riders per assigned bus. 58337

(3) The department shall determine each city, local, and 58338  
exempted village school district's efficiency adjustment payment 58339  
as follows: 58340

(a) If the district's efficiency index is equal to or 58341  
greater than 1.5, the efficiency adjustment payment shall be 58342  
calculated according to the following formula: 58343

0.15 X the district's transportation base payment calculated 58344  
under division (E) of this section 58345

(b) If the district's efficiency index is less than 1.5 58346  
but greater than or equal to 1.0, the efficiency adjustment 58347  
payment shall be calculated according to the following formula: 58348

{[(The district's efficiency index - 1) X 0.15]/0.5} X the 58349  
district's transportation base payment calculated under division 58350  
(E) of this section 58351

(c) If the district's efficiency index is less than 1.0, 58352  
the efficiency adjustment payment shall be zero. 58353

(G) In addition to funds paid under divisions (E), (F), 58354  
and (H) of this section, each city, local, and exempted village 58355  
district shall receive in accordance with rules adopted by the 58356



department a payment for students transported by means other 58357  
than school bus service and whose transportation is not funded 58358  
under division (C) of section 3317.024 of the Revised Code. The 58359  
rules shall include provisions for school district reporting of 58360  
such students. 58361

(H) (1) For purposes of division (H) of this section, a 58362  
school district's "transportation supplement percentage" means 58363  
the following: 58364

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following 58365  
quotient: 58366

(28 - the district's rider density) / 100 58367

If the result of the calculation for a district under 58368  
division (H) (1) (a) of this section is less than zero, the 58369  
district's transportation supplement percentage shall be zero. 58370

(b) For fiscal year ~~2026-2028~~ and each fiscal year 58371  
thereafter, a percentage calculated in a manner determined by 58372  
the general assembly. 58373

(2) The department shall pay each district a 58374  
transportation supplement calculated according to the following 58375  
formula: 58376

The district's transportation supplement percentage X the amount 58377  
calculated for the district under division (E) (1) (b) of this 58378  
section X 0.55 58379

(I) (1) If a school district board and a community school 58380  
governing authority elect to enter into an agreement under 58381  
division (A) of section 3314.091 of the Revised Code, the 58382  
department shall make payments to the community school according 58383  
to the terms of the agreement for each student actually 58384

transported under division (C) (1) of that section. If a 58385  
community school governing authority accepts transportation 58386  
responsibility under division (B) of that section, the 58387  
department shall make payments to the community school for each 58388  
student actually transported or for whom transportation is 58389  
arranged by the community school under division (C) (1) of that 58390  
section, calculated as follows: 58391

(a) For any fiscal year which the general assembly has 58392  
specified that transportation payments to school districts be 58393  
based on an across-the-board percentage of the district's 58394  
payment for the previous school year, the per pupil payment to 58395  
the community school shall be the following quotient: 58396

(i) The total amount calculated for the school district in 58397  
which the child is entitled to attend school for student 58398  
transportation other than transportation of children with 58399  
disabilities; divided by 58400

(ii) The number of students included in the district's 58401  
transportation ADM for the current fiscal year, as calculated 58402  
under section 3317.03 of the Revised Code, plus the number of 58403  
students enrolled in the community school not counted in the 58404  
district's transportation ADM who are transported under division 58405  
(B) (1) or (2) of section 3314.091 of the Revised Code. 58406

(b) For any fiscal year which the general assembly has 58407  
specified that the transportation payments to school districts 58408  
be calculated in accordance with this section and any rules of 58409  
the department implementing this section, the payment to the 58410  
community school shall be the following: 58411

(i) For fiscal years 2024-2026 and 2025-2027, either of the 58412  
following: 58413

(I) If the school district in which the student is 58414  
entitled to attend school would have used a method of 58415  
transportation for the student for which payments are computed 58416  
and paid under division (E) of this section, 1.0 times the 58417  
statewide transportation cost per student, as calculated in 58418  
division (C) of this section; 58419

(II) If the school district in which the student is 58420  
entitled to attend school would have used a method of 58421  
transportation for the student for which payments are computed 58422  
and paid in a manner described in division (G) of this section, 58423  
the amount that would otherwise be computed for and paid to the 58424  
district. 58425

(ii) For fiscal year ~~2026~~2028 and each fiscal year 58426  
thereafter, an amount calculated in a manner determined by the 58427  
general assembly. 58428

The community school, however, is not required to use the 58429  
same method to transport the student. 58430

As used in this division, "entitled to attend school" 58431  
means entitled to attend school under section 3313.64 or 3313.65 58432  
of the Revised Code. 58433

(2) A community school shall be paid under division (I) (2) 58434  
of this section only for students who are eligible as specified 58435  
in section 3327.01 of the Revised Code and division (C) (1) of 58436  
section 3314.091 of the Revised Code, and whose transportation 58437  
to and from school is actually provided, who actually utilized 58438  
transportation arranged, or for whom a payment in lieu of 58439  
transportation is made by the community school's governing 58440  
authority. To qualify for the payments, the community school 58441  
shall report to the department, in the form and manner required 58442

by the department, data on the number of students transported or 58443  
whose transportation is arranged, the number of miles traveled, 58444  
cost to transport, and any other information requested by the 58445  
department. 58446

**Sec. 3317.0213.** (A) The department of education and 58447  
workforce shall compute and pay in accordance with this section 58448  
additional state aid for preschool children with disabilities to 58449  
each city, local, and exempted village school district and to 58450  
each institution, as defined in section 3323.091 of the Revised 58451  
Code. Funding shall be provided for children who are not 58452  
enrolled in kindergarten and who are under age six on the 58453  
thirtieth day of September of the academic year, or on the first 58454  
day of August of the academic year if the school district in 58455  
which the child is enrolled has adopted a resolution under 58456  
division (A) (3) of section 3321.01 of the Revised Code, but not 58457  
less than age three on the first day of December of the academic 58458  
year. 58459

For fiscal years ~~2024-2026~~ and ~~2025~~2027, the additional 58460  
state aid shall be calculated under the following formula: 58461

(\$4,000 X the number of students who are preschool 58462  
children with disabilities) + the sum of the following: 58463

(1) The district's or institution's category one special 58464  
education students who are preschool children with disabilities 58465  
X the multiple specified in division (A) of section 3317.013 of 58466  
the Revised Code X the statewide average base cost per pupil for 58467  
that fiscal year X the district's state share percentage X 0.50; 58468

(2) The district's or institution's category two special 58469  
education students who are preschool children with disabilities 58470  
X the multiple specified in division (B) of section 3317.013 of 58471

the Revised Code X the statewide average base cost per pupil for 58472  
that fiscal year X the district's state share percentage X 0.50; 58473

(3) The district's or institution's category three special 58474  
education students who are preschool children with disabilities 58475  
X the multiple specified in division (C) of section 3317.013 of 58476  
the Revised Code X the statewide average base cost per pupil for 58477  
that fiscal year X the district's state share percentage X 0.50; 58478

(4) The district's or institution's category four special 58479  
education students who are preschool children with disabilities 58480  
X the multiple specified in division (D) of section 3317.013 of 58481  
the Revised Code X the statewide average base cost per pupil for 58482  
that fiscal year X the district's state share percentage X 0.50; 58483

(5) The district's or institution's category five special 58484  
education students who are preschool children with disabilities 58485  
X the multiple specified in division (E) of section 3317.013 of 58486  
the Revised Code X the statewide average base cost per pupil for 58487  
that fiscal year X the district's state share percentage X 0.50; 58488

(6) The district's or institution's category six special 58489  
education students who are preschool children with disabilities 58490  
X the multiple specified in division (F) of section 3317.013 of 58491  
the Revised Code X the statewide average base cost per pupil for 58492  
that fiscal year X the district's state share percentage X 0.50. 58493

For fiscal year ~~2026~~2028 and each fiscal year thereafter, 58494  
the additional state aid shall be calculated for each category 58495  
of special education students who are preschool children with 58496  
disabilities using a formula specified by the general assembly. 58497

The special education disability categories for preschool 58498  
children used in this section are the same categories prescribed 58499  
in section 3317.013 of the Revised Code. 58500

As used in division (A) of this section, the state share 58501  
percentage of a student enrolled in an institution is the state 58502  
share percentage of the school district in which the student is 58503  
entitled to attend school under section 3313.64 or 3313.65 of 58504  
the Revised Code. 58505

(B) If an educational service center is providing services 58506  
to students who are preschool children with disabilities under 58507  
agreement with the city, local, or exempted village school 58508  
district in which the students are entitled to attend school, 58509  
that district may authorize the department to transfer funds 58510  
computed under this section to the service center providing 58511  
those services. 58512

(C) If a county DD board is providing services to students 58513  
who are preschool children with disabilities under agreement 58514  
with the city, local, or exempted village school district in 58515  
which the students are entitled to attend school, the department 58516  
shall deduct from the district's payment computed under division 58517  
(A) of this section the total amount of those funds that are 58518  
attributable to the students served by the county DD board and 58519  
pay that amount to that board. 58520

**Sec. 3317.0215.** (A) (1) For fiscal years ~~2024-2026~~ and 58521  
~~2025-2027~~, the department of education and workforce shall 58522  
withhold from the aggregate amount paid for a fiscal year to 58523  
each city, local, exempted village, and joint vocational school 58524  
district, community school established under Chapter 3314. of 58525  
the Revised Code, and science, technology, engineering, and 58526  
mathematics school established under Chapter 3326. of the 58527  
Revised Code an amount equal to the following: 58528

(a) In the case of a city, local, or exempted village 58529  
school district, the aggregate amount of special education 58530

funding paid to the district under division (A) (3) of section 3317.022 of the Revised Code times 0.10, subject to any funding limitations enacted by the general assembly to the computation. 58531  
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(b) In the case of a community school or STEM school, the aggregate amount of special education funding paid to the school under division (A) (1) (b) of section 3317.026 of the Revised Code times 0.10, subject to any funding limitations enacted by the general assembly to the computation. 58534  
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(c) In the case of a joint vocational school district, the aggregate amount of special education funding paid to the school under division (A) (2) of section 3317.16 of the Revised Code times 0.10, subject to any funding limitations enacted by the general assembly to the computation. 58539  
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(2) For fiscal year ~~2026~~2028 and each fiscal year thereafter, the department shall withhold from the aggregate amount paid for a fiscal year to each city, local, exempted village, and joint vocational school district, community school, and science, technology, engineering, and mathematics school an amount determined by the general assembly, if any, for purposes of this section. 58544  
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(B) For fiscal years ~~2024~~2026 and ~~2025~~2027, the department shall use the amount of funds withheld under division (A) of this section for purposes of division (C) (1) of section 3314.08 of the Revised Code, section 3317.0214 of the Revised Code, division (B) of section 3317.16 of the Revised Code, and section 3326.34 of the Revised Code. 58551  
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For fiscal year ~~2026~~2028 and each fiscal year thereafter, the department shall use the amount of funds withheld under division (A) of this section, if any, for purposes determined by 58557  
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58559

the general assembly. 58560

**Sec. 3317.0217.** This section shall apply only for fiscal 58561  
years ~~2024–2026~~ and ~~2025~~2027. 58562

Payment of the amount calculated for a school district 58563  
under this section shall be made under division (A) of section 58564  
3317.022 of the Revised Code. 58565

(A) For each fiscal year, the department of education and 58566  
workforce shall compute targeted assistance funds for city, 58567  
local, and exempted village school districts, in accordance with 58568  
the following formula: 58569

A district's capacity amount for that fiscal year 58570  
calculated under division (B) of this section + a district's 58571  
wealth amount for that fiscal year calculated under division (C) 58572  
of this section 58573

(B) The department shall calculate each district's 58574  
capacity amount for a fiscal year as follows: 58575

(1) Calculate each district's weighted wealth for that 58576  
fiscal year, which equals the following sum: 58577

(The amount determined for the district for that fiscal year 58578  
under division (A) (1) (a) of section 3317.017 of the Revised Code 58579  
X 0.6) + (the amount determined for the district for that fiscal 58580  
year under division (A) (2) (a) of section 3317.017 of the Revised 58581  
Code X 0.4) 58582

(2) Determine the median weighted wealth of all school 58583  
districts in this state for that fiscal year; 58584

(3) Compute each district's capacity index for that fiscal 58585  
year by dividing the median weighted wealth of all school 58586  
districts in this state for that fiscal year by the district's 58587



weighted wealth for that fiscal year; 58588

(4) Compute each district's capacity amount for that 58589  
fiscal year as follows: 58590

(a) The district's capacity amount shall be zero if the 58591  
district satisfies either of the following criteria for that 58592  
fiscal year: 58593

(i) The district's capacity index is less than 1. 58594

(ii) The district's enrolled ADM is less than 200. 58595

(b) If the district does not satisfy either of the 58596  
criteria specified in division (B) (4) (a) of this section for 58597  
that fiscal year, the district's capacity amount for that fiscal 58598  
year shall be calculated as follows: 58599

(i) Compute the following amount for the district: 58600

(The median weighted wealth of all school districts in this 58601  
state for that fiscal year X 0.008) - (the district's weighted 58602  
wealth for that fiscal year X 0.008) 58603

(ii) If the district's enrolled ADM for that fiscal year 58604  
is greater than or equal to 200 but less than or equal to 400, 58605  
the district's capacity amount for that fiscal year shall be 58606  
equal to 0.05 X the amount computed under division (B) (4) (b) (i) 58607  
of this section. 58608

(iii) If the district's enrolled ADM for that fiscal year 58609  
is greater than 400 and less than 600, the district's capacity 58610  
amount for that fiscal year shall be calculated in accordance 58611  
with the following formula: 58612

{[0.95 X (the district's enrolled ADM for that fiscal year - 58613  
400)/200] + 0.05} X the amount computed under division (B) (4) (b) 58614

(i) of this section	58615
(iv) If the district's enrolled ADM for that fiscal year is greater than or equal to 600, the district's capacity amount for that fiscal year shall be equal to the amount computed under division (B) (4) (b) (i) of this section.	58616 58617 58618 58619
(C) The department shall calculate each district's wealth amount for a fiscal year as follows:	58620 58621
(1) Calculate each district's weighted wealth per pupil for that fiscal year, which equals the following quotient:	58622 58623
The district's weighted wealth for that fiscal year calculated under division (B) (1) of this section/ (the district's enrolled ADM for that fiscal year - the students described in division (A) (1) (b) of section 3317.03 of the Revised Code + the students described in division (A) (2) (d) of section 3317.03 of the Revised Code)	58624 58625 58626 58627 58628 58629
(2) Determine the median weighted wealth per pupil of all school districts in this state for that fiscal year;	58630 58631
(3) Compute each district's wealth index for that fiscal year by dividing the median weighted wealth per pupil of all school districts in this state for that fiscal year by the district's weighted wealth per pupil for that fiscal year;	58632 58633 58634 58635
(4) Compute each district's wealth amount for that fiscal year, as follows:	58636 58637
(a) If the district's wealth index computed under division (C) (3) of this section for that fiscal year is less than 0.8, the district's wealth amount for that fiscal year shall be zero.	58638 58639 58640
(b) If the district's wealth index computed under division (C) (3) of this section for that fiscal year is greater than or	58641 58642

equal to 0.8, the district's wealth amount for that fiscal year 58643  
shall be calculated in accordance with the following formula: 58644

[(The median weighted wealth per pupil of all school districts 58645  
in this state for that fiscal year X 0.014) - (the district's 58646  
weighted wealth per pupil for that fiscal year X 0.0112)] X the 58647  
district's enrolled ADM for that fiscal year 58648

**Sec. 3317.03.** (A) The superintendent of each city, local, 58649  
and exempted village school district shall report to the 58650  
department of education and workforce as of the last day of 58651  
October, March, and June of each year the enrollment of students 58652  
receiving services from schools under the superintendent's 58653  
supervision, and the numbers of other students entitled to 58654  
attend school in the district under section 3313.64 or 3313.65 58655  
of the Revised Code the superintendent is required to report 58656  
under this section, so that the department can calculate the 58657  
district's enrolled ADM, formula ADM, total ADM, category one 58658  
through five career-technical education ADM, category one 58659  
through three English learner ADM, category one through six 58660  
special education ADM, transportation ADM, and, for purposes of 58661  
provisions of law outside of Chapter 3317. of the Revised Code, 58662  
average daily membership. 58663

(1) The enrollment reported by the superintendent during 58664  
the reporting period shall consist of the number of students in 58665  
grades kindergarten through twelve receiving any educational 58666  
services from the district, except that the following categories 58667  
of students shall not be included in the determination: 58668

(a) Students enrolled in adult education classes; 58669

(b) Adjacent or other district students enrolled in the 58670  
district under an open enrollment policy pursuant to section 58671

3313.98 of the Revised Code;	58672
(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;	58673 58674 58675 58676
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code;	58677 58678
(e) Students receiving services in the district through a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.	58679 58680 58681
When reporting students under division (A)(1) of this section, the superintendent also shall report the district where each student is entitled to attend school pursuant to sections 3313.64 and 3313.65 of the Revised Code.	58682 58683 58684 58685
(2) The department shall compile a list of all students reported to be enrolled in a district under division (A)(1) of this section and of the students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code on an FTE basis but receiving educational services in grades kindergarten through twelve from one or more of the following entities:	58686 58687 58688 58689 58690 58691 58692
(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	58693 58694 58695 58696
(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code;	58697 58698
(c) A college pursuant to Chapter 3365. of the Revised	58699

Code, except when the student is enrolled in the college while 58700  
also enrolled in a community school pursuant to Chapter 3314., a 58701  
science, technology, engineering, and mathematics school 58702  
established under Chapter 3326., or a college-preparatory 58703  
boarding school established under Chapter 3328. of the Revised 58704  
Code; 58705

(d) An adjacent or other school district under an open 58706  
enrollment policy adopted pursuant to section 3313.98 of the 58707  
Revised Code; 58708

(e) An educational service center or cooperative education 58709  
district; 58710

(f) Another school district under a cooperative education 58711  
agreement, compact, or contract; 58712

(g) A chartered nonpublic school with a scholarship paid 58713  
under section 3317.022 of the Revised Code, if the students 58714  
qualified for the scholarship under section 3310.03 or 3310.032 58715  
of the Revised Code; 58716

(h) An alternative public provider or a registered private 58717  
provider with a scholarship awarded under either section 3310.41 58718  
or sections 3310.51 to 3310.64 of the Revised Code. 58719

As used in this section, "alternative public provider" and 58720  
"registered private provider" have the same meanings as in 58721  
section 3310.41 or 3310.51 of the Revised Code, as applicable. 58722

(i) A science, technology, engineering, and mathematics 58723  
school established under Chapter 3326. of the Revised Code, 58724  
including any participation in a college pursuant to Chapter 58725  
3365. of the Revised Code while enrolled in the school; 58726

(j) A college-preparatory boarding school established 58727

under Chapter 3328. of the Revised Code, including any 58728  
participation in a college pursuant to Chapter 3365. of the 58729  
Revised Code while enrolled in the school; 58730

(k) A nonchartered nonpublic school if the students have 58731  
educational savings accounts established under sections 3310.21 58732  
to 3310.26 of the Revised Code. 58733

(3) The department also shall compile a list of the 58734  
students entitled to attend school in the district under section 58735  
3313.64 or 3313.65 of the Revised Code who are enrolled in a 58736  
joint vocational school district or under a career-technical 58737  
education compact, excluding any students so entitled to attend 58738  
school in the district who are enrolled in another school 58739  
district through an open enrollment policy as reported under 58740  
division (A) (2) (d) of this section and then enroll in a joint 58741  
vocational school district or under a career-technical education 58742  
compact. 58743

The department shall provide each city, local, and 58744  
exempted village school district with an opportunity to review 58745  
the list of students compiled under divisions (A) (2) and (3) of 58746  
this section to ensure that the students reported accurately 58747  
reflect the enrollment of students in the district. 58748

(B) To enable the department to obtain the data needed to 58749  
complete the calculation of payments pursuant to this chapter, 58750  
each superintendent shall certify from the reports provided by 58751  
the department under division (A) of this section all of the 58752  
following: 58753

(1) The total student enrollment in regular learning day 58754  
classes included in the report under division (A) (1) or (2), 58755  
including any student described in division (A) (1) (b) of this 58756

section and excluding any student reported under divisions (A) 58757  
(2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 58758  
section, of this section for each of the individual grades 58759  
kindergarten through twelve in schools under the 58760  
superintendent's supervision; 58761

(2) The unduplicated count of the number of preschool 58762  
children with disabilities enrolled in the district for whom the 58763  
district is eligible to receive funding under section 3317.0213 58764  
of the Revised Code adjusted for the portion of the year each 58765  
child is so enrolled, in accordance with the disability 58766  
categories prescribed in section 3317.013 of the Revised Code; 58767

(3) The number of children entitled to attend school in 58768  
the district pursuant to section 3313.64 or 3313.65 of the 58769  
Revised Code who are: 58770

(a) Enrolled in a college under Chapter 3365. of the 58771  
Revised Code, except when the student is enrolled in the college 58772  
while also enrolled in a community school pursuant to Chapter 58773  
3314. of the Revised Code, a science, technology, engineering, 58774  
and mathematics school established under Chapter 3326., or a 58775  
college-preparatory boarding school established under Chapter 58776  
3328. of the Revised Code; 58777

(b) Participating in a program operated by a county board 58778  
of developmental disabilities or a state institution. 58779

(4) The total enrollment of pupils in joint vocational 58780  
schools; 58781

(5) The combined enrollment of children with disabilities 58782  
reported under division (A) (1) or (2) of this section, including 58783  
any student described in division (A) (1) (b) of this section and 58784  
excluding any student reported under divisions (A) (2) (a), (b), 58785

(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 58786  
special education services for the category one disability 58787  
described in division (A) of section 3317.013 of the Revised 58788  
Code, including children attending a special education program 58789  
operated by an alternative public provider or a registered 58790  
private provider with a scholarship awarded under sections 58791  
3310.51 to 3310.64 of the Revised Code; 58792

(6) The combined enrollment of children with disabilities 58793  
reported under division (A)(1) or (2) of this section, including 58794  
any student described in division (A)(1)(b) of this section and 58795  
excluding any student reported under divisions (A)(2)(a), (b), 58796  
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 58797  
special education services for category two disabilities 58798  
described in division (B) of section 3317.013 of the Revised 58799  
Code, including children attending a special education program 58800  
operated by an alternative public provider or a registered 58801  
private provider with a scholarship awarded under sections 58802  
3310.51 to 3310.64 of the Revised Code; 58803

(7) The combined enrollment of children with disabilities 58804  
reported under division (A)(1) or (2) of this section, including 58805  
any student described in division (A)(1)(b) of this section and 58806  
excluding any student reported under divisions (A)(2)(a), (b), 58807  
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 58808  
special education services for category three disabilities 58809  
described in division (C) of section 3317.013 of the Revised 58810  
Code, including children attending a special education program 58811  
operated by an alternative public provider or a registered 58812  
private provider with a scholarship awarded under sections 58813  
3310.51 to 3310.64 of the Revised Code; 58814

(8) The combined enrollment of children with disabilities 58815



reported under division (A) (1) or (2) of this section, including 58816  
any student described in division (A) (1) (b) of this section and 58817  
excluding any student reported under divisions (A) (2) (a), (b), 58818  
(d), (g), (h), (i), ~~and~~ (j), and (k) of this section, receiving 58819  
special education services for category four disabilities 58820  
described in division (D) of section 3317.013 of the Revised 58821  
Code, including children attending a special education program 58822  
operated by an alternative public provider or a registered 58823  
private provider with a scholarship awarded under sections 58824  
3310.51 to 3310.64 of the Revised Code; 58825

(9) The combined enrollment of children with disabilities 58826  
reported under division (A) (1) or (2) of this section, including 58827  
any student described in division (A) (1) (b) of this section and 58828  
excluding any student reported under divisions (A) (2) (a), (b), 58829  
(d), (g), (h), (i), ~~and~~ (j), and (k) of this section, receiving 58830  
special education services for the category five disabilities 58831  
described in division (E) of section 3317.013 of the Revised 58832  
Code, including children attending a special education program 58833  
operated by an alternative public provider or a registered 58834  
private provider with a scholarship awarded under sections 58835  
3310.51 to 3310.64 of the Revised Code; 58836

(10) The combined enrollment of children with disabilities 58837  
reported under division (A) (1) or (2) of this section, including 58838  
any student described in division (A) (1) (b) of this section and 58839  
excluding any student reported under divisions (A) (2) (a), (b), 58840  
(d), (g), (h), (i), ~~and~~ (j), and (k) of this section, receiving 58841  
special education services for category six disabilities 58842  
described in division (F) of section 3317.013 of the Revised 58843  
Code, including children attending a special education program 58844  
operated by an alternative public provider or a registered 58845  
private provider with a scholarship awarded under either section 58846

3310.41 or sections 3310.51 to 3310.64 of the Revised Code;	58847
(11) The enrollment of pupils reported under division (A)	58848
(1) or (2) of this section on a full-time equivalency basis,	58849
including any student described in division (A)(1)(b) of this	58850
section and excluding any student reported under divisions (A)	58851
(2)(a), (b), (d), (g), (h), (i), <del>and (j)</del> , and (k) of this	58852
section, in category one career-technical education programs or	58853
classes, described in division (A)(1) of section 3317.014 of the	58854
Revised Code, operated by the school district or by another	58855
district that is a member of the district's career-technical	58856
planning district, other than a joint vocational school	58857
district, or by an educational service center, notwithstanding	58858
division (M) of section 3317.02 of the Revised Code and division	58859
(C)(3) of this section;	58860
(12) The enrollment of pupils reported under division (A)	58861
(1) or (2) of this section on a full-time equivalency basis,	58862
including any student described in division (A)(1)(b) of this	58863
section and excluding any student reported under divisions (A)	58864
(2)(a), (b), (d), (g), (h), (i), <del>and (j)</del> , and (k) of this	58865
section, in category two career-technical education programs or	58866
services, described in division (A)(2) of section 3317.014 of	58867
the Revised Code, operated by the school district or another	58868
school district that is a member of the district's career-	58869
technical planning district, other than a joint vocational	58870
school district, or by an educational service center,	58871
notwithstanding division (M) of section 3317.02 of the Revised	58872
Code and division (C)(3) of this section;	58873
(13) The enrollment of pupils reported under division (A)	58874
(1) or (2) of this section on a full-time equivalency basis,	58875
including any student described in division (A)(1)(b) of this	58876

section and excluding any student reported under divisions (A) 58877  
(2) (a), (b), (d), (g), (h), (i), ~~and~~ (j), and (k) of this 58878  
section, in category three career-technical education programs 58879  
or services, described in division (A) (3) of section 3317.014 of 58880  
the Revised Code, operated by the school district or another 58881  
school district that is a member of the district's career- 58882  
technical planning district, other than a joint vocational 58883  
school district, or by an educational service center, 58884  
notwithstanding division (M) of section 3317.02 of the Revised 58885  
Code and division (C) (3) of this section; 58886

(14) The enrollment of pupils reported under division (A) 58887  
(1) or (2) of this section on a full-time equivalency basis, 58888  
including any student described in division (A) (1) (b) of this 58889  
section and excluding any student reported under divisions (A) 58890  
(2) (a), (b), (d), (g), (h), (i), ~~and~~ (j), and (k) of this 58891  
section, in category four career-technical education programs or 58892  
services, described in division (A) (4) of section 3317.014 of 58893  
the Revised Code, operated by the school district or another 58894  
school district that is a member of the district's career- 58895  
technical planning district, other than a joint vocational 58896  
school district, or by an educational service center, 58897  
notwithstanding division (M) of section 3317.02 of the Revised 58898  
Code and division (C) (3) of this section; 58899

(15) The enrollment of pupils reported under division (A) 58900  
(1) or (2) of this section on a full-time equivalency basis, 58901  
including any student described in division (A) (1) (b) of this 58902  
section and excluding any student reported under divisions (A) 58903  
(2) (a), (b), (d), (g), (h), (i), ~~and~~ (j), and (k) of this 58904  
section, in category five career-technical education programs or 58905  
services, described in division (A) (5) of section 3317.014 of 58906  
the Revised Code, operated by the school district or another 58907

school district that is a member of the district's career- 58908  
technical planning district, other than a joint vocational 58909  
school district, or by an educational service center, 58910  
notwithstanding division (M) of section 3317.02 of the Revised 58911  
Code and division (C)(3) of this section; 58912

(16) The enrollment of pupils reported under division (A) 58913  
(1) or (2) of this section who are English learners described in 58914  
division (A) of section 3317.016 of the Revised Code, including 58915  
any student described in division (A)(1)(b) of this section and 58916  
excluding any student reported under divisions (A)(2)(a), (b), 58917  
(d), (g), (h), (i), ~~and~~ (j), and (k) of this section; 58918

(17) The enrollment of pupils reported under division (A) 58919  
(1) or (2) of this section who are English learners described in 58920  
division (B) of section 3317.016 of the Revised Code, including 58921  
any student described in division (A)(1)(b) of this section and 58922  
excluding any student reported under divisions (A)(2)(a), (b), 58923  
(d), (g), (h), (i), ~~and~~ (j), and (k) of this section; 58924

(18) The enrollment of pupils reported under division (A) 58925  
(1) or (2) of this section who are English learners described in 58926  
division (C) of section 3317.016 of the Revised Code, including 58927  
any student described in division (A)(1)(b) of this section and 58928  
excluding any student reported under divisions (A)(2)(a), (b), 58929  
(d), (g), (h), (i), and (j) of this section; 58930

(19) The average number of children transported during the 58931  
reporting period by the school district on board-owned or 58932  
contractor-owned and -operated buses, reported in accordance 58933  
with rules adopted by the department; 58934

(20)(a) The number of children, other than preschool 58935  
children with disabilities, the district placed with a county 58936

board of developmental disabilities in fiscal year 1998. 58937

Division (B) (20) (a) of this section does not apply after fiscal 58938  
year 2013. 58939

(b) The number of children with disabilities, other than 58940  
preschool children with disabilities, placed with a county board 58941  
of developmental disabilities in the current fiscal year to 58942  
receive special education services for the category one 58943  
disability described in division (A) of section 3317.013 of the 58944  
Revised Code; 58945

(c) The number of children with disabilities, other than 58946  
preschool children with disabilities, placed with a county board 58947  
of developmental disabilities in the current fiscal year to 58948  
receive special education services for category two disabilities 58949  
described in division (B) of section 3317.013 of the Revised 58950  
Code; 58951

(d) The number of children with disabilities, other than 58952  
preschool children with disabilities, placed with a county board 58953  
of developmental disabilities in the current fiscal year to 58954  
receive special education services for category three 58955  
disabilities described in division (C) of section 3317.013 of 58956  
the Revised Code; 58957

(e) The number of children with disabilities, other than 58958  
preschool children with disabilities, placed with a county board 58959  
of developmental disabilities in the current fiscal year to 58960  
receive special education services for category four 58961  
disabilities described in division (D) of section 3317.013 of 58962  
the Revised Code; 58963

(f) The number of children with disabilities, other than 58964  
preschool children with disabilities, placed with a county board 58965

of developmental disabilities in the current fiscal year to 58966  
receive special education services for the category five 58967  
disabilities described in division (E) of section 3317.013 of 58968  
the Revised Code; 58969

(g) The number of children with disabilities, other than 58970  
preschool children with disabilities, placed with a county board 58971  
of developmental disabilities in the current fiscal year to 58972  
receive special education services for category six disabilities 58973  
described in division (F) of section 3317.013 of the Revised 58974  
Code. 58975

(21) The enrollment of students who are economically 58976  
disadvantaged, as defined by the department, including any 58977  
student described in divisions (A) (1) (b) of this section and 58978  
excluding any student reported under divisions (A) (2) (a), (b), 58979  
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section. A student 58980  
shall not be categorically excluded from the number reported 58981  
under division (B) (21) of this section based on anything other 58982  
than family income. 58983

(22) The enrollment of students identified as gifted under 58984  
division (A), (B), (C), or (D) of section 3324.03 of the Revised 58985  
Code. 58986

(C) (1) The department shall adopt rules necessary for 58987  
implementing divisions (A), (B), and (D) of this section. 58988

(2) A student enrolled in a community school established 58989  
under Chapter 3314., a science, technology, engineering, and 58990  
mathematics school established under Chapter 3326., or a 58991  
college-preparatory boarding school established under Chapter 58992  
3328. of the Revised Code shall be counted in the formula ADM of 58993  
the school district in which the student is entitled to attend 58994

school under section 3313.64 or 3313.65 of the Revised Code for 58995  
the same proportion of the school year that the student is 58996  
counted in the enrollment of the community school, the science, 58997  
technology, engineering, and mathematics school, or the college- 58998  
preparatory boarding school for purposes of section 3317.022 or 58999  
3328.24 of the Revised Code. Notwithstanding the enrollment of 59000  
students reported pursuant to division (A)(2)(a), (i), or (j) of 59001  
this section, the department may adjust the formula ADM of a 59002  
school district to account for students entitled to attend 59003  
school in the district under section 3313.64 or 3313.65 of the 59004  
Revised Code who are enrolled in a community school, a science, 59005  
technology, engineering, and mathematics school, or a college- 59006  
preparatory boarding school for only a portion of the school 59007  
year. 59008

(3) No child shall be counted as more than a total of one 59009  
child in the sum of the enrollment of students of a school 59010  
district under division (A), divisions (B)(1) to (22), or 59011  
division (D) of this section, except as follows: 59012

(a)(i) A child with a disability described in section 59013  
3317.013 of the Revised Code may be counted both in formula ADM 59014  
and in category one, two, three, four, five, or six special 59015  
education ADM and, if applicable, in category one, two, three, 59016  
four, or five career-technical education ADM. As provided in 59017  
division (M) of section 3317.02 of the Revised Code, such a 59018  
child shall be counted in category one, two, three, four, five, 59019  
or six special education ADM in the same proportion that the 59020  
child is counted in formula ADM. 59021

(ii) A child with a disability described in section 59022  
3317.013 of the Revised Code may be counted both in enrolled ADM 59023  
and in category one, two, three, four, five, or six special 59024

education ADM and, if applicable, in category one, two, three, 59025  
four, or five career-technical education ADM. As provided in 59026  
division (M) of section 3317.02 of the Revised Code, such a 59027  
child shall be counted in category one, two, three, four, five, 59028  
or six special education ADM in the same proportion that the 59029  
child is counted in enrolled ADM. 59030

(b) (i) A child enrolled in career-technical education 59031  
programs or classes described in section 3317.014 of the Revised 59032  
Code may be counted both in formula ADM and category one, two, 59033  
three, four, or five career-technical education ADM and, if 59034  
applicable, in category one, two, three, four, five, or six 59035  
special education ADM. Such a child shall be counted in category 59036  
one, two, three, four, or five career-technical education ADM in 59037  
the same proportion as the percentage of time that the child 59038  
spends in the career-technical education programs or classes. 59039

(ii) A child enrolled in career-technical education 59040  
programs or classes described in section 3317.014 of the Revised 59041  
Code may be counted both in enrolled ADM and category one, two, 59042  
three, four, or five career-technical education ADM and, if 59043  
applicable, in category one, two, three, four, five, or six 59044  
special education ADM. Such a child shall be counted in category 59045  
one, two, three, four, or five career-technical education ADM in 59046  
the same proportion as the percentage of time that the child 59047  
spends in the career-technical education programs or classes. 59048

(4) Based on the information reported under this section, 59049  
the department shall determine the total student count, as 59050  
defined in section 3301.011 of the Revised Code, for each school 59051  
district. 59052

(D) (1) The superintendent of each joint vocational school 59053  
district shall report and certify to the department as of the 59054



last day of October, March, and June of each year the enrollment 59055  
of students receiving services from schools under the 59056  
superintendent's supervision so that the department can 59057  
calculate the district's enrolled ADM, formula ADM, total ADM, 59058  
category one through five career-technical education ADM, 59059  
category one through three English learner ADM, category one 59060  
through six special education ADM, and for purposes of 59061  
provisions of law outside of Chapter 3317. of the Revised Code, 59062  
average daily membership. 59063

The enrollment reported and certified by the 59064  
superintendent, except as otherwise provided in this division, 59065  
shall consist of the number of students in grades six through 59066  
twelve receiving any educational services from the district, 59067  
except that the following categories of students shall not be 59068  
included in the determination: 59069

(a) Students enrolled in adult education classes; 59070

(b) Adjacent or other district joint vocational students 59071  
enrolled in the district under an open enrollment policy 59072  
pursuant to section 3313.98 of the Revised Code; 59073

(c) Students receiving services in the district pursuant 59074  
to a compact, cooperative education agreement, or a contract, 59075  
but who are entitled to attend school in a city, local, or 59076  
exempted village school district whose territory is not part of 59077  
the territory of the joint vocational district; 59078

(d) Students for whom tuition is payable pursuant to 59079  
sections 3317.081 and 3323.141 of the Revised Code. 59080

(2) To enable the department to obtain the data needed to 59081  
complete the calculation of payments pursuant to this chapter, 59082  
each superintendent shall certify from the report provided under 59083

division (D) (1) of this section the enrollment for each of the 59084  
following categories of students: 59085

(a) Students enrolled in each individual grade included in 59086  
the joint vocational district schools, including any student 59087  
described in division (D) (1) (b) of this section; 59088

(b) Children with disabilities receiving special education 59089  
services for the category one disability described in division 59090  
(A) of section 3317.013 of the Revised Code, including any 59091  
student described in division (D) (1) (b) of this section; 59092

(c) Children with disabilities receiving special education 59093  
services for the category two disabilities described in division 59094  
(B) of section 3317.013 of the Revised Code, including any 59095  
student described in division (D) (1) (b) of this section; 59096

(d) Children with disabilities receiving special education 59097  
services for category three disabilities described in division 59098  
(C) of section 3317.013 of the Revised Code, including any 59099  
student described in division (D) (1) (b) of this section; 59100

(e) Children with disabilities receiving special education 59101  
services for category four disabilities described in division 59102  
(D) of section 3317.013 of the Revised Code, including any 59103  
student described in division (D) (1) (b) of this section; 59104

(f) Children with disabilities receiving special education 59105  
services for the category five disabilities described in 59106  
division (E) of section 3317.013 of the Revised Code, including 59107  
any student described in division (D) (1) (b) of this section; 59108

(g) Children with disabilities receiving special education 59109  
services for category six disabilities described in division (F) 59110  
of section 3317.013 of the Revised Code, including any student 59111  
described in division (D) (1) (b) of this section; 59112

(h) Students receiving category one career-technical education services, described in division (A) (1) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	59113 59114 59115 59116
(i) Students receiving category two career-technical education services, described in division (A) (2) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	59117 59118 59119 59120
(j) Students receiving category three career-technical education services, described in division (A) (3) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	59121 59122 59123 59124
(k) Students receiving category four career-technical education services, described in division (A) (4) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	59125 59126 59127 59128
(l) Students receiving category five career-technical education services, described in division (A) (5) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	59129 59130 59131 59132
(m) English learners described in division (A) of section 3317.016 of the Revised Code, including any student described in division (D) (1) (b) of this section;	59133 59134 59135
(n) English learners described in division (B) of section 3317.016 of the Revised Code, including any student described in division (D) (1) (b) of this section;	59136 59137 59138
(o) English learners described in division (C) of section 3317.016 of the Revised Code, including any student described in division (D) (1) (b) of this section;	59139 59140 59141

(p) Students who are economically disadvantaged, as 59142  
defined by the department, including any student described in 59143  
division (D) (1) (b) of this section. A student shall not be 59144  
categorically excluded from the number reported under division 59145  
(D) (2) (p) of this section based on anything other than family 59146  
income. 59147

The superintendent of each joint vocational school 59148  
district shall also indicate the city, local, or exempted 59149  
village school district in which each joint vocational district 59150  
pupil is entitled to attend school pursuant to section 3313.64 59151  
or 3313.65 of the Revised Code. 59152

(E) In each school of each city, local, exempted village, 59153  
joint vocational, and cooperative education school district 59154  
there shall be maintained a record of school enrollment, which 59155  
record shall accurately show, for each day the school is in 59156  
session, the actual enrollment in regular day classes. For the 59157  
purpose of determining the enrollment of students, the 59158  
enrollment figure of any school shall not include any pupils 59159  
except those pupils described by division (A) or (D) of this 59160  
section. The record of enrollment for each school shall be 59161  
maintained in such manner that no pupil shall be counted as 59162  
enrolled prior to the actual date of entry in the school and 59163  
also in such manner that where for any cause a pupil permanently 59164  
withdraws from the school that pupil shall not be counted as 59165  
enrolled from and after the date of such withdrawal. There shall 59166  
not be included in the enrollment of any school any of the 59167  
following: 59168

(1) Any pupil who has graduated from the twelfth grade of 59169  
a public or nonpublic high school; 59170

(2) Any pupil who is not a resident of the state; 59171

(3) Any pupil who was enrolled in the schools of the district during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C) (1) or (3) of that section;

(4) Any pupil who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge;

(5) Any pupil who has a certificate of high school equivalence as defined in section 5107.40 of the Revised Code.

If, however, any veteran described by division (E) (4) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in the enrollment of students determined under this section.

Notwithstanding division (E) (3) of this section, the enrollment of any school may include a pupil who did not take an assessment required by section 3301.0711 of the Revised Code if the department of education and workforce grants a waiver from the requirement to take the assessment to the specific pupil and a parent is not paying tuition for the pupil pursuant to section 3313.6410 of the Revised Code. The department may grant such a waiver only for good cause in accordance with rules adopted by the department.

The enrolled ADM, formula ADM, total ADM, category one 59202  
through five career-technical education ADM, category one 59203  
through three English learner ADM, category one through six 59204  
special education ADM, transportation ADM, and, for purposes of 59205  
provisions of law outside of Chapter 3317. of the Revised Code, 59206  
average daily membership of any school district shall be 59207  
determined in accordance with rules adopted by the department. 59208

(F) (1) If a student attending a community school under 59209  
Chapter 3314., a science, technology, engineering, and 59210  
mathematics school established under Chapter 3326., or a 59211  
college-preparatory boarding school established under Chapter 59212  
3328. of the Revised Code is not included in the formula ADM 59213  
calculated for the school district in which the student is 59214  
entitled to attend school under section 3313.64 or 3313.65 of 59215  
the Revised Code, the department shall adjust the formula ADM of 59216  
that school district to include the student in accordance with 59217  
division (C) (2) of this section. 59218

(2) If a student awarded an educational choice scholarship 59219  
is not included in the formula ADM of the school district in 59220  
which the student resides, the department shall adjust the 59221  
formula ADM of that school district to include the student. 59222

(3) If a student awarded a scholarship under the Jon 59223  
Peterson special needs scholarship program is not included in 59224  
the formula ADM of the school district in which the student 59225  
resides, the department shall adjust the formula ADM of that 59226  
school district to include the student. 59227

(G) (1) (a) The superintendent of an institution operating a 59228  
special education program pursuant to section 3323.091 of the 59229  
Revised Code shall, for the programs under such superintendent's 59230  
supervision, certify to the department, in the manner prescribed 59231

by the director of education and workforce, both of the 59232  
following: 59233

(i) The unduplicated count of the number of all children 59234  
with disabilities other than preschool children with 59235  
disabilities receiving services at the institution for each 59236  
category of disability described in divisions (A) to (F) of 59237  
section 3317.013 of the Revised Code adjusted for the portion of 59238  
the year each child is so enrolled; 59239

(ii) The unduplicated count of the number of all preschool 59240  
children with disabilities in classes or programs for whom the 59241  
district is eligible to receive funding under section 3317.0213 59242  
of the Revised Code adjusted for the portion of the year each 59243  
child is so enrolled, reported according to the categories 59244  
prescribed in section 3317.013 of the Revised Code. 59245

(b) The superintendent of an institution with career- 59246  
technical education units approved under section 3317.05 of the 59247  
Revised Code shall, for the units under the superintendent's 59248  
supervision, certify to the department the enrollment in those 59249  
units, in the manner prescribed by the director of education and 59250  
workforce. 59251

(2) The superintendent of each county board of 59252  
developmental disabilities that maintains special education 59253  
classes under section 3317.20 of the Revised Code or provides 59254  
services to preschool children with disabilities pursuant to an 59255  
agreement between the county board and the appropriate school 59256  
district shall do both of the following: 59257

(a) Certify to the department, in the manner prescribed by 59258  
the department, the enrollment in classes under section 3317.20 59259  
of the Revised Code for each school district that has placed 59260

children in the classes; 59261

(b) Certify to the department, in the manner prescribed by 59262  
the department, the unduplicated count of the number of all 59263  
preschool children with disabilities enrolled in classes for 59264  
which the board is eligible to receive funding under section 59265  
3317.0213 of the Revised Code adjusted for the portion of the 59266  
year each child is so enrolled, reported according to the 59267  
categories prescribed in section 3317.013 of the Revised Code, 59268  
and the number of those classes. 59269

(H) Except as provided in division (I) of this section, 59270  
when any city, local, or exempted village school district 59271  
provides instruction for a nonresident pupil whose attendance is 59272  
unauthorized attendance as defined in section 3327.06 of the 59273  
Revised Code, that pupil's enrollment shall not be included in 59274  
that district's enrollment figure used in calculating the 59275  
district's payments under this chapter. The reporting official 59276  
shall report separately the enrollment of all pupils whose 59277  
attendance in the district is unauthorized attendance, and the 59278  
enrollment of each such pupil shall be credited to the school 59279  
district in which the pupil is entitled to attend school under 59280  
division (B) of section 3313.64 or section 3313.65 of the 59281  
Revised Code as determined by the department. 59282

(I) This division shall not apply on or after September 59283  
30, 2021. 59284

(1) A city, local, exempted village, or joint vocational 59285  
school district admitting a scholarship student of a pilot 59286  
project district pursuant to division (C) of section 3313.976 of 59287  
the Revised Code may count such student in its enrollment. 59288

(2) In any year for which funds are appropriated for pilot 59289



project scholarship programs, a school district implementing a 59290  
state-sponsored pilot project scholarship program that year 59291  
pursuant to sections 3313.974 to 3313.979 of the Revised Code 59292  
may count in its enrollment: 59293

(a) All children residing in the district and utilizing a 59294  
scholarship to attend kindergarten in any alternative school, as 59295  
defined in section 3313.974 of the Revised Code; 59296

(b) All children who were enrolled in the district in the 59297  
preceding year who are utilizing a scholarship to attend an 59298  
alternative school. 59299

(J) The superintendent of each cooperative education 59300  
school district shall certify to the director of education and 59301  
workforce, in a manner prescribed by the department, the 59302  
applicable enrollments for all students in the cooperative 59303  
education district, also indicating the city, local, or exempted 59304  
village district where each pupil is entitled to attend school 59305  
under section 3313.64 or 3313.65 of the Revised Code. 59306

(K) If the director of education and workforce determines 59307  
that a component of the enrollment certified or reported by a 59308  
district superintendent, or other reporting entity, is not 59309  
correct, the director of education and workforce may order that 59310  
the district's enrolled ADM, formula ADM, or both be adjusted in 59311  
the amount of the error. 59312

**Sec. 3317.051.** (A) The department of education and 59313  
workforce shall compute and pay to a school district funds based 59314  
on units for services to students identified as gifted under 59315  
Chapter 3324. of the Revised Code as prescribed by this section. 59316

(B) The department shall allocate gifted units for a 59317  
school district as follows: 59318

- (1) For fiscal years ~~2024~~2026 and ~~2025~~2027: 59319
- (a) One gifted coordinator unit shall be allocated for 59320  
every 3,300 students in a district's enrolled ADM, with a 59321  
minimum of 0.5 units and a maximum of 8 units allocated for the 59322  
district. 59323
- (b) One kindergarten through eighth grade gifted 59324  
intervention specialist unit shall be allocated for every 140 59325  
gifted students enrolled in grades kindergarten through eight in 59326  
the district, as certified under division (B) (22) of section 59327  
3317.03 of the Revised Code, with a minimum of 0.3 units 59328  
allocated for the district. 59329
- (c) One ninth through twelfth grade gifted intervention 59330  
specialist unit shall be allocated for every 140 gifted students 59331  
enrolled in grades nine through twelve in the district, as 59332  
certified under division (B) (22) of section 3317.03 of the 59333  
Revised Code, with a minimum of 0.3 units allocated for the 59334  
district. 59335
- (2) For fiscal year ~~2026~~2028 and each fiscal year 59336  
thereafter, in the manner prescribed by the general assembly. 59337
- (C) The department shall pay an amount to a school 59338  
district for gifted units as follows: 59339
- (1) For fiscal years ~~2024~~2026 and ~~2025~~2027, an amount 59340  
equal to the following sum: 59341
- (\$85,776 X the number of units allocated to a school district 59342  
under division (B) (1) (a) of this section X the district's state 59343  
share percentage) + (\$89,378 X the number of units allocated to 59344  
a school district under division (B) (1) (b) of this section X the 59345  
district's state share percentage) + (\$80,974 X the number of 59346  
units allocated to a school district under division (B) (1) (c) of 59347

this section X the district's state share percentage) 59348

(2) For fiscal year ~~2026~~2028 and each fiscal year 59349  
thereafter, an amount calculated in a manner determined by the 59350  
general assembly. 59351

(D) A school district may assign gifted unit funding that 59352  
it receives under division (C) of this section to another school 59353  
district, an educational service center, a community school, or 59354  
a STEM school as part of an arrangement to provide services to 59355  
the district. 59356

**Sec. 3317.06.** Moneys paid to school districts under 59357  
division (E) (1) of section 3317.024 of the Revised Code shall be 59358  
used for the following independent and fully severable purposes: 59359

(A) To purchase such secular textbooks or digital texts as 59360  
have been approved by the department of education and workforce 59361  
for use in public schools in the state and to loan such 59362  
textbooks or digital texts to pupils attending nonpublic schools 59363  
within the district described in division (E) (1) of section 59364  
3317.024 of the Revised Code or to their parents and to hire 59365  
clerical personnel to administer such lending program. Such 59366  
loans shall be based upon individual requests submitted by such 59367  
nonpublic school pupils or parents. Such requests shall be 59368  
submitted to the school district in which the nonpublic school 59369  
is located. Such individual requests for the loan of textbooks 59370  
or digital texts shall, for administrative convenience, be 59371  
submitted by the nonpublic school pupil or the pupil's parent to 59372  
the nonpublic school, which shall prepare and submit collective 59373  
summaries of the individual requests to the school district. As 59374  
used in this section: 59375

(1) "Textbook" means any book or book substitute that a 59376

pupil uses as a consumable or nonconsumable text, text 59377  
substitute, or text supplement in a particular class or program 59378  
in the school the pupil regularly attends. 59379

(2) "Digital text" means a consumable book or book 59380  
substitute that a student accesses through the use of a computer 59381  
or other electronic medium or that is available through an 59382  
internet-based provider of course content, or any other material 59383  
that contributes to the learning process through electronic 59384  
means. 59385

(B) To provide speech and hearing diagnostic services to 59386  
pupils attending nonpublic schools within the district described 59387  
in division (E) (1) of section 3317.024 of the Revised Code. Such 59388  
service shall be provided in the nonpublic school attended by 59389  
the pupil receiving the service. 59390

(C) To provide physician, nursing, dental, and optometric 59391  
services to pupils attending nonpublic schools within the 59392  
district described in division (E) (1) of section 3317.024 of the 59393  
Revised Code. Such services shall be provided in the school 59394  
attended by the nonpublic school pupil receiving the service. 59395

(D) To provide diagnostic mental health or psychological 59396  
services to pupils attending nonpublic schools within the 59397  
district described in division (E) (1) of section 3317.024 of the 59398  
Revised Code. Such services shall be provided in the school 59399  
attended by the pupil receiving the service. 59400

(E) To provide therapeutic mental health, psychological, 59401  
and speech and hearing services to pupils attending nonpublic 59402  
schools within the district described in division (E) (1) of 59403  
section 3317.024 of the Revised Code. Such services shall be 59404  
provided in the public school, in nonpublic schools, in public 59405

centers, or in mobile units located on or off of the nonpublic 59406  
premises. If such services are provided in the public school or 59407  
in public centers, transportation to and from such facilities 59408  
shall be provided by the school district in which the nonpublic 59409  
school is located. 59410

(F) To provide guidance, counseling, and social work 59411  
services to pupils attending nonpublic schools within the 59412  
district described in division (E) (1) of section 3317.024 of the 59413  
Revised Code. Such services shall be provided in the public 59414  
school, in nonpublic schools, in public centers, or in mobile 59415  
units located on or off of the nonpublic premises. If such 59416  
services are provided in the public school or in public centers, 59417  
transportation to and from such facilities shall be provided by 59418  
the school district in which the nonpublic school is located. 59419

(G) To provide remedial services to pupils attending 59420  
nonpublic schools within the district described in division (E) 59421  
(1) of section 3317.024 of the Revised Code. Such services shall 59422  
be provided in the public school, in nonpublic schools, in 59423  
public centers, or in mobile units located on or off of the 59424  
nonpublic premises. If such services are provided in the public 59425  
school or in public centers, transportation to and from such 59426  
facilities shall be provided by the school district in which the 59427  
nonpublic school is located. 59428

(H) To supply for use by pupils attending nonpublic 59429  
schools within the district described in division (E) (1) of 59430  
section 3317.024 of the Revised Code such standardized tests and 59431  
scoring services as are in use in the public schools of the 59432  
state; 59433

(I) To provide programs for children who attend nonpublic 59434  
schools within the district described in division (E) (1) of 59435

section 3317.024 of the Revised Code and are children with 59436  
disabilities as defined in section 3323.01 of the Revised Code 59437  
or gifted children. Such programs shall be provided in the 59438  
public school, in nonpublic schools, in public centers, or in 59439  
mobile units located on or off of the nonpublic premises. If 59440  
such programs are provided in the public school or in public 59441  
centers, transportation to and from such facilities shall be 59442  
provided by the school district in which the nonpublic school is 59443  
located. 59444

(J) To hire clerical personnel to assist in the 59445  
administration of programs pursuant to divisions (B), (C), (D), 59446  
(E), (F), (G), and (I) of this section and to hire supervisory 59447  
personnel to supervise the providing of services and textbooks 59448  
pursuant to this section. 59449

(K) To purchase or lease any secular, neutral, and 59450  
nonideological computer application software designed to assist 59451  
students in performing a single task or multiple related tasks, 59452  
device management software, learning management software, site- 59453  
licensing, digital video on demand (DVD), wide area connectivity 59454  
and related technology as it relates to internet access, 59455  
mathematics or science equipment and materials, instructional 59456  
materials, and school library materials that are in general use 59457  
in the public schools of the state and loan such items to pupils 59458  
attending nonpublic schools within the district described in 59459  
division (E) (1) of section 3317.024 of the Revised Code or to 59460  
their parents, and to hire clerical personnel to administer the 59461  
lending program. Only such items that are incapable of diversion 59462  
to religious use and that are susceptible of loan to individual 59463  
pupils and are furnished for the use of individual pupils shall 59464  
be purchased and loaned under this division. As used in this 59465  
section, "instructional materials" means prepared learning 59466

materials that are secular, neutral, and nonideological in 59467  
character and are of benefit to the instruction of school 59468  
children. "Instructional materials" includes media content that 59469  
a student may access through the use of a computer or electronic 59470  
device. 59471

Mobile applications that are secular, neutral, and 59472  
nonideological in character and that are purchased for less than 59473  
twenty dollars for instructional use shall be considered to be 59474  
consumable and shall be distributed to students without the 59475  
expectation that the applications must be returned. 59476

(L) To purchase or lease instructional equipment, 59477  
including computer hardware and related equipment in general use 59478  
in the public schools of the state, for use by pupils attending 59479  
nonpublic schools within the district described in division (E) 59480  
(1) of section 3317.024 of the Revised Code and to loan such 59481  
items to pupils attending such nonpublic schools within the 59482  
district or to their parents, and to hire clerical personnel to 59483  
administer the lending program. "Computer hardware and related 59484  
equipment" includes desktop computers and workstations; laptop 59485  
computers, computer tablets, and other mobile handheld devices; 59486  
their operating systems and accessories; and any equipment 59487  
designed to make accessible the environment of a classroom to a 59488  
student, who is physically unable to attend classroom activities 59489  
due to hospitalization or other circumstances, by allowing real- 59490  
time interaction with other students both one-on-one and in 59491  
group discussion. 59492

(M) To purchase mobile units to be used for the provision 59493  
of services pursuant to divisions (E), (F), (G), and (I) of this 59494  
section and to pay for necessary repairs and operating costs 59495  
associated with these units. 59496

(N) To reimburse costs the district incurred to store the records of a chartered nonpublic school that closes. 59497  
59498  
Reimbursements under this division shall be made one time only 59499  
for each chartered nonpublic school described in division (E) (1) 59500  
of section 3317.024 of the Revised Code that closes. 59501

(O) To purchase life-saving medical or other emergency 59502  
equipment for placement in nonpublic schools within the district 59503  
described in division (E) (1) of section 3317.024 of the Revised 59504  
Code or to maintain such equipment. 59505

(P) To procure and pay for security services from a county 59506  
sheriff or a township or municipal police force, from a retired 59507  
Ohio peace officer, or from a person certified through the Ohio 59508  
peace officer training commission, in accordance with section 59509  
109.78 of the Revised Code, as a special police, security guard, 59510  
or as a privately employed person serving in a police capacity 59511  
for nonpublic schools in the district described in division (E) 59512  
(1) of section 3317.024 of the Revised Code. 59513

(Q) To provide language and academic support services and 59514  
other accommodations for English learners attending nonpublic 59515  
schools within the district described in division (E) (1) of 59516  
section 3317.024 of the Revised Code. 59517

Clerical and supervisory personnel hired pursuant to 59518  
division (J) of this section shall perform their services in the 59519  
public schools, in nonpublic schools, public centers, or mobile 59520  
units where the services are provided to the nonpublic school 59521  
pupil, except that such personnel may accompany pupils to and 59522  
from the service sites when necessary to ensure the safety of 59523  
the children receiving the services. 59524

All services provided pursuant to this section may be 59525



provided under contract with educational service centers, the 59526  
department of health, city or general health districts, or 59527  
private agencies whose personnel are properly licensed by an 59528  
appropriate state board or agency. School districts shall not 59529  
deny a nonpublic school's request for personnel who are properly 59530  
licensed by a state board or agency. 59531

Transportation of pupils provided pursuant to divisions 59532  
(E), (F), (G), and (I) of this section shall be provided by the 59533  
school district from its general funds and not from moneys paid 59534  
to it under division (E) (1) of section 3317.024 of the Revised 59535  
Code unless a special transportation request is submitted by the 59536  
parent of the child receiving service pursuant to such 59537  
divisions. If such an application is presented to the school 59538  
district, it may pay for the transportation from moneys paid to 59539  
it under division (E) (1) of section 3317.024 of the Revised 59540  
Code. 59541

No school district shall provide health or remedial 59542  
services to nonpublic school pupils as authorized by this 59543  
section unless such services are available to pupils attending 59544  
the public schools within the district. 59545

Materials, equipment, computer hardware or software, 59546  
textbooks, digital texts, and health and remedial services 59547  
provided for the benefit of nonpublic school pupils pursuant to 59548  
this section and the admission of pupils to such nonpublic 59549  
schools shall be provided without distinction as to race, creed, 59550  
color, or national origin of such pupils or of their teachers. 59551

No school district shall provide services, materials, or 59552  
equipment that contain religious content for use in religious 59553  
courses, devotional exercises, religious training, or any other 59554  
religious activity. 59555

As used in this section, "parent" includes a person 59556  
standing in loco parentis to a child. 59557

Notwithstanding section 3317.01 of the Revised Code, 59558  
payments shall be made under this section to any city, local, or 59559  
exempted village school district within which is located one or 59560  
more nonpublic elementary or high schools described in division 59561  
(E) (1) of section 3317.024 of the Revised Code and any payments 59562  
made to school districts under division (E) (1) of section 59563  
3317.024 of the Revised Code for purposes of this section may be 59564  
disbursed without submission to and approval of the controlling 59565  
board. 59566

The allocation of payments for materials, equipment, 59567  
textbooks, digital texts, health services, and remedial services 59568  
to city, local, and exempted village school districts shall be 59569  
on the basis of the department's estimated annual average daily 59570  
membership in nonpublic elementary and high schools located in 59571  
the district described in division (E) (1) of section 3317.024 of 59572  
the Revised Code. 59573

Payments made to city, local, and exempted village school 59574  
districts under this section shall be equal to specific 59575  
appropriations made for the purpose. All interest earned by a 59576  
school district on such payments shall be used by the district 59577  
for the same purposes and in the same manner as the payments may 59578  
be used. 59579

The department shall adopt guidelines and procedures under 59580  
which such programs and services shall be provided, under which 59581  
districts and educational service centers with which districts 59582  
contract to provide auxiliary services shall be reimbursed for 59583  
administrative costs incurred in providing such programs and 59584  
services, and under which any unexpended balance of the amounts 59585

appropriated by the general assembly to implement this section 59586  
may be transferred to the auxiliary services personnel 59587  
unemployment compensation fund established pursuant to section 59588  
4141.47 of the Revised Code. If a district contracts with an 59589  
educational service center to provide auxiliary services, only 59590  
the service center shall be reimbursed for administrative costs. 59591  
The department shall also adopt guidelines and procedures 59592  
limiting the purchase and loan of the items described in 59593  
division (K) of this section to items that are in general use in 59594  
the public schools of the state, that are incapable of diversion 59595  
to religious use, and that are susceptible to individual use 59596  
rather than classroom use. Within thirty days after the end of 59597  
each biennium, each board of education shall remit to the 59598  
department all moneys paid to it under division (E) (1) of 59599  
section 3317.024 of the Revised Code and any interest earned on 59600  
those moneys that are not required to pay expenses incurred 59601  
under this section during the biennium for which the money was 59602  
appropriated and during which the interest was earned. If a 59603  
board of education subsequently determines that the remittal of 59604  
moneys leaves the board with insufficient money to pay all valid 59605  
expenses incurred under this section during the biennium for 59606  
which the remitted money was appropriated, the board may apply 59607  
to the department for a refund of money, not to exceed the 59608  
amount of the insufficiency. If the department determines the 59609  
expenses were lawfully incurred and would have been lawful 59610  
expenditures of the refunded money, it shall certify its 59611  
determination and the amount of the refund to be made to the 59612  
director of job and family services who shall make a refund as 59613  
provided in section 4141.47 of the Revised Code. 59614

Each school district shall label materials, equipment, 59615  
computer hardware or software, textbooks, and digital texts 59616

purchased or leased for loan to a nonpublic school under this 59617  
section, acknowledging that they were purchased or leased with 59618  
state funds under this section. However, a district need not 59619  
label materials, equipment, computer hardware or software, 59620  
textbooks, or digital texts that the district determines are 59621  
consumable in nature or have a value of less than two hundred 59622  
dollars. 59623

**Sec. 3317.11.** (A) As used in this section: 59624

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "base amount" 59625  
is equal to \$356,250. 59626

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 59627  
base" means an amount calculated by the department of education 59628  
and workforce that is equal to the amount an educational service 59629  
center would have received under Section 265.360 of H.B. 166 of 59630  
the 133rd general assembly for fiscal year 2020 using the 59631  
student counts of the school districts with which the service 59632  
center has service agreements for the fiscal year for which 59633  
payments under this section are being made. 59634

(3) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "general 59635  
phase-in percentage" for an educational service center means the 59636  
"general phase-in percentage" for school districts as defined in 59637  
section 3317.02 of the Revised Code. 59638

(4) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "student 59639  
count" means the count calculated under division (G) (1) of 59640  
section 3313.843 of the Revised Code. 59641

(B) (1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 59642  
department of education and workforce shall pay the governing 59643  
board of each educational service center an amount equal to the 59644  
following: 59645

The educational service center's funding base + [(the amount calculated for the educational service center for that fiscal year under division (C) of this section - the educational service center's funding base) X the educational service center's general phase-in percentage for that fiscal year]

(2) For fiscal year ~~2026~~-2028 and each fiscal year thereafter, the department shall pay the governing board of each educational service center an amount calculated in a manner determined by the general assembly.

(C) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the department shall calculate an amount for each educational service center as follows:

(1) If the educational service center has a student count of 5,000 students or less, the base amount.

(2) If the educational service center has a student count greater than 5,000 students but less than or equal to 35,000 students, the following sum:

The base amount + [(the educational service center's student count - 5,000) X \$24.72]

(3) If the educational service center has a student count greater than 35,000 students, the following sum:

The base amount + (30,000 X \$24.72) + [(the educational service center's student count - 35,000) X \$30.90]

**Sec. 3317.16.** The department of education and workforce shall compute and distribute state core foundation funding to each funding unit that is a joint vocational school district for the fiscal year as follows:

For fiscal years ~~2024-2026~~ and ~~2025~~2027:

The district's funding base + [(the district's state core foundation funding components for that fiscal year calculated under divisions (A) (1), (2), (4), (5), and (6) of this section - the district's general funding base) X the district's general phase-in percentage for that fiscal year] + [(the district's disadvantaged pupil impact aid for that fiscal year calculated under division (A) (3) of this section - the district's disadvantaged pupil impact aid funding base) X the district's phase-in percentage for disadvantaged pupil impact aid for that fiscal year]

For fiscal year ~~2026~~2028 and each fiscal year thereafter, the sum of the district's state core foundation funding components for that fiscal year calculated under divisions (A) (1), (2), (3), (4), (5), and (6) of this section.

(A) A district's state core foundation funding components shall be all of the following:

(1) The district's state share of the base cost, which is equal to the following:

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, an amount calculated according to the following formula:

~~(The district's base cost calculated under section 3317.012 of the Revised Code) - (0.0005 X the lesser of the district's three-year average valuation or the district's most recent valuation)~~

~~However, no district shall receive an amount under division (A) (1) of this section that is less than 0.10 times the base cost calculated for the district under section 3317.012 of the Revised Code.~~ enrolled ADM for the fiscal year) X (the district's state share percentage for the fiscal year) X (the

<u>district's base cost per pupil for the fiscal year)</u>	59703
(b) For fiscal year <del>2026</del> <u>2028</u> and each fiscal year thereafter,	59704
an amount calculated in a manner determined by the general	59705
assembly.	59706
(2) Additional state aid for special education and related	59707
services provided under Chapter 3323. of the Revised Code	59708
calculated as follows:	59709
(a) For fiscal years <del>2024</del> <u>2026</u> and <del>2025</del> <u>2027</u> , the sum of	59710
the following:	59711
(i) The district's category one special education ADM X	59712
the multiple specified in division (A) of section 3317.013 of	59713
the Revised Code X the statewide average base cost per pupil for	59714
that fiscal year X the district's state share percentage;	59715
(ii) The district's category two special education ADM X	59716
the multiple specified in division (B) of section 3317.013 of	59717
the Revised Code X the statewide average base cost per pupil for	59718
that fiscal year X the district's state share percentage;	59719
(iii) The district's category three special education ADM	59720
X the multiple specified in division (C) of section 3317.013 of	59721
the Revised Code X the statewide average base cost per pupil for	59722
that fiscal year X the district's state share percentage;	59723
(iv) The district's category four special education ADM X	59724
the multiple specified in division (D) of section 3317.013 of	59725
the Revised Code X the statewide average base cost per pupil for	59726
that fiscal year X the district's state share percentage;	59727
(v) The district's category five special education ADM X	59728
the multiple specified in division (E) of section 3317.013 of	59729
the Revised Code X the statewide average base cost per pupil for	59730

that fiscal year X the district's state share percentage; 59731

(vi) The district's category six special education ADM X 59732  
the multiple specified in division (F) of section 3317.013 of 59733  
the Revised Code X the statewide average base cost per pupil for 59734  
that fiscal year X the district's state share percentage. 59735

(b) For fiscal year ~~2026~~2028 and each fiscal year 59736  
thereafter, the sum of the following: 59737

(i) An amount calculated in a manner determined by the 59738  
general assembly times the funding unit's category one special 59739  
education ADM; 59740

(ii) An amount calculated in a manner determined by the 59741  
general assembly times the funding unit's category two special 59742  
education ADM; 59743

(iii) An amount calculated in a manner determined by the 59744  
general assembly times the funding unit's category three special 59745  
education ADM; 59746

(iv) An amount calculated in a manner determined by the 59747  
general assembly times the funding unit's category four special 59748  
education ADM; 59749

(v) An amount calculated in a manner determined by the 59750  
general assembly times the funding unit's category five special 59751  
education ADM; 59752

(vi) An amount calculated in a manner determined by the 59753  
general assembly times the funding unit's category six special 59754  
education ADM. 59755

(3) Disadvantaged pupil impact aid calculated as follows: 59756

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, an amount 59757



calculated according to the following formula: 59758

\$422 X the district's economically disadvantaged index X the 59759  
number of students who are economically disadvantaged as 59760  
certified under division (D) (2) (p) of section 3317.03 of the 59761  
Revised Code 59762

(b) For fiscal year ~~2026~~2028 and each fiscal year 59763  
thereafter, an amount calculated in a manner determined by the 59764  
general assembly. 59765

(4) English learner funds calculated as follows: 59766

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the sum of 59767  
the following: 59768

(i) The district's category one English learner ADM X the 59769  
multiple specified in division (A) of section 3317.016 of the 59770  
Revised Code X the statewide average base cost per pupil for 59771  
that fiscal year X the district's state share percentage; 59772

(ii) The district's category two English learner ADM X the 59773  
multiple specified in division (B) of section 3317.016 of the 59774  
Revised Code X the statewide average base cost per pupil for 59775  
that fiscal year X the district's state share percentage; 59776

(iii) The district's category three English learner ADM X 59777  
the multiple specified in division (C) of section 3317.016 of 59778  
the Revised Code X the statewide average base cost per pupil for 59779  
that fiscal year X the district's state share percentage. 59780

(b) For fiscal year ~~2026~~2028 and each fiscal year 59781  
thereafter, the sum of the following: 59782

(i) An amount calculated in a manner determined by the 59783  
general assembly times the funding unit's category one English 59784  
learner ADM; 59785

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two English learner ADM;

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three English learner ADM.

(5) Career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code.

(6) Career-technical education associated services funds calculated under division (D) of section 3317.014 of the Revised Code.

(B)(1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold cost for serving the student, as specified in division (B) of section 3317.0214 of the Revised Code, the district may submit to the department documentation, as prescribed by the department, of all of its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(a) One-half of the district's costs for the student in excess of the threshold cost;

(b) The product of one-half of the district's costs for the student in excess of the threshold cost multiplied by the district's state share percentage.

(2) The district shall report under division (B)(1) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the

student in accordance with the student's individualized 59815  
education program. Any legal fees, court costs, or other costs 59816  
associated with any cause of action relating to the student may 59817  
not be included in the amount. 59818

(C) (1) For each student with a disability receiving 59819  
special education and related services under an individualized 59820  
education program, as defined in section 3323.01 of the Revised 59821  
Code, at a joint vocational school district, the resident 59822  
district or, if the student is enrolled in a community school, 59823  
the community school shall be responsible for the amount of any 59824  
costs of providing those special education and related services 59825  
to that student that exceed the sum of the amount calculated for 59826  
those services attributable to that student under division (A) 59827  
of this section. 59828

Those excess costs shall be calculated using a formula 59829  
approved by the department. 59830

(2) The board of education of the joint vocational school 59831  
district may report the excess costs calculated under division 59832  
(C) (1) of this section to the department. 59833

(3) If the board of education of the joint vocational 59834  
school district reports excess costs under division (C) (2) of 59835  
this section, the department shall pay the amount of excess cost 59836  
calculated under division (C) (2) of this section to the joint 59837  
vocational school district and shall deduct that amount as 59838  
provided in division (C) (3) (a) or (b) of this section, as 59839  
applicable: 59840

(a) If the student is not enrolled in a community school, 59841  
the department shall deduct the amount from the account of the 59842  
student's resident district pursuant to division (J) of section 59843

3317.023 of the Revised Code. 59844

(b) If the student is enrolled in a community school, the 59845  
department shall deduct the amount from the account of the 59846  
community school pursuant to section 3314.083 of the Revised 59847  
Code. 59848

(D) A joint vocational school district shall spend the 59849  
funds it receives under division (A) (3) of this section in 59850  
accordance with section 3317.25 of the Revised Code. 59851

(E) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a school 59852  
district shall spend the funds it receives under division (A) (4) 59853  
of this section only for services for English learners. 59854

(F) As used in this section: 59855

(1) "Community school" means a community school 59856  
established under Chapter 3314. of the Revised Code. 59857

(2) "Resident district" means the city, local, or exempted 59858  
village school district in which a student is entitled to attend 59859  
school under section 3313.64 or 3313.65 of the Revised Code. 59860

**Sec. 3317.161.** (A) As used in this section, "lead 59861  
district" has the same meaning as in section 3317.023 of the 59862  
Revised Code. 59863

(B) (1) A career-technical education program or a dropout 59864  
prevention and recovery program of a city, local, or exempted 59865  
village school district, community school, or STEM school shall 59866  
be subject to approval under this section in order for the 59867  
district or school to qualify for state funding for the program. 59868  
Approval granted under this section shall be valid for the five 59869  
fiscal years following the fiscal year in which the program is 59870  
approved and may be renewed. Approval shall be subject to annual 59871

review under division (E) of this section. 59872

(2) If a district or school becomes a new member of a 59873  
career-technical planning district, its career-technical 59874  
education programs shall be approved or disapproved by the lead 59875  
district of the career-technical planning district during the 59876  
fiscal year in which the district or school becomes a member of 59877  
the career-technical planning district. Any program of the 59878  
district or school that was approved by the department of 59879  
education and workforce for an approval period that includes the 59880  
fiscal year in which the district or school becomes a new member 59881  
of the career-technical planning district shall retain its 59882  
approved status during that fiscal year. 59883

(3) If an existing member of a career-technical planning 59884  
district develops a new career-technical education program, that 59885  
program shall be approved or disapproved by the lead district of 59886  
the career-technical planning district prior to the first fiscal 59887  
year for which the district or school is seeking funding for the 59888  
program. 59889

(4) Except as provided in division (B) (2) of this section, 59890  
if a career-technical education program was approved by the 59891  
department prior to September 29, 2013, that approval remains 59892  
valid for the unexpired remainder of the approval period 59893  
specified by the department. Approval of that program may then 59894  
be renewed in accordance with this section on a date prior to 59895  
the expiration of the approval period. 59896

(C) (1) The lead district of a career-technical planning 59897  
district shall approve or disapprove for a five-year period each 59898  
career-technical education program of the city, local, and 59899  
exempted village school districts, community schools, and STEM 59900  
schools that are assigned by the department to the career- 59901

technical planning district. The lead district's decision to 59902  
approve or disapprove a program shall be based on requirements 59903  
for career-technical education programs that are specified in 59904  
rules adopted by the department. These requirements shall 59905  
include, but are not limited to, all of the following: 59906

(a) Demand for the career-technical education program by 59907  
industries in the state; 59908

(b) Quality of the program; 59909

(c) Potential for a student enrolled in the program to 59910  
receive the training that will qualify the student for industry 59911  
credentials or post-secondary education; 59912

(d) Admission requirements of the lead district; 59913

(e) Past performance of the district or school that is 59914  
offering the program; 59915

(f) Traveling distance; 59916

(g) Sustainability; 59917

(h) Capacity; 59918

(i) Availability of the program within the career- 59919  
technical planning district; 59920

(j) In the case of a new program, the cost to begin the 59921  
program. 59922

~~(2) The lead district shall approve or disapprove each 59923  
program not later than the first day of March prior to the first 59924  
fiscal year for which the district or school is seeking funding 59925  
for the program. If a program is approved, the lead district 59926  
shall notify the department of its decision. If a program is 59927  
disapproved, the lead district shall notify the district or 59928~~

school of its decision. 59929

If the lead district disapproves the program or does not 59930  
take any action to approve or disapprove the program ~~by the~~ 59931  
~~first day of March~~, the district or school may appeal the lead 59932  
district's decision or failure to take action to the department ~~-~~ 59933  
~~by the fifteenth day of March.~~ 59934

(D) (1) Upon receiving notification of a lead district's 59935  
approval of a district's or school's career-technical education 59936  
program, the department shall review the lead district's 59937  
decision and determine whether to approve or disapprove the 59938  
program ~~not later than the fifteenth day of May prior to the~~ 59939  
~~first fiscal year for which the district or school is seeking~~ 59940  
~~funding for the program.~~ The department shall notify the 59941  
district or school and the lead district of the district's or 59942  
school's career-technical planning district of its 59943  
determination. 59944

(2) Upon receiving an appeal from a district or school of 59945  
a lead district's disapproval of a career-technical education 59946  
program or failure to take action to approve or disapprove the 59947  
program, the department shall review the lead district's 59948  
disapproval or failure to take action. The department shall 59949  
decide whether to approve or disapprove the program as a result 59950  
of this review ~~not later than the fifteenth day of May prior to~~ 59951  
~~the first fiscal year for which the district or school is~~ 59952  
~~seeking funding for the program.~~ The department shall notify the 59953  
lead district and the appealing district or school of its 59954  
determination. 59955

(3) In conducting a review under division (D) (1) or (2) of 59956  
this section, the department shall consider the criteria 59957  
prescribed under division (C) (1) of this section. 59958

(4) If the department approves a program under division (D) (1) or (2) of this section, it shall authorize the payment to the district or school of the funds attributed to the career-technical students enrolled in that program in the next fiscal year according to a payment schedule prescribed by the department.

(5) The department's decisions under divisions (D) (1) and (2) of this section shall be final and not appealable.

~~(6) The director of education and workforce may adopt guidelines identifying circumstances in which the department may, after consulting with a lead district, approve or disapprove a program that has been approved or disapproved by the lead district after the deadline prescribed in division (D) (1) or (2) of this section has passed.~~

The department shall authorize a payment for any dropout prevention and recovery program offering career-technical education that is in its first year of operation and that submits an application ~~during the additional application period described in division (D) (6) of this section~~ in the fiscal year for which the application was submitted.

(E) The department and the lead district of each career-technical planning district shall conduct an annual review of each career-technical education program in the lead district's career-technical planning district that receives approval under this section. Continued funding of the program during the five-year approval period shall be subject to the school's compliance with any directives for performance improvement that are issued by the department or the lead district as a result of any review conducted under this section.



**Sec. 3317.162.** (A) For fiscal years ~~2024~~2026 and ~~2025~~2027, the department of education shall pay temporary transitional aid to each joint vocational school district according to the following formula:

(The district's funding base, as that term is defined in section 3317.02 of the Revised Code, X 0.95 for fiscal year 2026 or 0.90 for fiscal year 2027) - (the district's payment under section 3317.16 of the Revised Code for the fiscal year for which the payment is computed)

If the computation made under division (A) of this section results in a negative number, the district's funding under division (A) of this section shall be zero.

(B) If a joint vocational school district begins receiving payments under section 3317.16 of the Revised Code for fiscal year ~~2024~~2026 or fiscal year ~~2025~~2027 but does not receive payments for the fiscal year immediately preceding that fiscal year, the department shall establish the district's funding base, as that term is defined in section 3317.02 of the Revised Code, as an amount equal to the absolute value of the sum of the associated adjustments of any local school district's funding base under division (C) of section 3317.019 of the Revised Code.

**Sec. 3317.163.** (A) As used in this section:

(1) "Credential-only program" means an industry-approved credentialing program, or a series of such programs, offered by a dropout prevention and recovery community school in which students enrolled in grades eleven and twelve may earn an industry-recognized credential approved under section 3313.6113 of the Revised Code. The program, or programs, shall align with a career-technical education program approved under section

3317.161 of the Revised Code. The dropout prevention and 60017  
recovery community school shall offer the program, or programs, 60018  
using classroom teachers employed by the school. 60019

(2) "Dropout prevention and recovery community school" has 60020  
the same meaning as in section ~~3319.301~~3314.02 of the Revised 60021  
Code. 60022

(B) Notwithstanding any provision of Chapter 3317. of the 60023  
Revised Code to the contrary, all of the following shall apply: 60024

(1) For the purposes of sections 3317.014, 3317.022, and 60025  
3317.026 of the Revised Code, the department of education and 60026  
workforce shall adjust the career-technical education ADM of a 60027  
dropout prevention and recovery community school that offers a 60028  
credential-only program so that each student enrolled in that 60029  
program is included only in the school's category one career- 60030  
technical education ADM, regardless of whether the credential- 60031  
only program includes programs described in division (A)(1) of 60032  
section 3317.014 of the Revised Code. 60033

(2) For funding purposes, the department shall count each 60034  
student enrolled in a credential-only program as a full-time 60035  
student. 60036

(3) A dropout prevention and recovery community school 60037  
that offers a credential-only program may provide support 60038  
services to students who graduate from the school to assist them 60039  
in securing post-secondary placement opportunities, including 60040  
careers with state, regional, or local labor organizations. For 60041  
that purpose, the school may use a portion of the career- 60042  
technical education funds received under section 3317.022 of the 60043  
Revised Code to provide recent graduates, in the year following 60044  
their graduation from the school, with short-term, emergency 60045

financial assistance for expenses related to child care, 60046  
housing, food insecurity, transportation, and services including 60047  
but not limited to health care, dental care, mental health care, 60048  
and addiction treatment services. 60049

Sec. 3317.165. (A) (1) For fiscal years 2026 and 2027, the 60050  
department of education and workforce shall calculate a joint 60051  
vocational school district's per-pupil local capacity amount 60052  
according to the following formula: 60053

(0.0005 X the lesser of the district's three-year average 60054  
valuation or the district's most recent valuation) / (the 60055  
district's base cost enrolled ADM) 60056

(2) For fiscal year 2028 and each fiscal year thereafter, 60057  
the department shall calculate a district's per-pupil local 60058  
capacity amount in a manner determined by the general assembly. 60059

(B) (1) For fiscal years 2026 and 2027, the department 60060  
shall calculate a joint vocational school district's state share 60061  
percentage according to the following formula: 60062

(The district's base cost per pupil for the fiscal year - the 60063  
district's per-pupil local capacity amount for the fiscal year) 60064  
/ (the district's base cost per pupil for the fiscal year) 60065

If the result is less than 0.10, the state share 60066  
percentage shall be 0.10. 60067

(2) For fiscal year 2028 and each fiscal year thereafter, 60068  
the department shall calculate the state share percentage for a 60069  
joint vocational school district in a manner determined by the 60070  
general assembly. 60071

**Sec. 3317.20.** This section does not apply to preschool 60072  
children with disabilities. 60073

- (A) As used in this section: 60074
- (1) "Applicable special education amount" means the amount 60075  
specified in section 3317.013 of the Revised Code for a 60076  
disability described in that section. 60077
- (2) "Child's school district" means the school district in 60078  
which a child is entitled to attend school pursuant to section 60079  
3313.64 or 3313.65 of the Revised Code. 60080
- (3) "State share percentage" means the state share 60081  
percentage of the child's school district. 60082
- (B) The department shall annually pay each county board of 60083  
developmental disabilities for each child with a disability, 60084  
other than a preschool child with a disability, for whom the 60085  
county board provides special education and related services an 60086  
amount equal to the following: 60087
- (1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the statewide 60088  
average base cost per pupil + (state share percentage X the 60089  
applicable special education multiple X the statewide average 60090  
base cost per pupil); 60091
- (2) For fiscal year ~~2026-2028~~ and each fiscal year 60092  
thereafter, an amount determined by the general assembly. 60093
- (C) Each county board of developmental disabilities shall 60094  
report to the department, in the manner specified by the 60095  
department, the name of each child for whom the county board of 60096  
developmental disabilities provides special education and 60097  
related services and the child's school district. 60098
- (D) (1) For the purpose of verifying the accuracy of the 60099  
payments under this section, the department may request from 60100  
either of the following entities the data verification code 60101

assigned under division (D) (2) of section 3301.0714 of the Revised Code to any child who is placed with a county board of developmental disabilities:

(a) The child's school district;

(b) The independent contractor engaged to create and maintain data verification codes.

(2) Upon a request by the department under division (D) (1) of this section for the data verification code of a child, the child's school district shall submit that code to the department in the manner specified by the department. If the child has not been assigned a code, the district shall assign a code to that child and submit the code to the department by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child.

The department annually shall submit to each school district the name and data verification code of each child residing in the district for whom the department has assigned a code under this division.

(3) The department shall not release any data verification code that it receives under division (D) of this section to any person except as provided by law.

(E) Any document relative to special education and related services provided by a county board of developmental disabilities that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

**Sec. 3317.201.** This section does not apply to preschool

children with disabilities. 60131

(A) As used in this section, the "total special education amount" for an institution means the following: 60132  
60133

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of the following amounts: 60134  
60135

(a) The number of children certified by the institution under division (G) (1) (a) (i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (A) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil; 60136  
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(b) The number of children certified by the institution under division (G) (1) (a) (i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (B) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil; 60142  
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(c) The number of children certified by the institution under division (G) (1) (a) (i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (C) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil; 60148  
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(d) The number of children certified by the institution under division (G) (1) (a) (i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (D) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil; 60154  
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(e) The number of children certified by the institution 60160  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60161  
Code as receiving services for a disability described in 60162  
division (E) of section 3317.013 of the Revised Code multiplied 60163  
by the multiple specified in that division multiplied by the 60164  
statewide average base cost per pupil; 60165

(f) The number of children certified by the institution 60166  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60167  
Code as receiving services for a disability described in 60168  
division (F) of section 3317.013 of the Revised Code multiplied 60169  
by the multiple specified in that division multiplied by the 60170  
statewide average base cost per pupil. 60171

(2) For fiscal year ~~2026~~2028 and each fiscal year 60172  
thereafter, the sum of the following amounts: 60173

(a) An amount calculated in a manner determined by the 60174  
general assembly times the number of children certified by the 60175  
institution under division (G) (1) (a) (i) of section 3317.03 of 60176  
the Revised Code as receiving services for a disability 60177  
described in division (A) of section 3317.013 of the Revised 60178  
Code; 60179

(b) An amount calculated in a manner determined by the 60180  
general assembly times the number of children certified by the 60181  
institution under division (G) (1) (a) (i) of section 3317.03 of 60182  
the Revised Code as receiving services for a disability 60183  
described in division (B) of section 3317.013 of the Revised 60184  
Code; 60185

(c) An amount calculated in a manner determined by the 60186  
general assembly times the number of children certified by the 60187  
institution under division (G) (1) (a) (i) of section 3317.03 of 60188

the Revised Code as receiving services for a disability 60189  
described in division (C) of section 3317.013 of the Revised 60190  
Code; 60191

(d) An amount calculated in a manner determined by the 60192  
general assembly times the number of children certified by the 60193  
institution under division (G) (1) (a) (i) of section 3317.03 of 60194  
the Revised Code as receiving services for a disability 60195  
described in division (D) of section 3317.013 of the Revised 60196  
Code; 60197

(e) An amount calculated in a manner determined by the 60198  
general assembly times the number of children certified by the 60199  
institution under division (G) (1) (a) (i) of section 3317.03 of 60200  
the Revised Code as receiving services for a disability 60201  
described in division (E) of section 3317.013 of the Revised 60202  
Code; 60203

(f) An amount calculated in a manner determined by the 60204  
general assembly times the number of children certified by the 60205  
institution under division (G) (1) (a) (i) of section 3317.03 of 60206  
the Revised Code as receiving services for a disability 60207  
described in division (F) of section 3317.013 of the Revised 60208  
Code. 60209

(B) For each fiscal year, the department of education and 60210  
workforce shall pay each state institution required to provide 60211  
special education services under division (A) of section 60212  
3323.091 of the Revised Code an amount equal to the 60213  
institution's total special education amount. 60214

**Sec. 3317.22.** (A) As used in this section: 60215

(1) "Eligible internet- or computer-based community 60216  
school" means an internet- or computer-based community school ~~in~~ 60217



~~which a majority of the students were enrolled in that is a~~ 60218  
~~dropout prevention and recovery program~~ 60219  
~~community school, as~~ 60220  
~~defined in section 3314.02 of the Revised Code.~~

(2) "Statewide average base cost per-pupil" has the same 60221  
meaning as in section 3317.02 of the Revised Code. 60222

~~(3) "Internet- or computer-based community school" has the~~ 60223  
~~same meaning as in section 3314.02 of the Revised Code.~~ 60224

(B) The department of education and workforce shall 60225  
establish a program to provide additional funding for students 60226  
enrolled in grades eight through twelve in eligible internet- or 60227  
computer-based community schools. An eligible internet- or 60228  
computer-based community school may choose to participate in the 60229  
program by notifying the department not later than the first day 60230  
of February of the school year in which the school will 60231  
participate in the program in a form and manner determined by 60232  
the department. 60233

(C) The department shall require each eligible internet- 60234  
or computer-based community school that chooses to participate 60235  
in the program to report all information that is necessary to 60236  
make payments under division (D) of this section. 60237

(D) The department shall calculate an additional payment 60238  
for each eligible internet- or computer-based community school 60239  
that chooses to participate in the program, as follows: 60240

(1) Compute the lesser of the following for each student 60241  
enrolled in grades eight through twelve: 60242

(a) The statewide average base cost per-pupil X the 60243  
maximum full-time equivalency for the portion of the school year 60244  
for which the student is enrolled in the school; 60245

- (b) The sum of the following: 60246
- (i) A one-time payment of \$1,750. In the case of a student 60247  
enrolled in the school for the first time for the school year 60248  
for which the payment is being made, payment shall be made under 60249  
division (D)(1)(b)(i) of this section at least thirty days after 60250  
the student is considered to be enrolled in the school in 60251  
accordance with division (H)(2) of section 3314.08 of the 60252  
Revised Code, provided the student has been continuously 60253  
enrolled in the school during that time, as determined by the 60254  
department. In the case of a student that was enrolled in the 60255  
school for the prior school year, payment shall be made under 60256  
division (D)(1)(b)(i) of this section at least thirty days after 60257  
the student has started to participate in learning opportunities 60258  
for the school year for which the payment is being made, 60259  
provided the student has been continuously enrolled in the 60260  
school during that time, as determined by the department. 60261
- (ii) The statewide average base cost per-pupil X (1/920) X 60262  
the lesser of the number of hours the student participates in 60263  
learning opportunities in that fiscal year or 920; 60264
- (iii) The lesser of (\$500 X either the number of courses 60265  
completed by the student in that fiscal year, in the case of a 60266  
student enrolled in grade eight, or the number of credits earned 60267  
by the student in that fiscal year, in the case of a student 60268  
enrolled in grades nine through twelve) or \$2,500. 60269
- (2) Compute the sum of the amounts calculated under 60270  
division (D)(1) of this section for all students enrolled in 60271  
grades eight through twelve. 60272
- (3) Compute the school's payment in accordance with the 60273  
following formula: 60274

(The amount determined under division (D) (2) of this section) - (the number of full-time equivalent students enrolled in grades eight through twelve in the school X the statewide average base cost per-pupil)

If the amount computed under division (D) (3) is a negative number, the school shall not receive a payment under this section.

(E) (1) The department may complete a review of the enrollment of each eligible internet- or computer-based community school that chooses to participate in the program in accordance with division (K) of section 3314.08 of the Revised Code. If the department determines a school has been overpaid based on a review completed under division (E) (1) of this section, the department shall require a repayment of the overpaid funds and may require the school to establish a plan to improve the reporting of enrollment.

(2) To the extent that an eligible internet- or computer-based community school that chooses to participate in the program had, for the prior school year, a percentage of student engagement in learning opportunities that was less than sixty-five per cent, the school shall provide to the department a meaningful plan for increasing student engagement.

(3) All eligible internet- or computer-based community schools that choose to participate in the program shall implement programming or protocol which documents enrollment and participation in learning opportunities in order to participate in the program.

**Sec. 3317.25.** (A) As used in this section, "disadvantaged pupil impact aid" means the following:

- (1) For a city, local, or exempted village school district, the funds received under division (A) (4) (a) of section 3317.022 of the Revised Code; 60304  
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- (2) For a joint vocational school district, the funds received under division (A) (3) of section 3317.16 of the Revised Code; 60307  
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- (3) For a community school established under Chapter 3314. of the Revised Code, the funds received under division (A) (4) (b) of section 3317.022 of the Revised Code; 60310  
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- (4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under division (A) (4) (b) of section 3317.022 of the Revised Code. 60313  
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- (B) (1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, local, exempted village, or joint vocational school district, community school, or STEM school shall spend the disadvantaged pupil impact aid it receives for any of the following initiatives or a combination of any of the following initiatives: 60316  
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- (a) Extended school day and school year; 60322
- (b) Reading improvement and intervention that is aligned with the science of reading and evidence-based strategies for effective literacy instruction; 60323  
60324  
60325
- (c) Instructional technology or blended learning; 60326
- (d) Professional development in the science of reading and evidence-based strategies for effective literacy instruction for teachers of students in kindergarten through third grade; 60327  
60328  
60329
- (e) Dropout prevention; 60330

(f) School safety and security measures;	60331
(g) Community learning centers that address barriers to learning;	60332 60333
(h) Academic interventions for students in any of grades six through twelve;	60334 60335
(i) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal under section 3319.272 of the Revised Code;	60336 60337 60338 60339
(j) Mental health services, including telehealth services, community-based behavioral health services, and recovery supports;	60340 60341 60342
(k) Culturally appropriate, evidence-based or evidence-informed prevention services, including youth-led programming and curricula to promote mental health and prevent substance use and suicide, and trauma-informed services;	60343 60344 60345 60346
(l) Services for homeless youth;	60347
(m) Services for child welfare involved youth;	60348
(n) Community liaisons or programs that connect students to community resources, including behavioral wellness coordinators and city connects, communities in schools, and other similar programs;	60349 60350 60351 60352
(o) Physical health care services, including telehealth services and community-based health services;	60353 60354
(p) Family engagement and support services;	60355
(q) Student services provided prior to or after the regularly scheduled school day or any time school is not in	60356 60357

session, including mentoring programs. 60358

(2) For fiscal year ~~2026~~2028 and each fiscal year 60359  
thereafter, each city, local, exempted village, and joint 60360  
vocational school district, community school, and STEM school 60361  
shall spend the disadvantaged pupil impact aid it receives for 60362  
one or more initiatives specified by the general assembly. 60363

(C) (1) For fiscal years ~~2024~~2026 and ~~2025~~2027, each city, 60364  
local, exempted village, and joint vocational school district, 60365  
community school, and STEM school that is subject to the 60366  
requirements of this section shall develop a plan for utilizing 60367  
the disadvantaged pupil impact aid it receives in coordination 60368  
with at least one of the following community partners: 60369

(a) A board of alcohol, drug addiction, and mental health 60370  
services established under Chapter 340. of the Revised Code; 60371

(b) An educational service center; 60372

(c) A county board of developmental disabilities; 60373

(d) A ~~community-based~~community mental health prevention 60374  
or treatment provider; 60375

(e) A board of health of a city or general health 60376  
district; 60377

(f) A county department of job and family services; 60378

(g) A nonprofit organization with experience serving 60379  
children; 60380

(h) A public hospital agency. 60381

(2) For fiscal year ~~2026~~2028 and each fiscal year 60382  
thereafter, each city, local, exempted village, and joint 60383  
vocational school district, community school, and STEM school 60384

that is subject to the requirements of this section shall 60385  
develop a plan for utilizing the disadvantaged pupil impact aid 60386  
it receives in the manner specified by the general assembly, if 60387  
the general assembly requires city, local, exempted village, and 60388  
joint vocational school districts, community schools, and STEM 60389  
schools to develop such a plan. 60390

(D) After the end of each fiscal year, each city, local, 60391  
exempted village, or joint vocational school district, community 60392  
school, and STEM school shall submit a report to the department 60393  
of education and workforce describing the initiative or 60394  
initiatives on which the district's or school's disadvantaged 60395  
pupil impact aid were spent during that fiscal year. For fiscal 60396  
years ~~2024-2026~~ and ~~2025~~2027, this report shall be submitted in 60397  
a manner prescribed by the department and shall also describe 60398  
the amount of money that was spent on each initiative. 60399

(E) Starting in 2015, the department shall submit a report 60400  
of the information it receives under division (C) of this 60401  
section to the general assembly not later than the first day of 60402  
December of each odd-numbered year in accordance with section 60403  
101.68 of the Revised Code. 60404

Sec. 3317.27. The quality community school support program 60405  
is established. Under the program, the department of education 60406  
and workforce shall pay each community school established under 60407  
Chapter 3314. of the Revised Code and designated as a community 60408  
school of quality under section 3317.28 of the Revised Code an 60409  
amount up to three thousand dollars in each fiscal year for each 60410  
student identified as economically disadvantaged and up to two 60411  
thousand two hundred fifty dollars in each fiscal year for each 60412  
student that is not identified as economically disadvantaged. 60413  
The payment for a fiscal year shall be calculated using the 60414

adjusted full-time equivalent number of students enrolled in the 60415  
school for that fiscal year as of the date the payment is made, 60416  
as reported by the school under section 3314.08 of the Revised 60417  
Code. The department shall make periodic payments to each 60418  
designated school beginning in January of that fiscal year. 60419

**Sec. 3317.28.** Not later than the thirty-first day of 60420  
December of each fiscal year, the department of education and 60421  
workforce shall designate as a community school of quality each 60422  
community school established under Chapter 3314. of the Revised 60423  
Code that meets the criteria established in division (A), (B), 60424  
(C), or (D) of this section. 60425

(A) A community school qualifies as a community school of 60426  
quality if the school meets all of the following criteria: 60427

(1) The school's sponsor was rated "exemplary" or 60428  
"effective" on the sponsor's most recent evaluation conducted 60429  
under section 3314.016 of the Revised Code. 60430

(2) The school received a higher performance index score 60431  
than the school district in which the school is located on the 60432  
two most recent report cards issued for the school under section 60433  
3302.03 of the Revised Code. 60434

(3) The school received a performance rating of four stars 60435  
or higher for the progress component or a performance rating of 60436  
three stars or higher for the achievement component on the most 60437  
recent report card issued for the school under section 3302.03 60438  
of the Revised Code or is a school described under division (B) 60439  
of section 3314.35 of the Revised Code and did not receive a 60440  
rating for the progress component on the most recent report 60441  
card. 60442

(B) A community school qualifies as a community school of 60443



quality if the school meets all of the following criteria: 60444

(1) The school's sponsor was rated "exemplary" or 60445  
"effective" on the sponsor's most recent evaluation conducted 60446  
under section 3314.016 of the Revised Code. 60447

(2) The school is in its first year of operation or the 60448  
school opened as a kindergarten school and has added one grade 60449  
per year and has been in operation for less than four school 60450  
years. 60451

(3) The school is replicating an operational and 60452  
instructional model used by a community school described in 60453  
division (A) of this section. 60454

(4) If the school has an operator, the operator received a 60455  
rating of three stars or better on its most recent performance 60456  
report published under section 3314.031 of the Revised Code. 60457

(C) A community school qualifies as a community school of 60458  
quality if the school meets all of the following criteria: 60459

(1) The school's sponsor was rated "exemplary" or 60460  
"effective" on the sponsor's most recent evaluation conducted 60461  
under section 3314.016 of the Revised Code. 60462

(2) The school satisfies either of the following: 60463

(a) The school contracts with an operator that operates 60464  
schools in other states and meets at least one of the following 60465  
criteria: 60466

(i) Has operated a school that received a grant funded 60467  
through the federal charter school program established under 20 60468  
U.S.C. 7221 within the five years prior to the date of 60469  
application or received funding from the charter school growth 60470  
fund; 60471

<u>(ii) Meets all of the following criteria:</u>	60472
<u>(I) One of the operator's schools in another state</u>	60473
<u>performed better than the school district in which the school is</u>	60474
<u>located, as determined by the department.</u>	60475
<u>(II) At least fifty per cent of the total number of</u>	60476
<u>students enrolled in all of the operator's schools are</u>	60477
<u>economically disadvantaged, as determined by the department.</u>	60478
<u>(III) The operator is in good standing in all states where</u>	60479
<u>it operates schools, as determined by the department.</u>	60480
<u>(IV) The department has determined that the operator does</u>	60481
<u>not have any financial viability issues that would prevent it</u>	60482
<u>from effectively operating a community school in Ohio.</u>	60483
<u>(b) The school is replicating an operational and</u>	60484
<u>instructional model through an agreement with a college or</u>	60485
<u>university used by a community school or its equivalent in</u>	60486
<u>another state that performed better than the school district in</u>	60487
<u>which the school is located, as determined by the department.</u>	60488
<u>(3) The school is in its first year of operation or, if</u>	60489
<u>not in its first year of operation and qualifying under division</u>	60490
<u>(C) (2) (b) of this section, meets either of the following</u>	60491
<u>conditions:</u>	60492
<u>(a) The school opened on July 1, 2022, and has not</u>	60493
<u>previously been designated as a community school of quality</u>	60494
<u>under this section, in which case the first payment under</u>	60495
<u>section 3317.27 of the Revised Code shall be made on or before</u>	60496
<u>January 31, 2024, and shall be calculated based on the adjusted</u>	60497
<u>full-time equivalent number of students enrolled in the school</u>	60498
<u>for fiscal year 2024.</u>	60499

(b) The school opened on or after July 1, 2019, and has 60500  
not previously been designated as a community school of quality 60501  
under this section, in which case the first payment under 60502  
section 3317.27 of the Revised Code shall be made within thirty 60503  
days of the effective date of this section and shall be 60504  
calculated based on the adjusted full-time equivalent number of 60505  
students enrolled in the school for the fiscal year for which 60506  
the payment is being made. 60507

(D) A community school qualifies as a community school of 60508  
quality if it meets all of the following criteria: 60509

(1) The school is a dropout prevention and recovery school 60510  
as defined under section 3314.02 of the Revised Code. 60511

(2) The school's sponsor was rated "exemplary" or 60512  
"effective" on the sponsor's most recent evaluation conducted 60513  
under section 3314.016 of the Revised Code. 60514

(3) The school received an "exceeds standards" on the two 60515  
most recent report cards issued for the school under section 60516  
3314.017 of the Revised Code. 60517

(4) The school offers an in-house career-technical 60518  
education program that leads to a 12-point industry recognized 60519  
credential, or group of credentials, approved under section 60520  
3313.6113 of the Revised Code. 60521

(5) At least seventy-five per cent of the school's 60522  
students are placed in any form of employment, military service, 60523  
apprenticeship, community or other two-year degree program, or 60524  
state institution of higher education after graduation, as 60525  
determined by the department. 60526

(6) The school is not an internet- or computer-based 60527  
community school. 60528

(E) A school designated as a community school of quality 60529  
under this section shall maintain that designation for the two 60530  
fiscal years following the fiscal year in which the school was 60531  
initially designated as a community school of quality. 60532

(F) A school designated a community school of quality may 60533  
renew its designation each year that it satisfies the criteria 60534  
under division (A) of this section. The school shall maintain 60535  
that designation for the two fiscal years following each fiscal 60536  
year in which the criteria under division (A) of this section 60537  
are satisfied. 60538

(G) A school that was designated as a community school of 60539  
quality for the first time under division (B) of this section 60540  
for the 2022-2023 school year shall be considered to have 60541  
maintained that designation for the 2022-2023 school year, shall 60542  
maintain that designation through the 2027-2028 school year, and 60543  
may renew its designation under division (F) of this section 60544  
after that year. 60545

(H) If two or more community schools have merged or merge 60546  
in accordance with division (B) of section 3314.0211 of the 60547  
Revised Code on or after June 30, 2022, the surviving community 60548  
school is eligible to receive funds under this program, provided 60549  
it otherwise qualifies as a community school of quality under 60550  
division (A), (B), or (C) of this section. In such a case, the 60551  
payment for a fiscal year shall be calculated using the adjusted 60552  
full-time equivalent number of students enrolled in the school 60553  
for that fiscal year as of the date the payments are made, as 60554  
reported by the surviving community school under section 3314.08 60555  
of the Revised Code, regardless of whether those students were 60556  
previously enrolled in a community school that was dissolved as 60557  
part of the merger. A community school qualified to receive 60558

funds under the program prior to merging on or after June 30, 60559  
2022, and was dissolved due to the merger, shall be considered 60560  
to have been eligible for funds under the program prior to the 60561  
effective date of this section and shall not be required to 60562  
return any funds received prior to that date. 60563

**Sec. 3317.29.** (A) The quality independent STEM school 60564  
support program is established. Under the program, the 60565  
department of education and workforce shall pay each STEM school 60566  
established under Chapter 3326. of the Revised Code and 60567  
designated as an independent STEM school of quality under this 60568  
section an amount up to three thousand dollars in each fiscal 60569  
year for each student identified as economically disadvantaged 60570  
and up to two thousand two hundred fifty dollars in each fiscal 60571  
year for each student that is not identified as economically 60572  
disadvantaged. The payment for a fiscal year shall be calculated 60573  
using the adjusted full-time equivalent number of students 60574  
enrolled in the school for that fiscal year as of the date the 60575  
payment is made, as reported by the school under section 3326.32 60576  
of the Revised Code. The department shall make periodic payments 60577  
to each designated school beginning in January of a fiscal year. 60578

(B) Not later than the thirty-first day of December each 60579  
fiscal year, the department shall designate a STEM school as an 60580  
independent STEM school of quality if the school satisfies all 60581  
of the following criteria: 60582

(1) The STEM school operates autonomously under section 60583  
3326.031 of the Revised Code. 60584

(2) The STEM school does not have a STEM school equivalent 60585  
designation under section 3326.032 of the Revised Code. 60586

(3) The STEM school is not governed by a school district 60587

<u>under section 3326.51 of the Revised Code.</u>	60588
<u>(4) The STEM school is not a community school established under Chapter 3314. of the Revised Code.</u>	60589 60590
<u>(5) The STEM school cannot levy taxes or issue tax-secured bonds in accordance with section 3326.49 of the Revised Code.</u>	60591 60592
<u>(6) The STEM school satisfies the requirements prescribed by section 3326.03 of the Revised Code.</u>	60593 60594
<u>(7) The STEM school satisfies the requirements described in the quality model for STEM and STEAM schools established by the department of education and workforce in accordance with Chapter 3326. of the Revised Code.</u>	60595 60596 60597 60598
<u>(C) A school designated as an independent STEM school of quality under this section shall maintain that designation for the two fiscal years following the fiscal year in which the school was initially designated as an independent STEM school of quality.</u>	60599 60600 60601 60602 60603
<u>(D) A school designated as an independent STEM school of quality may renew its designation each year that it satisfies the criteria under division (B) of this section. The school shall maintain that designation for the two fiscal years following each fiscal year in which the criteria under division (B) of this section are satisfied. This division applies to schools designated as an independent STEM school of quality based on the report cards issued in accordance with sections 3302.03 and 3326.17 of the Revised Code for the 2017-2018 and 2018-2019 school years.</u>	60604 60605 60606 60607 60608 60609 60610 60611 60612 60613
<u><b>Sec. 3317.31.</b> The department of education and workforce shall pay each community school established under Chapter 3314. of the Revised Code and each STEM school established under</u>	60614 60615 60616

Chapter 3326. of the Revised Code an amount equal to twenty-five 60617  
dollars in each fiscal year for each full-time equivalent 60618  
student in an internet- or computer-based community school and 60619  
one thousand five hundred dollars in each fiscal year for each 60620  
full-time equivalent student in all other community or STEM 60621  
schools for assistance with the cost associated with facilities. 60622

**Sec. 3318.032.** (A) Except as otherwise provided in 60623  
divisions ~~(C)~~(B), (D), and ~~(D)~~(E) of this section, the portion 60624  
of the basic project cost supplied by the school district shall 60625  
be the ~~greater of:~~ 60626

~~(1) The required percentage of the basic project costs;~~ 60627

~~(2) (a) (B) For all districts except a district that opts to~~ 60628  
~~divide its entire classroom facilities needs into segments to be~~ 60629  
~~completed separately as authorized by section 3318.034 of the~~ 60630  
~~Revised Code, an amount necessary to raise the school district's~~ 60631  
~~net bonded indebtedness the portion of the basic project cost~~ 60632  
~~supplied by the school district for the first segment shall be~~ 60633  
~~calculated using the required percentage of the basic project~~ 60634  
~~costs,~~ as of the date the controlling board approved the 60635  
~~project, to within five thousand dollars of the required level~~ 60636  
~~of indebtedness;~~ Any future segment's portion of the basic 60637  
project cost shall use the same respective share as the first 60638  
segment. 60639

~~(b) For a district that opts to divide its entire~~ 60640  
~~classroom facilities needs into segments to be completed~~ 60641  
~~separately as authorized by section 3318.034 of the Revised~~ 60642  
~~Code, an amount necessary to raise the school district's net~~ 60643  
~~bonded indebtedness, as of the date the controlling board~~ 60644  
~~approved the project, to within five thousand dollars of the~~ 60645  
~~following:~~ 60646

~~The required level of indebtedness X (the basic  
project cost of the segment as approved  
by the controlling board / the estimated basic  
project cost of the district's entire classroom facilities  
needs as determined jointly by the staff of the Ohio  
facilities construction commission and the district)~~

~~(B)~~ (C) The amount of the district's share determined under this section shall be calculated only as of the date the controlling board approved the project, and that amount applies throughout the sixteen-month period permitted under section 3318.05 of the Revised Code for the district's electors to approve the propositions described in that section. If the amount reserved and encumbered for a project is released because the electors do not approve those propositions within that period, and the school district later receives the controlling board's approval for the project, subject to a new project scope and estimated costs under section 3318.054 of the Revised Code, the district's portion shall be recalculated in accordance with this section as of the date of the controlling board's subsequent approval.

~~(C)~~ (D) At no time shall a school district's portion of the basic project cost be greater than ninety-five per cent of the total basic project cost.

~~(D)~~ (E) If the controlling board approves a project under sections 3318.01 to 3318.20 of the Revised Code for a school district that previously received assistance under those sections or section 3318.37 of the Revised Code within the twenty-year period prior to the date on which the controlling



board approves the new project, the district's portion of the 60675  
basic project cost for the new project shall be the lesser of 60676  
the following: 60677

(1) The portion calculated under division (A) of this 60678  
section; 60679

(2) The greater of the following: 60680

(a) The required percentage of the basic project costs for 60681  
the new project; 60682

(b) The percentage of the basic project cost paid by the 60683  
district for the previous project. 60684

**Sec. 3318.12.** (A) The Ohio facilities construction 60685  
commission shall cause to be transferred to the school 60686  
district's project construction fund the necessary amounts from 60687  
amounts appropriated by the general assembly and set aside for 60688  
such purpose, from time to time as may be necessary to pay 60689  
obligations chargeable to such fund when due. All investment 60690  
earnings of a school district's project construction fund shall 60691  
be credited to the fund. 60692

(B) (1) The treasurer of the school district board shall 60693  
disburse funds from the school district's project construction 60694  
fund, including investment earnings credited to the fund, only 60695  
upon the approval of the commission or the commission's 60696  
designated representative. The commission or the commission's 60697  
designated representative shall issue vouchers against such 60698  
fund, in such amounts, and at such times as required by the 60699  
contracts for construction of the project. 60700

(2) Notwithstanding anything to the contrary in division 60701  
(B) (1) of this section, the school district board may, by a duly 60702  
adopted resolution, choose to use all or part of the investment 60703

earnings of the district's project construction fund that are 60704  
attributable to the district's contribution to the fund to pay 60705  
the cost of classroom facilities or portions or components of 60706  
classroom facilities that are not included in the district's 60707  
basic project cost but that are related to the district's 60708  
project. If the district board adopts a resolution in favor of 60709  
using those investment earnings as authorized under division (B) 60710  
(2) of this section, the treasurer shall disburse the amount as 60711  
designated and directed by the board. However, if the district 60712  
board chooses to use any part of the investment earnings for 60713  
classroom facilities or portions or components of classroom 60714  
facilities that are not included in the basic project cost, as 60715  
authorized under division (B) (2) of this section, and, 60716  
subsequently, the cost of the project exceeds the amount in the 60717  
project construction fund, the district board shall restore to 60718  
the project construction fund the full amount of the investment 60719  
earnings used under division (B) (2) of this section before any 60720  
additional state moneys shall be released for the project. 60721

(C) After a certificate of completion has been issued for 60722  
a project under section 3318.48 of the Revised Code: 60723

(1) At the discretion of the school district board, any 60724  
investment earnings remaining in the project construction fund 60725  
that are attributable to the school district's contribution to 60726  
the fund shall be: 60727

(a) Retained in the project construction fund for future 60728  
projects; 60729

(b) Transferred to the district's maintenance fund 60730  
required by division (B) of section 3318.05 or section 3318.43 60731  
of the Revised Code, and the money so transferred shall be used 60732  
solely for maintaining the classroom facilities included in the 60733

project; 60734

(c) Transferred to the district's permanent improvement fund. 60735  
60736

(2) Any investment earnings remaining in the project construction fund that are attributable to the state's contribution to the fund shall be transferred to the commission for expenditure pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code. 60737  
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(3) Any other surplus remaining in the school district's project construction fund shall be transferred to the commission and the school district board in proportion to their respective contributions to the fund. The commission shall use the money transferred to it under this division for expenditure pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code. 60742  
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(D) Pursuant to appropriations of the general assembly, any moneys transferred to the commission under division (C) (2) or (3) of this section from a project construction fund for a project under sections 3318.40 to 3318.45 of the Revised Code may be used for future expenditures for projects under sections 3318.40 to 3318.45 of the Revised Code, ~~notwithstanding the two-per cent annual limit specified in accordance with~~ division (B) of section 3318.40 of the Revised Code. 60749  
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**Sec. 3318.40.** (A) (1) Sections 3318.40 to 3318.45 of the Revised Code apply only to joint vocational school districts. 60757  
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(2) As used in sections 3318.40 to 3318.45 of the Revised Code: 60759  
60760

(a) "Ohio facilities construction commission," "classroom facilities," "project," and "basic project cost" have the same 60761  
60762

meanings as in section 3318.01 of the Revised Code. 60763

(b) "Acquisition of classroom facilities" means 60764  
constructing, reconstructing, repairing, or making additions to 60765  
classroom facilities. 60766

(B) There is hereby established the vocational school 60767  
facilities assistance program. Under the program, the Ohio 60768  
facilities construction commission shall provide assistance to 60769  
joint vocational school districts for the acquisition of 60770  
classroom facilities suitable to the vocational education 60771  
programs of the districts in accordance with sections 3318.40 to 60772  
3318.45 of the Revised Code. ~~For purposes of the program,~~ 60773  
~~beginning July 1, 2003, the~~ The commission annually may set 60774  
aside up to two per cent a portion of the aggregate amount 60775  
appropriated to it for classroom facilities assistance projects 60776  
in the public school building fund, established under section 60777  
3318.15 of the Revised Code, and the school building program 60778  
assistance fund, established under section 3318.25 of the 60779  
Revised Code, to provide assistance to at least two joint 60780  
vocational school districts per biennium. The amount set aside 60781  
for this purpose shall be determined by the commission. 60782

(C) The commission shall not provide assistance for any 60783  
distinct part of a project under sections 3318.40 to 3318.45 of 60784  
the Revised Code that when completed will be used exclusively 60785  
for an adult education program or exclusively for operation of a 60786  
driver training school for instruction leading to the issuance 60787  
of a commercial driver's license under Chapter 4506. of the 60788  
Revised Code, except for life safety items and basic building 60789  
components necessary for complete and continuous construction or 60790  
renovation of a classroom facility as determined by the 60791  
commission. 60792

(D) The commission shall not provide assistance under 60793  
sections 3318.40 to 3318.45 of the Revised Code to acquire 60794  
classroom facilities for vocational educational instruction at a 60795  
location under the control of a school district that is a member 60796  
of a joint vocational school district. Any assistance to acquire 60797  
classroom facilities for vocational educational instruction at 60798  
such location shall be provided to the school district that is a 60799  
member of the joint vocational school district through other 60800  
provisions of this chapter when that member school district is 60801  
eligible for assistance under those provisions. 60802

(E) By September 1, 2003, the commission shall assess the 60803  
classroom facilities needs of at least five joint vocational 60804  
school districts, according to the order of priority prescribed 60805  
in division (B) of section 3318.42 of the Revised Code, and 60806  
based on the results of those assessments shall determine the 60807  
extent to which amendments to the specifications adopted under 60808  
section 3318.311 of the Revised Code are warranted. The 60809  
commission, thereafter, may amend the specifications as provided 60810  
in that section. 60811

(F) After the commission has conducted the assessments 60812  
prescribed in division (E) of this section, the commission shall 60813  
establish, by rule adopted in accordance with section 111.15 of 60814  
the Revised Code, guidelines for the commission to use in 60815  
deciding whether to waive compliance with the design 60816  
specifications adopted under section 3318.311 of the Revised 60817  
Code when determining the number of facilities and the basic 60818  
project cost of projects as prescribed in division (A) (1) (a) of 60819  
section 3318.41 of the Revised Code. The guidelines shall 60820  
address the following situations: 60821

(1) Under what circumstances, if any, particular classroom 60822

facilities are adequate to meet the needs of the school district 60823  
even though the facilities do not comply with the specifications 60824  
adopted under section 3318.311 of the Revised Code; 60825

(2) Under what circumstances, if any, particular classroom 60826  
facilities will be renovated or repaired rather than replaced by 60827  
construction of new facilities. 60828

**Sec. 3319.088.** As used in this section, "educational 60829  
assistant" means any nonteaching employee in a school district 60830  
who directly assists a teacher as defined in section 3319.09 of 60831  
the Revised Code, by performing duties for which a license 60832  
issued pursuant to sections 3319.22 to 3319.30 of the Revised 60833  
Code is not required. 60834

(A) Except as provided in division (G) of this section, 60835  
the state board of education shall issue educational aide 60836  
permits and educational paraprofessional licenses for 60837  
educational assistants and shall adopt rules for the issuance 60838  
and renewal of such permits and licenses which shall be 60839  
consistent with the provisions of this section. Educational aide 60840  
permits and educational paraprofessional licenses may be of 60841  
several types and the rules shall prescribe the minimum 60842  
qualifications of education and health for the service to be 60843  
authorized under each type. The prescribed minimum 60844  
qualifications may require special training or educational 60845  
courses designed to qualify a person to perform effectively the 60846  
duties authorized under an educational aide permit or 60847  
educational paraprofessional license. 60848

(B) (1) Except as provided in division (G) of this section, 60849  
any application for a permit or license, or a renewal or 60850  
duplicate of a permit or license, under this section shall be 60851  
accompanied by the payment of a fee in the amount established 60852

under division ~~(A)~~(B) of section 3319.51 of the Revised Code. 60853  
Any fees received under this division shall be paid into the 60854  
state treasury to the credit of the ~~state board of education-~~ 60855  
~~licensure fund established under division (B) of section 3319.51~~ 60856  
occupational licensing and regulatory fund established in 60857  
section 4743.05 of the Revised Code. 60858

(2) Any person applying for or holding a permit or license 60859  
pursuant to this section is subject to sections 3123.41 to 60860  
3123.50 of the Revised Code and any applicable rules adopted 60861  
under section 3123.63 of the Revised Code and sections 3319.31 60862  
and 3319.311 of the Revised Code. 60863

(C) Educational assistants shall at all times while in the 60864  
performance of their duties be under the supervision and 60865  
direction of a teacher as defined in section 3319.09 of the 60866  
Revised Code. Educational assistants may assist a teacher to 60867  
whom assigned in the supervision of pupils, in assisting with 60868  
instructional tasks, and in the performance of duties which, in 60869  
the judgment of the teacher to whom the assistant is assigned, 60870  
may be performed by a person not licensed pursuant to sections 60871  
3319.22 to 3319.30 of the Revised Code and for which a teaching 60872  
license, issued pursuant to sections 3319.22 to 3319.30 of the 60873  
Revised Code is not required. The duties of an educational 60874  
assistant shall not include the assignment of grades to pupils. 60875  
The duties of an educational assistant need not be performed in 60876  
the physical presence of the teacher to whom assigned, but the 60877  
activity of an educational assistant shall at all times be under 60878  
the direction of the teacher to whom assigned. The assignment of 60879  
an educational assistant need not be limited to assisting a 60880  
single teacher. In the event an educational assistant is 60881  
assigned to assist more than one teacher the assignments shall 60882  
be clearly delineated and so arranged that the educational 60883

assistant shall never be subject to simultaneous supervision or 60884  
direction by more than one teacher. 60885

Educational assistants assigned to supervise children 60886  
shall, when the teacher to whom assigned is not physically 60887  
present, maintain the degree of control and discipline that 60888  
would be maintained by the teacher. 60889

Educational assistants may not be used in place of 60890  
classroom teachers or other employees and any payment of 60891  
compensation by boards of education to educational assistants 60892  
for such services is prohibited. The ratio between the number of 60893  
licensed teachers and the pupils in a school district may not be 60894  
decreased by utilization of educational assistants and no 60895  
grouping, or other organization of pupils, for utilization of 60896  
educational assistants shall be established which is 60897  
inconsistent with sound educational practices and procedures. A 60898  
school district may employ up to one full time equivalent 60899  
educational assistant for each six full time equivalent licensed 60900  
employees of the district. Educational assistants shall not be 60901  
counted as licensed employees for purposes of state support in 60902  
the school foundation program and no grouping or regrouping of 60903  
pupils with educational assistants may be counted as a class or 60904  
unit for school foundation program purposes. Neither special 60905  
courses required by the regulations of the state board of 60906  
education, prescribing minimum qualifications of education for 60907  
an educational assistant, nor years of service as an educational 60908  
assistant shall be counted in any way toward qualifying for a 60909  
teacher license, for a teacher contract of any type, or for 60910  
determining placement on a salary schedule in a school district 60911  
as a teacher. 60912

(D) Educational assistants employed by a board of 60913



education shall have all rights, benefits, and legal protection 60914  
available to other nonteaching employees in the school district, 60915  
except that provisions of Chapter 124. of the Revised Code shall 60916  
not apply to any person employed as an educational assistant, 60917  
and shall be members of the school employees retirement system. 60918  
Educational assistants shall be compensated according to a 60919  
salary plan adopted annually by the board. 60920

Except as provided in this section nonteaching employees 60921  
shall not serve as educational assistants without first 60922  
obtaining an appropriate educational aide permit or educational 60923  
paraprofessional license from the state board of education. A 60924  
nonteaching employee who is the holder of a valid educational 60925  
aide permit or educational paraprofessional license shall 60926  
neither render nor be required to render services inconsistent 60927  
with the type of services authorized by the permit or license 60928  
held. No person shall receive compensation from a board of 60929  
education for services rendered as an educational assistant in 60930  
violation of this provision. 60931

Nonteaching employees whose functions are solely 60932  
secretarial-clerical and who do not perform any other duties as 60933  
educational assistants, even though they assist a teacher and 60934  
work under the direction of a teacher shall not be required to 60935  
hold a permit or license issued pursuant to this section. 60936

Following the determination of the assignment and general 60937  
job description of an educational assistant and subject to 60938  
supervision by the teacher's immediate administrative officer, a 60939  
teacher to whom an educational assistant is assigned shall make 60940  
all final determinations of the duties to be assigned to such 60941  
assistant. Teachers shall not be required to hold a license 60942  
designated for being a supervisor or administrator in order to 60943

perform the necessary supervision of educational assistants. 60944

(E) No person who is, or who has been employed as an 60945  
educational assistant shall divulge, except to the teacher to 60946  
whom assigned, or the administrator of the school in the absence 60947  
of the teacher to whom assigned, or when required to testify in 60948  
a court or proceedings, any personal information concerning any 60949  
pupil in the school district which was obtained or obtainable by 60950  
the educational assistant while so employed. Violation of this 60951  
provision is grounds for disciplinary action or dismissal, or 60952  
both. 60953

(F) Notwithstanding anything to the contrary in this 60954  
section, the superintendent of a school district may allow an 60955  
employee who does not hold a permit or license issued under this 60956  
section to work as a substitute for an educational assistant who 60957  
is absent on account of illness or on a leave of absence, or to 60958  
fill a temporary position created by an emergency, provided that 60959  
the superintendent believes the employee's application materials 60960  
indicate that the employee is qualified to obtain a permit or 60961  
license under this section. 60962

An employee shall begin work as a substitute under this 60963  
division not earlier than on the date on which the employee 60964  
files an application with the state board for a permit or 60965  
license under this section. An employee shall cease working as a 60966  
substitute under this division on the earliest of the following: 60967

(1) The date on which the employee files a valid permit or 60968  
license issued under this section with the superintendent; 60969

(2) The date on which the employee is denied a permit or 60970  
license under this section; 60971

(3) Sixty days following the date on which the employee 60972

began work as a substitute under this division. 60973

The superintendent shall ensure that an employee assigned 60974  
to work as a substitute under division (F) of this section has 60975  
undergone a criminal records check in accordance with section 60976  
3319.391 of the Revised Code. 60977

(G) The state board shall issue an educational aide permit 60978  
or educational paraprofessional license in accordance with 60979  
Chapter 4796. of the Revised Code to an applicant if either of 60980  
the following applies: 60981

(1) The applicant holds a permit or license in another 60982  
state. 60983

(2) The applicant has satisfactory work experience, a 60984  
government certification, or a private certification as 60985  
described in that chapter as an educational aide or educational 60986  
paraprofessional in a state that does not issue that permit or 60987  
license or both. 60988

**Sec. 3319.111.** Notwithstanding section 3319.09 of the 60989  
Revised Code, this section applies to any person who is employed 60990  
under a teacher license issued under this chapter, or under a 60991  
professional or permanent teacher's certificate issued under 60992  
former section 3319.222 of the Revised Code, and who spends at 60993  
least fifty per cent of the time employed providing student 60994  
instruction. However, this section does not apply to any person 60995  
who is employed as a substitute teacher or as an instructor of 60996  
adult education. 60997

(A) The board of education of each school district, in 60998  
consultation with teachers employed by the board, shall update 60999  
its standards-based teacher evaluation policy to conform with 61000  
either the framework for evaluation of teachers adopted under 61001

section 3319.112 of the Revised Code or a framework created or 61002  
adopted by the board. The policy shall become operative at the 61003  
expiration of any collective bargaining agreement covering 61004  
teachers employed by the board that is in effect on November 2, 61005  
2018, and shall be included in any renewal or extension of such 61006  
an agreement. 61007

(B) When using measures of student performance as evidence 61008  
in a teacher's evaluation, those measures shall be high-quality 61009  
student data. The board of education of each school district may 61010  
use data from the assessments on the list developed under 61011  
division (B) (2) of section 3319.112 of the Revised Code as high- 61012  
quality student data. 61013

(C) (1) The board shall conduct an evaluation of each 61014  
teacher employed by the board at least once each school year, 61015  
except as provided in division (C) (2) of this section. The 61016  
evaluation shall be completed by the first day of May and the 61017  
teacher shall receive a written report of the results of the 61018  
evaluation by the tenth day of May. 61019

(2) (a) The board may evaluate each teacher who received a 61020  
rating of accomplished on the teacher's most recent evaluation 61021  
conducted under this section once every three school years, so 61022  
long as the teacher submits a self-directed professional growth 61023  
plan to the evaluator that focuses on specific areas identified 61024  
in the observations and evaluation and the evaluator determines 61025  
that the teacher is making progress on that plan. 61026

(b) The board may evaluate each teacher who received a 61027  
rating of skilled on the teacher's most recent evaluation 61028  
conducted under this section once every two years, so long as 61029  
the teacher and evaluator jointly develop a professional growth 61030  
plan for the teacher that focuses on specific areas identified 61031

in the observations and evaluation and the evaluator determines 61032  
that the teacher is making progress on that plan. 61033

(c) For each teacher who is evaluated pursuant to division 61034  
(C) (2) of this section, the evaluation shall be completed by the 61035  
first day of May of the applicable school year, and the teacher 61036  
shall receive a written report of the results of the evaluation 61037  
by the tenth day of May of that school year. 61038

(d) The board may elect not to conduct an evaluation of a 61039  
teacher who meets one of the following requirements: 61040

(i) The teacher was on leave from the school district for 61041  
fifty per cent or more of the school year, as calculated by the 61042  
board. 61043

(ii) The teacher has submitted notice of retirement and 61044  
that notice has been accepted by the board not later than the 61045  
first day of December of the school year in which the evaluation 61046  
is otherwise scheduled to be conducted. 61047

~~(e) The board may elect not to conduct an evaluation of a 61048  
teacher who is participating in the teacher residency program 61049  
established under section 3319.223 of the Revised Code for the 61050  
year during which that teacher takes, for the first time, at 61051  
least half of the performance-based assessment prescribed by the 61052  
state board of education for resident educators. 61053~~

(3) In any year that a teacher is not formally evaluated 61054  
pursuant to division (C) of this section as a result of 61055  
receiving a rating of accomplished or skilled on the teacher's 61056  
most recent evaluation, an individual qualified to evaluate a 61057  
teacher under division (D) of this section shall conduct at 61058  
least one observation of the teacher and hold at least one 61059  
conference with the teacher. The conference shall include a 61060

discussion of progress on the teacher's professional growth 61061  
plan. 61062

(D) Each evaluation conducted pursuant to this section 61063  
shall be conducted by one or more of the following persons who 61064  
hold a credential established by the state board of education 61065  
for being an evaluator: 61066

(1) A person who is under contract with the board pursuant 61067  
to section 3319.01 or 3319.02 of the Revised Code and holds a 61068  
license designated for being a superintendent, assistant 61069  
superintendent, or principal issued under section 3319.22 of the 61070  
Revised Code; 61071

(2) A person who is under contract with the board pursuant 61072  
to section 3319.02 of the Revised Code and holds a license 61073  
designated for being a vocational director, administrative 61074  
specialist, or supervisor in any educational area issued under 61075  
section 3319.22 of the Revised Code; 61076

(3) A person designated to conduct evaluations under an 61077  
agreement entered into by the board, including an agreement 61078  
providing for peer review entered into by the board and 61079  
representatives of teachers employed by the board; 61080

(4) A person who is employed by an entity contracted by 61081  
the board to conduct evaluations and who holds a license 61082  
designated for being a superintendent, assistant superintendent, 61083  
principal, vocational director, administrative specialist, or 61084  
supervisor in any educational area issued under section 3319.22 61085  
of the Revised Code or is qualified to conduct evaluations. 61086

(E) Notwithstanding division (A) (3) of section 3319.112 of 61087  
the Revised Code, the board shall require at least three formal 61088  
observations of each teacher who is under consideration for 61089

nonrenewal and with whom the board has entered into a limited 61090  
contract or an extended limited contract under section 3319.11 61091  
of the Revised Code. 61092

(F) The board shall include in its evaluation policy 61093  
procedures for using the evaluation results for retention and 61094  
promotion decisions and for removal of poorly performing 61095  
teachers. Seniority shall not be the basis for a decision to 61096  
retain a teacher, except when making a decision between teachers 61097  
who have comparable evaluations. 61098

(G) For purposes of section 3333.0411 of the Revised Code, 61099  
the board annually shall report to the state board the number of 61100  
teachers for whom an evaluation was conducted under this section 61101  
and the number of teachers assigned each rating prescribed under 61102  
division (B) (1) of section 3319.112 of the Revised Code or the 61103  
equivalent framework created or adopted by the board, aggregated 61104  
by the teacher preparation programs from which and the years in 61105  
which the teachers graduated. The state board shall establish 61106  
guidelines for reporting the information required by this 61107  
division. The guidelines shall not permit or require that the 61108  
name of, or any other personally identifiable information about, 61109  
any teacher be reported under this division. 61110

(H) Notwithstanding any provision to the contrary in 61111  
Chapter 4117. of the Revised Code, the requirements of this 61112  
section prevail over any conflicting provisions of a collective 61113  
bargaining agreement entered into on or after November 2, 2018. 61114

Sec. 3319.173. (A) The superintendent of each school 61115  
district shall assign teachers to positions based on the best 61116  
interests of the students enrolled in the district. In 61117  
assigning, reassigning, or transferring a teacher, whether 61118  
voluntary or involuntary on the part of the teacher, the 61119

superintendent shall not use seniority or continuing contract 61120  
status as the primary factor in determining the teacher's 61121  
assignment. 61122

(B) Notwithstanding any provision to the contrary in 61123  
section 4117.10 of the Revised Code, the requirements of this 61124  
section prevail over any conflicting provisions of agreements 61125  
between employee organizations and public employers entered into 61126  
on or after the effective date of this section. 61127

**Sec. 3319.223.** (A) The superintendent of public 61128  
instruction and the chancellor of higher education jointly shall 61129  
establish the Ohio teacher residency program, which shall be a 61130  
two-year, entry-level program for classroom teachers. Except as 61131  
provided in division (B) of this section, the teacher residency 61132  
program shall include at least the following components: 61133

(1) Mentoring by teachers, which may be provided online or 61134  
in person. The state superintendent shall provide participants 61135  
and mentors with access to online professional development 61136  
~~resources and sample videos of Ohio classroom lessons submitted~~ 61137  
~~for the assessment prescribed under division (A) (3) of this~~ 61138  
~~section at no cost.~~ 61139

(2) Counseling, as determined necessary by the school 61140  
district or school, to ensure that program participants receive 61141  
needed professional development. ~~The state superintendent shall~~ 61142  
~~provide to each participant who does not receive a passing score~~ 61143  
~~on the assessment under division (A) (3) of this section, at no~~ 61144  
~~cost, the opportunity to meet online with an instructional coach~~ 61145  
~~who is a certified assessor of the assessment to review the~~ 61146  
~~participant's assessment score results and discuss improvement~~ 61147  
~~strategies and professional development.~~ 61148



~~Participants who choose to meet with an instructional coach shall select from an online pool of instructional coaches who have completed training and are approved by the state superintendent. The characteristics of each coach's school or district, including its size, typology, and demographics, shall be made available. However, participants shall not be required to choose an instructional coach from a similar district or school.~~ 61149  
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~~Participants who have not taken the assessment under division (A) (3) of this section may meet online with instructional coaches approved by the state superintendent if the participant's school district or school pays the costs associated with the meetings.~~ 61157  
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(3) Measures of appropriate progression through the program, which shall include the performance-based assessment prescribed by the state board of education for resident educators. The state board shall not limit the number of attempts to successfully complete the performance-based assessment. 61162  
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~~An individual may submit the assessment between the first Tuesday of October and the first Friday of April of the individual's second year of the program. The results of the assessment shall be returned within thirty days unless a new assessor is contracted, in which case the results shall be returned in forty-five days. The teacher evaluation system adopted under section 3319.111 of the Revised Code may be used to assess an individual participating in the teacher residency program.~~ 61168  
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(B) No individual who is teaching career-technical courses under an alternative resident educator license issued under 61177  
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section 3319.26 of the Revised Code or rule of the state board 61179  
shall be required to ~~do either of the following:~~ 61180

~~(1) Complete~~ complete the conditions of the Ohio teacher 61181  
residency program that a participant, as of September 29, 2015, 61182  
would have been required to complete during the participant's 61183  
first and second year of teaching under an alternative resident 61184  
educator license. 61185

~~(2) Take a performance-based assessment.~~ 61186

(C) The teacher residency program shall be aligned with 61187  
the standards for teachers adopted by the state board under 61188  
section 3319.61 of the Revised Code and best practices 61189  
identified by the superintendent of public instruction. 61190

(D) Each person who holds a resident educator license 61191  
issued under section 3319.22 or 3319.227 of the Revised Code or 61192  
an alternative resident educator license issued under section 61193  
3319.26 of the Revised Code shall participate in the teacher 61194  
residency program. Successful completion of the program shall be 61195  
required to qualify any such person for a professional educator 61196  
license issued under section 3319.22 of the Revised Code. 61197

**Sec. 3319.236.** (A) Except as provided in section 3313.6033 61198  
of the Revised Code or in division (B) or (E) of this section, a 61199  
school district shall require an individual to hold a valid 61200  
educator license in computer science, or have a license 61201  
endorsement in computer technology and a passing score on a 61202  
content examination in the area of computer science, to teach 61203  
computer science courses. 61204

(B) A school district may employ an individual, for the 61205  
purpose of teaching computer science courses, who holds a valid 61206  
educator license, provided the individual meets the requirements 61207

established by rules of the state board of education to qualify 61208  
for a supplemental teaching license for teaching computer 61209  
science. The rules shall require an applicant for a supplemental 61210  
teaching license to pass a content examination in the area of 61211  
computer science. The rules also shall permit an individual, 61212  
after at least two years of successfully teaching computer 61213  
science courses under the supplemental teaching license, to 61214  
advance to a standard educator license in computer science by 61215  
completing a pedagogy course applicable to the grade levels in 61216  
which the individual is teaching. However, the rules may exempt 61217  
an individual teaching computer science from the requirement to 61218  
complete a pedagogy course if the individual previously 61219  
completed a pedagogy course applicable to the grade levels in 61220  
which the individual is teaching. 61221

(C) In order for an individual to teach advanced placement 61222  
computer science courses, a school district shall require the 61223  
individual to also complete a professional development program 61224  
endorsed or provided by the organization that creates and 61225  
administers national advanced placement examinations. For this 61226  
purpose, the individual may complete the program at any time 61227  
during the calendar year. 61228

(D) Notwithstanding section 3301.012 of the Revised Code, 61229  
as used in this section, "computer science courses" means any 61230  
courses that are reported in the education management 61231  
information system established under section 3301.0714 of the 61232  
Revised Code as computer science courses and which are aligned 61233  
to computer science standards adopted by the department of 61234  
education and workforce. 61235

(E) The state board of education shall adopt rules to 61236  
create a computer science teaching license for industry 61237

professionals to teach computer science to specific grades. The 61238  
holder of a computer science teaching license for industry 61239  
professionals shall be limited to teaching forty hours in a week 61240  
in the subject area of computer science. The superintendent of 61241  
public instruction shall consult with the chancellor of higher 61242  
education in creating and revising the requirements for computer 61243  
science teacher licensure. 61244

(F) Licenses issued under this section shall specify 61245  
whether the educator is licensed to teach grades kindergarten 61246  
through twelve, pre-kindergarten through five, grades four 61247  
through nine, or grades seven through twelve. 61248

Sec. 3319.2310. (A) As used in this section, "other public 61249  
school" has the same meaning as in section 3301.0711 of the 61250  
Revised Code. 61251

(B) The department of education and workforce shall do 61252  
both of the following: 61253

(1) Maintain a training course for licensed educators that 61254  
serves as an introduction to the science of reading; 61255

(2) Develop a competency-based training course for 61256  
licensed educators that updates and reinforces educators' 61257  
knowledge and skills in the science of reading. 61258

(C) Each individual employed by a school district or other 61259  
public school as a teacher, administrator, school psychologist, 61260  
or speech-language pathologist shall complete training in the 61261  
science of reading in accordance with division (C) of this 61262  
section. 61263

(1) An individual hired by the district or other public 61264  
school as a teacher or administrator prior to July 1, 2025, 61265  
shall complete the training described in division (B) (2) of this 61266

section by June 30, 2030, and every five years thereafter. 61267

(2) An individual hired by the district or other public school as a teacher or administrator on or after July 1, 2025, shall complete the training described in division (B) (1) of this section within one year after the date of hire and shall complete the training described in division (B) (2) of this section every five years thereafter. However, an individual shall not be required to complete the training described in division (B) (1) of this section if the district superintendent or head administrator of the other public school has verified that the individual did either of the following within five years prior to the date of hire: 61268  
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(a) Completed that training or a similar training, as determined by the department; 61279  
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(b) Completed appropriate coursework in the science of reading as part of the individual's educator or licensure preparation program. 61281  
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(3) An individual employed by the district or other public school as a school psychologist or speech-language pathologist shall complete the training described in division (B) (1) of this section by June 30, 2027, and shall complete the training described in division (B) (2) of this section every five years thereafter. 61284  
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(D) A professional development committee established under section 3319.22 of the Revised Code shall count training described in division (B) of this section toward professional development requirements for educator licensure renewal. The committee shall permit an individual to apply any hours earned over the minimum amount of hours required for professional 61290  
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development coursework for licensure renewal to the next renewal 61296  
period for that license. 61297

**Sec. 3319.263.** ~~Until July 1, 2028,~~ 61298  
~~notwithstanding~~Notwithstanding anything to the contrary in 61299  
section 3319.26 of the Revised Code or any rule of the state 61300  
board of education adopted under that section, the state board 61301  
shall not limit the subject areas for which an individual may 61302  
receive an alternative resident educator license issued under 61303  
that section. 61304

**Sec. 3319.271.** (A) The department of education and 61305  
workforce shall establish a principal apprenticeship program. 61306  
The program shall provide multiple pathways for individuals to 61307  
receive training and development in school leadership and 61308  
primary and secondary school administration and shall provide 61309  
the option for participants to obtain a master's degree. 61310

(B) The principal apprenticeship program shall be open to 61311  
licensed educators who are employed as a teacher in a public or 61312  
chartered nonpublic school in this state and to professionals 61313  
working in fields other than education. In selecting candidates 61314  
for the program, the department may give preference to 61315  
applicants who have multiple years of classroom teaching 61316  
experience or multiple years of experience in the same 61317  
professional career field and experience in teaching, training, 61318  
or supervising others. 61319

(C) The principal apprenticeship program shall require 61320  
participating individuals to be mentored by a school principal 61321  
and complete on-the-site job training. 61322

(D) The state board of education shall issue an individual 61323  
a professional administrator license for grades pre-kindergarten 61324

through twelve upon certification from the department that the 61325  
individual has successfully completed the principal 61326  
apprenticeship program. 61327

**Sec. 3319.29.** Each application for any license, 61328  
certificate, or permit under this chapter, or renewal or 61329  
duplicate of such a license, certificate, or permit, shall be 61330  
accompanied by the payment of a fee in the amount established 61331  
under division ~~(A)~~(B) of section 3319.51 of the Revised Code. 61332  
Any fees received under this section shall be paid into the 61333  
state treasury to the credit of the ~~state board of education-~~ 61334  
~~licensure fund established under division (B) of section 3319.51~~ 61335  
occupational licensing and regulatory fund established in 61336  
section 4743.05 of the Revised Code. 61337

Any person applying for or holding a license, certificate, 61338  
or permit under this chapter is subject to sections 3123.41 to 61339  
3123.50 of the Revised Code and any applicable rules adopted 61340  
under section 3123.63 of the Revised Code and sections 3319.31 61341  
and 3319.311 of the Revised Code. 61342

**Sec. 3319.301.** (A) As used in this section: 61343

(1) "Dropout prevention and recovery community school"- 61344  
~~means a community school established under Chapter 3314. of the-~~ 61345  
~~Revised Code in which a majority of the students are enrolled in~~ 61346  
~~a dropout prevention and recovery program that is operated by-~~ 61347  
~~the school has the same meaning as in section 3314.02 of the~~ 61348  
Revised Code. 61349

(2) "Industry-recognized credential program" means a 61350  
career-technical course in which a student may earn an industry- 61351  
recognized credential approved under section 3313.6113 of the 61352  
Revised Code. 61353

(3) "STEM school" means a science, technology, 61354  
engineering, and mathematics school established under Chapter 61355  
3326. of the Revised Code. 61356

(B) The state board of education shall issue permits to 61357  
individuals who are not licensed as required by sections 3319.22 61358  
to 3319.30 of the Revised Code, but who are otherwise qualified, 61359  
to teach classes for not more than a total of twelve hours a 61360  
week, except that an individual teaching in a STEM school or an 61361  
individual teaching an industry-recognized credential program 61362  
offered at a dropout prevention and recovery community school 61363  
may teach classes for not more than a total of forty hours a 61364  
week. The state board, by rule, shall set forth the 61365  
qualifications, other than licensure under sections 3319.22 to 61366  
3319.30 of the Revised Code, to be met by individuals in order 61367  
to be issued a permit as provided in this section. Such 61368  
qualifications shall include the possession of a baccalaureate, 61369  
master's, or doctoral degree in, or significant experience 61370  
related to, the subject the individual is to teach. For an 61371  
individual assigned to teach a career-technical class, 61372  
significant experience related to a subject shall include 61373  
career-technical experience. Applications for permits pursuant 61374  
to this section shall be made in accordance with section 3319.29 61375  
of the Revised Code. A permit issued under this section shall be 61376  
renewable. 61377

The state board, by rule, shall authorize the board of 61378  
education of each school district and each STEM school to engage 61379  
individuals holding permits issued under this section to teach 61380  
classes for not more than the total number of hours a week 61381  
specified in the permit. The rules shall include provisions with 61382  
regard to each of the following: 61383



(1) That a board of education or STEM school shall engage a nonlicensed individual to teach pursuant to this section on a volunteer basis, or by entering into a contract with the individual or the individual's employer on such terms and conditions as are agreed to between the board or school and the individual or the individual's employer;

(2) That an employee of the board of education or STEM school who is licensed under sections 3319.22 to 3319.30 of the Revised Code shall directly supervise a nonlicensed individual who is engaged to teach pursuant to this section until the superintendent of the school district or the chief administrative officer of the STEM school is satisfied that the nonlicensed individual has sufficient understanding of, and experience in, effective teaching methods to teach without supervision.

(C) A nonlicensed individual engaged to teach pursuant to this section is a teacher for the purposes of Title XXXIII of the Revised Code except for the purposes of Chapters 3307. and 3317. and sections 3319.07 to 3319.31 of the Revised Code. Such an individual is not an employee of the board of education or STEM school for the purpose of Titles I or XLI or Chapter 3309. of the Revised Code.

(D) Students enrolled in a class taught by a nonlicensed individual pursuant to this section and rules adopted thereunder shall receive the same credit as if the class had been taught by an employee licensed pursuant to sections 3319.22 to 3319.30 of the Revised Code.

(E) No board of education of any school district shall engage any one or more nonlicensed individuals if such employment displaces from employment an existing licensed

employee of the district. 61414

(F) Chapter 4796. of the Revised Code does not apply to 61415  
permits issued under this section. 61416

**Sec. 3319.311.** (A) (1) The state board of education, or the 61417  
superintendent of public instruction on behalf of the board, may 61418  
investigate any information received about a person that 61419  
reasonably appears to be a basis for action under section 61420  
3319.31 of the Revised Code, including information received 61421  
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 61422  
3328.19, 5126.253, or 5153.176 of the Revised Code. Except as 61423  
provided in division (A) (2) of this section, the board shall 61424  
contract with the office of the Ohio attorney general to conduct 61425  
any investigation of that nature. The board shall pay for the 61426  
costs of the contract only from moneys in the ~~state board of~~ 61427  
~~education licensure fund established under section 3319.51 of~~ 61428  
occupational licensing and regulatory fund established in 61429  
section 4743.05 of the Revised Code. Except as provided in 61430  
division (A) (2) of this section, all information received 61431  
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 61432  
3328.19, 5126.253, or 5153.176 of the Revised Code, and all 61433  
information obtained during an investigation is confidential and 61434  
is not a public record under section 149.43 of the Revised Code. 61435  
If an investigation is conducted under this division regarding 61436  
information received about a person and no action is taken 61437  
against the person under this section or section 3319.31 of the 61438  
Revised Code within two years of the completion of the 61439  
investigation, all records of the investigation shall be 61440  
expunged. 61441

(2) In the case of a person about whom the board has 61442  
learned of a plea of guilty to, finding of guilt by a jury or 61443

court of, or a conviction of an offense listed in division (C) 61444  
of section 3319.31 of the Revised Code, or substantially 61445  
comparable conduct occurring in a jurisdiction outside this 61446  
state, the board or the superintendent of public instruction 61447  
need not conduct any further investigation and shall take the 61448  
action required by division (C) or (F) of that section. Except 61449  
as provided in division (G) of this section, all information 61450  
obtained by the board or the superintendent of public 61451  
instruction pertaining to the action is a public record under 61452  
section 149.43 of the Revised Code. 61453

(B) The superintendent of public instruction shall review 61454  
the results of each investigation of a person conducted under 61455  
division (A)(1) of this section and shall determine, on behalf 61456  
of the state board, whether the results warrant initiating 61457  
action under division (B) of section 3319.31 of the Revised 61458  
Code. The superintendent shall advise the board of such 61459  
determination at a meeting of the board. Within fourteen days of 61460  
the next meeting of the board, any member of the board may ask 61461  
that the question of initiating action under section 3319.31 of 61462  
the Revised Code be placed on the board's agenda for that next 61463  
meeting. Prior to initiating that action against any person, the 61464  
person's name and any other personally identifiable information 61465  
shall remain confidential. 61466

(C) The board shall take no action against a person under 61467  
division (B) of section 3319.31 of the Revised Code without 61468  
providing the person with written notice of the charges and with 61469  
an opportunity for a hearing in accordance with Chapter 119. of 61470  
the Revised Code. 61471

(D) For purposes of an investigation under division (A)(1) 61472  
of this section or a hearing under division (C) of this section 61473

or under division (E) (2) of section 3319.31 of the Revised Code, 61474  
the board, or the superintendent on behalf of the board, may 61475  
administer oaths, order the taking of depositions, issue 61476  
subpoenas, and compel the attendance of witnesses and the 61477  
production of books, accounts, papers, records, documents, and 61478  
testimony. The issuance of subpoenas under this division may be 61479  
by certified mail, regular mail with a certificate of mailing, 61480  
or other form of delivery with proof of delivery, including 61481  
electronic delivery with electronic proof of delivery, or 61482  
personal delivery to the person. 61483

(E) The superintendent, on behalf of the board, may enter 61484  
into a consent agreement with a person against whom action is 61485  
being taken under division (B) of section 3319.31 of the Revised 61486  
Code. The board may adopt rules governing the superintendent's 61487  
action under this division. 61488

(F) No surrender of a license shall be effective until the 61489  
board takes action to accept the surrender unless the surrender 61490  
is pursuant to a consent agreement entered into under division 61491  
(E) of this section. 61492

(G) The name of any person who is not required to report 61493  
information under section 3314.40, 3319.313, 3326.24, 3328.19, 61494  
5126.253, or 5153.176 of the Revised Code, but who in good faith 61495  
provides information to the state board or superintendent of 61496  
public instruction about alleged misconduct committed by a 61497  
person who holds a license or has applied for issuance or 61498  
renewal of a license, shall be confidential and shall not be 61499  
released. Any such person shall be immune from any civil 61500  
liability that otherwise might be incurred or imposed for 61501  
injury, death, or loss to person or property as a result of the 61502  
provision of that information. 61503

(H) (1) No person shall knowingly make a false report to the superintendent of public instruction or the state board of education alleging misconduct by an employee of a public or chartered nonpublic school or an employee of the operator of a community school established under Chapter 3314. or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(2) (a) In any civil action brought against a person in which it is alleged and proved that the person violated division (H) (1) of this section, the court shall award the prevailing party reasonable attorney's fees and costs that the prevailing party incurred in the civil action or as a result of the false report that was the basis of the violation.

(b) If a person is convicted of or pleads guilty to a violation of division (H) (1) of this section, if the subject of the false report that was the basis of the violation was charged with any violation of a law or ordinance as a result of the false report, and if the subject of the false report is found not to be guilty of the charges brought against the subject as a result of the false report or those charges are dismissed, the court that sentences the person for the violation of division (H) (1) of this section, as part of the sentence, shall order the person to pay restitution to the subject of the false report, in an amount equal to reasonable attorney's fees and costs that the subject of the false report incurred as a result of or in relation to the charges.

**Sec. 3319.51.** ~~(A)(1)~~ (A) As used in this section, "operating expenses" includes the cost of administering requirements related to the issuance and renewal of licenses, certificates, or permits described in this chapter and sections

3301.071 and 3301.074 of the Revised Code and any other cost 61534  
incurred by the state board of education to perform a duty 61535  
prescribed by law. 61536

(B) The state board of education shall annually establish 61537  
the amount of the fees required to be paid for any license, 61538  
certificate, or permit issued under this chapter or division (B) 61539  
of section 3301.071 or section 3301.074 of the Revised Code. 61540  
Except as provided in division ~~(A)(2)~~ (C) of this section, the 61541  
amount of these fees shall be such that they, along with any 61542  
appropriation made ~~to the fund established under division (B) of~~ 61543  
~~this section~~ by the general assembly, will be sufficient to 61544  
cover the annual estimated operating expenses of the state 61545  
board, including the cost of administering the requirements 61546  
related to the issuance and renewal of licenses, certificates, 61547  
and permits described in this chapter and sections 3301.071 and 61548  
3301.074 of the Revised Code. 61549

~~(2)(C)~~ (C) The state board shall not require any fee to be 61550  
paid under division ~~(A)(1)~~ (B) of this section for a license, 61551  
certificate, or permit issued for the purpose of teaching in a 61552  
junior reserve officer training corps (JROTC) program approved 61553  
by the congress of the United States under title 10 of the 61554  
United States Code.- 61555

~~(B)~~ There is hereby established in the state treasury the 61556  
state board of education licensure fund, which shall be used by 61557  
the state board of education to pay the state board's operating 61558  
expenses, including any cost incurred to perform a duty 61559  
~~prescribed by law and the cost of administering requirements~~ 61560  
~~related to the issuance and renewal of licenses, certificates,~~ 61561  
~~and permits described in this chapter and sections 3301.071 and~~ 61562  
~~3301.074 of the Revised Code. The fund shall consist of the~~ 61563

~~amounts paid into the fund pursuant to division (B) of section 61564  
3301.071 and sections 3301.074 and 3319.29 of the Revised Code 61565  
and any appropriations to the fund by the general assembly. 61566~~

(D) The operating expenses of the state board shall be 61567  
paid primarily from, and all license, certificate, or permit 61568  
fees received by the state board shall be deposited in, the 61569  
state treasury to the credit of the occupational licensing and 61570  
regulatory fund established in section 4743.05 of the Revised 61571  
Code. 61572

**Sec. 3320.04.** Each school district board of education 61573  
shall adopt a policy that reasonably accommodates the sincerely 61574  
held religious beliefs and practices of individual students with 61575  
regard to all examinations or other academic requirements and 61576  
absences for reasons of faith or religious or spiritual belief 61577  
system. The policy shall satisfy all of the following 61578  
conditions: 61579

(A) The policy shall permit a student in any of grades 61580  
kindergarten through twelve to be absent for up to three 61581  
religious expression days each school year to take holidays for 61582  
reasons of faith or religious or spiritual belief system or 61583  
participate in organized activities conducted under the auspices 61584  
of a religious denomination, church, or other religious or 61585  
spiritual organization. The district shall not impose an 61586  
academic penalty as a result of a student being absent as 61587  
permitted in the policy. The policy shall also permit students 61588  
to participate in interscholastic athletics or other 61589  
extracurricular activities on days in which the student was 61590  
otherwise absent for a religious expression day. 61591

(B) (1) The policy shall require that students be provided 61592  
with alternative accommodations with regard to examinations and 61593

other academic requirements missed due to an absence described 61594  
in division (A) of this section if not later than fourteen 61595  
school days after the first day of school, or fourteen school 61596  
days after the date of enrollment for a student who transfers to 61597  
or enrolls in the district after the first day of school, the 61598  
parent or guardian of a student provides the school principal 61599  
with written notice of up to three specific dates for which 61600  
alternative accommodations are requested, if an absence approved 61601  
under division (B) (2) of this section conflicts with an 61602  
examination or other academic requirement on that date. 61603

(2) The school principal shall approve not more than three 61604  
written requests per school year from a student's parent or 61605  
guardian for an excused absence under division (A) of this 61606  
section. The school principal shall approve such requests 61607  
without inquiry into the sincerity of a student's religious or 61608  
spiritual belief system. However, the school principal may 61609  
verify a request received under division (A) of this section by 61610  
contacting the parent or guardian whose signature appears on the 61611  
request. If a parent or guardian disputes having signed such a 61612  
request, the school principal may deny the request. Upon 61613  
approval of a request that satisfies division (B) (1) of this 61614  
section, a school principal shall require the appropriate 61615  
classroom teacher or teachers to schedule a time and date for an 61616  
alternative examination or other academic requirement if the 61617  
approved student absence creates a conflict, which may be before 61618  
or after the time and date the examination or other academic 61619  
requirement was originally scheduled. 61620

(C) The policy shall require the district board to post 61621  
both of the following in a prominent location on the district's 61622  
web site: 61623



(1) A copy of the policy adopted under this section, which 61624  
shall include the contact information of an individual who can 61625  
provide further information about the policy; 61626

(2) A nonexhaustive list of major religious holidays, 61627  
festivals, and religious observations, which may include, Eid, 61628  
Good Friday, Rosh Hashanah, Yom Kippur, and Passover, for which 61629  
an excused absence under this section shall not be unreasonably 61630  
withheld or denied. 61631

The director of education and workforce shall provide each 61632  
district with a nonexhaustive list of major religious holidays 61633  
or festivals for the next two school years, including Eid, Good 61634  
Friday, Rosh Hashanah, Yom Kippur, and Passover, at the 61635  
beginning of each school year. Each district may adopt the 61636  
director's list in its entirety or choose which holidays to 61637  
include on its list. 61638

Each time a district's policy is posted, printed, or 61639  
published, including as described in divisions (C) and (D) of 61640  
this section, the district shall include a statement that the 61641  
list is nonexhaustive, and the list may not be used to deny 61642  
accommodation to a student for a holiday or festival of the 61643  
student's faith or religious or spiritual belief system that 61644  
does not appear on the list. 61645

Nothing in this section, and no inclusion or exclusion of 61646  
a religious holiday or festival on the list posted by a 61647  
district, shall preclude a student from full and reasonable 61648  
accommodations for any sincerely held religious beliefs and 61649  
practices with regard to all examinations or other academic 61650  
requirements and absences for reasons of faith or religious or 61651  
spiritual belief system provided under this section. 61652

(D) The policy shall require school districts annually to convey to parents and guardians the policy adopted under this section, including a description of the general procedure for requesting accommodations. The manner in which the school district conveys the information shall be determined at the discretion of the district.

(E) The policy shall include a procedure under which a student, parent, or guardian may notify the district of any grievance with regard to the implementation of the policy required under this section.

(F) Any days excused under this section shall not be considered in determining absence hours for the purposes of parental notification under ~~division (C) (1) of~~ section 3321.191 of the Revised Code.

**Sec. 3321.043.** (A) As used in this section, "driver education course" means a private driver training course approved by the director of public safety in accordance with Chapter 4508. of the Revised Code.

(B) If a high school student enrolled in a school district is absent from school for the sole purpose of attending a driver education course, the district shall count that absence as an excused absence, up to a maximum of eight hours for that student. The student shall only be absent for up to two hours per day for not more than four days in meeting the maximum eight hours authorized by this section. The days may be nonconsecutive.

(C) The district shall require any student absent from school in accordance with this section to complete any classroom assignments that the student misses because of the absence.

Sec. 3321.16. (A) An attendance officer or assistant 61682  
provided for by section 3321.14 or 3321.15 of the Revised Code 61683  
may investigate any case of nonattendance at school or part-time 61684  
school of a child under eighteen years of age or supposed to be 61685  
under eighteen years of age resident in the district for which 61686  
such attendance officer or assistant is employed, or of any such 61687  
child found in the district or enrolled in any school within the 61688  
district and of any child above eighteen years of age if 61689  
enrolled in any school within the district, and may take such 61690  
action as the superintendent of schools directs or as such 61691  
attendance officer or assistant deems proper in the absence of 61692  
specific direction. 61693

(B) (1) Subject to divisions (B) (2) and (3) of this 61694  
section, the attendance officer shall file a complaint in the 61695  
juvenile court against ~~a student on the sixty-first day after~~ 61696  
~~the implementation of an absence intervention plan or other~~ 61697  
~~intervention strategies, provided that all~~ any student to which 61698  
any of the following apply: 61699

(a) The student was absent without legitimate excuse from 61700  
the public school the child is supposed to attend for thirty or 61701  
more consecutive hours~~7~~. 61702

(b) The student was absent without legitimate excuse from 61703  
the public school the child is supposed to attend for forty-two 61704  
or more hours in one school month~~7~~~~or~~. 61705

(c) The student was absent without legitimate excuse from 61706  
the public school the child is supposed to attend for seventy- 61707  
two or more hours in a school year. 61708

~~(b) The school district or school has made meaningful~~ 61709  
~~attempts to re-engage the student through the absence~~ 61710

~~intervention plan, other intervention strategies, and any  
offered alternatives to adjudication described under division  
(C) (2) (b) of section 3321.191 of the Revised Code.~~ 61711  
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~~(c) The student has refused to participate in or failed to  
make satisfactory progress on the plan, as determined by the  
absence intervention team, or any offered intervention  
strategies or alternative to adjudication.~~ 61714  
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~~(2) If the student, at any time during the implementation  
phase of the absence intervention plan or other intervention  
strategies, is absent without legitimate excuse for thirty or  
more consecutive hours or forty-two or more hours in one school-  
month, the attendance officer shall file a complaint in juvenile  
court against that student, unless the absence intervention team  
has determined that the student has made substantial progress on  
the absence intervention plan student's district or school  
determines that the student and the student's family are making  
satisfactory progress in improving the student's attendance at  
school, the attendance officer shall not file a complaint.~~ 61718  
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~~(3) In the event that the sixty-first day after the  
implementation of the absence intervention plan or other  
intervention strategies falls on a day during the summer months,  
in the school district's discretion, the absence intervention  
team or the attendance officer may extend the implementation of  
the plan and delay the filing of the complaint for an additional  
thirty days from the first day of instruction of the next school  
year. If no determination of progress under division (B) (2) of  
this section is made, or if the student and the student's family  
cease to continue making progress in improving the student's  
attendance, the attendance officer shall file a complaint in the  
juvenile court against the student.~~ 61729  
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A complaint filed in the juvenile court under division 61741  
(B) (3) of this section shall allege that the child is an unruly 61742  
child for being a habitual truant and that the parent, guardian, 61743  
or other person having care of the child has violated section 61744  
3321.38 of the Revised Code. 61745

**Sec. 3321.19.** (A) As used in this section and section 61746  
~~3321.191~~3321.16 of the Revised Code, "habitual truant" has the 61747  
same meaning as in section 2151.011 of the Revised Code. 61748

(B) When a board of education of any city, exempted 61749  
village, local, joint vocational, or cooperative education 61750  
school district or the governing board of any educational 61751  
service center determines that a student in its district has 61752  
been truant and the parent, guardian, or other person having 61753  
care of the child has failed to cause the student's attendance 61754  
at school, the board may require the parent, guardian, or other 61755  
person having care of the child pursuant to division (B) of this 61756  
section to attend an educational program established pursuant to 61757  
rules adopted by the department of education and workforce for 61758  
the purpose of encouraging parental involvement in compelling 61759  
the attendance of the child at school. 61760

No parent, guardian, or other person having care of a 61761  
child shall fail without good cause to attend an educational 61762  
program described in this division if the parent, guardian, or 61763  
other person has been served notice pursuant to division (C) of 61764  
this section. 61765

(C) On the request of the superintendent of schools, the 61766  
superintendent of any educational service center, the board of 61767  
education of any city, exempted village, local, joint 61768  
vocational, or cooperative education school district, or the 61769  
governing board of any educational service center or when it 61770

otherwise comes to the notice of the attendance officer or other 61771  
appropriate officer of the school district, the attendance 61772  
officer or other appropriate officer shall examine into any case 61773  
of supposed truancy within the district and shall warn the 61774  
child, if found truant, and the child's parent, guardian, or 61775  
other person having care of the child, in writing, of the legal 61776  
consequences of being truant. When any child of compulsory 61777  
school age, in violation of law, is not attending school, the 61778  
attendance or other appropriate officer shall notify the parent, 61779  
guardian, or other person having care of that child of the fact, 61780  
and require the parent, guardian, or other person to cause the 61781  
child to attend school immediately. The parent, guardian, or 61782  
other person having care of the child shall cause the child's 61783  
attendance at school. Upon the failure of the parent, guardian, 61784  
or other person having care of the child to do so, the 61785  
attendance officer or other appropriate officer, if so directed 61786  
by the superintendent, the district board, or the educational 61787  
service center governing board, shall send notice requiring the 61788  
attendance of that parent, guardian, or other person at a 61789  
parental education program established pursuant to division (B) 61790  
of this section and, ~~subject to divisions (D) and (E) of this~~ 61791  
~~section,~~ may file a complaint against the parent, guardian, or 61792  
other person having care of the child in any court of competent 61793  
jurisdiction. 61794

~~(D) (1) Upon the failure of the parent, guardian, or other~~ 61795  
~~person having care of the child to cause the child's attendance~~ 61796  
~~at school, if the child is considered an habitual truant, the~~ 61797  
~~board of education of the school district or the governing board~~ 61798  
~~of the educational service center, within ten days, subject to~~ 61799  
~~division (E) of this section, shall assign the student to an~~ 61800  
~~absence intervention team as described in division (C) of~~ 61801

~~section 3321.191 of the Revised Code.~~ 61802

~~(2) The attendance officer shall file a complaint in the juvenile court of the county in which the child has a residence or legal settlement or in which the child is supposed to attend school jointly against the child and the parent, guardian, or other person having care of the child, in accordance with the timelines and conditions set forth in division (B) of section 3321.16 of the Revised Code. A complaint filed in the juvenile court under this division shall allege that the child is an unruly child for being an habitual truant and that the parent, guardian, or other person having care of the child has violated section 3321.38 of the Revised Code.~~ 61803  
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~~(E) A school district with a chronic absenteeism percentage that is less than five per cent, as displayed on the district's most recent report card issued under section 3302.03 of the Revised Code, and the school buildings within that district, shall be exempt from the requirement to assign habitually truant students to an absence intervention team for the following school year and shall instead take any appropriate action as an intervention strategy contained in the policy developed by the district board pursuant to divisions (A) and (B) of section 3321.191 of the Revised Code. In the event that those intervention strategies fail, within sixty-one days after their implementation, the attendance officer shall file a complaint, provided that the conditions described in division (B) of section 3321.16 of the Revised Code are satisfied.~~ 61814  
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Sec. 3321.191. (A) As used in this section, "chronically absent" means missing at least ten per cent of the minimum number of hours required in the school year under section 3313.48 of the Revised Code for the school a student attends. 61828  
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(B) Not later than August 1, 2026, the board of education of each school district shall adopt a policy to address student absences. In developing the policy, the board shall consult with the juvenile court of the county or counties in which the district is located; the parents, guardians, or other persons having care of a student attending school in the district; and appropriate state and local agencies. 61832  
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(C) The policy adopted under division (B) of this section shall do all of the following: 61839  
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(1) Acknowledge that student absences from school for any reason, whether excused or unexcused, take away from instructional time and have an adverse effect on student learning; 61841  
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(2) Identify strategies to prevent students from becoming chronically absent; 61845  
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(3) Include procedures for notifying a student's parent, guardian, or custodian when the student has been absent from school for a number of hours determined by the board, which number shall not exceed five per cent of the minimum number of hours required in the school year under section 3313.48 of the Revised Code for the school the student attends; 61847  
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(4) Establish a tiered system that provides more intensive interventions and supports for students with greater numbers of absences and includes resources to help students and their families address the root causes of the absences; 61853  
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(5) Provide for one or more absence intervention teams to work with students at risk of becoming chronically absent and their families to improve the students' attendance at school; 61857  
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(6) Prohibit suspending, expelling, or otherwise 61860



preventing a student from attending school based on the 61861  
student's absences as prescribed by section 3313.668 of the 61862  
Revised Code. 61863

(D) The policy shall align with any other district or 61864  
school improvement plan developed pursuant to state or federal 61865  
law. 61866

(E) A district or school may consult or partner with 61867  
public, nonprofit, or private entities to provide assistance as 61868  
appropriate to students and their families in reducing absences. 61869

**Sec. 3321.21.** A notice under section 3321.19 or 3321.20 of 61870  
the Revised Code, that includes proof of receipt by the 61871  
recipient and is sent by registered mail, regular mail with a 61872  
certificate of mailing, electronic mail, text message, or other 61873  
form of delivery with proof of delivery, including electronic 61874  
delivery and electronic proof of delivery, is a legal notice. 61875

**Sec. 3321.22.** ~~(A) Except as provided in division (B) of~~ 61876  
~~this section, if~~ If a complaint is filed against the parent, 61877  
guardian, or other person in charge of a child for a failure to 61878  
cause the child to attend school or a part-time school or class 61879  
and if the parent, guardian, or other person proves an inability 61880  
to do so, then the parent, guardian, or other person in charge 61881  
of a child shall be discharged. Upon the discharge, the 61882  
attendance officer shall file a complaint before the judge of 61883  
the juvenile court of the county alleging that the child is a 61884  
delinquent child, unruly child, or dependent child within the 61885  
meaning of section 2151.022, 2151.04, or 2152.02 of the Revised 61886  
Code. The judge shall hear the complaint and if the judge 61887  
determines that the child is a delinquent, unruly, or dependent 61888  
child within one of those sections the judge shall deal with the 61889  
child according to section 2151.35 or 2151.36 of the Revised 61890

Code. 61891

~~(B) Division (A) of this section does not apply regarding  
a complaint filed under division (D) or (E) of section 3321.19  
of the Revised Code or otherwise filed and alleging that a child  
is an habitual truant.~~ 61892  
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**Sec. 3323.32.** ~~(A)~~The department of education and 61896  
workforce shall contract with an entity to administer programs 61897  
and coordinate services for infants, preschool and school-age 61898  
children, and adults with autism and low incidence disabilities. 61899  
The entity shall be selected by the director of education and 61900  
workforce in consultation with the director of children and 61901  
youth and the advisory board established under section 3323.33 61902  
of the Revised Code. 61903

When applicable, the department of children and youth 61904  
shall contract with an entity to administer programs and 61905  
coordinate services for infants, preschool and school-age 61906  
children, and adults with autism and low incidence disabilities. 61907  
The entity shall be selected by the director of children and 61908  
youth in consultation with the director of education and 61909  
workforce and the advisory board established under section 61910  
3323.33 of the Revised Code. 61911

~~The contract with the entity selected~~Any contract entered 61912  
into under this section shall include, but not be limited to, 61913  
the following provisions: 61914

~~(1)~~(A) A description of the programs to be administered 61915  
and services to be provided or coordinated by the entity, which 61916  
shall include at least the duties prescribed by sections 3323.34 61917  
and 3323.35 of the Revised Code; 61918

~~(2)~~(B) A description of the expected outcomes from the 61919

programs administered and services provided or coordinated by 61920  
the entity; 61921

~~(3)~~(C) A stipulation that the entity's performance is 61922  
subject to evaluation by the contracting department and renewal 61923  
of the entity's contract is subject to the department's 61924  
satisfaction with the entity's performance; 61925

~~(4)~~(D) A description of the measures and milestones the 61926  
contracting department will use to determine whether the 61927  
performance of the entity is satisfactory; 61928

~~(5)~~(E) Any other provision the contracting department 61929  
determines is necessary to ensure the quality of services to 61930  
individuals with autism and low incidence disabilities. 61931

~~(B) In selecting the entity under division (A) of this 61932  
section, the director of education and workforce, the director- 61933  
of children and youth, and the advisory board shall give primary 61934  
consideration to the Ohio Center for Autism and Low Incidence, 61935  
established under section 3323.31 of the Revised Code, as long 61936  
as the principal goals and mission of the Center, as determined 61937  
by the director, the director, and the advisory board, are 61938  
consistent with the requirements of divisions (A) (1) to (5) of 61939  
this section. 61940~~

**Sec. 3325.01.** Ohio deaf and blind education services is 61941  
hereby established and shall include the state school for the 61942  
deaf and the state school for the blind. Ohio deaf and blind 61943  
education services shall operate under the control and 61944  
supervision of the department of education and workforce. The 61945  
department shall appoint a superintendent for Ohio deaf and 61946  
blind education services, who shall supervise the state school 61947  
for the deaf and the state school for the blind. The 61948

superintendent of Ohio deaf and blind education services shall 61949  
serve at the pleasure of the department. The superintendent of 61950  
Ohio deaf and blind education services may create additional 61951  
divisions to meet the educational needs of students throughout 61952  
the state who are deaf, hard of hearing, blind, visually 61953  
impaired, or deafblind, or have multiple disabilities if one of 61954  
the disabilities is vision related, hearing related, or related 61955  
to communication such that the student would benefit from the 61956  
use of American sign language. 61957

**Sec. 3325.011.** Subject to the regulations adopted by the 61958  
department of education and workforce, the state school for the 61959  
deaf shall be open to receive persons who are deaf, hard of 61960  
hearing, and deafblind residents of this state, including 61961  
persons who have multiple disabilities if one of the 61962  
disabilities is hearing related, who, in the judgment of the 61963  
director of education and workforce and the superintendent of 61964  
Ohio deaf and blind education services, due to such disability, 61965  
cannot be educated in the public school system and are suitable 61966  
persons to receive instructions according to the methods 61967  
employed in such school. 61968

**Sec. 3325.012.** Subject to the regulations adopted by the 61969  
department of education and workforce, Rita community school 61970  
shall be open to receive persons who are deaf, hard of hearing, 61971  
and deafblind residents of this state, including persons who 61972  
have multiple disabilities if one of the disabilities is related 61973  
to communication such that the person would benefit from the use 61974  
of American sign language, and who, in the judgment of the 61975  
director of education and workforce and the superintendent of 61976  
Ohio deaf and blind education services, due to such disability, 61977  
cannot be educated in the public school system and is a suitable 61978  
person to receive instructions according to the methods employed 61979

in such school. 61980

Rita community school shall be considered a division of 61981  
the Ohio deaf and blind education services. The school shall not 61982  
be considered a community school for the purposes of Chapter 61983  
3314. of the Revised Code. 61984

**Sec. 3325.03.** The superintendent of Ohio deaf and blind 61985  
education services may return any pupil under the 61986  
superintendent's jurisdiction to the pupil's resident school 61987  
district if, in the opinion of the superintendent and the 61988  
director of education and workforce, that pupil is not making 61989  
sufficient progress to justify continuance as a pupil at the 61990  
state school for the deaf~~er~~, the state school for the blind, 61991  
or Rita community school. 61992

**Sec. 3325.08.** (A) A diploma shall be granted by the 61993  
superintendent of Ohio deaf and blind education services to any 61994  
student enrolled in the state school for the blind~~er~~, the 61995  
state school for the deaf, or Rita community school to whom all 61996  
of the following apply: 61997

(1) The student has successfully completed the curriculum 61998  
in any high school or the individualized education program 61999  
developed for the student for the student's high school 62000  
education pursuant to section 3323.08 of the Revised Code; 62001

(2) Subject to section 3313.614 of the Revised Code, the 62002  
student has met the assessment requirements of division (A) (2) 62003  
(a) or (b) of this section, as applicable. 62004

(a) If the student entered the ninth grade prior to July 62005  
1, 2014, the student either: 62006

(i) Has attained at least the applicable scores designated 62007  
under division (B) (1) of section 3301.0710 of the Revised Code 62008

on all the assessments prescribed by that division unless 62009  
division (L) of section 3313.61 of the Revised Code applies to 62010  
the student; 62011

(ii) Has satisfied the alternative conditions prescribed 62012  
in section 3313.615 of the Revised Code. 62013

(b) If the student entered the ninth grade on or after 62014  
July 1, 2014, the student has met the requirement prescribed by 62015  
section 3313.618 of the Revised Code, except to the extent that 62016  
division (L) of section 3313.61 of the Revised Code applies to 62017  
the student. 62018

(3) The student is not eligible to receive an honors 62019  
diploma granted pursuant to division (B) of this section. 62020

No diploma shall be granted under this division to anyone 62021  
except as provided under this division. 62022

(B) In lieu of a diploma granted under division (A) of 62023  
this section, the superintendent of Ohio deaf and blind 62024  
education services shall grant an honors diploma, in the same 62025  
manner that the boards of education of school districts grant 62026  
such diplomas under division (B) of section 3313.61 of the 62027  
Revised Code, to any student enrolled in the state school for 62028  
the blind ~~or~~, the state school for the deaf, or Rita community  
school who accomplishes all of the following: 62029  
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(1) Successfully completes the curriculum in any high 62031  
school or the individualized education program developed for the 62032  
student for the student's high school education pursuant to 62033  
section 3323.08 of the Revised Code; 62034

(2) Subject to section 3313.614 of the Revised Code, has 62035  
met the assessment requirements of division (B) (2) (a) or (b) of 62036  
this section, as applicable. 62037

(a) If the student entered the ninth grade prior to July 1, 2014, the student either:	62038 62039
(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments prescribed under that division;	62040 62041 62042
(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.	62043 62044
(b) If the student entered the ninth grade on or after July 1, 2014, the student has met the requirement prescribed by section 3313.618 of the Revised Code.	62045 62046 62047
(3) Has met additional criteria for granting an honors diploma.	62048 62049
These additional criteria shall be the same as those prescribed by the <del>state board</del> <u>department of education and workforce</u> under division (B) of section 3313.61 of the Revised Code for the granting of such diplomas by school districts. No honors diploma shall be granted to anyone failing to comply with this division and not more than one honors diploma shall be granted to any student under this division.	62050 62051 62052 62053 62054 62055 62056
(C) A diploma or honors diploma awarded under this section shall be signed by the director of education and workforce and the superintendent of Ohio deaf and blind education services. Each diploma shall bear the date of its issue and be in such form as the superintendent of Ohio deaf and blind education services prescribes.	62057 62058 62059 62060 62061 62062
(D) Upon granting a diploma to a student under this section, the superintendent of Ohio deaf and blind education services shall provide notice of receipt of the diploma to the board of education of the school district where the student is	62063 62064 62065 62066

entitled to attend school under section 3313.64 or 3313.65 of 62067  
the Revised Code when not ~~residing at~~ attending the state school 62068  
for the blind ~~or~~, the state school for the deaf, or Rita 62069  
community school. The notice shall indicate the type of diploma 62070  
granted. 62071

**Sec. 3325.09.** (A) Ohio deaf and blind education services 62072  
shall institute and establish career-technical education and 62073  
work training programs for secondary and post-secondary students 62074  
who are blind, visually impaired, deaf, hard of hearing, ~~or~~ 62075  
deafblind, or have multiple disabilities if one of the 62076  
disabilities is vision related, hearing related, or related to 62077  
communication such that the student would benefit from the use 62078  
of American sign language. These programs shall develop 62079  
communication, mobility, and work skills and assist students in 62080  
becoming productive members of society so that they can 62081  
contribute to their communities and living environments. 62082

(B) Ohio deaf and blind education services may use any 62083  
gifts, donations, or bequests it receives under section 3325.10 62084  
or 3325.15 of the Revised Code for one or more of the following 62085  
purposes that are related to career-technical and work training 62086  
programs for secondary and post-secondary students who are 62087  
blind, visually impaired, deaf, hard of hearing, ~~or~~ deafblind, 62088  
or have multiple disabilities if one of the disabilities is 62089  
vision related, hearing related, or related to communication 62090  
such that the student would benefit from the use of American 62091  
sign language: 62092

- (1) Room and board; 62093
- (2) Training in mobility and orientation; 62094
- (3) Activities that teach daily living skills; 62095



(4) Rehabilitation technology;	62096
(5) Activities that teach group and individual social and interpersonal skills;	62097 62098
(6) Work placement in the community by the school or a community agency;	62099 62100
(7) Transportation to and from work sites or locations of community interaction;	62101 62102
(8) Supervision and management of programs and services.	62103
(C) For the purposes of division (B) of this section, Ohio deaf and blind education services shall use funds received under section 3325.10 or 3325.15 of the Revised Code only for the school for which the funds were designated.	62104 62105 62106 62107
<b>Sec. 3325.11.</b> There is hereby created in the state treasury Ohio deaf and blind education services student activity and work-study fund. Moneys received from donations, bequests, the vocational programs of the state school for the blind <del>and,</del> the state school for the deaf, <u>and Rita community school,</u> and any other moneys designated for deposit in the fund by the superintendent of Ohio deaf and blind education services, shall be credited to the fund. Notwithstanding section 3325.01 of the Revised Code, the approval of the department of education and workforce is not required to designate money for deposit into the fund. Ohio deaf and blind education services shall use money in the fund for the state school for the blind, the state school for the deaf, <u>Rita community school,</u> and Ohio deaf and blind education services' operating expenses, including, but not limited to, personal services, maintenance, and equipment related to student support, activities, and vocational programs, and for providing scholarships to students for further training	62108 62109 62110 62111 62112 62113 62114 62115 62116 62117 62118 62119 62120 62121 62122 62123 62124

upon graduation. 62125

**Sec. 3325.12.** Money deposited with the superintendent of 62126  
Ohio deaf and blind education services by parents, relatives, 62127  
guardians, and friends for the special benefit of any pupil at 62128  
the state school for the blind ~~or,~~ the state school for the 62129  
deaf, or Rita community school, shall remain in the hands of the 62130  
superintendent for use accordingly. The superintendent shall 62131  
deposit the money into one or more personal deposit funds. The 62132  
superintendent shall keep itemized book accounts of the receipt 62133  
and disposition of the money, which books shall be open at all 62134  
times to the inspection of the director of education and 62135  
workforce. The superintendent of Ohio deaf and blind education 62136  
services shall adopt procedures governing the deposit, transfer, 62137  
withdrawal, or investment of the money and the investment 62138  
earnings of the money. 62139

Whenever a pupil ceases to be enrolled in the state school 62140  
for the blind ~~or,~~ the state school for the deaf, or Rita 62141  
community school, if personal money of the pupil remains in the 62142  
hands of the superintendent of Ohio deaf and blind education 62143  
services and no demand is made upon the superintendent by the 62144  
pupil or the pupil's parent or guardian, the superintendent 62145  
shall hold the money in a personal deposit fund for a period of 62146  
at least one year. During that time, the superintendent shall 62147  
make every effort possible to locate the pupil or the pupil's 62148  
parent or guardian. If, at the end of this period, no demand has 62149  
been made for the money of a pupil in the state school for the 62150  
blind, the superintendent shall dispose of the money by 62151  
transferring it to the state school for the blind educational 62152  
program expense fund established by section 3325.17 of the 62153  
Revised Code. If at the end of this period, no demand has been 62154  
made for the money of a pupil in the state school for the deaf, 62155

the superintendent shall dispose of the money by transferring it 62156  
to the state school for the deaf educational program expenses 62157  
fund established by section 3325.16 of the Revised Code. If at 62158  
the end of this period, no demand has been made for the money of 62159  
a pupil in Rita community school, the superintendent shall 62160  
dispose of the money by transferring it to the Rita community 62161  
school educational program expenses fund established under 62162  
section 3325.18 of the Revised Code. 62163

**Sec. 3325.13.** Ohio deaf and blind education services 62164  
employees food service fund is hereby created in the state 62165  
treasury. The fund shall consist of payments received from 62166  
employees who make purchases from the food service program of 62167  
the state school for the blind ~~or~~, state school for the deaf, 62168  
or Rita community school. Notwithstanding section 3325.01 of the 62169  
Revised Code, the approval of the department of education and 62170  
workforce is not required to designate money for deposit into 62171  
the fund. Ohio deaf and blind education services shall use money 62172  
in the fund to pay costs associated with Ohio deaf and blind 62173  
education services' food service program. 62174

**Sec. 3325.15.** Ohio deaf and blind education services may 62175  
receive and administer any federal funds relating to the 62176  
education of deaf, hard of hearing, or deafblind students, or 62177  
students who have multiple disabilities if one of the 62178  
disabilities is hearing related or related to communication such 62179  
that the student would benefit from the use of American sign 62180  
language. Ohio deaf and blind education services also may accept 62181  
and administer any gifts, donations, or bequests given to it for 62182  
programs or services relating to the education of deaf ~~or~~, hard 62183  
of hearing, or deafblind students ~~and~~, or students who have 62184  
multiple disabilities if one of the disabilities is hearing 62185  
related or related to communication such that the student would 62186

benefit from the use of American sign language, the state school 62187  
for the deaf, or Rita community school. 62188

**Sec. 3325.16.** There is hereby created in the state 62189  
treasury the state school for the deaf educational program 62190  
expenses fund. Moneys received by Ohio deaf and blind education 62191  
services for the state school for the deaf from donations, 62192  
bequests, student fundraising activities, fees charged for camps 62193  
and workshops, gate receipts from athletic contests, and the 62194  
student work experience program operated by the school, and any 62195  
other moneys designated for deposit in the fund by the 62196  
superintendent of Ohio deaf and blind education services, shall 62197  
be credited to the fund. All investment earnings on money in the 62198  
fund shall be credited to the fund. Notwithstanding section 62199  
3325.01 of the Revised Code, the approval of the department of 62200  
education and workforce is not required to designate money for 62201  
deposit into the fund. Ohio deaf and blind education services 62202  
shall use moneys in the fund for educational programs, after- 62203  
school activities, and expenses associated with student 62204  
activities and clubs at the state school for the deaf. 62205

**Sec. 3325.17.** There is hereby created in the state 62206  
treasury the state school for the blind educational program 62207  
expense fund. Moneys received by Ohio deaf and blind education 62208  
services for the state school for the blind from donations, 62209  
bequests, student fundraising activities, fees charged for 62210  
camps, workshops, and summer work and learn cooperative 62211  
programs, gate receipts from school activities, and any other 62212  
moneys designated for deposit in the fund by the superintendent 62213  
of Ohio deaf and blind education services, shall be credited to 62214  
the fund. All investment earnings on money in the fund shall be 62215  
credited to the fund. Notwithstanding section 3325.01 of the 62216  
Revised Code, the approval of the department of education and 62217

workforce is not required to designate money for deposit into 62218  
the fund. Ohio deaf and blind education services shall use 62219  
moneys in the fund for educational programs, after-school 62220  
activities, and expenses associated with student activities at 62221  
the state school for the blind. 62222

Sec. 3325.18. The Rita community school educational 62223  
program expenses fund is created in the state treasury. Money 62224  
received by Ohio deaf and blind education services for Rita 62225  
community school from donations, bequests, student fundraising 62226  
activities, fees charged for camps and workshops, gate receipts 62227  
from athletic contests, the student work experience program 62228  
operated by the school, and any other money designated for 62229  
deposit in the fund by the superintendent of Ohio deaf and blind 62230  
education services shall be credited to the fund. All investment 62231  
earnings on money in the fund shall be credited to the fund. 62232  
Notwithstanding section 3325.01 of the Revised Code, the 62233  
approval of the department of education and workforce is not 62234  
required to designate money for deposit into the fund. Ohio deaf 62235  
and blind education services shall use money in the fund for 62236  
educational programs, after-school activities, and expenses 62237  
associated with student activities and clubs at Rita community 62238  
school. 62239

Sec. 3326.11. Each science, technology, engineering, and 62240  
mathematics school established under this chapter and its 62241  
governing body shall comply with sections 9.90, 9.91, 109.65, 62242  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 62243  
3301.0714, 3301.0715, 3301.0729, 3301.24, 3301.948, 3302.037, 62244  
3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 62245  
3313.473, 3313.474, 3313.48, 3313.481, 3313.482, 3313.50, 62246  
3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.6012, 62247  
3313.6013, 3313.6014, 3313.6020, 3313.6021, 3313.6023, 62248

3313.6024, 3313.6026, 3313.6028, 3313.6029, 3313.6031, 3313.61, 62249  
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 62250  
3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 62251  
3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 62252  
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 62253  
3313.716, 3313.717, 3313.718, 3313.719, 3313.7112, 3313.7117, \_ 62254  
3313.7118, 3313.721, 3313.753, 3313.80, 3313.801, 3313.814, 62255  
3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 62256  
3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.21, 62257  
3319.238, 3319.318, 3319.32, 3319.321, 3319.324, 3319.35, 62258  
3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 3319.46, 3319.90, 62259  
3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 62260  
3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 62261  
3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 62262  
5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 62263  
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 62264  
4167. of the Revised Code as if it were a school district. 62265

**Sec. 3326.39.** (A) In any fiscal year, a STEM school 62266  
receiving funds calculated under division (A) (7) of section 62267  
3317.022 of the Revised Code shall spend those funds only for 62268  
the purposes that the department designates as approved for 62269  
career-technical education expenses. Career-technical education 62270  
expenses approved by the department shall include only expenses 62271  
connected to the delivery of career-technical programming to 62272  
career-technical students. The department shall require the 62273  
school to report data annually so that the department may 62274  
monitor the school's compliance with the requirements regarding 62275  
the manner in which funding received under division (A) (7) of 62276  
section 3317.022 of the Revised Code may be spent. 62277

(B) All funds received under division (A) (7) of section 62278  
3317.022 of the Revised Code shall be spent in the following 62279

manner: 62280

(1) At least seventy-five per cent of the funds shall be 62281  
spent on curriculum development, purchase, and implementation; 62282  
instructional resources and supplies; industry-based program 62283  
certification; student assessment, credentialing, and placement; 62284  
curriculum specific equipment purchases and leases; career- 62285  
technical student organization fees and expenses; home and 62286  
agency linkages; work-based learning experiences; professional 62287  
development; and other costs directly associated with career- 62288  
technical education programs including development of new 62289  
programs. 62290

(2) Not more than twenty-five per cent of the funds shall 62291  
be used for personnel expenditures. 62292

~~(C) In any fiscal year, a science, technology, 62293  
engineering, and mathematics school receiving funds under 62294  
division (H) of section 3317.014 of the Revised Code shall spend 62295  
those funds only for the following purposes:— 62296~~

~~(1) Delivery of career awareness programs to students 62297  
enrolled in grades kindergarten through twelve;— 62298~~

~~(2) Provision of a common, consistent curriculum to 62299  
students throughout their primary and secondary education;— 62300~~

~~(3) Assistance to teachers in providing a career 62301  
development curriculum to students;— 62302~~

~~(4) Development of a career development plan for each 62303  
student that stays with that student for the duration of the 62304  
student's primary and secondary education;— 62305~~

~~(5) Provision of opportunities for students to engage in 62306  
activities, such as career fairs, hands-on experiences, and job— 62307~~

~~shadowing, across all career pathways at each grade level.~~ 62308

~~The department may deny payment under division (E) of section 3317.014 of the Revised Code to any school that the department determines is using funds paid under division (H) of section 3317.014 of the Revised Code for other purposes.~~ 62309  
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**Sec. 3326.44.** For fiscal years ~~2024-2026~~ and ~~2025~~2027, a STEM school shall spend the funding it receives under division (A) (5) of section 3317.022 of the Revised Code only for services for English learners. 62313  
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**Sec. 3327.017.** (A) As used in this section: 62317

(1) "Eligible student" has the same meaning as in section 3327.016 of the Revised Code. 62318  
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(2) "Mass transit system" has the same meaning as in section 4511.78 of the Revised Code. 62320  
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(B) No city, local, ~~or~~ exempted village, or municipal school district shall provide or arrange for transportation for any eligible student enrolled in any of grades kindergarten through eight in a community school established under Chapter 3314. of the Revised Code or chartered nonpublic school to and from school using vehicles operated by a mass transit system, unless the district enters into an agreement with that school authorizing such transportation. An agreement under division (B) of this section shall not be effective unless both the school district and community or chartered nonpublic school approve it. 62322  
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(C) A city, local, ~~or~~ exempted village, or municipal school district that elects to provide or arrange for transportation for any eligible student enrolled in any of grades nine through twelve in a community or chartered nonpublic school to and from school using vehicles operated by a mass 62332  
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transit system shall ensure that the student is assigned to a route that does not require the student to make more than one transfer. With respect to a mass transit system with a central transfer hub located in a county that is ranked as one of the eight most populous counties in this state according to the most recent decennial census, the city, local, exempted village, or municipal school district shall ensure that any transfer does not occur at the central transfer hub for the mass transit system.

(D) If a city, local, exempted village, or municipal school district elects to pay the cost of mass transit system passes for students in any of grades nine through twelve who are enrolled in a community school in lieu of directly transporting those students for a school year, the community school may purchase the passes for the students and certify the cost of the passes to the department of education and workforce. In that event, the department shall deduct the cost of the passes from the school district's state foundation payments under Chapter 3317. of the Revised Code and pay the amount deducted to the community school.

**Sec. 3327.18.** (A) The director of education and workforce shall establish a workgroup on student transportation. The workgroup shall consist of members selected by the director and shall include representatives from each of the following:

(1) The chairpersons of the standing committees of the house of representatives and the senate that consider primary and secondary education legislation;

(2) The ranking members of the standing committees of the house of representatives and the senate that consider primary and secondary education legislation;

<u>(3) School districts, including districts from rural,</u>	62367
<u>small town, suburban, and urban typologies;</u>	62368
<u>(4) Career-technical education centers;</u>	62369
<u>(5) Educational service centers;</u>	62370
<u>(6) Community schools established under Chapter 3314. of</u>	62371
<u>the Revised Code;</u>	62372
<u>(7) Chartered nonpublic schools;</u>	62373
<u>(8) The Ohio association for pupil transportation.</u>	62374
<u>(B) The workgroup annually shall monitor and review the</u>	62375
<u>student transportation system and develop recommendations for</u>	62376
<u>changes to better meet the transportation needs of Ohio</u>	62377
<u>students.</u>	62378
<u>(C) Not later than June 30, 2026, and annually thereafter,</u>	62379
<u>the workgroup shall submit to the governor and the general</u>	62380
<u>assembly, in accordance with section 101.68 of the Revised Code,</u>	62381
<u>a report on its findings and recommendations for the year.</u>	62382
<b>Sec. 3328.24.</b> A college-preparatory boarding school	62383
established under this chapter and its board of trustees shall	62384
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712,	62385
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.474, 3313.5318,	62386
3313.5319, 3313.6013, 3313.6021, 3313.6023, 3313.6024,	62387
3313.6026, 3313.6029, <u>3313.6031,</u> 3313.617, 3313.618, 3313.6114,	62388
3313.6411, 3313.6413, 3313.668, 3313.669, 3313.6610, 3313.717,	62389
3313.7112, 3313.7117, 3313.721, 3313.753, 3313.89, 3319.073,	62390
3319.077, 3319.078, 3319.318, 3319.324, 3319.39, 3319.391,	62391
3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3320.04, 3323.251,	62392
and 5502.262, and Chapter 3365. of the Revised Code as if the	62393
school were a school district and the school's board of trustees	62394

were a district board of education. 62395

**Sec. 3332.081.** The student tuition recovery authority is 62396  
created as a body corporate and politic of this state. The 62397  
purpose of the authority is to protect students of any school 62398  
registered by the state board of career colleges and schools 62399  
from prepaid tuition loss for the academic term due to a school 62400  
closure. 62401

The authority shall consist of five members as follows: 62402  
the executive director of the state board of career colleges and 62403  
schools, the executive director of the Ohio association of 62404  
career colleges and schools, the treasurer of state or the 62405  
treasurer of state's designee, ~~the chairperson~~ a member of the 62406  
~~senate committee that primarily deals with education~~ appointed by 62407  
the president of the senate, and ~~the chairperson of the~~ 62408  
~~committee~~ a member of the house of representatives that 62409  
~~primarily deals with education~~ appointed by the speaker of the 62410  
house of representatives. The ~~chairpersons of the legislative~~ 62411  
~~committees that primarily deal with education~~ general assembly 62412  
members shall be nonvoting ~~ex officio~~ members. Each voting 62413  
member of the authority, before entering upon the member's 62414  
official duties, shall take an oath as provided by Section 7 of 62415  
Article XV, Ohio Constitution. The authority shall elect one of 62416  
its voting members as chairperson and another as vice- 62417  
chairperson, and shall appoint a secretary-treasurer who need 62418  
not be a member of the authority. 62419

All meetings of the authority shall be public. All final 62420  
actions of the authority shall be journalized and such journal 62421  
and the records of the authority shall be open to public 62422  
inspection at all reasonable times. 62423

**Sec. 3332.17.** Each college or school that holds a 62424

certificate of registration under this chapter annually shall 62425  
certify to state board of career colleges and schools, on a date 62426  
and in the form and manner determined by the state board, a plan 62427  
to preserve student records indefinitely if the college or 62428  
school is to cease operations. The plan shall include the 62429  
designation and signed confirmation of an official custodian of 62430  
student records. If the state board determines it necessary, the 62431  
the state board may require a college or school to produce an 62432  
executed agreement with the designated custodian of student 62433  
records, paid in full, to ensure the college or school's plan 62434  
can be implemented. 62435

The director of the state board of career colleges and 62436  
schools may consult with the chancellor of higher education, 62437  
higher learning commission, and other appropriate entities to 62438  
establish plans, processes, and procedures for colleges and 62439  
schools to provide indefinite access to student records. 62440

**Sec. 3332.21.** (A) Each school that holds a certificate of 62441  
registration from or is authorized to offer a certificate, 62442  
diploma, or degree under a certificate of authorization issued 62443  
by the state board of career colleges under this chapter 62444  
annually shall provide to the state board and the chancellor of 62445  
higher education all of the following: 62446

(1) Verification of current accreditation status and a 62447  
copy of the most recent institutional report from the school's 62448  
accrediting organization; 62449

(2) A plan to preserve student records indefinitely in the 62450  
event of closure of the school or discontinuation of service. 62451  
The plan shall include a method by which students and alumni of 62452  
the school may retrieve student records by request. The plan 62453  
also shall include a designation and signed confirmation of an 62454

<u>official custodian of student records. Student records preserved</u>	62455
<u>under the plan shall include, but not be limited to:</u>	62456
<u>(a) Academic transcripts;</u>	62457
<u>(b) Financial aid documents;</u>	62458
<u>(c) International student forms;</u>	62459
<u>(d) Tax information.</u>	62460
<u>(3) The following program information:</u>	62461
<u>(a) A list of current degree programs offered by the</u>	62462
<u>school in this state;</u>	62463
<u>(b) The results of any external degree program evaluations</u>	62464
<u>conducted in the last year;</u>	62465
<u>(c) A list of any degree programs that have been</u>	62466
<u>eliminated in the last year;</u>	62467
<u>(4) The latest financial statement for the most recent</u>	62468
<u>fiscal year compiled and audited by an independent certified</u>	62469
<u>public accountant, including any management letters provided by</u>	62470
<u>the independent auditor;</u>	62471
<u>(5) Any other information requested by the state board or</u>	62472
<u>the chancellor.</u>	62473
<u>(B) If a school fails to submit the information required</u>	62474
<u>under division (A) of this section or if the state board or the</u>	62475
<u>chancellor finds that the information submitted under that</u>	62476
<u>division is insufficient, the state board may suspend, withdraw,</u>	62477
<u>or revoke a school's certificate of registration or program</u>	62478
<u>authorization.</u>	62479
<u>(C) Each school subject to this chapter that is authorized</u>	62480
<u>to offer courses or degrees under a certificate of authorization</u>	62481

<u>shall immediately notify the state board and the chancellor if</u>	62482
<u>the school does any of the following:</u>	62483
<u>(1) Receives notice from the federal government or an</u>	62484
<u>institutional accrediting organization that the school is</u>	62485
<u>subject to heightened reporting standards or special monitoring</u>	62486
<u>status, such as the United States department of education's</u>	62487
<u>heightened cash monitoring process;</u>	62488
<u>(2) Receives preliminary or final accreditation findings;</u>	62489
<u>(3) Becomes the subject of an investigation by a</u>	62490
<u>government agency related to the school's academic quality,</u>	62491
<u>financial stability, or student consumer protection;</u>	62492
<u>(4) Fails to make any payments to applicable retirement</u>	62493
<u>systems;</u>	62494
<u>(5) Fails to make any scheduled payroll payments;</u>	62495
<u>(6) Fails to make any payments to vendors when due as a</u>	62496
<u>result of a cash deficiency or a substantial deficiency in the</u>	62497
<u>payment processing system of the school;</u>	62498
<u>(7) Fails to make any scheduled payment of principal or</u>	62499
<u>interest for short- or long-term debt;</u>	62500
<u>(8) Makes budget revisions resulting in a substantially</u>	62501
<u>reduced ending fund balance or larger deficit;</u>	62502
<u>(9) Becomes aware of significant negative variance between</u>	62503
<u>the most recently adopted annual budget and actual revenues or</u>	62504
<u>expenses as projected at the end of the fiscal year.</u>	62505
<u>(D) A document received by the state board or the</u>	62506
<u>chancellor under division (C) (1), (2), or (3) of this section</u>	62507
<u>that is confidential under federal law is not subject to release</u>	62508

under a public records request until such time as the document 62509  
is released publicly by the appropriate entity. Further, 62510  
financial documentation of the school received by the state 62511  
board or the chancellor under this section is not a public 62512  
record under section 149.43 of the Revised Code. 62513

**Sec. 3332.22.** (A) As used in this section, "contractual 62514  
agreement" means a contract under which a school that holds a 62515  
certificate of registration from or is authorized to offer a 62516  
certificate, diploma, or degree under a certificate of 62517  
authorization issued by the state board of career colleges under 62518  
this chapter grants an unaccredited online program manager input 62519  
on or authority over any of the following for an academic 62520  
program: 62521

(1) Curriculum development, design, or maintenance; 62522

(2) Student assessment and grading; 62523

(3) Course assessment; 62524

(4) Admissions requirements; 62525

(5) Appointment of faculty; 62526

(6) Faculty assessment; 62527

(7) Decision to award course credit or credential; 62528

(8) Institutional governance. 62529

(B) Annually, each school to which this section applies 62530  
shall disclose to the state board, in a form and manner 62531  
determined by the board, any unaccredited online program manager 62532  
the institution has contracted with to provide instruction to 62533  
its students. The state board may request that a school with a 62534  
certificate of registration or program authorization, or seeking 62535

a certificate of registration or program authorization, provide 62536  
the state board with all information concerning a contractual 62537  
agreement, including a copy of the agreement. 62538

(C) A school intending to enter into a contractual 62539  
agreement for a program shall submit appropriate documentation 62540  
as requested by the state board and obtain prior approval from 62541  
the state board before entering into such an agreement. 62542

(D) Each school shall include in each contractual 62543  
agreement a provision that requires the school to maintain 62544  
responsibility for and oversight of the program. The school 62545  
shall ensure each program is offered in the manner approved by 62546  
the state board or formally shall request approval of a 62547  
significant change to the previously approved program or 62548  
approval of a new program. 62549

(E) A school that enters a contractual agreement shall 62550  
notify students which parties are providing instruction, 62551  
recruitment, and other services under the agreement. 62552

(F) A school shall not enter into a contractual agreement 62553  
unless the agreement includes a provision that grants the state 62554  
board the authority to invalidate the contract if the state 62555  
board determines the agreement is not in compliance with the 62556  
standards and procedures for program authorization under section 62557  
3332.05 of the Revised Code. If the state board invalidates a 62558  
contract, the school shall not enroll new students and shall 62559  
offer each current student either remediated instruction at no 62560  
cost to the student or a full refund on tuition. 62561

(G) The state board shall coordinate with the chancellor 62562  
of higher education to implement this section. 62563

**Sec. 3333.04.** The chancellor of higher education shall: 62564



(A) Make studies of state policy in the field of higher education and formulate a master plan for higher education for the state, considering the needs of the people, the needs of the state, and the role of individual public and private institutions within the state in fulfilling these needs;

(B) (1) Report annually to the governor and the general assembly on the findings from the chancellor's studies and the master plan for higher education for the state;

(2) Report at least semiannually to the general assembly and the governor the enrollment numbers at each state-assisted institution of higher education.

(C) Approve or disapprove the establishment of new branches or academic centers of state colleges and universities;

(D) Approve or disapprove the establishment of state technical colleges or any other state institution of higher education;

(E) Recommend the nature of the programs, undergraduate, graduate, professional, state-financed research, and public services which should be offered by the state colleges, universities, and other state-assisted institutions of higher education in order to utilize to the best advantage their facilities and personnel;

(F) Recommend to the state colleges, universities, and other state-assisted institutions of higher education graduate or professional programs, including, but not limited to, doctor of philosophy, doctor of education, and juris doctor programs, that could be eliminated because they constitute unnecessary duplication, as shall be determined using the process developed pursuant to this division, or for other good and sufficient

cause. Prior to recommending a program for elimination, the 62594  
chancellor shall hold at least one public hearing on the matter 62595  
to determine whether the program should be recommended for 62596  
elimination. The chancellor shall provide notice of each hearing 62597  
within a reasonable amount of time prior to its scheduled date. 62598

For purposes of determining the amounts of any state 62599  
instructional subsidies paid to state colleges, universities, 62600  
and other state-assisted institutions of higher education, the 62601  
chancellor may exclude students enrolled in any program that the 62602  
chancellor has recommended for elimination pursuant to this 62603  
division except that the chancellor shall not exclude any such 62604  
student who enrolled in the program prior to the date on which 62605  
the chancellor initially commences to exclude students under 62606  
this division. 62607

The chancellor and state colleges, universities, and other 62608  
state-assisted institutions of higher education shall jointly 62609  
develop a process for determining which existing graduate or 62610  
professional programs constitute unnecessary duplication. 62611

(G) Recommend to the state colleges, universities, and 62612  
other state-assisted institutions of higher education programs 62613  
which should be added to their present programs; 62614

(H) Conduct studies for the state colleges, universities, 62615  
and other state-assisted institutions of higher education to 62616  
assist them in making the best and most efficient use of their 62617  
existing facilities and personnel; 62618

(I) Make recommendations to the governor and general 62619  
assembly concerning the development of state-financed capital 62620  
plans for higher education; the establishment of new state 62621  
colleges, universities, and other state-assisted institutions of 62622

higher education; and the establishment of new programs at the 62623  
existing state colleges, universities, and other institutions of 62624  
higher education; 62625

(J) Review the appropriation requests of the public 62626  
community colleges and the state colleges and universities and 62627  
submit to the office of budget and management and to the 62628  
chairpersons of the finance committees of the house of 62629  
representatives and of the senate the chancellor's 62630  
recommendations in regard to the biennial higher education 62631  
appropriation for the state, including appropriations for the 62632  
individual state colleges and universities and public community 62633  
colleges. For the purpose of determining the amounts of 62634  
instructional subsidies to be paid to state-assisted colleges 62635  
and universities, the chancellor shall define "full-time 62636  
equivalent student" by program per academic year. The definition 62637  
may take into account the establishment of minimum enrollment 62638  
levels in technical education programs below which support 62639  
allowances will not be paid. Except as otherwise provided in 62640  
this section, the chancellor shall make no change in the 62641  
definition of "full-time equivalent student" in effect on 62642  
November 15, 1981, which would increase or decrease the number 62643  
of subsidy-eligible full-time equivalent students, without first 62644  
submitting a fiscal impact statement to the president of the 62645  
senate, the speaker of the house of representatives, the 62646  
legislative service commission, and the director of budget and 62647  
management. The chancellor shall work in close cooperation with 62648  
the director of budget and management in this respect and in all 62649  
other matters concerning the expenditures of appropriated funds 62650  
by state colleges, universities, and other institutions of 62651  
higher education. 62652

(K) Seek the cooperation and advice of the officers and 62653

trustees of both public and private colleges, universities, and 62654  
other institutions of higher education in the state in 62655  
performing the chancellor's duties and making the chancellor's 62656  
plans, studies, and recommendations; 62657

(L) Appoint advisory committees consisting of persons 62658  
associated with public or private secondary schools, members of 62659  
the state board of education, or personnel of the department of 62660  
education and workforce; 62661

(M) Appoint advisory committees consisting of college and 62662  
university personnel, or other persons knowledgeable in the 62663  
field of higher education, or both, in order to obtain their 62664  
advice and assistance in defining and suggesting solutions for 62665  
the problems and needs of higher education in this state; 62666

(N) Approve or disapprove all new degrees and new degree 62667  
programs at all state colleges, universities, and other state- 62668  
assisted institutions of higher education. 62669

When considering approval of a new degree or degree 62670  
program for a state institution of higher education, as defined 62671  
in section 3345.011 of the Revised Code, the chancellor shall 62672  
take into account the extent to which the degree or degree 62673  
program aligns with the state's workforce development 62674  
priorities. 62675

(O) Adopt such rules as are necessary to carry out the 62676  
chancellor's duties and responsibilities. The rules shall 62677  
prescribe procedures for the chancellor to follow when taking 62678  
actions associated with the chancellor's duties and 62679  
responsibilities and shall indicate which types of actions are 62680  
subject to those procedures. The procedures adopted under this 62681  
division shall be in addition to any other procedures prescribed 62682

by law for such actions. However, if any other provision of the Revised Code or rule adopted by the chancellor prescribes different procedures for such an action, the procedures adopted under this division shall not apply to that action to the extent they conflict with the procedures otherwise prescribed by law. The procedures adopted under this division shall include at least the following:

(1) Provision for public notice of the proposed action;

(2) An opportunity for public comment on the proposed action, which may include a public hearing on the action by the chancellor;

(3) Methods for parties that may be affected by the proposed action to submit comments during the public comment period;

(4) Written publication of the final action taken by the chancellor and the chancellor's rationale for the action;

(5) A timeline for the process described in divisions (1) to (4) of this section.

(P) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.122, 3333.21 to 3333.26, and 5910.02 of the Revised Code;

(Q) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;

(R) Adopt rules for student financial aid programs as required by sections 3333.122, 3333.21 to 3333.26, 3333.28, and

5910.02 of the Revised Code, and perform any other 62711  
administrative functions assigned to the chancellor by those 62712  
sections; 62713

(S) Conduct enrollment audits of state-supported 62714  
institutions of higher education; 62715

(T) Appoint consortia of college and university personnel 62716  
to advise or participate in the development and operation of 62717  
statewide collaborative efforts, including the Ohio 62718  
supercomputer center, the Ohio academic resources network, 62719  
OhioLink, and the Ohio learning network. For each consortium, 62720  
the chancellor shall designate a college or university to serve 62721  
as that consortium's fiscal agent, financial officer, and 62722  
employer. Any funds appropriated for the consortia shall be 62723  
distributed to the fiscal agents for the operation of the 62724  
consortia. ~~A consortium shall follow the rules of the college or~~ 62725  
~~university that serves as its fiscal agent.~~ The chancellor may 62726  
restructure existing consortia, appointed under this division, 62727  
in accordance with procedures adopted under divisions (O) (1) to 62728  
(5) of this section. 62729

A consortium shall follow the rules of the college or 62730  
university that serves as its fiscal agent, except that when 62731  
making a purchase with appropriated funds of any product that 62732  
includes semiconductors, a consortium shall conduct the purchase 62733  
in accordance with rules adopted by the director of 62734  
administrative services under division (B) of section 125.09 of 62735  
the Revised Code for giving preference to Buy Ohio products. 62736

(U) Adopt rules establishing advisory duties and 62737  
responsibilities of the department of higher education not 62738  
otherwise prescribed by law; 62739

(V) Respond to requests for information about higher education from members of the general assembly and direct staff to conduct research or analysis as needed for this purpose.

**Sec. 3333.041.** (A) On or before the last day of December of each year, the chancellor of higher education shall submit to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly a report or reports concerning all of the following:

(1) The status of graduates of Ohio school districts at state institutions of higher education during the twelve-month period ending on the thirtieth day of September of the current calendar year. The report shall list, by school district, the number of graduates of each school district who attended a state institution of higher education and the percentage of each district's graduates enrolled in a state institution of higher education during the reporting period who were required during such period by the college or university, as a prerequisite to enrolling in those courses generally required for first-year students, to enroll in a remedial course in English, including composition or reading, mathematics, and any other area designated by the chancellor. The chancellor also shall make the information described in division (A)(1) of this section available to the board of education of each city, exempted village, and local school district.

Each state institution of higher education shall, by the first day of November of each year, submit to the chancellor in the form specified by the chancellor the information the chancellor requires to compile the report.

(2) The following information with respect to the Ohio tuition trust authority:

(a) The name of each investment manager that is a minority business enterprise or a women's business enterprise with which the chancellor contracts; 62770  
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(b) The amount of assets managed by investment managers that are minority business enterprises or women's business enterprises, expressed as a percentage of assets managed by investment managers with which the chancellor has contracted; 62773  
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(c) Efforts by the chancellor to increase utilization of investment managers that are minority business enterprises or women's business enterprises. 62777  
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(3) The chancellor's strategy in assigning choose Ohio first scholarships, as established under section 3333.61 of the Revised Code, among state universities and colleges and how the actual awards fit that strategy. 62780  
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~~(4) The academic and economic impact of the Ohio-co-op/internship program established under section 3333.72 of the Revised Code. At a minimum, the report shall include the following:—~~ 62784  
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~~(a) Progress and performance metrics for each initiative that received an award in the previous fiscal year;—~~ 62788  
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~~(b) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy;—~~ 62790  
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~~(c) The chancellor's strategy in allocating awards among state institutions of higher education and how the actual awards fit that strategy.—~~ 62793  
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62795

(B) On or before the fifteenth day of February of each year, the chancellor shall submit to the governor and, in 62796  
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accordance with section 101.68 of the Revised Code, the general 62798  
assembly a report concerning aggregate academic growth data for 62799  
students assigned to graduates of teacher preparation programs 62800  
approved under section 3333.048 of the Revised Code who teach 62801  
English language arts or mathematics in any of grades four to 62802  
eight in a public school in Ohio. For this purpose, the 62803  
chancellor shall use the value-added progress dimension 62804  
prescribed by section 3302.021 of the Revised Code or the 62805  
alternative student academic progress measure if adopted under 62806  
division (C)(1)(e) of section 3302.03 of the Revised Code. The 62807  
chancellor shall aggregate the data by graduating class for each 62808  
approved teacher preparation program, except that if a 62809  
particular class has ten or fewer graduates to which this 62810  
division applies, the chancellor shall report the data for a 62811  
group of classes over a three-year period. In no case shall the 62812  
report identify any individual graduate. The department of 62813  
education and workforce shall share any data necessary for the 62814  
report with the chancellor. 62815

(C) As used in this section: 62816

(1) "Minority business enterprise" has the same meaning as 62817  
in section 122.71 of the Revised Code. 62818

(2) "State institution of higher education" and "state 62819  
university" have the same meanings as in section 3345.011 of the 62820  
Revised Code. 62821

(3) "State university or college" has the same meaning as 62822  
in section 3345.12 of the Revised Code. 62823

(4) "Women's business enterprise" means a business, or a 62824  
partnership, corporation, limited liability company, or joint 62825  
venture of any kind, that is owned and controlled by women who 62826

are United States citizens and residents of this state. 62827

Sec. 3333.0415. Not later than December 31, 2025, the 62828  
chancellor of higher education, in collaboration with the 62829  
department of education and workforce and the governor's office 62830  
of workforce transformation, shall establish the level of 62831  
attainment necessary to achieve identified performance targets 62832  
across a range of degrees and credentials. 62833

Sec. 3333.0420. (A) As used in this section: 62834

(1) "Contractual agreement" means a contract in which a 62835  
state institution of higher education grants an online program 62836  
manager input on or authority over any of the following for an 62837  
online academic program: 62838

(a) Curriculum development, design, or maintenance; 62839

(b) Student instruction; 62840

(c) Course assessment; 62841

(d) Admissions requirements; 62842

(e) Appointment of faculty; 62843

(f) Faculty assessment; 62844

(g) Decision to award course credit or credential; 62845

(h) Institutional governance. 62846

(2) "State institution of higher education" has the same 62847  
meaning as in section 3345.011 of the Revised Code. 62848

(3) "Online program manager" means a for-profit entity in 62849  
a contractual agreement with a state institution of higher 62850  
education to develop or administer curriculum on behalf of the 62851  
institution or school for online courses or programs. 62852

(B) Annually, each state institution of higher education shall report to the chancellor of higher education, in a form and manner determined by the chancellor, each contractual agreement the institution entered into in that year. The chancellor may request that a state institution provide the chancellor with all information concerning a contractual agreement, including a copy of the agreement. 62853  
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(C) The chancellor may require each state institution to submit a contractual agreement to the chancellor prior to the execution of the agreement for a review to ensure compliance with the standards and procedures for academic program approval. 62860  
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(D) A state institution shall include in each contractual agreement a provision that requires the institution to maintain responsibility for and oversight of the academic program as specified in the standards and procedures for academic program approval pursuant to section 3333.04 of the Revised Code. The state institution shall ensure each academic program is offered in the manner approved by the chancellor or formally shall request approval of a significant change to a previously approved program or approval of a new academic program. 62864  
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(E) A state institution that enters a contractual agreement shall notify students which parties are providing instruction, recruitment, and other services under the agreement. 62873  
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(F) A state institution shall not enter a contractual agreement unless the agreement includes a provision that grants the chancellor the authority to invalidate the contract if the contract was not approved by the chancellor or if the chancellor determines the agreement is not in compliance with the standards and procedures for academic program approval. If the chancellor 62877  
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invalidates a contract, the state institution shall not enroll 62883  
new students and shall offer each current student either 62884  
remediated instruction at no cost to the student or a full 62885  
refund on tuition. 62886

**Sec. 3333.074.** (A) Each state institution of higher 62887  
education, as defined in section 3345.011 of the Revised Code, 62888  
annually shall submit, in a form and manner determined by the 62889  
chancellor of higher education, the following information to 62890  
assess the performance and compliance of the state institution: 62891

(1) Verification of current accreditation status and a 62892  
copy of the state institution's most recent higher learning 62893  
commission institutional update report; 62894

(2) A plan to preserve student records indefinitely in the 62895  
event of closure of the state institution or discontinuation of 62896  
service. The plan shall include a method by which students and 62897  
alumni of the state institution may retrieve student records by 62898  
request. The plan shall also include a designation and signed 62899  
confirmation of an official custodian of student records. 62900  
Student records preserved under the plan shall include, but not 62901  
be limited to: 62902

(a) Academic transcripts; 62903

(b) Financial aid documents; 62904

(c) International student forms; 62905

(d) Tax information. 62906

(3) The results of any external degree program evaluations 62907  
conducted in the last year; 62908

(4) A list of any degree programs that have been 62909  
eliminated in the last year; 62910

- (5) Any other information requested by the chancellor. 62911
- (B) The chancellor may rescind program approval if a state institution of higher education fails to submit the information required under division (A) of this section or if the chancellor finds that the information submitted under that division is insufficient. 62912  
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- (C) Each state institution of higher education shall immediately inform the chancellor if the state institution does any of the following: 62917  
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- (1) Receives notice from the federal government or an institutional accrediting organization that the state institution is subject to heightened reporting standards or special monitoring status, such as the United States department of education's heightened cash monitoring process; 62920  
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- (2) Receives preliminary or final accreditation findings; 62925
- (3) Becomes the subject of an investigation by a government agency related to the institution's academic quality, financial stability, or student consumer protection; 62926  
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- (4) Requests an advance of a state subsidy; 62929
- (5) Fails to make any payments to applicable retirement systems, such as the public employees retirement system or the state teachers retirement system; 62930  
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- (6) Fails to make any scheduled payroll payments; 62933
- (7) Fails to make any payments to vendors when due as a result of a cash deficiency or a substantial deficiency in the payment processing system of the state institution; 62934  
62935  
62936
- (8) Fails to make any scheduled payment of principal or 62937

<u>interest for short- or long-term debt;</u>	62938
<u>(9) Makes budget revisions resulting in a substantially reduced ending fund balance or larger deficit;</u>	62939
<u>(10) Becomes aware of significant negative variance between the most recently adopted annual budget and actual revenues or expenses as projected at the end of the fiscal year.</u>	62941
<u>(D) A document received by the chancellor under division (C) (1), (2), or (3) of this section that is confidential under federal law is not subject to release under a public record request until such time as the document is released publicly by the appropriate entity.</u>	62942
<u>(D) A document received by the chancellor under division (C) (1), (2), or (3) of this section that is confidential under federal law is not subject to release under a public record request until such time as the document is released publicly by the appropriate entity.</u>	62943
<u>(D) A document received by the chancellor under division (C) (1), (2), or (3) of this section that is confidential under federal law is not subject to release under a public record request until such time as the document is released publicly by the appropriate entity.</u>	62944
<u>(D) A document received by the chancellor under division (C) (1), (2), or (3) of this section that is confidential under federal law is not subject to release under a public record request until such time as the document is released publicly by the appropriate entity.</u>	62945
<u>(D) A document received by the chancellor under division (C) (1), (2), or (3) of this section that is confidential under federal law is not subject to release under a public record request until such time as the document is released publicly by the appropriate entity.</u>	62946
<u>(D) A document received by the chancellor under division (C) (1), (2), or (3) of this section that is confidential under federal law is not subject to release under a public record request until such time as the document is released publicly by the appropriate entity.</u>	62947
<u>(D) A document received by the chancellor under division (C) (1), (2), or (3) of this section that is confidential under federal law is not subject to release under a public record request until such time as the document is released publicly by the appropriate entity.</u>	62948
<b>Sec. 3333.129.</b> (A) The "Teach CS" grant program is established to <del>fund coursework, materials, and exams to support the increasing</del> <u>the number of existing</u> Ohio teachers who qualify to teach computer science, <u>or expand the knowledge of existing teachers,</u> through all of the following:	62949
<del>the increasing</del> <u>the number of existing</u> Ohio teachers who qualify to teach computer science, <u>or expand the knowledge of existing teachers,</u> through all of the following:	62950
<del>the increasing</del> <u>the number of existing</u> Ohio teachers who qualify to teach computer science, <u>or expand the knowledge of existing teachers,</u> through all of the following:	62951
<del>the increasing</del> <u>the number of existing</u> Ohio teachers who qualify to teach computer science, <u>or expand the knowledge of existing teachers,</u> through all of the following:	62952
<del>the increasing</del> <u>the number of existing</u> Ohio teachers who qualify to teach computer science, <u>or expand the knowledge of existing teachers,</u> through all of the following:	62953
(1) A supplemental license that involves a mentorship-based pathway for existing teachers;	62954
(1) A supplemental license that involves a mentorship-based pathway for existing teachers;	62955
(2) A university endorsement program that involves a coursework-based path for existing teachers;	62956
(2) A university endorsement program that involves a coursework-based path for existing teachers;	62957
(3) An alternative resident educator licensure pathway for industry experts and other nonteachers;	62958
(3) An alternative resident educator licensure pathway for industry experts and other nonteachers;	62959
(4) A continuing education program that offers professional development to existing teachers, including those that teach pre-kindergarten to twelve who are generalists and those seeking advanced content knowledge.	62960
(4) A continuing education program that offers professional development to existing teachers, including those that teach pre-kindergarten to twelve who are generalists and those seeking advanced content knowledge.	62961
(4) A continuing education program that offers professional development to existing teachers, including those that teach pre-kindergarten to twelve who are generalists and those seeking advanced content knowledge.	62962
(4) A continuing education program that offers professional development to existing teachers, including those that teach pre-kindergarten to twelve who are generalists and those seeking advanced content knowledge.	62963
The chancellor of higher education shall administer the program. <u>Funds may be spent on coursework, materials, exams,</u>	62964
The chancellor of higher education shall administer the program. <u>Funds may be spent on coursework, materials, exams,</u>	62965

teacher stipends, performance-based incentives, and for other 62966  
purposes as determined by the chancellor to support the 62967  
expansion of computer science education. 62968

(B) The chancellor, in consultation with the department of 62969  
education and workforce, shall develop an application process 62970  
and criteria for awards. Priority may be given to education 62971  
consortia that include economically disadvantaged schools in 62972  
which there are limited computer science courses offered or 62973  
where there is an unmet need for teachers credentialed to teach 62974  
computer science courses, as determined by the chancellor. 62975

**Sec. 3333.13.** As used in sections 3333.13 to 3333.137 of 62976  
the Revised Code, "employed as a service attorney" means ~~either~~ 62977  
any of the following: 62978

(A) An attorney who works a minimum of thirty-five hours 62979  
per week for a minimum of forty-five weeks each service year and 62980  
who is employed by any of the following: 62981

(1) The state public defender; 62982

(2) The prosecuting attorney of a county; 62983

(3) A county public defender commission; 62984

(4) A joint county public defender commission to represent 62985  
indigent persons. 62986

(B) Counsel appointed by the court or selected by an 62987  
indigent person under division (E) of section 120.16 or division 62988  
(E) of section 120.26 of the Revised Code, who works in an area 62989  
designated as an underserved community under section 3333.132 of 62990  
the Revised Code for a minimum of five hundred twenty hours each 62991  
service year. 62992

(C) An attorney engaged in the private practice of law, 62993

who practices civil law, and who works in an area designated as 62994  
an underserved community under section 3333.132 of the Revised 62995  
Code for a minimum of five hundred twenty hours each service 62996  
year. 62997

**Sec. 3333.164.** (A) As used in this section, ~~"state":~~ 62998

(1) "Armed forces" has the same meaning as in section 62999  
3313.471 of the Revised Code. 63000

(2) "Private institution of higher education" has the same 63001  
meaning as in section 5919.34 of the Revised Code. 63002

(3) "State institution of higher education" has the same 63003  
meaning as in section 3345.011 of the Revised Code. 63004

(B) ~~Not later than December 31, 2014, the~~ The chancellor 63005  
of higher education shall do all of the following with regard to 63006  
the awarding of college credit for military training, 63007  
experience, and coursework: 63008

(1) Develop a set of standards and procedures for state 63009  
institutions of higher education to utilize in the granting of 63010  
college credit for military training, experience, and 63011  
coursework; 63012

(2) Create a military articulation and transfer assurance 63013  
guide for college credit that is earned through military 63014  
training, experience, and coursework. The chancellor shall use 63015  
the current articulation and transfer policy adopted pursuant to 63016  
section 3333.16 of the Revised Code as a model in developing 63017  
this guide. 63018

(3) Create a web site that contains information related to 63019  
the awarding of college credit for military training, 63020  
experience, and coursework. The web site shall include both of 63021



the following: 63022

(a) Standardized resources that address frequently asked 63023  
questions regarding the awarding of such credit and related 63024  
issues; 63025

(b) A statewide database that shows how specified military 63026  
training, experience, and coursework translates to college 63027  
credit. 63028

(4) Develop a statewide training program that prepares 63029  
faculty and staff of state institutions of higher education to 63030  
evaluate various military training, experience, and coursework 63031  
and to award appropriate equivalent credit. The training program 63032  
shall incorporate the best practices of awarding credit for 63033  
military experiences, including both the recommendations of the 63034  
American council on education and the standards developed by the 63035  
council for adult and experiential learning. 63036

(C) ~~Beginning on July 1, 2015, state~~ State institutions of 63037  
higher education shall ensure that appropriate equivalent credit 63038  
is awarded for military training, experience, and coursework 63039  
that meet the standards developed by the chancellor pursuant to 63040  
this section. 63041

(D) Notwithstanding any provision of law to the contrary, 63042  
the chancellor may require a state institution of higher 63043  
education or a private institution of higher education to 63044  
establish a process to systematically evaluate military 63045  
training, experience, and coursework and to award appropriate 63046  
equivalent college credit to a student who is a veteran of the 63047  
armed forces. The chancellor may adopt rules to implement this 63048  
division. 63049

**Sec. 3333.24.** (A) As used in this section: 63050

(1) "Eligible student" means a student to whom all of the following apply:

(a) The student is a resident of this state under rules adopted by the chancellor of higher education under section 3333.31 of the Revised Code.

(b) The student has completed a free application for federal student aid for the year for which the grant is to be awarded.

(c) The student enrolls in a qualified program at a community, state community, or technical college, an Ohio technical center, or a state university branch campus.

(2) "Qualified program" means either of the following:

(a) For a student who received a first-time grant under this section prior to the effective date of this amendment, a credit or noncredit program that leads to an industry-recognized credential, certificate, or degree and prepares the student for a job that meets either of the following criteria:

~~(a)~~ (i) It is identified as an "in-demand" or "critical" job as determined by the office of workforce transformation.

~~(b)~~ (ii) It is submitted by a community, state community, or technical college, an Ohio technical center, or a state university branch campus and will meet regional workforce needs, as approved by the chancellor.

(b) For a student who receives a first-time grant under this section on or after the effective date of this amendment, a program that meets alternative criteria established by the chancellor of higher education, in consultation with the office of workforce transformation, based on the emerging workforce

needs of the state. 63079

(B) The chancellor of higher education shall establish the Ohio work ready grant program. Under the program, the chancellor shall award a grant of up to three thousand dollars to eligible students enrolled in a qualified program. Grant award amounts made to eligible students enrolled on either a full-time or part-time basis shall be computed in accordance with rules adopted by the chancellor. No student shall be eligible to receive a grant for more than six semesters or the equivalent of three academic years. 63080  
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(C) Eligible students shall apply to participate in the program in a form and manner prescribed by the chancellor. The chancellor shall determine the form and manner of payments. 63089  
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(D) (1) The program shall be funded in the sums and manner designated for such purpose by the general assembly, but the chancellor also may receive funds from other sources to support the program. 63092  
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(2) If, for any academic year, the amounts available for support of the program are inadequate to provide grants to all eligible students, the chancellor may establish different grant amounts based on the number of applicants and the total amount of funds set aside for that purpose. 63096  
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(E) The chancellor, in consultation with the providers of qualified programs, shall collect and report program metrics that include all of the following: 63101  
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(1) Demographics of recipients, including: 63104

(a) Age, disaggregated as follows: 63105

(i) Twenty-four years and younger; 63106

(ii) Twenty-five to thirty-four years;	63107
(iii) Thirty-five to forty-nine years;	63108
(iv) Fifty years and older.	63109
(b) Gender;	63110
(c) Race and ethnicity;	63111
(d) Enrollment status as full- or part-time;	63112
(e) Pell grant status.	63113
(2) Success rates of recipients, including program retention and completion;	63114 63115
(3) Total number of industry-recognized credentials, <u>including technician-aligned associate degrees</u> , awarded, disaggregated by subject or program area.	63116 63117 63118
<b>Sec. 3333.374.</b> (A) <del>After receipt of recommendations from the scholarship rules advisory committee or if no recommendations are received, the</del> <u>The</u> chancellor of higher education, with the approval of the treasurer of state, shall adopt rules, in accordance with Chapter 119. of the Revised Code, establishing policy guidelines for the implementation of the scholarship and fellowship programs.	63119 63120 63121 63122 63123 63124 63125
(B) Nothing in this section <del>or section 3333.373 of the Revised Code</del> shall prevent the chancellor, with the approval of the treasurer of state, from amending or rescinding rules adopted pursuant to division (A) of this section, or from adopting new rules, in accordance with Chapter 119. of the Revised Code, from time to time as are necessary to further the purposes of sections 3333.37 to 3333.375 of the Revised Code.	63126 63127 63128 63129 63130 63131 63132
<b>Sec. 3333.952.</b> (A) <u>The chancellor of higher education, in</u>	63133

collaboration with the department of education and workforce, 63134  
the department of job and family services, the inter-university 63135  
council, the association of independent colleges and 63136  
universities, and any other relevant entities, shall establish 63137  
the public policy research consortium on higher education. The 63138  
consortium shall develop and maintain a biennial statewide 63139  
research agenda that identifies key policy challenges and 63140  
research priorities crucial to the state's future, drawing on 63141  
input from policymakers, practitioners, and community 63142  
stakeholders. The goals of the statewide research agenda shall 63143  
be to do all of the following: 63144

(1) Provide policymakers and practitioners with timely, 63145  
relevant, and rigorous research findings on problems of 63146  
significant importance to the state's citizens, enabling 63147  
informed decision-making and effective policies; 63148

(2) Increase the active engagement of the state's higher 63149  
education institutions in addressing real-world issues of direct 63150  
relevance to the state's social, economic, and civic well-being, 63151  
fostering a stronger connection between academia and public 63152  
service; 63153

(3) Cultivate the next generation of policy-focused 63154  
researchers and practitioners by providing valuable research 63155  
opportunities to faculty and post-graduate students. 63156

(B) The chancellor shall do all of the following: 63157

(1) Award competitive research grants to faculty and post- 63158  
graduate students whose research aligns with the biennial 63159  
research agenda established under division (A) of this section. 63160  
Grants shall be awarded in a tiered structure based on project 63161  
scope and complexity. A grant award shall not exceed ten 63162

thousand dollars. Fifty per cent of funding shall be disbursed 63163  
upon grant approval, with the remaining balance released upon 63164  
successful completion of the research and submission of the 63165  
final report. 63166

(2) Establish a clear rubric to evaluate proposed research 63167  
projects that contains a peer-reviewed process, involving both 63168  
academic experts and relevant practitioners; 63169

(3) Manage the grant process and disseminate research 63170  
findings through the department's web site, policy briefs, 63171  
annual presentations to the standing committees of each house of 63172  
the general assembly that consider higher education legislation, 63173  
and community forums. 63174

**Sec. 3333.96.** (A) The strategic square footage reduction 63175  
fund is created in the state treasury. The fund shall consist of 63176  
money credited or transferred to it and grants, gifts, and 63177  
contributions made directly to it. In addition to any such 63178  
money, gift, or contribution, funds may be transferred from the 63179  
Ohio tuition trust reserve fund to the strategic square footage 63180  
reduction fund, in accordance with section 3334.11 of the 63181  
Revised Code. 63182

(B) The strategic square footage reduction fund shall be 63183  
used to make revolving loans to state institutions of higher 63184  
education, as defined in section 3345.011 of the Revised Code, 63185  
that enable the voluntary reduction of physical square footage. 63186

(C) The chancellor of higher education shall administer 63187  
and award, in consultation with the Ohio facilities construction 63188  
commission, the revolving loans described in division (B) of 63189  
this section. The chancellor, in consultation with the 63190  
commission, shall establish all of the following: 63191

- (1) Procedures and forms by which state institutions of higher education may apply for a loan; 63192  
63193
- (2) A competitive process for ranking applicants and awarding the loans, with priority consideration given to state institutions of higher education that have experienced a decrease in their general student populations, as determined by the chancellor; 63194  
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- (3) Procedures and timelines for distributing loans and collecting payments for the strategic square footage reduction fund. 63199  
63200  
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- (D) Each state institution of higher education shall include in its application all of the following: 63202  
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- (1) The extent to which the square footage may have value if sold or reallocated to serve other purposes, which may include kindergarten through twelve, career-technical, or adult educational purposes, community interests, or business and industry partnerships; 63204  
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- (2) The relative age and condition of the facilities to be deconstructed; 63209  
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- (3) Historical enrollment patterns as well as future enrollment projections; 63211  
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- (4) The composition of classes offered in person versus in an online format; 63213  
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- (5) The level of deferred maintenance; 63215
- (6) The prior level of state investment; 63216
- (7) The amount of annual operating expenses defrayed by eliminating the square footage; 63217  
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(8) A report from the office of budget and management 63219  
detailing the extent and the status of past capital budget 63220  
appropriations supporting the project and the existence of any 63221  
outstanding bonded debt derived from such support. 63222

The chancellor and the Ohio facilities construction 63223  
commission shall consider the information supplied under this 63224  
division in making final awards. 63225

(E) Each state institution of higher education that 63226  
receives a loan under this section annually shall certify to the 63227  
chancellor, on a date and in such form and manner as prescribed 63228  
by the chancellor, a summary of financial information regarding 63229  
the loan. 63230

(F) Prior to a state institution using the loan to pay the 63231  
demolition costs of a facility, the following shall occur: 63232

(1) The board of trustees of that institution shall adopt 63233  
a resolution approving the demolition. 63234

(2) Notwithstanding anything to the contrary in the 63235  
Revised Code, any net proceeds received from any demolition of 63236  
real property made pursuant to this section shall, at the 63237  
direction of the director of budget and management, be credited 63238  
to a fund or funds in the state treasury, or to accounts held by 63239  
the state institution of higher education for purposes to be 63240  
determined by that institution. 63241

(G) Each state institution of higher education receiving 63242  
loans under this section shall not construct any new facility 63243  
during the time period in which demolition is occurring. 63244

**Sec. 3333.97.** (A) As used in this section, "state 63245  
institution of higher education" and "state university" have the 63246  
same meanings as in section 3345.011 of the Revised Code. 63247



(B) The chancellor of higher education shall do all of the following: 63248  
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(1) Determine and provide the criteria for approving accelerated ninety-hour degree programs established under the accelerated college and career pathways program established under section 3345.88 of the Revised Code; 63250  
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63252  
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(2) Provide technical assistance to each state university during the development of accelerated ninety-hour degree programs and aligned model college credit plus pathways as required under section 3345.88 of the Revised Code; 63254  
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(3) Identify how students can count credit earned in high school, a nontraditional training program, another state institution of higher education, or work experiences as part of the ninety-hour degree programs at a state university. Each state university shall accept credit from incoming students that meet the criteria under this division. 63258  
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(4) Annually publish on the chancellor's web site all of the following: 63264  
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(a) Each ninety-hour degree program offered by a state university; 63266  
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(b) The number of students participating in each ninety-hour degree program; 63268  
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(c) The number of students that complete each ninety-hour degree program; 63270  
63271

(d) Any additional information as determined by the chancellor. 63272  
63273

**Sec. 3334.11.** (A) The assets of the Ohio tuition trust authority reserved for payment of the obligations of the 63274  
63275

authority pursuant to tuition payment contracts shall be placed 63276  
in a fund, which is hereby created and shall be known as the 63277  
Ohio tuition trust fund. The fund shall be in the custody of the 63278  
treasurer of state, but shall not be part of the state treasury. 63279  
That portion of payments received by the authority or the 63280  
treasurer of state from persons purchasing tuition units under 63281  
tuition payment contracts that the authority determines is 63282  
actuarially necessary for the payment of obligations of the 63283  
authority pursuant to tuition payment contracts, all interest 63284  
and investment income earned by the fund, and all other receipts 63285  
of the authority from any other source that the authority 63286  
determines appropriate, shall be deposited in the fund. No 63287  
purchaser or beneficiary of tuition units shall have any claim 63288  
against the funds of any state institution of higher education. 63289  
All investment fees and other costs incurred in connection with 63290  
the exercise of the investment powers of the authority pursuant 63291  
to divisions (D) and (E) of this section shall be paid from the 63292  
assets of the fund. 63293

(B) Unless otherwise provided by the authority, the assets 63294  
of the Ohio tuition trust fund shall be expended in the 63295  
following order: 63296

(1) To make payments to beneficiaries, or institutions of 63297  
higher education on behalf of beneficiaries, under division (B) 63298  
of section 3334.09 of the Revised Code; 63299

(2) To make refunds as provided in divisions (A) and (C) 63300  
of section 3334.10 of the Revised Code; 63301

(3) To pay the investment fees and other costs of 63302  
administering the fund. 63303

(C) (1) Except as may be provided in an agreement under 63304

division (A) (19) of section 3334.08 of the Revised Code, all 63305  
disbursements from the Ohio tuition trust fund shall be made by 63306  
the treasurer of state on order of a designee of the authority. 63307

(2) The treasurer of state shall deposit any portion of 63308  
the Ohio tuition trust fund not needed for immediate use in the 63309  
same manner as state funds are deposited. 63310

(D) The authority is the trustee of the Ohio tuition trust 63311  
fund. The authority shall have full power to invest the assets 63312  
of the fund and in exercising this power shall be subject to the 63313  
limitations and requirements contained in divisions (K) to (M) 63314  
of this section and sections 145.112 and 145.113 of the Revised 63315  
Code. The evidences of title of all investments shall be 63316  
delivered to the treasurer of state or to a qualified trustee 63317  
designated by the treasurer of state as provided in section 63318  
135.18 of the Revised Code. Assets of the fund shall be 63319  
administered by the authority in a manner designed to be 63320  
actuarially sound so that the assets of the fund will be 63321  
sufficient to satisfy the obligations of the authority pursuant 63322  
to tuition payment contracts and defray the reasonable expenses 63323  
of administering the fund. 63324

(E) The authority may enter into an agreement with any 63325  
business, entity, or governmental agency to perform the 63326  
investment duties of the authority as set forth in division (D) 63327  
of this section. The investment powers shall be exercised by the 63328  
business, entity, or governmental agency that entered into an 63329  
agreement with the authority in a manner agreed upon by the 63330  
authority that maximizes the return on investment and minimizes 63331  
the administrative expenses. 63332

(F) (1) The authority shall maintain a separate account for 63333  
each tuition payment contract entered into pursuant to division 63334

(A) of section 3334.09 of the Revised Code for the purchase of 63335  
tuition units on behalf of a beneficiary or beneficiaries 63336  
showing the beneficiary or beneficiaries of that contract and 63337  
the number of tuition units purchased pursuant to that contract. 63338  
Upon request of any beneficiary or person who has entered into a 63339  
tuition payment contract, the authority shall provide a 63340  
statement indicating, in the case of a beneficiary, the number 63341  
of tuition units purchased on behalf of the beneficiary, or in 63342  
the case of a person who has entered into a tuition payment 63343  
contract, the number of tuition units purchased, used, or 63344  
refunded pursuant to that contract. A beneficiary and person 63345  
that have entered into a tuition payment contract each may file 63346  
only one request under this division in any year. 63347

(2) The authority shall maintain an account for each 63348  
scholarship program showing the number of tuition units that 63349  
have been purchased for or donated to the program and the number 63350  
of tuition units that have been used. Upon the request of the 63351  
entity that established the scholarship program, the authority 63352  
shall provide a statement indicating these numbers. 63353

(G) (1) In addition to the Ohio tuition trust fund, there 63354  
is hereby established a reserve fund that shall be in the 63355  
custody of the treasurer of state but shall not be part of the 63356  
state treasury, and shall be known as the Ohio tuition trust 63357  
reserve fund, and an operating fund that shall be part of the 63358  
state treasury, and shall be known as the Ohio tuition trust 63359  
operating fund. That portion of payments received by the 63360  
authority or the treasurer of state from persons purchasing 63361  
tuition units under tuition payment contracts that the authority 63362  
determines is not actuarially necessary for the payment of 63363  
obligations of the authority pursuant to tuition payment 63364  
contracts, any interest and investment income earned by the 63365

reserve fund, any administrative charges and fees imposed by the 63366  
authority on transactions under this chapter or on purchasers or 63367  
beneficiaries of tuition units, and all other receipts from any 63368  
other source that the authority determines appropriate, shall be 63369  
deposited in the reserve fund to pay the operating expenses of 63370  
the authority and the costs of administering the program. The 63371  
assets of the reserve fund may be invested in the same manner 63372  
and subject to the same limitations set forth in divisions (D), 63373  
(E), and (K) to (M) of this section and sections 145.112 and 63374  
145.113 of the Revised Code. All investment fees and other costs 63375  
incurred in connection with the exercise of the investment 63376  
powers shall be paid from the assets of the reserve fund. Except 63377  
as otherwise provided for in this chapter, all operating 63378  
expenses of the authority and costs of administering the program 63379  
shall be paid from the operating fund. 63380

(2) The treasurer of state shall, upon request of the 63381  
authority, transfer funds from the reserve fund to the operating 63382  
fund as the authority determines appropriate to pay those 63383  
current operating expenses of the authority and costs of 63384  
administering the program as the authority designates. Any 63385  
interest or investment income earned on the assets of the 63386  
operating fund shall be deposited in the operating fund. 63387

(3) The treasurer of state shall, upon request by the 63388  
chancellor of higher education and approval by the director of 63389  
budget and management, transfer funds from the reserve fund to 63390  
the strategic square footage reduction fund created under 63391  
section 3334.13 of the Revised Code. 63392

(H) In January of each year the authority shall report to 63393  
each person who received any payments or refunds from the 63394  
authority during the preceding year information relative to the 63395

value of the payments or refunds to assist in determining that 63396  
person's tax liability. 63397

(I) The authority shall report to the tax commissioner any 63398  
information, and at the times, as the tax commissioner requires 63399  
to determine any tax liability that a person may have incurred 63400  
during the preceding year as a result of having received any 63401  
payments or refunds from the authority. 63402

(J) All records of the authority indicating the identity 63403  
of purchasers and beneficiaries of tuition units or college 63404  
savings bonds, the number of tuition units purchased, used, or 63405  
refunded under a tuition payment contract, and the number of 63406  
college savings bonds purchased, held, or redeemed are not 63407  
public records within the meaning of section 149.43 of the 63408  
Revised Code. 63409

(K) (1) The authority and other fiduciaries shall discharge 63410  
their duties with respect to the funds with care, skill, 63411  
prudence, and diligence under the circumstances then prevailing 63412  
that a prudent person acting in a like capacity and familiar 63413  
with such matters would use in the conduct of an enterprise of a 63414  
like character and with like aims; and by diversifying the 63415  
investments of the assets of the funds so as to minimize the 63416  
risk of large losses, unless under the circumstances it is 63417  
clearly prudent not to do so. 63418

(2) To facilitate investment of the funds, the authority 63419  
may establish a partnership, trust, limited liability company, 63420  
corporation, including a corporation exempt from taxation under 63421  
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 63422  
amended, or any other legal entity authorized to transact 63423  
business in this state. 63424

(L) In exercising its fiduciary responsibility with 63425  
respect to the investment of the assets of the funds, it shall 63426  
be the intent of the authority to give consideration to 63427  
investments that enhance the general welfare of the state and 63428  
its citizens where the investments offer quality, return, and 63429  
safety comparable to other investments currently available to 63430  
the authority. In fulfilling this intent, equal consideration 63431  
shall also be given to investments otherwise qualifying under 63432  
this section that involve minority owned and controlled firms 63433  
and firms owned and controlled by women, either alone or in 63434  
joint venture with other firms. 63435

The authority shall adopt, in regular meeting, policies, 63436  
objectives, or criteria for the operation of the investment 63437  
program that include asset allocation targets and ranges, risk 63438  
factors, asset class benchmarks, time horizons, total return 63439  
objectives, and performance evaluation guidelines. In adopting 63440  
policies and criteria for the selection of agents with whom the 63441  
authority may contract for the administration of the assets of 63442  
the funds, the authority shall give equal consideration to 63443  
minority owned and controlled firms, firms owned and controlled 63444  
by women, and ventures involving minority owned and controlled 63445  
firms and firms owned and controlled by women that otherwise 63446  
meet the policies and criteria established by the authority. 63447  
Amendments and additions to the policies and criteria shall be 63448  
adopted in regular meeting. The authority shall publish its 63449  
policies, objectives, and criteria under this provision no less 63450  
often than annually and shall make copies available to 63451  
interested parties. 63452

When reporting on the performance of investments, the 63453  
authority shall comply with the performance presentation 63454  
standards established by the association for investment 63455

management and research. 63456

(M) All investments shall be purchased at current market 63457  
prices and the evidences of title of the investments shall be 63458  
placed in the hands of the treasurer of state, who is hereby 63459  
designated as custodian thereof, or in the hands of the 63460  
treasurer of state's authorized agent. The treasurer of state or 63461  
the agent shall collect the principal, dividends, distributions, 63462  
and interest thereon as they become due and payable and place 63463  
them when so collected into the custodial funds. 63464

The treasurer of state shall pay for investments purchased 63465  
by the authority on receipt of written or electronic 63466  
instructions from the authority or the authority's designated 63467  
agent authorizing the purchase and pending receipt of the 63468  
evidence of title of the investment by the treasurer of state or 63469  
the treasurer of state's authorized agent. The authority may 63470  
sell investments held by the authority, and the treasurer of 63471  
state or the treasurer of state's authorized agent shall accept 63472  
payment from the purchaser and deliver evidence of title of the 63473  
investment to the purchaser on receipt of written or electronic 63474  
instructions from the authority or the authority's designated 63475  
agent authorizing the sale, and pending receipt of the moneys 63476  
for the investments. The amount received shall be placed in the 63477  
custodial funds. The authority and the treasurer of state may 63478  
enter into agreements to establish procedures for the purchase 63479  
and sale of investments under this division and the custody of 63480  
the investments. 63481

No purchase or sale of any investment shall be made under 63482  
this section except as authorized by the authority. 63483

Any statement of financial position distributed by the 63484  
authority shall include fair value, as of the statement date, of 63485



all investments held by the authority under this section. 63486

**Sec. 3335.39.** (A) (1) The Salmon P. Chase center for 63487  
civics, culture, and society is established as an independent 63488  
academic unit within the Ohio state university, ~~physically~~ 63489  
~~located in the college of public affairs.~~ The center shall 63490  
conduct teaching and research in the historical ideas, 63491  
traditions, and texts that have shaped the American 63492  
constitutional order and society. 63493

(2) The center shall establish bylaws requiring the center 63494  
to do all of the following: 63495

(a) Educate students by means of free, open, and rigorous 63496  
intellectual inquiry to seek the truth; 63497

(b) Affirm its duty to equip students with the skills, 63498  
habits, and dispositions of mind they need to reach their own 63499  
informed conclusions on matters of social and political 63500  
importance; 63501

(c) Affirm the value of intellectual diversity in higher 63502  
education and aspire to enhance the intellectual diversity of 63503  
the university; 63504

(d) Affirm a commitment to create a community dedicated to 63505  
an ethic of civil and free inquiry, which respects the 63506  
intellectual freedom of each member, supports individual 63507  
capacities for growth, and welcomes the differences of opinion 63508  
that shall naturally exist in a public university community. 63509

The requirements prescribed under divisions (A) (2) (a) to 63510  
(d) of this section shall take priority over any other bylaws 63511  
adopted by the center. 63512

(3) The board of trustees of the university may change the 63513

name of the center in accordance with the philanthropic naming 63514  
policies and practices of the university. 63515

(B) The center shall be an independent academic unit 63516  
~~physically located at the college of public affairs~~ with the 63517  
authority to house tenure-track faculty who hold their 63518  
appointments within the center. Faculty appointed to the center 63519  
shall not be required, but may, hold joint appointments within 63520  
any other division of the university. Not fewer than fifteen 63521  
tenure-track faculty positions shall be allotted to teach under 63522  
the center. No faculty outside of the center shall have the 63523  
authority to block faculty hires into the center. 63524

(C) (1) The center shall offer instruction in all of the 63525  
following: 63526

(a) The books and major debates which form the 63527  
intellectual foundation of free societies, especially that of 63528  
the United States; 63529

(b) The principles, ideals, and institutions of the 63530  
American constitutional order; 63531

(c) The foundations of responsible leadership and informed 63532  
citizenship. 63533

(2) The center also shall focus on both of the following: 63534

(a) Offering university-wide programming related to the 63535  
values of free speech and civil discourse; 63536

(b) Expanding the intellectual diversity of the 63537  
university's academic community. 63538

(D) (1) ~~Not later than November 20, 2023, the~~ The board of 63539  
trustees of the university shall appoint, with the advice and 63540  
consent of the senate, a seven-member Chase center academic 63541

council. An initial member shall not begin service until 63542  
confirmed by the senate. Four members shall form a quorum. 63543

(2) The academic council shall be comprised of scholars 63544  
with relevant expertise and experience. Not more than one member 63545  
of the council may be an employee of the university. Best 63546  
efforts shall be made to have not fewer than three members of 63547  
the advisory board be from Ohio. 63548

(3) Three members of the academic council shall serve 63549  
initial terms of two years and four members shall serve initial 63550  
terms of four years, which the members shall determine at their 63551  
first meeting, and select replacements for vacant seats. 63552

(E) (1) The academic council established under division (D) 63553  
of this section shall conduct a nationwide search for candidates 63554  
for the director of the center and shall strictly adhere to all 63555  
relevant state and federal laws. The academic council shall 63556  
submit to the president of the university a list of finalists 63557  
from which the president shall select and appoint a director, 63558  
subject to approval by the board of trustees. Future directors 63559  
shall be chosen in the same manner. 63560

(2) The director shall have the protection of tenure or 63561  
tenure eligibility. The director shall consult with the dean of 63562  
the college of public affairs; however, the director shall 63563  
report directly to the provost or the president of the 63564  
university. 63565

(3) The director shall have the sole and exclusive 63566  
authority to manage the recruitment and hiring process and to 63567  
extend offers for employment for all faculty and staff, and to 63568  
terminate employment of all staff. The director shall oversee, 63569  
develop, and approve the center's curriculum, including approval 63570

of the center's courses that meet the university's general 63571  
education requirements. The center shall be granted the 63572  
authority to offer courses and develop certificate, minor, and 63573  
major programs as well as graduate programs, and offer degrees. 63574

(F) The director of the center shall submit an annual 63575  
report to the board of trustees of the university and the 63576  
general assembly in accordance with section 101.68 of the 63577  
Revised Code. The report shall provide a full account of the 63578  
center's achievements, opportunities, challenges, and obstacles 63579  
in the development of this academic unit. 63580

**Sec. 3339.06.** (A) (1) The Miami university center for 63581  
civics, culture, and society is established as an independent 63582  
academic unit within Miami university, physically located in the 63583  
college of arts and sciences. The center shall conduct teaching 63584  
and research in the historical ideas, traditions, and texts that 63585  
have shaped the American constitutional order and society. 63586

(2) The center shall establish bylaws requiring the center 63587  
to do all of the following: 63588

(a) Educate students by means of free, open, and rigorous 63589  
intellectual inquiry to seek the truth; 63590

(b) Affirm its duty to equip students with the skills, 63591  
habits, and dispositions of mind they need to reach their own 63592  
informed conclusions on matters of social and political 63593  
importance; 63594

(c) Affirm the value of intellectual diversity in higher 63595  
education and aspire to enhance the intellectual diversity of 63596  
the university; 63597

(d) Affirm a commitment to create a community dedicated to 63598  
an ethic of civil and free inquiry, which respects the 63599

intellectual freedom of each member, supports individual 63600  
capacities for growth, and welcomes the differences of opinion 63601  
that shall naturally exist in a public university community. 63602

The requirements prescribed under divisions (A) (2) (a) to 63603  
(d) of this section shall take priority over any other bylaws 63604  
adopted by the center. 63605

(3) The board of trustees of the university may name the 63606  
center in accordance with the philanthropic naming policies and 63607  
practices of the university. 63608

(B) The center shall be an independent academic unit 63609  
physically located at the college of arts and sciences with the 63610  
authority to house tenure-track faculty who hold their 63611  
appointments within the center. Faculty appointed to the center 63612  
shall not be required, but may, hold joint appointments within 63613  
any other division of the university. Not fewer than ten tenure- 63614  
track faculty positions shall be allotted to teach under the 63615  
center. No faculty outside of the center shall have the 63616  
authority to block faculty hires into the center. 63617

(C) (1) The center shall offer instruction in all of the 63618  
following: 63619

(a) The books and major debates which form the 63620  
intellectual foundation of free societies, especially that of 63621  
the United States; 63622

(b) The principles, ideals, and institutions of the 63623  
American constitutional order; 63624

(c) The foundations of responsible leadership and informed 63625  
citizenship. 63626

(2) The center also shall focus on both of the following: 63627

(a) Offering university-wide programming related to the values of free speech and civil discourse;

(b) Expanding the intellectual diversity of the university's academic community.

(D) (1) ~~Not later than December 31, 2023, the~~ The board of trustees of the university shall appoint, with the advice and consent of the senate, a seven-member center academic council. An initial member shall not begin service until confirmed by the senate. Four members shall form a quorum.

(2) The academic council shall be comprised of scholars with relevant expertise and experience. Not more than one member of the council may be an employee of the university. Best efforts shall be made to have not fewer than three members of the advisory board be from Ohio.

(3) Three members of the academic council shall serve initial terms of two years and four members shall serve initial terms of four years, which the members shall determine at their first meeting, and select replacements for vacant seats.

(E) (1) The academic council established under division (D) of this section shall conduct a nationwide search for candidates for the director of the center and shall strictly adhere to all relevant state and federal laws. The academic council shall submit to the president of the university a list of finalists from which the president shall select and appoint a director, subject to approval by the board of trustees. Future directors shall be chosen in the same manner.

(2) The director shall have the protection of tenure or tenure eligibility. The director shall consult with the dean of the college of arts and sciences; however, the director shall

report directly to the provost or the president of the 63657  
university. 63658

(3) The director shall have the sole and exclusive 63659  
authority to manage the recruitment and hiring process and to 63660  
extend offers for employment for all faculty and staff of the 63661  
center, and to terminate employment of all staff. The director 63662  
shall oversee, develop, and approve the center's curriculum, 63663  
including approval of the center's courses that meet the 63664  
university's general education requirements. The center shall be 63665  
granted the authority to offer courses and develop certificate, 63666  
minor, and major programs as well as graduate programs, and 63667  
offer degrees. 63668

(F) The director of the center shall submit an annual 63669  
report to the board of trustees of the university and the 63670  
general assembly in accordance with section 101.68 of the 63671  
Revised Code. The report shall provide a full account of the 63672  
center's achievements, opportunities, challenges, and obstacles 63673  
in the development of this academic unit. 63674

**Sec. 3344.07.** (A) (1) The Cleveland state university center 63675  
for civics, culture, and society is established as an 63676  
independent academic unit within Cleveland state university, 63677  
physically located in the Levin college of public affairs and 63678  
education. The center shall conduct teaching and research in the 63679  
historical ideas, traditions, and texts that have shaped the 63680  
American constitutional order and society. 63681

(2) The center shall establish bylaws requiring the center 63682  
to do all of the following: 63683

(a) Educate students by means of free, open, and rigorous 63684  
intellectual inquiry to seek the truth; 63685

(b) Affirm its duty to equip students with the skills, 63686  
habits, and dispositions of mind they need to reach their own 63687  
informed conclusions on matters of social and political 63688  
importance; 63689

(c) Affirm the value of intellectual diversity in higher 63690  
education and aspire to enhance the intellectual diversity of 63691  
the university; 63692

(d) Affirm a commitment to create a community dedicated to 63693  
an ethic of civil and free inquiry, which respects the 63694  
intellectual freedom of each member, supports individual 63695  
capacities for growth, and welcomes the differences of opinion 63696  
that shall naturally exist in a public university community. 63697

The requirements prescribed under divisions (A) (2) (a) to 63698  
(d) of this section shall take priority over any other bylaws 63699  
adopted by the center. 63700

(3) The board of trustees of the university may name the 63701  
center in accordance with the philanthropic naming policies and 63702  
practices of the university. 63703

(B) The center shall be an independent academic unit 63704  
physically located at the college of public affairs and 63705  
education with the authority to house tenure-track faculty who 63706  
hold their appointments within the center. Faculty appointed to 63707  
the center shall not be required, but may, hold joint 63708  
appointments within any other division of the university. Not 63709  
fewer than ten tenure-track faculty positions shall be allotted 63710  
to teach under the center. No faculty outside of the center 63711  
shall have the authority to block faculty hires into the center. 63712

(C) (1) The center shall offer instruction in all of the 63713  
following: 63714



(a) The books and major debates which form the intellectual foundation of free societies, especially that of the United States;

(b) The principles, ideals, and institutions of the American constitutional order;

(c) The foundations of responsible leadership and informed citizenship.

(2) The center also shall focus on both of the following:

(a) Offering university-wide programming related to the values of free speech and civil discourse;

(b) Expanding the intellectual diversity of the university's academic community.

(D) (1) ~~Not later than December 31, 2023, the~~ The board of trustees of the university shall appoint, with the advice and consent of the senate, a seven-member center academic council. An initial member shall not begin service until confirmed by the senate. Four members shall form a quorum.

(2) The academic council shall be comprised of scholars with relevant expertise and experience. Not more than one member of the council may be an employee of the university. Best efforts shall be made to have not fewer than three members of the advisory board be from Ohio.

(3) Three members of the academic council shall serve initial terms of two years and four members shall serve initial terms of four years, which the members shall determine at their first meeting, and select replacements for vacant seats.

(E) (1) The academic council established under division (D) of this section shall conduct a nationwide search for candidates

for the director of the center and shall strictly adhere to all 63743  
relevant state and federal laws. The academic council shall 63744  
submit to the president of the university a list of finalists 63745  
from which the president shall select and appoint a director, 63746  
subject to approval by the board of trustees. Future directors 63747  
shall be chosen in the same manner. 63748

(2) The director shall have the protection of tenure or 63749  
tenure eligibility. The director shall consult with the dean of 63750  
the college of public affairs and education; however, the 63751  
director shall report directly to the provost or the president 63752  
of the university. 63753

(3) The director shall have the sole and exclusive 63754  
authority to manage the recruitment and hiring process and to 63755  
extend offers for employment for all faculty and staff of the 63756  
center, and to terminate employment of all staff. The director 63757  
shall oversee, develop, and approve the center's curriculum, 63758  
including approval of the center's courses that meet the 63759  
university's general education requirements. The center shall be 63760  
granted the authority to offer courses and develop certificate, 63761  
minor, and major programs as well as graduate programs, and 63762  
offer degrees. 63763

(F) The director of the center shall submit an annual 63764  
report to the board of trustees of the university and the 63765  
general assembly in accordance with section 101.68 of the 63766  
Revised Code. The report shall provide a full account of the 63767  
center's achievements, opportunities, challenges, and obstacles 63768  
in the development of this academic unit. 63769

**Sec. 3345.06.** As used in this section, "state institution 63770  
of higher education" and "state university" have the same 63771  
meanings as in section 3345.011 of the Revised Code. 63772

~~(A)~~ (A) (1) Subject to divisions (B) and (C) of this 63773  
section, a graduate of the twelfth grade shall be entitled to 63774  
admission without examination to any ~~college or university which~~ 63775  
~~is supported wholly or in part by the state~~ state institution of 63776  
higher education, but for unconditional admission may be 63777  
required to complete such units not included in the graduate's 63778  
high school course as may be prescribed, not less than two years 63779  
prior to the graduate's entrance, by the faculty of the 63780  
institution. 63781

(2) Subject to divisions (B) and (C) of this section, each 63782  
graduate of the twelfth grade who is in the top ten per cent of 63783  
a graduating class as determined by the chancellor of higher 63784  
education shall be entitled to admission to any state 63785  
institution of higher education. If the student does not meet 63786  
the standards for unconditional admission under division (A) of 63787  
this section, a state university may delay main campus admission 63788  
and admit the student to a university branch campus. 63789

(3) Subject to divisions (B) and (C) of this section, each 63790  
recipient of the governor's merit scholarship shall be entitled 63791  
to admission to the main campus of a state institution of higher 63792  
education. 63793

(B) Beginning with the 2014-2015 academic year, each state 63794  
university ~~listed in section 3345.011 of the Revised Code,~~ 63795  
except for Central state university, Shawnee state university, 63796  
and Youngstown state university, shall permit a resident of this 63797  
state who entered ninth grade for the first time on or after 63798  
July 1, 2010, to begin undergraduate coursework at the 63799  
university only if the person has successfully completed the 63800  
requirements for high school graduation prescribed in division 63801  
(C) of section 3313.603 of the Revised Code, unless one of the 63802

following applies: 63803

(1) The person has earned at least ten semester hours, or 63804  
the equivalent, at a community college, state community college, 63805  
university branch, technical college, or another post-secondary 63806  
institution except a state university to which division (B) of 63807  
this section applies, in courses that are college-credit-bearing 63808  
and may be applied toward the requirements for a degree. The 63809  
university shall grant credit for successful completion of those 63810  
courses pursuant to any applicable articulation and transfer 63811  
policy of the chancellor of higher education or any agreements 63812  
the university has entered into in accordance with policies and 63813  
procedures adopted under section 3333.16, 3333.161, or 3333.162 63814  
of the Revised Code. The university may count college credit 63815  
that the student earned while in high school through the college 63816  
credit plus program under Chapter 3365. of the Revised Code, or 63817  
through other advanced standing programs, toward the 63818  
requirements of division (B) (1) of this section if the credit 63819  
may be applied toward a degree. 63820

(2) The person qualified to graduate from high school 63821  
under division (D) or (F) of section 3313.603 of the Revised 63822  
Code and has successfully completed the topics or courses that 63823  
the person lacked to graduate under division (C) of that section 63824  
at any post-secondary institution or at a summer program at the 63825  
state university. A state university may admit a person for 63826  
enrollment contingent upon completion of such topics or courses 63827  
or summer program. 63828

(3) The person met the high school graduation requirements 63829  
by successfully completing the person's individualized education 63830  
program developed under section 3323.08 of the Revised Code. 63831

(4) The person is receiving or has completed the final 63832

year of education at home as authorized under section 3321.042 63833  
of the Revised Code, or has graduated from a nonchartered, 63834  
nonpublic school in Ohio, and demonstrates mastery of the 63835  
academic content and skills in reading, writing, and mathematics 63836  
needed to successfully complete introductory level coursework at 63837  
an institution of higher education and to avoid remedial 63838  
coursework. 63839

(5) The person is a high school student participating in 63840  
the college credit plus program under Chapter 3365. of the 63841  
Revised Code or another advanced standing program. 63842

(C) A state university subject to division (B) of this 63843  
section may delay admission for or admit conditionally an 63844  
undergraduate student who has successfully completed the 63845  
requirements prescribed in division (C) of section 3313.603 of 63846  
the Revised Code if the university determines the student 63847  
requires academic remedial or developmental coursework. The 63848  
university may delay admission pending, or make admission 63849  
conditional upon, the student's successful completion of the 63850  
academic remedial or developmental coursework at a university 63851  
branch, community college, state community college, or technical 63852  
college. 63853

(D) This section does not deny the right of a college of 63854  
law, medicine, or other specialized education to require college 63855  
training for admission, or the right of a department of music or 63856  
other art to require particular preliminary training or talent. 63857

Sec. 3345.451. (A) As used in this section, "state 63858  
institution of higher education" has the same meaning as in 63859  
section 3345.011 of the Revised Code. 63860

(B) The board of trustees of each state institution of 63861

higher education has unilateral and ultimate authority to 63862  
establish new academic programs, schools, colleges, institutes, 63863  
departments, and centers at the institution. Notwithstanding 63864  
anything in section 3333.0420 of the Revised Code to the 63865  
contrary, the board of trustees may not delegate the board's 63866  
authority to adopt a curricular approval process under this 63867  
section or to approve or reject academic programs. 63868

(C) The board of trustees of each state institution of 63869  
higher education shall adopt a curricular approval process to 63870  
establish and modify academic programs, curricula, courses, 63871  
general education requirements, and degree programs. The process 63872  
developed under this division shall do all of the following: 63873

(1) Grant the faculty senate, or comparable representative 63874  
body, the opportunity to provide advice, feedback, and 63875  
recommendations on the establishment and modification of 63876  
academic programs, curricula, courses, general education 63877  
requirements, and degree programs; 63878

(2) Clarify that all feedback and recommendations by the 63879  
faculty senate, or comparable representative body, is advisory 63880  
in nature; 63881

(3) Retain the board's final, overriding authority to 63882  
approve or reject any establishment or modification of academic 63883  
programs, curricula, courses, general education requirements, 63884  
and degree programs. 63885

(D) Each board of trustees shall complete the initial 63886  
curricular approval process developed under this section not 63887  
later than six months after the effective date of this section, 63888  
unless the institution's president grants a one-month extension, 63889  
and every five years thereafter. The board of trustees shall 63890

submit each completed version of the approval process developed 63891  
under this section to the chancellor of higher education. 63892

**Sec. 3345.48.** (A) As used in this section: 63893

(1) "Cohort" means a group of students who will complete 63894  
their bachelor's degree requirements and graduate from a state 63895  
university at the same time. A cohort may include transfer 63896  
students and other selected undergraduate student academic 63897  
programs as determined by the board of trustees of a state 63898  
university. 63899

(2) "Eligible student" means an undergraduate student who: 63900

(a) Is enrolled full-time in a bachelor's degree program 63901  
at a state university; 63902

(b) Is a resident of this state, as defined by the 63903  
chancellor of higher education under section 3333.31 of the 63904  
Revised Code. 63905

(3) "State university" has the same meaning as in section 63906  
3345.011 of the Revised Code. 63907

(B) The board of trustees of each state university shall 63908  
establish an undergraduate tuition guarantee program that allows 63909  
eligible students in the same cohort to pay a fixed rate for 63910  
general and instructional fees for four years. A board of 63911  
trustees may include room and board and any additional fees in 63912  
the program. 63913

The board shall adopt rules for the program that include, 63914  
but are not limited to, all of the following: 63915

(1) The number of credit hours required to earn an 63916  
undergraduate degree in each major; 63917

(2) A guarantee that the general and instructional fees 63918  
for each student in the cohort shall remain constant for four 63919  
years so long as the student complies with the requirements of 63920  
the program, except that, notwithstanding any law to the 63921  
contrary, the board may increase the guaranteed amount by up to 63922  
six per cent above what has been charged in the previous 63923  
academic year one time for the first cohort enrolled under the 63924  
tuition guarantee program. If the board of trustees determines 63925  
that economic conditions or other circumstances require an 63926  
increase for the first cohort of above six per cent, the board 63927  
shall submit a request to increase the amount by a specified 63928  
percentage to the chancellor. The chancellor, based on 63929  
information the chancellor requires from the board of trustees, 63930  
shall approve or disapprove such a request. Thereafter, except 63931  
as provided in division (F) of this section, the board of 63932  
trustees may increase the guaranteed amount by up to the sum of 63933  
the following above what has been charged in the previous 63934  
academic year one time per subsequent cohort: 63935

(a) The average rate of inflation, as measured by the 63936  
consumer price index prepared by the bureau of labor statistics 63937  
of the United States department of labor (all urban consumers, 63938  
all items), for the previous thirty-six-month period; and 63939

(b) The percentage amount the general assembly restrains 63940  
increases on in-state undergraduate instructional and general 63941  
fees for the applicable fiscal year. If the general assembly 63942  
does not enact a limit on the increase of in-state undergraduate 63943  
instructional and general fees, then no limit shall apply under 63944  
this division for the cohort that first enrolls in any academic 63945  
year for which the general assembly does not prescribe a limit. 63946

If, beginning with the academic year that starts four 63947



years after September 29, 2013, the board of trustees determines 63948  
that the general and instructional fees charged under the 63949  
tuition guarantee have fallen significantly lower than those of 63950  
other state universities, the board of trustees may submit a 63951  
request to increase the amount charged to a cohort by a 63952  
specified percentage to the chancellor, who shall approve or 63953  
disapprove such a request. 63954

(3) A benchmark by which the board sets annual increases 63955  
in general and instructional fees. This benchmark and any 63956  
subsequent change to the benchmark shall be subject to approval 63957  
of the chancellor. 63958

(4) Eligibility requirements for students to participate 63959  
in the program; 63960

(5) Student rights and privileges under the program; 63961

(6) Consequences to the university for students unable to 63962  
complete a degree program within four years, as follows: 63963

(a) For a student who could not complete the program in 63964  
four years due to a lack of available classes or space in 63965  
classes provided by the university, the university shall provide 63966  
the necessary course or courses for completion to the student 63967  
free of charge. 63968

(b) For a student who could not complete the program in 63969  
four years due to military service or other circumstances beyond 63970  
a student's control, as determined by the board of trustees, the 63971  
university shall provide the necessary course or courses for 63972  
completion to the student at the student's initial cohort rate. 63973

(c) For a student who did not complete the program in four 63974  
years for any other reason, as determined by the board of 63975  
trustees, the university shall provide the necessary course or 63976

courses for completion to the student at a rate determined 63977  
through a method established by the board under division (B) (7) 63978  
of this section. 63979

(7) Guidelines for adjusting a student's annual charges if 63980  
the student, due to circumstances under the student's control, 63981  
is unable to complete a degree program within four years; 63982

(8) A requirement that the rules adopted under division 63983  
(B) of this section be published or posted in the university 63984  
handbook, course catalog, and web site. 63985

(C) The board shall submit the rules adopted under 63986  
division (B) of this section to the chancellor for approval 63987  
before beginning implementation of the program. 63988

The chancellor shall not unreasonably withhold approval of 63989  
a program if the program conforms in principle with the 63990  
parameters and guidelines of this section. 63991

(D) A board of trustees of a state university may 63992  
establish an undergraduate tuition guarantee program for 63993  
nonresident students. 63994

(E) Except as provided in this section, no other 63995  
limitation on the increase of in-state undergraduate 63996  
instructional and general fees shall apply to a state university 63997  
that has established an undergraduate tuition guarantee program 63998  
under this section. 63999

(F) Notwithstanding anything in this section to the 64000  
contrary, the board of trustees of a state university shall not 64001  
charge the cohort entering in the 2023-2024~~or~~, 2024-2025, 2025- 64002  
2026, or 2026-2027 academic year a guaranteed amount of general 64003  
and instructional fees that is more than three per cent above 64004  
what was charged to the cohort that entered the university in 64005

the previous academic year. 64006

Sec. 3345.601. Each state institution of higher education, 64007  
as defined in section 3345.011 of the Revised Code, annually 64008  
shall certify to the chancellor of higher education, on a date 64009  
and in the form and manner determined by the chancellor, a plan 64010  
to preserve student records indefinitely if the state 64011  
institution was to cease operations. The plan shall include the 64012  
designation and signed confirmation of an official custodian of 64013  
student records. If the chancellor determines it necessary, the 64014  
chancellor may require a state institution to produce an 64015  
executed agreement with the designated custodian of student 64016  
records, paid in full, to ensure the state institution's plan 64017  
can be implemented. 64018

The chancellor may consult with the higher learning 64019  
commission, the state board of career colleges and schools, and 64020  
other appropriate entities to establish plans, processes, and 64021  
procedures for state institutions to provide indefinite access 64022  
to student records. 64023

Sec. 3345.691. A state institution of higher education, as 64024  
defined in section 3345.011 of the Revised Code, shall comply 64025  
with section ~~125.092~~125.091 of the Revised Code regarding the 64026  
purchase of biobased products. 64027

Sec. 3345.692. (A) Not later than September 15, 2010, and 64028  
the fifteenth day of September each year thereafter, a state 64029  
institution of higher education shall prepare and submit to the 64030  
chancellor of higher education a report that describes the 64031  
number and types of biobased products purchased under section 64032  
~~125.092~~125.091 of the Revised Code and the amount of money 64033  
spent by the state institution of higher education for those 64034  
biobased products. 64035

(B) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 64036  
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**Sec. 3345.71.** As used in sections 3345.72 to 3345.77 of the Revised Code: 64039  
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(A) "State university or college" means any state university listed in section 3345.011 of the Revised Code, the northeast Ohio medical university, any community college under Chapter 3354. of the Revised Code, any technical college under Chapter 3357. of the Revised Code, and any state community college under Chapter 3358. of the Revised Code. 64041  
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(B) "Fiscal caution" means the existence of a fiscal caution declared under section 3345.721 of the Revised Code. 64047  
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(C) "Fiscal watch" means the existence of a fiscal watch declared under section 3345.72 of the Revised Code. 64049  
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**Sec. 3345.721.** (A) The chancellor of higher education, in consultation with the office of budget and management, shall adopt rules in accordance with section 111.15 of the Revised Code that include all of the following: 64051  
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64054

(1) Criteria for determining when to review and, if necessary, declare a state university or college under fiscal caution. The criteria may include, but not be limited to, consideration of the following: 64055  
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(a) A significant drop in enrollment from the prior year; 64059

(b) A decline in enrollment for consecutive years; 64060

(c) A significant increase in enrollment; 64061

(d) A significant increase in adjunct faculty; 64062

<u>(e) An increase in student complaints;</u>	64063
<u>(f) An increase in the number of or a notable presence of third-party providers, which may include online program managers;</u>	64064 64065 64066
<u>(g) Federal financial aid processing delays;</u>	64067
<u>(h) Reduced or increased reliance on state share of instruction;</u>	64068 64069
<u>(i) Receipt of substantial nonrecurring revenue, from any source, that could signify a structural budget deficit;</u>	64070 64071
<u>(j) A delay in completing a yearly audit even if granted an extension;</u>	64072 64073
<u>(k) A lack of proper institutional segregation of critical duties, functions, or responsibilities;</u>	64074 64075
<u>(l) Significant turnover of faculty, staff, or administrators.</u>	64076 64077
<u>(2) A requirement that a state university or college declared to be on fiscal caution shall submit a financial recovery plan, within a defined period of time after the declaration as determined by the chancellor, that may include, but is not limited to, any of the following:</u>	64078 64079 64080 64081 64082
<u>(a) Projections of revenues and expenditures over a three-year time horizon and on such other time horizons as may be requested by the chancellor;</u>	64083 64084 64085
<u>(b) A comprehensive review of current staffing levels and a five-year historical summary of staffing levels;</u>	64086 64087
<u>(c) A review of the most recent submission of institutional recommendations for courses and programs based on</u>	64088 64089

enrollment and duplication with other state institutions of 64090  
higher education, as required by section 3345.35 of the Revised 64091  
Code, and submission of revised recommendations as determined to 64092  
be necessary; 64093

(d) A review of any approved tuition waivers or 64094  
scholarship programs; 64095

(e) A plan to reduce expenditures over a six-month, 64096  
twelve-month, eighteen-month, and twenty-four-month period, as 64097  
necessary, to align ongoing revenue with ongoing expenses; 64098

(f) A review of contracts that are the largest portion of 64099  
the state university's or college's expenditures; 64100

(g) A program viability analysis, or analyses, as 64101  
determined by the chancellor to be necessary in accordance with 64102  
section 3333.073 of the Revised Code. 64103

(3) A requirement that a state university or college 64104  
declared to be on fiscal caution shall submit a three-year 64105  
forecast of revenues and expenditures, approved in a resolution 64106  
adopted by the board of trustees of the state university or 64107  
college. The three-year forecast shall be structurally balanced 64108  
based on a set of underlying assumptions, including enrollment 64109  
projections, tuition revenue, and state funding levels, that are 64110  
evidence-based and practicable; 64111

(4) A requirement that a state university or college 64112  
declared to be on fiscal caution shall consult with the auditor 64113  
of state regarding any necessary or appropriate steps to bring 64114  
the books of account, accounting systems, and financial 64115  
procedures and reports of the state university or college into 64116  
compliance with requirements prescribed by the auditor of state 64117  
regarding desirable modifications and supplementary systems and 64118

procedures pertinent to the university or college. The auditor 64119  
of state shall provide a written report to the board of trustees 64120  
of the state university or college outlining the nature of the 64121  
financial accounting and reporting problems of the university or 64122  
college and recommendations for actions to be undertaken to 64123  
correct the financial accounting and reporting problems. If 64124  
requested by the state university or college or recommended by 64125  
the chancellor, the auditor of state may additionally perform a 64126  
performance audit of the state university or college. 64127

(5) A requirement that for the duration of a fiscal 64128  
caution, a state university or college shall submit regular 64129  
reports on any of the above matters or new matters identified by 64130  
the auditor of state or the chancellor as contributing to the 64131  
reason for the declaration, preventing the recovery of the state 64132  
university or college, or the inability to be removed from 64133  
fiscal caution. 64134

(6) Criteria for determining when to declare the 64135  
termination of the fiscal caution of a state university or 64136  
college. 64137

(B) A state university or college shall provide the 64138  
chancellor with all information requested under this section in 64139  
the time and manner determined by the chancellor. 64140  
Notwithstanding any law to the contrary, failure to comply in a 64141  
satisfactory manner, as determined by the chancellor, may result 64142  
in a declaration of fiscal watch under section 3345.72 of the 64143  
Revised Code. 64144

(C) Notwithstanding any law to the contrary, the 64145  
chancellor may impose limitations on a state university or 64146  
college that fails to comply with this section or the rules 64147  
adopted pursuant to this section or fails to take decisive 64148

action to improve the state university's or college's financial 64149  
condition. Such limitations may include, but are not limited to, 64150  
the following: 64151

(1) Limitations on eligibility to participate in grants 64152  
and programs administered by the chancellor; 64153

(2) Limitations on approval of a new degree program or 64154  
associated certificates; 64155

(3) Suspension of additional enrollment in an educational 64156  
program; 64157

(4) Restriction of an increase in any special fee or a 64158  
creation of a new fee; 64159

(5) Limitations on the power of the board of trustees to 64160  
enter into new or renewed contracts without prior approval from 64161  
the chancellor; 64162

(6) Withholding approval of any controlling board request 64163  
for capital projects. 64164

**Sec. 3345.74.** (A) The chancellor of higher education at 64165  
least annually shall apply the indicators and standards adopted 64166  
under division (A) of section 3345.73 of the Revised Code to 64167  
determine whether a state university or college under a fiscal 64168  
watch is experiencing sufficient fiscal difficulties to warrant 64169  
the appointment of a conservator under this section or if the 64170  
board of trustees of a state university or college has taken any 64171  
action related to pausing or stopping enrollment, submitted a 64172  
withdrawal of accreditation, or taken any other action 64173  
indicating it will no longer offer educational activity or will 64174  
undergo a wind down and dissolution of existence. Upon making a 64175  
determination that appointment of a conservator is warranted, 64176  
the chancellor shall request from the office of budget and 64177



management, which shall provide, certification that sufficient 64178  
fiscal difficulties exist to warrant appointment of a 64179  
conservator. The chancellor shall then certify this 64180  
determination to the governor. 64181

Notwithstanding section 3333.021 of the Revised Code, that 64182  
section does not apply to certification by the chancellor under 64183  
this section or to the declaration of a fiscal watch under 64184  
section 3345.72 of the Revised Code. 64185

A determination by the chancellor under this division that 64186  
sufficient fiscal difficulties exist or do not exist to warrant 64187  
appointing a conservator is final and conclusive and not 64188  
appealable. 64189

(B) The governor may appoint a conservator for any state 64190  
university or college under a fiscal watch, upon certification 64191  
by the chancellor under division (A) of this section that the 64192  
appointment is warranted. The governor shall consult with the 64193  
speaker and minority leader of the house of representatives and 64194  
the president and minority leader of the senate before making 64195  
the appointment. From the time a conservator is appointed until 64196  
the time the governor issues an order terminating the governance 64197  
authority under division (B) of section 3345.76 of the Revised 64198  
Code, the governor may remove any member of the board of 64199  
trustees of the state university or college from office and not 64200  
fill the vacancy. 64201

(C) Upon appointment of a conservator under this section 64202  
for a state university or college, all of the following shall 64203  
occur effective immediately: 64204

(1) All duties, responsibilities, and powers of the board 64205  
of trustees of the university or college are suspended; 64206

(2) The management and control of the state university or college is assumed by the conservator; 64207  
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(3) Notwithstanding any section of the Revised Code, all duties, responsibilities, and powers assigned by law to the board of trustees are assigned to the conservator, and the conservator becomes the successor to, assumes the lawful obligations of, and otherwise constitutes the continuation of the board of trustees for purposes of all pending legal actions, contracts or other agreements, and obligations of the university or college; 64209  
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(4) Wherever the board of trustees is referred to in any contract or legal document, the reference is deemed to refer to the conservator. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the assumption of the board's authority by the conservator under this section and any such validation, cure, right, privilege, remedy, obligation, or liability shall be administered by the conservator. No action or proceeding pending on the effective date of the assumption by the conservator of the board's authority is affected by that assumption and any such action or proceeding shall be prosecuted or defended in the name of the conservator. 64217  
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(5) The conservator assumes custody of all equipment, records, files, effects, and all other property real or personal of the state university or college; 64229  
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(6) All authority and duties of the president or chief executive officer, and the pay of the president or chief executive officer, are suspended. 64232  
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(D) The conservator for a state university or college 64235

shall conduct a preliminary performance evaluation of the 64236  
president or chief executive officer of the university or 64237  
college and provide a copy of findings and any recommendations 64238  
to the governance authority established for the university or 64239  
college under section 3345.75 of the Revised Code. 64240

(E) A conservator appointed under this section shall be 64241  
immune, indemnified, and held harmless from civil liability, 64242  
including any cause of action, legal, equitable, or otherwise, 64243  
for any action taken or duties performed by the conservator in 64244  
good faith and in furtherance of the performance of the duties 64245  
of the conservator under this section. 64246

(F) The governor shall set the compensation for a 64247  
conservator appointed for a state university or college. The 64248  
expenses and compensation of the conservator and others employed 64249  
by the conservator shall be paid out of the operating funds and 64250  
revenues of that university or college. 64251

**Sec. 3345.75.** (A) Not later than thirty days after the 64252  
date of the appointment of a conservator for a state university 64253  
or college under section 3345.74 of the Revised Code, the 64254  
governor shall appoint, with the advice and consent of the 64255  
senate, a governance authority for the university or college 64256  
consisting of five members, of which one shall have expertise in 64257  
academic affairs and accreditation and one shall have expertise 64258  
in either state agency budgets or state university or college 64259  
finances. The members shall serve at the pleasure of the 64260  
governor and any vacancies shall be filled in the same manner as 64261  
an original appointment. 64262

The governor shall designate one of the members of the 64263  
governance authority as the chairperson and shall call the first 64264  
meeting of the authority. A majority of the members of a 64265

governance authority constitutes a quorum and the affirmative 64266  
vote of a majority of the members shall be necessary for any 64267  
action taken by an authority. Meetings of a governance authority 64268  
shall be called in the manner and at the times prescribed by the 64269  
authority, but the authority shall meet at least four times 64270  
annually and at other times necessary for the best interest of 64271  
the university or college. A governance authority may adopt 64272  
procedures for the conduct of its business. 64273

The members of a governance authority shall not receive 64274  
compensation for their services, but shall be paid their 64275  
reasonable and necessary expenses while engaged in the discharge 64276  
of their official duties. 64277

(B) (1) A governance authority established under this 64278  
section shall appoint an executive director who shall serve at 64279  
the pleasure of the authority and with the compensation and 64280  
other terms and conditions established by it. With the approval 64281  
of the chairperson of the authority, the executive director may 64282  
appoint additional personnel as the director considers 64283  
appropriate. The executive director shall oversee the day-to-day 64284  
operation of the university or college under the direction and 64285  
supervision of the authority. 64286

(2) The governance authority shall conduct a final 64287  
performance evaluation of the president or chief executive 64288  
officer of the university or college. Following the evaluation, 64289  
the governance authority may reinstate any duties, authority, or 64290  
pay previously suspended under division (C) (6) of section 64291  
3345.74 of the Revised Code, or may terminate the president or 64292  
chief executive officer in accordance with the terms of the 64293  
person's employment contract. 64294

(C) Upon appointment of all members of a governance 64295

authority under this section and upon the effective date for the 64296  
commencement of the duties of the executive director appointed 64297  
by that authority under this section, all authority, 64298  
responsibilities, duties, and references assumed by or conferred 64299  
upon the conservator under divisions (C) (2) to (6) of section 64300  
3345.74 of the Revised Code terminate and all of the following 64301  
shall occur, effective immediately: 64302

(1) The management and control of the state university or 64303  
college is assumed by the governance authority; 64304

(2) Notwithstanding any section of the Revised Code, all 64305  
duties, responsibilities, and powers assigned by law to the 64306  
board of trustees or to the conservator are assigned to the 64307  
governance authority and the governance authority becomes the 64308  
successor to, assumes the lawful obligations of, and otherwise 64309  
constitutes the continuation of the board of trustees and the 64310  
conservator for purposes of all pending legal actions, contracts 64311  
or other agreements, and obligations of the university or 64312  
college; 64313

(3) Wherever the board of trustees or conservator is 64314  
referred to in any contract or legal document, the reference is 64315  
deemed to refer to the governance authority. No validation, 64316  
cure, right, privilege, remedy, obligation, or liability is lost 64317  
or impaired by reason of the assumption of the authority of the 64318  
board of trustees and the conservator by the governance 64319  
authority under this section and any such validation, cure, 64320  
right, privilege, remedy, obligation, or liability shall be 64321  
administered by the governance authority. No action or 64322  
proceeding pending on the effective date of the assumption by 64323  
the governance authority of the authority of the board of 64324  
trustees and the conservator is affected by that assumption and 64325

any such action or proceeding shall be prosecuted or defended in 64326  
the name of the governance authority. 64327

(4) The governance authority assumes custody of all 64328  
equipment, records, files, effects, and all other property real 64329  
or personal of the state university or college. 64330

(D) A governance authority and executive director 64331  
appointed under this section shall be immune, indemnified, and 64332  
held harmless from civil liability, including any cause of 64333  
action, legal, equitable, or otherwise, for any action taken or 64334  
duties performed by the governance authority and executive 64335  
director in good faith and in furtherance of the performance of 64336  
the duties of the governance authority and executive director 64337  
under this section. 64338

(E) The expenses of a governance authority and the 64339  
expenses and compensation of an executive director appointed for 64340  
a state university or college under this section and others 64341  
employed by the executive director under this section shall be 64342  
paid out of the operating funds and revenues of that university 64343  
or college. 64344

(F) A governance authority appointed under this section 64345  
shall prepare, in accordance with rules adopted by the office of 64346  
budget and management, and submit to the chancellor of higher 64347  
education, the governor, the speaker and minority leader of the 64348  
house of representatives, and the president and minority leader 64349  
of the senate a quarterly report setting forth all of the 64350  
following: 64351

(1) The general condition of the university or college; 64352

(2) The amounts of receipts and disbursements and the 64353  
items for which the disbursements were made; 64354

(3) The numbers of professors, officers, teachers, and 64355  
other employees and the position and compensation of each and 64356  
the numbers of students by courses of instruction; 64357

(4) An estimate of expenses for the ensuing quarter; 64358

(5) A statement of the general progress of the university 64359  
or college with indication of any improvements and specification 64360  
of any experiments with institutional reform and the costs and 64361  
results of those experiments; 64362

(6) If the governance authority determines closure is 64363  
necessary or is appointed to facilitate an orderly closure as 64364  
determined to be necessary by the board of trustees prior to the 64365  
governance authority's appointment, all matters related to 64366  
compliance with the requirements of a closure of an institution 64367  
of higher education as specified by the chancellor; 64368

(7) Any other matters the governance authority considers 64369  
useful to report. 64370

(G) The attorney general shall be the legal adviser to the 64371  
conservator and the governance authority, and the attorney 64372  
general may employ special counsel to aid the conservator or 64373  
governance authority with respect to any legal matter on behalf 64374  
of the institution. The conservator and the governance authority 64375  
may as otherwise provided by law request the attorney general to 64376  
bring or defend suits or proceedings in the name of the 64377  
institution. 64378

**Sec. 3345.79.** As used in this section, "state university 64379  
or college" has the same meaning as in section 3345.71 of the 64380  
Revised Code. 64381

(A) Pursuant to the authority of the general assembly to 64382  
provide for the public health, safety, and welfare, it is 64383

declared to be the public policy and a public purpose of the 64384  
state to require fiscal integrity of state universities and 64385  
colleges so that they can educate students, pay when due 64386  
principal and interest on their debt obligations, meet financial 64387  
obligations to their employees, vendors, and suppliers, and 64388  
provide for proper financial accounting procedures, budgeting, 64389  
and taxing practices. The failure of a state university or 64390  
college to so act is hereby determined to affect adversely the 64391  
health, safety, and welfare not only of the students but also of 64392  
other people of the state. 64393

(B) The chancellor may make recommendations, and the 64394  
controlling board may grant money from the catastrophic 64395  
expenditures account to any state university or college that 64396  
suffers an unforeseen catastrophic event that severely depletes 64397  
the university or college's financial resources. The chancellor 64398  
shall make recommendations for the grants in accordance with 64399  
rules adopted by the chancellor, after consulting with the 64400  
director of budget and management. A state university or college 64401  
shall not be required to repay any grant awarded to the state 64402  
university or college under this division, unless the state 64403  
university or college receives money from this state or a third 64404  
party, including an agency of the government of the United 64405  
States, specifically for the purpose of compensating the state 64406  
university or college for revenue lost or expenses incurred as a 64407  
result of the unforeseen catastrophic event. 64408

**Sec. 3345.83.** (A) Beginning not later than the 2027-2028 64409  
academic year, each state institution of higher education, as 64410  
defined in section 3345.011 of the Revised Code, shall develop 64411  
and implement a co-op internship program that aligns with 64412  
JobsOhio's target economic sectors and connects students with 64413  
Ohio-based employers to facilitate work-based learning 64414



opportunities, which may include apprenticeships, internships, 64415  
externships, and co-ops, related to the student's course of 64416  
study. Institutions shall work with JobsOhio to develop and 64417  
implement their program, which shall include identifying 64418  
industry and employer partners. 64419

(B) The chancellor of higher education shall consult with 64420  
JobsOhio and any other appropriate stakeholders to develop the 64421  
goals, structure, and parameters of the program. The chancellor 64422  
may consult with other stakeholders. 64423

(C) Beginning on the thirtieth day of June following the 64424  
academic year in which the co-op internship program under 64425  
division (A) of this section is implemented and annually 64426  
thereafter, each institution shall issue a report to the 64427  
chancellor on the status of the institution's program, including 64428  
the number of participating students, which employers are 64429  
partnering with the institution, and how many participating 64430  
students have received or accepted offers of employment after 64431  
graduation as a direct result of their participation in the 64432  
program. 64433

**Sec. 3345.86.** (A) As used in this section: 64434

(1) "Competency-based educational program" and "eligible 64435  
individual" have the same meanings as in section 3313.902 of the 64436  
Revised Code. 64437

(2) "Eligible provider" means a community college 64438  
established under Chapter 3354. of the Revised Code, a 64439  
university branch established under Chapter 3355. of the Revised 64440  
Code, a technical college established under Chapter 3357. of the 64441  
Revised Code, a state community college established under 64442  
Chapter 3358. of the Revised Code, or an Ohio technical center 64443

as defined in section 3333.94 of the Revised Code. 64444

(B) An eligible provider may establish a competency-based educational program that complies with standards adopted by the department of education and workforce and may enroll eligible individuals in the program for up to three consecutive school years for the purpose of earning a high school diploma. The provider shall establish a career plan for each individual enrolled in the program that specifies the individual's career goals and describes how the individual will demonstrate competency or earn course credits under division (C) of section 3313.902 of the Revised Code to earn a diploma and attain the individual's career goals. Notwithstanding sections 3313.61, 3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the Revised Code, the department shall award a high school diploma to an individual enrolled in a program who satisfies one of the conditions specified in division (C) of section 3313.902 of the Revised Code. 64445  
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(C) An eligible provider shall report each individual enrolled in a program under division (B) of this section to the department. The department annually shall certify the enrollment and attendance of each individual reported under this division and shall pay the provider up to \$7,500 per school year, as determined by the department based on the extent of the individual's successful completion of the diploma requirements prescribed in division (C) of section 3313.902 of the Revised Code. 64461  
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(D) An eligible provider that enrolls individuals under division (B) of this section is subject to the requirements of section 3313.902 of the Revised Code, as applicable. 64470  
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**Sec. 3345.88.** (A) As used in this section: 64473

- (1) "College credit plus pathways" means the pathways developed under section 3365.13 of the Revised Code. 64474  
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- (2) "State university" has the same meaning as in section 3345.011 of the Revised Code. 64476  
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- (B) The accelerated college and career pathways program is established. Under the program, each state university shall establish at least one accelerated ninety-hour degree program aligned to an in-demand career area by the 2026-2027 academic year. Each state university shall determine the number and types of accelerated degrees to be offered. Each state university shall do all of the following: 64478  
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- (1) Include accelerated ninety-hour degree programs in course and program catalogues; 64485  
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- (2) Ensure that accelerated ninety-hour degree programs are properly accredited and meet the requirements for reduced credit hour degree programs. The chancellor of higher education shall approve each accelerated ninety-hour degree program developed by a state university that meets the requirements established under section 3345.88 of the Revised Code. 64487  
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- (3) Work collaboratively with local and regional business community partners to identify in-demand career areas during the development of accelerated ninety-hour degree programs. 64493  
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- (4) Report to the chancellor all of the following: 64496
- (a) The accelerated ninety-hour degree programs the state university offers; 64497  
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- (b) The number of students participating in each program; 64499
- (c) The number of students that complete each program; 64500

(d) Any additional information required by the chancellor 64501  
under section 3333.97 of the Revised Code. 64502

(C) (1) Each state university shall develop, in 64503  
consultation with local and regional primary and secondary 64504  
education partners, model college credit plus pathways that are 64505  
aligned with the accelerated ninety-hour degree programs offered 64506  
by the state university and regional and state workforce needs. 64507

(2) Each public and participating nonpublic secondary 64508  
school shall include the model college credit plus pathways 64509  
developed under division (C) (1) of this section in the 64510  
information required to be provided to students and parents 64511  
under section 3365.04 of the Revised Code. 64512

(D) The chancellor shall not distribute state share of 64513  
instruction funds to a state university in any fiscal year in 64514  
which it does not comply with this section, as determined by the 64515  
chancellor. 64516

**Sec. 3352.16.** (A) (1) The Wright state university center 64517  
for civics, culture, and workforce development is established as 64518  
an independent academic division within Wright state university, 64519  
physically located on the Dayton campus of Wright state 64520  
university. The center shall conduct teaching and research in 64521  
the historical ideas, traditions, and texts that have shaped the 64522  
American constitutional order and society and the United States 64523  
armed forces. 64524

(2) The center shall establish bylaws requiring the center 64525  
to do all of the following: 64526

(a) Educate students by means of free, open, and rigorous 64527  
intellectual inquiry to seek the truth; 64528

(b) Affirm its duty to equip students with the skills, 64529

habits, and dispositions of mind they need to reach their own 64530  
informed conclusions on matters of social and political 64531  
importance; 64532

(c) Affirm the value of intellectual diversity in higher 64533  
education and aspire to enhance the intellectual diversity of 64534  
the university; 64535

(d) Affirm a commitment to create a community dedicated to 64536  
an ethic of civil and free inquiry, which respects the 64537  
intellectual freedom of each member, supports individual 64538  
capacities for growth, and welcomes the differences of opinion 64539  
that shall naturally exist in a public university community. 64540

The requirements prescribed under divisions (A) (2) (a) to 64541  
(d) of this section shall take priority over any other bylaws 64542  
adopted by the center. 64543

(3) The board of trustees of the university may name the 64544  
center in accordance with the philanthropic naming policies and 64545  
practices of the university. 64546

(B) The center shall be an independent academic division, 64547  
physically located on the Dayton campus of Wright state 64548  
university, with the authority to house faculty who hold their 64549  
appointments within the center. Faculty appointed to the center 64550  
shall not be required, but may, hold joint appointments within 64551  
any other division of the university. No faculty outside of the 64552  
center shall have the authority to block faculty hires into the 64553  
center. No university policy shall govern the development and 64554  
approval of curriculum within the center. 64555

(C) (1) The center shall offer instruction in all of the 64556  
following: 64557

(a) The books and major debates which form the 64558

intellectual foundation of free societies, especially that of 64559  
the United States; 64560

(b) The principles, ideals, and institutions of the 64561  
American constitutional order, including the United States armed 64562  
forces; 64563

(c) The foundations of responsible leadership and informed 64564  
citizenship; 64565

(d) The origins, purpose, and role of Wright-Patterson air 64566  
force base and surrounding defense-related industries in 64567  
supporting the United States; 64568

(e) The workforce needs of Wright-Patterson air force base 64569  
and industries that support the base. 64570

(2) The center also shall focus on all of the following: 64571

(a) Offering university-wide programming related to the 64572  
values of free speech and civil discourse; 64573

(b) Expanding the intellectual diversity of the 64574  
university's academic community; 64575

(c) Increasing the awareness of Wright-Patterson air force 64576  
base and supporting workforce needs to sustain and attract 64577  
missions at the base. 64578

(D) (1) ~~Not later than ninety days after the effective date~~ 64579  
~~of this section, the~~ The board of trustees of the university 64580  
shall appoint, with the advice and consent of the senate, a 64581  
seven-member center academic council. An initial member shall 64582  
not begin service until confirmed by the senate. Four members 64583  
shall form a quorum. 64584

(2) The academic council shall be comprised of scholars 64585

with relevant expertise and experience. Not more than three 64586  
members of the council may be employees of the university. Best 64587  
efforts shall be made to have not fewer than three members of 64588  
the advisory board be from Ohio. 64589

(3) Three members of the academic council shall serve 64590  
initial terms of two years and four members shall serve initial 64591  
terms of four years, which the members shall determine at their 64592  
first meeting, and select replacements for vacant seats. 64593

(E) (1) The academic council established under division (D) 64594  
of this section shall conduct a nationwide search for candidates 64595  
for the director of the center and shall strictly adhere to all 64596  
relevant state and federal laws. The academic council shall 64597  
submit to the president of the university a list of finalists 64598  
from which the president shall select and appoint a director, 64599  
subject to approval by the board of trustees. Future directors 64600  
shall be chosen in the same manner. 64601

(2) The director shall consult with the provost; however, 64602  
the director shall report directly to the president of the 64603  
university. 64604

(3) The director shall have the sole and exclusive 64605  
authority to manage the recruitment and hiring process and to 64606  
extend offers for employment for all faculty and staff of the 64607  
center, and to terminate employment of all staff, subject to the 64608  
approval of the board of trustees of the university. The 64609  
director shall oversee, develop, and approve the center's 64610  
curriculum, including approval of the center's courses that meet 64611  
the university's general education requirements. The center 64612  
shall be granted the authority to offer courses independently 64613  
and develop certificate, minor, and major programs as well as 64614  
graduate programs, and offer degrees. 64615

(4) Notwithstanding section 3333.164 of the Revised Code, 64616  
the center shall develop a set of standards and procedures to 64617  
maximize the granting of academic credit for military training, 64618  
experience, and coursework. 64619

(5) Notwithstanding section 3333.31 of the Revised Code, 64620  
Wright state university shall not charge more than its in-state 64621  
instructional and general fees to any current or honorably 64622  
discharged member of the United States armed forces, or the 64623  
spouse or dependents of such a member, who enrolls in a program 64624  
offered by the center, regardless of whether that member, 64625  
spouse, or dependent is a resident of this state under rules 64626  
adopted under section 3333.31 of the Revised Code. 64627

(F) The director of the center shall submit an annual 64628  
report to the board of trustees of the university and the 64629  
general assembly in accordance with section 101.68 of the 64630  
Revised Code. The report shall provide a full account of the 64631  
center's achievements, opportunities, challenges, and obstacles 64632  
in the development of this academic division. 64633

**Sec. 3354.19.** ~~(A)~~ As used in sections 3354.19 to 64634  
~~3354.24~~3354.21 of the Revised Code, "displaced homemaker" means 64635  
an individual who: 64636

(A) Is twenty-seven years of age or older; 64637

(B) Has worked without pay as a homemaker for his or her 64638  
family; 64639

(C) Is not gainfully employed and has had, or would be 64640  
likely to have, difficulty in securing employment; and 64641

(D) Has either been deprived of the support of a person on 64642  
whom he or she was dependent, or has become ineligible for 64643  
public assistance as the parent of a needy child. 64644



Sec. 3358.08. The board of trustees of a state community college district may:

(A) Own and operate a state community college;

(B) Hold, encumber, control, acquire by donation, purchase or condemn, construct, own, lease, use, and sell, real and personal property as necessary for the conduct of the program of the state community college on whatever terms and for whatever consideration may be appropriate for the purpose of the institution;

(C) Accept gifts, grants, bequests, and devises absolute or in trust for support of the state community college;

(D) Employ a president, and appoint or approve the appointment of other necessary administrative officers, full-time faculty members, and operating staff. The board may delegate the appointment of operating staff and part-time faculty members to the college president. The board shall fix the rate of compensation of the president and all officers and full-time employees as are necessary and proper for state community colleges.

(E) Provide for the state community college necessary lands, buildings, or other structures, equipment, means, and appliances;

(F) Establish within the maximum amounts permitted by law, schedules of fees and tuition for students who are Ohio residents and students who are not residents. If electors approve a levy under section 3358.11 of the Revised Code for current operating expenses, the board shall charge students who reside in the county in which the tax is levied a lower tuition rate than the rate charged to students who are residents of other counties in

the state. 64674

(G) Grant appropriate degrees to students successfully 64675  
completing the state community college's programs, and 64676  
certificates of achievement to students who complete other 64677  
programs; 64678

(H) Prescribe policies for the effective operation of the 64679  
state community college and exercise such other powers as are 64680  
necessary for the efficient management of the college; 64681

(I) Enter into contracts with neighboring colleges and 64682  
universities for the conduct of state community college programs 64683  
or technical courses outside the state community college 64684  
district; 64685

(J) Purchase: 64686

(1) A policy or policies of insurance insuring the 64687  
district against loss or damage to property, whether real, 64688  
personal, or mixed, which is owned by the district or leased by 64689  
it as lessee or which is in the process of construction by or 64690  
for the district; 64691

(2) A policy or policies of fidelity insurance in such 64692  
amounts and covering such trustees, officers, and employees of 64693  
the district as the board may consider necessary or desirable; 64694

(3) A policy or policies of liability insurance from an 64695  
insurer or insurers licensed to do business in this state 64696  
insuring its members, officers, and employees against all civil 64697  
liability arising from an act or omission by the member, 64698  
officer, or employee, when the member, officer, or employee is 64699  
not acting manifestly outside the scope of employment or 64700  
official responsibilities with the institution, with malicious 64701  
purpose or bad faith, or in a wanton or reckless manner, or may 64702

otherwise provide for the indemnification of such persons 64703  
against such liability. All or any portion of the cost, premium, 64704  
or charge for such a policy or policies or indemnification 64705  
payment may be paid from any funds under the institution's 64706  
control. The policy or policies of liability insurance or the 64707  
indemnification policy of the institution may cover any risks 64708  
including, but not limited to, damages resulting from injury to 64709  
property or person, professional liability, and other special 64710  
risks, including legal fees and expenses incurred in the defense 64711  
or settlement claims of such damages. 64712

(4) A policy or policies of insurance insuring the 64713  
district against any liabilities to which it may be subject on 64714  
account of damage or injury to persons or property, including 64715  
liability for wrongful death. 64716

Any instrument by which real property is acquired pursuant 64717  
to this section shall identify the agency of the state that has 64718  
the use and benefit of the real property as specified in section 64719  
5301.012 of the Revised Code. 64720

**Sec. 3358.11.** (A) In the same manner as a tax may be 64721  
proposed by a board of trustees of a community college district 64722  
under section 3354.12 of the Revised Code, the board of trustees 64723  
of a state community college district may adopt and certify a 64724  
resolution to the board of elections of one or more of the 64725  
counties comprising the state community college district 64726  
directing the board of elections to place on the ballot at any 64727  
general or special election the question of levying a tax in 64728  
excess of the ten-mill limitation on all the taxable property in 64729  
that county or those counties. The tax may be for any of the 64730  
following purposes, as stated in the resolution: 64731

(1) The acquisition of sites in that county or those 64732

counties; 64733

(2) The erection, furnishing, and equipment of buildings 64734  
in that county or those counties; 64735

(3) The acquisition, construction, or improvement of any 64736  
property in that county or those counties which the board of 64737  
trustees of a state community college is authorized to acquire, 64738  
construct, or improve and which has an estimated life or 64739  
usefulness of five years or more as certified by the treasurer 64740  
of the board of trustees; 64741

(4) The payment of current expenses of the state community 64742  
college district. This tax may only be levied in the county in 64743  
which the main campus of the state community college is located. 64744

The resolution shall declare that, if the levy is for one 64745  
or more of the purposes described in divisions (A) (1) to (3) of 64746  
this section, the proceeds of the levy or issue may be used 64747  
solely within the county or counties in which the tax is levied— 64748  
and. If the levy is for the purpose described in division (A) 64749  
(4) of this section, the resolution shall declare that the 64750  
proceeds of the levy shall be used for costs associated with 64751  
operations in the county in which the tax is levied. The 64752  
resolution shall also state, regardless of the purposes for 64753  
which the tax is levied, the term of the tax, which may be for 64754  
any term authorized for a tax levied under section 3354.12 of 64755  
the Revised Code. The question of such a tax may not be 64756  
submitted at more than two special elections held in any one 64757  
calendar year. Levies for a continuing period of time adopted 64758  
under this section may be reduced in accordance with section 64759  
5705.261 of the Revised Code. 64760

The election shall be held, canvassed, and certified in 64761

the manner provided for the submission of a tax levy under 64762  
section 3354.12 of the Revised Code. A tax levied under this 64763  
section may be renewed in the same manner as a tax levied under 64764  
section 3354.12 of the Revised Code or replaced in accordance 64765  
with section 5705.192 of the Revised Code. 64766

If electors approve the levy, the board of trustees may 64767  
anticipate a fraction of the proceeds of the levy and may, from 64768  
time to time, issue anticipation notes in the same manner and 64769  
subject to the same limitations provided under section 3354.12 64770  
of the Revised Code. 64771

(B) In accordance with Chapter 133. of the Revised Code, 64772  
the board of trustees of a state community college district may 64773  
adopt and certify a resolution to the board of elections of one 64774  
or more of the counties comprising the district directing the 64775  
board of elections to place on the ballot at any election 64776  
authorized under section 133.18 of the Revised Code both of the 64777  
following questions: 64778

(1) The question of issuing bonds for paying all or part 64779  
of the cost of the following: 64780

(a) The purchase of sites in that county or those 64781  
counties; 64782

(b) The erection, furnishings, and equipment of buildings 64783  
in that county or those counties; 64784

(c) The acquisition or construction of any property in 64785  
that county or those counties which the board of trustees is 64786  
authorized to acquire or construct and which has an estimated 64787  
life or usefulness of five years or more as certified by the 64788  
treasurer of the board of trustees. 64789

(2) The question of levying a tax in excess of the ten- 64790

mill limitation on all the taxable property in that county or 64791  
those counties to pay the interest on and retire any bonds 64792  
approved by the electors under division (B) (1) of this section. 64793

The election shall be held, canvassed, and certified in 64794  
the manner provided for the submission of a bond issuance and 64795  
tax levy under section 3354.11 of the Revised Code. Bonds 64796  
approved by electors under division (B) (1) of this section may 64797  
be issued for one or more improvements which the district is 64798  
authorized to acquire or construct, notwithstanding the fact 64799  
that such improvements may not be for more than one purpose 64800  
under Chapter 133. of the Revised Code. 64801

Notes may be issued in anticipation of any bonds that may 64802  
be approved by the electors under division (B) (1) of this 64803  
section in the manner provided under section 133.22 of the 64804  
Revised Code. 64805

For the purpose of applying Chapter 133. of the Revised 64806  
Code to division (B) of this section, the treasurer of the state 64807  
community college district shall be considered to be the 64808  
district's fiscal officer, and the board of trustees of the 64809  
state community college district shall be considered to be the 64810  
taxing authority. 64811

(C) The board of trustees of a state community college 64812  
district that levies a tax or proposes to levy a tax under 64813  
division (A) or (B) of this section shall be considered to be a 64814  
taxing authority, the county or counties in which the tax is 64815  
levied shall be considered to be a subdivision, and the 64816  
treasurer of the board of trustees shall be considered to be a 64817  
fiscal officer for the purposes of Chapter 5705. of the Revised 64818  
Code, except for section 5705.19 of the Revised Code. 64819

**Sec. 3364.07.** (A) The institute of American constitutional 64820  
thought and leadership is established for the purpose of 64821  
creating and disseminating knowledge about American 64822  
constitutional thought and to form future leaders of the legal 64823  
profession through research, scholarship, teaching, 64824  
collaboration, and mentorship. The institute shall be an 64825  
independent academic unit within the university of Toledo, 64826  
initially physically located at the college of law. The 64827  
university shall require the college of law to provide adequate 64828  
administrative space for the institute. 64829

(B) The institute shall pursue all of the following goals: 64830

(1) To enrich the curriculum in American constitutional 64831  
studies, including the core texts and great debates of western 64832  
civilization; 64833

(2) To educate university students in the principles, 64834  
ideals, and institutions of the American and Ohio constitutional 64835  
order; 64836

(3) To educate university students in the foundations of 64837  
responsible leadership and informed citizenship and to cultivate 64838  
the next generation of leaders in the legal profession; 64839

(4) To offer university-wide programming related to the 64840  
values of open inquiry and civil discourse; 64841

(5) To expand the intellectual diversity of the 64842  
university's academic community and to create a rich forum for 64843  
the development of ideas across the political and ideological 64844  
spectrum; 64845

(6) To support faculty and graduate student scholarship 64846  
that advances understanding of American constitutional thought 64847  
and institutions; 64848

(7) To promote scholarly collaboration within the university and beyond; 64849  
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(8) To host lectures, debates, and symposia, and sponsor visiting scholars, jurists, and teachers. 64851  
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(C) The institute shall adhere to the following policies: 64853

(1) The institute shall educate students by means of free, open, and rigorous intellectual inquiry to seek the truth. 64854  
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(2) The institute shall equip students with the skills, habits, and dispositions of mind they need to reach their own informed conclusions on matters of legal, social, and political importance. 64856  
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(3) The institute shall value intellectual diversity in higher education, including in faculty recruitment, hiring, and appointment, and aspire to enhance the intellectual diversity of academic life at the university. 64860  
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(4) The institute shall create a community dedicated to an ethic of civil and free inquiry, which respects the intellectual freedom of each member, supports individual capacities for growth, and welcomes the differences of opinion that naturally occur in a public university community. 64864  
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(D) (1) ~~Not later than sixty days after the effective date of this section, the~~ The talent, compensation, and governance committee of the board of trustees of the university, if such a committee exists, shall appoint, with the advice and consent of the senate, a seven-member institute academic council. If no such committee exists, the board of trustees shall appoint members under this division. An initial member shall not begin service until confirmed by the senate. Four members shall form a quorum. 64869  
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(2) The academic council shall be comprised of scholars 64878  
with relevant expertise and experience. Not more than one member 64879  
of the council may be an employee of the university. Best 64880  
efforts shall be made to have not fewer than three members of 64881  
the council be from Ohio. 64882

(3) Three members of the academic council shall serve 64883  
initial terms of two years and four members shall serve initial 64884  
terms of four years, which the members shall determine at their 64885  
first meeting, and select replacements for vacant seats. 64886

(4) To fill a vacancy for the institute director after the 64887  
initial director, following a national search, the academic 64888  
council shall transmit to the president a list of finalists from 64889  
which the president shall select a director, subject to the 64890  
approval of the talent, compensation, and governance committee 64891  
of the board of trustees. 64892

(E) (1) The institute shall be led by a director who shall 64893  
report directly to the president and provost of the university 64894  
and consult with the dean of the college of law. The president 64895  
of the university shall appoint ~~an initial~~ the ~~director not~~ 64896  
~~later than thirty days after the effective date of this section~~ 64897  
. The director shall be an expert of the western tradition, the 64898  
American founding, and American constitutional thought, and 64899  
shall have shown a commitment to the purposes, goals, and 64900  
policies of the institute. The director's term shall be for five 64901  
years and shall be renewable. 64902

(2) The director shall have the protection of tenure or 64903  
tenure eligibility. Any existing tenure with the university held 64904  
by a director shall be maintained with the university. 64905

(F) The institute shall be an independent academic unit of 64906

the university with the authority to house tenure-track faculty 64907  
who hold their appointments within the institute. Not fewer than 64908  
five tenure-track faculty positions shall be allotted to the 64909  
institute. Faculty appointed within the institute shall not be 64910  
required, but may be permitted, to hold joint or courtesy 64911  
appointments within any other division of the university. No 64912  
faculty from outside the institute shall have the authority to 64913  
block faculty hires into the institute. 64914

(G) (1) The director shall have the sole and exclusive 64915  
authority to manage the recruitment and hiring process and to 64916  
extend offers for employment for all faculty and staff, and to 64917  
terminate employment of all staff. The director shall oversee, 64918  
develop, and approve the institute's curriculum, including 64919  
approval of the center's courses that meet the university's 64920  
general education requirements. The institute shall be granted 64921  
the authority to offer courses and develop certificate, minor, 64922  
major, and graduate programs, and offer degrees. 64923

(2) Employment contracts offered under division (G) (1) of 64924  
this section to tenure-track faculty appointed to the institute 64925  
shall guarantee reappointment elsewhere in the university, at 64926  
the same rank and compensation, in the event the institute is 64927  
discontinued. 64928

(H) The director of the institute shall submit an annual 64929  
report to the board of trustees of the university and the 64930  
general assembly in accordance with section 101.68 of the 64931  
Revised Code. The report shall provide a full account of the 64932  
institute's achievements, opportunities, challenges, and 64933  
obstacles in the development of this academic unit. 64934

(I) The board of trustees of the university may change the 64935  
name of the institute in accordance with the philanthropic 64936

naming policies and practices of the university. 64937

**Sec. 3365.01.** As used in this chapter: 64938

(A) "Articulated credit" means post-secondary credit that 64939  
is reflected on the official record of a student at an 64940  
institution of higher education only upon enrollment at that 64941  
institution after graduation from a secondary school. 64942

(B) "Default ceiling amount" means one of the following 64943  
amounts, whichever is applicable: 64944

(1) For a participant enrolled in a college operating on a 64945  
semester schedule, the amount calculated according to the 64946  
following formula: 64947

$((0.83 \times \text{formula amount}) / 30)$  64948

X number of enrolled credit hours 64949

(2) For a participant enrolled in a college operating on a 64950  
quarter schedule, the amount calculated according to the 64951  
following formula: 64952

$((0.83 \times \text{formula amount}) / 45)$  64953

X number of enrolled credit hours 64954

(C) "Default floor amount" means twenty-five per cent of 64955  
the default ceiling amount. 64956

(D) "Eligible out-of-state college" means any institution 64957  
of higher education that is located outside of Ohio and is 64958  
approved by the chancellor of higher education to participate in 64959  
the college credit plus program. 64960

(E) "Fee" means any course-related fee and any other fee 64961  
imposed by the college, but not included in tuition, for 64962  
participation in the program established by this chapter. 64963

(F) "Formula amount" means \$6,020.	64964
(G) "Governing entity" means any of the following:	64965
(1) A board of education of a school district;	64966
(2) A governing authority of a community school established under Chapter 3314. of the Revised Code;	64967 64968
(3) A governing body of a STEM school established under Chapter 3326. of the Revised Code;	64969 64970
(4) A board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code;	64971 64972
(5) When referring to the state school for the deaf <del>or,</del> <u>the state school for the blind, or Rita community school</u> , the department of education and workforce;	64973 64974 64975
(6) When referring to an institution operated by the department of youth services, the superintendent of that institution.	64976 64977 64978
(H) "Home-educated participant" means a student who is exempt from the compulsory attendance law for the purpose of home education under section 3321.042 of the Revised Code, and is participating in the program established by this chapter.	64979 64980 64981 64982
(I) "Maximum per participant charge amount" means one of the following amounts, whichever is applicable:	64983 64984
(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:	64985 64986 64987
((formula amount / 30)	64988
X number of enrolled credit hours)	64989

(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:

((formula amount / 45)

X number of enrolled credit hours)

(J) "Nonpublic secondary school" means a chartered school for which minimum standards are prescribed by the director of education and workforce pursuant to division (D) of section 3301.07 of the Revised Code.

(K) "Number of enrolled credit hours" means the number of credit hours for a course in which a participant is enrolled during the previous term after the date on which a withdrawal from a course would have negatively affected the participant's transcribed grade, as prescribed by the college's established withdrawal policy.

(L) "Parent" has the same meaning as in section 3313.64 of the Revised Code.

(M) "Participant" means any student enrolled in a college under the program established by this chapter.

(N) "Partnering college" means a college with which a public or nonpublic secondary school has entered into an agreement in order to offer the program established by this chapter.

(O) "Partnering secondary school" means a public or nonpublic secondary school with which a college has entered into an agreement in order to offer the program established by this chapter.

(P) "Private college" means any of the following:

- (1) A nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code; 65018  
65019
- (2) An institution holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code; 65020  
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- (3) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. 65024  
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- (Q) "Public college" means a "state institution of higher education" in section 3345.011 of the Revised Code, excluding the northeast Ohio medical university. 65027  
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- (R) "Public secondary school" means a school serving grades nine through twelve in a city, local, or exempted village school district, a joint vocational school district, a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, a college-preparatory boarding school established under Chapter 3328. of the Revised Code, the state school for the deaf, the state school for the blind, Rita community school, or an institution operated by the department of youth services. 65030  
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- (S) "School year" has the same meaning as in section 3313.62 of the Revised Code. 65039  
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- (T) "Secondary grade" means any of grades nine through twelve. 65041  
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- (U) "Standard rate" means the amount per credit hour assessed by the college for an in-state student who is enrolled in an undergraduate course at that college, but who is not participating in the college credit plus program, as prescribed 65043  
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by the college's established tuition policy. 65047

(V) "Transcribed credit" means post-secondary credit that 65048  
is conferred by an institution of higher education and is 65049  
reflected on a student's official record at that institution 65050  
upon completion of a course. 65051

**Sec. 3365.032.** (A) For purposes of this section: 65052

(1) The "expulsion of a student" or "expelling a student" 65053  
means the following: 65054

(a) For a public secondary school that is a school 65055  
operated by a city, local, exempted village, or joint vocational 65056  
school district, community school established under Chapter 65057  
3314. of the Revised Code, or STEM school established under 65058  
Chapter 3326. of the Revised Code, the expulsion of a student or 65059  
the act of expelling a student under division (B) of section 65060  
3313.66 of the Revised Code; 65061

(b) For a public secondary school that is a college- 65062  
preparatory boarding school, the expulsion of a student or the 65063  
act of expelling a student in accordance with the school's 65064  
bylaws adopted pursuant to section 3328.13 of the Revised Code; 65065

(c) For a public secondary school that is the state school 65066  
for the deaf~~-or~~, the state school for the blind, or Rita 65067  
community school, the expulsion of a student or the act of 65068  
expelling a student in accordance with rules adopted by the 65069  
department of education and workforce. 65070

(2) A "policy to deny high school credit for courses taken 65071  
under the college credit plus program during an expulsion" means 65072  
the following: 65073

(a) For a public secondary school that is a school 65074

operated by a city, local, exempted village, or joint vocational 65075  
school district, community school established under Chapter 65076  
3314. of the Revised Code, or STEM school established under 65077  
Chapter 3326. of the Revised Code, a policy adopted under 65078  
section 3313.613 of the Revised Code; 65079

(b) For a college-preparatory boarding school established 65080  
under Chapter 3328. of the Revised Code, a policy adopted in 65081  
accordance with the school's bylaws adopted pursuant to section 65082  
3328.13 of the Revised Code; 65083

(c) For the state school for the deaf ~~or~~, the state 65084  
school for the blind, or Rita community school, a policy adopted 65085  
in accordance with any rules adopted by the department requiring 65086  
such a policy. 65087

(B) When a public secondary school expels a student, the 65088  
superintendent, or equivalent, shall send a written notice of 65089  
the expulsion to any college in which the expelled student is 65090  
enrolled under section 3365.03 of the Revised Code at the time 65091  
the expulsion is imposed. The notice shall indicate the date the 65092  
expulsion is scheduled to expire. The notice also shall indicate 65093  
whether the school has adopted a policy to deny high school 65094  
credit for courses taken under the college credit plus program 65095  
during an expulsion. If the expulsion is extended, the 65096  
superintendent, or equivalent, shall notify the college of the 65097  
extension. 65098

(C) A college may withdraw its acceptance under section 65099  
3365.03 of the Revised Code of a student who is expelled from 65100  
school. As provided in section 3365.03 of the Revised Code, 65101  
regardless of whether the college withdraws its acceptance of 65102  
the student for the college term in which the student is 65103  
expelled, the student is ineligible to enroll in a college under 65104



that section for subsequent college terms during the period of 65105  
the expulsion, unless the student enrolls in another public 65106  
school or a participating nonpublic school during that period. 65107

If a college withdraws its acceptance of an expelled 65108  
student who elected either option of division (A) (1) or (2) of 65109  
section 3365.06 of the Revised Code, the college shall refund 65110  
tuition and fees paid by the student in the same proportion that 65111  
it refunds tuition and fees to students who voluntarily withdraw 65112  
from the college at the same time in the term. 65113

If a college withdraws its acceptance of an expelled 65114  
student who elected the option of division (B) of section 65115  
3365.06 of the Revised Code, the public school shall not award 65116  
high school credit for the college courses in which the student 65117  
was enrolled at the time the college withdrew its acceptance, 65118  
and any reimbursement under section 3365.07 of the Revised Code 65119  
for the student's attendance prior to the withdrawal shall be 65120  
the same as would be paid for a student who voluntarily withdrew 65121  
from the college at the same time in the term. If the withdrawal 65122  
results in the college's receiving no reimbursement, the college 65123  
or secondary school may require the student to return or pay for 65124  
any textbooks and materials it provided the student free of 65125  
charge. 65126

(D) When a student who elected the option of division (B) 65127  
of section 3365.06 of the Revised Code is expelled from a public 65128  
school that has adopted a policy to deny high school credit for 65129  
courses taken under the college credit plus program during an 65130  
expulsion, that election is automatically revoked for all 65131  
college courses in which the student is enrolled during the 65132  
college term in which the expulsion is imposed. Any 65133  
reimbursement under section 3365.07 of the Revised Code for the 65134

student's attendance prior to the expulsion shall be the same as 65135  
would be paid for a student who voluntarily withdrew from the 65136  
college at the same time in the term. If the revocation results 65137  
in the college's receiving no reimbursement, the college or 65138  
secondary school may require the student to return or pay for 65139  
any textbooks and materials it provided the student free of 65140  
charge. 65141

Not later than five days after receiving an expulsion 65142  
notice from the superintendent, or equivalent, of a public 65143  
school that has adopted a policy to deny high school credit for 65144  
courses taken under the college credit plus program during an 65145  
expulsion, the college shall send a written notice to the 65146  
expelled student that the student's election of division (B) of 65147  
section 3365.06 of the Revised Code is revoked. If the college 65148  
elects not to withdraw its acceptance of the student, the 65149  
student shall pay all applicable tuition and fees for the 65150  
college courses and shall pay for any textbooks and materials 65151  
that the college or secondary school provided to the student. 65152

**Sec. 3365.07.** The department of education and workforce 65153  
shall calculate and pay state funds to colleges for participants 65154  
in the college credit plus program under division (B) of section 65155  
3365.06 of the Revised Code pursuant to this section. For a 65156  
nonpublic secondary school participant, a nonchartered nonpublic 65157  
secondary school participant, or a home-educated participant, 65158  
the department shall pay state funds pursuant to this section 65159  
only if that participant is awarded funding according to rules 65160  
adopted by the chancellor of higher education, in consultation 65161  
with the department of education and workforce, pursuant to 65162  
section 3365.071 of the Revised Code. The program shall be the 65163  
sole mechanism by which state funds are paid to colleges for 65164  
students to earn transcribed credit for college courses while 65165

enrolled in both a secondary school and a college, with the 65166  
exception of state funds paid to colleges according to an 65167  
agreement described in division (A) (1) of section 3365.02 of the 65168  
Revised Code. 65169

(A) For each public or nonpublic secondary school 65170  
participant enrolled in a public college: 65171

(1) If no agreement has been entered into under division 65172  
(A) (2) of this section, both of the following shall apply: 65173

(a) The department shall pay to the college the applicable 65174  
amount as follows: 65175

(i) For a participant enrolled in a college course 65176  
delivered on the college campus, at another location operated by 65177  
the college, or online, the lesser of the default ceiling amount 65178  
or the college's standard rate; 65179

(ii) For a participant enrolled in a college course 65180  
delivered at the participant's secondary school but taught by 65181  
college faculty, the lesser of fifty per cent of the default 65182  
ceiling amount or the college's standard rate; 65183

(iii) For a participant enrolled in a college course 65184  
delivered at the participant's secondary school and taught by a 65185  
high school teacher who has met the credential requirements 65186  
established for purposes of the program in rules adopted by the 65187  
chancellor, the default floor amount. 65188

(b) The participant's secondary school shall pay for 65189  
textbooks, and the college shall waive payment of all other fees 65190  
related to participation in the program. 65191

(2) The governing entity of a participant's secondary 65192  
school and the college may enter into an agreement to establish 65193

an alternative payment structure for tuition, textbooks, and 65194  
fees. Under such an agreement, payments for each participant 65195  
made by the department shall be not less than the default floor 65196  
amount, unless approved by the chancellor, and not more than 65197  
either the default ceiling amount or the college's standard 65198  
rate, whichever is less. The chancellor may approve an agreement 65199  
that includes a payment below the default floor amount, as long 65200  
as the provisions of the agreement comply with all other 65201  
requirements of this chapter to ensure program quality. If no 65202  
agreement is entered into under division (A) (2) of this section, 65203  
both of the following shall apply: 65204

(a) The department shall pay to the college the applicable 65205  
default amounts prescribed by division (A) (1) (a) of this 65206  
section, depending upon the method of delivery and instruction. 65207

(b) In accordance with division (A) (1) (b) of this section, 65208  
the participant's secondary school shall pay for textbooks, and 65209  
the college shall waive payment of all other fees related to 65210  
participation in the program. 65211

(3) No participant that is enrolled in a public college 65212  
shall be charged for any tuition, textbooks, or other fees 65213  
related to participation in the program. 65214

(B) For each public secondary school participant enrolled 65215  
in a private college: 65216

(1) If no agreement has been entered into under division 65217  
(B) (2) of this section, the department shall pay to the college 65218  
the applicable amount calculated in the same manner as in 65219  
division (A) (1) (a) of this section. 65220

(2) The governing entity of a participant's secondary 65221  
school and the college may enter into an agreement to establish 65222

an alternative payment structure for tuition, textbooks, and 65223  
fees. Under such an agreement, payments shall be not less than 65224  
the default floor amount, unless approved by the chancellor, and 65225  
not more than either the default ceiling amount or the college's 65226  
standard rate, whichever is less. 65227

If an agreement is entered into under division (B) (2) of 65228  
this section, both of the following shall apply: 65229

(a) The department shall make a payment to the college for 65230  
each participant that is equal to the default floor amount, 65231  
unless approved by the chancellor to pay an amount below the 65232  
default floor amount. The chancellor may approve an agreement 65233  
that includes a payment below the default floor amount, as long 65234  
as the provisions of the agreement comply with all other 65235  
requirements of this chapter to ensure program quality. 65236

(b) Payment for costs for the participant that exceed the 65237  
amount paid by the department pursuant to division (B) (2) (a) of 65238  
this section shall be negotiated by the school and the college. 65239  
The agreement may include a stipulation permitting the charging 65240  
of a participant. 65241

However, under no circumstances shall: 65242

(i) Payments for a participant made by the department 65243  
under division (B) (2) of this section exceed the lesser of the 65244  
default ceiling amount or the college's standard rate; 65245

(ii) The amount charged to a participant under division 65246  
(B) (2) of this section exceed the difference between the maximum 65247  
per participant charge amount and the default floor amount; 65248

(iii) The sum of the payments made by the department for a 65249  
participant and the amount charged to that participant under 65250  
division (B) (2) of this section exceed the following amounts, as 65251

applicable: 65252

(I) For a participant enrolled in a college course 65253  
delivered on the college campus, at another location operated by 65254  
the college, or online, the maximum per participant charge 65255  
amount; 65256

(II) For a participant enrolled in a college course 65257  
delivered at the participant's secondary school but taught by 65258  
college faculty, one hundred twenty-five dollars; 65259

(III) For a participant enrolled in a college course 65260  
delivered at the participant's secondary school and taught by a 65261  
high school teacher who has met the credential requirements 65262  
established for purposes of the program in rules adopted by the 65263  
chancellor, one hundred dollars. 65264

(iv) A participant that is identified as economically 65265  
disadvantaged according to rules adopted by the department be 65266  
charged under division (B) (2) of this section for any tuition, 65267  
textbooks, or other fees related to participation in the 65268  
program. 65269

(C) For each nonpublic secondary school participant 65270  
enrolled in a private or eligible out-of-state college, the 65271  
department shall pay to the college the applicable amount 65272  
calculated in the same manner as in division (A) (1) (a) of this 65273  
section. Payment for costs for the participant that exceed the 65274  
amount paid by the department shall be negotiated by the 65275  
governing body of the nonpublic secondary school and the 65276  
college. 65277

However, under no circumstances shall: 65278

(1) The payments for a participant made by the department 65279  
under this division exceed the lesser of the default ceiling 65280

amount or the college's standard rate. 65281

(2) Any nonpublic secondary school participant, who is 65282  
enrolled in that secondary school with a scholarship awarded 65283  
under either the educational choice scholarship pilot program, 65284  
as prescribed by sections 3310.01 to 3310.17, or the pilot 65285  
project scholarship program, as prescribed by sections 3313.974 65286  
to 3313.979 of the Revised Code, and who qualifies as a low- 65287  
income student, as determined by a method established by the 65288  
department be charged for any tuition, textbooks, or other fees 65289  
related to participation in the college credit plus program. 65290

(D) For each nonchartered nonpublic secondary school 65291  
participant and each home-educated participant enrolled in a 65292  
public, private, or eligible out-of-state college, the 65293  
department shall pay to the college the lesser of the default 65294  
ceiling amount or the college's standard rate, if that 65295  
participant is enrolled in a college course delivered on the 65296  
college campus, at another location operated by the college, or 65297  
online. 65298

(E) Not later than thirty days after the end of each term, 65299  
each college expecting to receive payment for the costs of a 65300  
participant under this section shall notify the department of 65301  
the number of enrolled credit hours for each participant. 65302

(F) The department shall make the applicable payments 65303  
under this section to each college, which provided proper 65304  
notification to the department under division (E) of this 65305  
section, for the number of enrolled credit hours for 65306  
participants enrolled in the college under division (B) of 65307  
section 3365.06 of the Revised Code. Except in cases involving 65308  
incomplete participant information or a dispute of participant 65309  
information, payments shall be made by the last day of January 65310

for participants who were enrolled during the fall term and by 65311  
the last day of July for participants who were enrolled during 65312  
the spring term. The department shall not make any payments to a 65313  
college under this section if a participant withdrew from a 65314  
course prior to the date on which a withdrawal from the course 65315  
would have negatively affected the participant's transcribed 65316  
grade, as prescribed by the college's established withdrawal 65317  
policy. 65318

(1) Payments made for public secondary school participants 65319  
under this section shall be deducted as follows: 65320

(a) For a participant enrolled in a school district, from 65321  
the school foundation payments made to the participant's school 65322  
district. If the participant is enrolled in a joint vocational 65323  
school district, a portion of the amount shall be deducted from 65324  
the payments to the joint vocational school district and a 65325  
portion shall be deducted from the payments to the participant's 65326  
city, local, or exempted village school district in accordance 65327  
with the full-time equivalency of the student's enrollment in 65328  
each district. 65329

(b) For a participant enrolled in a community school 65330  
established under Chapter 3314. of the Revised Code, from the 65331  
payments made to that school under section 3317.022 of the 65332  
Revised Code; 65333

(c) For a participant enrolled in a STEM school, from the 65334  
payments made to that school under section 3317.022 of the 65335  
Revised Code; 65336

(d) For a participant enrolled in a college-preparatory 65337  
boarding school, from the payments made to that school under 65338  
section 3328.34 of the Revised Code; 65339



(e) For a participant enrolled in the state school for the deaf ~~or~~, the state school for the blind, or Rita community school, from the amount paid to that school with funds appropriated by the general assembly for support of Ohio deaf and blind education services;

(f) For a participant enrolled in an institution operated by the department of youth services, from the amount paid to that institution with funds appropriated by the general assembly for support of that institution.

Amounts deducted under divisions (F) (1) (a) to (f) of this section shall be calculated in accordance with rules adopted by the chancellor, in consultation with the department of education and workforce, pursuant to division (B) of section 3365.071 of the Revised Code

(2) Payments made for nonpublic secondary school participants, nonchartered nonpublic secondary school participants, and home-educated participants under this section shall be deducted from moneys appropriated by the general assembly for such purpose. Payments shall be allocated and distributed in accordance with rules adopted by the chancellor, in consultation with the department of education and workforce, pursuant to division (A) of section 3365.071 of the Revised Code.

(G) Any public college that enrolls a student under division (B) of section 3365.06 of the Revised Code may include that student in the calculation used to determine its state share of instruction funds appropriated to the department of higher education by the general assembly.

**Sec. 3365.15.** The chancellor of higher education and the

department of education and workforce jointly shall do all of 65369  
the following: 65370

(A) Adopt data reporting guidelines specifying the types 65371  
of data that public and participating nonpublic secondary 65372  
schools and public and participating private colleges, including 65373  
eligible out-of-state colleges participating in the program, 65374  
must annually collect, report, and track under division (G) of 65375  
section 3365.04 and division (H) of section 3365.05 of the 65376  
Revised Code. The types of data shall include all of the 65377  
following: 65378

(1) For each secondary school and college: 65379

(a) The number of participants disaggregated by grade 65380  
level, socioeconomic status, race, gender, and disability; 65381

(b) The number of completed courses and credit hours, 65382  
disaggregated by the college in which participants were 65383  
enrolled; 65384

(c) The number of courses in which participants enrolled, 65385  
disaggregated by subject area and level of difficulty. 65386

(2) For each secondary school, the number of students who 65387  
were denied participation in the program under division (A) (1) 65388  
(a) or (C) of section 3365.03 or section 3365.031 or 3365.032 of 65389  
the Revised Code. Each participating nonpublic secondary school 65390  
shall also include the number of students who were denied 65391  
participation due to the student not being awarded funding by 65392  
the department pursuant to section 3365.071 of the Revised Code. 65393

(3) For each college: 65394

(a) The number of students who applied to enroll in the 65395  
college under the program but were not granted admission; 65396

(b) The average number of completed courses per participant;	65397 65398
(c) The average grade point average for participants in college courses under the program.	65399 65400
The guidelines adopted under this division shall also include policies and procedures for the collection, reporting, and tracking of such data.	65401 65402 65403
(B) Annually compile the data required under division (A) of this section. Not later than the thirty-first day of December of each year, the data from the previous school year shall be posted in a prominent location on both the chancellor of higher education's and the department's web sites.	65404 65405 65406 65407 65408
(C) Submit an annual report on outcomes of the college credit plus program that are supported by empirical evidence to the governor, the president of the senate, the speaker of the house of representatives, and the chairpersons of the education committees of the senate and house of representatives not later than the thirty-first day of December each year. The report shall include all of the following, disaggregated by cohort:	65409 65410 65411 65412 65413 65414 65415
(1) Number of degrees attained;	65416
(2) Level and type of degrees attained;	65417
(3) Number of students who receive a degree in two different subject areas;	65418 65419
(4) Time to completion of a degree, disaggregated by level and type of degree attained;	65420 65421
(5) Time to enrollment in a graduate or doctoral degree program;	65422 65423

(6) The number of students who participate in a study  
abroad course; 65424  
65425

(7) How all of the measures described in division (C) of  
this section compare to both: 65426  
65427

(a) The overall student population who did not participate  
in the college credit plus program; 65428  
65429

(b) Any similar measures compiled under the former  
postsecondary enrollment options program, to the extent that 65430  
such data is available. 65431  
65432

The first report shall be submitted not later than 65433  
December 31, 2018, and each subsequent report shall be submitted 65434  
not later than the thirty-first day of December each year 65435  
thereafter ~~until December 2023~~. 65436

(D) Establish a college credit plus advisory committee to 65437  
assist in the development of performance metrics and the 65438  
monitoring of the program's progress. At least one member of the 65439  
advisory committee shall be a school guidance counselor. 65440

The chancellor shall also, in consultation with the 65441  
department, create a standard packet of information for the 65442  
college credit plus program directed toward students and parents 65443  
that are interested in the program. 65444

(E) The chancellor and the department also may submit a 65445  
biennial report detailing the status of the college credit plus 65446  
program, including an analysis of quality assurance measures 65447  
related to the program, to the governor, the president of the 65448  
senate, the speaker of the house of representatives, and the 65449  
chairpersons of the education committees of the senate and house 65450  
of representatives. If the chancellor and the department choose 65451  
to jointly submit the biennial report, both of the following 65452

shall apply: 65453

(1) The report shall include only data available through 65454  
the higher education information system administered by the 65455  
chancellor. 65456

(2) The first report shall be submitted not later than 65457  
December 31, 2017, and each subsequent report shall be submitted 65458  
not later than the thirty-first day of December every two years 65459  
thereafter. 65460

(F) For purposes of this section, "cohort" means a group 65461  
of students who participated in the college credit plus program 65462  
and who, upon graduation from high school, enroll in an Ohio 65463  
institution of higher education during the same academic year. 65464

**Sec. 3375.15.** (A) In any school district in which a free 65465  
public library has been established by resolution adopted by the 65466  
board of education of such school district prior to September 4, 65467  
1947, or by resolution adopted by the board of education of such 65468  
school district under section 3375.151 of the Revised Code after 65469  
the effective date of this amendment but prior to January 1, 65470  
2014, such library shall be under the control and management of 65471  
a board of library trustees consisting of seven members. No one 65472  
is eligible to membership on such board of library trustees who 65473  
is or has been for a year previous to appointment a member of a 65474  
board of education making such appointment. A majority of the 65475  
trustees shall be qualified electors of the school district, but 65476  
a minority may be qualified electors of the county who reside 65477  
outside the school district, and all shall be appointed by the 65478  
board of education of the school district. 65479

(B) The trustees shall serve ~~for a term of seven years and~~ 65480  
without compensation. Trustees appointed prior to the effective 65481

date of this amendment shall serve for a term of seven years. 65482  
Trustees appointed on or after that date shall serve for a term 65483  
of four years. Except as otherwise provided in this section, all 65484  
vacancies on the board of library trustees shall be filled by 65485  
the board of education by appointment for the unexpired term. 65486  
The board of library trustees shall organize in accordance with 65487  
section 3375.32 of the Revised Code. The board of library 65488  
trustees shall have the control and management of the school 65489  
district free public library and in the exercise of such control 65490  
and management shall be governed by sections 3375.33 to 3375.41 65491  
of the Revised Code. This section does not affect the term of 65492  
any member of a board of library trustees of a school district 65493  
free public library appointed prior to September 4, 1947. 65494

(C) The board of education shall make appointments to the 65495  
board of library trustees not later than forty-five days after 65496  
the date a member's term expires or after the date a vacancy 65497  
occurs, whichever is applicable. If the board of education does 65498  
not make an appointment by that time, the appointment shall be 65499  
made within the next fourteen days by the probate court of the 65500  
county in which the library is situated. 65501

**Sec. 3375.22.** In any county in which there has been 65502  
created a county library district, the free public library of 65503  
said district shall be under the control and management of a 65504  
board of library trustees consisting of seven members. Such 65505  
trustees shall be qualified electors of the library district or 65506  
county. Three shall be appointed by the judges of the court of 65507  
common pleas and four shall be appointed by the board of county 65508  
commissioners of the county in which said district is situated. 65509  
The term of office of said trustees, if appointed prior to the 65510  
effective date of this amendment, shall be seven years, except 65511  
that at the first appointment the terms of those appointed by 65512

the judges shall expire in two, four, and six years 65513  
respectively, and the terms of those appointed by the board of 65514  
county commissioners shall expire in one, three, five, and seven 65515  
years respectively. The term of office of trustees appointed on 65516  
or after the effective date of this amendment shall be four 65517  
years, except that at the first appointment the terms of those 65518  
appointed by the judges shall expire in two, three, and four 65519  
years respectively, and the terms of those appointed by the 65520  
board of county commissioners shall expire in one, two, three, 65521  
and four years respectively. Any appointment made to fill a 65522  
vacancy shall be made by the same body which appointed the 65523  
trustee whose place has become vacant and shall be for ~~his~~ the 65524  
remainder of the unexpired term. The successor of any trustee of 65525  
any county library district shall be appointed by the same board 65526  
or officers which appointed ~~his~~ the trustee's predecessor and 65527  
all subsequent appointments shall be for seven years. The 65528  
members of such board of library trustees shall serve without 65529  
compensation but shall be reimbursed for their actual and 65530  
necessary expenses incurred in the performance of their duties. 65531  
Such board of library trustees shall organize in accordance with 65532  
section 3375.32 of the Revised Code. Such board of library 65533  
trustees shall have the control and management of the county 65534  
district free public library and in the exercise of such control 65535  
and management shall be governed by sections 3375.33 to 3375.41~~7~~ 65536  
~~inclusive,~~ of the Revised Code. 65537

**Sec. 3375.30.** In any two or more contiguous counties in 65538  
which there has been created a regional library district, there 65539  
shall be a board of library trustees consisting of seven 65540  
members. Such trustees shall be qualified electors of the 65541  
district. The first appointments to such board of library 65542  
trustees shall be made by the boards of county commissioners of 65543

such counties in joint meeting. Thereafter each appointment to 65544  
fill an expiring term shall be made by the board of county 65545  
commissioners of a participating county in the rotating order 65546  
represented by the alphabetical arrangement of the names of the 65547  
counties. The term of office of said trustees, if appointed 65548  
prior to the effective date of this amendment, shall be seven 65549  
years, or, if appointed on or after that date, shall be four 65550  
years, except that at the first appointment the terms must be 65551  
such that one member retires each year. Any appointment made to 65552  
fill a vacancy shall be made by the same body which appointed 65553  
the trustee whose place has become vacant and shall be for ~~his~~ 65554  
the remainder of the unexpired term. The members of such board 65555  
of library trustees shall serve without compensation but shall 65556  
be reimbursed for their actual and necessary expenses incurred 65557  
in the performance of their duties. Such board of library 65558  
trustees shall organize in accordance with section 3375.32 of 65559  
the Revised Code. Such board of library trustees shall have the 65560  
control and management of the regional district free public 65561  
library and in exercise of such control and management shall be 65562  
governed by sections 3375.33 to 3375.41, ~~inclusive,~~ and section 65563  
3375.19 of the Revised Code. 65564

**Sec. 3375.47.** A public library created under Chapter 3375. 65565  
of the Revised Code shall place material related to sexual 65566  
orientation or gender identity or expression in a portion of the 65567  
public library that is not primarily open to the view of persons 65568  
under the age of eighteen. 65569

**Sec. 3501.01.** As used in the sections of the Revised Code 65570  
relating to elections and political communications: 65571

(A) "General election" means the election held on the 65572  
first Tuesday after the first Monday in each November. 65573



(B) "Regular municipal election" means the election held 65574  
on the first Tuesday after the first Monday in November in each 65575  
odd-numbered year. 65576

(C) "Regular state election" means the election held on 65577  
the first Tuesday after the first Monday in November in each 65578  
even-numbered year. 65579

(D) "Special election" means any election other than those 65580  
elections defined in other divisions of this section. A special 65581  
election may be held only on the first Tuesday after the first 65582  
Monday in May or November, on the first Tuesday after the first 65583  
Monday in August in accordance with section 3501.022 of the 65584  
Revised Code, or on the day authorized by a particular municipal 65585  
or county charter for the holding of a primary election, except 65586  
that in any year in which a presidential primary election is 65587  
held, no special election shall be held in May, except as 65588  
authorized by a municipal or county charter, but may be held on 65589  
the third Tuesday after the first Monday in March. 65590

(E) (1) "Primary" or "primary election" means an election 65591  
held for the purpose of nominating persons as candidates of 65592  
political parties for election to offices, and for the purpose 65593  
of electing persons as members of the controlling committees of 65594  
political parties and as delegates and alternates to the 65595  
conventions of political parties. Primary elections shall be 65596  
held on the first Tuesday after the first Monday in May of each 65597  
year except in years in which a presidential primary election is 65598  
held. 65599

(2) "Presidential primary election" means a primary 65600  
election as defined by division (E) (1) of this section at which 65601  
an election is held for the purpose of choosing delegates and 65602  
alternates to the national conventions of the major political 65603

parties pursuant to section 3513.12 of the Revised Code. Unless 65604  
otherwise specified, presidential primary elections are included 65605  
in references to primary elections. In years in which a 65606  
presidential primary election is held, all primary elections 65607  
shall be held on the third Tuesday after the first Monday in 65608  
March except as otherwise authorized by a municipal or county 65609  
charter. 65610

(F) "Political party" means any group of voters meeting 65611  
the requirements set forth in section 3517.01 of the Revised 65612  
Code for the formation and existence of a political party. 65613

(1) "Major political party" means any political party 65614  
organized under the laws of this state whose candidate for 65615  
governor or nominees for presidential electors received not less 65616  
than twenty per cent of the total vote cast for such office at 65617  
the most recent regular state election. 65618

(2) "Minor political party" means any political party 65619  
organized under the laws of this state that meets either of the 65620  
following requirements: 65621

(a) Except as otherwise provided in this division, the 65622  
political party's candidate for governor or nominees for 65623  
presidential electors received less than twenty per cent but not 65624  
less than three per cent of the total vote cast for such office 65625  
at the most recent regular state election. A political party 65626  
that meets the requirements of this division remains a political 65627  
party for a period of four years after meeting those 65628  
requirements. 65629

(b) The political party has filed with the secretary of 65630  
state, subsequent to its failure to meet the requirements of 65631  
division (F) (2) (a) of this section, a petition that meets the 65632

requirements of section 3517.01 of the Revised Code. 65633

A newly formed political party shall be known as a minor 65634  
political party until the time of the first election for 65635  
governor or president which occurs not less than twelve months 65636  
subsequent to the formation of such party, after which election 65637  
the status of such party shall be determined by the vote for the 65638  
office of governor or president. 65639

(G) "Dominant party in a precinct" or "dominant political 65640  
party in a precinct" means that political party whose candidate 65641  
for election to the office of governor at the most recent 65642  
regular state election at which a governor was elected received 65643  
more votes than any other person received for election to that 65644  
office in such precinct at such election. 65645

(H) "Candidate" means any qualified person certified in 65646  
accordance with the provisions of the Revised Code for placement 65647  
on the official ballot of a primary, general, or special 65648  
election to be held in this state, or any qualified person who 65649  
claims to be a write-in candidate, or who knowingly assents to 65650  
being represented as a write-in candidate by another at either a 65651  
primary, general, or special election to be held in this state. 65652

(I) "Independent candidate" means any candidate who claims 65653  
not to be affiliated with a political party, and whose name has 65654  
been certified on the office-type ballot at a general or special 65655  
election through the filing of a statement of candidacy and 65656  
nominating petition, as prescribed in section 3513.257 of the 65657  
Revised Code. 65658

(J) "Nonpartisan candidate" means any candidate whose name 65659  
is required, pursuant to section 3505.04 of the Revised Code, to 65660  
be listed on the nonpartisan ballot, including all candidates 65661

for judge of a municipal court, county court, or court of common 65662  
pleas, for member of any board of education, for municipal or 65663  
township offices in which primary elections are not held for 65664  
nominating candidates by political parties, and for offices of 65665  
municipal corporations having charters that provide for separate 65666  
ballots for elections for these offices. 65667

(K) "Party candidate" means any candidate who claims to be 65668  
a member of a political party and who has been certified to 65669  
appear on the office-type ballot at a general or special 65670  
election as the nominee of a political party because the 65671  
candidate has won the primary election of the candidate's party 65672  
for the public office the candidate seeks, has been nominated 65673  
under section 3517.012, or is selected by party committee in 65674  
accordance with section 3513.31 of the Revised Code. 65675

(L) "Officer of a political party" includes, but is not 65676  
limited to, any member, elected or appointed, of a controlling 65677  
committee, whether representing the territory of the state, a 65678  
district therein, a county, township, a city, a ward, a 65679  
precinct, or other territory, of a major or minor political 65680  
party. 65681

(M) "Question or issue" means any question or issue 65682  
certified in accordance with the Revised Code for placement on 65683  
an official ballot at a general or special election to be held 65684  
in this state. 65685

(N) "Elector" or "qualified elector" means a person having 65686  
the qualifications provided by law to be entitled to vote. 65687

(O) "Voter" means an elector who votes at an election. 65688

(P) "Voting residence" means that place of residence of an 65689  
elector which shall determine the precinct in which the elector 65690

may vote. 65691

(Q) "Precinct" means a district within a county 65692  
established by the board of elections of such county within 65693  
which all qualified electors having a voting residence therein 65694  
may vote at the same polling place. 65695

(R) "Polling place" means that place provided for each 65696  
precinct at which the electors having a voting residence in such 65697  
precinct may vote. 65698

(S) "Board" or "board of elections" means the board of 65699  
elections appointed in a county pursuant to section 3501.06 of 65700  
the Revised Code. 65701

(T) "Political subdivision" means a county, township, 65702  
city, village, or school district. 65703

(U) "Election officer" or "election official" means any of 65704  
the following: 65705

(1) Secretary of state; 65706

(2) Employees of the secretary of state serving the 65707  
division of elections in the capacity of attorney, 65708  
administrative officer, administrative assistant, elections 65709  
administrator, office manager, or clerical supervisor; 65710

(3) Director of a board of elections; 65711

(4) Deputy director of a board of elections; 65712

(5) Member of a board of elections; 65713

(6) Employees of a board of elections; 65714

(7) Precinct election officials; 65715

(8) Employees appointed by the boards of elections on a 65716

temporary or part-time basis. 65717

(V) "Acknowledgment notice" means a notice sent by a board 65718  
of elections, on a form prescribed by the secretary of state, 65719  
informing a voter registration applicant or an applicant who 65720  
wishes to change the applicant's residence or name of the status 65721  
of the application; the information necessary to complete or 65722  
update the application, if any; and if the application is 65723  
complete, the precinct in which the applicant is to vote. 65724

(W) "Confirmation notice" means a notice sent by a board 65725  
of elections, on a form prescribed by the secretary of state, to 65726  
a registered elector to confirm the registered elector's current 65727  
address. 65728

(X) "Designated agency" means an office or agency in the 65729  
state that provides public assistance or that provides state- 65730  
funded programs primarily engaged in providing services to 65731  
persons with disabilities and that is required by the National 65732  
Voter Registration Act of 1993 to implement a program designed 65733  
and administered by the secretary of state for registering 65734  
voters, or any other public or government office or agency that 65735  
implements a program designed and administered by the secretary 65736  
of state for registering voters, including the department of job 65737  
and family services, the program administered under section 65738  
3701.132 of the Revised Code by the department of health, the 65739  
department of mental health and addiction services, the 65740  
department of developmental disabilities, the opportunities for 65741  
Ohioans with disabilities agency, and any other agency the 65742  
secretary of state designates. "Designated agency" does not 65743  
include public high schools and vocational schools, public 65744  
libraries, or the office of a county treasurer. 65745

(Y) "National Voter Registration Act of 1993" means the 65746

"National Voter Registration Act of 1993," 107 Stat. 77, 42 U.S.C.A. 1973gg. 65747  
65748

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 65749  
65750

(AA) (1) "Photo identification" means one of the following documents that includes the individual's name and photograph and is not expired: 65751  
65752  
65753

(a) An Ohio driver's license, state identification card, or interim identification form issued by the registrar of motor vehicles or a deputy registrar under Chapter 4506. or 4507. of the Revised Code; 65754  
65755  
65756  
65757

(b) A United States passport or passport card; 65758

(c) A United States military identification card, Ohio national guard identification card, or United States department of veterans affairs identification card. 65759  
65760  
65761

(2) A "copy" of an individual's photo identification means images of both the front and back of a document described in division (AA) (1) of this section, except that if the document is a United States passport, a copy of the photo identification means an image of the passport's identification page that includes the individual's name, photograph, and other identifying information and the passport's expiration date. 65762  
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(BB) "Driver's license" means a license or permit issued by the registrar or a deputy registrar under Chapter 4506. or 4507. of the Revised Code that authorizes an individual to drive. "Driver's license" includes a driver's license, commercial driver's license, probationary license, restricted license, motorcycle operator's license, or temporary instruction permit identification card. "Driver's license" does not include 65769  
65770  
65771  
65772  
65773  
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a limited term license issued under section 4506.14 or 4507.09 65776  
of the Revised Code. 65777

(CC) "State identification card" means a card issued by 65778  
the registrar or a deputy registrar under sections 4507.50 to 65779  
4507.52 of the Revised Code. 65780

(DD) "Interim identification form" means the document 65781  
issued by the registrar or a deputy registrar to an applicant 65782  
for a driver's license or state identification card that 65783  
contains all of the information otherwise found on the license 65784  
or card and that an applicant may use as a form of 65785  
identification until the physical license or card arrives in the 65786  
mail. 65787

**Sec. 3501.02.** General elections in the state and its 65788  
political subdivisions shall be held as follows: 65789

(A) For the election of electors of president and vice- 65790  
president of the United States, in the year of 1932 and every 65791  
four years thereafter; 65792

(B) For the election of a member of the senate of the 65793  
United States, in the years 1932 and 1934, and every six years 65794  
after each of such years; except as otherwise provided for 65795  
filling vacancies; 65796

(C) For the election of representatives in the congress of 65797  
the United States and of elective state and county officers 65798  
~~including elected members of the state board of education,~~ in 65799  
the even-numbered years; except as otherwise provided for 65800  
filling vacancies; 65801

(D) For municipal and township officers, members of boards 65802  
of education, judges and clerks of municipal courts, in the odd- 65803  
numbered years; 65804



(E) Proposed constitutional amendments or proposed 65805  
measures submitted by the general assembly or by initiative or 65806  
referendum petitions to the voters of the state at large may be 65807  
submitted to the general election in any year occurring at least 65808  
~~sixty days, in case of a referendum, and ninety one hundred~~ 65809  
~~twenty-five days, in the case of an initiated measure,~~ 65810  
subsequent to the filing of the petitions therefor. Proposed 65811  
constitutional amendments submitted by the general assembly to 65812  
the voters of the state at large may be submitted at a special 65813  
election occurring on the day in any year specified by division 65814  
(E) of section 3501.01 of the Revised Code for the holding of a 65815  
primary election, when a special election on that date is 65816  
designated by the general assembly in the resolution adopting 65817  
the proposed constitutional amendment. 65818

No special election shall be held on a day other than the 65819  
day of a general election, unless a law or charter provides 65820  
otherwise, regarding the submission of a question or issue to 65821  
the voters of a county, township, city, village, or school 65822  
district. 65823

(F) (1) Notwithstanding any provision of the Revised Code 65824  
to the contrary, any question or issue, except a candidacy, to 65825  
be voted upon at an election shall be certified, for placement 65826  
upon the ballot, to the board of elections not later than four 65827  
p.m. of the ninetieth day before the day of the election. 65828

(2) Any question or issue that is certified for placement 65829  
on a ballot on or after ~~the effective date of this amendment~~ July 65830  
2, 2010, shall be certified not later than the ninetieth day 65831  
before the day of the applicable election, notwithstanding any 65832  
deadlines appearing in any section of the Revised Code governing 65833  
the placement of that question or issue on the ballot. 65834

**Sec. 3501.05.** The secretary of state shall do all of the following: 65835  
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(A) Appoint all members of boards of elections; 65837

(B) Issue instructions by directives and advisories in accordance with section 3501.053 of the Revised Code to members of the boards as to the proper methods of conducting elections. 65838  
65839  
65840

(C) Prepare rules and instructions for the conduct of elections; 65841  
65842

(D) Publish and furnish to the boards from time to time a sufficient number of indexed copies of all election laws then in force; 65843  
65844  
65845

(E) Edit and issue all pamphlets concerning proposed laws or amendments required by law to be submitted to the voters; 65846  
65847

(F) Prescribe the form of registration cards, blanks, and records; 65848  
65849

(G) Determine and prescribe the forms of ballots and the forms of all blanks, cards of instructions, pollbooks, tally sheets, certificates of election, and forms and blanks required by law for use by candidates, committees, and boards; 65850  
65851  
65852  
65853

(H) Prepare the ballot title or statement to be placed on the ballot for any proposed law or amendment to the constitution to be submitted to the voters of the state; 65854  
65855  
65856

(I) Except as otherwise provided in section 3519.08 of the Revised Code, certify to the several boards the forms of ballots and names of candidates for state offices, and the form and wording of state referendum questions and issues, as they shall appear on the ballot; 65857  
65858  
65859  
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(J) Except as otherwise provided in division (I) (2) (b) of section 3501.38 of the Revised Code, give final approval to ballot language for any local question or issue approved and transmitted by boards of elections under section 3501.11 of the Revised Code;

(K) Receive all initiative and referendum petitions on state questions and issues and determine and certify to the sufficiency of those petitions;

(L) Require such reports from the several boards as are provided by law, or as the secretary of state considers necessary;

(M) Compel the observance by election officers in the several counties of the requirements of the election laws;

(N) (1) Except as otherwise provided in division (N) (2) of this section, investigate the administration of election laws, frauds, and irregularities in elections in any county, and report violations of election laws to the attorney general or prosecuting attorney, or both, for prosecution;

(2) ~~On and after August 24, 1995, report a~~ Investigate and adjudicate complaints regarding any alleged failure to comply with, or a violation of, a provision in sections 145.054, 742.043, 3307.073, 3309.073, 3517.08 to 3517.13, 3517.20 to 3517.22, 3599.03, or 5505.045 of the Revised Code, whenever the secretary of state has or should have knowledge of a failure to comply with or a violation of a provision in one of those sections, by filing a complaint with the Ohio elections commission under section 3517.153 in accordance with sections 3517.14 to 3517.18 of the Revised Code.

(O) Make an annual report to the governor containing the

results of elections, the cost of elections in the various 65891  
counties, a tabulation of the votes in the several political 65892  
subdivisions, and other information and recommendations relative 65893  
to elections the secretary of state considers desirable; 65894

(P) Prescribe and distribute to boards of elections a list 65895  
of instructions indicating all legal steps necessary to petition 65896  
successfully for local option elections under sections 4301.32 65897  
to 4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 65898

(Q) Adopt rules pursuant to Chapter 119. of the Revised 65899  
Code for the removal by boards of elections of ineligible voters 65900  
from the statewide voter registration database and, if 65901  
applicable, from the poll list or signature pollbook used in 65902  
each precinct, which rules shall provide for all of the 65903  
following: 65904

(1) A process for the removal of voters who have changed 65905  
residence, which shall be uniform, nondiscriminatory, and in 65906  
compliance with the Voting Rights Act of 1965 and the National 65907  
Voter Registration Act of 1993, including a program that uses 65908  
the national change of address service provided by the United 65909  
States postal system through its licensees; 65910

(2) A process for the removal of ineligible voters under 65911  
section 3503.21 of the Revised Code; 65912

(3) A uniform system for marking or removing the name of a 65913  
voter who is ineligible to vote from the statewide voter 65914  
registration database and, if applicable, from the poll list or 65915  
signature pollbook used in each precinct and noting the reason 65916  
for that mark or removal. 65917

(R) (1) Prescribe a general program for registering voters 65918  
or updating voter registration information, such as name and 65919

residence changes, by boards of elections, designated agencies, 65920  
public high schools and vocational schools, public libraries, 65921  
and offices of county treasurers consistent with the 65922  
requirements of section 3503.09 of the Revised Code; 65923

(2) Prescribe a general program for registering voters or 65924  
updating voter registration information through the registrar of 65925  
motor vehicles and deputy registrars, consistent with the 65926  
requirements of section 3503.11 of the Revised Code. 65927

(S) Prescribe a program of distribution of voter 65928  
registration forms through boards of elections, designated 65929  
agencies, offices of the registrar and deputy registrars of 65930  
motor vehicles, public high schools and vocational schools, 65931  
public libraries, and offices of county treasurers; 65932

(T) To the extent feasible, provide copies, at no cost and 65933  
upon request, of the voter registration form in post offices in 65934  
this state; 65935

(U) Adopt rules pursuant to section 111.15 of the Revised 65936  
Code for the purpose of implementing the programs for 65937  
registering voters through boards of elections, designated 65938  
agencies, and the offices of the registrar and deputy registrars 65939  
of motor vehicles consistent with this chapter; 65940

(V) Establish the full-time position of Americans with 65941  
Disabilities Act coordinator within the office of the secretary 65942  
of state to do all of the following: 65943

(1) Assist the secretary of state with ensuring that there 65944  
is equal access to polling places for persons with disabilities; 65945

(2) Assist the secretary of state with ensuring that each 65946  
voter may cast the voter's ballot in a manner that provides the 65947  
same opportunity for access and participation, including privacy 65948

and independence, as for other voters; 65949

(3) Advise the secretary of state in the development of 65950  
standards for the certification of voting machines, marking 65951  
devices, and automatic tabulating equipment. 65952

(W) Establish and maintain a computerized statewide 65953  
database of all legally registered voters under section 3503.15 65954  
of the Revised Code that complies with the requirements of the 65955  
"Help America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 65956  
1666, and provide training in the operation of that system; 65957

(X) Ensure that all directives, advisories, other 65958  
instructions, or decisions issued or made during or as a result 65959  
of any conference or teleconference call with a board of 65960  
elections to discuss the proper methods and procedures for 65961  
conducting elections, to answer questions regarding elections, 65962  
or to discuss the interpretation of directives, advisories, or 65963  
other instructions issued by the secretary of state are posted 65964  
on a web site of the office of the secretary of state as soon as 65965  
is practicable after the completion of the conference or 65966  
teleconference call, but not later than the close of business on 65967  
the same day as the conference or teleconference call takes 65968  
place. 65969

(Y) Publish a report on a web site of the office of the 65970  
secretary of state not later than one month after the completion 65971  
of the canvass of the election returns for each primary and 65972  
general election, identifying, by county, the number of absent 65973  
voter's ballots cast and the number of those ballots that were 65974  
counted, and the number of provisional ballots cast and the 65975  
number of those ballots that were counted, for that election. 65976  
The secretary of state shall maintain the information on the web 65977  
site in an archive format for each subsequent election. 65978

(Z) Conduct voter education outlining voter identification, absent voters ballot, provisional ballot, and other voting requirements;

(AA) Establish a procedure by which a registered elector may make available to a board of elections a more recent signature to be used in the poll list or signature pollbook produced by the board of elections of the county in which the elector resides;

(BB) Disseminate information, which may include all or part of the official explanations and arguments, by means of direct mail or other written publication, broadcast, or other means or combination of means, as directed by the Ohio ballot board under division (F) of section 3505.062 of the Revised Code, in order to inform the voters as fully as possible concerning each proposed constitutional amendment, proposed law, or referendum;

(CC) Be the single state office responsible for the implementation of the "Uniformed and Overseas Citizens Absentee Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 1973ff, et seq., as amended, in this state. The secretary of state may delegate to the boards of elections responsibilities for the implementation of that act, including responsibilities arising from amendments to that act made by the "Military and Overseas Voter Empowerment Act," Subtitle H of the "National Defense Authorization Act for Fiscal Year 2010," Pub. L. No. 111-84, 123 Stat. 3190.

(DD) Adopt rules, under Chapter 119. of the Revised Code, to establish procedures and standards for determining when a board of elections shall be placed under the official oversight of the secretary of state, placing a board of elections under

the official oversight of the secretary of state, a board that 66009  
is under official oversight to transition out of official 66010  
oversight, and the secretary of state to supervise a board of 66011  
elections that is under official oversight of the secretary of 66012  
state. 66013

(EE) Perform other duties required by law. 66014

Whenever a primary election is held under section 3513.32 66015  
of the Revised Code or a special election is held under section 66016  
3521.03 of the Revised Code to fill a vacancy in the office of 66017  
representative to congress, the secretary of state shall 66018  
establish a deadline, notwithstanding any other deadline 66019  
required under the Revised Code, by which any or all of the 66020  
following shall occur: the filing of a declaration of candidacy 66021  
and petitions or a statement of candidacy and nominating 66022  
petition together with the applicable filing fee; the filing of 66023  
protests against the candidacy of any person filing a 66024  
declaration of candidacy or nominating petition; the filing of a 66025  
declaration of intent to be a write-in candidate; the filing of 66026  
campaign finance reports; the preparation of, and the making of 66027  
corrections or challenges to, precinct voter registration lists; 66028  
the receipt of applications for absent voter's ballots or 66029  
uniformed services or overseas absent voter's ballots; the 66030  
supplying of election materials to precincts by boards of 66031  
elections; the holding of hearings by boards of elections to 66032  
consider challenges to the right of a person to appear on a 66033  
voter registration list; and the scheduling of programs to 66034  
instruct or reinstruct election officers. 66035

In the performance of the secretary of state's duties as 66036  
the chief election officer, the secretary of state may 66037  
administer oaths, issue subpoenas, summon witnesses, compel the 66038



production of books, papers, records, and other evidence, and 66039  
fix the time and place for hearing any matters relating to the 66040  
administration and enforcement of the election laws, including 66041  
for the purposes described in division (N)(2) of this section. 66042

In any controversy involving or arising out of the 66043  
adoption of registration or the appropriation of funds for 66044  
registration, the secretary of state may, through the attorney 66045  
general, bring an action in the name of the state in the court 66046  
of common pleas of the county where the cause of action arose or 66047  
in an adjoining county, to adjudicate the question. 66048

In any action involving the laws in Title XXXV of the 66049  
Revised Code wherein the interpretation of those laws is in 66050  
issue in such a manner that the result of the action will affect 66051  
the lawful duties of the secretary of state or of any board of 66052  
elections, the secretary of state may, on the secretary of 66053  
state's motion, be made a party. 66054

The secretary of state may apply to any court that is 66055  
hearing a case in which the secretary of state is a party, for a 66056  
change of venue as a substantive right, and the change of venue 66057  
shall be allowed, and the case removed to the court of common 66058  
pleas of an adjoining county named in the application or, if 66059  
there are cases pending in more than one jurisdiction that 66060  
involve the same or similar issues, the court of common pleas of 66061  
Franklin county. 66062

Public high schools and vocational schools, public 66063  
libraries, and the office of a county treasurer shall implement 66064  
voter registration programs as directed by the secretary of 66065  
state pursuant to this section. 66066

**Sec. 3501.11.** Each board of elections shall exercise by a 66067

majority vote all powers granted to the board by Title XXXV of 66068  
the Revised Code, shall perform all the duties imposed by law, 66069  
and shall do all of the following: 66070

(A) Establish, define, provide, rearrange, and combine 66071  
election precincts; 66072

(B) Fix and provide the places for registration and for 66073  
holding primaries and elections; 66074

(C) Provide for the purchase, preservation, and 66075  
maintenance of booths, ballot boxes, books, maps, flags, blanks, 66076  
cards of instructions, and other forms, papers, and equipment 66077  
used in registration, nominations, and elections; 66078

(D) Appoint and remove its director, deputy director, and 66079  
employees and all registrars, precinct election officials, and 66080  
other officers of elections, fill vacancies, and designate the 66081  
ward or district and precinct in which each shall serve; 66082

(E) Make and issue rules and instructions, not 66083  
inconsistent with law or the rules, directives, or advisories 66084  
issued by the secretary of state, as it considers necessary for 66085  
the guidance of election officers and voters; 66086

(F) Advertise and contract for the printing of all ballots 66087  
and other supplies used in registrations and elections; 66088

(G) Provide for the issuance of all notices, 66089  
advertisements, and publications concerning elections, except as 66090  
otherwise provided in division (G) of section 3501.17 and 66091  
divisions (F) and (G) of section 3505.062 of the Revised Code; 66092

(H) Provide for the delivery of ballots, pollbooks, and 66093  
other required papers and material to the polling places; 66094

(I) Cause the polling places to be suitably provided with 66095

voting machines, marking devices, automatic tabulating 66096  
equipment, stalls, and other required supplies. In fulfilling 66097  
this duty, each board of a county that uses voting machines, 66098  
marking devices, or automatic tabulating equipment shall conduct 66099  
a full vote of the board during a public session of the board on 66100  
the allocation and distribution of voting machines, marking 66101  
devices, and automatic tabulating equipment for each precinct in 66102  
the county. 66103

~~(J) Investigate~~ (J) (1) Subject to division (J) (2) of this 66104  
section, investigate irregularities, nonperformance of duties, 66105  
or violations of Title XXXV of the Revised Code by election 66106  
officers and other persons; administer oaths, issue subpoenas, 66107  
summon witnesses, and compel the production of books, papers, 66108  
records, and other evidence in connection with any such 66109  
investigation; and report the facts to the prosecuting attorney 66110  
or the secretary of state; 66111

(2) The board shall investigate and adjudicate complaints 66112  
regarding any alleged failure to comply with, or violation of, a 66113  
provision in sections 145.054, 742.043, 3307.073, 3309.073, 66114  
3517.08 to 3517.991, 3599.03, 3599.031, or 5505.045 of the 66115  
Revised Code, in accordance with sections 3517.14 to 3517.18 of 66116  
the Revised Code. The board may administer oaths, issue 66117  
subpoenas, summon witnesses, and compel the production of books, 66118  
papers, records, and other evidence in connection with any such 66119  
investigation or adjudication. 66120

(K) (1) Review, examine, and certify the sufficiency and 66121  
validity of petitions and nomination papers, and, after 66122  
certification, return to the secretary of state all petitions 66123  
and nomination papers that the secretary of state forwarded to 66124  
the board; 66125

- (2) Examine each initiative petition, or a petition filed under section 307.94 or 307.95 of the Revised Code, received by the board to determine whether the petition falls within the scope of authority to enact via initiative and whether the petition satisfies the statutory prerequisites to place the issue on the ballot, as described in division (M) of section 3501.38 of the Revised Code. The petition shall be invalid if any portion of the petition is not within the initiative power.
- (L) Receive the returns of elections, canvass the returns, make abstracts of them, and transmit those abstracts to the proper authorities;
- (M) Issue certificates of election on forms to be prescribed by the secretary of state;
- (N) Make an annual report to the secretary of state, on the form prescribed by the secretary of state, containing a statement of the number of voters registered, elections held, votes cast, appropriations received, expenditures made, and other data required by the secretary of state;
- (O) Prepare and submit to the proper appropriating officer a budget estimating the cost of elections for the ensuing fiscal year;
- (P) Perform other duties as prescribed by law or the rules, directives, or advisories of the secretary of state;
- (Q) Investigate and determine the residence qualifications of electors;
- (R) Administer oaths in matters pertaining to the administration of the election laws;
- (S) Prepare and submit to the secretary of state, whenever
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the secretary of state requires, a report containing the names 66154  
and residence addresses of all incumbent county, municipal, 66155  
township, and board of education officials serving in their 66156  
respective counties; 66157

(T) Establish and maintain a voter registration database 66158  
of all qualified electors in the county who offer to register; 66159

(U) Maintain voter registration records, make reports 66160  
concerning voter registration as required by the secretary of 66161  
state, and remove ineligible electors from voter registration 66162  
lists in accordance with law and directives of the secretary of 66163  
state; 66164

(V) Give approval to ballot language for any local 66165  
question or issue and transmit the language to the secretary of 66166  
state for the secretary of state's final approval; 66167

(W) Prepare and cause the following notice to be displayed 66168  
in a prominent location in every polling place: 66169

"NOTICE 66170

Ohio law prohibits any person from voting or attempting to 66171  
vote more than once at the same election. 66172

Violators are guilty of a felony of the fourth degree and 66173  
shall be imprisoned and additionally may be fined in accordance 66174  
with law." 66175

(X) In all cases of a tie vote or a disagreement in the 66176  
board, if no decision can be arrived at, the director or 66177  
chairperson shall submit the matter in controversy, not later 66178  
than fourteen days after the tie vote or the disagreement, to 66179  
the secretary of state, who shall summarily decide the question, 66180  
and the secretary of state's decision shall be final. 66181

(Y) Assist each designated agency, deputy registrar of motor vehicles, public high school and vocational school, public library, and office of a county treasurer in the implementation of a program for registering voters at all voter registration locations as prescribed by the secretary of state. Under this program, each board of elections shall direct to the appropriate board of elections any voter registration applications for persons residing outside the county where the board is located within five days after receiving the applications.

(Z) On any day on which an elector may vote in person at the office of the board or at another site designated by the board, consider the board or other designated site a polling place for that day. All requirements or prohibitions of law that apply to a polling place shall apply to the office of the board or other designated site on that day.

(AA) Perform any duties with respect to voter registration and voting by uniformed services and overseas voters that are delegated to the board by law or by the rules, directives, or advisories of the secretary of state.

(BB) Prepare an election administration plan and submit it to the secretary of state not later than seventy-five days before each presidential primary election and not later than one hundred twenty days before each general election held in an even-numbered year. The election administration plan shall be on a template prescribed by the secretary of state and shall include all of the following:

(1) Precinct election official recruitment, training, and accountability;

(2) Resource allocation;

(3) Communication before and on the day of the election;	66211
(4) Materials;	66212
(5) Contingencies and continuity planning;	66213
(6) Security;	66214
(7) Voter registration;	66215
(8) Absent voting;	66216
(9) Polling places and accessibility;	66217
(10) Ballot preparation;	66218
(11) Pre-election testing;	66219
(12) Reconciliation and audits;	66220
(13) A master calendar;	66221
(14) Any other topic prescribed by the secretary of state.	66222
<b>Sec. 3501.12.</b> (A) The annual compensation of members of	66223
the board of elections shall be determined on the basis of the	66224
population of the county according to the next preceding federal	66225
census, and shall be paid monthly out of the appropriations made	66226
to the board and upon vouchers or payrolls certified by the	66227
chairperson, or a member of the board designated by it, and	66228
countersigned by the director or in the director's absence by	66229
the deputy director. Upon presentation of any such voucher or	66230
payroll, the county auditor shall issue a warrant upon the	66231
county treasurer for the amount thereof as in the case of	66232
vouchers or payrolls for county offices and the treasurer shall	66233
pay such warrant.	66234
(B) In calendar year 2018, the amount of annual	66235
compensation of each member of the board of elections shall be	66236

the greater of the following: 66237

(1) The sum of the following: 66238

(a) One hundred two dollars and forty-one cents for each 66239  
full one thousand of the first one hundred thousand population; 66240

(b) Forty-eight dollars and seventy-nine cents for each 66241  
full one thousand of the second one hundred thousand population; 66242

(c) Twenty-six dollars and fifty cents for each full one 66243  
thousand of the third one hundred thousand population; 66244

(d) Eight dollars and thirteen cents for each full one 66245  
thousand above three hundred thousand population. 66246

(2) Six thousand dollars. 66247

(C) The annual compensation of each member of the board 66248  
shall be computed after increasing the dollar amounts specified 66249  
in divisions (B) (1) and (2) of this section as follows: 66250

(1) In calendar year 2019 and in each calendar year 66251  
thereafter through calendar year 2028~~2025~~, the annual 66252  
compensation of each member of the board shall be computed after 66253  
increasing the dollar amounts specified in divisions (B) (1) and 66254  
(2) of this section by one and three-quarters per cent; 66255

(2) In calendar year 2026 and in each calendar year 66256  
thereafter through calendar year 2029, by five per cent; 66257

(3) In calendar year 2030 and in each calendar year 66258  
thereafter, by the percentage increase, if any, in the consumer 66259  
price index as defined in section 141.04 of the Revised Code 66260  
over the twelve-month period that ends on the thirtieth day of 66261  
September of the immediately preceding year, rounded to the 66262  
nearest one-tenth of one per cent, not to exceed three per cent. 66263



(D) For the purposes of this section, members of boards of elections shall be deemed to be appointed and not elected, and therefore not subject to Section 20 of Article II of the Ohio Constitution.

**Sec. 3501.17.** (A) The expenses of the board of elections shall be paid from the county treasury, in pursuance of appropriations by the board of county commissioners, in the same manner as other county expenses are paid. If the board of county commissioners fails to appropriate an amount sufficient to provide for the necessary and proper expenses of the board of elections pertaining to the conduct of elections, the board of elections may apply to the court of common pleas within the county, which shall fix the amount necessary to be appropriated and the amount shall be appropriated. Payments shall be made upon vouchers of the board of elections certified to by its chairperson or acting chairperson and the director or deputy director, upon warrants of the county auditor.

The board of elections shall not incur any obligation involving the expenditure of money unless there are moneys sufficient in the funds appropriated therefor to meet the obligation. If the board of elections requests a transfer of funds from one of its appropriation items to another, the board of county commissioners shall adopt a resolution providing for the transfer except as otherwise provided in section 5705.40 of the Revised Code. The expenses of the board of elections shall be apportioned among the county and the various subdivisions as provided in this section, and the amount chargeable to each subdivision shall be paid as provided in division (J) of this section or withheld by the county auditor from the moneys payable thereto at the time of the next tax settlement. At the time of submitting budget estimates in each year, the board of

elections shall submit to the taxing authority of each 66295  
subdivision, upon the request of the subdivision, an estimate of 66296  
the amount to be paid or withheld from the subdivision during 66297  
the current or next fiscal year. 66298

A board of township trustees may, by resolution, request 66299  
that the county auditor withhold expenses charged to the 66300  
township from a specified township fund that is to be credited 66301  
with revenue at a tax settlement. The resolution shall specify 66302  
the tax levy ballot issue, the date of the election on the levy 66303  
issue, and the township fund from which the expenses the board 66304  
of elections incurs related to that ballot issue shall be 66305  
withheld. 66306

(B) Except as otherwise provided in division (F) of this 66307  
section, the compensation of the members of the board of 66308  
elections and of the director, deputy director, and regular 66309  
employees in the board's offices, other than compensation for 66310  
overtime worked; the expenditures for the rental, furnishing, 66311  
and equipping of the office of the board and for the necessary 66312  
office supplies for the use of the board; the expenditures for 66313  
the acquisition, repair, care, and custody of the polling 66314  
places, booths, guardrails, and other equipment for polling 66315  
places; the cost of tally sheets, maps, flags, ballot boxes, and 66316  
all other permanent records and equipment; the cost of all 66317  
elections held in and for the state and county; and all other 66318  
expenses of the board which are not chargeable to a political 66319  
subdivision in accordance with this section shall be paid in the 66320  
same manner as other county expenses are paid. 66321

(C) The compensation of precinct election officials and 66322  
intermittent employees in the board's offices; the cost of 66323  
renting, moving, heating, and lighting polling places and of 66324

placing and removing ballot boxes and other fixtures and 66325  
equipment thereof, including voting machines, marking devices, 66326  
and automatic tabulating equipment; the cost of printing and 66327  
delivering ballots, cards of instructions, registration lists 66328  
required under section 3503.23 of the Revised Code, and other 66329  
election supplies, including the supplies required to comply 66330  
with division (H) of section 3506.01 of the Revised Code; the 66331  
cost of contractors engaged by the board to prepare, program, 66332  
test, and operate voting machines, marking devices, and 66333  
automatic tabulating equipment; and all other expenses of 66334  
conducting primaries and elections in the odd-numbered years 66335  
shall be charged to the subdivisions in and for which such 66336  
primaries or elections are held. The charge for each primary or 66337  
general election in odd-numbered years for each subdivision 66338  
shall be determined in the following manner: first, the total 66339  
cost of all chargeable items used in conducting such elections 66340  
shall be ascertained; second, the total charge shall be divided 66341  
by the number of precincts participating in such election, in 66342  
order to fix the cost per precinct; third, the cost per precinct 66343  
shall be prorated by the board of elections to the subdivisions 66344  
conducting elections for the nomination or election of offices 66345  
in such precinct; fourth, the total cost for each subdivision 66346  
shall be determined by adding the charges prorated to it in each 66347  
precinct within the subdivision. 66348

~~(D) The~~ (D) (1) Except as otherwise provided in division 66349  
(D) (2) of this section, the entire cost of special elections 66350  
held on a day other than the day of a primary or general 66351  
election, both in odd-numbered or in even-numbered years, shall 66352  
be charged to the subdivision. Where a special election is held 66353  
on the same day as a primary or general election in an even- 66354  
numbered year, the subdivision submitting the special election 66355

shall be charged only for the cost of ballots and advertising. 66356  
Where a special election is held on the same day as a primary or 66357  
general election in an odd-numbered year, the subdivision 66358  
submitting the special election shall be charged for the cost of 66359  
ballots and advertising for such special election, in addition 66360  
to the charges prorated to such subdivision for the election or 66361  
nomination of candidates in each precinct within the 66362  
subdivision, as set forth in the preceding paragraph. 66363

(2) The entire cost of a local option election held 66364  
pursuant to sections 4301.32 to 4301.391 of the Revised Code on 66365  
a day other than the day of a primary or general election, both 66366  
in odd-numbered or in even-numbered years, or on a day other 66367  
than the day of a special election of a political subdivision 66368  
seeking to submit a question or issue, a nomination for office, 66369  
or an election to office, shall be charged to the petitioner. 66370

(E) Where a special election is held on the day specified 66371  
by division (E) of section 3501.01 of the Revised Code for the 66372  
holding of a primary election, for the purpose of submitting to 66373  
the voters of the state constitutional amendments proposed by 66374  
the general assembly, and a subdivision conducts a special 66375  
election on the same day, the entire cost of the special 66376  
election shall be divided proportionally between the state and 66377  
the subdivision based upon a ratio determined by the number of 66378  
issues placed on the ballot by each, except as otherwise 66379  
provided in division (G) of this section. Such proportional 66380  
division of cost shall be made only to the extent funds are 66381  
available for such purpose from amounts appropriated by the 66382  
general assembly to the secretary of state. If a primary 66383  
election is also being conducted in the subdivision, the costs 66384  
shall be apportioned as otherwise provided in this section. 66385

(F) When a precinct is open during a general, primary, or special election solely for the purpose of submitting to the voters a statewide ballot issue, the state shall bear the entire cost of the election in that precinct and shall reimburse the county for all expenses incurred in opening the precinct.

(G) (1) The state shall bear the entire cost of advertising in newspapers statewide ballot issues, explanations of those issues, and arguments for or against those issues, as required by Section 1g of Article II and Section 1 of Article XVI, Ohio Constitution, and any other section of law. Appropriations made to the controlling board shall be used to reimburse the secretary of state for all expenses the secretary of state incurs for such advertising under division (G) of section 3505.062 of the Revised Code.

(2) There is hereby created in the state treasury the statewide ballot advertising fund. The fund shall receive transfers approved by the controlling board, and shall be used by the secretary of state to pay the costs of advertising state ballot issues as required under division (G) (1) of this section. Any such transfers may be requested from and approved by the controlling board prior to placing the advertising, in order to facilitate timely provision of the required advertising.

(H) The cost of renting, heating, and lighting registration places; the cost of the necessary books, forms, and supplies for the conduct of registration; and the cost of printing and posting precinct registration lists shall be charged to the subdivision in which such registration is held.

(I) (1) (a) At the request of a majority of the members of the board of elections, the board of county commissioners may, by resolution, establish an elections revenue fund. Except as

otherwise provided in this division and in division (I) (2) of 66416  
this section, the purpose of the fund shall be to accumulate 66417  
revenue withheld by or paid to the county under this section for 66418  
the payment of any expense related to the duties of the board of 66419  
elections specified in section 3501.11 of the Revised Code, upon 66420  
approval of a majority of the members of the board of elections. 66421  
The fund shall not accumulate any revenue withheld by or paid to 66422  
the county under this section for the compensation of the 66423  
members of the board of elections or of the director, deputy 66424  
director, or other regular employees in the board's offices, 66425  
other than compensation for overtime worked. 66426

(b) Notwithstanding sections 5705.14, 5705.15, and 5705.16 66427  
of the Revised Code, the board of county commissioners may, by 66428  
resolution, transfer money to the elections revenue fund from 66429  
any other fund of the political subdivision from which such 66430  
payments lawfully may be made. Following an affirmative vote of 66431  
a majority of the members of the board of elections, the board 66432  
of county commissioners may, by resolution, rescind an elections 66433  
revenue fund established under this division. If an elections 66434  
revenue fund is rescinded, money that has accumulated in the 66435  
fund shall be transferred to the county general fund. 66436

(2) (a) The board of county commissioners of a county that 66437  
receives a payment from a political subdivision under division 66438  
(J) of this section shall, by resolution, establish a special 66439  
elections fund. The purpose of the fund shall be to accumulate 66440  
revenue paid to the county by political subdivisions under 66441  
division (J) of this section for the cost of preparing for and 66442  
conducting special elections. 66443

(b) If both of the following apply, the board of county 66444  
commissioners may, by resolution, rescind the special elections 66445

fund and transfer any remaining money in the fund to the county general fund or to the elections revenue fund: 66446  
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(i) All notifications and payments required under division (J) (3) of this section have been made. 66448  
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(ii) The county has not received any payments from political subdivisions under division (J) (2) of this section for a future special election. 66450  
66451  
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(J) (1) Not less than fifteen business days before the deadline for submitting a question or issue for placement on the ballot at a special election, the board of elections shall prepare and file with the board of county commissioners and the office of the secretary of state the estimated cost, based on the factors enumerated in this section, for preparing for and conducting an election on one question or issue, one nomination for office, or one election to office in each precinct in the county at that special election and shall divide that cost by the number of registered voters in the county. 66453  
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(2) The board of elections shall provide to a political subdivision seeking to submit a question or issue, a nomination for office, or an election to office for placement on the ballot at a special election with the estimated cost for preparing for and conducting that election, which shall be calculated either by multiplying the number of registered voters in the political subdivision with the cost calculated under division (J) (1) of this section or by multiplying the cost per precinct with the number or precincts in the political subdivision. A political subdivision submitting a question or issue, a nomination for office, or an election to office for placement on the ballot at that special election shall pay to the county special elections fund sixty-five per cent of the estimated cost of the election 66463  
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not less than ten business days after the deadline for 66476  
submitting a question or issue for placement on the ballot for 66477  
that special election. 66478

(3) Not later than sixty days after the date of a special 66479  
election, the board of elections shall provide to each political 66480  
subdivision the true and accurate cost for the question or 66481  
issue, nomination for office, or election to office that the 66482  
subdivision submitted to the voters on the special election 66483  
ballots. If the board of elections determines that a subdivision 66484  
paid less for the cost of preparing and conducting a special 66485  
election under division (J) (2) of this section than the actual 66486  
cost calculated under this division, the subdivision shall remit 66487  
to the county special elections fund the difference between the 66488  
payment made under division (J) (2) of this section and the final 66489  
cost calculated under this division within thirty days after 66490  
being notified of the final cost. If the board of elections 66491  
determines that a subdivision paid more for the cost of 66492  
preparing and conducting a special election under division (J) 66493  
(2) of this section than the actual cost calculated under this 66494  
division, the board of elections promptly shall notify the board 66495  
of county commissioners of that difference. The board of county 66496  
commissioners shall remit from the county special elections fund 66497  
to the political subdivision the difference between the payment 66498  
made under division (J) (2) of this section and the final cost 66499  
calculated under this division within thirty days after 66500  
receiving that notification. 66501

(K) As used in this section: 66502

(1) "Political subdivision" and "subdivision" mean any 66503  
board of county commissioners, board of township trustees, 66504  
legislative authority of a municipal corporation, board of 66505



education, or any other board, commission, district, or 66506  
authority that is empowered to levy taxes or permitted to 66507  
receive the proceeds of a tax levy, regardless of whether the 66508  
entity receives tax settlement moneys as described in division 66509  
(A) of this section; 66510

(2) "Statewide ballot issue" means any ballot issue, 66511  
whether proposed by the general assembly or by initiative or 66512  
referendum, that is submitted to the voters throughout the 66513  
state. 66514

**Sec. 3505.03.** (A) On the office type ballot shall be 66515  
printed the names of all candidates for election to offices, 66516  
except the office of judge of a municipal court, county court, 66517  
or court of common pleas, who were nominated at the most recent 66518  
primary election as candidates of a political party or who were 66519  
nominated in accordance with section 3513.02 of the Revised 66520  
Code, and the names of all candidates for election to offices 66521  
who were nominated by nominating petitions, except candidates 66522  
for the office of judge of a municipal court, county court, or 66523  
court of common pleas, ~~for member of the state board of~~ 66524  
~~education,~~ for member of a board of education, for municipal 66525  
offices, and for township offices. 66526

(B) The face of the ballot below the stub shall be 66527  
substantially in the following form: 66528

"OFFICIAL OFFICE TYPE BALLOT 66529

(1) To vote for a candidate record your vote in the manner 66530  
provided next to the name of such candidate. 66531

(2) If you tear, soil, deface, or erroneously mark this 66532  
ballot, return it to the precinct election officers or, if you 66533  
cannot return it, notify the precinct election officers, and 66534

obtain another ballot." 66535

(C) The order in which the offices shall be listed on the 66536  
ballot shall be prescribed by, and certified to each board of 66537  
elections by, the secretary of state; provided that for state, 66538  
district, and county offices the order from top to bottom shall 66539  
be as follows: governor and lieutenant governor, attorney 66540  
general, auditor of state, secretary of state, treasurer of 66541  
state, chief justice of the supreme court, justice of the 66542  
supreme court, United States senator, representative to 66543  
congress, state senator, state representative, judge of a court 66544  
of appeals, county commissioner, county auditor, prosecuting 66545  
attorney, clerk of the court of common pleas, sheriff, county 66546  
recorder, county treasurer, county engineer, and coroner. The 66547  
offices of governor and lieutenant governor shall be printed on 66548  
the ballot in a manner that requires a voter to cast one vote 66549  
jointly for the candidates who have been nominated by the same 66550  
political party or petition. 66551

(D) Within the rectangular space within which the title of 66552  
each judicial office listed in division (C) of this section is 66553  
printed on the ballot and immediately below the title shall be 66554  
printed the date of the commencement of the term of the office, 66555  
if it is a full term, as follows: "Full term commencing 66556  
\_\_\_\_\_ (Date) \_\_\_\_\_," or the date of the end of the term of the 66557  
office, if it is an unexpired term, as follows: "Unexpired term 66558  
ending \_\_\_\_\_ (Date) \_\_\_\_\_" 66559

(E) (1) The names of all candidates for an office shall be 66560  
arranged in a group under the title of that office, and, except 66561  
for absentee ballots or when the number of candidates for a 66562  
particular office is the same as the number of candidates to be 66563  
elected for that office, shall be rotated from one precinct to 66564

another. On absentee ballots, the names of all candidates for an office shall be arranged in a group under the title of that office and shall be so alternated that each name shall appear, insofar as may be reasonably possible, substantially an equal number of times at the beginning, at the end, and in each intermediate place, if any, of the group in which such name belongs, unless the number of candidates for a particular office is the same as the number of candidates to be elected for that office.

(2) The method of printing the ballots to meet the rotation requirement of this section shall be as follows: the least common multiple of the number of names in each of the several groups of candidates shall be used, and the number of changes made in the printer's forms in printing the ballots shall correspond with that multiple. The board of elections shall number all precincts in regular serial sequence. In the first precinct, the names of the candidates in each group shall be listed in alphabetical order. In each succeeding precinct, the name in each group that is listed first in the preceding precinct shall be listed last, and the name of each candidate shall be moved up one place. In each precinct using paper ballots, the printed ballots shall then be assembled in tablets.

(F) Under the name of each candidate nominated at a primary election, nominated by petition under section 3517.012 of the Revised Code, or certified by a party committee to fill a vacancy under section 3513.31 of the Revised Code shall be printed, in less prominent type face than that in which the candidate's name is printed, the name of the political party by which the candidate was nominated or certified. Under the name of each candidate appearing on the ballot who filed a nominating petition and requested a ballot designation as a nonparty

candidate under section 3513.257 of the Revised Code shall be 66596  
printed, in less prominent type face than that in which the 66597  
candidate's name is printed, the designation of "nonparty 66598  
candidate." Under the name of each candidate appearing on the 66599  
ballot who filed a nominating petition and requested a ballot 66600  
designation as an other-party candidate under section 3513.257 66601  
of the Revised Code shall be printed, in less prominent type 66602  
face than that in which the candidate's name is printed, the 66603  
designation of "other-party candidate." No designation shall 66604  
appear under the name of a candidate appearing on the ballot who 66605  
filed a nominating petition and requested that no ballot 66606  
designation appear under the candidate's name under section 66607  
3513.257 of the Revised Code, or who filed a nominating petition 66608  
and failed to request a ballot designation either as a nonparty 66609  
candidate or as an other-party candidate under that section. 66610

(G) Except as provided in this section, no words, 66611  
designations, or emblems descriptive of a candidate or the 66612  
candidate's political affiliation, or indicative of the method 66613  
by which the candidate was nominated or certified, shall be 66614  
printed under or after a candidate's name that is printed on the 66615  
ballot. 66616

**Sec. 3505.04.** On the nonpartisan ballot shall be printed 66617  
the names of all nonpartisan candidates for election to the 66618  
office of judge of a municipal court, county court, or court of 66619  
common pleas, ~~the office of member of the state board of~~ 66620  
~~education,~~ the office of member of a board of education, 66621  
municipal or township offices for municipal corporations and 66622  
townships in which primary elections are not held for nomination 66623  
of candidates by political parties, and municipal offices of 66624  
municipal corporations having charters which provide for 66625  
separate ballots for elections for such municipal offices. 66626

Such ballots shall have printed across the top, and below  
the stubs, "Official Nonpartisan Ballot."

The order in which the offices are listed on the ballot  
shall be prescribed by, and certified to each board of elections  
by, the secretary of state; provided that ~~the office of member~~  
~~of the state board of education county judicial offices~~ shall be  
listed first on the ballot, ~~then county judicial offices,~~  
followed by municipal and township offices, and by offices of  
member of a board of education, in the order stated.

Within the rectangular space within which the title of  
each judicial office is printed on the ballot and immediately  
below such title shall be printed the date of the commencement  
of the term of the office, if a full term, as follows: "Full  
term commencing \_\_\_\_\_ (Date) \_\_\_\_\_," or the date of the end of  
the term of the office, if an unexpired term, as follows:  
"Unexpired term ending \_\_\_\_\_ (Date) \_\_\_\_\_"

~~The secretary of state shall prescribe the information and  
directions to the voter to be printed on the ballot within the  
rectangular space in which the title of office of member of the  
state board of education appears.~~

Within the rectangular space within which the title of  
each office for member of a board of education is printed on the  
ballot shall be printed "For Member of Board of Education," and  
the number to be elected, directions to the voter as to voting  
for one, two, or more, and, if the office to be voted for is  
member of a board of education of a city school district, words  
shall be printed in said space on the ballot to indicate whether  
candidates are to be elected from subdistricts or at large.

The names of all nonpartisan candidates for an office

shall be arranged in a group under the title of that office, and 66656  
shall be rotated and printed on the ballot as provided in 66657  
section 3505.03 of the Revised Code. 66658

No name or designation of any political party nor any 66659  
words, designations, or emblems descriptive of a candidate or 66660  
the candidate's political affiliation, or indicative of the 66661  
method by which such candidate was nominated or certified, shall 66662  
be printed under or after any nonpartisan candidate's name which 66663  
is printed on the ballot. 66664

**Sec. 3505.33.** When the board of elections has completed 66665  
the canvass of the election returns from the precincts in its 66666  
county, in which electors were entitled to vote at any general 66667  
or special election, it shall determine and declare the results 66668  
of the elections determined by the electors of such county or of 66669  
a district or subdivision within such county. If more than the 66670  
number of candidates to be elected to an office received the 66671  
largest and an equal number of votes, such tie shall be resolved 66672  
by lot by the chairperson of the board in the presence of a 66673  
majority of the members of the board. Such declaration shall be 66674  
in writing and shall be signed by at least a majority of the 66675  
members of the board. It shall bear the date of the day upon 66676  
which it is made, and a copy thereof shall be posted by the 66677  
board in a conspicuous place in its office. The board shall keep 66678  
such copy posted for a period of at least five days. 66679

Thereupon the board shall promptly certify abstracts of 66680  
the results of such elections within its county, in such forms 66681  
as the secretary of state prescribes. Such forms shall be 66682  
designated and shall contain abstracts as follows: 66683

Form No. 1. An abstract of the votes cast for the office 66684  
of president and vice-president of the United States. 66685

Form No. 2. An abstract of the votes cast for the office 66686  
of governor and lieutenant governor, secretary of state, auditor 66687  
of state, treasurer of state, attorney general, chief justice of 66688  
the supreme court of Ohio, judge of the supreme court of Ohio, 66689  
member of the senate of the congress of the United States, 66690  
member at large of the house of representatives of the congress 66691  
of the United States, district member of the house of 66692  
representatives of the congress of the United States, and an 66693  
abstract of the votes cast upon each question or issue submitted 66694  
at such election to electors throughout the entire state. 66695

Form No. 3. An abstract of the votes cast for the office 66696  
of member of the senate of the general assembly, and member of 66697  
the house of representatives of the general assembly. 66698

Form No. 4. A report of the votes cast for ~~the office of~~ 66699  
~~member of the state board of education,~~ judge of the court of 66700  
appeals, judge of the court of common pleas, judge of the 66701  
probate court, judge of the county court, county commissioner, 66702  
county auditor, prosecuting attorney, clerk of the court of 66703  
common pleas, sheriff, county recorder, county treasurer, county 66704  
engineer, and coroner. 66705

Form No. 5. A report of the votes cast upon all questions 66706  
and issues other than such questions and issues which were 66707  
submitted to electors throughout the entire state. 66708

Form No. 6. A report of the votes cast for municipal 66709  
offices, judge of the municipal court, township offices, and the 66710  
office of member of a board of education. 66711

One copy of each of these forms shall be kept in the 66712  
office of the board. One copy of each of these forms shall 66713  
promptly be sent to the secretary of state, who shall place the 66714

records contained in forms No. 1, No. 2, No. 3, No. 4, and No. 6 66715  
in electronic format. One copy of Form No. 2 shall promptly be 66716  
sent by electronic mail to the president of the senate of the 66717  
general assembly. The board shall also at once upon completion 66718  
of the official count send a certified copy of that part of each 66719  
of the forms which pertains to an election in which only 66720  
electors of a district comprised of more than one county but 66721  
less than all of the counties of the state voted to the board of 66722  
the most populous county in such district. It shall also at once 66723  
upon completion of the official count send a certified copy of 66724  
that part of each of the forms which pertains to an election in 66725  
which only electors of a subdivision located partly within the 66726  
county voted to the board of the county in which the major 66727  
portion of the population of such subdivision is located. 66728

If, after certifying and sending abstracts and parts 66729  
thereof, a board finds that any such abstract or part thereof is 66730  
incorrect, it shall promptly prepare, certify, and send a 66731  
corrected abstract or part thereof to take the place of each 66732  
incorrect abstract or part thereof theretofore certified and 66733  
sent. 66734

**Sec. 3505.38.** Election officials who are required to 66735  
declare the results of a special or general election in which 66736  
persons were elected to offices shall, unless otherwise provided 66737  
by law, issue to the persons declared elected by them 66738  
appropriate certificates of election in such form as is 66739  
prescribed by the secretary of state. Such certificates of 66740  
election shall be issued by such election officials after the 66741  
time within which applications may be made for recounts of votes 66742  
has expired, and after recounts of votes which have been applied 66743  
for are completed. 66744



All persons declared to be elected by the president of the senate as provided for in section 3505.34 of the Revised Code shall be issued certificates of election by the secretary of state as provided for in such section and shall be issued commissions for such offices by the governor, provided that the board of elections required to determine and declare the results of the election for candidates for election to the office of member of the house of representatives of the congress of the United States ~~or member of the state board of education~~ shall, in lieu of issuing a certificate of election, certify to the secretary of state the names of such candidates declared elected, and the secretary of state, from such certification, shall issue to the persons certified to the secretary of state as elected as a member of the house of representatives of the congress of the United States ~~or member of the state board of education~~ a certificate of the person's election, signed by the governor, sealed with the great seal of the state, and countersigned by the secretary of state. Certificates of election of members of the house of representatives of the congress of the United States shall be forwarded by registered mail to the clerk of the house of representatives of the congress of the United States, Washington, D.C., and the person elected to such office shall be advised by letter from the secretary of state that the person's certificate of election has been forwarded to said clerk.

**Sec. 3513.04.** Candidates for party nominations to state, district, county, and municipal offices or positions, for which party nominations are provided by law, and for election as members of party controlling committees shall have their names printed on the official primary ballot by filing a declaration of candidacy and paying the ~~fees~~ fee specified for the office

under ~~divisions (A) and (B) of~~ section 3513.10 of the Revised 66776  
Code, except that the joint candidates for party nomination to 66777  
the offices of governor and lieutenant governor shall, for the 66778  
two of them, file one declaration of candidacy. The joint 66779  
candidates also shall pay the ~~fees~~ fee specified for the joint 66780  
candidates under ~~divisions (A) and (B) of~~ section 3513.10 of the 66781  
Revised Code. 66782

The secretary of state shall not accept for filing the 66783  
declaration of candidacy of a candidate for party nomination to 66784  
the office of governor unless the declaration of candidacy also 66785  
shows a joint candidate for the same party's nomination to the 66786  
office of lieutenant governor, shall not accept for filing the 66787  
declaration of candidacy of a candidate for party nomination to 66788  
the office of lieutenant governor unless the declaration of 66789  
candidacy also shows a joint candidate for the same party's 66790  
nomination to the office of governor, and shall not accept for 66791  
filing a declaration of candidacy that shows a candidate for 66792  
party nomination to the office of governor or lieutenant 66793  
governor who, for the same election, has already filed a 66794  
declaration of candidacy or a declaration of intent to be a 66795  
write-in candidate, or has become a candidate by the filling of 66796  
a vacancy under section 3513.30 of the Revised Code for any 66797  
other state office or any federal or county office. 66798

No person who seeks party nomination for an office or 66799  
position at a primary election by declaration of candidacy or by 66800  
declaration of intent to be a write-in candidate and no person 66801  
who is a first choice for president of candidates seeking 66802  
election as delegates and alternates to the national conventions 66803  
of the different major political parties who are chosen by 66804  
direct vote of the electors as provided in this chapter shall be 66805  
permitted to become a candidate by nominating petition, 66806

including a nominating petition filed under section 3517.012 of 66807  
the Revised Code, by declaration of intent to be a write-in 66808  
candidate, or by filling a vacancy under section 3513.31 of the 66809  
Revised Code at the following general election for any office 66810  
other than the ~~office of member of the state board of education,~~ 66811  
office of member of a city, local, or exempted village board of 66812  
education, office of member of a governing board of an 66813  
educational service center, or office of township trustee. 66814

**Sec. 3513.05.** Each person desiring to become a candidate 66815  
for a party nomination at a primary election or for election to 66816  
an office or position to be voted for at a primary election, 66817  
except persons desiring to become joint candidates for the 66818  
offices of governor and lieutenant governor and except as 66819  
otherwise provided in section 3513.051 of the Revised Code, 66820  
shall, not later than four p.m. of the ninetieth day before the 66821  
day of the primary election, file a declaration of candidacy and 66822  
petition and pay the ~~fees~~ fee required under ~~divisions (A) and~~ 66823  
~~(B)~~ of section 3513.10 of the Revised Code. The declaration of 66824  
candidacy and all separate petition papers shall be filed at the 66825  
same time as one instrument. When the offices are to be voted 66826  
for at a primary election, persons desiring to become joint 66827  
candidates for the offices of governor and lieutenant governor 66828  
shall, not later than four p.m. of the ninetieth day before the 66829  
day of the primary election, comply with section 3513.04 of the 66830  
Revised Code. The prospective joint candidates' declaration of 66831  
candidacy and all separate petition papers of candidacies shall 66832  
be filed at the same time as one instrument. The secretary of 66833  
state or a board of elections shall not accept for filing a 66834  
declaration of candidacy and petition of a person seeking to 66835  
become a candidate if that person, for the same election, has 66836  
already filed a declaration of candidacy or a declaration of 66837

intent to be a write-in candidate, or has become a candidate by 66838  
the filling of a vacancy under section 3513.30 of the Revised 66839  
Code for any federal, state, or county office, if the 66840  
declaration of candidacy is for a state or county office, or for 66841  
any municipal or township office, if the declaration of 66842  
candidacy is for a municipal or township office. 66843

If the declaration of candidacy declares a candidacy which 66844  
is to be submitted to electors throughout the entire state, the 66845  
petition, including a petition for joint candidates for the 66846  
offices of governor and lieutenant governor, shall be signed by 66847  
at least one thousand qualified electors who are members of the 66848  
same political party as the candidate or joint candidates, and 66849  
the declaration of candidacy and petition shall be filed with 66850  
the secretary of state; provided that the secretary of state 66851  
shall not accept or file any such petition appearing on its face 66852  
to contain signatures of more than three thousand electors. 66853

Except as otherwise provided in this paragraph, if the 66854  
declaration of candidacy is of one that is to be submitted only 66855  
to electors within a district, political subdivision, or portion 66856  
thereof, the petition shall be signed by not less than fifty 66857  
qualified electors who are members of the same political party 66858  
as the political party of which the candidate is a member. If 66859  
the declaration of candidacy is for party nomination as a 66860  
candidate for member of the legislative authority of a municipal 66861  
corporation elected by ward, the petition shall be signed by not 66862  
less than twenty-five qualified electors who are members of the 66863  
political party of which the candidate is a member. 66864

No such petition, except the petition for a candidacy that 66865  
is to be submitted to electors throughout the entire state, 66866  
shall be accepted for filing if it appears to contain on its 66867

face signatures of more than three times the minimum number of 66868  
signatures. When a petition of a candidate has been accepted for 66869  
filing by a board of elections, the petition shall not be deemed 66870  
invalid if, upon verification of signatures contained in the 66871  
petition, the board of elections finds the number of signatures 66872  
accepted exceeds three times the minimum number of signatures 66873  
required. A board of elections may discontinue verifying 66874  
signatures on petitions when the number of verified signatures 66875  
equals the minimum required number of qualified signatures. 66876

If the declaration of candidacy declares a candidacy for 66877  
party nomination or for election as a candidate of a minor 66878  
party, the minimum number of signatures on such petition is one- 66879  
half the minimum number provided in this section, except that, 66880  
when the candidacy is one for election as a member of the state 66881  
central committee or the county central committee of a political 66882  
party, the minimum number shall be the same for a minor party as 66883  
for a major party. 66884

If a declaration of candidacy is one for election as a 66885  
member of the state central committee or the county central 66886  
committee of a political party, the petition shall be signed by 66887  
five qualified electors of the district, county, ward, township, 66888  
or precinct within which electors may vote for such candidate. 66889  
The electors signing such petition shall be members of the same 66890  
political party as the political party of which the candidate is 66891  
a member. 66892

For purposes of signing or circulating a petition of 66893  
candidacy for party nomination or election, an elector is 66894  
considered to be a member of a political party if the elector 66895  
voted in that party's primary election within the preceding two 66896  
calendar years, or if the elector did not vote in any other 66897

party's primary election within the preceding two calendar 66898  
years. 66899

If the declaration of candidacy is of one that is to be 66900  
submitted only to electors within a county, or within a district 66901  
or subdivision or part thereof smaller than a county, the 66902  
petition shall be filed with the board of elections of the 66903  
county. If the declaration of candidacy is of one that is to be 66904  
submitted only to electors of a district or subdivision or part 66905  
thereof that is situated in more than one county, the petition 66906  
shall be filed with the board of elections of the county within 66907  
which the major portion of the population thereof, as 66908  
ascertained by the next preceding federal census, is located. 66909

A petition shall consist of separate petition papers, each 66910  
of which shall contain signatures of electors of only one 66911  
county. Petitions or separate petition papers containing 66912  
signatures of electors of more than one county shall not thereby 66913  
be declared invalid. In case petitions or separate petition 66914  
papers containing signatures of electors of more than one county 66915  
are filed, the board shall determine the county from which the 66916  
majority of signatures came, and only signatures from such 66917  
county shall be counted. Signatures from any other county shall 66918  
be invalid. 66919

Each separate petition paper shall be circulated by one 66920  
person only, who shall be the candidate or a joint candidate or 66921  
a member of the same political party as the candidate or joint 66922  
candidates, and each separate petition paper shall be governed 66923  
by the rules set forth in section 3501.38 of the Revised Code. 66924

The secretary of state shall promptly transmit to each 66925  
board such separate petition papers of each petition 66926  
accompanying a declaration of candidacy filed with the secretary 66927

of state as purport to contain signatures of electors of the 66928  
county of such board. The board of the most populous county of a 66929  
district shall promptly transmit to each board within such 66930  
district such separate petition papers of each petition 66931  
accompanying a declaration of candidacy filed with it as purport 66932  
to contain signatures of electors of the county of each such 66933  
board. The board of a county within which the major portion of 66934  
the population of a subdivision, situated in more than one 66935  
county, is located, shall promptly transmit to the board of each 66936  
other county within which a portion of such subdivision is 66937  
located such separate petition papers of each petition 66938  
accompanying a declaration of candidacy filed with it as purport 66939  
to contain signatures of electors of the portion of such 66940  
subdivision in the county of each such board. 66941

All petition papers so transmitted to a board and all 66942  
petitions accompanying declarations of candidacy filed with a 66943  
board shall, under proper regulations, be open to public 66944  
inspection until four p.m. of the eightieth day before the day 66945  
of the next primary election. Each board shall, not later than 66946  
the seventy-eighth day before the day of that primary election, 66947  
examine and determine the validity or invalidity of the 66948  
signatures on the petition papers so transmitted to or filed 66949  
with it and shall return to the secretary of state all petition 66950  
papers transmitted to it by the secretary of state, together 66951  
with its certification of its determination as to the validity 66952  
or invalidity of signatures thereon, and shall return to each 66953  
other board all petition papers transmitted to it by such board, 66954  
together with its certification of its determination as to the 66955  
validity or invalidity of the signatures thereon. All other 66956  
matters affecting the validity or invalidity of such petition 66957  
papers shall be determined by the secretary of state or the 66958

board with whom such petition papers were filed. 66959

Protests against the candidacy of any person filing a 66960  
declaration of candidacy for party nomination or for election to 66961  
an office or position, as provided in this section, may be filed 66962  
by any qualified elector who is a member of the same political 66963  
party as the candidate and who is eligible to vote at the 66964  
primary election for the candidate whose declaration of 66965  
candidacy the elector objects to, or by the controlling 66966  
committee of that political party. The protest shall be in 66967  
writing, and shall be filed not later than four p.m. of the 66968  
seventy-fourth day before the day of the primary election. The 66969  
protest shall be filed with the election officials with whom the 66970  
declaration of candidacy and petition was filed. Upon the filing 66971  
of the protest, the election officials with whom it is filed 66972  
shall promptly fix the time for hearing it, and shall forthwith 66973  
mail notice of the filing of the protest and the time fixed for 66974  
hearing to the person whose candidacy is so protested. They 66975  
shall also forthwith mail notice of the time fixed for such 66976  
hearing to the person who filed the protest. At the time fixed, 66977  
such election officials shall hear the protest and determine the 66978  
validity or invalidity of the declaration of candidacy and 66979  
petition. If they find that such candidate is not an elector of 66980  
the state, district, county, or political subdivision in which 66981  
the candidate seeks a party nomination or election to an office 66982  
or position, or has not fully complied with this chapter, the 66983  
candidate's declaration of candidacy and petition shall be 66984  
determined to be invalid and shall be rejected; otherwise, it 66985  
shall be determined to be valid. That determination shall be 66986  
final. 66987

A protest against the candidacy of any persons filing a 66988  
declaration of candidacy for joint party nomination to the 66989



offices of governor and lieutenant governor shall be filed, 66990  
heard, and determined in the same manner as a protest against 66991  
the candidacy of any person filing a declaration of candidacy 66992  
singly. 66993

The secretary of state shall, on the seventieth day before 66994  
the day of a primary election, certify to each board in the 66995  
state the forms of the official ballots to be used at the 66996  
primary election, together with the names of the candidates to 66997  
be printed on the ballots whose nomination or election is to be 66998  
determined by electors throughout the entire state and who filed 66999  
valid declarations of candidacy and petitions. 67000

The board of the most populous county in a district 67001  
comprised of more than one county but less than all of the 67002  
counties of the state shall, on the seventieth day before the 67003  
day of a primary election, certify to the board of each county 67004  
in the district the names of the candidates to be printed on the 67005  
official ballots to be used at the primary election, whose 67006  
nomination or election is to be determined only by electors 67007  
within the district and who filed valid declarations of 67008  
candidacy and petitions. 67009

The board of a county within which the major portion of 67010  
the population of a subdivision smaller than the county and 67011  
situated in more than one county is located shall, on the 67012  
seventieth day before the day of a primary election, certify to 67013  
the board of each county in which a portion of that subdivision 67014  
is located the names of the candidates to be printed on the 67015  
official ballots to be used at the primary election, whose 67016  
nomination or election is to be determined only by electors 67017  
within that subdivision and who filed valid declarations of 67018  
candidacy and petitions. 67019

**Sec. 3513.052.** (A) No person shall seek nomination or 67020  
election to any of the following offices or positions at the 67021  
same election by filing a declaration of candidacy and petition, 67022  
a declaration of intent to be a write-in candidate, or a 67023  
nominating petition, or by becoming a candidate through party 67024  
nomination in a primary election, or by the filling of a vacancy 67025  
under section 3513.30 or 3513.31 of the Revised Code: 67026

(1) Two or more state offices; 67027

(2) Two or more county offices; 67028

(3) A state office and a county office; 67029

(4) A federal office and a state or county office; 67030

(5) Any combination of two or more municipal or township 67031  
offices, positions as a member of a city, local, or exempted 67032  
village board of education, or positions as a member of a 67033  
governing board of an educational service center. 67034

(B) The secretary of state or a board of elections shall 67035  
not accept for filing a declaration of candidacy and petition, a 67036  
declaration of intent to be a write-in candidate, or a 67037  
nominating petition of a person seeking to become a candidate if 67038  
that person, for the same election, has already filed a 67039  
declaration of candidacy, a declaration of intent to be a write- 67040  
in candidate, or a nominating petition, or has become a 67041  
candidate through party nomination at a primary election or by 67042  
the filling of a vacancy under section 3513.30 or 3513.31 of the 67043  
Revised Code for: 67044

(1) Any federal, state, or county office, if the 67045  
declaration of candidacy, declaration of intent to be a write-in 67046  
candidate, or nominating petition is for a state or county 67047  
office; 67048

(2) Any municipal or township office, or for member of a city, local, or exempted village board of education, or for member of a governing board of an educational service center, if the declaration of candidacy, declaration of intent to be a write-in candidate, or nominating petition is for a municipal or township office, or for member of a city, local, or exempted village board of education, or for member of a governing board of an educational service center.

(C) (1) If the secretary of state determines, before the day of the primary election, that a person is seeking nomination to more than one office at that election in violation of division (A) of this section, the secretary of state shall do one of the following:

(a) If each office or the district for each office for which the person is seeking nomination is wholly within a single county and none of those offices is a federal office, the secretary of state shall notify the board of elections of that county. The board then shall determine the date on which the person first sought to become a candidate for each of those offices by filing a declaration of candidacy or a declaration of intent to be a write-in candidate or by the filling of a vacancy under section 3513.30 of the Revised Code. The board shall vote promptly to disqualify that person as a candidate for each office for which the person sought to become a candidate after the date on which the person first sought to become a candidate for any of those offices. If the board determines that the person sought to become a candidate for more than one of those offices on the same date, the board shall vote promptly to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks nomination, according to the ballot order

prescribed under section 3505.03 of the Revised Code. 67080

(b) If one or more of the offices for which the person is 67081  
seeking nomination is a state office or an office with a 67082  
district larger than a single county and none of the offices for 67083  
which the person is seeking nomination is a federal office, the 67084  
secretary of state shall determine the date on which the person 67085  
first sought to become a candidate for each of those offices by 67086  
filing a declaration of candidacy or a declaration of intent to 67087  
be a write-in candidate or by the filling of a vacancy under 67088  
section 3513.30 of the Revised Code. The secretary of state 67089  
shall order the board of elections of each county in which the 67090  
person is seeking to appear on the ballot to disqualify that 67091  
person as a candidate for each office for which the person 67092  
sought to become a candidate after the date on which the person 67093  
first sought to become a candidate for any of those offices. If 67094  
the secretary of state determines that the person sought to 67095  
become a candidate for more than one of those offices on the 67096  
same date, the secretary of state shall order the board of 67097  
elections of each county in which the person is seeking to 67098  
appear on the ballot to disqualify that person as a candidate 67099  
for each office that would be listed on the ballot below the 67100  
highest office for which that person seeks nomination, according 67101  
to the ballot order prescribed under section 3505.03 of the 67102  
Revised Code. Each board of elections so notified shall vote 67103  
promptly to disqualify the person as a candidate in accordance 67104  
with the order of the secretary of state. 67105

(c) If each office or the district for each office for 67106  
which the person is seeking nomination is wholly within a single 67107  
county and any of those offices is a federal office, the 67108  
secretary of state shall notify the board of elections of that 67109  
county. The board then shall vote promptly to disqualify that 67110

person as a candidate for each office that is not a federal 67111  
office. 67112

(d) If one or more of the offices for which the person is 67113  
seeking nomination is a state office and any of the offices for 67114  
which the person is seeking nomination is a federal office, the 67115  
secretary of state shall order the board of elections of each 67116  
county in which the person is seeking to appear on the ballot to 67117  
disqualify that person as a candidate for each office that is 67118  
not a federal office. Each board of elections so notified shall 67119  
vote promptly to disqualify the person as a candidate in 67120  
accordance with the order of the secretary of state. 67121

(2) If a board of elections determines, before the day of 67122  
the primary election, that a person is seeking nomination to 67123  
more than one office at that election in violation of division 67124  
(A) of this section, the board shall do one of the following: 67125

(a) If each office or the district for each office for 67126  
which the person is seeking nomination is wholly within that 67127  
county and none of those offices is a federal office, the board 67128  
shall determine the date on which the person first sought to 67129  
become a candidate for each of those offices by filing a 67130  
declaration of candidacy or a declaration of intent to be a 67131  
write-in candidate or by the filling of a vacancy under section 67132  
3513.30 of the Revised Code. The board shall vote promptly to 67133  
disqualify that person as a candidate for each office for which 67134  
the person sought to become a candidate after the date on which 67135  
the person first sought to become a candidate for any of those 67136  
offices. If the board determines that the person sought to 67137  
become a candidate for more than one of those offices on the 67138  
same date, the board shall vote promptly to disqualify that 67139  
person as a candidate for each office that would be listed on 67140

the ballot below the highest office for which that person seeks 67141  
nomination, according to the ballot order prescribed under 67142  
section 3505.03 of the Revised Code. 67143

(b) If one or more of the offices for which the person is 67144  
seeking nomination is a state office or an office with a 67145  
district larger than a single county and none of the offices for 67146  
which the person is seeking nomination is a federal office, the 67147  
board shall notify the secretary of state. The secretary of 67148  
state then shall determine the date on which the person first 67149  
sought to become a candidate for each of those offices by filing 67150  
a declaration of candidacy or a declaration of intent to be a 67151  
write-in candidate or by the filling of a vacancy under section 67152  
3513.30 of the Revised Code. The secretary of state shall order 67153  
the board of elections of each county in which the person is 67154  
seeking to appear on the ballot to disqualify that person as a 67155  
candidate for each office for which the person sought to become 67156  
a candidate after the date on which the person first sought to 67157  
become a candidate for any of those offices. If the secretary of 67158  
state determines that the person sought to become a candidate 67159  
for more than one of those offices on the same date, the 67160  
secretary of state shall order the board of elections of each 67161  
county in which the person is seeking to appear on the ballot to 67162  
disqualify that person as a candidate for each office that would 67163  
be listed on the ballot below the highest office for which that 67164  
person seeks nomination, according to the ballot order 67165  
prescribed under section 3505.03 of the Revised Code. Each board 67166  
of elections so notified shall vote promptly to disqualify the 67167  
person as a candidate in accordance with the order of the 67168  
secretary of state. 67169

(c) If each office or the district for each office for 67170  
which the person is seeking nomination is wholly within a single 67171

county and any of those offices is a federal office, the board 67172  
shall vote promptly to disqualify that person as a candidate for 67173  
each office that is not a federal office. 67174

(d) If one or more of the offices for which the person is 67175  
seeking nomination is a state office and any of the offices for 67176  
which the person is seeking nomination is a federal office, the 67177  
board shall notify the secretary of state. The secretary of 67178  
state then shall order the board of elections of each county in 67179  
which the person is seeking to appear on the ballot to 67180  
disqualify that person as a candidate for each office that is 67181  
not a federal office. Each board of elections so notified shall 67182  
vote promptly to disqualify the person as a candidate in 67183  
accordance with the order of the secretary of state. 67184

(D) (1) If the secretary of state determines, after the day 67185  
of the primary election and before the day of the general 67186  
election, that a person is seeking election to more than one 67187  
office at that election in violation of division (A) of this 67188  
section, the secretary of state shall do one of the following: 67189

(a) If each office or the district for each office for 67190  
which the person is seeking election is wholly within a single 67191  
county and none of those offices is a federal office, the 67192  
secretary of state shall notify the board of elections of that 67193  
county. The board then shall determine the offices for which the 67194  
person seeks to appear as a candidate on the ballot. The board 67195  
shall vote promptly to disqualify that person as a candidate for 67196  
each office that would be listed on the ballot below the highest 67197  
office for which that person seeks election, according to the 67198  
ballot order prescribed under section 3505.03 of the Revised 67199  
Code. If the person sought nomination at a primary election and 67200  
has not yet been issued a certificate of nomination, the board 67201

shall not issue that certificate for that person for any office 67202  
that would be listed on the ballot below the highest office for 67203  
which that person seeks election, according to the ballot order 67204  
prescribed under section 3505.03 of the Revised Code. 67205

(b) If one or more of the offices for which the person is 67206  
seeking election is a state office or an office with a district 67207  
larger than a single county and none of the offices for which 67208  
the person is seeking election is a federal office, the 67209  
secretary of state shall promptly investigate and determine the 67210  
offices for which the person seeks to appear as a candidate on 67211  
the ballot. The secretary of state shall order the board of 67212  
elections of each county in which the person is seeking to 67213  
appear on the ballot to disqualify that person as a candidate 67214  
for each office that would be listed on the ballot below the 67215  
highest office for which that person seeks election, according 67216  
to the ballot order prescribed under section 3505.03 of the 67217  
Revised Code. Each board of elections so notified shall vote 67218  
promptly to disqualify the person as a candidate in accordance 67219  
with the order of the secretary of state. If the person sought 67220  
nomination at a primary election and has not yet been issued a 67221  
certificate of nomination, the board shall not issue that 67222  
certificate for that person for any office that would be listed 67223  
on the ballot below the highest office for which that person 67224  
seeks election, according to the ballot order prescribed under 67225  
section 3505.03 of the Revised Code. 67226

(c) If each office or the district for each office for 67227  
which the person is seeking election is wholly within a single 67228  
county and any of those offices is a federal office, the 67229  
secretary of state shall notify the board of elections of that 67230  
county. The board then shall vote promptly to disqualify that 67231  
person as a candidate for each office that is not a federal 67232



office. If the person sought nomination at a primary election 67233  
and has not yet been issued a certificate of nomination, the 67234  
board shall not issue that certificate for that person for any 67235  
office that is not a federal office. 67236

(d) If one or more of the offices for which the person is 67237  
seeking election is a state office and any of the offices for 67238  
which the person is seeking election is a federal office, the 67239  
secretary of state shall order the board of elections of each 67240  
county in which the person is seeking to appear on the ballot to 67241  
disqualify that person as a candidate for each office that is 67242  
not a federal office. Each board of elections so notified shall 67243  
vote promptly to disqualify the person as a candidate in 67244  
accordance with the order of the secretary of state. If the 67245  
person sought nomination at a primary election and has not yet 67246  
been issued a certificate of nomination, the board shall not 67247  
issue that certificate for that person for any office that is 67248  
not a federal office. 67249

(2) If a board of elections determines, after the day of 67250  
the primary election and before the day of the general election, 67251  
that a person is seeking election to more than one office at 67252  
that election in violation of division (A) of this section, the 67253  
board of elections shall do one of the following: 67254

(a) If each office or the district for each office for 67255  
which the person is seeking election is wholly within that 67256  
county and none of those offices is a federal office, the board 67257  
shall determine the offices for which the person seeks to appear 67258  
as a candidate on the ballot. The board shall vote promptly to 67259  
disqualify that person as a candidate for each office that would 67260  
be listed on the ballot below the highest office for which that 67261  
person seeks election, according to the ballot order prescribed 67262

under section 3505.03 of the Revised Code. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code.

(b) If one or more of the offices for which the person is seeking election is a state office or an office with a district larger than a single county and none of the offices for which the person is seeking election is a federal office, the board shall notify the secretary of state. The secretary of state promptly shall investigate and determine the offices for which the person seeks to appear as a candidate on the ballot. The secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code.

(c) If each office or the district for each office for which the person is seeking election is wholly within that

county and any of those offices is a federal office, the board 67294  
shall vote promptly to disqualify that person as a candidate for 67295  
each office that is not a federal office. If the person sought 67296  
nomination at a primary election and has not yet been issued a 67297  
certificate of nomination, the board shall not issue that 67298  
certificate for that person for any office that is not a federal 67299  
office. 67300

(d) If one or more of the offices for which the person is 67301  
seeking election is a state office and any of the offices for 67302  
which the person is seeking election is a federal office, the 67303  
board shall notify the secretary of state. The secretary of 67304  
state shall order the board of elections of each county in which 67305  
the person is seeking to appear on the ballot to disqualify that 67306  
person as a candidate for each office that is not a federal 67307  
office. Each board of elections so notified shall vote promptly 67308  
to disqualify the person as a candidate in accordance with the 67309  
order of the secretary of state. If the person sought nomination 67310  
at a primary election and has not yet been issued a certificate 67311  
of nomination, the board shall not issue that certificate for 67312  
that person for any office that is not a federal office. 67313

(E) When a person is disqualified as a candidate under 67314  
division (C) or (D) of this section, on or before the seventieth 67315  
day before the day of the applicable election, the board of 67316  
elections shall remove the person's name from the ballot for any 67317  
office for which that person has been disqualified as a 67318  
candidate according to the directions of the secretary of state. 67319  
When a person is disqualified as a candidate under division (C) 67320  
or (D) of this section after the seventieth day before the day 67321  
of the applicable election, the board of elections shall not 67322  
remove the person's name from the ballot for any office for 67323  
which that person has been disqualified as a candidate. The 67324

board of elections shall post a notice at each polling location 67325  
on the day of the applicable election, and shall enclose with 67326  
each absent voter's ballot given or mailed after the candidate 67327  
is disqualified, a notice that votes for the person for the 67328  
office for which the person has been disqualified as a candidate 67329  
will be void and will not be counted. If the name is not removed 67330  
from the ballots before the day of the election, the votes for 67331  
the disqualified candidate are void and shall not be counted. 67332

(F) Any vacancy created by the disqualification of a 67333  
person as a candidate under division (C) or (D) of this section 67334  
may be filled in the manner provided for in sections 3513.30 and 67335  
3513.31 of the Revised Code. 67336

(G) Nothing in this section or section 3513.04, 3513.041, 67337  
3513.05, 3513.251, 3513.253, 3513.254, 3513.255, 3513.257, 67338  
~~3513.259~~, or 3513.261 of the Revised Code prohibits, and the 67339  
secretary of state or a board of elections shall not disqualify, 67340  
a person from being a candidate for an office, if that person 67341  
timely withdraws as a candidate for any offices specified in 67342  
division (A) of this section for which that person first sought 67343  
to become a candidate by filing a declaration of candidacy and 67344  
petition, a declaration of intent to be a write-in candidate, or 67345  
a nominating petition, by party nomination in a primary 67346  
election, or by the filling of a vacancy under section 3513.30 67347  
or 3513.31 of the Revised Code. 67348

(H) As used in this section: 67349

(1) "State office" means the offices of governor, 67350  
lieutenant governor, secretary of state, auditor of state, 67351  
treasurer of state, attorney general, ~~member of the state board~~ 67352  
~~of education~~, member of the general assembly, chief justice of 67353  
the supreme court, and justice of the supreme court. 67354

(2) "Timely withdraws" means either of the following: 67355

(a) Withdrawing as a candidate before the applicable 67356  
deadline for filing a declaration of candidacy, declaration of 67357  
intent to be a write-in candidate, or nominating petition for 67358  
the subsequent office for which the person is seeking to become 67359  
a candidate at the same election; 67360

(b) Withdrawing as a candidate before the applicable 67361  
deadline for the filling of a vacancy under section 3513.30 or 67362  
3513.31 of the Revised Code, if the person is seeking to become 67363  
a candidate for a subsequent office at the same election under 67364  
either of those sections. 67365

**Sec. 3513.10.** (A) At the time of filing a declaration of 67366  
candidacy for nomination for any office, or a declaration of 67367  
intent to be a write-in candidate, each candidate, except joint 67368  
candidates for governor and lieutenant governor, shall pay a fee 67369  
as follows: 67370  
67371

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A	For statewide office	\$100
B	For court of appeals judge	\$50
C	For court of common pleas judge	\$50
D	For county court judge	\$50
E	For municipal court judge	\$50
F	For district office, including member of the United States house of representatives and member of the general assembly	\$50

G	For county office	\$50
H	For city office	\$20
I	For village office	\$10
J	For township office	\$10
K	<del>For member of state board of education</del>	<del>\$20</del>
L	For member of local, city, or exempted village board of education or educational service center governing board	\$10

At the time of filing a declaration of candidacy or a	67372
declaration of intent to be a write-in candidate for the offices	67373
of governor and lieutenant governor, the joint candidates shall	67374
jointly pay to the secretary of state a fee of one hundred	67375
dollars.	67376

<del>(B) (1) At the same time the fee required under division</del>	67377
<del>(A) of this section is paid, each candidate shall pay an</del>	67378
<del>additional fee as follows:</del>	67379
	67380

1

2

A	<del>For the joint candidates for governor and lieutenant governor</del>	<del>\$50</del>
B	<del>For statewide office</del>	<del>\$50</del>
C	<del>For district office, including member of the United States house of representatives and member of the general assembly</del>	<del>\$35</del>

D	<del>For member of state board of education</del>	<del>\$35</del>
E	<del>For court of appeals judge</del>	<del>\$30</del>
F	<del>For court of common pleas judge</del>	<del>\$30</del>
G	<del>For county court judge</del>	<del>\$30</del>
H	<del>For municipal court judge</del>	<del>\$30</del>
I	<del>For county office</del>	<del>\$30</del>
J	<del>For city office</del>	<del>\$25</del>
K	<del>For village office</del>	<del>\$20</del>
L	<del>For township office</del>	<del>\$20</del>
M	<del>For member of local, city, or exempted village board of education or educational service center governing board</del>	<del>\$20</del>

~~(2) Whoever seeks to propose a ballot question or issue to be submitted to the electors shall pay the following fee at the time the petition proposing the question or issue is filed:~~

~~(a) If the question or issue is to be submitted to the electors throughout the entire state, twenty-five dollars;~~

~~(b) If the question or issue is to be submitted to the electors of a county or of a district that consists of all or part of two or more counties but less than the entire state, fifteen dollars;~~

~~(c) If the question or issue is to be submitted to the electors of a city, twelve dollars and fifty cents;~~

~~(d) If the question or issue is to be submitted to the electors of a village, a township, a local, city, county, or exempted village school district, a precinct, or another district consisting of less than an entire county, ten dollars.~~

~~(C)~~ (B) No fee shall be required of candidates filing for the office of delegate or alternate to the national convention of political parties, member of the state central committee of a political party, or member of the county central committee of a political party.

~~(D)~~ (C) All fees required under division (A) of this section immediately shall be paid by the officer receiving them into the state treasury to the credit of the general revenue fund, in the case of fees received by the secretary of state, and into the county treasury to the credit of the county general fund, in the case of fees received by a board of elections.

~~(E) The officer who receives a fee required under division (B) of this section immediately shall pay the fee to the credit of the Ohio elections commission fund created by division (I) of section 3517.152 of the Revised Code.~~

~~(F)~~ (1) (D) (1) In no case shall a fee paid under this section be returned to a candidate.

(2) Whenever a section of law refers to a filing fee to be paid by a candidate or by a committee proposing a ballot question or issue to be submitted to the electors, that fee includes the ~~fees~~ fee required under ~~divisions~~ division (A) ~~and (B)~~ of this section.

~~(G)~~ (E) As used in ~~divisions~~ division (A) ~~and (B)~~ of this section, "statewide office" means the office of secretary of state, auditor of state, treasurer of state, attorney general,



justice and chief justice of the supreme court, and member of 67421  
the United States senate. 67422

**Sec. 3513.261.** A nominating petition may consist of one or 67423  
more separate petition papers, each of which shall be 67424  
substantially in the form prescribed in this section. If the 67425  
petition consists of more than one separate petition paper, the 67426  
statement of candidacy of the candidate or joint candidates 67427  
named need be signed by the candidate or joint candidates on 67428  
only one of such separate petition papers, but the statement of 67429  
candidacy so signed shall be copied on each other separate 67430  
petition paper before the signatures of electors are placed on 67431  
it. Each nominating petition containing signatures of electors 67432  
of more than one county shall consist of separate petition 67433  
papers each of which shall contain signatures of electors of 67434  
only one county; provided that petitions containing signatures 67435  
of electors of more than one county shall not thereby be 67436  
declared invalid. In case petitions containing signatures of 67437  
electors of more than one county are filed, the board of 67438  
elections shall determine the county from which the majority of 67439  
the signatures came, and only signatures from this county shall 67440  
be counted. Signatures from any other county shall be invalid. 67441

All signatures on nominating petitions shall be written in 67442  
ink or indelible pencil. 67443

At the time of filing a nominating petition, the candidate 67444  
designated in the nominating petition, and joint candidates for 67445  
governor and lieutenant governor, shall pay to the election 67446  
officials with whom it is filed the ~~fees~~fee specified for the 67447  
office under ~~divisions (A) and (B)~~ of section 3513.10 of the 67448  
Revised Code. The ~~fees~~fee shall be disposed of by those 67449  
election officials in the manner that is provided in section 67450

3513.10 of the Revised Code for the disposition of other fees, 67451  
and in no case shall a fee required under that section be 67452  
returned to a candidate. 67453

Candidates or joint candidates whose names are written on 67454  
the ballot, and who are elected, shall pay the same ~~fees~~fee 67455  
under section 3513.10 of the Revised Code that candidates who 67456  
file nominating petitions pay. Payment of these fees shall be a 67457  
condition precedent to the granting of their certificates of 67458  
election. 67459

Each nominating petition shall contain a statement of 67460  
candidacy that shall be signed by the candidate or joint 67461  
candidates named in it or by an attorney in fact acting pursuant 67462  
to section 3501.382 of the Revised Code. Such statement of 67463  
candidacy shall contain a declaration made under penalty of 67464  
election falsification that the candidate desires to be a 67465  
candidate for the office named in it, and that the candidate is 67466  
an elector qualified to vote for the office the candidate seeks. 67467

The form of the nominating petition and statement of 67468  
candidacy shall be substantially as follows: 67469

"STATEMENT OF CANDIDACY 67470

I, \_\_\_\_\_ (Name of 67471  
candidate), the undersigned, hereby declare under penalty of 67472  
election falsification that my voting residence is in 67473  
\_\_\_\_\_ Precinct of the 67474  
\_\_\_\_\_ (Township) or (Ward and City, or 67475  
Village) in the county of \_\_\_\_\_ Ohio; that my post- 67476  
office address is \_\_\_\_\_ (Street and 67477  
Number, if any, or Rural Route and Number) of the 67478  
\_\_\_\_\_ (City, Village, or post office) 67479

of \_\_\_\_\_, Ohio; and that I am a qualified elector 67480  
in the precinct in which my voting residence is located. I 67481  
hereby declare that I desire to be a candidate for election to 67482  
the office of \_\_\_\_\_ in the \_\_\_\_\_ 67483  
(State, District, County, City, Village, Township, or School 67484  
District) for the \_\_\_\_\_ (Full 67485  
term or unexpired term ending \_\_\_\_\_) at the General 67486  
Election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ 67487

I further declare that I am an elector qualified to vote 67488  
for the office I seek. Dated this \_\_\_\_\_ day of \_\_\_\_\_, 67489  
\_\_\_\_\_ 67490

\_\_\_\_\_  
(Signature of candidate) 67491  
67492

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 67493  
FELONY OF THE FIFTH DEGREE. 67494

I, \_\_\_\_\_, hereby constitute 67495  
the persons named below a committee to represent me: 67496

Name	Residence	
_____	_____	67497
_____	_____	67498
_____	_____	67499
_____	_____	67500
_____	_____	67501
_____	_____	67502

NOMINATING PETITION 67503

We, the undersigned, qualified electors of the state of 67504  
Ohio, whose voting residence is in the County, City, Village, 67505

Ward, Township or Precinct set opposite our names, hereby 67506  
nominate \_\_\_\_\_ as a candidate for election to the 67507  
office of \_\_\_\_\_ in the 67508  
\_\_\_\_\_ (State, District, County, City, 67509  
Village, Township, or School District) for the \_\_\_\_\_ 67510  
(Full term or unexpired term ending \_\_\_\_\_) to be 67511  
voted for at the general election next hereafter to be held, and 67512  
certify that this person is, in our opinion, well qualified to 67513  
perform the duties of the office or position to which the person 67514  
desires to be elected. 67515  
67516

	1	2	3	4	5	6	7
A		Street					
B		Address					
C		or R.F.D.					
D		(Must use					
E		address on	City,				
F		file with	Village				
G		the board of	or			Date of	
H	Signature	elections)	Township	Ward	Precinct	County	Signing

\_\_\_\_\_  
67517  
\_\_\_\_\_  
67518  
\_\_\_\_\_  
67519  
\_\_\_\_\_, declares under penalty of election 67520

falsification that such person is a qualified elector of the 67521  
state of Ohio and resides at the address appearing below such 67522  
person's signature hereto; that such person is the circulator of 67523  
the foregoing petition paper containing \_\_\_\_\_ 67524  
signatures; that such person witnessed the affixing of every 67525  
signature; that all signers were to the best of such person's 67526  
knowledge and belief qualified to sign; and that every signature 67527  
is to the best of such person's knowledge and belief the 67528  
signature of the person whose signature it purports to be or of 67529  
an attorney in fact acting pursuant to section 3501.382 of the 67530  
Revised Code. 67531

\_\_\_\_\_ 67532

(Signature of circulator) 67533

\_\_\_\_\_ 67534

(Address of circulator's 67535

permanent residence 67536

in this state) 67537

\_\_\_\_\_ 67538

(If petition is for a statewide 67539

candidate, the name and address 67540

of person employing circulator 67541

to circulate petition, if any) 67542

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 67543

FELONY OF THE FIFTH DEGREE." 67544

The secretary of state shall prescribe a form of 67545

nominating petition for a group of candidates for the office of 67546

member of a board of education, township office, and offices of 67547  
municipal corporations of under two thousand population. 67548

The secretary of state shall prescribe a form of statement 67549  
of candidacy and nominating petition, which shall be 67550  
substantially similar to the form of statement of candidacy and 67551  
nominating petition set forth in this section, that will be 67552  
suitable for joint candidates for the offices of governor and 67553  
lieutenant governor. 67554

If such petition nominates a candidate whose election is 67555  
to be determined by the electors of a county or a district or 67556  
subdivision within the county, it shall be filed with the board 67557  
of such county. If the petition nominates a candidate whose 67558  
election is to be determined by the voters of a subdivision 67559  
located in more than one county, it shall be filed with the 67560  
board of the county in which the major portion of the population 67561  
of such subdivision is located. 67562

If the petition nominates a candidate whose election is to 67563  
be determined by the electors of a district comprised of more 67564  
than one county but less than all of the counties of the state, 67565  
it shall be filed with the board of elections of the most 67566  
populous county in such district. If the petition nominates a 67567  
candidate whose election is to be determined by the electors of 67568  
the state at large, it shall be filed with the secretary of 67569  
state. 67570

The secretary of state or a board of elections shall not 67571  
accept for filing a nominating petition of a person seeking to 67572  
become a candidate if that person, for the same election, has 67573  
already filed a declaration of candidacy, a declaration of 67574  
intent to be a write-in candidate, or a nominating petition, or 67575  
has become a candidate through party nomination at a primary 67576

election or by the filling of a vacancy under section 3513.30 or 67577  
3513.31 of the Revised Code for any federal, state, or county 67578  
office, if the nominating petition is for a state or county 67579  
office, or for any municipal or township office, for member of a 67580  
city, local, or exempted village board of education, or for 67581  
member of a governing board of an educational service center, if 67582  
the nominating petition is for a municipal or township office, 67583  
or for member of a city, local, or exempted village board of 67584  
education, or for member of a governing board of an educational 67585  
service center. 67586

**Sec. 3517.01.** (A) (1) A political party within the meaning 67587  
of Title XXXV of the Revised Code is any group of voters that 67588  
meets either of the following requirements: 67589

(a) Except as otherwise provided in this division, at the 67590  
most recent regular state election, the group polled for its 67591  
candidate for governor in the state or nominees for presidential 67592  
electors at least three per cent of the entire vote cast for 67593  
that office. A group that meets the requirements of this 67594  
division remains a political party for a period of four years 67595  
after meeting those requirements. 67596

(b) The group filed with the secretary of state, 67597  
subsequent to its failure to meet the requirements of division 67598  
(A) (1) (a) of this section, a party formation petition that meets 67599  
all of the following requirements: 67600

(i) The petition is signed by qualified electors equal in 67601  
number to at least one per cent of the total vote for governor 67602  
or nominees for presidential electors at the most recent 67603  
election for such office. 67604

(ii) The petition is signed by not fewer than five hundred 67605

qualified electors from each of at least a minimum of one-half 67606  
of the congressional districts in this state. If an odd number 67607  
of congressional districts exists in this state, the number of 67608  
districts that results from dividing the number of congressional 67609  
districts by two shall be rounded up to the next whole number. 67610

(iii) The petition declares the petitioners' intention of 67611  
organizing a political party, the name of which shall be stated 67612  
in the declaration, and of participating in the succeeding 67613  
general election, held in even-numbered years, that occurs more 67614  
than one hundred twenty-five days after the date of filing. 67615

(iv) The petition designates a committee of not less than 67616  
three nor more than five individuals of the petitioners, who 67617  
shall represent the petitioners in all matters relating to the 67618  
petition. Notice of all matters or proceedings pertaining to the 67619  
petition may be served on the committee, or any of them, either 67620  
personally or by registered mail, or by leaving such notice at 67621  
the usual place of residence of each of them. 67622

(2) No such group of electors shall assume a name or 67623  
designation that is similar, in the opinion of the secretary of 67624  
state, to that of an existing political party as to confuse or 67625  
mislead the voters at an election. 67626

(B) A campaign committee shall be legally liable for any 67627  
debts, contracts, or expenditures incurred or executed in its 67628  
name. 67629

(C) Notwithstanding the definitions found in section 67630  
3501.01 of the Revised Code, as used in this section and 67631  
sections 3517.08 to ~~3517.14, 3517.99, and 3517.992~~ 3517.991 of 67632  
the Revised Code: 67633

(1) "Campaign committee" means a candidate or a 67634



combination of two or more persons authorized by a candidate 67635  
under section 3517.081 of the Revised Code to receive 67636  
contributions and make expenditures. 67637

(2) "Campaign treasurer" means an individual appointed by 67638  
a candidate under section 3517.081 of the Revised Code. 67639

(3) "Candidate" has the same meaning as in division (H) of 67640  
section 3501.01 of the Revised Code and also includes any person 67641  
who, at any time before or after an election, receives 67642  
contributions or makes expenditures or other use of 67643  
contributions, has given consent for another to receive 67644  
contributions or make expenditures or other use of 67645  
contributions, or appoints a campaign treasurer, for the purpose 67646  
of bringing about the person's nomination or election to public 67647  
office. When two persons jointly seek the offices of governor 67648  
and lieutenant governor, "candidate" means the pair of 67649  
candidates jointly. "Candidate" does not include candidates for 67650  
election to the offices of member of a county or state central 67651  
committee, presidential elector, and delegate to a national 67652  
convention or conference of a political party. 67653

(4) "Continuing association" means an association, other 67654  
than a campaign committee, political party, legislative campaign 67655  
fund, political contributing entity, or labor organization, that 67656  
is intended to be a permanent organization that has a primary 67657  
purpose other than supporting or opposing specific candidates, 67658  
political parties, or ballot issues, and that functions on a 67659  
regular basis throughout the year. "Continuing association" 67660  
includes organizations that are determined to be not organized 67661  
for profit under subsection 501 and that are described in 67662  
subsection 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal 67663  
Revenue Code. 67664

(5) "Contribution" means a loan, gift, deposit, 67665  
forgiveness of indebtedness, donation, advance, payment, or 67666  
transfer of funds or anything of value, including a transfer of 67667  
funds from an inter vivos or testamentary trust or decedent's 67668  
estate, and the payment by any person other than the person to 67669  
whom the services are rendered for the personal services of 67670  
another person, which contribution is made, received, or used 67671  
for the purpose of influencing the results of an election. Any 67672  
loan, gift, deposit, forgiveness of indebtedness, donation, 67673  
advance, payment, or transfer of funds or of anything of value, 67674  
including a transfer of funds from an inter vivos or 67675  
testamentary trust or decedent's estate, and the payment by any 67676  
campaign committee, political action committee, legislative 67677  
campaign fund, political party, political contributing entity, 67678  
or person other than the person to whom the services are 67679  
rendered for the personal services of another person, that is 67680  
made, received, or used by a state or county political party, 67681  
other than the moneys an entity may receive under sections 67682  
3517.101, 3517.1012, and 3517.1013 of the Revised Code, shall be 67683  
considered to be a "contribution" for the purpose of section 67684  
3517.10 of the Revised Code and shall be included on a statement 67685  
of contributions filed under that section. 67686

"Contribution" does not include any of the following: 67687

(a) Services provided without compensation by individuals 67688  
volunteering a portion or all of their time on behalf of a 67689  
person; 67690

(b) Ordinary home hospitality; 67691

(c) The personal expenses of a volunteer paid for by that 67692  
volunteer campaign worker; 67693

(d) Any gift given to an entity pursuant to section	67694
3517.101 of the Revised Code;	67695
(e) Any contribution as defined in section 3517.1011 of	67696
the Revised Code that is made, received, or used to pay the	67697
direct costs of producing or airing an electioneering	67698
communication;	67699
(f) Any gift given to a state or county political party	67700
for the party's restricted fund under division (A) (2) of section	67701
3517.1012 of the Revised Code;	67702
(g) Any gift given to a state political party for deposit	67703
in a Levin account pursuant to section 3517.1013 of the Revised	67704
Code. As used in this division, "Levin account" has the same	67705
meaning as in that section.	67706
(h) Any donation given to a transition fund under section	67707
3517.1014 of the Revised Code.	67708
(6) "Expenditure" means the disbursement or use of a	67709
contribution for the purpose of influencing the results of an	67710
election or of making a charitable donation under division (G)	67711
of section 3517.08 of the Revised Code. Any disbursement or use	67712
of a contribution by a state or county political party is an	67713
expenditure and shall be considered either to be made for the	67714
purpose of influencing the results of an election or to be made	67715
as a charitable donation under division (G) of section 3517.08	67716
of the Revised Code and shall be reported on a statement of	67717
expenditures filed under section 3517.10 of the Revised Code.	67718
During the thirty days preceding a primary or general election,	67719
any disbursement to pay the direct costs of producing or airing	67720
a broadcast, cable, or satellite communication that refers to a	67721
clearly identified candidate shall be considered to be made for	67722

the purpose of influencing the results of that election and 67723  
shall be reported as an expenditure or as an independent 67724  
expenditure under section 3517.10 or 3517.105 of the Revised 67725  
Code, as applicable, except that the information required to be 67726  
reported regarding contributors for those expenditures or 67727  
independent expenditures shall be the same as the information 67728  
required to be reported under divisions (D) (1) and (2) of 67729  
section 3517.1011 of the Revised Code. 67730

As used in this division, "broadcast, cable, or satellite 67731  
communication" and "refers to a clearly identified candidate" 67732  
have the same meanings as in section 3517.1011 of the Revised 67733  
Code. 67734

(7) "Personal expenses" includes, but is not limited to, 67735  
ordinary expenses for accommodations, clothing, food, personal 67736  
motor vehicle or airplane, and home telephone. 67737

(8) "Political action committee" means a combination of 67738  
two or more persons, the primary or major purpose of which is to 67739  
support or oppose any candidate, political party, or issue, or 67740  
to influence the result of any election through express 67741  
advocacy, and that is not a political party, a campaign 67742  
committee, a political contributing entity, or a legislative 67743  
campaign fund. "Political action committee" does not include 67744  
either of the following: 67745

(a) A continuing association that makes disbursements for 67746  
the direct costs of producing or airing electioneering 67747  
communications and that does not engage in express advocacy; 67748

(b) A political club that is formed primarily for social 67749  
purposes and that consists of one hundred members or less, has 67750  
officers and periodic meetings, has less than two thousand five 67751

hundred dollars in its treasury at all times, and makes an 67752  
aggregate total contribution of one thousand dollars or less per 67753  
calendar year. 67754

(9) "Public office" means any state, county, municipal, 67755  
township, or district office, except an office of a political 67756  
party, that is filled by an election and the offices of United 67757  
States senator and representative. 67758

(10) "Anything of value" has the same meaning as in 67759  
section 1.03 of the Revised Code. 67760

(11) "Beneficiary of a campaign fund" means a candidate, a 67761  
public official or employee for whose benefit a campaign fund 67762  
exists, and any other person who has ever been a candidate or 67763  
public official or employee and for whose benefit a campaign 67764  
fund exists. 67765

(12) "Campaign fund" means money or other property, 67766  
including contributions. 67767

(13) "Public official or employee" has the same meaning as 67768  
in section 102.01 of the Revised Code. 67769

(14) "Caucus" means all of the members of the house of 67770  
representatives or all of the members of the senate of the 67771  
general assembly who are members of the same political party. 67772

(15) "Legislative campaign fund" means a fund that is 67773  
established as an auxiliary of a state political party and 67774  
associated with one of the houses of the general assembly. 67775

(16) "In-kind contribution" means anything of value other 67776  
than money that is used to influence the results of an election 67777  
or is transferred to or used in support of or in opposition to a 67778  
candidate, campaign committee, legislative campaign fund, 67779

political party, political action committee, or political 67780  
contributing entity and that is made with the consent of, in 67781  
coordination, cooperation, or consultation with, or at the 67782  
request or suggestion of the benefited candidate, committee, 67783  
fund, party, or entity. The financing of the dissemination, 67784  
distribution, or republication, in whole or part, of any 67785  
broadcast or of any written, graphic, or other form of campaign 67786  
materials prepared by the candidate, the candidate's campaign 67787  
committee, or their authorized agents is an in-kind contribution 67788  
to the candidate and an expenditure by the candidate. 67789

(17) "Independent expenditure" means an expenditure by a 67790  
person advocating the election or defeat of an identified 67791  
candidate or candidates, that is not made with the consent of, 67792  
in coordination, cooperation, or consultation with, or at the 67793  
request or suggestion of any candidate or candidates or of the 67794  
campaign committee or agent of the candidate or candidates. As 67795  
used in division (C) (17) of this section: 67796

(a) "Person" means an individual, partnership, 67797  
unincorporated business organization or association, political 67798  
action committee, political contributing entity, separate 67799  
segregated fund, association, or other organization or group of 67800  
persons, but not a labor organization or a corporation unless 67801  
the labor organization or corporation is a political 67802  
contributing entity. 67803

(b) "Advocating" means any communication containing a 67804  
message advocating election or defeat. 67805

(c) "Identified candidate" means that the name of the 67806  
candidate appears, a photograph or drawing of the candidate 67807  
appears, or the identity of the candidate is otherwise apparent 67808  
by unambiguous reference. 67809

(d) "Made in coordination, cooperation, or consultation with, or at the request or suggestion of, any candidate or the campaign committee or agent of the candidate" means made pursuant to any arrangement, coordination, or direction by the candidate, the candidate's campaign committee, or the candidate's agent prior to the publication, distribution, display, or broadcast of the communication. An expenditure is presumed to be so made when it is any of the following:

(i) Based on information about the candidate's plans, projects, or needs provided to the person making the expenditure by the candidate, or by the candidate's campaign committee or agent, with a view toward having an expenditure made;

(ii) Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of the candidate's campaign committee, or who is, or has been, receiving any form of compensation or reimbursement from the candidate or the candidate's campaign committee or agent;

(iii) Except as otherwise provided in division (D) of section 3517.105 of the Revised Code, made by a political party in support of a candidate, unless the expenditure is made by a political party to conduct voter registration or voter education efforts.

(e) "Agent" means any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate, or means any person who has been placed in a position with the candidate's campaign committee or organization such that it would reasonably appear that in the ordinary course of campaign-related activities the person may authorize expenditures.

(18) "Labor organization" means a labor union; an employee organization; a federation of labor unions, groups, locals, or other employee organizations; an auxiliary of a labor union, employee organization, or federation of labor unions, groups, locals, or other employee organizations; or any other bona fide organization in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, hours, and other terms and conditions of employment.

(19) "Separate segregated fund" means a separate segregated fund established pursuant to the Federal Election Campaign Act.

(20) "Federal Election Campaign Act" means the "Federal Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A. 431, et seq., as amended.

(21) "Restricted fund" means the fund a state or county political party must establish under division (A) (1) of section 3517.1012 of the Revised Code.

(22) "Electioneering communication" has the same meaning as in section 3517.1011 of the Revised Code.

(23) "Express advocacy" means a communication that contains express words advocating the nomination, election, or defeat of a candidate or that contains express words advocating the adoption or defeat of a question or issue, as determined by a final judgment of a court of competent jurisdiction.

(24) "Political committee" has the same meaning as in section 3517.1011 of the Revised Code.

(25) "Political contributing entity" means any entity, including a corporation or labor organization, that may lawfully



make contributions and expenditures and that is not an 67868  
individual or a political action committee, continuing 67869  
association, campaign committee, political party, legislative 67870  
campaign fund, designated state campaign committee, or state 67871  
candidate fund. For purposes of this division, "lawfully" means 67872  
not prohibited by any section of the Revised Code, or authorized 67873  
by a final judgment of a court of competent jurisdiction. 67874

(26) "Internet identifier of record" has the same meaning 67875  
as in section 9.312 of the Revised Code. 67876

(27) "Appropriate enforcement authority" means the 67877  
secretary of state or the board of elections, as applicable, 67878  
that has jurisdiction to hear a complaint under section 3517.14 67879  
of the Revised Code, and includes a hearing officer appointed to 67880  
adjudicate a complaint filed with the secretary of state under 67881  
section 3517.15 of the Revised Code. 67882

**Sec. 3517.08.** (A) The personal expenses of a candidate 67883  
paid for by the candidate, from the candidate's personal funds, 67884  
shall not be considered as a contribution by or an expenditure 67885  
by the candidate and shall not be reported under section 3517.10 67886  
of the Revised Code. 67887

(B) (1) An expenditure by a political action committee or a 67888  
political contributing entity shall not be considered a 67889  
contribution by the political action committee or the political 67890  
contributing entity or an expenditure by or on behalf of the 67891  
candidate if the purpose of the expenditure is to inform only 67892  
its members by means of mailed publications of its activities or 67893  
endorsements. 67894

(2) An expenditure by a political party shall not be 67895  
considered a contribution by the political party or an 67896

expenditure by or on behalf of the candidate if the purpose of 67897  
the expenditure is to inform predominantly the party's members 67898  
by means of mailed publications or other direct communication of 67899  
its activities or endorsements, or for voter contact such as 67900  
sample ballots, absent voter's ballots application mailings, 67901  
voter registration, or get-out-the-vote activities. 67902

(C) An expenditure by a continuing association, political 67903  
contributing entity, or political party shall not be considered 67904  
a contribution to any campaign committee or an expenditure by or 67905  
on behalf of any campaign committee if the purpose of the 67906  
expenditure is for the staff and maintenance of the continuing 67907  
association's, political contributing entity's, or political 67908  
party's headquarters, or for a political poll, survey, index, or 67909  
other type of measurement not on behalf of a specific candidate. 67910

(D) The expenses of maintaining a constituent office paid 67911  
for, from the candidate's personal funds, by a candidate who is 67912  
a member of the general assembly at the time of the election 67913  
shall not be considered a contribution by or an expenditure by 67914  
or on behalf of the candidate, and shall not be reported, if the 67915  
constituent office is not used for any candidate's campaign 67916  
activities. 67917

(E) The net contribution of each social or fund-raising 67918  
activity shall be calculated by totaling all contributions to 67919  
the activity minus the expenditures made for the activity. 67920

(F) An expenditure that purchases goods or services shall 67921  
be attributed to an election when the disbursement of funds is 67922  
made, rather than at the time the goods or services are used. 67923  
The secretary of state, under the procedures of Chapter 119. of 67924  
the Revised Code, shall establish rules for the attribution of 67925  
expenditures to a candidate when the candidate is a candidate 67926

for more than one office during a reporting period and for 67927  
expenditures made in a year in which no election is held. The 67928  
secretary of state shall further define by rule those 67929  
expenditures that are or are not by or on behalf of a candidate. 67930

(G) An expenditure for the purpose of a charitable 67931  
donation may be made if it is made to an organization that is 67932  
exempt from federal income taxation under subsection 501(a) and 67933  
described in subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c) 67934  
(10), or 501(c)(19) of the Internal Revenue Code or is approved 67935  
by advisory opinion of the ~~Ohio elections commission~~ secretary 67936  
of state as a legitimate charitable organization. Each 67937  
expenditure under this division shall be separately itemized on 67938  
statements made pursuant to section 3517.10 of the Revised Code. 67939

**Sec. 3517.081.** (A) Each candidate shall have no more than 67940  
one campaign committee for purposes of receiving contributions 67941  
and making expenditures. No campaign committee shall receive any 67942  
contribution or make any expenditure other than through the 67943  
campaign treasurer. The campaign treasurer shall file all 67944  
statements required of a candidate or campaign committee under 67945  
section 3517.10 of the Revised Code. 67946

The candidate shall designate the candidate or a member of 67947  
the candidate's campaign committee as the candidate's campaign 67948  
treasurer as required by division (D) of section 3517.10 of the 67949  
Revised Code. The campaign treasurer may appoint deputy campaign 67950  
treasurers as required. Deputy campaign treasurers may exercise 67951  
any of the powers and duties of a campaign treasurer when 67952  
specifically authorized to do so by the campaign treasurer or 67953  
the candidate. 67954

Each candidate shall file a written statement, as required 67955  
by division (D) of section 3517.10 of the Revised Code, setting 67956

forth the full name and address of the campaign treasurer and 67957  
also of each deputy treasurer. Each candidate shall file 67958  
supplemental statements giving the full name and address of each 67959  
deputy treasurer at the time of appointment. 67960

A candidate may remove the campaign treasurer or any 67961  
deputy campaign treasurer at any time. In the case of death, 67962  
resignation, or removal of the treasurer or deputy treasurer 67963  
before compliance with all obligations of a campaign treasurer, 67964  
the candidate shall fill the vacancy thus created in the same 67965  
manner as provided in the case of an original appointment. 67966

(B) (1) Two or more candidates may be the beneficiaries of 67967  
a single campaign committee if all of the following apply: 67968

(a) Each candidate is seeking nomination or election to 67969  
the same office at the same election. 67970

(b) The office for which each candidate is seeking 67971  
nomination or election is the office of member of a board, 67972  
commission, or other similar body of elected officials to which 67973  
multiple members are nominated or elected at the same election. 67974

(c) The number of candidates who will be the beneficiaries 67975  
of the campaign committee does not exceed the number of open 67976  
positions on the board, commission, or other similar body of 67977  
elected officials to which the candidates are seeking nomination 67978  
or election. 67979

(d) The candidates jointly designate one of the candidates 67980  
or one member of the campaign committee as the treasurer of that 67981  
campaign committee as required under division (A) of this 67982  
section. 67983

(e) The candidates jointly file the written statements 67984  
required under division (A) of this section. 67985

(2) Except as otherwise provided in this division, any 67986  
penalty that may be imposed on a candidate under section 67987  
~~3517.992~~ 3517.99 of the Revised Code for a violation of this 67988  
chapter shall be imposed jointly and severally on each 67989  
beneficiary of a multi-beneficiary campaign committee. If the 67990  
~~Ohio elections commission~~ appropriate enforcement authority or 67991  
the appropriate prosecutor is able to determine that a specific 67992  
beneficiary of a multi-beneficiary campaign committee violated 67993  
this chapter, the applicable penalty under section ~~3517.992~~ 67994  
3517.99 of the Revised Code shall be imposed only on that 67995  
candidate and not on the other beneficiaries of that multi- 67996  
beneficiary campaign committee. 67997

(3) (a) If any of the following occur after a multi- 67998  
beneficiary campaign committee is established, that campaign 67999  
committee shall be terminated: 68000

(i) The beneficiaries of the campaign committee disagree 68001  
as to the designation or removal of a campaign treasurer. 68002

(ii) Any beneficiary of the campaign committee desires to 68003  
end the beneficiary's candidacy for the office for which the 68004  
beneficiaries are seeking nomination or election. 68005

(iii) Any beneficiary of the campaign committee desires to 68006  
form an individual campaign committee. 68007

(b) Prior to the termination of a multi-beneficiary 68008  
campaign committee in accordance with division (B) (3) (a) of this 68009  
section, any contributions received by that campaign committee 68010  
that have not been expended shall be disposed of in the manner 68011  
provided in division (C) of section 3517.109 of the Revised 68012  
Code. No contributions from the multi-beneficiary campaign 68013  
committee shall be contributed or transferred into any 68014

candidate's individual campaign committee. 68015

(4) No candidate who has a campaign committee for which 68016  
that candidate is the sole beneficiary shall become the 68017  
beneficiary of a campaign committee with multiple beneficiaries 68018  
under division (B)(1) of this section unless the candidate first 68019  
terminates the candidate's individual campaign committee. Prior 68020  
to the termination of that individual campaign committee, any 68021  
contributions received by that campaign committee that have not 68022  
been expended shall be disposed of in the manner provided in 68023  
division (C) of section 3517.109 of the Revised Code. No 68024  
contributions from the candidate's individual campaign committee 68025  
shall be contributed or transferred into the multi-beneficiary 68026  
campaign committee. 68027

**Sec. 3517.092.** (A) As used in this section: 68028

(1) "Appointing authority" has the same meaning as in 68029  
section 124.01 of the Revised Code. 68030

(2) "State elected officer" means any person appointed or 68031  
elected to a state elective office. 68032

(3) "State elective office" means any of the offices of 68033  
governor, lieutenant governor, secretary of state, auditor of 68034  
state, treasurer of state, attorney general, ~~member of the state~~ 68035  
~~board of education,~~ member of the general assembly, and justice 68036  
and chief justice of the supreme court. 68037

(4) "Contribution" includes a contribution to any 68038  
political party, campaign committee, political action committee, 68039  
political contributing entity, or legislative campaign fund. 68040

(B)(1) No state elected officer, no campaign committee of 68041  
such an officer, no employee of the state elected officer's 68042  
office, and no other person or entity shall knowingly solicit a 68043

contribution to a state elected officer or to such an officer's 68044  
campaign committee, and no state elected officer and no campaign 68045  
committee of such an officer shall accept a contribution, from 68046  
any of the following: 68047

(a) A state employee whose appointing authority is the 68048  
state elected officer; 68049

(b) A state employee whose appointing authority is 68050  
authorized or required by law to be appointed by the state 68051  
elected officer; 68052

(c) A state employee who functions in or is employed in or 68053  
by the same public agency, department, division, or office as 68054  
the state elected officer. 68055

(2) No candidate for a state elective office, no campaign 68056  
committee of such a candidate, no employee of the candidate's 68057  
office if the candidate is a state elected officer or an elected 68058  
officer of a political subdivision of the state, and no other 68059  
person or entity shall knowingly solicit a contribution to a 68060  
candidate for a state elective office or to such a candidate's 68061  
campaign committee, and no candidate for a state elective office 68062  
and no campaign committee of such a candidate shall accept a 68063  
contribution, from any of the following: 68064

(a) A state employee at the time of the solicitation, 68065  
whose appointing authority will be the candidate, if elected; 68066

(b) A state employee at the time of the solicitation, 68067  
whose appointing authority will be appointed by the candidate, 68068  
if elected, as authorized or required by law; 68069

(c) A state employee at the time of the solicitation, who 68070  
will function in or be employed in or by the same public agency, 68071  
department, division, or office as the candidate, if elected. 68072

(C) (1) No elected officer of a political subdivision of the state, no campaign committee of such an officer, no employee of such an officer's office, and no other person or entity shall knowingly solicit a contribution to an elected officer of a political subdivision of the state or to such an officer's campaign committee from any of the following:

(a) An employee of that political subdivision whose appointing authority is that elected officer;

(b) An employee of that political subdivision whose appointing authority is authorized or required by law to be appointed by that elected officer;

(c) An employee of that political subdivision who functions in or is employed in or by the same public agency, department, division, or office as that elected officer.

(2) No candidate for an elective office of a political subdivision of the state, no campaign committee of such a candidate, no employee of the candidate's office if the candidate is a state elected officer or elected officer of a political subdivision of the state, and no other person or entity shall knowingly solicit a contribution to a candidate for an elective office of a political subdivision of the state or to such a candidate's campaign committee from any of the following:

(a) An employee of that political subdivision at the time of the solicitation, whose appointing authority will be the candidate, if elected;

(b) An employee of that political subdivision at the time of the solicitation, whose appointing authority will be appointed by the candidate, if elected, as authorized or required by law;



(c) An employee of that political subdivision at the time 68102  
of the solicitation, who will function in or be employed in or 68103  
by the same public agency, department, division, or office as 68104  
the candidate, if elected. 68105

(D) (1) No public employee shall solicit a contribution 68106  
from any person while the public employee is performing the 68107  
public employee's official duties or in those areas of a public 68108  
building where official business is transacted or conducted. 68109

(2) No person shall solicit a contribution from any public 68110  
employee while the public employee is performing the public 68111  
employee's official duties or is in those areas of a public 68112  
building where official business is transacted or conducted. 68113

(3) As used in division (D) of this section, "public 68114  
employee" does not include any person holding an elective 68115  
office. 68116

(E) The prohibitions in divisions (B), (C), and (D) of 68117  
this section are in addition to the prohibitions in sections 68118  
124.57, 3304.22, and 4503.032 of the Revised Code. 68119

**Sec. 3517.10.** (A) Except as otherwise provided in this 68120  
division, every campaign committee, political action committee, 68121  
legislative campaign fund, political party, and political 68122  
contributing entity that made or received a contribution or made 68123  
an expenditure in connection with the nomination or election of 68124  
any candidate or in connection with any ballot issue or question 68125  
at any election held or to be held in this state shall file, on 68126  
a form prescribed under this section or by electronic means of 68127  
transmission as provided in this section and section 3517.106 of 68128  
the Revised Code, a full, true, and itemized statement, made 68129  
under penalty of election falsification, setting forth in detail 68130

the contributions and expenditures, not later than four p.m. of 68131  
the following dates: 68132

(1) The twelfth day before the election to reflect 68133  
contributions received and expenditures made from the close of 68134  
business on the last day reflected in the last previously filed 68135  
statement, if any, to the close of business on the twentieth day 68136  
before the election; 68137

(2) The thirty-eighth day after the election to reflect 68138  
the contributions received and expenditures made from the close 68139  
of business on the last day reflected in the last previously 68140  
filed statement, if any, to the close of business on the seventh 68141  
day before the filing of the statement; 68142

(3) The last business day of January of every year to 68143  
reflect the contributions received and expenditures made from 68144  
the close of business on the last day reflected in the last 68145  
previously filed statement, if any, to the close of business on 68146  
the last day of December of the previous year; 68147

(4) The last business day of July of every year to reflect 68148  
the contributions received and expenditures made from the close 68149  
of business on the last day reflected in the last previously 68150  
filed statement, if any, to the close of business on the last 68151  
day of June of that year. 68152

A campaign committee shall only be required to file the 68153  
statements prescribed under divisions (A) (1) and (2) of this 68154  
section in connection with the nomination or election of the 68155  
committee's candidate. 68156

The statement required under division (A) (1) of this 68157  
section shall not be required of any campaign committee, 68158  
political action committee, legislative campaign fund, political 68159

party, or political contributing entity that has received 68160  
contributions of less than one thousand dollars and has made 68161  
expenditures of less than one thousand dollars at the close of 68162  
business on the twentieth day before the election. Those 68163  
contributions and expenditures shall be reported in the 68164  
statement required under division (A) (2) of this section. 68165

If an election to select candidates to appear on the 68166  
general election ballot is held within sixty days before a 68167  
general election, the campaign committee of a successful 68168  
candidate in the earlier election may file the statement 68169  
required by division (A) (1) of this section for the general 68170  
election instead of the statement required by division (A) (2) of 68171  
this section for the earlier election if the pregeneral election 68172  
statement reflects the status of contributions and expenditures 68173  
for the period twenty days before the earlier election to twenty 68174  
days before the general election. 68175

If a person becomes a candidate less than twenty days 68176  
before an election, the candidate's campaign committee is not 68177  
required to file the statement required by division (A) (1) of 68178  
this section. 68179

No statement under division (A) (3) of this section shall 68180  
be required for any year in which a campaign committee, 68181  
political action committee, legislative campaign fund, political 68182  
party, or political contributing entity is required to file a 68183  
postgeneral election statement under division (A) (2) of this 68184  
section. However, a statement under division (A) (3) of this 68185  
section may be filed, at the option of the campaign committee, 68186  
political action committee, legislative campaign fund, political 68187  
party, or political contributing entity. 68188

No campaign committee of a candidate for the office of 68189

chief justice or justice of the supreme court, and no campaign  
committee of a candidate for the office of judge of any court in  
this state, shall be required to file a statement under division  
(A) (4) of this section.

Except as otherwise provided in this paragraph and in the  
next paragraph of this section, the only campaign committees  
required to file a statement under division (A) (4) of this  
section are the campaign committee of a statewide candidate and  
the campaign committee of a candidate for county office. The  
campaign committee of a candidate for any other nonjudicial  
office is required to file a statement under division (A) (4) of  
this section if that campaign committee receives, during that  
period, contributions exceeding ten thousand dollars.

No statement under division (A) (4) of this section shall  
be required of a campaign committee, a political action  
committee, a legislative campaign fund, a political party, or a  
political contributing entity for any year in which the campaign  
committee, political action committee, legislative campaign  
fund, political party, or political contributing entity is  
required to file a postprimary election statement under division  
(A) (2) of this section. However, a statement under division (A)  
(4) of this section may be filed at the option of the campaign  
committee, political action committee, legislative campaign  
fund, political party, or political contributing entity.

No statement under division (A) (3) or (4) of this section  
shall be required if the campaign committee, political action  
committee, legislative campaign fund, political party, or  
political contributing entity has no contributions that it has  
received and no expenditures that it has made since the last  
date reflected in its last previously filed statement. However,

the campaign committee, political action committee, legislative 68220  
campaign fund, political party, or political contributing entity 68221  
shall file a statement to that effect, on a form prescribed 68222  
under this section and made under penalty of election 68223  
falsification, on the date required in division (A) (3) or (4) of 68224  
this section, as applicable. 68225

The campaign committee of a statewide candidate shall file 68226  
a monthly statement of contributions received during each of the 68227  
months of July, August, and September in the year of the general 68228  
election in which the candidate seeks office. The campaign 68229  
committee of a statewide candidate shall file the monthly 68230  
statement not later than three business days after the last day 68231  
of the month covered by the statement. During the period 68232  
beginning on the nineteenth day before the general election in 68233  
which a statewide candidate seeks election to office and 68234  
extending through the day of that general election, each time 68235  
the campaign committee of the joint candidates for the offices 68236  
of governor and lieutenant governor or of a candidate for the 68237  
office of secretary of state, auditor of state, treasurer of 68238  
state, or attorney general receives a contribution from a 68239  
contributor that causes the aggregate amount of contributions 68240  
received from that contributor during that period to equal or 68241  
exceed ten thousand dollars and each time the campaign committee 68242  
of a candidate for the office of chief justice or justice of the 68243  
supreme court receives a contribution from a contributor that 68244  
causes the aggregate amount of contributions received from that 68245  
contributor during that period to exceed ten thousand dollars, 68246  
the campaign committee shall file a two-business-day statement 68247  
reflecting that contribution. Contributions reported on a two- 68248  
business-day statement required to be filed by a campaign 68249  
committee of a statewide candidate in a primary election shall 68250

also be included in the postprimary election statement required 68251  
to be filed by that campaign committee under division (A) (2) of 68252  
this section. A two-business-day statement required by this 68253  
paragraph shall be filed not later than two business days after 68254  
receipt of the contribution. The statements required by this 68255  
paragraph shall be filed in addition to any other statements 68256  
required by this section. 68257

Subject to the secretary of state having implemented, 68258  
tested, and verified the successful operation of any system the 68259  
secretary of state prescribes pursuant to divisions (C) (6) (b) 68260  
and (D) (6) of this section and division (F) (1) of section 68261  
3517.106 of the Revised Code for the filing of campaign finance 68262  
statements by electronic means of transmission, a campaign 68263  
committee of a statewide candidate shall file a two-business-day 68264  
statement under the preceding paragraph by electronic means of 68265  
transmission if the campaign committee is required to file a 68266  
pre-election, postelection, or monthly statement of 68267  
contributions and expenditures by electronic means of 68268  
transmission under this section or section 3517.106 of the 68269  
Revised Code. 68270

If a campaign committee or political action committee has 68271  
no balance on hand and no outstanding obligations and desires to 68272  
terminate itself, it shall file a statement to that effect, on a 68273  
form prescribed under this section and made under penalty of 68274  
election falsification, with the official with whom it files a 68275  
statement under division (A) of this section after filing a 68276  
final statement of contributions and a final statement of 68277  
expenditures, if contributions have been received or 68278  
expenditures made since the period reflected in its last 68279  
previously filed statement. 68280

(B) Except as otherwise provided in division (C) (7) of 68281  
this section, each statement required by division (A) of this 68282  
section shall contain the following information: 68283

(1) The full name and address of each campaign committee, 68284  
political action committee, legislative campaign fund, political 68285  
party, or political contributing entity, including any treasurer 68286  
of the committee, fund, party, or entity, filing a contribution 68287  
and expenditure statement; 68288

(2) (a) In the case of a campaign committee, the 68289  
candidate's full name and address; 68290

(b) In the case of a political action committee, the 68291  
registration number assigned to the committee under division (D) 68292  
(1) of this section. 68293

(3) The date of the election and whether it was or will be 68294  
a general, primary, or special election; 68295

(4) A statement of contributions received, which shall 68296  
include the following information: 68297

(a) The month, day, and year of the contribution; 68298

(b) (i) The full name and address of each person, political 68299  
party, campaign committee, legislative campaign fund, political 68300  
action committee, or political contributing entity from whom 68301  
contributions are received and the registration number assigned 68302  
to the political action committee under division (D) (1) of this 68303  
section. The requirement of filing the full address does not 68304  
apply to any statement filed by a state or local committee of a 68305  
political party, to a finance committee of such committee, or to 68306  
a committee recognized by a state or local committee as its 68307  
fund-raising auxiliary. Notwithstanding division (F) of this 68308  
section, the requirement of filing the full address shall be 68309

considered as being met if the address filed is the same address 68310  
the contributor provided under division (E) (1) of this section. 68311

(ii) If a political action committee, political 68312  
contributing entity, legislative campaign fund, or political 68313  
party that is required to file campaign finance statements by 68314  
electronic means of transmission under section 3517.106 of the 68315  
Revised Code or a campaign committee of a statewide candidate or 68316  
candidate for the office of member of the general assembly 68317  
receives a contribution from an individual that exceeds one 68318  
hundred dollars, the name of the individual's current employer, 68319  
if any, or, if the individual is self-employed, the individual's 68320  
occupation and the name of the individual's business, if any; 68321

(iii) If a campaign committee of a statewide candidate or 68322  
candidate for the office of member of the general assembly 68323  
receives a contribution transmitted pursuant to section 3599.031 68324  
of the Revised Code from amounts deducted from the wages and 68325  
salaries of two or more employees that exceeds in the aggregate 68326  
one hundred dollars during any one filing period under division 68327  
(A) (1), (2), (3), or (4) of this section, the full name of the 68328  
employees' employer and the full name of the labor organization 68329  
of which the employees are members, if any. 68330

(c) A description of the contribution received, if other 68331  
than money; 68332

(d) The value in dollars and cents of the contribution; 68333

(e) A separately itemized account of all contributions and 68334  
expenditures regardless of the amount, except a receipt of a 68335  
contribution from a person in the sum of twenty-five dollars or 68336  
less at one social or fund-raising activity and a receipt of a 68337  
contribution transmitted pursuant to section 3599.031 of the 68338



Revised Code from amounts deducted from the wages and salaries 68339  
of employees if the contribution from the amount deducted from 68340  
the wages and salary of any one employee is twenty-five dollars 68341  
or less aggregated in a calendar year. An account of the total 68342  
contributions from each social or fund-raising activity shall 68343  
include a description of and the value of each in-kind 68344  
contribution received at that activity from any person who made 68345  
one or more such contributions whose aggregate value exceeded 68346  
two hundred fifty dollars and shall be listed separately, 68347  
together with the expenses incurred and paid in connection with 68348  
that activity. A campaign committee, political action committee, 68349  
legislative campaign fund, political party, or political 68350  
contributing entity shall keep records of contributions from 68351  
each person in the amount of twenty-five dollars or less at one 68352  
social or fund-raising activity and contributions from amounts 68353  
deducted under section 3599.031 of the Revised Code from the 68354  
wages and salary of each employee in the amount of twenty-five 68355  
dollars or less aggregated in a calendar year. No continuing 68356  
association that is recognized by a state or local committee of 68357  
a political party as an auxiliary of the party and that makes a 68358  
contribution from funds derived solely from regular dues paid by 68359  
members of the auxiliary shall be required to list the name or 68360  
address of any members who paid those dues. 68361

Contributions that are other income shall be itemized 68362  
separately from all other contributions. The information 68363  
required under division (B) (4) of this section shall be provided 68364  
for all other income itemized. As used in this paragraph, "other 68365  
income" means a loan, investment income, or interest income. 68366

(f) In the case of a campaign committee of a state elected 68367  
officer, if a person doing business with the state elected 68368  
officer in the officer's official capacity makes a contribution 68369

to the campaign committee of that officer, the information 68370  
required under division (B) (4) of this section in regard to that 68371  
contribution, which shall be filed together with and considered 68372  
a part of the committee's statement of contributions as required 68373  
under division (A) of this section but shall be filed on a 68374  
separate form provided by the secretary of state. As used in 68375  
this division: 68376

(i) "State elected officer" has the same meaning as in 68377  
section 3517.092 of the Revised Code. 68378

(ii) "Person doing business" means a person or an officer 68379  
of an entity who enters into one or more contracts with a state 68380  
elected officer or anyone authorized to enter into contracts on 68381  
behalf of that officer to receive payments for goods or 68382  
services, if the payments total, in the aggregate, more than 68383  
five thousand dollars during a calendar year. 68384

(5) A statement of expenditures which shall include the 68385  
following information: 68386

(a) The month, day, and year of the expenditure; 68387

(b) The full name and address of each person, political 68388  
party, campaign committee, legislative campaign fund, political 68389  
action committee, or political contributing entity to whom the 68390  
expenditure was made and the registration number assigned to the 68391  
political action committee under division (D) (1) of this 68392  
section; 68393

(c) The object or purpose for which the expenditure was 68394  
made; 68395

(d) The amount of each expenditure. 68396

(C) (1) The statement of contributions and expenditures 68397

shall be signed by the person completing the form. If a 68398  
statement of contributions and expenditures is filed by 68399  
electronic means of transmission pursuant to this section or 68400  
section 3517.106 of the Revised Code, the electronic signature 68401  
of the person who executes the statement and transmits the 68402  
statement by electronic means of transmission, as provided in 68403  
division (F) of section 3517.106 of the Revised Code, shall be 68404  
attached to or associated with the statement and shall be 68405  
binding on all persons and for all purposes under the campaign 68406  
finance reporting law as if the signature had been handwritten 68407  
in ink on a printed form. 68408

(2) The person filing the statement, under penalty of 68409  
election falsification, shall include with it a list of each 68410  
anonymous contribution, the circumstances under which it was 68411  
received, and the reason it cannot be attributed to a specific 68412  
donor. 68413

(3) Each statement of a campaign committee of a candidate 68414  
who holds public office shall contain a designation of each 68415  
contributor who is an employee in any unit or department under 68416  
the candidate's direct supervision and control. In a space 68417  
provided in the statement, the person filing the statement shall 68418  
affirm that each such contribution was voluntarily made. 68419

(4) A campaign committee that did not receive 68420  
contributions or make expenditures in connection with the 68421  
nomination or election of its candidate shall file a statement 68422  
to that effect, on a form prescribed under this section and made 68423  
under penalty of election falsification, on the date required in 68424  
division (A) (2) of this section. 68425

(5) The campaign committee of any person who attempts to 68426  
become a candidate and who, for any reason, does not become 68427

certified in accordance with Title XXXV of the Revised Code for 68428  
placement on the official ballot of a primary, general, or 68429  
special election to be held in this state, and who, at any time 68430  
prior to or after an election, receives contributions or makes 68431  
expenditures, or has given consent for another to receive 68432  
contributions or make expenditures, for the purpose of bringing 68433  
about the person's nomination or election to public office, 68434  
shall file the statement or statements prescribed by this 68435  
section and a termination statement, if applicable. Division (C) 68436  
(5) of this section does not apply to any person with respect to 68437  
an election to the offices of member of a county or state 68438  
central committee, presidential elector, or delegate to a 68439  
national convention or conference of a political party. 68440

(6) (a) The statements required to be filed under this 68441  
section shall specify the balance in the hands of the campaign 68442  
committee, political action committee, legislative campaign 68443  
fund, political party, or political contributing entity and the 68444  
disposition intended to be made of that balance. 68445

(b) The secretary of state shall prescribe the form for 68446  
all statements required to be filed under this section and shall 68447  
furnish the forms to the boards of elections in the several 68448  
counties. The boards of elections shall supply printed copies of 68449  
those forms without charge. The secretary of state shall 68450  
prescribe the appropriate methodology, protocol, and data file 68451  
structure for statements required or permitted to be filed by 68452  
electronic means of transmission to the secretary of state or a 68453  
board of elections under division (A) of this section, division 68454  
(E) of section 3517.106, division (D) of section 3517.1011, 68455  
division (B) of section 3517.1012, division (C) of section 68456  
3517.1013, and divisions (D) and (I) of section 3517.1014 of the 68457  
Revised Code. Subject to division (A) of this section, division 68458

(E) of section 3517.106, division (D) of section 3517.1011, 68459  
division (B) of section 3517.1012, division (C) of section 68460  
3517.1013, and divisions (D) and (I) of section 3517.1014 of the 68461  
Revised Code, the statements required to be stored on computer 68462  
by the secretary of state under division (B) of section 3517.106 68463  
of the Revised Code shall be filed in whatever format the 68464  
secretary of state considers necessary to enable the secretary 68465  
of state to store the information contained in the statements on 68466  
computer. Any such format shall be of a type and nature that is 68467  
readily available to whoever is required to file the statements 68468  
in that format. 68469

(c) The secretary of state shall assess the need for 68470  
training regarding the filing of campaign finance statements by 68471  
electronic means of transmission and regarding associated 68472  
technologies for candidates, campaign committees, political 68473  
action committees, legislative campaign funds, political 68474  
parties, or political contributing entities, for individuals, 68475  
partnerships, or other entities, for persons making 68476  
disbursements to pay the direct costs of producing or airing 68477  
electioneering communications, or for treasurers of transition 68478  
funds, required or permitted to file statements by electronic 68479  
means of transmission under this section or section 3517.105, 68480  
3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the 68481  
Revised Code. If, in the opinion of the secretary of state, 68482  
training in these areas is necessary, the secretary of state 68483  
shall arrange for the provision of voluntary training programs 68484  
for candidates, campaign committees, political action 68485  
committees, legislative campaign funds, political parties, or 68486  
political contributing entities, for individuals, partnerships, 68487  
and other entities, for persons making disbursements to pay the 68488  
direct costs of producing or airing electioneering 68489

communications, or for treasurers of transition funds, as 68490  
appropriate. 68491

(7) Each monthly statement and each two-business-day 68492  
statement required by division (A) of this section shall contain 68493  
the information required by divisions (B) (1) to (4), (C) (2), 68494  
and, if appropriate, (C) (3) of this section. Each statement 68495  
shall be signed as required by division (C) (1) of this section. 68496

(D) (1) (a) Prior to receiving a contribution or making an 68497  
expenditure, every campaign committee, political action 68498  
committee, legislative campaign fund, political party, or 68499  
political contributing entity shall appoint a treasurer and 68500  
shall file, on a form prescribed by the secretary of state, a 68501  
designation of that appointment, including the full name and 68502  
address of the treasurer and of the campaign committee, 68503  
political action committee, legislative campaign fund, political 68504  
party, or political contributing entity. That designation shall 68505  
be filed with the official with whom the campaign committee, 68506  
political action committee, legislative campaign fund, political 68507  
party, or political contributing entity is required to file 68508  
statements under section 3517.11 of the Revised Code. The name 68509  
of a campaign committee shall include at least the last name of 68510  
the campaign committee's candidate. If two or more candidates 68511  
are the beneficiaries of a single campaign committee under 68512  
division (B) of section 3517.081 of the Revised Code, the name 68513  
of the campaign committee shall include at least the last name 68514  
of each candidate who is a beneficiary of that campaign 68515  
committee. The secretary of state shall assign a registration 68516  
number to each political action committee that files a 68517  
designation of the appointment of a treasurer under this 68518  
division if the political action committee is required by 68519  
division (A) (1) of section 3517.11 of the Revised Code to file 68520

the statements prescribed by this section with the secretary of 68521  
state. 68522

(b) The secretary of state shall not accept for filing a 68523  
designation of treasurer of a political action committee or 68524  
political contributing entity if, in the opinion of the 68525  
secretary of state, the name of the political action committee 68526  
or political contributing entity would lead a reasonable person 68527  
to believe that the political action committee or political 68528  
contributing entity acts on behalf of or represents a county 68529  
political party, unless the designation is accompanied by a 68530  
written statement, signed by the chairperson of the county 68531  
political party's executive committee, granting the political 68532  
action committee or political contributing entity permission to 68533  
act on behalf of or represent the county political party. 68534

(2) The treasurer appointed under division (D) (1) of this 68535  
section shall keep a strict account of all contributions, from 68536  
whom received and the purpose for which they were disbursed. 68537

(3) (a) Except as otherwise provided in section 3517.108 of 68538  
the Revised Code, a campaign committee shall deposit all 68539  
monetary contributions received by the committee into an account 68540  
separate from a personal or business account of the candidate or 68541  
campaign committee. 68542

(b) A political action committee shall deposit all 68543  
monetary contributions received by the committee into an account 68544  
separate from all other funds. 68545

(c) A state or county political party may establish a 68546  
state candidate fund that is separate from all other funds. A 68547  
state or county political party may deposit into its state 68548  
candidate fund any amounts of monetary contributions that are 68549

made to or accepted by the political party subject to the 68550  
applicable limitations, if any, prescribed in section 3517.102 68551  
of the Revised Code. A state or county political party shall 68552  
deposit all other monetary contributions received by the party 68553  
into one or more accounts that are separate from its state 68554  
candidate fund. 68555

(d) Each state political party shall have only one 68556  
legislative campaign fund for each house of the general 68557  
assembly. Each such fund shall be separate from any other funds 68558  
or accounts of that state party. A legislative campaign fund is 68559  
authorized to receive contributions and make expenditures for 68560  
the primary purpose of furthering the election of candidates who 68561  
are members of that political party to the house of the general 68562  
assembly with which that legislative campaign fund is 68563  
associated. Each legislative campaign fund shall be administered 68564  
and controlled in a manner designated by the caucus. As used in 68565  
this division, "caucus" has the same meaning as in section 68566  
3517.01 of the Revised Code and includes, as an ex officio 68567  
member, the chairperson of the state political party with which 68568  
the caucus is associated or that chairperson's designee. 68569

(4) Every expenditure in excess of twenty-five dollars 68570  
shall be vouched for by a receipted bill, stating the purpose of 68571  
the expenditure, that shall be filed with the statement of 68572  
expenditures. A canceled check with a notation of the purpose of 68573  
the expenditure is a receipted bill for purposes of division (D) 68574  
(4) of this section. 68575

(5) The secretary of state or the board of elections, as 68576  
the case may be, shall issue a receipt for each statement filed 68577  
under this section and shall preserve a copy of the receipt for 68578  
a period of at least six years. All statements filed under this 68579



section shall be open to public inspection in the office where 68580  
they are filed and shall be carefully preserved for a period of 68581  
at least six years after the year in which they are filed. 68582

(6) The secretary of state, by rule adopted pursuant to 68583  
section 3517.23 of the Revised Code, shall prescribe both of the 68584  
following: 68585

(a) The manner of immediately acknowledging, with date and 68586  
time received, and preserving the receipt of statements that are 68587  
transmitted by electronic means of transmission to the secretary 68588  
of state or a board of elections pursuant to this section or 68589  
section 3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 68590  
of the Revised Code; 68591

(b) The manner of preserving the contribution and 68592  
expenditure, contribution and disbursement, deposit and 68593  
disbursement, gift and disbursement, or donation and 68594  
disbursement information in the statements described in division 68595  
(D) (6) (a) of this section. The secretary of state shall preserve 68596  
the contribution and expenditure, contribution and disbursement, 68597  
deposit and disbursement, gift and disbursement, or donation and 68598  
disbursement information in those statements for at least ten 68599  
years after the year in which they are filed by electronic means 68600  
of transmission. 68601

(7) (a) The secretary of state, pursuant to division (G) of 68602  
section 3517.106 of the Revised Code, shall make available 68603  
online to the public through the internet the contribution and 68604  
expenditure, contribution and disbursement, deposit and 68605  
disbursement, gift and disbursement, or donation and 68606  
disbursement information in all of the following documents: 68607

(i) All statements, all addenda, amendments, or other 68608

corrections to statements, and all amended statements filed with the secretary of state by electronic or other means of transmission under this section, division (B) (2) (b) or (C) (2) (b) of section 3517.105, or section 3517.106, 3517.1011, 3517.1012, 3517.1013, 3517.1014, or 3517.11 of the Revised Code;

(ii) All statements filed with a board of elections by electronic means of transmission, and all addenda, amendments, corrections, and amended versions of those statements, filed with the board under this section, division (B) (2) (b) or (C) (2) (b) of section 3517.105, or section 3517.106, 3517.1012, or 3517.11 of the Revised Code.

(b) The secretary of state may remove the information from the internet after a reasonable period of time.

(E) (1) Any person, political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity that makes a contribution in connection with the nomination or election of any candidate or in connection with any ballot issue or question at any election held or to be held in this state shall provide its full name and address to the recipient of the contribution at the time the contribution is made. The political action committee also shall provide the registration number assigned to the committee under division (D) (1) of this section to the recipient of the contribution at the time the contribution is made.

(2) Any individual who makes a contribution that exceeds one hundred dollars to a political action committee, political contributing entity, legislative campaign fund, or political party or to a campaign committee of a statewide candidate or candidate for the office of member of the general assembly shall provide the name of the individual's current employer, if any,

or, if the individual is self-employed, the individual's 68639  
occupation and the name of the individual's business, if any, to 68640  
the recipient of the contribution at the time the contribution 68641  
is made. Sections 3599.39 and 3599.40 of the Revised Code do not 68642  
apply to division (E)(2) of this section. 68643

(3) If a campaign committee shows that it has exercised 68644  
its best efforts to obtain, maintain, and submit the information 68645  
required under divisions (B)(4)(b)(ii) and (iii) of this 68646  
section, that committee is considered to have met the 68647  
requirements of those divisions. A campaign committee shall not 68648  
be considered to have exercised its best efforts unless, in 68649  
connection with written solicitations, it regularly includes a 68650  
written request for the information required under division (B) 68651  
(4)(b)(ii) of this section from the contributor or the 68652  
information required under division (B)(4)(b)(iii) of this 68653  
section from whoever transmits the contribution. 68654

(4) Any check that a political action committee uses to 68655  
make a contribution or an expenditure shall contain the full 68656  
name and address of the committee and the registration number 68657  
assigned to the committee under division (D)(1) of this section. 68658

(F) As used in this section: 68659

(1)(a) Except as otherwise provided in division (F)(1) of 68660  
this section, "address" means all of the following if they 68661  
exist: apartment number, street, road, or highway name and 68662  
number, rural delivery route number, city or village, state, and 68663  
zip code as used in a person's post-office address, but not 68664  
post-office box. 68665

(b) Except as otherwise provided in division (F)(1) of 68666  
this section, if an address is required in this section, a post- 68667

office box and office, room, or suite number may be included in 68668  
addition to, but not in lieu of, an apartment, street, road, or 68669  
highway name and number. 68670

(c) If an address is required in this section, a campaign 68671  
committee, political action committee, legislative campaign 68672  
fund, political party, or political contributing entity may use 68673  
the business or residence address of its treasurer or deputy 68674  
treasurer. The post-office box number of the campaign committee, 68675  
political action committee, legislative campaign fund, political 68676  
party, or political contributing entity may be used in addition 68677  
to that address. 68678

(d) For the sole purpose of a campaign committee's 68679  
reporting of contributions on a statement of contributions 68680  
received under division (B) (4) of this section, "address" has 68681  
one of the following meanings at the option of the campaign 68682  
committee: 68683

(i) The same meaning as in division (F) (1) (a) of this 68684  
section; 68685

(ii) All of the following, if they exist: the 68686  
contributor's post-office box number and city or village, state, 68687  
and zip code as used in the contributor's post-office address. 68688

(e) As used with regard to the reporting under this 68689  
section of any expenditure, "address" means all of the following 68690  
if they exist: apartment number, street, road, or highway name 68691  
and number, rural delivery route number, city or village, state, 68692  
and zip code as used in a person's post-office address, or post- 68693  
office box. If an address concerning any expenditure is required 68694  
in this section, a campaign committee, political action 68695  
committee, legislative campaign fund, political party, or 68696

political contributing entity may use the business or residence 68697  
address of its treasurer or deputy treasurer or its post-office 68698  
box number. 68699

(2) "Statewide candidate" means the joint candidates for 68700  
the offices of governor and lieutenant governor or a candidate 68701  
for the office of secretary of state, auditor of state, 68702  
treasurer of state, attorney general, ~~member of the state board~~ 68703  
~~of education~~, chief justice of the supreme court, or justice of 68704  
the supreme court. 68705

(3) "Candidate for county office" means a candidate for 68706  
the office of county auditor, county treasurer, clerk of the 68707  
court of common pleas, judge of the court of common pleas, 68708  
sheriff, county recorder, county engineer, county commissioner, 68709  
prosecuting attorney, or coroner. 68710

(G) An independent expenditure shall be reported whenever 68711  
and in the same manner that an expenditure is required to be 68712  
reported under this section and shall be reported pursuant to 68713  
division (B) (2) (a) or (C) (2) (a) of section 3517.105 of the 68714  
Revised Code. 68715

(H) (1) Except as otherwise provided in division (H) (2) of 68716  
this section, if, during the combined pre-election and 68717  
postelection reporting periods for an election, a campaign 68718  
committee has received contributions of five hundred dollars or 68719  
less and has made expenditures in the total amount of five 68720  
hundred dollars or less, it may file a statement to that effect, 68721  
under penalty of election falsification, in lieu of the 68722  
statement required by division (A) (2) of this section. The 68723  
statement shall indicate the total amount of contributions 68724  
received and the total amount of expenditures made during those 68725  
combined reporting periods. 68726

(2) In the case of a successful candidate at a primary election, if either the total contributions received by or the total expenditures made by the candidate's campaign committee during the preprimary, postprimary, pregeneral, and postgeneral election periods combined equal more than five hundred dollars, the campaign committee may file the statement under division (H) (1) of this section only for the primary election. The first statement that the campaign committee files in regard to the general election shall reflect all contributions received and all expenditures made during the preprimary and postprimary election periods.

(3) Divisions (H) (1) and (2) of this section do not apply if a campaign committee receives contributions or makes expenditures prior to the first day of January of the year of the election at which the candidate seeks nomination or election to office or if the campaign committee does not file a termination statement with its postprimary election statement in the case of an unsuccessful primary election candidate or with its postgeneral election statement in the case of other candidates.

(I) In the case of a contribution made by a partner of a partnership or an owner or a member of another unincorporated business from any funds of the partnership or other unincorporated business, all of the following apply:

(1) The recipient of the contribution shall report the contribution by listing both the partnership or other unincorporated business and the name of the partner, owner, or member making the contribution.

(2) In reporting the contribution, the recipient of the contribution shall be entitled to conclusively rely upon the

information provided by the partnership or other unincorporated 68757  
business, provided that the information includes one of the 68758  
following: 68759

(a) The name of each partner, owner, or member as of the 68760  
date of the contribution or contributions, and a statement that 68761  
the total contributions are to be allocated equally among all of 68762  
the partners, owners, or members; or 68763

(b) The name of each partner, owner, or member as of the 68764  
date of the contribution or contributions who is participating 68765  
in the contribution or contributions, and a statement that the 68766  
contribution or contributions are to be allocated to those 68767  
individuals in accordance with the information provided by the 68768  
partnership or other unincorporated business to the recipient of 68769  
the contribution. 68770

(3) For purposes of section 3517.102 of the Revised Code, 68771  
the contribution shall be considered to have been made by the 68772  
partner, owner, or member reported under division (I)(1) of this 68773  
section. 68774

(4) No contribution from a partner of a partnership or an 68775  
owner or a member of another unincorporated business shall be 68776  
accepted from any funds of the partnership or other 68777  
unincorporated business unless the recipient reports the 68778  
contribution under division (I)(1) of this section together with 68779  
the information provided under division (I)(2) of this section. 68780

(5) No partnership or other unincorporated business shall 68781  
make a contribution or contributions solely in the name of the 68782  
partnership or other unincorporated business. 68783

(6) As used in division (I) of this section, "partnership 68784  
or other unincorporated business" includes, but is not limited 68785

to, a cooperative, a sole proprietorship, a general partnership, 68786  
a limited partnership, a limited partnership association, a 68787  
limited liability partnership, and a limited liability company. 68788

(J) A candidate shall have only one campaign committee at 68789  
any given time for all of the offices for which the person is a 68790  
candidate or holds office. 68791

(K) (1) In addition to filing a designation of appointment 68792  
of a treasurer under division (D) (1) of this section, the 68793  
campaign committee of any candidate for an elected municipal 68794  
office that pays an annual amount of compensation of five 68795  
thousand dollars or less, the campaign committee of any 68796  
candidate for member of a board of education ~~except member of~~ 68797  
~~the state board of education~~, or the campaign committee of any 68798  
candidate for township trustee or township fiscal officer may 68799  
sign, under penalty of election falsification, a certificate 68800  
attesting that the committee will not accept contributions 68801  
during an election period that exceed in the aggregate two 68802  
thousand dollars from all contributors and one hundred dollars 68803  
from any one individual, and that the campaign committee will 68804  
not make expenditures during an election period that exceed in 68805  
the aggregate two thousand dollars. 68806

The certificate shall be on a form prescribed by the 68807  
secretary of state and shall be filed not later than ten days 68808  
after the candidate files a declaration of candidacy and 68809  
petition, a nominating petition, or a declaration of intent to 68810  
be a write-in candidate. 68811

(2) Except as otherwise provided in division (K) (3) of 68812  
this section, a campaign committee that files a certificate 68813  
under division (K) (1) of this section is not required to file 68814  
the statements required by division (A) of this section. 68815



(3) If, after filing a certificate under division (K) (1) 68816  
of this section, a campaign committee exceeds any of the 68817  
limitations described in that division during an election 68818  
period, the certificate is void and thereafter the campaign 68819  
committee shall file the statements required by division (A) of 68820  
this section. If the campaign committee has not previously filed 68821  
a statement, then on the first statement the campaign committee 68822  
is required to file under division (A) of this section after the 68823  
committee's certificate is void, the committee shall report all 68824  
contributions received and expenditures made from the time the 68825  
candidate filed the candidate's declaration of candidacy and 68826  
petition, nominating petition, or declaration of intent to be a 68827  
write-in candidate. 68828

(4) As used in division (K) of this section, "election 68829  
period" means the period of time beginning on the day a person 68830  
files a declaration of candidacy and petition, nominating 68831  
petition, or declaration of intent to be a write-in candidate 68832  
through the day of the election at which the person seeks 68833  
nomination to office if the person is not elected to office, or, 68834  
if the candidate was nominated in a primary election, the day of 68835  
the election at which the candidate seeks office. 68836

(L) A political contributing entity that receives 68837  
contributions from the dues, membership fees, or other 68838  
assessments of its members or from its officers, shareholders, 68839  
and employees may report the aggregate amount of contributions 68840  
received from those contributors and the number of individuals 68841  
making those contributions, for each filing period under 68842  
divisions (A) (1), (2), (3), and (4) of this section, rather than 68843  
reporting information as required under division (B) (4) of this 68844  
section, including, when applicable, the name of the current 68845  
employer, if any, of a contributor whose contribution exceeds 68846

one hundred dollars or, if such a contributor is self-employed, 68847  
the contributor's occupation and the name of the contributor's 68848  
business, if any. Division (B) (4) of this section applies to a 68849  
political contributing entity with regard to contributions it 68850  
receives from all other contributors. 68851

**Sec. 3517.102.** (A) Except as otherwise provided in section 68852  
3517.103 of the Revised Code, as used in this section and 68853  
sections 3517.103 and 3517.104 of the Revised Code: 68854

(1) "Candidate" has the same meaning as in section 3517.01 68855  
of the Revised Code but includes only candidates for the offices 68856  
of governor, lieutenant governor, secretary of state, auditor of 68857  
state, treasurer of state, attorney general, ~~member of the state~~ 68858  
~~board of education,~~ member of the general assembly, chief 68859  
justice of the supreme court, and justice of the supreme court. 68860

(2) "Statewide candidate" or "any one statewide candidate" 68861  
means the joint candidates for the offices of governor and 68862  
lieutenant governor or a candidate for the office of secretary 68863  
of state, auditor of state, treasurer of state, attorney 68864  
general, ~~member of the state board of education,~~ chief justice 68865  
of the supreme court, or justice of the supreme court. 68866

(3) "Senate candidate" means a candidate for the office of 68867  
state senator. 68868

(4) "House candidate" means a candidate for the office of 68869  
state representative. 68870

(5) (a) "Primary election period" for a candidate begins on 68871  
the beginning date of the candidate's pre-filing period 68872  
specified in division (A) (9) of section 3517.109 of the Revised 68873  
Code and ends on the day of the primary election. 68874

(b) In regard to any candidate, the "general election 68875

period" begins on the day after the primary election immediately 68876  
preceding the general election at which the candidate seeks an 68877  
office specified in division (A) (1) of this section and ends on 68878  
the thirty-first day of December following that general 68879  
election. 68880

(6) "State candidate fund" means the state candidate fund 68881  
established by a state or county political party under division 68882  
(D) (3) (c) of section 3517.10 of the Revised Code. 68883

(7) "Postgeneral election statement" means the statement 68884  
filed under division (A) (2) of section 3517.10 of the Revised 68885  
Code by the campaign committee of a candidate after the general 68886  
election in which the candidate ran for office or filed by 68887  
legislative campaign fund after the general election in an even- 68888  
numbered year. 68889

(8) "Contribution" means any contribution that is required 68890  
to be reported in the statement of contributions under section 68891  
3517.10 of the Revised Code. 68892

(9) (a) Except as otherwise provided in division (A) (9) (b) 68893  
of this section, "designated state campaign committee" means: 68894

(i) In the case of contributions to or from a state 68895  
political party, a campaign committee of a statewide candidate, 68896  
statewide officeholder, senate candidate, house candidate, or 68897  
member of the general assembly. 68898

(ii) In the case of contributions to or from a county 68899  
political party, a campaign committee of a senate candidate or 68900  
house candidate whose candidacy is to be submitted to some or 68901  
all of the electors in that county, or member of the general 68902  
assembly whose district contains all or part of that county. 68903

(iii) In the case of contributions to or from a 68904

legislative campaign fund, a campaign committee of any of the 68905  
following: 68906

(I) A senate or house candidate who, if elected, will be a 68907  
member of the same party that established the legislative 68908  
campaign fund and the same house with which the legislative 68909  
campaign fund is associated; 68910

(II) A state senator or state representative who is a 68911  
member of the same party that established the legislative 68912  
campaign fund and the same house with which the legislative 68913  
campaign fund is associated. 68914

(b) A campaign committee is no longer a "designated state 68915  
campaign committee" after the campaign committee's candidate 68916  
changes the designation of treasurer required to be filed under 68917  
division (D)(1) of section 3517.10 of the Revised Code to 68918  
indicate that the person intends to be a candidate for, or 68919  
becomes a candidate for nomination or election to, any office 68920  
that, if elected, would not qualify that candidate's campaign 68921  
committee as a "designated state campaign committee" under 68922  
division (A)(9)(a) of this section. 68923

(B)(1)(a) No individual who is seven years of age or older 68924  
shall make a contribution or contributions aggregating more 68925  
than: 68926

(i) Ten thousand dollars to the campaign committee of any 68927  
one statewide candidate in a primary election period or in a 68928  
general election period; 68929

(ii) Ten thousand dollars to the campaign committee of any 68930  
one senate candidate in a primary election period or in a 68931  
general election period; 68932

(iii) Ten thousand dollars to the campaign committee of 68933

any one house candidate in a primary election period or in a general election period;	68934 68935
(iv) Ten thousand dollars to a county political party of the county in which the individual's designated Ohio residence is located for the party's state candidate fund in a calendar year;	68936 68937 68938 68939
(v) Fifteen thousand dollars to any one legislative campaign fund in a calendar year;	68940 68941
(vi) Thirty thousand dollars to any one state political party for the party's state candidate fund in a calendar year;	68942 68943
(vii) Ten thousand dollars to any one political action committee in a calendar year;	68944 68945
(viii) Ten thousand dollars to any one political contributing entity in a calendar year.	68946 68947
(b) No individual shall make a contribution or contributions to the state candidate fund of a county political party of any county other than the county in which the individual's designated Ohio residence is located.	68948 68949 68950 68951
(c) No individual who is under seven years of age shall make any contribution.	68952 68953
(2) (a) Subject to division (D) (1) of this section, no political action committee shall make a contribution or contributions aggregating more than:	68954 68955 68956
(i) Ten thousand dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period;	68957 68958 68959
(ii) Ten thousand dollars to the campaign committee of any	68960

one senate candidate in a primary election period or in a  
general election period; 68961  
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(iii) Ten thousand dollars to the campaign committee of  
any one house candidate in a primary election period or in a  
general election period; 68963  
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(iv) Fifteen thousand dollars to any one legislative  
campaign fund in a calendar year; 68966  
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(v) Thirty thousand dollars to any one state political  
party for the party's state candidate fund in a calendar year; 68968  
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(vi) Ten thousand dollars to another political action  
committee or to a political contributing entity in a calendar  
year. This division does not apply to a political action  
committee that makes a contribution to a political action  
committee or a political contributing entity affiliated with it.  
For purposes of this division, a political action committee is  
affiliated with another political action committee or with a  
political contributing entity if they are both established,  
financed, maintained, or controlled by, or if they are, the same  
corporation, organization, labor organization, continuing  
association, or other person, including any parent, subsidiary,  
division, or department of that corporation, organization, labor  
organization, continuing association, or other person. 68970  
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(b) No political action committee shall make a  
contribution or contributions to a county political party for  
the party's state candidate fund. 68983  
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(3) No campaign committee shall make a contribution or  
contributions aggregating more than: 68986  
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(a) Ten thousand dollars to the campaign committee of any  
one statewide candidate in a primary election period or in a 68988  
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general election period;	68990
(b) Ten thousand dollars to the campaign committee of any	68991
one senate candidate in a primary election period or in a	68992
general election period;	68993
(c) Ten thousand dollars to the campaign committee of any	68994
one house candidate in a primary election period or in a general	68995
election period;	68996
(d) Ten thousand dollars to any one political action	68997
committee in a calendar year;	68998
(e) Ten thousand dollars to any one political contributing	68999
entity in a calendar year.	69000
(4) (a) Subject to division (D) (3) of this section, no	69001
political party shall make a contribution or contributions	69002
aggregating more than ten thousand dollars to any one political	69003
action committee or to any one political contributing entity in	69004
a calendar year.	69005
(b) No county political party shall make a contribution or	69006
contributions to another county political party.	69007
(5) (a) Subject to division (B) (5) (b) of this section, no	69008
campaign committee, other than a designated state campaign	69009
committee, shall make a contribution or contributions	69010
aggregating in a calendar year more than:	69011
(i) Thirty thousand dollars to any one state political	69012
party for the party's state candidate fund;	69013
(ii) Fifteen thousand dollars to any one legislative	69014
campaign fund;	69015
(iii) Ten thousand dollars to any one county political	69016

party for the party's state candidate fund. 69017

(b) No campaign committee shall make a contribution or 69018  
contributions to a county political party for the party's state 69019  
candidate fund unless one of the following applies: 69020

(i) The campaign committee's candidate will appear on a 69021  
ballot in that county. 69022

(ii) The campaign committee's candidate is the holder of 69023  
an elected public office that represents all or part of the 69024  
population of that county at the time the contribution is made. 69025

(6) (a) No state candidate fund of a county political party 69026  
shall make a contribution or contributions, except a 69027  
contribution or contributions to a designated state campaign 69028  
committee, in a primary election period or a general election 69029  
period, aggregating more than: 69030

(i) Two hundred fifty thousand dollars to the campaign 69031  
committee of any one statewide candidate; 69032

(ii) Ten thousand dollars to the campaign committee of any 69033  
one senate candidate; 69034

(iii) Ten thousand dollars to the campaign committee of 69035  
any one house candidate. 69036

(b) (i) No state candidate fund of a state or county 69037  
political party shall make a transfer or a contribution or 69038  
transfers or contributions of cash or cash equivalents to a 69039  
designated state campaign committee in a primary election period 69040  
or in a general election period aggregating more than: 69041

(I) Five hundred thousand dollars to the campaign 69042  
committee of any one statewide candidate; 69043



(II) One hundred thousand dollars to the campaign committee of any one senate candidate; 69044  
69045

(III) Fifty thousand dollars to the campaign committee of any one house candidate. 69046  
69047

(ii) No legislative campaign fund shall make a transfer or a contribution or transfers or contributions of cash or cash equivalents to a designated state campaign committee aggregating more than: 69048  
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(I) Fifty thousand dollars in a primary election period or one hundred thousand dollars in a general election period to the campaign committee of any one senate candidate; 69052  
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(II) Twenty-five thousand dollars in a primary election period or fifty thousand dollars in a general election period to the campaign committee of any one house candidate. 69055  
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(iii) As used in divisions (B) (6) (b) and (C) (6) of this section, "transfer or contribution of cash or cash equivalents" does not include any in-kind contributions. 69058  
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(c) A county political party that has no state candidate fund and that is located in a county having a population of less than one hundred fifty thousand may make one or more contributions from other accounts to any one statewide candidate or to any one designated state campaign committee that do not exceed, in the aggregate, two thousand five hundred dollars in any primary election period or general election period. 69061  
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(d) No legislative campaign fund shall make a contribution, other than to a designated state campaign committee or to the state candidate fund of a political party. 69068  
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(7) (a) Subject to division (D) (1) of this section, no 69071

political contributing entity shall make a contribution or 69072  
contributions aggregating more than: 69073

(i) Ten thousand dollars to the campaign committee of any 69074  
one statewide candidate in a primary election period or in a 69075  
general election period; 69076

(ii) Ten thousand dollars to the campaign committee of any 69077  
one senate candidate in a primary election period or in a 69078  
general election period; 69079

(iii) Ten thousand dollars to the campaign committee of 69080  
any one house candidate in a primary election period or in a 69081  
general election period; 69082

(iv) Fifteen thousand dollars to any one legislative 69083  
campaign fund in a calendar year; 69084

(v) Thirty thousand dollars to any one state political 69085  
party for the party's state candidate fund in a calendar year; 69086

(vi) Ten thousand dollars to another political 69087  
contributing entity or to a political action committee in a 69088  
calendar year. This division does not apply to a political 69089  
contributing entity that makes a contribution to a political 69090  
contributing entity or a political action committee affiliated 69091  
with it. For purposes of this division, a political contributing 69092  
entity is affiliated with another political contributing entity 69093  
or with a political action committee if they are both 69094  
established, financed, maintained, or controlled by, or if they 69095  
are, the same corporation, organization, labor organization, 69096  
continuing association, or other person, including any parent, 69097  
subsidiary, division, or department of that corporation, 69098  
organization, labor organization, continuing association, or 69099  
other person. 69100

(b) No political contributing entity shall make a contribution or contributions to a county political party for the party's state candidate fund.

(C) (1) (a) Subject to division (D) (1) of this section, no campaign committee of a statewide candidate shall do any of the following:

(i) Knowingly accept a contribution or contributions from any individual who is under seven years of age;

(ii) Accept a contribution or contributions aggregating more than ten thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, or from any one other campaign committee in a primary election period or in a general election period;

(iii) Accept a contribution or contributions aggregating more than two hundred fifty thousand dollars from any one or combination of state candidate funds of county political parties in a primary election period or in a general election period.

(b) No campaign committee of a statewide candidate shall accept a contribution or contributions aggregating more than two thousand five hundred dollars in a primary election period or in a general election period from a county political party that has no state candidate fund and that is located in a county having a population of less than one hundred fifty thousand.

(2) (a) Subject to division (D) (1) of this section and except for a designated state campaign committee, no campaign committee of a senate candidate shall do either of the following:

(i) Knowingly accept a contribution or contributions from

any individual who is under seven years of age; 69130

(ii) Accept a contribution or contributions aggregating 69131  
more than ten thousand dollars from any one individual who is 69132  
seven years of age or older, from any one political action 69133  
committee, from any one political contributing entity, from any 69134  
one state candidate fund of a county political party, or from 69135  
any one other campaign committee in a primary election period or 69136  
in a general election period. 69137

(b) No campaign committee of a senate candidate shall 69138  
accept a contribution or contributions aggregating more than two 69139  
thousand five hundred dollars in a primary election period or in 69140  
a general election period from a county political party that has 69141  
no state candidate fund and that is located in a county having a 69142  
population of less than one hundred fifty thousand. 69143

(3) (a) Subject to division (D) (1) of this section and 69144  
except for a designated state campaign committee, no campaign 69145  
committee of a house candidate shall do either of the following: 69146

(i) Knowingly accept a contribution or contributions from 69147  
any individual who is under seven years of age; 69148

(ii) Accept a contribution or contributions aggregating 69149  
more than ten thousand dollars from any one individual who is 69150  
seven years of age or older, from any one political action 69151  
committee, from any one political contributing entity, from any 69152  
one state candidate fund of a county political party, or from 69153  
any one other campaign committee in a primary election period or 69154  
in a general election period. 69155

(b) No campaign committee of a house candidate shall 69156  
accept a contribution or contributions aggregating more than two 69157  
thousand five hundred dollars in a primary election period or in 69158

a general election period from a county political party that has 69159  
no state candidate fund and that is located in a county having a 69160  
population of less than one hundred fifty thousand. 69161

(4) (a) (i) Subject to division (C) (4) (a) (ii) of this 69162  
section and except for a designated state campaign committee, no 69163  
county political party shall knowingly accept a contribution or 69164  
contributions from any individual who is under seven years of 69165  
age, or accept a contribution or contributions for the party's 69166  
state candidate fund aggregating more than ten thousand dollars 69167  
from any one individual whose designated Ohio residence is 69168  
located within that county and who is seven years of age or 69169  
older or from any one campaign committee in a calendar year. 69170

(ii) Subject to division (D) (1) of this section, no county 69171  
political party shall accept a contribution or contributions for 69172  
the party's state candidate fund from any individual whose 69173  
designated Ohio residence is located outside of that county and 69174  
who is seven years of age or older, from any campaign committee 69175  
unless the campaign committee's candidate will appear on a 69176  
ballot in that county or unless the campaign committee's 69177  
candidate is the holder of an elected public office that 69178  
represents all or part of the population of that county at the 69179  
time the contribution is accepted, or from any political action 69180  
committee or any political contributing entity. 69181

(iii) No county political party shall accept a 69182  
contribution or contributions from any other county political 69183  
party. 69184

(b) Subject to division (D) (1) of this section, no state 69185  
political party shall do either of the following: 69186

(i) Knowingly accept a contribution or contributions from 69187

any individual who is under seven years of age; 69188

(ii) Accept a contribution or contributions for the 69189  
party's state candidate fund aggregating more than thirty 69190  
thousand dollars from any one individual who is seven years of 69191  
age or older, from any one political action committee, from any 69192  
one political contributing entity, or from any one campaign 69193  
committee, other than a designated state campaign committee, in 69194  
a calendar year. 69195

(5) Subject to division (D)(1) of this section, no 69196  
legislative campaign fund shall do either of the following: 69197

(a) Knowingly accept a contribution or contributions from 69198  
any individual who is under seven years of age; 69199

(b) Accept a contribution or contributions aggregating 69200  
more than fifteen thousand dollars from any one individual who 69201  
is seven years of age or older, from any one political action 69202  
committee, from any one political contributing entity, or from 69203  
any one campaign committee, other than a designated state 69204  
campaign committee, in a calendar year. 69205

(6) (a) No designated state campaign committee shall accept 69206  
a transfer or contribution of cash or cash equivalents from a 69207  
state candidate fund of a state political party aggregating in a 69208  
primary election period or a general election period more than: 69209

(i) Five hundred thousand dollars, in the case of a 69210  
campaign committee of a statewide candidate; 69211

(ii) One hundred thousand dollars, in the case of a 69212  
campaign committee of a senate candidate; 69213

(iii) Fifty thousand dollars, in the case of a campaign 69214  
committee of a house candidate. 69215

(b) No designated state campaign committee shall accept a transfer or contribution of cash or cash equivalents from a legislative campaign fund aggregating more than:

(i) Fifty thousand dollars in a primary election period or one hundred thousand dollars in a general election period, in the case of a campaign committee of a senate candidate;

(ii) Twenty-five thousand dollars in a primary election period or fifty thousand dollars in a general election period, in the case of a campaign committee of a house candidate.

(c) No campaign committee of a candidate for the office of member of the general assembly, including a designated state campaign committee, shall accept a transfer or contribution of cash or cash equivalents from any one or combination of state candidate funds of county political parties aggregating in a primary election period or a general election period more than:

(i) One hundred thousand dollars, in the case of a campaign committee of a senate candidate;

(ii) Fifty thousand dollars, in the case of a campaign committee of a house candidate.

(7) (a) Subject to division (D) (3) of this section, no political action committee and no political contributing entity shall do either of the following:

(i) Knowingly accept a contribution or contributions from any individual who is under seven years of age;

(ii) Accept a contribution or contributions aggregating more than ten thousand dollars from any one individual who is seven years of age or older, from any one campaign committee, or from any one political party in a calendar year.

(b) Subject to division (D) (1) of this section, no political action committee shall accept a contribution or contributions aggregating more than ten thousand dollars from another political action committee or from a political contributing entity in a calendar year. Subject to division (D) (1) of this section, no political contributing entity shall accept a contribution or contributions aggregating more than ten thousand dollars from another political contributing entity or from a political action committee in a calendar year. This division does not apply to a political action committee or political contributing entity that accepts a contribution from a political action committee or political contributing entity affiliated with it. For purposes of this division, a political action committee is affiliated with another political action committee or with a political contributing entity if they are both established, financed, maintained, or controlled by the same corporation, organization, labor organization, continuing association, or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, continuing association, or other person.

(D) (1) (a) For purposes of the limitations prescribed in division (B) (2) of this section and the limitations prescribed in divisions (C) (1), (2), (3), (4), (5), and (7) (b) of this section, whichever is applicable, all contributions made by and all contributions accepted from political action committees that are established, financed, maintained, or controlled by, or that are, the same corporation, organization, labor organization, continuing association, or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, continuing association, or other person, are considered to have been made by or accepted



from a single political action committee. 69275

(b) For purposes of the limitations prescribed in division 69276  
(B) (7) of this section and the limitations prescribed in 69277  
divisions (C) (1), (2), (3), (4), (5), and (7) (b) of this 69278  
section, whichever is applicable, all contributions made by and 69279  
all contributions accepted from political contributing entities 69280  
that are established, financed, maintained, or controlled by, or 69281  
that are, the same corporation, organization, labor 69282  
organization, continuing association, or other person, including 69283  
any parent, subsidiary, division, or department of that 69284  
corporation, organization, labor organization, continuing 69285  
association, or other person, are considered to have been made 69286  
by or accepted from a single political contributing entity. 69287

(2) As used in divisions (B) (1) (a) (vii), (B) (3) (d), (B) (4) 69288  
(a), and (C) (7) of this section, "political action committee" 69289  
does not include a political action committee that is organized 69290  
to support or oppose a ballot issue or question and that makes 69291  
no contributions to or expenditures on behalf of a political 69292  
party, campaign committee, legislative campaign fund, political 69293  
action committee, or political contributing entity. As used in 69294  
divisions (B) (1) (a) (viii), (B) (3) (e), (B) (4) (a), and (C) (7) of 69295  
this section, "political contributing entity" does not include a 69296  
political contributing entity that is organized to support or 69297  
oppose a ballot issue or question and that makes no 69298  
contributions to or expenditures on behalf of a political party, 69299  
campaign committee, legislative campaign fund, political action 69300  
committee, or political contributing entity. 69301

(3) For purposes of the limitations prescribed in 69302  
divisions (B) (4) and (C) (7) (a) of this section, all 69303  
contributions made by and all contributions accepted from a 69304

national political party, a state political party, and a county political party are considered to have been made by or accepted from a single political party and shall be combined with each other to determine whether the limitations have been exceeded.

(E) (1) If a legislative campaign fund has kept a total amount of contributions exceeding one hundred fifty thousand dollars at the close of business on the seventh day before the postgeneral election statement is required to be filed under section 3517.10 of the Revised Code, the legislative campaign fund shall comply with division (E) (2) of this section.

(2) (a) Any legislative campaign fund that has kept a total amount of contributions in excess of the amount specified in division (E) (1) of this section at the close of business on the seventh day before the postgeneral election statement is required to be filed under section 3517.10 of the Revised Code shall dispose of the excess amount in the manner prescribed in division ~~(E) (2) (b) (i), (ii), or (iii)~~ (E) (2) (b) of this section not later than ninety days after the day the postgeneral election statement is required to be filed under section 3517.10 of the Revised Code. Any legislative campaign fund that is required to dispose of an excess amount of contributions under this division shall file a statement on the ninetieth day after the postgeneral election statement is required to be filed under section 3517.10 of the Revised Code indicating the total amount of contributions the fund has at the close of business on the seventh day before the postgeneral election statement is required to be filed under section 3517.10 of the Revised Code and that the excess contributions were disposed of pursuant to this division and division (E) (2) (b) of this section. The statement shall be on a form prescribed by the secretary of state and shall contain any additional information the secretary

of state considers necessary. 69336

(b) Any legislative campaign fund that is required to 69337  
dispose of an excess amount of contributions under division (E) 69338  
(2) of this section shall dispose of that excess amount by doing 69339  
any one or both of the following: 69340

~~(i) Giving the amount to the treasurer of state for 69341  
deposit into the state treasury to the credit of the Ohio 69342  
elections commission fund created by division (I) of section 69343  
3517.152 of the Revised Code;~~ 69344

~~(ii)~~ Giving the amount to individuals who made 69345  
contributions to that legislative campaign fund as a refund of 69346  
all or part of their contributions; 69347

~~(iii)~~ (ii) Giving the amount to a corporation that is 69348  
exempt from federal income taxation under subsection 501(a) and 69349  
described in subsection 501(c) of the Internal Revenue Code. 69350

(F) (1) No legislative campaign fund shall fail to file a 69351  
statement required by division (E) of this section. 69352

(2) No legislative campaign fund shall fail to dispose of 69353  
excess contributions as required by division (E) of this 69354  
section. 69355

(G) Nothing in this section shall affect, be used in 69356  
determining, or supersede a limitation on campaign contributions 69357  
as provided for in the Federal Election Campaign Act. 69358

**Sec. 3517.103.** (A) For purposes of this section: 69359

(1) "Statewide candidate" means the joint candidates for 69360  
the offices of governor and lieutenant governor or a candidate 69361  
for the office of secretary of state, auditor of state, 69362  
treasurer of state, or attorney general, ~~or member of the state~~ 69363

~~board of education.~~ 69364

(2) (a) "Personal funds" means contributions to the 69365  
campaign committee of a candidate by the candidate. 69366

(b) A loan obtained by, guaranteed by, or for the benefit 69367  
of a statewide candidate, senate candidate, or house candidate 69368  
shall be considered "personal funds" subject to the provisions 69369  
of this section to the extent that the loan is obtained or 69370  
guaranteed by the candidate. A loan that is obtained or 69371  
guaranteed and that is for the benefit of a statewide candidate, 69372  
senate candidate, or house candidate shall not be considered 69373  
"personal funds" for the purposes of this section but shall be 69374  
considered to be a "contribution" for the purposes of this 69375  
chapter if the loan is obtained or guaranteed by anyone other 69376  
than the candidate. 69377

(c) When a debt or other obligation incurred by a 69378  
committee or by a candidate on behalf of the candidate's 69379  
committee is to be paid from "personal funds," those funds are 69380  
considered to be expended when the debt or other obligation is 69381  
incurred, regardless of when it is paid. 69382

(B) (1) Except as otherwise provided in division (B) (2) of 69383  
this section, no statewide candidate or candidate for the office 69384  
of member of the general assembly shall make an expenditure of 69385  
personal funds to influence the results of an election for that 69386  
candidate's nomination or election to office unless the personal 69387  
funds are first deposited into the campaign fund of that 69388  
candidate's campaign committee. 69389

(2) A statewide candidate or candidate for the office of 69390  
member of the general assembly may make an expenditure of 69391  
personal funds without first depositing those funds into the 69392

campaign committee's funds as long as the aggregate total of 69393  
those expenditures does not exceed five hundred dollars at any 69394  
time during an election period. After the candidate's campaign 69395  
committee reimburses the candidate for any direct expenditure of 69396  
personal funds, the amount that was reimbursed is no longer 69397  
included in the aggregate total of expenditures of personal 69398  
funds subject to the five-hundred-dollar limit. 69399

**Sec. 3517.104.** (A) In January of each odd-numbered year, 69400  
the secretary of state, in accordance with this division and 69401  
division (B) of this section, shall adjust each amount specified 69402  
in section 3517.102, in division (B) (4) (e) of section 3517.10, 69403  
and in division (B) of section 3517.101 of the Revised Code. The 69404  
adjustment shall be based on the yearly average of the previous 69405  
two years of the Consumer Price Index for All Urban Consumers or 69406  
its successive equivalent, as determined by the United States 69407  
department of labor, bureau of labor statistics, or its 69408  
successor in responsibility, for all items, Series A. Using the 69409  
1996 yearly average as the base year, the secretary of state 69410  
shall compare the most current average consumer price index with 69411  
that determined in the preceding odd-numbered year, and shall 69412  
determine the percentage increase or decrease. The percentage 69413  
increase or decrease shall be multiplied by the actual dollar 69414  
figure for each office or entity specified in section 3517.102 69415  
of the Revised Code and by each actual dollar figure specified 69416  
in division (B) (4) (e) of section 3517.10 and in division (B) of 69417  
section 3517.101 of the Revised Code as determined in the 69418  
previous odd-numbered year, and the product shall be added to or 69419  
subtracted from its corresponding actual dollar figure, as 69420  
necessary, for that previous odd-numbered year. 69421

The resulting amount shall be rounded to the nearest 69422  
twenty-five dollars if the calculations are made regarding the 69423

amounts specified in division (B) (4) (e) of section 3517.10 of 69424  
the Revised Code. 69425

If the calculations are made regarding the amounts 69426  
specified in section 3517.101 or 3517.102 of the Revised Code, 69427  
the resulting amount shall not be rounded. If that resulting 69428  
amount is less than one hundred dollars, the secretary of state 69429  
shall retain a record of the resulting amount and the manner in 69430  
which it was calculated, but shall not make an adjustment unless 69431  
the resulting amount, when added to the resulting amount 69432  
calculated in each prior odd-numbered year since the last 69433  
adjustment was made, equals or exceeds one hundred dollars. 69434

(B) (1) The secretary of state shall calculate the 69435  
adjustment under division (A) of this section and shall report 69436  
the calculations and necessary materials to the auditor of 69437  
state, on or before the thirty-first day of January of each odd- 69438  
numbered year. The secretary of state shall base the adjustment 69439  
on the most current consumer price index that is described in 69440  
division (A) of this section and that is in effect as of the 69441  
first day of January of each odd-numbered year. 69442

(2) The calculations made by the secretary of state under 69443  
divisions (A) and (B) (1) of this section shall be certified by 69444  
the auditor of state on or before the fifteenth day of February 69445  
of each odd-numbered year. 69446

(3) On or before the twenty-fifth day of February of each 69447  
odd-numbered year, the secretary of state shall prepare a report 69448  
setting forth the maximum contribution limitations under section 69449  
3517.102 of the Revised Code, the maximum amounts, if any, of 69450  
contributions permitted to be kept under that section, the 69451  
amounts required under division (B) (4) (e) of section 3517.10 of 69452  
the Revised Code for reporting contributions and in-kind 69453

contributions at social or fund-raising activities and 69454  
contributions from amounts deducted from an employee's wages and 69455  
salary, and the maximum office facility gift limitations under 69456  
section 3517.101 of the Revised Code, as calculated and 69457  
certified pursuant to divisions (A) and (B)(1) and (2) of this 69458  
section. The report and all documents relating to the 69459  
calculations contained in the report are public records. The 69460  
report shall contain an indication of the period in which the 69461  
limitations, the maximum contribution or gift amounts, and the 69462  
reporting amounts apply, a summary of how the limitations, the 69463  
maximum contribution or gift amounts, and the reporting amounts 69464  
were calculated, and a statement that the report and all related 69465  
documents are available for inspection and copying at the office 69466  
of the secretary of state. 69467

(4) On or before the twenty-fifth day of February of each 69468  
odd-numbered year, the secretary of state shall transmit the 69469  
report to the general assembly and shall send the report by mail 69470  
to the board of elections of each county. 69471

(5) The secretary of state shall send the report by mail 69472  
to each person who files a declaration of candidacy or 69473  
nominating petition with the secretary of state for the office 69474  
of governor, lieutenant governor, secretary of state, auditor of 69475  
state, treasurer of state, attorney general, ~~member of the state~~ 69476  
~~board of education,~~ chief justice of the supreme court, or 69477  
justice of the supreme court. The report shall be mailed on or 69478  
before the tenth day after the filing. 69479

(6) A board of elections shall send the report by mail to 69480  
each person who files a declaration of candidacy or nominating 69481  
petition with the board for the office of state representative 69482  
or state senator. The report shall be mailed on or before the 69483

tenth day after the filing. 69484

**Sec. 3517.108.** (A) As used in divisions (A) and (B) of 69485  
this section: 69486

(1) "Candidate" has the same meaning as in section 3517.01 69487  
of the Revised Code but includes only candidates for the offices 69488  
of governor, lieutenant governor, secretary of state, auditor of 69489  
state, treasurer of state, attorney general, ~~member of the state~~ 69490  
~~board of education,~~ member of the general assembly, chief 69491  
justice of the supreme court, and justice of the supreme court. 69492

(2) A "general election period" begins on the day after 69493  
the primary election immediately preceding the general election 69494  
at which a candidate seeks an office specified in division (A) 69495  
(1) of this section and ends on the thirty-first day of December 69496  
following that general election. 69497

(3) A "primary election period" begins on the first day of 69498  
January of the year following the year in which the general 69499  
election was held for the office that the candidate seeks, 69500  
including any mid-term election, and ends on the day of the 69501  
primary election. 69502

(B) Whenever the campaign committee of a candidate has 69503  
unpaid debt at the end of a primary election period or at the 69504  
end of a general election period, the committee may accept 69505  
additional contributions during the immediately following 69506  
election period up to the applicable limitation prescribed under 69507  
section 3517.102 of the Revised Code from any individual, 69508  
political action committee, political contributing entity, or 69509  
other campaign committee who, during the primary or general 69510  
election period for which debt remains unpaid, has contributed 69511  
less than the contribution limitations prescribed under section 69512



3517.102 of the Revised Code applicable to that individual, 69513  
political action committee, political contributing entity, or 69514  
other campaign committee. Any additional contribution that a 69515  
campaign committee accepts under this division shall count 69516  
toward the applicable limitations prescribed under section 69517  
3517.102 of the Revised Code for that primary or general 69518  
election period at the end of which the debt remains unpaid, and 69519  
shall not count toward the applicable limitations for any other 69520  
primary or general election period if all of the following 69521  
conditions apply: 69522

(1) The campaign committee reports, on the statement 69523  
required to be filed under division (A) (2) of section 3517.10 of 69524  
the Revised Code, all debt remaining unpaid at the end of the 69525  
election period. The committee shall also file a separate 69526  
statement, on a form prescribed by the secretary of state, at 69527  
the same time that the committee is required to file a statement 69528  
of contributions and expenditures under section 3517.10 of the 69529  
Revised Code. The separate statement shall include the name and 69530  
address of each contributor who makes an additional contribution 69531  
under division (B) of this section, how the contribution was 69532  
applied to pay the unpaid debt as required by division (B) (3) of 69533  
this section, and the balance of the unpaid debt after each 69534  
contribution was applied to it. 69535

(2) The additional contributions are accepted only during 69536  
the primary or general election period, whichever is applicable, 69537  
immediately following the election period covered in the 69538  
statement filed under division (B) (1) of this section. 69539

(3) All additional contributions made under division (B) 69540  
of this section are used by the campaign committee that receives 69541  
them only to pay the debt of the committee reported under 69542

division (B) (1) of this section. 69543

(4) The campaign committee maintains a separate account 69544  
for all additional contributions made under division (B) of this 69545  
section and uses moneys in that account only to pay the unpaid 69546  
debt reported under division (B) (1) of this section and to 69547  
administer the account. 69548

(5) The campaign committee stops accepting additional 69549  
contributions after funds sufficient to repay the unpaid debt 69550  
reported under division (B) (1) of this section have been raised 69551  
and promptly disposes of any contributions received that exceed 69552  
the amount of the unpaid debt by returning the excess 69553  
contributions to the contributors or by giving the excess 69554  
contributions to an organization that is exempt from federal 69555  
income taxation under subsection 501(a) and described in 69556  
subsection 501(c) (3), (4), (8), (10), or (19) of the Internal 69557  
Revenue Code. 69558

**Sec. 3517.109.** (A) As used in this section: 69559

(1) "Candidate" has the same meaning as in section 3517.01 69560  
of the Revised Code but includes only candidates for the offices 69561  
of governor, lieutenant governor, secretary of state, auditor of 69562  
state, treasurer of state, attorney general, ~~member of the state~~ 69563  
~~board of education,~~ and member of the general assembly. 69564

(2) "Statewide candidate" means the joint candidates for 69565  
the offices of governor and lieutenant governor or a candidate 69566  
for the office of secretary of state, auditor of state, 69567  
treasurer of state, and attorney general, ~~and member of the~~ 69568  
~~state board of education.~~ 69569

(3) "Senate candidate" means a candidate for the office of 69570  
state senator. 69571

(4) "House candidate" means a candidate for the office of state representative. 69572  
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(5) "State office" means the offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, ~~member of the state board of education,~~ and member of the general assembly. 69574  
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(6) "Aggregate contribution" means the total of all contributions from a contributor during the pre-filing period. 69578  
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(7) "Allowable aggregate contribution" means all of the following: 69580  
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(a) In the case of a contribution from a contributor whose contributions are subject to the contribution limits described in division (B) (1), (2), (3), (6) (a), or (7) of section 3517.102 of the Revised Code, that portion of the amount of the contributor's aggregate contribution that does not exceed the preprimary contribution limit applicable to that contributor. 69582  
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(b) In the case of a contribution or contributions from a contributor whose contributions are not subject to the contribution limits described in divisions (B) (1), (2), (3), (6) (a), or (7) of section 3517.102 of the Revised Code, the total of the following: 69588  
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(i) That portion of the aggregate contribution that was received as in-kind services; 69593  
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(ii) That portion of the aggregate contribution that was received as cash and does not exceed the applicable preprimary cash transfer or contribution limits described in division (B) (6) (b) of section 3517.102 of the Revised Code. 69595  
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(8) "Excess aggregate contribution" means, for each 69599

contributor, the amount by which that contributor's aggregate 69600  
contribution exceeds that contributor's allowable aggregate 69601  
contribution. 69602

(9) "Pre-filing period" means the period of time ending on 69603  
the day that the candidacy petitions are due for the state 69604  
office for which the candidate has filed and beginning on the 69605  
latest date of the following: 69606

(a) The first day of January of the year following the 69607  
general election in which that state office was last on the 69608  
ballot; 69609

(b) The first day of January of the year following the 69610  
general election in which the candidate was last a candidate for 69611  
any office; 69612

(c) The first day of the month following the primary 69613  
election in which the candidate was last a candidate for any 69614  
office. 69615

(10) "Filing date" means the last date on which a 69616  
candidacy petition may be filed for an office. 69617

(11) "Applicable carry-in limit" means thirty-five 69618  
thousand dollars if the candidate is a house candidate ~~or a~~ 69619  
~~candidate for the state board of education,~~ one hundred thousand 69620  
dollars if the candidate is a senate candidate, and two hundred 69621  
thousand dollars if the candidate is a statewide candidate ~~other~~ 69622  
~~than a candidate for the state board of education.~~ 69623

(12) "Campaign asset" means prepaid, purchased, or donated 69624  
assets available to the candidate on the date of the filing 69625  
deadline for the office the candidate is seeking that will be 69626  
consumed or depleted in the course of the candidate's election 69627  
campaign, including, but not limited to, postage, prepaid rent 69628

for campaign headquarters, prepaid radio, television, and 69629  
newspaper advertising, and other prepaid consulting and personal 69630  
services. 69631

(13) "Permitted funds" means the sum of the following: 69632

(a) The total of the allowable aggregate contribution of 69633  
each contributor; 69634

(b) The applicable carry-in limit. 69635

(14) "Excess funds" means the amount by which the sum of 69636  
the total cash on hand and total reported campaign assets 69637  
exceeds permitted funds. 69638

(15) "Covered candidate" means both of the following: 69639

(a) A candidate who, during the pre-filing period, accepts 69640  
or has a campaign committee that accepts contributions on the 69641  
candidate's behalf for the purpose of nominating or electing the 69642  
candidate to any office not subject to the contribution limits 69643  
prescribed in section 3517.102 of the Revised Code; 69644

(b) A person who, during the pre-filing period, accepts or 69645  
has a campaign committee that accepts contributions on the 69646  
person's behalf prior to the person deciding upon or announcing 69647  
the office for which the person will become a candidate for 69648  
nomination or election. 69649

(B) Each candidate who files for state office, not later 69650  
than the filing date for that office, shall dispose of any 69651  
excess funds. Each covered candidate who files for state office, 69652  
not later than the filing date for that office, shall dispose of 69653  
any excess aggregate contributions. 69654

(C) Any campaign committee that is required to dispose of 69655  
excess funds or excess aggregate contributions under division 69656

(B) of this section shall dispose of that excess amount or  
amounts by doing ~~any~~ one or both of the following:

~~(1) Giving the amount to the treasurer of state for  
deposit into the state treasury to the credit of the Ohio  
elections commission fund created by division (I) of section  
3517.152 of the Revised Code;~~

~~(2) Giving the amount to individuals who made  
contributions to that campaign committee as a refund of all or  
part of their contributions;~~

~~(3)~~ (2) Giving the amount to a corporation that is exempt  
from federal income taxation under subsection 501(a) and  
described in subsection 501(c) of the Internal Revenue Code.

(D) (1) Subject to division (D) (2) of this section, no  
candidate or covered candidate shall appear on the ballot, even  
if certified to appear on the ballot, unless the candidate's or  
covered candidate's campaign committee has disposed of excess  
funds, excess aggregate contributions, or both as required by  
divisions (B) and (C) of this section.

(2) If the excess aggregate contributions accepted by a  
covered candidate or a covered candidate's campaign committee  
aggregate a total of less than five thousand dollars from all  
contributors, that candidate shall not be prohibited from  
appearing on the ballot under division (D) (1) of this section.

(E) (1) The campaign committee of each candidate required  
to dispose of excess funds under this section shall file a  
report, on a form prescribed by the secretary of state, with the  
official or board with which the candidate is required to file  
statements under section 3517.11 of the Revised Code. The report  
shall be filed by the seventh day following the filing deadline

for the office the candidate is seeking, shall indicate the amount of excess funds disposed of, and shall describe the manner in which the campaign committee disposed of the excess amount.

(2) In addition to the information required to be included in a report filed under division (E)(1) of this section, the campaign committee of each covered candidate required to dispose of excess aggregate contributions under this section shall include in that report the source and amount of each excess aggregate contribution disposed of and shall describe the manner in which the campaign committee disposed of the excess amount.

(F)(1) Each campaign committee of a candidate who has filed a declaration of candidacy or a nominating petition for a state office, not later than seven days after the filing date for the office the candidate is seeking, shall file a declaration of filing-day finances, on a form prescribed by the secretary of state, with the official or board with which the candidate is required to file statements under section 3517.11 of the Revised Code.

(2) A declaration of filing-day finances shall list all of the following:

(a) The amount of cash on hand in the candidate's campaign fund on the filing date for the office the candidate is seeking.

(b) The value and description of all campaign assets worth five hundred dollars or more available to the candidate on the filing date. Assets purchased by the campaign shall be valued at actual cost, and in-kind contributions shall be valued at market value.

(c) The total of all aggregate contributions;

(d) The total of all allowable aggregate contributions;	69715
(e) The applicable carry-in limit, if any.	69716
(3) In addition to the information required to be included	69717
in a report of filing-day finances filed under division (F) (1)	69718
of this section, the campaign committee of each covered	69719
candidate shall include both of the following in that report:	69720
(a) The total of all excess aggregate contributions;	69721
(b) For each contributor, if any, for whom there is an	69722
excess aggregate contribution, the name, address, aggregate	69723
contribution, and excess aggregate contribution.	69724
(G) A campaign committee of a candidate is not required to	69725
file a declaration of filing-day finances under division (F) of	69726
this section if all of the following apply:	69727
(1) The campaign committee has not accepted, during the	69728
pre-filing period, any aggregate contribution greater than the	69729
applicable amount.	69730
(2) The campaign committee had less than the carry-in	69731
amount in cash on hand at the beginning of the pre-filing	69732
period.	69733
(3) The candidate files a declaration, on a form	69734
prescribed by the secretary of state, with the official or board	69735
with which the candidate is required to file statements under	69736
section 3517.11 of the Revised Code not later than seven days	69737
after the filing date for the office that candidate is seeking,	69738
stating that the candidate's campaign committee has not accepted	69739
aggregate contributions as described in division (G) (1) of this	69740
section and has less than the carry-in amount in cash on hand as	69741
described in division (G) (2) of this section.	69742



Sec. 3517.1012. (A) (1) Each state and county political party shall establish a restricted fund that is separate from all other accounts of the political party.

(2) A state or county political party shall deposit into its restricted fund all gifts that are made to or accepted by the political party from a corporation or labor organization subject to the applicable limitations prescribed in division (X) of section 3517.13 of the Revised Code. A state or county political party may deposit into its restricted fund any gifts that are made to or accepted by the political party from a source other than a corporation or labor organization.

(3) Moneys in a state or county political party's restricted fund may be disbursed to pay costs incurred for any of the ~~following purposes specified in division (A) of section 3517.18 of the Revised Code:~~

(a) The defraying of operating and maintenance costs associated with political party headquarters, including rental or leasing costs, staff salaries, office equipment and supplies, postage, and the purchase, lease, or maintenance of computer hardware and software;

(b) The organization of voter registration programs and get-out-the-vote campaigns and the costs associated with voter registration and get-out-the-vote activities, including, but not limited to, rental costs for booth spaces at fairs, festivals, or similar events if voter registration forms are available at those booths, printing costs for registration forms, mailing costs for communications soliciting voter registration, and payments for the services of persons conducting voter registration and get-out-the-vote activities;

<u>(c) The administration of party fund-raising drives;</u>	69772
<u>(d) Direct mail campaigns or other communications with the registered voters of a party that are not related to any particular candidate or election;</u>	69773 69774 69775
<u>(e) The preparation of reports required by law.</u>	69776
(B) Except as otherwise provided in this division, a state or county political party shall file deposit and disbursement statements, in the same manner as the party is required to file statements of contributions and expenditures under section 3517.10 of the Revised Code, regarding all deposits made into, and all disbursements made from, the party's restricted fund. Deposit and disbursement statements filed in accordance with this division by a county political party shall be filed by electronic means of transmission to the office of the secretary of state at the times specified in division (A) of section 3517.10 of the Revised Code for the filing of statements of contributions and expenditures if the county political party accepts gifts from a corporation or labor organization under division (A) (2) of this section.	69777 69778 69779 69780 69781 69782 69783 69784 69785 69786 69787 69788 69789 69790
<b>Sec. 3517.11.</b> (A) (1) Campaign committees of candidates for statewide office <del>or the state board of education</del> , political action committees or political contributing entities that make contributions to campaign committees of candidates that are required to file the statements prescribed by section 3517.10 of the Revised Code with the secretary of state, political action committees or political contributing entities that make contributions to campaign committees of candidates for member of the general assembly, political action committees or political contributing entities that make contributions to state and national political parties and to legislative campaign funds,	69791 69792 69793 69794 69795 69796 69797 69798 69799 69800 69801

political action committees or political contributing entities 69802  
that receive contributions or make expenditures in connection 69803  
with a statewide ballot issue, political action committees or 69804  
political contributing entities that make contributions to other 69805  
political action committees or political contributing entities, 69806  
political parties, and campaign committees, except as set forth 69807  
in division (A) (3) of this section, legislative campaign funds, 69808  
and state and national political parties shall file the 69809  
statements prescribed by section 3517.10 of the Revised Code 69810  
with the secretary of state. 69811

(2) (a) Except as otherwise provided in division (E) of 69812  
section 3517.106 of the Revised Code, campaign committees of 69813  
candidates for all other offices shall file the statements 69814  
prescribed by section 3517.10 of the Revised Code with the board 69815  
of elections where their candidates are required to file their 69816  
petitions or other papers for nomination or election. 69817

(b) A campaign committee of a candidate for office of 69818  
member of the general assembly or a campaign committee of a 69819  
candidate for the office of judge of a court of appeals shall 69820  
file two copies of the printed version of any statement, 69821  
addendum, or amended statement if the committee does not file 69822  
pursuant to division (E) or (J) of section 3517.106 of the 69823  
Revised Code but files by printed version only with the 69824  
appropriate board of elections. The board of elections shall 69825  
send one of those copies by certified mail or an electronic copy 69826  
to the secretary of state before the close of business on the 69827  
day the board of elections receives the statement, addendum, or 69828  
amended statement. 69829

(3) Political action committees or political contributing 69830  
entities that only contribute to a county political party, 69831

contribute to campaign committees of candidates whose nomination 69832  
or election is to be submitted only to electors within a county, 69833  
subdivision, or district, excluding candidates for member of the 69834  
general assembly, and receive contributions or make expenditures 69835  
in connection with ballot questions or issues to be submitted 69836  
only to electors within a county, subdivision, or district shall 69837  
file the statements prescribed by section 3517.10 of the Revised 69838  
Code with the board of elections in that county or in the county 69839  
contained in whole or part within the subdivision or district 69840  
having a population greater than that of any other county 69841  
contained in whole or part within that subdivision or district, 69842  
as the case may be. 69843

(4) Except as otherwise provided in division (E) (1) (e) of 69844  
section 3517.106 of the Revised Code with respect to state 69845  
candidate funds, county political parties shall file the 69846  
statements prescribed by section 3517.10 of the Revised Code 69847  
with the board of elections of their respective counties. 69848

(B) (1) The official with whom petitions and other papers 69849  
for nomination or election to public office are filed shall 69850  
furnish each candidate at the time of that filing a copy of 69851  
sections 3517.01, 3517.08 to 3517.11, 3517.13 to 69852  
~~3517.993~~3517.991, 3599.03, and 3599.031 of the Revised Code and 69853  
any other materials that the secretary of state may require. 69854  
Each candidate receiving the materials shall acknowledge their 69855  
receipt in writing. 69856

(2) On or before the tenth day before the dates on which 69857  
statements are required to be filed by section 3517.10 of the 69858  
Revised Code, the secretary of state shall notify every 69859  
candidate subject to the provisions of this section and sections 69860  
3517.10 and 3517.106 of the Revised Code of the requirements and 69861

applicable penalties of those sections. The secretary of state 69862  
shall notify all candidates required to file those statements 69863  
with the secretary of state's office either by certified mail, 69864  
or, if the secretary of state has record of an internet 69865  
identifier of record associated with the candidate, by ordinary 69866  
mail and by that internet identifier of record. The board of 69867  
elections of every county shall notify by first class mail any 69868  
candidate who has personally appeared at the office of the board 69869  
on or before the tenth day before the statements are required to 69870  
be filed and signed a form, to be provided by the secretary of 69871  
state, attesting that the candidate has been notified of the 69872  
candidate's obligations under the campaign finance law. The 69873  
board shall forward the completed form to the secretary of 69874  
state. The board shall notify all other candidates required to 69875  
file those statements with it either by certified mail, or, if 69876  
the secretary of state has record of an internet identifier of 69877  
record associated with the candidate, by ordinary mail and by 69878  
that internet identifier of record. 69879

(3) (a) Any statement required to be filed under sections 69880  
3517.081 to ~~3517.14~~ 3517.13 of the Revised Code that is found to 69881  
be incomplete or inaccurate by the officer to whom it is 69882  
submitted shall be accepted on a conditional basis, and the 69883  
person who filed it shall be notified by certified mail as to 69884  
the incomplete or inaccurate nature of the statement. The 69885  
secretary of state may examine statements filed for candidates 69886  
for the office of member of the general assembly and candidates 69887  
for the office of judge of a court of appeals for completeness 69888  
and accuracy. The secretary of state shall examine for 69889  
completeness and accuracy statements that campaign committees of 69890  
candidates for the office of member of the general assembly and 69891  
campaign committees of candidates for the office of judge of a 69892

court of appeals file pursuant to division (E) or (J) of section 69893  
3517.106 of the Revised Code. If an officer at the board of 69894  
elections where a statement filed for a candidate for the office 69895  
of member of the general assembly or for a candidate for the 69896  
office of judge of a court of appeals was submitted finds the 69897  
statement to be incomplete or inaccurate, the officer shall 69898  
immediately notify the secretary of state of its incomplete or 69899  
inaccurate nature. If either an officer at the board of 69900  
elections or the secretary of state finds a statement filed for 69901  
a candidate for the office of member of the general assembly or 69902  
for a candidate for the office of judge of a court of appeals to 69903  
be incomplete or inaccurate, only the secretary of state shall 69904  
send the notification as to the incomplete or inaccurate nature 69905  
of the statement. 69906

Within twenty-one days after receipt of the notice, in the 69907  
case of a pre-election statement, a postelection statement, a 69908  
monthly statement, an annual statement, or a semiannual 69909  
statement prescribed by section 3517.10, an annual statement 69910  
prescribed by section 3517.101, or a statement prescribed by 69911  
division (B) (2) (b) or (C) (2) (b) of section 3517.105 or section 69912  
3517.107 of the Revised Code, the recipient shall file an 69913  
addendum, amendment, or other correction to the statement 69914  
providing the information necessary to complete or correct the 69915  
statement. The secretary of state may require that, in lieu of 69916  
filing an addendum, amendment, or other correction to a 69917  
statement that is filed by electronic means of transmission to 69918  
the office of the secretary of state or a board of elections 69919  
pursuant to section 3517.106 of the Revised Code, the recipient 69920  
of the notice described in this division file by electronic 69921  
means of transmission an amended statement that incorporates the 69922  
information necessary to complete or correct the statement. 69923

The secretary of state shall determine by rule when an addendum, amendment, or other correction to any of the following or when an amended statement of any of the following shall be filed:

(i) A two-business-day statement prescribed by section 3517.10 of the Revised Code;

(ii) A disclosure of electioneering communications statement prescribed by division (D) of section 3517.1011 of the Revised Code;

(iii) A deposit and disbursement statement prescribed under division (B) of section 3517.1012 of the Revised Code;

(iv) A gift and disbursement statement prescribed under section 3517.1013 of the Revised Code;

(v) A donation and disbursement statement prescribed under section 3517.1014 of the Revised Code.

An addendum, amendment, or other correction to a statement that is filed by electronic means of transmission pursuant to section 3517.106 of the Revised Code shall be filed in the same manner as the statement.

The provisions of sections 3517.10, 3517.106, 3517.1011, 3517.1012, 3517.1013, and 3517.1014 of the Revised Code pertaining to the filing of statements of contributions and expenditures, statements of independent expenditures, disclosure of electioneering communications statements, deposit and disbursement statements, gift and disbursement statements, and donation and disbursement statements by electronic means of transmission apply to the filing of addenda, amendments, or other corrections to those statements by electronic means of transmission and the filing of amended statements by electronic

means of transmission. 69953

(b) Within five business days after the secretary of state receives, by electronic or other means of transmission, an addendum, amendment, or other correction to a statement or an amended statement under division (B)(3)(a) of this section, the secretary of state, pursuant to divisions (E) and (G) of section 3517.106 or division (D) of section 3517.1011 of the Revised Code, shall make the contribution and expenditure, contribution and disbursement, deposit and disbursement, gift and disbursement, or donation and disbursement information in that addendum, amendment, correction, or amended statement available online to the public through the internet. 69954  
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(4) (a) The secretary of state or the board of elections shall examine all statements for compliance with sections 3517.08 to ~~3517.14~~ 3517.13 of the Revised Code. 69965  
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(b) The secretary of state may contract with an individual or entity not associated with the secretary of state and experienced in interpreting the campaign finance law of this state to conduct examinations of statements filed by any statewide candidate, as defined in section 3517.103 of the Revised Code. 69968  
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(c) The examination shall be conducted by a person or entity qualified to conduct it. The results of the examination shall be available to the public, and, when the examination is conducted by an individual or entity not associated with the secretary of state, the results of the examination shall be reported to the secretary of state. 69974  
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(C) (1) In the event of a failure to file or a late filing of a statement required to be filed under sections 3517.081 to 69980  
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~~3517.14~~ 3517.13 of the Revised Code, or if a filed statement or 69982  
any addendum, amendment, or other correction to a statement or 69983  
any amended statement, if an addendum, amendment, or other 69984  
correction or an amended statement is required to be filed, is 69985  
incomplete or inaccurate or appears to disclose a failure to 69986  
comply with or a violation of law, the official whose duty it is 69987  
to examine the statement shall promptly file a complaint with 69988  
the ~~Ohio elections commission~~ appropriate enforcement authority 69989  
under section ~~3517.153~~ 3517.14 of the Revised Code if the law is 69990  
one over which the ~~commission~~ authority has jurisdiction to hear 69991  
complaints under that section, or the official shall promptly 69992  
report the failure or violation to the board of elections and 69993  
the board shall promptly report it to the prosecuting attorney 69994  
in accordance with division (J) of section 3501.11 of the 69995  
Revised Code. ~~If the official files a complaint with the~~ 69996  
~~commission, the commission shall proceed in accordance with~~ 69997  
~~sections 3517.154 to 3517.157 of the Revised Code.~~ 69998

(2) For purposes of division (C)(1) of this section, a 69999  
statement or an addendum, amendment, or other correction to a 70000  
statement or an amended statement required to be filed under 70001  
sections 3517.081 to ~~3517.14~~ 3517.13 of the Revised Code is 70002  
incomplete or inaccurate under this section if the statement, 70003  
addendum, amendment, other correction, or amended statement 70004  
fails to disclose substantially all contributions, gifts, or 70005  
donations that are received or deposits that are made that are 70006  
required to be reported under sections 3517.10, 3517.107, 70007  
3517.108, 3517.1011, 3517.1012, 3517.1013, and 3517.1014 of the 70008  
Revised Code or if the statement, addendum, amendment, other 70009  
correction, or amended statement fails to disclose at least 70010  
ninety per cent of the total contributions, gifts, or donations 70011  
received or deposits made or of the total expenditures or 70012

disbursements made during the reporting period. 70013

(D) No certificate of nomination or election shall be 70014  
issued to a person, and no person elected to an office shall 70015  
enter upon the performance of the duties of that office, until 70016  
that person or that person's campaign committee, as appropriate, 70017  
has fully complied with this section and sections 3517.08, 70018  
3517.081, 3517.10, and 3517.13 of the Revised Code. 70019

**Sec. 3517.121.** Notwithstanding any contrary provision of 70020  
the Revised Code: 70021

(A) As used in this section: 70022

(1) "Electioneering communication" has the same meaning as 70023  
in section 3517.1011 of the Revised Code. 70024

(2) "Foreign national" means any of the following, as 70025  
applicable: 70026

(a) In the case of an individual, an individual who is not 70027  
a United States citizen or national; 70028

(b) A government of a foreign country or of a political 70029  
subdivision of a foreign country; 70030

(c) A foreign political party; 70031

(d) A person, other than an individual, that is organized 70032  
under the laws of, or has its principal place of business in, a 70033  
foreign country. 70034

(B) No foreign national shall, directly or indirectly 70035  
through any person or entity, do any of the following: 70036

(1) Make a contribution, expenditure, or independent 70037  
expenditure in support of or opposition to a candidate for any 70038  
elective office in this state, including an office of a 70039

political party; 70040

(2) Make a contribution, expenditure, or independent 70041  
expenditure in support of or opposition to a statewide ballot 70042  
issue or question, regardless of whether the ballot issue or 70043  
question has yet been certified to appear on the ballot; 70044

(3) Make a disbursement for the direct cost of producing 70045  
or airing an electioneering communication; 70046

(4) Make a contribution to a candidate, campaign 70047  
committee, political action committee, political contributing 70048  
entity, legislative campaign fund, state candidate fund, 70049  
political party, or separate segregated fund, to any committee 70050  
created to support or oppose a ballot issue or question, or, to 70051  
the maximum extent permitted by law and by the constitutions of 70052  
the United States and of this state, to a continuing 70053  
association; 70054

(5) Promise, either expressly or implicitly, to make a 70055  
contribution, expenditure, independent expenditure, or 70056  
disbursement described in division (B) (1), (2), (3), or (4) of 70057  
this section. 70058

(C) No individual, candidate, campaign committee, 70059  
political action committee, political contributing entity, 70060  
legislative campaign fund, state candidate fund, political 70061  
party, separate segregated fund, or committee created to support 70062  
or oppose a ballot issue or question and, to the maximum extent 70063  
permitted by law and by the constitutions of the United States 70064  
and of this state, no continuing association shall, directly or 70065  
indirectly through any other person or entity, knowingly do 70066  
either of the following: 70067

(1) Solicit, accept, or receive any funds from a foreign 70068

national for any purpose described in division (B) of this section; 70069  
70070

(2) Make a contribution, expenditure, or independent expenditure using any funds the person knows were received from a foreign national for any purpose described in division (B) of this section. 70071  
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(D) No person shall knowingly aid or facilitate a violation of division (B) or (C) of this section. 70075  
70076

(E) Any complaint that alleges a violation of division (W) of section 3517.13 of the Revised Code shall be treated as instead alleging a violation of this section. 70077  
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70079

(F)(1) Whoever knowingly violates division (B) of this section is guilty of a misdemeanor of the first degree on a first offense and is guilty of a felony of the fifth degree on a second or subsequent offense. The violator also shall be fined an amount equal to three times the amount involved in the violation or ten thousand dollars, whichever amount is greater. 70080  
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(2) Whoever knowingly violates division (C) of this section is guilty of a misdemeanor of the first degree on a first offense and is guilty of a felony of the fifth degree on a second or subsequent offense. The violator also shall be fined an amount equal to three times the amount involved in the violation or ten thousand dollars, whichever amount is greater, and shall be required to return the total amount accepted in violation of that division to the foreign national from whom it was accepted. 70086  
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(3) Whoever knowingly violates division (D) of this section is guilty of a misdemeanor of the first degree and shall be fined one thousand dollars. 70095  
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70097

(G) (1) (a) Except as otherwise provided in division (G) (1) 70098  
(b) of this section, the attorney general has exclusive 70099  
authority to prosecute a violation of this section and has 70100  
exclusive supervision and control of all investigations, 70101  
prosecutions, and enforcement proceedings under this section. 70102

(b) If the attorney general is a victim or witness or 70103  
otherwise involved in an alleged violation of this section, the 70104  
attorney general shall refer the matter to the appropriate 70105  
prosecutor, as determined under division (A) (2) of section 70106  
~~3517.155~~ 3517.17 of the Revised Code, except that if applicable, 70107  
the attorney general shall make the determination described in 70108  
division (A) (2) (b) of that section instead of the ~~Ohio elections~~ 70109  
~~commission~~ appropriate enforcement authority. 70110

(2) Upon the occurrence of either of the following, the 70111  
attorney general shall investigate an alleged violation of this 70112  
section in consultation with the secretary of state: 70113

(a) The submission of a written request to the attorney 70114  
general by the governor, the secretary of state, or the general 70115  
assembly, ~~or the Ohio elections commission~~, alleging a violation 70116  
of this section; 70117

(b) The filing of a complaint with the attorney general by 70118  
an elector of this state, alleging a violation of this section. 70119

(3) If it appears to the attorney general, after 70120  
conducting an investigation under division (G) (2) of this 70121  
section, that there is probable cause to believe that a 70122  
violation of this section has occurred, the attorney general may 70123  
prosecute the violation in a court of competent jurisdiction. 70124

(H) When proceeding under this section, the attorney 70125  
general and any assistant or special counsel designated by the 70126

attorney general for that purpose have all the rights, 70127  
privileges, and powers conferred by law on prosecuting 70128  
attorneys, including the power to appear before grand juries and 70129  
to interrogate witnesses before such grand juries. These powers 70130  
of the attorney general are in addition to any other applicable 70131  
powers of the attorney general. 70132

**Sec. 3517.13.** (A) (1) No campaign committee of a statewide 70133  
candidate shall fail to file a complete and accurate statement 70134  
required under division (A) (1) of section 3517.10 of the Revised 70135  
Code. 70136

(2) No campaign committee of a statewide candidate shall 70137  
fail to file a complete and accurate monthly statement, and no 70138  
campaign committee of a statewide candidate or a candidate for 70139  
the office of chief justice or justice of the supreme court 70140  
shall fail to file a complete and accurate two-business-day 70141  
statement, as required under section 3517.10 of the Revised 70142  
Code. 70143

As used in this division, "statewide candidate" has the 70144  
same meaning as in division (F) (2) of section 3517.10 of the 70145  
Revised Code. 70146

(B) No campaign committee shall fail to file a complete 70147  
and accurate statement required under division (A) (1) of section 70148  
3517.10 of the Revised Code. 70149

(C) No campaign committee shall fail to file a complete 70150  
and accurate statement required under division (A) (2) of section 70151  
3517.10 of the Revised Code. 70152

(D) No campaign committee shall fail to file a complete 70153  
and accurate statement required under division (A) (3) or (4) of 70154  
section 3517.10 of the Revised Code. 70155

(E) No person other than a campaign committee shall 70156  
knowingly fail to file a statement required under section 70157  
3517.10 or 3517.107 of the Revised Code. 70158

(F) No person shall make cash contributions to any person 70159  
totaling more than one hundred dollars in each primary, special, 70160  
or general election. 70161

(G) (1) No person shall knowingly conceal or misrepresent 70162  
contributions given or received, expenditures made, or any other 70163  
information required to be reported by a provision in sections 70164  
3517.08 to 3517.13 of the Revised Code. 70165

(2) (a) No person shall make a contribution to a campaign 70166  
committee, political action committee, political contributing 70167  
entity, legislative campaign fund, political party, or person 70168  
making disbursements to pay the direct costs of producing or 70169  
airing electioneering communications in the name of another 70170  
person. 70171

(b) A person does not make a contribution in the name of 70172  
another when either of the following applies: 70173

(i) An individual makes a contribution from a partnership 70174  
or other unincorporated business account, if the contribution is 70175  
reported by listing both the name of the partnership or other 70176  
unincorporated business and the name of the partner or owner 70177  
making the contribution as required under division (I) of 70178  
section 3517.10 of the Revised Code. 70179

(ii) A person makes a contribution in that person's 70180  
spouse's name or in both of their names. 70181

(H) No person within this state, publishing a newspaper or 70182  
other periodical, shall charge a campaign committee for 70183  
political advertising a rate in excess of the rate such person 70184

would charge if the campaign committee were a general rate advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office that the candidate of the campaign committee is seeking. The rate shall take into account the amount of space used, as well as the type of advertising copy submitted by or on behalf of the campaign committee. All discount privileges otherwise offered by a newspaper or periodical to general rate advertisers shall be available upon equal terms to all campaign committees.

No person within this state, operating a radio or television station or network of stations in this state, shall charge a campaign committee for political broadcasts a rate that exceeds:

(1) During the forty-five days preceding the date of a primary election and during the sixty days preceding the date of a general or special election in which the candidate of the campaign committee is seeking office, the lowest unit charge of the station for the same class and amount of time for the same period;

(2) At any other time, the charges made for comparable use of that station by its other users.

(I) Subject to divisions (K), (L), (M), and (N) of this section, no agency or department of this state or any political subdivision shall award any contract, other than one let by competitive bidding or a contract incidental to such contract or which is by force account, for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to any individual, partnership, association, including, without limitation, a professional



association organized under Chapter 1785. of the Revised Code, 70215  
estate, or trust if the individual has made or the individual's 70216  
spouse has made, or any partner, shareholder, administrator, 70217  
executor, or trustee or the spouse of any of them has made, as 70218  
an individual, within the two previous calendar years, one or 70219  
more contributions totaling in excess of one thousand dollars to 70220  
the holder of the public office having ultimate responsibility 70221  
for the award of the contract or to the public officer's 70222  
campaign committee. 70223

(J) Subject to divisions (K), (L), (M), and (N) of this 70224  
section, no agency or department of this state or any political 70225  
subdivision shall award any contract, other than one let by 70226  
competitive bidding or a contract incidental to such contract or 70227  
which is by force account, for the purchase of goods costing 70228  
more than five hundred dollars or services costing more than 70229  
five hundred dollars to a corporation or business trust, except 70230  
a professional association organized under Chapter 1785. of the 70231  
Revised Code, if an owner of more than twenty per cent of the 70232  
corporation or business trust or the spouse of that person has 70233  
made, as an individual, within the two previous calendar years, 70234  
taking into consideration only owners for all of that period, 70235  
one or more contributions totaling in excess of one thousand 70236  
dollars to the holder of a public office having ultimate 70237  
responsibility for the award of the contract or to the public 70238  
officer's campaign committee. 70239

(K) For purposes of divisions (I) and (J) of this section, 70240  
if a public officer who is responsible for the award of a 70241  
contract is appointed by the governor, whether or not the 70242  
appointment is subject to the advice and consent of the senate, 70243  
excluding members of boards, commissions, committees, 70244  
authorities, councils, boards of trustees, task forces, and 70245

other such entities appointed by the governor, the office of the 70246  
governor is considered to have ultimate responsibility for the 70247  
award of the contract. 70248

(L) For purposes of divisions (I) and (J) of this section, 70249  
if a public officer who is responsible for the award of a 70250  
contract is appointed by the elected chief executive officer of 70251  
a municipal corporation, or appointed by the elected chief 70252  
executive officer of a county operating under an alternative 70253  
form of county government or county charter, excluding members 70254  
of boards, commissions, committees, authorities, councils, 70255  
boards of trustees, task forces, and other such entities 70256  
appointed by the chief executive officer, the office of the 70257  
chief executive officer is considered to have ultimate 70258  
responsibility for the award of the contract. 70259

(M) (1) Divisions (I) and (J) of this section do not apply 70260  
to contracts awarded by the board of commissioners of the 70261  
sinking fund, municipal legislative authorities, boards of 70262  
education, boards of county commissioners, boards of township 70263  
trustees, or other boards, commissions, committees, authorities, 70264  
councils, boards of trustees, task forces, and other such 70265  
entities created by law, by the supreme court or courts of 70266  
appeals, by county courts consisting of more than one judge, 70267  
courts of common pleas consisting of more than one judge, or 70268  
municipal courts consisting of more than one judge, or by a 70269  
division of any court if the division consists of more than one 70270  
judge. This division shall apply to the specified entity only if 70271  
the members of the entity act collectively in the award of a 70272  
contract for goods or services. 70273

(2) Divisions (I) and (J) of this section do not apply to 70274  
actions of the controlling board. 70275

(N) (1) Divisions (I) and (J) of this section apply to 70276  
contributions made to the holder of a public office having 70277  
ultimate responsibility for the award of a contract, or to the 70278  
public officer's campaign committee, during the time the person 70279  
holds the office and during any time such person was a candidate 70280  
for the office. Those divisions do not apply to contributions 70281  
made to, or to the campaign committee of, a candidate for or 70282  
holder of the office other than the holder of the office at the 70283  
time of the award of the contract. 70284

(2) Divisions (I) and (J) of this section do not apply to 70285  
contributions of a partner, shareholder, administrator, 70286  
executor, trustee, or owner of more than twenty per cent of a 70287  
corporation or business trust made before the person held any of 70288  
those positions or after the person ceased to hold any of those 70289  
positions in the partnership, association, estate, trust, 70290  
corporation, or business trust whose eligibility to be awarded a 70291  
contract is being determined, nor to contributions of the 70292  
person's spouse made before the person held any of those 70293  
positions, after the person ceased to hold any of those 70294  
positions, before the two were married, after the granting of a 70295  
decree of divorce, dissolution of marriage, or annulment, or 70296  
after the granting of an order in an action brought solely for 70297  
legal separation. Those divisions do not apply to contributions 70298  
of the spouse of an individual whose eligibility to be awarded a 70299  
contract is being determined made before the two were married, 70300  
after the granting of a decree of divorce, dissolution of 70301  
marriage, or annulment, or after the granting of an order in an 70302  
action brought solely for legal separation. 70303

(O) No beneficiary of a campaign fund or other person 70304  
shall convert for personal use, and no person shall knowingly 70305  
give to a beneficiary of a campaign fund or any other person, 70306

for the beneficiary's or any other person's personal use, 70307  
anything of value from the beneficiary's campaign fund, 70308  
including, without limitation, payments to a beneficiary for 70309  
services the beneficiary personally performs, except as 70310  
reimbursement for any of the following: 70311

(1) Legitimate and verifiable prior campaign expenses 70312  
incurred by the beneficiary; 70313

(2) Legitimate and verifiable ordinary and necessary prior 70314  
expenses incurred by the beneficiary in connection with duties 70315  
as the holder of a public office, including, without limitation, 70316  
expenses incurred through participation in nonpartisan or 70317  
bipartisan events if the participation of the holder of a public 70318  
office would normally be expected; 70319

(3) Legitimate and verifiable ordinary and necessary prior 70320  
expenses incurred by the beneficiary while doing any of the 70321  
following: 70322

(a) Engaging in activities in support of or opposition to 70323  
a candidate other than the beneficiary, political party, or 70324  
ballot issue; 70325

(b) Raising funds for a political party, political action 70326  
committee, political contributing entity, legislative campaign 70327  
fund, campaign committee, or other candidate; 70328

(c) Participating in the activities of a political party, 70329  
political action committee, political contributing entity, 70330  
legislative campaign fund, or campaign committee; 70331

(d) Attending a political party convention or other 70332  
political meeting. 70333

For purposes of this division, an expense is incurred 70334

whenever a beneficiary has either made payment or is obligated 70335  
to make payment, as by the use of a credit card or other credit 70336  
procedure or by the use of goods or services received on 70337  
account. 70338

(P) No beneficiary of a campaign fund shall knowingly 70339  
accept, and no person shall knowingly give to the beneficiary of 70340  
a campaign fund, reimbursement for an expense under division (O) 70341  
of this section to the extent that the expense previously was 70342  
reimbursed or paid from another source of funds. If an expense 70343  
is reimbursed under division (O) of this section and is later 70344  
paid or reimbursed, wholly or in part, from another source of 70345  
funds, the beneficiary shall repay the reimbursement received 70346  
under division (O) of this section to the extent of the payment 70347  
made or reimbursement received from the other source. 70348

(Q) No candidate or public official or employee shall 70349  
accept for personal or business use anything of value from a 70350  
political party, political action committee, political 70351  
contributing entity, legislative campaign fund, or campaign 70352  
committee other than the candidate's or public official's or 70353  
employee's own campaign committee, and no person shall knowingly 70354  
give to a candidate or public official or employee anything of 70355  
value from a political party, political action committee, 70356  
political contributing entity, legislative campaign fund, or 70357  
such a campaign committee, except for the following: 70358

(1) Reimbursement for legitimate and verifiable ordinary 70359  
and necessary prior expenses not otherwise prohibited by law 70360  
incurred by the candidate or public official or employee while 70361  
engaged in any legitimate activity of the political party, 70362  
political action committee, political contributing entity, 70363  
legislative campaign fund, or such campaign committee. Without 70364

limitation, reimbursable expenses under this division include 70365  
those incurred while doing any of the following: 70366

(a) Engaging in activities in support of or opposition to 70367  
another candidate, political party, or ballot issue; 70368

(b) Raising funds for a political party, legislative 70369  
campaign fund, campaign committee, or another candidate; 70370

(c) Attending a political party convention or other 70371  
political meeting. 70372

(2) Compensation not otherwise prohibited by law for 70373  
actual and valuable personal services rendered under a written 70374  
contract to the political party, political action committee, 70375  
political contributing entity, legislative campaign fund, or 70376  
such campaign committee for any legitimate activity of the 70377  
political party, political action committee, political 70378  
contributing entity, legislative campaign fund, or such campaign 70379  
committee. 70380

Reimbursable expenses under this division do not include, 70381  
and it is a violation of this division for a candidate or public 70382  
official or employee to accept, or for any person to knowingly 70383  
give to a candidate or public official or employee from a 70384  
political party, political action committee, political 70385  
contributing entity, legislative campaign fund, or campaign 70386  
committee other than the candidate's or public official's or 70387  
employee's own campaign committee, anything of value for 70388  
activities primarily related to the candidate's or public 70389  
official's or employee's own campaign for election, except for 70390  
contributions to the candidate's or public official's or 70391  
employee's campaign committee. 70392

For purposes of this division, an expense is incurred 70393

whenever a candidate or public official or employee has either  
made payment or is obligated to make payment, as by the use of a  
credit card or other credit procedure, or by the use of goods or  
services on account.

(R) (1) Division (O) or (P) of this section does not  
prohibit a campaign committee from making direct advance or post  
payment from contributions to vendors for goods and services for  
which reimbursement is permitted under division (O) of this  
section, except that no campaign committee shall pay its  
candidate or other beneficiary for services personally performed  
by the candidate or other beneficiary.

(2) If any expense that may be reimbursed under division  
(O), (P), or (Q) of this section is part of other expenses that  
may not be paid or reimbursed, the separation of the two types  
of expenses for the purpose of allocating for payment or  
reimbursement those expenses that may be paid or reimbursed may  
be by any reasonable accounting method, considering all of the  
surrounding circumstances.

(3) For purposes of divisions (O), (P), and (Q) of this  
section, mileage allowance at a rate not greater than that  
allowed by the internal revenue service at the time the travel  
occurs may be paid instead of reimbursement for actual travel  
expenses allowable.

(S) (1) As used in division (S) of this section:

(a) "State elective office" has the same meaning as in  
section 3517.092 of the Revised Code.

(b) "Federal office" means a federal office as defined in  
the Federal Election Campaign Act.

(c) "Federal campaign committee" means a principal

campaign committee or authorized committee as defined in the 70423  
Federal Election Campaign Act. 70424

(2) No person who is a candidate for state elective office 70425  
and who previously sought nomination or election to a federal 70426  
office shall transfer any funds or assets from that person's 70427  
federal campaign committee for nomination or election to the 70428  
federal office to that person's campaign committee as a 70429  
candidate for state elective office. 70430

(3) No campaign committee of a person who is a candidate 70431  
for state elective office and who previously sought nomination 70432  
or election to a federal office shall accept any funds or assets 70433  
from that person's federal campaign committee for that person's 70434  
nomination or election to the federal office. 70435

(T) (1) Except as otherwise provided in division (B) (6) (c) 70436  
of section 3517.102 of the Revised Code, a state or county 70437  
political party shall not disburse moneys from any account other 70438  
than a state candidate fund to make contributions to any of the 70439  
following: 70440

(a) A state candidate fund; 70441

(b) A legislative campaign fund; 70442

(c) A campaign committee of a candidate for the office of 70443  
governor, lieutenant governor, secretary of state, auditor of 70444  
state, treasurer of state, attorney general, ~~member of the state~~ 70445  
~~board of education,~~ or member of the general assembly. 70446

(2) No state candidate fund, legislative campaign fund, or 70447  
campaign committee of a candidate for any office described in 70448  
division (T) (1) (c) of this section shall knowingly accept a 70449  
contribution in violation of division (T) (1) of this section. 70450



(U) No person shall fail to file a statement required 70451  
under section 3517.12 of the Revised Code. 70452

(V) No campaign committee shall fail to file a statement 70453  
required under division (K) (3) of section 3517.10 of the Revised 70454  
Code. 70455

(W) (1) No foreign national shall, directly or indirectly 70456  
through any other person or entity, make a contribution, 70457  
expenditure, or independent expenditure or promise, either 70458  
expressly or implicitly, to make a contribution, expenditure, or 70459  
independent expenditure in support of or opposition to a 70460  
candidate for any elective office in this state, including an 70461  
office of a political party. 70462

(2) No candidate, campaign committee, political action 70463  
committee, political contributing entity, legislative campaign 70464  
fund, state candidate fund, political party, or separate 70465  
segregated fund shall solicit or accept a contribution, 70466  
expenditure, or independent expenditure from a foreign national. 70467  
The secretary of state may direct any candidate, committee, 70468  
entity, fund, or party that accepts a contribution, expenditure, 70469  
or independent expenditure in violation of this division to 70470  
return the contribution, expenditure, or independent expenditure 70471  
or, if it is not possible to return the contribution, 70472  
expenditure, or independent expenditure, then to return instead 70473  
the value of it, to the contributor. 70474

(3) As used in division (W) of this section, "foreign 70475  
national" has the same meaning as in section 441e(b) of the 70476  
Federal Election Campaign Act. 70477

(X) (1) No state or county political party shall transfer 70478  
any moneys from its restricted fund to any account of the 70479

political party into which contributions may be made or from 70480  
which contributions or expenditures may be made. 70481

(2) (a) No state or county political party shall deposit a 70482  
contribution or contributions that it receives into its 70483  
restricted fund. 70484

(b) No state or county political party shall make a 70485  
contribution or an expenditure from its restricted fund. 70486

(3) (a) No corporation or labor organization shall make a 70487  
gift or gifts from the corporation's or labor organization's 70488  
money or property aggregating more than ten thousand dollars to 70489  
any one state or county political party for the party's 70490  
restricted fund in a calendar year. 70491

(b) No state or county political party shall accept a gift 70492  
or gifts for the party's restricted fund aggregating more than 70493  
ten thousand dollars from any one corporation or labor 70494  
organization in a calendar year. 70495

(4) No state or county political party shall transfer any 70496  
moneys in the party's restricted fund to any other state or 70497  
county political party. 70498

(5) No state or county political party shall knowingly 70499  
fail to file a statement required under section 3517.1012 of the 70500  
Revised Code. 70501

(Y) The administrator of workers' compensation and the 70502  
employees of the bureau of workers' compensation shall not 70503  
conduct any business with or award any contract, other than one 70504  
awarded by competitive bidding, for the purchase of goods 70505  
costing more than five hundred dollars or services costing more 70506  
than five hundred dollars to any individual, partnership, 70507  
association, including, without limitation, a professional 70508

association organized under Chapter 1785. of the Revised Code, 70509  
estate, or trust, if the individual has made, or the 70510  
individual's spouse has made, or any partner, shareholder, 70511  
administrator, executor, or trustee, or the spouses of any of 70512  
those individuals has made, as an individual, within the two 70513  
previous calendar years, one or more contributions totaling in 70514  
excess of one thousand dollars to the campaign committee of the 70515  
governor or lieutenant governor or to the campaign committee of 70516  
any candidate for the office of governor or lieutenant governor. 70517

(Z) The administrator of workers' compensation and the 70518  
employees of the bureau of workers' compensation shall not 70519  
conduct business with or award any contract, other than one 70520  
awarded by competitive bidding, for the purchase of goods 70521  
costing more than five hundred dollars or services costing more 70522  
than five hundred dollars to a corporation or business trust, 70523  
except a professional association organized under Chapter 1785. 70524  
of the Revised Code, if an owner of more than twenty per cent of 70525  
the corporation or business trust, or the spouse of the owner, 70526  
has made, as an individual, within the two previous calendar 70527  
years, taking into consideration only owners for all of such 70528  
period, one or more contributions totaling in excess of one 70529  
thousand dollars to the campaign committee of the governor or 70530  
lieutenant governor or to the campaign committee of any 70531  
candidate for the office of governor or lieutenant governor. 70532

**Sec. ~~3517.153~~ 3517.14.** ~~(A) Upon the filing of a complaint~~ 70533  
~~with the Ohio elections commission, which shall be made by~~ 70534  
~~affidavit of any person, on personal knowledge, and subject to~~ 70535  
~~the penalties for perjury, or upon the filing of a complaint~~ 70536  
~~made by the secretary of state or an official at the board of~~ 70537  
~~elections, setting forth a failure to comply with or a violation~~ 70538  
~~of any provision in sections 3517.08 to 3517.13, 3517.20 to~~ 70539

~~3517.22, 3599.03, or 3599.031 of the Revised Code, the~~ 70540  
~~commission shall proceed in accordance with sections 3517.154 to~~ 70541  
~~3517.157 of the Revised Code.~~ 70542

~~(B) The commission shall prescribe the form for complaints~~ 70543  
~~made under division (A) of this section. The secretary of state~~ 70544  
~~and boards of elections shall furnish the information that the~~ 70545  
~~commission requests. The commission or a member of the~~ 70546  
~~commission may administer oaths, and the commission may issue~~ 70547  
~~subpoenas to any person in the state compelling the attendance~~ 70548  
~~of witnesses and the production of relevant papers, books,~~ 70549  
~~accounts, and reports. Section 101.42 of the Revised Code~~ 70550  
~~governs the issuance of subpoenas insofar as applicable. Upon~~ 70551  
~~the refusal of any person to obey a subpoena or to be sworn or~~ 70552  
~~to answer as a witness, the commission may apply to the court of~~ 70553  
~~common pleas of Franklin county under section 2705.03 of the~~ 70554  
~~Revised Code. The court shall hold proceedings in accordance~~ 70555  
~~with Chapter 2705. of the Revised Code.~~ 70556

~~(C)~~ (A) (1) No prosecution shall commence for a violation 70557  
of a provision in sections 145.054, 742.043, 3307.073, 3309.073, 70558  
3517.08 to 3517.12, 3517.13, 3517.17, 3517.18, 3517.20 to 70559  
3517.22, 3599.03, or 3599.031, or 5505.045 of the Revised Code 70560  
unless a complaint has been filed with the ~~commission~~ 70561  
appropriate enforcement authority under this section and all 70562  
proceedings of the ~~commission or a panel of the commission, as~~ 70563  
appropriate, authority under sections ~~3517.154 to 3517.157~~ 70564  
3517.15 to 3517.18 of the Revised Code are completed. 70565

~~(D)~~ (2) A complaint alleging a violation of any of those 70566  
provisions by any of the following persons shall be filed with 70567  
the secretary of state: 70568

(a) A candidate for a statewide office, member of the 70569

general assembly, or judge of a court of appeals or that 70570  
candidate's campaign committee; 70571

(b) A candidate for an office of a district or political 70572  
subdivision that has territory in more than one county or that 70573  
candidate's campaign committee; 70574

(c) A political party or legislative campaign fund; 70575

(d) A political action committee or political contributing 70576  
entity that is required to file statements with the secretary of 70577  
state under section 3517.11 of the Revised Code; 70578

(e) A candidate for the office of member of the public 70579  
employees retirement board, the board of trustees of the Ohio 70580  
police and fire pension fund, the state teachers retirement 70581  
board, the school employees retirement board, or the state 70582  
highway patrol retirement board or the candidate's campaign 70583  
committee; 70584

(f) Any person, other than a candidate, campaign 70585  
committee, political party, legislative campaign fund, political 70586  
action committee, or political contributing entity, that is not 70587  
domiciled in this state. 70588

(3) A complaint alleging a violation of any of those 70589  
provisions by any of the following persons shall be filed with 70590  
the board of elections of the applicable county: 70591

(a) A candidate for an office other than an office 70592  
described in division (A) (2) of this section or the candidate's 70593  
campaign committee; 70594

(b) A political action committee or political contributing 70595  
entity that is required to file statements with the board under 70596  
section 3517.11 of the Revised Code; 70597

(c) Any person, other than a candidate, campaign committee, political party, legislative campaign fund, political action committee, or political contributing entity, that is domiciled in the county. 70598  
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(B) (1) Any person who has personal knowledge of a failure to comply with, or a violation of, any provision of sections 145.054, 742.043, 3517.08 to 3517.12, 3517.13, 3517.20 to 3517.22, 3599.03, 3599.031, or 5505.045 of the Revised Code may file a complaint with the appropriate enforcement authority. 70602  
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(2) The secretary of state or a member of a board of elections may file a complaint with the appropriate enforcement authority, alleging a failure to comply with, or a violation of, any provision of sections 145.054, 742.043, 3307.073, 3309.073, 3517.08 to 3517.12, 3517.13, 3517.20 to 3517.22, 3599.03, 3599.031, or 5505.045 of the Revised Code. 70607  
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(3) A complaint filed under division (B) (1) or (2) of this section shall be on a form prescribed by the secretary of state and shall require the complainant to execute an affidavit under penalty of perjury. 70613  
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(4) A complaint shall be filed with the appropriate enforcement authority within two years after the occurrence of the act or failure to act that is the subject of the complaint, except that if the act or failure to act involves fraud, concealment, or misrepresentation and was not discovered during that two-year period, a complaint may be filed within one year after discovery of such act or failure to act. 70617  
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(5) Whoever files a complaint with the appropriate enforcement authority may withdraw it at the following times: 70624  
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(a) If the complaint receives an expedited hearing, at any 70626

time before the hearing without the permission of the 70627  
appropriate enforcement authority, or at any time after the 70628  
hearing begins but only with the permission of the appropriate 70629  
enforcement authority; 70630

(b) If the complaint does not receive an expedited 70631  
hearing, at any time. 70632

(C) The ~~commission may recommend legislation and~~ secretary 70633  
of state may render advisory opinions concerning sections 70634  
149.054, 742.043, 3307.073, 3309.073, 3517.08, 3517.082, 70635  
3517.092, 3517.102, 3517.105, 3517.1014, 3517.13, 3517.20 to 70636  
3517.22, 3599.03, ~~and~~ 3599.031, and 5505.045 of the Revised Code 70637  
for persons ~~over~~ whose acts ~~it has or are~~ or may have 70638  
jurisdiction be subject to those sections. When the ~~commission~~ 70639  
secretary of state renders an advisory opinion relating to a 70640  
specific set of circumstances involving any of those sections 70641  
stating that there is no violation of a provision in those 70642  
sections, the person to whom the opinion is directed or a person 70643  
who is similarly situated may reasonably rely on the opinion and 70644  
is immune from criminal prosecution and a civil action, 70645  
including, without limitation, a civil action for removal from 70646  
public office or employment, based on facts and circumstances 70647  
covered by the opinion. An advisory opinion issued by the Ohio 70648  
elections commission that is in effect as of the effective date 70649  
of this amendment is considered an advisory opinion of the 70650  
secretary of state, unless and until the secretary of state 70651  
amends or rescinds the advisory opinion. 70652

~~(E)~~ (D) The ~~commission shall establish a web site on which~~ 70653  
~~it~~ secretary of state shall post, ~~at a minimum,~~ on the secretary 70654  
of state's official web site all decisions and advisory opinions 70655  
issued by the ~~commission~~ secretary of state under this chapter, 70656

all decisions issued by a board of elections under this chapter, 70657  
all decisions and advisory opinions issued by the Ohio elections 70658  
commission, and copies of each election law as it is amended by 70659  
the general assembly. The ~~commission~~-secretary of state shall 70660  
update the web site regularly to reflect any changes to those 70661  
decisions and advisory opinions and any new decisions and 70662  
advisory opinions. 70663

**Sec. 3517.15.** (A) (1) The secretary of state shall 70664  
designate a member of the staff of the secretary of state who is 70665  
an attorney in good standing before the supreme court of Ohio to 70666  
review complaints filed with the secretary of state under 70667  
section 3517.14 of the Revised Code. Upon the filing of a 70668  
complaint, the attorney shall review the complaint and make a 70669  
recommendation to the secretary of state for its disposition. 70670

(2) The attorney may join two or more complaints if the 70671  
attorney determines that the allegations in each complaint are 70672  
of the same or similar character, are based on the same act or 70673  
failure to act, or are based on two or more acts or failures to 70674  
act constituting parts of a common scheme or plan. If one 70675  
complaint contains two or more allegations, the attorney may 70676  
separate the allegations if they are not of the same or similar 70677  
character, if they are not based on the same act or failure to 70678  
act, or if they are not based on two or more acts or failures to 70679  
act constituting parts of a common scheme or plan. If the 70680  
attorney separates the allegations in a complaint, the attorney 70681  
may make separate recommendations under division (A) (1) of this 70682  
section for each allegation. 70683

(3) After receiving the attorney's recommendation, the 70684  
secretary of state shall either refer the complaint for a 70685  
hearing under division (B) of this section or dismiss the 70686



complaint. 70687

(B) (1) When the secretary of state refers a complaint for a hearing, the secretary of state shall appoint a hearing officer who is an attorney in good standing before the supreme court of Ohio to adjudicate the matter in accordance with the provisions of Chapter 119. of the Revised Code that are not inconsistent with the requirements of this chapter and of rules adopted by the secretary of state under this section. 70688  
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(2) If the hearing officer determines that the evidence is insufficient to determine whether or not the failure to act or the violation alleged in the complaint has occurred, the hearing officer may request that an investigatory attorney appointed by the secretary of state investigate the complaint. Upon that request, an investigatory attorney shall make an investigation in order to produce sufficient evidence for the hearing officer to decide the matter. 70695  
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(3) Subject to division (B) (4) of this section, the hearing officer shall dispose of the complaint under section 3517.17 of the Revised Code not later than one hundred eighty days after the complaint is filed with the secretary of state. 70703  
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(4) If a complaint is filed during the period beginning on the ninetieth day before the day of an election and ending on the day of the election, and the complaint involves a candidate for nomination or election at that election, or involves a ballot issue or question that appears on the ballot at that election, the complaint shall receive an expedited hearing. The hearing officer shall hold the first hearing on the complaint not later than two business days after the complaint is referred to the hearing officer, unless the hearing officer has good cause to hold the hearing after that time, in which case the 70707  
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hearing officer shall hold the first hearing not later than 70717  
seven business days after the complaint is referred to the 70718  
hearing officer. If practicable, the hearing officer shall 70719  
dispose of the complaint under section 3517.17 of the Revised 70720  
Code before the day of the election. 70721

(C) (1) The secretary of state shall adopt rules under 70722  
Chapter 119. of the Revised Code governing the procedures to be 70723  
used in hearing complaints under this section and section 70724  
3517.16 of the Revised Code. 70725

(2) The Rules of Evidence apply to all hearings conducted 70726  
under this section and section 3517.16 of the Revised Code. 70727

(3) The Rules of Civil Procedure apply to all hearings 70728  
conducted under this section and section 3517.16 of the Revised 70729  
Code, except as those rules are inconsistent with this chapter 70730  
or Chapter 119. of the Revised Code or with the rules adopted by 70731  
the secretary of state under this section. 70732

(D) (1) If any of the following apply to a complaint filed 70733  
with the secretary of state under section 3517.14 of the Revised 70734  
Code, the secretary of state shall proceed under division (D) (2) 70735  
of this section: 70736

(a) The secretary of state is a party to the complaint. 70737

(b) A candidate for an office for which the secretary of 70738  
state is also a candidate is a party to the complaint or is 70739  
otherwise involved in the complaint. 70740

(c) The complaint involves a contribution, expenditure, or 70741  
independent expenditure made to advocate the election or defeat 70742  
of the secretary of state or a candidate for an office for which 70743  
the secretary of state is also a candidate. 70744

(d) The secretary of state determines that the secretary of state otherwise has a conflict of interest with respect to the complaint or that the secretary of state should proceed under division (D) (2) of this section to avoid any appearance of impropriety. 70745  
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(2) Notwithstanding any contrary provision of divisions (A) and (B) of this section, when division (D) (1) of this section applies to a complaint, the secretary of state shall request the attorney general to appoint an independent attorney who is in good standing before the supreme court of Ohio to review the complaint and either refer the complaint for a hearing under division (B) of this section or dismiss the complaint. If the independent attorney refers the complaint for a hearing, the attorney general shall appoint an independent hearing officer who is an attorney in good standing before the supreme court of Ohio to hear and dispose of the complaint under division (B) of this section. 70750  
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**Sec. 3517.16.** (A) (1) Upon the filing of a complaint with a board of elections under section 3517.14 of the Revised Code, the board shall appoint an attorney in good standing before the supreme court of Ohio to review the complaint and make a recommendation to the board for its disposition. 70762  
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(2) The attorney may join two or more complaints if the attorney determines that the allegations in each complaint are of the same or similar character, are based on the same act or failure to act, or are based on two or more acts or failures to act constituting parts of a common scheme or plan. If one complaint contains two or more allegations, the attorney may separate the allegations if they are not of the same or similar character, if they are not based on the same act or failure to 70767  
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act, or if they are not based on two or more acts or failures to 70775  
act constituting parts of a common scheme or plan. If the 70776  
attorney separates the allegations in a complaint, the attorney 70777  
may make separate recommendations under division (A) (1) of this 70778  
section for each allegation. 70779

(3) After receiving the attorney's recommendation, the 70780  
board shall either hear the complaint under this section or 70781  
dismiss the complaint. The board shall determine whether to hear 70782  
or dismiss the complaint by the affirmative vote of at least 70783  
three of its members. The secretary of state shall not break any 70784  
tie vote under this division. 70785

(B) (1) When the board hears a complaint under this 70786  
section, it shall adjudicate the matter in accordance with all 70787  
of the following: 70788

(a) The provisions of Chapter 119. of the Revised Code 70789  
that are not inconsistent with the requirements of this chapter 70790  
and of rules adopted by the secretary of state under section 70791  
3517.15 of the Revised Code; 70792

(b) The rules adopted by the secretary of state under 70793  
section 3517.15 of the Revised Code; 70794

(c) The Rules of Evidence; 70795

(d) The Rules of Civil Procedure, except as those rules 70796  
are inconsistent with this chapter or Chapter 119. of the 70797  
Revised Code or with the rules adopted by the secretary of state 70798  
under section 3517.15 of the Revised Code. 70799

(2) The board shall appoint an attorney in good standing 70800  
before the supreme court of Ohio to advise the board regarding 70801  
the requirements of division (B) (1) of this section while it 70802  
hears and adjudicates the complaint. 70803

(3) If the board determines that the evidence is 70804  
insufficient to determine whether or not the failure to act or 70805  
the violation alleged in the complaint has occurred, the board 70806  
may appoint an investigatory attorney in good standing before 70807  
the supreme court of Ohio to investigate the complaint. The 70808  
investigatory attorney shall make an investigation in order to 70809  
produce sufficient evidence for the board to decide the matter. 70810

(C) (1) Subject to division (C) (2) of this section, not 70811  
later than one hundred eighty days after the complaint is filed 70812  
with the board, the board shall dispose of the complaint under 70813  
section 3517.17 of the Revised Code by the affirmative vote of 70814  
at least three of its members. The secretary of state shall not 70815  
break any tie vote under this division. 70816

(2) If a complaint is filed during the period beginning on 70817  
the ninetieth day before the day of an election and ending on 70818  
the day of the election, and the complaint involves a candidate 70819  
for nomination or election at that election, or involves a 70820  
ballot issue or question that appears on the ballot at that 70821  
election, the complaint shall receive an expedited hearing. The 70822  
board shall hold the first hearing on the complaint not later 70823  
than two business days after the complaint is filed with the 70824  
board, unless the board has good cause to hold the hearing after 70825  
that time, in which case the board shall hold the first hearing 70826  
not later than seven business days after the complaint is filed 70827  
with the board. If practicable, the board shall dispose of the 70828  
complaint under section 3517.17 of the Revised Code before the 70829  
day of the election. 70830

(D) The board promptly shall certify a copy of each 70831  
decision it makes under division (C) of this section to the 70832  
secretary of state. 70833

**Sec. ~~3517.155~~ 3517.17.** (A) (1) ~~Except as otherwise provided~~ 70834  
~~in division (B) of this section, the Ohio elections commission~~ 70835  
~~shall hold its first hearing on a complaint filed with it, other~~ 70836  
~~than a complaint that receives an expedited hearing under~~ 70837  
~~section 3517.156 of the Revised Code, not later than ninety~~ 70838  
~~business days after the complaint is filed unless the commission~~ 70839  
~~has good cause to hold the hearing after that time, in which~~ 70840  
~~case it shall hold the hearing not later than one hundred eighty~~ 70841  
~~business days after the complaint is filed. At the hearing~~ After 70842  
hearing a complaint under section 3517.15 or 3517.16 of the 70843  
Revised Code, as applicable, the ~~commission~~ appropriate 70844  
enforcement authority shall determine whether or not the failure 70845  
to act or the violation alleged in the complaint has occurred 70846  
and shall do only one of the following, ~~except as otherwise~~ 70847  
provided in division (B) of this section or in division (B) of 70848  
section 3517.151 of the Revised Code: 70849

(a) Enter a finding that good cause has been shown not to 70850  
impose a fine or not to refer the matter to the appropriate 70851  
prosecutor; 70852

(b) Impose a fine under section ~~3517.993~~ 3517.18 of the 70853  
Revised Code; 70854

(c) Refer the matter to the appropriate prosecutor~~7~~. 70855

(2) As used in division (A) of this section, "appropriate 70856  
prosecutor" means a prosecutor as defined in section 2935.01 of 70857  
the Revised Code and ~~either one of the following, as applicable:~~ 70858

(a) ~~In~~ Subject to division (A) (2) (c) of this section, in 70859  
the case of a failure to comply with or a violation of law- 70860  
~~involving a campaign committee or the committee's candidate, a~~ 70861  
~~political party, a legislative campaign fund, a political action~~ 70862

~~committee, or a political contributing entity, that is required to file a statement of contributions and expenditures with the secretary of state under division (A) of section 3517.11 of the Revised Code by a person who is domiciled in this state, the prosecutor of the county in which the person is domiciled;~~ 70863  
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(b) Subject to division (A) (2) (c) of this section, in the case of a failure to comply with or a violation of law by a person who is not domiciled in this state, the prosecutor of Franklin county; 70868  
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~~(b) In the case of a failure to comply with or a violation of law involving any other campaign committee or committee's candidate, or any other political party, political action committee, or political contributing entity either of the following as determined by the commission:~~ 70872  
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~~(i) The prosecutor of Franklin county;~~ 70877

~~(ii) The prosecutor of the county in which the candidacy or ballot question or issue is submitted to the electors or, if it is submitted in more than one county, the most populous of those counties.~~ 70878  
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~~(B) If the commission decides that the evidence is insufficient for it to determine whether or not the failure to act or the violation alleged in the complaint has occurred, the commission, by the affirmative vote of five members, may request that an investigatory attorney investigate the complaint. Upon that request, an investigatory attorney shall make an investigation in order to produce sufficient evidence for the commission to decide the matter. If the commission requests an investigation under this division, for good cause shown by the investigatory attorney, the commission may extend by sixty days~~ 70882  
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~~the deadline for holding its first hearing on the complaint as  
required in division (A) of this section.~~ 70892  
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~~(C) The commission shall take one of the actions required  
under division (A) of this section not later than thirty days  
after the close of all the evidence presented.~~ 70894  
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~~(D) (1) (c) If the appropriate enforcement authority  
determines that the applicable prosecutor under division (A) (2)  
(a) or (b) of this section has a conflict of interest with  
respect to the matter, a special prosecutor appointed by the  
attorney general.~~ 70897  
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~~(B) (1) The ~~commission~~ appropriate enforcement authority  
shall make any finding of a failure to comply with or a  
violation of law in regard to a complaint that alleges a  
violation of division (A) or (B) of section 3517.21, or division  
(A) or (B) of section 3517.22 of the Revised Code by clear and  
convincing evidence. The ~~commission~~ appropriate enforcement  
authority shall make any finding of a failure to comply with or  
a violation of law in regard to any other complaint by a  
preponderance of the evidence.~~ 70902  
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~~(2) If the ~~commission~~ appropriate enforcement authority  
finds a violation of division (B) of section 3517.21 or division  
(B) of section 3517.22 of the Revised Code, it shall refer the  
matter to the appropriate prosecutor under division (A) (1) (c) of  
this section and shall not impose a fine under ~~division (A) (1)  
(b) of this section or section 3517.993~~ 3517.18 of the Revised  
Code.~~ 70911  
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~~(E) In an action before the commission or a panel of the  
commission, if (C) If the allegations of the complainant are not  
proved, and the ~~commission~~ appropriate enforcement authority~~ 70918  
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takes the action described in division (A) (1) (a) of this section 70921  
~~or a panel of the commission takes the action described in~~ 70922  
~~division (C) (1) of section 3517.156 of the Revised Code, the~~ 70923  
~~commission or a panel of the commission~~ authority may find that 70924  
the complaint is frivolous, and, if the ~~commission or panel~~ 70925  
authority so finds, the ~~commission~~ authority shall order the 70926  
complainant to pay reasonable attorney's fees and to pay the 70927  
costs of the ~~commission or panel~~ as determined by a majority of 70928  
~~the members of the commission~~ authority. ~~The costs paid to the~~ 70929  
~~commission or panel under this division shall be deposited into~~ 70930  
~~the Ohio elections commission fund.~~ 70931

(D) Notwithstanding any contrary provision of section 70932  
119.12 of the Revised Code, a party adversely affected by a 70933  
decision of the appropriate enforcement authority issued 70934  
pursuant to this section who is domiciled in this state may 70935  
appeal from the decision to the court of common pleas of the 70936  
county in which the party is domiciled. A party adversely 70937  
affected by a decision of the appropriate enforcement authority 70938  
issued pursuant to this section who is not domiciled in this 70939  
state may appeal from the decision to the court of common pleas 70940  
of Franklin county. 70941

**Sec. ~~3517.993~~ 3517.18.** ~~This section authorizes the~~ 70942  
~~establishment of fines that may be imposed only with respect to~~ 70943  
~~acts or failures to act that occur on and after August 24, 1995.~~ 70944

(A) Except as otherwise provided in division ~~(D) (2)~~ (D) of 70945  
this section ~~3517.155~~ of the Revised Code, when section 3517.17 70946  
of the Revised Code authorizes the imposition of an 70947  
administrative fine, the ~~Ohio elections commission~~ appropriate 70948  
enforcement authority may impose an administrative fines under 70949  
division (A) (1) (b) of section ~~3517.155~~ of the Revised Code in 70950

~~accordance with the amounts set forth~~ fine that does not exceed 70951  
the maximum applicable fine a court could impose for the 70952  
violation under ~~sections 3517.992,~~ this chapter or under section 70953  
145.99, 742.99, 3307.99, 3309.99, 3599.03, ~~and~~ 3599.031, or 70954  
5505.99 of the Revised Code. 70955

(B) The ~~commission~~ appropriate enforcement authority may 70956  
suspend all or part of a fine it imposes under division (A) of 70957  
this section upon whatever terms and conditions the ~~commission~~ 70958  
authority considers just. 70959

(C) (1) The ~~commission~~ appropriate enforcement authority 70960  
shall consider any of the following circumstances in determining 70961  
whether to impose a maximum fine under division (A) of this 70962  
section: 70963

(a) Whether the violator has been found guilty of any 70964  
other violation of section 145.054, 742.043, 3307.073, 3309.073, 70965  
or 5505.045 or Title XXXV of the Revised Code; 70966

(b) Whether the violation was made knowingly or purposely; 70967

(c) Whether any relevant statements, addenda, or 70968  
affidavits required to be filed have not been filed; 70969

(d) Whether the violator has any outstanding fines imposed 70970  
for a violation of section 145.054, 742.043, 3307.073, 3309.073, 70971  
or 5505.045 or Title XXXV of the Revised Code; 70972

(e) Whether the violation occurred during the course of a 70973  
campaign. 70974

(2) The ~~commission~~ appropriate enforcement authority shall 70975  
consider any of the following circumstances in determining 70976  
whether to impose a minimal fine or no fine under division (A) 70977  
of this section: 70978

(a) Whether the violator previously has not been found 70979  
guilty of any other violation of section 145.054, 742.043, 70980  
3307.073, 3309.073, or 5505.045 or Title XXXV of the Revised 70981  
Code; 70982

(b) Whether the violator has promptly corrected the 70983  
violator's violation; 70984

(c) Whether the nature and circumstances of the violation 70985  
merit a minimum fine; 70986

(d) Whether there are substantial grounds tending to 70987  
excuse or justify the violation, although failing to establish a 70988  
defense to the violation; 70989

(e) Whether the violation was not purposely committed. 70990

(3) The circumstances set forth in divisions (C) (1) and 70991  
(2) of this section shall be considered by, but shall not 70992  
control the decision of, the ~~commission~~ appropriate enforcement 70993  
authority in imposing a fine. 70994

(D) Notwithstanding divisions (A), (B), and (C) of this 70995  
section, when section 3517.17 of the Revised Code authorizes the 70996  
imposition of an administrative fine with respect to an act or 70997  
failure to act that occurred during the period beginning on 70998  
April 4, 1985, and ending on August 23, 1995, the appropriate 70999  
enforcement authority shall impose the applicable fine 71000  
established in the schedule of fines adopted by the Ohio 71001  
elections commission that was in effect at the time of the act 71002  
or failure to act. 71003

(E) (1) Fines imposed by the ~~commission~~ secretary of state 71004  
under this section shall be ~~paid~~ deposited into the ~~Ohio~~ 71005  
~~elections commission~~ state treasury to the credit of the 71006  
corporate and uniform commercial code filing fund created by 71007

<u>section 1309.528 of the Revised Code.</u>	71008
<u>(2) Fines imposed by a board of elections under this section shall be deposited into the county's general fund.</u>	71009
<u>section shall be deposited into the county's general fund.</u>	71010
<b>Sec. 3517.20.</b> (A) As used in this section:	71011
(1) "Political publication for or against a candidate" means a notice, placard, advertisement, sample ballot, brochure, flyer, direct mailer, or other form of general publication that is designed to promote the nomination, election, or defeat of a candidate.	71012 71013 71014 71015 71016
(2) "Political publication for or against an issue" means a notice, placard, advertisement, sample ballot, brochure, flyer, direct mailer, or other form of general publication that is designed to promote the adoption or defeat of a ballot issue or question or to influence the voters in an election.	71017 71018 71019 71020 71021
(3) "Public political advertising" means newspapers, magazines, outdoor advertising facilities, direct mailings, or other similar types of general public political advertising, or flyers, handbills, or other nonperiodical printed matter.	71022 71023 71024 71025
(4) "Statewide candidate" has the same meaning as in section 3517.102 of the Revised Code.	71026 71027
(5) "Legislative candidate" means a candidate for the office of member of the general assembly.	71028 71029
(6) "Local candidate" means a candidate for an elective office of a political subdivision of this state.	71030 71031
(7) "Legislative campaign fund" has the same meaning as in section 3517.01 of the Revised Code.	71032 71033
(8) "Limited political action committee" means a political	71034

action committee of fewer than ten members. 71035

(9) "Limited political contributing entity" means a 71036  
political contributing entity of fewer than ten members. 71037

(10) "Designated amount" means one hundred dollars in the 71038  
case of a local candidate or a local ballot issue, two hundred 71039  
fifty dollars in the case of a legislative candidate, or five 71040  
hundred dollars in the case of a statewide candidate or a 71041  
statewide ballot issue. 71042

(11) "To issue" includes to print, post, distribute, 71043  
reproduce for distribution, or cause to be issued, printed, 71044  
posted, distributed, or reproduced for distribution. 71045

(12) "Telephone bank" means more than five hundred 71046  
telephone calls of an identical or substantially similar nature 71047  
within any thirty-day period, whether those telephone calls are 71048  
made by individual callers or by recording. 71049

(B) (1) Except as otherwise provided in division (B) (2) of 71050  
this section, no entity shall do any of the following unless the 71051  
name of the entity appears in a conspicuous place on or is 71052  
contained or included within the publication, communication, or 71053  
telephone call: 71054

(a) Issue a form of political publication in support of or 71055  
opposition to a candidate or a ballot issue or question; 71056

(b) Make an expenditure for the purpose of financing 71057  
political communications in support of or opposition to a 71058  
candidate or a ballot issue or question through public political 71059  
advertising; 71060

(c) Utter or cause to be uttered, over the broadcasting 71061  
facilities of any radio or television station within this state, 71062

any communication in support of or opposition to a candidate or 71063  
a ballot issue or question or any communication that is designed 71064  
to influence the voters in an election; 71065

(d) Conduct a telephone bank for the purpose of supporting 71066  
or opposing a candidate or a ballot issue or question or for the 71067  
purpose of influencing the voters in an election. 71068

(2) A limited political action committee or limited 71069  
political contributing entity may do any of the following 71070  
without including its name in the publication or communication: 71071

(a) Issue a form of political publication in support of or 71072  
opposition to a candidate or a ballot issue or question that 71073  
does not cost in excess of the designated amount or that is not 71074  
issued in cooperation, consultation, or concert with, or at the 71075  
request or suggestion of, a candidate, a campaign committee, a 71076  
legislative campaign fund, a political party, a political action 71077  
committee with ten or more members, a political contributing 71078  
entity with ten or more members, or a limited political action 71079  
committee or limited political contributing entity that spends 71080  
in excess of the designated amount on a related or the same or 71081  
similar political publication in support of or opposition to a 71082  
candidate or a ballot issue or question; 71083

(b) Make an expenditure that is not in excess of the 71084  
designated amount in support of or opposition to a candidate or 71085  
a ballot issue or question or make an expenditure that is not 71086  
made in cooperation, consultation, or concert with, or at the 71087  
request or suggestion of, a candidate, a campaign committee, a 71088  
legislative campaign fund, a political party, a political action 71089  
committee with ten or more members, a political contributing 71090  
entity with ten or more members, or a limited political action 71091  
committee or limited political contributing entity that spends 71092

in excess of the designated amount in support of or opposition 71093  
to the same candidate or a ballot issue or question, for the 71094  
purpose of financing political communications in support of or 71095  
opposition to that candidate or a ballot issue or question 71096  
through public political advertising. 71097

(C) If more than one piece of printed matter or printed 71098  
political communications are mailed as a single packet, the 71099  
requirements of division (B) of this section are met if one of 71100  
the pieces of printed matter or printed political communications 71101  
in the packet contains the name of the organization or entity 71102  
that issues or is responsible for the printed matter or other 71103  
printed political communications. 71104

(D) This section does not apply to the transmittal of 71105  
personal correspondence that is not reproduced by machine for 71106  
general distribution. 71107

(E) The secretary of state, by rule, may exempt from the 71108  
requirements of this section, printed matter and certain other 71109  
kinds of printed communications such as campaign buttons, 71110  
balloons, pencils, or similar items, the size or nature of which 71111  
makes it unreasonable to add an identification or disclaimer. 71112

(F) The disclaimer or identification described in division 71113  
(B) of this section, when paid for by a candidate, legislative 71114  
campaign fund, or campaign committee, shall be identified by the 71115  
words "paid for by" followed by the name of the entity. The 71116  
identification or disclaimer may use reasonable abbreviations 71117  
for common terms such as "committee." 71118

The disclaimer "paid political advertisement" is not 71119  
sufficient to meet the requirements of this section. 71120

(G) (1) No person operating a broadcast station or an organ 71121

of printed media shall broadcast or print a paid political 71122  
communication that does not contain the identification required 71123  
by this section. 71124

(2) Division (B) (1) (c) of this section does not apply to 71125  
any communications made on behalf of a radio or television 71126  
station or network by any employee of such radio or television 71127  
station or network while acting in the course of the employee's 71128  
employment. 71129

(H) (1) No candidate or entity shall use or cause to be 71130  
used a false, fictitious, or fraudulent name or address in the 71131  
making or issuing of a publication or communication included 71132  
within the provisions of this section. 71133

(2) No political action committee or political 71134  
contributing entity shall use or cause to be used, in the making 71135  
or issuing of a publication or communication included within the 71136  
provisions of this section, a name or address that would lead a 71137  
reasonable person to believe that the publication or 71138  
communication is made by or on behalf of a county political 71139  
party, unless the political action committee or political 71140  
contributing ~~committee~~ entity has obtained a written statement, 71141  
signed by the chairperson of the county political party's 71142  
executive committee, granting the political action committee or 71143  
political contributing entity permission to act on behalf of or 71144  
represent the county political party. 71145

~~(I) Before a prosecution may commence under this section, 71146  
a complaint shall be filed with the Ohio elections commission 71147  
under section 3517.153 of the Revised Code. After the complaint 71148  
is filed, the commission shall proceed in accordance with 71149  
sections 3517.154 to 3517.157 of the Revised Code. 71150~~



Sec. 3517.21. (A) No person, during the course of any 71151  
campaign for nomination or election to public office or office 71152  
of a political party, shall knowingly and with intent to affect 71153  
the outcome of such campaign do any of the following: 71154

(1) Serve, or place another person to serve, as an agent 71155  
or employee in the election campaign organization of a candidate 71156  
for the purpose of acting to impede the conduct of the 71157  
candidate's campaign for nomination or election or of reporting 71158  
information to the employee's employer or the agent's principal 71159  
without the knowledge of the candidate or the candidate's 71160  
organization; 71161

(2) Promise, offer, or give any valuable thing or valuable 71162  
benefit to any person who is employed by or is an agent of a 71163  
candidate or a candidate's election campaign organization for 71164  
the purpose of influencing the employee or agent with respect to 71165  
the improper discharge of the employee's or agent's campaign 71166  
duties or to obtain information about the candidate or the 71167  
candidate's campaign organization. 71168

(B) No person, during the course of any campaign for 71169  
nomination or election to public office or office of a political 71170  
party, by means of campaign materials, including sample ballots, 71171  
an advertisement on radio or television or in a newspaper or 71172  
periodical, a public speech, press release, or otherwise, shall 71173  
knowingly and with intent to affect the outcome of such campaign 71174  
do any of the following: 71175

(1) Use the title of an office not currently held by a 71176  
candidate in a manner that implies that the candidate does 71177  
currently hold that office or use the term "re-elect" when the 71178  
candidate has never been elected at a primary, general, or 71179  
special election to the office for which he or she is a 71180

candidate;	71181
(2) Make a false statement concerning the formal schooling	71182
or training completed or attempted by a candidate; a degree,	71183
diploma, certificate, scholarship, grant, award, prize, or honor	71184
received, earned, or held by a candidate; or the period of time	71185
during which a candidate attended any school, college, community	71186
technical school, or institution;	71187
(3) Make a false statement concerning the professional,	71188
occupational, or vocational licenses held by a candidate, or	71189
concerning any position the candidate held for which the	71190
candidate received a salary or wages;	71191
(4) Make a false statement that a candidate or public	71192
official has been indicted or convicted of a theft offense,	71193
extortion, or other crime involving financial corruption or	71194
moral turpitude;	71195
(5) Make a statement that a candidate has been indicted	71196
for any crime or has been the subject of a finding by the Ohio	71197
elections commission without disclosing the outcome of any legal	71198
proceedings resulting from the indictment or finding;	71199
(6) Make a false statement that a candidate or official	71200
has a record of treatment or confinement for mental disorder;	71201
(7) Make a false statement that a candidate or official	71202
has been subjected to military discipline for criminal	71203
misconduct or dishonorably discharged from the armed services;	71204
(8) Falsely identify the source of a statement, issue	71205
statements under the name of another person without	71206
authorization, or falsely state the endorsement of or opposition	71207
to a candidate by a person or publication;	71208

(9) Make a false statement concerning the voting record of a candidate or public official; 71209  
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(10) Post, publish, circulate, distribute, or otherwise disseminate a false statement concerning a candidate, either knowing the same to be false or with reckless disregard of whether it was false or not, if the statement is designed to promote the election, nomination, or defeat of the candidate. 71211  
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As used in this section, "voting record" means the recorded "yes" or "no" vote on a bill, ordinance, resolution, motion, amendment, or confirmation. 71216  
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~~(C) Before a prosecution may commence under this section, a complaint shall be filed with the Ohio elections commission under section 3517.153 of the Revised Code. After the complaint is filed, the commission shall proceed in accordance with sections 3517.154 to 3517.157 of the Revised Code.~~ 71219  
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**Sec. 3517.22.** (A) No person during the course of any campaign in advocacy of or in opposition to the adoption of any proposition or issue submitted to the voters shall knowingly and with intent to affect the outcome of such campaign do any of the following: 71224  
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(1) Serve, or place another person to serve, as an agent or employee in the election campaign organization of a committee which advocates or is in opposition to the adoption of any ballot proposition or issue for the purpose of acting to impede the conduct of the campaign on the proposition or issue or of reporting information to the employee's employer or the agent's principal without the knowledge of the committee; 71229  
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(2) Promise, offer, or give any valuable thing or valuable benefit to any person who is employed by or is an agent of a 71236  
71237

committee in advocacy of or in opposition to the adoption of any 71238  
ballot proposition or issue, for the purpose of influencing the 71239  
employee or agent with respect to the improper discharge of the 71240  
employee's or agent's campaign duties or to obtain information 71241  
about the committee's campaign organization. 71242

(B) No person, during the course of any campaign in 71243  
advocacy of or in opposition to the adoption of any ballot 71244  
proposition or issue, by means of campaign material, including 71245  
sample ballots, an advertisement on radio or television or in a 71246  
newspaper or periodical, a public speech, a press release, or 71247  
otherwise, shall knowingly and with intent to affect the outcome 71248  
of such campaign do any of the following: 71249

(1) Falsely identify the source of a statement, issue 71250  
statements under the name of another person without 71251  
authorization, or falsely state the endorsement of or opposition 71252  
to a ballot proposition or issue by a person or publication; 71253

(2) Post, publish, circulate, distribute, or otherwise 71254  
disseminate, a false statement, either knowing the same to be 71255  
false or acting with reckless disregard of whether it was false 71256  
or not, that is designed to promote the adoption or defeat of 71257  
any ballot proposition or issue. 71258

~~(C) Before a prosecution may commence under this section,~~ 71259  
~~a complaint shall be filed with the Ohio elections commission~~ 71260  
~~under section 3517.153 of the Revised Code. After the complaint~~ 71261  
~~is filed, the commission shall proceed in accordance with~~ 71262  
~~sections 3517.154 to 3517.157 of the Revised Code.~~ 71263

**Sec. 3517.23.** The secretary of state shall adopt rules in 71264  
accordance with Chapter 119. of the Revised Code that are 71265  
necessary for the administration and enforcement of sections 71266

3517.08 to 3517.13, ~~3517.18,~~ 3517.20 to 3517.22, 3599.03, and 71267  
3599.031 of the Revised Code and shall provide each candidate, 71268  
political action committee, political contributing entity, 71269  
legislative campaign fund, political party, and person making 71270  
disbursements to pay the direct costs of producing or airing 71271  
electioneering communications with written instructions and 71272  
explanations in order to ensure compliance with sections 3517.08 71273  
to 3517.13, 3517.20 to 3517.22, 3599.03, and 3599.031 of the 71274  
Revised Code. 71275

**Sec. ~~3517.992~~ 3517.99.** ~~This section establishes penalties~~ 71276  
~~only with respect to acts or failures to act that occur on and~~ 71277  
~~after August 24, 1995. Except as otherwise provided in section~~ 71278  
3517.991 of the Revised Code: 71279

(A) (1) A candidate whose campaign committee violates 71280  
division (A), (B), (C), (D), or (V) of section 3517.13 of the 71281  
Revised Code, or a treasurer of a campaign committee who 71282  
violates any of those divisions, shall be fined not more than 71283  
one hundred dollars for each day of violation. 71284

(2) Whoever violates division (E) or (X) (5) of section 71285  
3517.13 or division (E) (1) of section 3517.1014 of the Revised 71286  
Code shall be fined not more than one hundred dollars for each 71287  
day of violation. 71288

(B) An entity that violates division (G) (1) of section 71289  
3517.101 of the Revised Code shall be fined not more than one 71290  
hundred dollars for each day of violation. 71291

(C) Whoever violates division (G) (2) of section 3517.101, 71292  
division (G) of section 3517.13, or division (E) (2) or (3) of 71293  
section 3517.1014 of the Revised Code shall be fined not more 71294  
than ten thousand dollars or, if the offender is a person who 71295

was nominated or elected to public office, shall forfeit the 71296  
nomination or the office to which the offender was elected, or 71297  
both. 71298

(D) Whoever violates division (F) of section 3517.13 of 71299  
the Revised Code shall be fined not more than three times the 71300  
amount contributed. 71301

(E) Whoever violates division (H) of section 3517.13 of 71302  
the Revised Code shall be fined not more than one hundred 71303  
dollars. 71304

(F) Whoever violates division (O), (P), or (Q) of section 71305  
3517.13 of the Revised Code is guilty of a misdemeanor of the 71306  
first degree. 71307

(G) A state or county committee of a political party that 71308  
violates division (B) (1) of section 3517.18 of the Revised Code 71309  
as that section existed before its repeal by H.B. 166 of the 71310  
133rd general assembly shall be fined not more than twice the 71311  
amount of the improper expenditure. 71312

(H) An entity that violates division (H) of section 71313  
3517.101 of the Revised Code shall be fined not more than twice 71314  
the amount of the improper expenditure or use. 71315

(I) (1) Any individual who violates division (B) (1) of 71316  
section 3517.102 of the Revised Code and knows that the 71317  
contribution the individual makes violates that division shall 71318  
be fined an amount equal to three times the amount contributed 71319  
in excess of the amount permitted by that division. 71320

(2) Any political action committee that violates division 71321  
(B) (2) of section 3517.102 of the Revised Code shall be fined an 71322  
amount equal to three times the amount contributed in excess of 71323  
the amount permitted by that division. 71324

(3) Any campaign committee that violates division (B) (3) 71325  
or (5) of section 3517.102 of the Revised Code shall be fined an 71326  
amount equal to three times the amount contributed in excess of 71327  
the amount permitted by that division. 71328

(4) (a) Any legislative campaign fund that violates 71329  
division (B) (6) of section 3517.102 of the Revised Code shall be 71330  
fined an amount equal to three times the amount transferred or 71331  
contributed in excess of the amount permitted by that division, 71332  
as applicable. 71333

(b) Any state political party, county political party, or 71334  
state candidate fund of a state political party or county 71335  
political party that violates division (B) (6) of section 71336  
3517.102 of the Revised Code shall be fined an amount equal to 71337  
three times the amount transferred or contributed in excess of 71338  
the amount permitted by that division, as applicable. 71339

(c) Any political contributing entity that violates 71340  
division (B) (7) of section 3517.102 of the Revised Code shall be 71341  
fined an amount equal to three times the amount contributed in 71342  
excess of the amount permitted by that division. 71343

(5) Any political party that violates division (B) (4) of 71344  
section 3517.102 of the Revised Code shall be fined an amount 71345  
equal to three times the amount contributed in excess of the 71346  
amount permitted by that division. 71347

(6) Notwithstanding divisions (I) (1), (2), (3), (4), and 71348  
(5) of this section, no violation of division (B) of section 71349  
3517.102 of the Revised Code occurs, and the secretary of state 71350  
shall not refer parties to the ~~Ohio elections commission~~ 71351  
appropriate enforcement authority, if the amount transferred or 71352  
contributed in excess of the amount permitted by that division 71353

meets either of the following conditions: 71354

(a) It is completely refunded within five business days 71355  
after it is accepted. 71356

(b) It is completely refunded on or before the tenth 71357  
business day after notification to the recipient of the excess 71358  
transfer or contribution by the board of elections or the 71359  
secretary of state that a transfer or contribution in excess of 71360  
the permitted amount has been received. 71361

(J) (1) Any campaign committee that violates division (C) 71362  
(1), (2), (3), or (6) of section 3517.102 of the Revised Code 71363  
shall be fined an amount equal to three times the amount 71364  
accepted in excess of the amount permitted by that division. 71365

(2) (a) Any county political party that violates division 71366  
(C) (4) (a) (ii) or (iii) of section 3517.102 of the Revised Code 71367  
shall be fined an amount equal to three times the amount 71368  
accepted. 71369

(b) Any county political party that violates division (C) 71370  
(4) (a) (i) of section 3517.102 of the Revised Code shall be fined 71371  
an amount from its state candidate fund equal to three times the 71372  
amount accepted in excess of the amount permitted by that 71373  
division. 71374

(c) Any state political party that violates division (C) 71375  
(4) (b) of section 3517.102 of the Revised Code shall be fined an 71376  
amount from its state candidate fund equal to three times the 71377  
amount accepted in excess of the amount permitted by that 71378  
division. 71379

(3) Any legislative campaign fund that violates division 71380  
(C) (5) of section 3517.102 of the Revised Code shall be fined an 71381  
amount equal to three times the amount accepted in excess of the 71382



amount permitted by that division. 71383

(4) Any political action committee or political 71384  
contributing entity that violates division (C) (7) of section 71385  
3517.102 of the Revised Code shall be fined an amount equal to 71386  
three times the amount accepted in excess of the amount 71387  
permitted by that division. 71388

(5) Notwithstanding divisions (J) (1), (2), (3), and (4) of 71389  
this section, no violation of division (C) of section 3517.102 71390  
of the Revised Code occurs, and the secretary of state shall not 71391  
refer parties to the ~~Ohio elections commission~~ appropriate 71392  
enforcement authority, if the amount transferred or contributed 71393  
in excess of the amount permitted to be accepted by that 71394  
division meets either of the following conditions: 71395

(a) It is completely refunded within five business days 71396  
after its acceptance. 71397

(b) It is completely refunded on or before the tenth 71398  
business day after notification to the recipient of the excess 71399  
transfer or contribution by the board of elections or the 71400  
secretary of state that a transfer or contribution in excess of 71401  
the permitted amount has been received. 71402

(K) (1) Any legislative campaign fund that violates 71403  
division (F) (1) of section 3517.102 of the Revised Code shall be 71404  
fined twenty-five dollars for each day of violation. 71405

(2) Any legislative campaign fund that violates division 71406  
(F) (2) of section 3517.102 of the Revised Code shall give to the 71407  
treasurer of state for deposit into the state treasury to the 71408  
credit of the ~~Ohio elections commission~~ general revenue fund all 71409  
excess contributions not disposed of as required by division (E) 71410  
of section 3517.102 of the Revised Code. 71411

(L) Whoever violates section 3517.105 of the Revised Code 71412  
shall be fined one thousand dollars. 71413

(M) (1) Whoever solicits a contribution in violation of 71414  
section 3517.092 or violates division (B) of section 3517.09 of 71415  
the Revised Code is guilty of a misdemeanor of the first degree. 71416

(2) Whoever knowingly accepts a contribution in violation 71417  
of division (B) or (C) of section 3517.092 of the Revised Code 71418  
shall be fined an amount equal to three times the amount 71419  
accepted in violation of either of those divisions and shall 71420  
return to the contributor any amount so accepted. Whoever 71421  
unknowingly accepts a contribution in violation of division (B) 71422  
or (C) of section 3517.092 of the Revised Code shall return to 71423  
the contributor any amount so accepted. 71424

(N) Whoever violates division (S) of section 3517.13 of 71425  
the Revised Code shall be fined an amount equal to three times 71426  
the amount of funds transferred or three times the value of the 71427  
assets transferred in violation of that division. 71428

(O) Any campaign committee that accepts a contribution or 71429  
contributions in violation of section 3517.108 of the Revised 71430  
Code, uses a contribution in violation of that section, or fails 71431  
to dispose of excess contributions in violation of that section 71432  
shall be fined an amount equal to three times the amount 71433  
accepted, used, or kept in violation of that section. 71434

(P) Any political party, state candidate fund, legislative 71435  
candidate fund, or campaign committee that violates division (T) 71436  
of section 3517.13 of the Revised Code shall be fined an amount 71437  
equal to three times the amount contributed or accepted in 71438  
violation of that section. 71439

(Q) A treasurer of a committee or another person who 71440

violates division (U) of section 3517.13 of the Revised Code 71441  
shall be fined not more than two hundred fifty dollars. 71442

(R) Whoever violates division (I) or (J) of section 71443  
3517.13 of the Revised Code shall be fined not more than one 71444  
thousand dollars. Whenever a person is found guilty of violating 71445  
division (I) or (J) of section 3517.13 of the Revised Code, the 71446  
contract awarded in violation of either of those divisions shall 71447  
be rescinded if its terms have not yet been performed. 71448

(S) A candidate whose campaign committee violates or a 71449  
treasurer of a campaign committee who violates section 3517.081 71450  
of the Revised Code, and a candidate whose campaign committee 71451  
violates or a treasurer of a campaign committee or another 71452  
person who violates division (C) of section 3517.10 of the 71453  
Revised Code, shall be fined not more than five hundred dollars. 71454

(T) A candidate whose campaign committee violates or a 71455  
treasurer of a committee who violates division (B) of section 71456  
3517.09 of the Revised Code, or a candidate whose campaign 71457  
committee violates or a treasurer of a campaign committee or 71458  
another person who violates division (C) of section 3517.09 of 71459  
the Revised Code shall be fined not more than one thousand 71460  
dollars. 71461

(U) Whoever violates section 3517.20 of the Revised Code 71462  
shall be fined not more than five hundred dollars. 71463

(V) Whoever violates section 3517.21 or 3517.22 of the 71464  
Revised Code shall be imprisoned for not more than six months or 71465  
fined not more than five thousand dollars, or both. 71466

~~(W) A campaign committee that is required to file a 71467  
declaration of no limits under division (D) (2) of section 71468  
3517.103 of the Revised Code that, before filing that 71469~~

~~declaration, accepts a contribution or contributions that exceed 71470  
the limitations prescribed in section 3517.102 of the Revised 71471  
Code, shall return that contribution or those contributions to 71472  
the contributor. 71473~~

~~(X)~~ Any campaign committee that fails to file the 71474  
declaration of filing-day finances required by division (F) of 71475  
section 3517.109 of the Revised Code shall be fined twenty-five 71476  
dollars for each day of violation. 71477

~~(Y) (1)~~ (X) (1) Any campaign committee that fails to dispose 71478  
of excess funds or excess aggregate contributions under division 71479  
(B) of section 3517.109 of the Revised Code in the manner 71480  
required by division (C) of that section shall give to the 71481  
treasurer of state for deposit into the ~~Ohio elections~~ 71482  
~~commission general revenue fund created under division (I) of~~ 71483  
~~section 3517.152 of the Revised Code~~ all funds not disposed of 71484  
pursuant to that division. 71485

(2) Any treasurer of a transition fund that fails to 71486  
dispose of assets remaining in the transition fund as required 71487  
under division (H) (1) or (2) of section 3517.1014 of the Revised 71488  
Code shall give to the treasurer of state for deposit into the 71489  
~~Ohio elections commission general revenue~~ fund all assets not 71490  
disposed of pursuant to that division. 71491

~~(Z)~~ (Y) Any individual, campaign committee, political 71492  
action committee, political contributing entity, legislative 71493  
campaign fund, political party, treasurer of a transition fund, 71494  
or other entity that violates any provision of sections 3517.09 71495  
to 3517.12 of the Revised Code for which no penalty is provided 71496  
for under any other division of this section shall be fined not 71497  
more than one thousand dollars. 71498

~~(AA) (1)~~ (Z) (1) Whoever knowingly violates division (W) (1) 71499  
of section 3517.13 of the Revised Code shall be fined an amount 71500  
equal to three times the amount contributed, expended, or 71501  
promised in violation of that division or ten thousand dollars, 71502  
whichever amount is greater. 71503

(2) Whoever knowingly violates division (W) (2) of section 71504  
3517.13 of the Revised Code shall be fined an amount equal to 71505  
three times the amount solicited or accepted in violation of 71506  
that division or ten thousand dollars, whichever amount is 71507  
greater. 71508

~~(BB)~~ (AA) Whoever knowingly violates division (C) or (D) 71509  
of section 3517.1011 of the Revised Code shall be fined not more 71510  
than ten thousand dollars plus not more than one thousand 71511  
dollars for each day of violation. 71512

~~(CC) (1)~~ (BB) (1) Subject to division ~~(CC) (2)~~ (BB) (2) of 71513  
this section, whoever violates division (H) of section 3517.1011 71514  
of the Revised Code shall be fined an amount up to three times 71515  
the amount disbursed for the direct costs of airing the 71516  
communication made in violation of that division. 71517

(2) Whoever has been ordered by the ~~Ohio elections~~ 71518  
~~commission~~ appropriate enforcement authority or by a court of 71519  
competent jurisdiction to cease making communications in 71520  
violation of division (H) of section 3517.1011 of the Revised 71521  
Code who again violates that division shall be fined an amount 71522  
equal to three times the amount disbursed for the direct costs 71523  
of airing the communication made in violation of that division. 71524

~~(DD) (1)~~ (CC) (1) Any corporation or labor organization that 71525  
violates division (X) (3) (a) of section 3517.13 of the Revised 71526  
Code shall be fined an amount equal to three times the amount 71527

given in excess of the amount permitted by that division. 71528

(2) Any state or county political party that violates 71529  
division (X) (3) (b) of section 3517.13 of the Revised Code shall 71530  
be fined an amount equal to three times the amount accepted in 71531  
excess of the amount permitted by that division. 71532

~~(EE) (1)~~ (DD) (1) Any campaign committee or person who 71533  
violates division (C) (1) (b) or (c) of section 3517.1014 of the 71534  
Revised Code shall be fined an amount equal to three times the 71535  
amount donated in excess of the amount permitted by that 71536  
division. 71537

(2) Any officeholder or treasurer of a transition fund who 71538  
violates division (C) (3) (a) or (b) of section 3517.1014 of the 71539  
Revised Code shall be fined an amount equal to three times the 71540  
amount accepted in excess of the amount permitted by that 71541  
division. 71542

**Sec. 3517.991.** A person who is convicted of a violation of 71543  
this chapter or section 145.054, 742.043, 3307.073, 3309.073, 71544  
3599.03, 3599.031, or 5505.045 of the Revised Code shall be 71545  
sentenced under the law as it existed at the time the violation 71546  
occurred. 71547

**Sec. 3701.021.** (A) The director of health shall adopt, in 71548  
accordance with Chapter 119. of the Revised Code, such rules as 71549  
are necessary to carry out sections 3701.021 to 3701.0210 of the 71550  
Revised Code, including, but not limited to, rules to establish 71551  
the following: 71552

(1) Subject to division (D) of this section, medical and 71553  
financial eligibility requirements for the program for children 71554  
and youth with special health care needs; 71555

(2) Subject to division (C) of this section, eligibility 71556

requirements for providers who provide goods and services for 71557  
the program for children and youth with special health care 71558  
needs; 71559

(3) Procedures to be followed by the department of health 71560  
in disqualifying providers for violating requirements adopted 71561  
under division (A) (2) of this section; 71562

(4) Procedures to be used by the department regarding 71563  
application for diagnostic services under division (B) of 71564  
section 3701.023 of the Revised Code and payment for those 71565  
services under division (E) of that section; 71566

(5) Standards for the provision of service coordination by 71567  
the department of health and city and general health districts; 71568

(6) Procedures for the department to use to determine the 71569  
amount to be paid annually by each county for services for 71570  
children and youth with special health care needs and to allow 71571  
counties to retain funds under divisions (A) (2) and (3) of 71572  
section 3701.024 of the Revised Code; 71573

(7) Financial eligibility requirements for services for 71574  
Ohio residents twenty-one years of age or older who have cystic 71575  
fibrosis; 71576

(8) Criteria for payment of approved providers who provide 71577  
goods and services for children and youth with special health 71578  
care needs; 71579

(9) Criteria for the department to use in determining 71580  
whether the payment of health insurance premiums of participants 71581  
in the program for children and youth with special health care 71582  
needs is cost-effective; 71583

(10) Procedures for appeal of denials of applications 71584

under divisions (A) and (D) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services;

(11) Terms of appointment for members of the children and youth with special health care needs medical advisory council created in section 3701.025 of the Revised Code;

(12) Eligibility requirements for the hemophilia program, including income and hardship requirements;

(13) If a manufacturer discount program is established under division (J)(1) of section 3701.023 of the Revised Code, procedures for administering the program, including criteria and other requirements for participation in the program by manufacturers of drugs and nutritional formulas.

(B) The department of health shall develop a manual of operational procedures and guidelines for the program for children and youth with special health care needs to implement sections 3701.021 to 3701.0210 of the Revised Code.

(C) A medicaid provider, as defined in section 5164.01 of the Revised Code, is eligible to be a provider of the same goods and services for the program for children and youth with special health care needs that the provider is approved to provide for the medicaid program and the director shall approve such a provider for participation in the program for children and youth with special health care needs.

(D) In establishing medical and financial eligibility requirements for the program for children and youth with special health care needs, the director of health shall not specify an age restriction that excludes from eligibility an individual who is ~~either of the following:~~



~~(1) Beginning on July 1, 2021, less than twenty-two years of age;~~ 71614  
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~~(2) Beginning on July 1, 2022, less than twenty-three years of age;~~ 71616  
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~~(3) Beginning on July 1, 2023, less than twenty-four years of age;~~ 71618  
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~~(4) Beginning on July 1, 2024, less than twenty-five years of age;~~ 71620  
less than twenty-six years of age. 71621

**Sec. 3701.033.** (A) This section establishes the order of 71622  
priority to be followed by the department of health when 71623  
distributing funds for the purpose of providing family planning 71624  
services, including funds the department receives through the 71625  
"Maternal and Child Health Block Grant," Title V of the "Social 71626  
Security Act," 95 Stat. 818 (1981), 42 U.S.C. 701, as amended, 71627  
and funds the department receives through Title X of the "Public 71628  
Health Service Act," 84 Stat. 1504 (1970), 42 U.S.C. 300a, as 71629  
amended. This section does not apply to grants awarded by the 71630  
department under section 3701.046 of the Revised Code. 71631

(B) With respect to each period during which funds from a 71632  
particular source are distributed for the purpose of providing 71633  
family planning services, the department is subject to both of 71634  
the following when distributing the funds to applicants seeking 71635  
those funds: 71636

(1) Foremost priority shall be given to public entities 71637  
that are operated by state or local government entities and that 71638  
provide or are able to provide family planning services. 71639

(2) If any funds remain after the department distributes 71640  
funds to public entities under division (B) (1) of this section, 71641  
the department may distribute funds to nonpublic entities. If 71642

funds are distributed to nonpublic entities, the department 71643  
shall distribute the funds in the following order of descending 71644  
priority: 71645

(a) Nonpublic entities that are federally qualified health 71646  
centers or federally qualified health center look-alikes, both 71647  
as defined in section 3701.047 of the Revised Code, or community 71648  
action agencies, as defined in section ~~122.66~~ 5101.311 of the 71649  
Revised Code; 71650

(b) Nonpublic entities that provide comprehensive primary 71651  
and preventive care services in addition to family planning 71652  
services; 71653

(c) Nonpublic entities that provide family planning 71654  
services, but do not provide comprehensive primary and 71655  
preventive care services. 71656

**Sec. 3701.045.** (A) The department of health, in 71657  
consultation with the ~~children's trust fund board established~~ 71658  
~~under section 3109.15 of the Revised Code~~ department of children 71659  
and youth and any bodies acting as child fatality review boards 71660  
on October 5, 2000, shall adopt rules in accordance with Chapter 71661  
119. of the Revised Code that establish a procedure for county 71662  
or regional child fatality review boards to follow in conducting 71663  
a review of the death of a child. The rules shall do all of the 71664  
following: 71665

(1) Establish the format for the annual reports required 71666  
by section 307.626 of the Revised Code; 71667

(2) Establish guidelines for a county or regional child 71668  
fatality review board to follow in compiling statistics for 71669  
annual reports so that the reports do not contain any 71670  
information that would permit any person's identity to be 71671

ascertained from a report; 71672

(3) Establish guidelines for a county or regional child 71673  
fatality review board to follow in creating and maintaining the 71674  
comprehensive database of child deaths required by section 71675  
307.623 of the Revised Code, including provisions establishing 71676  
uniform record-keeping procedures; 71677

(4) Establish guidelines for reporting child fatality 71678  
review data to the department of health or a national child 71679  
death review database, either of which must maintain the 71680  
confidentiality of information that would permit a person's 71681  
identity to be ascertained; 71682

(5) Establish guidelines, materials, and training to help 71683  
educate members of county or regional child fatality review 71684  
boards about the purpose of the review process and the 71685  
confidentiality of the information described in section 307.629 71686  
of the Revised Code and to make them aware that such information 71687  
is not a public record under section 149.43 of the Revised Code. 71688

(B) On or before the thirtieth day of September of each 71689  
year, the department of health and the ~~children's trust fund~~ 71690  
~~board~~ department of children and youth jointly shall prepare and 71691  
publish a report organizing and setting forth the data from the 71692  
department of health child death review database or the national 71693  
child death review database, data in all the reports provided by 71694  
county or regional child fatality review boards in their annual 71695  
reports for the previous calendar year, and recommendations for 71696  
any changes to law and policy that might prevent future deaths. 71697  
The department of health and the ~~children's trust fund board~~ 71698  
department of children and youth jointly shall provide a copy of 71699  
the report to the governor, the speaker of the house of 71700  
representatives, the president of the senate, the minority 71701

leaders of the house of representatives and the senate, each 71702  
county or regional child fatality review board, and each county 71703  
or regional family and children first council. 71704

**Sec. 3701.21.** (A) As used in this section: 71705

(1) "Amblyopia" means reduced vision in an eye that has 71706  
not received adequate use during early childhood. 71707

(2) "501(c) organization" means an organization exempt 71708  
from federal income taxation pursuant to 26 U.S.C.A. 501(a) and 71709  
(c). 71710

(B) There is hereby created in the state treasury the save 71711  
our sight fund. The fund shall consist of voluntary 71712  
contributions deposited as provided in ~~section~~ sections 3701.21 71713  
and 4503.104 of the Revised Code. All investment earnings from 71714  
the fund shall be credited to the fund. 71715

(C) The director of health shall use the money in the save 71716  
our sight fund as follows: 71717

(1) To provide support to 501(c) organizations that offer 71718  
vision services in all counties of the state and have 71719  
demonstrated experience in the delivery of vision services to do 71720  
one or more of the following: 71721

(a) Implement a voluntary children's vision screening 71722  
training and certification program for volunteers, child care 71723  
providers, nurses, teachers, health care professionals 71724  
practicing in primary care settings, and others serving 71725  
children; 71726

(b) Provide materials for the program implemented under 71727  
division (C) (1) (a) of this section; 71728

(c) Develop and implement a registry and targeted 71729

voluntary case management system to determine whether children 71730  
with amblyopia are receiving professional eye care and to 71731  
provide their parents with information and support regarding 71732  
their child's vision care; 71733

(d) Establish a matching grant program for the purchase 71734  
and distribution of protective eyewear to children; 71735

(e) Provide vision health and safety programs and 71736  
materials for classrooms. 71737

(2) For the purpose of section 4503.104 of the Revised 71738  
Code, to develop and distribute informational materials on the 71739  
importance of eye care and safety to the registrar of motor 71740  
vehicles and each deputy registrar; 71741

(3) To pay costs incurred by the director in administering 71742  
the fund; 71743

(4) To reimburse the bureau of motor vehicles for the 71744  
administrative costs incurred in performing its duties under 71745  
section 4503.104 of the Revised Code. 71746

(D) A 501(c) organization seeking funding from the save 71747  
our sight fund for any of the projects specified in division (C) 71748  
of this section shall submit a request for the funding to the 71749  
director in accordance with rules adopted under division (E) of 71750  
this section. The director shall determine the appropriateness 71751  
of and approve or disapprove projects for funding and approve or 71752  
disapprove the disbursement of money from the save our sight 71753  
fund. 71754

(E) The director shall adopt rules in accordance with 71755  
Chapter 119. of the Revised Code to implement this section. The 71756  
rules shall include the parameters of the projects specified in 71757  
division (C)(1) of this section that may be funded with money in 71758

the save our sight fund and procedures for 501(c) organizations 71759  
to request funding from the fund. 71760

**Sec. 3701.511.** None of the funds appropriated to 71761  
administer the programs authorized by sections 3701.501 and 71762  
3701.502 of the Revised Code shall be used to counsel or refer 71763  
for abortion, ~~except in the case of a medical emergency.~~ 71764

**Sec. 3701.79.** (A) As used in this section and in sections 71765  
3701.791 and 3701.792 of the Revised Code: 71766

(1) "Abortion" has the same meaning as in section 2919.11 71767  
of the Revised Code. 71768

(2) "Abortion report" means a form completed pursuant to 71769  
division (C) of this section. 71770

(3) "Ambulatory surgical facility" has the same meaning as 71771  
in section 3702.30 of the Revised Code. 71772

(4) "Department" means the department of health. 71773

(5) "Hospital" means any building, structure, institution, 71774  
or place devoted primarily to the maintenance and operation of 71775  
facilities for the diagnosis, treatment, and medical or surgical 71776  
care for three or more unrelated individuals having illness, 71777  
disease, injury, or deformity, and regularly making available at 71778  
least clinical laboratory services, diagnostic x-ray services, 71779  
treatment facilities for surgery or obstetrical care, or other 71780  
definitive medical treatment. "Hospital" does not include a 71781  
"home" as defined in section 3721.01 of the Revised Code. 71782

(6) "Physician's office" means an office or portion of an 71783  
office that is used to provide medical or surgical services to 71784  
the physician's patients. "Physician's office" does not mean an 71785  
ambulatory surgical facility, a hospital, or a hospital 71786

emergency department. 71787

(7) "Postabortion care" means care given after the uterus 71788  
has been evacuated by abortion. 71789

(B) The department shall be responsible for collecting and 71790  
collating abortion data reported to the department as required 71791  
by this section. 71792

(C) The attending physician shall complete an individual 71793  
abortion report for the abortion, by surgical procedure or by 71794  
abortion-inducing drugs, of each zygote, blastocyte, embryo, or 71795  
fetus the physician performs. The report shall be confidential 71796  
and shall not contain the woman's name. The report shall 71797  
include, but is not limited to, all of the following, insofar as 71798  
the patient makes the data available that is not within the 71799  
physician's knowledge: 71800

(1) Patient number; 71801

(2) The name and address of the facility in which the 71802  
abortion was performed, and whether the facility is a hospital, 71803  
ambulatory surgical facility, physician's office, or other 71804  
facility; 71805

(3) The date of the abortion; 71806

(4) If a surgical abortion, the method of final 71807  
disposition of the fetal remains under Chapter 3726. of the 71808  
Revised Code; 71809

(5) All of the following regarding the woman on whom the 71810  
abortion was performed: 71811

(a) ~~Zip~~ State and zip code of residence; 71812

(b) Age; 71813

(c) Race;	71814
(d) Marital status;	71815
(e) Number of previous pregnancies;	71816
(f) Years of education;	71817
(g) Number of living children;	71818
(h) Number of zygotes, blastocytes, embryos, or fetuses previously aborted;	71819 71820
(i) Date of last induced abortion;	71821
(j) Date of last live birth;	71822
(k) Method of contraception at the time of conception;	71823
(l) Date of the first day of the last menstrual period;	71824
(m) Medical condition at the time of the abortion;	71825
(n) Rh-type;	71826
(o) The number of weeks of gestation at the time of the abortion.	71827 71828
(6) The type of abortion procedure performed;	71829
(7) Complications by type;	71830
(8) Written acknowledgment by the attending physician that the pregnant woman is not seeking the abortion, in whole or in part, because of any of the following:	71831 71832 71833
(a) A test result indicating Down syndrome in an unborn child;	71834 71835
(b) A prenatal diagnosis of Down syndrome in an unborn child;	71836 71837



(c) Any other reason to believe that an unborn child has Down syndrome. 71838  
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(9) Type of procedure performed after the abortion; 71840

(10) Type of family planning recommended; 71841

(11) Type of additional counseling given; 71842

(12) Signature of attending physician. 71843

(D) The physician who completed the abortion report under division (C) of this section shall submit the abortion report to the department within fifteen days after the woman is discharged. 71844  
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(E) The appropriate vital records report or certificate shall be made out after the twentieth week of gestation. 71848  
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(F) A copy of the abortion report shall be made part of the medical record of the patient of the facility in which the abortion was performed. 71850  
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(G) Each hospital shall file monthly and annual reports listing the total number of women who have undergone a post-twelve-week-gestation abortion and received postabortion care. The reports also shall include the total number of Ohio residents and the total number of non-Ohio residents who have undergone a post-twelve-week gestation abortion and received postabortion care. The annual report shall be filed following the conclusion of the state's fiscal year. Each report shall be filed within thirty days after the end of the applicable reporting period. 71853  
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(H) Each case in which a physician treats a post abortion complication shall be reported on a postabortion complication form. The report shall be made upon a form prescribed by the 71863  
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department, shall be signed by the attending physician, and 71866  
shall be confidential. 71867

(I) (1) Not later than the first day of ~~October~~ March of 71868  
each year, the department shall issue an annual report of the 71869  
abortion data reported to the department for the previous 71870  
calendar year as required by this section. The department shall 71871  
develop a public electronic dashboard to publish on a monthly 71872  
basis the abortion data reported to the department. The annual 71873  
report and monthly dashboard update shall include at least the 71874  
following information: 71875

(a) The total number of zygotes, blastocytes, embryos, or 71876  
fetuses that were aborted; 71877

(b) The number of abortions performed on Ohio residents 71878  
and the number performed on out-of-state residents, sorted by 71879  
the age of the woman on whom the abortion was performed, using 71880  
the following categories: under sixteen years of age, sixteen to 71881  
seventeen years of age, eighteen to twenty-four years of age, 71882  
twenty-five to twenty-nine years of age, thirty to thirty-four 71883  
years of age, thirty-five to thirty-nine years of age, forty to 71884  
forty-four years of age, forty-five years of age or older; 71885

(c) The number of abortions performed, sorted by each of 71886  
the following: 71887

(i) The age of the woman on whom the abortion was 71888  
performed, using the following categories: under ~~fifteen~~ sixteen 71889  
years of age, ~~fifteen~~ sixteen to ~~nineteen~~ seventeen years of 71890  
age, ~~twenty~~ eighteen to twenty-four years of age, twenty-five to 71891  
twenty-nine years of age, thirty to thirty-four years of age, 71892  
thirty-five to thirty-nine years of age, forty to forty-four 71893  
years of age, forty-five years of age or older; 71894

(ii) The race and Hispanic ethnicity of the woman on whom the abortion was performed;	71895 71896
(iii) The education level of the woman on whom the abortion was performed, using the following categories or their equivalents: less than ninth grade, ninth through twelfth grade, one or more years of college;	71897 71898 71899 71900
(iv) The marital status of the woman on whom the abortion was performed;	71901 71902
(v) The number of living children of the woman on whom the abortion was performed, using the following categories: none, one, or two or more;	71903 71904 71905
(vi) The number of weeks of gestation of the woman at the time the abortion was performed, using the following categories: less than nine weeks, nine to twelve weeks, thirteen to nineteen weeks, or twenty weeks or more;	71906 71907 71908 71909
(vii) The county in which the abortion was performed;	71910
(viii) The type of abortion procedure performed;	71911
(ix) The number of zygotes, blastocytes, embryos, or fetuses previously aborted by the woman on whom the abortion was performed, sorted by the age of the woman on whom the abortion was performed, using the following categories: <u>under sixteen years of age, sixteen to seventeen years of age, eighteen to twenty-four years of age, twenty-five to twenty-nine years of age, thirty to thirty-four years of age, thirty-five to thirty-nine years of age, forty to forty-four years of age, forty-five years of age or older;</u>	71912 71913 71914 71915 71916 71917 71918 71919 71920
(x) The type of facility in which the abortion was performed;	71921 71922

(xi) For Ohio residents, the county of residence of the woman on whom the abortion was performed;\_ 71923  
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(xii) The total number of abortions performed on minors by each facility in the categories of under sixteen years of age and sixteen to seventeen years of age. 71925  
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(2) The report also shall indicate the number and type of the abortion complications reported to the department either on the abortion report required under division (C) of this section or the postabortion complication report required under division (H) of this section. 71928  
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(3) In addition to the annual report required under division (I)(1) of this section, the department shall make available, on request, the number of abortions performed by zip code of residence. 71933  
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(J) The director of health shall implement this section and shall apply to the court of common pleas for temporary or permanent injunctions restraining a violation or threatened violation of its requirements. This action is an additional remedy not dependent on the adequacy of the remedy at law. 71937  
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**Sec. 3704.01.** As used in this chapter: 71942

(A) "Administrator" means the administrator of the United States environmental protection agency or the chief executive of any successor federal agency responsible for implementation of the federal Clean Air Act. 71943  
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(B) "Air contaminant" means particulate matter, dust, fumes, gas, mist, radionuclides, smoke, vapor, or odorous substances, or any combination thereof, but does not mean emissions from agricultural production activities, as defined in section 929.01 of the Revised Code, that are consistent with 71947  
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generally accepted agricultural practices, were established 71952  
prior to adjacent nonagricultural activities, have no 71953  
substantial, adverse effect on the public health, safety, or 71954  
welfare, do not result from the negligent or other improper 71955  
operations of any such agricultural activities, and would not be 71956  
required to obtain a Title V permit. For the purposes of this 71957  
chapter, agricultural production activities do not include the 71958  
installation and operation of off-farm facilities for the 71959  
storage or processing of agricultural products, including, but 71960  
not limited to, alfalfa dehydrating facilities, rendering 71961  
plants, and feed and grain mills, elevators, and terminals. 71962

(C) "Air contaminant source" means each separate operation 71963  
or activity that results or may result in the emission of any 71964  
air contaminant. 71965

(D) "Air pollution" means the presence in the ambient air 71966  
of one or more air contaminants or any combination thereof in 71967  
sufficient quantity and of such characteristics and duration as 71968  
is or threatens to be injurious to human health or welfare, 71969  
plant or animal life, or property, or as unreasonably interferes 71970  
with the comfortable enjoyment of life or property. 71971

(E) "Ambient air" means that portion of the atmosphere 71972  
outside of buildings and other enclosures, stacks, or ducts that 71973  
surrounds human, plant, or animal life or property. 71974

(F) "Best available technology" means any combination of 71975  
work practices, raw material specifications, throughput 71976  
limitations, source design characteristics, an evaluation of the 71977  
annualized cost per ton of pollutant removed, and air pollution 71978  
control devices that have been previously demonstrated to the 71979  
director of environmental protection to operate satisfactorily 71980  
in this state or other states with similar air quality on 71981

substantially similar air pollution sources. 71982

(G) "Change within a permitted facility" means, within the 71983  
context of the Title V permit program established under section 71984  
3704.036 of the Revised Code, a change that is limited by a 71985  
federally enforceable provision of an applicable Title V permit 71986  
and that does not include physical, production, or other changes 71987  
that are neither addressed nor limited by the federally 71988  
enforceable portion of a Title V permit unless the change would 71989  
result in a violation of a federally enforceable requirement or 71990  
a modification under Title I of the federal Clean Air Act or 71991  
would be subject to any requirements under Title IV of that act. 71992

(H) "Chemical speciation network," "state or local air 71993  
monitoring stations," and "special purpose monitor" have the 71994  
same meanings as in 40 C.F.R. part 58.1. 71995

(I) "Community air monitoring" means any measurement or 71996  
quantification of emissions or ambient air concentrations of an 71997  
air contaminant, including both one-time monitoring events and 71998  
multi-sampling events. "Community air monitoring" does not 71999  
include any of the following: 72000

(1) State or local air monitoring stations or special 72001  
purpose monitors installed and operated in accordance with 40 72002  
C.F.R. part 58 by the environmental protection agency or by a 72003  
local air pollution control authority under the terms of a 72004  
delegation agreement pursuant to section 3704.111 of the Revised 72005  
Code; 72006

(2) Near-road monitors designed to measure peak hourly 72007  
concentrations of carbon monoxide, nitrogen dioxide, or fine 72008  
particulate matter and installed and operated in accordance with 72009  
40 C.F.R. part 58, appendix D by the environmental protection 72010

agency or by a local air pollution control authority under the 72011  
terms of a delegation agreement pursuant to section 3704.111 of 72012  
the Revised Code; 72013

(3) Chemical speciation network stations installed and 72014  
operated in accordance with 40 C.F.R. part 58, appendix D by the 72015  
environmental protection agency or by a local air pollution 72016  
control authority under the terms of a delegation agreement 72017  
pursuant to section 3704.111 of the Revised Code; 72018

(4) Any measurement system, testing equipment, tool, or 72019  
process for detecting or measuring emissions that is 72020  
specifically identified or described in and either required or 72021  
allowed to be used for a particular air contaminant source or 72022  
source category under any of the following: 72023

(a) The federal Clean Air Act; 72024

(b) Any implementation plan promulgated or approved before 72025  
the effective date of this amendment; 72026

(c) Any permit, variance, or order issued before the 72027  
effective date of this amendment or any renewal thereof after 72028  
the effective date of this amendment; 72029

(d) Any other permit, variance, or order issued on or 72030  
after the effective date of this amendment, if the use of the 72031  
measurement system, testing equipment, tool, or process was 72032  
proposed, requested, or voluntarily accepted by the air 72033  
contaminant source or sources subject to that permit, variance, 72034  
or order; 72035

(5) Any measurement system, testing equipment, tool, or 72036  
process installed and used to detect or measure odor. 72037

(J) "Emit" or "emission" means the release into the 72038

ambient air of an air contaminant. 72039

~~(I)~~(K) "Emission limitation" and "emission standard" mean 72040  
a requirement that limits the quantity, rate, or concentration 72041  
of emissions of air contaminants, including any requirement 72042  
relating to the operation or maintenance of an air contaminant 72043  
source. 72044

~~(J)~~(L) "Facility," for the purposes of the Title V permit 72045  
program established under section 3704.036 of the Revised Code, 72046  
means all of the emitting activities that are located on 72047  
contiguous or adjacent properties that are under the control of 72048  
the same person or persons or are under common control and that 72049  
are in the same major group as described in the standard 72050  
Industrial Classification Manual, 1987. 72051

~~(K)~~(M) "Federal Clean Air Act" means "Air Quality Act of 72052  
1967," 81 Stat. 485, 42 U.S.C. 1857, as amended by "Clean Air 72053  
Act Amendments of 1970," 84 Stat. 1676, 42 U.S.C. 1857, "Act of 72054  
November 18, 1971," 85 Stat. 464, 42 U.S.C. 1857, "Act of April 72055  
9, 1973," 87 Stat. 11, 42 U.S.C. 1857, "Act of June 24, 1974," 72056  
88 Stat. 248, 42 U.S.C. 1857, "Clean Air Act Amendments of 72057  
1977," 91 Stat. 685, 42 U.S.C. 7401, "Safe Drinking Water Act 72058  
Amendments of 1977," 91 Stat. 1393, 42 U.S.C. 7401, "Clean Air 72059  
Act Amendments of 1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and 72060  
any other amendments that have been or may hereafter be adopted, 72061  
or any supplements to those acts and laws of the United States 72062  
that have been or may hereafter be enacted in substitution 72063  
therefor, together with any regulations that have been or may 72064  
hereafter be adopted by the administrator by virtue of and in 72065  
accordance with those acts and laws. Reference to a particular 72066  
title or section of the federal Clean Air Act includes any 72067  
amendments that have been or may hereafter be enacted in 72068



substitution therefor and any regulations pertaining to the 72069  
title or section that have been or may hereafter be adopted by 72070  
the administrator by virtue of and in accordance with the 72071  
federal Clean Air Act. 72072

~~(I)~~ (N) "Hazardous air pollutant" means any pollutant 72073  
listed under section 112(b) of the federal Clean Air Act. 72074

~~(M)~~ (O) "Implementation plan" means a program for the 72075  
prevention and abatement of air pollution in the state that has 72076  
been promulgated or approved by the administrator pursuant to 72077  
the federal Clean Air Act. 72078

~~(N)~~ (P) "Local air pollution control authority" includes 72079  
all of the following unless terminated by the political 72080  
subdivisions represented thereby: 72081

(1) All of the following agencies representing the 72082  
following political subdivisions, as those agencies existed on 72083  
July 1, 1993: 72084

(a) The Akron regional air quality management district 72085  
representing Medina, Summit, and Portage counties; 72086

(b) The Canton city health department representing Stark 72087  
county; 72088

(c) The Hamilton county department of environmental 72089  
services, southwest Ohio air quality agency representing Butler, 72090  
Warren, Hamilton, and Clermont counties; 72091

(d) The city of Cleveland division of the environment 72092  
representing Cuyahoga county; 72093

(e) The regional air pollution control agency representing 72094  
Darke, Preble, Miami, Montgomery, Clark, and Greene counties; 72095

(f) The Lake county general health district representing Lake and Geauga counties;	72096 72097
(g) The Portsmouth city health department representing Brown, Adams, Scioto, and Lawrence counties;	72098 72099
(h) The city of Toledo division of pollution control representing Lucas county and the city of Rossford in Wood county.	72100 72101 72102
(2) Any successor to an existing local air pollution control authority listed in divisions (N) (1) (a) to (i) of this section that results from a change in the political subdivisions comprising the local air pollution control authority through the withdrawal of a political subdivision from membership in the local air pollution control authority or the inclusion of an additional political subdivision in the membership of the local air pollution control authority;	72103 72104 72105 72106 72107 72108 72109 72110
(3) Any new local air pollution control authority established on or after July 1, 1993, by one or more political subdivisions of this state for the purposes of exercising the powers reserved to political subdivisions of this state under division (A) of section 3704.11 of the Revised Code.	72111 72112 72113 72114 72115
<del>(O)</del> <u>(Q)</u> "Person" means the federal government or any agency thereof, the state or any agency thereof, any political subdivision or any agency thereof, or any public or private corporation, individual, partnership, or other entity.	72116 72117 72118 72119
<del>(P)</del> <u>(R)</u> "Research and development sources" means sources whose activities are conducted for nonprofit scientific or educational purposes; sources whose activities are conducted to test more efficient production processes or methods for preventing or reducing adverse environmental impacts, provided	72120 72121 72122 72123 72124

that the activities do not include the production of an 72125  
intermediate or final product for sale or exchange for 72126  
commercial profit, except in a de minimis manner; a research or 72127  
laboratory source the primary purpose of which is to conduct 72128  
research and development into new processes and products, that 72129  
is operated under the close supervision of technically trained 72130  
personnel, and that is not engaged in the manufacture of 72131  
products for sale or exchange for commercial profit, except in a 72132  
de minimis manner; the temporary use of normal production 72133  
sources in a research and development mode to test the technical 72134  
or commercial viability of alternative raw materials or 72135  
production processes, provided that the use does not include the 72136  
production of an intermediate or final product for sale or 72137  
exchange for commercial profit, except in a de minimis manner; 72138  
the experimental firing of any fuel or combination of fuels in a 72139  
boiler, heater, furnace, or dryer for the purpose of conducting 72140  
research and development of more efficient combustion or more 72141  
effective prevention or control of air pollutant emissions, 72142  
provided that, during those periods of research and development, 72143  
the heat generated is not used for normal production purposes or 72144  
for producing a product for sale or exchange for commercial 72145  
profit, except in a de minimis manner; and such other similar 72146  
sources as the director may prescribe by rule. 72147

~~(Q)~~(S) "Responsible official" means one of the following, 72148  
as applicable: 72149

(1) For a corporation: a president, secretary, treasurer, 72150  
or vice-president of the corporation in charge of a principal 72151  
business function, any other person who performs similar policy 72152  
or decision-making functions for the corporation, or a duly 72153  
authorized representative of any such person if the 72154  
representative is responsible for the overall operation of one 72155

or more manufacturing, production, or operating facilities 72156  
applying for or subject to a Title V permit and if one of the 72157  
following applies: 72158

(a) The facilities employ more than two hundred fifty 72159  
individuals or have gross annual sales or expenditures exceeding 72160  
twenty-five million dollars, in second quarter 1980 dollars; 72161

(b) The delegation of authority to the representative is 72162  
approved in advance by the director. 72163

(2) For a partnership or sole proprietorship: a general 72164  
partner or the proprietor, respectively. 72165

(3) For the federal government or any agency thereof, the 72166  
state or any agency thereof, a political subdivision or any 72167  
agency thereof, or any other public agency, either a principal 72168  
executive officer or authorized elected official. For the 72169  
purposes of this division, a principal executive officer of a 72170  
federal agency includes the chief executive officer having 72171  
responsibility for the overall operation of a principal 72172  
geographic unit of the agency. 72173

(4) For affected sources, both of the following: 72174

(a) The designated representative insofar as actions, 72175  
standards, requirements, or prohibitions under Title IV of the 72176  
federal Clean Air Act or regulations adopted under it are 72177  
concerned; 72178

(b) The designated representative for any other purposes 72179  
under 40 C.F.R. part 70. 72180

~~(R)~~(T) "Small business stationary source" means any 72181  
building, structure, facility, or installation that emits any 72182  
federally regulated air pollutant and is owned or operated by a 72183

person who employs one hundred or fewer individuals; is a small 72184  
business concern as defined in the "Small Business Act," 72 72185  
Stat. 384 (1958), 15 U.S.C.A. 632, as amended; is not a major 72186  
stationary source as defined in section 302(j) of the federal 72187  
Clean Air Act; does not emit fifty tons or more per year of any 72188  
federally regulated air pollutant or any hazardous air 72189  
pollutant; and emits less than seventy-five tons per year of all 72190  
federally regulated air pollutants. 72191

~~(S)~~(U) "Title V permit" means an operating permit required 72192  
to be issued by the state under section 502 of the federal Clean 72193  
Air Act and issued under section 3704.036 of the Revised Code 72194  
and rules adopted under it. 72195

~~(T)~~(V) For the purposes of the Title V permit program 72196  
established under this chapter and rules adopted under it, all 72197  
terms defined in 40 C.F.R. part 70 have the same meaning as in 72198  
that part. 72199

**Sec. 3704.011.** (A) In addition to any other exemption 72200  
provided in this chapter or rules adopted under it, an air 72201  
contaminant source is exempt from this chapter and rules adopted 72202  
under it if the emissions of particulate matter, nitrogen 72203  
oxides, organic compounds, sulfur dioxide, carbon monoxide, 72204  
lead, or any other air contaminant from that source do not 72205  
exceed ten pounds per day, as verified in accordance with 72206  
division (C) of this section, provided that the exemption does 72207  
not apply to any air contaminant source if any of the following 72208  
applies: 72209

(1) A requirement established under the federal Clean Air 72210  
Act or regulations adopted under it limits the emissions from 72211  
the source to less than ten pounds per day of an air contaminant 72212  
or restricts the operation of the source in a manner equivalent 72213

to an emission limit of less than ten pounds per day; 72214

(2) An emission limit adopted by the director of 72215  
environmental protection to achieve and maintain the national 72216  
ambient air quality standards or a rule adopted by the director 72217  
to protect public health and welfare limits the emissions from 72218  
the source to less than ten pounds per day of an air contaminant 72219  
or restricts the operation of the source in a manner equivalent 72220  
to an emission limit of less than ten pounds per day; 72221

(3) The source emits radionuclides; 72222

(4) The source, alone or in combination with similar air 72223  
contaminant sources at the same facility, would result in 72224  
potential emissions of any air contaminant in excess of twenty- 72225  
five tons per year; 72226

(5) The source emits more than one ton per year of 72227  
hazardous air pollutants. 72228

(B) (1) Nothing in this section prohibits the director from 72229  
adopting rules establishing emission limits or permit 72230  
requirements, or requiring the submission of information for the 72231  
purpose of developing those rules, for source categories 72232  
described in divisions (A) (1) to (5) of this section. 72233

(2) Nothing in this section affects the determination of 72234  
whether a stationary source is a major source for purposes of 72235  
the applicability of the Title V permit program to the source 72236  
under section 3704.036 of the Revised Code or any requirement to 72237  
list insignificant activities and emissions levels in a Title V 72238  
permit application. 72239

(3) Nothing in this section restricts the director's 72240  
authority to require the submission of information as necessary 72241  
to comply with the requirements of the federal Clean Air Act. 72242

(C) If the potential to emit of an air contaminant source exceeds ten pounds per day of any type of air contaminant, the exemption provided in this section does not apply unless the owner or operator of the source maintains records that are adequate to demonstrate that actual emissions have not exceeded ten pounds per day. If the source emits hazardous air pollutants, the exemption provided in this section does not apply unless the owner or operator of the source maintains records that are adequate to demonstrate that actual emissions of hazardous air pollutants have not exceeded one ton per year.

Records required under this division shall be maintained on and after October 29, 1993, preserved for a period of two years, and made available upon request to the director. The director may adopt, amend, and rescind rules to provide further specificity with regard to recordkeeping requirements under this division.

(D) (1) As used in this division, "synthetic minor facility" has the same meaning as in section 3745.11 of the Revised Code.

(2) Notwithstanding any other provision of law or rules to the contrary, the director shall not require a single Title V permit for adjacent Title V facilities owned and operated by the same person or a single operating permit for adjacent synthetic minor facilities owned and operated by the same person if both of the following apply:

(a) At least one of the adjacent facilities is involved in aerospace manufacturing or rework that is subject to emission standards set forth in rule 3745-21-19 of the Ohio administrative code;

(b) The adjacent facilities are or will be located in a 72272  
county with a population between three hundred ninety thousand 72273  
and three hundred ninety-five thousand according to the most 72274  
recent federal decennial census published by the United States 72275  
census bureau. 72276

The director shall issue a variance from any law, rule, or 72277  
policy requiring such adjacent facilities to operate under a 72278  
single Title V permit or single operating permit. 72279

**Sec. 3704.03.** The director of environmental protection may 72280  
do any of the following: 72281

(A) Develop programs for the prevention, control, and 72282  
abatement of air pollution; 72283

(B) Advise, consult, contract, and cooperate with any 72284  
governmental or private agency in the furtherance of the 72285  
purposes of this chapter; 72286

(C) Encourage, participate in, or conduct studies, 72287  
investigations, and research relating to air pollution, collect 72288  
and disseminate information, and conduct education and training 72289  
programs relating to the causes, prevention, control, and 72290  
abatement of air pollution; 72291

(D) Adopt, modify, and rescind rules prescribing ambient 72292  
air quality standards for the state as a whole or for various 72293  
areas of the state that are consistent with and no more 72294  
stringent than the national ambient air quality standards in 72295  
effect under the federal Clean Air Act; 72296

(E) Adopt, modify, suspend, and rescind rules for the 72297  
prevention, control, and abatement of air pollution, including 72298  
rules prescribing for the state as a whole or for various areas 72299  
of the state emission standards for air contaminants, and other 72300



necessary rules for the purpose of achieving and maintaining 72301  
compliance with ambient air quality standards in all areas 72302  
within the state as expeditiously as practicable, but not later 72303  
than any deadlines applicable under the federal Clean Air Act; 72304  
rules for the prevention or control of the emission of hazardous 72305  
or toxic air contaminants; rules prescribing fugitive dust 72306  
limitations and standards that are related, on an areawide 72307  
basis, to attainment and maintenance of ambient air quality 72308  
standards; rules prescribing shade, density, or opacity 72309  
limitations and standards for emissions, provided that with 72310  
regard to air contaminant sources for which there are 72311  
particulate matter emission standards in addition to a shade, 72312  
density, or opacity rule, upon demonstration by such a source of 72313  
compliance with those other standards, the shade, density, or 72314  
opacity rule shall provide for establishment of a shade, 72315  
density, or opacity limitation for that source that does not 72316  
require the source to reduce emissions below the level specified 72317  
by those other standards; rules for the prevention or control of 72318  
odors and air pollution nuisances; rules that prevent 72319  
significant deterioration of air quality to the extent required 72320  
by the federal Clean Air Act; rules for the protection of 72321  
visibility as required by the federal Clean Air Act; and rules 72322  
prescribing open burning limitations and standards. In adopting, 72323  
modifying, suspending, or rescinding any such rules, the 72324  
director, to the extent consistent with the federal Clean Air 72325  
Act, shall hear and give consideration to evidence relating to 72326  
all of the following: 72327

(1) Conditions calculated to result from compliance with 72328  
the rules, the overall cost within this state of compliance with 72329  
the rules, and their relation to benefits to the people of the 72330  
state to be derived from that compliance; 72331

(2) The quantity and characteristics of air contaminants, 72332  
the frequency and duration of their presence in the ambient air, 72333  
and the dispersion and dilution of those contaminants; 72334

(3) Topography, prevailing wind directions and velocities, 72335  
physical conditions, and other factors that may or may combine 72336  
to affect air pollution. 72337

Consistent with division (K) of section 3704.036 of the 72338  
Revised Code, the director shall consider alternative emission 72339  
limits proposed by the owner or operator of an air contaminant 72340  
source that is subject to an emission limit established in rules 72341  
adopted under this division and shall accept those alternative 72342  
emission limits that the director determines to be equivalent to 72343  
emission limits established in rules adopted under this 72344  
division. 72345

(F)(1) Adopt, modify, suspend, and rescind rules 72346  
consistent with the purposes of this chapter prohibiting the 72347  
location, installation, construction, or modification of any air 72348  
contaminant source or any machine, equipment, device, apparatus, 72349  
or physical facility intended primarily to prevent or control 72350  
the emission of air contaminants unless an installation permit 72351  
therefor has been obtained from the director or the director's 72352  
authorized representative. 72353

(2)(a) Applications for installation permits shall be 72354  
accompanied by plans, specifications, construction schedules, 72355  
and such other pertinent information and data, including data on 72356  
ambient air quality impact and a demonstration of best available 72357  
technology, as the director may require. Installation permits 72358  
shall be issued for a period specified by the director and are 72359  
transferable. The director shall specify in each permit the 72360  
applicable emission standards and that the permit is conditioned 72361

upon payment of the applicable fees as required by section 72362  
3745.11 of the Revised Code and upon the right of the director's 72363  
authorized representatives to enter upon the premises of the 72364  
person to whom the permit has been issued, at any reasonable 72365  
time and subject to safety requirements of the person in control 72366  
of the premises, for the purpose of determining compliance with 72367  
such standards, this chapter, the rules adopted thereunder, and 72368  
the conditions of any permit, variance, or order issued 72369  
thereunder. Each proposed new or modified air contaminant source 72370  
shall provide such notice of its proposed installation or 72371  
modification to other states as is required under the federal 72372  
Clean Air Act. Installation permits shall include the 72373  
authorization to operate sources installed and operated in 72374  
accordance with terms and conditions of the installation permits 72375  
for a period not to exceed one year from commencement of 72376  
operation, which authorization shall constitute an operating 72377  
permit under division (G) of this section and rules adopted 72378  
under it. 72379

No installation permit shall be required for activities 72380  
that are subject to and in compliance with a plant-wide 72381  
applicability limit issued by the director in accordance with 72382  
rules adopted under this section. 72383

No installation permit shall be issued except in 72384  
accordance with all requirements of this chapter and rules 72385  
adopted thereunder. No application shall be denied or permit 72386  
revoked or modified without a written order stating the findings 72387  
upon which denial, revocation, or modification is based. A copy 72388  
of the order shall be sent to the applicant or permit holder by 72389  
certified mail. 72390

(b) An air contaminant source that is the subject of an 72391

installation permit shall be installed or modified in accordance 72392  
with the permit not later than eighteen months after the 72393  
permit's effective date at which point the permit shall 72394  
terminate unless one of the following applies: 72395

(i) The owner or operator has undertaken a continuing 72396  
program of installation or modification during the eighteen- 72397  
month period. 72398

(ii) The owner or operator has entered into a binding 72399  
contractual obligation to undertake and complete within a 72400  
reasonable period of time a continuing program of installation 72401  
or modification of the air contaminant source during the 72402  
eighteen-month period. 72403

(iii) The director has extended the date by which the air 72404  
contaminant source that is the subject of the installation 72405  
permit must be installed or modified. 72406

(iv) The installation permit is the subject of an appeal 72407  
by a party other than the owner or operator of the air 72408  
contaminant source that is the subject of the installation 72409  
permit, in which case the date of termination of the permit is 72410  
not later than eighteen months after the effective date of the 72411  
permit plus the number of days between the date in which the 72412  
permit was appealed and the date on which all appeals concerning 72413  
the permit have been resolved. 72414

(v) The installation permit has been superseded by a 72415  
subsequent installation permit, in which case the original 72416  
installation permit terminates on the effective date of the 72417  
superseding installation permit. 72418

Division (F) (2) (b) of this section applies to an 72419  
installation permit that has not terminated as of October 16, 72420

2009. 72421

The director may adopt rules in accordance with Chapter 72422  
119. of the Revised Code for the purpose of establishing 72423  
additional requirements that are necessary for the 72424  
implementation of division (F) (2) (b) of this section. 72425

(3) Not later than two years after August 3, 2006, the 72426  
director shall adopt a rule in accordance with Chapter 119. of 72427  
the Revised Code specifying that a permit to install is required 72428  
only for new or modified air contaminant sources that emit any 72429  
of the following air contaminants: 72430

(a) An air contaminant or precursor of an air contaminant 72431  
for which a national ambient air quality standard has been 72432  
adopted under the federal Clean Air Act; 72433

(b) An air contaminant for which the air contaminant 72434  
source is regulated under the federal Clean Air Act; 72435

(c) An air contaminant that presents, or may present, 72436  
through inhalation or other routes of exposure, a threat of 72437  
adverse human health effects, including, but not limited to, 72438  
substances that are known to be, or may reasonably be 72439  
anticipated to be, carcinogenic, mutagenic, teratogenic, or 72440  
neurotoxic, that cause reproductive dysfunction, or that are 72441  
acutely or chronically toxic, or a threat of adverse 72442  
environmental effects whether through ambient concentrations, 72443  
bioaccumulation, deposition, or otherwise, and that is 72444  
identified in the rule by chemical name and chemical abstract 72445  
service number. 72446

The director may modify the rule adopted under division 72447  
(F) (3) (c) of this section for the purpose of adding or deleting 72448  
air contaminants. For each air contaminant that is contained in 72449

or deleted from the rule adopted under division (F) (3) (c) of 72450  
this section, the director shall include in a notice 72451  
accompanying any proposed or final rule an explanation of the 72452  
director's determination that the air contaminant meets the 72453  
criteria established in that division and should be added to, or 72454  
no longer meets the criteria and should be deleted from, the 72455  
list of air contaminants. The explanation shall include an 72456  
identification of the scientific evidence on which the director 72457  
relied in making the determination. Until adoption of the rule 72458  
under division (F) (3) (c) of this section, nothing shall affect 72459  
the director's authority to issue, deny, modify, or revoke 72460  
permits to install under this chapter and rules adopted under 72461  
it. 72462

(4) (a) Applications for permits to install new or modified 72463  
air contaminant sources shall contain sufficient information 72464  
regarding air contaminants for which the director may require a 72465  
permit to install to determine conformity with the environmental 72466  
protection agency's document entitled "Review of New Sources of 72467  
Air Toxics Emissions, Option A," dated May 1986, which the 72468  
director shall use to evaluate toxic emissions from new or 72469  
modified air contaminant sources. The director shall make copies 72470  
of the document available to the public upon request at no cost 72471  
and post the document on the environmental protection agency's 72472  
web site. Any inconsistency between the document and division 72473  
(F) (4) of this section shall be resolved in favor of division 72474  
(F) (4) of this section. 72475

(b) The maximum acceptable ground level concentration of 72476  
an air contaminant shall be calculated in accordance with the 72477  
document entitled "Review of New Sources of Air Toxics 72478  
Emissions, Option A." Modeling shall be conducted to determine 72479  
the increase in the ground level concentration of an air 72480

contaminant beyond the facility's boundary caused by the 72481  
emissions from a new or modified source that is the subject of 72482  
an application for a permit to install. Modeling shall be based 72483  
on the maximum hourly rate of emissions from the source using 72484  
information including, but not limited to, any emission control 72485  
devices or methods, operational restrictions, stack parameters, 72486  
and emission dispersion devices or methods that may affect 72487  
ground level concentrations, either individually or in 72488  
combination. The director shall determine whether the activities 72489  
for which a permit to install is sought will cause an increase 72490  
in the ground level concentration of one or more relevant air 72491  
contaminants beyond the facility's boundary by an amount in 72492  
excess of the maximum acceptable ground level concentration. In 72493  
making the determination as to whether the maximum acceptable 72494  
ground level concentration will be exceeded, the director shall 72495  
give consideration to the modeling conducted under division (F) 72496  
(4) (b) of this section and other relevant information submitted 72497  
by the applicant. 72498

(c) If the modeling conducted under division (F) (4) (b) of 72499  
this section with respect to an application for a permit to 72500  
install demonstrates that the maximum ground level concentration 72501  
from a new or modified source will be greater than or equal to 72502  
eighty per cent, but less than one hundred per cent of the 72503  
maximum acceptable ground level concentration for an air 72504  
contaminant, the director may establish terms and conditions in 72505  
the permit to install for the air contaminant source that will 72506  
require the owner or operator of the air contaminant source to 72507  
maintain emissions of that air contaminant commensurate with the 72508  
modeled level, which shall be expressed as allowable emissions 72509  
per day. In order to calculate the allowable emissions per day, 72510  
the director shall multiply the hourly emission rate modeled 72511

under division (F) (4) (b) of this section to determine the ground 72512  
level concentration by the operating schedule that has been 72513  
identified in the permit to install application. Terms and 72514  
conditions imposed under division (F) (4) (c) of this section are 72515  
not federally enforceable requirements and, if included in a 72516  
Title V permit, shall be placed in the portion of the permit 72517  
that is only enforceable by the state. 72518

(d) If the modeling conducted under division (F) (4) (b) of 72519  
this section with respect to an application for a permit to 72520  
install demonstrates that the maximum ground level concentration 72521  
from a new or modified source will be less than eighty per cent 72522  
of the maximum acceptable ground level concentration, the owner 72523  
or operator of the source annually shall report to the director, 72524  
on a form prescribed by the director, whether operations of the 72525  
source are consistent with the information regarding the 72526  
operations that was used to conduct the modeling with regard to 72527  
the permit to install application. The annual report to the 72528  
director shall be in lieu of an emission limit or other permit 72529  
terms and conditions imposed pursuant to division (F) (4) of this 72530  
section. The director may consider any significant departure 72531  
from the operations of the source described in the permit to 72532  
install application that results in greater emissions than the 72533  
emissions rate modeled to determine the ground level 72534  
concentration as a modification and require the owner or 72535  
operator to submit a permit to install application for the 72536  
increased emissions. The requirements established in division 72537  
(F) (4) (d) of this section are not federally enforceable 72538  
requirements and, if included in a Title V permit, shall be 72539  
placed in the portion of the permit that is only enforceable by 72540  
the state. 72541

(e) Division (F) (4) of this section and the document 72542



entitled "Review of New Sources of Air Toxics Emissions, Option A" shall not be included in the state implementation plan under section 110 of the federal Clean Air Act and do not apply to an air contaminant source that is subject to a maximum achievable control technology standard or residual risk standard under section 112 of the federal Clean Air Act, to a particular air contaminant identified under 40 C.F.R. 51.166, division (b) (23), for which the director has determined that the owner or operator of the source is required to install best available control technology for that particular air contaminant, or to a particular air contaminant for which the director has determined that the source is required to meet the lowest achievable emission rate, as defined in 40 C.F.R. part 51, Appendix S, for that particular air contaminant.

(f) (i) Division (F) (4) of this section and the document entitled "Review of New Sources of Air Toxics Emissions, Option A" do not apply to parking lots, storage piles, storage tanks, transfer operations, grain silos, grain dryers, emergency generators, gasoline dispensing operations, air contaminant sources that emit air contaminants solely from the combustion of fossil fuels, or the emission of wood dust, sand, glass dust, coal dust, silica, and grain dust.

(ii) Notwithstanding division (F) (4) (f) (i) of this section, the director may require an individual air contaminant source that is within one of the source categories identified in division (F) (4) (f) (i) of this section to submit information in an application for a permit to install a new or modified source in order to determine the source's conformity to the document if the director has information to conclude that the particular new or modified source will potentially cause an increase in ground level concentration beyond the facility's boundary that exceeds

the maximum acceptable ground level concentration as set forth 72574  
in the document. 72575

(iii) The director may adopt rules in accordance with 72576  
Chapter 119. of the Revised Code that are consistent with the 72577  
purposes of this chapter and that add to or delete from the 72578  
source category exemptions established in division (F)(4)(f)(i) 72579  
of this section. 72580

(5) Not later than one year after August 3, 2006, the 72581  
director shall adopt rules in accordance with Chapter 119. of 72582  
the Revised Code specifying activities that do not, by 72583  
themselves, constitute beginning actual construction activities 72584  
related to the installation or modification of an air 72585  
contaminant source for which a permit to install is required 72586  
such as the grading and clearing of land, on-site storage of 72587  
portable parts and equipment, and the construction of 72588  
foundations or buildings that do not themselves emit air 72589  
contaminants. The rules also shall allow specified initial 72590  
activities that are part of the installation or modification of 72591  
an air contaminant source, such as the installation of 72592  
electrical and other utilities for the source, prior to issuance 72593  
of a permit to install, provided that the owner or operator of 72594  
the source has filed a complete application for a permit to 72595  
install, the director or the director's designee has determined 72596  
that the application is complete, and the owner or operator of 72597  
the source has notified the director that this activity will be 72598  
undertaken prior to the issuance of a permit to install. Any 72599  
activity that is undertaken by the source under those rules 72600  
shall be at the risk of the owner or operator. The rules shall 72601  
not apply to activities that are precluded prior to permit 72602  
issuance under section 111, section 112, Part C of Title I, and 72603  
Part D of Title I of the federal Clean Air Act. 72604

(G) Adopt, modify, suspend, and rescind rules prohibiting 72605  
the operation or other use of any new, modified, or existing air 72606  
contaminant source unless an operating permit has been obtained 72607  
from the director or the director's authorized representative, 72608  
or the air contaminant source is being operated in compliance 72609  
with the conditions of a variance issued pursuant to division 72610  
(H) of this section. Applications for operating permits shall be 72611  
accompanied by such plans, specifications, and other pertinent 72612  
information as the director may require. Operating permits may 72613  
be issued for a period determined by the director not to exceed 72614  
ten years, are renewable, and are transferable. The director 72615  
shall specify in each operating permit that the permit is 72616  
conditioned upon payment of the applicable fees as required by 72617  
section 3745.11 of the Revised Code and upon the right of the 72618  
director's authorized representatives to enter upon the premises 72619  
of the person to whom the permit has been issued, at any 72620  
reasonable time and subject to safety requirements of the person 72621  
in control of the premises, for the purpose of determining 72622  
compliance with this chapter, the rules adopted thereunder, and 72623  
the conditions of any permit, variance, or order issued 72624  
thereunder. Operating permits may be denied or revoked for 72625  
failure to comply with this chapter or the rules adopted 72626  
thereunder. An operating permit shall be issued only upon a 72627  
showing satisfactory to the director or the director's 72628  
representative that the air contaminant source is being operated 72629  
in compliance with applicable emission standards and other rules 72630  
or upon submission of a schedule of compliance satisfactory to 72631  
the director for a source that is not in compliance with all 72632  
applicable requirements at the time of permit issuance, provided 72633  
that the compliance schedule shall be consistent with and at 72634  
least as stringent as that contained in any judicial consent 72635  
decree or administrative order to which the air contaminant 72636

source is subject. The rules shall provide for the issuance of 72637  
conditional operating permits for such reasonable periods as the 72638  
director may determine to allow the holder of an installation 72639  
permit, who has constructed, installed, located, or modified a 72640  
new air contaminant source in accordance with the provisions of 72641  
an installation permit, to make adjustments or modifications 72642  
necessary to enable the new air contaminant source to comply 72643  
with applicable emission standards and other rules. Terms and 72644  
conditions of operating permits issued pursuant to this division 72645  
shall be federally enforceable for the purpose of establishing 72646  
the potential to emit of a stationary source and shall be 72647  
expressly designated as federally enforceable. Any such 72648  
federally enforceable restrictions on a source's potential to 72649  
emit shall include both an annual limit and a short-term limit 72650  
of not more than thirty days for each pollutant to be restricted 72651  
together with adequate methods for establishing compliance with 72652  
the restrictions. In other respects, operating permits issued 72653  
pursuant to this division are enforceable as state law only. No 72654  
application shall be denied or permit revoked or modified 72655  
without a written order stating the findings upon which denial, 72656  
revocation, or modification is based. A copy of the order shall 72657  
be sent to the applicant or permit holder by certified mail. 72658

(H) Adopt, modify, and rescind rules governing the 72659  
issuance, revocation, modification, or denial of variances that 72660  
authorize emissions in excess of the applicable emission 72661  
standards. 72662

No variance shall be issued except pursuant to those 72663  
rules. The rules shall prescribe conditions and criteria in 72664  
furtherance of the purposes of this chapter and consistent with 72665  
the federal Clean Air Act governing eligibility for issuance of 72666  
variances, which shall include all of the following: 72667

(1) Provisions requiring consistency of emissions 72668  
authorized by a variance with timely attainment and maintenance 72669  
of ambient air quality standards; 72670

(2) Provisions prescribing the classes and categories of 72671  
air contaminants and air contaminant sources for which variances 72672  
may be issued; 72673

(3) Provisions defining the circumstances under which an 72674  
applicant shall demonstrate that compliance with applicable 72675  
emission standards is technically infeasible, economically 72676  
unreasonable, or impossible because of conditions beyond the 72677  
control of the applicant; 72678

(4) Other provisions prescribed in furtherance of the 72679  
goals of this chapter. 72680

The rules shall prohibit the issuance of variances from 72681  
any emission limitation that was applicable to a source pursuant 72682  
to an installation permit and shall prohibit issuance of 72683  
variances that conflict with the federal Clean Air Act. 72684

Applications for variances shall be accompanied by such 72685  
information as the director may require. In issuing variances, 72686  
the director may order the person to whom a variance is issued 72687  
to furnish plans and specifications and such other information 72688  
and data, including interim reports, as the director may require 72689  
and to proceed to take such action within such time as the 72690  
director may determine to be appropriate and reasonable to 72691  
prevent, control, or abate the person's existing emissions of 72692  
air contaminants. The director shall specify in each variance 72693  
that the variance is conditioned upon payment of the applicable 72694  
fees as required by section 3745.11 of the Revised Code and upon 72695  
the right of the director's authorized representatives to enter 72696

upon the premises of the person to whom the variance has been 72697  
issued, at any reasonable time and subject to safety 72698  
requirements of the person in control of the premises, for the 72699  
purpose of determining compliance with this chapter, the rules 72700  
adopted thereunder, and the conditions of any permit, variance, 72701  
or order issued thereunder. 72702

The director may hold a public hearing on an application 72703  
for a variance or renewal thereof at a location in the county 72704  
where the variance is sought. The director shall give not less 72705  
than twenty days' notice of the hearing to the applicant by 72706  
certified mail or another type of mail accompanied by a receipt. 72707  
The director also shall cause at least one publication of notice 72708  
in a newspaper with general circulation in the county where the 72709  
variance is sought or may instead provide public notice by 72710  
publication on the environmental protection agency's web site. 72711  
The director shall keep available for public inspection at the 72712  
principal office of the environmental protection agency a 72713  
current schedule of pending applications for variances and a 72714  
current schedule of pending variance hearings. The director 72715  
shall make a complete stenographic record or electronic record 72716  
of testimony and other evidence submitted at the hearing. The 72717  
director shall make a written determination to issue, renew, or 72718  
deny the variance and shall enter the determination and the 72719  
basis therefor into the record of the hearing. The director 72720  
shall issue, renew, or deny an application for a variance or 72721  
renewal thereof, or issue a proposed action upon the application 72722  
pursuant to section 3745.07 of the Revised Code, within six 72723  
months of the date upon which the director receives a complete 72724  
application with all pertinent information and data required by 72725  
the director. 72726

Any variance granted pursuant to rules adopted under this 72727

division shall be for a period specified by the director, not to exceed three years, and may be renewed from time to time on such terms and for such periods, not to exceed three years each, as the director determines to be appropriate. A variance may be revoked, or renewal denied, for failure to comply with conditions specified in the variance. No variance shall be issued, denied, revoked, or modified without a written order stating the findings upon which the issuance, denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or variance holder by certified mail.

(I) Require the owner or operator of an air contaminant source to install, employ, maintain, and operate such emissions, ambient air quality, meteorological, or other monitoring devices or methods as the director shall prescribe; to sample those emissions at such locations, at such intervals, and in such manner as the director prescribes; to maintain records and file periodic reports with the director containing information as to location, size, and height of emission outlets, rate, duration, and composition of emissions, and any other pertinent information the director prescribes; and to provide such written notice to other states as the director shall prescribe. In requiring monitoring devices, records, and reports, the director, to the extent consistent with the federal Clean Air Act, shall give consideration to technical feasibility and economic reasonableness and allow reasonable time for compliance. For sources where a specific monitoring, record-keeping, or reporting requirement is specified for a particular air contaminant from a particular air contaminant source in an applicable regulation adopted by the United States environmental protection agency under the federal Clean Air Act or in an applicable rule adopted by the director, the director shall not

impose an additional requirement in a permit that is a different 72759  
monitoring, record-keeping, or reporting requirement other than 72760  
the requirement specified in the applicable regulation or rule 72761  
for that air contaminant except as otherwise agreed to by the 72762  
owner or operator of the air contaminant source and the 72763  
director. For sources where no specific monitoring requirement 72764  
is specified for a particular air contaminant from a particular 72765  
air contaminant source in an applicable regulation adopted by 72766  
the United States environmental protection agency under the 72767  
federal Clean Air Act or in an applicable rule adopted by the 72768  
director, the director shall not impose a monitoring requirement 72769  
in a permit that requires community air monitoring, except as 72770  
otherwise agreed to by the owner or air operator of the air 72771  
contaminant source and the director. If two or more regulations 72772  
or rules impose different monitoring, record-keeping, or 72773  
reporting requirements for the same air contaminant from the 72774  
same air contaminant source, the director may impose permit 72775  
terms and conditions that consolidate or streamline the 72776  
monitoring, record-keeping, or reporting requirements in a 72777  
manner that conforms with each applicable requirement. To the 72778  
extent consistent with the federal Clean Air Act and except as 72779  
otherwise agreed to by the owner or operator of an air 72780  
contaminant source and the director, the director shall not 72781  
require an operating restriction that has the practical effect 72782  
of increasing the stringency of an existing applicable emission 72783  
limitation or standard. 72784

(J) Establish, operate, and maintain monitoring stations 72785  
and other devices designed to measure air pollution and enter 72786  
into contracts with any public or private agency for the 72787  
establishment, operation, or maintenance of such stations and 72788  
devices, except for community air monitoring where the intended 72789



use of the data produced by such monitoring stations and other 72790  
devices would violate divisions (B) or (C) of section 3704.09 of 72791  
the Revised Code; 72792

(K) By rule adopt procedures for giving reasonable public 72793  
notice and conducting public hearings on any plans for the 72794  
prevention, control, and abatement of air pollution that the 72795  
director is required to submit to the federal government; 72796

(L) Through any employee, agent, or authorized 72797  
representative of the director or the environmental protection 72798  
agency, enter upon private or public property, including 72799  
improvements thereon, at any reasonable time, to make 72800  
inspections, take samples, conduct tests, and examine records or 72801  
reports pertaining to any emission of air contaminants and any 72802  
monitoring equipment or methods and to determine if there are 72803  
any actual or potential emissions from such premises and, if so, 72804  
to determine the sources, amounts, contents, and extent of those 72805  
emissions, or to ascertain whether there is compliance with this 72806  
chapter, any orders issued or rules adopted thereunder, or any 72807  
other determination of the director. The director, at reasonable 72808  
times, may have access to and copy any such records. If entry or 72809  
inspection authorized by this division is refused, hindered, or 72810  
thwarted, the director or the director's authorized 72811  
representative may by affidavit apply for, and any judge of a 72812  
court of record may issue, an appropriate inspection warrant 72813  
necessary to achieve the purposes of this chapter within the 72814  
court's territorial jurisdiction. 72815

(M) Accept and administer gifts or grants from the federal 72816  
government and from any other source, public or private, for 72817  
carrying out any of the functions under this chapter; 72818

(N) Obtain necessary scientific, technical, and laboratory 72819

services; 72820

(O) Establish advisory boards in accordance with section 72821  
121.13 of the Revised Code; 72822

(P) Delegate to any city or general health district or 72823  
political subdivision of the state any of the director's 72824  
enforcement and monitoring powers and duties, other than rule- 72825  
making powers, as the director elects to delegate, and in 72826  
addition employ, compensate, and prescribe the powers and duties 72827  
of such officers, employees, and consultants as are necessary to 72828  
enable the director to exercise the authority and perform duties 72829  
imposed upon the director by law. Technical and other services 72830  
shall be performed, insofar as practical, by personnel of the 72831  
environmental protection agency. 72832

(Q) Certify to the government of the United States or any 72833  
agency thereof that an industrial air pollution facility is in 72834  
conformity with the state program or requirements for control of 72835  
air pollution whenever such certificate is required for a 72836  
taxpayer pursuant to any federal law or requirements; 72837

(R) Issue, modify, or revoke orders requiring abatement of 72838  
or prohibiting emissions that violate applicable emission 72839  
standards or other requirements of this chapter and rules 72840  
adopted thereunder, or requiring emission control devices or 72841  
measures in order to comply with applicable emission standards 72842  
or other requirements of this chapter and rules adopted 72843  
thereunder. Any such order shall require compliance with 72844  
applicable emission standards by a specified date and shall not 72845  
conflict with any requirement of the federal Clean Air Act. In 72846  
the making of such orders, the director, to the extent 72847  
consistent with the federal Clean Air Act, shall give 72848  
consideration to, and base the determination on, evidence 72849

relating to the technical feasibility and economic 72850  
reasonableness of compliance with such orders and their relation 72851  
to benefits to the people of the state to be derived from such 72852  
compliance. If, under the federal Clean Air Act, any such order 72853  
shall provide for the posting of a bond or surety to secure 72854  
compliance with the order as a condition of issuance of the 72855  
order, the order shall so provide, but only to the extent 72856  
required by the federal Clean Air Act. 72857

(S) To the extent provided by the federal Clean Air Act, 72858  
adopt, modify, and rescind rules providing for the 72859  
administrative assessment and collection of monetary penalties, 72860  
not in excess of those required pursuant to the federal Clean 72861  
Air Act, for failure to comply with any emission limitation or 72862  
standard, compliance schedule, or other requirement of any rule, 72863  
order, permit, or variance issued or adopted under this chapter 72864  
or required under the applicable implementation plan whether or 72865  
not the source is subject to a federal or state consent decree. 72866  
The director may require the submission of compliance schedules, 72867  
calculations of penalties for noncompliance, and related 72868  
information. Any orders, payments, sanctions, or other 72869  
requirements imposed pursuant to rules adopted under this 72870  
division shall be in addition to any other permits, orders, 72871  
payments, sanctions, or other requirements established under 72872  
this chapter and shall not affect any civil or criminal 72873  
enforcement proceedings brought under any provision of this 72874  
chapter or any other provision of state or local law. This 72875  
division does not apply to any requirement of this chapter 72876  
regarding the prevention or abatement of odors. 72877

(T) Require new or modified air contaminant sources to 72878  
install best available technology, but only in accordance with 72879  
this division. With respect to permits issued pursuant to 72880

division (F) of this section beginning three years after August 3, 2006, best available technology for air contaminant sources and air contaminants emitted by those sources that are subject to standards adopted under section 112, Part C of Title I, and Part D of Title I of the federal Clean Air Act shall be equivalent to and no more stringent than those standards. For an air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the federal Clean Air Act, best available technology only shall be required to the extent required by rules adopted under Chapter 119. of the Revised Code for permit to install applications filed three or more years after August 3, 2006.

Best available technology requirements established in rules adopted under this division shall be expressed only in one of the following ways that is most appropriate for the applicable source or source categories:

- (1) Work practices;
- (2) Source design characteristics or design efficiency of applicable air contaminant control devices;
- (3) Raw material specifications or throughput limitations averaged over a twelve-month rolling period;
- (4) Monthly allowable emissions averaged over a twelve-month rolling period.

Best available technology requirements shall not apply to an air contaminant source that has the potential to emit, taking into account air pollution controls installed on the source, less than ten tons per year of emissions of an air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the federal Clean

Air Act. In addition, best available technology requirements 72910  
established in rules adopted under this division shall not apply 72911  
to any existing, new, or modified air contaminant source that is 72912  
subject to a plant-wide applicability limit that has been 72913  
approved by the director. Further, best available technology 72914  
requirements established in rules adopted under this division 72915  
shall not apply to general permits issued prior to January 1, 72916  
2006, under rules adopted under this chapter. 72917

For permits to install issued three or more years after 72918  
August 3, 2006, any new or modified air contaminant source that 72919  
has the potential to emit, taking into account air pollution 72920  
controls installed on the source, ten or more tons per year of 72921  
volatile organic compounds or nitrogen oxides shall meet, at a 72922  
minimum, the requirements of any applicable reasonably available 72923  
control technology rule in effect as of January 1, 2006, 72924  
regardless of the location of the source. 72925

(U) Consistent with section 507 of the federal Clean Air 72926  
Act, adopt, modify, suspend, and rescind rules for the 72927  
establishment of a small business stationary source technical 72928  
and environmental compliance assistance program as provided in 72929  
section 3704.18 of the Revised Code; 72930

(V) Provide for emissions trading, marketable permits, 72931  
auctions of emission rights, and economic incentives that would 72932  
reduce the cost or increase the efficiency of achieving a 72933  
specified level of environmental protection; 72934

(W) Provide for the construction of an air contaminant 72935  
source prior to obtaining a permit to install pursuant to 72936  
division (F) of this section if the applicant demonstrates that 72937  
the source will be installed to comply with all applicable 72938  
emission limits and will not adversely affect public health or 72939

safety or the environment and if the director determines that 72940  
such an action will avoid an unreasonable hardship on the owner 72941  
or operator of the source. Any such determination shall be 72942  
consistent with the federal Clean Air Act. 72943

(X) Exercise all incidental powers, including adoption of 72944  
rules, required to carry out this chapter. 72945

The environmental protection agency shall develop a plan 72946  
to control air pollution resulting from state-operated 72947  
facilities and property. 72948

**Sec. 3704.031.** ~~Prior~~ (A) Except as provided in division 72949  
(B) of this section, prior to issuance or renewal of a permit or 72950  
a variance under division (F), (G), or (H) of section 3704.03 of 72951  
the Revised Code, the director of environmental protection may 72952  
require the applicant to install such equipment and conduct such 72953  
tests and analyses as the director finds reasonable and 72954  
necessary to determine adequately the amount and content of any 72955  
emissions from such sources, the ambient air quality at the 72956  
proposed site and in areas that may be affected by emissions 72957  
from such sources, and any violation or potential violation of 72958  
Chapter 3704. of the Revised Code, or the regulations or orders 72959  
promulgated thereunder. 72960

(B) The director shall not require an applicant to conduct 72961  
community air monitoring other than any analysis or measurement 72962  
of an air pollutant in the ambient air pursuant to a federal 72963  
reference method or federal equivalent method. 72964

**Sec. 3704.09.** (A) Determinations made by the director of 72965  
environmental protection or other persons acting under sections 72966  
3704.03 and 3704.04 of the Revised Code shall not be used as 72967  
evidence in civil actions nor create any presumption of law or 72968

finding of fact which shall inure to or be for the benefit of 72969  
any person other than the state, and sections 3704.01 to 3704.07 72970  
of the Revised Code do not create, enlarge, or abrogate existing 72971  
private rights. Nothing in Chapter 3704. of the Revised Code 72972  
shall be construed to abridge, limit, or otherwise impair the 72973  
right of any person to damages or other relief on account of 72974  
injury to persons or property and to maintain any action or 72975  
other appropriate proceedings therefor. 72976

(B) Data produced from community air monitoring shall not 72977  
be used as evidence, or disclosed or disseminated by the 72978  
environmental protection agency, a local air pollution control 72979  
authority, or any person, to support either of the following: 72980

(1) A fine, penalty, or notice of violation against any 72981  
person for violations of or noncompliance with the federal Clean 72982  
Air Act, this chapter, the rules adopted thereunder, or any 72983  
other applicable law, rule, or regulation for which the state 72984  
has primary enforcement authority; 72985

(2) An administrative, regulatory, or judicial enforcement 72986  
action, lawsuit, or proceeding for violations of or 72987  
noncompliance with the federal Clean Air Act, this chapter, the 72988  
rules adopted thereunder, or any other applicable law, rule, or 72989  
regulation for which the state has primary enforcement 72990  
authority. 72991

(C) Data produced from community air monitoring shall not 72992  
be considered or relied upon by the environmental protection 72993  
agency or a local air pollution control authority in any 72994  
rulemaking action or in any action relating to the issuance of 72995  
an installation permit or operating permit unless such 72996  
consideration or reliance is requested by the owner or operator 72997  
of the air contaminant source requesting the permit. 72998

**Sec. 3704.111.** (A) Not later than October 1, 1993, the 72999  
director of environmental protection shall enter into a 73000  
delegation agreement with each local air pollution control 73001  
authority listed in divisions ~~(N) (1) (a) to (h)~~ (P) (1) of section 73002  
3704.01 of the Revised Code under which the local air pollution 73003  
control authority agrees to perform on behalf of the 73004  
environmental protection agency air pollution control regulatory 73005  
services within the political subdivision represented by the 73006  
local air pollution control authority. The director may enter 73007  
into such a delegation agreement with a local air pollution 73008  
control authority established on or after the effective date of 73009  
this section, subject to the condition established in division 73010  
(B) of this section. Each delegation agreement shall be self- 73011  
renewing on an annual basis on the first day of October of each 73012  
year. The terms of each such delegation agreement shall remain 73013  
unchanged from year to year unless they are amended by mutual 73014  
agreement of the director and the local air pollution control 73015  
authority. 73016

(B) The director may conduct a periodic performance 73017  
evaluation of the air pollution control program operated by each 73018  
local air pollution control authority. Based upon the findings 73019  
of such a performance evaluation, the director may terminate or 73020  
refuse to renew the delegation agreement with a local air 73021  
pollution control authority if the director determines that the 73022  
local air pollution control authority is not adequately 73023  
performing its obligations under the agreement. 73024

(C) The director may enter into contracts for payments to 73025  
local air pollution control authorities from moneys credited to 73026  
the clean air fund created in section 3704.035 of the Revised 73027  
Code, subject to the limitation specified in that section, and 73028  
any other moneys appropriated by the general assembly for that 73029



purpose. The director shall distribute the moneys available for 73030  
making payments to the local air pollution control authorities 73031  
pursuant to such contracts equitably among the local air 73032  
pollution control authorities based upon the amount of local 73033  
funding and the workload of each local air pollution control 73034  
authority, including, without limitation, population served, 73035  
number of air permits issued for both new and existing sources, 73036  
land area, and number of air contaminant sources. The director 73037  
biennially shall review the workload of each local air pollution 73038  
control authority and shall determine the percentage of the 73039  
moneys available for the purpose of making payments under the 73040  
contracts. In determining the percentage of those moneys that is 73041  
to be so distributed, the director shall consider the 73042  
recommendations of the local air pollution control authorities. 73043

(D) The director may modify a contract between the 73044  
director and a local air pollution control authority to 73045  
authorize the local air pollution control authority to perform 73046  
air pollution control activities outside the geographic 73047  
boundaries of that local air pollution control authority. 73048

**Sec. 3704.112.** For the purpose of fulfilling the duties 73049  
and obligations imposed pursuant to a delegation agreement 73050  
entered into under section 3704.111 of the Revised Code, a local 73051  
air pollution control authority, in the name of the 73052  
environmental protection agency, may do all of the following 73053  
within the political subdivisions that it represents: 73054

(A) Establish, maintain, and operate air quality 73055  
monitoring stations and other devices designed to measure air 73056  
pollution or ambient air quality, except for community air 73057  
monitoring where the intended use of the data produced by such 73058  
monitoring stations and other devices would violate divisions 73059

(B) or (C) of section 3704.09 of the Revised Code; 73060

(B) Enter upon public or private property, real or 73061  
personal, at any reasonable time to make inspections, conduct 73062  
tests, examine or copy records or reports, determine actual or 73063  
potential emissions of air contaminants from a premises, and 73064  
ascertain compliance with this chapter and any rules, orders, 73065  
terms or conditions of permits or variances, or other 73066  
determinations made or issued under it. If the entry or 73067  
inspection authorized under this division is refused, hindered, 73068  
or thwarted, an authorized representative of the local air 73069  
pollution control authority may apply for, and any judge of a 73070  
court of record may issue, an administrative inspection warrant 73071  
under division (F) of section 2933.21 of the Revised Code, or 73072  
other appropriate search warrant, to achieve the purposes of 73073  
this chapter within the court's territorial jurisdiction. 73074

(C) Investigate or make inquiries into any alleged 73075  
violation of this chapter or a rule, order, term or condition of 73076  
a permit or variance, or other determination made or issued 73077  
under it, or act of air pollution, upon the complaint of any 73078  
person, the local air pollution control authority's own 73079  
initiative, or the request of the environmental protection 73080  
agency; 73081

(D) In accordance with Chapter 119. of the Revised Code 73082  
and the rules adopted under section 3704.03 of the Revised Code 73083  
governing open burning, grant or deny permission to conduct open 73084  
burning to persons making application for permission to do so; 73085

(E) Encourage, participate in, or conduct studies, 73086  
investigations, research, and education and training programs, 73087  
and collect and disseminate information, relating to air 73088  
pollution; 73089

(F) Accept and administer grants from the federal 73090  
government and any other source, public or private, for the 73091  
purpose of carrying out any function under this chapter. 73092

**Sec. 3704.14.** (A) (1) If the director of environmental 73093  
protection determines that implementation of a motor vehicle 73094  
inspection and maintenance program is necessary for the state to 73095  
effectively comply with the federal Clean Air Act after June 30, 73096  
~~2023~~2025, the director may provide for the implementation of the 73097  
program in those counties in this state in which such a program 73098  
is federally mandated. Upon making such a determination, the 73099  
director of environmental protection may request the director of 73100  
administrative services to extend the terms of the contract that 73101  
was entered into under the authority of ~~Am. Sub. H.B. 64-33~~ of 73102  
the ~~131st-135th~~ general assembly. Upon receiving the request, 73103  
the director of administrative services shall extend the 73104  
contract, beginning on July 1, ~~2023~~2025, in accordance with this 73105  
section. The contract shall be extended for a period of up to 73106  
twenty-four months with the contractor who conducted the motor 73107  
vehicle inspection and maintenance program under that contract. 73108

(2) Prior to the expiration of the contract extension that 73109  
~~is~~ was authorized by division (A) (1) of this section under the 73110  
authority of H.B. 33 of the 135th general assembly, the director 73111  
of environmental protection shall request the director of 73112  
administrative services to enter into a contract with a vendor 73113  
to operate a decentralized motor vehicle inspection and 73114  
maintenance program in each county in this state in which such a 73115  
program is federally mandated through June 30, 2027, ~~with an~~ 73116  
~~option for the state to renew the contract for a period of up to~~ 73117  
~~twenty-four months through June 30, 2029.~~ The contract shall 73118  
ensure that the decentralized motor vehicle inspection and 73119  
maintenance program achieves at least the same an equivalent 73120

amount of emission reductions as achieved by the program 73121  
operated under the authority of the contract that was extended 73122  
under division (A) (1) of this section under the authority of 73123  
H.B. 33 of the 135th general assembly. The director of 73124  
administrative services shall select a vendor through a 73125  
competitive selection process in compliance with Chapter 125. of 73126  
the Revised Code. 73127

(3) Notwithstanding any law to the contrary, the director 73128  
of administrative services shall ensure that a competitive 73129  
selection process regarding a contract to operate a 73130  
decentralized motor vehicle inspection and maintenance program 73131  
in this state incorporates the following, which shall be 73132  
included in the contract: 73133

(a) For purposes of expanding the number of testing 73134  
locations for consumer convenience, a requirement that the 73135  
vendor utilize established local businesses, auto repair 73136  
facilities, or leased properties to operate state-approved 73137  
inspection and maintenance testing facilities; 73138

(b) A requirement that the vendor selected to operate the 73139  
program provide notification of the program's requirements to 73140  
each owner of a motor vehicle that is required to be inspected 73141  
under the program. The contract shall require the notification 73142  
to be provided not later than sixty days prior to the date by 73143  
which the owner of the motor vehicle is required to have the 73144  
motor vehicle inspected. The director of environmental 73145  
protection and the vendor shall jointly agree on the content of 73146  
the notice. However, the notice shall include at a minimum the 73147  
locations of all inspection facilities within a specified 73148  
distance of the address that is listed on the owner's motor 73149  
vehicle registration; 73150

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

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

(B) The decentralized motor vehicle inspection and maintenance program authorized by this section, at a minimum, shall do all of the following:

(1) Comply with the federal Clean Air Act;

(2) Provide for the issuance of inspection certificates;

(3) Provide for a new car exemption for motor vehicles four years old or newer and provide that a new motor vehicle is exempt for four years regardless of whether legal title to the motor vehicle is transferred during that period;

(4) Provide for an exemption for battery electric motor vehicles.

(C) (1) The director of environmental protection shall adopt rules in accordance with Chapter 119. of the Revised Code that the director determines are necessary to implement this section. The director may continue to implement and enforce rules pertaining to the motor vehicle inspection and maintenance program previously implemented under former section 3704.14 of the Revised Code as that section existed prior to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th general assembly,

provided that the rules do not conflict with this section. 73180

(2) The director of environmental protection shall issue 73181  
an inspection certificate provided for under division (B) (2) of 73182  
this section in accordance with Chapter 4796. of the Revised 73183  
Code to an applicant if either of the following applies: 73184

(a) The individual holds a certificate or license in 73185  
another state. 73186

(b) The individual has satisfactory work experience, a 73187  
government certification, or a private certification as 73188  
described in that chapter as a vehicle inspector in a state that 73189  
does not issue that certificate. 73190

(D) There is hereby created in the state treasury the auto 73191  
emissions test fund, which shall consist of money received by 73192  
the director from any cash transfers, state and local grants, 73193  
and other contributions that are received for the purpose of 73194  
funding the program established under this section. The director 73195  
of environmental protection shall use money in the fund solely 73196  
for the implementation, supervision, administration, operation, 73197  
and enforcement of the motor vehicle inspection and maintenance 73198  
program established under this section. Money in the fund shall 73199  
not be used for either of the following: 73200

(1) To pay for the inspection costs incurred by a motor 73201  
vehicle dealer so that the dealer may provide inspection 73202  
certificates to an individual purchasing a motor vehicle from 73203  
the dealer when that individual resides in a county that is 73204  
subject to the motor vehicle inspection and maintenance program; 73205

(2) To provide payment for more than one free passing 73206  
emissions inspection or a total of three emissions inspections 73207  
for a motor vehicle in any three-hundred-sixty-five-day period. 73208

The owner or lessee of a motor vehicle is responsible for 73209  
inspection fees that are related to emissions inspections beyond 73210  
one free passing emissions inspection or three total emissions 73211  
inspections in any three-hundred-sixty-five-day period. 73212  
Inspection fees that are charged by a contractor conducting 73213  
emissions inspections under a motor vehicle inspection and 73214  
maintenance program shall be approved by the director of 73215  
environmental protection. 73216

(E) The motor vehicle inspection and maintenance program 73217  
established under this section expires upon the termination of 73218  
all contracts entered into under this section and shall not be 73219  
implemented beyond the final date on which termination occurs. 73220

(F) If the United States environmental protection agency 73221  
determines that the motor vehicle inspection and maintenance 73222  
program implemented in accordance with this section is not 73223  
necessary for the state or any area of the state to comply with 73224  
the federal Clean Air Act, the director shall immediately 73225  
discontinue the program and take any actions necessary to 73226  
effectuate the termination of the program. 73227

(G) As used in this section "battery electric motor 73228  
vehicle" has the same meaning as in section 4501.01 of the 73229  
Revised Code. 73230

**Sec. 3705.126.** The department of health shall neither open 73231  
an adoption file nor make its contents available except as 73232  
follows: 73233

(A) The department shall inspect the file to determine the 73234  
court involved for the purpose of division (D) of section 73235  
3107.09 or section 3107.091 or 3107.171 of the Revised Code. 73236

(B) The department shall make the file's contents 73237

available to an adopted person or lineal descendant of an 73238  
adopted person in accordance with section 3107.38 of the Revised 73239  
Code. 73240

(C) The department shall open the file to transfer 73241  
releases to the file in accordance with section 3107.381 of the 73242  
Revised Code. 73243

(D) The department shall open the file to file a contact 73244  
preference form from a biological parent pursuant to section 73245  
3107.39 of the Revised Code and remove any previously filed 73246  
contact preference form from the biological parent. 73247

(E) The department shall open the file to ~~file a~~ 73248  
~~biological parent's name redaction request form pursuant to~~ 73249  
~~division (C) of section 3107.391 of the Revised Code or to~~ 73250  
remove and destroy the a name redaction request form pursuant to 73251  
division ~~(D)~~ (A) of that section 3107.391 of the Revised Code. 73252

(F) The department shall open the file to file a denial of 73253  
release form under division (A) of section 3107.46 of the 73254  
Revised Code or an authorization of release form under division 73255  
(B) of that section. 73256

(G) The department shall make the file's contents 73257  
available to an adopted person or adoptive parent in accordance 73258  
with section 3107.47 of the Revised Code. 73259

(H) The department shall open the file to file a request 73260  
from an adopted person under division (A) of section 3107.48 of 73261  
the Revised Code or to remove and destroy the request pursuant 73262  
to division (B) of that section. 73263

(I) The department shall inspect the file to assist a 73264  
birth parent or birth sibling in finding the adopted person's 73265  
name by adoption in accordance with section 3107.49 of the 73266



Revised Code. 73267

(J) The court that decreed the adoption may order that the 73268  
contents be made open for inspection or available for copying. 73269

**Sec. 3705.17.** The body of a person whose death occurs in 73270  
this state shall not be interred, deposited in a vault or tomb, 73271  
cremated, or otherwise disposed of by a funeral director until a 73272  
burial permit is issued by a local registrar or sub-registrar of 73273  
vital statistics. No such permit shall be issued by a local 73274  
registrar or sub-registrar until a satisfactory death, fetal 73275  
death, or provisional death certificate is filed with the local 73276  
registrar or sub-registrar. When the medical certification as to 73277  
the cause of death cannot be provided by the attending physician 73278  
or coroner prior to burial, for sufficient cause, as determined 73279  
by rule of the director of health, the funeral director may file 73280  
a provisional death certificate with the local registrar or sub- 73281  
registrar for the purpose of securing a burial or burial-transit 73282  
permit. When the funeral director files a provisional death 73283  
certificate to secure a burial or burial-transit permit, the 73284  
funeral director shall file a satisfactory and complete death 73285  
certificate within five days after the date of death. The 73286  
director of health, by rule, may provide additional time for 73287  
filing a satisfactory death certificate. A burial permit 73288  
authorizing cremation shall not be issued upon the filing of a 73289  
provisional certificate of death. 73290

When a funeral director or other person obtains a burial 73291  
permit from a local registrar or sub-registrar, the registrar or 73292  
sub-registrar shall charge a fee of ~~three-ten~~ three dollars for the 73293  
issuance of the burial permit. ~~Two-Nine~~ Two dollars and fifty cents 73294  
of each fee collected for a burial permit shall be paid into the 73295  
state treasury to the credit of the cemetery registration fund 73296

created under section 4767.03 of the Revised Code to be used by 73297  
the division of real estate and professional licensing in the 73298  
department of commerce in discharging its duties prescribed in 73299  
Chapter 4767. of the Revised Code and the Ohio cemetery dispute 73300  
resolution commission created by section 4767.05 of the Revised 73301  
Code. A local registrar or sub-registrar shall transmit payments 73302  
of that portion of the amount of each fee collected under this 73303  
section to the treasurer of state on a quarterly basis or more 73304  
frequently, if possible. The director of health, by rule, shall 73305  
provide for the issuance of a burial permit without the payment 73306  
of the fee required by this section if the total cost of the 73307  
burial will be paid by an agency or instrumentality of the 73308  
United States, the state or a state agency, or a political 73309  
subdivision of the state. 73310

The director of commerce may by rule adopted in accordance 73311  
with Chapter 119. of the Revised Code reduce the total amount of 73312  
the fee required by this section and that portion of the amount 73313  
of the fee required to be paid to the credit of the division of 73314  
real estate and professional licensing for the use of the 73315  
division and the Ohio cemetery dispute resolution commission, if 73316  
the director determines that the total amount of funds the fee 73317  
is generating at the amount required by this section exceeds the 73318  
amount of funds the division of real estate and professional 73319  
licensing and the commission need to carry out their powers and 73320  
duties prescribed in Chapter 4767. of the Revised Code. 73321

No person in charge of any premises in which interments or 73322  
cremations are made shall inter or cremate or otherwise dispose 73323  
of a body, unless it is accompanied by a burial permit. Each 73324  
person in charge of a cemetery, crematory, or other place of 73325  
disposal shall indorse upon a burial permit the date of 73326  
interment, cremation, or other disposal and shall retain such 73327

permits for a period of at least five years. The person in charge shall keep an accurate record of all interments, cremations, or other disposal of dead bodies, made in the premises under the person's charge, stating the name of the deceased person, place of death, date of burial, cremation, or other disposal, and name and address of the funeral director. Such record shall at all times be open to public inspection.

**Sec. 3706.01.** As used in this chapter:

(A) "Governmental agency" means a department, division, or other unit of state government, a municipal corporation, county, township, and other political subdivision, or any other public corporation or agency having the power to acquire, construct, or operate air quality facilities, the United States or any agency thereof, and any agency, commission, or authority established pursuant to an interstate compact or agreement.

(B) "Person" means any individual, firm, partnership, association, or corporation, or any combination thereof.

(C) "Air contaminant" means particulate matter, dust, fumes, gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or odorous substance, or any combination thereof.

(D) "Air pollution" means the presence in the ambient air of one or more air contaminants in sufficient quantity and of such characteristics and duration as to injure human health or welfare, plant or animal life, or property, or that unreasonably interferes with the comfortable enjoyment of life or property.

(E) "Ambient air" means that portion of the atmosphere outside of buildings and other enclosures, stacks, or ducts that surrounds human, plant, or animal life, or property.

(F) "Emission" means the release into the outdoor

atmosphere of an air contaminant. 73357

(G) "Air quality facility" means any of the following: 73358

(1) Any method, modification or replacement of property, 73359  
process, device, structure, or equipment that removes, reduces, 73360  
prevents, contains, alters, conveys, stores, disperses, or 73361  
disposes of air contaminants or substances containing air 73362  
contaminants, or that renders less noxious or reduces the 73363  
concentration of air contaminants in the ambient air, including, 73364  
without limitation, facilities and expenditures that qualify as 73365  
air pollution control facilities under section 103 (C) (4) (F) of 73366  
the Internal Revenue Code of 1954, as amended, and regulations 73367  
adopted thereunder; 73368

(2) Motor vehicle inspection stations operated in 73369  
accordance with, and any equipment used for motor vehicle 73370  
inspections conducted under, section 3704.14 of the Revised Code 73371  
and rules adopted under it; 73372

(3) Ethanol or other biofuel facilities, including any 73373  
equipment used at the ethanol or other biofuel facility for the 73374  
production of ethanol or other biofuels; 73375

(4) Any property or portion thereof used for the 73376  
collection, storage, treatment, utilization, processing, or 73377  
final disposal of a by-product or solid waste resulting from any 73378  
method, process, device, structure, or equipment that removes, 73379  
reduces, prevents, contains, alters, conveys, stores, disperses, 73380  
or disposes of air contaminants, or that renders less noxious or 73381  
reduces the concentration of air contaminants in the ambient 73382  
air; 73383

(5) Any property, device, or equipment that promotes the 73384  
reduction of emissions of air contaminants into the ambient air 73385

through improvements in the efficiency of energy utilization or	73386
energy conservation;	73387
(6) Any coal research and development project conducted	73388
under Chapter 1555. of the Revised Code;	73389
(7) As determined by the director of the Ohio coal	73390
development office, any property or portion thereof that is used	73391
for the collection, storage, treatment, utilization, processing,	73392
or final disposal of a by-product resulting from a coal research	73393
and development project as defined in section 1555.01 of the	73394
Revised Code or from the use of clean coal technology, excluding	73395
any property or portion thereof that is used primarily for other	73396
subsequent commercial purposes;	73397
(8) <del>Any property or portion thereof that is part of the</del>	73398
<del>FutureGen project of the United States department of energy or</del>	73399
<del>related to the siting of the FutureGen project</del> <u>Any property,</u>	73400
<u>device, or equipment comprising a facility generating green</u>	73401
<u>energy;</u>	73402
(9) Any property, device, or equipment that promotes the	73403
reduction of emissions of air contaminants into the ambient air	73404
through the generation of clean, renewable energy with renewable	73405
energy resources or advanced energy resources as defined in	73406
section 3706.25 of the Revised Code;	73407
(10) Any property, device, structure, or equipment	73408
necessary for the manufacture and production of equipment	73409
described as an air quality facility under this chapter;	73410
(11) Any property, device, or equipment related to the	73411
recharging or refueling of vehicles that promotes the reduction	73412
of emissions of air contaminants into the ambient air through	73413
the use of an alternative fuel as defined in section 125.831 of	73414

the Revised Code or the use of a renewable energy resource as 73415  
defined in section 3706.25 of the Revised Code; 73416

(12) Any special energy improvement project, as defined in 73417  
section 1710.01 of the Revised Code, that promotes the reduction 73418  
of emissions of air contaminants into the ambient air. 73419

"Air quality facility" further includes any property or 73420  
system to be used in whole or in part for any of the purposes in 73421  
divisions (G) (1) to (12) of this section, whether another 73422  
purpose is also served, and any property or system incidental to 73423  
or that has to do with, or the end purpose of which is, any of 73424  
the foregoing. Air quality facilities that are defined in this 73425  
division for industry, commerce, distribution, or research, 73426  
including public utility companies, are hereby determined to be 73427  
those that qualify as facilities for the control of air 73428  
pollution and thermal pollution related to air under Section 13 73429  
of Article VIII, Ohio Constitution. 73430

(H) "Project" or "air quality project" means any air 73431  
quality facility, including undivided or other interests 73432  
therein, acquired or to be acquired or constructed or to be 73433  
constructed by the Ohio air quality development authority under 73434  
this chapter, or acquired or to be acquired or constructed or to 73435  
be constructed by a governmental agency or person with all or a 73436  
part of the cost thereof being paid from a loan or grant from 73437  
the authority under this chapter or otherwise paid from the 73438  
proceeds of air quality revenue bonds, including all buildings 73439  
and facilities that the authority determines necessary for the 73440  
operation of the project, together with all property, rights, 73441  
easements, and interests that may be required for the operation 73442  
of the project. 73443

(I) "Cost" as applied to an air quality project means the 73444

cost of acquisition and construction, the cost of acquisition of 73445  
all land, rights-of-way, property rights, easements, franchise 73446  
rights, and interests required for such acquisition and 73447  
construction, the cost of demolishing or removing any buildings 73448  
or structures on land so acquired, including the cost of 73449  
acquiring any lands to which such buildings or structures may be 73450  
moved, the cost of acquiring or constructing and equipping a 73451  
principal office and sub-offices of the authority, the cost of 73452  
diverting highways, interchange of highways, and access roads to 73453  
private property, including the cost of land or easements for 73454  
such access roads, the cost of public utility and common carrier 73455  
relocation or duplication, the cost of all machinery, 73456  
furnishings, and equipment, financing charges, interest prior to 73457  
and during construction and for no more than eighteen months 73458  
after completion of construction, engineering, expenses of 73459  
research and development with respect to air quality facilities, 73460  
the cost of any commodity contract, including fees and expenses 73461  
related thereto, legal expenses, plans, specifications, surveys, 73462  
studies, estimates of cost and revenues, working capital, other 73463  
expenses necessary or incident to determining the feasibility or 73464  
practicability of acquiring or constructing such project, 73465  
administrative expense, and such other expense as may be 73466  
necessary or incident to the acquisition or construction of the 73467  
project, the financing of such acquisition or construction, 73468  
including the amount authorized in the resolution of the 73469  
authority providing for the issuance of air quality revenue 73470  
bonds to be paid into any special funds from the proceeds of 73471  
such bonds, and the financing of the placing of such project in 73472  
operation. Any obligation, cost, or expense incurred by any 73473  
governmental agency or person for surveys, borings, preparation 73474  
of plans and specifications, and other engineering services, or 73475  
any other cost described above, in connection with the 73476

acquisition or construction of a project may be regarded as a 73477  
part of the cost of that project and may be reimbursed out of 73478  
the proceeds of air quality revenue bonds as authorized by this 73479  
chapter. 73480

(J) "Owner" includes an individual, copartnership, 73481  
association, or corporation having any title or interest in any 73482  
property, rights, easements, or interests authorized to be 73483  
acquired by this chapter. 73484

(K) "Revenues" means all rentals and other charges 73485  
received by the authority for the use or services of any air 73486  
quality project, any gift or grant received with respect to any 73487  
air quality project, any moneys received with respect to the 73488  
lease, sublease, sale, including installment sale or conditional 73489  
sale, or other disposition of an air quality project, moneys 73490  
received in repayment of and for interest on any loans made by 73491  
the authority to a person or governmental agency, whether from 73492  
the United States or any department, administration, or agency 73493  
thereof, or otherwise, proceeds of such bonds to the extent that 73494  
use thereof for payment of principal of, premium, if any, or 73495  
interest on the bonds is authorized by the authority, amounts 73496  
received or otherwise derived from a commodity contract or from 73497  
the sale of the related commodity under such a contract, 73498  
proceeds from any insurance, condemnation, or guaranty 73499  
pertaining to a project or property mortgaged to secure bonds or 73500  
pertaining to the financing of the project, and income and 73501  
profit from the investment of the proceeds of air quality 73502  
revenue bonds or of any revenues. 73503

(L) "Public roads" includes all public highways, roads, 73504  
and streets in the state, whether maintained by the state, 73505  
county, city, township, or other political subdivision. 73506



(M) "Public utility facilities" includes tracks, pipes, 73507  
mains, conduits, cables, wires, towers, poles, and other 73508  
equipment and appliances of any public utility. 73509

(N) "Construction," unless the context indicates a 73510  
different meaning or intent, includes reconstruction, 73511  
enlargement, improvement, or providing furnishings or equipment. 73512

(O) "Air quality revenue bonds," unless the context 73513  
indicates a different meaning or intent, includes air quality 73514  
revenue notes, air quality revenue renewal notes, and air 73515  
quality revenue refunding bonds, except that notes issued in 73516  
anticipation of the issuance of bonds shall have a maximum 73517  
maturity of five years as provided in section 3706.05 of the 73518  
Revised Code and notes or renewal notes issued as the definitive 73519  
obligation may be issued maturing at such time or times with a 73520  
maximum maturity of forty years from the date of issuance of the 73521  
original note. 73522

(P) "Solid waste" means any garbage; refuse; sludge from a 73523  
waste water treatment plant, water supply treatment plant, or 73524  
air pollution control facility; and other discarded material, 73525  
including solid, liquid, semisolid, or contained gaseous 73526  
material resulting from industrial, commercial, mining, and 73527  
agricultural operations, and from community activities, but not 73528  
including solid or dissolved material in domestic sewage, or 73529  
solid or dissolved material in irrigation return flows or 73530  
industrial discharges that are point sources subject to permits 73531  
under section 402 of the "Federal Water Pollution Control Act 73532  
Amendments of 1972," 86 Stat. 880, 33 U.S.C.A. 1342, as amended, 73533  
or source, special nuclear, or byproduct material as defined by 73534  
the "Atomic Energy Act of 1954," 68 Stat. 921, 42 U.S.C.A. 2011, 73535  
as amended. 73536

(Q) "Sludge" means any solid, semisolid, or liquid waste, 73537  
other than a recyclable by-product, generated from a municipal, 73538  
commercial, or industrial waste water treatment plant, water 73539  
supply plant, or air pollution control facility or any other 73540  
such wastes having similar characteristics and effects. 73541

(R) "Ethanol or other biofuel facility" means a plant at 73542  
which ethanol or other biofuel is produced. 73543

(S) "Ethanol" means fermentation ethyl alcohol derived 73544  
from agricultural products, including potatoes, cereal, grains, 73545  
cheese whey, and sugar beets; forest products; or other 73546  
renewable or biomass resources, including residue and waste 73547  
generated from the production, processing, and marketing of 73548  
agricultural products, forest products, and other renewable or 73549  
biomass resources, that meets all of the specifications in the 73550  
American society for testing and materials (ASTM) specification 73551  
D 4806-88 and is denatured as specified in Parts 20 and 21 of 73552  
Title 27 of the Code of Federal Regulations. 73553

(T) "Biofuel" means any fuel that is made from cellulosic 73554  
biomass resources, including renewable organic matter, crop 73555  
waste residue, wood, aquatic plants and other crops, animal 73556  
waste, solid waste, or sludge, and that is used for the 73557  
production of energy for transportation or other purposes. 73558

(U) "FutureGen project" means the buildings, equipment, 73559  
and real property and functionally related buildings, equipment, 73560  
and real property, including related research projects that 73561  
support the development and operation of the buildings, 73562  
equipment, and real property, designated by the United States 73563  
department of energy and the FutureGen industrial alliance, 73564  
inc., as the coal-fueled, zero-emissions power plant designed to 73565  
prove the technical and economic feasibility of producing 73566

electricity and hydrogen from coal and nearly eliminating carbon 73567  
dioxide emissions through capture and permanent storage. 73568

(V) "Commodity contract" means a contract or series of 73569  
contracts entered into in connection with the acquisition or 73570  
construction of air quality facilities for the purchase or sale 73571  
of a commodity that is eligible for prepayment with the proceeds 73572  
of federally tax exempt bonds under sections 103, 141, and 148 73573  
of the Internal Revenue Code of 1986, as amended, and 73574  
regulations adopted under it. 73575

(W) "Green energy" has the same meaning as in section 73576  
4928.01 of the Revised Code. 73577

Sec. 3707.61. (A) The department of health shall create 73578  
informational materials on type 1 diabetes for parents, 73579  
guardians, educators, and other persons having care or charge of 73580  
children. The materials shall include pertinent information to 73581  
inform and educate parents, guardians, educators, and other 73582  
caretakers about type 1 diabetes in children, including the 73583  
following: 73584

(1) A description of type 1 diabetes; 73585

(2) A description of type 1 diabetes risk factors and 73586  
warning signs; 73587

(3) A recommendation that the parents or guardian of a 73588  
student who is displaying type 1 diabetes warning signs should 73589  
immediately consult with the student's primary care provider to 73590  
determine if immediate screening is appropriate; 73591

(4) A description of the type 1 diabetes screening 73592  
process, the significance of the three stages of type 1 73593  
diabetes, and the implications of test results identifying the 73594  
presence of each stage; 73595

(5) A recommendation that, following a diagnosis of type 1 diabetes, the student's parents or guardian should consult with the student's primary care provider to develop an appropriate treatment plan, which may include consultation with and examination by a specialty care provider, including a properly qualified endocrinologist. 73596  
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(B) The department shall make the informational materials available on its internet web site in a format suitable for easy downloading and printing. 73602  
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**Sec. 3715.021.** (A) As used in this section, ~~"food~~ : 73605

(1) "Food processing establishment" means a premises or part of a premises where food is processed, packaged, manufactured, or otherwise held or handled for distribution to another location or for sale at wholesale. "Food processing establishment" includes the activities of a bakery, confectionery, cannery, bottler, warehouse, or distributor, and the activities of an entity that receives or salvages distressed food for sale or use as food. A "food processing establishment" does not include a cottage food production operation; a small egg producer; a processor of tree syrup who boils sap when a minimum of seventy-five per cent of the sap used to produce the syrup is collected directly from trees by that processor; a processor of sorghum who processes sorghum juice when a minimum of seventy-five per cent of the sorghum juice used to produce the sorghum is extracted directly from sorghum plants by that processor; a beekeeper who jars honey when a minimum of seventy-five per cent of the honey is from that beekeeper's own hives; or a processor of apple syrup or apple butter who directly harvests from trees a minimum of seventy-five per cent of the apples used to produce the apple syrup or apple butter. 73606  
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(2) "Small egg producer" means any person that is engaged 73626  
in the operation of egg production and annually maintains five 73627  
hundred or fewer birds. 73628

(B) The director of agriculture shall adopt rules in 73629  
accordance with Chapter 119. of the Revised Code that establish, 73630  
when otherwise not established by the Revised Code, standards 73631  
and good manufacturing practices for food processing 73632  
establishments, including the facilities of food processing 73633  
establishments and their sanitation. The rules shall conform 73634  
with or be equivalent to the standards for foods established by 73635  
the United States food and drug administration in Title 21 of 73636  
the Code of Federal Regulations. 73637

A business or that portion of a business that is regulated 73638  
by the department of agriculture under Chapter 917. or 918. of 73639  
the Revised Code is not subject to regulation under this section 73640  
as a food processing establishment. 73641

**Sec. 3718.02.** (A) The director of health, in accordance 73642  
with Chapter 119. of the Revised Code, shall adopt, and 73643  
subsequently may amend and rescind, rules of general application 73644  
throughout the state to administer this chapter. Rules adopted 73645  
under division (A) of this section shall do at least all of the 73646  
following: 73647

(1) Require that the appropriate board of health approve 73648  
or disapprove the installation, operation, and alteration of a 73649  
sewage treatment system if it is not connected to a sanitary 73650  
sewerage system; 73651

(2) Require a board of health, or other person as 73652  
established by rule, to conduct a site evaluation for any 73653  
proposed installation of a sewage treatment system; 73654

(3) Prescribe standards for the siting, design, 73655  
installation, operation, monitoring, maintenance, and 73656  
abandonment of sewage treatment systems that may be used in this 73657  
state and for the progressive or incremental alteration or 73658  
repair of an existing sewage treatment system or the progressive 73659  
or incremental installation of a new system to replace an 73660  
existing sewage treatment system. The rules shall be adopted so 73661  
as to establish a preference for the repair of an existing 73662  
sewage treatment system, when technically and economically 73663  
feasible, rather than its replacement with a new system. The 73664  
standards shall include at a minimum all of the following: 73665

(a) Soil absorption specifications and vertical separation 73666  
distances. 73667

(i) Soil absorption specifications established in rules 73668  
shall include standards regarding the sizing of sewage treatment 73669  
systems in use in the state. 73670

(ii) In establishing soil absorption specifications and 73671  
vertical separation distances, the rules shall identify those 73672  
soil conditions that present a low or moderate risk of 73673  
inadequate treatment or dispersal of sewage from sewage 73674  
treatment systems. For low and moderate risk conditions, the 73675  
required vertical separation distance shall not exceed eighteen 73676  
inches except as authorized pursuant to rules adopted under 73677  
divisions (A) (3) (a) (iii) and (iv) of this section. 73678

In addition, the rules shall identify those soil 73679  
conditions that present a high risk of inadequate treatment or 73680  
dispersal of sewage. For such high risk conditions, the vertical 73681  
separation distance shall be set at a depth from twenty-four to 73682  
thirty-six inches and shall not be lowered unless a reduction of 73683  
vertical separation is granted in accordance with rules adopted 73684

under division (A) (3) (a) (iii) of this section. 73685

(iii) The rules shall establish options to be utilized by 73686  
a board of health when approving the reductions of or compliance 73687  
with vertical separation distances that are established in rules 73688  
adopted under division (A) (3) (a) (ii) of this section. The 73689  
options for a board of health in providing such approval shall 73690  
include, but not be limited to: the use where deemed appropriate 73691  
for a particular site of subsurface interceptor drains, 73692  
perimeter drains, or engineered drainage; pretreatment of 73693  
sewage; or soil elevation. 73694

(iv) The rules shall provide that a board of health may 73695  
petition the director to increase the vertical separation 73696  
distances required for sewage treatment systems in the 73697  
applicable health district or a portion of the district when 73698  
conditions present a high risk of inadequate treatment or 73699  
dispersal of sewage. The rules also shall provide that the 73700  
director may approve such a request upon a demonstration by the 73701  
board of health that unusual or unique local conditions relating 73702  
to terrain, bedrock, water table, soil fragments, or soil 73703  
textures require the establishment of greater vertical 73704  
separation distances within the jurisdiction of the board of 73705  
health or a portion thereof. If, under the rules, the director 73706  
of health approves a greater vertical separation distance, a 73707  
board of health still may approve a reduction of that vertical 73708  
separation distance for an individual sewage treatment system 73709  
pursuant to rules adopted under division (A) (3) (a) (iii) of this 73710  
section. Further, if, under the rules, the director approves a 73711  
greater vertical separation distance, a person who is denied 73712  
permission by a board of health to install or replace a sewage 73713  
treatment system as a result of the director's approval may 73714  
request a hearing in accordance with section 3718.11 of the 73715

Revised Code. 73716

(b) Specifications for the quality of treated sewage 73717  
effluent from household sewage treatment systems that is applied 73718  
to soil on the property where a household sewage treatment 73719  
system is located. The specifications established in the rules 73720  
for the quality of effluent from discharging systems shall 73721  
comply with discharge requirements imposed by the national 73722  
pollutant discharge elimination system permit program 73723  
established under section 6111.03 of the Revised Code and rules 73724  
adopted under it. 73725

(c) Requirements for the reasonable maintenance of a 73726  
system according to maintenance requirements approved by the 73727  
director of health as recommended by the sewage treatment system 73728  
technical advisory committee or according to accepted standards 73729  
and practices established in rules, as applicable. The 73730  
requirements may include standards for service contracts or 73731  
other arrangements that assure regular maintenance and upkeep of 73732  
the system. In determining the reasonableness of a maintenance 73733  
requirement, the director shall consider a manufacturer's 73734  
maintenance requirements as well as all other maintenance 73735  
alternatives. 73736

(4) Prescribe procedures for notification to boards of 73737  
health of the approval of a sewage treatment system or 73738  
components of a system by the director of health under section 73739  
3718.04 of the Revised Code; 73740

(5) Prescribe criteria and procedures under which boards 73741  
of health shall issue installation permits, operation permits, 73742  
and alteration permits for sewage treatment systems. The rules 73743  
shall require as a condition of an installation permit that the 73744  
installer of a system must warrant that the system was installed 73745



in accordance with all applicable rules and design requirements. 73746  
In addition, the rules shall require a board of health, not 73747  
later than sixty days after the issuance of an installation, 73748  
operation, or alteration permit, to notify the director that the 73749  
permit was issued. The rules shall require the notification to 73750  
be in a format prescribed by the director and to include 73751  
information related to the issuance of the permit. With the 73752  
assistance of the department of health, a board of health, to 73753  
the extent practicable, shall computerize the process of the 73754  
issuance of permits for sewage treatment systems. 73755

(6) Require a board of health to inspect a sewage 73756  
treatment system not later than twelve months after its 73757  
installation to ensure that the system is operating properly. 73758  
The rules shall require a board of health, not later than sixty 73759  
days after the inspection, to certify to the director on a form 73760  
provided by the director that the inspection was performed. 73761

(7) Require each board of health to develop a program for 73762  
the administration of maintenance requirements established in 73763  
rules adopted under division (A) (3) (c) of this section. The 73764  
rules shall include requirements and procedures under which a 73765  
person may demonstrate the required maintenance of a system in 73766  
lieu of having an inspection conducted when an inspection 73767  
otherwise is required. The rules shall require a board of health 73768  
to provide written notice to a person that is demonstrating 73769  
maintenance of a system in lieu of an inspection that if proof 73770  
of the required maintenance of the system is not provided as 73771  
required by rules, the system is subject to inspection by the 73772  
board and the reasonable cost of the inspection must be paid by 73773  
the person. The rules shall authorize a board of health to 73774  
inspect any sewage treatment system if there is a good-faith 73775  
complaint regarding the system, there is probable cause for the 73776

inspection, or proof of the required maintenance of the system 73777  
has not been provided as required by rules. In addition, the 73778  
rules shall authorize a board of health to inspect a sewage 73779  
treatment system without prior notice in any instance in which 73780  
the board has probable cause to believe that the system is 73781  
endangering or threatening to endanger public health. The rules 73782  
shall require that the reasonable costs for sewage effluent 73783  
testing or evaluation be paid by the owner of a sewage treatment 73784  
system that is being investigated. Further, the rules shall 73785  
establish a methodology for determining the reasonable costs of 73786  
an inspection in accordance with section 3709.09 of the Revised 73787  
Code. The rules shall allow, but shall not require, a board of 73788  
health to continue an inspection program that was established by 73789  
the board prior to the effective date of the rules, provided 73790  
that the program authorizes a person to demonstrate the required 73791  
maintenance of a system in lieu of an inspection. 73792

(8) Require a board of health to register installers, 73793  
service providers, and septage haulers that perform work within 73794  
the health district; prescribe criteria and procedures for the 73795  
registration; and prescribe criteria for a demonstration of 73796  
competency as a part of the registration. The rules shall 73797  
establish uniform statewide bonding requirements or other 73798  
financial security requirements for installers, service 73799  
providers, and septage haulers as a condition of registration 73800  
within any health district. The rules shall establish a 73801  
methodology by which the required amount of a bond or other 73802  
security may be calculated for each installer, service provider, 73803  
and septage hauler. The methodology, at a minimum, shall 73804  
consider the number of systems installed or serviced and the 73805  
type of system installed or serviced by an installer, service 73806  
provider, or septage hauler on an annual basis. The rules shall 73807

provide that no board of health shall require an additional or 73808  
different bond or security requirement as a condition of 73809  
registration beyond the bonding and security requirements 73810  
established in the rules adopted under division (A) (8) of this 73811  
section. 73812

The rules shall establish a cost methodology for 73813  
determining the fee for the registration of an installer, 73814  
service provider, or septage hauler in any health district. 73815

(9) Prescribe requirements for the collection, 73816  
transportation, disposal, and land application of domestic 73817  
septage in this state from a sewage treatment system; 73818

(10) Require boards of health to maintain records that are 73819  
determined necessary to ascertain compliance with this chapter 73820  
and the rules adopted under it; 73821

(11) Require the manufacturer of a sewage treatment system 73822  
that is authorized for use in this state in rules adopted under 73823  
this section or that is approved for use in this state under 73824  
section 3718.04 of the Revised Code to provide instructions for 73825  
the operation and maintenance of the system. The rules shall 73826  
provide that a board of health may require a copy of a 73827  
manufacturer's instructions for the operation and maintenance of 73828  
a system to be filed with the board prior to the installation 73829  
and use of the system in the health district in which the board 73830  
has jurisdiction. In addition, the rules shall require a board 73831  
of health and a manufacturer to provide a copy of the operation 73832  
and maintenance instructions, if available, when a board of 73833  
health or a manufacturer receives a written request for 73834  
instructions. 73835

(12) Prescribe criteria for the provision of written 73836

evidence of compliance with rules pertaining to sewage treatment 73837  
for purposes of sections 711.05 and 711.10 of the Revised Code; 73838

(13) Pursuant to divisions (A) (1) and (3) of this section, 73839  
prescribe standards for the siting, design, installation, 73840  
operation, monitoring, maintenance, and abandonment of small 73841  
flow on-site sewage treatment systems that may be used in this 73842  
state; 73843

(14) Prescribe minimum criteria and procedures under which 73844  
boards of health may establish household sewage treatment 73845  
district management programs for the purpose of providing a 73846  
responsive approach toward preventing or solving sewage 73847  
treatment problems resulting from household sewage treatment 73848  
systems within the districts established under the program. For 73849  
purposes of division (A) (14) of this section, a board of health 73850  
may enter into a contract with any entity to administer a 73851  
household sewage treatment district management program. 73852

(15) Prescribe standards for the use of subsurface 73853  
interceptor drains, perimeter drains, and engineered drainage to 73854  
remove or divert any subsurface water from an area to be used 73855  
for soil absorption of sewage in the soil of a sewage treatment 73856  
system; 73857

(16) Prescribe standards for the inspection of septage 73858  
hauling truck tanks by boards of health, including, but not 73859  
limited to, tank seal safety specifications; 73860

(17) Establish standards and testing methods to ensure 73861  
that all septic tanks, other disposal component tanks, dosing 73862  
tanks, pump vaults, household sewage treatment disposal system 73863  
holding tanks and privy vaults, or other applicable sewage 73864  
disposal system components manufactured after September 17, 73865

2010, and used in this state are watertight and structurally sound; 73866  
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(18) Require a board of health to give notice and an opportunity for a hearing, pursuant to section 3718.11 of the Revised Code, to an affected property owner regarding any of the following: 73868  
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(a) The denial of an installation, operation, or alteration permit for a sewage treatment system; 73872  
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(b) The imposition of a condition on the installation of a sewage treatment system; 73874  
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(c) The required replacement of a sewage treatment system; 73876

(d) Any other final order or decision of a board of health that is made under this chapter concerning which a property owner is claiming to be aggrieved or adversely affected. 73877  
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The rules also shall establish procedures for giving such notice and for conducting the hearing required in rules adopted under division (A) (18) of this section. 73880  
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(19) Prescribe standards for the regulation of gray water recycling systems; 73883  
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(20) Prohibit a sewage treatment system from causing a public health nuisance; 73885  
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(21) Define economic impact for purposes of division (B) of this section and section 3718.022 of the Revised Code. 73887  
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The director may adopt other rules under division (A) of this section that the director determines are necessary to implement this chapter and to protect the public health and welfare. 73889  
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At least sixty days prior to adopting a rule under 73893  
division (A) of this section, the director shall provide boards 73894  
of health and any other interested parties an opportunity to 73895  
comment on the rule. 73896

(B) (1) In accordance with section 3709.20 or 3709.21 of 73897  
the Revised Code, as applicable, and subject to review by and 73898  
approval of the director under division (C) of section 3718.05 73899  
of the Revised Code, a board of health may adopt rules necessary 73900  
for the public health providing for more stringent standards 73901  
than those established in rules adopted by the director under 73902  
division (A) of this section. In proposing or adopting the 73903  
rules, a board of health shall consider and document the 73904  
economic impact of the rules on property owners within the 73905  
applicable health district. 73906

(2) A board that intends to adopt rules shall notify the 73907  
department of health of the proposed rules and submit a copy of 73908  
the proposed rules and the documentation of the economic impact 73909  
of the rules at least ninety days prior to the proposed date of 73910  
adoption. The director shall approve or disapprove any such 73911  
proposed rule within ninety days after receiving a copy of the 73912  
proposed rule from the board of health. 73913

(3) In reviewing a proposed rule, the director shall 73914  
approve the rule if all of the following apply: 73915

(a) The proposed rule is not in conflict with this chapter 73916  
or rules adopted under it. 73917

(b) The proposed rule is authorized by division (B) of 73918  
this section. 73919

(c) The proposed rule is no less stringent than rules 73920  
adopted by the director. 73921

(d) Unless otherwise authorized by this chapter or rules adopted under it, the proposed rule does not require design changes to a sewage treatment system, or component thereof, that differ from a design authorized in rules adopted under division (A) of this section, including rules adopted under division (A) (1) or (A) (3) (a) (iii) or (iv) of this section, or approved by the director under section 3718.04 of the Revised Code.

(e) The proposed rule does not require operation or maintenance procedures for a sewage treatment system that conflict with operation or maintenance procedures authorized in rules adopted under division (A) of this section, including rules adopted under division (A) (1) or (A) (3) (a) (iii) or (iv) of this section, or approved by the director under section 3718.04 of the Revised Code.

(4) If a board of health fails to submit a proposed rule to the director or fails to demonstrate that the board has considered the economic impact of the proposed rule, the rule shall have no force or effect and is not enforceable.

(C) The director shall not adopt rules under this chapter requiring a soil evaluator or soil scientist to evaluate the soil type and slope with respect to a sewage treatment system or a proposed sewage treatment system.

**Sec. 3719.04.** (A) A person ~~identified in division (B) (1) (a) of section 4729.52 of the Revised Code~~ who holds a ~~category III~~ license issued under that section 4729.52 of the Revised Code granting authority with respect to controlled substances may sell at wholesale controlled substances to any of the following persons and is subject to the following conditions:

(1) To another person who holds a ~~category III~~ license

issued under section 4729.52 of the Revised Code granting 73951  
authority with respect to controlled substances or to a terminal 73952  
distributor of dangerous drugs with a ~~category III~~ license 73953  
issued under section 4729.54 of the Revised Code granting 73954  
authority with respect to controlled substances; 73955

(2) To a person in the employ of the United States 73956  
government or of any state, territorial, district, county, 73957  
municipal, or insular government, purchasing, receiving, 73958  
possessing, or dispensing controlled substances by reason of 73959  
official duties; 73960

(3) To a master of a ship or a person in charge of any 73961  
aircraft upon which no physician is regularly employed, for the 73962  
actual medical needs of persons on board the ship or aircraft, 73963  
when not in port; provided such controlled substances shall be 73964  
sold to the master of the ship or person in charge of the 73965  
aircraft only in pursuance of a special official written order 73966  
approved by a commissioned medical officer or acting assistant 73967  
surgeon of the United States public health service; 73968

(4) To a person in a foreign country, if the federal drug 73969  
abuse control laws are complied with. 73970

(B) An official written order for any schedule II 73971  
controlled substances shall comply with all requirements of the 73972  
federal drug abuse control laws and rules adopted by the state 73973  
board of pharmacy. Except as provided in section 3719.05 of the 73974  
Revised Code or as otherwise specified in rules adopted by the 73975  
board, each party engaged in the sale of schedule II controlled 73976  
substances shall maintain all records relating to the order for 73977  
a period of five years in such a way as to be readily accessible 73978  
for inspection by any public officer or employee engaged in the 73979  
enforcement of this chapter. 73980



<u>Sec. 3721.074. (A) As used in this section:</u>	73981
<u>(1) "Independent living facility" has the same meaning as in section 5709.12 of the Revised Code.</u>	73982 73983
<u>(2) "Residential facility" has the same meaning as in section 5119.34 of the Revised Code.</u>	73984 73985
<u>(B) (1) Notwithstanding any provision of the Revised Code to the contrary, an independent living facility or residential facility that applies to the director of health pursuant to section 3721.07 of the Revised Code for a license as a residential care facility may continue to operate as an independent living facility or residential facility in accordance with this section during the period of time that the application is under consideration by the director.</u>	73986 73987 73988 73989 73990 73991 73992 73993
<u>(2) An independent living facility or residential facility shall not provide care to more than two residents while its application under section 3721.07 of the Revised Code is pending.</u>	73994 73995 73996 73997
<b>Sec. 3721.32. (A) The director of health shall establish a state nurse aide registry listing all individuals who have done any of the following:</b>	73998 73999 74000
<u>(1) Were used by a long-term care facility as nurse aides on a full-time, temporary, per diem, or other basis at any time during the period commencing July 1, 1989, and ending January 1, 1990, and successfully completed, not later than October 1, 1990, a competency evaluation program approved by the director under division (A) of section 3721.31 of the Revised Code or conducted by the director under division (C) of that section;</u>	74001 74002 74003 74004 74005 74006 74007
<u>(2) Successfully completed a training and competency evaluation program approved by the director under division (A)</u>	74008 74009

of section 3721.31 of the Revised Code or met the conditions 74010  
specified in division (F) (1) or (2) of section 3721.28 of the 74011  
Revised Code, and, if the training and competency evaluation 74012  
program or the training, instruction, or education the 74013  
individual completed in meeting the conditions specified in 74014  
division (F) (1) of section 3721.28 of the Revised Code was 74015  
conducted in or by a long-term care facility, has successfully 74016  
completed a competency evaluation program conducted by the 74017  
director; 74018

(3) Successfully completed a training and competency 74019  
evaluation program conducted by the director under division (C) 74020  
of section 3721.31 of the Revised Code; 74021

(4) Successfully completed, prior to July 1, 1989, a 74022  
program that the director has determined under division (B) (3) 74023  
of section 3721.28 of the Revised Code included a competency 74024  
evaluation component no less stringent than the competency 74025  
evaluation programs approved or conducted by the director under 74026  
section 3721.31 of the Revised Code, and was otherwise 74027  
comparable to the training and competency evaluation program 74028  
being approved by the director under section 3721.31 of the 74029  
Revised Code; 74030

(5) Are listed in a nurse aide registry maintained by 74031  
another state that certifies that its program for training and 74032  
evaluation of competency of nurse aides complies with Titles 74033  
XVIII and XIX of the "Social Security Act," 49 Stat. 620 (1935), 74034  
42 U.S.C.A. 301, as amended, or regulations adopted thereunder; 74035

(6) Were found competent, as provided in division (B) (5) 74036  
of section 3721.28 of the Revised Code, prior to July 1, 1989, 74037  
after the completion of a course of nurse aide training of at 74038  
least one hundred hours' duration; 74039

(7) Are enrolled in a prelicensure program of nursing 74040  
education approved by the board of nursing or by an agency of 74041  
another state that regulates nursing education, have provided 74042  
the long-term care facility with a certificate from the program 74043  
indicating that the individual has successfully completed the 74044  
courses that teach basic nursing skills including infection 74045  
control, safety and emergency procedures, and personal care, and 74046  
have successfully completed a competency evaluation program 74047  
conducted by the director under division (A) of section 3721.31 74048  
of the Revised Code; 74049

(8) Have the equivalent of twelve months or more of full- 74050  
time employment in the five years preceding listing in the 74051  
registry as a hospital aide or orderly and have successfully 74052  
completed a competency evaluation program conducted by the 74053  
director under division (C) of section 3721.31 of the Revised 74054  
Code; 74055

(9) Successfully completed a prelicensure program of 74056  
nursing education approved by the board of nursing under section 74057  
4723.06 of the Revised Code or by an agency of another state 74058  
that regulates nursing education and passed the examination 74059  
accepted by the board of nursing under section 4723.10 of the 74060  
Revised Code, which shall be deemed as successfully completing a 74061  
competency evaluation program conducted by the director under 74062  
division (C) of section 3721.31 of the Revised Code; 74063

(10) Successfully completed both of the following: 74064

(a) A training course provided by the United States 74065  
department of veterans affairs in a community living center 74066  
operated by the department of veterans affairs that the director 74067  
of health determines is similar to a training and competency 74068  
evaluation program conducted by the director under division (C) 74069

of section 3721.31 of the Revised Code; 74070

(b) A competency evaluation program conducted by the 74071  
director of health under division (C) of section 3721.31 of the 74072  
Revised Code. 74073

(B) In addition to the list of individuals required by 74074  
division (A) of this section, the registry shall include both of 74075  
the following: 74076

(1) The statement required by section 3721.23 of the 74077  
Revised Code detailing findings by the director under that 74078  
section regarding alleged abuse, neglect, or exploitation of a 74079  
resident or misappropriation of resident property; 74080

(2) Any statement provided by an individual under section 74081  
3721.23 of the Revised Code disputing the director's findings. 74082

Whenever an inquiry is received as to the information 74083  
contained in the registry concerning an individual about whom a 74084  
statement required by section 3721.23 of the Revised Code is 74085  
included in the registry, the director shall disclose the 74086  
statement or a summary of the statement together with any 74087  
statement provided by the individual under section 3721.23 or a 74088  
clear and accurate summary of that statement. 74089

(C) The director may by rule specify additional 74090  
information that must be provided to the registry by long-term 74091  
care facilities and persons or government agencies conducting 74092  
approved training and competency evaluation programs. 74093

(D) Information contained in the registry is a public 74094  
record for the purposes of section 149.43 of the Revised Code, 74095  
and is subject to inspection and copying under section 1347.08 74096  
of the Revised Code. 74097

(E) An individual who is listed on the registry in good standing shall be referred to as a certified nurse aide. Only individuals listed on the registry shall use the designation "certified nurse aide" or "CNA."

~~Sec. 3722.04. If a hospital licensed under this chapter is assigned, sold, or transferred to a new owner, within thirty days of the assignment, sale, or transfer, the new owner shall apply to the director of health for a license transfer. The application shall be submitted to the director in the form and manner prescribed in rules adopted under section 3722.06 of the Revised Code.~~ (A) As used in this section:

(1) "Entering owner" means the person, political subdivision, agency, or instrumentality of this state, including a state university, that will become the owner and operator of a hospital when a change of owner occurs.

(2) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, the entering owner.

(a) An individual who is a relative of an entering owner is a related party.

(b) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the entering owner and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the entering owner and another organization

from which the entering owner purchases or leases real property. 74127

(c) Control exists when an individual or organization has 74128  
the power, directly or indirectly, to significantly influence or 74129  
direct the actions or policies of an organization. 74130

(d) An individual or organization that supplies goods or 74131  
services to an entering owner shall not be considered a related 74132  
party if all of the following conditions are met: 74133

(i) The supplier is a separate bona fide organization. 74134

(ii) A substantial part of the supplier's business 74135  
activity of the type carried on with the entering owner is 74136  
transacted with others than the entering owner and there is an 74137  
open, competitive market for the types of goods or services the 74138  
supplier furnishes. 74139

(iii) The types of goods or services are commonly obtained 74140  
by other hospitals from outside organizations and are not a 74141  
basic element of patient care ordinarily furnished directly to 74142  
patients by hospitals. 74143

(iv) The charge to the entering owner is in line with the 74144  
charge for the goods or services in the open market and not more 74145  
than the charge made under comparable circumstances to others by 74146  
the supplier. 74147

(B) If a change of owner is proposed for a hospital for 74148  
which a license to operate has been issued under this chapter, a 74149  
person or political subdivision, agency, or instrumentality of 74150  
the state, including a state university, seeking to operate the 74151  
hospital as its entering owner shall apply to the director of 74152  
health for a license to operate the hospital. 74153

An application shall be submitted not later than forty- 74154

five days before the date of the proposed change of owner, 74155  
except that the director may waive that timeline in the event of 74156  
an emergency. 74157

(C) To be eligible for the license, an applicant shall 74158  
satisfy all of the following: 74159

(1) Submit a complete application and pay the change of 74160  
owner fee specified in rules adopted under section 3722.06 of 74161  
the Revised Code; 74162

(2) Identify the one or more individuals, that own, 74163  
directly or indirectly, at least five per cent of each of the 74164  
following: 74165

(a) The entering owner, if the entering owner is an 74166  
entity; 74167

(b) The owner of the building or buildings in which the 74168  
main hospital and, if applicable, any of its remote locations 74169  
are located, if the owner of the building or buildings differs 74170  
from the entering owner; 74171

(c) Each related party that provides or will provide 74172  
services to the hospital, through contracts with any individual 74173  
identified in division (C) (2) of this section. 74174

(3) With respect to an individual identified as described 74175  
in division (C) (2) of this section, disclose the exact 74176  
percentage of the individual's ownership interest; 74177

(4) Disclose the following: 74178

(a) Whether or not an individual identified in division 74179  
(C) (2) of this section owns or owned, directly or indirectly, an 74180  
interest in a hospital licensed by the director or by another 74181  
state; 74182

(b) With respect to the hospital described in division (C) 74183  
(4) (a) of this section, whether or not any of the following 74184  
events occurred within the five years immediately preceding the 74185  
date of application: 74186

(i) The hospital closed, either voluntarily or 74187  
involuntarily; 74188

(ii) The hospital or its owner was the subject of 74189  
voluntary or involuntary bankruptcy proceedings; 74190

(iii) The hospital or its owner was the subject of 74191  
voluntary or involuntary receivership proceedings; 74192

(iv) The hospital's license to operate was suspended, 74193  
denied, or revoked; 74194

(v) The hospital was the subject of injunction proceedings 74195  
initiated by a regulatory agency; 74196

(vi) A civil or criminal action was filed against the 74197  
hospital by a state or federal entity. 74198

(4) Provide any additional information that the director 74199  
of health considers necessary. 74200

(D) Except for an application identifying direct or 74201  
indirect ownership of at least fifty per cent of the entering 74202  
owner, the applicant also shall submit to the director evidence 74203  
of a bond in an amount not less than the product of the number 74204  
of beds reported by the hospital in its most recent license 74205  
application or renewal, multiplied by ten thousand dollars. 74206

(1) The bond shall be renewed, replaced, or maintained for 74207  
five years after the effective date of the change of owner. The 74208  
aggregate liability of a surety shall not exceed the sum of the 74209  
bond, which is not cumulative from period to period. If the bond 74210



is not renewed, replaced, or maintained in accordance with this 74211  
division, the director shall revoke the hospital's license after 74212  
providing thirty days' notice to the owner. The bond shall be 74213  
released five years after the effective date of the change of 74214  
owner if none of the events described in division (C) (2) of this 74215  
section have occurred. 74216

(2) The director may utilize the bond required under this 74217  
division to pay expenses incurred by the director or another 74218  
state official or agency if any of the following occur during 74219  
the five-year period for which the bond is required: 74220

(a) The hospital is voluntarily or involuntarily closed. 74221

(b) The hospital or its owner is the subject of voluntary 74222  
or involuntary bankruptcy proceedings. 74223

(c) The hospital or its owner is the subject of voluntary 74224  
or involuntary receivership proceedings. 74225

(d) The license to operate the hospital is suspended, 74226  
denied, or revoked. 74227

(e) The hospital undergoes a change of ownership, unless 74228  
the new applicant submits a bond in accordance with this 74229  
section. 74230

(E) The applicant also shall demonstrate to the director 74231  
that the entering owner or person who will have operational 74232  
control of the hospital has at least five years of experience 74233  
with operational control of a hospital licensed by the director 74234  
or by another state. 74235

(F) The applicant also shall attest to the director all of 74236  
the following: 74237

(1) That the entering owner has developed quality 74238

assurance and risk management plans for the hospital's 74239  
operation; 74240

(2) That the entering owner has general and professional 74241  
liability insurance coverage that provides coverage of at least 74242  
one million dollars per occurrence and three million dollars 74243  
aggregate; 74244

(3) That sufficient numbers of qualified staff, by 74245  
training or experience, will be employed to properly care for 74246  
the type and number of hospital patients. 74247

(G) As soon as practicable after receiving a completed 74248  
application, the director shall review it to determine if the 74249  
requirements of this section, rules adopted under this section, 74250  
or rules regarding changes of owner adopted under section 74251  
3722.06 of the Revised Code have been met. If the director makes 74252  
such a determination, the director shall issue to the applicant 74253  
a notice of intent to grant a change of owner license, with the 74254  
license's issuance contingent on the submission of documents 74255  
evidencing completion of the change of owner transaction. 74256

(H) The director shall deny a change of owner application 74257  
if any of the following is the case: 74258

(1) The requirements of this section, any rules adopted 74259  
under it, or any rules regarding changes of owner adopted under 74260  
section 3722.06 of the Revised Code have not been met. 74261

(2) The entering owner or individual identified in 74262  
division (C) (2) of this section as owning, directly or 74263  
indirectly, twenty-five per cent or more of the entering owner 74264  
meets both of the following criteria: 74265

(a) The entering owner or individual has or had either of 74266  
the following relationships with a currently or previously 74267

<u>licensed hospital by the director or by another state:</u>	74268
<u>(i) Fifty per cent or more direct or indirect ownership in the hospital;</u>	74269 74270
<u>(ii) Alone or together with one or more other persons, operational control of the hospital.</u>	74271 74272
<u>(b) Any of the following occurred with respect to the current or previously licensed hospital described in division (H) (2) (a) of this section within the five years immediately preceding the date of application:</u>	74273 74274 74275 74276
<u>(i) Involuntary closure of the hospital by a regulatory agency or voluntary closure in response to licensure or certification action;</u>	74277 74278 74279
<u>(ii) Voluntary or involuntary bankruptcy proceedings that are not dismissed within sixty days of filing for bankruptcy;</u>	74280 74281
<u>(iii) Voluntary or involuntary receivership proceedings that are not dismissed within sixty days of the proceedings' initiation;</u>	74282 74283 74284
<u>(iv) License suspension, denial, or revocation for failure to comply with operating standards.</u>	74285 74286
<u>(3) If a change of twenty-five per cent or more of the property ownership interest in a hospital occurs in connection with the change of owner, the person who acquired the property ownership interest meets both of the following criteria:</u>	74287 74288 74289 74290
<u>(a) The person has or had either of the following relationships to a hospital currently or previously licensed by the director or by another state:</u>	74291 74292 74293
<u>(i) Fifty per cent or more direct or indirect property</u>	74294

<u>ownership in the hospital;</u>	74295
<u>(ii) Alone or together with one or more other persons,</u>	74296
<u>operational control of the hospital.</u>	74297
<u>(b) Any of the following occurred with respect to the</u>	74298
<u>current or previously licensed hospital described in division</u>	74299
<u>(H) (3) (a) of this section within the five years immediately</u>	74300
<u>preceding the date of application:</u>	74301
<u>(i) Involuntary closure of the hospital by a regulatory</u>	74302
<u>agency or voluntary closure in response to licensure or</u>	74303
<u>certification action;</u>	74304
<u>(ii) Voluntary or involuntary bankruptcy proceedings that</u>	74305
<u>are not dismissed within sixty days of filing for bankruptcy;</u>	74306
<u>(iii) Voluntary or involuntary receivership proceedings</u>	74307
<u>that are not dismissed within sixty days of the proceedings'</u>	74308
<u>initiation;</u>	74309
<u>(iv) License suspension, denial, or revocation for failure</u>	74310
<u>to comply with operating standards.</u>	74311
<u>(I) An applicant may appeal, in accordance with Chapter</u>	74312
<u>119. of the Revised Code, the denial of a change of owner</u>	74313
<u>license.</u>	74314
<u>(J) An entering owner shall do all of the following:</u>	74315
<u>(1) As soon as practicable after the entering owner</u>	74316
<u>discovers an error, omission, or change of information in the</u>	74317
<u>entering owner's application submitted under this section,</u>	74318
<u>notify the director of the error, omission, or change;</u>	74319
<u>(2) When a change in the information or documentation</u>	74320
<u>required by this section occurs after the change of owner</u>	74321

license is issued, notify the director of the change in the 74322  
information or documentation within ten days of its occurrence; 74323

(3) Truthfully supply to the director any additional 74324  
information or documentation that the director requests; 74325

(4) Refrain from completing the change of owner 74326  
transaction until after the director issues to the entering 74327  
owner notice of the director's intent to grant a change of owner 74328  
as described in division (G) of this section; 74329

(5) Not later than five days after completing the change 74330  
of owner transaction, submit to the director the final document 74331  
evidencing its completion. 74332

If an entering owner fails to notify the director or to 74333  
supply additional information or documentation as required by 74334  
divisions (J) (1) to (3) of this section, the director shall 74335  
impose on the entering owner a civil penalty of two thousand 74336  
dollars for each day of noncompliance. 74337

(K) (1) The director shall investigate either of the 74338  
following: 74339

(a) An allegation that a change of owner has occurred and 74340  
the entering owner failed to submit an application under this 74341  
section; 74342

(b) An allegation that an application filed under this 74343  
section included information that was fraudulent. 74344

The director may request the attorney general's assistance 74345  
in conducting such an investigation. 74346

(2) If the director becomes aware, by means of an 74347  
investigation or otherwise, that either of the events described 74348  
in division (K) (1) of this section are the case, the director 74349

shall impose on the entering owner a civil penalty of two 74350  
thousand dollars for each day of noncompliance after the date 74351  
the change of owner has occurred. 74352

If the entering owner fails to submit an application or 74353  
new application for a change of owner license within sixty days 74354  
of the director becoming aware of the change of owner, the 74355  
director shall begin the process for license revocation 74356  
specified in section 3722.07 of the Revised Code. 74357

(L) The ~~new~~ entering owner is responsible for compliance 74358  
with any action taken or proposed by the director under section 74359  
3722.07 or 3722.08 of the Revised Code. If a notice has been 74360  
served under sections 119.05 and 119.07 of the Revised Code, the 74361  
~~new~~ entering owner becomes party to the notice. 74362

(M) In addition to the rules establishing procedures for 74363  
changing owners required by section 3722.06 of the Revised Code, 74364  
the director may adopt any other rules as necessary to implement 74365  
this section. The rules shall be adopted in accordance with 74366  
Chapter 119. of the Revised Code. 74367

(N) It is the intent of the general assembly in amending 74368  
this section to require full and complete disclosure and 74369  
transparency with respect to the ownership, operation, and 74370  
management of each licensed hospital undergoing a change of 74371  
owner. 74372

**Sec. 3722.06.** (A) Not later than the date that is one year 74373  
after ~~the effective date of this section~~ September 30, 2022, the 74374  
director of health shall adopt rules establishing health, 74375  
safety, welfare, and quality standards for hospitals licensed 74376  
under this chapter, including standards for all of the 74377  
following: 74378

(1) Maternity units;	74379
(2) Newborn care nurseries;	74380
(3) Health care services.	74381
(B) Not later than the date that is one year after <del>the</del>	74382
<del>effective date of this section</del> <u>September 30, 2022</u> , the director	74383
shall adopt rules establishing standards and procedures for the	74384
licensure of hospitals, including all of the following:	74385
(1) Procedures for applying and renewing licenses as	74386
described in section 3722.03 of the Revised Code;	74387
(2) Procedures for <del>transferring licenses</del> <u>changing owners</u>	74388
as described in section 3722.04 of the Revised Code;	74389
(3) Procedures for inspections following complaints;	74390
(4) Subject to division (C)(1) of this section, fees for	74391
initial applications, license renewals, and <del>license</del>	74392
<del>transfers</del> <u>changes of owner</u> , as well as inspections conducted	74393
under section 3722.05 of the Revised Code;	74394
(5) Subject to division (C)(2) of this section, standards	74395
and procedures for imposing civil penalties as described in	74396
section 3722.07 of the Revised Code;	74397
(6) Subject to division (C)(3) of this section, standards	74398
and procedures for correcting violations, including through the	74399
submission of correction plans;	74400
(7) Standards and procedures for identifying, monitoring,	74401
managing, reporting, and reducing exposures to risk conditions,	74402
such as Legionella, including through the use of environmental	74403
facility assessments, the development of water management plans,	74404
and the use of disinfection measures;	74405

(8) Standards and procedures for data reporting;	74406
(9) Standards and procedures for emergency preparedness;	74407
(10) Standards and procedures for the provision of technical assistance as described in section 3722.09 of the Revised Code;	74408 74409 74410
(11) Standards and procedures for new hospitals to demonstrate eligibility as described in division (B) (2) of section 3722.03 of the Revised Code;	74411 74412 74413
(12) Standards and procedures to address changes to a hospital's license, including adding or removing a location of the hospital.	74414 74415 74416
(C) (1) In the case of an inspection fee described in division (B) (4) of this section, the director shall establish an amount to cover only the cost of the inspection. All other fees established under that division shall be limited to what is necessary to support the hospital licensure program.	74417 74418 74419 74420 74421
(2) The director shall establish a scale for use in determining the amount of a civil penalty that may be imposed under section 3722.07 of the Revised Code. The scale shall include per day amounts for ongoing violations. The total amount of a civil penalty shall not exceed two hundred fifty thousand dollars for each violation.	74422 74423 74424 74425 74426 74427
(3) The director shall accept a corrective action plan that also was accepted by the federal centers for medicare and medicaid services or an accrediting organization approved under 42 U.S.C. 1395bb(a) provided that the plan was submitted to the centers or organization in response to the same deficiencies identified by the director.	74428 74429 74430 74431 74432 74433



(D) The director may adopt any other rules as necessary to  
implement this chapter. 74434  
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(E) When adopting rules under this section, all of the  
following apply: 74436  
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(1) The director shall adopt the rules in accordance with  
Chapter 119. of the Revised Code; 74438  
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(2) Any rules adopted are not subject to division (F) of  
section 121.95 of the Revised Code; 74440  
74441

(3) The director shall collaborate with representatives of  
this state's hospital industry to maximize the public health  
utility of rules adopted under this section and limit the  
administrative burden of and costs of complying with such rules. 74442  
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74444  
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(4) The director shall not adopt rules that conflict with  
requirements under federal laws or regulations. 74446  
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**Sec. 3722.15.** (A) A hospital that is a medicaid provider  
and that operates a maternity unit shall agree to a written  
transfer agreement with any freestanding birthing center if both  
of the following apply: 74448  
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(1) The freestanding birthing center is located within a  
thirty mile radius of the hospital. 74452  
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(2) The freestanding birthing center has requested a  
transfer agreement. 74454  
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(B) A transfer agreement shall specify an effective  
procedure for the safe and immediate transfer of patients from  
the freestanding birthing center to the hospital when medical  
care beyond the care that can be provided at the freestanding  
birthing center is necessary, including when emergency  
situations occur or medical complications arise. 74456  
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(C) The freestanding birthing center shall file a copy of 74462  
the transfer agreement with the director of health. 74463

**Sec. 3728.01.** As used in this chapter: 74464

(A) "Administer epinephrine" means to inject an individual 74465  
with epinephrine using an autoinjector in a manufactured dosage 74466  
form. 74467

(B) "Peace officer" has the same meaning as in section 74468  
109.71 of the Revised Code and also includes a sheriff. 74469

(C) "Prescriber" means an individual who is authorized by 74470  
law to prescribe drugs or dangerous drugs or drug therapy 74471  
related devices in the course of the individual's professional 74472  
practice, including only the following: 74473

(1) A clinical nurse specialist, certified nurse-midwife, 74474  
or certified nurse practitioner who holds a certificate to 74475  
prescribe issued under section 4723.48 of the Revised Code; 74476

(2) A physician authorized under Chapter 4731. of the 74477  
Revised Code to practice medicine and surgery, osteopathic 74478  
medicine and surgery, or podiatric medicine and surgery; 74479

(3) A physician assistant who is licensed under Chapter 74480  
4730. of the Revised Code, holds a valid prescriber number 74481  
issued by the state medical board, and has been granted 74482  
physician-delegated prescriptive authority. 74483

(D) "Qualified entity" means either of the following: 74484

(1) Any public or private entity that is associated with a 74485  
location where allergens capable of causing anaphylaxis may be 74486  
present, including child care centers, colleges and 74487  
universities, places of employment, restaurants, amusement 74488  
parks, recreation camps, sports playing fields and arenas, and 74489

other similar locations, except that "qualified entity" does not  
include either of the following:

(a) A chartered or nonchartered nonpublic school;  
community school; science, technology, engineering, and  
mathematics school; college-preparatory boarding school; or a  
school operated by the board of education of a city, local,  
exempted village, or joint vocational school district, as those  
entities are otherwise authorized to procure epinephrine  
autoinjectors pursuant to sections 3313.7110, 3313.7111,  
3314.143, 3326.28, or 3328.29 of the Revised Code;

(b) A camp described in section ~~5101.76~~5180.26 of the  
Revised Code that is authorized to procure epinephrine  
autoinjectors pursuant to that section;

(2) Either of the following served by a peace officer: a  
law enforcement agency or other entity described in division (A)  
of section 109.71 of the Revised Code.

**Sec. 3734.021.** (A) Infectious wastes shall be segregated,  
managed, treated, and disposed of in accordance with rules  
adopted under this section.

(B) The director of environmental protection, in  
accordance with Chapter 119. of the Revised Code, shall adopt  
rules necessary or appropriate to protect human health or safety  
or the environment that do both of the following:

(1) Establish standards for generators of infectious  
wastes that include, without limitation, the following  
requirements and authorizations that:

(a) All generators of infectious wastes:

(i) Either treat all specimen cultures and cultures of

viable infectious agents on the premises where they are 74518  
generated to render them noninfectious by methods, techniques, 74519  
or practices prescribed by rules adopted under division (B) (2) 74520  
(a) of this section before they are transported off that 74521  
premises for disposal or ensure that such wastes are treated to 74522  
render them noninfectious at an infectious waste treatment 74523  
facility off that premises prior to disposal of the wastes; 74524

(ii) Transport and dispose of infectious wastes, if a 74525  
generator produces fewer than fifty pounds of infectious wastes 74526  
during any one month that are subject to and packaged and 74527  
labeled in accordance with federal requirements, in the same 74528  
manner as solid wastes. Such generators who treat specimen 74529  
cultures and cultures of viable infectious agents on the 74530  
premises where they are generated shall not be considered 74531  
treatment facilities as "treatment" and "facility" are defined 74532  
in section 3734.01 of the Revised Code. 74533

(iii) Dispose of infectious wastes subject to and treated 74534  
in accordance with rules adopted under division (B) (1) (a) (i) of 74535  
this section in the same manner as solid wastes; 74536

(iv) May take wastes generated in providing care to a 74537  
patient by an emergency medical services organization, as 74538  
defined in section 4765.01 of the Revised Code, to and leave 74539  
them at a hospital, as defined in section 3727.01 of the Revised 74540  
Code, for treatment at a treatment facility owned or operated by 74541  
the hospital or, in conjunction with infectious wastes generated 74542  
by the hospital, at another treatment facility regardless of 74543  
whether the wastes were generated in providing care to the 74544  
patient at the scene of an emergency or during the 74545  
transportation of the patient to a hospital; 74546

(v) May take wastes generated by an individual for 74547

purposes of the individual's own care or treatment to and leave 74548  
them at a hospital, as defined in section 3727.01 of the Revised 74549  
Code, for treatment at a treatment facility owned or operated by 74550  
the hospital or, in conjunction with infectious wastes generated 74551  
by the hospital, at another treatment facility. 74552

(b) Each generator of fifty pounds or more of infectious 74553  
wastes during any one month: 74554

(i) Register with the environmental protection agency as a 74555  
generator of infectious wastes and obtain a registration 74556  
certificate. ~~The fee for issuance of a generator registration~~ 74557  
~~certificate is one hundred forty dollars payable at the time of~~ 74558  
~~application.~~ The registration certificate applies to all the 74559  
premises owned or operated by the generator in this state where 74560  
infectious wastes are generated and shall list the address of 74561  
each such premises. If a generator owns or operates facilities 74562  
for the treatment of infectious wastes it generates, the 74563  
certificate shall list the address and method of treatment used 74564  
at each such facility. 74565

A generator registration certificate is valid for three 74566  
years from the date of issuance and shall be renewed for a term 74567  
of three years upon the generator's submission of an application 74568  
for renewal ~~and payment of a one hundred forty dollar renewal~~ 74569  
~~fee.~~ 74570

The rules may establish a system of staggered renewal 74571  
dates with approximately one-third of such certificates subject 74572  
to renewal each year. The applicable renewal date shall be 74573  
prescribed on each registration certificate. ~~Registration fees~~ 74574  
~~shall be prorated according to the time remaining in the~~ 74575  
~~registration cycle to the nearest year.~~ 74576

~~The registration and renewal fees collected under division (B) (1) (b) (i) of this section shall be deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code.~~

(ii) Segregate infectious wastes from other wastes at the point of generation. Nothing in this section and rules adopted under it prohibits a generator of infectious wastes from designating and managing any wastes, in addition to those defined as infectious wastes under section 3734.01 of the Revised Code, as infectious wastes. After designating any such other wastes as infectious, the generator shall manage those wastes in compliance with the requirements of this chapter and rules adopted under it applicable to the management of infectious wastes.

(iii) Either treat the infectious wastes that it generates at a facility owned or operated by the generator by methods, techniques, or practices prescribed by rules adopted under division (B) (2) (a) of this section to render them noninfectious, or designate the wastes for treatment off that premises at an infectious waste treatment facility holding a license issued under division (B) of section 3734.05 of the Revised Code, at an infectious waste treatment facility that is located in another state that is in compliance with applicable state and federal laws, or at a treatment facility authorized by rules adopted under division (B) (2) (d) of this section, prior to disposal of the wastes. After being treated to render them noninfectious, the wastes shall be disposed of at a solid waste disposal facility holding a license issued under division (A) of section 3734.05 of the Revised Code or at a disposal facility in another state that is in compliance with applicable state and federal laws.

(iv) Not compact or grind any type of infectious wastes 74608  
prior to treatment in accordance with rules adopted under 74609  
division (B) (2) (a) of this section; 74610

(v) May discharge untreated liquid or semiliquid 74611  
infectious wastes consisting of blood, blood products, body 74612  
fluids, and excreta into a disposal system, as defined in 74613  
section 6111.01 of the Revised Code, unless the discharge of 74614  
those wastes into a disposal system is inconsistent with the 74615  
terms and conditions of the permit for the system issued under 74616  
Chapter 6111. of the Revised Code; 74617

(vi) May transport or cause to be transported infectious 74618  
wastes that have been treated to render them noninfectious in 74619  
the same manner as solid wastes are transported. 74620

(2) Establish standards for owners and operators of 74621  
infectious waste treatment facilities that include, without 74622  
limitation, the following requirements and authorizations that: 74623

(a) Require treatment of all wastes received to be 74624  
performed in accordance with methods, techniques, and practices 74625  
approved by the director; 74626

(b) Govern the location, design, construction, and 74627  
operation of infectious waste treatment facilities. The rules 74628  
adopted under division (B) (2) (b) of this section shall require 74629  
that a new infectious waste incineration facility be located so 74630  
that the incinerator unit and all areas where infectious wastes 74631  
are handled on the premises where the facility is proposed to be 74632  
located are at least three hundred feet inside the property line 74633  
of the tract of land on which the facility is proposed to be 74634  
located and are at least one thousand feet from any domicile, 74635  
school, prison, or jail that is in existence on the date on 74636

which the application for the permit to establish the 74637  
incinerator is submitted under division (B) (2) (b) of section 74638  
3734.05 of the Revised Code. 74639

(c) Establish quality control and testing procedures to 74640  
ensure compliance with the rules adopted under division (B) (2) 74641  
(b) of this section; 74642

(d) Authorize infectious wastes to be treated at a 74643  
facility that holds a license or renewal of a license to operate 74644  
a crematory facility issued under Chapter 4717., and a permit 74645  
issued under Chapter 3704., of the Revised Code to the extent 74646  
that the treatment of those wastes is consistent with that 74647  
permit and its terms and conditions. The rules adopted under 74648  
divisions (B) (2) (b) and (c) of this section do not apply to a 74649  
facility holding such a license and permit. 74650

In adopting the rules required by divisions (B) (2) (a) to 74651  
(d) of this section, the director shall consider and, to the 74652  
maximum feasible extent, utilize existing standards and 74653  
guidelines established by professional and governmental 74654  
organizations having expertise in the fields of infection 74655  
control and infectious wastes management. 74656

(e) Require shipping papers to accompany shipments of 74657  
wastes that have been treated to render them noninfectious. The 74658  
shipping papers shall include only the following elements: 74659

(i) The name of the owner or operator of the facility 74660  
where the wastes were treated and the address of the treatment 74661  
facility; 74662

(ii) A certification by the owner or operator of the 74663  
treatment facility where the wastes were treated indicating that 74664  
the wastes have been treated by the methods, techniques, and 74665



practices prescribed in rules adopted under division (B) (2) (a) 74666  
of this section. 74667

(C) This section and rules adopted under it do not apply 74668  
to the treatment or disposal of wastes consisting of dead 74669  
animals or parts thereof, or the blood of animals: 74670

(1) By the owner of the animal after slaughter by the 74671  
owner on the owner's premises to obtain meat for consumption by 74672  
the owner and the members of the owner's household; 74673

(2) In accordance with Chapter 941. of the Revised Code; 74674  
or 74675

(3) By persons who are subject to any of the following: 74676

(a) Inspection under the "Federal Meat Inspection Act," 81 74677  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 74678

(b) Chapter 918. of the Revised Code; 74679

(c) Chapter 953. of the Revised Code. 74680

(D) As used in this section, "generator" means a person 74681  
who produces infectious wastes at a specific premises. 74682

(E) Rules adopted under this section shall not concern or 74683  
relate to personnel policies, salaries, wages, fringe benefits, 74684  
or other conditions of employment of employees of persons owning 74685  
or operating infectious waste treatment facilities. 74686

(F) (1) The director, in accordance with Chapter 119. of 74687  
the Revised Code, shall adopt rules governing the issuance, 74688  
modification, revocation, suspension, and denial of variances 74689  
from the rules adopted under division (B) of this section. 74690  
Variances shall be issued, modified, revoked, suspended, or 74691  
denied in accordance with division (F) of this section, rules 74692

adopted under it, and Chapter 3745. of the Revised Code. 74693

(2) A person who desires to obtain a variance or renew a 74694  
variance from the rules adopted under division (B) of this 74695  
section shall submit to the director an application as 74696  
prescribed by the director. The application shall contain detail 74697  
plans, specifications, and information regarding objectives, 74698  
procedures, controls, and any other information that the 74699  
director may require. The director shall issue, renew, or deny a 74700  
variance or renewal of a variance within six months of the date 74701  
on which the director receives a complete application with all 74702  
required information and data. 74703

(3) The director may hold a public hearing on an 74704  
application submitted under division (F) of this section for a 74705  
variance at a location in the county in which the operations 74706  
that are the subject of the application for a variance or 74707  
renewal of variance are conducted. Not less than twenty days 74708  
before the hearing, the director shall provide to the applicant 74709  
notice of the hearing by certified mail or by another type of 74710  
mail that is accompanied by a receipt and shall publish notice 74711  
of the hearing at least one time in a newspaper of general 74712  
circulation in the county in which the hearing is to be held or 74713  
may instead provide public notice by publication on the 74714  
environmental protection agency's web site. The director shall 74715  
make a complete stenographic record or electronic record of 74716  
testimony and other evidence submitted at the hearing. Not later 74717  
than ten days after the hearing, the director shall make a 74718  
written determination to issue, renew, or deny the variance and 74719  
shall enter the determination and the basis for it into the 74720  
record of the hearing. 74721

(4) A variance shall not be issued, modified, revoked, or 74722

denied under division (F) of this section until the director has  
considered the relative interests of the applicant, other  
persons and property that will be affected by the variance, and  
the general public. The director shall grant a variance only if  
the applicant demonstrates to the director's satisfaction that  
the requested action will not create a nuisance or a hazard to  
the health or safety of the public or to the environment. In  
granting a variance, the director shall state the specific  
provision or provisions whose terms are to be varied and also  
shall state specific terms or conditions imposed on the  
applicant in place of the provision or provisions.

(5) A variance granted under division (F) of this section  
shall be for a period specified by the director and may be  
renewed from time to time on terms and for periods that the  
director determines to be appropriate. The director may order  
the person to whom a variance has been issued to take action  
within the time that the director determines to be appropriate  
and reasonable to prevent the creation of a nuisance or a hazard  
to the health or safety of the public or to the environment.

(6) An application submitted under division (F) of this  
section shall not be denied and a variance shall not be revoked  
or modified under that division without a written order of the  
director stating the findings on which the denial, revocation,  
or modification is based. A copy of the order shall be sent to  
the applicant or holder of a variance by certified mail or by  
another type of mail that is accompanied by a receipt.

(7) The director shall make available for public  
inspection at the principal office of the environmental  
protection agency a current list of pending applications for  
variances submitted under division (F) of this section and a

current schedule of pending variance hearings under it. 74753

**Sec. 3734.05.** (A) (1) Except as provided in divisions (A) 74754  
(6) and (7) of this section, no person shall operate or maintain 74755  
a solid waste facility without a license issued under this 74756  
division by the board of health of the health district in which 74757  
the facility is located or by the director of environmental 74758  
protection when the health district in which the facility is 74759  
located is not on the approved list under section 3734.08 of the 74760  
Revised Code. 74761

During the month of December, but before the first day of 74762  
January of the next year, every person proposing to continue to 74763  
operate an existing solid waste facility shall procure a license 74764  
under this division to operate the facility for that year from 74765  
the board of health of the health district in which the facility 74766  
is located or, if the health district is not on the approved 74767  
list under section 3734.08 of the Revised Code, from the 74768  
director. The application for such a license shall be submitted 74769  
to the board of health or to the director, as appropriate, on or 74770  
before the last day of September of the year preceding that for 74771  
which the license is sought. In addition to the application fee 74772  
prescribed in division (A) (2) of this section, a person who 74773  
submits an application after that date shall pay an additional 74774  
ten per cent of the amount of the application fee for each week 74775  
that the application is late. Late payment fees accompanying an 74776  
application submitted to the board of health shall be credited 74777  
to the special fund of the health district created in division 74778  
(B) of section 3734.06 of the Revised Code, and late payment 74779  
fees accompanying an application submitted to the director shall 74780  
be credited to the general revenue fund. A person who has 74781  
received a license, upon sale or disposition of a solid waste 74782  
facility, and upon consent of the board of health and the 74783

director, may have the license transferred to another person. 74784  
The board of health or the director may include such terms and 74785  
conditions in a license or revision to a license as are 74786  
appropriate to ensure compliance with this chapter and rules 74787  
adopted under it. The terms and conditions may establish the 74788  
authorized maximum daily waste receipts for the facility. 74789  
Limitations on maximum daily waste receipts shall be specified 74790  
in cubic yards of volume for the purpose of regulating the 74791  
design, construction, and operation of solid waste facilities. 74792  
Terms and conditions included in a license or revision to a 74793  
license by a board of health shall be consistent with, and 74794  
pertain only to the subjects addressed in, the rules adopted 74795  
under division (A) of section 3734.02 and division (D) of 74796  
section 3734.12 of the Revised Code. 74797

(2) (a) Except as provided in divisions (A) (2) (b), (6), and 74798  
(7) of this section, each person proposing to open a new solid 74799  
waste facility or to modify an existing solid waste facility 74800  
shall submit an application for a permit with accompanying 74801  
detail plans and specifications to the environmental protection 74802  
agency for required approval under the rules adopted by the 74803  
director pursuant to division (A) of section 3734.02 of the 74804  
Revised Code and applicable rules adopted under division (D) of 74805  
section 3734.12 of the Revised Code at least two hundred seventy 74806  
days before proposed operation of the facility and shall 74807  
concurrently make application for the issuance of a license 74808  
under division (A) (1) of this section with the board of health 74809  
of the health district in which the proposed facility is to be 74810  
located. 74811

(b) On and after the effective date of the rules adopted 74812  
under division (A) of section 3734.02 of the Revised Code and 74813  
division (D) of section 3734.12 of the Revised Code governing 74814

solid waste transfer facilities, each person proposing to open a 74815  
new solid waste transfer facility or to modify an existing solid 74816  
waste transfer facility shall submit an application for a permit 74817  
with accompanying engineering detail plans, specifications, and 74818  
information regarding the facility and its method of operation 74819  
to the environmental protection agency for required approval 74820  
under those rules at least two hundred seventy days before 74821  
commencing proposed operation of the facility and concurrently 74822  
shall make application for the issuance of a license under 74823  
division (A)(1) of this section with the board of health of the 74824  
health district in which the facility is located or proposed. 74825

(c) Each application for a permit under division (A)(2)(a) 74826  
or (b) of this section shall be accompanied by a nonrefundable 74827  
application fee of four hundred dollars that shall be credited 74828  
to the general revenue fund. Each application for an annual 74829  
license under division (A)(1) or (2) of this section shall be 74830  
accompanied by a nonrefundable application fee of one hundred 74831  
dollars. If the application for an annual license is submitted 74832  
to a board of health on the approved list under section 3734.08 74833  
of the Revised Code, the application fee shall be credited to 74834  
the special fund of the health district created in division (B) 74835  
of section 3734.06 of the Revised Code. If the application for 74836  
an annual license is submitted to the director, the application 74837  
fee shall be credited to the general revenue fund. If a permit 74838  
or license is issued, the amount of the application fee paid 74839  
shall be deducted from the amount of the permit fee due under 74840  
division ~~(Q)~~(P) of section 3745.11 of the Revised Code or the 74841  
amount of the license fee due under division (A)(1), (2), (3), 74842  
(4), or (5) of section 3734.06 of the Revised Code. 74843

(d) As used in divisions (A)(2)(d), (e), and (f) of this 74844  
section, "modify" means any of the following: 74845

(i) Any increase of more than ten per cent in the total capacity of a solid waste facility; 74846  
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(ii) Any expansion of the limits of solid waste placement at a solid waste facility; 74848  
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(iii) Any increase in the depth of excavation at a solid waste facility; 74850  
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(iv) Any change in the technique of waste receipt or type of waste received at a solid waste facility that may endanger human health, as determined by the director by rules adopted in accordance with Chapter 119. of the Revised Code. 74852  
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Not later than forty-five days after submitting an application under division (A) (2) (a) or (b) of this section for a permit to open a new or modify an existing solid waste facility, the applicant, in conjunction with an officer or employee of the environmental protection agency, shall hold a public meeting on the application within the county in which the new or modified solid waste facility is or is proposed to be located or within a contiguous county. ~~Not~~ 74856  
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Not less than thirty days before holding the public meeting on the application, the applicant shall publish notice of the meeting in each newspaper of general circulation that is published in the county in which the facility is or is proposed to be located. If no newspaper of general circulation is published in the county, the applicant shall publish the notice in a newspaper of general circulation in the county. The notice shall contain the date, time, and location of the public meeting and a general description of the proposed new or modified facility. ~~Not~~ 74864  
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Not later than five days after publishing the notice, the 74874

applicant shall send by certified mail a copy of the notice and 74875  
the date the notice was published to the director and the 74876  
legislative authority of each municipal corporation, township, 74877  
and county, and to the chief executive officer of each municipal 74878  
corporation, in which the facility is or is proposed to be 74879  
located. ~~At~~ 74880

At the public meeting, the applicant shall provide 74881  
information and describe the application and respond to comments 74882  
or questions concerning the application, and the officer or 74883  
employee of the agency shall describe the permit application 74884  
process. At the public meeting, any person may submit written or 74885  
oral comments on or objections to the application. ~~Not~~ 74886

Not more than thirty days after the public meeting, the 74887  
applicant shall provide the director with a copy of a transcript 74888  
of the full meeting, copies of any exhibits, displays, or other 74889  
materials presented by the applicant at the meeting, and the 74890  
original copy of any written comments submitted at the meeting. 74891

(e) Except as provided in division (A) (2) (f) of this 74892  
section, prior to taking an action, other than a proposed or 74893  
final denial, upon an application submitted under division (A) 74894  
(2) (a) of this section for a permit to open a new or modify an 74895  
existing solid waste facility, the director shall hold a public 74896  
information session and a public hearing on the application 74897  
within the county in which the new or modified solid waste 74898  
facility is or is proposed to be located or within a contiguous 74899  
county. If the application is for a permit to open a new solid 74900  
waste facility, the director shall hold the hearing not less 74901  
than fourteen days after the information session. If the 74902  
application is for a permit to modify an existing solid waste 74903  
facility, the director may hold both the information session and 74904



the hearing on the same day unless any individual affected by 74905  
the application requests in writing that the information session 74906  
and the hearing not be held on the same day, in which case the 74907  
director shall hold the hearing not less than fourteen days 74908  
after the information session. The director shall publish notice 74909  
of the public information session or public hearing not less 74910  
than thirty days before holding the information session or 74911  
hearing, as applicable. The notice shall be published in each 74912  
newspaper of general circulation that is published in the county 74913  
in which the facility is or is proposed to be located. ~~If no~~ 74914  
~~newspaper of general circulation is published in the county, the~~ 74915  
~~director shall publish the notice in a newspaper of general~~ 74916  
~~circulation in the county~~ or by publication on the environmental 74917  
protection agency's official web site. The notice shall contain 74918  
the date, time, and location of the information session or 74919  
hearing, as applicable, and a general description of the 74920  
proposed new or modified facility. At the public information 74921  
session, an officer or employee of the environmental protection 74922  
agency shall describe the status of the permit application and 74923  
be available to respond to comments or questions concerning the 74924  
application. At the public hearing, any person may submit 74925  
written or oral comments on or objections to the approval of the 74926  
application. The applicant, or a representative of the applicant 74927  
who has knowledge of the location, construction, and operation 74928  
of the facility, shall attend the information session and public 74929  
hearing to respond to comments or questions concerning the 74930  
facility directed to the applicant or representative by the 74931  
officer or employee of the environmental protection agency 74932  
presiding at the information session and hearing. 74933

(f) The solid waste management policy committee of a 74934  
county or joint solid waste management district may adopt a 74935

resolution requesting expeditious consideration of a specific 74936  
application submitted under division (A) (2) (a) of this section 74937  
for a permit to modify an existing solid waste facility within 74938  
the district. The resolution shall make the finding that 74939  
expedited consideration of the application without the public 74940  
information session and public hearing under division (A) (2) (e) 74941  
of this section is in the public interest and will not endanger 74942  
human health, as determined by the director by rules adopted in 74943  
accordance with Chapter 119. of the Revised Code. Upon receiving 74944  
such a resolution, the director, at the director's discretion, 74945  
may issue a final action upon the application without holding a 74946  
public information session or public hearing pursuant to 74947  
division (A) (2) (e) of this section. 74948

(3) The director may issue an order in accordance with 74949  
Chapter 3745. of the Revised Code to the owner or operator of a 74950  
solid waste facility requiring the person to submit to the 74951  
director updated engineering detail plans, specifications, and 74952  
information regarding the facility and its method of operation 74953  
for approval under rules adopted under division (A) of section 74954  
3734.02 of the Revised Code and applicable rules adopted under 74955  
division (D) of section 3734.12 of the Revised Code if, in the 74956  
director's judgment, conditions at the facility constitute a 74957  
substantial threat to public health or safety or are causing or 74958  
contributing to or threatening to cause or contribute to air or 74959  
water pollution or soil contamination. Any person who receives 74960  
such an order shall submit the updated engineering detail plans, 74961  
specifications, and information to the director within one 74962  
hundred eighty days after the effective date of the order. 74963

(4) The director shall act upon any updated engineering 74964  
plans, specifications, and information submitted under division 74965  
(A) (3) of this section within one hundred eighty days after 74966

receiving them. If the director issues an order disapproving the plans, specifications, and information submitted under division (A) (3) of this section, the order shall include all of the following requirements:

(a) That the owner or operator submit a plan for closure and post-closure care of the facility to the director for approval within six months after issuance of the order;

(b) That the owner or operator cease accepting solid wastes for disposal or transfer at the facility; and

(c) The owner or operator commence closure of the facility not later than one year after issuance of the order.

If the director determines that closure of the facility within that one-year period would result in the unavailability of sufficient solid waste management facility capacity within the county or joint solid waste management district in which the facility is located to dispose of or transfer the solid waste generated within the district, the director in the order of disapproval may postpone commencement of closure of the facility for such period of time as the director finds necessary for the board of county commissioners or directors of the district to secure access to or for there to be constructed within the district sufficient solid waste management facility capacity to meet the needs of the district, provided that the director shall certify in the director's order that postponing the date for commencement of closure will not endanger ground water or any property surrounding the facility, allow methane gas migration to occur, or cause or contribute to any other type of environmental damage.

If an emergency need for disposal capacity that may affect

public health and safety exists as a result of closure of a 74996  
facility under division (A) (4) of this section, the director may 74997  
issue an order designating another solid waste facility to 74998  
accept the wastes that would have been disposed of at the 74999  
facility to be closed. 75000

(5) If the director determines that standards more 75001  
stringent than those applicable in rules adopted under division 75002  
(A) of section 3734.02 of the Revised Code and division (D) of 75003  
section 3734.12 of the Revised Code, or standards pertaining to 75004  
subjects not specifically addressed by those rules, are 75005  
necessary to ensure that a solid waste facility constructed at 75006  
the proposed location will not cause a nuisance, cause or 75007  
contribute to water pollution, or endanger public health or 75008  
safety, the director may issue a permit for the facility with 75009  
such terms and conditions as the director finds necessary to 75010  
protect public health and safety and the environment. If a 75011  
permit is issued, the director shall state in the order issuing 75012  
it the specific findings supporting each such term or condition. 75013

(6) Divisions (A) (1) and (2) (a) of this section do not 75014  
apply to a solid waste compost facility that accepts exclusively 75015  
source separated yard wastes and that is registered under 75016  
division (C) of section 3734.02 of the Revised Code or, unless 75017  
otherwise provided in rules adopted under division (N) (3) of 75018  
section 3734.02 of the Revised Code, to a solid waste compost 75019  
facility if the director has adopted rules establishing an 75020  
alternative system for authorizing the establishment, operation, 75021  
or modification of a solid waste compost facility under that 75022  
division. 75023

(7) Divisions (A) (1) to (5) of this section do not apply 75024  
to scrap tire collection, storage, monocell, monofill, and 75025

recovery facilities. The approval of plans and specifications, 75026  
as applicable, and the issuance of registration certificates, 75027  
permits, and licenses for those facilities are subject to 75028  
sections 3734.75 to 3734.78 of the Revised Code, as applicable, 75029  
and section 3734.81 of the Revised Code. 75030

(B) (1) No person shall operate or maintain an infectious 75031  
waste treatment facility without a license issued by the board 75032  
of health of the health district in which the facility is 75033  
located or by the director when the health district in which the 75034  
facility is located is not on the approved list under section 75035  
3734.08 of the Revised Code. 75036

(2) (a) During the month of December, but before the first 75037  
day of January of the next year, every person proposing to 75038  
continue to operate an existing infectious waste treatment 75039  
facility shall procure a license to operate the facility for 75040  
that year from the board of health of the health district in 75041  
which the facility is located or, if the health district is not 75042  
on the approved list under section 3734.08 of the Revised Code, 75043  
from the director. The application for such a license shall be 75044  
submitted to the board of health or to the director, as 75045  
appropriate, on or before the last day of September of the year 75046  
preceding that for which the license is sought. In addition to 75047  
the application fee prescribed in division (B) (2) (c) of this 75048  
section, a person who submits an application after that date 75049  
shall pay an additional ten per cent of the amount of the 75050  
application fee for each week that the application is late. Late 75051  
payment fees accompanying an application submitted to the board 75052  
of health shall be credited to the special infectious waste fund 75053  
of the health district created in division (C) of section 75054  
3734.06 of the Revised Code, and late payment fees accompanying 75055  
an application submitted to the director shall be credited to 75056

the general revenue fund. A person who has received a license, 75057  
upon sale or disposition of an infectious waste treatment 75058  
facility and upon consent of the board of health and the 75059  
director, may have the license transferred to another person. 75060  
The board of health or the director may include such terms and 75061  
conditions in a license or revision to a license as are 75062  
appropriate to ensure compliance with the infectious waste 75063  
provisions of this chapter and rules adopted under them. 75064

(b) Each person proposing to open a new infectious waste 75065  
treatment facility or to modify an existing infectious waste 75066  
treatment facility shall submit an application for a permit with 75067  
accompanying detail plans and specifications to the 75068  
environmental protection agency for required approval under the 75069  
rules adopted by the director pursuant to section 3734.021 of 75070  
the Revised Code two hundred seventy days before proposed 75071  
operation of the facility and concurrently shall make 75072  
application for a license with the board of health of the health 75073  
district in which the facility is or is proposed to be located. 75074  
Not later than ninety days after receiving a complete 75075  
application under division (B) (2) (b) of this section for a 75076  
permit to open a new infectious waste treatment facility or 75077  
modify an existing infectious waste treatment facility to expand 75078  
its treatment capacity, or receiving a complete application 75079  
under division (A) (2) (a) of this section for a permit to open a 75080  
new solid waste incineration facility, or modify an existing 75081  
solid waste incineration facility to also treat infectious 75082  
wastes or to increase its infectious waste treatment capacity, 75083  
that pertains to a facility for which a notation authorizing 75084  
infectious waste treatment is included or proposed to be 75085  
included in the solid waste incineration facility's license 75086  
pursuant to division (B) (3) of this section, the director shall 75087

hold a public hearing on the application within the county in 75088  
which the new or modified infectious waste or solid waste 75089  
facility is or is proposed to be located or within a contiguous 75090  
county. Not less than thirty days before holding the public 75091  
hearing on the application, the director shall publish notice of 75092  
the hearing in each newspaper that has general circulation and 75093  
that is published in the county in which the facility is or is 75094  
proposed to be located. ~~If there is no newspaper that has-~~ 75095  
~~general circulation and that is published in the county, the-~~ 75096  
~~director shall publish the notice in a newspaper of general-~~ 75097  
~~circulation in the county~~ or by publication on the environmental 75098  
protection agency's official web site. The notice shall contain 75099  
the date, time, and location of the public hearing and a general 75100  
description of the proposed new or modified facility. At the 75101  
public hearing, any person may submit written or oral comments 75102  
on or objections to the approval or disapproval of the 75103  
application. The applicant, or a representative of the applicant 75104  
who has knowledge of the location, construction, and operation 75105  
of the facility, shall attend the public hearing to respond to 75106  
comments or questions concerning the facility directed to the 75107  
applicant or representative by the officer or employee of the 75108  
environmental protection agency presiding at the hearing. 75109

(c) Each application for a permit under division (B) (2) (b) 75110  
of this section shall be accompanied by a nonrefundable 75111  
application fee of four hundred dollars that shall be credited 75112  
to the general revenue fund. Each application for an annual 75113  
license under division (B) (2) (a) of this section shall be 75114  
accompanied by a nonrefundable application fee of one hundred 75115  
dollars. If the application for an annual license is submitted 75116  
to a board of health on the approved list under section 3734.08 75117  
of the Revised Code, the application fee shall be credited to 75118

the special infectious waste fund of the health district created 75119  
in division (C) of section 3734.06 of the Revised Code. If the 75120  
application for an annual license is submitted to the director, 75121  
the application fee shall be credited to the general revenue 75122  
fund. If a permit or license is issued, the amount of the 75123  
application fee paid shall be deducted from the amount of the 75124  
permit fee due under division ~~(Q)~~(P) of section 3745.11 of the 75125  
Revised Code or the amount of the license fee due under division 75126  
(C) of section 3734.06 of the Revised Code. 75127

(d) The director may issue an order in accordance with 75128  
Chapter 3745. of the Revised Code to the owner or operator of an 75129  
infectious waste treatment facility requiring the person to 75130  
submit to the director updated engineering detail plans, 75131  
specifications, and information regarding the facility and its 75132  
method of operation for approval under rules adopted under 75133  
section 3734.021 of the Revised Code if, in the director's 75134  
judgment, conditions at the facility constitute a substantial 75135  
threat to public health or safety or are causing or contributing 75136  
to or threatening to cause or contribute to air or water 75137  
pollution or soil contamination. Any person who receives such an 75138  
order shall submit the updated engineering detail plans, 75139  
specifications, and information to the director within one 75140  
hundred eighty days after the effective date of the order. 75141

(e) The director shall act on any updated engineering 75142  
plans, specifications, and information submitted under division 75143  
(B) (2) (d) of this section within one hundred eighty days after 75144  
receiving them. If the director disapproves any such updated 75145  
engineering plans, specifications, and information, the director 75146  
shall include in the order disapproving the plans the 75147  
requirement that the owner or operator cease accepting 75148  
infectious wastes for treatment at the facility. 75149



(3) Division (B) of this section does not apply to a generator of infectious wastes that meets any of the following conditions:

(a) Treats, by methods, techniques, and practices established by rules adopted under division (B) (2) (a) of section 3734.021 of the Revised Code, any of the following wastes:

(i) Infectious wastes that are generated on any premises that are owned or operated by the generator;

(ii) Infectious wastes that are generated by a generator who has staff privileges at a hospital as defined in section 3727.01 of the Revised Code;

(iii) Infectious wastes that are generated in providing care to a patient by an emergency medical services organization as defined in section 4765.01 of the Revised Code.

(b) Holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717. and a permit issued under Chapter 3704. of the Revised Code;

(c) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following:

(i) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended;

(ii) Chapter 918. of the Revised Code;

(iii) Chapter 953. of the Revised Code.

Nothing in division (B) of this section requires a facility that holds a license issued under division (A) of this section as a solid waste facility and that also treats infectious wastes by the same method, technique, or process to

obtain a license under division (B) of this section as an 75177  
infectious waste treatment facility. However, the solid waste 75178  
facility license for the facility shall include the notation 75179  
that the facility also treats infectious wastes. 75180

The director shall not issue a permit to open a new solid 75181  
waste incineration facility unless the proposed facility 75182  
complies with the requirements for the location of new 75183  
infectious waste incineration facilities established in rules 75184  
adopted under division (B) (2) (b) of section 3734.021 of the 75185  
Revised Code. 75186

(C) Except for a facility or activity described in 75187  
division (E) (3) of section 3734.02 of the Revised Code, a person 75188  
who proposes to establish or operate a hazardous waste facility 75189  
shall submit a complete application for a hazardous waste 75190  
facility installation and operation permit and accompanying 75191  
detail plans, specifications, and such information as the 75192  
director may require to the environmental protection agency at 75193  
least one hundred eighty days before the proposed beginning of 75194  
operation of the facility. The applicant shall notify by 75195  
certified mail the legislative authority of each municipal 75196  
corporation, township, and county in which the facility is 75197  
proposed to be located of the submission of the application 75198  
within ten days after the submission or at such earlier time as 75199  
the director may establish by rule. If the application is for a 75200  
proposed new hazardous waste disposal or thermal treatment 75201  
facility, the applicant also shall give actual notice of the 75202  
general design and purpose of the facility to the legislative 75203  
authority of each municipal corporation, township, and county in 75204  
which the facility is proposed to be located at least ninety 75205  
days before the permit application is submitted to the 75206  
environmental protection agency. 75207

In accordance with rules adopted under section 3734.12 of the Revised Code, prior to the submission of a complete application for a hazardous waste facility installation and operation permit, the applicant shall hold at least one meeting in the township or municipal corporation in which the facility is proposed to be located, whichever is geographically closer to the proposed location of the facility. The meeting shall be open to the public and shall be held to inform the community of the proposed hazardous waste management activities and to solicit questions from the community concerning the activities.

(D) (1) Except as provided in section 3734.123 of the Revised Code, upon receipt of a complete application for a hazardous waste facility installation and operation permit under division (C) of this section, the director shall consider the application and accompanying information to determine whether the application complies with agency rules and the requirements of division (D) (2) of this section. After making a determination, the director shall issue either a draft permit or a notice of intent to deny the permit. The director, in accordance with rules adopted under section 3734.12 of the Revised Code or with rules adopted to implement Chapter 3745. of the Revised Code, shall provide public notice of the application and the draft permit or the notice of intent to deny the permit, provide an opportunity for public comments, and, if significant interest is shown, schedule a public meeting in the county in which the facility is proposed to be located and give public notice of the date, time, and location of the public meeting in a newspaper of general circulation in that county.

(2) The director shall not approve an application for a hazardous waste facility installation and operation permit or an application for a modification under division (I) (3) of this

section unless the director finds and determines as follows: 75239

(a) The nature and volume of the waste to be treated, 75240  
stored, or disposed of at the facility; 75241

(b) That the facility complies with the director's 75242  
hazardous waste standards adopted pursuant to section 3734.12 of 75243  
the Revised Code; 75244

(c) That the facility represents the minimum adverse 75245  
environmental impact, considering the state of available 75246  
technology and the nature and economics of various alternatives, 75247  
and other pertinent considerations; 75248

(d) That the facility represents the minimum risk of all 75249  
of the following: 75250

(i) Fires or explosions from treatment, storage, or 75251  
disposal methods; 75252

(ii) Release of hazardous waste during transportation of 75253  
hazardous waste to or from the facility; 75254

(iii) Adverse impact on the public health and safety. 75255

(e) That the facility will comply with this chapter and 75256  
Chapters 3704. and 6111. of the Revised Code and all rules and 75257  
standards adopted under them; 75258

(f) That if the owner of the facility, the operator of the 75259  
facility, or any other person in a position with the facility 75260  
from which the person may influence the installation and 75261  
operation of the facility has been involved in any prior 75262  
activity involving transportation, treatment, storage, or 75263  
disposal of hazardous waste, that person has a history of 75264  
compliance with this chapter and Chapters 3704. and 6111. of the 75265  
Revised Code and all rules and standards adopted under them, the 75266

"Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 75267  
42 U.S.C.A. 6921, as amended, and all regulations adopted under 75268  
it, and similar laws and rules of other states if any such prior 75269  
operation was located in another state that demonstrates 75270  
sufficient reliability, expertise, and competency to operate a 75271  
hazardous waste facility under the applicable provisions of this 75272  
chapter and Chapters 3704. and 6111. of the Revised Code, the 75273  
applicable rules and standards adopted under them, and terms and 75274  
conditions of a hazardous waste facility installation and 75275  
operation permit, given the potential for harm to the public 75276  
health and safety and the environment that could result from the 75277  
irresponsible operation of the facility. For off-site 75278  
facilities, as defined in section 3734.41 of the Revised Code, 75279  
the director may use the investigative reports of the attorney 75280  
general prepared pursuant to section 3734.42 of the Revised Code 75281  
as a basis for making a finding and determination under division 75282  
(D) (2) (f) of this section. 75283

(g) That the active areas within a new hazardous waste 75284  
facility where acute hazardous waste as listed in 40 C.F.R. 75285  
261.33 (e), as amended, or organic waste that is toxic and is 75286  
listed under 40 C.F.R. 261, as amended, is being stored, 75287  
treated, or disposed of and where the aggregate of the storage 75288  
design capacity and the disposal design capacity of all 75289  
hazardous waste in those areas is greater than two hundred fifty 75290  
thousand gallons, are not located or operated within any of the 75291  
following: 75292

(i) Two thousand feet of any residence, school, hospital, 75293  
jail, or prison; 75294

(ii) Any naturally occurring wetland; 75295

(iii) Any flood hazard area if the applicant cannot show 75296

that the facility will be designed, constructed, operated, and 75297  
maintained to prevent washout by a one-hundred-year flood. 75298

Division (D) (2) (g) of this section does not apply to the 75299  
facility of any applicant who demonstrates to the director that 75300  
the limitations specified in that division are not necessary 75301  
because of the nature or volume of the waste and the manner of 75302  
management applied, the facility will impose no substantial 75303  
danger to the health and safety of persons occupying the 75304  
structures listed in division (D) (2) (g) (i) of this section, and 75305  
the facility is to be located or operated in an area where the 75306  
proposed hazardous waste activities will not be incompatible 75307  
with existing land uses in the area. 75308

(h) That the facility will not be located within the 75309  
boundaries of a state park established or dedicated under 75310  
Chapter 1546. of the Revised Code, a state park purchase area 75311  
established under section 1546.06 of the Revised Code, any unit 75312  
of the national park system, or any property that lies within 75313  
the boundaries of a national park or recreation area, but that 75314  
has not been acquired or is not administered by the secretary of 75315  
the United States department of the interior, located in this 75316  
state, or any candidate area located in this state identified 75317  
for potential inclusion in the national park system in the 75318  
edition of the "national park system plan" submitted under 75319  
paragraph (b) of section 8 of "The Act of August 18, 1970," 84 75320  
Stat. 825, 16 U.S.C.A. 1a-5, as amended, current at the time of 75321  
filing of the application for the permit, unless the facility 75322  
will be used exclusively for the storage of hazardous waste 75323  
generated within the park or recreation area in conjunction with 75324  
the operation of the park or recreation area. Division (D) (2) (h) 75325  
of this section does not apply to the facility of any applicant 75326  
for modification of a permit unless the modification application 75327

proposes to increase the land area included in the facility or 75328  
to increase the quantity of hazardous waste that will be 75329  
treated, stored, or disposed of at the facility. 75330

(3) Not later than one hundred eighty days after the end 75331  
of the public comment period, the director, without prior 75332  
hearing, shall issue or deny the permit in accordance with 75333  
Chapter 3745. of the Revised Code. If the director approves an 75334  
application for a hazardous waste facility installation and 75335  
operation permit, the director shall issue the permit, upon such 75336  
terms and conditions as the director finds are necessary to 75337  
ensure the construction and operation of the hazardous waste 75338  
facility in accordance with the standards of this section. 75339

(E) No political subdivision of this state shall require 75340  
any additional zoning or other approval, consent, permit, 75341  
certificate, or condition for the construction or operation of a 75342  
hazardous waste facility authorized by a hazardous waste 75343  
facility installation and operation permit issued pursuant to 75344  
this chapter, nor shall any political subdivision adopt or 75345  
enforce any law, ordinance, or rule that in any way alters, 75346  
impairs, or limits the authority granted in the permit. 75347

(F) The director may issue a single hazardous waste 75348  
facility installation and operation permit to a person who 75349  
operates two or more adjoining facilities where hazardous waste 75350  
is stored, treated, or disposed of if the application includes 75351  
detail plans, specifications, and information on all facilities. 75352  
For the purposes of this section, "adjoining" means sharing a 75353  
common boundary, separated only by a public road, or in such 75354  
proximity that the director determines that the issuance of a 75355  
single permit will not create a hazard to the public health or 75356  
safety or the environment. 75357

(G) No person shall falsify or fail to keep or submit any plans, specifications, data, reports, records, manifests, or other information required to be kept or submitted to the director by this chapter or the rules adopted under it.

(H) (1) Each person who holds an installation and operation permit issued under this section and who wishes to obtain a permit renewal shall submit a completed application for an installation and operation permit renewal and any necessary accompanying general plans, detail plans, specifications, and such information as the director may require to the director no later than one hundred eighty days prior to the expiration date of the existing permit or upon a later date prior to the expiration of the existing permit if the permittee can demonstrate good cause for the late submittal. The director shall consider the application and accompanying information, inspection reports of the facility, results of performance tests, a report regarding the facility's compliance or noncompliance with the terms and conditions of its permit and rules adopted by the director under this chapter, and such other information as is relevant to the operation of the facility and shall issue a draft renewal permit or a notice of intent to deny the renewal permit. The director, in accordance with rules adopted under this section or with rules adopted to implement Chapter 3745. of the Revised Code, shall give public notice of the application and draft renewal permit or notice of intent to deny the renewal permit, provide for the opportunity for public comments within a specified time period, schedule a public meeting in the county in which the facility is located if significant interest is shown, and give public notice of the public meeting.

(2) Within sixty days after the public meeting or close of



the public comment period, the director, without prior hearing, 75389  
shall issue or deny the renewal permit in accordance with 75390  
Chapter 3745. of the Revised Code. The director shall not issue 75391  
a renewal permit unless the director determines that the 75392  
facility under the existing permit has a history of compliance 75393  
with this chapter, rules adopted under it, the existing permit, 75394  
or orders entered to enforce such requirements that demonstrates 75395  
sufficient reliability, expertise, and competency to operate the 75396  
facility henceforth under this chapter, rules adopted under it, 75397  
and the renewal permit. If the director approves an application 75398  
for a renewal permit, the director shall issue the permit 75399  
subject to the payment of the annual permit fee required under 75400  
division (E) of section 3734.02 of the Revised Code and upon 75401  
such terms and conditions as the director finds are reasonable 75402  
to ensure that continued operation, maintenance, closure, and 75403  
post-closure care of the hazardous waste facility are in 75404  
accordance with the rules adopted under section 3734.12 of the 75405  
Revised Code. 75406

(3) An installation and operation permit renewal 75407  
application submitted to the director that also contains or 75408  
would constitute an application for a modification shall be 75409  
acted upon by the director in accordance with division (I) of 75410  
this section in the same manner as an application for a 75411  
modification. In approving or disapproving the renewal portion 75412  
of a permit renewal application containing an application for a 75413  
modification, the director shall apply the criteria established 75414  
under division (H) (2) of this section. 75415

(4) An application for renewal or modification of a permit 75416  
that does not contain an application for a modification as 75417  
described in divisions (I) (3) (a) to (d) of this section shall 75418  
not be subject to division (D) (2) of this section. 75419

(I) (1) As used in this section, "modification" means a change or alteration to a hazardous waste facility or its operations that is inconsistent with or not authorized by its existing permit or authorization to operate. Modifications shall be classified as Class 1, 2, or 3 modifications in accordance with rules adopted under division (K) of this section. Modifications classified as Class 3 modifications, in accordance with rules adopted under that division, shall be further classified by the director as either Class 3 modifications that are to be approved or disapproved by the director under divisions (I) (3) (a) to (d) of this section or as Class 3 modifications that are to be approved or disapproved by the director under division (I) (5) of this section. Not later than thirty days after receiving a request for a modification under division (I) (4) of this section that is not listed in Appendix I to 40 C.F.R. 270.42 or in rules adopted under division (K) of this section, the director shall classify the modification and shall notify the owner or operator of the facility requesting the modification of the classification. Notwithstanding any other law to the contrary, a modification that involves the transfer of a hazardous waste facility installation and operation permit to a new owner or operator for any off-site facility as defined in section 3734.41 of the Revised Code shall be classified as a Class 3 modification. The transfer of a hazardous waste facility installation and operation permit to a new owner or operator for a facility that is not an off-site facility shall be classified as a Class 1 modification requiring prior approval of the director.

(2) Except as provided in section 3734.123 of the Revised Code, a hazardous waste facility installation and operation permit may be modified at the request of the director or upon

the written request of the permittee only if any of the 75451  
following applies: 75452

(a) The permittee desires to accomplish alterations, 75453  
additions, or deletions to the permitted facility or to 75454  
undertake alterations, additions, deletions, or activities that 75455  
are inconsistent with or not authorized by the existing permit; 75456

(b) New information or data justify permit conditions in 75457  
addition to or different from those in the existing permit; 75458

(c) The standards, criteria, or rules upon which the 75459  
existing permit is based have been changed by new, amended, or 75460  
rescinded standards, criteria, or rules, or by judicial decision 75461  
after the existing permit was issued, and the change justifies 75462  
permit conditions in addition to or different from those in the 75463  
existing permit; 75464

(d) The permittee proposes to transfer the permit to 75465  
another person. 75466

(3) The director shall approve or disapprove an 75467  
application for a modification in accordance with division (D) 75468  
(2) of this section and rules adopted under division (K) of this 75469  
section for all of the following categories of Class 3 75470  
modifications: 75471

(a) Authority to conduct treatment, storage, or disposal 75472  
at a site, location, or tract of land that has not been 75473  
authorized for the proposed category of treatment, storage, or 75474  
disposal activity by the facility's permit; 75475

(b) Modification or addition of a hazardous waste 75476  
management unit, as defined in rules adopted under section 75477  
3734.12 of the Revised Code, that results in an increase in a 75478  
facility's storage capacity of more than twenty-five per cent 75479

over the capacity authorized by the facility's permit, an 75480  
increase in a facility's treatment rate of more than twenty-five 75481  
per cent over the rate so authorized, or an increase in a 75482  
facility's disposal capacity over the capacity so authorized. 75483  
The authorized disposal capacity for a facility shall be 75484  
calculated from the approved design plans for the disposal units 75485  
at that facility. In no case during a five-year period shall a 75486  
facility's storage capacity or treatment rate be modified to 75487  
increase by more than twenty-five per cent in the aggregate 75488  
without the director's approval in accordance with division (D) 75489  
(2) of this section. Notwithstanding any provision of division 75490  
(I) of this section to the contrary, a request for modification 75491  
of a facility's annual total waste receipt limit shall be 75492  
classified and approved or disapproved by the director under 75493  
division (I) (5) of this section. 75494

(c) Authority to add any of the following categories of 75495  
regulated activities not previously authorized at a facility by 75496  
the facility's permit: storage at a facility not previously 75497  
authorized to store hazardous waste, treatment at a facility not 75498  
previously authorized to treat hazardous waste, or disposal at a 75499  
facility not previously authorized to dispose of hazardous 75500  
waste; or authority to add a category of hazardous waste 75501  
management unit not previously authorized at the facility by the 75502  
facility's permit. Notwithstanding any provision of division (I) 75503  
of this section to the contrary, a request for authority to add 75504  
or to modify an activity or a hazardous waste management unit 75505  
for the purposes of performing a corrective action shall be 75506  
classified and approved or disapproved by the director under 75507  
division (I) (5) of this section. 75508

(d) Authority to treat, store, or dispose of waste types 75509  
listed or characterized as reactive or explosive, in rules 75510

adopted under section 3734.12 of the Revised Code, or any acute hazardous waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not previously authorized to treat, store, or dispose of those types of wastes by the facility's permit unless the requested authority is limited to wastes that no longer exhibit characteristics meeting the criteria for listing or characterization as reactive or explosive wastes, or for listing as acute hazardous waste, but still are required to carry those waste codes as established in rules adopted under section 3734.12 of the Revised Code because of the requirements established in 40 C.F.R. 261(a) and (e), as amended, that is, the "mixture," "derived-from," or "contained-in" regulations.

(4) A written request for a modification from the permittee shall be submitted to the director and shall contain such information as is necessary to support the request. Requests for modifications shall be acted upon by the director in accordance with this section and rules adopted under it.

(5) Class 1 modification applications that require prior approval of the director, as provided in division (I)(1) of this section or as determined in accordance with rules adopted under division (K) of this section, Class 2 modification applications, and Class 3 modification applications that are not described in divisions (I)(3)(a) to (d) of this section shall be approved or disapproved by the director in accordance with rules adopted under division (K) of this section. The board of county commissioners of the county, the board of township trustees of the township, and the city manager or mayor of the municipal corporation in which a hazardous waste facility is located shall receive notification of any application for a modification for that facility and shall be considered as interested persons with respect to the director's consideration of the application.

As used in division (I) of this section: 75542

(a) "Owner" means the person who owns a majority or 75543  
controlling interest in a facility. 75544

(b) "Operator" means the person who is responsible for the 75545  
overall operation of a facility. 75546

The director shall approve or disapprove an application 75547  
for a Class 1 modification that requires the director's approval 75548  
within sixty days after receiving the request for modification. 75549  
The director shall approve or disapprove an application for a 75550  
Class 2 modification within three hundred days after receiving 75551  
the request for modification. The director shall approve or 75552  
disapprove an application for a Class 3 modification within 75553  
three hundred sixty-five days after receiving the request for 75554  
modification. 75555

(6) The approval or disapproval by the director of a Class 75556  
1 modification application is not a final action that is 75557  
appealable under Chapter 3745. of the Revised Code. The approval 75558  
or disapproval by the director of a Class 2 modification or a 75559  
Class 3 modification is a final action that is appealable under 75560  
that chapter. In approving or disapproving a request for a 75561  
modification, the director shall consider all comments 75562  
pertaining to the request that are received during the public 75563  
comment period and the public meetings. The administrative 75564  
record for appeal of a final action by the director in approving 75565  
or disapproving a request for a modification shall include all 75566  
comments received during the public comment period relating to 75567  
the request for modification, written materials submitted at the 75568  
public meetings relating to the request, and any other documents 75569  
related to the director's action. 75570

(7) Notwithstanding any other provision of law to the contrary, a change or alteration to a hazardous waste facility described in division (E) (3) (a) or (b) of section 3734.02 of the Revised Code, or its operations, is a modification for the purposes of this section. An application for a modification at such a facility shall be submitted, classified, and approved or disapproved in accordance with divisions (I) (1) to (6) of this section in the same manner as a modification to a hazardous waste facility installation and operation permit.

(J) (1) Except as provided in division (J) (2) of this section, an owner or operator of a hazardous waste facility that is operating in accordance with a permit by rule under rules adopted by the director under division (E) (3) (b) of section 3734.02 of the Revised Code shall submit either a hazardous waste facility installation and operation permit application for the facility or a modification application, whichever is required under division (J) (1) (a) or (b) of this section, within one hundred eighty days after the director has requested the application or upon a later date if the owner or operator demonstrates to the director good cause for the late submittal.

(a) If the owner or operator does not have a hazardous waste facility installation and operation permit for any hazardous waste treatment, storage, or disposal activities at the facility, the owner or operator shall submit an application for such a permit to the director for the activities authorized by the permit by rule. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the application for the permit in accordance with the procedures governing the approval or disapproval of permit renewals under division (H) of this section.

(b) If the owner or operator has a hazardous waste facility installation and operation permit for hazardous waste treatment, storage, or disposal activities at the facility other than those authorized by the permit by rule, the owner or operator shall submit to the director a request for modification in accordance with division (I) of this section. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the modification application in accordance with division (I)(5) of this section.

(2) The owner or operator of a boiler or industrial furnace that is conducting thermal treatment activities in accordance with a permit by rule under rules adopted by the director under division (E)(3)(b) of section 3734.02 of the Revised Code shall submit a hazardous waste facility installation and operation permit application if the owner or operator does not have such a permit for any hazardous waste treatment, storage, or disposal activities at the facility or, if the owner or operator has such a permit for hazardous waste treatment, storage, or disposal activities at the facility other than thermal treatment activities authorized by the permit by rule, a modification application to add those activities authorized by the permit by rule, whichever is applicable, within one hundred eighty days after the director has requested the submission of the application or upon a later date if the owner or operator demonstrates to the director good cause for the late submittal. The application shall be accompanied by information necessary to support the request. The director shall approve or disapprove an application for a hazardous waste facility installation and operation permit in accordance with division (D) of this section and approve or disapprove an application for a modification in accordance with division (I)



(3) of this section, except that the director shall not 75632  
disapprove an application for the thermal treatment activities 75633  
on the basis of the criteria set forth in division (D) (2) (g) or 75634  
(h) of this section. 75635

(3) As used in division (J) of this section: 75636

(a) "Modification application" means a request for a 75637  
modification submitted in accordance with division (I) of this 75638  
section. 75639

(b) "Thermal treatment," "boiler," and "industrial 75640  
furnace" have the same meanings as in rules adopted under 75641  
section 3734.12 of the Revised Code. 75642

(K) The director shall adopt, and may amend, suspend, or 75643  
rescind, rules in accordance with Chapter 119. of the Revised 75644  
Code in order to implement divisions (H) and (I) of this 75645  
section. Except when in actual conflict with this section, rules 75646  
governing the classification of and procedures for the 75647  
modification of hazardous waste facility installation and 75648  
operation permits shall be substantively and procedurally 75649  
identical to the regulations governing hazardous waste facility 75650  
permitting and permit modifications adopted under the "Resource 75651  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 75652  
U.S.C.A. 6921, as amended. 75653

**Sec. 3734.57.** (A) The following fees are hereby levied on 75654  
the transfer or disposal of solid wastes in this state: 75655

(1) Seventy-one cents per ton through June 30, ~~2026~~2028, 75656  
eleven cents of the proceeds of which shall be deposited in the 75657  
state treasury to the credit of the hazardous waste facility 75658  
management fund created in section 3734.18 of the Revised Code 75659  
and sixty cents of the proceeds of which shall be deposited in 75660

the state treasury to the credit of the hazardous waste clean-up fund created in section 3734.28 of the Revised Code; 75661  
75662

(2) An additional ninety cents per ton through June 30, 2026~~2028~~, the proceeds of which shall be deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code; 75663  
75664  
75665  
75666

(3) An additional two dollars and eighty-one cents per ton through June 30, ~~2026~~2028, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection fund created in section 3745.015 of the Revised Code; 75667  
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(4) An additional twenty-five cents per ton through June 30, ~~2026~~2028, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code; 75672  
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(5) An additional eight cents per ton through June 30, ~~2026~~2028, the proceeds of which shall be deposited in the state treasury to the credit of the national priority list remedial support fund created in section 3734.579 of the Revised Code. 75677  
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In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a transfer facility shall equal the total tonnage of solid wastes received at the facility multiplied by the fees levied under 75681  
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75689

this division. In the case of solid wastes that are not taken to 75690  
a solid waste transfer facility located in this state prior to 75691  
being transported to a solid waste disposal facility, the fees 75692  
shall be collected by the owner or operator of the solid waste 75693  
disposal facility as a trustee for the state. The amount of fees 75694  
required to be collected under this division at such a disposal 75695  
facility shall equal the total tonnage of solid wastes received 75696  
at the facility that was not previously taken to a solid waste 75697  
transfer facility located in this state multiplied by the fees 75698  
levied under this division. Fees levied under this division do 75699  
not apply to materials separated from a mixed waste stream for 75700  
recycling by a generator or materials removed from the solid 75701  
waste stream through recycling, as "recycling" is defined in 75702  
rules adopted under section 3734.02 of the Revised Code. 75703

The owner or operator of a solid waste transfer facility 75704  
or disposal facility, as applicable, shall prepare and file with 75705  
the director of environmental protection each month a return 75706  
indicating the total tonnage of solid wastes received at the 75707  
facility during that month and the total amount of the fees 75708  
required to be collected under this division during that month. 75709  
In addition, the owner or operator of a solid waste disposal 75710  
facility shall indicate on the return the total tonnage of solid 75711  
wastes received from transfer facilities located in this state 75712  
during that month for which the fees were required to be 75713  
collected by the transfer facilities. The monthly returns shall 75714  
be filed on a form prescribed by the director. Not later than 75715  
thirty days after the last day of the month to which a return 75716  
applies, the owner or operator shall mail to the director the 75717  
return for that month together with the fees required to be 75718  
collected under this division during that month as indicated on 75719  
the return or may submit the return and fees electronically in a 75720

manner approved by the director. If the return is filed and the amount of the fees due is paid in a timely manner as required in this division, the owner or operator may retain a discount of three-fourths of one per cent of the total amount of the fees that are required to be paid as indicated on the return.

The owner or operator may request an extension of not more than thirty days for filing the return and remitting the fees, provided that the owner or operator has submitted such a request in writing to the director together with a detailed description of why the extension is requested, the director has received the request not later than the day on which the return is required to be filed, and the director has approved the request. If the fees are not remitted within thirty days after the last day of the month to which the return applies or are not remitted by the last day of an extension approved by the director, the owner or operator shall not retain the three-fourths of one per cent discount and shall pay an additional ten per cent of the amount of the fees for each month that they are late. For purposes of calculating the late fee, the first month in which fees are late begins on the first day after the deadline has passed for timely submitting the return and fees, and one additional month shall be counted every thirty days thereafter.

The owner or operator of a solid waste facility may request a refund or credit of fees levied under this division and remitted to the director that have not been paid to the owner or operator. Such a request shall be made only if the fees have not been collected by the owner or operator, have become a debt that has become worthless or uncollectable for a period of six months or more, and may be claimed as a deduction, including a deduction claimed if the owner or operator keeps accounts on an accrual basis, under the "Internal Revenue Code of 1954," 68A

Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted 75752  
under it. Prior to making a request for a refund or credit, an 75753  
owner or operator shall make reasonable efforts to collect the 75754  
applicable fees. A request for a refund or credit shall not 75755  
include any costs resulting from those efforts to collect unpaid 75756  
fees. 75757

A request for a refund or credit of fees shall be made in 75758  
writing, on a form prescribed by the director, and shall be 75759  
supported by evidence that may be required in rules adopted by 75760  
the director under this chapter. After reviewing the request, 75761  
and if the request and evidence submitted with the request 75762  
indicate that a refund or credit is warranted, the director 75763  
shall grant a refund to the owner or operator or shall permit a 75764  
credit to be taken by the owner or operator on a subsequent 75765  
monthly return submitted by the owner or operator. The amount of 75766  
a refund or credit shall not exceed an amount that is equal to 75767  
ninety days' worth of fees owed to an owner or operator by a 75768  
particular debtor of the owner or operator. A refund or credit 75769  
shall not be granted by the director to an owner or operator 75770  
more than once in any twelve-month period for fees owed to the 75771  
owner or operator by a particular debtor. 75772

If, after receiving a refund or credit from the director, 75773  
an owner or operator receives payment of all or part of the 75774  
fees, the owner or operator shall remit the fees with the next 75775  
monthly return submitted to the director together with a written 75776  
explanation of the reason for the submittal. 75777

For purposes of computing the fees levied under this 75778  
division or division (B) of this section, any solid waste 75779  
transfer or disposal facility that does not use scales as a 75780  
means of determining gate receipts shall use a conversion factor 75781

of three cubic yards per ton of solid waste or one cubic yard 75782  
per ton for baled waste, as applicable. 75783

The fees levied under this division and divisions (B) and 75784  
(C) of this section are in addition to all other applicable fees 75785  
and taxes and shall be paid by the customer or a political 75786  
subdivision to the owner or operator of a solid waste transfer 75787  
or disposal facility. In the alternative, the fees shall be paid 75788  
by a customer or political subdivision to a transporter of waste 75789  
who subsequently transfers the fees to the owner or operator of 75790  
such a facility. The fees shall be paid notwithstanding the 75791  
existence of any provision in a contract that the customer or a 75792  
political subdivision may have with the owner or operator or 75793  
with a transporter of waste to the facility that would not 75794  
require or allow such payment regardless of whether the contract 75795  
was entered prior to or after October 16, 2009. For those 75796  
purposes, "customer" means a person who contracts with, or 75797  
utilizes the solid waste services of, the owner or operator of a 75798  
solid waste transfer or disposal facility or a transporter of 75799  
solid waste to such a facility. 75800

(B) For the purposes specified in division (G) of this 75801  
section, the solid waste management policy committee of a county 75802  
or joint solid waste management district may levy fees upon the 75803  
following activities: 75804

(1) The disposal at a solid waste disposal facility 75805  
located in the district of solid wastes generated within the 75806  
district; 75807

(2) The disposal at a solid waste disposal facility within 75808  
the district of solid wastes generated outside the boundaries of 75809  
the district, but inside this state; 75810

(3) The disposal at a solid waste disposal facility within 75811  
the district of solid wastes generated outside the boundaries of 75812  
this state. 75813

The solid waste management plan of the county or joint 75814  
district approved under section 3734.521 or 3734.55 of the 75815  
Revised Code and any amendments to it, or the resolution adopted 75816  
under this division, as appropriate, shall establish the rates 75817  
of the fees levied under divisions (B) (1), (2), and (3) of this 75818  
section, if any, and shall specify whether the fees are levied 75819  
on the basis of tons or cubic yards as the unit of measurement. 75820  
A solid waste management district that levies fees under this 75821  
division on the basis of cubic yards shall do so in accordance 75822  
with division (A) of this section. 75823

The fee levied under division (B) (1) of this section shall 75824  
be not less than one dollar per ton nor more than two dollars 75825  
per ton, the fee levied under division (B) (2) of this section 75826  
shall be not less than two dollars per ton nor more than four 75827  
dollars per ton, and the fee levied under division (B) (3) of 75828  
this section shall be not more than the fee levied under 75829  
division (B) (1) of this section. 75830

Prior to the approval of the solid waste management plan 75831  
of a district under section 3734.55 of the Revised Code, the 75832  
solid waste management policy committee of a district may levy 75833  
fees under this division by adopting a resolution establishing 75834  
the proposed amount of the fees. Upon adopting the resolution, 75835  
the committee shall deliver a copy of the resolution to the 75836  
board of county commissioners of each county forming the 75837  
district and to the legislative authority of each municipal 75838  
corporation and township under the jurisdiction of the district 75839  
and shall prepare and publish the resolution and a notice of the 75840

time and location where a public hearing on the fees will be 75841  
held. Upon adopting the resolution, the committee shall deliver 75842  
written notice of the adoption of the resolution; of the amount 75843  
of the proposed fees; and of the date, time, and location of the 75844  
public hearing to the director and to the fifty industrial, 75845  
commercial, or institutional generators of solid wastes within 75846  
the district that generate the largest quantities of solid 75847  
wastes, as determined by the committee, and to their local trade 75848  
associations. The committee shall make good faith efforts to 75849  
identify those generators within the district and their local 75850  
trade associations, but the nonprovision of notice under this 75851  
division to a particular generator or local trade association 75852  
does not invalidate the proceedings under this division. The 75853  
publication shall occur at least thirty days before the hearing. 75854  
After the hearing, the committee may make such revisions to the 75855  
proposed fees as it considers appropriate and thereafter, by 75856  
resolution, shall adopt the revised fee schedule. Upon adopting 75857  
the revised fee schedule, the committee shall deliver a copy of 75858  
the resolution doing so to the board of county commissioners of 75859  
each county forming the district and to the legislative 75860  
authority of each municipal corporation and township under the 75861  
jurisdiction of the district. Within sixty days after the 75862  
delivery of a copy of the resolution adopting the proposed 75863  
revised fees by the policy committee, each such board and 75864  
legislative authority, by ordinance or resolution, shall approve 75865  
or disapprove the revised fees and deliver a copy of the 75866  
ordinance or resolution to the committee. If any such board or 75867  
legislative authority fails to adopt and deliver to the policy 75868  
committee an ordinance or resolution approving or disapproving 75869  
the revised fees within sixty days after the policy committee 75870  
delivered its resolution adopting the proposed revised fees, it 75871  
shall be conclusively presumed that the board or legislative 75872



authority has approved the proposed revised fees. The committee 75873  
shall determine if the resolution has been ratified in the same 75874  
manner in which it determines if a draft solid waste management 75875  
plan has been ratified under division (B) of section 3734.55 of 75876  
the Revised Code. 75877

The committee may amend the schedule of fees levied 75878  
pursuant to a resolution adopted and ratified under this 75879  
division by adopting a resolution establishing the proposed 75880  
amount of the amended fees. The committee may repeal the fees 75881  
levied pursuant to such a resolution by adopting a resolution 75882  
proposing to repeal them. Upon adopting such a resolution, the 75883  
committee shall proceed to obtain ratification of the resolution 75884  
in accordance with this division. 75885

Not later than fourteen days after declaring the new fees 75886  
to be ratified or the fees to be repealed under this division, 75887  
the committee shall notify by certified mail the owner or 75888  
operator of each solid waste disposal facility that is required 75889  
to collect the fees of the ratification and the amount of the 75890  
fees or of the repeal of the fees. Collection of any fees shall 75891  
commence or collection of repealed fees shall cease on the first 75892  
day of the second month following the month in which 75893  
notification is sent to the owner or operator. 75894

Fees levied under this division also may be established, 75895  
amended, or repealed by a solid waste management policy 75896  
committee through the adoption of a new district solid waste 75897  
management plan, the adoption of an amended plan, or the 75898  
amendment of the plan or amended plan in accordance with 75899  
sections 3734.55 and 3734.56 of the Revised Code or the adoption 75900  
or amendment of a district plan in connection with a change in 75901  
district composition under section 3734.521 of the Revised Code. 75902

Not later than fourteen days after the director issues an order approving a district's solid waste management plan, amended plan, or amendment to a plan or amended plan that establishes, amends, or repeals a schedule of fees levied by the district, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees of the approval of the plan or amended plan, or the amendment to the plan, as appropriate, and the amount of the fees, if any. In the case of an initial or amended plan approved under section 3734.521 of the Revised Code in connection with a change in district composition, other than one involving the withdrawal of a county from a joint district, the committee, within fourteen days after the change takes effect pursuant to division (G) of that section, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees that the change has taken effect and of the amount of the fees, if any. Collection of any fees shall commence or collection of repealed fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

If, in the case of a change in district composition involving the withdrawal of a county from a joint district, the director completes the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code, as appropriate, forty-five days or more before the beginning of a calendar year, the policy committee of each of the districts resulting from the change that obtained the director's approval of an initial or amended plan in connection with the change, within fourteen days after the director's completion of the required actions, shall notify by certified mail the owner or operator of each solid

waste disposal facility that is required to collect the 75934  
district's fees that the change is to take effect on the first 75935  
day of January immediately following the issuance of the notice 75936  
and of the amount of the fees or amended fees levied under 75937  
divisions (B) (1) to (3) of this section pursuant to the 75938  
district's initial or amended plan as so approved or, if 75939  
appropriate, the repeal of the district's fees by that initial 75940  
or amended plan. Collection of any fees set forth in such a plan 75941  
or amended plan shall commence on the first day of January 75942  
immediately following the issuance of the notice. If such an 75943  
initial or amended plan repeals a schedule of fees, collection 75944  
of the fees shall cease on that first day of January. 75945

If, in the case of a change in district composition 75946  
involving the withdrawal of a county from a joint district, the 75947  
director completes the actions required under division (G) (1) or 75948  
(3) of section 3734.521 of the Revised Code, as appropriate, 75949  
less than forty-five days before the beginning of a calendar 75950  
year, the director, on behalf of each of the districts resulting 75951  
from the change that obtained the director's approval of an 75952  
initial or amended plan in connection with the change 75953  
proceedings, shall notify by certified mail the owner or 75954  
operator of each solid waste disposal facility that is required 75955  
to collect the district's fees that the change is to take effect 75956  
on the first day of January immediately following the mailing of 75957  
the notice and of the amount of the fees or amended fees levied 75958  
under divisions (B) (1) to (3) of this section pursuant to the 75959  
district's initial or amended plan as so approved or, if 75960  
appropriate, the repeal of the district's fees by that initial 75961  
or amended plan. Collection of any fees set forth in such a plan 75962  
or amended plan shall commence on the first day of the second 75963  
month following the month in which notification is sent to the 75964

owner or operator. If such an initial or amended plan repeals a  
schedule of fees, collection of the fees shall cease on the  
first day of the second month following the month in which  
notification is sent to the owner or operator.

If the schedule of fees that a solid waste management  
district is levying under divisions (B) (1) to (3) of this  
section is amended or repealed, the fees in effect immediately  
prior to the amendment or repeal shall continue to be collected  
until collection of the amended fees commences or collection of  
the repealed fees ceases, as applicable, as specified in this  
division. In the case of a change in district composition, money  
so received from the collection of the fees of the former  
districts shall be divided among the resulting districts in  
accordance with division (B) of section 343.012 of the Revised  
Code and the agreements entered into under division (B) of  
section 343.01 of the Revised Code to establish the former and  
resulting districts and any amendments to those agreements.

For the purposes of the provisions of division (B) of this  
section establishing the times when newly established or amended  
fees levied by a district are required to commence and the  
collection of fees that have been amended or repealed is  
required to cease, "fees" or "schedule of fees" includes, in  
addition to fees levied under divisions (B) (1) to (3) of this  
section, those levied under section 3734.573 or 3734.574 of the  
Revised Code.

(C) For the purposes of defraying the added costs to a  
municipal corporation or township of maintaining roads and other  
public facilities and of providing emergency and other public  
services, and compensating a municipal corporation or township  
for reductions in real property tax revenues due to reductions

in real property valuations resulting from the location and 75995  
operation of a solid waste disposal facility within the 75996  
municipal corporation or township, a municipal corporation or 75997  
township in which such a solid waste disposal facility is 75998  
located may levy a fee of not more than twenty-five cents per 75999  
ton on the disposal of solid wastes at a solid waste disposal 76000  
facility located within the boundaries of the municipal 76001  
corporation or township regardless of where the wastes were 76002  
generated. 76003

The legislative authority of a municipal corporation or 76004  
township may levy fees under this division by enacting an 76005  
ordinance or adopting a resolution establishing the amount of 76006  
the fees. Upon so doing the legislative authority shall mail a 76007  
certified copy of the ordinance or resolution to the board of 76008  
county commissioners or directors of the county or joint solid 76009  
waste management district in which the municipal corporation or 76010  
township is located or, if a regional solid waste management 76011  
authority has been formed under section 343.011 of the Revised 76012  
Code, to the board of trustees of that regional authority, the 76013  
owner or operator of each solid waste disposal facility in the 76014  
municipal corporation or township that is required to collect 76015  
the fee by the ordinance or resolution, and the director of 76016  
environmental protection. Although the fees levied under this 76017  
division are levied on the basis of tons as the unit of 76018  
measurement, the legislative authority, in its ordinance or 76019  
resolution levying the fees under this division, may direct that 76020  
the fees be levied on the basis of cubic yards as the unit of 76021  
measurement based upon a conversion factor of three cubic yards 76022  
per ton generally or one cubic yard per ton for baled wastes. 76023

Not later than five days after enacting an ordinance or 76024  
adopting a resolution under this division, the legislative 76025

authority shall so notify by certified mail the owner or 76026  
operator of each solid waste disposal facility that is required 76027  
to collect the fee. Collection of any fee levied on or after 76028  
March 24, 1992, shall commence on the first day of the second 76029  
month following the month in which notification is sent to the 76030  
owner or operator. 76031

(D) (1) The fees levied under divisions (A), (B), and (C) 76032  
of this section do not apply to the disposal of solid wastes 76033  
that: 76034

(a) Are disposed of at a facility owned by the generator 76035  
of the wastes when the solid waste facility exclusively disposes 76036  
of solid wastes generated at one or more premises owned by the 76037  
generator regardless of whether the facility is located on a 76038  
premises where the wastes are generated; 76039

(b) Are generated from the combustion of coal, or from the 76040  
combustion of primarily coal, regardless of whether the disposal 76041  
facility is located on the premises where the wastes are 76042  
generated; 76043

(c) Are asbestos or asbestos-containing materials or 76044  
products disposed of at a construction and demolition debris 76045  
facility that is licensed under Chapter 3714. of the Revised 76046  
Code or at a solid waste facility that is licensed under this 76047  
chapter. 76048

(2) Except as provided in section 3734.571 of the Revised 76049  
Code, any fees levied under division (B) (1) of this section 76050  
apply to solid wastes originating outside the boundaries of a 76051  
county or joint district that are covered by an agreement for 76052  
the joint use of solid waste facilities entered into under 76053  
section 343.02 of the Revised Code by the board of county 76054

commissioners or board of directors of the county or joint 76055  
district where the wastes are generated and disposed of. 76056

(3) When solid wastes, other than solid wastes that 76057  
consist of scrap tires, are burned in a disposal facility that 76058  
is an incinerator or energy recovery facility, the fees levied 76059  
under divisions (A), (B), and (C) of this section shall be 76060  
levied upon the disposal of the fly ash and bottom ash remaining 76061  
after burning of the solid wastes and shall be collected by the 76062  
owner or operator of the sanitary landfill where the ash is 76063  
disposed of. 76064

(4) When solid wastes are delivered to a solid waste 76065  
transfer facility, the fees levied under divisions (B) and (C) 76066  
of this section shall be levied upon the disposal of solid 76067  
wastes transported off the premises of the transfer facility for 76068  
disposal and shall be collected by the owner or operator of the 76069  
solid waste disposal facility where the wastes are disposed of. 76070

(5) The fees levied under divisions (A), (B), and (C) of 76071  
this section do not apply to sewage sludge that is generated by 76072  
a waste water treatment facility holding a national pollutant 76073  
discharge elimination system permit and that is disposed of 76074  
through incineration, land application, or composting or at 76075  
another resource recovery or disposal facility that is not a 76076  
landfill. 76077

(6) The fees levied under divisions (A), (B), and (C) of 76078  
this section do not apply to solid wastes delivered to a solid 76079  
waste composting facility for processing. When any unprocessed 76080  
solid waste or compost product is transported off the premises 76081  
of a composting facility and disposed of at a landfill, the fees 76082  
levied under divisions (A), (B), and (C) of this section shall 76083  
be collected by the owner or operator of the landfill where the 76084

unprocessed waste or compost product is disposed of. 76085

(7) When solid wastes that consist of scrap tires are 76086  
processed at a scrap tire recovery facility, the fees levied 76087  
under divisions (A), (B), and (C) of this section shall be 76088  
levied upon the disposal of the fly ash and bottom ash or other 76089  
solid wastes remaining after the processing of the scrap tires 76090  
and shall be collected by the owner or operator of the solid 76091  
waste disposal facility where the ash or other solid wastes are 76092  
disposed of. 76093

(8) The director of environmental protection may issue an 76094  
order exempting from the fees levied under this section solid 76095  
wastes, including, but not limited to, scrap tires, that are 76096  
generated, transferred, or disposed of as a result of a contract 76097  
providing for the expenditure of public funds entered into by 76098  
the administrator or regional administrator of the United States 76099  
environmental protection agency, the director of environmental 76100  
protection, or the director of administrative services on behalf 76101  
of the director of environmental protection for the purpose of 76102  
remediating conditions at a hazardous waste facility, solid 76103  
waste facility, or other location at which the administrator or 76104  
regional administrator or the director of environmental 76105  
protection has reason to believe that there is a substantial 76106  
threat to public health or safety or the environment or that the 76107  
conditions are causing or contributing to air or water pollution 76108  
or soil contamination. An order issued by the director of 76109  
environmental protection under division (D) (8) of this section 76110  
shall include a determination that the amount of the fees not 76111  
received by a solid waste management district as a result of the 76112  
order will not adversely impact the implementation and financing 76113  
of the district's approved solid waste management plan and any 76114  
approved amendments to the plan. Such an order is a final action 76115



of the director of environmental protection. 76116

(E) The fees levied under divisions (B) and (C) of this 76117  
section shall be collected by the owner or operator of the solid 76118  
waste disposal facility where the wastes are disposed of as a 76119  
trustee for the county or joint district and municipal 76120  
corporation or township where the wastes are disposed of. Moneys 76121  
from the fees levied under division (B) of this section shall be 76122  
forwarded to the board of county commissioners or board of 76123  
directors of the district in accordance with rules adopted under 76124  
division (H) of this section. Moneys from the fees levied under 76125  
division (C) of this section shall be forwarded to the treasurer 76126  
or such other officer of the municipal corporation as, by virtue 76127  
of the charter, has the duties of the treasurer or to the fiscal 76128  
officer of the township, as appropriate, in accordance with 76129  
those rules. 76130

(F) Moneys received by the treasurer or other officer of 76131  
the municipal corporation under division (E) of this section 76132  
shall be paid into the general fund of the municipal 76133  
corporation. Moneys received by the fiscal officer of the 76134  
township under that division shall be paid into the general fund 76135  
of the township. The treasurer or other officer of the municipal 76136  
corporation or the township fiscal officer, as appropriate, 76137  
shall maintain separate records of the moneys received from the 76138  
fees levied under division (C) of this section. 76139

(G) Moneys received by the board of county commissioners 76140  
or board of directors under division (E) of this section or 76141  
section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised 76142  
Code shall be paid to the county treasurer, or other official 76143  
acting in a similar capacity under a county charter, in a county 76144  
district or to the county treasurer or other official designated 76145

by the board of directors in a joint district and kept in a 76146  
separate and distinct fund to the credit of the district. If a 76147  
regional solid waste management authority has been formed under 76148  
section 343.011 of the Revised Code, moneys received by the 76149  
board of trustees of that regional authority under division (E) 76150  
of this section shall be kept by the board in a separate and 76151  
distinct fund to the credit of the district. Moneys in the 76152  
special fund of the county or joint district arising from the 76153  
fees levied under division (B) of this section and the fee 76154  
levied under division (A) of section 3734.573 of the Revised 76155  
Code shall be expended by the board of county commissioners or 76156  
directors of the district in accordance with the district's 76157  
solid waste management plan or amended plan approved under 76158  
section 3734.521, 3734.55, or 3734.56 of the Revised Code 76159  
exclusively for the following purposes: 76160

(1) Preparation of the solid waste management plan of the 76161  
district under section 3734.54 of the Revised Code, monitoring 76162  
implementation of the plan, and conducting the periodic review 76163  
and amendment of the plan required by section 3734.56 of the 76164  
Revised Code by the solid waste management policy committee; 76165

(2) Implementation of the approved solid waste management 76166  
plan or amended plan of the district, including, without 76167  
limitation, the development and implementation of solid waste 76168  
recycling or reduction programs; 76169

(3) Providing financial assistance to boards of health 76170  
within the district, if solid waste facilities are located 76171  
within the district, for enforcement of this chapter and rules, 76172  
orders, and terms and conditions of permits, licenses, and 76173  
variances adopted or issued under it, other than the hazardous 76174  
waste provisions of this chapter and rules adopted and orders 76175

and terms and conditions of permits issued under those 76176  
provisions; 76177

(4) Providing financial assistance to each county within 76178  
the district to defray the added costs of maintaining roads and 76179  
other public facilities and of providing emergency and other 76180  
public services resulting from the location and operation of a 76181  
solid waste facility within the county under the district's 76182  
approved solid waste management plan or amended plan; 76183

(5) Pursuant to contracts entered into with boards of 76184  
health within the district, if solid waste facilities contained 76185  
in the district's approved plan or amended plan are located 76186  
within the district, for paying the costs incurred by those 76187  
boards of health for collecting and analyzing samples from 76188  
public or private water wells on lands adjacent to those 76189  
facilities; 76190

(6) Developing and implementing a program for the 76191  
inspection of solid wastes generated outside the boundaries of 76192  
this state that are disposed of at solid waste facilities 76193  
included in the district's approved solid waste management plan 76194  
or amended plan; 76195

(7) Providing financial assistance to boards of health 76196  
within the district for the enforcement of section 3734.03 of 76197  
the Revised Code or to local law enforcement agencies having 76198  
jurisdiction within the district for enforcing anti-littering 76199  
laws and ordinances; 76200

(8) Providing financial assistance to boards of health of 76201  
health districts within the district that are on the approved 76202  
list under section 3734.08 of the Revised Code to defray the 76203  
costs to the health districts for the participation of their 76204

employees responsible for enforcement of the solid waste 76205  
provisions of this chapter and rules adopted and orders and 76206  
terms and conditions of permits, licenses, and variances issued 76207  
under those provisions in the training and certification program 76208  
as required by rules adopted under division (L) of section 76209  
3734.02 of the Revised Code; 76210

(9) Providing financial assistance to individual municipal 76211  
corporations and townships within the district to defray their 76212  
added costs of maintaining roads and other public facilities and 76213  
of providing emergency and other public services resulting from 76214  
the location and operation within their boundaries of a 76215  
composting, energy or resource recovery, incineration, or 76216  
recycling facility that either is owned by the district or is 76217  
furnishing solid waste management facility or recycling services 76218  
to the district pursuant to a contract or agreement with the 76219  
board of county commissioners or directors of the district; 76220

(10) Payment of any expenses that are agreed to, awarded, 76221  
or ordered to be paid under section 3734.35 of the Revised Code 76222  
and of any administrative costs incurred pursuant to that 76223  
section. In the case of a joint solid waste management district, 76224  
if the board of county commissioners of one of the counties in 76225  
the district is negotiating on behalf of affected communities, 76226  
as defined in that section, in that county, the board shall 76227  
obtain the approval of the board of directors of the district in 76228  
order to expend moneys for administrative costs incurred. 76229

Prior to the approval of the district's solid waste 76230  
management plan under section 3734.55 of the Revised Code, 76231  
moneys in the special fund of the district arising from the fees 76232  
shall be expended for those purposes in the manner prescribed by 76233  
the solid waste management policy committee by resolution. 76234

Notwithstanding division (G) (6) of this section as it 76235  
existed prior to October 29, 1993, or any provision in a 76236  
district's solid waste management plan prepared in accordance 76237  
with division (B) (2) (e) of section 3734.53 of the Revised Code 76238  
as it existed prior to that date, any moneys arising from the 76239  
fees levied under division (B) (3) of this section prior to 76240  
January 1, 1994, may be expended for any of the purposes 76241  
authorized in divisions (G) (1) to (10) of this section. 76242

(H) The director shall adopt rules in accordance with 76243  
Chapter 119. of the Revised Code prescribing procedures for 76244  
collecting and forwarding the fees levied under divisions (B) 76245  
and (C) of this section to the boards of county commissioners or 76246  
directors of county or joint solid waste management districts 76247  
and to the treasurers or other officers of municipal 76248  
corporations and the fiscal officers of townships. The rules 76249  
also shall prescribe the dates for forwarding the fees to the 76250  
boards and officials and may prescribe any other requirements 76251  
the director considers necessary or appropriate to implement and 76252  
administer divisions (A), (B), and (C) of this section. 76253

**Sec. 3734.79.** (A) Except as provided in division (B) of 76254  
this section, each application for a permit submitted under 76255  
sections 3734.76 to 3734.78 of the Revised Code shall be 76256  
accompanied by a nonrefundable application fee of four hundred 76257  
dollars that shall be credited to the scrap tire management fund 76258  
created in section 3734.82 of the Revised Code. If a permit is 76259  
issued, the amount of the application fee paid shall be deducted 76260  
from the amount of the applicable permit fee due under division 76261  
~~(R)~~(Q) of section 3745.11 of the Revised Code. 76262

(B) Division (A) of this section does not apply to an 76263  
application for a permit for a scrap tire storage facility 76264

submitted under section 3734.76 of the Revised Code if the owner 76265  
or operator of the facility or proposed facility is a motor 76266  
vehicle salvage dealer licensed under Chapter 4738. of the 76267  
Revised Code. 76268

**Sec. 3734.901.** (A) (1) For the purpose of providing revenue 76269  
to defray the cost of administering and enforcing the scrap tire 76270  
provisions of this chapter, rules adopted under those 76271  
provisions, and terms and conditions of orders, variances, and 76272  
licenses issued under those provisions; to abate accumulations 76273  
of scrap tires; to make grants supporting market development 76274  
activities for scrap tires and synthetic rubber from tire 76275  
manufacturing processes and tire recycling processes and to 76276  
support scrap tire amnesty and cleanup events; to make loans to 76277  
promote the recycling or recovery of energy from scrap tires; 76278  
and to defray the costs of administering and enforcing sections 76279  
3734.90 to 3734.9014 of the Revised Code, a fee of fifty cents 76280  
per tire is hereby levied on the sale of tires. The proceeds of 76281  
the fee shall be deposited in the state treasury to the credit 76282  
of the scrap tire management fund created in section 3734.82 of 76283  
the Revised Code. The fee is levied from the first day of the 76284  
calendar month that begins next after thirty days from October 76285  
29, 1993, through June 30, ~~2026~~2028. 76286

(2) Beginning on July 1, 2011, and ending on June 30, 76287  
~~2026~~2041, there is hereby levied an additional fee of fifty 76288  
cents per tire on the sale of tires the proceeds of which shall 76289  
be deposited in the state treasury to the credit of the soil and 76290  
water conservation district assistance fund created in section 76291  
940.15 of the Revised Code. 76292

(B) Only one sale of the same article shall be used in 76293  
computing the amount of the fee due. 76294

**Sec. 3734.904.** (A) By the twentieth day of each month, 76295  
each person required to pay the fee imposed by section 3734.901 76296  
of the Revised Code shall file with the tax commissioner a 76297  
return as prescribed by the tax commissioner and shall make 76298  
payment of the full amount of the fee due for the preceding 76299  
month ~~after deduction of any discount provided for under~~ 76300  
~~division (E) of this section.~~ The return shall be signed by the 76301  
person required to file it, or an authorized employee, officer, 76302  
or agent. The return shall be deemed filed when received by the 76303  
tax commissioner. 76304

(B) Any person required by this section to file a return 76305  
who fails to file such a return within the period prescribed may 76306  
be required to pay an additional charge of fifty dollars or ten 76307  
per cent of the fee required to be paid for the reporting 76308  
period, whichever is greater. The commissioner may collect the 76309  
additional charge by assessment pursuant to section 3734.907 of 76310  
the Revised Code. ~~The commissioner may remit all or a portion of~~ 76311  
~~the additional charge and may adopt rules relating thereto.~~ 76312

(C) If any fee due is not paid timely in accordance with 76313  
this section, the person liable for the fee shall pay interest, 76314  
calculated at the rate per annum as prescribed by section 76315  
5703.47 of the Revised Code, from the date the fee payment was 76316  
due to the date of payment or to the date an assessment is 76317  
issued, whichever occurs first. Interest shall be paid in the 76318  
same manner as the fee, and the commissioner may collect the 76319  
interest by assessment pursuant to section 3734.907 of the 76320  
Revised Code. 76321

(D) If, in the estimation of the tax commissioner, the 76322  
average liability of the person liable for the fee is such as 76323  
not to merit monthly filing, the commissioner may authorize the 76324

person to file and pay at less frequent intervals. Returns are 76325  
due by the twentieth day of the month following the close of the 76326  
applicable reporting period authorized under this division. 76327

~~(E) If a return is filed and the amount of the fee shown 76328  
to be due on the return is paid on or before the date that the 76329  
return is required to be filed under division (A) of this 76330  
section or pursuant to division (D) of this section, whichever 76331  
is applicable, the person liable for the fee is entitled to a 76332  
discount of four per cent of the amount shown to be due on the 76333  
return. 76334~~

~~(F) All money collected by the tax commissioner under this 76335  
section shall be paid to the treasurer of state as revenue 76336  
arising from the fee imposed by section 3734.901 of the Revised 76337  
Code. 76338~~

**Sec. 3734.907.** (A) Any person required to pay the fee 76339  
imposed by section 3734.901 of the Revised Code is personally 76340  
liable for the fee. The tax commissioner may make an assessment, 76341  
based upon any information in the commissioner's possession, 76342  
against any person who fails to file a return or pay any fee, 76343  
interest, or additional charge as required by sections 3734.90 76344  
to 3734.9014 of the Revised Code. The commissioner shall give 76345  
the person assessed written notice of the assessment in the 76346  
manner provided in section 5703.37 of the Revised Code. With the 76347  
notice, the commissioner shall provide instructions on how to 76348  
petition for reassessment and request a hearing on the petition. 76349

(B) When the information in the possession of the tax 76350  
commissioner indicates that a person liable for the fee imposed 76351  
by section 3734.901 of the Revised Code has not paid the full 76352  
amount of fee due, the commissioner may audit a representative 76353  
sample of the person's business and may issue an assessment 76354



based on the audit. 76355

(C) A penalty of up to fifteen per cent may be added to 76356  
all amounts assessed under this section. ~~The commissioner may~~ 76357  
~~adopt rules providing for the imposition and remission of the~~ 76358  
~~penalties.~~ 76359

(D) Unless the person assessed files with the tax 76360  
commissioner within sixty days after service of the notice of 76361  
assessment, ~~either personally or by certified mail,~~ a written 76362  
petition for reassessment signed by the person assessed or that 76363  
person's authorized agent having knowledge of the facts, the 76364  
assessment becomes final and the amount of the assessment is due 76365  
and payable from the person assessed to the treasurer of state. 76366  
The petition shall indicate the objections of the person 76367  
assessed, but additional objections may be raised in writing if 76368  
received by the commissioner prior to the date shown on the 76369  
final determination. If the petition has been properly filed, 76370  
the commissioner shall proceed under section 5703.60 of the 76371  
Revised Code. 76372

(E) After an assessment becomes final, if any portion of 76373  
the assessment, including accrued interest, remains unpaid, a 76374  
certified copy of the tax commissioner's entry making the 76375  
assessment final may be filed in the office of the clerk of the 76376  
court of common pleas in the county in which the person assessed 76377  
resides or in which the person's business is conducted. If the 76378  
person assessed maintains no place of business in this state and 76379  
is not a resident of this state, the certified copy of the entry 76380  
may be filed in the office of the clerk of the court of common 76381  
pleas of Franklin county. 76382

Immediately upon the filing of the entry, the clerk shall 76383  
enter a judgment for the state against the person assessed in 76384

the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state tire fee," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of the fee due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until the day the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the fee and may be collected by the issuance of an assessment under this section.

(F) If the tax commissioner believes that collection of the fee will be jeopardized unless proceedings to collect or secure collection of the fee are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the fee. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (E) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the person's legal representative, as provided in section 5703.37 of

the Revised Code, within five days of the filing of the entry 76416  
with the clerk. The total amount assessed is immediately due and 76417  
payable, unless the person assessed files a petition for 76418  
reassessment in accordance with division (D) of this section and 76419  
provides security in a form satisfactory to the commissioner and 76420  
in an amount sufficient to satisfy the unpaid balance of the 76421  
assessment. Full or partial payment of the assessment does not 76422  
prejudice the commissioner's consideration of the petition for 76423  
reassessment. 76424

(G) All money collected by the tax commissioner under this 76425  
section shall be paid to the treasurer of state as revenue 76426  
arising from the fee imposed by section 3734.901 of the Revised 76427  
Code. 76428

**Sec. 3735.67.** (A) The owner of real property located in a 76429  
community reinvestment area and eligible for exemption from 76430  
taxation under a resolution adopted pursuant to section 3735.66 76431  
of the Revised Code may file an application for an exemption 76432  
from real property taxation of a percentage of the assessed 76433  
valuation of a new structure, or of the increased assessed 76434  
valuation of an existing structure after remodeling began, if 76435  
the new structure or remodeling is completed after the effective 76436  
date of the resolution adopted pursuant to section 3735.66 of 76437  
the Revised Code. The application shall be filed with the 76438  
housing officer designated for the community reinvestment area 76439  
in which the property is located. If any part of the new 76440  
structure or remodeled structure that would be exempted is of 76441  
real property to be used for commercial or industrial purposes, 76442  
the legislative authority and the owner of the property shall 76443  
enter into a written agreement pursuant to section 3735.671 of 76444  
the Revised Code prior to commencement of construction or 76445  
remodeling; if such an agreement is subject to approval by the 76446

board of education of the school district within the territory 76447  
of which the property is or will be located, the agreement shall 76448  
not be formally approved by the legislative authority until the 76449  
board of education approves the agreement in the manner 76450  
prescribed by that section. If a structure is already subject to 76451  
a written agreement pursuant to section 3735.671 of the Revised 76452  
Code, is on the site of a proposed megaproject, and is expected 76453  
to be owned or occupied by a megaproject operator as defined in 76454  
division (A) (12) of section 122.17 of the Revised Code, or is 76455  
not situated on the site of a proposed megaproject but is 76456  
expected to be owned or occupied by a megaproject supplier that 76457  
meets the requirements described in division (A) (13) (b) of 76458  
section 122.17 of the Revised Code, the legislative authority 76459  
may amend the agreement to cause the exemption for the structure 76460  
to continue for a maximum amended term not exceeding thirty 76461  
years by following the process for approving an agreement 76462  
described in section 3735.671 of the Revised Code. 76463

(B) The housing officer shall verify the construction of 76464  
the new structure or the cost of the remodeling of the existing 76465  
structure and the facts asserted in the application. The housing 76466  
officer shall determine whether the construction or remodeling 76467  
meets the requirements for an exemption under this section. In 76468  
cases involving a structure of historical or architectural 76469  
significance, the housing officer shall not determine whether 76470  
the remodeling meets the requirements for a tax exemption unless 76471  
the appropriateness of the remodeling has been certified, in 76472  
writing, by the society, association, agency, or legislative 76473  
authority that has designated the structure or by any 76474  
organization or person authorized, in writing, by such society, 76475  
association, agency, or legislative authority to certify the 76476  
appropriateness of the remodeling. 76477

(C) If the construction or remodeling meets the requirements for exemption, the housing officer shall forward the application to the county auditor with a certification as to the division of this section under which the exemption is granted, and the period and percentage of the exemption as determined by the legislative authority pursuant to that division. If the construction or remodeling is of commercial or industrial property and the legislative authority is not required to certify a copy of a resolution under section 3735.671 of the Revised Code, the housing officer shall comply with the notice requirements prescribed under section 5709.83 of the Revised Code, unless the board has adopted a resolution under that section waiving its right to receive such a notice.

(D) Except as provided in division (F) of this section, the tax exemption shall first apply in the year the construction or remodeling would first be taxable but for this section. In the case of remodeling that qualifies for exemption, a percentage, not to exceed one hundred per cent, of the increased assessed valuation of an existing structure after remodeling began shall be exempted from real property taxation. In the case of construction of a structure that qualifies for exemption, a percentage, not to exceed one hundred per cent, of the assessed value of the structure shall be exempted from real property taxation. In either case, the percentage shall be the percentage set forth in the agreement if the structure or remodeling is to be used for commercial or industrial purposes, or the percentage set forth in the resolution describing the community reinvestment area if the structure or remodeling is to be used for residential purposes.

The construction of new structures and the remodeling of existing structures are hereby declared to be a public purpose

for which exemptions from real property taxation may be granted 76509  
for the following periods: 76510

(1) For every dwelling and commercial or industrial 76511  
properties, located within the same community reinvestment area, 76512  
upon which the cost of remodeling is at least two thousand five 76513  
hundred dollars in the case of a dwelling containing not more 76514  
than two family units or at least five thousand dollars in the 76515  
case of all other property, a period to be determined by the 76516  
legislative authority adopting the resolution, but not exceeding 76517  
fifteen years. The period of exemption for a dwelling described 76518  
in division (D) (1) of this section may be extended by a 76519  
legislative authority for up to an additional ten years if the 76520  
dwelling is a structure of historical or architectural 76521  
significance, is a certified historic structure that has been 76522  
subject to federal tax treatment under 26 U.S.C. 47 and 170(h), 76523  
and units within the structure have been leased to individual 76524  
tenants for five consecutive years; 76525

(2) Except as provided in division (F) of this section, 76526  
for construction of every dwelling, and commercial or industrial 76527  
structure located within the same community reinvestment area, a 76528  
period to be determined by the legislative authority adopting 76529  
the resolution, but not exceeding one of the following: 76530

(a) Thirty years, if the commercial or industrial 76531  
structure is situated on the site of a megaproject and is owned 76532  
~~and or~~ occupied by a megaproject operator as defined in division 76533  
(A) (12) of section 122.17 of the Revised Code, or is not 76534  
situated on the site of a megaproject but is owned ~~and or~~ 76535  
occupied by a megaproject supplier that meets the requirements 76536  
described in division (A) (13) (b) of section 122.17 of the 76537  
Revised Code; 76538

(b) Fifteen years, for any other dwelling or commercial or industrial structure. 76539  
76540

(E) Any person, board, or officer authorized by section 76541  
5715.19 of the Revised Code to file complaints with the county 76542  
board of revision may file a complaint with the housing officer 76543  
challenging the continued exemption of any property granted an 76544  
exemption under this section. A complaint against exemption 76545  
shall be filed prior to the thirty-first day of December of the 76546  
tax year for which taxation of the property is requested. The 76547  
housing officer shall determine whether the property continues 76548  
to meet the requirements for exemption and shall certify the 76549  
housing officer's findings to the complainant. If the housing 76550  
officer determines that the property does not meet the 76551  
requirements for exemption, the housing officer shall notify the 76552  
county auditor, who shall correct the tax list and duplicate 76553  
accordingly. 76554

(F) The owner of a dwelling constructed in a community 76555  
reinvestment area may file an application for an exemption after 76556  
the year the construction first became subject to taxation. The 76557  
application shall be processed in accordance with the procedures 76558  
prescribed under this section and shall be granted if the 76559  
construction that is the subject of the application otherwise 76560  
meets the requirements for an exemption under this section. If 76561  
approved, the exemption sought in the application first applies 76562  
in the year the application is filed. An exemption approved 76563  
pursuant to this division continues only for those years 76564  
remaining in the period described in division (D) (2) of this 76565  
section. No exemption may be claimed for any year in that period 76566  
that precedes the year in which the application is filed. 76567

**Sec. 3735.671.** (A) If construction or remodeling of 76568

commercial or industrial property is to be exempted from 76569  
taxation pursuant to section 3735.67 of the Revised Code, the 76570  
legislative authority and the owner of the property, prior to 76571  
the commencement of construction or remodeling, shall enter into 76572  
a written agreement, binding on both parties for a period of 76573  
time that does not end prior to the end of the period of the 76574  
exemption, that includes all of the information and statements 76575  
described in divisions (B) (1) to (8) of this section. Agreements 76576  
may include terms not described in those divisions or otherwise 76577  
prescribed by the model agreement adopted by the director of 76578  
development under division (B) of this section, but such terms 76579  
shall in no way derogate from the information and statements 76580  
described in divisions (B) (1) to (8) of this section. 76581

(1) Except as otherwise provided in division (A) (2) or (3) 76582  
of this section, an agreement entered into under this section 76583  
shall not be approved by the legislative authority unless the 76584  
board of education of the city, local, or exempted village 76585  
school district within the territory of which the property is or 76586  
will be located approves the agreement. For the purpose of 76587  
obtaining such approval, the legislative authority shall certify 76588  
a copy of the agreement to the board of education not later than 76589  
forty-five days prior to approving the agreement, excluding 76590  
Saturday, Sunday, and a legal holiday as defined in section 1.14 76591  
of the Revised Code. The board of education, by resolution 76592  
adopted by a majority of the board, shall approve or disapprove 76593  
the agreement and certify a copy of the resolution to the 76594  
legislative authority not later than fourteen days prior to the 76595  
date stipulated by the legislative authority as the date upon 76596  
which approval of the agreement is to be formally considered by 76597  
the legislative authority. The board of education may include in 76598  
the resolution conditions under which the board would approve 76599



the agreement. The legislative authority may approve an 76600  
agreement at any time after the board of education certifies its 76601  
resolution approving the agreement to the legislative authority, 76602  
or, if the board approves the agreement conditionally, at any 76603  
time after the conditions are agreed to by the board and the 76604  
legislative authority. 76605

(2) Approval of an agreement by the board of education is 76606  
not required under division (A)(1) of this section if, for each 76607  
tax year the real property is exempted from taxation, the sum of 76608  
the following quantities, as estimated at or prior to the time 76609  
the agreement is formally approved by the legislative authority, 76610  
equals or exceeds twenty-five per cent of the amount of taxes, 76611  
as estimated at or prior to that time, that would have been 76612  
charged and payable that year upon the real property had that 76613  
property not been exempted from taxation: 76614

(a) The amount of taxes charged and payable on any portion 76615  
of the assessed valuation of the new structure or of the 76616  
increased assessed valuation of an existing structure after 76617  
remodeling began that will not be exempted from taxation under 76618  
the agreement; 76619

(b) The amount of taxes charged and payable on tangible 76620  
personal property located on the premises of the new structure 76621  
or of the structure to be remodeled under the agreement, whether 76622  
payable by the owner of the structure or by a related member, as 76623  
defined in section 5733.042 of the Revised Code without regard 76624  
to division (B) of that section. 76625

(c) The amount of any cash payment by the owner of the new 76626  
structure or structure to be remodeled to the school district, 76627  
the dollar value, as mutually agreed to by the owner and the 76628  
board of education, of any property or services provided by the 76629

owner of the property to the school district, whether by gift, 76630  
loan, or otherwise, and any payment by the legislative authority 76631  
to the school district pursuant to section 5709.82 of the 76632  
Revised Code. 76633

The estimates of quantities used for purposes of division 76634  
(A) (2) of this section shall be estimated by the legislative 76635  
authority. The legislative authority shall certify to the board 76636  
of education that the estimates have been made in good faith. 76637  
Departures of the actual quantities from the estimates 76638  
subsequent to approval of the agreement by the board of 76639  
education do not invalidate the agreement. 76640

(3) If a board of education has adopted a resolution 76641  
waiving its right to approve agreements and the resolution 76642  
remains in effect, approval of an agreement by the board is not 76643  
required under division (A) (1) of this section. If a board of 76644  
education has adopted a resolution allowing a legislative 76645  
authority to deliver the notice required under this division 76646  
fewer than forty-five business days prior to the legislative 76647  
authority's execution of the agreement, the legislative 76648  
authority shall deliver the notice to the board not later than 76649  
the number of days prior to such execution as prescribed by the 76650  
board in its resolution. If a board of education adopts a 76651  
resolution waiving its right to approve agreements or shortening 76652  
the notification period, the board shall certify a copy of the 76653  
resolution to the legislative authority. If the board of 76654  
education rescinds such a resolution, it shall certify notice of 76655  
the rescission to the legislative authority. 76656

(4) If the owner of the property or the legislative 76657  
authority agree to make any payment to the school district as 76658  
described in division (A) (2) (c) of this section, the owner or 76659

legislative authority shall agree to make payments to the joint 76660  
vocational school district within which the property is located 76661  
at the same rate or amount and under the same terms received by 76662  
the city, local, or exempted village school district. 76663

(B) The director of development shall adopt rules in 76664  
accordance with Chapter 119. of the Revised Code prescribing the 76665  
form of a model agreement that a legislative authority may, in 76666  
its discretion, use as the basis for an agreement to be executed 76667  
under this section. The model agreement may include any term 76668  
necessary for the administration and enforcement of such 76669  
agreements by the director and legislative authority, but must 76670  
include all of the following: 76671

(1) A space to include the description of real property to 76672  
be exempted from taxation under the agreement and to identify 76673  
the property's owners; 76674

(2) A space to denote the percentage of the assessed 76675  
valuation of real property exempted from taxation and the period 76676  
for which the exemption is granted; 76677

(3) A statement requiring the owner to pay real property 76678  
taxes not exempted under the agreement, as required by law, and 76679  
requiring rescission of the agreement if the owner fails to pay 76680  
those taxes beginning in and after the year any such taxes are 76681  
charged; 76682

(4) A statement that the owner certifies, at the time the 76683  
agreement is executed, that the owner does not owe any 76684  
delinquent property taxes or taxes for which the owner is liable 76685  
under Chapter 5735., 5739., 5741., 5743., 5747., or 5753. of the 76686  
Revised Code, or, if such delinquent taxes are owed, that the 76687  
owner is paying the delinquent taxes pursuant to an undertaking 76688

enforceable by the state or an agent or instrumentality thereof, 76689  
has filed a petition in bankruptcy, or has had a bankruptcy 76690  
petition filed against the owner; 76691

(5) A statement requiring the owner to provide to the 76692  
property tax incentive review council any information reasonably 76693  
required by the council to evaluate the applicant's compliance 76694  
with the agreement; 76695

(6) A statement that the agreement is not transferable or 76696  
assignable without the approval of the legislative authority; 76697

(7) A statement describing the circumstances under which 76698  
the legislative authority may revoke an agreement for 76699  
noncompliance; 76700

(8) A statement requiring the owner to provide an estimate 76701  
of the following for each agreement: 76702

(a) The number of employment opportunities created due to 76703  
the remodeling or construction, as well as the payroll 76704  
attributable to those opportunities; 76705

(b) The number of employment opportunities retained due to 76706  
the remodeling or construction, as well as the payroll 76707  
attributable to those opportunities. 76708

The model agreement shall also provide that a legislative 76709  
authority may, but is not required to, include a statement 76710  
describing the manner by which the legislative authority may 76711  
recover already-received benefits, which may include an action 76712  
brought in law or equity, a lien on the exempted property in the 76713  
amount to be recovered, or other means. In the case of a lien on 76714  
the exempted property, the lien shall attach, and may be 76715  
perfected, collected, and enforced, in the same manner as a 76716  
mortgage lien on real property, and otherwise has the same force 76717

and effect as a mortgage lien on real property. 76718

Once the director adopts rules prescribing a model 76719  
agreement under this division, the model agreement may not be 76720  
changed unless the director adopts, amends, or rescinds those 76721  
rules in accordance with Chapter 119. of the Revised Code. 76722

(C) If any person that is party to an agreement granting 76723  
an exemption from taxation discontinues operations at the 76724  
structure to which that exemption applies prior to the 76725  
expiration of the term of the agreement, that person, any 76726  
successor to that person, and any related member shall not enter 76727  
into an agreement under this section or section 5709.62, 76728  
5709.63, or 5709.632 of the Revised Code, and no legislative 76729  
authority shall enter into such an agreement with such a person, 76730  
successor, or related member prior to the expiration of three 76731  
years after the person's discontinuation of operations. As used 76732  
in this division, "successor" means a person to which the assets 76733  
or equity of another person has been transferred, which transfer 76734  
resulted in the full or partial nonrecognition of gain or loss, 76735  
or resulted in a carryover basis, both as determined by rule 76736  
adopted by the tax commissioner. "Related member" has the same 76737  
meaning as defined in section 5733.042 of the Revised Code 76738  
without regard to division (B) of that section. 76739

The director of development shall review all agreements 76740  
submitted to the director under section 3735.672 of the Revised 76741  
Code for the purpose of enforcing this division. If the director 76742  
determines there has been a violation of this division, the 76743  
director shall notify the legislative authority of such 76744  
violation, and the legislative authority immediately shall 76745  
revoke the exemption granted under the agreement. 76746

(D) A political subdivision other than the legislative 76747

authority is not required to be a party to an agreement 76748  
authorized under this section unless the political subdivision 76749  
is a fee simple owner of real property subject to an exemption 76750  
pursuant to section 3735.67 of the Revised Code that would 76751  
otherwise be obligated to pay real property taxes for such real 76752  
property. 76753

**Sec. 3737.83.** The state fire marshal shall, as part of the 76754  
state fire code, adopt rules to: 76755

(A) Establish minimum standards of performance for fire 76756  
protection equipment and fire fighting equipment; 76757

(B) Establish minimum standards of training, fix minimum 76758  
qualifications, and require certificates for all persons who 76759  
engage in the business for profit of installing, testing, 76760  
repairing, or maintaining fire protection equipment; 76761

(C) Provide for the issuance of certificates required 76762  
under division (B) of this section and establish the fees to be 76763  
charged for such certificates. A certificate shall be granted, 76764  
renewed, or revoked according to rules the state fire marshal 76765  
shall adopt, except that the state fire marshal shall grant a 76766  
certificate in accordance with Chapter 4796. of the Revised Code 76767  
to an applicant if either of the following applies: 76768

(1) The applicant holds a license or certificate in 76769  
another state. 76770

(2) The applicant has satisfactory work experience, a 76771  
government certification, or a private certification as 76772  
described in that chapter as a person engaged in the business of 76773  
installing, testing, repairing, or maintaining fire protection 76774  
equipment in a state that does not issue that certificate. 76775

(D) Establish minimum standards of flammability for 76776

consumer goods in any case where the federal government or any department or agency thereof has established, or may from time to time establish standards of flammability for consumer goods. The standards established by the state fire marshal shall be identical to the minimum federal standards.

In any case where the federal government or any department or agency thereof, establishes standards of flammability for consumer goods subsequent to the adoption of a flammability standard by the state fire marshal, standards previously adopted by the state fire marshal shall not continue in effect to the extent such standards are not identical to the minimum federal standards.

With respect to the adoption of minimum standards of flammability, this division shall supersede any authority granted a political subdivision by any other section of the Revised Code.

(E) Establish minimum standards pursuant to section 5104.05 of the Revised Code for fire prevention and fire safety in child care centers and in type A family child care homes, as defined in section 5104.01 of the Revised Code.

(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The state fire marshal shall adopt the rules under this division in consultation with the director of mental health and addiction services and interested parties designated by the director of mental health and addiction services.

(G) For purposes of determining whether the state fire

code requires an automatic sprinkler system or other fire 76806  
suppression system in an agricultural structure, as defined 76807  
under section 901.53 of the Revised Code, the state fire marshal 76808  
shall not include accessory spaces that have accessible means of 76809  
egress in compliance with the "Americans with Disabilities Act 76810  
of 1990," 42 U.S.C. 12102 et seq., in the calculations for 76811  
square footage or occupant load of the structure's fire area. 76812  
"Accessory spaces" specifically includes covered or uncovered 76813  
decks and patios that are not fully enclosed by surrounding 76814  
walls. 76815

**Sec. 3742.32.** (A) The director of health shall appoint an 76816  
advisory council to assist in the ongoing development and 76817  
implementation of the child lead poisoning prevention program 76818  
created under section 3742.31 of the Revised Code. The advisory 76819  
council shall consist of the following members: 76820

(1) A representative of the department of medicaid; 76821

~~(2) A representative of the bureau of child care in the~~ 76822  
~~department of job and family services;~~ 76823

~~(3) A representative of the department of environmental~~ 76824  
~~protection;~~ 76825

~~(4)~~ (3) A representative of the department of education and 76826  
workforce; 76827

~~(5)~~ (4) A representative of the department of development; 76828

~~(6)~~ (5) A representative of the department of children and 76829  
youth; 76830

~~(7)~~ (6) A representative of the Ohio apartment owner's 76831  
association; 76832

~~(8)~~ (7) A representative of the Ohio healthy homes network; 76833



<del>(9)</del> <u>(8)</u> A representative of the Ohio environmental health association;	76834 76835
<del>(10)</del> <u>(9)</u> An Ohio representative of the American coatings association;	76836 76837
<del>(11)</del> <u>(10)</u> A representative from Ohio realtors;	76838
<del>(12)</del> <u>(11)</u> A representative of the Ohio housing finance agency;	76839 76840
<del>(13)</del> <u>(12)</u> A physician knowledgeable in the field of lead poisoning prevention;	76841 76842
<del>(14)</del> <u>(13)</u> A certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner knowledgeable in the field of lead poisoning prevention;	76843 76844 76845
<del>(15)</del> <u>(14)</u> A representative of the public.	76846
(B) The advisory council shall do both of the following:	76847
(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation;	76848 76849 76850 76851
(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year.	76852 76853 76854
(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code.	76855 76856
<b>Sec. 3742.50.</b> (A) As used in this section:	76857
(1) "Lead abatement costs" means costs incurred by a taxpayer for either of the following:	76858 76859

(a) A lead abatement specialist to conduct a lead risk assessment, a lead abatement project, or a clearance examination, provided the specialist is authorized under this chapter to conduct the respective task;

(b) Relocation costs incurred in the relocation of occupants of an eligible dwelling to achieve occupant protection, as described in 24 C.F.R. 35.1345(a).

"Lead abatement costs" do not include such costs for which the taxpayer is reimbursed or such costs the taxpayer deducts or excludes in computing the taxpayer's federal adjusted gross income for federal income tax purposes or Ohio adjusted gross income as determined under section 5747.01 of the Revised Code.

(2) "Eligible dwelling" means a residential unit constructed in this state before 1978.

(3) "Lead abatement specialist" means an individual who holds a valid license issued under section 3742.05 of the Revised Code.

(4) "Taxable year" and "taxpayer" have the same meanings as in section 5747.01 of the Revised Code.

(B) A taxpayer who incurs lead abatement costs on an eligible dwelling during a taxable year may apply to the director of health for a lead abatement tax credit certificate. The applicant shall list on the application the amount of lead abatement costs the applicant incurred for the eligible dwelling during the taxable year. The director, in consultation with the tax commissioner, shall prescribe the form of a lead abatement tax credit certificate, the manner by which an applicant shall apply for the certificate, and requirements for the submission of any record or other information an applicant must furnish

with the application to verify the lead abatement costs. 76889

(C) (1) Upon receipt of an application under division (B) 76890  
of this section, the director of health shall verify all of the 76891  
following: 76892

(a) The residential unit that is the subject of the 76893  
application is an eligible dwelling. 76894

(b) The taxpayer incurred lead abatement costs during the 76895  
taxable year related to the eligible dwelling. 76896

(c) The eligible dwelling has passed a clearance 76897  
examination in accordance with standards prescribed in rules 76898  
adopted by the director under section 3742.03 or 3742.45 of the 76899  
Revised Code. 76900

(2) After verifying the conditions described in division 76901  
(C) (1) of this section, the director shall issue a lead 76902  
abatement tax credit certificate to the applicant equal to the 76903  
lesser of (a) the lead abatement costs incurred by the taxpayer 76904  
on the eligible dwelling during the taxable year, (b) the amount 76905  
of lead abatement costs listed on the application, or (c) ~~ten-~~ 76906  
fifty thousand dollars, subject to the limitation in division 76907  
(C) (3) of this section. 76908

(3) The director may not issue more than five million 76909  
dollars in lead abatement tax credit certificates in any fiscal 76910  
year. 76911

(D) The director of health, in consultation with the tax 76912  
commissioner, may adopt rules in accordance with Chapter 119. of 76913  
the Revised Code as necessary for the administration of this 76914  
section. 76915

**Sec. 3743.04.** (A) The license of a manufacturer of 76916

fireworks is effective for one year beginning on the first day 76917  
of December, and the state fire marshal shall issue or renew a 76918  
license only on that date and at no other time. If a 76919  
manufacturer of fireworks wishes to continue manufacturing 76920  
fireworks at the designated fireworks plant after its then 76921  
effective license expires, it shall apply no later than the 76922  
first day of October for a new license pursuant to section 76923  
3743.02 of the Revised Code. The state fire marshal shall send a 76924  
written notice of the expiration of its license to a licensed 76925  
manufacturer at least three months before the expiration date. 76926

(B) If, during the effective period of its licensure, a 76927  
licensed manufacturer of fireworks wishes to construct, locate, 76928  
or relocate any buildings or other structures on the premises of 76929  
its fireworks plant, to make any structural change or renovation 76930  
in any building or other structure on the premises of its 76931  
fireworks plant, to change the nature of its manufacturing of 76932  
fireworks so as to include the processing of fireworks, or to 76933  
relocate its fireworks plant to a new licensed premises, the 76934  
manufacturer shall notify the state fire marshal in writing. The 76935  
state fire marshal may require a licensed manufacturer also to 76936  
submit documentation, including, but not limited to, plans 76937  
covering the proposed construction, location, relocation, 76938  
structural change or renovation, change in manufacturing of 76939  
fireworks, or new licensed premises, if the state fire marshal 76940  
determines the documentation is necessary for evaluation 76941  
purposes in light of the proposed construction, location, 76942  
relocation, structural change or renovation, change in 76943  
manufacturing of fireworks, or new licensed premises. 76944

Upon receipt of the notification and additional 76945  
documentation required by the state fire marshal, the state fire 76946  
marshal shall inspect the existing premises of the fireworks 76947

plant, or proposed new licensed premises, to determine if the 76948  
proposed construction, location, relocation, structural change 76949  
or renovation, change in manufacturing of fireworks, or new 76950  
licensed premises conform to sections 3743.02 to 3743.08 of the 76951  
Revised Code and the rules adopted by the state fire marshal 76952  
pursuant to section 3743.05 of the Revised Code. The state fire 76953  
marshal shall issue a written authorization to the manufacturer 76954  
for the construction, location, relocation, structural change or 76955  
renovation, change in manufacturing of fireworks, or new 76956  
licensed premises, if the state fire marshal determines, upon 76957  
the inspection and a review of submitted documentation, that the 76958  
construction, location, relocation, structural change or 76959  
renovation, change in manufacturing of fireworks, or new 76960  
licensed premises conform to those sections and rules. Upon 76961  
authorizing a change in manufacturing of fireworks to include 76962  
the processing of fireworks, the state fire marshal shall make 76963  
notations on the manufacturer's license and in the list of 76964  
licensed manufacturers in accordance with section 3743.03 of the 76965  
Revised Code. 76966

On or before June 1, 1998, a licensed manufacturer shall 76967  
install, in every licensed building in which fireworks are 76968  
manufactured, stored, or displayed and to which the public has 76969  
access, interlinked fire detection, smoke exhaust, and smoke 76970  
evacuation systems that are approved by the superintendent of 76971  
industrial compliance, and shall comply with floor plans showing 76972  
occupancy load limits and internal circulation and egress 76973  
patterns that are approved by the state fire marshal and 76974  
superintendent, and that are submitted under seal as required by 76975  
section 3791.04 of the Revised Code. Notwithstanding section 76976  
3743.59 of the Revised Code, the construction and safety 76977  
requirements established in this division are not subject to any 76978

variance, waiver, or exclusion. 76979

(C) The license of a manufacturer of fireworks authorizes 76980  
the manufacturer to engage only in the following activities: 76981

(1) The manufacturing of fireworks on the premises of the 76982  
fireworks plant as described in the application for licensure or 76983  
in the notification submitted under division (B) of this 76984  
section, except that a licensed manufacturer shall not engage in 76985  
the processing of fireworks unless authorized to do so by its 76986  
license. 76987

(2) To possess for sale at wholesale and sell at wholesale 76988  
the fireworks manufactured by the manufacturer, to persons who 76989  
are licensed wholesalers of fireworks, to persons in accordance 76990  
with sections 3743.44 to 3743.46 of the Revised Code, or to 76991  
persons located in another state provided the fireworks are 76992  
shipped directly out of this state to them by the manufacturer. 76993  
A person who is licensed as a manufacturer of fireworks on June 76994  
14, 1988, also may possess for sale and sell pursuant to 76995  
division (C)(2) of this section fireworks other than those the 76996  
person manufactures. The possession for sale shall be on the 76997  
premises of the fireworks plant described in the application for 76998  
licensure or in the notification submitted under division (B) of 76999  
this section, and the sale shall be from the inside of a 77000  
licensed building and from no other structure or device outside 77001  
a licensed building. At no time shall a licensed manufacturer 77002  
sell any class of fireworks outside a licensed building. 77003

(3) Possess for sale at retail and sell at retail the 77004  
fireworks manufactured by the manufacturer, other than 1.4G 77005  
fireworks as designated by the state fire marshal in rules 77006  
adopted pursuant to division (A) of section 3743.05 of the 77007  
Revised Code, to licensed exhibitors in accordance with sections 77008

3743.50 to 3743.55 of the Revised Code, and possess for sale at 77009  
retail and sell at retail the fireworks manufactured by the 77010  
manufacturer, including 1.4G fireworks, to persons in accordance 77011  
with sections 3743.44 to ~~3743.46~~ 3743.48 of the Revised Code, or 77012  
to persons located in another state provided the fireworks are 77013  
shipped directly out of this state to them by the manufacturer. 77014  
A person who is licensed as a manufacturer of fireworks on June 77015  
14, 1988, may also possess for sale and sell pursuant to 77016  
division (C) (3) of this section fireworks other than those the 77017  
person manufactures. The possession for sale shall be on the 77018  
premises of the fireworks plant described in the application for 77019  
licensure or in the notification submitted under division (B) of 77020  
this section, and, except as otherwise provided in section 77021  
3743.48 of the Revised Code, the sale shall be from the inside 77022  
of a licensed building and from no other structure or device 77023  
outside a licensed building. ~~At no time shall~~ Except as 77024  
otherwise provided in section 3743.48 of the Revised Code, a 77025  
licensed manufacturer shall not sell any class of fireworks 77026  
outside a licensed building. 77027

A licensed manufacturer of fireworks shall sell under 77028  
division (C) of this section only fireworks that meet the 77029  
standards set by the consumer product safety commission or by 77030  
the American fireworks standard laboratories or that have 77031  
received an EX number from the United States department of 77032  
transportation. 77033

(D) The license of a manufacturer of fireworks shall be 77034  
protected under glass and posted in a conspicuous place on the 77035  
premises of the fireworks plant. Except as otherwise provided in 77036  
this division, the license is not transferable or assignable. 77037

(1) The ownership of a manufacturer of fireworks license 77038

may be transferred to another person for the same fireworks 77039  
plant for which the license was issued, or approved pursuant to 77040  
division (B) of this section, if the assets of the plant are 77041  
transferred to that person by inheritance or by a sale approved 77042  
by the state fire marshal. 77043

(2) The license of a manufacturer of fireworks may be 77044  
geographically relocated in accordance with division (D) of 77045  
section 3743.75 of the Revised Code. 77046

(3) The license is subject to revocation in accordance 77047  
with section 3743.08 of the Revised Code. 77048

(E) The state fire marshal shall not place the license of 77049  
a manufacturer of fireworks in a temporarily inactive status 77050  
while the holder of the license is attempting to qualify to 77051  
retain the license. 77052

(F) Each licensed manufacturer of fireworks that possesses 77053  
fireworks for sale and sells fireworks under division (C) of 77054  
section 3743.04 of the Revised Code, or a designee of the 77055  
manufacturer, whose identity is provided to the state fire 77056  
marshal by the manufacturer, annually shall attend a continuing 77057  
education program. The state fire marshal shall develop the 77058  
program and the state fire marshal or a person or public agency 77059  
approved by the state fire marshal shall conduct it. A licensed 77060  
manufacturer or the manufacturer's designee who attends a 77061  
program as required under this division, within one year after 77062  
attending the program, shall conduct in-service training as 77063  
approved by the state fire marshal for other employees of the 77064  
licensed manufacturer regarding the information obtained in the 77065  
program. A licensed manufacturer shall provide the state fire 77066  
marshal with notice of the date, time, and place of all in- 77067  
service training. For any program conducted under this division, 77068



the state fire marshal shall, in accordance with rules adopted 77069  
by the state fire marshal under Chapter 119. of the Revised 77070  
Code, establish the subjects to be taught, the length of 77071  
classes, the standards for approval, and time periods for 77072  
notification by the licensee to the state fire marshal of any 77073  
in-service training. 77074

(G) A licensed manufacturer shall maintain comprehensive 77075  
general liability insurance coverage in the amount and type 77076  
specified under division (B) (2) of section 3743.02 of the 77077  
Revised Code at all times. Each policy of insurance required 77078  
under this division shall contain a provision requiring the 77079  
insurer to give not less than fifteen days' prior written notice 77080  
to the state fire marshal before termination, lapse, or 77081  
cancellation of the policy, or any change in the policy that 77082  
reduces the coverage below the minimum required under this 77083  
division. Prior to canceling or reducing the amount of coverage 77084  
of any comprehensive general liability insurance coverage 77085  
required under this division, a licensed manufacturer shall 77086  
secure supplemental insurance in an amount and type that 77087  
satisfies the requirements of this division so that no lapse in 77088  
coverage occurs at any time. A licensed manufacturer who secures 77089  
supplemental insurance shall file evidence of the supplemental 77090  
insurance with the state fire marshal prior to canceling or 77091  
reducing the amount of coverage of any comprehensive general 77092  
liability insurance coverage required under this division. 77093

(H) The state fire marshal shall adopt rules for the 77094  
expansion or contraction of a licensed premises and for approval 77095  
of such expansions or contractions. The boundaries of a licensed 77096  
premises, including any geographic expansion or contraction of 77097  
those boundaries, shall be approved by the state fire marshal in 77098  
accordance with rules the state fire marshal adopts. If the 77099

licensed premises consists of more than one parcel of real 77100  
estate, those parcels shall be contiguous unless an exception is 77101  
allowed pursuant to division (I) of this section. 77102

(I) (1) A licensed manufacturer may expand its licensed 77103  
premises within this state to include not more than two storage 77104  
locations that are located upon one or more real estate parcels 77105  
that are noncontiguous to the licensed premises as that licensed 77106  
premises exists on the date a licensee submits an application as 77107  
described below, if all of the following apply: 77108

(a) The licensee submits an application to the state fire 77109  
marshal and an application fee of one hundred dollars per 77110  
storage location for which the licensee is requesting approval. 77111

(b) The identity of the holder of the license remains the 77112  
same at the storage location. 77113

(c) The storage location has received a valid certificate 77114  
of zoning compliance as applicable and a valid certificate of 77115  
occupancy for each building or structure at the storage location 77116  
issued by the authority having jurisdiction to issue the 77117  
certificate for the storage location, and those certificates 77118  
permit the distribution and storage of fireworks regulated under 77119  
this chapter at the storage location and in the buildings or 77120  
structures. The storage location shall be in compliance with all 77121  
other applicable federal, state, and local laws and regulations. 77122

(d) Every building or structure located upon the storage 77123  
location is separated from occupied residential and 77124  
nonresidential buildings or structures, railroads, highways, or 77125  
any other buildings or structures on the licensed premises in 77126  
accordance with the distances specified in the rules adopted by 77127  
the state fire marshal pursuant to section 3743.05 of the 77128

Revised Code. 77129

(e) Neither the licensee nor any person holding, owning, 77130  
or controlling a five per cent or greater beneficial or equity 77131  
interest in the licensee has been convicted of or pleaded guilty 77132  
to a felony under the laws of this state, any other state, or 77133  
the United States, after September 29, 2005. 77134

(f) The state fire marshal approves the application for 77135  
expansion. 77136

(2) The state fire marshal shall approve an application 77137  
for expansion requested under division (I) (1) of this section if 77138  
the state fire marshal receives the application fee and proof 77139  
that the requirements of divisions (I) (1) (b) to (e) of this 77140  
section are satisfied. The storage location shall be considered 77141  
part of the original licensed premises and shall use the same 77142  
distinct number assigned to the original licensed premises with 77143  
any additional designations as the state fire marshal deems 77144  
necessary in accordance with section 3743.03 of the Revised 77145  
Code. 77146

(J) (1) A licensee who obtains approval for the use of a 77147  
storage location in accordance with division (I) of this section 77148  
shall use the storage location exclusively for the following 77149  
activities, in accordance with division (C) of this section: 77150

(a) The packaging, assembling, or storing of fireworks, 77151  
which shall only occur in buildings or structures approved for 77152  
such hazardous uses by the building code official having 77153  
jurisdiction for the storage location or, for 1.4G fireworks, in 77154  
containers or trailers approved for such hazardous uses by the 77155  
state fire marshal if such containers or trailers are not 77156  
subject to regulation by the building code adopted in accordance 77157

with Chapter 3781. of the Revised Code. All such storage shall 77158  
be in accordance with the rules adopted by the state fire 77159  
marshal under division (G) of section 3743.05 of the Revised 77160  
Code for the packaging, assembling, and storage of fireworks. 77161

(b) Distributing fireworks to other parcels of real estate 77162  
located on the manufacturer's licensed premises, to licensed 77163  
wholesalers or other licensed manufacturers in this state or to 77164  
similarly licensed persons located in another state or country; 77165

(c) Distributing fireworks to a licensed exhibitor of 77166  
fireworks pursuant to a properly issued permit in accordance 77167  
with section 3743.54 of the Revised Code. 77168

(2) A licensed manufacturer shall not engage in any sales 77169  
activity, including the retail sale of fireworks otherwise 77170  
permitted under division (C) (2) or (C) (3) of this section, or 77171  
pursuant to section 3743.44 or 3743.45 of the Revised Code, at 77172  
the storage location approved under this section. 77173

(3) A storage location may not be relocated for a minimum 77174  
period of five years after the storage location is approved by 77175  
the state fire marshal in accordance with division (I) of this 77176  
section. 77177

(K) The licensee shall prohibit public access to the 77178  
storage location. The state fire marshal shall adopt rules to 77179  
describe the acceptable measures a manufacturer shall use to 77180  
prohibit access to the storage site. 77181

**Sec. 3743.06.** In addition to conforming to the rules of 77182  
the fire marshal adopted pursuant to section 3743.05 of the 77183  
Revised Code, licensed manufacturers of fireworks shall operate 77184  
their fireworks plants in accordance with the following: 77185

(A) Signs indicating that smoking is generally forbidden 77186

and trespassing is prohibited on the premises of a fireworks 77187  
plant shall be posted on the premises in a manner determined by 77188  
the fire marshal. 77189

(B) Reasonable precautions shall be taken to protect the 77190  
premises of a fireworks plant from trespass, loss, theft, or 77191  
destruction. Only persons employed by the manufacturer, 77192  
authorized governmental personnel, and persons who have obtained 77193  
permission from a member of the manufacturer's office to be on 77194  
the premises, are to be allowed to enter and remain on the 77195  
premises. 77196

(C) Smoking or the carrying of pipes, cigarettes, or 77197  
cigars, matches, lighters, other flame-producing items, or open 77198  
flame on, or the carrying of a concealed source of ignition 77199  
into, the premises of a fireworks plant is prohibited, except 77200  
that a manufacturer may permit smoking in specified lunchrooms 77201  
or restrooms in buildings or other structures in which no 77202  
manufacturing, handling, sales, or storage of fireworks takes 77203  
place. "NO SMOKING" signs shall be posted on the premises as 77204  
required by the fire marshal. 77205

(D) Fire and explosion prevention and other reasonable 77206  
safety measures and precautions shall be implemented by a 77207  
manufacturer. 77208

(E) Persons shall not be permitted to have in their 77209  
possession or under their control, while they are on the 77210  
premises of the fireworks plant, any intoxicating liquor, beer, 77211  
or controlled substance, and they shall not be permitted to 77212  
enter or remain on the premises if they are found to be under 77213  
the influence of any intoxicating liquor, beer, or controlled 77214  
substance. 77215

(F) A manufacturer shall conform to all building, safety, 77216  
and zoning statutes, ordinances, rules, or other enactments that 77217  
apply to the premises of its fireworks plant. 77218

(G) Each fireworks plant shall have at least one class 1 77219  
magazine that is approved by the bureau of alcohol, tobacco, and 77220  
firearms of the United States department of the treasury and 77221  
that is otherwise in conformity with federal law. This division 77222  
does not apply to fireworks plants existing on or before August 77223  
3, 1931. 77224

(H) Awnings, tents, and canopies shall not be used as 77225  
facilities for the sale or storage of fireworks, except as 77226  
expressly permitted by section 3743.48 of the Revised Code. This 77227  
division does not prohibit the use of an awning or canopy 77228  
attached to a public access showroom for storing nonflammable 77229  
shopping convenience items such as shopping carts or baskets or 77230  
providing a shaded area for patrons waiting to enter the public 77231  
sales area. 77232

(I) Fireworks may be stored in trailers if the trailers 77233  
are properly enclosed, secured, and grounded and are separated 77234  
from any structure to which the public is admitted by a distance 77235  
that will, in the fire marshal's judgment, allow fire-fighting 77236  
equipment to have full access to the structures on the licensed 77237  
premises. Such trailers may be moved into closer proximity to 77238  
any structure only to accept or discharge cargo for a period not 77239  
to exceed forty-eight hours. Only two such trailers may be 77240  
placed in such closer proximity at any one time. At no time may 77241  
trailers be used for conducting sales of any class of fireworks, 77242  
nor may members of the public have access to the trailers. 77243

Storage areas for fireworks that are in the same building 77244  
where fireworks are displayed and sold to the public shall be 77245

separated from the areas to which the public has access by an 77246  
appropriately rated fire wall. 77247

(J) A fire suppression system as defined in section 77248  
3781.108 of the Revised Code may be turned off only for repair, 77249  
drainage of the system to prevent damage by freezing during the 77250  
period of time, approved by the fire marshal, that the facility 77251  
is closed to all public access during winter months, or 77252  
maintenance of the system. If any repair or maintenance is 77253  
necessary during times when the facility is open for public 77254  
access and business as approved by the fire marshal, the 77255  
licensed manufacturer shall notify in advance the appropriate 77256  
insurance company and fire chief or fire prevention officer 77257  
regarding the nature of the maintenance or repair and the time 77258  
when it will be performed. 77259

(K) If any fireworks item is removed from its original 77260  
package or is manufactured with any fuse other than a safety 77261  
fuse approved by the consumer product safety commission, then 77262  
the item shall be covered completely by repackaging or bagging 77263  
or it shall otherwise be covered so as to prevent ignition prior 77264  
to sale. 77265

(L) A safety officer shall be present during regular 77266  
business hours at a building open to the public during the 77267  
period commencing fourteen days before, and ending two days 77268  
after, each fourth day of July. The officer shall be highly 77269  
visible, enforce this chapter and any applicable building codes 77270  
to the extent the officer is authorized by law, and be one of 77271  
the following: 77272

(1) A deputy sheriff; 77273

(2) A law enforcement officer of a municipal corporation, 77274

township, or township or joint police district; 77275

(3) A private uniformed security guard registered under 77276  
section 4749.06 of the Revised Code. 77277

(M) All doors of all buildings on the licensed premises 77278  
shall swing outward. 77279

(N) All wholesale and commercial sales of fireworks shall 77280  
be packaged, shipped, placarded, and transported in accordance 77281  
with United States department of transportation regulations 77282  
applicable to the transportation, and the offering for 77283  
transportation, of hazardous materials. For purposes of this 77284  
division, "wholesale and commercial sales" includes all sales 77285  
for resale and any nonretail sale made in furtherance of a 77286  
commercial enterprise. For purposes of enforcement of these 77287  
regulations under section 4923.99 of the Revised Code, any sales 77288  
transaction exceeding one thousand pounds shall be rebuttably 77289  
presumed to be a wholesale or commercial sale. 77290

**Sec. 3743.17.** (A) The license of a wholesaler of fireworks 77291  
is effective for one year beginning on the first day of 77292  
December, and the state fire marshal shall issue or renew a 77293  
license only on that date and at no other time. If a wholesaler 77294  
of fireworks wishes to continue engaging in the wholesale sale 77295  
of fireworks at the particular location after its then effective 77296  
license expires, it shall apply not later than the first day of 77297  
October for a new license pursuant to section 3743.15 of the 77298  
Revised Code. The state fire marshal shall send a written notice 77299  
of the expiration of its license to a licensed wholesaler at 77300  
least three months before the expiration date. 77301

(B) If, during the effective period of its licensure, a 77302  
licensed wholesaler of fireworks wishes to perform any 77303



construction, or make any structural change or renovation, on 77304  
the premises on which the fireworks are sold, or to relocate its 77305  
sales operations to a new licensed premises, the wholesaler 77306  
shall notify the state fire marshal in writing. The state fire 77307  
marshal may require a licensed wholesaler also to submit 77308  
documentation, including, but not limited to, plans covering the 77309  
proposed construction or structural change or renovation, or 77310  
proposed new licensed premises, if the state fire marshal 77311  
determines the documentation is necessary for evaluation 77312  
purposes in light of the proposed construction, structural 77313  
change or renovation, or relocation. 77314

Upon receipt of the notification and additional 77315  
documentation required by the state fire marshal, the state fire 77316  
marshal shall inspect the premises on which the fireworks are 77317  
sold, or the proposed new licensed premises, to determine if the 77318  
proposed construction, structural change or renovation, or 77319  
relocation conforms to sections 3743.15 to 3743.21 of the 77320  
Revised Code, divisions (C) (1) and (2) of section 3743.25 of the 77321  
Revised Code, and the rules adopted by the state fire marshal 77322  
pursuant to section 3743.18 of the Revised Code. The state fire 77323  
marshal shall issue a written authorization to the wholesaler 77324  
for the construction, structural change or renovation, or new 77325  
licensed premises if the state fire marshal determines, upon the 77326  
inspection and a review of submitted documentation, that the 77327  
construction, structural change or renovation, or new licensed 77328  
premises conform to those sections and rules. 77329

(C) The license of a wholesaler of fireworks authorizes 77330  
the wholesaler to engage only in the following activities: 77331

(1) Possess for sale at wholesale and sell at wholesale 77332  
fireworks to persons who are licensed wholesalers of fireworks, 77333

to persons in accordance with sections 3743.44 to 3743.46 of the Revised Code, or to persons located in another state provided the fireworks are shipped directly out of this state to them by the wholesaler. The possession for sale shall be at the location described in the application for licensure or in the notification submitted under division (B) of this section, and the sale shall be from the inside of a licensed building and from no structure or device outside a licensed building. At no time shall a licensed wholesaler sell any class of fireworks outside a licensed building.

(2) Possess for sale at retail and sell at retail fireworks, other than 1.4G fireworks as designated by the state fire marshal in rules adopted pursuant to division (A) of section 3743.05 of the Revised Code, to licensed exhibitors in accordance with sections 3743.50 to 3743.55 of the Revised Code, and possess for sale at retail and sell at retail fireworks, including 1.4G fireworks, to persons in accordance with sections 3743.44 to ~~3743.46~~ 3743.48 of the Revised Code, or to persons located in another state provided the fireworks are shipped directly out of this state to them by the wholesaler. The possession for sale shall be at the location described in the application for licensure or in the notification submitted under division (B) of this section, and, except as otherwise provided in section 3743.48 of the Revised Code, the sale shall be from the inside of the licensed building and from no other structure or device outside this licensed building. ~~At no time shall~~ Except as otherwise provided in section 3743.48 of the Revised Code, a licensed wholesaler shall not sell any class of fireworks outside a licensed building.

A licensed wholesaler of fireworks shall sell under division (C) of this section only fireworks that meet the

standards set by the consumer product safety commission or by 77365  
the American fireworks standard laboratories or that have 77366  
received an EX number from the United States department of 77367  
transportation. 77368

(D) The license of a wholesaler of fireworks shall be 77369  
protected under glass and posted in a conspicuous place at the 77370  
location described in the application for licensure or in the 77371  
notification submitted under division (B) of this section. 77372  
Except as otherwise provided in this section, the license is not 77373  
transferable or assignable. 77374

(1) The ownership of a wholesaler of fireworks license may 77375  
be transferred to another person for the same location for which 77376  
the license was issued, or approved pursuant to division (B) of 77377  
this section, if the assets of the wholesaler are transferred to 77378  
that person by inheritance or by a sale approved by the state 77379  
fire marshal. 77380

(2) The license of a wholesaler of fireworks may be 77381  
geographically relocated in accordance with division (D) of 77382  
section 3743.75 of the Revised Code. 77383

(3) The license is subject to revocation in accordance 77384  
with section 3743.21 of the Revised Code. 77385

(E) The state fire marshal shall adopt rules for the 77386  
expansion or contraction of a licensed premises and for the 77387  
approval of an expansion or contraction. The boundaries of a 77388  
licensed premises, including any geographic expansion or 77389  
contraction of those boundaries, shall be approved by the state 77390  
fire marshal in accordance with rules the state fire marshal 77391  
adopts. If the licensed premises of a licensed wholesaler from 77392  
which the wholesaler operates consists of more than one parcel 77393

of real estate, those parcels must be contiguous, unless an 77394  
exception is allowed pursuant to division (F) of this section. 77395

(F) (1) A licensed wholesaler may expand its licensed 77396  
premises within this state to include not more than two storage 77397  
locations that are located upon one or more real estate parcels 77398  
that are noncontiguous to the licensed premises as that licensed 77399  
premises exists on the date a licensee submits an application as 77400  
described below, if all of the following apply: 77401

(a) The licensee submits an application to the state fire 77402  
marshal requesting the expansion and an application fee of one 77403  
hundred dollars per storage location for which the licensee is 77404  
requesting approval. 77405

(b) The identity of the holder of the license remains the 77406  
same at the storage location. 77407

(c) The storage location has received a valid certificate 77408  
of zoning compliance, as applicable, and a valid certificate of 77409  
occupancy for each building or structure at the storage location 77410  
issued by the authority having jurisdiction to issue the 77411  
certificate for the storage location, and those certificates 77412  
permit the distribution and storage of fireworks regulated under 77413  
this chapter at the storage location and in the buildings or 77414  
structures. The storage location shall be in compliance with all 77415  
other applicable federal, state, and local laws and regulations. 77416

(d) Every building or structure located upon the storage 77417  
location is separated from occupied residential and 77418  
nonresidential buildings or structures, railroads, highways, and 77419  
any other buildings or structures on the licensed premises in 77420  
accordance with the distances specified in the rules adopted by 77421  
the state fire marshal pursuant to section 3743.18 of the 77422

Revised Code. 77423

(e) Neither the licensee nor any person holding, owning, 77424  
or controlling a five per cent or greater beneficial or equity 77425  
interest in the licensee has been convicted of or pleaded guilty 77426  
to a felony under the laws of this state, any other state, or 77427  
the United States, after September 29, 2005. 77428

(f) The state fire marshal approves the application for 77429  
expansion. 77430

(2) The state fire marshal shall approve an application 77431  
for expansion requested under division (F) (1) of this section if 77432  
the state fire marshal receives the application fee and proof 77433  
that the requirements of divisions (F) (1) (b) to (e) of this 77434  
section are satisfied. The storage location shall be considered 77435  
part of the original licensed premises and shall use the same 77436  
distinct number assigned to the original licensed premises with 77437  
any additional designations as the state fire marshal deems 77438  
necessary in accordance with section 3743.16 of the Revised 77439  
Code. 77440

(G) (1) A licensee who obtains approval for use of a 77441  
storage location in accordance with division (F) of this section 77442  
shall use the site exclusively for the following activities, in 77443  
accordance with division (C) (1) of this section: 77444

(a) Packaging, assembling, or storing fireworks, which 77445  
shall occur only in buildings or structures approved for such 77446  
hazardous uses by the building code official having jurisdiction 77447  
for the storage location or, for 1.4G fireworks, in containers 77448  
or trailers approved for such hazardous uses by the state fire 77449  
marshal if such containers or trailers are not subject to 77450  
regulation by the building code adopted in accordance with 77451

Chapter 3781. of the Revised Code. All such storage shall be in 77452  
accordance with the rules adopted by the state fire marshal 77453  
under division (B) (4) of section 3743.18 of the Revised Code for 77454  
the packaging, assembling, and storage of fireworks. 77455

(b) Distributing fireworks to other parcels of real estate 77456  
located on the wholesaler's licensed premises, to licensed 77457  
manufacturers or other licensed wholesalers in this state or to 77458  
similarly licensed persons located in another state or country; 77459

(c) Distributing fireworks to a licensed exhibitor of 77460  
fireworks pursuant to a properly issued permit in accordance 77461  
with section 3743.54 of the Revised Code. 77462

(2) A licensed wholesaler shall not engage in any sales 77463  
activity, including the retail sale of fireworks otherwise 77464  
permitted under division (C) (2) of this section or pursuant to 77465  
section 3743.44 or 3743.45 of the Revised Code, at a storage 77466  
location approved under this section. 77467

(3) A storage location may not be relocated for a minimum 77468  
period of five years after the storage location is approved by 77469  
the state fire marshal in accordance with division (F) of this 77470  
section. 77471

(H) A licensee shall prohibit public access to all storage 77472  
locations it uses. The state fire marshal shall adopt rules 77473  
establishing acceptable measures a wholesaler shall use to 77474  
prohibit access to storage sites. 77475

(I) The state fire marshal shall not place the license of 77476  
a wholesaler of fireworks in temporarily inactive status while 77477  
the holder of the license is attempting to qualify to retain the 77478  
license. 77479

(J) Each licensed wholesaler of fireworks or a designee of 77480

the wholesaler, whose identity is provided to the state fire 77481  
marshal by the wholesaler, annually shall attend a continuing 77482  
education program. The state fire marshal shall develop the 77483  
program and the state fire marshal or a person or public agency 77484  
approved by the state fire marshal shall conduct it. A licensed 77485  
wholesaler or the wholesaler's designee who attends a program as 77486  
required under this division, within one year after attending 77487  
the program, shall conduct in-service training as approved by 77488  
the state fire marshal for other employees of the licensed 77489  
wholesaler regarding the information obtained in the program. A 77490  
licensed wholesaler shall provide the state fire marshal with 77491  
notice of the date, time, and place of all in-service training. 77492  
For any program conducted under this division, the state fire 77493  
marshal shall, in accordance with rules adopted by the state 77494  
fire marshal under Chapter 119. of the Revised Code, establish 77495  
the subjects to be taught, the length of classes, the standards 77496  
for approval, and time periods for notification by the licensee 77497  
to the state fire marshal of any in-service training. 77498

(K) A licensed wholesaler shall maintain comprehensive 77499  
general liability insurance coverage in the amount and type 77500  
specified under division (B) (2) of section 3743.15 of the 77501  
Revised Code at all times. Each policy of insurance required 77502  
under this division shall contain a provision requiring the 77503  
insurer to give not less than fifteen days' prior written notice 77504  
to the state fire marshal before termination, lapse, or 77505  
cancellation of the policy, or any change in the policy that 77506  
reduces the coverage below the minimum required under this 77507  
division. Prior to canceling or reducing the amount of coverage 77508  
of any comprehensive general liability insurance coverage 77509  
required under this division, a licensed wholesaler shall secure 77510  
supplemental insurance in an amount and type that satisfies the 77511

requirements of this division so that no lapse in coverage 77512  
occurs at any time. A licensed wholesaler who secures 77513  
supplemental insurance shall file evidence of the supplemental 77514  
insurance with the state fire marshal prior to canceling or 77515  
reducing the amount of coverage of any comprehensive general 77516  
liability insurance coverage required under this division. 77517

**Sec. 3743.19.** In addition to conforming to the rules of 77518  
the fire marshal adopted pursuant to section 3743.18 of the 77519  
Revised Code, licensed wholesalers of fireworks shall conduct 77520  
their business operations in accordance with the following: 77521

(A) A-Except as otherwise provided in section 3743.48 of 77522  
the Revised Code, a wholesaler shall conduct its business 77523  
operations from the location described in its application for 77524  
licensure or in a notification submitted under division (B) of 77525  
section 3743.17 of the Revised Code. 77526

(B) Signs indicating that smoking is generally forbidden 77527  
and trespassing is prohibited on the premises of a wholesaler 77528  
shall be posted on the premises as determined by the fire 77529  
marshal. 77530

(C) Reasonable precautions shall be taken to protect the 77531  
premises of a wholesaler from trespass, loss, theft, or 77532  
destruction. 77533

(D) Smoking or the carrying of pipes, cigarettes, or 77534  
cigars, matches, lighters, other flame-producing items, or open 77535  
flame on, or the carrying of a concealed source of ignition 77536  
into, the premises of a wholesaler is prohibited, except that a 77537  
wholesaler may permit smoking in specified lunchrooms or 77538  
restrooms in buildings or other structures in which no sales, 77539  
handling, or storage of fireworks takes place. "NO SMOKING" 77540



signs shall be posted on the premises as required by the fire marshal. 77541  
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(E) Fire and explosion prevention and other reasonable safety measures and precautions shall be implemented by a wholesaler. 77543  
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(F) Persons shall not be permitted to have in their possession or under their control, while they are on the premises of a wholesaler, any intoxicating liquor, beer, or controlled substance, and they shall not be permitted to enter or remain on the premises if they are found to be under the influence of any intoxicating liquor, beer, or controlled substance. 77546  
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(G) A wholesaler shall conform to all building, safety, and zoning statutes, ordinances, rules, or other enactments that apply to its premises. 77553  
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(H) Each building used in the sale of fireworks shall be kept open to the public for at least four hours each day between the hours of eight a.m. and five p.m., five days of each week, every week of the year. Upon application from a licensed wholesaler, the fire marshal may waive any of the requirements of this division. 77556  
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(I) Awnings, tents, or canopies shall not be used as facilities for the storage or sale of fireworks, except as expressly permitted by section 3743.48 of the Revised Code. This division does not prohibit the use of an awning or canopy attached to a public access showroom for storing nonflammable shopping convenience items such as shopping carts or baskets or providing a shaded area for patrons waiting to enter the public sales area. 77562  
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(J) 1.4G fireworks may be stored in trailers if the trailers are properly enclosed, secured, and grounded and are separated from any structure to which the public is admitted by a distance that will, in the fire marshal's judgment, allow fire-fighting equipment to have full access to the structures on the licensed premises. Such trailers may be moved into closer proximity to any structure only to accept or discharge cargo for a period not to exceed forty-eight hours. Only two such trailers may be placed in such closer proximity at any one time. At no time may trailers be used for conducting sales of any class of fireworks nor may members of the public have access to the trailers.

Storage areas for fireworks that are in the same building where fireworks are displayed and sold to the public shall be separated from the areas to which the public has access by an appropriately rated fire wall. If the licensee installs and properly maintains an early suppression fast response sprinkler system or equivalent fire suppression system as described in the fire code adopted by the fire marshal in accordance with section 3737.82 of the Revised Code throughout the structure, a fire barrier wall may be substituted for a fire wall between the areas to which the public has access and the storage portions of the structure.

(K) A fire suppression system as defined in section 3781.108 of the Revised Code may be turned off only for repair, drainage of the system to prevent damage by freezing during the period of time, approved by the fire marshal under division (I) of this section, that the facility is closed to public access during winter months, or maintenance of the system. If any repair or maintenance is necessary during times when the facility is open for public access and business, the licensed

wholesaler shall notify in advance the appropriate insurance 77601  
company and fire chief or fire prevention officer regarding the 77602  
nature of the maintenance or repair and the time when it will be 77603  
performed. 77604

(L) If any fireworks item is removed from its original 77605  
package or is manufactured with any fuse other than a fuse 77606  
approved by the consumer product safety commission, then the 77607  
item shall be covered completely by repackaging or bagging or it 77608  
shall otherwise be covered so as to prevent ignition prior to 77609  
sale. 77610

(M) A safety officer shall be present during regular 77611  
business hours at a building open to the public during the 77612  
period commencing fourteen days before, and ending two days 77613  
after, each fourth day of July. The officer shall be highly 77614  
visible, enforce this chapter and any applicable building codes 77615  
to the extent the officer is authorized by law, and be one of 77616  
the following: 77617

(1) A deputy sheriff; 77618

(2) A law enforcement officer of a municipal corporation, 77619  
township, or township or joint police district; 77620

(3) A private uniformed security guard registered under 77621  
section 4749.06 of the Revised Code. 77622

(N) All doors of all buildings on the licensed premises 77623  
shall swing outward. 77624

(O) All wholesale and commercial sales of fireworks shall 77625  
be packaged, shipped, placarded, and transported in accordance 77626  
with United States department of transportation regulations 77627  
applicable to the transportation, and the offering for 77628  
transportation, of hazardous materials. For purposes of this 77629

division, "wholesale and commercial sales" includes all sales 77630  
for resale and any nonretail sale made in furtherance of a 77631  
commercial enterprise. For purposes of enforcement of these 77632  
regulations under section 4923.99 of the Revised Code, any sales 77633  
transaction exceeding one thousand pounds shall be rebuttably 77634  
presumed to be a wholesale or commercial sale. 77635

**Sec. 3743.25.** (A) (1) Except as described in division (A) 77636  
(2) of this section and in section 3743.48 of the Revised Code, 77637  
all retail sales of 1.4G fireworks by a licensed manufacturer or 77638  
wholesaler shall only occur from an approved retail sales 77639  
showroom on a licensed premises or from a representative sample 77640  
showroom as described in this section on a licensed premises. 77641  
For the purposes of this section, a retail sale includes the 77642  
transfer of the possession of the 1.4G fireworks from the 77643  
licensed manufacturer or wholesaler to the purchaser of the 77644  
fireworks. 77645

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 77646  
properly permitted exhibition shall occur in accordance with the 77647  
provisions of the Revised Code and rules adopted by the state 77648  
fire marshal under Chapter 119. of the Revised Code. Such rules 77649  
shall specify, at a minimum, that the licensed exhibitor holds a 77650  
license under section 3743.51 of the Revised Code, that the 77651  
exhibitor possesses a valid exhibition permit issued in 77652  
accordance with section 3743.54 of the Revised Code, and that 77653  
the fireworks shipped are to be used at the specifically 77654  
permitted exhibition. 77655

(B) All wholesale sales of fireworks by a licensed 77656  
manufacturer or wholesaler shall only occur from a licensed 77657  
premises to persons who intend to resell the fireworks purchased 77658  
at wholesale. A wholesale sale by a licensed manufacturer or 77659

wholesaler may occur as follows: 77660

(1) The direct sale and shipment of fireworks to a person 77661  
outside of this state; 77662

(2) From an approved retail sales showroom as described in 77663  
this section; 77664

(3) From a representative sample showroom as described in 77665  
this section; 77666

(4) By delivery of wholesale fireworks to a purchaser at a 77667  
licensed premises outside of a structure or building on that 77668  
premises. All other portions of the wholesale sales transaction 77669  
may occur at any location on a licensed premises. 77670

(5) Any other method as described in rules adopted by the 77671  
state fire marshal under Chapter 119. of the Revised Code. 77672

(C) A-Except as otherwise provided in section 3743.48 of 77673  
the Revised Code, a licensed manufacturer or wholesaler shall 77674  
only sell 1.4G fireworks from a representative sample showroom 77675  
or a retail sales showroom. Each licensed premises shall only 77676  
contain one sales structure. 77677

A representative sample showroom shall consist of a 77678  
structure constructed and maintained in accordance with the 77679  
nonresidential building code adopted under Chapter 3781. of the 77680  
Revised Code and the fire code adopted under section 3737.82 of 77681  
the Revised Code for a use and occupancy group that permits 77682  
mercantile sales. A representative sample showroom shall not 77683  
contain any pyrotechnics, pyrotechnic materials, fireworks, 77684  
explosives, explosive materials, or any similar hazardous 77685  
materials or substances. A representative sample showroom shall 77686  
be used only for the public viewing of fireworks product 77687  
representations, including paper materials, packaging materials, 77688

catalogs, photographs, or other similar product depictions. The 77689  
delivery of product to a purchaser of fireworks at a licensed 77690  
premises that has a representative sample structure shall not 77691  
occur inside any structure on a licensed premises. Such product 77692  
delivery shall occur on the licensed premises in a manner 77693  
prescribed by rules adopted by the state fire marshal pursuant 77694  
to Chapter 119. of the Revised Code. 77695

If a manufacturer or wholesaler elects to conduct sales 77696  
from a retail sales showroom, the showroom structures, to which 77697  
the public may have any access and in which employees are 77698  
required to work, on all licensed premises, shall comply with 77699  
the following safety requirements: 77700

(1) A fireworks showroom that is constructed or upon which 77701  
expansion is undertaken on and after June 30, 1997, shall be 77702  
equipped with interlinked fire detection, fire suppression, 77703  
smoke exhaust, and smoke evacuation systems that are approved by 77704  
the superintendent of industrial compliance in the department of 77705  
commerce. 77706

(2) (a) A fireworks showroom that first begins to operate 77707  
on or after June 30, 1997, or that resumes operations at any 77708  
time after a period of inactive status of licensure greater than 77709  
one year, and to which the public has access for retail purposes 77710  
shall not exceed seven thousand five hundred square feet in 77711  
floor area. 77712

(b) A fireworks showroom that, through construction of a 77713  
new showroom, expansion of an existing showroom, or similar 77714  
means, first exceeds five thousand square feet, to which the 77715  
public has access for retail purposes, after ~~the effective date~~ 77716  
~~of this amendment~~ February 7, 2022, shall be equipped with a 77717  
sprinkler system that meets the criteria for sprinkler systems 77718

in extra hazard (group 2) occupancies under "NFPA 13, Standard  
for the Installation of Sprinkler Systems (2019 Edition)." 77719  
77720

(c) Notwithstanding division (D) of this section, the 77721  
state fire marshal may provide a variance to the requirements of 77722  
division (C) (2) (b) of this section pursuant to section 3743.59 77723  
of the Revised Code for a sprinkler system that matches or 77724  
exceeds the degree of safety provided by a sprinkler system that 77725  
meets the criteria for sprinkler systems in extra hazard (group 77726  
2) occupancies under "NFPA 13, Standard for the Installation of 77727  
Sprinkler Systems (2019 Edition)." 77728

(3) A newly constructed or an existing fireworks showroom 77729  
structure that exists on September 23, 2008, but that, on or 77730  
after September 23, 2008, is altered or added to in a manner 77731  
requiring the submission of plans, drawings, specifications, or 77732  
data pursuant to section 3791.04 of the Revised Code, shall 77733  
comply with a graphic floor plan layout that is approved by the 77734  
state fire marshal and superintendent showing width of aisles, 77735  
parallel arrangement of aisles to exits, number of exits per 77736  
wall, maximum occupancy load, evacuation plan for occupants, 77737  
height of storage or display of merchandise, and other 77738  
information as may be required by the state fire marshal and 77739  
superintendent. 77740

(4) A fireworks showroom structure that exists on June 30, 77741  
1997, shall be in compliance on or after June 30, 1997, with 77742  
floor plans showing occupancy load limits and internal 77743  
circulation and egress patterns that are approved by the state 77744  
fire marshal and superintendent, and that are submitted under 77745  
seal as required by section 3791.04 of the Revised Code. 77746

(D) The safety requirements established in division (C) of 77747  
this section are not subject to any variance, waiver, or 77748

exclusion pursuant to this chapter or any applicable building code. 77749  
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Sec. 3743.48. (A) For the purposes of this section, 77751  
"online sale" means a retail sale through an internet web site 77752  
or other digital platform. 77753

(B) A licensed manufacturer or licensed wholesaler may 77754  
conduct online sales of 1.4G fireworks in accordance with this 77755  
section. A licensed manufacturer or licensed wholesaler shall 77756  
ensure that all selection, ordering, and payment is carried out 77757  
in accordance with the procedures and requirements of this 77758  
chapter and all rules adopted thereunder, except to the extent 77759  
that those procedures, requirements, and rules directly conflict 77760  
with this section. 77761

(C) Each online sale of 1.4G fireworks shall be 77762  
specifically associated with a single licensed manufacturer or 77763  
licensed wholesaler, identified by license identification number 77764  
and the address of the licensed premises. A licensed 77765  
manufacturer or licensed wholesaler shall transfer possession of 77766  
1.4G fireworks purchased in an online sale only in the retail 77767  
showroom of the licensed premises or via curbside delivery made 77768  
in accordance with all of the following: 77769

(1) The delivery is made to the verified purchaser of the 77770  
1.4G fireworks. 77771

(2) The delivery occurs on the licensed premises 77772  
associated with sale. 77773

(3) The delivery occurs in a designated customer pick-up 77774  
zone which may be accessible by motor vehicles. 77775

(4) The purchaser is provided a safety pamphlet, in 77776  
accordance with section 3743.47 of the Revised Code, at the 77777



point of delivery. 77778

(5) The purchaser is offered safety glasses for a nominal fee at the point of delivery in accordance section 3743.47 of the Revised Code. 77779  
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(D) A licensed manufacturer or licensed wholesaler may construct a tent or other temporary structure on a licensed premises to provide shelter for employees and purchasers at the point of curb-side delivery, provided that such structures are approved by the state fire marshal and are in compliance with all state and local laws, including the state building code, the state fire code, and any applicable zoning requirements. 77782  
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(E) A licensed manufacturer or licensed wholesaler shall not transfer possession of 1.4G fireworks purchased in an online sale to any person other than the verified purchaser. Before transferring possession, the licensed manufacturer or licensed wholesaler shall verify all of the following: 77789  
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(1) The number and types of items included in the order; 77794

(2) That the purchaser is at least eighteen years of age; 77795

(3) That the purchaser's name is the same name associated with the credit or debit card with which the order was placed; 77796  
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(4) That the purchaser attests to understanding and agrees to comply with all applicable federal, state, and local laws regarding consumer fireworks storage and use; 77798  
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(5) That the purchaser signs all forms required by law; 77801

(6) That the purchaser pays the fee imposed by section 3743.22 of the Revised Code. 77802  
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(F) A licensed manufacturer or licensed wholesaler that 77804

conducts online sales of 1.4G fireworks shall do all of the 77805  
following: 77806

(1) Comply with all applicable state and local laws, 77807  
including the state building code, state fire code, and zoning 77808  
requirements; 77809

(2) Implement reasonable traffic control measures for 77810  
curb-side deliveries; 77811

(3) Maintain all regular fireworks sales records, 77812  
including any records necessary to demonstrate compliance with 77813  
this section, and make those records available upon request of 77814  
the state fire marshal or any law enforcement officer, fire code 77815  
official, or building code official with jurisdiction. 77816

(G) A licensed manufacturer or licensed wholesaler shall 77817  
not do any of the following: 77818

(1) Deliver fireworks via mail order, parcel service, or 77819  
any other delivery process that occurs outside of the licensed 77820  
premises; 77821

(2) Sell or offer for sale fireworks or other items 77822  
outside of the licensed retail showroom except as expressly 77823  
authorized by this section; 77824

(3) Display fireworks for sale outside of a retail 77825  
showroom; 77826

(4) Permit any member of the public to access any areas on 77827  
the licensed premises other than the retail showroom and the 77828  
designated area for curb-side delivery. 77829

(H) Nothing in this section shall be construed to do any 77830  
of the following: 77831

- (1) Reduce, waive, or otherwise eliminate any licensure or safety requirements in this chapter or the rules adopted thereunder; 77832  
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- (2) Exempt any retail sales of 1.4G fireworks from the fee imposed by section 3743.22 of the Revised Code; 77835  
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- (3) Reduce, waive, or otherwise eliminate any of a licensed manufacturer's or licensed wholesaler's liability, insurance, workers compensation, or other legal obligations. 77837  
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- (I) (1) A licensed wholesaler or licensed manufacturer is not required to conduct online sales of fireworks. 77840  
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- (2) A licensed wholesaler or licensed manufacturer may implement a hybrid firework purchase and delivery system composed of one or more of the following: 77842  
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- (a) Standard retail showroom sales; 77845
- (b) Online selection of, or payment for, 1.4G fireworks products and in-store showroom delivery of those products; 77846  
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- (c) Online selection of, or payment for, 1.4G fireworks products and curb-side delivery of those products; 77848  
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- (d) Retail showroom-based product selection and payment, and curb-side delivery of those products; 77850  
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- (e) Other similar purchase and delivery systems approved in writing by the state fire marshal in accordance with division (J) of this section. 77852  
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- (J) A licensed wholesaler or licensed manufacturer may submit to the state fire marshal proposals for alternative 1.4G firework purchase and delivery systems that satisfy the requirements of this section. The state fire marshal shall 77855  
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review each such proposal and, if the alternative firework 77859  
purchase and delivery system satisfies the requirements of this 77860  
section, may approve that firework purchase and delivery system 77861  
for use by the licensed wholesaler or licensed manufacturer. 77862

(K) This section does not apply to 1.3G fireworks or 77863  
wholesale sales. 77864

(M) The state fire marshal shall adopt rules and standards 77865  
in accordance with Chapter 119. of the Revised Code as necessary 77866  
to implement and enforce this section. 77867

**Sec. 3743.60.** (A) No person shall manufacture fireworks in 77868  
this state unless it is a licensed manufacturer of fireworks, 77869  
and no person shall operate a fireworks plant in this state 77870  
unless it has been issued a license as a manufacturer of 77871  
fireworks for the particular fireworks plant. 77872

(B) No person shall operate a fireworks plant in this 77873  
state after its license as a manufacturer of fireworks for the 77874  
particular fireworks plant has expired, is suspended, has been 77875  
denied renewal, or has been revoked, unless a new license has 77876  
been obtained or the suspension lifted. 77877

(C) No licensed manufacturer of fireworks, during the 77878  
effective period of its licensure, shall construct, locate, or 77879  
relocate any buildings or other structures on the premises of 77880  
its fireworks plant, make any structural change or renovation in 77881  
any building or other structure on the premises of its fireworks 77882  
plant, or change the nature of its manufacturing of fireworks so 77883  
as to include the processing of fireworks without first 77884  
obtaining a written authorization from the state fire marshal 77885  
pursuant to division (B) of section 3743.04 of the Revised Code. 77886

(D) No licensed manufacturer of fireworks shall 77887

manufacture fireworks, possess fireworks for sale at wholesale 77888  
or retail, or sell fireworks at wholesale or retail, in a manner 77889  
not authorized by division (C) of section 3743.04 of the Revised 77890  
Code. 77891

(E) No licensed manufacturer of fireworks shall knowingly 77892  
fail to comply with the rules adopted by the state fire marshal 77893  
pursuant to ~~section~~ sections 3743.05 and 3743.48 of the Revised 77894  
Code or the requirements of ~~section~~ sections 3743.06 and 3743.48 77895  
of the Revised Code. 77896

(F) No licensed manufacturer of fireworks shall fail to 77897  
maintain complete inventory, wholesale sale, and retail records 77898  
as required by section 3743.07 of the Revised Code, or to permit 77899  
inspection of these records or the premises of a fireworks plant 77900  
pursuant to section 3743.08 of the Revised Code. 77901

(G) No licensed manufacturer of fireworks shall fail to 77902  
comply with an order of the state fire marshal issued pursuant 77903  
to division (B) (1) of section 3743.08 of the Revised Code, 77904  
within the specified period of time. 77905

(H) No licensed manufacturer of fireworks shall fail to 77906  
comply with an order of the state fire marshal issued pursuant 77907  
to division (B) (2) of section 3743.08 of the Revised Code until 77908  
the nonconformities are eliminated, corrected, or otherwise 77909  
remedied or the seventy-two hour period specified in that 77910  
division has expired, whichever first occurs. 77911

(I) No person shall smoke or shall carry a pipe, 77912  
cigarette, or cigar, or a match, lighter, other flame-producing 77913  
item, or open flame on, or shall carry a concealed source of 77914  
ignition into, the premises of a fireworks plant, except as 77915  
smoking is authorized in specified lunchrooms or restrooms by a 77916

manufacturer pursuant to division (C) of section 3743.06 of the Revised Code. 77917  
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(J) No person shall have possession or control of, or be under the influence of, any intoxicating liquor, beer, or controlled substance, while on the premises of a fireworks plant. 77919  
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(K) No licensed manufacturer of fireworks shall negligently fail to furnish a safety pamphlet to a purchaser of 1.4G fireworks as required by division (A) of section 3743.47 of the Revised Code. 77923  
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(L) No licensed manufacturer of fireworks shall negligently fail to have safety glasses available for sale as required by division (B) of section 3743.47 of the Revised Code. 77927  
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**Sec. 3743.63.** (A) No person who purchases fireworks in this state shall obtain possession of the fireworks in this state unless the person complies with sections 3743.44 to ~~3743.46~~3743.48 of the Revised Code. 77930  
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(B) Except for the purchase of 1.4G fireworks made under section 3743.45 of the Revised Code, no person who resides in another state and who purchases fireworks in this state shall obtain possession of fireworks in this state other than from a licensed manufacturer or wholesaler, or fail, when transporting 1.3G fireworks, to transport them directly out of this state within seventy-two hours after the time of their purchase. 77934  
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(C) No person who purchases fireworks in this state under section 3743.45 of the Revised Code shall give or sell to any other person in this state fireworks that the person has acquired in this state. 77941  
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77944

**Sec. 3743.65.** (A) No person shall possess fireworks in 77945

this state or shall possess for sale or sell fireworks in this 77946  
state, except a licensed manufacturer of fireworks as authorized 77947  
by sections 3743.02 to 3743.08 of the Revised Code, a licensed 77948  
wholesaler of fireworks as authorized by sections 3743.15 to 77949  
3743.21 of the Revised Code, a shipping permit holder as 77950  
authorized by section 3743.40 of the Revised Code, a licensed 77951  
fountain device retailer as authorized by section 3743.27 of the 77952  
Revised Code, a person as authorized by sections 3743.44 ~~and,~~  77953  
3743.45, and 3743.48 of the Revised Code, or a licensed 77954  
exhibitor of fireworks as authorized by sections 3743.50 to 77955  
3743.55 of the Revised Code, and except as provided in section 77956  
3743.80 of the Revised Code. 77957

(B) Except as provided in sections 3743.45 and 3743.80 of 77958  
the Revised Code and except for licensed exhibitors of fireworks 77959  
authorized to conduct a fireworks exhibition pursuant to 77960  
sections 3743.50 to 3743.55 of the Revised Code, no person shall 77961  
discharge, ignite, or explode any fireworks in this state. 77962

(C) No person shall use in a theater or public hall, what 77963  
is technically known as fireworks showers, or a mixture 77964  
containing potassium chlorate and sulphur. 77965

(D) No person shall sell fireworks of any kind to a person 77966  
under eighteen years of age. No person under eighteen years of 77967  
age shall enter a fireworks sales showroom unless that person is 77968  
accompanied by a parent, legal guardian, or other responsible 77969  
adult. No person under eighteen years of age shall touch or 77970  
possess fireworks on a licensed premises without the consent of 77971  
the licensee. A licensee may eject any person from a licensed 77972  
premises that is in any way disruptive to the safe operation of 77973  
the premises. 77974

(E) Except as otherwise provided in section 3743.44 of the 77975

Revised Code, no person, other than a licensed manufacturer, 77976  
licensed wholesaler, licensed exhibitor, or shipping permit 77977  
holder, shall possess 1.3G fireworks in this state. 77978

(F) Except as otherwise provided in division (J) of 77979  
section 3743.06 and division (K) of section 3743.19 of the 77980  
Revised Code, no person shall knowingly disable a fire 77981  
suppression system as defined in section 3781.108 of the Revised 77982  
Code on the premises of a fireworks plant of a licensed 77983  
manufacturer of fireworks or on the premises of the business 77984  
operations of a licensed wholesaler of fireworks. 77985

(G) No person shall negligently discharge, ignite, or 77986  
explode fireworks while in possession or control of, or under 77987  
the influence of, any intoxicating liquor, beer, or controlled 77988  
substance. 77989

(H) No person shall negligently discharge, ignite, or 77990  
explode fireworks on the property of another person without that 77991  
person's permission to use fireworks on that property. 77992

**Sec. 3745.11.** (A) Applicants for and holders of permits, 77993  
licenses, variances, plan approvals, and certifications issued 77994  
by the director of environmental protection pursuant to Chapters 77995  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a 77996  
fee to the environmental protection agency for each such 77997  
issuance and each application for an issuance as provided by 77998  
this section. No fee shall be charged for any issuance for which 77999  
no application has been submitted to the director. 78000

(B) Except as otherwise provided in division (C) (2) of 78001  
this section, beginning July 1, 1994, each person who owns or 78002  
operates an air contaminant source and who is required to apply 78003  
for and obtain a Title V permit under section 3704.036 of the 78004



Revised Code shall pay an annual fee in addition to the fees set 78005  
forth in this division. The additional annual fee shall be a 78006  
dollar amount that equals five thousand dollars multiplied by 78007  
the total tons of regulated pollutants emitted from the air 78008  
contaminant source in the previous calendar year divided by one 78009  
hundred. For the purposes of this division, total emissions of 78010  
air contaminants may be calculated using engineering 78011  
calculations, emissions factors, material balance calculations, 78012  
or performance testing procedures, as authorized by the 78013  
director. 78014

The following fees shall be assessed on the total actual 78015  
emissions from a source in tons per year of the regulated 78016  
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 78017  
organic compounds, and lead: 78018

(1) Fifteen dollars per ton on the total actual emissions 78019  
of each such regulated pollutant during the period July through 78020  
December 1993, to be collected no sooner than July 1, 1994; 78021

(2) Twenty dollars per ton on the total actual emissions 78022  
of each such regulated pollutant during calendar year 1994, to 78023  
be collected no sooner than April 15, 1995; 78024

(3) Twenty-five dollars per ton on the total actual 78025  
emissions of each such regulated pollutant in calendar year 78026  
1995, and each subsequent calendar year, to be collected no 78027  
sooner than the fifteenth day of April of the year next 78028  
succeeding the calendar year in which the emissions occurred. 78029

The fees levied under this division do not apply to that 78030  
portion of the emissions of a regulated pollutant at a facility 78031  
that exceed four thousand tons during a calendar year. 78032

(C) (1) The fees assessed under division (B) of this 78033

section are for the purpose of providing funding for the Title V permit program. 78034  
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(2) The fees assessed under division (B) of this section do not apply to emissions from any electric generating unit designated as a Phase I unit under Title IV of the federal Clean Air Act prior to calendar year 2000. Those fees shall be assessed on the emissions from such a generating unit commencing in calendar year 2001 based upon the total actual emissions from the generating unit during calendar year 2000 and shall continue to be assessed each subsequent calendar year based on the total actual emissions from the generating unit during the preceding calendar year. 78036  
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(3) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (B) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice. 78046  
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(D) (1) Except as provided in division (D) (2) of this section, beginning January 1, 2004, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic 78054  
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compounds, and lead in accordance with the following schedule: 78064  
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	1	2	
A	Total tons per year of regulated pollutants emitted	Annual fee per facility	
B	More than 0, but less than 10		\$100
C	10 or more, but less than 50	200	
D	50 or more, but less than 100	300	
E	100 or more	700	

(2) (a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code. 78066  
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78072

(b) Beginning January 1, 2000, through June 30, ~~2026~~2028, each person who owns or operates a synthetic minor facility\_ shall pay an annual fee, which shall be an amount in dollars equal to five thousand dollars multiplied by the total tons of regulated pollutants emitted from the synthetic minor facility in the previous calendar year divided by one hundred. In addition, through June 30, 2028, the synthetic minor facility shall pay an additional annual fee based on the sum of the actual annual emissions from the facility of particulate matter, 78073  
78074  
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78080  
78081

sulfur dioxide, nitrogen dioxide, organic compounds, and lead in 78082  
accordance with the following schedule: 78083  
78084

	1	2
A	Combined total tons per year of all regulated pollutants emitted	Annual fee per facility
B	Less than 10	<del>\$170</del> <u>\$255</u>
C	10 or more, but less than 20	<del>340</del> <u>510</u>
D	20 or more, but less than 30	<del>670</del> <u>1,005</u>
E	30 or more, but less than 40	<del>1,010</del> <u>1,515</u>
F	40 or more, but less than 50	<del>1,340</del> <u>2,010</u>
G	50 or more, but less than 60	<del>1,680</del> <u>2,520</u>
H	60 or more, but less than 70	<del>2,010</del> <u>3,015</u>
I	70 or more, but less than 80	<del>2,350</del> <u>3,525</u>
J	80 or more, but less than 90	<del>2,680</del> <u>4,020</u>
K	90 or more, but less than 100	<del>3,020</del> <u>4,530</u>
L	100 or more	<del>3,350</del> <u>5,025</u>

(3) The fees assessed under division (D)(1) of this 78085  
section shall be collected annually no sooner than the fifteenth 78086

day of April, commencing in 2005. The fees assessed under 78087  
division (D)(2) of this section shall be collected no sooner 78088  
than the fifteenth day of April, commencing in 2000. The fees 78089  
assessed under division (D) of this section in a calendar year 78090  
shall be based upon the sum of the actual emissions of those 78091  
regulated pollutants during the preceding calendar year. For the 78092  
purpose of division (D) of this section, emissions of air 78093  
contaminants may be calculated using engineering calculations, 78094  
emission factors, material balance calculations, or performance 78095  
testing procedures, as authorized by the director. The director, 78096  
by rule, may require persons who are required to pay the fees 78097  
assessed under division (D) of this section to pay those fees 78098  
biennially rather than annually. 78099

(E)(1) Consistent with the need to cover the reasonable 78100  
costs of the Title V permit program, the director annually shall 78101  
increase the fees assessed on emissions prescribed in division 78102  
(B) of this section by the percentage, if any, by which the 78103  
consumer price index for the most recent calendar year ending 78104  
before the beginning of a year exceeds the consumer price index 78105  
for calendar year 1989. Upon calculating an increase in fees 78106  
authorized by division (E)(1) of this section, the director 78107  
shall compile revised fee schedules for the purposes of division 78108  
(B) of this section and shall make the revised schedules 78109  
available to persons required to pay the fees assessed under 78110  
that division and to the public. 78111

(2) For the purposes of division (E)(1) of this section: 78112

(a) The consumer price index for any year is the average 78113  
of the consumer price index for all urban consumers published by 78114  
the United States department of labor as of the close of the 78115  
twelve-month period ending on the thirty-first day of August of 78116

that year. 78117

(b) If the 1989 consumer price index is revised, the 78118  
director shall use the revision of the consumer price index that 78119  
is most consistent with that for calendar year 1989. 78120

(F) Each person who is issued a permit to install pursuant 78121  
to rules adopted under division (F) of section 3704.03 of the 78122  
Revised Code on or after July 1, 2003, shall pay the fees 78123  
specified in the following schedules: 78124

(1) Fuel-burning equipment (boilers, furnaces, or process 78125  
heaters used in the process of burning fuel for the primary 78126  
purpose of producing heat or power by indirect heat transfer) 78127  
78128

	1	2
A	Input capacity (maximum)  (million British thermal units per hour)	Permit to install
B	Greater than 0, but less than 10	<del>\$200</del> <u>\$300</u>
C	10 or more, but less than 100	<del>400</del> <u>600</u>
D	100 or more, but less than 300	<del>1000</del> <u>1,500</u>
E	300 or more, but less than 500	<del>2250</del> <u>3,375</u>
F	500 or more, but less than 1000	<del>3750</del> <u>5,625</u>
G	1000 or more, but less than 5000	<del>6000</del> <u>9,000</u>
H	5000 or more	<del>9000</del> <u>13,500</u>

Units burning exclusively natural gas, number two fuel	78129
oil, or both shall be assessed a fee that is one-half the	78130
applicable amount shown in division (F) (1) of this section.	78131

(2) Combustion turbines and stationary internal combustion	78132
engines designed to generate electricity	78133
	78134

	1	2
A Generating capacity (mega watts)		Permit to install
B 0 or more, but less than 10		<del>\$25</del>
		<u>\$37.50</u>
C 10 or more, but less than 25		<del>150</del> <u>225</u>
D 25 or more, but less than 50		<del>300</del> <u>450</u>
E 50 or more, but less than 100		<del>500</del> <u>750</u>
F 100 or more, but less than 250		<del>1000</del> <u>1,500</u>
G 250 or more		<del>2000</del> <u>3,000</u>

(3) Incinerators	78135
	78136

	1	2
A Input capacity (pounds per hour)		Permit to install
B 0 to 100		<del>\$100</del>
		<u>\$150</u>
C 101 to 500		<del>500</del> <u>750</u>

D	501 to 2000	<del>1000</del> <u>1,500</u>
E	2001 to 20,000	<del>1500</del> <u>2,250</u>
F	more than 20,000	<del>3750</del> <u>5,625</u>

(4) (a) Process 78137

78138

1

2

A	Process weight rate (pounds per hour)	Permit to install
B	0 to 1000	<del>\$200</del> <u>\$300</u>
C	1001 to 5000	<del>500</del> <u>750</u>
D	5001 to 10,000	<del>750</del> <u>1,125</u>
E	10,001 to 50,000	<del>1000</del> <u>1,500</u>
F	more than 50,000	<del>1250</del> <u>1,875</u>

In any process where process weight rate cannot be 78139  
ascertained, the minimum fee shall be assessed. A boiler, 78140  
furnace, combustion turbine, stationary internal combustion 78141  
engine, or process heater designed to provide direct heat or 78142  
power to a process not designed to generate electricity shall be 78143  
assessed a fee established in division (F) (4) (a) of this 78144  
section. A combustion turbine or stationary internal combustion 78145  
engine designed to generate electricity shall be assessed a fee 78146  
established in division (F) (2) of this section. 78147

(b) Notwithstanding division (F) (4) (a) of this section, 78148



any person issued a permit to install pursuant to rules adopted 78149  
under division (F) of section 3704.03 of the Revised Code shall 78150  
pay the fees set forth in division (F) (4) (c) of this section for 78151  
a process used in any of the following industries, as identified 78152  
by the applicable two-digit, three-digit, or four-digit standard 78153  
industrial classification code according to the Standard 78154  
Industrial Classification Manual published by the United States 78155  
office of management and budget in the executive office of the 78156  
president, 1987, as revised: 78157

Major group 10, metal mining; 78158

Major group 12, coal mining; 78159

Major group 14, mining and quarrying of nonmetallic 78160  
minerals; 78161

Industry group 204, grain mill products; 78162

2873 Nitrogen fertilizers; 78163

2874 Phosphatic fertilizers; 78164

3281 Cut stone and stone products; 78165

3295 Minerals and earth, ground or otherwise treated; 78166

4221 Grain elevators (storage only); 78167

5159 Farm related raw materials; 78168

5261 Retail nurseries and lawn and garden supply stores. 78169

(c) The fees set forth in the following schedule apply to 78170  
the issuance of a permit to install pursuant to rules adopted 78171  
under division (F) of section 3704.03 of the Revised Code for a 78172  
process identified in division (F) (4) (b) of this section: 78173  
78174

	1	2	
A	Process weight rate (pounds per hour)	Permit to install	
B	0 to 10,000	<del>\$200</del>	
		<u>\$300</u>	
C	10,001 to 50,000	<del>400</del> <u>600</u>	
D	50,001 to 100,000	<del>500</del> <u>750</u>	
E	100,001 to 200,000	<del>600</del> <u>900</u>	
F	200,001 to 400,000	<del>750</del> <u>1,125</u>	
G	400,001 or more	<del>900</del> <u>1,350</u>	
	(5) Storage tanks		78175
			78176

	1	2	
A	Gallons (maximum useful capacity)	Permit to install	
B	0 to 20,000	<del>\$100</del>	
		<u>\$150</u>	
C	20,001 to 40,000	<del>150</del> <u>225</u>	
D	40,001 to 100,000	<del>250</del> <u>375</u>	
E	100,001 to 500,000	<del>400</del> <u>600</u>	
F	500,001 or greater	<del>750</del> <u>1,125</u>	
	(6) Gasoline/fuel dispensing facilities		78177

			78178
	1	2	
A	For each gasoline/fuel dispensing facility (includes all units at the facility)	Permit to install <del>\$100</del> <u>\$150</u>	
	(7) Dry cleaning facilities		78179
			78180
	1	2	
A	For each dry cleaning facility (includes all units at the facility)	Permit to install <del>\$100</del> <u>\$150</u>	
	(8) Registration status		78181
			78182
	1	2	
A	For each source covered by registration status	Permit to install <del>\$75</del> <u>\$112.50</u>	
	(G) An owner or operator who is responsible for an asbestos demolition or renovation project pursuant to rules adopted under section 3704.03 of the Revised Code shall pay, upon submitting a notification pursuant to rules adopted under that section, the fees set forth in the following schedule:		78183 78184 78185 78186 78187 78188
	1	2	
A	Action	Fee	
B	Each notification		\$75

C	Asbestos removal	\$3/unit
D	Asbestos cleanup	\$4/cubic yard

For purposes of this division, "unit" means any 78189  
combination of linear feet or square feet equal to fifty. 78190

(H) A person who is issued an extension of time for a 78191  
permit to install an air contaminant source pursuant to rules 78192  
adopted under division (F) of section 3704.03 of the Revised 78193  
Code shall pay a fee equal to one-half the fee originally 78194  
assessed for the permit to install under this section, except 78195  
that the fee for such an extension shall not exceed two hundred 78196  
dollars. 78197

(I) A person who is issued a modification to a permit to 78198  
install an air contaminant source pursuant to rules adopted 78199  
under section 3704.03 of the Revised Code shall pay a fee equal 78200  
to one-half of the fee that would be assessed under this section 78201  
to obtain a permit to install the source. The fee assessed by 78202  
this division only applies to modifications that are initiated 78203  
by the owner or operator of the source and shall not exceed two 78204  
thousand dollars. 78205

(J) Notwithstanding division (F) of this section, a person 78206  
who applies for or obtains a permit to install pursuant to rules 78207  
adopted under division (F) of section 3704.03 of the Revised 78208  
Code after the date actual construction of the source began 78209  
shall pay a fee for the permit to install that is equal to twice 78210  
the fee that otherwise would be assessed under the applicable 78211  
division unless the applicant received authorization to begin 78212  
construction under division (W) of section 3704.03 of the 78213  
Revised Code. This division only applies to sources for which 78214

actual construction of the source begins on or after July 1, 78215  
1993. The imposition or payment of the fee established in this 78216  
division does not preclude the director from taking any 78217  
administrative or judicial enforcement action under this 78218  
chapter, Chapter 3704., 3714., 3734., or 6111. of the Revised 78219  
Code, or a rule adopted under any of them, in connection with a 78220  
violation of rules adopted under division (F) of section 3704.03 78221  
of the Revised Code. 78222

As used in this division, "actual construction of the 78223  
source" means the initiation of physical on-site construction 78224  
activities in connection with improvements to the source that 78225  
are permanent in nature, including, without limitation, the 78226  
installation of building supports and foundations and the laying 78227  
of underground pipework. 78228

(K) (1) Money received under division (B) of this section 78229  
shall be deposited in the state treasury to the credit of the 78230  
Title V clean air fund created in section 3704.035 of the 78231  
Revised Code. Annually, not more than fifty cents per ton of 78232  
each fee assessed under division (B) of this section on actual 78233  
emissions from a source and received by the environmental 78234  
protection agency pursuant to that division may be transferred 78235  
by the director using an interstate transfer voucher to the 78236  
state treasury to the credit of the small business assistance 78237  
fund created in section 3706.19 of the Revised Code. In 78238  
addition, annually, the amount of money necessary for the 78239  
operation of the office of ombudsperson as determined under 78240  
division (B) of that section shall be transferred to the state 78241  
treasury to the credit of the small business ombudsperson fund 78242  
created by that section. 78243

(2) Money received by the agency pursuant to divisions 78244

(D), (F), (G), (H), (I), and (J) of this section shall be 78245  
deposited in the state treasury to the credit of the non-Title V 78246  
clean air fund created in section 3704.035 of the Revised Code. 78247

(L) (1) A person applying for a plan approval for a 78248  
wastewater treatment works pursuant to section 6111.44, 6111.45, 78249  
or 6111.46 of the Revised Code shall pay a nonrefundable fee of 78250  
one hundred dollars plus sixty-five one-hundredths of one per 78251  
cent of the estimated project cost through June 30, ~~2026~~2028, 78252  
and a nonrefundable application fee of one hundred dollars plus 78253  
two-tenths of one per cent of the estimated project cost on and 78254  
after July 1, ~~2026~~2028, except that the total fee shall not 78255  
exceed fifteen thousand dollars through June 30, ~~2026~~2028, and 78256  
five thousand dollars on and after July 1, ~~2026~~2028. The fee 78257  
shall be paid at the time the application is submitted. 78258

(2) A person who has entered into an agreement with the 78259  
director under section 6111.14 of the Revised Code shall pay an 78260  
administrative service fee for each plan submitted under that 78261  
section for approval that shall not exceed the minimum amount 78262  
necessary to pay administrative costs directly attributable to 78263  
processing plan approvals. The director annually shall calculate 78264  
the fee and shall notify all persons who have entered into 78265  
agreements under that section, or who have applied for 78266  
agreements, of the amount of the fee. 78267

(3) (a) (i) Not later than January 30, ~~2024~~2026, and January 78268  
30, ~~2025~~2027, a person holding an NPDES discharge permit issued 78269  
pursuant to Chapter 6111. of the Revised Code with an average 78270  
daily discharge flow of five thousand gallons or more shall pay 78271  
a nonrefundable annual discharge fee. Any person who fails to 78272  
pay the fee at that time shall pay an additional amount that 78273  
equals ten per cent of the required annual discharge fee. 78274

(ii) The billing year for the annual discharge fee 78275  
established in division (L) (3) (a) (i) of this section shall 78276  
consist of a twelve-month period beginning on the first day of 78277  
January of the year preceding the date when the annual discharge 78278  
fee is due. In the case of an existing source that permanently 78279  
ceases to discharge during a billing year, the director shall 78280  
reduce the annual discharge fee, including the surcharge 78281  
applicable to certain industrial facilities pursuant to division 78282  
(L) (3) (c) of this section, by one-twelfth for each full month 78283  
during the billing year that the source was not discharging, but 78284  
only if the person holding the NPDES discharge permit for the 78285  
source notifies the director in writing, not later than the 78286  
first day of October of the billing year, of the circumstances 78287  
causing the cessation of discharge. 78288

(iii) The annual discharge fee established in division (L) 78289  
(3) (a) (i) of this section, except for the surcharge applicable 78290  
to certain industrial facilities pursuant to division (L) (3) (c) 78291  
of this section, shall be based upon the average daily discharge 78292  
flow in gallons per day calculated using first day of May 78293  
through thirty-first day of October flow data for the period two 78294  
years prior to the date on which the fee is due. In the case of 78295  
NPDES discharge permits for new sources, the fee shall be 78296  
calculated using the average daily design flow of the facility 78297  
until actual average daily discharge flow values are available 78298  
for the time period specified in division (L) (3) (a) (iii) of this 78299  
section. The annual discharge fee may be prorated for a new 78300  
source as described in division (L) (3) (a) (ii) of this section. 78301

(b) (i) An NPDES permit holder that is a public discharger 78302  
shall pay the fee specified in the following schedule: 78303  
78304

	1	2
A	Average daily discharge flow	Fee due by January 30, <del>2024</del> <u>2026</u> , and January 30, <del>2025</del> <u>2027</u>
B	5,000 to 49,999	\$200
C	50,000 to 100,000	500
D	100,001 to 250,000	1,050
E	250,001 to 1,000,000	2,600
F	1,000,001 to 5,000,000	5,200
G	5,000,001 to 10,000,000	10,350
H	10,000,001 to 20,000,000	15,550
I	20,000,001 to 50,000,000	25,900
J	50,000,001 to 100,000,000	41,400
K	100,000,001 or more	62,100

(ii) Public dischargers owning or operating two or more	78305
publicly owned treatment works serving the same political	78306
subdivision, as "treatment works" is defined in section 6111.01	78307
of the Revised Code, and that serve exclusively political	78308
subdivisions having a population of fewer than one hundred	78309
thousand persons shall pay an annual discharge fee under	78310
division (L) (3) (b) (i) of this section that is based on the	78311
combined average daily discharge flow of the treatment works.	78312



(c) (i) An NPDES permit holder that is an industrial 78313  
 discharger, other than a coal mining operator identified by P in 78314  
 the third character of the permittee's NPDES permit number, 78315  
 shall pay the fee specified in the following schedule: 78316  
 78317

	1	2	
A	Average daily discharge flow	Fee due by January 30, <del>2024</del> <u>2026</u> , and January 30, <del>2025</del> <u>2027</u>	
B	5,000 to 49,999		\$250
C	50,000 to 250,000	1,200	
D	250,001 to 1,000,000	2,950	
E	1,000,001 to 5,000,000	5,850	
F	5,000,001 to 10,000,000	8,800	
G	10,000,001 to 20,000,000	11,700	
H	20,000,001 to 100,000,000	14,050	
I	100,000,001 to 250,000,000	16,400	
J	250,000,001 or more	18,700	

(ii) In addition to the fee specified in the above 78318  
 schedule, an NPDES permit holder that is an industrial 78319  
 discharger classified as a major discharger during all or part 78320  
 of the annual discharge fee billing year specified in division 78321  
 (L) (3) (a) (ii) of this section shall pay a nonrefundable annual 78322  
 surcharge of seven thousand five hundred dollars not later than 78323

January 30, ~~2024~~2026, and not later than January 30, ~~2025~~2027. 78324  
Any person who fails to pay the surcharge at that time shall pay 78325  
an additional amount that equals ten per cent of the amount of 78326  
the surcharge. 78327

(d) Notwithstanding divisions (L) (3) (b) and (c) of this 78328  
section, a public discharger, that is not a separate municipal 78329  
storm sewer system, identified by I in the third character of 78330  
the permittee's NPDES permit number and an industrial discharger 78331  
identified by I, J, L, V, W, X, Y, or Z in the third character 78332  
of the permittee's NPDES permit number shall pay a nonrefundable 78333  
annual discharge fee of one hundred eighty dollars not later 78334  
than January 30, ~~2024~~2026, and not later than January 30, 78335  
~~2025~~2027. Any person who fails to pay the fee at that time shall 78336  
pay an additional amount that equals ten per cent of the 78337  
required fee. 78338

(4) Each person obtaining an NPDES permit for municipal 78339  
storm water discharge shall pay a nonrefundable storm water 78340  
annual discharge fee of ten dollars per one-tenth of a square 78341  
mile of area permitted. The fee shall not exceed ten thousand 78342  
dollars and shall be payable on or before January 30, 2004, and 78343  
the thirtieth day of January of each year thereafter. Any person 78344  
who fails to pay the fee on the date specified in division (L) 78345  
(4) of this section shall pay an additional amount per year 78346  
equal to ten per cent of the annual fee that is unpaid. 78347

(5) The director shall transmit all moneys collected under 78348  
division (L) of this section to the treasurer of state for 78349  
deposit into the state treasury to the credit of the surface 78350  
water protection fund created in section 6111.038 of the Revised 78351  
Code. 78352

(6) As used in this section: 78353

(a) "NPDES" means the federally approved national pollutant discharge elimination system individual and general program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Chapter 6111. of the Revised Code and rules adopted under it.

(b) "Public discharger" means any holder of an NPDES permit identified by P in the second character of the NPDES permit number assigned by the director.

(c) "Industrial discharger" means any holder of an NPDES permit identified by I in the second character of the NPDES permit number assigned by the director.

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director.

(M) Through June 30, ~~2026~~2028, a person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee established under this division at the time of application to the director. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

Except as provided in divisions (M) (4) and (5) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule:

(1) For the initial license required under section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2026~~2028, the fee is:

	1	2	
A	Number of service connections	Fee amount	
B	Not more than 49		\$112
C	50 to 99	176	
D	Number of service connections	Average cost per connection	
E	100 to 2,499		\$1.92
F	2,500 to 4,999	1.48	
G	5,000 to 7,499	1.42	
H	7,500 to 9,999	1.34	
I	10,000 to 14,999	1.16	
J	15,000 to 24,999	1.10	
K	25,000 to 49,999	1.04	
L	50,000 to 99,999	.92	
M	100,000 to 149,999	.86	

N	150,000 to 199,999	.80
O	200,000 or more	.76

A public water system may determine how it will pay the total amount of the fee calculated under division (M) (1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M) (1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2026~~2028, the fee is:

	1	2	
A	Population served	Fee amount	
B	Fewer than 150		\$112
C	150 to 299	176	
D	300 to 749	384	
E	750 to 1,499	628	
F	1,500 to 2,999	1,268	

G	3,000 to 7,499	2,816
H	7,500 to 14,999	5,510
I	15,000 to 22,499	9,048
J	22,500 to 29,999	12,430
K	30,000 or more	16,820

As used in division (M) (2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2026~~2028, the fee is:

	1	2
A	Number of wells or sources, other than surface water, supplying system	Fee amount
B	1	\$112
C	2	112
D	3	176

E	4	278
F	5	568
G	System designated as using a surface water source	792

As used in division (M) (3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M) (1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N) (1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2026~~2028, and fifteen thousand dollars on and after July 1, ~~2026~~2028. The fee shall be paid at the time the application is submitted.

~~(2)~~ (2) (a) A person who has entered into an agreement with the director under division (A) (2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each

plan submitted under that section for approval that shall not 78438  
exceed the minimum amount necessary to pay administrative costs 78439  
directly attributable to processing plan approvals. The director 78440  
annually shall calculate the fee and shall notify all persons 78441  
that have entered into agreements under that division, or who 78442  
have applied for agreements, of the amount of the fee. 78443

(b) The director may adopt rules in accordance with 78444  
Chapter 119. of the Revised Code to establish conditions to 78445  
allow the administrative service fee established under division 78446  
(N) (2) (a) of this section to be paid in lieu of the fee 78447  
requirements described in division (N) (1) of this section for 78448  
other plan approvals for extensions of distribution facilities 78449  
or to increase the number of service connections. 78450

(3) Through June 30, ~~2026~~2028, the following fee, on a per 78451  
survey basis, shall be charged any person for services rendered 78452  
by the state in the evaluation of laboratories and laboratory 78453  
personnel for compliance with accepted analytical techniques and 78454  
procedures established pursuant to Chapter 6109. of the Revised 78455  
Code for determining the qualitative characteristics of water: 78456  
78457

	1	2	
A	microbiological		
B	MMO-MUG		\$2,000
C	MF	2,100	
D	MMO-MUG and MF	2,550	
E	organic chemical	5,400	



F	trace metals	5,400
G	standard chemistry	2,800
H	limited chemistry	1,550

On and after July 1, ~~2026~~2028, the following fee, on a per survey basis, shall be charged any such person:

	1	2	
A	microbiological		\$1,650
B	organic chemicals	3,500	
C	trace metals	3,500	
D	standard chemistry	1,800	
E	limited chemistry	1,000	

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2026~~2028, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay five hundred dollars for each additional survey requested.

As used in division (N) (3) of this section:

- (a) "MF" means membrane filtration.
- (b) "MMO" means minimal medium ONPG.
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 78472

The director shall transmit all moneys collected under 78473  
this division to the treasurer of state for deposit into the 78474  
drinking water protection fund created in section 6109.30 of the 78475  
Revised Code. 78476

(O) Any person applying to the director to take an 78477  
examination for certification as an operator of a water supply 78478  
system or wastewater system under Chapter 6109. or 6111. of the 78479  
Revised Code that is administered by the director, at the time 78480  
the application is submitted, shall pay a fee in accordance with 78481  
the following schedule through November 30, ~~2026~~2028: 78482  
78483

	1	2	
A	Class A operator		\$80
B	Class I operator	105	
C	Class II operator	120	
D	Class III operator	130	
E	Class IV operator	145	

On and after December 1, ~~2026~~2028, the applicant shall pay 78484  
a fee in accordance with the following schedule: 78485  
78486

	1	2	
A	Class A operator		\$50
B	Class I operator	70	

C	Class II operator	80
D	Class III operator	90
E	Class IV operator	100

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

	1	2	
A	Class A operator		\$25
B	Class I operator	35	
C	Class II operator	45	
D	Class III operator	55	
E	Class IV operator	65	

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

	1	2	
A	Class A operator		\$45
B	Class I operator	55	
C	Class II operator	65	
D	Class III operator	75	
E	Class IV operator	85	

A person who requests a replacement certificate shall pay 78502  
a fee of twenty-five dollars at the time the request is made. 78503

Any person applying to be a water supply system or 78504  
wastewater treatment system examination provider shall pay an 78505  
application fee of five hundred dollars. Any person approved by 78506  
the director as a water supply system or wastewater treatment 78507  
system examination provider shall pay an annual fee that is 78508  
equal to ten per cent of the fees that the provider assesses and 78509  
collects for administering water supply system or wastewater 78510  
treatment system certification examinations in this state for 78511  
the calendar year. The fee shall be paid not later than forty- 78512  
five days after the end of a calendar year. 78513

The director shall transmit all moneys collected under 78514  
this division to the treasurer of state for deposit into the 78515  
drinking water protection fund created in section 6109.30 of the 78516  
Revised Code. 78517

~~(P) Any person submitting an application for an industrial 78518  
water pollution control certificate under section 6111.31 of the 78519  
Revised Code, as that section existed before its repeal by H.B. 78520  
95 of the 125th general assembly, shall pay a nonrefundable fee 78521~~

~~of five hundred dollars at the time the application is~~ 78522  
~~submitted. The director shall transmit all moneys collected~~ 78523  
~~under this division to the treasurer of state for deposit into~~ 78524  
~~the surface water protection fund created in section 6111.038 of~~ 78525  
~~the Revised Code. A person paying a certificate fee under this~~ 78526  
~~division shall not pay an application fee under division (S)(1)~~ 78527  
~~of this section. On and after June 26, 2003, persons shall file~~ 78528  
~~such applications and pay the fee as required under sections~~ 78529  
~~5709.20 to 5709.27 of the Revised Code, and proceeds from the~~ 78530  
~~fee shall be credited as provided in section 5709.212 of the~~ 78531  
~~Revised Code.~~ 78532

~~(Q)~~ Except as otherwise provided in division ~~(R)~~ (Q) of 78533  
this section, a person issued a permit by the director for a new 78534  
solid waste disposal facility other than an incineration or 78535  
composting facility, a new infectious waste treatment facility 78536  
other than an incineration facility, or a modification of such 78537  
an existing facility that includes an increase in the total 78538  
disposal or treatment capacity of the facility pursuant to 78539  
Chapter 3734. of the Revised Code shall pay a fee of ten dollars 78540  
per thousand cubic yards of disposal or treatment capacity, or 78541  
one thousand dollars, whichever is greater, except that the 78542  
total fee for any such permit shall not exceed eighty thousand 78543  
dollars. A person issued a modification of a permit for a solid 78544  
waste disposal facility or an infectious waste treatment 78545  
facility that does not involve an increase in the total disposal 78546  
or treatment capacity of the facility shall pay a fee of one 78547  
thousand dollars. A person issued a permit to install a new, or 78548  
modify an existing, solid waste transfer facility under that 78549  
chapter shall pay a fee of two thousand five hundred dollars. A 78550  
person issued a permit to install a new or to modify an existing 78551  
solid waste incineration or composting facility, or an existing 78552

infectious waste treatment facility using incineration as its 78553  
principal method of treatment, under that chapter shall pay a 78554  
fee of one thousand dollars. The increases in the permit fees 78555  
under this division resulting from the amendments made by 78556  
Amended Substitute House Bill 592 of the 117th general assembly 78557  
do not apply to any person who submitted an application for a 78558  
permit to install a new, or modify an existing, solid waste 78559  
disposal facility under that chapter prior to September 1, 1987; 78560  
any such person shall pay the permit fee established in this 78561  
division as it existed prior to June 24, 1988. In addition to 78562  
the applicable permit fee under this division, a person issued a 78563  
permit to install or modify a solid waste facility or an 78564  
infectious waste treatment facility under that chapter who fails 78565  
to pay the permit fee to the director in compliance with 78566  
division ~~(V)~~(U) of this section shall pay an additional ten per 78567  
cent of the amount of the fee for each week that the permit fee 78568  
is late. 78569

Permit and late payment fees paid to the director under 78570  
this division shall be credited to the general revenue fund. 78571

~~(R)~~(1)(Q) (1) A person issued a registration certificate 78572  
for a scrap tire collection facility under section 3734.75 of 78573  
the Revised Code shall pay a fee of two hundred dollars, except 78574  
that if the facility is owned or operated by a motor vehicle 78575  
salvage dealer licensed under Chapter 4738. of the Revised Code, 78576  
the person shall pay a fee of twenty-five dollars. 78577

(2) A person issued a registration certificate for a new 78578  
scrap tire storage facility under section 3734.76 of the Revised 78579  
Code shall pay a fee of three hundred dollars, except that if 78580  
the facility is owned or operated by a motor vehicle salvage 78581  
dealer licensed under Chapter 4738. of the Revised Code, the 78582

person shall pay a fee of twenty-five dollars. 78583

(3) A person issued a permit for a scrap tire storage 78584  
facility under section 3734.76 of the Revised Code shall pay a 78585  
fee of one thousand dollars, except that if the facility is 78586  
owned or operated by a motor vehicle salvage dealer licensed 78587  
under Chapter 4738. of the Revised Code, the person shall pay a 78588  
fee of fifty dollars. 78589

(4) A person issued a permit for a scrap tire monocell or 78590  
monofill facility under section 3734.77 of the Revised Code 78591  
shall pay a fee of ten dollars per thousand cubic yards of 78592  
disposal capacity or one thousand dollars, whichever is greater, 78593  
except that the total fee for any such permit shall not exceed 78594  
eighty thousand dollars. 78595

(5) A person issued a registration certificate for a scrap 78596  
tire recovery facility under section 3734.78 of the Revised Code 78597  
shall pay a fee of one hundred dollars. 78598

(6) A person issued a permit for a scrap tire recovery 78599  
facility under section 3734.78 of the Revised Code shall pay a 78600  
fee of one thousand dollars. 78601

(7) In addition to the applicable registration certificate 78602  
or permit fee under divisions ~~(R)~~~~(1)~~(Q) (1) to (6) of this 78603  
section, a person issued a registration certificate or permit 78604  
for any such scrap tire facility who fails to pay the 78605  
registration certificate or permit fee to the director in 78606  
compliance with division ~~(V)~~(U) of this section shall pay an 78607  
additional ten per cent of the amount of the fee for each week 78608  
that the fee is late. 78609

(8) The registration certificate, permit, and late payment 78610  
fees paid to the director under divisions ~~(R)~~~~(1)~~(Q) (1) to (7) of 78611

this section shall be credited to the scrap tire management fund 78612  
created in section 3734.82 of the Revised Code. 78613

~~(S)(1)(a)~~ (R) (1) (a) Except as otherwise provided, any 78614  
person applying for a permit, variance, or plan approval under 78615  
Chapter 6109. or 6111. of the Revised Code shall pay a 78616  
nonrefundable application fee of one hundred dollars at the time 78617  
the application is submitted through June 30, ~~2026~~2028, and a 78618  
nonrefundable application fee of fifteen dollars at the time the 78619  
application is submitted on and after July 1, ~~2026~~2028. 78620

(b) (i) Except as otherwise provided in divisions ~~(S)(1)(b)~~ 78621  
~~(iii)~~ (R) (1) (b) (iii) and (iv) of this section, through June 30, 78622  
~~2026~~2028, any person applying for an NPDES permit under Chapter 78623  
6111. of the Revised Code shall pay a nonrefundable application 78624  
fee of two hundred dollars at the time of application for the 78625  
permit. On and after July 1, ~~2026~~2028, such a person shall pay a 78626  
nonrefundable application fee of fifteen dollars at the time of 78627  
application. 78628

(ii) In addition to the nonrefundable application fee, any 78629  
person applying for an NPDES permit under Chapter 6111. of the 78630  
Revised Code shall pay a design flow discharge fee based on each 78631  
point source to which the issuance is applicable in accordance 78632  
with the following schedule: 78633  
78634

	1	2	
A	Design flow discharge (gallons per day)		Fee
B	0 to 1,000		\$0
C	1,001 to 5,000	100	



D	5,001 to 50,000	200
E	50,001 to 100,000	300
F	100,001 to 300,000	525
G	over 300,000	750

(iii) Notwithstanding divisions ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a public discharger identified by the letter I in the third character of the NPDES permit number shall not exceed nine hundred fifty dollars.

(iv) Notwithstanding divisions ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a coal mining operation regulated under Chapter 1513. of the Revised Code shall not exceed four hundred fifty dollars per mine.

(v) A person issued a modification of an NPDES permit shall pay a nonrefundable modification fee equal to the application fee and one-half the design flow discharge fee based on each point source, if applicable, that would be charged for an NPDES permit, except that the modification fee shall not exceed six hundred dollars.

(c) In addition to the application fee established under division ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) of this section, any person applying for an NPDES general storm water construction permit shall pay a nonrefundable fee of twenty dollars per acre for each acre that is permitted above five acres at the time the application is submitted. However, the per acreage fee shall not exceed three hundred dollars. In addition to the application fee

established under division ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) of this 78658  
section, any person applying for an NPDES general storm water 78659  
industrial permit shall pay a nonrefundable fee of one hundred 78660  
fifty dollars at the time the application is submitted. 78661

(d) The director shall transmit all moneys collected under 78662  
division ~~(S) (1)~~ (R) (1) of this section pursuant to Chapter 6109. 78663  
of the Revised Code to the treasurer of state for deposit into 78664  
the drinking water protection fund created in section 6109.30 of 78665  
the Revised Code. 78666

(e) The director shall transmit all moneys collected under 78667  
division ~~(S) (1)~~ (R) (1) of this section pursuant to Chapter 6111. 78668  
of the Revised Code and under division ~~(S) (2)~~ (R) (2) of this 78669  
section to the treasurer of state for deposit into the surface 78670  
water protection fund created in section 6111.038 of the Revised 78671  
Code. 78672

(f) If a person submits an electronic application for a 78673  
registration certificate, permit, variance, or plan approval for 78674  
which an application fee is established under division ~~(S) (1)~~ (R) 78675  
(1) of this section, the person shall pay all applicable fees as 78676  
expeditiously as possible after the submission of the electronic 78677  
application. An application for a registration certificate, 78678  
permit, variance, or plan approval for which an application fee 78679  
is established under division ~~(S) (1)~~ (R) (1) of this section shall 78680  
not be reviewed or processed until the applicable application 78681  
fee, and any other fees established under this division, are 78682  
paid. 78683

(2) A person applying for coverage under an NPDES general 78684  
discharge permit for household sewage treatment systems shall 78685  
pay a nonrefundable fee of two hundred dollars at the time of 78686  
application for initial permit coverage. No fee is required for 78687

an application for permit coverage renewal. 78688

~~(T)~~(S) The director may adopt, amend, and rescind rules in 78689  
accordance with Chapter 119. of the Revised Code that do all of 78690  
the following: 78691

(1) Prescribe fees to be paid by applicants for and 78692  
holders of any license, permit, variance, plan approval, or 78693  
certification required or authorized by Chapter 3704., 3734., 78694  
6109., or 6111. of the Revised Code that are not specifically 78695  
established in this section. The fees shall be designed to 78696  
defray the cost of processing, issuing, revoking, modifying, 78697  
denying, and enforcing the licenses, permits, variances, plan 78698  
approvals, and certifications. 78699

The director shall transmit all moneys collected under 78700  
rules adopted under division ~~(T)~~(1)~~(S)~~ (1) of this section 78701  
pursuant to Chapter 6109. of the Revised Code to the treasurer 78702  
of state for deposit into the drinking water protection fund 78703  
created in section 6109.30 of the Revised Code. 78704

The director shall transmit all moneys collected under 78705  
rules adopted under division ~~(T)~~(1)~~(S)~~ (1) of this section 78706  
pursuant to Chapter 6111. of the Revised Code to the treasurer 78707  
of state for deposit into the surface water protection fund 78708  
created in section 6111.038 of the Revised Code. 78709

(2) Exempt the state and political subdivisions thereof, 78710  
including education facilities or medical facilities owned by 78711  
the state or a political subdivision, or any person exempted 78712  
from taxation by section 5709.07 or 5709.12 of the Revised Code, 78713  
from any fee required by this section; 78714

(3) Provide for the waiver of any fee, or any part 78715  
thereof, otherwise required by this section whenever the 78716

director determines that the imposition of the fee would 78717  
constitute an unreasonable cost of doing business for any 78718  
applicant, class of applicants, or other person subject to the 78719  
fee; 78720

(4) Prescribe measures that the director considers 78721  
necessary to carry out this section. 78722

~~(U)~~(T) When the director reasonably demonstrates that the 78723  
direct cost to the state associated with the issuance of a 78724  
permit, license, variance, plan approval, or certification 78725  
exceeds the fee for the issuance or review specified by this 78726  
section, the director may condition the issuance or review on 78727  
the payment by the person receiving the issuance or review of, 78728  
in addition to the fee specified by this section, the amount, or 78729  
any portion thereof, in excess of the fee specified under this 78730  
section. The director shall not so condition issuances for which 78731  
a fee is prescribed in division ~~(S) (1) (b) (iii)~~(R) (1) (b) (iii) of 78732  
this section. 78733

~~(V)~~(U) Except as provided in divisions (L), (M), ~~(P)~~, and 78734  
~~(S)~~(R) of this section or unless otherwise prescribed by a rule 78735  
of the director adopted pursuant to Chapter 119. of the Revised 78736  
Code, all fees required by this section are payable within 78737  
thirty days after the issuance of an invoice for the fee by the 78738  
director or the effective date of the issuance of the license, 78739  
permit, variance, plan approval, or certification. If payment is 78740  
late, the person responsible for payment of the fee shall pay an 78741  
additional ten per cent of the amount due for each month that it 78742  
is late. 78743

~~(W)~~(V) As used in this section, "fuel-burning equipment," 78744  
"fuel-burning equipment input capacity," "incinerator," 78745  
"incinerator input capacity," "process," "process weight rate," 78746

"storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meanings ascribed to those terms by applicable rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code. 78747  
78748  
78749  
78750  
78751

~~(X)~~(W) As used in divisions (B), (D), (E), (F), (H), (I), and (J) of this section, and in any other provision of this section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code: 78752  
78753  
78754  
78755

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code. 78756  
78757  
78758

(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least: 78759  
78760  
78761  
78762

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement; 78763  
78764  
78765

(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal; 78766  
78767  
78768  
78769

(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry; 78770  
78771  
78772

(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement 78773  
78774  
78775

actions; 78776

(e) Emission and ambient monitoring; 78777

(f) Modeling, analyses, or demonstrations; 78778

(g) Preparing inventories and tracking emissions; 78779

(h) Providing direct and indirect support to small 78780  
business stationary sources to determine and meet their 78781  
obligations under the federal Clean Air Act pursuant to the 78782  
small business stationary source technical and environmental 78783  
compliance assistance program required by section 507 of that 78784  
act and established in sections 3704.18, 3704.19, and 3706.19 of 78785  
the Revised Code. 78786

(3) "Organic compound" means any chemical compound of 78787  
carbon, excluding carbon monoxide, carbon dioxide, carbonic 78788  
acid, metallic carbides or carbonates, and ammonium carbonate. 78789

~~(Y)~~~~(1)~~(X) (1) Except as provided in divisions ~~(Y)~~~~(2)~~(X) (2), 78790  
(3), and (4) of this section, each sewage sludge facility shall 78791  
pay a nonrefundable annual sludge fee equal to three dollars and 78792  
fifty cents per dry ton of sewage sludge, including the dry tons 78793  
of sewage sludge in materials derived from sewage sludge, that 78794  
the sewage sludge facility treats or disposes of in this state. 78795  
The annual volume of sewage sludge treated or disposed of by a 78796  
sewage sludge facility shall be calculated using the first day 78797  
of January through the thirty-first day of December of the 78798  
calendar year preceding the date on which payment of the fee is 78799  
due. 78800

(2) (a) Except as provided in division ~~(Y)~~~~(2)~~~~(d)~~(X) (2) (d) 78801  
of this section, each sewage sludge facility shall pay a minimum 78802  
annual sewage sludge fee of one hundred dollars. 78803

(b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry ton of exceptional quality sludge than the fee assessed under division ~~(Y) (1)~~ (X) (1) of this section, subject to the following exceptions:

(i) Except as provided in division ~~(Y) (2) (d)~~ (X) (2) (d) of this section, a sewage sludge facility that treats or disposes of exceptional quality sludge shall pay a minimum annual sewage sludge fee of one hundred dollars.

(ii) A sewage sludge facility that treats or disposes of exceptional quality sludge shall not be required to pay the annual sludge fee for treatment or disposal in this state of exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity.

A thirty-five per cent reduction for exceptional quality sludge applies to the maximum annual fees established under division ~~(Y) (3)~~ (X) (3) of this section.

(c) A sewage sludge facility that transfers sewage sludge to another sewage sludge facility in this state for further treatment prior to disposal in this state shall not be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. In such a case, the sewage sludge facility that disposes of the sewage sludge shall pay the annual sludge fee. However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under division ~~(Y) (2) (a)~~ (X) (2) (a) of this section.

In the case of a sewage sludge facility that treats sewage

sludge in this state and transfers it out of this state to 78833  
another entity for disposal, the sewage sludge facility in this 78834  
state shall be required to pay the annual sludge fee for the 78835  
tons of sewage sludge that have been transferred. 78836

(d) A sewage sludge facility that generates sewage sludge 78837  
resulting from an average daily discharge flow of less than five 78838  
thousand gallons per day is not subject to the fees assessed 78839  
under division ~~(Y)~~(X) of this section. 78840

(3) No sewage sludge facility required to pay the annual 78841  
sludge fee shall be required to pay more than the maximum annual 78842  
fee for each disposal method that the sewage sludge facility 78843  
uses. The maximum annual fee does not include the additional 78844  
amount that may be charged under division ~~(Y)~~(5)~~(X)~~ (5) of this 78845  
section for late payment of the annual sludge fee. The maximum 78846  
annual fee for the following methods of disposal of sewage 78847  
sludge is as follows: 78848

(a) Incineration: five thousand dollars; 78849

(b) Preexisting land reclamation project or disposal in a 78850  
landfill: five thousand dollars; 78851

(c) Land application, land reclamation, surface disposal, 78852  
or any other disposal method not specified in division ~~(Y)~~(3)~~(a)~~ 78853  
(X) (3) (a) or (b) of this section: twenty thousand dollars. 78854

(4) (a) In the case of an entity that generates sewage 78855  
sludge or a sewage sludge facility that treats sewage sludge and 78856  
transfers the sewage sludge to an incineration facility for 78857  
disposal, the incineration facility, and not the entity 78858  
generating the sewage sludge or the sewage sludge facility 78859  
treating the sewage sludge, shall pay the annual sludge fee for 78860  
the tons of sewage sludge that are transferred. However, the 78861



entity or facility generating or treating the sewage sludge 78862  
shall pay the one-hundred-dollar minimum fee required under 78863  
division ~~(Y) (2) (a)~~ (X) (2) (a) of this section. 78864

(b) In the case of an entity that generates sewage sludge 78865  
and transfers the sewage sludge to a landfill for disposal or to 78866  
a sewage sludge facility for land reclamation or surface 78867  
disposal, the entity generating the sewage sludge, and not the 78868  
landfill or sewage sludge facility, shall pay the annual sludge 78869  
fee for the tons of sewage sludge that are transferred. 78870

(5) Not later than the first day of April of the calendar 78871  
year following March 17, 2000, and each first day of April 78872  
thereafter, the director shall issue invoices to persons who are 78873  
required to pay the annual sludge fee. The invoice shall 78874  
identify the nature and amount of the annual sludge fee assessed 78875  
and state the first day of May as the deadline for receipt by 78876  
the director of objections regarding the amount of the fee and 78877  
the first day of July as the deadline for payment of the fee. 78878

Not later than the first day of May following receipt of 78879  
an invoice, a person required to pay the annual sludge fee may 78880  
submit objections to the director concerning the accuracy of 78881  
information regarding the number of dry tons of sewage sludge 78882  
used to calculate the amount of the annual sludge fee or 78883  
regarding whether the sewage sludge qualifies for the 78884  
exceptional quality sludge discount established in division ~~(Y)~~ 78885  
~~(2) (b)~~ (X) (2) (b) of this section. The director may consider the 78886  
objections and adjust the amount of the fee to ensure that it is 78887  
accurate. 78888

If the director does not adjust the amount of the annual 78889  
sludge fee in response to a person's objections, the person may 78890  
appeal the director's determination in accordance with Chapter 78891

119. of the Revised Code. 78892

Not later than the first day of June, the director shall 78893  
notify the objecting person regarding whether the director has 78894  
found the objections to be valid and the reasons for the 78895  
finding. If the director finds the objections to be valid and 78896  
adjusts the amount of the annual sludge fee accordingly, the 78897  
director shall issue with the notification a new invoice to the 78898  
person identifying the amount of the annual sludge fee assessed 78899  
and stating the first day of July as the deadline for payment. 78900

Not later than the first day of July, any person who is 78901  
required to do so shall pay the annual sludge fee. Any person 78902  
who is required to pay the fee, but who fails to do so on or 78903  
before that date shall pay an additional amount that equals ten 78904  
per cent of the required annual sludge fee. 78905

(6) The director shall transmit all moneys collected under 78906  
division ~~(Y)~~(X) of this section to the treasurer of state for 78907  
deposit into the surface water protection fund created in 78908  
section 6111.038 of the Revised Code. The moneys shall be used 78909  
to defray the costs of administering and enforcing provisions in 78910  
Chapter 6111. of the Revised Code and rules adopted under it 78911  
that govern the use, storage, treatment, or disposal of sewage 78912  
sludge. 78913

(7) Beginning in fiscal year 2001, and every two years 78914  
thereafter, the director shall review the total amount of moneys 78915  
generated by the annual sludge fees to determine if that amount 78916  
exceeded six hundred thousand dollars in either of the two 78917  
preceding fiscal years. If the total amount of moneys in the 78918  
fund exceeded six hundred thousand dollars in either fiscal 78919  
year, the director, after review of the fee structure and 78920  
consultation with affected persons, shall issue an order 78921

reducing the amount of the fees levied under division ~~(Y)~~(X) of 78922  
this section so that the estimated amount of moneys resulting 78923  
from the fees will not exceed six hundred thousand dollars in 78924  
any fiscal year. 78925

If, upon review of the fees under division ~~(Y)~~~~(7)~~(X) (7) of 78926  
this section and after the fees have been reduced, the director 78927  
determines that the total amount of moneys collected and 78928  
accumulated is less than six hundred thousand dollars, the 78929  
director, after review of the fee structure and consultation 78930  
with affected persons, may issue an order increasing the amount 78931  
of the fees levied under division ~~(Y)~~(X) of this section so that 78932  
the estimated amount of moneys resulting from the fees will be 78933  
approximately six hundred thousand dollars. Fees shall never be 78934  
increased to an amount exceeding the amount specified in 78935  
division ~~(Y)~~~~(7)~~(X) (7) of this section. 78936

Notwithstanding section 119.06 of the Revised Code, the 78937  
director may issue an order under division ~~(Y)~~~~(7)~~(X) (7) of this 78938  
section without the necessity to hold an adjudicatory hearing in 78939  
connection with the order. The issuance of an order under this 78940  
division is not an act or action for purposes of section 3745.04 78941  
of the Revised Code. 78942

(8) As used in division ~~(Y)~~(X) of this section: 78943

(a) "Sewage sludge facility" means an entity that performs 78944  
treatment on or is responsible for the disposal of sewage 78945  
sludge. 78946

(b) "Sewage sludge" means a solid, semi-solid, or liquid 78947  
residue generated during the treatment of domestic sewage in a 78948  
treatment works as defined in section 6111.01 of the Revised 78949  
Code. "Sewage sludge" includes, but is not limited to, scum or 78950

solids removed in primary, secondary, or advanced wastewater 78951  
treatment processes. "Sewage sludge" does not include ash 78952  
generated during the firing of sewage sludge in a sewage sludge 78953  
incinerator, grit and screenings generated during preliminary 78954  
treatment of domestic sewage in a treatment works, animal 78955  
manure, residue generated during treatment of animal manure, or 78956  
domestic septage. 78957

(c) "Exceptional quality sludge" means sewage sludge that 78958  
meets all of the following qualifications: 78959

(i) Satisfies the class A pathogen standards in 40 C.F.R. 78960  
503.32(a); 78961

(ii) Satisfies one of the vector attraction reduction 78962  
requirements in 40 C.F.R. 503.33(b) (1) to (b) (8); 78963

(iii) Does not exceed the ceiling concentration 78964  
limitations for metals listed in table one of 40 C.F.R. 503.13; 78965

(iv) Does not exceed the concentration limitations for 78966  
metals listed in table three of 40 C.F.R. 503.13. 78967

(d) "Treatment" means the preparation of sewage sludge for 78968  
final use or disposal and includes, but is not limited to, 78969  
thickening, stabilization, and dewatering of sewage sludge. 78970

(e) "Disposal" means the final use of sewage sludge, 78971  
including, but not limited to, land application, land 78972  
reclamation, surface disposal, or disposal in a landfill or an 78973  
incinerator. 78974

(f) "Land application" means the spraying or spreading of 78975  
sewage sludge onto the land surface, the injection of sewage 78976  
sludge below the land surface, or the incorporation of sewage 78977  
sludge into the soil for the purposes of conditioning the soil 78978

or fertilizing crops or vegetation grown in the soil. 78979

(g) "Land reclamation" means the returning of disturbed 78980  
land to productive use. 78981

(h) "Surface disposal" means the placement of sludge on an 78982  
area of land for disposal, including, but not limited to, 78983  
monofills, surface impoundments, lagoons, waste piles, or 78984  
dedicated disposal sites. 78985

(i) "Incinerator" means an entity that disposes of sewage 78986  
sludge through the combustion of organic matter and inorganic 78987  
matter in sewage sludge by high temperatures in an enclosed 78988  
device. 78989

(j) "Incineration facility" includes all incinerators 78990  
owned or operated by the same entity and located on a contiguous 78991  
tract of land. Areas of land are considered to be contiguous 78992  
even if they are separated by a public road or highway. 78993

(k) "Annual sludge fee" means the fee assessed under 78994  
division ~~(Y)~~~~(1)~~(X) (1) of this section. 78995

(l) "Landfill" means a sanitary landfill facility, as 78996  
defined in rules adopted under section 3734.02 of the Revised 78997  
Code, that is licensed under section 3734.05 of the Revised 78998  
Code. 78999

(m) "Preexisting land reclamation project" means a 79000  
property-specific land reclamation project that has been in 79001  
continuous operation for not less than five years pursuant to 79002  
approval of the activity by the director and includes the 79003  
implementation of a community outreach program concerning the 79004  
activity. 79005

**Sec. 3748.13.** (A) The director of health shall inspect 79006

sources of radiation for which licensure or registration by the handler is required, and the sources' shielding and surroundings, according to the schedule established in rules adopted under division (D) of section 3748.04 of the Revised Code. In accordance with rules adopted under section 3748.04 of the Revised Code, the director shall inspect all records and operating procedures of handlers that install or service sources of radiation and all sources of radiation for which licensure of radioactive material or registration of radiation-generating equipment by the handler is required. The director may make other inspections upon receiving complaints or other evidence of a violation of this chapter or rules adopted under it.

The director shall require any hospital registered under division (A) of section 3701.07 of the Revised Code to develop and maintain a quality assurance program for all sources of radiation-generating equipment. A certified radiation expert shall conduct oversight and maintenance of the program and shall file a report of audits of the program with the director on forms prescribed by the director. The audit reports shall become part of the inspection record.

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

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

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A	First dental x-ray tube	\$155.00
		<u>\$310.00</u>
B	Each additional dental x-ray tube at the same location	\$77.00
		<u>\$154.00</u>
C	First medical x-ray tube	\$307.00
		<u>\$614.00</u>
D	Each additional medical x-ray tube at the same location	\$163.00
		<u>\$326.00</u>
E	Each unit of ionizing radiation-generating equipment capable of operating at or above 250 kilovoltage peak	\$610.00
		<u>\$1,220.00</u>
F	First nonionizing radiation-generating equipment of any kind	\$307.00
		<u>\$614.00</u>
G	Each additional nonionizing radiation-generating equipment of any kind at the same location	\$163.00
		<u>\$326.00</u>

<p>(C) (1) Except as provided in division (C) (2) of this section, the fee for the inspection of a facility that proposes to handle radioactive material or radiation-generating equipment and is not licensed or registered, and for which no license or registration application is pending at the time of inspection, is four hundred seventy-four dollars plus the applicable fee specified in rules adopted under division (A) (9) of section</p>	<p>79037 79038 79039 79040 79041 79042 79043</p>
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3748.04 of the Revised Code. 79044

(2) For a facility that is, or is operated by, a medical practitioner or medical-practitioner group and proposes to handle radiation-generating equipment, the fee for an inspection if the facility is not licensed or registered, and no license or registration is pending at the time of inspection, is four hundred seventy-four dollars plus the fee applicable under the schedule in division (B) (2) of this section. 79045  
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(D) (1) Except as provided in division (D) (2) of this section, for a facility that handles radioactive material or radiation-generating equipment, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is the amount specified in rules adopted under division (A) (9) of section 3748.04 of the Revised Code. 79052  
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(2) For a facility that is, or is operated by, a medical practitioner or medical-practitioner group and handles radiation-generating equipment, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is fifty per cent of the applicable fee under the schedule in division (B) (2) of this section. 79058  
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(E) The director may conduct a review of shielding plans or the adequacy of shielding on the request of a licensee or registrant or an applicant for licensure or registration or during an inspection when the director considers a review to be necessary. 79064  
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(1) Except as provided in division (E) (2) of this section, the fee for the review is the applicable amount specified in rules adopted under division (A) (9) of section 3748.04 of the Revised Code. 79069  
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(2) For a facility that is, or is operated by, a medical practitioner or medical-practitioner group and handles or proposes to handle radiation-generating equipment, the fee for the review is seven hundred sixty-two dollars for each room where a source of radiation is used and is in addition to any other fee applicable under the schedule in division (B) (2) of this section.

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

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

(H) If the director determines that a board of health of a city or general health district is qualified to conduct inspections of radiation-generating equipment, the director may delegate to the board, by contract, the authority to conduct such inspections. In making a determination of the qualifications of a board of health to conduct those inspections, the director shall evaluate the credentials of the individuals who are to conduct the inspections of radiation-generating equipment and the radiation detection and measuring equipment available to them for that purpose. If a contract is entered into, the board shall have the same authority to make inspections of radiation-generating equipment as the director has under this chapter and rules adopted under it. The contract

shall stipulate that only individuals approved by the director 79103  
as qualified shall be permitted to inspect radiation-generating 79104  
equipment under the contract's provisions. The contract shall 79105  
provide for such compensation for services as is agreed to by 79106  
the director and the board of health of the contracting health 79107  
district. The director may reevaluate the credentials of the 79108  
inspection personnel and their radiation detecting and measuring 79109  
equipment as often as the director considers necessary and may 79110  
terminate any contract with the board of health of any health 79111  
district that, in the director's opinion, is not satisfactorily 79112  
performing the terms of the contract. 79113

(I) The director may enter at all reasonable times upon 79114  
any public or private property to determine compliance with this 79115  
chapter and rules adopted under it. 79116

**Sec. 3750.02.** (A) There is hereby created the emergency 79117  
response commission consisting of the directors of environmental 79118  
protection ~~and, health, and administrative services,~~ the 79119  
chairperson of the public utilities commission, the fire 79120  
marshal, the director of public safety, the director of 79121  
transportation, the director of natural resources, the 79122  
superintendent of the highway patrol, and the attorney general 79123  
as members ex officio, or their designees; notwithstanding 79124  
section 101.26 of the Revised Code, ~~the chairpersons of the~~ 79125  
~~respective standing committees of the senate and house of~~ 79126  
~~representatives that are primarily responsible for considering~~ 79127  
~~environmental issues~~ a member of the house of representatives 79128  
appointed by the speaker of the house of representatives and a 79129  
member of the senate appointed by the president of the senate, 79130  
who may participate fully in all the commission's deliberations 79131  
and activities, except that they shall serve as nonvoting 79132  
members; and ten members to be appointed by the governor with 79133

the advice and consent of the senate. The appointed members, to 79134  
the extent practicable, shall have technical expertise in the 79135  
field of emergency response. Of the appointed members, two shall 79136  
represent environmental advocacy organizations, one shall 79137  
represent the interests of petroleum refiners or marketers or 79138  
chemical manufacturers, one shall represent the interests of 79139  
another industry subject to this chapter, one shall represent 79140  
the interests of municipal corporations, one shall represent the 79141  
interests of counties, one shall represent the interests of 79142  
chiefs of fire departments, one shall represent the interests of 79143  
professional firefighters, one shall represent the interests of 79144  
volunteer firefighters, and one shall represent the interests of 79145  
local emergency management agencies. 79146

An appointed member of the commission also may serve as a 79147  
member of the local emergency planning committee of an emergency 79148  
planning district. An appointed member of the commission who is 79149  
also a member of a local emergency planning committee shall not 79150  
participate as a member of the commission in the appointment of 79151  
members of the local emergency planning committee of which the 79152  
member is a member, in the review of the chemical emergency 79153  
response and preparedness plan submitted by the local emergency 79154  
planning committee of which the member is a member, in any vote 79155  
to approve a grant to the member's district, or in any vote of 79156  
the commission on any motion or resolution pertaining 79157  
specifically to the member's district or the local emergency 79158  
planning committee on which the member serves. A commission 79159  
member who is also a member of a local emergency planning 79160  
committee shall not lobby or otherwise act as an advocate for 79161  
the member's district to other members of the commission to 79162  
obtain from the commission anything of value for the member's 79163  
district or the local emergency planning committee of which the 79164

member is a member. A member of the commission who is also a 79165  
member of a local emergency planning committee may vote on 79166  
resolutions of the commission that apply uniformly to all local 79167  
emergency planning committees and districts in the state and do 79168  
not provide a grant or other pecuniary benefit to the member's 79169  
district or the committee of which the member is a member. 79170

The governor shall make the initial appointments to the 79171  
commission within thirty days after December 14, 1988. Of the 79172  
initial appointments to the commission, five shall be for a term 79173  
of two years and five shall be for a term of one year. 79174  
Thereafter, terms of office of the appointed members of the 79175  
commission shall be for two years, with each term ending on the 79176  
same day of the same month as did the term that it succeeds. 79177  
Each member shall hold office from the date of appointment until 79178  
the end of the term for which the member was appointed. Members 79179  
may be reappointed. Vacancies shall be filled in the manner 79180  
provided for original appointments. Any member appointed to fill 79181  
a vacancy occurring prior to the expiration of the term for 79182  
which the member's predecessor was appointed shall hold office 79183  
for the remainder of that term. A member shall continue in 79184  
office subsequent to the expiration date of the member's term 79185  
until the member's successor takes office or until a period of 79186  
sixty days has elapsed, whichever occurs first. The commission 79187  
may at any time by a vote of two-thirds of all the members 79188  
remove any appointed member of the commission for misfeasance, 79189  
nonfeasance, or malfeasance. Members of the commission shall 79190  
serve without compensation, but shall be reimbursed for the 79191  
reasonable expenses incurred by them in the discharge of their 79192  
duties as members of the commission. 79193

The commission shall meet at least annually and shall hold 79194  
such additional meetings as are necessary to implement and 79195

administer this chapter. Additional meetings may be held at the 79196  
behest of either a co-chairperson or a majority of the members. 79197  
The commission shall, by adoption of internal management rules 79198  
under division (B) (9) of this section, establish an executive 79199  
committee and delegate to it the performance of such of the 79200  
commission's duties and powers under this chapter as are 79201  
required or authorized to be so delegated by that division. The 79202  
commission may organize itself into such additional committees 79203  
as it considers necessary or convenient to implement and 79204  
administer this chapter. The director of environmental 79205  
protection and the director of public safety or their designees 79206  
shall serve as co-chairpersons of the commission and the 79207  
executive committee. Except as otherwise provided in this 79208  
chapter, a majority of the voting members of the commission 79209  
constitutes a quorum and the affirmative vote of a majority of 79210  
the voting members of the commission is necessary for any action 79211  
taken by the commission. Meetings of the executive committee 79212  
conducted for the purpose of determining whether to issue an 79213  
enforcement order or request that a civil action, civil penalty 79214  
action, or criminal action be brought to enforce this chapter or 79215  
rules adopted or orders issued under it are not subject to 79216  
section 121.22 of the Revised Code pursuant to division (D) of 79217  
that section. 79218

Except for the purposes of Chapters 102. and 2921. and 79219  
sections 9.86 and 109.36 to 109.366 of the Revised Code, serving 79220  
as an appointed member of the commission does not constitute 79221  
holding a public office or position of employment under the laws 79222  
of this state and does not constitute grounds for removal of 79223  
public officers or employees from their offices or positions of 79224  
employment. 79225

(B) The commission shall: 79226

(1) Adopt rules in accordance with Chapter 119. of the Revised Code that are consistent with and equivalent in scope, content, and coverage to the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and applicable regulations adopted under it:

(a) Identifying or listing extremely hazardous substances and establishing a threshold planning quantity for each such substance. To the extent consistent with that act and applicable regulations adopted under it, the rules may establish threshold planning quantities based upon classes of those substances or categories of facilities at which such substances are present.

(b) Listing hazardous chemicals, establishing threshold quantities for those chemicals, establishing categories of health and physical hazards of those chemicals, establishing criteria or procedures for identifying those chemicals and the appropriate hazard categories of those chemicals, and establishing ranges of quantities for those chemicals to be used in preparing emergency and hazardous chemical inventory forms under section 3750.08 of the Revised Code. To the extent consistent with that act and applicable regulations adopted under it, the rules may establish threshold quantities based upon classes of those chemicals or categories of facilities where those chemicals are present.

To the extent consistent with that act, the threshold quantities for purposes of the submission of lists of hazardous chemicals under section 3750.07 and the submission of emergency and hazardous chemical inventory forms under section 3750.08 of the Revised Code may differ.

(c) Identifying or listing hazardous substances and establishing reportable quantities of each of those substances

and each extremely hazardous substance. In addition to being 79257  
consistent with and equivalent in scope, content, and coverage 79258  
to that act and applicable regulations adopted under it, the 79259  
rules shall be consistent with and equivalent in scope, content, 79260  
and coverage to regulations identifying or listing hazardous 79261  
substances and reportable quantities of those substances adopted 79262  
under the "Comprehensive Environmental Response, Compensation, 79263  
and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 79264  
amended. 79265

(d) Prescribing the information to be included in the 79266  
lists of hazardous chemicals required to be submitted under 79267  
section 3750.07 of the Revised Code; 79268

(e) Prescribing the information to be included in the 79269  
emergency and hazardous chemical inventory forms required to be 79270  
submitted under section 3750.08 of the Revised Code. If the 79271  
commission establishes its own emergency and hazardous chemical 79272  
inventory form, the rules shall authorize owners and operators 79273  
of facilities who also have one or more facilities located 79274  
outside the state for which they are required to submit 79275  
inventory forms under the federal act and regulations adopted 79276  
under it to submit their annual inventories on forms prescribed 79277  
by the administrator of the United States environmental 79278  
protection agency under that act instead of on forms prescribed 79279  
by the commission and shall require those owners or operators to 79280  
submit any additional information required by the commission's 79281  
inventory form on an attachment to the federal form. 79282

(f) Establishing procedures for giving verbal notice of 79283  
releases under section 3750.06 of the Revised Code and 79284  
prescribing the information to be provided in such a notice and 79285  
in the follow-up written notice required by that section; 79286

(g) Establishing standards for determining valid needs for the release of tier II information under division (B) (4) of section 3750.10 of the Revised Code;	79287 79288 79289
(h) Identifying the types or categories of information submitted or obtained under this chapter and rules adopted under it that constitute confidential business information;	79290 79291 79292
(i) Establishing criteria and procedures to protect trade secret and confidential business information from unauthorized disclosure;	79293 79294 79295
(j) Establishing other requirements or authorizations that the commission considers necessary or appropriate to implement, administer, and enforce this chapter.	79296 79297 79298
(2) Adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer this chapter that may be more stringent than the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations adopted under it. Rules adopted under division (B) (2) of this section shall not be inconsistent with that act or the regulations adopted under it. The rules shall:	79299 79300 79301 79302 79303 79304 79305
(a) Prescribe the information to be included in the chemical emergency response and preparedness plans prepared and submitted by local emergency planning committees under section 3750.04 of the Revised Code;	79306 79307 79308 79309
(b) Establish criteria and procedures for reviewing the chemical emergency response and preparedness plans of local emergency planning committees required by section 3750.04 of the Revised Code and the annual exercise of those plans and for providing concurrence or requesting modifications in the plans and the exercise of those plans. The criteria shall include,	79310 79311 79312 79313 79314 79315



without limitation, the requirement that each exercise of a 79316  
committee's plan involve, in addition to local emergency 79317  
response and medical personnel, either a facility that is 79318  
subject to the plan or a transporter of materials that are 79319  
identified or listed as hazardous materials by regulations 79320  
adopted under the "Hazardous Materials Transportation Act," 88 79321  
Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended. 79322

(c) Establish policies and procedures for maintaining 79323  
information submitted to the commission and local emergency 79324  
planning committees under this chapter, and for receiving and 79325  
fulfilling requests from the public for access to review and to 79326  
obtain copies of that information. The criteria and procedures 79327  
shall include the following requirements and authorizations 79328  
regarding that information and access to it: 79329

(i) Information that is protected as trade secret 79330  
information or confidential business information under this 79331  
chapter and rules adopted under it shall be kept in files that 79332  
are separate from those containing information that is not so 79333  
protected. 79334

(ii) The original copies of information submitted to the 79335  
commission or committee shall not be removed from the custody 79336  
and control of the commission or committee. 79337

(iii) A person who, either in person or by mail, requests 79338  
to obtain a copy of a material safety data sheet submitted under 79339  
this chapter by a facility owner or operator shall submit a 79340  
separate application for each facility for which a material 79341  
safety data sheet is being requested. 79342

(iv) A person who requests to receive by mail a copy of 79343  
information submitted under this chapter by a facility owner or 79344

operator shall submit a separate application for each facility 79345  
for which information is being requested and shall specify both 79346  
the facility for which information is being requested and the 79347  
particular types of documents requested. 79348

(v) Only employees of the commission or committee shall 79349  
copy information in the files of the commission or committee. 79350

(vi) The commission or committee may require any person 79351  
who requests to review or obtain a copy of information in its 79352  
files to schedule an appointment for that purpose with the 79353  
information coordinator of the commission or committee at least 79354  
twenty-four hours before arriving at the office of the 79355  
commission or committee for the review or copy. 79356

(vii) Any person who seeks access to information in the 79357  
files of the commission or a local emergency planning committee 79358  
shall submit a written application, either in person or by mail, 79359  
to the information coordinator on a form provided by the 79360  
commission or committee. The person also shall provide the 79361  
person's name and current mailing address on the application and 79362  
may be requested by the commission or committee to provide basic 79363  
demographic information on the form to assist in the evaluation 79364  
of the information access provisions of this chapter and rules 79365  
adopted under it. Application forms may be obtained by mail or 79366  
in person or by request by telephone at the office of the 79367  
commission or committee during regular business hours. Upon 79368  
receipt of a request for an application by telephone or mail, 79369  
the information coordinator shall promptly mail an application 79370  
to the person who requested it. 79371

(viii) The application form shall provide the applicant 79372  
with a means of indicating that the applicant's name and address 79373  
are to be kept confidential. If the applicant so indicates, that 79374

information is not a public record under section 149.43 of the Revised Code and shall not be disclosed to any person who is not a member or employee of the commission or committee or an employee of the environmental protection agency. When a name and address are to be kept confidential, they also shall be deleted from the copy of the application required to be placed in the file of the facility under division (B)(2)(c)(xii) of this section and shall be withheld from any log of information requests kept by the commission or committee pursuant to that division.

(ix) Neither the commission nor a local emergency planning committee shall charge any fee for access to review information in its files when no copies or computer searches of that information are requested.

(x) An applicant shall be informed of the cost of copying, mailing, or conducting a computer search of information on file with the commission or committee before such a copy or search is made, and the commission or committee shall collect the appropriate fees as established under section 3750.13 of the Revised Code. Each applicant shall acknowledge on the application form that the applicant is aware that the applicant will be charged for copies and computer searches of that information the applicant requests and for the costs of mailing copies of the information to the applicant.

(xi) The commission or committee may require a person requesting copies of information on file with it to take delivery of them in the office of the commission or committee whenever it considers the volume of the information to be large enough to make mailing or delivery by a parcel or package delivery service impractical.

(xii) When the commission or committee receives a request 79405  
for access to review or obtain copies of information in its 79406  
files, it shall not routinely notify the owner or operator of 79407  
the facility involved, but instead shall either keep a log or 79408  
file of requests for the information or shall place a copy of 79409  
each completed application form in the file for the facility to 79410  
which the application pertains. Such a log or file shall be 79411  
available for review by the public and by the owners and 79412  
operators of facilities required to submit information to the 79413  
commission or committee under this chapter and rules adopted 79414  
under it. 79415

(d) Require that claims for the protection, as a trade 79416  
secret, of information obtained under this chapter regarding 79417  
extremely hazardous substances identified or listed in rules 79418  
adopted under division (B) (1) (a) of this section and hazardous 79419  
chemicals identified or listed in rules adopted under division 79420  
(B) (1) (b) of this section be submitted to the administrator of 79421  
the United States environmental protection agency for 79422  
determination under section 322 of the the "Emergency Planning 79423  
and Community Right-To-Know Act of 1986," 100 Stat. 1747, 42 79424  
U.S.C.A. 11042, and regulations adopted under that section; 79425

(e) Establish criteria and procedures for the issuance of 79426  
variances under divisions (B) and (C) of section 3750.11 of the 79427  
Revised Code. The rules shall require that, before approval of 79428  
an application for a variance, the commission or committee find 79429  
by a preponderance of the scientific evidence based upon 79430  
generally accepted scientific principles or laboratory tests 79431  
that the extremely hazardous substances, hazardous chemicals, or 79432  
hazardous substances that would be subject to the reporting 79433  
requirement pose a substantial risk of catastrophic injury to 79434  
public health or safety or to the environment, or pose an 79435

extraordinary risk of injury to emergency management personnel 79436  
responding to a release of the chemicals or substances, when the 79437  
substances or chemicals are present at a facility in an amount 79438  
equal to or exceeding the quantity for which reporting would be 79439  
required under the reporting requirement for which the variance 79440  
is sought. The rules shall also require that before approval of 79441  
an application for a variance, the commission or committee find 79442  
by a preponderance of the evidence that the development and 79443  
implementation of a local emergency response plan for releases 79444  
of the substances or chemicals covered by the reporting 79445  
requirement will reduce the risk of catastrophic injury to 79446  
public health or safety or to the environment, or will reduce 79447  
the extraordinary risk of injury to responding emergency 79448  
management personnel, in the event of a release of the 79449  
substances or chemicals and find by a preponderance of the 79450  
evidence that the reporting requirement is necessary for the 79451  
development of such a local emergency response plan. The rules 79452  
shall require that when determining whether the substances or 79453  
chemicals that would be subject to the reporting requirement 79454  
pose a substantial risk of catastrophic injury to public health 79455  
or safety or to the environment, or pose an extraordinary risk 79456  
of injury to emergency management personnel responding to a 79457  
release of the substance or chemical, the commission or 79458  
committee consider all of the following factors: 79459

(i) The specific characteristics and degree and nature of 79460  
the hazards posed by a release of the extremely hazardous 79461  
substances, hazardous chemicals, or hazardous substances; 79462

(ii) The proximity of the facilities that would be subject 79463  
to the reporting requirement to residential areas, to areas 79464  
where significantly large numbers of people are employed or 79465  
otherwise congregate, and to environmental resources that are 79466

subject to injury; 79467

(iii) The quantities of the extremely hazardous 79468  
substances, hazardous chemicals, or hazardous substances that 79469  
are routinely present at facilities that would be subject to the 79470  
reporting requirement; 79471

(iv) The frequency with which the extremely hazardous 79472  
substances, hazardous chemicals, or hazardous substances are 79473  
present at the facilities that would be subject to the reporting 79474  
requirement in quantities for which reporting would be required 79475  
thereunder. 79476

(f) Establish criteria and procedures for the issuance of 79477  
orders under division (D) of section 3750.11 of the Revised Code 79478  
requiring the placement of emergency response lock box units. 79479  
The rules shall require that before approval of an application 79480  
for issuance of such an order, the commission or committee find 79481  
by a preponderance of the scientific evidence based upon 79482  
generally accepted scientific principles or laboratory tests 79483  
that the presence of the extremely hazardous substances, 79484  
hazardous chemicals, or hazardous substances in the quantities 79485  
in which they are routinely or intermittently present at the 79486  
facility for which the order is sought pose a substantial risk 79487  
of catastrophic injury to public health or safety or to the 79488  
environment, or pose an extraordinary risk of injury to 79489  
responding emergency management personnel, in the event of a 79490  
release of any of those substances or chemicals from the 79491  
facility. The rules shall require that before approval of an 79492  
application for issuance of such an order, the commission or 79493  
committee also find by a preponderance of the evidence that the 79494  
placement of an emergency response lock box unit at the facility 79495  
is necessary to protect against the substantial risk of 79496

catastrophic injury to public health or safety or the 79497  
environment, or to protect against an extraordinary risk of 79498  
injury to responding emergency management personnel, in the 79499  
event of a release of any of the extremely hazardous substances, 79500  
hazardous chemicals, or hazardous substances routinely or 79501  
intermittently present at the facility. The rules shall require 79502  
that when determining whether the extremely hazardous 79503  
substances, hazardous chemicals, or hazardous substances present 79504  
at the facility pose a substantial risk of catastrophic injury 79505  
to public health or safety or to the environment, or pose an 79506  
extraordinary risk of injury to responding emergency management 79507  
personnel, in the event of a release of any of those substances 79508  
or chemicals from the facility, the commission or committee 79509  
consider all of the following factors: 79510

(i) The specific characteristics and the degree and nature 79511  
of the hazards posed by a release of the extremely hazardous 79512  
substances, hazardous chemicals, or hazardous substances present 79513  
at the facility; 79514

(ii) The proximity of the facility to residential areas, 79515  
to areas where significantly large numbers of people are 79516  
employed or otherwise congregate, and to environmental resources 79517  
that are subject to injury; 79518

(iii) The quantities of the extremely hazardous 79519  
substances, hazardous chemicals, or hazardous substances that 79520  
are routinely present at the facility; 79521

(iv) The frequency with which the extremely hazardous 79522  
substances, hazardous chemicals, or hazardous substances are 79523  
present at the facility. 79524

(g) Establish procedures to be followed by the commission 79525

and the executive committee of the commission for the issuance 79526  
of orders under this chapter. 79527

(3) In accordance with Chapter 119. of the Revised Code 79528  
adopt rules establishing reportable quantities for releases of 79529  
oil that are consistent with and equivalent in scope, content, 79530  
and coverage to section 311 of the "Federal Water Pollution 79531  
Control Act Amendments of 1972," 86 Stat. 862, 33 U.S.C.A. 1321, 79532  
as amended, and applicable regulations adopted under it; 79533

(4) Adopt rules in accordance with Chapter 119. of the 79534  
Revised Code establishing criteria and procedures for 79535  
identifying or listing extremely hazardous substances in 79536  
addition to those identified or listed in rules adopted under 79537  
division (B)(1)(a) of this section and for establishing 79538  
threshold planning quantities and reportable quantities for the 79539  
added extremely hazardous substances; for identifying or listing 79540  
hazardous chemicals in addition to those identified or listed in 79541  
rules adopted under division (B)(1)(b) of this section and for 79542  
establishing threshold quantities and categories of health and 79543  
physical hazards for the added hazardous chemicals; and for 79544  
identifying or listing hazardous substances in addition to those 79545  
identified or listed in rules adopted under division (B)(1)(c) 79546  
of this section and for establishing reportable quantities for 79547  
the added hazardous substances. The criteria for identifying or 79548  
listing additional extremely hazardous substances and 79549  
establishing threshold planning quantities and reportable 79550  
quantities therefor and for identifying or listing additional 79551  
hazardous chemicals and establishing threshold quantities and 79552  
categories of health and physical hazards for the added 79553  
hazardous chemicals shall be consistent with and equivalent to 79554  
applicable criteria therefor under the "Emergency Planning and 79555  
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 79556



U.S.C.A. 11001, and regulations adopted under it. The criteria 79557  
for identifying additional hazardous substances and for 79558  
establishing reportable quantities of the added hazardous 79559  
substances shall be consistent with and equivalent to the 79560  
applicable criteria for identifying or listing hazardous 79561  
substances and establishing reportable quantities therefor under 79562  
the "Comprehensive Environmental Response, Compensation, and 79563  
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 79564  
amended, and regulations adopted under it. 79565

The rules shall require that, before identifying or 79566  
listing any such additional extremely hazardous substance, 79567  
hazardous chemical, or hazardous substance and establishing a 79568  
threshold planning quantity, threshold quantity, or reportable 79569  
quantity therefor, the commission find by a preponderance of the 79570  
scientific evidence based on generally accepted scientific 79571  
principles or laboratory tests that the substance or chemical 79572  
poses a substantial risk of catastrophic injury to public health 79573  
or safety or to the environment, or poses an extraordinary risk 79574  
of injury to emergency management personnel responding to a 79575  
release of the chemical or substance, when the chemical or 79576  
substance is present at a facility in an amount equal to the 79577  
proposed threshold planning quantity or threshold quantity or, 79578  
in the instance of a proposed additional extremely hazardous 79579  
substance or hazardous substance, poses a substantial risk of 79580  
catastrophic injury to public health or safety or to the 79581  
environment if a release of the proposed reportable quantity of 79582  
the substance occurs. The rules shall further require that, 79583  
before so identifying or listing a substance or chemical, the 79584  
commission find by a preponderance of the evidence that the 79585  
development and implementation of state or local emergency 79586  
response plans for releases of the substance or chemical will 79587

reduce the risk of a catastrophic injury to public health or 79588  
safety or to the environment, or will reduce the extraordinary 79589  
risk of injury to responding emergency response personnel, in 79590  
the event of a release of the substance or chemical and find by 79591  
a preponderance of the evidence that the identification or 79592  
listing of the substance or chemical is necessary for the 79593  
development of state or local emergency response plans for 79594  
releases of the substance or chemical. The rules shall require 79595  
that the commission consider the toxicity of the substance or 79596  
chemical in terms of both the short-term and long-term health 79597  
effects resulting from exposure to it and its reactivity, 79598  
volatility, dispersibility, combustibility, and flammability 79599  
when determining the risks posed by a release of the substance 79600  
or chemical and, as appropriate, when establishing a threshold 79601  
planning quantity, threshold quantity, reportable quantity, or 79602  
category of health or physical hazard for it. 79603

(5) Adopt rules in accordance with Chapter 119. of the 79604  
Revised Code establishing criteria and procedures for receiving 79605  
and deciding claims for protection of information as a trade 79606  
secret that are applicable only to extremely hazardous 79607  
substances and hazardous chemicals identified or listed in rules 79608  
adopted under division (C) (5) of this section. The rules shall 79609  
be equivalent in scope, content, and coverage to section 322 of 79610  
the "Emergency Planning and Community Right-To-Know Act of 79611  
1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations 79612  
adopted under it. 79613

(6) (a) After consultation with the fire marshal, adopt 79614  
rules in accordance with Chapter 119. of the Revised Code 79615  
establishing standards for the construction, placement, and use 79616  
of emergency response lock box units at facilities that are 79617  
subject to this chapter. The rules shall establish all of the 79618

following: 79619

(i) Specific standards of construction for lock box units; 79620

(ii) The specific types of information that shall be 79621  
placed in the lock box units required to be placed at a facility 79622  
by an order issued under division (D) of section 3750.11 of the 79623  
Revised Code, which shall include the location of on-site 79624  
emergency fire-fighting and spill cleanup equipment; a diagram 79625  
of the public and private water supply and sewage systems 79626  
serving the facility that are known to the owner or operator of 79627  
the facility; a copy of the emergency and hazardous chemical 79628  
inventory form for the facility most recently required to be 79629  
submitted under section 3750.08 of the Revised Code from which 79630  
the owner or operator may withhold information claimed or 79631  
determined to be trade secret information pursuant to rules 79632  
adopted under division (B) (2) (d) of this section, or pursuant to 79633  
division (B) (14) of this section and rules adopted under 79634  
division (B) (5) of this section, and confidential business 79635  
information identified in rules adopted under division (B) (1) (h) 79636  
of this section; a copy of the local fire department's and 79637  
facility's emergency management plans for the facility, if any; 79638  
a current list of the names, positions, addresses, and telephone 79639  
numbers of all key facility personnel knowledgeable in facility 79640  
safety procedures and the locations at the facility where 79641  
extremely hazardous substances, hazardous chemicals, and 79642  
hazardous substances are produced, used, or stored. The rules 79643  
shall stipulate that, in the instance of lock box units placed 79644  
voluntarily at facilities by the owners or operators of the 79645  
facilities, such information shall be maintained in them as is 79646  
prescribed by agreement by the owner or operator and the fire 79647  
department having jurisdiction over the facility. 79648

(iii) The conditions that shall be met in order to provide 79649  
safe and expedient access to a lock box unit during a release or 79650  
threatened release of an extremely hazardous substance, 79651  
hazardous chemical, or hazardous substance. 79652

(b) Unless the owner or operator of a facility is issued 79653  
an order under division (D) of section 3750.11 of the Revised 79654  
Code requiring the owner or operator to place a lock box unit at 79655  
the facility, the owner or operator may place a lock box unit at 79656  
the facility at the owner's or operator's discretion. If the 79657  
owner or operator chooses to place a lock box unit at the 79658  
facility, the responsibility to deposit information in the lock 79659  
box unit is in addition to any other obligations established in 79660  
this chapter. 79661

(c) Any costs associated with the purchase, construction, 79662  
or placement of a lock box unit shall be paid by the owner or 79663  
operator of the facility. 79664

(7) In accordance with Chapter 119. of the Revised Code, 79665  
adopt rules governing the application for and awarding of grants 79666  
under division (C) of section 3750.14 and division (B) of 79667  
section 3750.15 of the Revised Code; 79668

(8) Adopt rules in accordance with Chapter 119. of the 79669  
Revised Code establishing reasonable maximum fees that may be 79670  
charged by the commission and local emergency planning 79671  
committees for copying information in the commission's or 79672  
committee's files to fulfill requests from the public for that 79673  
information; 79674

(9) Adopt internal management rules governing the 79675  
operations of the commission. The internal management rules 79676  
shall establish an executive committee of the commission 79677

consisting of the director of environmental protection or the 79678  
director's designee, the director of public safety or the 79679  
director's designee, the attorney general or the attorney 79680  
general's designee, one of the appointed members of the 79681  
commission representing industries subject to this chapter to be 79682  
appointed by the commission, one of the appointed members of the 79683  
commission representing the interests of environmental advocacy 79684  
organizations to be appointed by the commission, and one other 79685  
appointed member or member ex officio of the commission to be 79686  
appointed by the commission. The executive committee has 79687  
exclusive authority to issue enforcement orders under section 79688  
3750.18 of the Revised Code and to request the attorney general 79689  
to bring a civil action, civil penalty action, or criminal 79690  
action under section 3750.20 of the Revised Code in the name of 79691  
the commission regarding violations of this chapter, rules 79692  
adopted under it, or orders issued under it. The internal 79693  
management rules may set forth the other specific powers and 79694  
duties of the commission that the executive committee may 79695  
exercise and carry out and the conditions under which the 79696  
executive committee may do so. The internal management rules 79697  
shall not authorize the executive committee to issue variances 79698  
under division (B) or (C) of section 3750.11 of the Revised Code 79699  
or orders under division (D) of that section. 79700

(10) Oversee and coordinate the implementation and 79701  
enforcement of this chapter and make such recommendations to the 79702  
director of environmental protection and the director of public 79703  
safety as it considers necessary or appropriate to improve the 79704  
implementation and enforcement of this chapter; 79705

(11) Make allocations of moneys under division (B) of 79706  
section 3750.14 of the Revised Code and make grants under 79707  
division (C) of section 3750.14 and division (B) of section 79708

3750.15 of the Revised Code; 79709

(12) Designate an officer of the environmental protection 79710  
agency to serve as the commission's information coordinator 79711  
under this chapter; 79712

(13) Not later than December 14, 1989, develop and 79713  
distribute a state emergency response plan that defines the 79714  
emergency response roles and responsibilities of the state 79715  
agencies that are represented on the commission and that 79716  
provides appropriate coordination with the national contingency 79717  
plan and the regional contingency plan required by section 105 79718  
of the "Comprehensive Environmental Response, Compensation, and 79719  
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 79720  
amended. The plan shall ensure a well-coordinated response by 79721  
state agencies that may be involved in assisting local emergency 79722  
responders during a major release of oil or a major sudden and 79723  
accidental release of a hazardous substance or extremely 79724  
hazardous substance. The plan may incorporate existing state 79725  
emergency response plans by reference. At least annually, the 79726  
commission and the state agencies that are represented on it 79727  
shall jointly exercise the state plan in conjunction with the 79728  
exercise of a local emergency response plan by a local emergency 79729  
planning committee under section 3750.04 of the Revised Code. 79730  
After any such exercise, the commission shall review the state 79731  
plan and make such revisions in it as the commission considers 79732  
necessary or appropriate. 79733

(14) Receive and decide claims for the protection of 79734  
information as a trade secret that pertain only to extremely 79735  
hazardous substances and hazardous chemicals identified or 79736  
listed by rules adopted under division (C)(5) of this section. 79737  
If the commission determines that the claim meets the criteria 79738

established in rules adopted under division (B) (5) of this 79739  
section, it shall issue an order to that effect in accordance 79740  
with section 3750.18 of the Revised Code. If the commission 79741  
determines that the claim does not meet the criteria established 79742  
in those rules, it shall issue an order to that effect in 79743  
accordance with section 3750.18 of the Revised Code. 79744

(15) Annually compile, make available to the public, and 79745  
submit to the president of the senate and the speaker of the 79746  
house of representatives a summary report on the number of 79747  
facilities estimated to be subject to regulation under sections 79748  
3750.05, 3750.07, and 3750.08 of the Revised Code, the number of 79749  
facilities reporting to the commission, an estimate of the 79750  
percentage of facilities in compliance with those sections, and 79751  
recommendations regarding the types of activities the commission 79752  
considers necessary to improve such compliance. The commission 79753  
shall base its estimate of the number of facilities that are 79754  
subject to regulation under those sections on the current 79755  
estimates provided by the local emergency planning committees 79756  
under division (D) (6) of section 3750.03 of the Revised Code. 79757

(C) The commission may: 79758

(1) Procure by contract the temporary or intermittent 79759  
services of experts or consultants when those services are to be 79760  
performed on a part-time or fee-for-service basis and do not 79761  
involve the performance of administrative duties; 79762

(2) Enter into contracts or agreements with political 79763  
subdivisions or emergency planning districts for the purposes of 79764  
this chapter; 79765

(3) Accept on behalf of the state any gift, grant, or 79766  
contribution from any governmental or private source for the 79767

purposes of this chapter; 79768

(4) Enter into contracts, agreements, or memoranda of 79769  
understanding with any state department, agency, board, 79770  
commission, or institution to obtain the services of personnel 79771  
thereof or utilize resources thereof for the purposes of this 79772  
chapter. Employees of a state department, agency, board, 79773  
commission, or institution providing services to the commission 79774  
under any such contract, agreement, or memorandum shall perform 79775  
only those functions and provide only the services provided for 79776  
in the contract, agreement, or memorandum. 79777

(5) Identify or list extremely hazardous substances in 79778  
addition to those identified or listed in rules adopted under 79779  
division (B)(1)(a) of this section and establish threshold 79780  
planning quantities and reportable quantities for the additional 79781  
extremely hazardous substances, identify or list hazardous 79782  
chemicals in addition to those identified or listed in rules 79783  
adopted under division (B)(1)(b) of this section and establish 79784  
threshold quantities and categories or health and physical 79785  
hazards for the added chemicals, and identify or list hazardous 79786  
substances in addition to those identified or listed in rules 79787  
adopted under division (B)(1)(c) of this section and establish 79788  
reportable quantities for the added hazardous substances. The 79789  
commission may establish threshold planning quantities for the 79790  
additional extremely hazardous substances based upon classes of 79791  
those substances or categories of facilities at which they are 79792  
present and may establish threshold quantities for the 79793  
additional hazardous chemicals based upon classes of those 79794  
chemicals or categories of facilities where they are present. 79795  
The commission shall identify or list such additional substances 79796  
or chemicals and establish threshold planning quantities, 79797  
threshold quantities, reportable quantities, and hazard 79798



categories therefor in accordance with the criteria and 79799  
procedures established in rules adopted under division (B) (4) of 79800  
this section and, after compliance with those criteria and 79801  
procedures, by the adoption of rules in accordance with Chapter 79802  
119. of the Revised Code. The commission shall not adopt rules 79803  
under division (C) (5) of this section modifying any threshold 79804  
planning quantity established in rules adopted under division 79805  
(B) (1) (a) of this section, any threshold quantity established in 79806  
rules adopted under division (B) (1) (b) of this section, or any 79807  
reportable quantity established in rules adopted under division 79808  
(B) (1) (c) of this section. 79809

If, after the commission has adopted rules under division 79810  
(C) (5) of this section identifying or listing an extremely 79811  
hazardous substance, hazardous chemical, or hazardous substance, 79812  
the administrator of the United States environmental protection 79813  
agency identifies or lists the substance or chemical as an 79814  
extremely hazardous substance or hazardous chemical under the 79815  
"Emergency Planning and Community Right-To-Know Act of 1986," 79816  
100 Stat. 1729, 42 U.S.C.A. 11001, or identifies or lists a 79817  
substance as a hazardous substance under the "Comprehensive 79818  
Environmental Response, Compensation, and Liability Act of 79819  
1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as amended, the 79820  
commission shall rescind its rules adopted under division (C) (5) 79821  
of this section pertaining to the substance or chemical and 79822  
adopt the appropriate rules under division (B) (1) (a), (b), or 79823  
(c) of this section. 79824

(6) From time to time, request the director of 79825  
environmental protection and the executive director of the 79826  
emergency management agency to review implementation, 79827  
administration, and enforcement of the chemical emergency 79828  
response planning and reporting programs created by this chapter 79829

and rules adopted under it regarding their effectiveness in 79830  
preparing for response to releases of extremely hazardous 79831  
substances, hazardous chemicals, and hazardous substances. After 79832  
completion of any such review, the director of environmental 79833  
protection and the director of public safety shall report their 79834  
findings to the commission. Upon receipt of their findings, the 79835  
commission may make such recommendations for legislative and 79836  
administrative action as the commission finds necessary or 79837  
appropriate to promote achievement of the purposes of this 79838  
chapter. 79839

(D) Except as provided in section 3750.06 of the Revised 79840  
Code, nothing in this chapter applies to the transportation, 79841  
including the storage incident to transportation, of any 79842  
substance or chemical subject to the requirements of this 79843  
chapter, including the transportation and distribution of 79844  
natural gas. 79845

(E) This chapter authorizes the state, through the 79846  
emergency response commission, the department of public safety, 79847  
and the environmental protection agency, to establish and 79848  
maintain chemical emergency response planning and preparedness, 79849  
community right-to-know, and hazardous substance and extremely 79850  
hazardous substance release reporting programs that are 79851  
consistent with and equivalent in scope, coverage, and content 79852  
to the "Emergency Planning and Community Right-To-Know Act of 79853  
1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations 79854  
adopted under it, except as otherwise specifically required or 79855  
authorized in this chapter. The commission, department, and 79856  
agencies may do all things necessary, incidental, or appropriate 79857  
to implement, administer, and enforce this chapter and to 79858  
perform the duties and exercise the powers of the state 79859  
emergency response commission under that act and regulations 79860

adopted under it and under this chapter. 79861

**Sec. 3769.088.** (A) (1) If any permit holder required by 79862  
this chapter to pay the taxes levied by sections 3769.08, 79863  
3769.087, 3769.26, and 3769.28 of the Revised Code fails to pay 79864  
the taxes as required, the tax commissioner may make an 79865  
assessment against the permit holder based upon any information 79866  
in the commissioner's possession. 79867

(2) If a permit holder required to remit taxes or file a 79868  
report electronically in the manner prescribed under section 79869  
3769.103 of the Revised Code fails to do so, the tax 79870  
commissioner may impose an additional penalty of fifty dollars 79871  
or ten per cent of the tax due as shown on the report, whichever 79872  
is greater. 79873

(3) A penalty of up to fifteen per cent may be added to 79874  
the amount of every assessment made under this section. 79875

~~(4) The commissioner may adopt rules providing for the 79876  
imposition and remission of penalties added to assessments made 79877  
under this section. 79878~~

~~(5) The commissioner shall give the party assessed written 79879  
notice of the assessment in the manner provided in section 79880  
5703.37 of the Revised Code. With the notice, the commissioner 79881  
shall provide instructions on how to petition for reassessment 79882  
and request a hearing on the petition. 79883~~

(B) Unless the party assessed files with the tax 79884  
commissioner within sixty days after service of the notice of 79885  
assessment, ~~either personally or by certified mail,~~ a written 79886  
petition for reassessment signed by the party assessed or that 79887  
party's authorized agent having knowledge of the facts, the 79888  
assessment becomes final and the amount of the assessment is due 79889

and payable from the party assessed to the commissioner. The 79890  
petition shall indicate the objections of the party assessed, 79891  
but additional objections may be raised in writing if received 79892  
by the commissioner prior to the date shown on the final 79893  
determination. If the petition has been properly filed, the 79894  
commissioner shall proceed under section 5703.60 of the Revised 79895  
Code. 79896

(C) After an assessment becomes final, if any portion of 79897  
the assessment remains unpaid, including accrued interest, a 79898  
certified copy of the tax commissioner's entry making the 79899  
assessment final may be filed in the office of the clerk of the 79900  
court of common pleas in the county in which the place, track, 79901  
or enclosure for which the permit was issued is located or the 79902  
county in which the party assessed resides or has its principal 79903  
place of business. If the party assessed maintains no place of 79904  
business in this state and is not a resident of this state, the 79905  
certified copy of the entry may be filed in the office of the 79906  
clerk of the court of common pleas of Franklin county. 79907

Immediately upon the filing of the entry, the clerk shall 79908  
enter a judgment for the state against the party assessed in the 79909  
amount shown on the entry. The judgment may be filed by the 79910  
clerk in a loose-leaf book entitled "special judgments for state 79911  
horse racing tax," and shall have the same effect as other 79912  
judgments. Execution shall issue upon the judgment upon the 79913  
request of the tax commissioner, and all laws applicable to 79914  
sales on execution shall apply to sales made under the judgment. 79915

If the assessment is not paid in its entirety within sixty 79916  
days after the day the assessment was issued, the portion of the 79917  
assessment consisting of tax due shall bear interest at the rate 79918  
per annum prescribed by section 5703.47 of the Revised Code from 79919

the day the tax commissioner issues the assessment until the day 79920  
the assessment is paid or until it is certified to the attorney 79921  
general for collection under section 131.02 of the Revised Code, 79922  
whichever comes first. If the unpaid portion of the assessment 79923  
is certified to the attorney general for collection, the entire 79924  
unpaid portion of the assessment shall bear interest at the rate 79925  
per annum prescribed by section 5703.47 of the Revised Code from 79926  
the date of certification until the date it is paid in its 79927  
entirety. Interest shall be paid in the same manner as the tax 79928  
and may be collected by the issuance of an assessment under this 79929  
section. 79930

(D) All money collected by the tax commissioner under this 79931  
section shall be treated as revenue arising from the taxes 79932  
imposed by sections 3769.08, 3769.087, 3769.26, and 3769.28 of 79933  
the Revised Code. 79934

**Sec. 3770.071.** (A) As used in this section, "lottery prize 79935  
award" does not include a prize award from a video lottery 79936  
terminal and does not include winnings from lottery sports 79937  
gaming, except that "lottery prize award" includes winnings from 79938  
lottery sports gaming wagers placed through a terminal described 79939  
in division (B) (3) of section 3770.24 of the Revised Code. 79940

(B) If the amount of the prize money or the cost of goods 79941  
or services awarded as a lottery prize award meets or exceeds 79942  
the reportable winnings amounts set by 26 U.S.C. 6041, or a 79943  
subsequent analogous section of the Internal Revenue Code, the 79944  
director of the state lottery commission or the director's 79945  
designee shall consult the data match program established under 79946  
section 3123.89 of the Revised Code to determine whether the 79947  
person is subject to a final and enforceable determination of 79948  
default made under sections 3123.01 to 3123.07 of the Revised 79949

Code. If so, the director or the director's designee shall 79950  
withhold an amount from the prize award in accordance with 79951  
section 3123.89 of the Revised Code. 79952

**Sec. 3770.072.** (A) As used in this section, "prize 79953  
winner," and "transferee," and "transferor" have the same 79954  
meanings as in section 3770.10 of the Revised Code. 79955

(B) The state lottery commission shall deduct amounts from 79956  
lottery prize awards and file returns in accordance with 79957  
~~sections~~ section 5747.062 and 5747.064 of the Revised Code and 79958  
any rules adopted by the tax commissioner pursuant to ~~those~~ 79959  
~~sections~~ that section. This division also applies to lottery 79960  
prize award payments the commission remits to transferees. 79961

~~(C) (1) (a)~~ (C) (1) Each transferee shall deduct and withhold 79962  
from each gross amount payable to each prize winner four per 79963  
cent of the gross amount payable prior to making any other 79964  
reduction required by this chapter. 79965

~~(b)~~ Subject to division (C) (1) (c) of this section, each 79966  
transferee, including any transferee that is a related member, 79967  
as defined in section 5733.042 of the Revised Code, to the 79968  
transferor, shall deduct and withhold from each amount payable 79969  
to a transferor that is not a prize winner four per cent of the 79970  
portion of the payment representing gain or income the 79971  
transferor will recognize in connection with the payment. 79972

~~(c)~~ For purposes of division (C) (1) (b) of this section, 79973  
the portion of any payment representing gain or income 79974  
recognized by the transferor shall be computed in accordance 79975  
with the Internal Revenue Code. The transferor shall prepare a 79976  
written statement setting forth that amount and sign the 79977  
statement under penalty of perjury. Within five days before the 79978

~~date on which the payment is to be made, the transferor shall 79979  
deliver the written statement to the transferee and deliver a 79980  
copy of the written statement to the tax commissioner. If the 79981  
transferee does not receive the written statement by the time 79982  
the payment is made, the transferee shall withhold four per cent 79983  
of the entire amount of the payment. If the tax commissioner 79984  
notifies the transferee that the transferor has erroneously 79985  
computed the amount of gain or income recognized, the transferee 79986  
shall withhold four per cent of the entire amount of each 79987  
payment to be made after the transferee receives the notice. 79988~~

~~(d) The tax commissioner may impose a penalty of up to one 79989  
thousand dollars for any person failing to timely deliver to the 79990  
tax commissioner the copy of the written statement as required 79991  
by division (C) (1) (c) of this section. Proceeds from the 79992  
imposition of the penalty shall be considered as revenue arising 79993  
from the tax imposed under section 5733.06 or 5747.02 of the 79994  
Revised Code, as applicable. 79995~~

(2) With respect to amounts deducted and withheld pursuant 79996  
to division (C) (1) of this section, each transferee shall comply 79997  
with divisions (A) (2) to (4) of section 5747.062 of the Revised 79998  
Code. 79999

(3) An employee of a corporation, limited liability 80000  
company, or business trust having control or supervision of or 80001  
charged with the responsibility of filing the report and making 80002  
the payment required by division (C) of this section and section 80003  
5747.062 of the Revised Code, or an officer, member, manager, or 80004  
trustee of a corporation, limited liability company, or business 80005  
trust who is responsible for the execution of the corporation's, 80006  
limited liability company's, or business trust's fiscal 80007  
responsibilities, shall be personally liable for failure to file 80008

the report or pay the amount due as required by division (C) of 80009  
this section and section 5747.062 of the Revised Code. The 80010  
dissolution, termination, or bankruptcy of a corporation, 80011  
limited liability company, or business trust does not discharge 80012  
a responsible officer's, member's, manager's, employee's, or 80013  
trustee's liability for a failure of the corporation, limited 80014  
liability company, or business trust to file returns or pay the 80015  
amount due. 80016

(4) (a) The tax commissioner may make an assessment against 80017  
any person listed in division (C) (1) or (3) of this section for 80018  
any deficiency for any period. Section 5747.13 of the Revised 80019  
Code shall apply with respect to issuing assessments, filing 80020  
petitions for reassessments, conducting hearings, issuing final 80021  
determinations, making the assessment final, and filing the 80022  
entry that makes the assessment final. Section 5717.02 of the 80023  
Revised Code shall apply to appeals of the commissioner's final 80024  
decision in connection with assessments issued pursuant to 80025  
division (C) (4) of this section. 80026

(b) An assessment issued against any person listed in 80027  
division (C) (1) or (3) of this section shall not be considered 80028  
an election of remedies or a bar to an assessment against any 80029  
other person for the failure to comply with division (C) (1) of 80030  
this section. No assessment shall be issued against any person 80031  
who is so listed if the amount required to be withheld has been 80032  
paid by another. 80033

(c) The assessment shall include interest at the rate per 80034  
annum prescribed by section 5703.47 of the Revised Code on 80035  
liability from the time the payment is due until the date of 80036  
assessment. Interest shall continue to accrue from the date of 80037  
assessment until the date the assessment is paid in full. Any 80038



interest accruing subsequent to the date of the issuance of the 80039  
assessment shall be considered to be an additional deficiency 80040  
for which the tax commissioner may issue subsequent assessments. 80041  
The initial assessment and any subsequent assessments may 80042  
include a penalty in an amount not to exceed twice the 80043  
applicable interest charged under this division. 80044

**Sec. 3770.073.** (A) As used in this section, "lottery prize 80045  
award" does not include a prize award from a video lottery 80046  
terminal and does not include winnings from lottery sports 80047  
gaming, except that "lottery prize award" includes winnings from 80048  
lottery sports gaming wagers placed through a terminal described 80049  
in division (B) (3) of section 3770.24 of the Revised Code. 80050

(B) The attorney general shall provide the state lottery 80051  
commission or its designee with access to the real time data 80052  
match program described in sections 3772.37 and 3775.16 of the 80053  
Revised Code for the purpose of identifying prize winners who 80054  
owe amounts to the state or a political subdivision. 80055

(C) If a person is entitled to a lottery prize award and 80056  
is indebted to the state for the payment of any tax, workers' 80057  
compensation premium, unemployment contribution, payment in lieu 80058  
of unemployment contribution, or certified claim under section 80059  
131.02 or 131.021 of the Revised Code, ~~or~~ is indebted to a 80060  
political subdivision that has a certified claim under section 80061  
131.02 of the Revised Code, owes lottery sales receipts held in 80062  
trust on behalf of the state lottery commission as described in 80063  
division (H) (4) of section 3770.05 of the Revised Code, or owes 80064  
any charge, penalty, or interest arising from ~~these~~ any of those 80065  
debts and if the amount of the prize money or the cost of goods 80066  
or services awarded as a lottery prize award meets or exceeds 80067  
the reportable winnings amount set by 26 U.S.C. 6041, the 80068

director of the state lottery commission, or the director's 80069  
designee, shall do either of the following: 80070

(1) If the prize award will be paid in a lump sum, deduct 80071  
from the prize award and pay to the attorney general an amount 80072  
in satisfaction of the debt and pay any remainder to that 80073  
person. If the amount of the prize award is less than the amount 80074  
of the debt, the entire amount of the prize award shall be 80075  
deducted and paid in partial satisfaction of the debt. 80076

(2) If the prize award will be paid in annual 80077  
installments, on the date the initial installment payment is 80078  
due, deduct from that installment and pay to the attorney 80079  
general an amount in satisfaction of the debt and, if necessary 80080  
to collect the full amount of the debt, do the same for any 80081  
subsequent annual installments, at the time the installments 80082  
become due and owing to the person, until the debt is fully 80083  
satisfied. 80084

~~(B)~~ (D) If a person entitled to a lottery prize award owes 80085  
more than one debt, any debt owed to the state shall be 80086  
satisfied first, subject to both section 5739.33 and division 80087  
(G) of section 5747.07 of the Revised Code having first 80088  
priority, and subject to division ~~(C)~~ (E) of this section. 80089

~~(C)~~ (E) Any debt owed under section 3770.071 of the 80090  
Revised Code shall be satisfied with first priority over debts 80091  
owed under this section. 80092

~~(D)~~ (F) Except as provided in section 131.021 of the 80093  
Revised Code, this section applies only to debts that have 80094  
become final. 80095

Sec. 3770.074. If the amount of a prize award from a video 80096  
lottery terminal meets or exceeds the reportable winnings amount 80097

set by 26 U.S.C. 6041, the video lottery sales agent shall 80098  
consult the data match program established under section 3123.89 80099  
of the Revised Code to determine whether the person is subject 80100  
to a final and enforceable determination of default made under 80101  
sections 3123.01 to 3123.07 of the Revised Code. If so, the 80102  
video lottery sales agent shall withhold an amount from the 80103  
prize award in accordance with section 3123.89 of the Revised 80104  
Code. 80105

**Sec. 3770.075.** (A) The attorney general shall provide each 80106  
video lottery sales agent with access to the real time data 80107  
match program described in sections 3772.37 and 3775.16 of the 80108  
Revised Code for the purpose of identifying prize winners who 80109  
owe amounts to the state or a political subdivision. 80110

(B) If a person is entitled to a prize award from a video 80111  
lottery terminal that meets or exceeds the reportable winnings 80112  
amount set by 26 U.S.C. 6041 and the person is indebted to the 80113  
state for the payment of any tax, workers' compensation premium, 80114  
unemployment contribution, payment in lieu of unemployment 80115  
contribution, or certified claim under section 131.02 or 131.021 80116  
of the Revised Code, is indebted to a political subdivision that 80117  
has a certified claim under section 131.02 of the Revised Code, 80118  
owes lottery sales receipts held in trust on behalf of the state 80119  
lottery commission as described in division (H) (4) of section 80120  
3770.05 of the Revised Code, or owes any charge, penalty, or 80121  
interest arising from any of those debts, the video lottery 80122  
sales agent shall deduct from the prize award and pay to the 80123  
attorney general an amount in satisfaction of the debt and pay 80124  
any remainder to that person. If the amount of the prize award 80125  
is less than the amount of the debt, the entire amount of the 80126  
prize award shall be deducted and paid in partial satisfaction 80127  
of the debt. 80128

(C) If a person entitled to a prize award from a video lottery terminal owes more than one debt, any debt owed to the state shall be satisfied first, subject to both section 5739.33 and division (G) of section 5747.07 of the Revised Code having first priority, and subject to division (C) of this section. 80129  
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(D) Any debt owed under section 3770.074 of the Revised Code shall be satisfied with first priority over debts owed under this section. 80134  
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80136

(E) Except as provided in section 131.021 of the Revised Code, this section applies only to debts that have become final. 80137  
80138

**Sec. 3770.10.** As used in sections 3770.07 to ~~3770.073~~ 3770.075 and 3770.10 to 3770.14 of the Revised Code: 80139  
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(A) "Court of competent jurisdiction" means either the general division or the probate division of the court of common pleas of the county in which the prize winner ~~or transferor~~ resides, or, if the prize winner ~~or transferor~~ is not a resident of this state, either the general division or the probate division of the court of common pleas of Franklin county or a federal court having jurisdiction over the lottery prize award. 80141  
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(B) "Discounted present value" means the present value of the future payments of a lottery prize award that is determined by discounting those payments to the present, using the most recently published applicable federal rate for determining the present value of an annuity as issued by the United States internal revenue service and assuming daily compounding. 80148  
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(C) "Independent professional advice" means the advice of ~~an attorney, a certified public accountant, an actuary, or any other~~ a licensed professional adviser if all of the following apply: 80154  
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(1) The prize winner has engaged the services of the licensed professional adviser to render advice concerning the legal, financial, and other implications of a transfer of the lottery prize award.

(2) The licensed professional adviser is not affiliated in any manner with or compensated in any manner by the transferee of the lottery prize award.

(3) The compensation of the licensed professional adviser is not affected by whether or not a transfer of a lottery prize award occurs.

(D) "Prize winner" means any person that holds the right to receive all or any part of a lottery prize award as a result of being any of the following:

(1) A person who is a claimant under division (A) of section 3770.07 of the Revised Code;

(2) A person who is entitled to a prize award and who is under a legal disability as described in division (B) of section 3770.07 of the Revised Code;

(3) A person who was awarded a prize award to which another has claimed title by a federal bankruptcy court order or other court order referred to in division (D) of section 3770.07 of the Revised Code;

(4) A person who is receiving payments upon the death of a prize winner as provided in division (D) of section 3770.07 of the Revised Code.

(E) "Transfer" means any form of sale, assignment, or redirection of payment of ~~all or any part~~ the remainder of a lottery prize award for consideration.

(F) "Transfer agreement" means an agreement that is complete and valid, and that provides for the transfer of ~~all or any part~~ the remainder of a lottery prize award from a ~~transferor prize winner~~ to a transferee. A transfer agreement is incomplete and invalid unless the agreement contains both of the following:

(1) A statement, signed by the ~~transferor prize winner~~ under penalties of perjury, that the ~~transferor prize winner~~ irrevocably agrees that the ~~transferor prize winner~~ is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the ~~transferor prize winner~~ will recognize in connection with the transfer. ~~If the transferor is a pass-through entity, as defined in section 5733.04 of the Revised Code, each investor in the pass-through entity shall also sign under penalties of perjury a statement that the investor irrevocably agrees that the investor is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferor and the investor will recognize in connection with the transfer.~~

(2) A statement, signed by the transferee, that the transferee irrevocably agrees that the transferee is subject to the withholding requirements imposed by division (C) of section 3770.072 of the Revised Code and that the transferee is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferee will recognize in connection with a lottery prize awards award to be received as a result of the transfer. If the transferee is a pass-through entity, as defined in section 5733.04 of the Revised Code, each investor in the pass-through entity shall also sign under penalties of perjury a statement setting forth that the investor irrevocably agrees that the investor is

subject to the withholding requirements imposed by division (C) 80217  
of section 3770.072 of the Revised Code and is subject to the 80218  
tax imposed by Chapter 5733. or 5747. of the Revised Code with 80219  
respect to gain or income which the transferee and the investor 80220  
will recognize in connection with a lottery prize awards-award 80221  
to be received as a result of the transfer. 80222

(G) "Transferee" means a party acquiring or proposing to 80223  
acquire ~~all or any part~~ the remainder of a lottery prize award 80224  
from a prize winner through a transfer. 80225

(H) ~~"Transferor" means either a prize winner or a~~ 80226  
~~transferee in an earlier transfer whose interest is acquired by-~~ 80227  
~~or is sought to be acquired by a transferee or a new transferee-~~ 80228  
~~through a transfer.~~ "Licensed professional adviser" means any of 80229  
the following: 80230

(1) An attorney; 80231

(2) A certified public accountant; 80232

(3) An actuary; 80233

(4) A financial planner who is accredited by a nationally 80234  
recognized accreditation agency. 80235

(I) "Lottery prize award" includes winnings from lottery 80236  
sports gaming, except as otherwise specified in the applicable 80237  
section of the Revised Code. 80238

(J) "Video lottery terminal" has the same meaning as in 80239  
section 3770.21 of the Revised Code. 80240

(K) "Video lottery sales agent" means an agent of the 80241  
state lottery authorized to operate video lottery terminals 80242  
under section 3770.21 of the Revised Code. 80243

**Sec. 3770.12.** A court of competent jurisdiction shall 80244  
approve a transfer of a lottery prize award only in a final 80245  
order that is based on express findings of the court. The court 80246  
shall approve the transfer if each of the following conditions 80247  
that applies is met and is included in the court's express 80248  
findings: 80249

(A) ~~If the transferor is a prize winner, the~~ The 80250  
transferee has provided to the prize winner a disclosure 80251  
statement that complies with section 3770.11 of the Revised 80252  
Code, and the prize winner has confirmed the prize winner's 80253  
receipt of the disclosure statement, as evidenced by the prize 80254  
winner's notarized signature on a copy of the disclosure 80255  
statement. 80256

(B) ~~If the transferor is a~~ The prize winner, the prize 80257  
~~winner~~ has received independent professional advice regarding 80258  
the legal, financial, and other implications of the transfer, as 80259  
evidenced by a statement signed under penalty of perjury by the 80260  
prize winner and the licensed professional adviser. 80261

(C) The transferee has given written notice of the 80262  
transferee's name, address, and taxpayer identification number 80263  
to the state lottery commission and has filed a copy of that 80264  
notice with the court in which the application for approval of 80265  
the transfer was filed. 80266

(D) The transferee is a trust, limited partnership, 80267  
general partnership, corporation, professional association, 80268  
limited liability company, or other entity that is qualified to 80269  
do business in this state and meets the registration 80270  
requirements for that type of entity under Title XVII of the 80271  
Revised Code. 80272



(E) The transfer complies with all applicable requirements 80273  
of the Revised Code and does not contravene any applicable 80274  
statute or court order. 80275

(F) The transfer does not include or cover the amounts of 80276  
the lottery prize award that are required to be withheld or 80277  
deducted pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 80278  
3123.06, 3770.071, or 3770.072 of the Revised Code. 80279

(G) Any amounts described in division (F) of this section 80280  
that are required to be withheld or deducted, as of the date of 80281  
the court order, will be offset by the commission first against 80282  
remaining payments due the ~~transferor~~ prize winner and then 80283  
against payments due the transferee. 80284

(H) Except as provided in divisions (F) and (G) of this 80285  
section, that the ~~transferor's~~ prize winner's interest in each 80286  
and all of the future payments from a particular lottery prize 80287  
award is to be paid to a single transferee, ~~or, if the payments~~ 80288  
~~from the lottery prize award are to be directed from the state~~ 80289  
~~lottery commission to multiple transferees, the commission has~~ 80290  
~~promulgated rules under section 3770.03 of the Revised Code~~ 80291  
~~permitting transfers to multiple transferees, and the transfer~~ 80292  
~~is consistent with those rules.~~ 80293

~~(I) If the lottery prize award has been transferred within 80294  
twelve months immediately preceding the effective date of the 80295  
proposed transfer, the state lottery commission has not objected 80296  
to the proposed transfer. The court shall presume that the 80297  
requirements of this division are met unless the commission 80298  
notifies the court in writing before the hearing on the 80299  
application for transfer, or through counsel at that hearing, 80300  
that a transfer of the same lottery prize award has been made 80301  
within that twelve-month period and that the commission objects 80302~~

~~to a subsequent transfer within that twelve-month period. The court shall find that the requirements of this division are not met if the commission provides notice of a prior transfer of the same lottery prize award within that twelve-month period and its objection to the proposed transfer, unless the transferor or transferee shows by clear and convincing evidence that no previous transfer of the same lottery prize award occurred within that twelve-month period. For purposes of this division, any of a series of transfers of a lottery prize award that occur simultaneously as part of a single transaction shall not be considered to be a prior transfer of the lottery prize award within the twelve-month period immediately preceding the effective date of the proposed transfer, provided that the condition set forth in division (C) of this section is met.~~

If the court determines that all of the conditions in divisions (A) to ~~(I)~~ (H) of this section that apply are met, the transfer of the lottery prize award shall be presumed to be fair and reasonable and in the best interests of the prize winner.

**Sec. 3770.121.** Any state lottery commission rules allowing lottery prize awards to be paid in installments also shall allow a prize winner who is being paid a prize award in that manner to transfer ~~all or a portion of~~ the remainder of the prize award, subject to each of the following conditions:

(A) ~~If each transfer is for less than one hundred per cent of the remainder of the prize award, the remainder of the prize award for each transfer must be five hundred thousand dollars or greater at the time of the transfer. If the lottery prize award is a lifetime prize, for each transfer the remainder of the minimum guaranteed prize to which the prize winner is entitled must be five hundred thousand dollars or greater at the time of~~

~~the transfer.~~ 80333

~~(B)~~ Payments of the prize award transferred shall be 80334  
subject to the withholding or deduction of any amounts that are 80335  
required to be withheld or deducted under section 3119.80, 80336  
3119.81, 3121.02, 3121.03, 3123.06, 3770.071, or 5747.062 of the 80337  
Revised Code. 80338

~~(C) The maximum number of transfers~~ (B) Only one transfer 80339  
is permitted under this section with respect to any single prize 80340  
award ~~shall not exceed three~~ unless a greater number of 80341  
permitted transfers has been specified by the commission in the 80342  
rules. 80343

**Sec. 3770.13.** (A) A transferee shall file an application 80344  
under sections 3770.10 to 3770.14 of the Revised Code for the 80345  
approval in advance of a transfer of a lottery prize award in a 80346  
court of competent jurisdiction. 80347

(B) The following procedures shall apply to an application 80348  
for the approval in advance by a court of a transfer of a 80349  
lottery prize award under division (A) of this section: 80350

(1) Upon the filing of the application, the court shall 80351  
set a date, time, and place for a hearing on the application and 80352  
shall notify the transferee and ~~transferor~~ the prize winner of 80353  
the date, time, and place of the hearing. 80354

(2) Not less than thirty days prior to the date set by the 80355  
court for the hearing on an application filed pursuant to this 80356  
section, the transferee shall file with the court and shall 80357  
serve on the state lottery commission, in the manner prescribed 80358  
in the Rules of Civil Procedure for the service of process, a 80359  
notice of the proposed transfer and the application for its 80360  
approval in advance. The notice shall include all of the 80361

following: 80362

(a) A copy of the application; 80363

(b) A copy of the transfer agreement ~~or, if the transferor~~ 80364  
~~is not a prize winner, a redacted copy of the transfer agreement~~ 80365  
~~that discloses sufficient information to allow the commission~~ 80366  
~~and the court to determine the validity of the transfer~~ 80367  
~~agreement;~~ 80368

(c) ~~If the transferor is a prize winner, a~~ A copy of the 80369  
disclosure statement provided by the transferee pursuant to 80370  
section 3770.11 of the Revised Code and signed by the prize 80371  
winner pursuant to division (A) of section 3770.12 of the 80372  
Revised Code; 80373

(d) A statement, signed under penalty of perjury by the 80374  
prize winner and a licensed professional adviser, that the prize 80375  
winner has received independent professional advice regarding 80376  
the legal, financial, and other implications of the transfer; 80377

(e) The amounts and due dates of the lottery prize award 80378  
payments that will be transferred under the transfer agreement; 80379

~~(e)~~ (f) Notification of the date, time, and place of the 80380  
hearing on the application; 80381

~~(f)~~ (g) The complete name, address, and taxpayer 80382  
identification number of the transferee. 80383

(3) The commission shall not be required to appear in or 80384  
be named as a party to a hearing on the application, but may 80385  
intervene as of right in the proceeding. 80386

(4) At the conclusion of the hearing on an application 80387  
under this section, the court may grant or deny the approval of 80388  
the transfer. The court shall enter its order accordingly. If 80389

the court grants the approval of the transfer, it shall include 80390  
in its order all of the express findings specified in section 80391  
3770.12 of the Revised Code. If the court denies the approval of 80392  
the transfer, it shall include in its order the reasons for the 80393  
denial. 80394

(5) An order of the court made under division (B)(4) of 80395  
this section is a final and appealable order. 80396

**Sec. 3770.25.** (A) The state lottery commission shall offer 80397  
lottery sports gaming only at type C sports gaming hosts' 80398  
facilities on self-service or clerk-operated terminals, and only 80399  
to individuals who are at least twenty-one years of age and who 80400  
are physically present on the premises of the facility. 80401

(B) All of the following apply concerning lottery sports 80402  
gaming: 80403

(1) If a type C sports gaming proprietor intends to 80404  
install more than two terminals in any type C sports gaming 80405  
host's facility, the type C sports gaming proprietor shall 80406  
notify the Ohio casino control commission of that fact not later 80407  
than seven days before installing the additional terminals. The 80408  
commission may disallow the installation of more than two 80409  
terminals in the facility, in accordance with the commission's 80410  
rules. 80411

(2) The self-service terminal or the clerk, as applicable, 80412  
shall verify that the lottery sports gaming participant is at 80413  
least twenty-one years of age. 80414

(3) A type C sports gaming proprietor may offer only the 80415  
following types of wagers on sporting events, as approved by the 80416  
Ohio casino control commission: 80417

(a) Spread wagers; 80418

(b) Over-under wagers;	80419
(c) Moneyline wagers;	80420
(d) Parlay wagers that are based on not more than four component wagers.	80421 80422
(4) A self-service terminal or clerk shall accept wagers only by cash, credit card, debit card, or electronic payment account. As used in this section, "electronic payment account" means an account maintained with a third party for purposes of making electronic payments, such as paypal, google pay, or apple pay, that is intended for general use and not only for sports gaming purposes.	80423 80424 80425 80426 80427 80428 80429
(5) A self-service terminal or clerk shall not accept wagers aggregating more than seven hundred dollars in a calendar week from any one participant.	80430 80431 80432
(6) The rules of the Ohio casino control commission and the state lottery commission concerning lottery sports gaming shall apply identically in all applicable respects to lottery sports gaming offered on a self-service terminal and to lottery sports gaming offered on a clerk-operated terminal.	80433 80434 80435 80436 80437
(C) (1) A participant whose winnings from lottery sports gaming are of an amount that <del>is not subject to withholding under section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised Code</del> <u>does not meet or exceed the reportable winnings amount set by 26 U.S.C. 6041</u> may receive the participant's winnings by any of the following methods:	80438 80439 80440 80441 80442 80443
(a) As a credit to the participant's credit card, debit card, or electronic payment account-;	80444 80445
(b) In cash from any type C sports gaming host;	80446

(c) By any additional method permitted by the state lottery commission by rule. 80447  
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(2) A participant whose winnings from lottery sports gaming are of an amount that ~~is subject to withholding under section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised Code~~ meets or exceeds the reportable winnings amount set by 26 U.S.C. 6041 may receive the participant's winnings in the ~~same manner as any other~~ determined by the state lottery prize award of an amount that is subject to commission, subject to withholding by the sports gaming proprietor under these sections 718.031, 3123.90, 3775.16, and 5747.063 of the Revised Code or subject to withholding by the state lottery commission under sections 718.031, 3770.071, 3770.073, and 5747.062 of the Revised Code, as applicable. 80449  
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**Sec. 3774.01.** As used in this chapter: 80461

(A) "Commission" means the Ohio casino control commission. 80462

(B) "Entry fee" means cash or cash equivalent that a fantasy contest operator requires to be paid by a fantasy contest player to participate in a fantasy contest. 80463  
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(C) "Fantasy contest" means a simulated game or contest with an entry fee that satisfies all of the following conditions: 80466  
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(1) The value of all prizes and awards offered to winning fantasy contest players is established and made known to the players in advance of the contest. 80469  
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(2) All winning outcomes reflect the relative knowledge and skill of the fantasy contest players and are determined predominantly by accumulated statistical results of the performance of managing rosters of athletes whose performance 80472  
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directly corresponds with the actual performance of athletes in professional sports competitions.

(3) Winning outcomes are not based on randomized or historical events, or on the score, point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event.

(4) The game or contest does not involve horses or horse racing.

(D) "Fantasy contest operator" means a person that offers fantasy contests with an entry fee for a prize or award to the general public. Fantasy contest operator does not include a person that offers a pool not conducted for profit as defined under division ~~(XX)~~(WW) of section 2915.01 of the Revised Code.

(E) "Fantasy contest platform" means any digital or online method through which a fantasy contest operator provides access to a fantasy contest.

(F) "Fantasy contest player" means a person who participates in a fantasy contest offered by a fantasy contest operator.

(G) "Holding company" means any corporation, firm, partnership, limited partnership, limited liability company, trust, or other form of business organization not a natural person that directly or indirectly does any of the following:

(1) Has the power or right to control a fantasy contest operator;

(2) Holds an ownership interest of ten per cent or more, as determined by the commission, in a fantasy contest operator;



(3) Holds voting rights with the power to vote ten per cent or more of the outstanding voting rights of a fantasy contest operator. 80504  
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(H) "Key employee" means a person, employed by a fantasy contest operator, who is responsible for ensuring, and has the authority necessary to ensure, that all requirements under this chapter and the rules adopted under this chapter and division (L) of section 3772.03 of the Revised Code are met. 80507  
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(I) "Management company" means an organization retained by a fantasy contest operator to manage a fantasy contest platform and provide services such as accounting, general administration, maintenance, recruitment, and other operational services. 80512  
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(J) "Material nonpublic information" means information related to the play of a fantasy contest by a fantasy contest player that is not readily available to the general public and is obtained as a result of a person's employment. 80516  
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(K) "Script" means a list of commands that a fantasy-contest-related computer program can execute and that is created by a fantasy contest player, or by a third party for a fantasy contest player, to automate processes on a fantasy contest platform. 80520  
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**Sec. 3775.16.** (A) Pursuant to section 131.02 of the Revised Code, the attorney general shall develop and implement a real time data match program and make it available to each sports gaming proprietor to identify patrons who owe amounts to the state or a political subdivision. 80525  
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(B) (1) ~~Before~~ Subject to division (E) of this section, before disbursing any sports gaming winnings to a patron in an amount for which reporting to the internal revenue service of 80530  
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the amount is required by section 6041 of the Internal Revenue Code, as amended, a sports gaming proprietor shall consult the data match program to determine whether the patron owes any amounts to the state or a political subdivision. If the data match program indicates that the patron owes any amounts to the state or a political subdivision, the sports gaming proprietor shall withhold from the patron's winnings an amount sufficient to satisfy those amounts, up to the amount of the winnings.

(2) If the data match program described in section 3123.90 of the Revised Code indicates that the patron also is in default under a support order, the sports gaming proprietor shall transmit to the department of job and family services an amount sufficient to satisfy any past due support owed by the patron, up to the amount of the winnings, before transmitting any remaining amount to the attorney general under division (C) of this section.

(C) (1) Not later than fourteen days after withholding an amount under division (B) of this section, the sports gaming proprietor shall transmit to the attorney general any amount withheld and not already disbursed to the department of job and family services under section 3123.90 of the Revised Code as payment on the amount owed.

(2) If the patron owes more than one amount to the state or a political subdivision as identified by the data match program described in this section, the amount owed to the state shall be satisfied first, except that any amounts owed under section 5739.33 and division (G) of section 5747.07 of the Revised Code shall have first priority.

(D) Except as otherwise provided in section 131.021 of the Revised Code, this section applies only to amounts owed that

have become final. 80563

(E) A sports gaming proprietor that offers lottery sports gaming through a terminal described in division (B) (3) of section 3770.24 of the Revised Code shall not withhold amounts under this section from winnings from wagers placed through that terminal. The state lottery commission shall withhold amounts from those winnings under section 3770.073 of the Revised Code. 80564  
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(F) The attorney general, in consultation with the commission, may adopt rules under Chapter 119. of the Revised Code as necessary to implement this section. 80570  
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**Sec. 3776.01.** As used in this chapter: 80573

(A) "Environmental health science" means the aspect of public health science that includes, but is not limited to, the following bodies of knowledge: air quality, food quality and protection, hazardous and toxic substances, consumer product safety, housing, institutional health and safety, community noise control, radiation protection, recreational facilities, solid and liquid waste management, vector control, drinking water quality, milk sanitation, and rabies control. 80574  
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(B) "Environmental health specialist" means a person who performs for compensation educational, investigational, technical, or administrative duties requiring specialized knowledge and skills in the field of environmental health science. 80582  
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(C) "Registered environmental health specialist" means a person who is registered as an environmental health specialist in accordance with this chapter. 80587  
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(D) "Environmental health specialist in training" means a person who is registered as an environmental health specialist 80590  
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in training in accordance with this chapter. 80592

(E) "Practice of environmental health" means consultation, 80593  
instruction, investigation, inspection, or evaluation by an 80594  
employee of a city health district, a general health district, 80595  
the environmental protection agency, the department of health, 80596  
or the department of agriculture requiring specialized 80597  
knowledge, training, and experience in the field of 80598  
environmental health science, with the primary purpose of 80599  
improving or conducting administration or enforcement under any 80600  
of the following: 80601

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., 80602  
3730., or 3733. of the Revised Code; 80603

(2) Chapter 3734. of the Revised Code as it pertains to 80604  
solid ~~and hazardous~~ waste; 80605

(3) Section 955.26, 955.261, 3701.344, 3707.01, 3707.03, 80606  
3707.26, or 3715.021 of the Revised Code; 80607

(4) Rules adopted under Chapter 3749. of the Revised Code 80608  
pertaining to swimming pools. 80609

"Practice of environmental health" does not include 80610  
sampling, testing, controlling of vectors, reporting of 80611  
observations, or other duties that do not require application of 80612  
specialized knowledge and skills in environmental health science 80613  
performed under the supervision of a registered environmental 80614  
health specialist. 80615

The director of health may further define environmental 80616  
health science in relation to specific functions in the practice 80617  
of environmental health through rules adopted by the director 80618  
under Chapter 119. of the Revised Code. 80619

**Sec. 3780.02. Authorization and purpose.**

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(A) Controlled and regulated sales and use of adult use cannabis shall be permitted under this chapter for the following public purposes:

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(1) Reducing illegal marijuana sales and providing for a safer and regulated cannabis product;

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(2) Limiting the transportation of out-of-state cannabis into the state;

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(3) Providing key funding to ~~support social equity, job creation, host communities that have adult use dispensaries, cannabis research, and proper oversight and regulation of the adult cannabis industry; and~~

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~~(4) Improving social equity issues to address the state's compelling interest to redress past and present effects of discrimination and economic disadvantage for individuals in the state~~fund the needs of the state, including law enforcement training and operations, public health and safety, access to justice initiatives, and administration of adult use marijuana laws.

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(B) Adult use cannabis shall only be sold to, or used by, an adult use consumer pursuant to this chapter unless otherwise authorized pursuant to the Revised Code.

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(C) Nothing in this chapter shall limit any sale, use, possession, or any other activity authorized by Chapter 3796\_ of the Revised Code.

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**Sec. 3780.03. Establishment and authority of division of cannabis control; adoption of rules.**

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(A) There is hereby established a division of cannabis control

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within the department of commerce. 80648

(B) To ensure the proper oversight and control of the adult use 80649  
cannabis industry, the division of cannabis control shall have 80650  
the authority to license, regulate, investigate, and penalize 80651  
adult use cannabis operators, adult use testing laboratories, 80652  
and individuals required to be licensed under this chapter. 80653

(C) The division of cannabis control shall adopt, and as 80654  
advisable and necessary shall amend or repeal, rules on the 80655  
following: 80656

(1) Prevention of practices detrimental to the public interest 80657  
consistent with this chapter, and also ways to educate the 80658  
public about this chapter; 80659

(2) Establishing application, licensure, and renewal standards 80660  
and procedures for license applicants or license holders related 80661  
to adult use cannabis operators, adult use testing laboratories, 80662  
and individuals required to be licensed, including any 80663  
additional background check requirements, the disqualifying 80664  
offenses under section 3780.01 of the Revised Code that prohibit 80665  
licensure, and any exemption criteria from licensing 80666  
requirements for institutional or private investors who do not 80667  
have significant control or influence over a license applicant 80668  
or license holder, and whose ownership in a license is for 80669  
investment purposes only; 80670

(3) Establishing reasonable application, licensure, and renewal 80671  
fees amounts to ensure license applicants and license holders 80672  
under this chapter pay for the actual costs for administration 80673  
and licensure for the division of cannabis control; 80674

(4) Establishing standards for provisional licenses for an 80675  
individual who is required to be licensed and who has exigent 80676

circumstances. Such standards for provisional licenses must 80677  
include submission of a complete application and compliance with 80678  
a required background check. A provisional license shall be 80679  
valid not longer than three months. A provisional license may be 80680  
renewed, at the division of cannabis control's discretion, for 80681  
an additional three months. In establishing standards with 80682  
regard to instant background checks the division of cannabis 80683  
control may use all available resources~~7~~.   80684

(5) Specifying the process and reasons for which a license 80685  
holder may be fined, suspended either with or without a prior 80686  
hearing, revoked, or not renewed or issued; 80687

(6) The process and requirements for division of cannabis 80688  
control approval of any requested change in ownership or 80689  
transfer of control of an adult use cannabis operator or adult 80690  
use testing laboratory; 80691

(7) Establishing ~~process~~processes and standards for expanding 80692  
the size of the cultivation area for a cultivation facility; 80693

(8) Establishing standards and procedures for the testing of 80694  
adult use cannabis by an adult use testing laboratory licensed 80695  
under this chapter. When establishing standards and procedures 80696  
for the testing of cannabis, the division of cannabis control 80697  
shall do all of the following: 80698

(a) Specify when testing must be conducted; 80699

(b) Determine the minimum amount of adult use cannabis that must 80700  
be tested; 80701

(c) Specify the manner in which testing is to be conducted in an 80702  
effort to ensure uniformity of cannabis products processed ~~for~~ 80703  
and dispensed; and 80704

- (d) Specify the manner in which test results are provided. 80705
- (9) The minimum amount of insurance or surety bond that must be 80706  
maintained by an adult use cannabis operator and adult use 80707  
testing laboratory; 80708
- (10) Requiring the division of cannabis control to adopt 80709  
reasonable standards for any adult use cannabis samples, and 80710  
advertising as prescribed in section 3780.21 of the Revised 80711  
Code; 80712
- (11) Requiring that the records, including financial statements, 80713  
of an adult use cannabis operator or adult use testing 80714  
laboratory be maintained in the manner up to two years as 80715  
prescribed by the division of cannabis control and which shall 80716  
be made available for inspection upon demand by the division of 80717  
cannabis control, but shall be subject to section 3780.31 of the 80718  
Revised Code; 80719
- (12) Prescribing technical standards and requirements consistent 80720  
with industry standards that must be met for security and 80721  
surveillance equipment necessary for the provision of security 80722  
and surveillance of adult use cannabis operators and adult use 80723  
testing laboratories; 80724
- (13) Prescribing requirements for a license holder's provision 80725  
of security services for an adult use cannabis operator and 80726  
adult use testing laboratories which shall include the license 80727  
holder's option to use armed or unarmed services including 80728  
through agents of the license holder; 80729
- (14) Prescribing standards according to which license holders 80730  
shall keep accounts and standards according to which adult use 80731  
cannabis operators and adult use testing laboratories accounts 80732  
shall be audited, and establish guidance for assisting the 80733



department of taxation in levying and collecting the adult use	80734
tax levied under section 3780.22 of the Revised Code;	80735
(15) Determining penalties for violation of division of cannabis	80736
control rules or this chapter, and a process for imposing such	80737
penalties;	80738
(16) Training requirements for employees and agents of adult use	80739
cannabis operators and adult use laboratories;	80740
(17) Prescribing standards and procedures to allow for adult use	80741
cannabis delivery to adult use consumers, and online and mobile	80742
ordering procedures, which may only be conducted by an adult use	80743
dispensary or their agent;	80744
(18) Prescribing cannabis inventory requirements to be	80745
maintained in an electronic database consistent with section	80746
3780.05 of the Revised Code;	80747
(19) Prescribing standards and procedures for product packaging	80748
and labeling of adult use cannabis products;	80749
<del>(20) Prescribing standards and procedures in coordination with</del>	80750
<del>the department of development to administer and enforce the</del>	80751
<del>cannabis social equity and jobs program as prescribed under</del>	80752
<del>3780.19 of the Revised Code;</del>	80753
<del>(21)</del> Establishing a tetrahydrocannabinol content limit for adult	80754
use cannabis, which for plant material the content limit shall	80755
be <del>no</del> <u>not</u> less than thirty-five per cent and for extracts the	80756
content limit shall be <del>no</del> <u>not</u> less than ninety per cent, but	80757
that such content limits may be increased or eliminated by the	80758
division of cannabis control; and	80759
<del>(22)</del> <u>(21)</u> Prescribing duty to update requirements for license	80760
holders.	80761

(D) All rules adopted under this section and chapter shall be 80762  
adopted in accordance with Chapter 119. of the Revised Code. 80763

(E) In addition to the rules described in division (C) of this 80764  
section, the division of cannabis control may adopt any other 80765  
rules it considers necessary for the administration, 80766  
implementation, and enforcement of this chapter consistent with 80767  
this chapter. 80768

(F) When adopting rules under this section, the division of 80769  
cannabis control shall consider standards and procedures that 80770  
have been found to be best practices relative to the use and 80771  
regulation of adult use cannabis and shall harmonize any rules 80772  
with the rules adopted pursuant to sections 3796.03 and 3796.04 80773  
of the Revised Code to minimize duplication of operational 80774  
requirements and fees as much as possible. If there is a 80775  
conflict with Chapter 3796. of the Revised Code and related 80776  
rules, and ~~chapter~~ Chapter 3780. of the Revised Code and related 80777  
rules, then ~~chapter~~ Chapter 3780. of the Revised Code and 80778  
related rules shall govern. 80779

**Sec. 3780.06. Information provided by the department of 80780  
taxation. 80781**

(A) (1) Notwithstanding section 149.43 of the Revised Code or any 80782  
other public records law to the contrary or any law relating to 80783  
the confidentiality of tax return information, upon the request 80784  
of the division of cannabis control, the department of taxation 80785  
shall provide to the division of cannabis control all of the 80786  
following information: 80787

(a) Whether an applicant for license or licensee under this 80788  
chapter follows the applicable tax laws of this state; 80789

(b) Any past or pending violation by the applicant or licensee 80790

of those tax laws, and any penalty imposed on the applicant or 80791  
licensee for such a violation. 80792

(2) The division of cannabis control shall request the 80793  
information only as it pertains to an application for license 80794  
that the division of cannabis control is reviewing or a licensee 80795  
operating under this chapter. 80796

(3) The department of taxation may charge the division of 80797  
cannabis control a reasonable fee to cover the administrative 80798  
cost of providing the information. 80799

(B) Information received under this section is confidential. 80800  
Except as otherwise permitted by other state law or federal law, 80801  
the division of cannabis control shall not make the information 80802  
available to any person other than the applicant for licensure  80803  
or the licensee to whom the information applies. 80804

**Sec. 3780.10. Adult use cannabis operator and adult use 80805**  
**testing laboratory licenses.** 80806

(A) No person shall operate as an adult use cannabis operator or 80807  
adult use testing laboratory without a license issued pursuant 80808  
to this chapter. 80809

(B) The following licenses shall be issued by the division of 80810  
cannabis control within nine months of ~~the effective date of~~ 80811  
~~this section~~ December 7, 2023, if the license applicant is in 80812  
compliance with section 3780.11 of the Revised Code and this 80813  
chapter, and the license applicant has, or the same owners of 80814  
the license applicant 7 have, a certificate of operation or 80815  
medical provisional license issued as of ~~the effective date of~~ 80816  
~~this section~~ December 7, 2023: 80817

(1) A dispensary issued a certificate of operation or medical 80818  
provisional license shall be issued an adult use dispensary 80819

license under this chapter for the current location of the 80820  
dispensary; 80821

(2) A level I cultivator issued a certificate of operation or 80822  
medical provisional license shall be issued under this chapter 80823  
three adult use dispensary licenses at locations designated in a 80824  
license application, and one level I adult use cultivator 80825  
license for the current location of the level I cultivation 80826  
facility; 80827

(3) A level II cultivator issued a certificate of operation or 80828  
medical provisional license shall be issued under this chapter 80829  
one adult use dispensary license at a location designated in the 80830  
license application, and one level II adult use cultivator 80831  
license for the current location of the level II cultivation 80832  
facility; 80833

(4) A dispensary issued a certificate of operation or medical 80834  
provisional license shall be issued under this chapter one adult 80835  
use dispensary license at a different location as designated in 80836  
the license application if the dispensary does not have any 80837  
common ownership or control with any level I adult use 80838  
cultivator, level II adult use cultivator, or adult use 80839  
processor license applicant or licensee; 80840

(5) A processor issued a certificate of operation or medical 80841  
provisional license shall be issued under this chapter one adult 80842  
use processor license for the current location of the processor; 80843  
and 80844

(6) A testing laboratory issued a certificate of operation shall 80845  
be issued under this chapter one adult use testing laboratory 80846  
license for the current location of the testing laboratory. 80847

Notwithstanding anything in this section, a license shall not be 80848

issued pursuant to division (B) of this section to a license 80849  
applicant holding only a related medical provisional license 80850  
unless the medical provisional license holder is issued a 80851  
certificate of operation within two years of ~~the effective date~~ 80852  
~~of this section~~ December 7, 2023. 80853

(C) The division of cannabis control shall issue up to forty 80854  
level III adult use cultivator licenses consistent with this 80855  
chapter ~~with preference provided to applicants who have been~~ 80856  
~~certified as cannabis social equity and jobs program~~ 80857  
~~participants under the cannabis social equity and jobs program~~ 80858  
~~pursuant to 3780.19 of this chapter.~~ No person may have any 80859  
ownership or control in more than one level III adult use 80860  
cultivator license under this chapter. No adult use cultivator 80861  
or adult use processor may have any ownership or control in a 80862  
level III adult use cultivator license. 80863

(D) The division of cannabis control shall issue up to fifty 80864  
additional adult use dispensary licenses in conformity with this 80865  
chapter ~~with preference provided to applicants who have been~~ 80866  
~~certified as cannabis social equity and jobs program~~ 80867  
~~participants under the cannabis social equity and jobs program.~~ 80868

(E) Following twenty-four months from the first date of issuance 80869  
of an adult use operator license, the division of cannabis 80870  
control shall review the number of adult use cannabis operator 80871  
licenses on a biannual basis and may authorize additional 80872  
licenses after considering: 80873

(1) The current and anticipated market growth and consumer 80874  
demand, including the number of adult use consumers seeking 80875  
adult use cannabis; 80876

(2) The current and projected supply of adult use cannabis 80877

produced by licensed adult use cultivators, level III adult use  
cultivators, and adult use processors; and

(3) The geographic distribution of adult use dispensary sites in  
an effort to ensure adult use customer access to adult use  
cannabis.

(F) (1) The division of cannabis control shall provide a report  
and recommendation within ninety days of the conclusion of the  
requirements in division (E) of this section to the director for  
consideration.

(2) The division of cannabis control may adopt rules as  
necessary to implement this division.

(3) The division of cannabis control shall adopt a rule  
regarding the number of licenses a license holder may hold for  
each type of license consistent with this chapter. ~~As of the~~  
~~effective date of this section~~ December 7, 2023, and  
notwithstanding any other provision of this chapter, no person  
shall be issued more than eight adult use dispensary licenses,  
~~and~~ not more than one adult use cultivator license, and not more  
than one adult use processor license at any time, unless  
authorized by the division of cannabis control after an analysis  
supporting the licensing pursuant to rule.

(G) The division of cannabis control may authorize additional  
adult use testing laboratory licenses at any time.

Sec. 3780.22. (A) Terms used in this section have the same  
meanings as in section 5739.01 of the Revised Code. As used in  
this section, "adult use marijuana" means marijuana that is  
cultivated, processed, dispensed, or tested for, or possessed or  
used by, an adult use consumer, in accordance with this chapter.

(B) For the purpose of funding the needs of the state and

providing funding for certain dispensary host communities, an 80907  
excise tax is levied on the retail sale of adult use marijuana. 80908  
The rate of the tax shall equal ten per cent of the price of 80909  
adult use marijuana and is in addition to other taxes levied 80910  
under Chapters 5739. and 5741. of the Revised Code. 80911

(C) The tax shall be paid by the consumer to the vendor at 80912  
the time of the sale, and the vendor shall report and remit the 80913  
tax to the state in the same manner and at the same time the 80914  
vendor reports and remits the tax levied under section 5739.02 80915  
of the Revised Code. The return required under this division 80916  
shall be filed on a form prescribed by the tax commissioner, 80917  
which shall be separate from the return required to be filed 80918  
under section 5739.12 of the Revised Code. A vendor with no 80919  
sales of adult use marijuana for a reporting period is not 80920  
required to file this separate return. For all purposes of the 80921  
Revised Code, the tax levied under this section shall be 80922  
considered a tax levied under section 5739.02 of the Revised 80923  
Code. 80924

(D) For the same purpose as the tax levied under division 80925  
(B) of this section, a tax is levied on a vendor that sells any 80926  
marijuana other than adult use marijuana or medical marijuana to 80927  
a consumer. That tax equals ten per cent of the price of such 80928  
marijuana, and the consumer and vendor are liable for any 80929  
amounts, including tax, interest, and penalties, imposed under 80930  
this section and chapter in the same manner as a vendor subject 80931  
to the tax imposed under division (B) of this section. 80932

(E) For the purpose of receiving and distributing, and 80933  
accounting for, revenue received from the tax levied by this 80934  
section, and any civil penalty paid under division (B) (4) of 80935  
section 3780.26 of the Revised Code, the adult use tax fund and 80936

host community cannabis fund are created in the state treasury. 80937  
All moneys collected from that tax and civil penalty shall be 80938  
deposited into the adult use tax fund, which is created in the 80939  
state treasury, to be distributed as follows: 80940

(1) Beginning in fiscal year 2026, and for the following 80941  
four fiscal years, the director of budget and management shall 80942  
transfer twenty per cent of funds from the adult use tax fund to 80943  
the host community cannabis fund, which is created in the state 80944  
treasury, for the benefit of municipal corporations or townships 80945  
that have, as of June 30, 2025, and at all times since, at least 80946  
one adult use dispensary or location for which a provisional 80947  
dispensary license has been issued under this chapter, and the 80948  
municipal corporations or townships may use such funds for any 80949  
approved purpose. Distributions to municipal corporations or 80950  
townships shall be based on the percentage of adult use tax 80951  
attributable to each municipal corporation or township. 80952

(2) All other revenue shall be credited to the general 80953  
revenue fund. 80954

**Sec. 3780.24. Tax administration and enforcement.** 80955

The tax commissioner shall administer and enforce ~~sections~~ 80956  
section 3780.22 through 3780.23 of this chapter the Revised 80957  
Code. In addition to any other powers conferred upon the tax 80958  
commissioner by law, the tax commissioner may: 80959

(A) Prescribe all forms that are required to be filed under 80960  
~~sections~~ section 3780.22 through 3780.23 of this chapter the 80961  
Revised Code; 80962

(B) Adopt rules that are necessary and proper to carry out 80963  
section 3780.22 through 3780.23 of this chapter the Revised 80964  
Code; and 80965



(C) Appoint professional, technical, and clerical employees as 80966  
are necessary to carry out the tax commissioner's duties under 80967  
~~sections section 3780.22 through 3780.23 of this chapter the~~ 80968  
Revised Code. 80969

**Sec. 3780.25. Local authority regarding adult use cannabis 80970  
operators. 80971**

(A) ~~The~~ Except as provided in divisions (B) and (C) of this 80972  
section, the legislative authority of a municipal corporation 80973  
may adopt an ordinance, or a board of township trustees may 80974  
adopt a resolution, by majority vote to prohibit, or limit the 80975  
number of, adult use eannabis operators permitted under this- 80976  
chapter cultivators, adult use processors, or adult use 80977  
dispensaries licensed under this chapter within the municipal 80978  
corporation or within the unincorporated territory of the 80979  
township, respectively. 80980

(B) ~~Notwithstanding division (A) above:~~ 80981

~~(1) Existing cultivators, processors, or dispensaries who have a 80982  
certificate of operation may not be prohibited or limited by a 80983  
municipal corporation or township from operating under Chapter 80984  
3796 of the Revised Code and Chapter 3796 of the Administrative 80985  
Code by a municipal corporation or township unless there is a 80986  
revocation of the certificate of operation;~~ 80987

~~(2) Adult use cultivators, adult use processors, and adult use 80988  
dispensaries that are co-located on the same parcel or 80989  
contiguous parcels with an adult use cultivator and an adult use 80990  
processor, who are applicants or license holders under this 80991  
chapter, and whose owners also have a certificate of operation 80992  
at the same location as the effective date of this section, may 80993  
not be prohibited or limited by any municipal corporation or 80994~~

~~township from operating as an adult use cultivator, adult use processor, or an adult use dispensary co-located with an adult use cultivator and an adult use processor under this chapter because of the significant capital investment in the facilities, and~~ 80995  
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~~(3) Dispensaries, or the owners of dispensaries, who have a certificate of operation, and who are not co-located on the same parcel or contiguous parcels with a cultivator or processor that has a certificate of operation, as of the effective date of this section, shall also be authorized to operate as an adult use dispensary without any municipal or township prohibitions upon receiving a license from the division of cannabis control, unless a majority of the members of the legislative authority of a municipal corporation affirmatively pass an ordinance, or a majority of township trustees in a township affirmatively pass a resolution, after the license is issued and within one hundred and twenty days from license issuance, prohibiting the operation of the adult use dispensary within the municipal corporation or within the unincorporated territory of the township, respectively.~~ 81000  
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~~(C) If a majority of the members of the legislative authority of a municipal corporation pass an ordinance, or a majority of township trustees in a township pass a resolution, prohibiting the adult use dispensary pursuant to division (B) (3) of this section, then the adult use dispensary license holder shall cease operations within sixty days, unless the adult use dispensary license holder files with the board of elections within the sixty day timeframe a petition prescribed by the secretary of state, and signed by the lesser of one hundred qualified electors or five per cent of the qualified electors of the municipal corporation or township, requesting that the~~ 81015  
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~~issue, of whether the adult use dispensary shall remain open as long as the adult use dispensary is licensed pursuant to chapter 3780 of the Revised Code by the division of cannabis control and the municipal corporation or township is eligible to receive host community cannabis funding, be placed on the next general election ballot which election shall not occur less than ninety days from petition filing. If the required signatures and form of petition is verified by the board of election, the issue shall be placed on the next general election which is ninety days or greater away from the petition filing, and notwithstanding any provision of this chapter, the adult use dispensary license holder may continue to operate until the issue is decided at the next authorized general election. A board of elections may discontinue verifying signatures when the number of verified signatures on a petition equals the minimum number of qualified signatures. The secretary of state shall adopt rules in accordance with 119 of the Revised Code for the proper administration and implementation of divisions (C) and (D) of this section.~~ 81026  
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~~(D) The form of the ballot to be used at the election provided for in division (C) of this section shall be as follows:~~ 81045  
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~~"Shall the following adult use dispensary, \_\_\_\_\_ (here insert name of adult use dispensary), whose owners also have had a licensed medical marijuana dispensary at \_\_\_\_\_ (here insert address) since \_\_\_\_\_ (here insert the date of opening), remain open as long as the adult use dispensary is licensed pursuant to Chapter 3780 of the Revised Code by the Division of Cannabis Control under the Department of Commerce, and the \_\_\_\_\_ (here insert name of municipal corporation or township) is eligible to receive host community cannabis funding?"~~ 81047  
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~~Yes for the Issue~~ 81057

~~No for the Issue~~ 81058

~~"~~ 81059

~~(E) If a majority of the voters at the general election vote yes for the issue, then the adult use dispensary may operate within the municipal corporation or township and the municipal corporation or township shall receive related host community cannabis funding as authorized under section 3780.23 of the Revised Code.~~ 81060  
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~~(F) If a majority of the voters at the general election vote no for the issue, then:~~ 81066  
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~~(1) The dispensary with a certificate of operation at that location may continue to operate at its current address, or the dispensary may request to relocate the dispensary within ninety days of election certification consistent with the requirements of Chapter 3796 of the Revised Code, and related rules, which relocation request shall be approved regardless of the dispensary districts established by the board of pharmacy as long as the relocation request meets all other applicable requirements of Chapter 3796 of the Revised Code and related rules; and~~ 81068  
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~~(2) The adult use dispensary must close within ninety days of election certification unless the adult use dispensary applies to the division of cannabis control for a request to relocate within ninety days of the election certification, and then the adult use dispensary may continue to operate until the request to relocate is approved by the division of cannabis control. The division of cannabis control shall review and approve a request to relocate timely once the request to relocate application is~~ 81078  
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~~in compliance with this chapter and related rules.~~ 81086

~~(C) A legislative authority of a municipal corporation or a board of township trustees is prohibited from:~~ 81087

~~(1) Adopting an ordinance or resolution limiting research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity;~~ 81088

~~(2) Levying any tax, fee, or charge on adult use cannabis operators, their owners or their property which is not generally charged on other businesses in the municipal corporation or township;~~ 81089

~~(3) Prohibiting or limiting home grow otherwise authorized under this chapter; and~~ 81090

~~(4) Prohibiting or restricting an activity that is authorized by this chapter.~~ 81091

The legislative authority of a municipal corporation shall not adopt an ordinance, and a board of township trustees shall not adopt a resolution, that prohibits or limits the operations of an adult use cultivator, adult use processor, or adult use dispensary licensed under this chapter on or after the effective date of this amendment. This division does not prohibit the enforcement of a municipal ordinance or township resolution adopted before the effective date of this amendment. 81092

(C) This section does not authorize the legislative authority of a municipal corporation or a board of township trustees to adopt an ordinance or resolution limiting research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part 81093

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of a research protocol approved by an institutional review board 81115  
or equivalent entity. 81116

**Sec. 3780.26. Enforcement authority of the division of** 81117  
**cannabis control.** 81118

(A) The division of cannabis control shall enforce, or cause to 81119  
be enforced, all sections of this chapter and the rules adopted 81120  
thereunder. If the division of cannabis control has information 81121  
that any provision of this chapter or that any rule adopted 81122  
thereunder has been violated, it may investigate the matter and 81123  
take any reasonable action as it considers appropriate. 81124

(B) The division of cannabis control may do any of the following 81125  
for any reason specified in rules adopted under section 3780.03 81126  
of the Revised Code: 81127

(1) Suspend, suspend without prior hearing upon finding clear 81128  
and convincing evidence that continued distribution of adult use 81129  
cannabis presents a danger of immediate and serious harm to 81130  
others, revoke, restrict, or refuse to renew a license it issued 81131  
under this chapter; 81132

(2) Refuse to issue a license unless a license is required in 81133  
accordance with this chapter; 81134

(3) Inspect the premises of an adult use cannabis operator or an 81135  
adult use testing laboratory without prior notice; or 81136

(4) Impose on a provisional license holder or license holder a 81137  
civil penalty in an amount to be determined by the division of 81138  
cannabis control through rule to be paid into the ~~division of~~ 81139  
~~cannabis control and tax commissioner fund~~ adult use tax fund 81140  
created under section 3780.22 of the Revised Code. 81141

(C) If the division of cannabis control suspends, revokes, or 81142

refuses to renew any license issued under this chapter or 81143  
determines that there is clear and convincing evidence of a 81144  
danger of immediate and serious harm to any individual, the 81145  
division of cannabis control may place under seal all adult use 81146  
cannabis owned by or in the possession, custody, or control of 81147  
the affected license holder. Except as provided in this section, 81148  
the division of cannabis control shall not dispose of the adult 81149  
use cannabis sealed under this section until the license holder 81150  
exhausts all of the license holder's appeal rights under Chapter 81151  
119. of the Revised Code. The court involved in such an appeal 81152  
may order the division of cannabis control, during the pendency 81153  
of the appeal, to sell cannabis that is perishable. The division 81154  
of cannabis control shall deposit the proceeds of the sale with 81155  
the court. 81156

(D) The division of cannabis control's enforcement actions under 81157  
this section shall be taken in accordance with Chapter 119. of 81158  
the Revised Code. 81159

(E) Nothing in this chapter shall be construed to require the 81160  
division of cannabis control to enforce minor violations of this 81161  
chapter if the division of cannabis control determines that the 81162  
public interest is adequately served by a notice or warning to 81163  
the alleged offender. 81164

**Sec. 3780.30. Cannabis addiction services; toll-free 81165**  
**telephone numbers. 81166**

(A) The division of cannabis control shall enter into an 81167  
agreement with the department of mental health and addiction 81168  
services under which the department shall provide a program for 81169  
cannabis addiction services to be implemented on behalf of the 81170  
division of cannabis control, which includes best practices for 81171  
education and treatment for individuals with addiction issues 81172

related to cannabis or other controlled substances, including 81173  
opioids. 81174

(B) The department of mental health and addiction services shall 81175  
establish, operate, and publicize an in-state, toll-free 81176  
telephone number Ohio residents may call to obtain basic 81177  
information about addiction services available to ~~consumer~~ 81178  
consumers, and options for an addicted consumer to obtain help. 81179  
The telephone number shall be staffed twenty-four hours per day, 81180  
seven days a week in order to respond to inquiries and provide 81181  
that information. ~~The costs of establishing, operating, and~~ 81182  
~~publicizing the telephone number shall be paid for with money in~~ 81183  
~~the substance abuse and addiction fund.~~ 81184

(C) ~~The director of mental health and addiction services shall~~ 81185  
~~administer the substance abuse and addiction fund.~~ The director 81186  
shall use the money in the fund to support addiction services or 81187  
other services that relate to addiction and substance abuse, and 81188  
research that relates to addiction and substance abuse. 81189  
Treatment and prevention services supported by money in the fund 81190  
~~under this section~~ shall be services that are certified by the 81191  
department of mental health and addiction services. 81192

(D) ~~The director mental health and addiction services shall~~ 81193  
~~prepare an annual report describing the use of the fund for~~ 81194  
~~these purposes. The director shall submit the report to the~~ 81195  
~~director of the department of commerce, the speaker and minority~~ 81196  
~~leader of the house of representatives, the president and~~ 81197  
~~minority leader of the senate, and the governor.~~ 81198

~~(E)~~ License holders shall provide informational resources for 81199  
patrons related to cannabis addiction issues and services. 81200

~~(F)~~ (E) License holders shall provide training for their 81201



employees regarding the cannabis addiction services resources 81202  
for patrons related to this section. 81203

Sec. 3780.37. (A) As used in this section, "nonprofit 81204  
corporation" has the same meaning as in section 1702.01 of the 81205  
Revised Code. 81206

(B) The division of cannabis control shall contract with a 81207  
statewide nonprofit corporation for the development and 81208  
implementation of cannabis and related drug misuse prevention, 81209  
education, and public awareness initiatives driven by data, 81210  
evaluation, and research. The contract must include a provision 81211  
specifying a percentage of the total funding for the 81212  
initiatives, not less than ten per cent, to be raised by the 81213  
statewide nonprofit corporation through private contributions. 81214

(C) The initiatives may include all of the following: 81215

(1) Providing evidence-based information on the potential 81216  
health effects of cannabis and related drug use among minors; 81217

(2) Disseminating educational resources regarding the 81218  
risks associated with cannabis and related drug use during 81219  
pregnancy; 81220

(3) Conducting campaigns to inform the public about the 81221  
dangers and legal consequences of driving under the influence of 81222  
cannabis and related drugs; 81223

(4) Collaborating with employers and industry groups to 81224  
develop and distribute evidence-based resources to improve the 81225  
health of Ohio's workforce and promote workplace safety and 81226  
recovery initiatives focused on cannabis and related drug 81227  
misuse. 81228

(D) The division shall oversee and evaluate the 81229

effectiveness of the initiatives undertaken pursuant to this 81230  
section and shall ensure that those initiatives align with the 81231  
public health and safety objectives of this state. 81232

(E) The division shall annually compile a report detailing 81233  
activities, use of funds, and measurable outcomes resulting from 81234  
the initiatives undertaken pursuant to this section. The 81235  
division shall submit the report to the general assembly in 81236  
accordance with section 101.68 of the Revised Code. 81237

**Sec. 3781.062.** The director of commerce, in collaboration 81238  
with the state fire marshal, the board of building standards, 81239  
and representatives of local building departments, shall develop 81240  
guidelines for the enforcement of the Ohio building code and 81241  
state fire code in a coordinated manner, including the 81242  
interaction of exemptions from one code with the requirements of 81243  
the other code. 81244

**Sec. 3781.10.** (A) (1) The board of building standards shall 81245  
formulate and adopt rules governing the erection, construction, 81246  
repair, alteration, and maintenance of all buildings or classes 81247  
of buildings specified in section 3781.06 of the Revised Code, 81248  
including land area incidental to those buildings, the 81249  
construction of industrialized units, the installation of 81250  
equipment, and the standards or requirements for materials used 81251  
in connection with those buildings. The board shall incorporate 81252  
those rules into separate residential and nonresidential 81253  
building codes. The standards shall relate to the conservation 81254  
of energy and the safety and sanitation of those buildings. 81255

~~(2)~~ (2) (a) The rules governing nonresidential buildings are 81256  
the lawful minimum requirements specified for those buildings 81257  
and industrialized units, except that no rule other than as 81258  
provided in division (C) of section 3781.108 of the Revised Code 81259

that specifies a higher requirement than is imposed by any 81260  
section of the Revised Code is enforceable. 81261

(b) The rules governing residential buildings are uniform 81262  
requirements ~~for residential buildings~~ in any area with a 81263  
building department certified to enforce the state residential 81264  
building code in accordance with division (E) of this section, 81265  
for both of the following: 81266

(i) The erection and construction of new residential 81267  
buildings; 81268

(ii) The repair and alteration of existing residential 81269  
buildings. 81270

(c) In no case shall any local code or regulation differ 81271  
from the state residential building code for either the erection 81272  
and construction of new residential buildings or for the repair 81273  
and alteration of existing residential buildings unless that 81274  
code or regulation addresses subject matter not addressed by the 81275  
state residential building code or is adopted pursuant to 81276  
section 3781.01 of the Revised Code. 81277

(3) The rules adopted pursuant to this section are 81278  
complete, lawful alternatives to any requirements specified for 81279  
buildings or industrialized units in any section of the Revised 81280  
Code. Except as otherwise provided in division (I) of this 81281  
section, the board shall, on its own motion or on application 81282  
made under sections 3781.12 and 3781.13 of the Revised Code, 81283  
formulate, propose, adopt, modify, amend, or repeal the rules to 81284  
the extent necessary or desirable to effectuate the purposes of 81285  
sections 3781.06 to 3781.18 of the Revised Code. 81286

(B) The board shall report to the general assembly 81287  
proposals for amendments to existing statutes relating to the 81288

purposes declared in section 3781.06 of the Revised Code that 81289  
public health and safety and the development of the arts require 81290  
and shall recommend any additional legislation to assist in 81291  
carrying out fully, in statutory form, the purposes declared in 81292  
that section. The board shall prepare and submit to the general 81293  
assembly a summary report of the number, nature, and disposition 81294  
of the petitions filed under sections 3781.13 and 3781.14 of the 81295  
Revised Code. 81296

(C) On its own motion or on application made under 81297  
sections 3781.12 and 3781.13 of the Revised Code, and after 81298  
thorough testing and evaluation, the board shall determine by 81299  
rule that any particular fixture, device, material, process of 81300  
manufacture, manufactured unit or component, method of 81301  
manufacture, system, or method of construction complies with 81302  
performance standards adopted pursuant to section 3781.11 of the 81303  
Revised Code. The board shall make its determination with regard 81304  
to adaptability for safe and sanitary erection, use, or 81305  
construction, to that described in any section of the Revised 81306  
Code, wherever the use of a fixture, device, material, method of 81307  
manufacture, system, or method of construction described in that 81308  
section of the Revised Code is permitted by law. The board shall 81309  
amend or annul any rule or issue an authorization for the use of 81310  
a new material or manufactured unit on any like application. No 81311  
department, officer, board, or commission of the state other 81312  
than the board of building standards or the board of building 81313  
appeals shall permit the use of any fixture, device, material, 81314  
method of manufacture, newly designed product, system, or method 81315  
of construction at variance with what is described in any rule 81316  
the board of building standards adopts or issues or that is 81317  
authorized by any section of the Revised Code. Nothing in this 81318  
section shall be construed as requiring approval, by rule, of 81319

plans for an industrialized unit that conforms with the rules 81320  
the board of building standards adopts pursuant to section 81321  
3781.11 of the Revised Code. 81322

(D) The board shall recommend rules, codes, and standards 81323  
to help carry out the purposes of section 3781.06 of the Revised 81324  
Code and to help secure uniformity of state administrative 81325  
rulings and local legislation and administrative action to the 81326  
bureau of workers' compensation, the director of commerce, any 81327  
other department, officer, board, or commission of the state, 81328  
and to legislative authorities and building departments of 81329  
counties, townships, and municipal corporations, and shall 81330  
recommend that they audit those recommended rules, codes, and 81331  
standards by any appropriate action that they are allowed 81332  
pursuant to law or the constitution. 81333

(E) (1) The board shall certify municipal, township, and 81334  
county building departments, the personnel of those building 81335  
departments, persons described in division (E) (7) of this 81336  
section, and employees of individuals, firms, the state, or 81337  
corporations described in division (E) (7) of this section to 81338  
exercise enforcement authority, to accept and approve plans and 81339  
specifications, and to make inspections, pursuant to sections 81340  
3781.03, 3791.04, and 4104.43 of the Revised Code. 81341

(2) The board shall certify departments, personnel, and 81342  
persons to enforce the state residential building code for the 81343  
erection and construction of new residential buildings, to 81344  
enforce the nonresidential building code, or to enforce both the 81345  
residential and the nonresidential building codes. A department 81346  
certified to enforce the state residential building code for the 81347  
erection and construction of new residential buildings may also 81348  
enforce the state residential building code for the repair and 81349

alteration of existing residential buildings upon obtaining the 81350  
appropriate certification from the board, in accordance with 81351  
this section, for the department and its personnel. Any 81352  
department, personnel, or person may enforce only the type of 81353  
building code for which certified. 81354

(3) The board shall not require a building department, its 81355  
personnel, or any persons that it employs to be certified for 81356  
residential building code enforcement if that building 81357  
department does not enforce the state residential building code. 81358  
The board shall specify, in rules adopted pursuant to Chapter 81359  
119. of the Revised Code, the requirements for certification for 81360  
residential and nonresidential building code enforcement, which 81361  
shall be consistent with this division. The requirements for 81362  
residential and nonresidential certification may differ. Except 81363  
as otherwise provided in this division, the requirements shall 81364  
include, but are not limited to, the satisfactory completion of 81365  
an initial examination and, to remain certified, the completion 81366  
of a specified number of hours of continuing building code 81367  
education within each three-year period following the date of 81368  
certification which shall be not less than thirty hours. The 81369  
rules shall provide that continuing education credits and 81370  
certification issued by the council of American building 81371  
officials, national model code organizations, and agencies or 81372  
entities the board recognizes are acceptable for purposes of 81373  
this division. The rules shall specify requirements that are 81374  
consistent with the provisions of section 5903.12 of the Revised 81375  
Code relating to active duty military service and are 81376  
compatible, to the extent possible, with requirements the 81377  
council of American building officials and national model code 81378  
organizations establish. 81379

(4) The board shall establish and collect a certification 81380

and renewal fee for building department personnel, and persons 81381  
and employees of persons, firms, or corporations as described in 81382  
this section, who are certified pursuant to this division. 81383

(5) Any individual certified pursuant to this division 81384  
shall complete the number of hours of continuing building code 81385  
education that the board requires or, for failure to do so, 81386  
forfeit certification. 81387

(6) This division does not require or authorize the board 81388  
to certify personnel of municipal, township, and county building 81389  
departments, and persons and employees of persons, firms, or 81390  
corporations as described in this section, whose 81391  
responsibilities do not include the exercise of enforcement 81392  
authority, the approval of plans and specifications, or making 81393  
inspections under the state residential and nonresidential 81394  
building codes. 81395

(7) Enforcement authority for approval of plans and 81396  
specifications and enforcement authority for inspections may be 81397  
exercised, and plans and specifications may be approved and 81398  
inspections may be made on behalf of a municipal corporation, 81399  
township, or county, by any of the following who the board of 81400  
building standards certifies: 81401

(a) Officers or employees of the municipal corporation, 81402  
township, or county; 81403

(b) Persons, or employees of persons, firms, or 81404  
corporations, pursuant to a contract to furnish architectural, 81405  
engineering, or other services to the municipal corporation, 81406  
township, or county; 81407

(c) Officers or employees of, and persons under contract 81408  
with, a municipal corporation, township, county, health 81409

district, or other political subdivision, pursuant to a contract 81410  
to furnish architectural, engineering, or other services; 81411

(d) Officers or employees of the division of industrial 81412  
compliance in the department of commerce pursuant to a contract 81413  
authorized by division (B) of section 121.083 of the Revised 81414  
Code. 81415

(8) Municipal, township, and county building departments 81416  
have jurisdiction within the meaning of sections 3781.03, 81417  
3791.04, and 4104.43 of the Revised Code, only with respect to 81418  
the types of buildings and subject matters for which they are 81419  
certified under this section. 81420

(9) A certified municipal, township, or county building 81421  
department may exercise enforcement authority, accept and 81422  
approve plans and specifications, and make inspections pursuant 81423  
to sections 3781.03, 3791.04, and 4104.43 of the Revised Code 81424  
for a park district created pursuant to Chapter 1545. of the 81425  
Revised Code upon the approval, by resolution, of the board of 81426  
park commissioners of the park district requesting the 81427  
department to exercise that authority and conduct those 81428  
activities, as applicable. 81429

(10) Certification shall be granted upon application by 81430  
the municipal corporation, the board of township trustees, or 81431  
the board of county commissioners and approval of that 81432  
application by the board of building standards. The application 81433  
shall set forth: 81434

(a) Whether the certification is requested for residential 81435  
or nonresidential buildings, or both; 81436

(b) If the certification is requested for residential 81437  
buildings, whether the requested certification is for only the 81438



<u>erection and construction of new residential buildings or also</u>	81439
<u>the repair and alteration of existing residential buildings;</u>	81440
<u>(c)</u> The number and qualifications of the staff composing the building department;	81441 81442
<del>(e)</del> <u>(d)</u> The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E) (7) (b) of this section;	81443 81444 81445
<del>(d)</del> <u>(e)</u> The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E) (7) of this section;	81446 81447 81448 81449
<del>(e)</del> <u>(f)</u> The proposed budget for the operation of the building department;	81450 81451
<u>(g)</u> Whether the building department intends to accept <u>plans examination and inspection reports from a third-party</u> <u>examiner or inspector in accordance with rules adopted by the</u> <u>board of building standards pursuant to division (E) (15) of this</u> <u>section.</u>	81452 81453 81454 81455 81456
(11) The board of building standards shall adopt rules governing all of the following:	81457 81458
(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E) (7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction,	81459 81460 81461 81462 81463 81464 81465 81466 81467

alteration, or maintenance of a building or the preparation of 81468  
working drawings or specifications for work within the 81469  
jurisdictional area of the department. The department shall 81470  
provide other similarly qualified personnel to enforce the 81471  
residential and nonresidential building codes as they pertain to 81472  
that work. 81473

(b) The minimum services to be provided by a certified 81474  
building department. 81475

(12) The board of building standards may revoke or suspend 81476  
certification to enforce the residential and nonresidential 81477  
building codes, on petition to the board by any person affected 81478  
by that enforcement or approval of plans, or by the board on its 81479  
own motion. Hearings shall be held and appeals permitted on any 81480  
proceedings for certification or revocation or suspension of 81481  
certification in the same manner as provided in section 3781.101 81482  
of the Revised Code for other proceedings of the board of 81483  
building standards. 81484

(13) Upon certification, and until that authority is 81485  
revoked, any county or township building department shall 81486  
enforce the residential and nonresidential building codes for 81487  
which it is certified without regard to limitation upon the 81488  
authority of boards of county commissioners under Chapter 307. 81489  
of the Revised Code or boards of township trustees under Chapter 81490  
505. of the Revised Code. 81491

(14) The board shall certify a person to exercise 81492  
enforcement authority, to accept and approve plans and 81493  
specifications, or to make inspections in this state in 81494  
accordance with Chapter 4796. of the Revised Code if either of 81495  
the following applies: 81496

(a) The person holds a license or certificate in another state. 81497  
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(b) The person has satisfactory work experience, a government certification, or a private certification as described in that chapter in the same profession, occupation, or occupational activity as the profession, occupation, or occupational activity for which the certificate is required in this state in a state that does not issue that license or certificate. 81499  
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(15) (a) In addition to the personnel and persons certified by the board of building standards pursuant to this section, the board may adopt rules authorizing certified municipal, township, and county building departments to accept plans examination and inspection reports from a third-party examiner or inspector, but only with respect to the state building codes, or portions thereof, the building department is certified to enforce. 81506  
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(b) The rules may require the third-party examiner or inspector be certified pursuant to sections 3781.10 and 3783.03 of the Revised Code and authorized to conduct such a plans examination or inspection elsewhere in this state or to demonstrate equivalent competency as specified and determined by the board of building standards. 81513  
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(c) Fees charged by a third-party examiner or inspector are in addition to any fees prescribed by the political subdivision pursuant to section 3781.102 of the Revised Code and are the responsibility of the building owner. 81519  
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(d) The issuance of certificates of plan approval under section 3791.04 of the Revised Code and certificates of occupancy or completion remains the exclusive authority of the 81523  
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certified personnel employed by or under contract with a 81526  
certified municipal, township, and county building department 81527  
and shall not be issued by a third-party examiner or inspector. 81528

(F) In addition to hearings sections 3781.06 to 3781.18 81529  
and 3791.04 of the Revised Code require, the board of building 81530  
standards shall make investigations and tests, and require from 81531  
other state departments, officers, boards, and commissions 81532  
information the board considers necessary or desirable to assist 81533  
it in the discharge of any duty or the exercise of any power 81534  
mentioned in this section or in sections 3781.06 to 3781.18, 81535  
3791.04, and 4104.43 of the Revised Code. 81536

(G) The board shall adopt rules and establish reasonable 81537  
fees for the review of all applications submitted where the 81538  
applicant applies for authority to use a new material, assembly, 81539  
or product of a manufacturing process. The fee shall bear some 81540  
reasonable relationship to the cost of the review or testing of 81541  
the materials, assembly, or products and for the notification of 81542  
approval or disapproval as provided in section 3781.12 of the 81543  
Revised Code. 81544

(H) The residential construction advisory committee shall 81545  
provide the board with a proposal for a state residential 81546  
building code that the committee recommends pursuant to division 81547  
(D) (1) of section 4740.14 of the Revised Code. Upon receiving a 81548  
recommendation from the committee that is acceptable to the 81549  
board, the board shall adopt rules establishing that code as the 81550  
state residential building code. 81551

(I) (1) The committee may provide the board with proposed 81552  
rules to update or amend the state residential building code 81553  
that the committee recommends pursuant to division (E) of 81554  
section 4740.14 of the Revised Code. 81555

(2) If the board receives a proposed rule to update or amend the state residential building code as provided in division (I)(1) of this section, the board either may accept or reject the proposed rule for incorporation into the residential building code. If the board does not act to either accept or reject the proposed rule within ninety days after receiving the proposed rule from the committee as described in division (I)(1) of this section, the proposed rule shall become part of the residential building code.

(J) The board shall cooperate with the director of children and youth when the director promulgates rules pursuant to section 5104.05 of the Revised Code regarding safety and sanitation in type A family child care homes.

(K) The board shall adopt rules to implement the requirements of section 3781.108 of the Revised Code.

(L) The board may establish a grant program to assist municipal, township, and county building departments certified by the board pursuant to division (E) of this section in the recruitment, training, and retention of qualified personnel.

**Sec. 3781.102.** (A) Any county or municipal building department certified pursuant to division (E) of section 3781.10 of the Revised Code as of September 14, 1970, and that, as of that date, was inspecting single-family, two-family, and three-family residences, and any township building department certified pursuant to division (E) of section 3781.10 of the Revised Code, is hereby declared to be certified to inspect single-family, two-family, and three-family residences containing industrialized units, and shall inspect the buildings or classes of buildings subject to division (E) of section 3781.10 of the Revised Code.

(B) Each board of county commissioners may adopt, by 81586  
resolution, rules establishing standards and providing for the 81587  
licensing of electrical and heating, ventilating, and air 81588  
conditioning contractors who are not required to hold a valid 81589  
and unexpired license pursuant to Chapter 4740. of the Revised 81590  
Code. 81591

Rules adopted by a board of county commissioners pursuant 81592  
to this division may be enforced within the unincorporated areas 81593  
of the county and within any municipal corporation where the 81594  
legislative authority of the municipal corporation has 81595  
contracted with the board for the enforcement of the county 81596  
rules within the municipal corporation pursuant to section 81597  
307.15 of the Revised Code. The rules shall not conflict with 81598  
rules adopted by the board of building standards pursuant to 81599  
section 3781.10 of the Revised Code or by the department of 81600  
commerce pursuant to Chapter 3703. of the Revised Code. This 81601  
division does not impair or restrict the power of municipal 81602  
corporations under Section 3 of Article XVIII, Ohio 81603  
Constitution, to adopt rules concerning the erection, 81604  
construction, repair, alteration, and maintenance of buildings 81605  
and structures or of establishing standards and providing for 81606  
the licensing of specialty contractors pursuant to section 81607  
715.27 of the Revised Code. 81608

A board of county commissioners, pursuant to this 81609  
division, may require all electrical contractors and heating, 81610  
ventilating, and air conditioning contractors, other than those 81611  
who hold a valid and unexpired license issued pursuant to 81612  
Chapter 4740. of the Revised Code, to successfully complete an 81613  
examination, test, or demonstration of technical skills, and may 81614  
impose a fee and additional requirements for a license to engage 81615  
in their respective occupations within the jurisdiction of the 81616

board's rules under this division. 81617

(C) No board of county commissioners shall require any 81618  
specialty contractor who holds a valid and unexpired license 81619  
issued pursuant to Chapter 4740. of the Revised Code to 81620  
successfully complete an examination, test, or demonstration of 81621  
technical skills in order to engage in the type of contracting 81622  
for which the license is held, within the unincorporated areas 81623  
of the county and within any municipal corporation whose 81624  
legislative authority has contracted with the board for the 81625  
enforcement of county regulations within the municipal 81626  
corporation, pursuant to section 307.15 of the Revised Code. 81627

(D) A board may impose a fee for registration of a 81628  
specialty contractor who holds a valid and unexpired license 81629  
issued pursuant to Chapter 4740. of the Revised Code before that 81630  
specialty contractor may engage in the type of contracting for 81631  
which the license is held within the unincorporated areas of the 81632  
county and within any municipal corporation whose legislative 81633  
authority has contracted with the board for the enforcement of 81634  
county regulations within the municipal corporation, pursuant to 81635  
section 307.15 of the Revised Code, provided that the fee is the 81636  
same for all specialty contractors who wish to engage in that 81637  
type of contracting. If a board imposes such a fee, the board 81638  
immediately shall permit a specialty contractor who presents 81639  
proof of holding a valid and unexpired license and pays the 81640  
required fee to engage in the type of contracting for which the 81641  
license is held within the unincorporated areas of the county 81642  
and within any municipal corporation whose legislative authority 81643  
has contracted with the board for the enforcement of county 81644  
regulations within the municipal corporation, pursuant to 81645  
section 307.15 of the Revised Code. 81646

(E) The political subdivision associated with each 81647  
municipal, township, and county building department the board of 81648  
building standards certifies pursuant to division (E) of section 81649  
3781.10 of the Revised Code may prescribe fees to be paid by 81650  
persons, political subdivisions, or any department, agency, 81651  
board, commission, or institution of the state, for the 81652  
acceptance and approval of plans and specifications, and for the 81653  
making of inspections, pursuant to sections 3781.03 and 3791.04 81654  
of the Revised Code. 81655

(F) Each political subdivision that prescribes fees 81656  
pursuant to division (E) of this section shall collect, on 81657  
behalf of the board of building standards, fees equal to the 81658  
following: 81659

(1) Three per cent of the fees the political subdivision 81660  
collects in connection with nonresidential buildings; 81661

(2) One per cent of the fees the political subdivision 81662  
collects in connection with the erection of and construction of 81663  
new residential buildings and, if the political subdivision 81664  
elects under division (E) of section 3781.10 of the Revised Code 81665  
to enforce the state residential building code for the repair 81666  
and alteration of existing residential buildings, one per cent 81667  
of the fees the political subdivision collects in connection 81668  
with the repair and alteration of existing residential 81669  
buildings. 81670

(G) (1) The board shall adopt rules, in accordance with 81671  
Chapter 119. of the Revised Code, specifying the manner in which 81672  
the fee assessed pursuant to division (F) of this section shall 81673  
be collected and remitted monthly to the board. The board shall 81674  
pay the fees into the state treasury to the credit of the 81675  
industrial compliance operating fund created in section 121.084 81676



of the Revised Code. 81677

(2) All money credited to the industrial compliance 81678  
operating fund under this division shall be used exclusively for 81679  
the following: 81680

(a) Operating costs of the board; 81681

(b) Providing services, including educational programs, 81682  
for the building departments that are certified by the board 81683  
pursuant to division (E) of section 3781.10 of the Revised Code; 81684

(c) Paying the expenses of the residential construction 81685  
advisory committee, including the expenses of committee members 81686  
as provided in section 4740.14 of the Revised Code; 81687

(d) Administering a grant program established under 81688  
division (L) of section 3781.10 of the Revised Code and awarding 81689  
grants to municipal, township, and county building departments 81690  
under that program. 81691

(H) A board of county commissioners that adopts rules 81692  
providing for the licensing of electrical and heating, 81693  
ventilating, and air conditioning contractors, pursuant to 81694  
division (B) of this section, may accept, for purposes of 81695  
satisfying the requirements of rules adopted under that 81696  
division, a valid and unexpired license issued pursuant to 81697  
Chapter 4740. of the Revised Code that is held by an electrical 81698  
or heating, ventilating, and air conditioning contractor, for 81699  
the construction, replacement, maintenance, or repair of one- 81700  
family, two-family, or three-family dwelling houses or accessory 81701  
structures incidental to those dwelling houses. 81702

(I) A board of county commissioners shall not register a 81703  
specialty contractor who is required to hold a license under 81704  
Chapter 4740. of the Revised Code but does not hold a valid 81705

license issued under that chapter. 81706

(J) If a board of county commissioners regulates a 81707  
profession, occupation, or occupational activity under this 81708  
section, the board shall comply with Chapter 4796. of the 81709  
Revised Code. 81710

(K) As used in this section, "specialty contractor" means 81711  
a heating, ventilating, and air conditioning contractor, 81712  
refrigeration contractor, electrical contractor, plumbing 81713  
contractor, or hydronics contractor, as those contractors are 81714  
described in Chapter 4740. of the Revised Code. 81715

**Sec. 3781.1011.** (A) As used in this section: 81716

(1) "Alarm system" means a device or system that transmits 81717  
a signal intended to summon law enforcement to a county, 81718  
township, or municipal corporation in response to an alleged 81719  
violation of an offense under Chapter 2911. of the Revised Code 81720  
occurring in a nonresidential zone of the applicable county, 81721  
township, or municipal corporation. The term includes an alarm 81722  
that emits an audible signal on the exterior of a structure. The 81723  
term does not include an alarm installed on a vehicle or an 81724  
alarm designed to alert only the inhabitants within the 81725  
premises. The term includes an alarm system for which a permit 81726  
may be issued under any applicable section of the Revised Code 81727  
or Ohio Constitution. 81728

(2) "Battery-charged fence" means a ~~fence connected to~~ 81729  
system, including integrated components or equipment, that 81730  
satisfies all of the following: 81731

(a) Functions with a battery-operated energizer that is 81732  
intended to periodically ~~to~~ deliver voltage impulses to the- 81733  
~~fence,~~ system with an impulse repetition rate that does not 81734

- exceed one hertz and an impulse duration that does not exceed ten milliseconds; 81735  
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- (b) Exclusively uses a battery charging device used exclusively to charge the battery, and any other ancillary components or equipment attached to such a system; 81737  
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- (c) Interfaces with a monitored alarm system; 81740
- (d) Has a battery-operated energizer that is powered by a commercial storage battery that is not more than twelve volts of direct current; 81741  
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- (e) Is four to twelve inches behind a non-battery-charged perimeter fence, wall, or structure that is not less than five feet in height; 81744  
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- (f) Is ten feet in height, or two feet higher than the height of the non-battery-charged perimeter fence, wall, or structure, whichever is higher; 81747  
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- (g) Is marked with conspicuous warning signs that are located on the battery-charged fence at not more than thirty-foot intervals and that read: "WARNING-SHOCK HAZARD" or a similar warning message. 81750  
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- (3) "Permit" means a certificate, license, permit, or other form of permission that authorizes a person to engage in an action. 81754  
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- (B) A-Subject to division (D) of this section, a person may install, operate, and use a battery-charged fence installed on private, nonresidential property within a county, township, or municipal corporation shall satisfy all of the following: 81757  
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- ~~(1) Interface with a monitored alarm system;~~ 81761

~~(2) Have a battery-operated energizer that is powered by a commercial storage battery that is not more than twelve volts of direct current, and that meets the standards set forth by the international electrotechnical commission 60335-02-76 current edition;~~ 81762  
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~~(3) Be completely surrounded by a nonelectric perimeter fence or wall that is not less than five feet in height;~~ 81767  
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~~(4) Be not more than the higher of ten feet in height, or two feet higher than the height of the nonelectric perimeter fence or wall; and~~ 81769  
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~~(5) Be marked with conspicuous warning signs that are located on the battery-charged fence at not more than forty-foot intervals and that read: "WARNING--ELECTRIC FENCE."~~ 81772  
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(C) Division (B) of this section does not apply to any of the following fences, regardless of whether such fences are battery-charged fences under division (A) (2) of this section: 81775  
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(1) Fences that are required to be constructed by persons or corporations owning, controlling, or managing a railroad pursuant to Chapter 4959. of the Revised Code; 81778  
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(2) Partition fences constructed in accordance with Chapter 971. of the Revised Code; 81781  
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(3) Fences constructed or installed by the state or a political subdivision, or by the federal government; 81783  
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(4) Fences installed at a facility that is an accredited member of the association of zoos and aquariums or the zoological association of America and that is licensed by the United States department of agriculture under the federal animal welfare act; 81785  
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(5) Fences installed at a wildlife sanctuary;	81790
(6) Fences constructed and used for agricultural purposes, as agriculture is defined in either section 303.01 or 519.01 of the Revised Code.	81791 81792 81793
(D) <del>Notwithstanding any other section of the Revised Code,</del> <u>a</u> county, township, or municipal corporation may adopt and enforce an ordinance, order, resolution, or regulation that does any of the following:	81794 81795 81796 81797
(1) <del>Imposes installation or,</del> <u>operational, or use</u> requirements for battery-charged fences in nonresidential properties that <del>are do not in conflict with the requirements and</del> <del>standards set forth in expressly, implicitly, or functionally</del> <u>prohibit the installation, operation, or use of such fences, as</u> <u>authorized under</u> division (B) of this section;	81798 81799 81800 81801 81802 81803
(2) Requires a permit or fee for the installation, <u>operation,</u> or use of a battery-charged fence to which this section applies in accordance with a permit or fee for an alarm system issued or charged by the county, township, or municipal corporation;	81804 81805 81806 81807 81808
(3) <del>Prohibits</del> <u>Completely prohibits or imposes generally</u> <u>applicable requirements on the installation, operation,</u> or use of a <del>battery-charged fence</del> <u>non-battery-charged perimeter fence,</u> <u>wall, or structure or any system that does not constitute a</u> <u>battery-charged fence under division (A) (2) of this section</u> in a nonresidential zone <del>that does not meet the requirements and</del> <del>standards set forth in division (B) of this section.</del>	81809 81810 81811 81812 81813 81814 81815
<b><u>Sec. 3901.3815.</u></b> (A) As used in this section:	81816
(1) <u>"Health plan issuer" has the same meaning as in</u> <u>section 3922.01 of the Revised Code, except that the term also</u>	81817 81818

includes any vendor contracted by a health plan issuer, as 81819  
defined in that section. 81820

(2) "Health care provider" has the same meaning as in 81821  
section 3701.74 of the Revised Code. 81822

(3) "Credit card" means a single-use or virtual payment 81823  
card provided in an electronic, digital, facsimile, physical, or 81824  
paper format. 81825

(4) "Business day" has the same meaning as in section 81826  
3901.81 of the Revised Code. 81827

(B) A health plan issuer shall offer all reasonably 81828  
available methods of payment to a health care provider, which 81829  
shall include payment by check and electronic funds transfer. 81830

(C) A health plan issuer shall not mandate payment by 81831  
credit card. 81832

(D) If one of the available payment methods has an 81833  
associated fee, the health plan issuer shall, prior to 81834  
initiating the first payment to a health care provider or upon 81835  
changing the payment methods available to a health care 81836  
provider, do both of the following: 81837

(1) Notify the provider that there may be fees associated 81838  
with a particular payment method and disclose the amount of such 81839  
fees; 81840

(2) Provide the health care provider with clear 81841  
instructions as to how to select each payment method either on 81842  
the health plan issuer's web site or through a means other than 81843  
the contract offered to the health care provider. 81844

(E) A health plan issuer shall offer at least one method 81845  
of payment that does not require the health care provider to pay 81846

any associated fee. 81847

(F) (1) If a health care provider requests a change in the available payment method, the health plan issuer shall implement the change to the payment method selected by the health care provider within thirty business days. 81848  
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(2) The payment method selected by the health care provider shall remain in effect until the health care provider requests a different payment method. 81852  
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(3) The health plan issuer shall not charge a fee for a change in payment method. 81855  
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**Sec. 3902.631.** (A) A health benefit plan issued, amended, or renewed on or after the effective date of this section that provides coverage for a health service that a certified registered nurse anesthetist is authorized to perform pursuant to section 4723.43 of the Revised Code shall not differentiate in the reimbursement rate for such a service based on whether the service was provided by a certified registered nurse anesthetist or by a physician licensed under under Chapter 4731. of the Revised Code. 81857  
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(B) Nothing in this section shall be construed as prohibiting a health benefit plan from establishing variable reimbursement rates based on quality or performance measures. 81866  
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**Sec. 3905.72.** (A) (1) No person shall act as a managing general agent representing an insurer licensed in this state with respect to risks located in this state unless the person is licensed as a managing general agent pursuant to division (C) or (D) of this section. 81869  
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(2) No person shall act as a managing general agent representing an insurer organized under the laws of this state 81874  
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with respect to risks located outside this state unless the 81876  
person is licensed as a managing general agent pursuant to 81877  
division (C) of this section. 81878

(B) Every person that seeks to act as a managing general 81879  
agent as described in division (A) of this section shall apply 81880  
to the superintendent of insurance for a license. Except as 81881  
otherwise provided in division (D) of this section, the 81882  
application shall be in writing on a form provided by the 81883  
superintendent ~~and shall be sworn or affirmed before a notary-~~ 81884  
~~public or other person empowered to administer oaths.~~ The 81885  
application shall be kept on file by the superintendent and 81886  
shall include all of the following: 81887

(1) The name and principal business address of the 81888  
applicant; 81889

(2) If the applicant is an individual, the applicant's 81890  
current occupation; 81891

(3) If the applicant is an individual, the applicant's 81892  
occupation or occupations during the five-year period prior to 81893  
applying for the license to act as a managing general agent; 81894

(4) A copy of the contract between the applicant and the 81895  
insurer as required by, and in compliance with, section 3905.73 81896  
of the Revised Code; 81897

(5) A copy of a certified resolution of the board of 81898  
directors of the insurer on whose behalf the applicant will act, 81899  
appointing the applicant as a managing general agent and agent 81900  
of the insurer, specifying the duties the applicant is expected 81901  
to perform on behalf of the insurer and the lines of insurance 81902  
the applicant will manage, and authorizing the insurer to enter 81903  
into a contract with the applicant as required by section 81904



3905.73 of the Revised Code;	81905
(6) A statement that the applicant submits to the jurisdiction of the superintendent and the courts of this state;	81906 81907
(7) Any other information required by the superintendent.	81908
(C) The superintendent shall issue to a resident of this state or a business entity organized under the laws of this state a license to act as a managing general agent representing an insurer licensed to do business in this state with respect to risks located in this state or a license to act as a managing general agent representing an insurer organized under the laws of this state with respect to risks located outside this state, and shall renew such a license, if the superintendent is satisfied that all of the following conditions are met:	81909 81910 81911 81912 81913 81914 81915 81916 81917
(1) The applicant is a suitable person and intends to hold self out in good faith as a managing general agent.	81918 81919
(2) The applicant understands the duties and obligations of a managing general agent.	81920 81921
(3) The applicant has filed a completed application that complies with division (B) of this section.	81922 81923
(4) The applicant has paid a fee in the amount of twenty dollars.	81924 81925
(5) The applicant maintains a bond in the amount of not less than fifty thousand dollars for the protection of the insurer.	81926 81927 81928
(6) The applicant maintains an errors and omissions policy of insurance.	81929 81930
(7) The applicant is not, and has never been, under an	81931

order of suspension or revocation under section 3905.77 of the Revised Code or under any other law of this state, or any other state, relating to insurance, and is otherwise in compliance with sections 3905.71 to 3905.79 of the Revised Code and all other laws of this state relating to insurance.

(D) If the applicant is a resident of another state or a business entity organized under the laws of another state, the applicant shall submit a request for licensure, along with a fee of twenty dollars, to the superintendent. The superintendent shall issue a license to act as a managing general agent if the request for licensure includes proof that the applicant is licensed and in good standing as a managing general agent in the applicant's home state and either a copy of the application for licensure the applicant submitted to the applicant's home state or the application described in division (B) of this section.

If the applicant's home state does not license managing general agents under provisions similar to those in sections 3905.71 to 3905.79 of the Revised Code, or if the applicant's home state does not grant licenses to residents of this state on the same reciprocal basis, the applicant shall comply with divisions (B) and (C) of this section.

(E) Unless suspended or revoked by an order of the superintendent pursuant to section 3905.77 of the Revised Code and except as provided in division (F) of this section, any license issued or renewed pursuant to division (C) or (D) of this section shall expire on the last day of February next after its issuance or renewal.

(F) If the appointment of a managing general agent is terminated by the insurer, the license of the managing general agent shall expire on the date of the termination.

(G) A license shall be renewed in accordance with the 81962  
standard renewal procedure specified in Chapter 4745. of the 81963  
Revised Code. 81964

(H) All license fees collected pursuant to this section 81965  
shall be paid into the state treasury to the credit of the 81966  
department of insurance operating fund. 81967

**Sec. 3923.443.** (A) (1) No agent shall sell, solicit, or 81968  
negotiate long-term care insurance ~~on or after September 1,~~ 81969  
~~2008,~~ without first completing an initial eight-hour partnership 81970  
program training course as described in division (B) of this 81971  
section. 81972

(2) (a) Any agent that sells, solicits, or negotiates any 81973  
long-term care insurance shall complete at least four hours of 81974  
continuing education in every ~~twenty-four-month period~~ 81975  
~~commencing on the first day of January of the year immediately~~ 81976  
~~following the year of the issuance of the agent's license~~license 81977  
renewal period beginning with the first license renewal period 81978  
following the agent's completion of the partnership training 81979  
course described in division (A) (1) of this section. 81980

(b) ~~No~~An agent ~~shall fail who fails~~ to complete the 81981  
continuing education requirements in division (A) (2) (a) of this 81982  
section ~~in the twenty-four-month period described in that~~ 81983  
~~division~~before the end of a license renewal period shall not 81984  
sell, solicit, or negotiate long-term care insurance until such 81985  
requirements have been met. 81986

(B) The initial training course and continuing education 81987  
required under division (A) of this section may be approved by 81988  
the superintendent of insurance as continuing education courses 81989  
under sections 3905.481 to 3905.486 of the Revised Code and 81990

shall consist of combined topics related to long-term care 81991  
insurance, long-term care services, and state long-term care 81992  
insurance partnership programs, including all of the following: 81993

(1) State and federal regulations and requirements and the 81994  
relationship between state long-term care insurance partnership 81995  
programs and other public and private coverage of long-term care 81996  
services, including medicaid; 81997

(2) Available long-term care services and providers; 81998

(3) Changes or improvements in long-term care services or 81999  
providers; 82000

(4) Alternatives to the purchase of private long-term care 82001  
insurance; 82002

(5) The effect of inflation on benefits and the importance 82003  
of inflation protection; 82004

(6) Consumer suitability standards and guidelines; 82005

(7) Any other topics required by the superintendent. 82006

(C) The initial training and continuing education required 82007  
by division (A) of this section shall not include training that 82008  
is specific to a particular insurer or company product or that 82009  
includes any sales or marketing information, materials, or 82010  
training other than those required by state or federal law. 82011

(D) A resident agent shall satisfy the initial training 82012  
and continuing education required by division (A) of this 82013  
section by completing long-term care courses that are approved 82014  
by the superintendent. A nonresident agent may satisfy the 82015  
training and continuing education required by division (A) of 82016  
this section by completing the training requirements in any 82017  
other state, provided that the course is approved for credit by 82018

the insurance department of that state prior to the agent taking 82019  
the course. 82020

(E) Each insurer shall obtain records of the initial 82021  
training and continuing education completed by agents of that 82022  
insurer pursuant to division (A) of this section as well as the 82023  
training completed by the insurer's agents concerning the 82024  
distribution of the insurer's partnership program policies and 82025  
shall make those records available to the superintendent upon 82026  
request. 82027

(F) Each insurer shall maintain records with respect to 82028  
the training of its agents concerning the distribution of the 82029  
insurer's partnership program policies. Each insurer shall 82030  
provide documentation to the superintendent that will allow the 82031  
superintendent to provide assurance to the medicaid director 82032  
that agents have received the training required by this section 82033  
and that agents have demonstrated an understanding of the 82034  
partnership program policies and their relationship to public 82035  
and private coverage of long-term care in this state, including 82036  
medicaid. The superintendent may audit each insurer's records 82037  
annually to verify that the insurer is maintaining the records 82038  
required by this division. The superintendent shall make the 82039  
records provided to the superintendent pursuant to division (E) 82040  
of this section available to the director. 82041

**Sec. 3951.03.** (A) Before any certificate of authority 82042  
shall be issued by the superintendent of insurance there shall 82043  
be filed in the superintendent's office a written application 82044  
therefor. Such application shall be in the form or forms and 82045  
supplements thereto prescribed by the superintendent and shall 82046  
set forth: 82047

(1) The name and address of the applicant, and if the 82048

applicant be a firm, association, or partnership, the name and 82049  
address of each member thereof, and if the applicant be a 82050  
corporation, the name and address of each of its officers and 82051  
directors; 82052

(2) Whether any license or certificate of authority as 82053  
agent, broker, or public insurance adjuster has been issued 82054  
previously by the superintendent of this state or by the 82055  
insurance department of any state to the individual applicant, 82056  
and, if the applicant be an individual, whether any such 82057  
certificate has been issued previously to any firm, association, 82058  
or partnership of which the individual was or is an officer or 82059  
director, and, if the applicant be a firm, association, or 82060  
partnership, whether any such certificate has been issued 82061  
previously to any member thereof, and, if the applicant be a 82062  
corporation, whether any such certificate has been issued 82063  
previously to any officer or director of such corporation; 82064

(3) The business or employment in which the applicant has 82065  
been engaged for the five years next preceding the date of the 82066  
application, and the name and address of such business and the 82067  
name or names and addresses of his employer or employers; 82068

(4) Such information as the superintendent may require of 82069  
applicants in order to determine their trustworthiness and 82070  
competency to transact the business of public insurance 82071  
adjusters, in such manner as to safeguard the interest of the 82072  
public; 82073

(B) Except as provided in division (C) of this section, 82074  
the superintendent shall issue a public insurance adjuster agent 82075  
certificate to a person, who is a bona fide employee of a public 82076  
insurance adjuster without examination, provided said 82077  
application is made by a person, partnership, association, or 82078

corporation engaged in the public insurance adjusting business. 82079  
The fee to be paid by the applicant for such a license at the 82080  
time the application is made, and annually thereafter for the 82081  
renewal thereof according to the standard renewal procedure of 82082  
sections 4745.01 to 4745.03, inclusive, of the Revised Code, 82083  
shall be fifty dollars, and such applicant shall be bonded in 82084  
the amount of one thousand dollars as provided for in division 82085  
(D) of section 3951.06 of the Revised Code. 82086

(C) The superintendent shall issue a public insurance 82087  
adjuster agent certificate in accordance with Chapter 4796. of 82088  
the Revised Code to an applicant if either of the following 82089  
applies: 82090

(1) The applicant holds a license or certificate in 82091  
another state. 82092

(2) The applicant has satisfactory work experience, a 82093  
government certification, or a private certification as 82094  
described in that chapter as a public insurance adjuster agent 82095  
in a state that does not issue that license or certificate. 82096

(D) An application for any certificate of authority shall 82097  
be signed ~~and verified under oath~~ by the applicant and, if made 82098  
by a firm, association, partnership, or corporation, by each 82099  
member or officer and director thereof to be authorized thereby 82100  
to act as a public insurance adjuster. 82101

**Sec. 3959.01.** As used in this chapter: 82102

(A) "Administration fees" means any amount charged a 82103  
covered person for services rendered. "Administration fees" 82104  
includes commissions earned or paid by any person relative to 82105  
services performed by an administrator. 82106

(B) "Administrator" means any person who adjusts or 82107

settles claims on, residents of this state in connection with 82108  
life, dental, health, prescription drugs, or disability 82109  
insurance or self-insurance programs. "Administrator" includes a 82110  
pharmacy benefit manager. "Administrator" does not include any 82111  
of the following: 82112

(1) An insurance agent or solicitor licensed in this state 82113  
whose activities are limited exclusively to the sale of 82114  
insurance and who does not provide any administrative services; 82115

(2) Any person who administers or operates the workers' 82116  
compensation program of a self-insuring employer under Chapter 82117  
4123. of the Revised Code; 82118

(3) Any person who administers pension plans for the 82119  
benefit of the person's own members or employees or administers 82120  
pension plans for the benefit of the members or employees of any 82121  
other person; 82122

(4) Any person that administers an insured plan or a self- 82123  
insured plan that provides life, dental, health, or disability 82124  
benefits exclusively for the person's own members or employees; 82125

(5) Any health insuring corporation holding a certificate 82126  
of authority under Chapter 1751. of the Revised Code or an 82127  
insurance company that is authorized to write life or sickness 82128  
and accident insurance in this state. 82129

(C) "Actual acquisition cost" means the amount that a drug 82130  
wholesaler charges a pharmacy for a drug product as listed on 82131  
the pharmacy's billing invoice. 82132

(D) "Aggregate excess insurance" means that type of 82133  
coverage whereby the insurer agrees to reimburse the insured 82134  
employer or trust for all benefits or claims paid during an 82135  
agreement period on behalf of all covered persons under the plan 82136



or trust which exceed a stated deductible amount and subject to 82137  
a stated maximum. 82138

~~(D)~~ (E) "Contracted pharmacy" or "pharmacy" means a 82139  
pharmacy located in this state participating in either the 82140  
network of a pharmacy benefit manager or in a health care or 82141  
pharmacy benefit plan through a direct contract or through a 82142  
contract with a pharmacy services administration organization, 82143  
group purchasing organization, or another contracting agent. 82144

~~(E)~~ (F) "Contributions" means any amount collected from a 82145  
covered person to fund the self-insured portion of any plan in 82146  
accordance with the plan's provisions, summary plan 82147  
descriptions, and contracts of insurance. 82148

~~(F)~~ (G) "Drug product reimbursement" means the amount paid 82149  
by a pharmacy benefit manager to a contracted pharmacy for the 82150  
cost of the drug dispensed to a patient and does not include a 82151  
dispensing or professional fee. 82152

~~(G)~~ (H) "Drug wholesaler" means a wholesale drug 82153  
distributor accredited by a nationally recognized nonprofit 82154  
organization that represents the interests of state boards of 82155  
pharmacy and to which the state board of pharmacy is a member. 82156

(I) "Fiduciary" has the meaning set forth in section 82157  
1002(21) (A) of the "Employee Retirement Income Security Act of 82158  
1974," 88 Stat. 829, 29 U.S.C. 1001, as amended. 82159

~~(H)~~ (J) "Fiscal year" means the twelve-month accounting 82160  
period commencing on the date the plan is established and ending 82161  
twelve months following that date, and each corresponding 82162  
twelve-month accounting period thereafter as provided for in the 82163  
summary plan description. 82164

~~(I)~~ (K) "Insurer" means an entity authorized to do the 82165

business of insurance in this state or, for the purposes of this 82166  
section, a health insuring corporation authorized to issue 82167  
health care plans in this state. 82168

~~(J)~~ (L) "Managed care organization" means an entity that 82169  
provides medical management and cost containment services and 82170  
includes a medicaid managed care organization, as defined in 82171  
section 5167.01 of the Revised Code. 82172

~~(K)~~ (M) "Maximum allowable cost" means a maximum drug 82173  
product reimbursement for an individual drug or for a group of 82174  
therapeutically and pharmaceutically equivalent multiple source 82175  
drugs that are listed in the United States food and drug 82176  
administration's approved drug products with therapeutic 82177  
equivalence evaluations, commonly referred to as the orange 82178  
book. 82179

~~(L)~~ (N) "Maximum allowable cost list" means a list of the 82180  
drugs for which a pharmacy benefit manager imposes a maximum 82181  
allowable cost, either directly or by setting forth a method for 82182  
how the maximum allowable cost is calculated. 82183

~~(M)~~ (O) "Multiple employer welfare arrangement" has the 82184  
same meaning as in section 1739.01 of the Revised Code. 82185

~~(N)~~ (P) "National drug code number" or "national drug 82186  
code" means the number registered for a drug pursuant to the 82187  
listing system established by the United States food and drug 82188  
administration under the "Drug Listing Act of 1972," 21 U.S.C. 82189  
360. 82190

(Q) "Ohio pharmacy" means a pharmacy, including an 82191  
independent pharmacy, that is incorporated or organized in this 82192  
state under Title XVII of the Revised Code. 82193

(R) "Pharmacy benefit manager" means an entity that 82194

contracts with pharmacies on behalf of an employer, a multiple 82195  
employer welfare arrangement, public employee benefit plan, 82196  
state agency, insurer, managed care organization, or other 82197  
third-party payer to provide pharmacy health benefit services or 82198  
administration. "Pharmacy benefit manager" includes the state 82199  
pharmacy benefit manager selected under section 5167.24 of the 82200  
Revised Code. 82201

~~(Q)~~ (S) "Plan" means any arrangement in written form for 82202  
the payment of life, dental, health, or disability benefits to 82203  
covered persons defined by the summary plan description and 82204  
includes a drug benefit plan administered by a pharmacy benefit 82205  
manager. 82206

~~(P)~~ (T) "Plan sponsor" means the person who establishes 82207  
the plan. 82208

~~(Q)~~ (U) "Self-insurance program" means a program whereby 82209  
an employer provides a plan of benefits for its employees 82210  
without involving an intermediate insurance carrier to assume 82211  
risk or pay claims. "Self-insurance program" includes but is not 82212  
limited to employer programs that pay claims up to a prearranged 82213  
limit beyond which they purchase insurance coverage to protect 82214  
against unpredictable or catastrophic losses. 82215

~~(R)~~ (V) "Specific excess insurance" means that type of 82216  
coverage whereby the insurer agrees to reimburse the insured 82217  
employer or trust for all benefits or claims paid during an 82218  
agreement period on behalf of a covered person in excess of a 82219  
stated deductible amount and subject to a stated maximum. 82220

~~(S)~~ (W) "Summary plan description" means the written 82221  
document adopted by the plan sponsor which outlines the plan of 82222  
benefits, conditions, limitations, exclusions, and other 82223

pertinent details relative to the benefits provided to covered persons thereunder. 82224  
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~~(T)~~(X) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code. 82226  
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**Sec. 3959.111.** (A) (1) (a) In each contract between a pharmacy benefit manager and a pharmacy, the pharmacy shall be given the right to obtain from the pharmacy benefit manager, within ten days after any request, a current list of the sources used to determine maximum allowable cost pricing. In each contract between a pharmacy benefit manager and a pharmacy, the pharmacy benefit manager shall be obligated to update and implement the pricing information at least every seven days and provide a means by which contracted pharmacies may promptly review maximum allowable cost pricing updates in an electronic format that is readily available, accessible, and secure and that can be easily searched. 82228  
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Subject to division (A) (1) of this section, a pharmacy benefit manager shall utilize the most up-to-date pricing data when calculating drug product reimbursements for all contracting pharmacies within one business day of any price update or modification. 82240  
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(b) A pharmacy benefit manager shall maintain a written procedure to eliminate products from the list of drugs subject to maximum allowable cost pricing in a timely manner. The written procedure, and any updates, shall promptly be made available to a pharmacy upon request. 82245  
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(2) In each contract between a pharmacy benefit manager and a pharmacy, a pharmacy benefit manager shall be obligated to ensure that all of the following conditions are met prior to 82250  
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placing a prescription drug on a maximum allowable cost list: 82253

(a) The drug is listed as "A" or "B" rated in the most 82254  
recent version of the United States food and drug 82255  
administration's approved drug products with therapeutic 82256  
equivalence evaluations, or has an "NR" or "NA" rating or 82257  
similar rating by nationally recognized reference. 82258

(b) The drug is generally available for purchase by 82259  
pharmacies in this state from a national or regional wholesaler 82260  
and is not obsolete. 82261

(3) Each contract between a pharmacy benefit manager and a 82262  
pharmacy shall include an electronic process to appeal, 82263  
investigate, and resolve disputes regarding maximum allowable 82264  
cost pricing that includes all of the following: 82265

(a) A twenty-one-day limit on the right to appeal 82266  
following the initial claim; 82267

(b) A requirement that the appeal be investigated and 82268  
resolved within twenty-one days after the appeal; 82269

(c) A telephone number at which the pharmacy may contact 82270  
the pharmacy benefit manager to speak to a person responsible 82271  
for processing appeals; 82272

(d) A requirement that a pharmacy benefit manager provide 82273  
a reason for any appeal denial, including the national drug code 82274  
and the identity of the national or regional wholesalers from 82275  
whom the drug was generally available for purchase at or below 82276  
the benchmark price determined by the pharmacy benefit manager; 82277

(e) A requirement that if the appeal is upheld or granted, 82278  
then the pharmacy benefit manager shall adjust the drug product 82279  
reimbursement to the pharmacy's upheld appeal price; 82280

(f) A requirement that a pharmacy benefit manager make an adjustment not later than one day after the date of determination of the appeal. The adjustment shall be retroactive to the date the appeal was made and shall apply to all situated pharmacies as determined by the pharmacy benefit manager. This requirement does not prohibit a pharmacy benefit manager from retroactively adjusting a claim for the appealing pharmacy or for any other similarly situated pharmacies.

(B) (1) (a) A pharmacy benefit manager shall disclose to the plan sponsor whether or not the pharmacy benefit manager uses the same maximum allowable cost list when billing a plan sponsor as it does when reimbursing a pharmacy.

(b) If a pharmacy benefit manager uses multiple maximum allowable cost lists, the pharmacy benefit manager shall disclose in the aggregate to a plan sponsor any differences between the amount paid to a pharmacy and the amount charged to a plan sponsor.

(2) The disclosures required under division (B) (1) of this section shall be made within ten days of a pharmacy benefit manager and a plan sponsor signing a contract or on a quarterly basis.

(3) (a) Division (B) of this section does not apply to plans governed by the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. or medicare part D.

(b) As used in this division, "medicare part D" means the voluntary prescription drug benefit program established under Part D of Title XVIII of the "Social Security Act," 42 U.S.C. 1395w-101, et seq.

(C) Except as otherwise provided in division (F) of this

section, a pharmacy benefit manager shall reimburse an Ohio 82310  
pharmacy for drug products dispensed on or after the ninety- 82311  
first day following the effective date of the amendment an 82312  
amount that is not less than either of the following: 82313

(1) The amount that the pharmacy benefit manager 82314  
reimburses an affiliated pharmacy for providing the same drug 82315  
product; 82316

(2) The sum of the following: 82317

(a) A drug product reimbursement not less than the Ohio 82318  
pharmacy's actual acquisition cost for the drug dispensed; 82319

(b) A dispensing fee not less than the minimum dispensing 82320  
reimbursement in effect for the date the drug is dispensed, as 82321  
determined by the superintendent of insurance under this 82322  
section. 82323

(D) An Ohio pharmacy may decline to provide a drug product 82324  
to an individual or pharmacy benefit manager if the Ohio 82325  
pharmacy would be paid less than the amount required by division 82326  
(C) of this section. 82327

(E) (1) Not later than ninety days after the effective date 82328  
of this amendment, the superintendent of insurance shall 82329  
determine a minimum dispensing reimbursement to be paid for each 82330  
drug product based on data collected by the department of 82331  
medicaid through the survey conducted pursuant to section 82332  
5164.752 of the Revised Code. 82333

(2) The superintendent shall publish the amount of the 82334  
minimum dispensing reimbursement and the dates to which it 82335  
applies on a publicly accessible web site maintained by the 82336  
department of insurance. 82337

(3) The superintendent shall update the minimum dispensing reimbursement each time the department of medicaid publishes the survey conducted pursuant to section 5164.752 of the Revised Code. 82338  
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(F) (1) Division (C) of this section does not apply to the extent that it conflicts with a contract or agreement entered into before the effective date of this amendment except that, if such a contract or agreement is amended or renewed after the effective date of this amendment, the contract or agreement shall conform to the requirements of that division. Division (C) of this section does not prohibit a pharmacy benefit manager from paying drug product reimbursements or dispensing reimbursements in excess of the amounts required by that division. 82342  
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(2) Divisions (C) and (D) of this section do not apply with respect to the state pharmacy benefit manager established pursuant to section 5167.12 of the Revised Code. 82352  
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(G) Notwithstanding division (B) (5) of section 3959.01 of the Revised Code, a health insuring corporation or a sickness and accident insurer shall comply with the requirements of this section and is subject to the penalties under section 3959.12 of the Revised Code if the corporation or insurer is a pharmacy benefit manager, as defined in section 3959.01 of the Revised Code. 82355  
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~~(D)~~ (H) No pharmacy benefit manager shall retaliate against an Ohio pharmacy that reports an alleged violation of, or exercises a right or remedy under, this section by doing any of the following: 82362  
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(1) Terminating or refusing to renew a contract with the 82366



Ohio pharmacy without providing notice to the Ohio pharmacy at 82367  
least ninety days in advance; 82368

(2) Subjecting the Ohio pharmacy to increased audits 82369  
without providing notice to the Ohio pharmacy and a detailed 82370  
description of the reason for the audit at least ninety days in 82371  
advance; 82372

(3) Failing to promptly pay the Ohio pharmacy in 82373  
accordance with sections 3901.381 to 3901.3814 of the Revised 82374  
Code. 82375

(I) If an Ohio pharmacy believes that a pharmacy benefit 82376  
manager has violated this section, in addition to any other 82377  
remedies provided by law, the Ohio pharmacy may file a formal 82378  
complaint and provide evidence related to the complaint to the 82379  
superintendent of insurance. 82380

(J) The superintendent of insurance shall adopt rules as 82381  
necessary to implement the requirements of this section in 82382  
accordance with Chapter 119. of the Revised Code for the 82383  
purposes of implementing and administering this section. 82384  
Notwithstanding any provision of section 121.95 of the Revised 82385  
Code to the contrary, a regulatory restriction contained in a 82386  
rule adopted by the superintendent in accordance with this 82387  
section is not subject to sections 121.95 to 121.953 of the 82388  
Revised Code. 82389

**Sec. 3959.121.** (A) The superintendent of insurance shall 82390  
evaluate any complaint filed by an Ohio pharmacy pursuant to 82391  
section 3959.111 of the Revised Code. 82392

(B) (1) If the superintendent determines, based on a 82393  
complaint filed by an Ohio pharmacy or other information 82394  
available to the superintendent, that a pharmacy benefit manager 82395

has violated section 3959.111 of the Revised Code, the 82396  
superintendent shall do both of the following: 82397

(a) Issue a notice of violation to the pharmacy benefit 82398  
manager that clearly explains the violation; 82399

(b) Impose an administrative penalty on the pharmacy 82400  
benefit manager of one thousand dollars for each violation. 82401

(2) Each day that a violation continues after the pharmacy 82402  
benefit manager receives notice of the violation under division 82403  
(B) (1) (a) of this section is considered a separate violation for 82404  
the purposes of the administrative penalty under division (B) (1) 82405  
(b) of this section. 82406

(C) Before imposing an administrative penalty under this 82407  
section, the superintendent shall afford the pharmacy benefit 82408  
manager an opportunity for an adjudication hearing under Chapter 82409  
119. of the Revised Code. At the hearing, the pharmacy benefit 82410  
manager may challenge the superintendent's determination that a 82411  
violation occurred, the superintendent's imposition of an 82412  
administrative penalty, or both. The pharmacy benefit manager 82413  
may appeal the superintendent's determination and the imposition 82414  
of the administrative penalty in accordance with section 119.12 82415  
of the Revised Code. 82416

(D) An administrative penalty collected under this section 82417  
shall be deposited into the state treasury to the credit of the 82418  
department of insurance operating fund created by section 82419  
3901.021 of the Revised Code. 82420

**Sec. 4112.055.** (A) (1) Aggrieved persons may enforce the 82421  
rights granted by division (H) of section 4112.02 of the Revised 82422  
Code by filing a civil action in the court of common pleas of 82423  
the county in which the alleged unlawful discriminatory practice 82424

occurred within one year after it allegedly occurred. Upon 82425  
application by an aggrieved person, upon a proper showing, and 82426  
under circumstances that it considers just, a court of common 82427  
pleas may appoint an attorney for the aggrieved person and 82428  
authorize the commencement of a civil action under this division 82429  
without the payment of costs. 82430

Each party to a civil action under this division has the 82431  
right to a jury trial of the action. To assert the right, a 82432  
party shall demand a jury trial in the manner prescribed in the 82433  
Rules of Civil Procedure. If a party demands a jury trial in 82434  
that manner, the civil action shall be tried to a jury. 82435

(2) (a) If a complaint is issued by the commission under 82436  
division (B) (5) of section 4112.05 of the Revised Code for one 82437  
or more alleged unlawful discriminatory practices described in 82438  
division (H) of section 4112.02 of the Revised Code, the 82439  
complainant, any aggrieved person on whose behalf the complaint 82440  
is issued, or the respondent may elect, following receipt of the 82441  
relevant notice described in division (B) (5) of section 4112.05 82442  
of the Revised Code, to proceed with the administrative hearing 82443  
process under that section or to have the alleged unlawful 82444  
discriminatory practices covered by the complaint addressed in a 82445  
civil action commenced in accordance with divisions (A) (1) and 82446  
(2) (b) of this section. An election to have the alleged unlawful 82447  
discriminatory practices so addressed shall be made in a writing 82448  
that is sent by certified mail, return receipt requested, to the 82449  
commission, to the civil rights section of the office of the 82450  
attorney general, and to the other parties to the pending 82451  
administrative process within thirty days after the electing 82452  
complainant, aggrieved person, or respondent received the 82453  
relevant notice described in division (B) (5) of section 4112.05 82454  
of the Revised Code. 82455

(b) ~~Upon receipt of~~ Not more than thirty days after 82456  
receiving a timely mailed election to have the alleged unlawful 82457  
discriminatory practices addressed in a civil action, the 82458  
commission shall authorize the office of the attorney general to 82459  
commence and maintain the civil action in the court of common 82460  
pleas of the county in which the alleged unlawful discriminatory 82461  
practices occurred. Notwithstanding the period of limitations 82462  
specified in division (A) (1) of this section, the office of the 82463  
attorney general shall commence the civil action within thirty 82464  
days after the receipt of the commission's authorization to 82465  
commence the civil action. 82466

Notwithstanding the period of limitations specified in 82467  
division (A) (1) of this section, if the commission fails to 82468  
authorize the office of the attorney general to commence and 82469  
maintain a civil action as required under this division, or the 82470  
attorney general fails to commence a civil action as required 82471  
under this division, the complainant or any aggrieved person may 82472  
commence the action not less than thirty days, but not more than 82473  
sixty days, after the date an election is mailed under division 82474  
(A) (2) (a) of this section. 82475

(c) Upon commencement of the civil action in accordance 82476  
with division (A) (2) (b) of this section, the commission shall 82477  
prepare an order dismissing the complaint in the pending 82478  
administrative matter and serve a copy of the order upon the 82479  
complainant, each aggrieved person on whose behalf the complaint 82480  
was issued, and the respondent. 82481

(d) If an election to have the alleged unlawful 82482  
discriminatory practices addressed in a civil action is not 82483  
filed in accordance with division (A) (2) (a) of this section, the 82484  
commission shall continue with the administrative hearing 82485

process described in section 4112.05 of the Revised Code. 82486

(e) With respect to the issues to be determined in a civil 82487  
action commenced in accordance with division (A) (2) (b) of this 82488  
section, any aggrieved person may intervene as a matter of right 82489  
in that civil action. 82490

(B) If the court or the jury in a civil action under this 82491  
section finds that a violation of division (H) of section 82492  
4112.02 of the Revised Code is about to occur, the court may 82493  
order any affirmative action it considers appropriate, including 82494  
a permanent or temporary injunction or temporary restraining 82495  
order. 82496

(C) Any sale, encumbrance, or rental consummated prior to 82497  
the issuance of any court order under the authority of this 82498  
section and involving a bona fide purchaser, encumbrancer, or 82499  
tenant without actual notice of the existence of a charge under 82500  
division (H) of section 4112.02 of the Revised Code or a civil 82501  
action under this section is not affected by the court order. 82502

(D) If the court or the jury in a civil action under this 82503  
section finds that a violation of division (H) of section 82504  
4112.02 of the Revised Code has occurred, the court shall award 82505  
to the plaintiff or to the complainant or aggrieved person on 82506  
whose behalf the office of the attorney general commenced or 82507  
maintained the civil action, whichever is applicable, actual 82508  
damages, reasonable attorney's fees, court costs incurred in the 82509  
prosecution of the action, expert witness fees, and other 82510  
litigation expenses, and may grant other relief that it 82511  
considers appropriate, including a permanent or temporary 82512  
injunction, a temporary restraining order, or other order and 82513  
punitive damages. 82514

(E) Any civil action brought under this section shall be heard and determined as expeditiously as possible.

(F) The court in a civil action under this section shall notify the commission of any finding pertaining to discriminatory housing practices within fifteen days after the entry of the finding.

**Sec. 4113.31.** (A) As used in this section:

(1) "Employer," "mass layoff," and "plant closing" have the same meanings as in the WARN Act and 20 C.F.R. 639.3.

(2) "WARN Act" means the "Worker Adjustment and Retraining Notification (WARN) Act," 29 U.S.C. 2101, et seq.

(B) An employer in this state shall comply with all requirements in the WARN Act and 20 C.F.R. 639.1 to 639.10. The requirements specified in this section do not establish a different standard than that established by federal statutes and regulations.

(C) In accordance with 29 U.S.C 2101(a)(1)(B), an employer must provide the notice required by 29 U.S.C. 2102(a) if both of the following apply:

(1) The employer employs one hundred or more employees who in the aggregate work at least four thousand hours a week.

(2) The employer lays off fifty or more employees at a single site of employment during any thirty-day period.

(D) An employer is not required to provide the notice described in 29 U.S.C. 2102(a) when a plant closing or mass layoff constitutes a strike or constitutes a lockout as described in 29 U.S.C. 2103 and 20 C.F.R. 639.5(d).

(E) In accordance with 29 U.S.C 2102(a)(1), not less than 82542  
sixty days before the date a plant closing or mass layoff 82543  
begins, an employer shall provide written notice of the closing 82544  
or layoff to affected employees' authorized representatives or, 82545  
if there are no such representatives at the time, to each 82546  
affected employee. 82547

(1) The employer shall include all of the following in a 82548  
notice provided to affected employees' authorized 82549  
representatives: 82550

(a) The location of the facility affected by the plant 82551  
closing or mass layoff; 82552

(b) A detailed statement explaining the reason for the 82553  
plant closing or mass layoff and whether it will be permanent or 82554  
temporary; 82555

(c) The expected date when the plant closing or mass 82556  
layoff will commence and the anticipated date on which the 82557  
employees' employment will cease; 82558

(d) The total number of employees affected by the plant 82559  
closing or mass layoff, including the employees' job titles or 82560  
positions and any department or division impacted. 82561

(2) The employer shall include all of the following in a 82562  
notice provided to affected employees' who do not have an 82563  
authorized representative at the time the notice is sent: 82564

(a) A detailed statement explaining the reason for the 82565  
plant closing or mass layoff and whether it will be permanent or 82566  
temporary; 82567

(b) The expected date when the plant closing or mass 82568  
layoff will commence and the anticipated date on which the 82569

employees' employment will cease; 82570

(c) An indication as to whether an affected employee has 82571  
bumping rights or other reemployment rights under a collective 82572  
bargaining agreement or a company policy, including any 82573  
procedures for exercising those rights; 82574

(d) Information on how affected employees can access 82575  
unemployment insurance benefits and other assistance programs; 82576

(e) The name, title, and contact information of an 82577  
employer representative who can answer questions about the plant 82578  
closing or mass layoff; 82579

(f) Information about any available services for an 82580  
affected employee, including job placement assistance, 82581  
retraining programs, or counseling services. 82582

(F) In accordance with 29 U.S.C 2102(a) (2), an employer 82583  
shall provide written notice of a plant closing or mass layoff 82584  
to the director of job and family services and to the chief 82585  
elected official of the municipal corporation and the county 82586  
where the plant closing or mass layoff is to occur. The written 82587  
notice shall include the same information required under 82588  
division (E) of this section and all of the following: 82589

(1) A description of any action taken or planned to 82590  
mitigate the impact of the plant closing or mass layoff, 82591  
including any efforts to secure alternative employment or 82592  
training for affected employees; 82593

(2) The name of each employee organization representing 82594  
affected employees, and the name and address of the chief 82595  
elected officer of each organization; 82596

(3) A copy of the notice provided to affected employees or 82597



their representatives, as applicable. 82598

(G) The period within which an employer shall provide 82599  
notice may be reduced or waived under the circumstances 82600  
described in 29 U.S.C. 2102(b). 82601

(H) The director of job and family services may issue 82602  
guidance and procedures for the submission and review of notices 82603  
by employers. 82604

(I) When an employer fails to comply with the WARN Act, an 82605  
affected employee may seek the remedies specified in 29 U.S.C. 82606  
2104. 82607

**Sec. 4115.36.** Sections 4115.31 to 4115.35 of the Revised 82608  
Code have no effect after the director of administrative 82609  
services abolishes the state committee for the purchase of 82610  
products and services provided by persons with severe 82611  
disabilities. Upon abolishment of the committee, ~~sections 125.60~~ 82612  
~~to 125.6012~~ section 125.601 of the Revised Code shall govern the 82613  
procurement of products and services provided by persons with 82614  
work-limiting disabilities from qualified nonprofit agencies. 82615

**Sec. 4117.08.** (A) All matters pertaining to wages, hours, 82616  
or terms and other conditions of employment and the 82617  
continuation, modification, or deletion of an existing provision 82618  
of a collective bargaining agreement are subject to collective 82619  
bargaining between the public employer and the exclusive 82620  
representative, except as otherwise specified in this section 82621  
and division (E) of section 4117.03 of the Revised Code. 82622

(B) Neither of the following are appropriate subjects for 82623  
collective bargaining: 82624

(1) The conduct and grading of civil service examinations, 82625  
the rating of candidates, the establishment of eligible lists 82626

from the examinations, and the original appointments from the 82627  
eligible lists ~~are not appropriate subjects for collective~~ 82628  
~~bargaining;~~ 82629

(2) For collective bargaining agreements that are entered 82630  
into on or after the effective date of this amendment, the 82631  
ability of state employees to perform their duties at a location 82632  
designated as a worksite under division (B) (2) of section 82633  
124.184 of the Revised Code or other location designated under 82634  
division (D) of section 124.184 of the Revised Code. 82635

(C) Unless a public employer agrees otherwise in a 82636  
collective bargaining agreement, nothing in Chapter 4117. of the 82637  
Revised Code impairs the right and responsibility of each public 82638  
employer to: 82639

(1) Determine matters of inherent managerial policy which 82640  
include, but are not limited to, areas of discretion or policy 82641  
such as the functions and programs of the public employer, 82642  
standards of services, its overall budget, utilization of 82643  
technology, and organizational structure; 82644

(2) Direct, supervise, evaluate, or hire employees; 82645

(3) Maintain and improve the efficiency and effectiveness 82646  
of governmental operations; 82647

(4) Determine the overall methods, process, means, or 82648  
personnel by which governmental operations are to be conducted; 82649

(5) Suspend, discipline, demote, or discharge for just 82650  
cause, or lay off, transfer, assign, schedule, promote, or 82651  
retain employees; 82652

(6) Determine the adequacy of the work force; 82653

(7) Determine the overall mission of the employer as a 82654

unit of government; 82655

(8) Effectively manage the work force; 82656

(9) Take actions to carry out the mission of the public 82657  
employer as a governmental unit. 82658

The employer is not required to bargain on subjects 82659  
reserved to the management and direction of the governmental 82660  
unit except as affect wages, hours, terms and conditions of 82661  
employment, and the continuation, modification, or deletion of 82662  
an existing provision of a collective bargaining agreement. A 82663  
public employee or exclusive representative may raise a 82664  
legitimate complaint or file a grievance based on the collective 82665  
bargaining agreement. 82666

**Sec. 4117.10.** (A) An agreement between a public employer 82667  
and an exclusive representative entered into pursuant to this 82668  
chapter governs the wages, hours, and terms and conditions of 82669  
public employment covered by the agreement. If the agreement 82670  
provides for a final and binding arbitration of grievances, 82671  
public employers, employees, and employee organizations are 82672  
subject solely to that grievance procedure and the state 82673  
personnel board of review or civil service commissions have no 82674  
jurisdiction to receive and determine any appeals relating to 82675  
matters that were the subject of a final and binding grievance 82676  
procedure. Where no agreement exists or where an agreement makes 82677  
no specification about a matter, the public employer and public 82678  
employees are subject to all applicable state or local laws or 82679  
ordinances pertaining to the wages, hours, and terms and 82680  
conditions of employment for public employees. All of the 82681  
following prevail over conflicting provisions of agreements 82682  
between employee organizations and public employers: 82683

(1) Laws pertaining to any of the following subjects:	82684
(a) Civil rights;	82685
(b) Affirmative action;	82686
(c) Unemployment compensation;	82687
(d) Workers' compensation;	82688
(e) The retirement of public employees;	82689
(f) Residency requirements;	82690
(g) The minimum educational requirements contained in the Revised Code pertaining to public education including the requirement of a certificate by the fiscal officer of a school district pursuant to section 5705.41 of the Revised Code;	82691 82692 82693 82694
(h) The provisions of division (A) of section 124.34 of the Revised Code governing the disciplining of officers and employees who have been convicted of a felony;	82695 82696 82697
(i) The minimum standards promulgated by the director of education and workforce pursuant to division (D) of section 3301.07 of the Revised Code.	82698 82699 82700
(2) The law pertaining to the leave of absence and compensation provided under section 5923.05 of the Revised Code, if the terms of the agreement contain benefits which are less than those contained in that section or the agreement contains no such terms and the public authority is the state or any agency, authority, commission, or board of the state or if the public authority is another entity listed in division (B) of section 4117.01 of the Revised Code that elects to provide leave of absence and compensation as provided in section 5923.05 of the Revised Code;	82701 82702 82703 82704 82705 82706 82707 82708 82709 82710

(3) The law pertaining to the leave established under 82711  
section 5906.02 of the Revised Code, if the terms of the 82712  
agreement contain benefits that are less than those contained in 82713  
section 5906.02 of the Revised Code; 82714

(4) The law pertaining to excess benefits prohibited under 82715  
section 3345.311 of the Revised Code with respect to an 82716  
agreement between an employee organization and a public employer 82717  
entered into on or after September 29, 2015; 82718

(5) The law pertaining to state employee work location 82719  
policies under section 124.184 of the Revised Code with respect 82720  
to an agreement between an employee organization and a public 82721  
employer entered into on or after the effective date of this 82722  
amendment. 82723

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 82724  
the Revised Code and arrangements entered into thereunder, and 82725  
section 4981.21 of the Revised Code as necessary to comply with 82726  
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 82727  
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 82728  
entered into thereunder, this chapter prevails over any and all 82729  
other conflicting laws, resolutions, provisions, present or 82730  
future, except as otherwise specified in this chapter or as 82731  
otherwise specified by the general assembly. Nothing in this 82732  
section prohibits or shall be construed to invalidate the 82733  
provisions of an agreement establishing supplemental workers' 82734  
compensation or unemployment compensation benefits or exceeding 82735  
minimum requirements contained in the Revised Code pertaining to 82736  
public education or the minimum standards promulgated by the 82737  
director of education and workforce pursuant to division (D) of 82738  
section 3301.07 of the Revised Code. 82739

(B) The public employer shall submit a request for funds 82740

necessary to implement an agreement and for approval of any 82741  
other matter requiring the approval of the appropriate 82742  
legislative body to the legislative body within fourteen days of 82743  
the date on which the parties finalize the agreement, unless 82744  
otherwise specified, but if the appropriate legislative body is 82745  
not in session at the time, then within fourteen days after it 82746  
convenes. The legislative body must approve or reject the 82747  
submission as a whole, and the submission is deemed approved if 82748  
the legislative body fails to act within thirty days after the 82749  
public employer submits the agreement. The parties may specify 82750  
that those provisions of the agreement not requiring action by a 82751  
legislative body are effective and operative in accordance with 82752  
the terms of the agreement, provided there has been compliance 82753  
with division (C) of this section. If the legislative body 82754  
rejects the submission of the public employer, either party may 82755  
reopen all or part of the entire agreement. 82756

As used in this section, "legislative body" includes the 82757  
governing board of a municipal corporation, school district, 82758  
college or university, village, township, or board of county 82759  
commissioners or any other body that has authority to approve 82760  
the budget of their public jurisdiction and, with regard to the 82761  
state, "legislative body" means the controlling board. 82762

(C) The chief executive officer, or the chief executive 82763  
officer's representative, of each municipal corporation, the 82764  
designated representative of the board of education of each 82765  
school district, college or university, or any other body that 82766  
has authority to approve the budget of their public 82767  
jurisdiction, the designated representative of the board of 82768  
county commissioners and of each elected officeholder of the 82769  
county whose employees are covered by the collective 82770  
negotiations, and the designated representative of the village 82771

or the board of township trustees of each township is 82772  
responsible for negotiations in the collective bargaining 82773  
process; except that the legislative body may accept or reject a 82774  
proposed collective bargaining agreement. When the matters about 82775  
which there is agreement are reduced to writing and approved by 82776  
the employee organization and the legislative body, the 82777  
agreement is binding upon the legislative body, the employer, 82778  
and the employee organization and employees covered by the 82779  
agreement. 82780

(D) There is hereby established an office of collective 82781  
bargaining in the department of administrative services for the 82782  
purpose of negotiating with and entering into written agreements 82783  
between state agencies, departments, boards, and commissions and 82784  
the exclusive representative on matters of wages, hours, terms 82785  
and other conditions of employment and the continuation, 82786  
modification, or deletion of an existing provision of a 82787  
collective bargaining agreement. Nothing in any provision of law 82788  
to the contrary shall be interpreted as excluding the bureau of 82789  
workers' compensation and the industrial commission from the 82790  
preceding sentence. This office shall not negotiate on behalf of 82791  
other statewide elected officials or boards of trustees of state 82792  
institutions of higher education who shall be considered as 82793  
separate public employers for the purposes of this chapter; 82794  
however, the office may negotiate on behalf of these officials 82795  
or trustees where authorized by the officials or trustees. The 82796  
staff of the office of collective bargaining are in the 82797  
unclassified service. The director of administrative services 82798  
shall fix the compensation of the staff. 82799

The office of collective bargaining shall: 82800

(1) Assist the director in formulating management's 82801

philosophy for public collective bargaining as well as planning 82802  
bargaining strategies; 82803

(2) Conduct negotiations with the exclusive 82804  
representatives of each employee organization; 82805

(3) Coordinate the state's resources in all mediation, 82806  
fact-finding, and arbitration cases as well as in all labor 82807  
disputes; 82808

(4) Conduct systematic reviews of collective bargaining 82809  
agreements for the purpose of contract negotiations; 82810

(5) Coordinate the systematic compilation of data by all 82811  
agencies that is required for negotiating purposes; 82812

(6) Prepare and submit an annual report and other reports 82813  
as requested to the governor and the general assembly on the 82814  
implementation of this chapter and its impact upon state 82815  
government. 82816

**Sec. 4141.01.** As used in this chapter, unless the context 82817  
otherwise requires: 82818

(A) (1) "Employer" means ~~the~~ any of the following, provided 82819  
the individual or entity is subject to this chapter under 82820  
section 4141.011 of the Revised Code: any state, its 82821  
instrumentalities, its political subdivisions and their 82822  
instrumentalities, Indian tribes, and any individual or type of 82823  
organization including any partnership, limited liability 82824  
company, association, trust, estate, joint-stock company, 82825  
insurance company, or corporation, whether domestic or foreign, 82826  
or the receiver, trustee in bankruptcy, trustee, or the 82827  
successor thereof, or the legal representative of a deceased 82828  
person ~~who subsequent to December 31, 1971, or in the case of~~ 82829  
~~political subdivisions or their instrumentalities, subsequent to~~ 82830



~~December 31, 1973:~~ 82831

~~(a) Had in employment at least one individual, or in the case of a nonprofit organization, subsequent to December 31, 1973, had not less than four individuals in employment for some portion of a day in each of twenty different calendar weeks, in either the current or the preceding calendar year whether or not the same individual was in employment in each such day; or~~ 82832  
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~~(b) Except for a nonprofit organization, had paid for service in employment wages of fifteen hundred dollars or more in any calendar quarter in either the current or preceding calendar year; or~~ 82838  
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~~(c) Had paid, subsequent to December 31, 1977, for employment in domestic service in a local college club, or local chapter of a college fraternity or sorority, cash remuneration of one thousand dollars or more in any calendar quarter in the current calendar year or the preceding calendar year, or had paid subsequent to December 31, 1977, for employment in domestic service in a private home cash remuneration of one thousand dollars in any calendar quarter in the current calendar year or the preceding calendar year:~~ 82842  
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~~(i) For the purposes of divisions (A) (1) (a) and (b) of this section, there shall not be taken into account any wages paid to, or employment of, an individual performing domestic service as described in this division.~~ 82851  
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~~(ii) An employer under this division shall not be an employer with respect to wages paid for any services other than domestic service unless the employer is also found to be an employer under division (A) (1) (a), (b), or (d) of this section.~~ 82855  
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~~(d) As a farm operator or a crew leader subsequent to~~ 82859

~~December 31, 1977, had in employment individuals in agricultural labor; and~~ 82860  
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~~(i) During any calendar quarter in the current calendar year or the preceding calendar year, paid cash remuneration of twenty thousand dollars or more for the agricultural labor; or~~ 82862  
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~~(ii) Had at least ten individuals in employment in agricultural labor, not including agricultural workers who are aliens admitted to the United States to perform agricultural labor pursuant to sections 1184(c) and 1101(a) (15) (H) of the "Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 1101(a) (15) (H) (ii) (a), 1184(c), for some portion of a day in each of the twenty different calendar weeks, in either the current or preceding calendar year whether or not the same individual was in employment in each day; or~~ 82865  
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~~(e) Is not otherwise an employer as defined under division (A) (1) (a) or (b) of this section; and~~ 82874  
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~~(i) For which, within either the current or preceding calendar year, service, except for domestic service in a private home not covered under division (A) (1) (c) of this section, is or was performed with respect to which such employer is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund;—~~ 82876  
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~~(ii) Which, as a condition for approval of this chapter for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required, pursuant to such act to be an employer under this chapter; or~~ 82883  
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~~(iii) Who became an employer by election under division~~ 82888

~~(A) (4) or (5) of this section and for the duration of such election; or~~ 82889  
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~~(f) In the case of the state, its instrumentalities, its political subdivisions, and their instrumentalities, and Indian tribes, had in employment, as defined in divisions (B) (2) (a) and (B) (2) (1) of this section, at least one individual;~~ 82891  
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~~(g) For the purposes of division (A) (1) (a) of this section, if any week includes both the thirty-first day of December and the first day of January, the days of that week before the first day of January shall be considered one calendar week and the days beginning the first day of January another week.~~ 82895  
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(2) Each individual employed to perform or to assist in performing the work of any agent or employee of an employer is employed by such employer for all the purposes of this chapter, whether such individual was hired or paid directly by such employer or by such agent or employee, provided the employer had actual or constructive knowledge of the work. All individuals performing services for an employer of any person in this state who maintains two or more establishments within this state are employed by a single employer for the purposes of this chapter. 82901  
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~~(3) An employer subject to this chapter within any calendar year is subject to this chapter during the whole of such year and during the next succeeding calendar year.~~ 82910  
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~~(4) An employer not otherwise subject to this chapter who files with the director of job and family services a written election to become an employer subject to this chapter for not less than two calendar years shall, with the written approval of such election by the director, become an employer subject to~~ 82913  
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~~this chapter to the same extent as all other employers as of the date stated in such approval, and shall cease to be subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January the employer has filed with the director a written notice to that effect.~~

~~(5) Any employer for whom services that do not constitute employment are performed may file with the director a written election that all such services performed by individuals in the employer's employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of this chapter, for not less than two calendar years. Upon written approval of the election by the director, such services shall be deemed to constitute employment subject to this chapter from and after the date stated in such approval. Such services shall cease to be employment subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January such employer has filed with the director a written notice to that effect.~~

~~(6) "Employer" does not include a franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademark, brand, or both. For purposes of this division, "franchisor" and "franchisee" have the same meanings as in 16 C.F.R. 436.1.~~

(B) (1) "Employment" means service performed by an 82948  
individual for remuneration under any contract of hire, written 82949  
or oral, express or implied, including service performed in 82950  
interstate commerce and service performed by an officer of a 82951  
corporation, without regard to whether such service is 82952  
executive, managerial, or manual in nature, and without regard 82953  
to whether such officer is a stockholder or a member of the 82954  
board of directors of the corporation, unless it is shown to the 82955  
satisfaction of the director that such individual has been and 82956  
will continue to be free from direction or control over the 82957  
performance of such service, both under a contract of service 82958  
and in fact. The director of job and family services shall adopt 82959  
rules to define "direction or control." 82960

(2) "Employment" includes: 82961

(a) Service performed after December 31, 1977, by an 82962  
individual in the employ of the state or any of its 82963  
instrumentalities, or any political subdivision thereof or any 82964  
of its instrumentalities or any instrumentality of more than one 82965  
of the foregoing or any instrumentality of any of the foregoing 82966  
and one or more other states or political subdivisions and 82967  
without regard to ~~divisions~~ division (A) (1) (a) and (b) of this 82968  
section 4141.011 of the Revised Code, provided that such service 82969  
is excluded from employment as defined in the "Federal 82970  
Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 3306(c) 82971  
(7) and is not excluded under division (B) (3) of this section; 82972  
or the services of employees covered by voluntary election, as 82973  
provided under divisions ~~(A) (4) (H)~~ and ~~(5) (I)~~ of ~~this section~~ 82974  
4141.011 of the Revised Code; 82975

(b) Service performed after December 31, 1971, by an 82976  
individual in the employ of a religious, charitable, 82977

educational, or other organization which is excluded from the 82978  
term "employment" as defined in the "Federal Unemployment Tax 82979  
Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 82980  
of section 26 U.S.C.A. 3306(c) (8) of that act and is not 82981  
excluded under division (B) (3) of this section; 82982

(c) Domestic service performed after December 31, 1977, 82983  
for an employer, as provided in division ~~(A) (1) (e)~~ (C) of ~~this~~ 82984  
section 4141.011 of the Revised Code; 82985

(d) Agricultural labor performed after December 31, 1977, 82986  
for a farm operator or a crew leader, as provided in division 82987  
~~(A) (1) (d)~~ (D) of ~~this~~ section 4141.011 of the Revised Code; 82988

(e) Subject to division (B) (2) (m) of this section, service 82989  
not covered under division (B) (1) of this section which is 82990  
performed after December 31, 1971: 82991

(i) As an agent-driver or commission-driver engaged in 82992  
distributing meat products, vegetable products, fruit products, 82993  
bakery products, beverages other than milk, laundry, or dry- 82994  
cleaning services, for the individual's employer or principal; 82995

(ii) As a traveling or city salesperson, other than as an 82996  
agent-driver or commission-driver, engaged on a full-time basis 82997  
in the solicitation on behalf of and in the transmission to the 82998  
salesperson's employer or principal except for sideline sales 82999  
activities on behalf of some other person of orders from 83000  
wholesalers, retailers, contractors, or operators of hotels, 83001  
restaurants, or other similar establishments for merchandise for 83002  
resale, or supplies for use in their business operations, 83003  
provided that for the purposes of division (B) (2) (e) (ii) of this 83004  
section, the services shall be deemed employment if the contract 83005  
of service contemplates that substantially all of the services 83006

are to be performed personally by the individual and that the individual does not have a substantial investment in facilities used in connection with the performance of the services other than in facilities for transportation, and the services are not in the nature of a single transaction that is not a part of a continuing relationship with the person for whom the services are performed.

(f) An individual's entire service performed within or both within and without the state if:

(i) The service is localized in this state.

(ii) The service is not localized in any state, but some of the service is performed in this state and either the base of operations, or if there is no base of operations then the place from which such service is directed or controlled, is in this state or the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this state.

(g) Service not covered under division (B) (2) (f) (ii) of this section and performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state, the Virgin Islands, Canada, or of the United States, if the individual performing such service is a resident of this state and the director approves the election of the employer for whom such services are performed; or, if the individual is not a resident of this state but the place from which the service is directed or controlled is in this state, the entire services of such individual shall be deemed to be employment subject to this chapter, provided service is deemed to be localized within this

state if the service is performed entirely within this state or 83037  
if the service is performed both within and without this state 83038  
but the service performed without this state is incidental to 83039  
the individual's service within the state, for example, is 83040  
temporary or transitory in nature or consists of isolated 83041  
transactions; 83042

(h) Service of an individual who is a citizen of the 83043  
United States, performed outside the United States except in 83044  
Canada after December 31, 1971, or the Virgin Islands, after 83045  
December 31, 1971, and before the first day of January of the 83046  
year following that in which the United States secretary of 83047  
labor approves the Virgin Islands law for the first time, in the 83048  
employ of an American employer, other than service which is 83049  
"employment" under divisions (B) (2) (f) and (g) of this section 83050  
or similar provisions of another state's law, if: 83051

(i) The employer's principal place of business in the 83052  
United States is located in this state; 83053

(ii) The employer has no place of business in the United 83054  
States, but the employer is an individual who is a resident of 83055  
this state; or the employer is a corporation which is organized 83056  
under the laws of this state, or the employer is a partnership 83057  
or a trust and the number of partners or trustees who are 83058  
residents of this state is greater than the number who are 83059  
residents of any other state; or 83060

(iii) None of the criteria of divisions (B) (2) (f) (i) and 83061  
(ii) of this section is met but the employer has elected 83062  
coverage in this state or the employer having failed to elect 83063  
coverage in any state, the individual has filed a claim for 83064  
benefits, based on such service, under this chapter. 83065



(i) For the purposes of division (B) (2) (h) of this section, the term "American employer" means an employer who is an individual who is a resident of the United States; or a partnership, if two-thirds or more of the partners are residents of the United States; or a trust, if all of the trustees are residents of the United States; or a corporation organized under the laws of the United States or of any state, provided the term "United States" includes the states, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(j) Notwithstanding any other provisions of divisions (B) (1) and (2) of this section, service, except for domestic service in a private home not covered under division ~~(A) (1) (e)~~ (C) of ~~this~~ section 4141.011 of the Revised Code, with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund, or service, except for domestic service in a private home not covered under division ~~(A) (1) (e)~~ (C) of ~~this~~ section 4141.011 of the Revised Code, which, as a condition for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required to be covered under this chapter.

(k) Construction services performed by any individual under a construction contract, as defined in section 4141.39 of the Revised Code, if the director determines that the employer for whom services are performed has the right to direct or control the performance of the services and that the individuals who perform the services receive remuneration for the services performed. The director shall presume that the employer for whom services are performed has the right to direct or control the performance of the services if ten or more of the following

criteria apply:	83097
(i) The employer directs or controls the manner or method by which instructions are given to the individual performing services;	83098 83099 83100
(ii) The employer requires particular training for the individual performing services;	83101 83102
(iii) Services performed by the individual are integrated into the regular functioning of the employer;	83103 83104
(iv) The employer requires that services be provided by a particular individual;	83105 83106
(v) The employer hires, supervises, or pays the wages of the individual performing services;	83107 83108
(vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work;	83109 83110 83111
(vii) The employer requires the individual to perform services during established hours;	83112 83113
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	83114 83115 83116
(ix) The employer requires the individual to perform services on the employer's premises;	83117 83118
(x) The employer requires the individual performing services to follow the order of work established by the employer;	83119 83120 83121
(xi) The employer requires the individual performing services to make oral or written reports of progress;	83122 83123

(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	83124 83125
(xiii) The employer pays expenses for the individual performing services;	83126 83127
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	83128 83129
(xv) The individual performing services has not invested in the facilities used to perform services;	83130 83131
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	83132 83133 83134
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	83135 83136
(xviii) The individual performing services does not make the services available to the general public;	83137 83138
(xix) The employer has a right to discharge the individual performing services;	83139 83140
(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.	83141 83142 83143 83144
(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183	83145 83146 83147 83148 83149 83150 83151

(1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded 83152  
under division (B)(3) of this section. 83153

(m) Service performed by an individual for or on behalf of 83154  
a motor carrier transporting property as an operator of a 83155  
vehicle or vessel, unless all of the following factors apply to 83156  
the individual and the motor carrier has not elected to consider 83157  
the individual's service as employment: 83158

(i) The individual owns the vehicle or vessel that is used 83159  
in performing the services for or on behalf of the carrier, or 83160  
the individual leases the vehicle or vessel under a bona fide 83161  
lease agreement that is not a temporary replacement lease 83162  
agreement. For purposes of this division, a bona fide lease 83163  
agreement does not include an agreement between the individual 83164  
and the motor carrier transporting property for which, or on 83165  
whose behalf, the individual provides services. 83166

(ii) The individual is responsible for supplying the 83167  
necessary personal services to operate the vehicle or vessel 83168  
used to provide the service. 83169

(iii) The compensation paid to the individual is based on 83170  
factors related to work performed, including on a mileage-based 83171  
rate or a percentage of any schedule of rates, and not solely on 83172  
the basis of the hours or time expended. 83173

(iv) The individual substantially controls the means and 83174  
manner of performing the services, in conformance with 83175  
regulatory requirements and specifications of the shipper. 83176

(v) The individual enters into a written contract with the 83177  
carrier for whom the individual is performing the services that 83178  
describes the relationship between the individual and the 83179  
carrier to be that of an independent contractor and not that of 83180

an employee. 83181

(vi) The individual is responsible for substantially all 83182  
of the principal operating costs of the vehicle or vessel and 83183  
equipment used to provide the services, including maintenance, 83184  
fuel, repairs, supplies, vehicle or vessel insurance, and 83185  
personal expenses, except that the individual may be paid by the 83186  
carrier the carrier's fuel surcharge and incidental costs, 83187  
including tolls, permits, and lumper fees. 83188

(vii) The individual is responsible for any economic loss 83189  
or economic gain from the arrangement with the carrier. 83190

(viii) The individual is not performing services described 83191  
in 26 U.S.C. 3306(c) (7) or (8). 83192

(3) "Employment" does not include the following services 83193  
if they are found not subject to the "Federal Unemployment Tax 83194  
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the 83195  
services are not required to be included under division (B) (2) 83196  
(j) of this section: 83197

(a) Service performed after December 31, 1977, in 83198  
agricultural labor, except as provided in division ~~(A) (1) (d)~~ (D) 83199  
of ~~this~~ section 4141.011 of the Revised Code; 83200

(b) Domestic service performed after December 31, 1977, in 83201  
a private home, local college club, or local chapter of a 83202  
college fraternity or sorority except as provided in division 83203  
~~(A) (1) (e) (C)~~ of ~~this~~ section 4141.011 of the Revised Code; 83204

(c) Service performed after December 31, 1977, for this 83205  
state or a political subdivision as described in division (B) (2) 83206  
(a) of this section when performed: 83207

(i) As a publicly elected official; 83208

- (ii) As a member of a legislative body, or a member of the judiciary; 83209  
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- (iii) As a military member of the Ohio national guard; 83211
- (iv) As an employee, not in the classified service as defined in section 124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency; 83212  
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- (v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week. 83216  
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- (d) In the employ of any governmental unit or instrumentality of the United States; 83222  
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- (e) Service performed after December 31, 1971: 83224
- (i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by a student who is enrolled and is regularly attending classes at the educational institution or institution of higher education; or 83225  
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- (ii) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the 83231  
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service is an integral part of the program, and the institution 83238  
has so certified to the employer, provided that this subdivision 83239  
shall not apply to service performed in a program established 83240  
for or on behalf of an employer or group of employers. 83241

(f) Service performed by an individual in the employ of 83242  
the individual's son, daughter, or spouse and service performed 83243  
by a child under the age of eighteen in the employ of the 83244  
child's father or mother; 83245

(g) Service performed for one or more principals by an 83246  
individual who is compensated on a commission basis, who in the 83247  
performance of the work is master of the individual's own time 83248  
and efforts, and whose remuneration is wholly dependent on the 83249  
amount of effort the individual chooses to expend, and which 83250  
service is not subject to the "Federal Unemployment Tax Act," 53 83251  
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed 83252  
after December 31, 1971: 83253

(i) By an individual for an employer as an insurance agent 83254  
or as an insurance solicitor, if all this service is performed 83255  
for remuneration solely by way of commission; 83256

(ii) As a home worker performing work, according to 83257  
specifications furnished by the employer for whom the services 83258  
are performed, on materials or goods furnished by such employer 83259  
which are required to be returned to the employer or to a person 83260  
designated for that purpose. 83261

(h) Service performed after December 31, 1971: 83262

(i) In the employ of a church or convention or association 83263  
of churches, or in an organization which is operated primarily 83264  
for religious purposes and which is operated, supervised, 83265  
controlled, or principally supported by a church or convention 83266

or association of churches; 83267

(ii) By a duly ordained, commissioned, or licensed 83268  
minister of a church in the exercise of the individual's 83269  
ministry or by a member of a religious order in the exercise of 83270  
duties required by such order; or 83271

(iii) In a facility conducted for the purpose of carrying 83272  
out a program of rehabilitation for individuals whose earning 83273  
capacity is impaired by age or physical or mental disability or 83274  
injury, or providing remunerative work for individuals who 83275  
because of their impaired physical or mental capacity cannot be 83276  
readily absorbed in the competitive labor market, by an 83277  
individual receiving such rehabilitation or remunerative work. 83278

(i) Service performed after June 30, 1939, with respect to 83279  
which unemployment compensation is payable under the "Railroad 83280  
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 83281  
351; 83282

(j) Service performed by an individual in the employ of 83283  
any organization exempt from income tax under section 501 of the 83284  
"Internal Revenue Code of 1954," if the remuneration for such 83285  
service does not exceed fifty dollars in any calendar quarter, 83286  
or if such service is in connection with the collection of dues 83287  
or premiums for a fraternal beneficial society, order, or 83288  
association and is performed away from the home office or is 83289  
ritualistic service in connection with any such society, order, 83290  
or association; 83291

(k) Casual labor not in the course of an employer's trade 83292  
or business; incidental service performed by an officer, 83293  
appraiser, or member of a finance committee of a bank, building 83294  
and loan association, savings and loan association, or savings 83295



association when the remuneration for such incidental service 83296  
exclusive of the amount paid or allotted for directors' fees 83297  
does not exceed sixty dollars per calendar quarter is casual 83298  
labor; 83299

(l) Service performed in the employ of a voluntary 83300  
employees' beneficial association providing for the payment of 83301  
life, sickness, accident, or other benefits to the members of 83302  
such association or their dependents or their designated 83303  
beneficiaries, if admission to a membership in such association 83304  
is limited to individuals who are officers or employees of a 83305  
municipal or public corporation, of a political subdivision of 83306  
the state, or of the United States and no part of the net 83307  
earnings of such association inures, other than through such 83308  
payments, to the benefit of any private shareholder or 83309  
individual; 83310

(m) Service performed by an individual in the employ of a 83311  
foreign government, including service as a consular or other 83312  
officer or employee or of a nondiplomatic representative; 83313

(n) Service performed in the employ of an instrumentality 83314  
wholly owned by a foreign government if the service is of a 83315  
character similar to that performed in foreign countries by 83316  
employees of the United States or of an instrumentality thereof 83317  
and if the director finds that the secretary of state of the 83318  
United States has certified to the secretary of the treasury of 83319  
the United States that the foreign government, with respect to 83320  
whose instrumentality exemption is claimed, grants an equivalent 83321  
exemption with respect to similar service performed in the 83322  
foreign country by employees of the United States and of 83323  
instrumentalities thereof; 83324

(o) Service with respect to which unemployment 83325

compensation is payable under an unemployment compensation 83326  
system established by an act of congress; 83327

(p) Service performed as a student nurse in the employ of 83328  
a hospital or a nurses' training school by an individual who is 83329  
enrolled and is regularly attending classes in a nurses' 83330  
training school chartered or approved pursuant to state law, and 83331  
service performed as an intern in the employ of a hospital by an 83332  
individual who has completed a four years' course in a medical 83333  
school chartered or approved pursuant to state law; 83334

(q) Service performed by an individual under the age of 83335  
eighteen in the delivery or distribution of newspapers or 83336  
shopping news, not including delivery or distribution to any 83337  
point for subsequent delivery or distribution; 83338

(r) Service performed in the employ of the United States 83339  
or an instrumentality of the United States immune under the 83340  
Constitution of the United States from the contributions imposed 83341  
by this chapter, except that to the extent that congress permits 83342  
states to require any instrumentalities of the United States to 83343  
make payments into an unemployment fund under a state 83344  
unemployment compensation act, this chapter shall be applicable 83345  
to such instrumentalities and to services performed for such 83346  
instrumentalities in the same manner, to the same extent, and on 83347  
the same terms as to all other employers, individuals, and 83348  
services, provided that if this state is not certified for any 83349  
year by the proper agency of the United States under section 83350  
3304 of the "Internal Revenue Code of 1954," the payments 83351  
required of such instrumentalities with respect to such year 83352  
shall be refunded by the director from the fund in the same 83353  
manner and within the same period as is provided in division (E) 83354  
of section 4141.09 of the Revised Code with respect to 83355

contributions erroneously collected; 83356

(s) Service performed by an individual as a member of a 83357  
band or orchestra, provided such service does not represent the 83358  
principal occupation of such individual, and which service is 83359  
not subject to or required to be covered for full tax credit 83360  
against the tax imposed by the "Federal Unemployment Tax Act," 83361  
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 83362

(t) Service performed in the employ of a day camp whose 83363  
camping season does not exceed twelve weeks in any calendar 83364  
year, and which service is not subject to the "Federal 83365  
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 83366  
3311. Service performed after December 31, 1971: 83367

(i) In the employ of a hospital, if the service is 83368  
performed by a patient of the hospital, as defined in division 83369  
(W) of this section; 83370

(ii) For a prison or other correctional institution by an 83371  
inmate of the prison or correctional institution; 83372

(iii) Service performed after December 31, 1977, by an 83373  
inmate of a custodial institution operated by the state, a 83374  
political subdivision, or a nonprofit organization. 83375

(u) Service that is performed by a nonresident alien 83376  
individual for the period the individual temporarily is present 83377  
in the United States as a nonimmigrant under division (F), (J), 83378  
(M), or (Q) of section 101(a)(15) of the "Immigration and 83379  
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, 83380  
that is excluded under section 3306(c)(19) of the "Federal 83381  
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 83382  
3311. 83383

(v) Notwithstanding any other provisions of division (B) 83384

(3) of this section, services that are excluded under divisions 83385  
(B) (3) (g), (j), (k), and (l) of this section shall not be 83386  
excluded from employment when performed for a nonprofit 83387  
organization, as defined in division (X) of this section, or for 83388  
this state or its instrumentalities, or for a political 83389  
subdivision or its instrumentalities or for Indian tribes; 83390

(w) Service that is performed by an individual working as 83391  
an election official or election worker if the amount of 83392  
remuneration received by the individual during the calendar year 83393  
for services as an election official or election worker is less 83394  
than one thousand dollars; 83395

(x) Service performed for an elementary or secondary 83396  
school that is operated primarily for religious purposes, that 83397  
is described in subsection 501(c) (3) and exempt from federal 83398  
income taxation under subsection 501(a) of the Internal Revenue 83399  
Code, 26 U.S.C.A. 501; 83400

(y) Service performed by a person committed to a penal 83401  
institution. 83402

(z) Service performed for an Indian tribe as described in 83403  
division (B) (2) (1) of this section when performed in any of the 83404  
following manners: 83405

(i) As a publicly elected official; 83406

(ii) As a member of an Indian tribal council; 83407

(iii) As a member of a legislative or judiciary body; 83408

(iv) In a position which, pursuant to Indian tribal law, 83409  
is designated as a major nontenured policymaking or advisory 83410  
position, or a policymaking or advisory position where the 83411  
performance of the duties ordinarily does not require more than 83412

eight hours of time per week; 83413

(v) As an employee serving on a temporary basis in the 83414  
case of a fire, storm, snow, earthquake, flood, or similar 83415  
emergency. 83416

(aa) Service performed after December 31, 1971, for a 83417  
nonprofit organization, this state or its instrumentalities, a 83418  
political subdivision or its instrumentalities, or an Indian 83419  
tribe as part of an unemployment work-relief or work-training 83420  
program assisted or financed in whole or in part by any federal 83421  
agency or an agency of a state or political subdivision, 83422  
thereof, by an individual receiving the work-relief or work- 83423  
training. 83424

(bb) Participation in a learn to earn program as defined 83425  
in section 4141.293 of the Revised Code. 83426

(4) If the services performed during one half or more of 83427  
any pay period by an employee for the person employing that 83428  
employee constitute employment, all the services of such 83429  
employee for such period shall be deemed to be employment; but 83430  
if the services performed during more than one half of any such 83431  
pay period by an employee for the person employing that employee 83432  
do not constitute employment, then none of the services of such 83433  
employee for such period shall be deemed to be employment. As 83434  
used in division (B) (4) of this section, "pay period" means a 83435  
period, of not more than thirty-one consecutive days, for which 83436  
payment of remuneration is ordinarily made to the employee by 83437  
the person employing that employee. Division (B) (4) of this 83438  
section does not apply to services performed in a pay period by 83439  
an employee for the person employing that employee, if any of 83440  
such service is excepted by division (B) (3) (o) of this section. 83441

(C) "Benefits" means money payments payable to an individual who has established benefit rights, as provided in this chapter, for loss of remuneration due to the individual's unemployment.

(D) "Benefit rights" means the weekly benefit amount and the maximum benefit amount that may become payable to an individual within the individual's benefit year as determined by the director.

(E) "Claim for benefits" means a claim for waiting period or benefits for a designated week.

(F) "Additional claim" means the first claim for benefits filed following any separation from employment during a benefit year; "continued claim" means any claim other than the first claim for benefits and other than an additional claim.

(G) "Wages" means remuneration paid to an employee by each of the employee's employers with respect to employment; except that wages shall not include that part of remuneration paid during any calendar year to an individual by an employer or such employer's predecessor in interest in the same business or enterprise, which in any calendar year is in excess of nine thousand dollars on and after January 1, 1995; nine thousand five hundred dollars on and after January 1, 2018; and nine thousand dollars on and after January 1, 2020. Remuneration in excess of such amounts shall be deemed wages subject to contribution to the same extent that such remuneration is defined as wages under the "Federal Unemployment Tax Act," 84 Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The remuneration paid an employee by an employer with respect to employment in another state, upon which contributions were required and paid by such employer under the unemployment

compensation act of such other state, shall be included as a 83472  
part of remuneration in computing the amount specified in this 83473  
division. 83474

(H) (1) "Remuneration" means all compensation for personal 83475  
services, including commissions and bonuses and the cash value 83476  
of all compensation in any medium other than cash, except that 83477  
in the case of agricultural or domestic service, "remuneration" 83478  
includes only cash remuneration. Gratuities customarily received 83479  
by an individual in the course of the individual's employment 83480  
from persons other than the individual's employer and which are 83481  
accounted for by such individual to the individual's employer 83482  
are taxable wages. 83483

The reasonable cash value of compensation paid in any 83484  
medium other than cash shall be estimated and determined in 83485  
accordance with rules prescribed by the director, provided that 83486  
"remuneration" does not include: 83487

(a) Payments as provided in divisions (b) (2) to (b) (20) of 83488  
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 83489  
713, 26 U.S.C.A. 3301 to 3311, as amended; 83490

(b) The payment by an employer, without deduction from the 83491  
remuneration of the individual in the employer's employ, of the 83492  
tax imposed upon an individual in the employer's employ under 83493  
section 3101 of the "Internal Revenue Code of 1954," with 83494  
respect to services performed after October 1, 1941. 83495

(2) "Cash remuneration" means all remuneration paid in 83496  
cash, including commissions and bonuses, but not including the 83497  
cash value of all compensation in any medium other than cash. 83498

(I) "Interested party" means the director and any party to 83499  
whom notice of a determination of an application for benefit 83500

rights or a claim for benefits is required to be given under 83501  
section 4141.28 of the Revised Code. 83502

(J) "Annual payroll" means the total amount of wages 83503  
subject to contributions during a twelve-month period ending 83504  
with the last day of the second calendar quarter of any calendar 83505  
year. 83506

(K) "Average annual payroll" means the average of the last 83507  
three annual payrolls of an employer, provided that if, as of 83508  
any computation date, the employer has had less than three 83509  
annual payrolls in such three-year period, such average shall be 83510  
based on the annual payrolls which the employer has had as of 83511  
such date. 83512

(L) (1) "Contributions" means the money payments to the 83513  
state unemployment compensation fund required of employers by 83514  
section 4141.25 of the Revised Code and of the state and any of 83515  
its political subdivisions electing to pay contributions under 83516  
section 4141.242 of the Revised Code. Employers paying 83517  
contributions shall be described as "contributory employers." 83518

(2) "Payments in lieu of contributions" means the money 83519  
payments to the state unemployment compensation fund required of 83520  
reimbursing employers under sections 4141.241 and 4141.242 of 83521  
the Revised Code. 83522

(M) An individual is "totally unemployed" in any week 83523  
during which the individual performs no services and with 83524  
respect to such week no remuneration is payable to the 83525  
individual. 83526

(N) An individual is "partially unemployed" in any week 83527  
if, due to involuntary loss of work, the total remuneration 83528  
payable to the individual for such week is less than the 83529



individual's weekly benefit amount. 83530

(O) "Week" means the calendar week ending at midnight 83531  
Saturday unless an equivalent week of seven consecutive calendar 83532  
days is prescribed by the director. 83533

(1) "Qualifying week" means any calendar week in an 83534  
individual's base period with respect to which the individual 83535  
earns or is paid remuneration in employment subject to this 83536  
chapter. A calendar week with respect to which an individual 83537  
earns remuneration but for which payment was not made within the 83538  
base period, when necessary to qualify for benefit rights, may 83539  
be considered to be a qualifying week. The number of qualifying 83540  
weeks which may be established in a calendar quarter shall not 83541  
exceed the number of calendar weeks in the quarter. 83542

(2) "Average weekly wage" means the amount obtained by 83543  
dividing an individual's total remuneration for all qualifying 83544  
weeks during the base period by the number of such qualifying 83545  
weeks, provided that if the computation results in an amount 83546  
that is not a multiple of one dollar, such amount shall be 83547  
rounded to the next lower multiple of one dollar. 83548

(P) "Weekly benefit amount" means the amount of benefits 83549  
an individual would be entitled to receive for one week of total 83550  
unemployment. 83551

(Q) (1) "Base period" means the first four of the last five 83552  
completed calendar quarters immediately preceding the first day 83553  
of an individual's benefit year, except as provided in division 83554  
(Q) (2) of this section. 83555

(2) If an individual does not have sufficient qualifying 83556  
weeks and wages in the base period to qualify for benefit 83557  
rights, the individual's base period shall be the four most 83558

recently completed calendar quarters preceding the first day of 83559  
the individual's benefit year. Such base period shall be known 83560  
as the "alternate base period." If information as to weeks and 83561  
wages for the most recent quarter of the alternate base period 83562  
is not available to the director from the regular quarterly 83563  
reports of wage information, which are systematically 83564  
accessible, the director may, consistent with the provisions of 83565  
section 4141.28 of the Revised Code, base the determination of 83566  
eligibility for benefits on the affidavit of the claimant with 83567  
respect to weeks and wages for that calendar quarter. The 83568  
claimant shall furnish payroll documentation, where available, 83569  
in support of the affidavit. The determination based upon the 83570  
alternate base period as it relates to the claimant's benefit 83571  
rights, shall be amended when the quarterly report of wage 83572  
information from the employer is timely received and that 83573  
information causes a change in the determination. As provided in 83574  
division (B) of section 4141.28 of the Revised Code, any 83575  
benefits paid and charged to an employer's account, based upon a 83576  
claimant's affidavit, shall be adjusted effective as of the 83577  
beginning of the claimant's benefit year. No calendar quarter in 83578  
a base period or alternate base period shall be used to 83579  
establish a subsequent benefit year. 83580

(3) The "base period" of a combined wage claim, as 83581  
described in division (H) of section 4141.43 of the Revised 83582  
Code, shall be the base period prescribed by the law of the 83583  
state in which the claim is allowed. 83584

(4) For purposes of determining the weeks that comprise a 83585  
completed calendar quarter under this division, only those weeks 83586  
ending at midnight Saturday within the calendar quarter shall be 83587  
utilized. 83588

(R) (1) "Benefit year" with respect to an individual means 83589  
the fifty-two week period beginning with the first day of that 83590  
week with respect to which the individual first files a valid 83591  
application for determination of benefit rights, and thereafter 83592  
the fifty-two week period beginning with the first day of that 83593  
week with respect to which the individual next files a valid 83594  
application for determination of benefit rights after the 83595  
termination of the individual's last preceding benefit year, 83596  
except that the application shall not be considered valid unless 83597  
the individual has had employment in six weeks that is subject 83598  
to this chapter or the unemployment compensation act of another 83599  
state, or the United States, and has, since the beginning of the 83600  
individual's previous benefit year, in the employment earned 83601  
three times the average weekly wage determined for the previous 83602  
benefit year. The "benefit year" of a combined wage claim, as 83603  
described in division (H) of section 4141.43 of the Revised 83604  
Code, shall be the benefit year prescribed by the law of the 83605  
state in which the claim is allowed. Any application for 83606  
determination of benefit rights made in accordance with section 83607  
4141.28 of the Revised Code is valid if the individual filing 83608  
such application is unemployed, has been employed by an employer 83609  
or employers subject to this chapter in at least twenty 83610  
qualifying weeks within the individual's base period, and has 83611  
earned or been paid remuneration at an average weekly wage of 83612  
not less than twenty-seven and one-half per cent of the 83613  
statewide average weekly wage for such weeks. For purposes of 83614  
determining whether an individual has had sufficient employment 83615  
since the beginning of the individual's previous benefit year to 83616  
file a valid application, "employment" means the performance of 83617  
services for which remuneration is payable. 83618

(2) Effective for benefit years beginning on and after 83619

December 26, 2004, but before July 1, 2022, any application for 83620  
determination of benefit rights made in accordance with section 83621  
4141.28 of the Revised Code is valid if the individual satisfies 83622  
the criteria described in division (R) (1) of this section, and 83623  
if the reason for the individual's separation from employment is 83624  
not disqualifying pursuant to division (D) (2) of section 4141.29 83625  
or section 4141.291 of the Revised Code. A disqualification 83626  
imposed pursuant to division (D) (2) of section 4141.29 or 83627  
section 4141.291 of the Revised Code must be removed as provided 83628  
in those sections as a requirement of establishing a valid 83629  
application for benefit years beginning on and after December 83630  
26, 2004, but before July 1, 2022. Effective for benefit years 83631  
beginning on and after July 1, 2022, any application for 83632  
determination of benefit rights made in accordance with section 83633  
4141.28 of the Revised Code is valid if the individual satisfies 83634  
the criteria described in division (R) (1) of this section. A 83635  
disqualification imposed pursuant to division (D) (2) of section 83636  
4141.29 or section 4141.291 of the Revised Code does not affect 83637  
the validity of an application. 83638

(3) The statewide average weekly wage shall be calculated 83639  
by the director once a year based on the twelve-month period 83640  
ending the thirtieth day of June, as set forth in division (B) 83641  
(3) of section 4141.30 of the Revised Code, rounded down to the 83642  
nearest dollar. Increases or decreases in the amount of 83643  
remuneration required to have been earned or paid in order for 83644  
individuals to have filed valid applications shall become 83645  
effective on Sunday of the calendar week in which the first day 83646  
of January occurs that follows the twelve-month period ending 83647  
the thirtieth day of June upon which the calculation of the 83648  
statewide average weekly wage was based. 83649

(4) As used in this division, an individual is 83650

"unemployed" if, with respect to the calendar week in which such application is filed, the individual is "partially unemployed" or "totally unemployed" as defined in this section or if, prior to filing the application, the individual was separated from the individual's most recent work for any reason which terminated the individual's employee-employer relationship, or was laid off indefinitely or for a definite period of seven or more days.

(S) "Calendar quarter" means the period of three consecutive calendar months ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, or the equivalent thereof as the director prescribes by rule.

(T) "Computation date" means the first day of the third calendar quarter of any calendar year.

(U) "Contribution period" means the calendar year beginning on the first day of January of any year.

(V) "Agricultural labor," for the purpose of this division, means any service performed prior to January 1, 1972, which was agricultural labor as defined in this division prior to that date, and service performed after December 31, 1971:

(1) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife;

(2) In the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its

tools and equipment, or in salvaging timber or clearing land of brush and other debris left by hurricane, if the major part of such service is performed on a farm;

(3) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15 (g) of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 U.S.C. 1141j, as amended, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(4) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity, but only if the operator produced more than one half of the commodity with respect to which such service is performed;

(5) In the employ of a group of operators of farms, or a cooperative organization of which the operators are members, in the performance of service described in division (V) (4) of this section, but only if the operators produced more than one-half of the commodity with respect to which the service is performed;

(6) Divisions (V) (4) and (5) of this section shall not be deemed to be applicable with respect to service performed:

(a) In connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

(b) On a farm operated for profit if the service is not in the course of the employer's trade or business. 83709  
83710

As used in division (V) of this section, "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities and orchards. 83711  
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(W) "Hospital" means an institution which has been registered or licensed by the Ohio department of health as a hospital. 83716  
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(X) "Nonprofit organization" means an organization, or group of organizations, described in section 501(c)(3) of the "Internal Revenue Code of 1954," and exempt from income tax under section 501(a) of that code. 83719  
83720  
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(Y) "Institution of higher education" means a public or nonprofit educational institution, including an educational institution operated by an Indian tribe, which: 83723  
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83725

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent; 83726  
83727  
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(2) Is legally authorized in this state or by the Indian tribe to provide a program of education beyond high school; and 83729  
83730

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation. 83731  
83732  
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For the purposes of this division, all colleges and 83737  
universities in this state are institutions of higher education. 83738

(Z) For the purposes of this chapter, "states" includes 83739  
the District of Columbia, the Commonwealth of Puerto Rico, and 83740  
the Virgin Islands. 83741

(AA) "Alien" means, for the purposes of division ~~(A)(1)(d)~~ 83742  
(D) of this section 4141.011 of the Revised Code, an individual 83743  
who is an alien admitted to the United States to perform service 83744  
in agricultural labor pursuant to sections 214 (c) and 101 (a) 83745  
(15)(H) of the "Immigration and Nationality Act," 66 Stat. 163, 83746  
8 U.S.C.A. 1101. 83747

(BB)(1) "Crew leader" means an individual who furnishes 83748  
individuals to perform agricultural labor for any other employer 83749  
or farm operator, and: 83750

(a) Pays, either on the individual's own behalf or on 83751  
behalf of the other employer or farm operator, the individuals 83752  
so furnished by the individual for the service in agricultural 83753  
labor performed by them; 83754

(b) Has not entered into a written agreement with the 83755  
other employer or farm operator under which the agricultural 83756  
worker is designated as in the employ of the other employer or 83757  
farm operator. 83758

(2) For the purposes of this chapter, any individual who 83759  
is a member of a crew furnished by a crew leader to perform 83760  
service in agricultural labor for any other employer or farm 83761  
operator shall be treated as an employee of the crew leader if: 83762

(a) The crew leader holds a valid certificate of 83763  
registration under the "Farm Labor Contractor Registration Act 83764  
of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 83765



(b) Substantially all the members of the crew operate or 83766  
maintain tractors, mechanized harvesting or crop-dusting 83767  
equipment, or any other mechanized equipment, which is provided 83768  
by the crew leader; and 83769

(c) If the individual is not in the employment of the 83770  
other employer or farm operator within the meaning of division 83771  
(B) (1) of this section. 83772

(3) For the purposes of this division, any individual who 83773  
is furnished by a crew leader to perform service in agricultural 83774  
labor for any other employer or farm operator and who is not 83775  
treated as in the employment of the crew leader under division 83776  
(BB) (2) of this section shall be treated as the employee of the 83777  
other employer or farm operator and not of the crew leader. The 83778  
other employer or farm operator shall be treated as having paid 83779  
cash remuneration to the individual in an amount equal to the 83780  
amount of cash remuneration paid to the individual by the crew 83781  
leader, either on the crew leader's own behalf or on behalf of 83782  
the other employer or farm operator, for the service in 83783  
agricultural labor performed for the other employer or farm 83784  
operator. 83785

(CC) "Educational institution" means an institution other 83786  
than an institution of higher education as defined in division 83787  
(Y) of this section, including an educational institution 83788  
operated by an Indian tribe, which: 83789

(1) Offers participants, trainees, or students an 83790  
organized course of study or training designed to transfer to 83791  
them knowledge, skills, information, doctrines, attitudes, or 83792  
abilities from, by, or under the guidance of an instructor or 83793  
teacher; and 83794

(2) Is approved, chartered, or issued a permit to operate 83795  
as a school by the director of education and workforce, other 83796  
government agency, or Indian tribe that is authorized within the 83797  
state to approve, charter, or issue a permit for the operation 83798  
of a school. 83799

For the purposes of this division, the courses of study or 83800  
training which the institution offers may be academic, 83801  
technical, trade, or preparation for gainful employment in a 83802  
recognized occupation. 83803

(DD) "Cost savings day" means any unpaid day off from work 83804  
in which employees continue to accrue employee benefits which 83805  
have a determinable value including, but not limited to, 83806  
vacation, pension contribution, sick time, and life and health 83807  
insurance. 83808

(EE) "Motor carrier" has the same meaning as in section 83809  
4923.01 of the Revised Code. 83810

**Sec. 4141.011.** (A) (1) Except as provided in this section, 83811  
an employer is subject to this chapter if either of the 83812  
following apply: 83813

(a) The employer had at least one individual in employment 83814  
for some portion of a day in each of twenty different calendar 83815  
weeks, in either the current or the preceding calendar year, 83816  
whether or not the same individual was in employment in each 83817  
such day; 83818

(b) The employer paid for service in employment wages of 83819  
fifteen hundred dollars or more in any calendar quarter in 83820  
either the current or preceding calendar year. 83821

(2) For purposes of division (A) (1) (a) of this section, if 83822  
any week includes both the thirty-first day of December and the 83823

first day of January, the days of that week before the first day 83824  
of January shall be considered one calendar week and the days to 83825  
beginning the first day of January another week. 83826

(B) If an employer is a nonprofit organization, the 83827  
employer is subject to this chapter if the employer had at least 83828  
four individuals in employment for some portion of a day in each 83829  
of twenty different calendar weeks, in either the current or the 83830  
preceding calendar year, whether or not the same individual was 83831  
in employment in each such day. 83832

(C) (1) An employer is subject to this chapter with respect 83833  
to employment in domestic service in a local college club, local 83834  
chapter of a college fraternity or sorority, or a private home 83835  
if the employer paid cash remuneration for such employment of at 83836  
least one thousand dollars in any calendar quarter in the 83837  
current calendar year or the preceding calendar year. 83838

(2) Wages paid to, or employment of, an individual 83839  
performing domestic service as described in division (C) (1) of 83840  
this section do not apply to employment or wages for purposes of 83841  
divisions (A) and (B) of this section. 83842

(3) An employer subject to this chapter under division (C) 83843  
(1) of this section is not subject to this chapter with respect 83844  
to wages paid for any services other than domestic service 83845  
unless the employer is also found to be subject to this chapter 83846  
under division (A), (B), or (D) of this section. 83847

(D) If an employer is a farm operator or a crew leader, 83848  
the employer is subject to this chapter if the employer had 83849  
individuals in employment in agricultural labor and either of 83850  
the following apply: 83851

(1) The employer paid cash remuneration of twenty thousand 83852

dollars or more for the agricultural labor during any calendar 83853  
quarter in the current calendar year or the preceding calendar 83854  
year; 83855

(2) The employer had at least ten individuals in 83856  
employment in agricultural labor, not including agricultural 83857  
workers who are aliens admitted to the United States to perform 83858  
agricultural labor pursuant to sections 1184(c) and 1101(a) (15) 83859  
(H) of the "Immigration and Nationality Act," 8 U.S.C. 1101(a) 83860  
(15) (H) (ii) (a), 1184(c), for some portion of a day in each of 83861  
the twenty different calendar weeks, in either the current or 83862  
preceding calendar year whether or not the same individual was 83863  
in employment in each day. 83864

(E) An employer who is not subject to this chapter under 83865  
division (A) of this section is subject to this chapter if any 83866  
of the following apply: 83867

(1) Service, except for domestic service in a private home 83868  
not covered under division (C) of this section, is or was 83869  
performed within either the current or preceding calendar year, 83870  
and with respect to which such employer is liable for any 83871  
federal tax against which credit may be taken for contributions 83872  
required to be paid into a state unemployment fund; 83873

(2) As a condition for approval of this chapter for full 83874  
tax credit against the tax imposed by the "Federal Unemployment 83875  
Tax Act," 26 U.S.C. 3301 to 3311, is required, pursuant to such 83876  
act to be an employer subject to this chapter; 83877

(3) The employer became subject to this chapter by 83878  
election under division (H) or (I) of this section and for the 83879  
duration of such election. 83880

(F) If an employer is any state, its instrumentalities, 83881

its political subdivisions, their instrumentalities, or an 83882  
Indian tribe, the employer is subject to this chapter if the 83883  
employer had at least one individual in employment, as defined 83884  
in divisions (B) (2) (a) and (B) (2) (1) of section 4141.01 of the 83885  
Revised Code. 83886

(G) An employer subject to this chapter within any 83887  
calendar year is subject to this chapter during the whole of 83888  
such year and during the next succeeding calendar year. 83889

(H) An employer not otherwise subject to this chapter who 83890  
files with the director of job and family services a written 83891  
election to become an employer subject to this chapter for not 83892  
less than two calendar years shall, with the written approval of 83893  
such election by the director, become an employer subject to 83894  
this chapter to the same extent as all other employers as of the 83895  
date stated in such approval, and shall cease to be subject to 83896  
this chapter as of the first day of January of any calendar year 83897  
subsequent to such two calendar years only if at least thirty 83898  
days prior to such first day of January the employer has filed 83899  
with the director a written notice to that effect. 83900

(I) Any employer for whom services that do not constitute 83901  
employment are performed may file with the director a written 83902  
election that all such services performed by individuals in the 83903  
employer's employ in one or more distinct establishments or 83904  
places of business shall be deemed to constitute employment for 83905  
all the purposes of this chapter, for not less than two calendar 83906  
years. Upon written approval of the election by the director, 83907  
such services shall be deemed to constitute employment subject 83908  
to this chapter from and after the date stated in such approval. 83909  
Such services shall cease to be employment subject to this 83910  
chapter as of the first day of January of any calendar year 83911

subsequent to such two calendar years only if at least thirty 83912  
days prior to such first day of January such employer has filed 83913  
with the director a written notice to that effect. 83914

(J) An employer who is a franchisor is not subject to this 83915  
chapter with respect to the franchisor's relationship with a 83916  
franchisee or an employee of a franchisee, unless the franchisor 83917  
agrees to assume that role in writing or a court of competent 83918  
jurisdiction determines that the franchisor exercises a type or 83919  
degree of control over the franchisee or the franchisee's 83920  
employees that is not customarily exercised by a franchisor for 83921  
the purpose of protecting the franchisor's trademark, brand, or 83922  
both. For purposes of this division, "franchisor" and 83923  
"franchisee" have the same meanings as in 16 C.F.R. 436.1. 83924

**Sec. 4141.02.** A nonprofit organization ~~that does not meet~~ 83925  
~~the definition of employer for purposes of~~ that is not subject 83926  
to this chapter pursuant to division ~~(A) (1) (a) (B)~~ of section 83927  
4141.01 ~~4141.011~~ of the Revised Code, and that does not elect to 83928  
become an employer subject to this chapter pursuant to division 83929  
~~(A) (4) (H)~~ of section 4141.01 ~~4141.011~~ of the Revised Code, shall 83930  
notify the organization's employees upon hiring that the 83931  
organization, and the employee's employment with the 83932  
organization, are exempt from this chapter. 83933

**Sec. 4141.162.** (A) The director of job and family services 83934  
shall establish an income and eligibility verification system 83935  
that complies with section 1137 of the "Social Security Act." 83936  
The programs included in the system are all of the following: 83937

(1) Unemployment compensation pursuant to section 3304 of 83938  
the "Internal Revenue Code of 1954"; 83939

(2) The state programs funded in part under part A of 83940

Title IV of the "Social Security Act" and administered under 83941  
Chapters 5107. and 5108. of the Revised Code; 83942

(3) The medicaid program; 83943

(4) The supplemental nutrition assistance program pursuant 83944  
to the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); 83945

(5) Any Ohio program under a plan approved under Title I, 83946  
X, XIV, or XVI of the "Social Security Act." 83947

(B) Wage information provided by employers to the director 83948  
shall be furnished to the income and eligibility verification 83949  
system. Such information shall be used by the director to 83950  
determine eligibility of individuals for unemployment 83951  
compensation benefits and the amount of those benefits and used 83952  
by the agencies that administer the programs identified in 83953  
divisions (A) (2) to (5) of this section to determine or verify 83954  
eligibility for or the amount of benefits under those programs. 83955

(C) The director shall, on request, disclose wage and 83956  
claim information to any state or local agency administering a 83957  
program identified in division (A) of this section that has 83958  
entered into a written data sharing agreement with the director 83959  
that meets the standards specified in federal law, including the 83960  
requirements in 20 C.F.R. 603.10. 83961

~~The director shall fully implement the use of wage 83962  
information to determine eligibility for and the amount of 83963  
unemployment compensation benefits by September 30, 1988.~~ 83964

(D) Information furnished under the system shall also be 83965  
made available to the appropriate state or local child support 83966  
enforcement agency for the purposes of an approved plan under 83967  
Title IV-D of the "Social Security Act" and to the appropriate 83968  
federal agency for the purposes of Titles II and XVI of the 83969

"Social Security Act." 83970

~~(B) The director shall adopt rules as necessary under 83971  
which the department of job and family services and other state 83972  
agencies that the director determines must participate in order 83973  
to ensure compliance with section 1137 of the "Social Security 83974  
Act" exchange information with each other or authorized federal 83975  
agencies about individuals who are applicants for or recipients 83976  
of benefits under any of the programs enumerated in division (A) 83977  
of this section. The rules shall extend to all of the following: 83978~~

~~(1) A requirement for standardized formats and procedures 83979  
for a participating agency to request and receive information 83980  
about an individual, which information shall include the 83981  
individual's social security number; 83982~~

~~(2) A requirement that all applicants for and recipients 83983  
of benefits under any program enumerated in division (A) of this 83984  
section be notified at the time of application, and periodically 83985  
thereafter, that information available through the system may be 83986  
shared with agencies that administer other benefit programs and 83987  
utilized in establishing or verifying eligibility or benefit 83988  
amounts under the other programs enumerated in division (A) of 83989  
this section; 83990~~

~~(3) A requirement that information is made available only 83991  
to the extent necessary to assist in the valid administrative 83992  
needs of the program receiving the information and is targeted 83993  
for use in ways which are most likely to be productive in 83994  
identifying and preventing ineligibility and incorrect payments; 83995~~

~~(4) A requirement that information is adequately protected 83996  
against unauthorized disclosures for purposes other than to 83997  
establish or verify eligibility or benefit amounts under the 83998~~



~~programs enumerated in division (A) of this section;~~ 83999

~~(5) A requirement that a program providing information is reimbursed by the program using the information for the actual costs of furnishing the information and that the director be reimbursed by the participating programs for any actual costs incurred in operating the system;~~ 84000  
84001  
84002  
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84004

~~(6) Requirements for any other matters necessary to ensure the effective, efficient, and timely exchange of necessary information or that the director determines must be addressed in order to ensure compliance with the requirements of section 1137 of the "Social Security Act."~~ 84005  
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~~(C) Each participating agency shall furnish to the income and eligibility verification system established in division (A) of this section that information, which the director, by rule, determines is necessary in order to comply with section 1137 of the "Social Security Act."~~ 84010  
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~~(D) Notwithstanding the information disclosure requirements of this section and section 4141.21 and division (A) of section 4141.284 of the Revised Code, the director shall administer those provisions of law so as to comply with section 1137 of the "Social Security Act."~~ 84015  
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~~(E) Requirements in section 4141.21 of the Revised Code with respect to confidentiality of information obtained in the administration of Chapter 4141. of the Revised Code and any sanctions imposed for improper disclosure of such information shall apply to the redisclosure of information disclosed under this section.~~ 84020  
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~~(F) The director of job and family services shall consult with the medicaid director and the director of administrative~~ 84026  
84027

~~services regarding the implementation of this section.~~ 84028

**Sec. 4141.23.** (A) Contributions shall accrue and become 84029  
payable by each employer for each calendar year or other period 84030  
as prescribed by this chapter. Such contributions become due and 84031  
shall be paid by each employer to the director of job and family 84032  
services for the unemployment compensation fund in accordance 84033  
with such regulations as the director prescribes, and shall not 84034  
be deducted, in whole or in part, from the remuneration of 84035  
individuals in the employer's employ. 84036

In the payment of any contributions, a fractional part of 84037  
a dollar may be disregarded unless it amounts to fifty cents or 84038  
more, in which case it may be increased to the next higher 84039  
dollar. 84040

~~(B) (1) Any contribution or payment in lieu of 84041  
contribution, due from an employer on or before December 31, 84042  
1992, shall, if not paid when due, bear interest at the rate of 84043  
ten per cent per annum. In such computation any fraction of a 84044  
month shall be considered as a full month. 84045~~

~~(2) Any contribution, payment in lieu of contribution, 84046  
interest, forfeiture, or fine due from an employer on or after 84047  
January 1, 1993 before December 31, 2025, shall, if not paid when 84048  
due, bear interest at the annual rate of fourteen per cent 84049  
compounded monthly on the aggregate receivable balance due. In 84050  
such computation any fraction of a month shall be considered as 84051  
a full month. 84052~~

(2) Any contribution, payment in lieu of contribution, 84053  
interest, forfeiture, or fine due from an employer on or after 84054  
January 1, 2026, shall, if not paid when due, bear interest at 84055  
the interest rate established by the state tax commissioner 84056

pursuant to section 5703.47 of the Revised Code, not exceeding 84057  
fifteen per cent. In such computation any fraction of a month 84058  
shall be considered as a full month. 84059

(C) The director may waive the interest assessed under 84060  
division ~~(B)(2)~~(B) of this section if the employer meets all of 84061  
the following conditions within thirty days after the date the 84062  
director mails or delivers the notice of assessment of interest: 84063

(1) Provides to the director a written request for a 84064  
waiver of interest clearly demonstrating that the employer's 84065  
failure to timely pay contributions, payments in lieu of 84066  
contributions, interest, forfeiture, and fines was a result of 84067  
circumstances beyond the control of the employer or the 84068  
employer's agent, except that negligence on the part of the 84069  
employer or the employer's agent shall not be considered beyond 84070  
the control of the employer or the employer's agent; 84071

(2) Furnishes to the director all quarterly reports 84072  
required under section 4141.20 of the Revised Code; 84073

(3) Pays in full all contributions, payments in lieu of 84074  
contributions, interest, forfeiture, and fines for each quarter 84075  
for which such payments are due. 84076

The director shall deny an employer's request for a waiver 84077  
of interest after finding that the employer's failure to timely 84078  
furnish reports or make payments as required under this chapter 84079  
was due to an attempt to evade payment. 84080

(D) Any contribution, interest, forfeiture, or fine 84081  
required to be paid under this chapter by any employer shall, if 84082  
not paid when due, become a lien upon the real and personal 84083  
property of such employer. Upon failure of such employer to pay 84084  
the contributions, interest, forfeiture, or fine required to be 84085

paid under this chapter, the director shall file notice of such 84086  
lien, for which there shall be no charge, in the office of the 84087  
county recorder of the county in which it is ascertained that 84088  
such employer owns real estate or personal property. The 84089  
director shall notify the employer by mail of the lien. The 84090  
absence of proof that the notice was sent does not affect the 84091  
validity of the lien. Such lien shall not be valid as against 84092  
the claim of any mortgagee, pledgee, purchaser, judgment 84093  
creditor, or other lienholder of record at the time such notice 84094  
is filed. 84095

If the employer acquires real or personal property after 84096  
notice of lien is filed, such lien shall not be valid as against 84097  
the claim of any mortgagee, pledgee, subsequent bona fide 84098  
purchaser for value, judgment creditor, or other lienholder of 84099  
record to such after-acquired property, unless the notice of 84100  
lien is refiled after such property was acquired by the employer 84101  
and before the competing lien attached to such after-acquired 84102  
property or before the conveyance to such subsequent bona fide 84103  
purchaser for value. 84104

Such a notice shall be recorded in the county recorder's 84105  
official records and indexed in the direct and reverse indexes 84106  
under the name of the employer. When such unpaid contributions, 84107  
interest, forfeiture, or fines have been paid, the employer may 84108  
record with the county recorder of the county in which such 84109  
notice of lien has been filed and recorded, notice of such 84110  
payment, and the notice of payment shall be recorded in the 84111  
county recorder's official records and indexed in the direct and 84112  
reverse indexes. For recording the notice of payment, the county 84113  
recorder shall charge and receive from the employer a base fee 84114  
of two dollars for services and a housing trust fund fee of two 84115  
dollars pursuant to section 317.36 of the Revised Code. 84116

(E) Notwithstanding other provisions in this section, the 84117  
director may reduce, in whole or in part, the amount of 84118  
interest, forfeiture, or fines required to be paid under this 84119  
chapter if the director determines that the reduction is in the 84120  
best interest of the unemployment compensation fund. 84121

(F) Assessment of contributions shall not be made after 84122  
four years from the date on which such contributions became 84123  
payable, and no action in court for the collection of 84124  
contributions without assessment of such contributions shall be 84125  
begun after the expiration of five years from the date such 84126  
contributions became payable. In case of a false or fraudulent 84127  
report or of a willful attempt in any manner to evade 84128  
contributions, such contributions may be assessed or a 84129  
proceeding in court for the collection of such contributions may 84130  
be begun without assessment at any time. When the assessment of 84131  
contributions has been made within such four-year period 84132  
provided, action in court to collect such contributions may be 84133  
begun within, but not later than, six years after such 84134  
assessment. 84135

(G) In the event of a distribution of an employer's 84136  
assets, pursuant to an order of any court under the law of this 84137  
state, including any receivership, assignment for benefit of 84138  
creditors, adjudicated insolvency, or similar proceedings, 84139  
contributions, interest, forfeiture, or fine then or thereafter 84140  
due have the same priority as provided by law for the payment of 84141  
taxes due the state and shall be paid out of the trust fund in 84142  
the same manner as provided for other claims for unpaid taxes 84143  
due the state. 84144

(H) If the attorney general finds after investigation that 84145  
any claim for delinquent contributions, interest, forfeitures, 84146

or fines owing to the director is uncollectible, in whole or in part, the attorney general shall recommend to the director the cancellation of such claim or any part thereof. The director may thereupon effect such cancellation.

**Sec. 4141.281. APPEALS**

(A) APPEAL FILED

Any party notified of a determination of benefit rights or a claim for benefits determination may appeal within twenty-one calendar days after the written determination was sent to the party or within an extended period as provided under division (D) (9) of this section.

(B) REDETERMINATION

Within twenty-one days after receipt of the appeal, the director of job and family services shall issue a redetermination or transfer the appeal to the unemployment compensation review commission. A redetermination under this section is appealable in the same manner as an initial determination by the director.

(C) REVIEW COMMISSION

(1) JURISDICTION

The commission shall provide an opportunity for a fair hearing to the interested parties of appeals over which the commission has jurisdiction. The commission has jurisdiction over an appeal on transfer or on direct appeal to the commission. If the commission concludes that a pending appeal does not warrant a hearing, the commission may remand the appeal to the director for redetermination. The commission retains jurisdiction until the appeal is remanded to the director or a

final decision is issued and appealed to court, or the time to 84175  
request a review or to appeal a decision of a hearing officer or 84176  
the commission is expired. 84177

(2) CONDUCT OF HEARINGS 84178

Hearings before the commission are held at the hearing 84179  
officer level and the review level. Unless otherwise provided in 84180  
this chapter, initial hearings involving claims for compensation 84181  
and other unemployment compensation issues are conducted at the 84182  
hearing officer level by hearing officers appointed by the 84183  
commission. Hearings at the review level are conducted by 84184  
hearing officers appointed by the commission, by members of the 84185  
commission acting either individually or collectively, and by 84186  
members of the commission and hearing officers acting jointly. 84187  
In all hearings conducted at the review level, the commission 84188  
shall designate the hearing officer or officers who are to 84189  
conduct the hearing. When the term "hearing officer" is used in 84190  
reference to hearings conducted at the review level, the term 84191  
includes members of the commission. All decisions issued at the 84192  
review level are issued by the commission. 84193

Provisions contained in the remainder of this paragraph 84194  
apply to hearings at both the hearing officer level and the 84195  
review level. The principles of due process in administrative 84196  
hearings shall be applied to all hearings conducted under the 84197  
authority of the commission. In conducting hearings, all hearing 84198  
officers shall control the conduct of the hearing, exclude 84199  
irrelevant or cumulative evidence, and give weight to the kind 84200  
of evidence on which reasonably prudent persons are accustomed 84201  
to rely in the conduct of serious affairs. Hearing officers have 84202  
an affirmative duty to question parties and witnesses in order 84203  
to ascertain the relevant facts and to fully and fairly develop 84204

the record. Hearing officers are not bound by common law or 84205  
statutory rules of evidence or by technical or formal rules of 84206  
procedure. No person shall impose upon the claimant or the 84207  
employer any burden of proof as is required in a court of law. 84208  
The proceedings at hearings shall be recorded by mechanical 84209  
means or otherwise as may be prescribed by the commission. In 84210  
the absence of further proceedings, the record need not be 84211  
transcribed. After considering all of the evidence, a hearing 84212  
officer shall issue a written decision that sets forth the facts 84213  
as the hearing officer finds them to be, cites the applicable 84214  
law, and gives the reasoning for the decision. 84215

(3) HEARING OFFICER LEVEL 84216

When an appeal is transferred to the commission by the 84217  
director, the commission shall notify all interested parties of 84218  
the time and place of the hearing and assign the appeal for a 84219  
hearing by a hearing officer. The hearings shall be de novo, 84220  
except that the director's file pertaining to a case shall be 84221  
included in the record to be considered. 84222

Following a hearing, the hearing officer shall affirm, 84223  
modify, or reverse the determination of the director in the 84224  
manner that appears just and proper. The hearing officer's 84225  
written decision shall be sent to all interested parties. The 84226  
decision shall state the right of an interested party to request 84227  
a review by the commission. 84228

A request for review shall be filed within twenty-one days 84229  
after the decision was sent to the party, or within an extended 84230  
period as provided under division (D) (9) of this section. The 84231  
hearing officer's decision shall become final unless a request 84232  
for review is filed and allowed or the commission removes the 84233  
appeal to itself within twenty-one days after the hearing 84234



officer's decision is sent. 84235

(4) REVIEW LEVEL 84236

At the review level, the commission may affirm, modify, or 84237  
reverse previous determinations by the director or at the 84238  
hearing officer level. At the review level, the commission may 84239  
affirm, modify, or reverse a hearing officer's decision or 84240  
remand the decision to the hearing officer level for further 84241  
hearing. The commission shall consider an appeal at the review 84242  
level under the following circumstances: when an appeal is 84243  
required to be heard initially at the review level under this 84244  
chapter; when the commission on its own motion removes an appeal 84245  
to itself within twenty-one days after the hearing officer's 84246  
decision is sent; when the assigned hearing officer refers an 84247  
appeal to the commission before the hearing officer's decision 84248  
is sent; or when an interested party files a request for review 84249  
with the commission within twenty-one days after the hearing 84250  
officer's decision is sent. 84251

(5) COMMISSION EXAMINATION 84252

The commission shall consider a request for review by an 84253  
interested party, including the reasons for the request. The 84254  
commission may adopt rules prescribing the methods for 84255  
requesting a review. The commission may allow or disallow the 84256  
request for review. The disallowance of a request for review 84257  
constitutes a final decision by the commission. 84258

(6) REVIEW PROCEDURE 84259

If the commission allows a request for review, the 84260  
commission shall notify all interested parties of that fact and 84261  
provide a reasonable period of time, as the commission defines 84262  
by rule, in which interested parties may file a response. After 84263

that period of time, the commission, based on the record before 84264  
it, may do one of the following: affirm the decision of the 84265  
hearing officer; provide for the appeal to be heard or reheard 84266  
at the hearing officer or review level; provide for the appeal 84267  
to be heard at the review level as a potential precedential 84268  
decision; or provide for the decision to be rewritten without 84269  
further hearing at the review level. When a further hearing is 84270  
provided or the decision is rewritten, the commission may 84271  
affirm, modify, or reverse the previous decision. 84272

If a member of the commission is unable or unavailable to 84273  
consider an appeal allowed by the commission, the other members 84274  
of the commission may appoint a hearing officer as a temporary 84275  
commissioner to fulfill the unable or unavailable commissioner's 84276  
duties with respect to the appeal. The members of the commission 84277  
may not appoint the hearing officer who decided the appeal at 84278  
the hearing officer level. 84279

(7) NOTICES 84280

The commission shall send written notice to all interested 84281  
parties when it orders an appeal to be heard or reheard. The 84282  
notice shall include the reasons for the hearing or rehearing. 84283

(8) PRECEDENTIAL 84284

An appeal the commission identifies as potentially 84285  
precedential shall be heard at the review level. In the notice 84286  
for that type of hearing, the commission shall notify the 84287  
director, all interested parties, and any other parties, as the 84288  
commission determines appropriate, that the appeal is designated 84289  
as potentially precedential. After the hearing, parties shall be 84290  
given the opportunity to submit briefs on the issue or issues 84291  
involved. The commission may designate a decision as 84292

precedential after issuing the decision or at any point in the 84293  
appeal process, even if the commission does not initially 84294  
identify the appeal as potentially precedential. 84295

(9) MASS APPEALS 84296

When the commission determines that it has five appeals 84297  
pending that have common facts or common issues, the commission 84298  
may transfer the appeals to the review level on its own motion 84299  
to be heard as a mass appeal, including appeals from claimants 84300  
separated due to a labor dispute, on the condition that there 84301  
are fewer than twenty-five claimants involved. 84302

To facilitate a mass hearing, the commission may allow an 84303  
authorized agent to accept notice of hearing on behalf of 84304  
claimants. An authorized agent may waive this notice of hearing 84305  
and also the sending of decisions to individual claimants 84306  
represented by the agent. 84307

(D) SPECIAL PROVISIONS 84308

(1) TIMELINESS OF APPEALS 84309

The date of the mailing provided by the director or the 84310  
commission is sufficient evidence upon which to conclude that a 84311  
determination, redetermination, or decision was sent to the 84312  
party on that date. Appeals may be filed with the director, 84313  
commission, with an employee of another state or federal agency 84314  
charged with the duty of accepting claims, or with the 84315  
unemployment insurance commission of Canada. Any timely written 84316  
notice by an interested party indicating a desire to appeal 84317  
shall be accepted. 84318

The director, commission, or authorized agent must receive 84319  
the appeal within the specified appeal period in order for the 84320  
appeal to be deemed timely filed, except that: if the United 84321

States postal service is used as the means of delivery, the 84322  
enclosing envelope must have a postmark date or postal meter 84323  
postmark that is on or before the last day of the specified 84324  
appeal period; and where the postmark is illegible or missing, 84325  
the appeal is timely filed if received not later than the end of 84326  
the fifth calendar day following the last day of the specified 84327  
appeal period. 84328

The director and the commission may adopt rules pertaining 84329  
to alternate methods of filing appeals under this section. 84330

(2) WAIVER 84331

Interested parties may waive, in writing, a hearing at 84332  
either the hearing officer or review level. If the parties waive 84333  
a hearing, the hearing officer shall issue a decision based on 84334  
the evidence of record. 84335

(3) TELEPHONE HEARINGS 84336

Hearing officers may conduct hearings at either the 84337  
hearing officer or review level in person or by telephone or 84338  
interactive video conference. The commission shall adopt rules 84339  
that designate the circumstances under which hearing officers 84340  
may conduct a hearing by telephone or interactive video 84341  
conference or grant a party to the hearing the opportunity to 84342  
object to a hearing by telephone or interactive video 84343  
conference. An interested party whose hearing would be by 84344  
telephone or interactive video conference may elect to have an 84345  
in-person hearing, provided that the party agrees to have the 84346  
hearing at the time and place the commission determines pursuant 84347  
to rule. 84348

(4) EVENING HEARINGS 84349

Unless the commission grants a request for an evening 84350

telephone or interactive video conference hearing, hearing 84351  
officers shall conduct hearings at the hearing officer and 84352  
review level during normal business hours. An interested party 84353  
who is regularly employed throughout those hours may request to 84354  
have a hearing by telephone or interactive video conference 84355  
during the evening. The commission shall grant or deny a request 84356  
for an evening telephone or interactive video conference 84357  
hearing. If a conflict concerning a request for an evening 84358  
hearing and an in-person hearing arises, the commission shall 84359  
schedule the hearing by telephone or interactive video 84360  
conference during evening hours. 84361

(5) NO APPEARANCE -- APPELLANT 84362

For hearings at either the hearing officer or review 84363  
level, if the appealing party fails to appear at the hearing, 84364  
the hearing officer shall dismiss the appeal. The commission 84365  
shall vacate the dismissal upon a showing that written notice of 84366  
the hearing was not sent to that party's last known address, or 84367  
good cause for the appellant's failure to appear is shown to the 84368  
commission within fourteen days after the hearing date. 84369

If the commission finds that the appealing party's reason 84370  
for failing to appear does not constitute good cause for failing 84371  
to appear, the commission shall send written notice of that 84372  
finding, and the appealing party may request a hearing to 84373  
present testimony on the issue of good cause for failing to 84374  
appear. The appealing party shall file a request for a hearing 84375  
on the issue of good cause for failing to appear within ten days 84376  
after the commission sends written notice indicating a finding 84377  
of no good cause for failing to appear. 84378

(6) NO APPEARANCE -- APPELLEE 84379

For hearings at either the hearing officer or review 84380  
level, if the appellee fails to appear at the hearing, the 84381  
hearing officer shall proceed with the hearing and shall issue a 84382  
decision based on the evidence of record. The commission shall 84383  
vacate the decision upon a showing that written notice of the 84384  
hearing was not sent to the appellee's last known address, or 84385  
good cause for the appellee's failure to appear is shown to the 84386  
commission within fourteen days after the hearing date. 84387

(7) AGENT 84388

Any appeal or request for review may be executed on behalf 84389  
of any party or any group of claimants by an agent. 84390

(8) COLLATERAL ESTOPPEL 84391

No finding of fact or law, decision, or order of the 84392  
director, hearing officer, the commission, or a reviewing court 84393  
under this section or section 4141.28 of the Revised Code shall 84394  
be given collateral estoppel or res judicata effect in any 84395  
separate or subsequent judicial, administrative, or arbitration 84396  
proceeding, other than a proceeding arising under this chapter. 84397

(9) EXTENSION OF APPEAL PERIODS 84398

The time for filing an appeal or a request for review 84399  
under this section or a court appeal under section 4141.282 of 84400  
the Revised Code shall be extended in the manner described in 84401  
the following four sentences. When the last day of an appeal 84402  
period is a Saturday, Sunday, or legal holiday, the appeal 84403  
period is extended to the next work day after the Saturday, 84404  
Sunday, or legal holiday. When an interested party provides 84405  
certified medical evidence stating that the interested party's 84406  
physical condition or mental capacity prevented the interested 84407  
party from filing an appeal or request for review under this 84408

section within the appropriate twenty-one-day period, the appeal 84409  
period is extended to twenty-one days after the end of the 84410  
physical or mental condition, and the appeal or request for 84411  
review is considered timely filed if filed within that extended 84412  
period. When an interested party provides evidence, which 84413  
evidence may consist of testimony from the interested party, 84414  
that is sufficient to establish that the party did not actually 84415  
receive the determination or decision within the applicable 84416  
appeal period under this section, and the director or the 84417  
commission finds that the interested party did not actually 84418  
receive the determination or decision within the applicable 84419  
appeal period, then the appeal period is extended to twenty-one 84420  
days after the interested party actually receives the 84421  
determination or decision. When an interested party provides 84422  
evidence, which evidence may consist of testimony from the 84423  
interested party, that is sufficient to establish that the party 84424  
did not actually receive a decision within the thirty-day appeal 84425  
period provided in section 4141.282 of the Revised Code, and a 84426  
court of common pleas finds that the interested party did not 84427  
actually receive the decision within that thirty-day appeal 84428  
period, then the appeal period is extended to thirty days after 84429  
the interested party actually receives the decision. 84430

**Sec. 4141.29.** Each eligible individual shall receive 84431  
benefits as compensation for loss of remuneration due to 84432  
involuntary total or partial unemployment in the amounts and 84433  
subject to the conditions stipulated in this chapter. 84434

(A) No individual is entitled to a waiting period or 84435  
benefits for any week unless the individual: 84436

(1) Has filed a valid application for determination of 84437  
benefit rights in accordance with section 4141.28 of the Revised 84438

Code;	84439
(2) Has made a claim for benefits in accordance with section 4141.28 of the Revised Code;	84440 84441
(3) (a) Has registered for work and thereafter continues to report to an employment office or other registration place maintained or designated by the director of job and family services. Registration shall be made in accordance with the time limits, frequency, and manner prescribed by the director.	84442 84443 84444 84445 84446
(b) For purposes of division (A) (3) of this section, an individual has "registered" upon doing any of the following:	84447 84448
(i) Filing an application for benefit rights;	84449
(ii) Making a weekly claim for benefits;	84450
(iii) Reopening an existing claim following a period of employment or nonreporting.	84451 84452
(c) After an applicant is registered, that registration continues for a period of three calendar weeks, including the week during which the applicant registered. However, an individual is not registered for purposes of division (A) (3) of this section during any period in which the individual fails to report, as instructed by the director, or fails to reopen an existing claim following a period of employment.	84453 84454 84455 84456 84457 84458 84459
(d) The director may, for good cause, extend the period of registration.	84460 84461
(e) For purposes of this section, "report" means contact by phone, access electronically, or be present for an in-person appointment, as designated by the director.	84462 84463 84464
(4) (a) (i) Is able to work and available for suitable work	84465



and, except as provided in division (A) (4) (a) (ii) or (iii) of 84466  
this section, is actively seeking suitable work either in a 84467  
locality in which the individual has earned wages subject to 84468  
this chapter during the individual's base period, or if the 84469  
individual leaves that locality, then in a locality where 84470  
suitable work normally is performed. 84471

(ii) The director may waive the requirement that a 84472  
claimant be actively seeking work when the director finds that 84473  
the individual has been laid off and the employer who laid the 84474  
individual off has notified the director within ten days after 84475  
the layoff, that work is expected to be available for the 84476  
individual within a specified number of days not to exceed 84477  
forty-five calendar days following the last day the individual 84478  
worked. In the event the individual is not recalled within the 84479  
specified period, this waiver shall cease to be operative with 84480  
respect to that layoff. 84481

(iii) The director may waive the requirement that a 84482  
claimant be actively seeking work if the director determines 84483  
that the individual has been laid off and the employer who laid 84484  
the individual off has notified the director in accordance with 84485  
division (C) of section 4141.28 of the Revised Code that the 84486  
employer has closed the employer's entire plant or part of the 84487  
employer's plant for a purpose other than inventory or vacation 84488  
that will cause unemployment for a definite period not exceeding 84489  
twenty-six weeks beginning on the date the employer notifies the 84490  
director, for the period of the specific shutdown, if all of the 84491  
following apply: 84492

(I) The employer and the individuals affected by the 84493  
layoff who are claiming benefits under this chapter jointly 84494  
request the exemption. 84495

(II) The employer provides that the affected individuals 84496  
shall return to work for the employer within twenty-six weeks 84497  
after the date the employer notifies the director. 84498

(III) The director determines that the waiver of the 84499  
active search for work requirement will promote productivity and 84500  
economic stability within the state. 84501

(iv) Division (A) (4) (a) (iii) of this section does not 84502  
exempt an individual from meeting the other requirements 84503  
specified in division (A) (4) (a) (i) of this section to be able to 84504  
work and otherwise fully be available for work. An exemption 84505  
granted under division (A) (4) (a) (iii) of this section may be 84506  
granted only with respect to a specific plant closing. 84507

(b) (i) The individual shall be instructed as to the 84508  
efforts that the individual must make in the search for suitable 84509  
work, including that, within six months after October 11, 2013, 84510  
the individual shall register with the OhioMeansJobs web site, 84511  
except in any of the following circumstances: 84512

(I) The individual is an individual described in division 84513  
(A) (4) (b) (iii) of this section; 84514

(II) Where the active search for work requirement has been 84515  
waived under division (A) (4) (a) of this section; 84516

(III) Where the active search for work requirement is 84517  
considered to be met under division (A) (4) (c), (d), or (e) of 84518  
this section. 84519

(ii) An individual who is registered with the 84520  
OhioMeansJobs web site shall receive a weekly listing of 84521  
available jobs based on information provided by the individual 84522  
at the time of registration. For each week that the individual 84523  
claims benefits, the individual shall keep a record of the 84524

individual's work search efforts and shall produce that record 84525  
in the manner and means prescribed by the director. 84526

(iii) No individual shall be required to register with the 84527  
OhioMeansJobs web site if the individual is legally prohibited 84528  
from using a computer, has a physical or visual impairment that 84529  
makes the individual unable to use a computer, or has a limited 84530  
ability to read, write, speak, or understand a language in which 84531  
the OhioMeansJobs web site is available. 84532

(iv) As used in division (A) (4) (b) of this section: 84533

(I) "OhioMeansJobs web site" has the same meaning as in 84534  
section 6301.01 of the Revised Code. 84535

(II) "Registration" includes the creation, electronic 84536  
posting, and maintenance of an active, searchable resume. 84537

(c) An individual who is attending a training course 84538  
approved by the director meets the requirement of this division, 84539  
if attendance was recommended by the director and the individual 84540  
is regularly attending the course and is making satisfactory 84541  
progress. An individual also meets the requirements of this 84542  
division if the individual is participating and advancing in a 84543  
training program, as defined in division (P) of section 5709.61 84544  
of the Revised Code, and if an enterprise, defined in division 84545  
(B) of section 5709.61 of the Revised Code, is paying all or 84546  
part of the cost of the individual's participation in the 84547  
training program with the intention of hiring the individual for 84548  
employment as a new employee, as defined in division (L) of 84549  
section 5709.61 of the Revised Code, for at least ninety days 84550  
after the individual's completion of the training program. 84551

(d) An individual who becomes unemployed while attending a 84552  
regularly established school and whose base period qualifying 84553

weeks were earned in whole or in part while attending that 84554  
school, meets the availability and active search for work 84555  
requirements of division (A) (4) (a) of this section if the 84556  
individual regularly attends the school during weeks with 84557  
respect to which the individual claims unemployment benefits and 84558  
makes self available on any shift of hours for suitable 84559  
employment with the individual's most recent employer or any 84560  
other employer in the individual's base period, or for any other 84561  
suitable employment to which the individual is directed, under 84562  
this chapter. 84563

(e) An individual who is a member in good standing with a 84564  
labor organization that refers individuals to jobs meets the 84565  
active search for work requirement specified in division (A) (4) 84566  
(a) of this section if the individual provides documentation 84567  
that the individual is eligible for a referral or placement upon 84568  
request and in a manner prescribed by the director. 84569

(f) Notwithstanding any other provisions of this section, 84570  
no otherwise eligible individual shall be denied benefits for 84571  
any week because the individual is in training approved under 84572  
section 236(a) (1) of the "Trade Act of 1974," 88 Stat. 1978, 19 84573  
U.S.C.A. 2296, nor shall that individual be denied benefits by 84574  
reason of leaving work to enter such training, provided the work 84575  
left is not suitable employment, or because of the application 84576  
to any week in training of provisions in this chapter, or any 84577  
applicable federal unemployment compensation law, relating to 84578  
availability for work, active search for work, or refusal to 84579  
accept work. 84580

For the purposes of division (A) (4) (f) of this section, 84581  
"suitable employment" means with respect to an individual, work 84582  
of a substantially equal or higher skill level than the 84583

individual's past adversely affected employment, as defined for 84584  
the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 84585  
U.S.C.A. 2101, and wages for such work at not less than eighty 84586  
per cent of the individual's average weekly wage as determined 84587  
for the purposes of that federal act. 84588

(5) Is unable to obtain suitable work. ~~An individual who 84589  
is provided temporary work assignments by the individual's 84590  
employer under agreed terms and conditions of employment, and 84591  
who is required pursuant to those terms and conditions to 84592  
inquire with the individual's employer for available work 84593  
assignments upon the conclusion of each work assignment, is not 84594  
considered unable to obtain suitable employment if suitable work 84595  
assignments are available with the employer but the individual 84596  
fails to contact the employer to inquire about work assignments.~~ 84597

(6) Participates in reemployment services, such as job 84598  
search assistance services, if the individual has been 84599  
determined to be likely to exhaust benefits under this chapter, 84600  
including compensation payable pursuant to 5 U.S.C.A. Chapter 84601  
85, other than extended compensation, and needs reemployment 84602  
services pursuant to the profiling system established by the 84603  
director under division (K) of this section, unless the director 84604  
determines that: 84605

(a) The individual has completed such services; or 84606

(b) There is justifiable cause for the claimant's failure 84607  
to participate in such services. 84608

Ineligibility for failure to participate in reemployment 84609  
services as described in division (A) (6) of this section shall 84610  
be for the week or weeks in which the claimant was scheduled and 84611  
failed to participate without justifiable cause. 84612

(7) Participates in the reemployment and eligibility assessment program, or other reemployment services, as required by the director. As used in division (A)(7) of this section, "reemployment services" includes job search assistance activities, skills assessments, and the provision of labor market statistics or analysis.

(a) For purposes of division (A)(7) of this section, participation is required unless the director determines that either of the following circumstances applies to the individual:

(i) The individual has completed similar services.

(ii) Justifiable cause exists for the failure of the individual to participate in those services.

(b) Within six months after October 11, 2013, notwithstanding any earlier contact an individual may have had with a local OhioMeansJobs center, as defined in section 6301.01 of the Revised Code, beginning with the eighth week after the week during which an individual first files a valid application for determination of benefit rights in the individual's benefit year, the individual shall report to a local OhioMeansJobs center for reemployment services in the manner prescribed by the director.

(c) An individual whose active search for work requirement has been waived under division (A)(4)(a) of this section or is considered to be satisfied under division (A)(4)(c), (d), or (e) of this section is exempt from the requirements of division (A)(7) of this section.

(B) An individual suffering total or partial unemployment is eligible for benefits for unemployment occurring subsequent to a waiting period of one week and no benefits shall be payable

during this required waiting period. Not more than one week of 84642  
waiting period shall be required of any individual in any 84643  
benefit year in order to establish the individual's eligibility 84644  
for total or partial unemployment benefits. 84645

(C) The waiting period for total or partial unemployment 84646  
shall commence on the first day of the first week with respect 84647  
to which the individual first files a claim for benefits at an 84648  
employment office or other place of registration maintained or 84649  
designated by the director or on the first day of the first week 84650  
with respect to which the individual has otherwise filed a claim 84651  
for benefits in accordance with the rules of the department of 84652  
job and family services, provided such claim is allowed by the 84653  
director. 84654

(D) Notwithstanding division (A) of this section, no 84655  
individual may serve a waiting period or be paid benefits under 84656  
the following conditions: 84657

(1) For any week with respect to which the director finds 84658  
that: 84659

(a) The individual's unemployment was due to a labor 84660  
dispute other than a lockout at any factory, establishment, or 84661  
other premises located in this or any other state and owned or 84662  
operated by the employer by which the individual is or was last 84663  
employed; and for so long as the individual's unemployment is 84664  
due to such labor dispute. No individual shall be disqualified 84665  
under this provision if either of the following applies: 84666

(i) The individual's employment was with such employer at 84667  
any factory, establishment, or premises located in this state, 84668  
owned or operated by such employer, other than the factory, 84669  
establishment, or premises at which the labor dispute exists, if 84670

it is shown that the individual is not financing, participating 84671  
in, or directly interested in such labor dispute; 84672

(ii) The individual's employment was with an employer not 84673  
involved in the labor dispute but whose place of business was 84674  
located within the same premises as the employer engaged in the 84675  
dispute, unless the individual's employer is a wholly owned 84676  
subsidiary of the employer engaged in the dispute, or unless the 84677  
individual actively participates in or voluntarily stops work 84678  
because of such dispute. If it is established that the claimant 84679  
was laid off for an indefinite period and not recalled to work 84680  
prior to the dispute, or was separated by the employer prior to 84681  
the dispute for reasons other than the labor dispute, or that 84682  
the individual obtained a bona fide job with another employer 84683  
while the dispute was still in progress, such labor dispute 84684  
shall not render the employee ineligible for benefits. 84685

(b) The individual has been given a disciplinary layoff 84686  
for misconduct in connection with the individual's work. 84687

(2) For the duration of the individual's unemployment if 84688  
the director finds that: 84689

(a) The individual quit work without just cause or has 84690  
been discharged for just cause in connection with the 84691  
individual's work, provided division (D)(2) of this section does 84692  
not apply to the separation of a person under any of the 84693  
following circumstances: 84694

(i) Separation from employment for the purpose of entering 84695  
the armed forces of the United States if the individual is 84696  
inducted into the armed forces within one of the following 84697  
periods: 84698

(I) Thirty days after separation; 84699



(II) One hundred eighty days after separation if the individual's date of induction is delayed solely at the discretion of the armed forces.

(ii) Separation from employment pursuant to a labor-management contract or agreement, or pursuant to an established employer plan, program, or policy, which permits the employee, because of lack of work, to accept a separation from employment;

(iii) The individual has left employment to accept a recall from a prior employer or, except as provided in division (D) (2) (a) (iv) of this section, to accept other employment as provided under section 4141.291 of the Revised Code, or left or was separated from employment that was concurrent employment at the time of the most recent separation or within six weeks prior to the most recent separation where the remuneration, hours, or other conditions of such concurrent employment were substantially less favorable than the individual's most recent employment and where such employment, if offered as new work, would be considered not suitable under the provisions of divisions (E) and (F) of this section. Any benefits that would otherwise be chargeable to the account of the employer from whom an individual has left employment or was separated from employment that was concurrent employment under conditions described in division (D) (2) (a) (iii) of this section, shall instead be charged to the mutualized account created by division (B) of section 4141.25 of the Revised Code, except that any benefits chargeable to the account of a reimbursing employer under division (D) (2) (a) (iii) of this section shall be charged to the account of the reimbursing employer and not to the mutualized account, except as provided in division (D) (2) of section 4141.24 of the Revised Code.

(iv) When an individual has been issued a definite layoff date by the individual's employer and before the layoff date, the individual quits to accept other employment, the provisions of division (D) (2) (a) (iii) of this section apply and no disqualification shall be imposed under division (D) of this section. However, if the individual fails to meet the employment and earnings requirements of division (A) (2) of section 4141.291 of the Revised Code, then the individual, pursuant to division (A) (5) of this section, shall be ineligible for benefits for any week of unemployment that occurs prior to the layoff date.

(v) The individual's spouse is a member of the armed forces of the United States who is on active duty or a member of the commissioned corps of the national oceanic and atmospheric administration or public health service, the spouse is the subject of a transfer, the individual left employment to accompany the individual's spouse to a location from which it is impractical to commute to the individual's place of employment, and upon arrival at the new place of residence, the individual is in all respects able and available for suitable work. For-~~purpose~~ purposes of division (D) (2) (a) (v) of this section, "active duty" and "armed forces" have the same meanings as in 10 U.S.C. 101.

(b) The individual has refused without good cause to accept an offer of suitable work when made by an employer either in person or to the individual's last known address, or has refused or failed to investigate a referral to suitable work when directed to do so by a local employment office of this state or another state, provided that this division shall not cause a disqualification for a waiting week or benefits under the following circumstances:

(i) When work is offered by the individual's employer and 84760  
the individual is not required to accept the offer pursuant to 84761  
the terms of the labor-management contract or agreement; or 84762

(ii) When the individual is attending a training course 84763  
pursuant to division (A)(4) of this section except, in the event 84764  
of a refusal to accept an offer of suitable work or a refusal or 84765  
failure to investigate a referral, benefits thereafter paid to 84766  
such individual shall not be charged to the account of any 84767  
employer and, except as provided in division (B)(1)(b) of 84768  
section 4141.241 of the Revised Code, shall be charged to the 84769  
mutualized account as provided in division (B) of section 84770  
4141.25 of the Revised Code. 84771

(c) Such individual quit work to marry or because of 84772  
marital, parental, filial, or other domestic obligations. 84773

(d) The individual became unemployed by reason of 84774  
commitment to any correctional institution. 84775

(e) The individual became unemployed because of dishonesty 84776  
in connection with the individual's most recent or any base 84777  
period work. Remuneration earned in such work shall be excluded 84778  
from the individual's total base period remuneration and 84779  
qualifying weeks that otherwise would be credited to the 84780  
individual for such work in the individual's base period shall 84781  
not be credited for the purpose of determining the total 84782  
benefits to which the individual is eligible and the weekly 84783  
benefit amount to be paid under section 4141.30 of the Revised 84784  
Code. Such excluded remuneration and noncredited qualifying 84785  
weeks shall be excluded from the calculation of the maximum 84786  
amount to be charged, under division (D) of section 4141.24 and 84787  
section 4141.33 of the Revised Code, against the accounts of the 84788  
individual's base period employers. In addition, no benefits 84789

shall thereafter be paid to the individual based upon such 84790  
excluded remuneration or noncredited qualifying weeks. 84791

For purposes of division (D) (2) (e) of this section, 84792  
"dishonesty" means the commission of substantive theft, fraud, 84793  
or deceitful acts. 84794

(3) For purposes of division (D) (2) (a) of this section, an 84795  
individual shall be considered to have quit work without just 84796  
cause if all of the following apply: 84797

(a) The individual is provided temporary work assignments 84798  
by the individual's employer under agreed terms and conditions 84799  
of employment. 84800

(b) The individual is required pursuant to those terms and 84801  
conditions to inquire with the individual's employer for 84802  
available work assignments upon the conclusion of each work 84803  
assignment. 84804

(c) Suitable work assignments are available with the 84805  
employer, but the individual fails to contact the employer to 84806  
inquire about work assignments. 84807

(E) No individual otherwise qualified to receive benefits 84808  
shall lose the right to benefits by reason of a refusal to 84809  
accept new work if: 84810

(1) As a condition of being so employed the individual 84811  
would be required to join a company union, or to resign from or 84812  
refrain from joining any bona fide labor organization, or would 84813  
be denied the right to retain membership in and observe the 84814  
lawful rules of any such organization. 84815

(2) The position offered is vacant due directly to a 84816  
strike, lockout, or other labor dispute. 84817

(3) The work is at an unreasonable distance from the individual's residence, having regard to the character of the work the individual has been accustomed to do, and travel to the place of work involves expenses substantially greater than that required for the individual's former work, unless the expense is provided for.

(4) The remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

(F) Subject to the special exceptions contained in division (A) (4) (f) of this section and section 4141.301 of the Revised Code, in determining whether any work is suitable for a claimant in the administration of this chapter, the director, in addition to the determination required under division (E) of this section, shall consider the degree of risk to the claimant's health, safety, and morals, the individual's physical fitness for the work, the individual's prior training and experience, the length of the individual's unemployment, the distance of the available work from the individual's residence, and the individual's prospects for obtaining local work.

(G) The "duration of unemployment" as used in this section means the full period of unemployment next ensuing after a separation from any base period or subsequent work and until an individual has become reemployed in employment subject to this chapter, or the unemployment compensation act of another state, or of the United States, and until such individual has worked six weeks and for those weeks has earned or been paid remuneration equal to six times an average weekly wage of not less than: eighty-five dollars and ten cents per week beginning on June 26, 1990; and beginning on and after January 1, 1992,

twenty-seven and one-half per cent of the statewide average 84848  
weekly wage as computed each first day of January under division 84849  
(B) (3) of section 4141.30 of the Revised Code, rounded down to 84850  
the nearest dollar, except for purposes of division (D) (2) (c) of 84851  
this section, such term means the full period of unemployment 84852  
next ensuing after a separation from such work and until such 84853  
individual has become reemployed subject to the terms set forth 84854  
above, and has earned wages equal to one-half of the 84855  
individual's average weekly wage or sixty dollars, whichever is 84856  
less. 84857

(H) If a claimant is disqualified under division (D) (2) 84858  
(a), (c), or (d) of this section or found to be qualified under 84859  
the exceptions provided in division (D) (2) (a) (i), (iii), (iv), 84860  
or (v) of this section or division (A) (2) of section 4141.291 of 84861  
the Revised Code, then benefits that may become payable to such 84862  
claimant, which are chargeable to the account of the employer 84863  
from whom the individual was separated under such conditions, 84864  
shall be charged to the mutualized account provided in section 84865  
4141.25 of the Revised Code, provided that no charge shall be 84866  
made to the mutualized account for benefits chargeable to a 84867  
reimbursing employer, except as provided in division (D) (2) of 84868  
section 4141.24 of the Revised Code. In the case of a 84869  
reimbursing employer, the director shall refund or credit to the 84870  
account of the reimbursing employer any over-paid benefits that 84871  
are recovered under division (B) of section 4141.35 of the 84872  
Revised Code. Amounts chargeable to other states, the United 84873  
States, or Canada that are subject to agreements and 84874  
arrangements that are established pursuant to section 4141.43 of 84875  
the Revised Code shall be credited or reimbursed according to 84876  
the agreements and arrangements to which the chargeable amounts 84877  
are subject. 84878

(I) (1) Benefits based on service in employment as provided 84879  
in divisions (B) (2) (a) and (b) of section 4141.01 of the Revised 84880  
Code shall be payable in the same amount, on the same terms, and 84881  
subject to the same conditions as benefits payable on the basis 84882  
of other service subject to this chapter; except that after 84883  
December 31, 1977: 84884

(a) Benefits based on service in an instructional, 84885  
research, or principal administrative capacity in an institution 84886  
of higher education, as defined in division (Y) of section 84887  
4141.01 of the Revised Code; or for an educational institution 84888  
as defined in division (CC) of section 4141.01 of the Revised 84889  
Code, shall not be paid to any individual for any week of 84890  
unemployment that begins during the period between two 84891  
successive academic years or terms, or during a similar period 84892  
between two regular but not successive terms or during a period 84893  
of paid sabbatical leave provided for in the individual's 84894  
contract, if the individual performs such services in the first 84895  
of those academic years or terms and has a contract or a 84896  
reasonable assurance that the individual will perform services 84897  
in any such capacity for any such institution in the second of 84898  
those academic years or terms. 84899

(b) Benefits based on service for an educational 84900  
institution or an institution of higher education in other than 84901  
an instructional, research, or principal administrative 84902  
capacity, shall not be paid to any individual for any week of 84903  
unemployment which begins during the period between two 84904  
successive academic years or terms of the employing educational 84905  
institution or institution of higher education, provided the 84906  
individual performed those services for the educational 84907  
institution or institution of higher education during the first 84908  
such academic year or term and, there is a reasonable assurance 84909

that such individual will perform those services for any 84910  
educational institution or institution of higher education in 84911  
the second of such academic years or terms. 84912

If compensation is denied to any individual for any week 84913  
under division (I) (1) (b) of this section and the individual was 84914  
not offered an opportunity to perform those services for an 84915  
institution of higher education or for an educational 84916  
institution for the second of such academic years or terms, the 84917  
individual is entitled to a retroactive payment of compensation 84918  
for each week for which the individual timely filed a claim for 84919  
compensation and for which compensation was denied solely by 84920  
reason of division (I) (1) (b) of this section. An application for 84921  
retroactive benefits shall be timely filed if received by the 84922  
director or the director's deputy within or prior to the end of 84923  
the fourth full calendar week after the end of the period for 84924  
which benefits were denied because of reasonable assurance of 84925  
employment. The provision for the payment of retroactive 84926  
benefits under division (I) (1) (b) of this section is applicable 84927  
to weeks of unemployment beginning on and after November 18, 84928  
1983. The provisions under division (I) (1) (b) of this section 84929  
shall be retroactive to September 5, 1982, only if, as a 84930  
condition for full tax credit against the tax imposed by the 84931  
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 84932  
3301 to 3311, the United States secretary of labor determines 84933  
that retroactivity is required by federal law. 84934

(c) With respect to weeks of unemployment beginning after 84935  
December 31, 1977, benefits shall be denied to any individual 84936  
for any week which commences during an established and customary 84937  
vacation period or holiday recess, if the individual performs 84938  
any services described in divisions (I) (1) (a) and (b) of this 84939  
section in the period immediately before the vacation period or 84940



holiday recess, and there is a reasonable assurance that the individual will perform any such services in the period immediately following the vacation period or holiday recess.

(d) With respect to any services described in division (I) (1) (a), (b), or (c) of this section, benefits payable on the basis of services in any such capacity shall be denied as specified in division (I) (1) (a), (b), or (c) of this section to any individual who performs such services in an educational institution or institution of higher education while in the employ of an educational service agency. For this purpose, the term "educational service agency" means a governmental agency or governmental entity that is established and operated exclusively for the purpose of providing services to one or more educational institutions or one or more institutions of higher education.

(e) Any individual employed by a county board of developmental disabilities shall be notified by the thirtieth day of April each year if the individual is not to be reemployed the following academic year.

(f) Any individual employed by a school district, other than a municipal school district as defined in section 3311.71 of the Revised Code, shall be notified by the first day of June each year if the individual is not to be reemployed the following academic year.

(2) No disqualification will be imposed, between academic years or terms or during a vacation period or holiday recess under this division, unless the director or the director's deputy has received a statement in writing from the educational institution or institution of higher education that the claimant has a contract for, or a reasonable assurance of, reemployment for the ensuing academic year or term.

(3) If an individual has employment with an educational institution or an institution of higher education and employment with a noneducational employer, during the base period of the individual's benefit year, then the individual may become eligible for benefits during the between-term, or vacation or holiday recess, disqualification period, based on employment performed for the noneducational employer, provided that the employment is sufficient to qualify the individual for benefit rights separately from the benefit rights based on school employment. The weekly benefit amount and maximum benefits payable during a disqualification period shall be computed based solely on the nonschool employment.

(J) Benefits shall not be paid on the basis of employment performed by an alien, unless the alien had been lawfully admitted to the United States for permanent residence at the time the services were performed, was lawfully present for purposes of performing the services, or was otherwise permanently residing in the United States under color of law at the time the services were performed, under section 212(d) (5) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101:

(1) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(2) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to the individual are not payable because of the individual's alien status shall be made except upon a preponderance of the evidence that the individual had not, in

fact, been lawfully admitted to the United States. 85001

(K) The director shall establish and utilize a system of 85002  
profiling all new claimants under this chapter that: 85003

(1) Identifies which claimants will be likely to exhaust 85004  
regular compensation and will need job search assistance 85005  
services to make a successful transition to new employment; 85006

(2) Refers claimants identified pursuant to division (K) 85007  
(1) of this section to reemployment services, such as job search 85008  
assistance services, available under any state or federal law; 85009

(3) Collects follow-up information relating to the 85010  
services received by such claimants and the employment outcomes 85011  
for such claimant's subsequent to receiving such services and 85012  
utilizes such information in making identifications pursuant to 85013  
division (K) (1) of this section; and 85014

(4) Meets such other requirements as the United States 85015  
secretary of labor determines are appropriate. 85016

(L) Except as otherwise provided in division (A) (6) of 85017  
this section, ineligibility pursuant to division (A) of this 85018  
section shall begin on the first day of the week in which the 85019  
claimant becomes ineligible for benefits and shall end on the 85020  
last day of the week preceding the week in which the claimant 85021  
satisfies the eligibility requirements. 85022

(M) The director may adopt rules that the director 85023  
considers necessary for the administration of division (A) of 85024  
this section. 85025

**Sec. 4141.33.** (A) As used in this section: 85026

(1) "Reasonable assurance" means a written, verbal, or 85027  
implied agreement that the individual will perform services in 85028

the same or similar capacity during the ensuing sports season or 85029  
seasonal period. 85030

(2) "Seasonal employment" means employment of individuals 85031  
hired primarily to perform services in an industry which because 85032  
of climatic conditions or because of the seasonal nature of such 85033  
industry it is customary to operate only during regularly 85034  
recurring periods of forty weeks or less in any consecutive 85035  
fifty-two weeks. 85036

(3) "Seasonal employer" means an employer determined by 85037  
the director of job and family services to be an employer whose 85038  
operations and business, with the exception of certain 85039  
administrative and maintenance operations, are substantially all 85040  
in a seasonal industry. 85041

(4) "Significantly" means forty per cent or more of an 85042  
individual's base period consists of services performed in 85043  
seasonal employment. 85044

(B) Any employer who claims to have seasonal employment in 85045  
a seasonal industry may file with the director a written 85046  
application for classification of such employment as seasonal. 85047  
Whenever in any industry it is customary to operate because of 85048  
climatic conditions or because of the seasonal nature of such 85049  
industry only during regularly recurring periods of forty weeks 85050  
or less duration, benefits shall be payable only during the 85051  
longest seasonal periods which the best practice of such 85052  
industry will reasonably permit. The director shall determine, ~~—~~ 85053  
~~after investigation, hearing, and due notice,~~ whether the 85054  
industry is seasonal and, if seasonal, establish seasonal 85055  
periods for such seasonal employer. The director shall make the 85056  
determination based on the application for classification filed 85057  
under this section and any other relevant information available. 85058

Until such determination by the director, no industry or 85059  
employment shall be deemed seasonal. 85060

(C) When the director has determined such seasonal 85061  
periods, the director shall also establish the proportionate 85062  
number of weeks of employment and earnings required to qualify 85063  
for seasonal benefit rights in place of the weeks of employment 85064  
and earnings requirement stipulated in division (R) of section 85065  
4141.01 and section 4141.30 of the Revised Code, and the 85066  
proportionate number of weeks for which seasonal benefits may be 85067  
paid. An individual whose base period employment consists of 85068  
only seasonal employment for a single seasonal employer and who 85069  
meets the employment and earnings requirements determined by the 85070  
director pursuant to this division will have benefit rights 85071  
determined in accordance with this division, except benefits 85072  
shall not be paid for any week between two successive seasonal 85073  
periods. Benefit charges for such seasonal employment shall be 85074  
computed and charged in accordance with division (D) of section 85075  
4141.24 of the Revised Code. The director may adopt rules for 85076  
implementation of this section. 85077

(D) An individual whose base period employment consists of 85078  
either seasonal employment with two or more seasonal employers 85079  
or both seasonal employment and nonseasonal employment with 85080  
employers subject to this chapter, will have benefit rights 85081  
determined in accordance with division (R) of section 4141.01 85082  
and section 4141.30 of the Revised Code. Benefit charges for 85083  
both seasonal and nonseasonal employment shall be computed and 85084  
charged in accordance with division (D) of section 4141.24 of 85085  
the Revised Code. The total seasonal and nonseasonal benefits 85086  
during a benefit year cannot exceed twenty-six times the weekly 85087  
benefit amount. Effective October 30, 2011, an individual who 85088  
performs services that significantly consist of services 85089

performed in seasonal employment shall not be paid benefits for 85090  
those services for any week in the period between two successive 85091  
seasonal periods if the individual performed those services in 85092  
the first of the seasonal periods and there is reasonable 85093  
assurance that the individual will perform those services in the 85094  
later of the seasonal periods. The director shall adopt rules 85095  
for the implementation of this division. 85096

(E) Benefits shall not be paid to any individual on the 85097  
basis of any services, substantially all of which consist of 85098  
participating in sports or athletic events or training or 85099  
preparing to so participate, for any week which commences during 85100  
the period between two successive sport seasons, or similar 85101  
periods, if the individual performed services in the first of 85102  
the seasons, or similar periods, and there is a reasonable 85103  
assurance that the individual will perform services in the later 85104  
of the seasons, or similar periods. 85105

(F) The director shall adopt rules concerning the 85106  
eligibility for benefits of individuals under divisions (D) and 85107  
(E) of this section. 85108

**Sec. 4141.56.** ~~Beginning one year after the effective date~~ 85109  
~~of this section, and every year thereafter, the~~ The director of 85110  
job and family services annually shall prepare a report and 85111  
~~submit a report~~ it by the first day of August to the governor, 85112  
the president and minority leader of the senate, and the speaker 85113  
and the minority leader of the house of representatives ~~that~~ 85114  
~~discusses~~. The report shall discuss the utilization of the 85115  
SharedWork Ohio program created under section 4141.50 of the 85116  
Revised Code. The director shall include in that report the 85117  
number of employers and employees participating in the program, 85118  
the amount of shared work compensation paid under the program 85119

during the immediately preceding year, and any other information 85120  
the director considers to be relevant. 85121

**Sec. 4141.60.** (A) ~~Beginning on the last day of February~~ 85122  
~~that occurs after the effective date of this section, and~~ 85123  
~~annually thereafter, the~~ The director of job and family services 85124  
annually shall prepare a report and submit a report it by the 85125  
first day of August to the persons listed in division (B) of 85126  
this section. The director shall include all of the following 85127  
information in the report with respect to the calendar year 85128  
preceding the date the report is submitted: 85129

(1) The number of calls received from applicants for and 85130  
recipients of benefits under this chapter at all call centers 85131  
operated by the director; 85132

(2) The total number of claims for benefits filed under 85133  
this chapter; 85134

(3) The number of claims for benefits marked as 85135  
potentially fraudulent; 85136

(4) The number of complaints submitted by applicants for 85137  
and recipients of benefits under this chapter through the 85138  
uniform process created by the director under section 4141.13 of 85139  
the Revised Code; 85140

(5) A summary of updates or changes to the technology the 85141  
director uses to administer this chapter that have occurred 85142  
during the calendar year covered by the report. 85143

(B) The director shall submit the report required under 85144  
division (A) of this section to the speaker of the house of 85145  
representatives, the president of the senate, and the governor, 85146  
~~and the members of the unemployment compensation modernization~~ 85147  
~~and improvement council.~~ 85148

Sec. 4301.01. (A) As used in the Revised Code: 85149

(1) "Intoxicating liquor" and "liquor" include all liquids 85150  
and compounds, other than beer, containing one-half of one per 85151  
cent or more of alcohol by volume which are fit to use for 85152  
beverage purposes, from whatever source and by whatever process 85153  
produced, by whatever name called, and whether they are 85154  
medicated, proprietary, or patented. "Intoxicating liquor" and 85155  
"liquor" include cider and alcohol, and all solids and 85156  
confections which contain one-half of one per cent or more of 85157  
alcohol by volume. 85158

(2) Except as used in sections 4301.01 to 4301.20, 4301.22 85159  
to 4301.52, 4301.56, 4301.70, 4301.72, and 4303.01 to 4303.36 of 85160  
the Revised Code, "sale" and "sell" include exchange, barter, 85161  
gift, offer for sale, sale, distribution and delivery of any 85162  
kind, and the transfer of title or possession of beer and 85163  
intoxicating liquor either by constructive or actual delivery by 85164  
any means or devices whatever, including the sale of beer or 85165  
intoxicating liquor by means of a controlled access alcohol and 85166  
beverage cabinet pursuant to section 4301.21 of the Revised 85167  
Code. "Sale" and "sell" do not include the mere solicitation of 85168  
orders for beer or intoxicating liquor from the holders of 85169  
permits issued by the division of liquor control authorizing the 85170  
sale of the beer or intoxicating liquor, but no solicitor shall 85171  
solicit any such orders until the solicitor has been registered 85172  
with the division pursuant to section 4303.25 of the Revised 85173  
Code. 85174

(3) "Vehicle" includes all means of transportation by 85175  
land, by water, or by air, and everything made use of in any way 85176  
for such transportation. 85177

(B) As used in this chapter: 85178



(1) "Alcohol" means ethyl alcohol, whether rectified or 85179  
diluted with water or not, whatever its origin may be, and 85180  
includes synthetic ethyl alcohol. "Alcohol" does not include 85181  
denatured alcohol and wood alcohol. 85182

(2) "Beer" includes all beverages brewed or fermented 85183  
wholly or in part from malt products and containing one-half of 85184  
one per cent or more of alcohol by volume. 85185

(3) "Wine" includes all liquids fit to use for beverage 85186  
purposes containing not less than one-half of one per cent of 85187  
alcohol by volume and not more than twenty-one per cent of 85188  
alcohol by volume that is made from the fermented juices of 85189  
grapes, fruits, or other agricultural products. "Wine" includes 85190  
cider, except as used in sections 4301.13, 4301.421, 4301.422, 85191  
4301.432, and 4301.44 of the Revised Code, and, for purposes of 85192  
determining the rate of the tax that applies, division (B) of 85193  
section 4301.43 of the Revised Code, "wine" does not include 85194  
cider. 85195

(4) "Mixed beverages" include bottled and prepared 85196  
cordials, cocktails, highballs, and solids and confections that 85197  
are obtained by mixing any type of whiskey, neutral spirits, 85198  
brandy, gin, or other distilled spirits with, or over, 85199  
carbonated or plain water, pure juices from flowers and plants, 85200  
and other flavoring materials. The completed product shall 85201  
contain not less than one-half of one per cent of alcohol by 85202  
volume and not more than twenty-one per cent of alcohol by 85203  
volume. "Mixed beverages" includes the contents of a pod and 85204  
low-alcohol coolers. 85205

(5) "Spirituous liquor" includes all intoxicating liquors 85206  
containing more than twenty-one per cent of alcohol by volume. 85207  
"Spirituous liquor" does not include the contents of a pod. 85208

- (6) "Sealed container" means any container having a capacity of not more than one hundred twenty-eight fluid ounces, the opening of which is closed to prevent the entrance of air.
- (7) "Person" includes firms and corporations.
- (8) "Manufacture" includes all processes by which beer or intoxicating liquor is produced, whether by distillation, rectifying, fortifying, blending, fermentation, or brewing, or in any other manner.
- (9) "Manufacturer" means any person engaged in the business of manufacturing beer or intoxicating liquor.
- (10) "Wholesale distributor" and "distributor" means a person engaged in the business of selling to retail dealers for purposes of resale.
- (11) "Hotel" has the same meaning as in section 3731.01 of the Revised Code, subject to the exceptions mentioned in section 3731.03 of the Revised Code.
- (12) "Restaurant" means a place located in a permanent building provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold, and served at noon and evening, as the principal business of the place. "Restaurant" does not include pharmacies, confectionery stores, lunch stands, night clubs, and filling stations.
- (13) "Club" means a corporation or association of individuals organized in good faith for social, recreational, benevolent, charitable, fraternal, political, patriotic, or athletic purposes, which is the owner, lessor, or occupant of a permanent building or part of a permanent building operated solely for those purposes, membership in which entails the

prepayment of regular dues, and includes the place so operated. 85238

(14) "Night club" means a place operated for profit, where 85239  
food is served for consumption on the premises and one or more 85240  
forms of amusement are provided or permitted for a consideration 85241  
that may be in the form of a cover charge or may be included in 85242  
the price of the food and beverages, or both, purchased by 85243  
patrons. 85244

(15) "At retail" means for use or consumption by the 85245  
purchaser and not for resale. 85246

(16) "Pharmacy" means an establishment, as defined in 85247  
section 4729.01 of the Revised Code, that is under the 85248  
management or control of a licensed pharmacist in accordance 85249  
with section 4729.27 of the Revised Code. 85250

(17) "Enclosed shopping center" means a group of retail 85251  
sales and service business establishments that face into an 85252  
enclosed mall, share common ingress, egress, and parking 85253  
facilities, and are situated on a tract of land that contains an 85254  
area of not less than five hundred thousand square feet. 85255  
"Enclosed shopping center" also includes not more than one 85256  
business establishment that is located within a free-standing 85257  
building on such a tract of land, so long as the sale of beer 85258  
and intoxicating liquor on the tract of land was approved in an 85259  
election held under former section 4301.353 of the Revised Code. 85260

(18) "Controlled access alcohol and beverage cabinet" 85261  
means a closed container, either refrigerated, in whole or in 85262  
part, or nonrefrigerated, access to the interior of which is 85263  
restricted by means of a device that requires the use of a key, 85264  
magnetic card, or similar device and from which beer, 85265  
intoxicating liquor, other beverages, or food may be sold. 85266

- (19) "Community facility" means either of the following: 85267
- (a) Any convention, sports, or entertainment facility or 85268  
complex, or any combination of these, that is used by or 85269  
accessible to the general public and that is owned or operated 85270  
in whole or in part by the state, a state agency, or a political 85271  
subdivision of the state or that is leased from, or located on 85272  
property owned by or leased from, the state, a state agency, a 85273  
political subdivision of the state, or a convention facilities 85274  
authority created pursuant to section 351.02 of the Revised 85275  
Code; 85276
- (b) An area designated as a community entertainment 85277  
district pursuant to section 4301.80 of the Revised Code. 85278
- (20) "Low-alcohol beverage" means any brewed or fermented 85279  
malt product, or any product made from the fermented juices of 85280  
grapes, fruits, or other agricultural products, that contains 85281  
either no alcohol or less than one-half of one per cent of 85282  
alcohol by volume. The beverages described in division (B) (20) 85283  
of this section do not include a soft drink such as root beer, 85284  
birch beer, or ginger beer. 85285
- (21) "Cider" means all liquids fit to use for beverage 85286  
purposes that contain one-half of one per cent of alcohol by 85287  
volume, but not more than six per cent of alcohol by weight, and 85288  
that are made through the normal alcoholic fermentation of the 85289  
juice of sound, ripe apples, including, without limitation, 85290  
flavored, sparkling, or carbonated cider and cider made from 85291  
pure condensed apple must. 85292
- (22) "Sales area or territory" means an exclusive 85293  
geographic area or territory that is assigned to a particular A 85294  
or B permit holder and that either has one or more political 85295

subdivisions as its boundaries or consists of an area of land 85296  
with readily identifiable geographic boundaries. "Sales area or 85297  
territory" does not include, however, any particular retail 85298  
location in an exclusive geographic area or territory that had 85299  
been assigned to another A or B permit holder before April 9, 85300  
2001. 85301

(23) "Pod" means a sealed capsule made from plastic, 85302  
glass, aluminum, or a combination thereof to which all of the 85303  
following apply: 85304

(a) The capsule contains intoxicating liquor of more than 85305  
twenty-one per cent of alcohol by volume. 85306

(b) The capsule also contains a concentrated flavoring 85307  
mixture. 85308

(c) The contents of the capsule are not readily accessible 85309  
or intended for consumption unless certain manufacturer's 85310  
processing instructions are followed. 85311

(d) The instructions include releasing the contents of the 85312  
capsule through a machine specifically designed to process the 85313  
contents. 85314

(e) After being properly processed according to the 85315  
manufacturer's instructions, the final product produced from the 85316  
capsule contains not less than one-half of one per cent of 85317  
alcohol by volume and not more than twenty-one per cent of 85318  
alcohol by volume. 85319

(24) "Low-alcohol coolers" means bottled and prepared 85320  
cordials, cocktails, and highballs to which all of the following 85321  
apply: 85322

(a) They are obtained by mixing any type of spirituous 85323

liquor with, or over, nonalcoholic beverages, flavoring, or 85324  
coloring. Low-alcohol coolers also may contain water, fruit 85325  
juices, fruit adjuncts, sugar, carbon dioxide, preservatives, 85326  
wine, and other similar products manufactured by fermenting 85327  
fruit or fruit juices. 85328

(b) As a completed product, they contain not less than 85329  
one-half of one per cent of alcohol by volume and not more than 85330  
ten per cent of alcohol by volume; 85331

(c) They are sold only in packages of four to twelve 85332  
single-serve containers with each container not more than 85333  
sixteen ounces in size. 85334

**Sec. 4301.12.** (A) The division of liquor control shall 85335  
provide for the custody, safekeeping, and deposit of all moneys, 85336  
checks, and drafts received by it or any of its employees or 85337  
agents prior to paying them to the treasurer of state as 85338  
provided by section 113.08 of the Revised Code. 85339

(B) A sum equal to three dollars and thirty-eight cents 85340  
for each gallon of spirituous liquor sold by the division, 85341  
JobsOhio, or a designee of JobsOhio during the period covered by 85342  
the payment shall be paid into the state treasury to the credit 85343  
of the general revenue fund. All moneys Except as provided in 85344  
division (G) of section 4301.30 of the Revised Code, all money 85345  
received from permit fees, except B-2a, S-1, and S-2 permit fees 85346  
from B-2a, S-1, and S-2 permit holders who do not also hold A-2- 85347  
or A-2f permits, shall be paid to the credit of the undivided 85348  
liquor permit fund established by section 4301.30 of the Revised 85349  
Code. 85350

(C) Except as otherwise provided by law, the division 85351  
shall deposit all moneys collected under Chapters 4301. and 85352

4303. of the Revised Code into the state treasury to the credit 85353  
of the state liquor regulatory fund created in section 4301.30 85354  
of the Revised Code. In addition, revenue resulting from any 85355  
contracts with the department of commerce pertaining to the 85356  
responsibilities and operations described in this chapter may be 85357  
credited to the fund. 85358

(D) Whenever, in the judgment of the director of budget 85359  
and management, the amount in the liquor control fund is in 85360  
excess of that needed to meet the maturing obligations of the 85361  
division, as working capital for its further operations, to pay 85362  
the operating expenses of the commission, and for the alcohol 85363  
testing program under section 3701.143 of the Revised Code, the 85364  
director shall transfer the excess to the credit of the general 85365  
revenue fund. If the director determines that the amount in the 85366  
liquor control fund is insufficient, the director may transfer 85367  
money from the general revenue fund to the liquor control fund. 85368

**Sec. 4301.19.** The division of liquor control shall sell 85369  
spirituous liquor only, whether from a warehouse ~~or from~~, a 85370  
state liquor store ~~or~~, an agency store, or an A-3a permit 85371  
premises. All sales shall be in sealed containers and for resale 85372  
as authorized by this chapter and Chapter 4303. of the Revised 85373  
Code or for consumption off the premises only. Except as 85374  
otherwise provided in this section, sale of containers holding 85375  
one-half pint or less of spirituous liquor by the division shall 85376  
be made at retail only, and not for the purpose of resale by any 85377  
purchaser, by special order placed with a state liquor store or 85378  
agency store and subject to rules established by the 85379  
superintendent of liquor control. The division may sell at 85380  
wholesale spirituous liquor in fifty milliliter sealed 85381  
containers to any holder of a permit issued under Chapter 4303. 85382  
of the Revised Code that authorizes the sale of spirituous 85383

liquor for consumption on the premises where sold. A person 85384  
appointed by the division to act as an agent for the sale of 85385  
spirituous liquor pursuant to section 4301.17 of the Revised 85386  
Code may provide and accept gift certificates and may accept 85387  
credit cards and debit cards for the retail purchase of 85388  
spirituous liquor. Deliveries shall be made in the manner the 85389  
superintendent determines by rule. 85390

Subject to division (A) (3) of section 4301.10 and division 85391  
(A) of section 4301.14 of the Revised Code, if any person 85392  
desires to purchase any variety or brand of spirituous liquor 85393  
which is not in stock at the state liquor store or agency store 85394  
where the variety or brand is ordered, the division shall 85395  
immediately procure the variety or brand. The purchaser shall be 85396  
immediately notified upon the arrival of the spirituous liquor 85397  
at the store at which it was ordered. Unless the purchaser pays 85398  
for the variety or brand and accepts delivery within five days 85399  
after the giving of the notice, the division may place the 85400  
spirituous liquor in stock for general sale. 85401

**Sec. 4301.20.** This chapter and Chapter 4303. of the 85402  
Revised Code do not prevent the following: 85403

(A) The storage of intoxicating liquor in bonded 85404  
warehouses, established in accordance with the acts of congress 85405  
and under the regulation of the United States, located in this 85406  
state, or the transportation of intoxicating liquor to or from 85407  
bonded warehouses of the United States wherever located; 85408

(B) A bona fide resident of this state who is the owner of 85409  
a warehouse receipt from obtaining or transporting to the 85410  
resident's residence for the resident's own consumption and not 85411  
for resale spirituous liquor stored in a government bonded 85412  
warehouse in this state or in another state prior to December 85413



1933, subject to such terms as are prescribed by the division of liquor control; 85414  
85415

(C) The manufacture of cider from fruit for the purpose of making vinegar, and nonintoxicating cider and fruit juices for use and sale; 85416  
85417  
85418

(D) A licensed physician or dentist from administering or dispensing intoxicating liquor or alcohol to a patient in good faith in the actual course of the practice of the physician's or dentist's profession; 85419  
85420  
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(E) The sale of alcohol to physicians, dentists, druggists, veterinary surgeons, manufacturers, hospitals, infirmaries, or medical or educational institutions using the alcohol for medicinal, mechanical, chemical, or scientific purposes; 85423  
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85425  
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(F) The sale, gift, or keeping for sale by druggists and others of any of the medicinal preparations manufactured in accordance with the formulas prescribed by the United States Pharmacopoeia and National Formulary, patent or proprietary preparations, and other bona fide medicinal and technical preparations, which contain no more alcohol than is necessary to hold the medicinal agents in solution and to preserve the same, which are manufactured and sold as medicine and not as beverages, are unfit for use for beverage purposes, and the sale of which does not require the payment of a United States liquor dealer's tax; 85428  
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(G) The manufacture and sale of tinctures or of toilet, medicinal, and antiseptic preparations and solutions not intended for internal human use nor to be sold as beverages, and which are unfit for beverage purposes, if upon the outside of 85439  
85440  
85441  
85442

each bottle, box, or package of which there is printed in the 85443  
English language, conspicuously and legibly, the quantity by 85444  
volume of alcohol in the preparation or solution; 85445

(H) The manufacture and keeping for sale of the food 85446  
products known as flavoring extracts when manufactured and sold 85447  
for cooking, culinary, or flavoring purposes, and which are 85448  
unfit for use for beverage purposes; 85449

(I) The lawful sale of wood alcohol or of ethyl alcohol 85450  
for external use when combined with other substances as to make 85451  
it unfit for internal use; 85452

(J) The manufacture, sale, and transport of ethanol or 85453  
ethyl alcohol for use as fuel. As used in this division, 85454  
"ethanol" has the same meaning as in section 122.075 of the 85455  
Revised Code. 85456

(K) The purchase and importation into this state or the 85457  
purchase at wholesale from A or B permit holders in this state 85458  
of beer and intoxicating liquor for use in manufacturing 85459  
processes of nonbeverage food products under terms prescribed by 85460  
the division, provided that the terms prescribed by the division 85461  
shall not increase the cost of the beer or intoxicating liquor 85462  
to any person, firm, or corporation purchasing and importing it 85463  
into this state or purchasing it from an A or B permit holder 85464  
for that use; 85465

(L) Any resident of this state or any member of the armed 85466  
forces of the United States, who has attained the age of twenty- 85467  
one years, from bringing into this state, for personal use and 85468  
not for resale, not more than one liter of spirituous liquor, 85469  
four and one-half liters of wine, or two hundred eighty-eight 85470  
ounces of beer in any thirty-day period, and the same is free of 85471

any tax consent fee when the resident or member of the armed 85472  
forces physically possesses and accompanies the spirituous 85473  
liquor, wine, or beer on returning from a foreign country, 85474  
another state, or an insular possession of the United States; 85475

(M) Persons, at least twenty-one years of age, who collect 85476  
ceramic commemorative bottles containing spirituous liquor that 85477  
have unbroken federal tax stamps on them from selling or trading 85478  
the bottles to other collectors. The bottles shall originally 85479  
have been purchased at retail from the division, legally 85480  
imported under division (L) of this section, or legally imported 85481  
pursuant to a supplier registration issued by the division. The 85482  
sales shall be for the purpose of exchanging a ceramic 85483  
commemorative bottle between private collectors and shall not be 85484  
for the purpose of selling the spirituous liquor for personal 85485  
consumption. The sale or exchange authorized by this division 85486  
shall not occur on the premises of any permit holder, shall not 85487  
be made in connection with the business of any permit holder, 85488  
and shall not be made in connection with any mercantile 85489  
business. 85490

(N) The sale of beer or intoxicating liquor without a 85491  
liquor permit at a private residence, not more than five times 85492  
per calendar year at a residence address, at an event that has 85493  
the following characteristics: 85494

(1) The event is for a charitable, benevolent, or 85495  
political purpose, but shall not include any event the proceeds 85496  
of which are for the profit or gain of any individual; 85497

(2) The event has in attendance not more than fifty 85498  
people; 85499

(3) The event shall be for a period not to exceed twelve 85500

hours; 85501

(4) The sale of beer and intoxicating liquor at the event 85502  
shall not take place between two-thirty a.m. and five-thirty 85503  
a.m.; 85504

(5) No person under twenty-one years of age shall purchase 85505  
or consume beer or intoxicating liquor at the event and no beer 85506  
or intoxicating liquor shall be sold to any person under twenty- 85507  
one years of age at the event; and 85508

(6) No person at the event shall sell or furnish beer or 85509  
intoxicating liquor to an intoxicated person. 85510

(O) The possession or consumption of beer or intoxicating 85511  
liquor by a person who is under twenty-one years of age and who 85512  
is a student at an accredited college or university, provided 85513  
that both of the following apply: 85514

(1) The person is required to taste and expectorate the 85515  
beer or intoxicating liquor for a culinary, food service, or 85516  
hospitality course. 85517

(2) The person is under the direct supervision of the 85518  
instructor of the culinary, food service, or hospitality course. 85519

(P) Two or more A-2 or A-2f permit holders may use the 85520  
same premises and manufacturing equipment to conduct all of the 85521  
activities authorized under section 4303.03 or 4303.031 of the 85522  
Revised Code, as applicable. 85523

**Sec. 4301.30.** (A) All—Except as provided in division (G) 85524  
of this section, all fees collected by the division of liquor 85525  
control shall be deposited in the state treasury to the credit 85526  
of the undivided liquor permit fund, which is hereby created, at 85527  
the time prescribed under section 4301.12 of the Revised Code. 85528

Each payment shall be accompanied by a statement showing 85529  
separately the amount collected for each class of permits in 85530  
each municipal corporation and in each township outside the 85531  
limits of any municipal corporation in such township. 85532

(B) (1) An amount equal to forty-five per cent of the fund 85533  
shall be paid from the fund into the state liquor regulatory 85534  
fund, which is hereby created in the state treasury. The state 85535  
liquor regulatory fund shall be used to pay the operating 85536  
expenses of the division of liquor control in administering and 85537  
enforcing Title XLIII of the Revised Code and the operating 85538  
expenses of the liquor control commission. Investment earnings 85539  
of the fund shall be credited to the fund. 85540

(2) Whenever, in the judgment of the director of budget 85541  
and management, the amount of money that is in the state liquor 85542  
regulatory fund is in excess of the amount that is needed to pay 85543  
the operating expenses of the division in administering and 85544  
enforcing Title XLIII of the Revised Code and the operating 85545  
expenses of the commission, the director shall credit the excess 85546  
amount to the general revenue fund. 85547

(C) Twenty per cent of the undivided liquor permit fund 85548  
shall be paid into the statewide treatment and prevention fund, 85549  
which is hereby created in the state treasury. This amount shall 85550  
be appropriated by the general assembly, together with an amount 85551  
equal to one and one-half per cent of the gross profit of the 85552  
division of liquor control derived under division (B) (4) of 85553  
section 4301.10 of the Revised Code, to the department of mental 85554  
health and addiction services. In planning for the allocation of 85555  
and in allocating these amounts for the purposes of Chapter 85556  
5119. of the Revised Code, the department shall comply with the 85557  
nondiscrimination provisions of Title VI of the Civil Rights Act 85558

of 1964, and any rules adopted under that act. 85559

(D) Thirty-five per cent of the undivided liquor permit 85560  
fund shall be distributed by the superintendent of liquor 85561  
control at quarterly calendar periods as follows: 85562

(1) To each municipal corporation, the aggregate amount 85563  
shown by the statements to have been collected from permits in 85564  
the municipal corporation, for the use of the general fund of 85565  
the municipal corporation; 85566

(2) To each township, the aggregate amount shown by the 85567  
statements to have been collected from permits in its territory, 85568  
outside the limits of any municipal corporation located in the 85569  
township, for the use of the general fund of the township, or 85570  
for fire protection purposes, including buildings and equipment 85571  
in the township or in an established fire district within the 85572  
township, to the extent that the funds are derived from liquor 85573  
permits within the territory comprising such fire district. 85574

(E) For the purpose of the distribution required by this 85575  
section, E, H, and D permits covering boats or vessels are 85576  
deemed to have been issued in the municipal corporation or 85577  
township wherein the owner or operator of the vehicle, boat, 85578  
vessel, or dining car equipment to which the permit relates has 85579  
the owner's or operator's principal office or place of business 85580  
within the state. 85581

(F) If the division determines that the police or other 85582  
officers of any municipal corporation or township entitled to 85583  
share in distributions under this section are refusing or 85584  
culpably neglecting to enforce this chapter and Chapter 4303. of 85585  
the Revised Code, or the penal laws of this state relating to 85586  
the manufacture, importation, transportation, distribution, and 85587

sale of beer and intoxicating liquors, or if the prosecuting officer of a municipal corporation or a municipal court fails to comply with the request of the division authorized by division (A) (4) of section 4301.10 of the Revised Code, the division, by certified mail or by electronic means as determined by the superintendent to provide proper notice under the laws of this state, may notify the chief executive officer of the municipal corporation or the board of township trustees of the township of the failure and require the immediate cooperation of the responsible officers of the municipal corporation or township with the division in the enforcement of those chapters and penal laws. Within thirty days after the notice is served, the division shall determine whether the requirement has been complied with. If the division determines that the requirement has not been complied with, it may withhold the distributive share of the municipal corporation or township. This action of the division is reviewable within thirty days thereafter in the court of common pleas of Franklin county.

(G) All fees collected by the division of liquor control from the issuance or renewal of ~~B-2a, S-1, and S-2 permits, and paid by B-2a, S-1, and S-2 permit holders who do not also hold A-1 or A-1c permits or A-2 or A-2f permits,~~ the following permits shall be deposited in the state treasury to the credit of the state liquor regulatory fund:

(1) B-2a, S-1, and S-2 permits paid by B-2a, S-1, and S-2 permit holders who do not also hold A-1 or A-1c permits or A-2 or A-2f permits;

(2) H permits where the permit premises are located outside of this state. ~~Once~~

Once during each fiscal year, an amount equal to fifty per

cent of the fees collected shall be paid from the state liquor 85618  
regulatory fund into the general revenue fund. 85619

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 85620  
of the Revised Code: 85621

(1) "Gallon" or "wine gallon" means one hundred twenty- 85622  
eight fluid ounces. 85623

(2) "Sale" or "sell" includes exchange, barter, gift, 85624  
distribution, and, except with respect to A-4 permit holders, 85625  
offer for sale. 85626

(B) For the purposes of providing revenues for the support 85627  
of the state and encouraging the grape industries in the state, 85628  
a tax is hereby levied on the sale or distribution of wine in 85629  
Ohio, except for known sacramental purposes or low-alcohol 85630  
coolers, at the rate of thirty cents per wine gallon for wine 85631  
containing not less than four per cent of alcohol by volume and 85632  
not more than fourteen per cent of alcohol by volume, ninety- 85633  
eight cents per wine gallon for wine containing more than 85634  
fourteen per cent but not more than twenty-one per cent of 85635  
alcohol by volume, one dollar and eight cents per wine gallon 85636  
for vermouth, and one dollar and forty-eight cents per wine 85637  
gallon for sparkling and carbonated wine and champagne, the tax 85638  
to be paid by the holders of A-2, A-2f,B-5, S-1, and S-2 permits 85639  
or by any other person selling or distributing wine upon which 85640  
no tax has been paid. From the tax paid under this section on 85641  
wine, vermouth, and sparkling and carbonated wine and champagne, 85642  
the treasurer of state shall credit to the Ohio grape industries 85643  
fund created under section 924.54 of the Revised Code a sum 85644  
equal to one cent per gallon for each gallon upon which the tax 85645  
is paid. 85646



(C) For the purpose of providing revenues for the support 85647  
of the state, there is hereby levied a tax on prepared and 85648  
bottled ~~highballs, cocktails, cordials, and other mixed~~ 85649  
beverages ~~at the rate of one dollar and twenty cents per wine-~~ 85650  
~~gallon~~ to be paid by holders of A-4 permits or by any other 85651  
person selling or distributing those products upon which no tax 85652  
has been paid. Only one sale of the same article shall be used 85653  
in computing the amount of tax due. The tax on mixed beverages 85654  
to be paid by holders of A-4 permits under this section shall 85655  
not attach until the ownership of the mixed beverage is 85656  
transferred for valuable consideration to a wholesaler or 85657  
retailer, and no payment of the tax shall be required prior to 85658  
that time. The rate of tax shall be thirty-five cents per wine 85659  
gallon for low-alcohol coolers and one dollar and twenty cents 85660  
per wine gallon for all other mixed beverages. 85661

(D) From the tax paid under this section on wine, 85662  
vermouth, and sparkling and carbonated wine and champagne, the 85663  
treasurer of state shall credit to the Ohio grape industries 85664  
fund created under section 924.54 of the Revised Code a sum 85665  
equal to two cents per gallon upon which the tax is paid. The 85666  
amount credited under this division is in addition to the amount 85667  
credited to the Ohio grape industries fund under division (B) of 85668  
this section. 85669

(E) For the purpose of providing revenues for the support 85670  
of the state, there is hereby levied a tax on cider at the rate 85671  
of twenty-four cents per wine gallon to be paid by the holders 85672  
of A-2, A-2f, and B-5 permits or by any other person selling or 85673  
distributing cider upon which no tax has been paid. Only one 85674  
sale of the same article shall be used in computing the amount 85675  
of the tax due. 85676

**Sec. 4301.432.** For the purpose of encouraging the grape 85677  
industries of the state, a tax is hereby levied on the sale or 85678  
distribution of vermouth, sparkling and carbonated wine and 85679  
champagne, and other wine, except for known sacramental purposes 85680  
or low-alcohol coolers, at the rate of two cents per wine 85681  
gallon, the tax to be paid by the holders of A-2, A-2f, B-2a, B- 85682  
5, S-1, and S-2 permits or by any other person selling or 85683  
distributing wine upon which no such tax has been paid. The 85684  
treasurer of state shall credit to the Ohio grape industries 85685  
fund created under section 924.54 of the Revised Code the moneys 85686  
the treasurer of state receives from this tax. 85687

**Sec. 4303.05.** (A) As used in this section, "low-alcohol 85688  
coolers" has the same meaning as in section 4301.01 of the 85689  
Revised Code. 85690

(B) Permit A-4 may be issued to a manufacturer to 85691  
manufacture do all of the following: 85692

(1) Manufacture prepared highballs, cocktails, cordials, 85693  
and other mixed drinks containing not less than four per cent of 85694  
alcohol by volume and not more than twenty-one per cent of 85695  
alcohol by volume, and to sell such products; 85696

(2) Manufacture low-alcohol coolers; 85697

(3) Sell the products specified in divisions (B) (1) and 85698  
(2) of this section to wholesale and retail permit holders in 85699  
sealed containers only under such rules as are adopted by the 85700  
division of liquor control. ~~The holder of such~~ 85701

(C) An A-4 permit holder may import do both of the 85702  
following: 85703

(1) Import into the state spirituous liquor and wine only 85704  
for blending or other manufacturing purposes under such rules as 85705

are prescribed by the division.—; 85706

~~The holder of such permit may also purchase~~ (2) Purchase 85707  
spirituous liquor for manufacturing and blending purposes from 85708  
the holder of an A-3 permit issued by the division. ~~The~~ 85709

(D) The fee for an A-4 permit is three thousand nine 85710  
hundred six dollars for each plant. 85711

**Sec. 4303.183.** Permit D-7 may be issued to the holder of 85712  
any D-2 permit issued by the division of liquor control, or if 85713  
there is an insufficient number of D-2 permit holders to fill 85714  
the resort quota, to the operator of a retail food establishment 85715  
or a food service operation required to be licensed under 85716  
Chapter 3717. of the Revised Code that operates as a restaurant 85717  
for purposes of this chapter and which qualifies under the other 85718  
requirements of this section, to sell beer and any intoxicating 85719  
liquor at retail, only by the individual drink in glass and from 85720  
the container, for consumption on the premises where sold. Not 85721  
less than fifty per cent of the business on the permit premises 85722  
shall be preparing and serving meals for a consideration in 85723  
order to qualify for and continue to hold such D-7 permit. The 85724  
permit premises shall be located in a resort area. 85725

"Resort area" means a municipal corporation, township, 85726  
county, or any combination thereof, which provides 85727  
entertainment, recreation, and transient housing facilities 85728  
specifically intended to provide leisure time activities for 85729  
persons other than those whose permanent residence is within the 85730  
"resort area" and who increase the population of the "resort 85731  
area" on a seasonal basis, and which experiences seasonal peaks 85732  
of employment and governmental services as a direct result of 85733  
population increase generated by the transient, recreating 85734  
public. A resort season shall begin on the first day of May and 85735

end on the last day of October. Notwithstanding section 4303.27 85736  
of the Revised Code, such permits may be issued for resort 85737  
seasons without regard to the calendar year or permit year. 85738  
Quota restrictions on the number of such permits shall take into 85739  
consideration the transient population during the resort season, 85740  
the custom and habits of visitors and tourists, and the 85741  
promotion of the resort and tourist industry. The fee for this 85742  
permit is ~~four hundred sixty nine dollars per month~~two thousand 85743  
eight hundred fourteen dollars. 85744

Any suspension of a D-7 permit shall be satisfied during 85745  
the resort season in which such suspension becomes final. If 85746  
such suspension becomes final during the off-season, or if the 85747  
period of the suspension extends beyond the last day of October, 85748  
the suspension or remainder thereof shall be satisfied during 85749  
the next resort season. 85750

The ownership of a D-7 permit may be transferred from one 85751  
permit holder to another. The holder of a D-7 permit may file an 85752  
application to transfer such permit to a new location within the 85753  
same resort area, provided that such permit holder shall be the 85754  
owner or operator of a retail food establishment or a food 85755  
service operation, required to be licensed under Chapter 3717. 85756  
of the Revised Code, that operates as a restaurant for purposes 85757  
of this chapter, at such new location. 85758

**Sec. 4303.204.** (A) The division of liquor control may 85759  
issue an F-4 permit to an organization or corporation organized 85760  
not-for-profit in this state to conduct an event that includes 85761  
the introduction, showcasing, or promotion of Ohio wines, if the 85762  
event has all of the following characteristics: 85763

(1) It is coordinated by that organization or corporation, 85764  
and the organization or corporation is responsible for the 85765

activities at it. 85766

(2) It has as one of its purposes the intent to introduce, 85767  
showcase, or promote Ohio wines to persons who attend it. 85768

(3) It includes the sale of food for consumption on the 85769  
premises where sold. 85770

(4) It features any combination of at least three A-2 or 85771  
A-2f permit holders who sell Ohio wine at it. 85772

(B) The holder of an F-4 permit may furnish, with or 85773  
without charge, wine that it has obtained from the A-2 or A-2f 85774  
permit holders that are participating in the event for which the 85775  
F-4 permit is issued, in two-ounce samples for consumption on 85776  
the premises where furnished and may sell such wine by the glass 85777  
for consumption on the premises where sold. The holder of an A-2 85778  
or A-2f permit that is participating in the event for which the 85779  
F-4 permit is issued may sell wine that it has manufactured, in 85780  
sealed containers for consumption off the premises where sold. 85781  
Wine may be furnished or sold on the premises of the event for 85782  
which the F-4 permit is issued only where and when the sale of 85783  
wine is otherwise permitted by law. 85784

(C) The premises of the event for which the F-4 permit is 85785  
issued shall be clearly defined and sufficiently restricted to 85786  
allow proper enforcement of the permit by state and local law 85787  
enforcement officers. If an F-4 permit is issued for all or a 85788  
portion of the same premises for which another class of permit 85789  
is issued, that permit holder's privileges will be suspended in 85790  
that portion of the premises in which the F-4 permit is in 85791  
effect. 85792

(D) No F-4 permit shall be effective for more than 85793  
seventy-two consecutive hours. No sales or furnishing of wine 85794

shall take place under an F-4 permit after one a.m. 85795

(E) The division shall not issue more than six F-4 permits 85796  
to the same not-for-profit organization or corporation in any 85797  
one calendar year. 85798

(F) An applicant for an F-4 permit shall apply for the 85799  
permit not later than thirty days prior to the first day of the 85800  
event for which the permit is sought. The application for the 85801  
permit shall list all of the A-2 and A-2f permit holders that 85802  
will participate in the event for which the F-4 permit is 85803  
sought. The fee for the F-4 permit is ~~sixty dollars per day~~one 85804  
hundred eighty dollars. 85805

The division shall prepare and make available an F-4 85806  
permit application form and may require applicants for and 85807  
holders of the F-4 permit to provide information that is in 85808  
addition to that required by this section and that is necessary 85809  
for the administration of this section. 85810

(G) (1) The holder of an F-4 permit is responsible for, and 85811  
is subject to penalties for, any violations of this chapter or 85812  
Chapter 4301. of the Revised Code or the rules adopted under 85813  
this and that chapter. 85814

(2) An F-4 permit holder shall not allow an A-2 or A-2f 85815  
permit holder to participate in the event for which the F-4 85816  
permit is issued if the A-2 or A-2f or the A-1-A permit of that 85817  
A-2 or A-2f permit holder is under suspension. 85818

(3) The division may refuse to issue an F-4 permit to an 85819  
applicant who has violated any provision of this chapter or 85820  
Chapter 4301. of the Revised Code during the applicant's 85821  
previous operation under an F-4 permit, for a period of up to 85822  
two years after the date of the violation. 85823

(H) (1) Notwithstanding division (D) of section 4301.22 of the Revised Code, an A-2 or A-2f permit holder that participates in an event for which an F-4 permit is issued may donate wine that it has manufactured to the holder of that F-4 permit. The holder of an F-4 permit may return unused and sealed containers of wine to the A-2 or A-2f permit holder that donated the wine at the conclusion of the event for which the F-4 permit was issued.

(2) The participation by an A-2 or A-2f permit holder or its employees in an event for which an F-4 permit is issued does not violate section 4301.24 of the Revised Code.

**Sec. 4303.2011.** (A) As used in this section, "nonprofit organization" means a corporation, association, group, institution, society, or other organization that:

(1) Is exempt from federal income taxation;

(2) Has a membership of two hundred fifty or more persons.

(B) The division of liquor control may issue an F-11 permit to a nonprofit organization to conduct an event if the event has all of the following characteristics:

(1) The event is coordinated by the nonprofit organization and the nonprofit organization is responsible for the activities at the event.

(2) One of the event's purposes is the introduction, showcasing, or promotion of craft beers manufactured in this state.

(3) The event includes the sale of food for consumption on the premises where sold.

(4) The event features at least twenty A-1c permit

holders, who are members of the nonprofit organization that has organized the event, as participants. The nonprofit organization may allow any number of A-1 permit holders to participate in the event.

(C) An F-11 permit holder may sell, at the event, beer that it has purchased from the A-1 or A-1c permit holders that are participating in the event or from the participating A-1 or A-1c permit holder's assigned B-1 permit holder. The F-11 permit holder may sell the beer in four-ounce samples or in containers not exceeding sixteen ounces for consumption on the premises where sold.

The F-11 permit holder may sell beer on the F-11 permit premises only where and when the sale of beer is otherwise permitted by law.

(D) The F-11 permit holder shall clearly define and sufficiently restrict the premises of the event to allow proper enforcement of the permit by state and local law enforcement officers. If an F-11 permit is issued for all or a portion of the same premises for which another class of permit is issued, that permit holder's privileges are suspended in that portion of the premises in which the F-11 permit is in effect.

(E) (1) No F-11 permit is effective for more than seventy-two consecutive hours. However, for purposes of an exposition at the state fairgrounds, an F-11 permit is effective for the duration of the exposition.

(2) No sales of beer shall take place under an F-11 permit after one a.m.

(F) The division shall not issue more than six F-11 permits to the same nonprofit organization in any one calendar



year. 85881

(G) An applicant for an F-11 permit shall apply for the 85882  
permit not later than thirty days prior to the first day of the 85883  
event for which the permit is sought. In the application, the 85884  
applicant shall list all of the A-1 and A-1c permit holders that 85885  
will participate in the event. The fee for the F-11 permit is 85886  
~~sixty dollars for each day of the event~~ one hundred eighty 85887  
dollars. 85888

The division shall prepare and make available an F-11 85889  
permit application form and may require applicants for and 85890  
holders of the F-11 permit to provide information that is in 85891  
addition to that required by this section and that is necessary 85892  
for the administration of this section. 85893

(H) (1) An F-11 permit holder is responsible, and is 85894  
subject to penalties, for any violations of this chapter or 85895  
Chapter 4301. of the Revised Code that occur during the event. 85896

(2) An F-11 permit holder shall not allow an A-1 or A-1c 85897  
permit holder to participate in the event if the A-1 or A-1c 85898  
permit or, if applicable, the A-1-A permit of that A-1 or A-1c 85899  
permit holder is under suspension. 85900

(3) The division may refuse to issue an F-11 permit to an 85901  
applicant if both of the following apply: 85902

(a) The applicant has pleaded guilty to or has been 85903  
convicted of violating this chapter or Chapter 4301. of the 85904  
Revised Code while operating under a previously issued F-11 85905  
permit. 85906

(b) The violation occurred within the two years preceding 85907  
the filing of the new F-11 permit application. 85908

(I) Notwithstanding any provision of section 4301.24 of the Revised Code or any rule adopted by the liquor control commission to the contrary, employees of an A-1 or A-1c permit holder or B-1 permit holder, or employees or agents of a B-1 permit holder may assist an F-11 permit holder in serving beer at an event for which an F-11 permit is issued.

**Sec. 4303.233.** (A) As used in this section, "personal consumer" means an individual who is at least twenty-one years of age, is a resident of this state, does not hold a permit issued under this chapter, and intends to use wine purchased in accordance with this section for personal consumption only and not for resale or other commercial purposes.

(B) (1) The division of liquor control may issue an S-2 permit to a person that manufactures two hundred fifty thousand gallons or more of wine per year. If the person resides outside this state, the person shall comply with the requirements governing the issuance of licenses or permits that authorize the sale of beer or intoxicating liquor by the appropriate authority of the state in which the person resides and by the alcohol and tobacco tax and trade bureau of the United States department of the treasury.

(2) An S-2 permit holder may sell wine to a personal consumer by receiving and filling orders that the personal consumer submits to the permit holder. The permit holder shall sell only wine that the permit holder has manufactured to a personal consumer. An S-2 permit holder may use a fulfillment warehouse registered under section 4303.234 of the Revised Code to send a shipment of wine to a personal consumer. A fulfillment warehouse is an agent of an S-2 permit holder and an S-2 permit holder is liable for violations of this chapter and Chapter

4301. of the Revised Code that are committed by the fulfillment 85939  
warehouse regarding wine shipped on behalf of the S-2 permit 85940  
holder. 85941

(C) An S-2 permit holder shall collect and pay the taxes 85942  
relating to the delivery of wine to a personal consumer that are 85943  
levied under sections 4301.421, 4301.43, and 4301.432 and 85944  
Chapters 5739. and 5741. of the Revised Code. 85945

(D) (1) An S-2 permit holder shall send a shipment of wine 85946  
that has been paid for by a personal consumer to that personal 85947  
consumer via an H permit holder. Prior to sending a shipment of 85948  
wine to a personal consumer, the S-2 permit holder, or an 85949  
employee of the permit holder, shall make a bona fide effort to 85950  
ensure that the personal consumer is at least twenty-one years 85951  
of age. The shipment of wine shall be shipped in a package that 85952  
clearly states that it contains alcohol. No person shall fail to 85953  
comply with division (D) (1) of this section. 85954

(2) Upon delivering a shipment of wine to a personal 85955  
consumer, an H permit holder, or an employee of the permit 85956  
holder, shall verify that the personal consumer is at least 85957  
twenty-one years of age by checking the personal consumer's 85958  
driver's or commercial driver's license or identification card 85959  
issued under sections 4507.50 to 4507.52 of the Revised Code. 85960

(3) An S-2 permit holder shall keep a record of each 85961  
shipment of wine that the permit holder sends to a personal 85962  
consumer. The records shall be used for all of the following: 85963

(a) To provide a copy of each wine shipment invoice to the 85964  
tax commissioner in a manner prescribed by the commissioner. The 85965  
invoice shall include the name of each personal consumer that 85966  
purchased wine from the S-2 permit holder in accordance with 85967

this section and any other information required by the tax commissioner. 85968  
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(b) To provide annually in electronic format by electronic means a report to the division. The report shall include the name and address of each personal consumer that purchased wine from the S-2 permit holder in accordance with this section, the quantity of wine purchased by each personal consumer, and any other information requested by the division. If the S-2 permit holder uses a fulfillment warehouse registered under section 4303.234 of the Revised Code to send a shipment of wine on behalf of the S-2 permit holder, the S-2 permit holder need not include the personal consumer information for that shipment in the report. The division shall prescribe and provide an electronic form for the report and shall determine the specific electronic means that the S-2 permit holder must use to submit the report. 85970  
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(c) To notify a personal consumer of any health or welfare recalls of the wine that has been purchased by the personal consumer. 85984  
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(E) An S-2 permit holder shall comply with this chapter, Chapter 4301. of the Revised Code, and any rules adopted by the liquor control commission under section 4301.03 of the Revised Code. 85987  
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(F) (1) An S-2 permit holder shall renew the permit in accordance with section 4303.271 of the Revised Code, except that the renewal shall not be subject to the notice and hearing requirements established in division (B) of that section. 85991  
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(2) The division may refuse to renew an S-2 permit for any of the reasons specified in section 4303.292 of the Revised Code 85995  
85996

or if the permit holder fails to do any of the following: 85997

(a) Collect and pay all applicable taxes specified in 85998  
division (C) of this section; 85999

(b) Pay the permit fee; 86000

(c) Comply with this section or any rules adopted by the 86001  
liquor control commission under section 4301.03 of the Revised 86002  
Code. 86003

(G) The ~~initial~~ fee for the S-2 permit is two hundred 86004  
fifty dollars. ~~The renewal fee for the S-2 permit is one hundred~~ 86005  
~~dollars.~~ 86006

**Sec. 4305.13.** (A) If the tax commissioner finds that any 86007  
permit holder, liable for tax under Chapter 4301., 4305., or 86008  
4307. of the Revised Code, is about to depart from the state, 86009  
remove the permit holder's property from the state, conceal the 86010  
permit holder's self or property, or do any other act tending to 86011  
prejudice, obstruct, or render wholly or partially ineffectual 86012  
proceedings to collect the tax, unless the proceedings are 86013  
commenced without delay, or if the commissioner believes that 86014  
the collection of the amount due from any permit holder will be 86015  
jeopardized by delay, the commissioner may issue a jeopardy 86016  
assessment against the permit holder for the amount of the tax, 86017  
plus a penalty of up to thirty per cent. Upon issuance of a 86018  
jeopardy assessment under this division, the total amount 86019  
assessed shall immediately be due and payable unless security is 86020  
provided pursuant to division (C) of this section. Any 86021  
assessment issued under this section shall bear interest as 86022  
prescribed by section 4305.131 of the Revised Code. 86023

(B) The commissioner immediately shall file an entry with 86024  
the clerk of the court of common pleas in the same manner and 86025

with the same effect as provided in section 4305.131 of the Revised Code. Notice of the jeopardy assessment shall be served on the permit holder assessed or the permit holder's legal representative, as provided in section 5703.37 of the Revised Code, within five days of the filing of the entry. The permit holder assessed may petition for reassessment within sixty days of receipt of the notice of jeopardy assessment in the same manner as provided in section 4305.131 of the Revised Code. Full or partial payment of the assessment shall not prejudice the commissioner's consideration of the merits of the assessment as contested by the petition for reassessment. Upon notification of the existence of the judgment filed pursuant to this division, any public official having control or custody of any funds or property of the person assessed immediately shall pay or deliver the funds or property to the commissioner as full or partial satisfaction of the jeopardy assessment. However, funds or property needed as evidence in criminal proceedings or that is expected to be forfeited pursuant to Chapter 2981. of the Revised Code need not be relinquished by the public official. Upon disposition of criminal and forfeiture proceedings, funds and property not needed as evidence and not forfeited shall be delivered to the commissioner.

(C) If the permit holder subject to a jeopardy assessment files a petition for reassessment and posts security satisfactory to the commissioner in an amount sufficient to satisfy the unpaid balance of the assessment, execution on the judgment shall be stayed pending disposition of the petition for reassessment and all appeals resulting from the petition. If the security is sufficient to satisfy the full amount of the assessment, the commissioner shall return any funds or property of the permit holder previously seized. Upon satisfaction of the

assessment the commissioner shall order the security released 86057  
and the judgment vacated. 86058

~~(D) The commissioner may adopt rules providing for the 86059  
imposition and remission of penalties added to assessments under 86060  
this section. 86061~~

**Sec. 4305.131.** (A) If any permit holder fails to pay the 86062  
taxes levied by section 4301.42, 4301.43, 4301.432, or 4305.01 86063  
of the Revised Code in the manner prescribed by section 4303.33 86064  
of the Revised Code, or by section 4301.421 or 4301.424 of the 86065  
Revised Code in the manner prescribed in section 4301.422 of the 86066  
Revised Code, and by the rules of the tax commissioner, the 86067  
commissioner may make an assessment against the permit holder 86068  
based upon any information in the commissioner's possession. 86069

No assessment shall be made against any permit holder for 86070  
any taxes imposed by section 4301.42, 4301.421, 4301.424, 86071  
4301.43, 4301.432, or 4305.01 of the Revised Code more than 86072  
three years after the last day of the calendar month in which 86073  
the sale was made or more than three years after the return for 86074  
that period is filed, whichever is later. This section does not 86075  
bar an assessment against any permit holder or registrant as 86076  
provided in section 4303.331 of the Revised Code who fails to 86077  
file a return as required by section 4301.422 or 4303.33 of the 86078  
Revised Code, or who files a fraudulent return. 86079

A penalty of up to thirty per cent may be added to the 86080  
amount of every assessment made under this section. ~~The 86081  
commissioner may adopt rules providing for the imposition and 86082  
remission of penalties added to assessments made under this 86083  
section. 86084~~

The commissioner shall give the party assessed written 86085

notice of the assessment in the manner provided in section 86086  
5703.37 of the Revised Code. With the notice, the commissioner 86087  
shall provide instructions on how to petition for reassessment 86088  
and request a hearing on the petition. 86089

(B) Unless the party assessed files with the tax 86090  
commissioner within sixty days after service of the notice of 86091  
assessment, ~~either personally or by certified mail,~~ a written 86092  
petition for reassessment, signed by the party assessed or that 86093  
party's authorized agent having knowledge of the facts, the 86094  
assessment becomes final and the amount of the assessment is due 86095  
and payable from the party assessed to the treasurer of state. 86096  
The petition shall indicate the objections of the party 86097  
assessed, but additional objections may be raised in writing if 86098  
received by the commissioner prior to the date shown on the 86099  
final determination. If the petition has been properly filed, 86100  
the commissioner shall proceed under section 5703.60 of the 86101  
Revised Code. 86102

(C) After an assessment becomes final, if any portion of 86103  
the assessment remains unpaid, including accrued interest, a 86104  
certified copy of the tax commissioner's entry making the 86105  
assessment final may be filed in the office of the clerk of the 86106  
court of common pleas in the county in which the permit holder's 86107  
place of business is located or the county in which the party 86108  
assessed resides. If the party assessed maintains no place of 86109  
business in this state and is not a resident of this state, the 86110  
certified copy of the entry may be filed in the office of the 86111  
clerk of the court of common pleas of Franklin county. 86112

Immediately upon the filing of the entry, the clerk shall 86113  
enter a judgment for the state against the party assessed in the 86114  
amount shown on the entry. The judgment may be filed by the 86115



clerk in a loose-leaf book entitled "special judgments for state 86116  
beer and liquor sales taxes," and shall have the same effect as 86117  
other judgments. Execution shall issue upon the judgment upon 86118  
the request of the commissioner, and all laws applicable to 86119  
sales on execution shall apply to sales made under the judgment, 86120  
except as otherwise provided in this chapter and Chapters 4301. 86121  
and 4307. of the Revised Code. 86122

If the assessment is not paid in its entirety within sixty 86123  
days after the day the assessment was issued, the portion of the 86124  
assessment consisting of tax due shall bear interest at the rate 86125  
per annum prescribed by section 5703.47 of the Revised Code from 86126  
the day the commissioner issues the assessment until it is paid 86127  
or until it is certified to the attorney general for collection 86128  
under section 131.02 of the Revised Code, whichever comes first. 86129  
If the unpaid portion of the assessment is certified to the 86130  
attorney general for collection, the entire unpaid portion of 86131  
the assessment shall bear interest at the rate per annum 86132  
prescribed by section 5703.47 of the Revised Code from the date 86133  
of certification until the date it is paid in its entirety. 86134  
Interest shall be paid in the same manner as the tax and may be 86135  
collected by the issuance of an assessment under this section. 86136

(D) All money collected under this section shall be 86137  
considered as revenue arising from the taxes imposed by sections 86138  
4301.42, 4301.421, 4301.424, 4301.43, 4301.432, and 4305.01 of 86139  
the Revised Code. 86140

**Sec. 4501.027.** (A) Notwithstanding any provision of law to 86141  
the contrary, the registrar of motor vehicles may conduct, or 86142  
authorize a deputy registrar to conduct, any service or 86143  
transaction authorized or required by law in an electronic or 86144  
online format rather than in person. The registrar or deputy 86145

registrar also may accept electronically any documents required 86146  
to accompany such service or transaction or any documents 86147  
approved by the registrar for electronic or online submission 86148  
and acceptance. 86149

(B) The registrar or deputy registrar shall charge the 86150  
same amount for the electronic or online service or transaction 86151  
as the registrar or deputy registrar charges for the associated 86152  
in-person transaction. The registrar or deputy registrar may 86153  
accept payment for any such service or transaction by a 86154  
financial transaction device. The registrar or deputy registrar 86155  
may charge a person who tenders payment for an online service or 86156  
transaction by means of a financial transaction device any costs 86157  
the registrar or deputy registrar incurs from accepting payment 86158  
by the financial transaction device. 86159

**Sec. 4501.29.** The department of administrative services 86160  
shall collect user fees from participants in the multi-agency 86161  
radio communications system (MARCS). The director of 86162  
administrative services, ~~with the advice of the MARCS steering-~~ 86163  
~~committee and the~~ consent of the director of budget and 86164  
management, shall determine the amount of the user fees and the 86165  
manner by which the fees shall be collected. All moneys from 86166  
user fees shall be deposited in the MARCS administration fund, 86167  
which is hereby created in the state treasury. All investment 86168  
earnings on moneys in the fund shall be credited to the fund. 86169

**Sec. 4501.30.** As used in sections 4501.30 to 4501.303 of 86170  
the Revised Code: 86171

"MARCS" means the multi-agency radio communications 86172  
system. 86173

"P25 standards" means standards for digital radio 86174

communications for use by federal, state, provincial, and local 86175  
public safety agencies in North America to enable communications 86176  
with other agencies and mutual aid response teams in 86177  
emergencies. "P25 standards" are the standards produced through 86178  
the joint efforts of the association of public-safety 86179  
communications officials, the national association of state 86180  
technology directors, selected federal agencies, and the 86181  
national communications system. 86182

"P25 system" means a communications system that meets P25 86183  
standards and fosters interoperability in mission critical 86184  
communications ~~as certified by the MARCS steering committee.~~ 86185

**Sec. 4501.302.** (A) The multi-agency radio communications 86186  
system (MARCS) steering committee is established consisting of 86187  
the following members: 86188

(1) The directors, or designees thereof, of administrative 86189  
services, public safety, natural resources, transportation, 86190  
rehabilitation and correction, and budget and management, and 86191  
the state fire marshal or the state fire marshal's designee; 86192

(2) The following members appointed by the governor: 86193

(a) One representative of the Ohio chapter of the 86194  
association of public safety communications officials or its 86195  
successor organization; 86196

(b) One representative of the buckeye state sheriff's 86197  
association or its successor organization; 86198

(c) One representative of the Ohio association of chiefs 86199  
of police or its successor organization; 86200

(d) One representative of the Ohio fire chiefs' 86201  
association or its successor organization. 86202

(3) Two members of the house of representatives appointed 86203  
by the speaker of the house of representatives, one from the 86204  
majority party and one from the minority party; 86205

(4) Two members of the senate appointed by the president 86206  
of the senate, one from the majority party and one from the 86207  
minority party. 86208

(B) The director of administrative services or the 86209  
director's designee shall chair the committee. 86210

(C) The committee shall provide assistance to the director 86211  
of administrative services for effective and efficient 86212  
implementation of MARCS as well as develop policies for the 86213  
ongoing management of the system. Upon dates prescribed by the 86214  
directors of administrative services and budget and management, 86215  
the MARCS steering committee shall report to the directors on 86216  
the progress of MARCS implementation and the development of 86217  
policies related to the system. 86218

(D) The committee shall establish a subcommittee to 86219  
represent MARCS users on the local government level. The 86220  
chairperson of the subcommittee shall serve as a member of the 86221  
MARCS steering committee. 86222

(E) Divisions (A) to (D) of this section represent the 86223  
codification of the existing MARCS steering committee and 86224  
subcommittee. Upon the effective date of this amendment, members 86225  
of the MARCS steering committee and the subcommittee may 86226  
continue service on these committees, their terms unaffected by 86227  
the codification. 86228

(F) The MARCS steering committee shall certify that the 86229  
P25 system complies with P25 standards based on business 86230  
planning documents it approves. The planning documents shall 86231

outline the various end user costs for monthly access to the 86232  
system depending on the number of MARCS users and including 86233  
adequate funding for future repairs, maintenance, and upgrades 86234  
of MARCS statewide. 86235

**Sec. 4503.06.** (A) The owner of each manufactured or mobile 86236  
home that has acquired situs in this state shall pay either a 86237  
real property tax pursuant to Title LVII of the Revised Code or 86238  
a manufactured home tax pursuant to division (C) of this 86239  
section. 86240

(B) The owner of a manufactured or mobile home shall pay 86241  
real property taxes if either of the following applies: 86242

(1) The manufactured or mobile home acquired situs in the 86243  
state or ownership in the home was transferred on or after 86244  
January 1, 2000, and all of the following apply: 86245

(a) The home is affixed to a permanent foundation as 86246  
defined in division (C) (5) of section 3781.06 of the Revised 86247  
Code. 86248

(b) The home is located on land that is owned by the owner 86249  
of the home. 86250

(c) The certificate of title has been inactivated by the 86251  
clerk of the court of common pleas that issued it, pursuant to 86252  
division (H) of section 4505.11 of the Revised Code. 86253

(2) The manufactured or mobile home acquired situs in the 86254  
state or ownership in the home was transferred before January 1, 86255  
2000, and all of the following apply: 86256

(a) The home is affixed to a permanent foundation as 86257  
defined in division (C) (5) of section 3781.06 of the Revised 86258  
Code. 86259

(b) The home is located on land that is owned by the owner 86260  
of the home. 86261

(c) The owner of the home has elected to have the home 86262  
taxed as real property and, pursuant to section 4505.11 of the 86263  
Revised Code, has surrendered the certificate of title to the 86264  
auditor of the county containing the taxing district in which 86265  
the home has its situs, together with proof that all taxes have 86266  
been paid. 86267

(d) The county auditor has placed the home on the real 86268  
property tax list and delivered the certificate of title to the 86269  
clerk of the court of common pleas that issued it and the clerk 86270  
has inactivated the certificate. 86271

(C) (1) Any mobile or manufactured home that is not taxed 86272  
as real property as provided in division (B) of this section is 86273  
subject to an annual manufactured home tax, payable by the 86274  
owner, for locating the home in this state. The tax as levied in 86275  
this section is for the purpose of supplementing the general 86276  
revenue funds of the local subdivisions in which the home has 86277  
its situs pursuant to this section. 86278

(2) The year for which the manufactured home tax is levied 86279  
commences on the first day of January and ends on the following 86280  
thirty-first day of December. The state shall have the first 86281  
lien on any manufactured or mobile home on the list for the 86282  
amount of taxes, penalties, and interest charged against the 86283  
owner of the home under this section. The lien of the state for 86284  
the tax for a year shall attach on the first day of January to a 86285  
home that has acquired situs on that date. The lien for a home 86286  
that has not acquired situs on the first day of January, but 86287  
that acquires situs during the year, shall attach on the next 86288  
first day of January. The lien shall continue until the tax, 86289

including any penalty or interest, is paid. 86290

(3) (a) The situs of a manufactured or mobile home located 86291  
in this state on the first day of January is the local taxing 86292  
district in which the home is located on that date. 86293

(b) The situs of a manufactured or mobile home not located 86294  
in this state on the first day of January, but located in this 86295  
state subsequent to that date, is the local taxing district in 86296  
which the home is located thirty days after it is acquired or 86297  
first enters this state. 86298

(4) The tax is collected by and paid to the county 86299  
treasurer of the county containing the taxing district in which 86300  
the home has its situs. 86301

(D) The manufactured home tax shall be computed and 86302  
assessed by the county auditor of the county containing the 86303  
taxing district in which the home has its situs as follows: 86304

(1) On a home that acquired situs in this state prior to 86305  
January 1, 2000: 86306

(a) By multiplying the assessable value of the home by the 86307  
tax rate of the taxing district in which the home has its situs, 86308  
and deducting from the product thus obtained any reduction 86309  
authorized under section 4503.065 of the Revised Code. The tax 86310  
levied under this formula shall not be less than thirty-six 86311  
dollars, unless the home qualifies for a reduction in assessable 86312  
value under section 4503.065 of the Revised Code, in which case 86313  
there shall be no minimum tax and the tax shall be the amount 86314  
calculated under this division. 86315

(b) The assessable value of the home shall be forty per 86316  
cent of the amount arrived at by the following computation: 86317

(i) If the cost to the owner, or market value at time of purchase, whichever is greater, of the home includes the furnishings and equipment, such cost or market value shall be multiplied according to the following schedule:

	1	2	3
A	For the first calendar year in which the home is owned by the current owner	x	80%
B	2nd calendar year	x	75%
C	3rd "	x	70%
D	4th "	x	65%
E	5th "	x	60%
F	6th "	x	55%
G	7th "	x	50%
H	8th "	x	45%
I	9th "	x	40%
J	10th and each year thereafter	x	35%

The first calendar year means any period between the first day of January and the thirty-first day of December of the first year.

(ii) If the cost to the owner, or market value at the time of purchase, whichever is greater, of the home does not include the furnishings and equipment, such cost or market value shall



be multiplied according to the following schedule: 86329

86330

	1	2	3
A	For the first calendar year in which the home is owned by the current owner	x	95%
B	2nd calendar year	x	90%
C	3rd "	x	85%
D	4th "	x	80%
E	5th "	x	75%
F	6th "	x	70%
G	7th "	x	65%
H	8th "	x	60%
I	9th "	x	55%
J	10th and each year thereafter	x	50%

The first calendar year means any period between the first day of January and the thirty-first day of December of the first year. 86331  
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86333

(2) On a home in which ownership was transferred or that first acquired situs in this state on or after January 1, 2000: 86334  
86335

(a) By multiplying the assessable value of the home by the effective tax rate, as defined in section 323.08 of the Revised Code, for residential real property of the taxing district in which the home has its situs, and deducting from the product 86336  
86337  
86338  
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thus obtained the reductions required or authorized under 86340  
section 319.302, division (B) of section 323.152, or section 86341  
4503.065 of the Revised Code. 86342

(b) The assessable value of the home shall be thirty-five 86343  
per cent of its true value as determined under division (L) of 86344  
this section. 86345

(3) On or before the fifteenth day of January each year, 86346  
the county auditor shall record the assessable value and the 86347  
amount of tax on the manufactured or mobile home on the tax list 86348  
and deliver a duplicate of the list to the county treasurer. In 86349  
the case of an emergency as defined in section 323.17 of the 86350  
Revised Code, the tax commissioner, by journal entry, may extend 86351  
the times for delivery of the duplicate for an additional 86352  
fifteen days upon receiving a written application from the 86353  
county auditor regarding an extension for the delivery of the 86354  
duplicate, or from the county treasurer regarding an extension 86355  
of the time for the billing and collection of taxes. The 86356  
application shall contain a statement describing the emergency 86357  
that will cause the unavoidable delay and must be received by 86358  
the tax commissioner on or before the last day of the month 86359  
preceding the day delivery of the duplicate is otherwise 86360  
required. When an extension is granted for delivery of the 86361  
duplicate, the time period for payment of taxes shall be 86362  
extended for a like period of time. When a delay in the closing 86363  
of a tax collection period becomes unavoidable, the tax 86364  
commissioner, upon application by the county auditor and county 86365  
treasurer, may order the time for payment of taxes to be 86366  
extended if the tax commissioner determines that penalties have 86367  
accrued or would otherwise accrue for reasons beyond the control 86368  
of the taxpayers of the county. The order shall prescribe the 86369  
final extended date for payment of taxes for that collection 86370

period. 86371

(4) After January 1, 1999, the owner of a manufactured or 86372  
mobile home taxed pursuant to division (D)(1) of this section 86373  
may elect to have the home taxed pursuant to division (D)(2) of 86374  
this section by filing a written request with the county auditor 86375  
of the taxing district in which the home is located on or before 86376  
the first day of December of any year. Upon the filing of the 86377  
request, the county auditor shall determine whether all taxes 86378  
levied under division (D)(1) of this section have been paid, and 86379  
if those taxes have been paid, the county auditor shall tax the 86380  
manufactured or mobile home pursuant to division (D)(2) of this 86381  
section commencing in the next tax year. 86382

(5) A manufactured or mobile home that acquired situs in 86383  
this state prior to January 1, 2000, shall be taxed pursuant to 86384  
division (D)(2) of this section if no manufactured home tax had 86385  
been paid for the home and the home was not exempted from 86386  
taxation pursuant to division (E) of this section for the year 86387  
for which the taxes were not paid. 86388

(6) (a) Immediately upon receipt of any manufactured home 86389  
tax duplicate from the county auditor, but not less than twenty 86390  
days prior to the last date on which the first one-half taxes 86391  
may be paid without penalty as prescribed in division (F) of 86392  
this section, the county treasurer shall cause to be prepared 86393  
and mailed or delivered to each person charged on that duplicate 86394  
with taxes, or to an agent designated by such person, the tax 86395  
bill prescribed by the tax commissioner under division (D)(7) of 86396  
this section. When taxes are paid by installments, the county 86397  
treasurer shall mail or deliver to each person charged on such 86398  
duplicate or the agent designated by that person a second tax 86399  
bill showing the amount due at the time of the second tax 86400

collection. The second half tax bill shall be mailed or 86401  
delivered at least twenty days prior to the close of the second 86402  
half tax collection period. A change in the mailing address, 86403  
electronic mail address, or telephone number of any tax bill 86404  
shall be made in writing to the county treasurer. Failure to 86405  
receive a bill required by this section does not excuse failure 86406  
or delay to pay any taxes shown on the bill or, except as 86407  
provided in division (B) (1) of section 5715.39 of the Revised 86408  
Code, avoid any penalty, interest, or charge for such delay. 86409

A policy adopted by a county treasurer under division (A) 86410  
(2) of section 323.13 of the Revised Code shall also allow any 86411  
person required to receive a tax bill under division (D) (6) (a) 86412  
of this section to request electronic delivery of that tax bill 86413  
in the same manner. A person may rescind such a request in the 86414  
same manner as a request made under division (A) (2) of section 86415  
323.13 of the Revised Code. The request shall terminate upon a 86416  
change in the name of the person charged with the taxes pursuant 86417  
to section 4503.061 of the Revised Code. 86418

(b) After delivery of the copy of the delinquent 86419  
manufactured home tax list under division (H) of this section, 86420  
the county treasurer may prepare and mail to each person in 86421  
whose name a home is listed an additional tax bill showing the 86422  
total amount of delinquent taxes charged against the home as 86423  
shown on the list. The tax bill shall include a notice that the 86424  
interest charge prescribed by division (G) of this section has 86425  
begun to accrue. 86426

(7) Each tax bill prepared and mailed or delivered under 86427  
division (D) (6) of this section shall be in the form and contain 86428  
the information required by the tax commissioner. The 86429  
commissioner may prescribe different forms for each county and 86430

may authorize the county auditor to make up tax bills and tax receipts to be used by the county treasurer. The tax bill shall not contain or be mailed or delivered with any information or material that is not required by this section or that is not authorized by section 321.45 of the Revised Code or by the tax commissioner. In addition to the information required by the commissioner, each tax bill shall contain the following information:

(a) The taxes levied and the taxes charged and payable against the manufactured or mobile home;

(b) The following notice: "Notice: If the taxes are not paid within sixty days after the county auditor delivers the delinquent manufactured home tax list to the county treasurer, you and your home may be subject to collection proceedings for tax delinquency." Failure to provide such notice has no effect upon the validity of any tax judgment to which a home may be subjected.

(c) In the case of manufactured or mobile homes taxed under division (D)(2) of this section, the following additional information:

(i) The effective tax rate. The words "effective tax rate" shall appear in boldface type.

(ii) The following notice: "Notice: If the taxes charged against this home have been reduced by the 2-1/2 per cent tax reduction for residences occupied by the owner but the home is not a residence occupied by the owner, the owner must notify the county auditor's office not later than March 31 of the year for which the taxes are due. Failure to do so may result in the owner being convicted of a fourth degree misdemeanor, which is

punishable by imprisonment up to 30 days, a fine up to \$250, or 86460  
both, and in the owner having to repay the amount by which the 86461  
taxes were erroneously or illegally reduced, plus any interest 86462  
that may apply. 86463

If the taxes charged against this home have not been 86464  
reduced by the 2-1/2 per cent tax reduction and the home is a 86465  
residence occupied by the owner, the home may qualify for the 86466  
tax reduction. To obtain an application for the tax reduction or 86467  
further information, the owner may contact the county auditor's 86468  
office at \_\_\_\_\_ (insert the address and telephone number of 86469  
the county auditor's office)."

(d) For a manufactured or mobile home, the tax liability 86471  
of which has been reduced under section 5705.316 of the Revised 86472  
Code for the current tax year, the following notice: "Notice: 86473  
The school district taxes shown due on this bill are reduced 86474  
only for the current year due to the school district's excess 86475  
carry-over balance." 86476

(E) (1) A manufactured or mobile home is not subject to 86477  
this section when any of the following applies: 86478

(a) It is taxable as personal property pursuant to section 86479  
5709.01 of the Revised Code. Any manufactured or mobile home 86480  
that is used as a residence shall be subject to this section and 86481  
shall not be taxable as personal property pursuant to section 86482  
5709.01 of the Revised Code. 86483

(b) It bears a license plate issued by any state other 86484  
than this state unless the home is in this state in excess of an 86485  
accumulative period of thirty days in any calendar year. 86486

(c) The annual tax has been paid on the home in this state 86487  
for the current year. 86488

(d) The tax commissioner has determined, pursuant to 86489  
section 5715.27 of the Revised Code, that the property is exempt 86490  
from taxation, or would be exempt from taxation under Chapter 86491  
5709. of the Revised Code if it were classified as real 86492  
property. 86493

(2) A travel trailer or park trailer, as these terms are 86494  
defined in section 4501.01 of the Revised Code, is not subject 86495  
to this section if it is unused or unoccupied and stored at the 86496  
owner's normal place of residence or at a recognized storage 86497  
facility. 86498

(3) A travel trailer or park trailer, as these terms are 86499  
defined in section 4501.01 of the Revised Code, is subject to 86500  
this section and shall be taxed as a manufactured or mobile home 86501  
if it has a situs longer than thirty days in one location and is 86502  
connected to existing utilities, unless either of the following 86503  
applies: 86504

(a) The situs is in a state facility or a camping or park 86505  
area as defined in division (C), (Q), (S), or (V) of section 86506  
3729.01 of the Revised Code. 86507

(b) The situs is in a camping or park area that is a tract 86508  
of land that has been limited to recreational use by deed or 86509  
zoning restrictions and subdivided for sale of five or more 86510  
individual lots for the express or implied purpose of occupancy 86511  
by either self-contained recreational vehicles as defined in 86512  
division (T) of section 3729.01 of the Revised Code or by 86513  
dependent recreational vehicles as defined in division (D) of 86514  
section 3729.01 of the Revised Code. 86515

(F) Except as provided in division (D) (3) of this section, 86516  
the manufactured home tax is due and payable as follows: 86517

(1) When a manufactured or mobile home has a situs in this state, as provided in this section, on the first day of January, one-half of the amount of the tax is due and payable on or before the first day of March and the balance is due and payable on or before the thirty-first day of July. At the option of the owner of the home, the tax for the entire year may be paid in full on the first day of March.

(2) When a manufactured or mobile home first acquires a situs in this state after the first day of January, no tax is due and payable for that year.

(G) (1) (a) Except as otherwise provided in division (G) (1) (b) of this section, if one-half of the current taxes charged under this section against a manufactured or mobile home, together with the full amount of any delinquent taxes, are not paid on or before the first day of March in that year, or on or before the last day for such payment as extended pursuant to section 4503.063 of the Revised Code, a penalty of ten per cent shall be charged against the unpaid balance of such half of the current taxes. If the total amount of all such taxes is not paid on or before the thirty-first day of July, next thereafter, or on or before the last day for payment as extended pursuant to section 4503.063 of the Revised Code, a like penalty shall be charged on the balance of the total amount of the unpaid current taxes.

(b) After a valid delinquent tax contract that includes unpaid current taxes from a first-half collection period described in division (F) of this section has been entered into under section 323.31 of the Revised Code, no ten per cent penalty shall be charged against such taxes after the second-half collection period while the delinquent tax contract remains



in effect. On the day a delinquent tax contract becomes void, 86548  
the ten per cent penalty shall be charged against such taxes and 86549  
shall equal the amount of penalty that would have been charged 86550  
against unpaid current taxes outstanding on the date on which 86551  
the second-half penalty would have been charged thereon under 86552  
division (G) (1) (a) of this section if the contract had not been 86553  
in effect. 86554

(2) (a) On the first day of the month following the last 86555  
day the second installment of taxes may be paid without penalty 86556  
beginning in 2000, interest shall be charged against and 86557  
computed on all delinquent taxes other than the current taxes 86558  
that became delinquent taxes at the close of the last day such 86559  
second installment could be paid without penalty. The charge 86560  
shall be for interest that accrued during the period that began 86561  
on the preceding first day of December and ended on the last day 86562  
of the month that included the last date such second installment 86563  
could be paid without penalty. The interest shall be computed at 86564  
the rate per annum prescribed by section 5703.47 of the Revised 86565  
Code and shall be entered as a separate item on the delinquent 86566  
manufactured home tax list compiled under division (H) of this 86567  
section. 86568

(b) On the first day of December beginning in 2000, the 86569  
interest shall be charged against and computed on all delinquent 86570  
taxes. The charge shall be for interest that accrued during the 86571  
period that began on the first day of the month following the 86572  
last date prescribed for the payment of the second installment 86573  
of taxes in the current year and ended on the immediately 86574  
preceding last day of November. The interest shall be computed 86575  
at the rate per annum prescribed by section 5703.47 of the 86576  
Revised Code and shall be entered as a separate item on the 86577  
delinquent manufactured home tax list. 86578

(c) After a valid undertaking has been entered into for the payment of any delinquent taxes, no interest shall be charged against such delinquent taxes while the undertaking remains in effect in compliance with section 323.31 of the Revised Code. If a valid undertaking becomes void, interest shall be charged against the delinquent taxes for the periods that interest was not permitted to be charged while the undertaking was in effect. The interest shall be charged on the day the undertaking becomes void and shall equal the amount of interest that would have been charged against the unpaid delinquent taxes outstanding on the dates on which interest would have been charged thereon under divisions (G) (1) and (2) of this section had the undertaking not been in effect.

(3) If the full amount of the taxes due at either of the times prescribed by division (F) of this section is paid within ten days after such time, the county treasurer shall waive the collection of and the county auditor shall remit one-half of the penalty provided for in this division for failure to make that payment by the prescribed time.

(4) The treasurer shall compile and deliver to the county auditor a list of all tax payments the treasurer has received as provided in division (G) (3) of this section. The list shall include any information required by the auditor for the remission of the penalties waived by the treasurer. The taxes so collected shall be included in the settlement next succeeding the settlement then in process.

(H) (1) The county auditor shall compile annually a "delinquent manufactured home tax list" consisting of homes the county treasurer's records indicate have taxes that were not paid within the time prescribed by divisions (D) (3) and (F) of

this section, have taxes that remain unpaid from prior years, or 86609  
have unpaid tax penalties or interest that have been assessed. 86610

(2) Within thirty days after the settlement under division 86611  
(H) (2) of section 321.24 of the Revised Code, the county auditor 86612  
shall deliver a copy of the delinquent manufactured home tax 86613  
list to the county treasurer. The auditor shall update and 86614  
publish the delinquent manufactured home tax list annually in 86615  
the same manner as delinquent real property tax lists are 86616  
published. The county auditor may apportion the cost of 86617  
publishing the list among taxing districts in proportion to the 86618  
amount of delinquent manufactured home taxes so published that 86619  
each taxing district is entitled to receive upon collection of 86620  
those taxes, or the county auditor may charge the owner of a 86621  
home on the list a flat fee established under section 319.54 of 86622  
the Revised Code for the cost of publishing the list and, if the 86623  
fee is not paid, may place the fee upon the delinquent 86624  
manufactured home tax list as a lien on the listed home, to be 86625  
collected as other manufactured home taxes. 86626

(3) When taxes, penalties, or interest are charged against 86627  
a person on the delinquent manufactured home tax list and are 86628  
not paid within sixty days after the list is delivered to the 86629  
county treasurer, the county treasurer shall, in addition to any 86630  
other remedy provided by law for the collection of taxes, 86631  
penalties, and interest, enforce collection of such taxes, 86632  
penalties, and interest by civil action in the name of the 86633  
treasurer against the owner for the recovery of the unpaid taxes 86634  
following the procedures for the recovery of delinquent real 86635  
property taxes in sections 323.25 to 323.28 of the Revised Code. 86636  
The action may be brought in municipal or county court, provided 86637  
the amount charged does not exceed the monetary limitations for 86638  
original jurisdiction for civil actions in those courts. 86639

It is sufficient, having made proper parties to the suit, 86640  
for the county treasurer to allege in the treasurer's bill of 86641  
particulars or petition that the taxes stand chargeable on the 86642  
books of the county treasurer against such person, that they are 86643  
due and unpaid, and that such person is indebted in the amount 86644  
of taxes appearing to be due the county. The treasurer need not 86645  
set forth any other matter relating thereto. If it is found on 86646  
the trial of the action that the person is indebted to the 86647  
state, judgment shall be rendered in favor of the county 86648  
treasurer prosecuting the action. The judgment debtor is not 86649  
entitled to the benefit of any law for stay of execution or 86650  
exemption of property from levy or sale on execution in the 86651  
enforcement of the judgment. 86652

Upon the filing of an entry of confirmation of sale or an 86653  
order of forfeiture in a proceeding brought under this division, 86654  
title to the manufactured or mobile home shall be in the 86655  
purchaser. The clerk of courts shall issue a certificate of 86656  
title to the purchaser upon presentation of proof of filing of 86657  
the entry of confirmation or order and, in the case of a 86658  
forfeiture, presentation of the county auditor's certificate of 86659  
sale. 86660

(I) The total amount of taxes collected shall be 86661  
distributed in the following manner: four per cent shall be 86662  
allowed as compensation to the county auditor for the county 86663  
auditor's service in assessing the taxes; two per cent shall be 86664  
allowed as compensation to the county treasurer for the services 86665  
the county treasurer renders as a result of the tax levied by 86666  
this section. Such amounts shall be paid into the county 86667  
treasury, to the credit of the county general revenue fund, on 86668  
the warrant of the county auditor. Fees to be paid to the credit 86669  
of the real estate assessment fund shall be collected pursuant 86670

to division (C) of section 319.54 of the Revised Code and paid 86671  
into the county treasury, on the warrant of the county auditor. 86672  
The balance of the taxes collected shall be distributed among 86673  
the taxing subdivisions of the county in which the taxes are 86674  
collected and paid in the same proportions that the amount of 86675  
manufactured home tax levied by each taxing subdivision of the 86676  
county in the current tax year bears to the amount of such tax 86677  
levied by all such subdivisions in the county in the current tax 86678  
year. The taxes levied and revenues collected under this section 86679  
shall be in lieu of any general property tax and any tax levied 86680  
with respect to the privilege of using or occupying a 86681  
manufactured or mobile home in this state except as provided in 86682  
sections 4503.04 and 5741.02 of the Revised Code. 86683

(J) An agreement to purchase or a bill of sale for a 86684  
manufactured home shall show whether or not the furnishings and 86685  
equipment are included in the purchase price. 86686

(K) If the county treasurer and the county prosecuting 86687  
attorney agree that an item charged on the delinquent 86688  
manufactured home tax list is uncollectible, they shall certify 86689  
that determination and the reasons to the county board of 86690  
revision. If the board determines the amount is uncollectible, 86691  
it shall certify its determination to the county auditor, who 86692  
shall strike the item from the list. 86693

(L) (1) The county auditor shall appraise at its true value 86694  
any manufactured or mobile home in which ownership is 86695  
transferred or which first acquires situs in this state on or 86696  
after January 1, 2000, and any manufactured or mobile home the 86697  
owner of which has elected, under division (D) (4) of this 86698  
section, to have the home taxed under division (D) (2) of this 86699  
section. The true value shall include the value of the home, any 86700

additions, and any fixtures, but not any furnishings in the 86701  
home. In determining the true value of a manufactured or mobile 86702  
home, the auditor shall consider all facts and circumstances 86703  
relating to the value of the home, including its age, its 86704  
capacity to function as a residence, any obsolete 86705  
characteristics, and other factors that may tend to prove its 86706  
true value. 86707

(2) (a) If a manufactured or mobile home has been the 86708  
subject of an arm's length sale between a willing seller and a 86709  
willing buyer within a reasonable length of time prior to the 86710  
determination of true value, the county auditor shall consider 86711  
the sale price of the home to be the true value for taxation 86712  
purposes. 86713

(b) The sale price in an arm's length transaction between 86714  
a willing seller and a willing buyer shall not be considered the 86715  
true value of the home if either of the following occurred after 86716  
the sale: 86717

(i) The home has lost value due to a casualty. 86718

(ii) An addition or fixture has been added to the home. 86719

(3) The county auditor shall have each home viewed and 86720  
appraised at least once in each six-year period in the same year 86721  
in which real property in the county is appraised pursuant to 86722  
Chapter 5713. of the Revised Code, and shall update the 86723  
appraised values in the third calendar year following the 86724  
appraisal. The person viewing or appraising a home may enter the 86725  
home to determine by actual view any additions or fixtures that 86726  
have been added since the last appraisal. In conducting the 86727  
appraisals and establishing the true value, the auditor shall 86728  
follow the procedures set forth for appraising real property in 86729

sections 5713.01 and 5713.03 of the Revised Code. 86730

(4) The county auditor shall place the true value of each 86731  
home on the manufactured home tax list upon completion of an 86732  
appraisal. 86733

(5) (a) If the county auditor changes the true value of a 86734  
home, the auditor shall notify the owner of the home in writing, 86735  
delivered by mail or in person. The notice shall be given at 86736  
least thirty days prior to the issuance of any tax bill that 86737  
reflects the change. Failure to receive the notice does not 86738  
invalidate any proceeding under this section. 86739

(b) Any owner of a home or any other person or party that 86740  
would be authorized to file a complaint under division (A) of 86741  
section 5715.19 of the Revised Code if the home was real 86742  
property may file a complaint against the true value of the home 86743  
as appraised under this section. The complaint shall be filed 86744  
with the county auditor on or before the thirty-first day of 86745  
March of the current tax year or the date of closing of the 86746  
collection for the first half of manufactured home taxes for the 86747  
current tax year, whichever is later. The auditor shall present 86748  
to the county board of revision all complaints filed with the 86749  
auditor under this section. The board shall hear and investigate 86750  
the complaint and may take action on it as provided under 86751  
sections 5715.11 to 5715.19 of the Revised Code. 86752

(c) If the county board of revision determines, pursuant 86753  
to a complaint against the valuation of a manufactured or mobile 86754  
home filed under this section, that the amount of taxes, 86755  
assessments, or other charges paid was in excess of the amount 86756  
due based on the valuation as finally determined, then the 86757  
overpayment shall be refunded in the manner prescribed in 86758  
section 5715.22 of the Revised Code. 86759

(d) Payment of all or part of a tax under this section for 86760  
any year for which a complaint is pending before the county 86761  
board of revision does not abate the complaint or in any way 86762  
affect the hearing and determination thereof. 86763

(M) If the county auditor determines that any tax or other 86764  
charge or any part thereof has been erroneously charged as a 86765  
result of a clerical error as defined in section 319.35 of the 86766  
Revised Code, the county auditor shall call the attention of the 86767  
county board of revision to the erroneous charges. If the board 86768  
finds that the taxes or other charges have been erroneously 86769  
charged or collected, it shall certify the finding to the 86770  
auditor. Upon receipt of the certification, the auditor shall 86771  
remove the erroneous charges on the manufactured home tax list 86772  
or delinquent manufactured home tax list in the same manner as 86773  
is prescribed in section 319.35 of the Revised Code for 86774  
erroneous charges against real property, and refund any 86775  
erroneous charges that have been collected, with interest, in 86776  
the same manner as is prescribed in section 319.36 of the 86777  
Revised Code for erroneous charges against real property. 86778

(N) As used in this section and section 4503.061 of the 86779  
Revised Code: 86780

(1) "Manufactured home taxes" includes taxes, penalties, 86781  
and interest charged under division (C) or (G) of this section 86782  
and any penalties charged under division (G) or (H) (5) of 86783  
section 4503.061 of the Revised Code. 86784

(2) "Current taxes" means all manufactured home taxes 86785  
charged against a manufactured or mobile home that have not 86786  
appeared on the manufactured home tax list for any prior year. 86787  
Current taxes become delinquent taxes if they remain unpaid 86788  
after the last day prescribed for payment of the second 86789



installment of current taxes without penalty, whether or not 86790  
they have been certified delinquent. 86791

(3) "Delinquent taxes" means: 86792

(a) Any manufactured home taxes that were charged against 86793  
a manufactured or mobile home for a prior year, including any 86794  
penalties or interest charged for a prior year and the costs of 86795  
publication under division (H) (2) of this section, and that 86796  
remain unpaid; 86797

(b) Any current manufactured home taxes charged against a 86798  
manufactured or mobile home that remain unpaid after the last 86799  
day prescribed for payment of the second installment of current 86800  
taxes without penalty, whether or not they have been certified 86801  
delinquent, including any penalties or interest and the costs of 86802  
publication under division (H) (2) of this section. 86803

**Sec. 4503.0611.** Whenever it is made to appear to the 86804  
county auditor, based on inspection by the county auditor or 86805  
based on notice provided to the county auditor, on a form 86806  
prescribed by the department of taxation, by an owner of the 86807  
manufactured home or two disinterested persons who are residents 86808  
of the township or municipal corporation in which the 86809  
manufactured home is or was situated, that the home is subject 86810  
to taxation for the current year under section 4503.06 of the 86811  
Revised Code and has been destroyed or injured after the first 86812  
day of January of the current year, the county auditor shall 86813  
investigate the matter, and shall refund or waive the payment of 86814  
the current year's taxes on such home as prescribed by divisions 86815  
(A) and (B) of this section. Such notice may also be provided by 86816  
the manufactured home park operator, as defined in section 86817  
4781.01 of the Revised Code, if applicable, provided the notice 86818  
is accompanied by photographic evidence. If a form has not been 86819

filed with the county auditor by ~~either~~ an owner, manufactured 86820  
home park operator, or two disinterested persons but it appears 86821  
to the county auditor, based on an inspection and investigation, 86822  
that the owner's manufactured home is subject to taxation for 86823  
the current year under section 4503.06 of the Revised Code and 86824  
has been destroyed or injured after the first day of January of 86825  
the current year, the auditor may complete the form on behalf of 86826  
an owner. 86827

To obtain a deduction under this section, an owner,  86828  
manufactured home park operator, or two disinterested persons 86829  
shall file the form with the county auditor, or the county 86830  
auditor shall complete the form on behalf of an owner, not later 86831  
than the thirty-first day of January of the year after the year 86832  
in which the manufactured home was injured or destroyed. 86833

(A) If the auditor determines the injury or destruction 86834  
occurred during the first half of the calendar year, the auditor 86835  
shall deduct from the taxes payable on the manufactured home for 86836  
the current year an amount that, in the county auditor's 86837  
judgment, bears the same ratio to those taxes as the extent of 86838  
the injury or destruction bears to the cost or market value of 86839  
the manufactured home. The auditor shall draw a warrant on the 86840  
county treasurer to refund that amount. If the taxes have not 86841  
been paid at the time of the auditor's determination, the 86842  
auditor may waive the payment of the portion of the tax that 86843  
would otherwise be refunded under this division. 86844

(B) If the auditor determines the injury or destruction 86845  
occurred during the second half of the calendar year, the 86846  
auditor shall deduct from the taxes payable on the manufactured 86847  
home for the current year one-half of the amount that, in the 86848  
county auditor's judgment, bears the same ratio to those taxes 86849

as the extent of the injury or destruction bears to the cost or 86850  
market value of the manufactured home. The auditor shall draw a 86851  
warrant on the county treasurer to refund that amount. If the 86852  
taxes have not been paid at the time of the auditor's 86853  
determination, the auditor may waive the payment of the portion 86854  
of the tax that would otherwise be refunded under this division. 86855

(C) Taxes refunded under this section shall be paid from 86856  
the county undivided general property tax fund. 86857

(D) Notwithstanding divisions (A) and (B) of this section, 86858  
if the county auditor determines the destruction of a 86859  
manufactured home or mobile home occurred within one calendar 86860  
year after the title of the home being transferred to a park 86861  
operator pursuant to sections 1923.12, 1923.13, and 1923.14 of 86862  
the Revised Code and the current owner providing the oath to the 86863  
auditor is the same park operator, then the auditor shall waive 86864  
all unpaid manufactured home taxes charged against the home, 86865  
including taxes for which a lien has attached, but that are not 86866  
yet due and payable. 86867

(E) Upon the destruction of a manufactured home or mobile 86868  
home, the owner of the home shall dispose of the certificate of 86869  
title to the home in the same manner as described in section 86870  
4505.11 of the Revised Code. 86871

**Sec. 4503.10.** (A) The owner of every snowmobile, off- 86872  
highway motorcycle, and all-purpose vehicle required to be 86873  
registered under section 4519.02 of the Revised Code shall file 86874  
an application for registration under section 4519.03 of the 86875  
Revised Code. The owner of a motor vehicle, other than a 86876  
snowmobile, off-highway motorcycle, or all-purpose vehicle, that 86877  
is not designed and constructed by the manufacturer for 86878  
operation on a street or highway may not register it under this 86879

chapter except upon certification of inspection pursuant to 86880  
section 4513.02 of the Revised Code by the sheriff, or the chief 86881  
of police of the municipal corporation or township, with 86882  
jurisdiction over the political subdivision in which the owner 86883  
of the motor vehicle resides. Except as provided in sections 86884  
4503.103 and 4503.107 of the Revised Code, every owner of every 86885  
other motor vehicle not previously described in this section and 86886  
every person mentioned as owner in the last certificate of title 86887  
of a motor vehicle that is operated or driven upon the public 86888  
roads or highways shall cause to be filed each year, by mail or 86889  
otherwise, in the office of the registrar of motor vehicles or a 86890  
deputy registrar, a written or electronic application or a 86891  
preprinted registration renewal notice issued under section 86892  
4503.102 of the Revised Code, the form of which shall be 86893  
prescribed by the registrar, for registration for the following 86894  
registration year, which shall begin on the first day of January 86895  
of every calendar year and end on the thirty-first day of 86896  
December in the same year. Applications for registration and 86897  
registration renewal notices shall be filed at the times 86898  
established by the registrar pursuant to section 4503.101 of the 86899  
Revised Code. A motor vehicle owner also may elect to apply for 86900  
or renew a motor vehicle registration by electronic means using 86901  
electronic signature in accordance with rules adopted by the 86902  
registrar. Except as provided in division (J) of this section, 86903  
applications for registration shall be made on blanks furnished 86904  
by the registrar for that purpose, containing the following 86905  
information: 86906

(1) A brief description of the motor vehicle to be 86907  
registered, including the year, make, model, and vehicle 86908  
identification number, and, in the case of commercial cars, the 86909  
gross weight of the vehicle fully equipped computed in the 86910

manner prescribed in section 4503.08 of the Revised Code; 86911

(2) The name and residence address of the owner, and the 86912  
township and municipal corporation in which the owner resides; 86913

(3) The district of registration, which shall be 86914  
determined as follows: 86915

(a) In case the motor vehicle to be registered is used for 86916  
hire or principally in connection with any established business 86917  
or branch business, conducted at a particular place, the 86918  
district of registration is the municipal corporation in which 86919  
that place is located or, if not located in any municipal 86920  
corporation, the county and township in which that place is 86921  
located. 86922

(b) In case the vehicle is not so used, the district of 86923  
registration is the municipal corporation or county in which the 86924  
owner resides at the time of making the application. 86925

(4) Whether the motor vehicle is a new or used motor 86926  
vehicle; 86927

(5) The date of purchase of the motor vehicle; 86928

(6) Whether the fees required to be paid for the 86929  
registration or transfer of the motor vehicle, during the 86930  
preceding registration year and during the preceding period of 86931  
the current registration year, have been paid. Each application 86932  
for registration shall be signed by the owner, either manually 86933  
or by electronic signature, or pursuant to obtaining a limited 86934  
power of attorney authorized by the registrar for registration, 86935  
or other document authorizing such signature. If the owner 86936  
elects to apply for or renew the motor vehicle registration with 86937  
the registrar by electronic means, the owner's manual signature 86938  
is not required. 86939

(7) The owner's social security number, driver's license number, or state identification number, or, where a motor vehicle to be registered is used for hire or principally in connection with any established business, the owner's federal taxpayer identification number. The bureau of motor vehicles shall retain in its records all social security numbers provided under this section, but the bureau shall not place social security numbers on motor vehicle certificates of registration.

(8) Whether the applicant wishes to certify willingness to make an anatomical gift if an applicant has not so certified under section 2108.05 of the Revised Code. The applicant's response shall not be considered in the decision of whether to approve the application for registration.

(B) (1) When an applicant first registers a motor vehicle in the applicant's name, the applicant shall provide proof of ownership of that motor vehicle. Proof of ownership may include any of the following:

(a) The applicant may present for inspection a physical certificate of title or memorandum certificate showing title to the motor vehicle to be registered in the name of the applicant.

(b) The applicant may present for inspection an electronic certificate of title for the applicant's motor vehicle in a manner prescribed by rules adopted by the registrar.

(c) The registrar or deputy registrar may electronically confirm the applicant's ownership of the motor vehicle.

An applicant is not required to present a certificate of title to an electronic motor vehicle dealer acting as a limited authority deputy registrar in accordance with rules adopted by the registrar.

(2) When a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it, each application for registration for a vehicle required to be inspected under that section and those rules shall be accompanied by an inspection certificate for the motor vehicle issued in accordance with that section.

(3) An application for registration shall be refused if any of the following applies:

(a) The application is not in proper form.

(b) The application is prohibited from being accepted by division (D) of section 2935.27, division (A) of section 4503.13, division (B) of section 4510.22, division (D) of section 4503.234, division (B) (1) of section 4521.10, or division (B) of section 5537.041 of the Revised Code.

(c) Proof of ownership is required but is not presented or confirmed in accordance with division (B) (1) of this section.

(d) All registration and transfer fees for the motor vehicle, for the preceding year or the preceding period of the current registration year, have not been paid.

(e) The owner or lessee does not have an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code, and rules adopted under it, if that section is applicable.

(4) This section does not require the payment of license or registration taxes on a motor vehicle for any preceding year, or for any preceding period of a year, if the motor vehicle was not taxable for that preceding year or period under sections 4503.02, 4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the Revised Code.

(5) When a certificate of registration is issued upon the first registration of a motor vehicle by or on behalf of the owner, the official issuing the certificate shall indicate the issuance with a stamp on the certificate of title or memorandum certificate or, in the case of an electronic certificate of title or electronic verification of ownership, an electronic stamp or other notation as specified in rules adopted by the registrar, and with a stamp on the inspection certificate for the motor vehicle, if any.

(6) The official also shall indicate, by a stamp or by other means the registrar prescribes, on the registration certificate issued upon the first registration of a motor vehicle by or on behalf of the owner the odometer reading of the motor vehicle as shown in the odometer statement included in or attached to the certificate of title. Upon each subsequent registration of the motor vehicle by or on behalf of the same owner, the official also shall so indicate the odometer reading of the motor vehicle as shown on the immediately preceding certificate of registration.

(7) The registrar shall include in the permanent registration record of any vehicle required to be inspected under section 3704.14 of the Revised Code the inspection certificate number from the inspection certificate that is presented at the time of registration of the vehicle as required under this division.

~~(C) (1) Except as otherwise provided in division (C) (1) of this section, the~~ The registrar and each deputy registrar shall collect an the following additional fee of eleven dollars fees for each application for registration and registration renewal received.:



(a) Except as provided in division (C) (1) (b) of this section, a fee of eleven dollars on or before December 31, 2025, and a fee of sixteen dollars on and after January 1, 2026; 87028  
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(b) For vehicles specified in divisions (A) (1) to (21) of section 4503.042 of the Revised Code, ~~the registrar and deputy registrar shall collect an additional~~ a fee of thirty dollars for each application for registration and registration renewal ~~received~~ on or before December 31, 2025, and a fee of thirty-five dollars on and after January 1, 2026. 87031  
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No additional fee shall be charged for vehicles registered under section 4503.65 of the Revised Code. ~~The~~ Each additional fee is for the purpose of defraying the department of public safety's costs associated with the administration and enforcement of the motor vehicle and traffic laws of Ohio. Each deputy registrar shall transmit the fees collected under divisions (C) (1) and (3) of this section in the time and manner provided in this section. The registrar shall deposit all moneys received under division (C) (1) of this section into the public safety - highway purposes fund established in section 4501.06 of the Revised Code. 87037  
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(2) In addition, a charge of twenty-five cents shall be made for each reflectorized safety license plate issued, and a single charge of twenty-five cents shall be made for each county identification sticker or each set of county identification stickers issued, as the case may be, to cover the cost of producing the license plates and stickers, including material, manufacturing, and administrative costs. Those fees shall be in addition to the license tax. If the total cost of producing the plates is less than twenty-five cents per plate, or if the total cost of producing the stickers is less than twenty-five cents 87048  
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per sticker or per set issued, any excess moneys accruing from 87058  
the fees shall be distributed in the same manner as provided by 87059  
section 4501.04 of the Revised Code for the distribution of 87060  
license tax moneys. If the total cost of producing the plates 87061  
exceeds twenty-five cents per plate, or if the total cost of 87062  
producing the stickers exceeds twenty-five cents per sticker or 87063  
per set issued, the difference shall be paid from the license 87064  
tax moneys collected pursuant to section 4503.02 of the Revised 87065  
Code. 87066

(3) The registrar and each deputy registrar shall collect 87067  
the following additional fee, as applicable, for each 87068  
application for registration or registration renewal received 87069  
for any hybrid motor vehicle, plug-in hybrid electric motor 87070  
vehicle, or battery electric motor vehicle: 87071

(a) One hundred dollars for a hybrid motor vehicle; 87072

(b) One hundred fifty dollars for a plug-in hybrid 87073  
electric motor vehicle; 87074

(c) Two hundred dollars for a battery electric motor 87075  
vehicle. 87076

Each fee imposed under this division shall be prorated 87077  
based on the number of months for which the vehicle is 87078  
registered. The registrar shall transmit all money arising from 87079  
each fee to the treasurer of state for distribution in 87080  
accordance with division (E) of section 5735.051 of the Revised 87081  
Code, subject to division (D) of section 5735.05 of the Revised 87082  
Code. 87083

(D) Each deputy registrar shall be allowed a fee equal to 87084  
the amount established under section 4503.038 of the Revised 87085  
Code for each application for registration and registration 87086

renewal notice the deputy registrar receives, which shall be for 87087  
the purpose of compensating the deputy registrar for the deputy 87088  
registrar's services, and such office and rental expenses, as 87089  
may be necessary for the proper discharge of the deputy 87090  
registrar's duties in the receiving of applications and renewal 87091  
notices and the issuing of registrations. 87092

(E) Upon the certification of the registrar, the county 87093  
sheriff or local police officials shall recover license plates 87094  
erroneously or fraudulently issued. 87095

(F) Each deputy registrar, upon receipt of any application 87096  
for registration or registration renewal notice, together with 87097  
the license fee and any local motor vehicle license tax levied 87098  
pursuant to Chapter 4504. of the Revised Code, shall transmit 87099  
that fee and tax, if any, in the manner provided in this 87100  
section, together with the original and duplicate copy of the 87101  
application, to the registrar. The registrar, subject to the 87102  
approval of the director of public safety, may deposit the funds 87103  
collected by those deputies in a local bank or depository to the 87104  
credit of the "state of Ohio, bureau of motor vehicles." Where a 87105  
local bank or depository has been designated by the registrar, 87106  
each deputy registrar shall deposit all moneys collected by the 87107  
deputy registrar into that bank or depository not more than one 87108  
business day after their collection and shall make reports to 87109  
the registrar of the amounts so deposited, together with any 87110  
other information, some of which may be prescribed by the 87111  
treasurer of state, as the registrar may require and as 87112  
prescribed by the registrar by rule. The registrar, within three 87113  
days after receipt of notification of the deposit of funds by a 87114  
deputy registrar in a local bank or depository, shall draw on 87115  
that account in favor of the treasurer of state. The registrar, 87116  
subject to the approval of the director and the treasurer of 87117

state, may make reasonable rules necessary for the prompt 87118  
transmittal of fees and for safeguarding the interests of the 87119  
state and of counties, townships, municipal corporations, and 87120  
transportation improvement districts levying local motor vehicle 87121  
license taxes. The registrar may pay service charges usually 87122  
collected by banks and depositories for such service. If deputy 87123  
registrars are located in communities where banking facilities 87124  
are not available, they shall transmit the fees forthwith, by 87125  
money order or otherwise, as the registrar, by rule approved by 87126  
the director and the treasurer of state, may prescribe. The 87127  
registrar may pay the usual and customary fees for such service. 87128

(G) This section does not prevent any person from making 87129  
an application for a motor vehicle license directly to the 87130  
registrar by mail, by electronic means, or in person at any of 87131  
the registrar's offices, upon payment of a service fee equal to 87132  
the amount established under section 4503.038 of the Revised 87133  
Code for each application. 87134

(H) No person shall make a false statement as to the 87135  
district of registration in an application required by division 87136  
(A) of this section. Violation of this division is falsification 87137  
under section 2921.13 of the Revised Code and punishable as 87138  
specified in that section. 87139

(I) (1) Where applicable, the requirements of division (B) 87140  
of this section relating to the presentation of an inspection 87141  
certificate issued under section 3704.14 of the Revised Code and 87142  
rules adopted under it for a motor vehicle, the refusal of a 87143  
license for failure to present an inspection certificate, and 87144  
the stamping of the inspection certificate by the official 87145  
issuing the certificate of registration apply to the 87146  
registration of and issuance of license plates for a motor 87147

vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 87148  
4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 87149  
4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised 87150  
Code. 87151

(2) (a) The registrar shall adopt rules ensuring that each 87152  
owner registering a motor vehicle in a county where a motor 87153  
vehicle inspection and maintenance program is in effect under 87154  
section 3704.14 of the Revised Code and rules adopted under it 87155  
receives information about the requirements established in that 87156  
section and those rules and about the need in those counties to 87157  
present an inspection certificate with an application for 87158  
registration or preregistration. 87159

(b) Upon request, the registrar shall provide the director 87160  
of environmental protection, or any person that has been awarded 87161  
a contract under section 3704.14 of the Revised Code, an on-line 87162  
computer data link to registration information for all passenger 87163  
cars, noncommercial motor vehicles, and commercial cars that are 87164  
subject to that section. The registrar also shall provide to the 87165  
director of environmental protection a magnetic data tape 87166  
containing registration information regarding passenger cars, 87167  
noncommercial motor vehicles, and commercial cars for which a 87168  
multi-year registration is in effect under section 4503.103 of 87169  
the Revised Code or rules adopted under it, including, without 87170  
limitation, the date of issuance of the multi-year registration, 87171  
the registration deadline established under rules adopted under 87172  
section 4503.101 of the Revised Code that was applicable in the 87173  
year in which the multi-year registration was issued, and the 87174  
registration deadline for renewal of the multi-year 87175  
registration. 87176

(J) Subject to division (K) of this section, application 87177

for registration under the international registration plan, as 87178  
set forth in sections 4503.60 to 4503.66 of the Revised Code, 87179  
shall be made to the registrar on forms furnished by the 87180  
registrar. In accordance with international registration plan 87181  
guidelines and pursuant to rules adopted by the registrar, the 87182  
forms shall include the following: 87183

(1) A uniform mileage schedule; 87184

(2) The gross vehicle weight of the vehicle or combined 87185  
gross vehicle weight of the combination vehicle as declared by 87186  
the registrant; 87187

(3) Any other information the registrar requires by rule. 87188

(K) The registrar shall determine the feasibility of 87189  
implementing an electronic commercial fleet licensing and 87190  
management program that will enable the owners of commercial 87191  
tractors, commercial trailers, and commercial semitrailers to 87192  
conduct electronic transactions by July 1, 2010, or sooner. If 87193  
the registrar determines that implementing such a program is 87194  
feasible, the registrar shall adopt new rules under this 87195  
division or amend existing rules adopted under this division as 87196  
necessary in order to respond to advances in technology. 87197

If international registration plan guidelines and 87198  
provisions allow member jurisdictions to permit applications for 87199  
registrations under the international registration plan to be 87200  
made via the internet, the rules the registrar adopts under this 87201  
division shall permit such action. 87202

**Sec. 4503.102.** ~~(A)~~ (A) (1) The registrar of motor vehicles 87203  
~~shall may~~ adopt rules to establish a centralized system of motor 87204  
vehicle registration for initial registration, registration 87205  
renewal, and transfer of registration, by mail or by electronic 87206

means. ~~Any~~ 87207

(2) Any person applying electronically for initial registration or for transfer of registration may submit all associated documents electronically through the centralized system of motor vehicle registration established under this section. The registrar or a deputy registrar shall verify and authenticate such documents. 87208  
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(3) Any person owning a motor vehicle that was registered in the person's name during the preceding registration year shall renew the registration of the motor vehicle not more than ninety days prior to the expiration date of the registration either by through one of the following: 87214  
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(a) By mail or by electronic means through the centralized system of registration established under this section, ~~or in~~; 87219  
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(b) In person at any office of the registrar or at a deputy registrar's office. 87221  
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(B) (1) Except as provided in division (B) (2) of this section, no less than forty-five days prior to the expiration date of any motor vehicle registration, the registrar shall mail a renewal notice to the person in whose name the motor vehicle is registered. The renewal notice shall clearly state that the registration of the motor vehicle may be renewed by mail or electronic means through the centralized system of registration or in person at any office of the registrar or at a deputy registrar's office and shall be preprinted with information including, but not limited to, the owner's name and residence address as shown in the records of the bureau of motor vehicles, a brief description of the motor vehicle to be registered, notice of the license taxes and fees due on the motor vehicle, 87223  
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the toll-free telephone number of the registrar as required 87236  
under division (D) (1) of section 4503.031 of the Revised Code, a 87237  
~~statement that payment for a renewal may be made by financial-~~ 87238  
~~transaction device using the toll-free telephone number,~~ and any 87239  
additional information the registrar may require by rule. The 87240  
renewal notice shall not include the social security number of 87241  
either the owner of the motor vehicle or the person in whose 87242  
name the motor vehicle is registered. The renewal notice shall 87243  
be sent by regular mail to the owner's last known address as 87244  
shown in the records of the bureau of motor vehicles. 87245

(2) The registrar is not required to mail a renewal notice 87246  
if either of the following applies: 87247

(a) The owner of the vehicle has consented to receiving 87248  
the renewal notice by electronic means only. 87249

(b) The application for renewal of the registration of a 87250  
motor vehicle is prohibited from being accepted by the registrar 87251  
or a deputy registrar by division (D) of section 2935.27, 87252  
division (A) of section 4503.13, division (B) of section 87253  
4510.22, division (D) of section 4503.234, division (B) (1) of 87254  
section 4521.10, or division (B) of section 5537.041 of the 87255  
Revised Code. 87256

(3) If the owner of a motor vehicle has consented to 87257  
receiving a renewal notice by electronic means only, the 87258  
registrar shall send an electronic renewal notice to the owner 87259  
that contains the information specified in division (B) (1) of 87260  
this section at the time specified under that division. 87261

(C) The owner of the motor vehicle shall verify the 87262  
information contained in the notice, sign it either manually or 87263  
by electronic means, and return it, either by mail or electronic 87264



means, or the owner may take it in person to any office of the registrar or of a deputy registrar. The owner shall include with the notice a financial transaction device number when renewing in person or by electronic means but not by mail, check, or money order in the amount of the registration taxes and fees payable on the motor vehicle and a service fee equal to the amount established under section 4503.038 of the Revised Code, plus postage as indicated on the notice if the registration is renewed or fulfilled by mail, and an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code. ~~For purposes of the centralized system of motor vehicle registration, the registrar shall accept payments via the toll-free telephone number established under division (D) (1) of section 4503.031 of the Revised Code for renewals made by mail.~~ If the motor vehicle owner chooses to renew the motor vehicle registration by electronic means, the owner shall proceed in accordance with the rules the registrar adopts.

(D) If all registration and transfer fees for the motor vehicle for the preceding year or the preceding period of the current registration year have not been paid, if division (D) of section 2935.27, division (A) of section 4503.13, division (B) of section 4510.22, division (D) of section 4503.234, division (B) (1) of section 4521.10, or division (B) of section 5537.041 of the Revised Code prohibits acceptance of the renewal notice, or if the owner or lessee does not have an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code, if that section is applicable, the license shall be refused, and the registrar or deputy registrar shall so notify the owner. This section does not require the payment of license or registration taxes on a motor vehicle for any preceding year, or for any preceding period of a year, if the

motor vehicle was not taxable for that preceding year or period 87296  
under section 4503.02, 4503.04, 4503.11, 4503.12, or 4503.16 or 87297  
Chapter 4504. of the Revised Code. 87298

(E) (1) Failure to receive a renewal notice does not 87299  
relieve a motor vehicle owner from the responsibility to renew 87300  
the registration for the motor vehicle. Any person who has a 87301  
motor vehicle registered in this state and who does not receive 87302  
a renewal notice as provided in division (B) of this section 87303  
prior to the expiration date of the registration shall request 87304  
an application for registration from the registrar or a deputy 87305  
registrar and sign the application manually or by electronic 87306  
means and submit the application and pay any applicable license 87307  
taxes and fees to the registrar or deputy registrar. 87308

(2) If the owner of a motor vehicle submits an application 87309  
for registration and the registrar is prohibited by division (D) 87310  
of section 2935.27, division (A) of section 4503.13, division 87311  
(B) of section 4510.22, division (D) of section 4503.234, 87312  
division (B) (1) of section 4521.10, or division (B) of section 87313  
5537.041 of the Revised Code from accepting the application, the 87314  
registrar shall return the application and the payment to the 87315  
owner. If the owner of a motor vehicle submits a registration 87316  
renewal application to the registrar by electronic means and the 87317  
registrar is prohibited from accepting the application as 87318  
provided in this division, the registrar shall notify the owner 87319  
of this fact and deny the application and return the payment or 87320  
give a credit on the financial transaction device account of the 87321  
owner in the manner the registrar prescribes by rule adopted 87322  
pursuant to division (A) of this section. 87323

(F) Every deputy registrar shall post in a prominent place 87324  
at the deputy's office a notice informing the public of the mail 87325

registration system required by this section and also shall post 87326  
a notice that every owner of a motor vehicle and every chauffeur 87327  
holding a certificate of registration is required to notify the 87328  
registrar in writing of any change of residence within ten days 87329  
after the change occurs. The notice shall be in such form as the 87330  
registrar prescribes by rule. 87331

~~(G)~~(G) (1) The service fee equal to the amount established 87332  
under section 4503.038 of the Revised Code that is collected 87333  
from a person who renews a motor vehicle registration by 87334  
electronic means or by mail, plus postage collected by the 87335  
registrar and any financial transaction device surcharge 87336  
collected by the registrar, shall be paid to the credit of the 87337  
public safety - highway purposes fund established by section 87338  
4501.06 of the Revised Code. 87339

(2) A person who submits an initial registration or a 87340  
transfer of registration by electronic means under this section 87341  
shall pay a service fee equal to the amount established under 87342  
section 4503.038 of the Revised Code, any necessary postage 87343  
costs, and any financial transaction device surcharge, as 87344  
applicable. The service fee collected shall be paid either to 87345  
the registrar or to the deputy registrar that verifies and 87346  
authenticates the submitted documents in accordance with 87347  
division (A) (2) of this section. If the registrar authorizes a 87348  
deputy registrar to mail the certificate of registration and any 87349  
associated license plate to the applicant, the postage costs 87350  
shall be paid to that deputy registrar. 87351

(H) (1) Pursuant to section 113.40 of the Revised Code, the 87352  
registrar shall implement a program permitting payment of motor 87353  
vehicle registration taxes and fees, driver's license and 87354  
commercial driver's license fees, and any other taxes, fees, 87355

penalties, or charges imposed or levied by the state by means of 87356  
a financial transaction device for transactions occurring 87357  
online, at any office of the registrar, and at all deputy 87358  
registrar locations. The program shall take effect not later 87359  
than July 1, 2016. The registrar shall adopt rules as necessary 87360  
for this purpose, but all such rules are subject to any action, 87361  
policy, or procedure of the board of deposit or treasurer of 87362  
state taken or adopted under section 113.40 of the Revised Code. 87363

(2) The rules adopted under division (H) (1) of this 87364  
section shall require a deputy registrar to accept payments by 87365  
means of a financial transaction device beginning on the 87366  
effective date of the rules unless the deputy registrar contract 87367  
entered into by the deputy registrar prohibits the acceptance of 87368  
such payments by financial transaction device. However, 87369  
commencing with deputy registrar contract awards that have a 87370  
start date of July 1, 2016, and for all contract awards 87371  
thereafter, the registrar shall require that the proposer accept 87372  
payment by means of a financial transaction device, including 87373  
credit cards and debit cards, for all department of public 87374  
safety transactions conducted at that deputy registrar location. 87375

The bureau and deputy registrars are not required to pay 87376  
any costs that result from accepting payment by means of a 87377  
financial transaction device. A deputy registrar may charge a 87378  
person who tenders payment for a department transaction by means 87379  
of a financial transaction device any cost the deputy registrar 87380  
incurs from accepting payment by the financial transaction 87381  
device, but the deputy registrar shall not require the person to 87382  
pay any additional fee of any kind in connection with the use by 87383  
the person of the financial transaction device. 87384

(3) In accordance with division (H) (1) of this section and 87385

rules adopted by the registrar under that division, a county auditor or clerk of a court of common pleas that is designated a deputy registrar shall accept payment by means of a financial transaction device, including credit cards and debit cards, for all department transactions conducted at the office of the county auditor or clerk in the county auditor's or clerk's capacity as deputy registrar. The bureau is not required to pay any costs incurred by a county auditor or clerk that result from accepting payment by means of a financial transaction device for any department transaction.

(I) For persons who reside in counties where tailpipe emissions inspections are required under the motor vehicle inspection and maintenance program, the notice required by division (B) of this section shall also include the toll-free telephone number maintained by the Ohio environmental protection agency to provide information concerning the locations of emissions testing centers. The registrar also shall include a statement in the notice that a battery electric motor vehicle is not required to undergo emissions inspection under the motor vehicle inspection and maintenance program established under section 3704.14 of the Revised Code.

**Sec. 4503.29.** (A) The director of veterans services in conjunction with the registrar of motor vehicles shall develop and maintain a program to establish and issue specialty license plates recognizing military service and military honors pertaining to valor and service.

(B) The director and the registrar shall jointly adopt rules in accordance with Chapter 119. of the Revised Code for purposes of establishing the program under this section. The director and registrar shall adopt the rules as soon as possible

after June 29, 2018, but not later than nine months after June 29, 2018. The rules shall do all of the following: 87416  
87417

(1) Establish specialty license plates recognizing military service; 87418  
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(2) Establish specialty license plates recognizing military honors pertaining to valor and service; 87420  
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(3) Establish eligibility criteria that apply to each specialty license plate issued under this section; 87422  
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(4) Establish requirements governing any necessary documentary evidence required to be presented by an applicant for a specialty license plate issued under this section. The rules shall allow an applicant to present a veterans identification card issued in accordance with section 317.241 of the Revised Code in lieu of a copy of the applicant's DD-214 or an equivalent document. An applicant may be required to present additional evidence if the veterans identification card does not show all of the information needed for issuance of the specific nonstandard license plate requested by the applicant. 87424  
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(5) Establish guidelines for the designs, markings, and inscriptions on a specialty license plate established under this section; 87434  
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(6) Establish procedures for altering the designs, markings, or inscriptions on a specialty license plate established under this section; 87437  
87438  
87439

(7) Prohibit specialty license plates established under this section from recognizing achievement awards or unit awards; 87440  
87441

(8) Establish any other procedures or requirements that are necessary for the implementation and administration of this 87442  
87443

section. 87444

(C) The rules adopted under division (B) of this section 87445  
shall provide for the establishment of the military specialty 87446  
license plates created prior to June 29, 2018, that are no 87447  
longer codified in the Revised Code. 87448

(D) (1) Any person who meets the applicable qualifications 87449  
for the issuance of a specialty license plate established by 87450  
rule adopted under division (B) of this section may apply to the 87451  
registrar of motor vehicles for the registration of any 87452  
passenger car, noncommercial motor vehicle, recreational 87453  
vehicle, or other vehicle the person owns or leases of a class 87454  
approved by the registrar. The application may be combined with 87455  
a request for a special reserved license plate under section 87456  
4503.40 or 4503.42 of the Revised Code. 87457

(2) (a) Except as provided in division (D) (2) (b) of this 87458  
section, upon receipt of an application for registration of a 87459  
motor vehicle under this section and the required taxes and 87460  
fees, compliance with all applicable laws relating to the 87461  
registration of a motor vehicle, and, if necessary, upon 87462  
presentation of the required documentary evidence, the registrar 87463  
shall issue to the applicant the appropriate motor vehicle 87464  
registration and a set of license plates and a validation 87465  
sticker, or a validation sticker alone when required by section 87466  
4503.191 of the Revised Code. 87467

(b) Any disabled veteran who qualifies to apply to the 87468  
registrar for the registration of a motor vehicle under section 87469  
4503.41 of the Revised Code without the payment of any 87470  
registration taxes or fees, may apply instead for registration 87471  
of the motor vehicle under this section. The disabled veteran 87472  
applying for registration under this section is not required to 87473

pay any registration taxes or fees as required by sections 87474  
4503.038, 4503.04, 4503.10, 4503.102, and 4503.103 of the 87475  
Revised Code, any local motor vehicle tax levied under Chapter 87476  
4504. of the Revised Code, ~~or~~ any fee charged under section 87477  
4503.19 of the Revised Code for up to two motor vehicles, 87478  
including any motor vehicle registered under section 4503.41 of 87479  
the Revised Code, or any fees associated with transferring a 87480  
registration under section 4503.12 of the Revised Code. Upon 87481  
receipt of an application for registration of the motor vehicle 87482  
and presentation of any documentation the registrar may require 87483  
by rule, the registrar shall issue to the applicant the 87484  
appropriate motor vehicle registration and a set of license 87485  
plates authorized under this section and a validation sticker, 87486  
or a validation sticker alone when required by section 4503.191 87487  
of the Revised Code. 87488

(3) The license plates shall display county identification 87489  
stickers that identify the county of registration as required 87490  
under section 4503.19 of the Revised Code. 87491

**Sec. 4503.41.** (A) Any disabled veteran who, because of a 87492  
service-connected disability, has been or is awarded funds for 87493  
the purchase of a motor vehicle under the "Disabled Veterans'  
and Servicemen's Automobile Assistance Act of 1970," 84 Stat. 87494  
1998, 38 U.S.C. 1901, and amendments thereto, and any disabled 87495  
veteran having a service-connected disability rated at one 87496  
hundred per cent by the veterans' administration, may apply to 87497  
the registrar for the registration of the disabled veteran's 87498  
personal motor vehicle. Except as provided in division (C) of 87499  
this section, a disabled veteran is not required to pay any 87500  
registration fee and service fee as required by sections 87501  
4503.038, 4503.04, 4503.10, 4503.102, and 4503.103 of the 87502  
Revised Code, any local motor vehicle tax levied under Chapter 87503  
87504



4504. of the Revised Code, ~~or~~ any fee charged under section 87505  
4503.19 of the Revised Code, or any fees associated with 87506  
transferring a registration under section 4503.12 of the Revised 87507  
Code. The application for registration shall be accompanied by 87508  
such documentary evidence of disability as the registrar may 87509  
require by rule. 87510

(B) Upon the receipt of an application for registration of 87511  
a motor vehicle under this section, and presentation of 87512  
satisfactory evidence of disability, the registrar or deputy 87513  
registrar shall issue to the applicant a set of license plates, 87514  
which shall be red, white, and blue in color and shall, in 87515  
addition to the letters and numbers ordinarily inscribed 87516  
thereon, be inscribed with the word "veteran" and imprinted with 87517  
the international wheelchair symbol. 87518

(C) A disabled veteran who is eligible to register a motor 87519  
vehicle under this section may register as many vehicles as are 87520  
titled and registered in that disabled veteran's name. For each 87521  
additional registration after the first registration, the 87522  
registrar or deputy registrar shall collect any applicable fee 87523  
imposed in sections 4503.038, 4503.04, 4503.10, 4503.102, 87524  
4503.103, and 4503.19 of the Revised Code, and any local motor 87525  
vehicle tax levied under Chapter 4504. of the Revised Code. 87526

**Sec. 4503.511.** (A) The owner or lessee of any passenger 87527  
car, noncommercial motor vehicle, recreational vehicle, or other 87528  
vehicle of a class approved by the registrar of motor vehicles 87529  
may apply to the registrar for the registration of the vehicle 87530  
and issuance of a blackout license plate. The application may be 87531  
combined with a request for a special reserved license plate 87532  
under section 4503.40 or 4503.42 of the Revised Code. Upon 87533  
receipt of the completed application and compliance by the 87534

applicant with divisions (B) and (C) of this section, the 87535  
registrar shall issue to the applicant the appropriate vehicle 87536  
registration and a blackout license plate and a validation 87537  
sticker, or a validation sticker alone when required by section 87538  
4503.191 of the Revised Code. 87539

In addition to the letters and numbers ordinarily 87540  
inscribed on the license plates, blackout license plates shall 87541  
have a black background with white letters or numbers. Blackout 87542  
license plates shall not display the slogan "BIRTHPLACE OF 87543  
AVIATION" as required under section 4503.22 of the Revised Code. 87544  
Blackout license plates also shall not display county 87545  
identification stickers that identify the county of registration 87546  
as required under section 4503.19 of the Revised Code. 87547

(B) A blackout license plate and a validation sticker, or 87548  
validation sticker alone, shall be issued upon receipt of an 87549  
application for registration of a motor vehicle under this 87550  
section; payment of the regular license tax as prescribed under 87551  
section 4503.04 of the Revised Code, any applicable motor 87552  
vehicle license tax levied under Chapter 4504. of the Revised 87553  
Code, any applicable additional fee prescribed by section 87554  
4503.40 or 4503.42 of the Revised Code, a blackout license plate 87555  
fee as provided in division (C) of this section, and an 87556  
additional administrative fee of ten dollars; and compliance 87557  
with all other applicable laws relating to the registration of 87558  
motor vehicles. 87559

(C) For each application for registration and registration 87560  
renewal notice the registrar receives under this section, the 87561  
registrar shall collect a blackout license plate fee of forty 87562  
dollars. The registrar shall deposit both of the following into 87563  
the state treasury to the credit of the public safety - highway 87564

purposes fund created in section 4501.06 of the Revised Code: 87565

(1) The forty-dollar blackout license plate fee; 87566

(2) The ten-dollar administrative fee, the purpose of 87567  
which is to compensate the bureau of motor vehicles for 87568  
additional services required in the issuing of blackout license 87569  
plates. 87570

**Sec. 4503.91.** (A) The owner or lessee of any passenger 87571  
car, noncommercial motor vehicle, recreational vehicle, or other 87572  
vehicle of a class approved by the registrar of motor vehicles 87573  
may apply to the registrar for the registration of the vehicle 87574  
and issuance of "choose life" license plates. The application 87575  
for "choose life" license plates may be combined with a request 87576  
for a special reserved license plate under section 4503.40 or 87577  
4503.42 of the Revised Code. Upon receipt of the completed 87578  
application and compliance with divisions (B) and (C) of this 87579  
section, the registrar shall issue to the applicant the 87580  
appropriate vehicle registration and a set of "choose life" 87581  
license plates with a validation sticker or a validation sticker 87582  
alone when required by section 4503.191 of the Revised Code. 87583

In addition to the letters and numbers ordinarily 87584  
inscribed on license plates, "choose life" license plates shall 87585  
be inscribed with the words "choose life" and a marking designed 87586  
by "choose life, inc.," a private, nonprofit corporation 87587  
incorporated in the state of Florida. The registrar shall review 87588  
the design and approve it if the design is feasible. If the 87589  
design is not feasible, the registrar shall notify "choose life, 87590  
inc." and the organization may resubmit designs until a feasible 87591  
one is approved. "Choose life" license plates shall bear county 87592  
identification stickers that identify the county of registration 87593  
as required under section 4503.19 of the Revised Code. 87594

(B) "Choose life" license plates and a validation sticker, 87595  
or a validation sticker alone, shall be issued upon receipt of a 87596  
contribution as provided in division (C) of this section and 87597  
upon payment of the regular license tax prescribed in section 87598  
4503.04 of the Revised Code, any applicable motor vehicle tax 87599  
levied under Chapter 4504. of the Revised Code, any applicable 87600  
additional fee prescribed by section 4503.40 or 4503.42 of the 87601  
Revised Code, a fee of ten dollars for the purpose of 87602  
compensating the bureau of motor vehicles for additional 87603  
services required in the issuing of "choose life" license 87604  
plates, and compliance with all other applicable laws relating 87605  
to the registration of motor vehicles. 87606

(C) (1) For each application for registration and 87607  
registration renewal received under this section, the registrar 87608  
shall collect a contribution of twenty dollars. The registrar 87609  
shall transmit this contribution to the treasurer of state for 87610  
deposit in the "choose life" fund created in section ~~3701.65~~ 87611  
5180.72 of the Revised Code. 87612

(2) The registrar shall deposit the additional fee of ten 87613  
dollars specified in division (B) of this section for the 87614  
purpose of compensating the bureau for the additional services 87615  
required in issuing "chooselife" license plates in the public 87616  
safety - highway purposes fund created in section 4501.06 of the 87617  
Revised Code. 87618

**Sec. 4505.09.** (A) (1) The clerk of a court of common pleas 87619  
shall charge and retain fees as follows: 87620

(a) Five dollars for each certificate of title that is not 87621  
applied for within thirty days after the later of the assignment 87622  
or delivery of the motor vehicle described in it. The entire fee 87623  
shall be retained by the clerk. 87624

(b) Fifteen dollars for each certificate of title or duplicate certificate of title including the issuance of a memorandum certificate of title, or authorization to print a non-negotiable evidence of ownership described in division (G) of section 4505.08 of the Revised Code, non-negotiable evidence of ownership printed by the clerk under division (H) of that section, and notation of any lien on a certificate of title that is applied for at the same time as the certificate of title. The clerk shall retain eleven dollars and fifty cents of that fee for each certificate of title when there is a notation of a lien or security interest on the certificate of title, twelve dollars and twenty-five cents when there is no lien or security interest noted on the certificate of title, and eleven dollars and fifty cents for each duplicate certificate of title.

(c) Four dollars and fifty cents for each certificate of title with no security interest noted that is issued to a licensed motor vehicle dealer for resale purposes and, in addition, a separate fee of fifty cents. The clerk shall retain two dollars and twenty-five cents of that fee.

(d) Five dollars for each memorandum certificate of title or non-negotiable evidence of ownership that is applied for separately. The clerk shall retain that entire fee.

(2) The fees that are not retained by the clerk shall be paid to the registrar of motor vehicles by monthly returns, which shall be forwarded to the registrar not later than the fifth day of the month next succeeding that in which the certificate is issued or that in which the registrar is notified of a lien or cancellation of a lien.

(B) (1) The registrar shall pay twenty-five cents of the amount received for each certificate of title issued to a motor

vehicle dealer for resale, one dollar for certificates of title 87655  
issued with a lien or security interest noted on the certificate 87656  
of title, and twenty-five cents for each certificate of title 87657  
with no lien or security interest noted on the certificate of 87658  
title into the public safety - highway purposes fund established 87659  
in section 4501.06 of the Revised Code. 87660

(2) Fifty cents of the amount received for each 87661  
certificate of title shall be paid by the registrar as follows: 87662

(a) Four cents shall be paid into the state treasury to 87663  
the credit of the motor vehicle dealers board fund, which is 87664  
hereby created. All investment earnings of the fund shall be 87665  
credited to the fund. The moneys in the motor vehicle dealers 87666  
board fund shall be used by the motor vehicle dealers board 87667  
created under section 4517.30 of the Revised Code, together with 87668  
other moneys appropriated to it, in the exercise of its powers 87669  
and the performance of its duties under Chapter 4517. of the 87670  
Revised Code, except that the director of budget and management 87671  
may transfer excess money from the motor vehicle dealers board 87672  
fund to the public safety - highway purposes fund if the 87673  
registrar determines that the amount of money in the motor 87674  
vehicle dealers board fund, together with other moneys 87675  
appropriated to the board, exceeds the amount required for the 87676  
exercise of its powers and the performance of its duties under 87677  
Chapter 4517. of the Revised Code and requests the director to 87678  
make the transfer. 87679

(b) Thirty-one cents shall be paid into the highway 87680  
operating fund created by section 5735.051 of the Revised Code. 87681

(c) Fifteen cents shall be paid into the state treasury to 87682  
the credit of the motor vehicle sales audit fund, which is 87683  
hereby created. The moneys in the fund shall be used by the tax 87684

commissioner together with other funds available to the 87685  
commissioner to conduct a continuing investigation of sales and 87686  
use tax returns filed for motor vehicles in order to determine 87687  
if sales and use tax liability has been satisfied. The 87688  
commissioner shall refer cases of apparent violations of section 87689  
2921.13 of the Revised Code made in connection with the titling 87690  
or sale of a motor vehicle and cases of any other apparent 87691  
violations of the sales or use tax law to the appropriate county 87692  
prosecutor whenever the commissioner considers it advisable. 87693

(3) Two dollars of the amount received by the registrar 87694  
under divisions (A) (1) (a), (b), and (d) of this section and one 87695  
dollar and fifty cents of the amount received by the registrar 87696  
under division (A) (1) (c) of this section for each certificate of 87697  
title shall be paid into the state treasury to the credit of the 87698  
automated title processing fund, which is hereby created and 87699  
which shall consist of moneys collected under division (B) (3) of 87700  
this section and under sections 1548.10 and 4519.59 of the 87701  
Revised Code. All investment earnings of the fund shall be 87702  
credited to the fund. The moneys in the fund shall be used as 87703  
follows: 87704

(a) Except for moneys collected under section 1548.10 of 87705  
the Revised Code, moneys collected under division (B) (3) of this 87706  
section shall be used to implement and maintain an automated 87707  
title processing system for the issuance of motor vehicle, off- 87708  
highway motorcycle, and all-purpose vehicle certificates of 87709  
title in the offices of the clerks of the courts of common 87710  
pleas. Those moneys also shall be used to pay expenses that 87711  
arise as a result of enabling electronic motor vehicle dealers 87712  
to directly transfer applications for certificates of title 87713  
under division (A) (3) of section 4505.06 of the Revised Code. 87714

(b) Moneys collected under section 1548.10 of the Revised Code shall be used to issue marine certificates of title in the offices of the clerks of the courts of common pleas as provided in Chapter 1548. of the Revised Code.

(4) The registrar shall pay the fifty-cent separate fee collected from a licensed motor vehicle dealer under division (A) (1) (c) of this section into the title defect recision fund created by section 1345.52 of the Revised Code.

(C) (1) The automated title processing board is hereby created consisting of the registrar or the registrar's representative, a person selected by the registrar, the president of the Ohio clerks of court association or the president's representative, and two clerks of courts of common pleas appointed by the governor. ~~The director of budget and management or the director's designee, the chief of the division of parks and watercraft in the department of natural resources or the chief's designee, and the tax commissioner or the commissioner's designee shall be nonvoting members of the board.~~ The purpose of the board is to facilitate the operation and maintenance of an automated title processing system and approve the procurement of automated title processing system equipment and ribbons, cartridges, or other devices necessary for the operation of that equipment. Voting members of the board, excluding the registrar or the registrar's representative, shall serve without compensation, but shall be reimbursed for travel and other necessary expenses incurred in the conduct of their official duties. The registrar or the registrar's representative shall receive neither compensation nor reimbursement as a board member.

(2) The automated title processing board shall determine



each of the following: 87745

(a) The automated title processing equipment and 87746  
certificates of title requirements for each county; 87747

(b) The payment of expenses that may be incurred by the 87748  
counties in implementing an automated title processing system; 87749

(c) The repayment to the counties for existing title 87750  
processing equipment; 87751

(d) With the approval of the director of public safety, 87752  
the award of grants from the automated title processing fund to 87753  
the clerk of courts of any county who employs a person who 87754  
assists with the design of, updates to, tests of, installation 87755  
of, or any other activity related to, an automated title 87756  
processing system. Any grant awarded under division (C) (2) (d) of 87757  
this section shall be deposited into the appropriate county 87758  
certificate of title administration fund created under section 87759  
325.33 of the Revised Code and shall not be used to supplant any 87760  
other funds. 87761

(3) The registrar shall purchase, lease, or otherwise 87762  
acquire any automated title processing equipment and 87763  
certificates of title that the board determines are necessary 87764  
from moneys in the automated title processing fund established 87765  
by division (B) (3) of this section. 87766

(D) All counties shall conform to the requirements of the 87767  
registrar regarding the operation of their automated title 87768  
processing system for motor vehicle titles, certificates of 87769  
title for off-highway motorcycles and all-purpose vehicles, and 87770  
certificates of title for watercraft and outboard motors. 87771

**Sec. 4506.01.** As used in this chapter: 87772

- (A) "Alcohol concentration" means the concentration of alcohol in a person's blood, breath, or urine. When expressed as a percentage, it means grams of alcohol per the following:
- (1) One hundred milliliters of whole blood, blood serum, or blood plasma;
- (2) Two hundred ten liters of breath;
- (3) One hundred milliliters of urine.
- (B) (1) "Commercial driver's license" means a license issued in accordance with this chapter that authorizes an individual to drive a commercial motor vehicle. Except as otherwise specifically provided, "commercial driver's license" includes an "enhanced commercial driver's license."
- (2) "Enhanced commercial driver's license" means a commercial driver's license issued in accordance with sections ~~4507.021~~ 4506.072 and ~~4506.072~~ 4507.021 of the Revised Code that denotes citizenship and identity and is approved by the United States secretary of homeland security or other designated federal agency for purposes of entering the United States.
- (C) "Commercial driver's license information system" means the information system established pursuant to the requirements of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-171, 49 U.S.C.A. App. 2701.
- (D) Except when used in section 4506.25 of the Revised Code, "commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:
- (1) Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of twenty-six

thousand one pounds or more, provided the gross vehicle weight 87801  
or gross vehicle weight rating of the vehicle or vehicles being 87802  
towed is in excess of ten thousand pounds; 87803

(2) Any single vehicle with a gross vehicle weight or 87804  
gross vehicle weight rating of twenty-six thousand one pounds or 87805  
more; 87806

(3) Any single vehicle or combination of vehicles that is 87807  
not a class A or class B vehicle, but is designed to transport 87808  
sixteen or more passengers including the driver; 87809

(4) Any school bus with a gross vehicle weight or gross 87810  
vehicle weight rating of less than twenty-six thousand one 87811  
pounds that is designed to transport fewer than sixteen 87812  
passengers including the driver; 87813

(5) Is transporting hazardous materials for which 87814  
placarding is required under subpart F of 49 C.F.R. part 172, as 87815  
amended; 87816

(6) Any single vehicle or combination of vehicles that is 87817  
designed to be operated and to travel on a public street or 87818  
highway and is considered by the federal motor carrier safety 87819  
administration to be a commercial motor vehicle, including, but 87820  
not limited to, a motorized crane, a vehicle whose function is 87821  
to pump cement, a rig for drilling wells, and a portable crane. 87822

(E) "Controlled substance" means all of the following: 87823

(1) Any substance classified as a controlled substance 87824  
under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 87825  
U.S.C.A. 802(6), as amended; 87826

(2) Any substance included in schedules I through V of 21 87827  
C.F.R. part 1308, as amended; 87828

- (3) Any drug of abuse. 87829
- (F) "Conviction" means an unvacated adjudication of guilt 87830  
or a determination that a person has violated or failed to 87831  
comply with the law in a court of original jurisdiction or an 87832  
authorized administrative tribunal, an unvacated forfeiture of 87833  
bail or collateral deposited to secure the person's appearance 87834  
in court, a plea of guilty or nolo contendere accepted by the 87835  
court, the payment of a fine or court cost, or violation of a 87836  
condition of release without bail, regardless of whether or not 87837  
the penalty is rebated, suspended, or probated. 87838
- (G) "Disqualification" means any of the following: 87839
- (1) The suspension, revocation, or cancellation of a 87840  
person's privileges to operate a commercial motor vehicle; 87841
- (2) Any withdrawal of a person's privileges to operate a 87842  
commercial motor vehicle as the result of a violation of state 87843  
or local law relating to motor vehicle traffic control other 87844  
than parking, vehicle weight, or vehicle defect violations; 87845
- (3) A determination by the federal motor carrier safety 87846  
administration that a person is not qualified to operate a 87847  
commercial motor vehicle under 49 C.F.R. 391. 87848
- (H) "Domiciled" means having a true, fixed, principal, and 87849  
permanent residence to which an individual intends to return. 87850
- (I) "Downgrade" means any of the following, as applicable: 87851
- (1) A change in the commercial driver's license, or 87852  
commercial driver's license temporary instruction permit, 87853  
holder's self-certified status as described in division (A) (1) 87854  
of section 4506.10 of the Revised Code; 87855
- (2) A change to a lesser class of vehicle; 87856

- (3) Removal of commercial driver's license privileges from the individual's driver's license; 87857  
87858
- (4) A change in the commercial driver's license, or commercial driver's license temporary instruction permit, holder's privileges as described in division (F) (1) of section 4506.13 of the Revised Code. 87859  
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- (J) "Drive" means to drive, operate, or be in physical control of a motor vehicle. 87863  
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- (K) "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license. 87865  
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- (L) "Driver's license" means a license issued by the bureau of motor vehicles that authorizes an individual to drive. 87868  
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- (M) "Drug of abuse" means any controlled substance, dangerous drug as defined in section 4729.01 of the Revised Code, harmful intoxicant as defined in section 2925.01 of the Revised Code, or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes. 87870  
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- (N) "Electronic device" includes a cellular telephone, a personal digital assistant, a pager, a computer, and any other device used to input, write, send, receive, or read text. 87876  
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- (O) "Eligible unit of local government" means a village, township, or county that has a population of not more than three thousand persons according to the most recent federal census. 87879  
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- (P) "Employer" means any person, including the federal government, any state, and a political subdivision of any state, that owns or leases a commercial motor vehicle or assigns a 87882  
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person to drive such a motor vehicle. 87885

(Q) "Endorsement" means an authorization on a person's 87886  
commercial driver's license that is required to permit the 87887  
person to operate a specified type of commercial motor vehicle. 87888

(R) "Farm truck" means a truck controlled and operated by 87889  
a farmer for use in the transportation to or from a farm, for a 87890  
distance of not more than one hundred fifty miles, of products 87891  
of the farm, including livestock and its products, poultry and 87892  
its products, floricultural and horticultural products, and in 87893  
the transportation to the farm, from a distance of not more than 87894  
one hundred fifty miles, of supplies for the farm, including 87895  
tile, fence, and every other thing or commodity used in 87896  
agricultural, floricultural, horticultural, livestock, and 87897  
poultry production, and livestock, poultry, and other animals 87898  
and things used for breeding, feeding, or other purposes 87899  
connected with the operation of the farm, when the truck is 87900  
operated in accordance with this division and is not used in the 87901  
operations of a motor carrier, as defined in section 4923.01 of 87902  
the Revised Code. 87903

(S) "Fatality" means the death of a person as the result 87904  
of a motor vehicle accident occurring not more than three 87905  
hundred sixty-five days prior to the date of death. 87906

(T) "Felony" means any offense under federal or state law 87907  
that is punishable by death or specifically classified as a 87908  
felony under the law of this state, regardless of the penalty 87909  
that may be imposed. 87910

(U) "Foreign jurisdiction" means any jurisdiction other 87911  
than a state. 87912

(V) "Gross vehicle weight rating" means the value 87913

specified by the manufacturer as the maximum loaded weight of a 87914  
single or a combination vehicle. The gross vehicle weight rating 87915  
of a combination vehicle is the gross vehicle weight rating of 87916  
the power unit plus the gross vehicle weight rating of each 87917  
towed unit. 87918

(W) "Hazardous materials" means any material that has been 87919  
designated as hazardous under 49 U.S.C. 5103 and is required to 87920  
be placarded under subpart F of 49 C.F.R. part 172 or any 87921  
quantity of a material listed as a select agent or toxin in 42 87922  
C.F.R. part 73, as amended. 87923

(X) "Imminent hazard" means the existence of a condition 87924  
that presents a substantial likelihood that death, serious 87925  
illness, severe personal injury, or a substantial endangerment 87926  
to health, property, or the environment may occur before the 87927  
reasonably foreseeable completion date of a formal proceeding 87928  
begun to lessen the risk of that death, illness, injury, or 87929  
endangerment. 87930

(Y) "Medical variance" means one of the following received 87931  
by a driver from the federal motor carrier safety administration 87932  
that allows the driver to be issued a medical certificate: 87933

(1) An exemption letter permitting operation of a 87934  
commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 87935  
C.F.R. 391.64; 87936

(2) A skill performance evaluation certificate permitting 87937  
operation of a commercial motor vehicle pursuant to 49 C.F.R. 87938  
391.49. 87939

(Z) "Mobile telephone" means a mobile communication device 87940  
that falls under or uses any commercial mobile radio service as 87941  
defined in 47 C.F.R. 20, except that mobile telephone does not 87942

include two-way or citizens band radio services. 87943

(AA) "Motor vehicle" means a vehicle, machine, tractor, 87944  
trailer, or semitrailer propelled or drawn by mechanical power 87945  
used on highways, except that such term does not include a 87946  
vehicle, machine, tractor, trailer, or semitrailer operated 87947  
exclusively on a rail. 87948

(BB) "Out-of-service order" means a declaration by an 87949  
authorized enforcement officer of a federal, state, local, 87950  
Canadian, or Mexican jurisdiction declaring that a driver, 87951  
commercial motor vehicle, or commercial motor carrier operation 87952  
is out of service as defined in 49 C.F.R. 390.5. 87953

(CC) "Peace officer" has the same meaning as in section 87954  
2935.01 of the Revised Code. 87955

(DD) "Portable tank" means a liquid or gaseous packaging 87956  
designed primarily to be loaded onto or temporarily attached to 87957  
a vehicle and equipped with skids, mountings, or accessories to 87958  
facilitate handling of the tank by mechanical means. 87959

(EE) "Public safety vehicle" has the same meaning as in 87960  
divisions (E) (1) and (3) of section 4511.01 of the Revised Code. 87961

(FF) "Recreational vehicle" includes every vehicle that is 87962  
defined as a recreational vehicle in section 4501.01 of the 87963  
Revised Code and is used exclusively for purposes other than 87964  
engaging in business for profit. 87965

(GG) "Residence" means any person's residence determined 87966  
in accordance with standards prescribed in rules adopted by the 87967  
registrar. 87968

(HH) "School bus" has the same meaning as in section 87969  
4511.01 of the Revised Code. 87970



(II) "Serious traffic violation" means any of the 87971  
following: 87972

(1) A conviction arising from a single charge of operating 87973  
a commercial motor vehicle in violation of any provision of 87974  
section 4506.03 of the Revised Code; 87975

(2) (a) Except as provided in division (II) (2) (b) of this 87976  
section, a violation while operating a commercial motor vehicle 87977  
of a law of this state, or any municipal ordinance or county or 87978  
township resolution, or any other substantially similar law of 87979  
another state or political subdivision of another state 87980  
prohibiting either of the following: 87981

(i) Texting while driving; 87982

(ii) Using a handheld mobile telephone. 87983

(b) It is not a serious traffic violation if the person 87984  
was texting or using a handheld mobile telephone to contact law 87985  
enforcement or other emergency services. 87986

(3) A conviction arising from the operation of any motor 87987  
vehicle that involves any of the following: 87988

(a) A single charge of any speed in excess of the posted 87989  
speed limit by fifteen miles per hour or more; 87990

(b) Violation of section 4511.20 or 4511.201 of the 87991  
Revised Code or any similar ordinance or resolution, or of any 87992  
similar law of another state or political subdivision of another 87993  
state; 87994

(c) Violation of a law of this state or an ordinance or 87995  
resolution relating to traffic control, other than a parking 87996  
violation, or of any similar law of another state or political 87997  
subdivision of another state, that results in a fatal accident; 87998

(d) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported; 87999  
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(e) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession; 88007  
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(f) Violation of section 4511.33 or 4511.34 of the Revised Code, or any municipal ordinance or county or township resolution substantially similar to either of those sections, or any substantially similar law of another state or political subdivision of another state; 88013  
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(g) Violation of any other law of this state, any law of another state, or any ordinance or resolution of a political subdivision of this state or another state that meets both of the following requirements: 88018  
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(i) It relates to traffic control, other than a parking violation; 88022  
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(ii) It is determined to be a serious traffic violation by the United States secretary of transportation and is designated by the director as such by rule. 88024  
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(JJ) "State" means a state of the United States and 88027

includes the District of Columbia. 88028

(KK) "Tank vehicle" means any commercial motor vehicle 88029  
that is designed to transport any liquid or gaseous materials 88030  
within a tank or tanks that are either permanently or 88031  
temporarily attached to the vehicle or its chassis and have an 88032  
individual rated capacity of more than one hundred nineteen 88033  
gallons and an aggregate rated capacity of one thousand gallons 88034  
or more. "Tank vehicle" does not include a commercial motor 88035  
vehicle transporting an empty storage container tank that is not 88036  
designed for transportation, has a rated capacity of one 88037  
thousand gallons or more, and is temporarily attached to a 88038  
flatbed trailer. 88039

(LL) "Tester" means a person or entity acting pursuant to 88040  
a valid agreement entered into pursuant to division (B) of 88041  
section 4506.09 of the Revised Code. 88042

(MM) "Texting" means manually entering alphanumeric text 88043  
into, or reading text from, an electronic device. Texting 88044  
includes short message service, e-mail, instant messaging, a 88045  
command or request to access a world wide web page, pressing 88046  
more than a single button to initiate or terminate a voice 88047  
communication using a mobile telephone, or engaging in any other 88048  
form of electronic text retrieval or entry, for present or 88049  
future communication. Texting does not include the following: 88050

(1) Using voice commands to initiate, receive, or 88051  
terminate a voice communication using a mobile telephone; 88052

(2) Inputting, selecting, or reading information on a 88053  
global positioning system or navigation system; 88054

(3) Pressing a single button to initiate or terminate a 88055  
voice communication using a mobile telephone; or 88056

(4) Using, for a purpose that is not otherwise prohibited 88057  
by law, a device capable of performing multiple functions, such 88058  
as a fleet management system, a dispatching device, a mobile 88059  
telephone, a citizens band radio, or a music player. 88060

(NN) "Texting while driving" means texting while operating 88061  
a commercial motor vehicle, with the motor running, including 88062  
while temporarily stationary because of traffic, a traffic 88063  
control device, or other momentary delays. Texting while driving 88064  
does not include operating a commercial motor vehicle with or 88065  
without the motor running when the driver has moved the vehicle 88066  
to the side of, or off, a highway and is stopped in a location 88067  
where the vehicle can safely remain stationary. 88068

(OO) "United States" means the fifty states and the 88069  
District of Columbia. 88070

(PP) "Upgrade" means a change in the class of vehicles, 88071  
endorsements, or self-certified status as described in division 88072  
(A) (1) of section 4506.10 of the Revised Code, that expands the 88073  
ability of a current commercial driver's license holder to 88074  
operate commercial motor vehicles under this chapter; 88075

(QQ) "Use of a handheld mobile telephone" means: 88076

(1) Using at least one hand to hold a mobile telephone to 88077  
conduct a voice communication; 88078

(2) Dialing or answering a mobile telephone by pressing 88079  
more than a single button; or 88080

(3) Reaching for a mobile telephone in a manner that 88081  
requires a driver to maneuver so that the driver is no longer in 88082  
a seated driving position, or restrained by a seat belt that is 88083  
installed in accordance with 49 C.F.R. 393.93 and adjusted in 88084  
accordance with the vehicle manufacturer's instructions. 88085

(RR) "Vehicle" has the same meaning as in section 4511.01 88086  
of the Revised Code. 88087

**Sec. 4506.05.** (A) Notwithstanding any other provision of 88088  
law, a person may drive a commercial motor vehicle on a highway 88089  
in this state if all of the following conditions are met: 88090

(1) The person has a valid commercial driver's license or 88091  
commercial driver's license temporary instruction permit issued 88092  
by any state or jurisdiction in accordance with the minimum 88093  
standards adopted by the federal motor carrier safety 88094  
administration under the "Commercial Motor Vehicle Safety Act of 88095  
1986," 100 Stat. 3207-171, 49 U.S.C.A. App. for issuance of 88096  
commercial driver's licenses; 88097

(2) The person's commercial driver's license or temporary 88098  
instruction permit is not suspended, revoked, or canceled, and 88099  
the person has the appropriate endorsements for the vehicle that 88100  
is being driven; 88101

(3) The person is not disqualified from driving a 88102  
commercial motor vehicle; 88103

(4) The person is not subject to an out-of-service order; 88104

(5) The person is medically certified as physically 88105  
qualified to operate a commercial motor vehicle in accordance 88106  
with this chapter. 88107

(a) A person who submitted a medical examiner's 88108  
certificate to the registrar in accordance with division (A)(1) 88109  
of section 4506.10 of the Revised Code and whose medical 88110  
certification information is maintained in the commercial 88111  
driver's license information system is not required to have the 88112  
medical examiner's certificate in the person's possession when 88113  
on duty. 88114

(b) A person whose medical certification information is 88115  
not maintained in the commercial driver's license information 88116  
system shall have in the person's possession when on duty the 88117  
original or a copy of the current medical examiner's certificate 88118  
that was submitted to the registrar. However, the person may 88119  
operate a commercial motor vehicle with such proof of medical 88120  
certification for not more than fifteen days after the date the 88121  
current medical examiner's certificate was issued to the person. 88122

(c) A person who has a medical variance shall have in the 88123  
person's possession the original or copy of the medical variance 88124  
documentation at all times while on duty. 88125

(6) The person is not prohibited from operating a 88126  
commercial motor vehicle because the person violated 49 C.F.R. 88127  
382, subpart B. 88128

(B) No person shall drive a commercial motor vehicle on a 88129  
highway in this state if the person does not meet the conditions 88130  
specified in division (A) of this section. 88131

(C) Except as set forth in 49 C.F.R. 390.3(f), 391.2, 88132  
391.62, 391.67, and 391.68, no person holding a commercial 88133  
driver's license temporary instruction permit or a commercial 88134  
driver's license issued under this chapter may drive a 88135  
commercial motor vehicle in interstate commerce until the person 88136  
is at least twenty-one years of age. 88137

(D) (1) Whoever violates this section is guilty of a 88138  
misdemeanor of the first degree. 88139

(2) The offenses established under this section are strict 88140  
liability offenses and section 2901.20 of the Revised Code does 88141  
not apply. The designation of these offenses as strict liability 88142  
offenses shall not be construed to imply that any other offense, 88143

for which there is no specified degree of culpability, is not a 88144  
strict liability offense. 88145

**Sec. 4506.07.** (A) An applicant for a commercial driver's 88146  
license, restricted commercial driver's license, or a commercial 88147  
driver's license temporary instruction permit, or a duplicate of 88148  
such a license or permit, shall submit an application upon a 88149  
form approved and furnished by the registrar of motor vehicles. 88150  
Except as provided in section 4506.24 of the Revised Code in 88151  
regard to a restricted commercial driver's license, the 88152  
applicant shall sign the application which shall contain the 88153  
following information: 88154

(1) The applicant's name, date of birth, social security 88155  
account number, sex, general description including height, 88156  
weight, and color of hair and eyes, current residence, duration 88157  
of residence in this state, state of domicile, country of 88158  
citizenship, and occupation; 88159

(2) Whether the applicant previously has been licensed to 88160  
operate a commercial motor vehicle or any other type of motor 88161  
vehicle in another state or a foreign jurisdiction and, if so, 88162  
when, by what state, and whether the license or driving 88163  
privileges currently are suspended or revoked in any 88164  
jurisdiction, or the applicant otherwise has been disqualified 88165  
from operating a commercial motor vehicle, or is subject to an 88166  
out-of-service order issued under this chapter or any similar 88167  
law of another state or a foreign jurisdiction and, if so, the 88168  
date of, locations involved, and reason for the suspension, 88169  
revocation, disqualification, or out-of-service order; 88170

(3) Whether the applicant has any physical or mental 88171  
disability or disease that prevents the applicant from 88172  
exercising reasonable and ordinary control over a motor vehicle 88173

while operating it upon a highway or is or has been subject to 88174  
any condition resulting in episodic impairment of consciousness 88175  
or loss of muscular control and, if so, the nature and extent of 88176  
the disability, disease, or condition, and the names and 88177  
addresses of the physicians, certified nurse-midwives if 88178  
authorized as described in section 4723.438 of the Revised Code, 88179  
clinical nurse specialists, or certified nurse practitioners 88180  
attending the applicant; 88181

(4) Whether the applicant has obtained a medical 88182  
examiner's certificate as required by this chapter and, 88183  
beginning January 30, 2012, the applicant, prior to or at the 88184  
time of applying, has self-certified to the registrar the 88185  
applicable status of the applicant under division (A) (1) of 88186  
section 4506.10 of the Revised Code; 88187

(5) Whether the applicant has pending a citation for 88188  
violation of any motor vehicle law or ordinance except a parking 88189  
violation and, if so, a description of the citation, the court 88190  
having jurisdiction of the offense, and the date when the 88191  
offense occurred; 88192

(6) If an applicant has not certified the applicant's 88193  
willingness to make an anatomical gift under section 2108.05 of 88194  
the Revised Code, whether the applicant wishes to certify 88195  
willingness to make such an anatomical gift, which shall be 88196  
given no consideration in the issuance of a license; 88197

(7) Whether the applicant has executed a valid durable 88198  
power of attorney for health care pursuant to sections 1337.11 88199  
to 1337.17 of the Revised Code or has executed a declaration 88200  
governing the use or continuation, or the withholding or 88201  
withdrawal, of life-sustaining treatment pursuant to sections 88202  
2133.01 to 2133.15 of the Revised Code and, if the applicant has 88203



executed either type of instrument, whether the applicant wishes 88204  
the license issued to indicate that the applicant has executed 88205  
the instrument; 88206

(8) Whether the applicant is a veteran, active duty, or 88207  
reservist of the armed forces of the United States and, if the 88208  
applicant is such, whether the applicant wishes the license 88209  
issued to indicate that the applicant is a veteran, active duty, 88210  
or reservist of the armed forces of the United States by a 88211  
military designation on the license; 88212

(9) Whether the applicant currently is prohibited by the 88213  
federal motor carrier safety administration from operating a 88214  
commercial motor vehicle because the applicant violated 49 88215  
C.F.R. 382, subpart B. 88216

(B) Every applicant shall certify, on a form approved and 88217  
furnished by the registrar, all of the following: 88218

(1) That the motor vehicle in which the applicant intends 88219  
to take the driving skills test is representative of the type of 88220  
motor vehicle that the applicant expects to operate as a driver; 88221

(2) That the applicant is not subject to any 88222  
disqualification or out-of-service order, or license suspension, 88223  
revocation, or cancellation, under the laws of this state, of 88224  
another state, or of a foreign jurisdiction and does not have 88225  
more than one driver's license issued by this or another state 88226  
or a foreign jurisdiction; 88227

(3) Any additional information, certification, or evidence 88228  
that the registrar requires by rule in order to ensure that the 88229  
issuance of a commercial driver's license or commercial driver's 88230  
license temporary instruction permit to the applicant is in 88231  
compliance with the law of this state and with federal law. 88232

(C) Every applicant shall execute a form, approved and 88233  
furnished by the registrar, under which the applicant consents 88234  
to the release by the registrar of information from the 88235  
applicant's driving record. 88236

(D) The registrar or a deputy registrar, in accordance 88237  
with section 3503.11 of the Revised Code, shall register as an 88238  
elector any applicant for a commercial driver's license or for a 88239  
renewal or duplicate of such a license under this chapter, if 88240  
the applicant is eligible and wishes to be registered as an 88241  
elector. The decision of an applicant whether to register as an 88242  
elector shall be given no consideration in the decision of 88243  
whether to issue the applicant a license or a renewal or 88244  
duplicate. 88245

(E) The registrar or a deputy registrar, in accordance 88246  
with section 3503.11 of the Revised Code, shall offer the 88247  
opportunity of completing a notice of change of residence or 88248  
change of name to any applicant for a commercial driver's 88249  
license or for a renewal or duplicate of such a license who is a 88250  
resident of this state, if the applicant is a registered elector 88251  
who has changed the applicant's residence or name and has not 88252  
filed such a notice. 88253

(F) In considering any application submitted pursuant to 88254  
this section, the bureau of motor vehicles may conduct any 88255  
inquiries necessary to ensure that issuance or renewal of a 88256  
commercial driver's license would not violate any provision of 88257  
the Revised Code or federal law. 88258

(G) In addition to any other information it contains, the 88259  
form approved and furnished by the registrar of motor vehicles 88260  
for an application for a commercial driver's license, restricted 88261  
commercial driver's license, or a commercial driver's license 88262

temporary instruction permit or an application for a duplicate 88263  
of such a license or permit shall inform applicants that the 88264  
applicant must present a copy of the applicant's DD-214 or an 88265  
equivalent document in order to qualify to have the license, or 88266  
permit, or duplicate indicate that the applicant is a veteran, 88267  
active duty, or reservist of the armed forces of the United 88268  
States based on a request made pursuant to division (A) (8) of 88269  
this section. 88270

**Sec. 4506.13.** (A) The registrar of motor vehicles may 88271  
authorize the highway patrol or any other employee of the 88272  
department of public safety to issue an examiner's commercial 88273  
examinations passed form to an applicant who has passed the 88274  
required examinations. The examiner's commercial examinations 88275  
passed form shall be used to indicate the examinations taken and 88276  
passed by the commercial driver's license applicant. 88277

(B) (1) Before issuing, renewing, transferring, or 88278  
upgrading a commercial driver's license temporary instruction 88279  
permit or a commercial driver's license, the registrar of motor 88280  
vehicles shall obtain information about the applicant's driving 88281  
record, whether the applicant was previously issued a commercial 88282  
driver's license in another state, or whether the applicant is 88283  
disqualified or prohibited from operating a commercial motor 88284  
vehicle through the commercial driver's license information 88285  
system, the drug and alcohol clearinghouse, the applicant's 88286  
state of licensure, and when available, the national driver 88287  
register. In addition, before initially issuing a class A or 88288  
class B commercial driver's license, a passenger endorsement, a 88289  
school bus endorsement, or a hazardous materials endorsement, 88290  
the registrar shall verify that the applicant completed the 88291  
training required under 49 C.F.R. 380, subpart F, through the 88292  
federal motor carrier safety administration's training provider 88293

registry. The registrar also shall check the applicant's driver 88294  
record to ensure that an applicant who self-certified under 88295  
division (A) (1) (a) (i) of section 4506.10 of the Revised Code 88296  
that the applicant's operation of a commercial motor vehicle is 88297  
non-excepted interstate, is medically certified. 88298

(2) The registrar shall not issue, renew, upgrade, or 88299  
transfer the applicant's commercial driver's license temporary 88300  
instruction permit or commercial driver's license if any of the 88301  
following apply: 88302

(a) The registrar obtains adverse information regarding 88303  
the applicant's driving record. 88304

(b) There is no information regarding the driver's self- 88305  
certification type as required by division (A) (1) of section 88306  
4506.10 of the Revised Code. 88307

(c) The applicant's medical status is not certified, when 88308  
required to be certified under division (A) (1) (a) (i) of section 88309  
4506.10 of the Revised Code. 88310

(d) The applicant is prohibited from operating a 88311  
commercial motor vehicle because the applicant violated the drug 88312  
and alcohol use and testing provisions of 49 C.F.R. 382, subpart 88313  
B; 88314

(e) If required, the applicant did not successfully 88315  
complete the training required by 49 C.F.R. 380, subpart F, as 88316  
documented in the federal motor carrier safety administration's 88317  
training provider registry. 88318

(3) If the record check reveals information that the 88319  
applicant claims is outdated, contested, or invalid, the 88320  
registrar shall deny the application until the applicant can 88321  
resolve the conflict. 88322

- (C) The registrar shall do all of the following: 88323
- (1) Within ten days after issuing a commercial driver's license temporary instruction permit or commercial driver's license, notify the commercial driver's license information system, when available, of that fact and provide all information required to ensure identification of the licensee. If the registrar is notified that driver has been issued a medical variance, the registrar shall indicate the existence of the medical variance on the ~~commercial driver's license holder's~~ commercial driver's license information system driver record. 88324  
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- (2) For those drivers self-certifying under division (A) (1) (a) (i) of section 4506.10 of the Revised Code as non-excepted interstate, post the applicant's medical status as certified or non-certified on the applicant's commercial driver's license information system driver record upon receiving a valid original or copy of the medical examiner's certificate; 88333  
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- (3) Post the driver's self-certification type as set forth in division (A) (1) of section 4506.10 of the Revised Code; 88339  
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- (4) Post information from the medical examiner's certificate, if applicable, on the ~~commercial driver's license holder's~~ commercial driver's license information system driver record within ten calendar days of receipt of the medical examiner's certificate; 88341  
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- (5) Retain the original or a copy of the commercial driver's license temporary instruction permit or commercial driver's license holder's medical certificate for a minimum of three years after the date the certificate was issued; 88346  
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- (6) Post and maintain as part of the commercial driver's license information system driver record all convictions, 88350  
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disqualifications, and other licensing actions for violations of 88352  
any state or municipal ordinances related to motor vehicle 88353  
traffic control, other than parking violations for all persons 88354  
who hold a commercial driver's license temporary instruction 88355  
permit or commercial driver's license or operate a motor vehicle 88356  
for which a commercial driver's license is required; 88357

(7) Post an applicant's status of medically non-certified 88358  
on the applicant's commercial driver's license information 88359  
system driver record and downgrade the applicant's commercial 88360  
driver's license temporary instruction permit or commercial 88361  
driver's license in accordance with division (D) of this section 88362  
if either of the following applies: 88363

(a) The commercial driver's license temporary instruction 88364  
permit or commercial driver's license holder fails to provide 88365  
the driver's self-certification type as required by division (A) 88366  
(1) of section 4506.10 of the Revised Code. 88367

(b) The commercial driver's license temporary instruction 88368  
permit or commercial driver's license holder self-certifying 88369  
under division (A) (1) (a) (i) of section 4506.10 of the Revised 88370  
Code as non-excepted interstate fails to provide the registrar 88371  
with a current medical examiner's certificate. 88372

(8) Mark the commercial driver's license information 88373  
system driver record as non-certified for any commercial 88374  
driver's license temporary instruction permit or commercial 88375  
driver's license holder who has not self-certified under 88376  
division (A) (1) of section 4506.10 of the Revised Code by 88377  
January 30, 2014 and initiate the ~~commercial driver's license~~ 88378  
commercial driver's license downgrade procedures described in 88379  
division (D) of this section; 88380

(9) Within ten days after a commercial driver's license temporary instruction permit or commercial driver's license holder's medical certification status expires or a medical variance expires or is rescinded, update the person's medical certification status to non-certified; 88381  
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(10) Within ten calendar days after receiving information 88386  
from the federal motor carrier safety administration regarding 88387  
issuance or renewal of a medical variance for a driver, update 88388  
the driver's commercial driver's license information system 88389  
driver record to include the medical variance information 88390  
provided by the federal motor carrier safety administration; 88391

(11) Within ten calendar days after receiving information 88392  
from the federal motor carrier safety administration that a 88393  
commercial driver's license temporary instruction permit or 88394  
commercial driver's license holder is prohibited from operating 88395  
a commercial motor vehicle because of a violation of the drug 88396  
and alcohol use and testing provisions of 49 C.F.R. 382, subpart 88397  
B, initiate the commercial driver's license downgrade procedures 88398  
described in division (F) (1) of this section; 88399

(12) Within ten calendar days after receiving information 88400  
from the federal motor carrier safety administration that a 88401  
commercial driver's license temporary instruction permit or 88402  
commercial driver's license holder is no longer prohibited or 88403  
was erroneously identified as prohibited from operating a 88404  
commercial motor vehicle because of a violation of the drug and 88405  
alcohol use and testing provisions of 49 C.F.R. 382, subpart B, 88406  
initiate the reinstatement procedures described in division (F) 88407  
(2) of this section. 88408

(D) If a driver's medical certification or medical 88409  
variance expires or the federal motor carrier safety 88410

administration notifies the registrar that a medical variance 88411  
was removed or rescinded, the registrar shall do the following: 88412

(1) Send notice to the commercial driver's license holder 88413  
of the holder's medically not certified status. The notice shall 88414  
inform the driver that the driver's commercial driver's license 88415  
privileges will be removed unless the driver resolves the 88416  
medical certification or medical variance defect by submitting a 88417  
current medical certificate or medical variance, as applicable, 88418  
or changing the driver's self-certification under division (A) 88419  
(1) of section 4506.10 of the Revised Code to driving only in 88420  
excepted interstate or excepted intrastate commerce within sixty 88421  
days. 88422

(2) Sixty days after the change to a medically not 88423  
certified status, if the commercial driver's license holder has 88424  
not resolved the medical certification or medical variance 88425  
defect as described in division (D) (1) of this section, the 88426  
registrar shall change the person's commercial driver's license 88427  
status to reflect no commercial driver's license privileges and 88428  
shall send the person a second notice informing the person that 88429  
the commercial driver's license privilege has been removed from 88430  
the driver's license. 88431

(E) To the extent permitted by federal and state law, the 88432  
registrar shall provide records from the commercial driver's 88433  
license information system regarding a commercial driver's 88434  
license holder or commercial motor vehicle operator to the 88435  
following individuals and entities or their authorized agents 88436  
within ten days of the receipt of conviction or disqualification 88437  
information concerning the holder or operator from another state 88438  
or within ten days of the date of conviction or disqualification 88439  
of the holder or operator if it occurred in this state, as 88440



applicable:	88441
(1) Other states;	88442
(2) The secretary of the United States department of transportation;	88443 88444
(3) The commercial driver's license holder or commercial motor vehicle operator referenced in the records;	88445 88446
(4) A motor carrier that is a current or prospective employer of the commercial driver's license holder or commercial motor vehicle operator referenced in the records.	88447 88448 88449
<u>(F) (1) If the registrar receives information in accordance with division (C) (11) of this section, the registrar shall notify the subject commercial driver's license temporary instruction permit or commercial driver's license holder. The notice shall inform the driver that the driver's commercial driver's license privileges will be downgraded unless the driver resolves the prohibition in accordance with the federal requirements within thirty days. If the driver does not resolve the prohibition within the thirty days, the registrar shall do all of the following:</u>	88450 88451 88452 88453 88454 88455 88456 88457 88458 88459
<u>(a) Downgrade the driver's commercial driver's license temporary instruction permit or commercial driver's license to prohibit the driver from operating a commercial motor vehicle;</u>	88460 88461 88462
<u>(b) Send a second notice to the driver specifying that the driver's license has been downgraded and that the driver is prohibited from operating a commercial motor vehicle until the driver takes the steps necessary to reinstate commercial driver's license privileges;</u>	88463 88464 88465 88466 88467
<u>(c) Record the downgrade on the driver's commercial</u>	88468

driver's license information system driver record not later than 88469  
sixty days after the original notification to the registrar from 88470  
the federal motor carrier safety administration. 88471

(2) If the registrar receives information in accordance 88472  
with division (C)(12) of this section, the registrar shall do 88473  
one of the following, as applicable: 88474

(a) If the registrar receives the information before the 88475  
registrar has downgraded a driver's commercial driver's license 88476  
privileges in accordance with division (F)(1) of this section, 88477  
the registrar shall terminate the downgrade process and notify 88478  
the applicable driver of the termination; 88479

(b) If the registrar receives the information after the 88480  
registrar has downgraded a driver's commercial driver's license 88481  
privileges in accordance with division (F)(1) of this section, 88482  
the registrar shall reinstate the driver's commercial driver's 88483  
license, provided that the driver is otherwise eligible for 88484  
reinstatement and such commercial driving privileges. 88485

(3) If the registrar receives information in accordance 88486  
with division (C)(12) of this section that the driver was 88487  
erroneously identified as prohibited from operating a commercial 88488  
motor vehicle, in addition to the reinstatement procedures under 88489  
division (F)(2) of this section, the registrar shall remove any 88490  
record of the downgrade from the driver's commercial driver's 88491  
license information system driver record and motor vehicle 88492  
driving record. 88493

**Sec. 4506.14.** (A) Commercial driver's licenses shall 88494  
expire as follows: 88495

(1) Except as provided in division (A)(3) or (4) of this 88496  
section, each such license issued to replace an operator's or 88497

chauffeur's license shall expire on the original expiration date 88498  
of the operator's or chauffeur's license and, upon renewal, 88499  
shall expire on the licensee's birthday in the fourth or eighth 88500  
year after the date of issuance, based on the period of renewal 88501  
requested by the applicant. A person who is sixty-five years of 88502  
age or older may only apply for a commercial driver's license 88503  
that expires on the birthday of the applicant in the fourth year 88504  
after the date it is issued. 88505

(2) (a) Except as provided in division (A) (3) or (4) of 88506  
this section, each such license issued as an original license to 88507  
a person whose residence is in this state shall expire on the 88508  
licensee's birthday in the fourth or eighth year after the date 88509  
of issuance, based on the period of renewal requested by the 88510  
applicant. A person who is sixty-five years of age or older may 88511  
only apply for a commercial driver's license that expires on the 88512  
birthday of the applicant in the fourth year after the date it 88513  
is issued. 88514

(b) Each such license issued to a person whose temporary 88515  
residence is in this state shall expire in accordance with rules 88516  
adopted by the registrar of motor vehicles. A license issued to 88517  
a person with a temporary residence in this state is 88518  
~~nonrenewable, but may be replaced with a new license within~~ 88519  
~~ninety days prior to its expiration upon the applicant's~~ 88520  
~~compliance with all applicable requirements~~ a limited term 88521  
license and may be renewed in accordance with division (C) of 88522  
this section. 88523

(3) The registrar or a deputy registrar may issue a 88524  
license that expires on a date earlier than the licensee's 88525  
birthday in the fourth year after the date of issuance if the 88526  
licensee has undergone a security threat assessment required by 88527

federal law to obtain a hazardous materials endorsement and the 88528  
assessment will expire before that date. No commercial driver's 88529  
license shall be issued under division (A) (3) of this section 88530  
for a period longer than four years and one hundred eighty days. 88531

(4) Each such license issued to replace the operator's or 88532  
chauffeur's license of a person who is less than twenty-one 88533  
years of age, and each such license issued as an original 88534  
license to a person who is less than twenty-one years of age, 88535  
shall expire on the licensee's twenty-first birthday. 88536

(B) No commercial driver's license shall be issued for a 88537  
period longer than eight years. Except as provided in section 88538  
4507.12 of the Revised Code, the registrar may waive the 88539  
examination of any person applying for the renewal of a 88540  
commercial driver's license issued under this chapter, provided 88541  
that the applicant presents either an unexpired commercial 88542  
driver's license or a commercial driver's license that has 88543  
expired not more than six months prior to the date of 88544  
application. 88545

~~(C)~~ (C) (1) Subject to the requirements of this chapter and 88546  
except as provided in division ~~(A) (2)~~ (C) (2) of this section in 88547  
regard to a person whose temporary residence is in this state, 88548  
every commercial driver's license shall be renewable one hundred 88549  
eighty days before its expiration upon payment of the fees 88550  
required by section 4506.08 of the Revised Code. Each person 88551  
applying for renewal or transfer of a commercial driver's 88552  
license shall complete the application form prescribed by 88553  
section 4506.07 of the Revised Code and shall provide all 88554  
certifications required. 88555

(2) (a) Except as provided in division (C) (2) (b) of this 88556  
section, a limited term commercial driver's license shall not be 88557

issued to a temporary resident for a period longer than the 88558  
expiration date of the temporary resident's authorized stay in 88559  
the United States, or for four years from the date of issuance, 88560  
whichever date is earliest. 88561

(b) If there is no expiration date for a temporary 88562  
resident's authorized stay in the United States, a limited term 88563  
commercial driver's license shall not be issued to the temporary 88564  
resident for a period longer than one year from the date of 88565  
issuance. 88566

(c) A limited term commercial driver's license may be 88567  
renewed within one hundred eighty days prior to its expiration 88568  
upon the applicant's presentation of documentation verifying the 88569  
applicant's legal presence or continued temporary lawful status 88570  
in the United States. 88571

(3) Prior to applying for renewal of a commercial driver's 88572  
license, each applicant shall submit a new copy or original 88573  
medical examiner's certificate required by section 4506.10 of 88574  
the Revised Code; if the person's medical status has changed, 88575  
the registrar shall take the appropriate action to address the 88576  
change in medical status. If the person wishes to retain an 88577  
endorsement authorizing the person to transport hazardous 88578  
materials, the person shall take and successfully complete the 88579  
written test for the endorsement and shall submit to any 88580  
background check required by federal law. 88581

(D) Each person licensed as a driver under this chapter 88582  
shall notify the registrar of any change in the person's address 88583  
within ten days following that change. The notification shall be 88584  
in writing on a form provided by the registrar and shall include 88585  
the full name, date of birth, license number, county of 88586  
residence, social security number, and new address of the 88587

person. 88588

(E) Whoever violates division (D) of this section is 88589  
guilty of a minor misdemeanor. 88590

**Sec. 4507.061.** (A) The registrar of motor vehicles may 88591  
authorize the online renewal of a driver's license, commercial 88592  
driver's license, or identification card issued by the bureau of 88593  
motor vehicles for eligible applicants. An applicant is eligible 88594  
for online renewal if all of the following apply: 88595

(1) The applicant's current driver's license, commercial 88596  
driver's license, or identification card was processed in person 88597  
at a deputy registrar office. 88598

(2) The applicant has a photo on file with the bureau of 88599  
motor vehicles from the applicant's current driver's license, 88600  
commercial driver's license, or identification card. 88601

(3) The applicant's current driver's license, commercial 88602  
driver's license, or identification card expires on the birthday 88603  
of the applicant in the fourth year after the date it was 88604  
issued. 88605

(4) The applicant is applying for a driver's license, 88606  
commercial driver's license, or identification card that expires 88607  
on the birthday of the applicant in the fourth year after the 88608  
date it is issued. 88609

(5) The applicant's current driver's license, commercial 88610  
driver's license, or identification card is unexpired or expired 88611  
not more than six months prior to the date of the application. 88612

(6) The applicant is a citizen or a permanent resident of 88613  
the United States and a permanent resident of this state. 88614

(7) The applicant's current driver's license, commercial 88615

driver's license, or identification card was ~~issue~~issued when 88616  
the applicant was twenty-one years of age or older. 88617

(8) If the applicant is renewing a driver's license or 88618  
commercial driver's license, the applicant is less than sixty- 88619  
five years of age. 88620

(9) The applicant's current driver's license, commercial 88621  
driver's license, or driving privileges are not suspended, 88622  
canceled, revoked, or restricted, and the applicant is not 88623  
otherwise prohibited by law from obtaining a driver's license, 88624  
commercial driver's license, or identification card. 88625

(10) The applicant has no changes to the applicant's name 88626  
or personal information, other than a change of address. 88627

(11) The applicant has no medical restrictions that would 88628  
require the applicant to apply for a driver's license, 88629  
commercial driver's license, or identification card in person at 88630  
a deputy registrar office. The registrar shall determine the 88631  
medical restrictions that require in person applications. 88632

(12) For a commercial driver's license, the applicant 88633  
complies with all the requirements of Chapter 4506. of the 88634  
Revised Code, including self-certification and medical 88635  
certificate requirements. 88636

(13) For a commercial driver's license, the applicant is 88637  
not under any restriction specified by any federal regulation. 88638

(B) An applicant may not submit an application online for 88639  
any of the following: 88640

(1) A temporary instruction permit; 88641

(2) A commercial driver's license temporary instruction 88642  
permit; 88643

- (3) An initial issuance of an Ohio driver's license, 88644  
commercial driver's license, or identification card; 88645
- (4) An initial issuance of a federally compliant driver's 88646  
license, commercial driver's license, or identification card; 88647
- (5) An initial issuance of an enhanced driver's license, 88648  
enhanced commercial driver's license, or enhanced identification 88649  
card; 88650
- (6) An ignition interlock license; 88651
- (7) A limited term driver's license or ~~nonrenewable~~ 88652  
limited term commercial driver's license issued to a temporary 88653  
resident. 88654
- (C) The registrar may require an applicant to provide a 88655  
digital copy of any identification documents and supporting 88656  
documents as required by statute or administrative rule to 88657  
comply with current state and federal requirements. 88658
- (D) Except as otherwise provided, an applicant shall 88659  
comply with all other applicable laws related to the issuance of 88660  
a driver's license, commercial driver's license, or 88661  
identification card in order to renew a driver's license, 88662  
commercial driver's license, or identification card under this 88663  
section. 88664
- (E) The registrar may adopt rules in accordance with 88665  
Chapter 119. of the Revised Code to implement and administer 88666  
this section. 88667
- Sec. 4507.08.** (A) No probationary license shall be issued 88668  
to any person under the age of eighteen who has been adjudicated 88669  
an unruly or delinquent child or a juvenile traffic offender for 88670  
having committed any act that if committed by an adult would be 88671



a drug abuse offense, as defined in section 2925.01 of the Revised Code, a violation of division (B) of section 2917.11, or a violation of division (A) of section 4511.19 of the Revised Code, unless the person has been required by the court to attend a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court and has satisfactorily completed the program.

(B) No temporary instruction permit or driver's license shall be issued to any person whose license has been suspended, during the period for which the license was suspended, nor to any person whose license has been canceled, under Chapter 4510. or any other provision of the Revised Code.

(C) No temporary instruction permit or driver's license shall be issued to any person whose commercial driver's license is suspended under Chapter 4510. or any other provision of the Revised Code during the period of the suspension.

No temporary instruction permit or driver's license shall be issued to any person when issuance is prohibited by division (A) of section 4507.091 of the Revised Code.

(D) No temporary instruction permit or driver's license shall be issued to, or retained by, any of the following persons:

(1) Any person who has alcoholism, or is addicted to the use of controlled substances to the extent that the use constitutes an impairment to the person's ability to operate a motor vehicle with the required degree of safety;

(2) Any person who is under the age of eighteen and has been adjudicated an unruly or delinquent child or a juvenile traffic offender for having committed any act that if committed

by an adult would be a drug abuse offense, as defined in section 88701  
2925.01 of the Revised Code, a violation of division (B) of 88702  
section 2917.11, or a violation of division (A) of section 88703  
4511.19 of the Revised Code, unless the person has been required 88704  
by the court to attend a drug abuse or alcohol abuse education, 88705  
intervention, or treatment program specified by the court and 88706  
has satisfactorily completed the program; 88707

(3) Any person who, in the opinion of the registrar, has a 88708  
physical or mental disability or disease that prevents the 88709  
person from exercising reasonable and ordinary control over a 88710  
motor vehicle while operating the vehicle upon the highways, 88711  
except that a restricted license ~~effective for six months~~ may be 88712  
issued to any person otherwise qualified who is or has been 88713  
subject to any condition resulting in episodic impairment of 88714  
consciousness or loss of muscular control and whose condition, 88715  
in the opinion of the registrar, is dormant or is sufficiently 88716  
under medical control that the person is capable of exercising 88717  
reasonable and ordinary control over a motor vehicle. A 88718  
restricted license ~~effective for six months~~ shall be issued to 88719  
any person who otherwise is qualified and who is subject to any 88720  
condition that causes episodic impairment of consciousness or a 88721  
loss of muscular control if the person presents a statement from 88722  
a licensed physician, certified nurse-midwife if authorized as 88723  
described in section 4723.438 of the Revised Code, clinical 88724  
nurse specialist, or certified nurse practitioner that the 88725  
person's condition is under effective medical control and the 88726  
period of time for which the control has been continuously 88727  
maintained, unless, thereafter, a medical examination is ordered 88728  
and, pursuant thereto, cause for denial is found. 88729

A person to whom a ~~six-month~~ restricted license has been 88730  
issued shall give notice of the person's medical condition to 88731

the registrar on forms provided by the registrar and signed by 88732  
the licensee's physician, certified nurse-midwife, clinical 88733  
nurse specialist, or certified nurse practitioner at intervals 88734  
required by the registrar. ~~The notice shall be sent to the~~ 88735  
~~registrar six months after the issuance of the license.~~ 88736  
~~Subsequent restricted licenses issued to the same individual~~ 88737  
~~shall be effective for six months~~ determine the validity period 88738  
of the restricted license. 88739

(4) Any person who is unable to understand highway 88740  
warnings or traffic signs or directions given in the English 88741  
language; 88742

(5) Any person making an application whose driver's 88743  
license or driving privileges are under cancellation, 88744  
revocation, or suspension in the jurisdiction where issued or 88745  
any other jurisdiction, until the expiration of one year after 88746  
the license was canceled or revoked or until the period of 88747  
suspension ends. Any person whose application is denied under 88748  
this division may file a petition in the municipal court or 88749  
county court in whose jurisdiction the person resides agreeing 88750  
to pay the cost of the proceedings and alleging that the conduct 88751  
involved in the offense that resulted in suspension, 88752  
cancellation, or revocation in the foreign jurisdiction would 88753  
not have resulted in a suspension, cancellation, or revocation 88754  
had the offense occurred in this state. If the petition is 88755  
granted, the petitioner shall notify the registrar by a 88756  
certified copy of the court's findings and a license shall not 88757  
be denied under this division. 88758

(6) Any person who is under a class one or two suspension 88759  
imposed for a violation of section 2903.01, 2903.02, 2903.04, 88760  
2903.06, 2903.08, 2903.11, 2921.331, or 2923.02 of the Revised 88761

Code or whose driver's or commercial driver's license or permit 88762  
was permanently revoked prior to January 1, 2004, for a 88763  
substantially equivalent violation pursuant to section 4507.16 88764  
of the Revised Code; 88765

(7) Any person who is not a resident or temporary resident 88766  
of this state. 88767

(E) No person whose driver's license or permit has been 88768  
suspended under Chapter 4510. of the Revised Code or any other 88769  
provision of the Revised Code shall have driving privileges 88770  
reinstated if the registrar determines that a warrant has been 88771  
issued in this state or any other state for the person's arrest 88772  
and that warrant is an active warrant. 88773

**Sec. 4507.09.** (A) (1) Except as provided in division (B) of 88774  
this section, every driver's license issued to a resident of 88775  
this state expires on the birthday of the applicant in the 88776  
fourth or eighth year after the date it is issued, based on the 88777  
period of renewal requested by the applicant. A resident who is 88778  
sixty-five years of age or older may only apply for a driver's 88779  
license that expires on the birthday of the applicant in the 88780  
fourth year after the date it is issued. In no event shall any 88781  
license be issued for a period longer than eight years and 88782  
ninety days. 88783

Subject to the requirements of section 4507.12 of the 88784  
Revised Code, every driver's license issued to a resident is 88785  
renewable at any time prior to its expiration. 88786

(2) A driver's license issued to a temporary resident 88787  
shall expire in accordance with rules adopted by the registrar 88788  
of motor vehicles. A driver's license issued to a temporary 88789  
resident is a limited term license, but may be renewed within 88790

ninety days prior to its expiration in accordance with division 88791  
(E) of this section. 88792

(3) No refund shall be made or credit given for the 88793  
unexpired portion of the driver's license that is renewed. The 88794  
registrar shall notify each person whose driver's license has 88795  
expired within forty-five days after the date of expiration. 88796  
Notification shall be made by regular mail sent to the person's 88797  
last known address as shown in the records of the bureau of 88798  
motor vehicles. Failure to provide such notification shall not 88799  
be construed as a renewal or extension of any license. 88800

(4) For the purposes of this section, the date of birth of 88801  
any applicant born on the twenty-ninth day of February shall be 88802  
deemed to be the first day of March in any year in which there 88803  
is no twenty-ninth day of February. 88804

(B) Every driver's license or renewal of a driver's 88805  
license issued to a resident applicant who is sixteen years of 88806  
age or older, but less than twenty-one years of age, expires on 88807  
the twenty-first birthday of the applicant, except that an 88808  
applicant who applies no more than thirty days before the 88809  
applicant's twenty-first birthday shall be issued a license in 88810  
accordance with division (A) of this section. 88811

(C) Each person licensed as a driver under this chapter 88812  
shall notify the registrar of any change in the person's address 88813  
within ten days following that change. The notification shall be 88814  
in writing on a form provided by the registrar and shall include 88815  
the full name, date of birth, license number, county of 88816  
residence, social security number, and new address of the 88817  
person. The registrar shall offer the person the opportunity to 88818  
submit a notice of change of address for voter registration 88819  
purposes by electronic means in conjunction with the person's 88820

transaction with the registrar, in accordance with section 88821  
3503.11 of the Revised Code. 88822

(D) No driver's license shall be renewed when renewal is 88823  
prohibited by division (A) of section 4507.091 of the Revised 88824  
Code. 88825

(E) (1) Except as provided in division (E) (2) of this 88826  
section, a limited term license shall not be issued to a 88827  
temporary resident for a period longer than the expiration date 88828  
of the temporary resident's authorized stay in the United 88829  
States, or for four years from the date of issuance, whichever 88830  
date is earliest. 88831

(2) If there is no expiration date for a temporary 88832  
resident's authorized stay in the United States, a limited term 88833  
license shall not be issued to the temporary resident for a 88834  
period longer than one year from the date of issuance. 88835

(3) A limited term license may be renewed within ninety 88836  
days prior to its expiration upon the applicant's presentation 88837  
of documentation verifying the applicant's legal presence or 88838  
continued temporary lawful status in the United States. 88839

~~(3) A limited term license is not transferable, and the 88840  
applicant may not rely on it to obtain a driver's license in 88841  
another state. 88842~~

(4) In accordance with Chapter 119. of the Revised Code, 88843  
the registrar shall adopt rules governing limited term licenses 88844  
for temporary residents. 88845

**Sec. 4507.21.** (A) Except as provided in section 4507.061 88846  
of the Revised Code, each applicant for a driver's license shall 88847  
file an application in the office of the registrar of motor 88848  
vehicles or of a deputy registrar. 88849

(B) (1) Each person under ~~eighteen~~twenty-one years of age 88850  
applying for a driver's license issued in this state shall 88851  
present satisfactory evidence of having successfully completed 88852  
any one of the following: 88853

(a) A driver education course approved by the state 88854  
department of education and workforce prior to December 31, 88855  
2003. 88856

(b) A driver training course approved by the director of 88857  
public safety. 88858

(c) A driver training course comparable to a driver 88859  
education or driver training course described in division (B) (1) 88860  
(a) or (b) of this section and administered by a branch of the 88861  
armed forces of the United States and completed by the applicant 88862  
while residing outside this state for the purpose of being with 88863  
or near any person serving in the armed forces of the United 88864  
States. 88865

(2) Each person under ~~eighteen~~twenty-one years of age 88866  
applying for a driver's license also shall present, on a form 88867  
prescribed by the registrar, an affidavit signed by an eligible 88868  
adult attesting that the person has acquired at least fifty 88869  
hours of actual driving experience, with at least ten of those 88870  
hours being at night. 88871

(C) (1) An applicant for an initial driver's license shall 88872  
present satisfactory evidence of successful completion of the 88873  
abbreviated driver training course for adults, approved by the 88874  
director of public safety under section 4508.02 of the Revised 88875  
Code, if all of the following apply: 88876

(a) The applicant is ~~eighteen~~twenty-one years of age or 88877  
older. 88878

(b) The applicant failed the road or maneuverability test 88879  
required under division (A) (2) of section 4507.11 of the Revised 88880  
Code. 88881

(c) In the twelve months immediately preceding the date of 88882  
application, the applicant has not successfully completed a 88883  
driver training course. 88884

(2) An applicant shall present satisfactory evidence as 88885  
required under division (C) (1) of this section prior to 88886  
attempting the test a second or subsequent time. 88887

(D) If the registrar or deputy registrar determines that 88888  
the applicant is entitled to the driver's license, it shall be 88889  
issued. If the application shows that the applicant's license 88890  
has been previously canceled or suspended, the deputy registrar 88891  
shall forward the application to the registrar, who shall 88892  
determine whether the license shall be granted. 88893

(E) An applicant shall file an application under this 88894  
section in duplicate, and the deputy registrar issuing the 88895  
license shall immediately forward to the office of the registrar 88896  
the original copy of the application, together with the 88897  
duplicate copy of any certificate of completion if issued for 88898  
purposes of division (B) of this section. The registrar shall 88899  
prescribe rules as to the manner in which the deputy registrar 88900  
files and maintains the applications and other records. The 88901  
registrar shall file every application for a driver's or 88902  
commercial driver's license and index them by name and number, 88903  
and shall maintain a suitable record of all licenses issued, all 88904  
convictions and bond forfeitures, all applications for licenses 88905  
denied, and all licenses that have been suspended or canceled. 88906

(F) For purposes of section 2313.06 of the Revised Code, 88907



the registrar shall maintain accurate and current lists of the residents of each county who are eighteen years of age or older, have been issued, on and after January 1, 1984, driver's or commercial driver's licenses that are valid and current, and would be electors if they were registered to vote, regardless of whether they actually are registered to vote. The lists shall contain the names, addresses, dates of birth, duration of residence in this state, citizenship status, and social security numbers, if the numbers are available, of the licensees, and may contain any other information that the registrar considers suitable.

(G) Each person under eighteen years of age applying for a motorcycle operator's endorsement or a restricted license enabling the applicant to operate a motorcycle shall present satisfactory evidence of having completed the courses of instruction in the motorcycle safety and education program described in section 4508.08 of the Revised Code or a comparable course of instruction administered by a branch of the armed forces of the United States and completed by the applicant while residing outside this state for the purpose of being with or near any person serving in the armed forces of the United States. If the registrar or deputy registrar then determines that the applicant is entitled to the endorsement or restricted license, it shall be issued.

(H) No person shall knowingly make a false statement in an affidavit presented in accordance with division (B) (2) of this section.

(I) As used in this section, "eligible adult" means any of the following persons:

(1) A parent, guardian, or custodian of the applicant;

(2) A person over the age of twenty-one who acts in loco parentis of the applicant and who maintains proof of financial responsibility with respect to the operation of a motor vehicle owned by the applicant or with respect to the applicant's operation of any motor vehicle. 88938  
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(J) Whoever violates division (H) of this section is guilty of a minor misdemeanor and shall be fined one hundred dollars. 88943  
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**Sec. 4507.40.** (A) As used in this section, "Ohio credential" means a temporary instruction permit identification card, driver's license, commercial driver's license, motorcycle operator's license, motorized bicycle license, or identification card issued by the Ohio bureau of motor vehicles. 88946  
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(B) Any valid holder of an Ohio credential issued after July 2, 2018, may apply online to obtain an exact reprint of that Ohio credential. Not more than one hundred eighty days after ~~the effective date of this section~~ April 12, 2021, the registrar of motor vehicles shall make the reprint application process available through electronic means on the bureau of motor vehicle's web site. A reprint of an Ohio credential shall be available only through the online process. 88951  
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(C) An applicant may obtain not more than ~~one reprint~~ two reprints between the initial issuance and renewal of an Ohio credential or between renewals of an Ohio credential. A reprint shall be an exact copy of the last-issued Ohio credential that it replaces. A reprint expires on the same date as the Ohio credential it replaces. 88959  
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(D) The applicant shall do all of the following in the application: 88965  
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- (1) Certify that the current Ohio credential is lost,  
destroyed, or mutilated; 88967  
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- (2) Provide identifying information, as required by the  
registrar, in order to confirm the applicant's identity; 88969  
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- (3) Include with the application a financial transaction  
device number to pay the applicable fees for the reprint of the  
Ohio credential, and a service fee equal to the amount  
established under section 4503.038 of the Revised Code. 88971  
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- (E) Upon receipt of a completed application, the registrar  
shall issue a reprint Ohio credential to the applicant, if the  
applicant is eligible for the reprint. If the applicant does not  
qualify for a reprint, the registrar shall notify the applicant  
why the application was denied. 88975  
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- (F) The fees that are collected from a person who applies  
for a reprint of an Ohio credential shall be paid to the credit  
of the public safety - highway purposes fund established by  
section 4501.06 of the Revised Code. 88980  
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- Sec. 4507.41. (A) "Ohio credential" has the same meaning  
as in section 4507.40 of the Revised Code. 88984  
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- (B) A valid holder of an Ohio credential may apply to  
receive an Ohio credential in an expedited manner. In addition  
to other applicable fees and taxes, a valid holder of an Ohio  
credential shall pay a one-hundred-dollar administrative fee  
plus applicable mailing costs to compensate the registrar of  
motor vehicles for additional services required in issuing an  
expedited Ohio credential. The registrar of motor vehicles shall  
determine the applicable mailing costs and the manner by which  
the Ohio credential is mailed. An expedited Ohio credential is  
available for any Ohio credential and includes online renewal 88986  
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under section 4507.061 of the Revised Code and reprints under 88996  
section 4507.40 of the Revised Code. 88997

(C) The administrative fee and mailing costs charged 88998  
pursuant to division (B) of this section shall be deposited into 88999  
the public safety - highway purposes fund created in section 89000  
4501.06 of the Revised Code. 89001

(D) The registrar of motor vehicles may adopt rules in 89002  
accordance with Chapter 119. of the Revised Code to implement 89003  
this section. Notwithstanding any provision of section 121.95 of 89004  
the Revised Code to the contrary, a regulatory restriction 89005  
contained in any rule adopted under this section is not subject 89006  
to sections 121.95 to 121.953 of the Revised Code. 89007

**Sec. 4507.53.** Digitalized photographic records of the 89008  
department of public safety may be released only to the 89009  
following: 89010

(A) State, local, or federal governmental agencies for 89011  
criminal justice purposes; 89012

(B) Any court; 89013

(C) The American association of motor vehicle 89014  
administrators to allow state department of motor vehicles 89015  
participating in the association's state-to-state verification 89016  
services and digital image access and exchange program to use 89017  
the photographic records for identity verification purposes; 89018

(D) The department of job and family services or the 89019  
unemployment compensation review commission for the purpose of 89020  
carrying out the department's or commission's functions under 89021  
Chapter 4141. of the Revised Code. 89022

**Sec. 4508.02.** (A) (1) The director of public safety, 89023

subject to Chapter 119. of the Revised Code, shall adopt and 89024  
prescribe such rules concerning the administration and 89025  
enforcement of this chapter as are necessary to protect the 89026  
public. The rules shall require an assessment of the holder of a 89027  
probationary instructor license. The director shall inspect the 89028  
school facilities and equipment of applicants and licensees and 89029  
examine applicants for instructor's licenses. 89030

(2) The director shall adopt rules governing online driver 89031  
education courses that may be completed via the internet to 89032  
satisfy the classroom instruction under division (C) of this 89033  
section. The rules shall do all of the following: 89034

(a) Establish standards that an online driver training 89035  
enterprise must satisfy to be licensed to offer an online driver 89036  
education course via the internet, including, at a minimum, 89037  
proven expertise in providing driver education and an acceptable 89038  
infrastructure capable of providing secure online driver 89039  
education in accord with advances in internet technology. The 89040  
rules shall allow an online driver training enterprise to be 89041  
affiliated with a licensed driver training school offering in- 89042  
person classroom instruction, but shall not require such an 89043  
affiliation. 89044

(b) Establish content requirements that an online driver 89045  
education course must satisfy to be approved as equivalent to 89046  
twenty-four hours of in-person classroom instruction; 89047

(c) Establish attendance standards, including a maximum 89048  
number of course hours that may be completed in a twenty-four- 89049  
hour period; 89050

(d) Allow an enrolled applicant to begin the required 89051  
eight hours of actual behind-the-wheel instruction upon 89052

completing all twenty-four hours of course instruction; 89053

(e) Establish any other requirements necessary to regulate 89054  
online driver education. 89055

(B) The director shall administer and enforce this 89056  
chapter. 89057

(C) The rules shall require twenty-four hours of completed 89058  
in-person classroom instruction or the completion of an 89059  
approved, equivalent online driver education course offered via 89060  
the internet by a licensed online driver training enterprise, 89061  
followed by eight hours of actual behind-the-wheel instruction 89062  
conducted on public streets and highways of this state for all 89063  
beginning drivers of noncommercial motor vehicles who are under 89064  
age ~~eighteen~~ twenty-one. The rules shall allow beginning drivers 89065  
of noncommercial motor vehicles to complete the driver education 89066  
course at any point while holding a valid temporary instruction 89067  
permit. The rules also shall require the classroom instruction 89068  
or online driver education course for such drivers to include 89069  
instruction on both of the following: 89070

(1) The dangers of driving a motor vehicle while 89071  
distracted, including while using an electronic wireless 89072  
communications device, or engaging in any other activity that 89073  
distracts a driver from the safe and effective operation of a 89074  
motor vehicle; 89075

(2) The dangers of driving a motor vehicle while under the 89076  
influence of a controlled substance, prescription medication, or 89077  
alcohol. 89078

(D) The rules shall state the minimum hours for classroom 89079  
and behind-the-wheel instruction required for beginning drivers 89080  
of commercial trucks, commercial cars, buses, and commercial 89081

tractors, trailers, and semitrailers. 89082

(E) (1) The department of public safety may charge a fee to 89083  
each online driver training enterprise in an amount sufficient 89084  
to pay the actual expenses the department incurs in the 89085  
regulation of online driver education courses. 89086

(2) The department shall supply to each licensed online 89087  
driver training enterprise certificates to be used for 89088  
certifying an applicant's enrollment in an approved online 89089  
driver education course and a separate certificate to be issued 89090  
upon successful completion of an approved online driver 89091  
education course. The certificates shall be numbered serially. 89092  
The department may charge a fee to each online driver training 89093  
enterprise per certificate supplied to pay the actual expenses 89094  
the department incurs in supplying the certificates. 89095

(F) The director shall adopt rules in accordance with 89096  
Chapter 119. of the Revised Code governing an abbreviated driver 89097  
training course for adults. 89098

**Sec. 4509.101.** (A) (1) No person shall operate, or permit 89099  
the operation of, a motor vehicle in this state, unless proof of 89100  
financial responsibility is maintained continuously throughout 89101  
the registration period with respect to that vehicle, or, in the 89102  
case of a driver who is not the owner, with respect to that 89103  
driver's operation of that vehicle. 89104

(2) Whoever violates division (A) (1) of this section shall 89105  
be subject to the following civil penalties: 89106

(a) Subject to divisions (A) (2) (b) and (c) of this 89107  
section, a class (F) suspension of the person's driver's 89108  
license, commercial driver's license, temporary instruction 89109  
permit, probationary license, or nonresident operating privilege 89110

for the period of time specified in division (B) (6) of section 89111  
4510.02 of the Revised Code and impoundment of the person's 89112  
license. The court may grant limited driving privileges to the 89113  
person, but only if the person presents proof of financial 89114  
responsibility and is enrolled in a reinstatement fee payment 89115  
plan pursuant to section 4510.10 of the Revised Code. 89116

(b) If, within one year of the violation, the person's 89117  
operating privileges are again suspended and the person's 89118  
license again is impounded for a violation of division (A) (1) of 89119  
this section, a class C suspension of the person's driver's 89120  
license, commercial driver's license, temporary instruction 89121  
permit, probationary license, or nonresident operating privilege 89122  
for the period of time specified in division (B) (3) of section 89123  
4510.02 of the Revised Code. The court may grant limited driving 89124  
privileges to the person only if the person presents proof of 89125  
financial responsibility and has complied with division (A) (5) 89126  
of this section, and no court may grant limited driving 89127  
privileges for the first fifteen days of the suspension. 89128

(c) If, within one year of the violation, the person's 89129  
operating privileges are suspended and the person's license is 89130  
impounded two or more times for a violation of division (A) (1) 89131  
of this section, a class B suspension of the person's driver's 89132  
license, commercial driver's license, temporary instruction 89133  
permit, probationary license, or nonresident operating privilege 89134  
for the period of time specified in division (B) (2) of section 89135  
4510.02 of the Revised Code. The court may grant limited driving 89136  
privileges to the person only if the person presents proof of 89137  
financial responsibility and has complied with division (A) (5) 89138  
of this section, except that no court may grant limited driving 89139  
privileges for the first thirty days of the suspension. 89140



The clerk of court shall waive the cost of filing a petition for limited driving privileges if, pursuant to section 2323.311 of the Revised Code, the petitioner applies to be qualified as an indigent litigant and the court approves the application.

(3) A person to whom this state has issued a certificate of registration for a motor vehicle or a license to operate a motor vehicle or who is determined to have operated any motor vehicle or permitted the operation in this state of a motor vehicle owned by the person shall be required to verify the existence of proof of financial responsibility covering the operation of the motor vehicle or the person's operation of the motor vehicle under either of the following circumstances:

(a) The person or a motor vehicle owned by the person is involved in a traffic accident that requires the filing of an accident report under section 4509.06 of the Revised Code.

(b) The person receives a traffic ticket indicating that proof of the maintenance of financial responsibility was not produced upon the request of a peace officer or state highway patrol trooper made in accordance with division (D)(2) of this section.

(4) An order of the registrar that suspends a license shall state the date on or before which the person is required to surrender the person's license. The person is deemed to have surrendered the license, in compliance with the order, if the person does either of the following:

(a) On or before the date specified in the order, delivers the license to the registrar;

(b) Mails the license to the registrar in an envelope or

container bearing a postmark showing a date no later than the 89170  
date specified in the order. 89171

(5) Except as provided in division (L) of this section, 89172  
the registrar shall not restore any operating privileges 89173  
suspended under this section, return any license surrendered 89174  
under this section, or reissue a license under section 4510.52 89175  
of the Revised Code, if the registrar destroyed the suspended 89176  
license under that section, unless the rights are not subject to 89177  
suspension or revocation under any other law and unless the 89178  
person, in addition to complying with all other conditions 89179  
required by law for reinstatement of the operating privileges, 89180  
complies with all of the following: 89181

(a) Pays to the registrar or an eligible deputy registrar 89182  
a financial responsibility reinstatement fee of forty dollars 89183  
for the first violation of division (A) (1) of this section, 89184  
three hundred dollars for a second violation of that division, 89185  
and six hundred dollars for a third or subsequent violation of 89186  
that division; 89187

(b) Files and continuously maintains proof of financial 89188  
responsibility in accordance with sections 4509.44 to 4509.65 of 89189  
the Revised Code; 89190

(c) Pays a deputy registrar a service fee of ten dollars 89191  
to compensate the deputy registrar for services performed under 89192  
this section. The deputy registrar shall retain eight dollars of 89193  
the service fee and shall transmit the reinstatement fee and two 89194  
dollars of the service fee to the registrar in the manner the 89195  
registrar shall determine. 89196

(B) (1) Every party required to file an accident report 89197  
under section 4509.06 of the Revised Code also shall include 89198

with the report a document described in division (G) (1) (a) of 89199  
this section or shall present proof of financial responsibility 89200  
through use of an electronic wireless communications device as 89201  
permitted by division (G) (1) (b) of this section. 89202

If the registrar determines, within forty-five days after 89203  
the report is filed, that an operator or owner has violated 89204  
division (A) (1) of this section, the registrar shall do all of 89205  
the following: 89206

(a) Order the suspension required under division (A) (2) 89207  
(a), (b), or (c) of this section of the license of any operator 89208  
or owner who has violated division (A) (1) of this section; 89209

(b) Record the name and address of the person whose 89210  
license has been suspended or is under an order of suspension, 89211  
the serial number of the person's license, and the person's 89212  
social security account number, if assigned, or, where the motor 89213  
vehicle that is the subject of the violation is used for hire or 89214  
principally in connection with any established business, the 89215  
person's federal taxpayer identification number. The information 89216  
shall be recorded in such a manner that it becomes a part of the 89217  
person's permanent record, and assists the registrar in 89218  
monitoring compliance with the orders of suspension. 89219

(c) Send written notification to every person to whom the 89220  
order pertains, at the person's last known address as shown on 89221  
the records of the bureau. The person, within ten days after the 89222  
date of the mailing of the notification, shall surrender to the 89223  
registrar, in a manner set forth in division (A) (4) of this 89224  
section, any license under an order of suspension. 89225

(2) The registrar shall issue any order under division (B) 89226  
(1) of this section without a hearing. Any person adversely 89227

affected by the order, within ~~ten~~fifteen days after the 89228  
issuance of the order, may request an administrative hearing 89229  
before the registrar, who shall provide the person with an 89230  
opportunity for a hearing in accordance with this paragraph. A 89231  
request for a hearing does not operate as a suspension of the 89232  
order. The scope of the hearing shall be limited to whether the 89233  
person in fact demonstrated to the registrar proof of financial 89234  
responsibility in accordance with this section. The registrar 89235  
shall determine the date, time, and place of any hearing, 89236  
provided that the hearing shall be held, and an order issued or 89237  
findings made, within thirty days after the registrar receives a 89238  
request for a hearing. If requested by the person in writing, 89239  
the registrar may designate as the place of hearing the county 89240  
seat of the county in which the person resides or a place within 89241  
fifty miles of the person's residence. The person shall pay the 89242  
cost of the hearing before the registrar, if the registrar's 89243  
order of suspension is upheld. 89244

(C) Any order of suspension issued under this section or 89245  
division (B) of section 4509.37 of the Revised Code may be 89246  
terminated at any time if the registrar determines upon a 89247  
showing of proof of financial responsibility that the operator 89248  
or owner of the motor vehicle was in compliance with division 89249  
(A) (1) of this section at the time of the traffic offense, motor 89250  
vehicle inspection, or accident that resulted in the order 89251  
against the person. A determination may be made without a 89252  
hearing. This division does not apply unless the person shows 89253  
good cause for the person's failure to present satisfactory 89254  
proof of financial responsibility to the registrar prior to the 89255  
issuance of the order. 89256

(D) (1) (a) For the purpose of enforcing this section, every 89257  
peace officer is deemed an agent of the registrar. 89258

(b) Any peace officer who, in the performance of the peace officer's duties as authorized by law, becomes aware of a person whose license is under an order of suspension, pursuant to this section, may confiscate the license and return it to the registrar.

(2) A peace officer shall request the owner or operator of a motor vehicle to produce proof of financial responsibility in a manner described in division (G) of this section at the time the peace officer acts to enforce the traffic laws of this state and during motor vehicle inspections conducted pursuant to section 4513.02 of the Revised Code.

(3) A peace officer shall indicate on every traffic ticket whether the person receiving the traffic ticket produced proof of the maintenance of financial responsibility in response to the officer's request under division (D)(2) of this section. The peace officer shall inform every person who receives a traffic ticket and who has failed to produce proof of the maintenance of financial responsibility that the person must submit proof to the traffic violations bureau with any payment of a fine and costs for the ticketed violation or, if the person is to appear in court for the violation, the person must submit proof to the court.

(4) (a) If a person who has failed to produce proof of the maintenance of financial responsibility appears in court for a ticketed violation, the court may permit the defendant to present evidence of proof of financial responsibility to the court at such time and in such manner as the court determines to be necessary or appropriate. In a manner prescribed by the registrar, the clerk of courts shall provide the registrar with the identity of any person who fails to submit proof of the

maintenance of financial responsibility pursuant to division (D) 89289  
(3) of this section. 89290

(b) If a person who has failed to produce proof of the 89291  
maintenance of financial responsibility also fails to submit 89292  
that proof to the traffic violations bureau with payment of a 89293  
fine and costs for the ticketed violation, the traffic 89294  
violations bureau, in a manner prescribed by the registrar, 89295  
shall notify the registrar of the identity of that person. 89296

(5) (a) Upon receiving notice from a clerk of courts or 89297  
traffic violations bureau pursuant to division (D) (4) of this 89298  
section, the registrar shall order the suspension of the license 89299  
of the person required under division (A) (2) (a), (b), or (c) of 89300  
this section, effective forty-five days after the date of the 89301  
mailing of notification. The registrar also shall notify the 89302  
person that the person must present the registrar with proof of 89303  
financial responsibility in accordance with this section, 89304  
surrender to the registrar the person's license, or submit a 89305  
statement subject to section 2921.13 of the Revised Code that 89306  
the person did not operate or permit the operation of the motor 89307  
vehicle at the time of the offense. Notification shall be in 89308  
writing and shall be sent to the person at the person's last 89309  
known address as shown on the records of the bureau of motor 89310  
vehicles. The person, within forty-five days after the date of 89311  
the mailing of notification, shall present proof of financial 89312  
responsibility, surrender the license to the registrar in a 89313  
manner set forth in division (A) (4) of this section, or submit 89314  
the statement required under this section together with other 89315  
information the person considers appropriate. 89316

If the registrar does not receive proof or the person does 89317  
not surrender the license, in accordance with this division, the 89318

registrar shall permit the order for the suspension of the 89319  
license of the person to take effect. 89320

(b) In the case of a person who presents, within the 89321  
forty-five-day period, proof of financial responsibility, the 89322  
registrar shall terminate the order of suspension and shall send 89323  
written notification to the person, at the person's last known 89324  
address as shown on the records of the bureau. 89325

(c) Any person adversely affected by the order of the 89326  
registrar under division (D) (5) (a) or (b) of this section, 89327  
within ~~ten~~fifteen days after the issuance of the order, may 89328  
request an administrative hearing before the registrar, who 89329  
shall provide the person with an opportunity for a hearing in 89330  
accordance with this paragraph. A request for a hearing does not 89331  
operate as a suspension of the order. The scope of the hearing 89332  
shall be limited to whether, at the time of the hearing, the 89333  
person presents proof of financial responsibility covering the 89334  
vehicle and whether the person is eligible for an exemption in 89335  
accordance with this section or any rule adopted under it. The 89336  
registrar shall determine the date, time, and place of any 89337  
hearing; provided, that the hearing shall be held, and an order 89338  
issued or findings made, within thirty days after the registrar 89339  
receives a request for a hearing. If requested by the person, 89340  
the hearing may be held remotely by electronic means. If 89341  
requested by the person in writing, the registrar may designate 89342  
as the place of hearing the county seat of the county in which 89343  
the person resides or a place within fifty miles of the person's 89344  
residence. Such person shall pay the cost of the hearing before 89345  
the registrar, if the registrar's order of suspension under 89346  
division (D) (5) (a) or (b) of this section is upheld. 89347

(6) Any forms used by law enforcement agencies in 89348

administering this section shall be prescribed, supplied, and 89349  
paid for by the registrar. 89350

(7) No peace officer, law enforcement agency employing a 89351  
peace officer, or political subdivision or governmental agency 89352  
that employs a peace officer shall be liable in a civil action 89353  
for damages or loss to persons arising out of the performance of 89354  
any duty required or authorized by this section. 89355

(8) As used in this section, "peace officer" has the 89356  
meaning set forth in section 2935.01 of the Revised Code. 89357

(E) All fees, except court costs, fees paid to a deputy 89358  
registrar, and those portions of the financial responsibility 89359  
reinstatement fees as otherwise specified in this division, 89360  
collected under this section shall be paid into the state 89361  
treasury to the credit of the public safety - highway purposes 89362  
fund established in section 4501.06 of the Revised Code and used 89363  
to cover costs incurred by the bureau in the administration of 89364  
this section and sections 4503.20, 4507.212, and 4509.81 of the 89365  
Revised Code, and by any law enforcement agency employing any 89366  
peace officer who returns any license to the registrar pursuant 89367  
to division (C) of this section. 89368

Of each financial responsibility reinstatement fee the 89369  
registrar collects pursuant to division (A) (5) (a) of this 89370  
section or receives from a deputy registrar under division (A) 89371  
(5) (c) of this section, the registrar shall deposit ten dollars 89372  
of each forty-dollar reinstatement fee, fifty dollars of each 89373  
three-hundred-dollar reinstatement fee, and one hundred dollars 89374  
of each six-hundred-dollar reinstatement fee into the state 89375  
treasury to the credit of the indigent defense support fund 89376  
created by section 120.08 of the Revised Code. 89377



(F) Chapter 119. of the Revised Code applies to this 89378  
section only to the extent that any provision in that chapter is 89379  
not clearly inconsistent with this section. 89380

(G) (1) (a) The registrar, court, traffic violations bureau, 89381  
or peace officer may require proof of financial responsibility 89382  
to be demonstrated by use of a standard form prescribed by the 89383  
registrar. If the use of a standard form is not required, a 89384  
person may demonstrate proof of financial responsibility under 89385  
this section by presenting to the traffic violations bureau, 89386  
court, registrar, or peace officer any of the following 89387  
documents or a copy of the documents: 89388

(i) A financial responsibility identification card as 89389  
provided in section 4509.103 of the Revised Code; 89390

(ii) A certificate of proof of financial responsibility on 89391  
a form provided and approved by the registrar for the filing of 89392  
an accident report required to be filed under section 4509.06 of 89393  
the Revised Code; 89394

(iii) A policy of liability insurance, a declaration page 89395  
of a policy of liability insurance, or liability bond, if the 89396  
policy or bond complies with section 4509.20 or sections 4509.49 89397  
to 4509.61 of the Revised Code; 89398

(iv) A bond or certification of the issuance of a bond as 89399  
provided in section 4509.59 of the Revised Code; 89400

(v) A certificate of deposit of money or securities as 89401  
provided in section 4509.62 of the Revised Code; 89402

(vi) A certificate of self-insurance as provided in 89403  
section 4509.72 of the Revised Code. 89404

(b) A person also may present proof of financial 89405

responsibility under this section to the traffic violations 89406  
bureau, court, registrar, or peace officer through use of an 89407  
electronic wireless communications device as specified under 89408  
section 4509.103 of the Revised Code. 89409

(2) If a person fails to demonstrate proof of financial 89410  
responsibility in a manner described in division (G)(1) of this 89411  
section, the person may demonstrate proof of financial 89412  
responsibility under this section by any other method that the 89413  
court or the bureau, by reason of circumstances in a particular 89414  
case, may consider appropriate. 89415

(3) A motor carrier certificated by the interstate 89416  
commerce commission or by the public utilities commission may 89417  
demonstrate proof of financial responsibility by providing a 89418  
statement designating the motor carrier's operating authority 89419  
and averring that the insurance coverage required by the 89420  
certificating authority is in full force and effect. 89421

(4) (a) A finding by the registrar or court that a person 89422  
is covered by proof of financial responsibility in the form of 89423  
an insurance policy or surety bond is not binding upon the named 89424  
insurer or surety or any of its officers, employees, agents, or 89425  
representatives and has no legal effect except for the purpose 89426  
of administering this section. 89427

(b) The preparation and delivery of a financial 89428  
responsibility identification card or any other document 89429  
authorized to be used as proof of financial responsibility and 89430  
the generation and delivery of proof of financial responsibility 89431  
to an electronic wireless communications device that is 89432  
displayed on the device as text or images does not do any of the 89433  
following: 89434

(i) Create any liability or estoppel against an insurer or surety, or any of its officers, employees, agents, or representatives; 89435  
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(ii) Constitute an admission of the existence of, or of any liability or coverage under, any policy or bond; 89438  
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(iii) Waive any defenses or counterclaims available to an insurer, surety, agent, employee, or representative in an action commenced by an insured or third-party claimant upon a cause of action alleged to have arisen under an insurance policy or surety bond or by reason of the preparation and delivery of a document for use as proof of financial responsibility or the generation and delivery of proof of financial responsibility to an electronic wireless communications device. 89440  
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(c) Whenever it is determined by a final judgment in a judicial proceeding that an insurer or surety, which has been named on a document or displayed on an electronic wireless communications device accepted by a court or the registrar as proof of financial responsibility covering the operation of a motor vehicle at the time of an accident or offense, is not liable to pay a judgment for injuries or damages resulting from such operation, the registrar, notwithstanding any previous contrary finding, shall forthwith suspend the operating privileges and registration rights of the person against whom the judgment was rendered as provided in division (A) (2) of this section. 89448  
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(H) In order for any document or display of text or images on an electronic wireless communications device described in division (G) (1) of this section to be used for the demonstration of proof of financial responsibility under this section, the document or words or images shall state the name of the insured 89460  
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or obligor, the name of the insurer or surety company, and the 89465  
effective and expiration dates of the financial responsibility, 89466  
and designate by explicit description or by appropriate 89467  
reference all motor vehicles covered which may include a 89468  
reference to fleet insurance coverage. 89469

(I) For purposes of this section, "owner" does not include 89470  
a licensed motor vehicle leasing dealer as defined in section 89471  
4517.01 of the Revised Code, but does include a motor vehicle 89472  
renting dealer as defined in section 4549.65 of the Revised 89473  
Code. Nothing in this section or in section 4509.51 of the 89474  
Revised Code shall be construed to prohibit a motor vehicle 89475  
renting dealer from entering into a contractual agreement with a 89476  
person whereby the person renting the motor vehicle agrees to be 89477  
solely responsible for maintaining proof of financial 89478  
responsibility, in accordance with this section, with respect to 89479  
the operation, maintenance, or use of the motor vehicle during 89480  
the period of the motor vehicle's rental. 89481

(J) The purpose of this section is to require the 89482  
maintenance of proof of financial responsibility with respect to 89483  
the operation of motor vehicles on the highways of this state, 89484  
so as to minimize those situations in which persons are not 89485  
compensated for injuries and damages sustained in motor vehicle 89486  
accidents. The general assembly finds that this section contains 89487  
reasonable civil penalties and procedures for achieving this 89488  
purpose. 89489

(K) Nothing in this section shall be construed to be 89490  
subject to section 4509.78 of the Revised Code. 89491

(L) (1) The registrar may terminate any suspension imposed 89492  
under this section and not require the owner to comply with 89493  
division (A) (5) of this section if the registrar with or without 89494

a hearing determines that the owner of the vehicle has 89495  
established by clear and convincing evidence that all of the 89496  
following apply: 89497

(a) The owner customarily maintains proof of financial 89498  
responsibility. 89499

(b) Proof of financial responsibility was not in effect 89500  
for the vehicle on the date in question for one of the following 89501  
reasons: 89502

(i) The vehicle was inoperable. 89503

(ii) The vehicle is operated only seasonally, and the date 89504  
in question was outside the season of operation. 89505

(iii) A person other than the vehicle owner or driver was 89506  
at fault for the lapse of proof of financial responsibility 89507  
through no fault of the owner or driver. 89508

(iv) The lapse of proof of financial responsibility was 89509  
caused by excusable neglect under circumstances that are not 89510  
likely to recur and do not suggest a purpose to evade the 89511  
requirements of this chapter. 89512

(2) The registrar may grant an owner or driver relief for 89513  
a reason specified in division (L)(1)(b)(iii) or (iv) of this 89514  
section only if the owner or driver has not previously been 89515  
granted relief under division (L)(1)(b)(iii) or (iv) of this 89516  
section. 89517

(M) The registrar shall adopt rules in accordance with 89518  
Chapter 119. of the Revised Code that are necessary to 89519  
administer and enforce this section. The rules shall include 89520  
provisions relating to acceptable forms of proof of financial 89521  
responsibility, the use of an electronic wireless communications 89522

device to present proof of financial responsibility, and 89523  
verification of the existence of financial responsibility during 89524  
the period of registration. 89525

(N) (1) When a person utilizes an electronic wireless 89526  
communications device to present proof of financial 89527  
responsibility, only the evidence of financial responsibility 89528  
displayed on the device shall be viewed by the registrar, peace 89529  
officer, employee or official of the traffic violations bureau, 89530  
or the court. No other content of the device shall be viewed for 89531  
purposes of obtaining proof of financial responsibility. 89532

(2) When a person provides an electronic wireless 89533  
communications device to the registrar, a peace officer, an 89534  
employee or official of a traffic violations bureau, or the 89535  
court, the person assumes the risk of any resulting damage to 89536  
the device unless the registrar, peace officer, employee, or 89537  
official, or court personnel purposely, knowingly, or recklessly 89538  
commits an action that results in damage to the device. 89539

**Sec. 4511.78.** (A) As used in this section: 89540

(1) "Mass transit system" means any county transit system, 89541  
regional transit authority, regional transit commission, 89542  
municipally owned transportation system, mass transit company 89543  
operating exclusively within the territorial limits of a 89544  
municipal corporation, or within such limits and the territorial 89545  
limits of municipal corporations immediately contiguous to such 89546  
municipal corporation, and any common passenger carrier, that 89547  
provides transportation for children to or from a school session 89548  
or a school function. 89549

(2) "Bus" means every motor vehicle designed for carrying 89550  
more than nine passengers and used for the transportation of 89551

persons, but does not mean any school bus as defined in section 89552  
4511.01 of the Revised Code. 89553

(B) Whenever a mass transit system transports children to 89554  
or from a school session or school function, the mass transit 89555  
system shall provide for: 89556

(1) Periodic safety inspections of all buses used to 89557  
provide transportation service. The inspections shall be based 89558  
on rules adopted by the public utilities commission under 89559  
Chapters 4921. and 4923. of the Revised Code to ensure the 89560  
safety of operation of motor carriers. 89561

(2) The safety training of all drivers operating buses 89562  
used to provide transportation service; 89563

(3) The equipping of every bus with outside rear-view 89564  
mirrors meeting the motor carrier regulations for bus equipment 89565  
adopted by the federal highway administration. No exclusions 89566  
from this requirement granted under the federal regulations 89567  
shall be considered exclusions for the purposes of this 89568  
division. 89569

(C) Whenever a mass transit system regularly transports 89570  
children to or from a school session, the mass transit system 89571  
shall provide routes that ensure that such children either will 89572  
not need to transfer between different buses or that the 89573  
children will only need to make one transfer at a location that 89574  
is not the central transfer hub for the mass transit system. 89575  
This division applies only to a mass transit system with a 89576  
central transfer hub located in a county that is ranked as one 89577  
of the eight most populous counties in this state according to 89578  
the most recent decennial census. 89579

(D) Except as otherwise provided in this division, whoever 89580

violates this section is guilty of a minor misdemeanor. If, 89581  
within one year of the offense, the offender previously has been 89582  
convicted of or pleaded guilty to one predicate motor vehicle or 89583  
traffic offense, whoever violates this section is guilty of a 89584  
misdemeanor of the fourth degree. If, within one year of the 89585  
offense, the offender previously has been convicted of two or 89586  
more predicate motor vehicle or traffic offenses, whoever 89587  
violates this section is guilty of a misdemeanor of the third 89588  
degree. 89589

**Sec. 4513.60.** (A) (1) The sheriff of a county or chief of a 89590  
law enforcement agency of a municipal corporation, township, 89591  
port authority, conservancy district, or township or joint 89592  
police district, within the sheriff's or chief's respective 89593  
territorial jurisdiction, upon complaint of any person adversely 89594  
affected, may order into storage any motor vehicle, other than 89595  
an abandoned junk motor vehicle as defined in section 4513.63 of 89596  
the Revised Code, that has been left on private residential or 89597  
private agricultural property for at least four hours without 89598  
the permission of the person having the right to the possession 89599  
of the property. The sheriff or chief, upon complaint of a 89600  
repair garage or place of storage, may order into storage any 89601  
motor vehicle, other than an abandoned junk motor vehicle, that 89602  
has been left at the garage or place of storage for a longer 89603  
period than that agreed upon. When ordering a motor vehicle into 89604  
storage pursuant to this division, a sheriff or chief may 89605  
arrange for the removal of the motor vehicle by a towing service 89606  
and shall designate a storage facility. 89607

(2) A towing service towing a motor vehicle under division 89608  
(A) (1) of this section shall remove the motor vehicle in 89609  
accordance with that division. The towing service shall deliver 89610  
the motor vehicle to the location designated by the sheriff or 89611



chief not more than two hours after the time it is removed from 89612  
the private property, unless the towing service is unable to 89613  
deliver the motor vehicle within two hours due to an 89614  
uncontrollable force, natural disaster, or other event that is 89615  
not within the power of the towing service. 89616

(3) Subject to division (B) of this section, the owner of 89617  
a motor vehicle that has been removed pursuant to this division 89618  
may recover the vehicle only in accordance with division (D) of 89619  
this section. 89620

(4) As used in this section, "private residential 89621  
property" means private property on which is located one or more 89622  
structures that are used as a home, residence, or sleeping place 89623  
by one or more persons, if no more than three separate 89624  
households are maintained in the structure or structures. 89625  
"Private residential property" does not include any private 89626  
property on which is located one or more structures that are 89627  
used as a home, residence, or sleeping place by two or more 89628  
persons, if more than three separate households are maintained 89629  
in the structure or structures. 89630

(B) If the owner or operator of a motor vehicle that has 89631  
been ordered into storage pursuant to division (A) (1) of this 89632  
section arrives after the motor vehicle has been prepared for 89633  
removal, but prior to its actual removal from the property, the 89634  
towing service shall give the owner or operator oral or written 89635  
notification at the time of such arrival that the vehicle owner 89636  
or operator may pay a fee of not more than one-half of the fee 89637  
for the removal of the motor vehicle established by the public 89638  
utilities commission in rules adopted under section 4921.25 of 89639  
the Revised Code, in order to obtain release of the motor 89640  
vehicle. However, if the vehicle is within a municipal 89641

corporation and the municipal corporation has established a 89642  
vehicle removal fee, the towing service shall give the owner or 89643  
operator oral or written notification that the owner or operator 89644  
may pay not more than one-half of that fee to obtain release of 89645  
the motor vehicle. That fee may be paid by use of a major credit 89646  
card unless the towing service uses a mobile credit card 89647  
processor and mobile service is not available at the time of the 89648  
transaction. 89649

Upon payment of the applicable fee, the towing service 89650  
shall give the vehicle owner or operator a receipt showing both 89651  
the full amount normally assessed and the actual amount received 89652  
and shall release the motor vehicle to the owner or operator. 89653  
Upon its release, the owner or operator immediately shall move 89654  
it so that it is not on the private residential or private 89655  
agricultural property without the permission of the person 89656  
having the right to possession of the property, or is not at the 89657  
garage or place of storage without the permission of the owner, 89658  
whichever is applicable. 89659

(C) (1) Each county sheriff and each chief of a law 89660  
enforcement agency of a municipal corporation, township, port 89661  
authority, conservancy district, or township or joint police 89662  
district shall maintain a record of motor vehicles that the 89663  
sheriff or chief orders into storage pursuant to division (A) (1) 89664  
of this section. The record shall include an entry for each such 89665  
motor vehicle that identifies the motor vehicle's license 89666  
number, make, model, and color, the location from which it was 89667  
removed, the date and time of its removal, the telephone number 89668  
of the person from whom it may be recovered, and the address of 89669  
the place to which it has been taken and from which it may be 89670  
recovered. A sheriff or chief shall provide any information in 89671  
the record that pertains to a particular motor vehicle to any 89672

person who, either in person or pursuant to a telephone call, 89673  
identifies self as the owner or operator of the motor vehicle 89674  
and requests information pertaining to its location. 89675

(2) Any person who registers a complaint that is the basis 89676  
of a sheriff's or chief's order for the removal and storage of a 89677  
motor vehicle under division (A) (1) of this section shall 89678  
provide the identity of the law enforcement agency with which 89679  
the complaint was registered to any person who identifies self 89680  
as the owner or operator of the motor vehicle and requests 89681  
information pertaining to its location. 89682

(D) (1) The owner or lienholder of a motor vehicle that is 89683  
ordered into storage pursuant to division (A) (1) of this section 89684  
may reclaim it upon both of the following: 89685

(a) Payment of all applicable fees established by the 89686  
public utilities commission in rules adopted under section 89687  
4921.25 of the Revised Code or, if the vehicle was towed within 89688  
a municipal corporation that has established fees for vehicle 89689  
removal and storage, payment of all applicable fees established 89690  
by the municipal corporation. Section 2930.11 of the Revised 89691  
Code does not apply with regard to the payment of fees for motor 89692  
vehicle removal and storage under this section. 89693

(b) Presentation of proof of ownership, which may be 89694  
evidenced by a certificate of title to the motor vehicle, a 89695  
certificate of registration for the motor vehicle, or a lease 89696  
agreement. 89697

When the owner of a vehicle towed under this section 89698  
retrieves the vehicle, the towing service or storage facility in 89699  
possession of the vehicle shall give the owner written notice 89700  
that if the owner disputes that the motor vehicle was lawfully 89701

towed, the owner may be able to file a civil action under 89702  
section 4513.611 of the Revised Code. 89703

(2) Upon presentation of proof of ownership as required 89704  
under division (D)(1)(b) of this section, the owner of a motor 89705  
vehicle that is ordered into storage under division (A)(1) of 89706  
this section may retrieve any personal items from the motor 89707  
vehicle without retrieving the vehicle and without paying any 89708  
fee. However, a towing service or storage facility may charge an 89709  
after-hours retrieval fee established by the public utilities 89710  
commission in rules adopted under section 4921.25 of the Revised 89711  
Code if the owner retrieves the personal items after hours, 89712  
unless the towing service or storage facility fails to provide 89713  
the notice required under division (B)(3) of section 4513.69 of 89714  
the Revised Code, if applicable. The owner of a motor vehicle 89715  
shall not do either of the following: 89716

(a) Retrieve any personal item that has been determined by 89717  
the sheriff or chief, as applicable, to be necessary to a 89718  
criminal investigation; 89719

(b) Retrieve any personal item from a vehicle if it would 89720  
endanger the safety of the owner, unless the owner agrees to 89721  
sign a waiver of liability. 89722

For purposes of division (D)(2) of this section, "personal 89723  
items" do not include any items that are attached to the motor 89724  
vehicle. 89725

(3) If a motor vehicle that is ordered into storage 89726  
pursuant to division (A)(1) of this section remains unclaimed by 89727  
the owner for thirty days, the procedures established by 89728  
sections 4513.61 and 4513.62 of the Revised Code apply. 89729

(E)(1) No person shall remove, or cause the removal of, 89730

any motor vehicle from any private residential or private 89731  
agricultural property other than in accordance with division (A) 89732  
(1) of this section or sections 4513.61 to 4513.65 of the 89733  
Revised Code. 89734

(2) No towing service or storage facility shall fail to 89735  
comply with the requirements of this section. 89736

(F) This section does not apply to any private residential 89737  
or private agricultural property that is established as a 89738  
private tow-away zone in accordance with section 4513.601 of the 89739  
Revised Code. 89740

(G) Whoever violates division (E) of this section is 89741  
guilty of a minor misdemeanor. 89742

**Sec. 4513.61.** (A) The sheriff of a county or chief of a 89743  
law enforcement agency of a municipal corporation, township, 89744  
port authority, conservancy district, university campus police 89745  
department, park district police force, or township or joint 89746  
police district, within the sheriff's or chief's respective 89747  
territorial jurisdiction, or a state highway patrol trooper, 89748  
natural resources officer, or wildlife officer, upon 89749  
notification to the sheriff, chief, or department of natural 89750  
resources, as applicable, of such action and of the location of 89751  
the place of storage, may order into storage any motor vehicle, 89752  
including an abandoned junk motor vehicle as defined in section 89753  
4513.63 of the Revised Code, that: 89754

(1) Has come into the possession of the sheriff, chief, 89755  
state highway patrol trooper, or officer as a result of the 89756  
performance of the sheriff's, chief's, trooper's, or officer's 89757  
duties; or 89758

(2) Has been left on a public street or other property 89759

open to the public for purposes of vehicular travel, or upon or 89760  
within the right-of-way of any road or highway, for forty-eight 89761  
hours or longer without notification to the sheriff, chief, or 89762  
department of the reasons for leaving the motor vehicle in such 89763  
place. However, when such a motor vehicle constitutes an 89764  
obstruction to traffic it may be ordered into storage 89765  
immediately unless either of the following applies: 89766

(a) The vehicle was involved in an accident and is subject 89767  
to section 4513.66 of the Revised Code; 89768

(b) The vehicle is a commercial motor vehicle. If the 89769  
vehicle is a commercial motor vehicle, the sheriff, chief, 89770  
trooper, or officer shall allow the owner or operator of the 89771  
vehicle the opportunity to arrange for the removal of the motor 89772  
vehicle within a period of time specified by the sheriff, chief, 89773  
trooper, or officer. If the sheriff, chief, trooper, or officer 89774  
determines that the vehicle cannot be removed within the 89775  
specified period of time, the sheriff, chief, trooper, or 89776  
officer shall order the removal of the vehicle. 89777

Subject to division (C) of this section, the sheriff, 89778  
chief, or department shall designate the place of storage of any 89779  
motor vehicle so ordered removed. 89780

(B) If the sheriff, chief, trooper, or officer issues an 89781  
order under division (A) of this section and arranges for the 89782  
removal of a motor vehicle by a towing service, the towing 89783  
service shall deliver the motor vehicle to the location 89784  
designated by the sheriff, chief, or department not more than 89785  
two hours after the time it is removed. 89786

(C) (1) The sheriff, chief, or department shall cause a 89787  
search to be made of the records of an applicable entity listed 89788

in division (F) (1) of section 4513.601 of the Revised Code to 89789  
ascertain the identity of the owner and any lienholder of a 89790  
motor vehicle ordered into storage by the sheriff, chief, 89791  
trooper, or officer within five business days of the removal of 89792  
the vehicle. Upon obtaining such identity, the sheriff, chief, 89793  
or department shall send or cause notice to be sent to the owner 89794  
and any lienholder at the owner's and any lienholder's last 89795  
known address by certified or express mail with return receipt 89796  
requested, by certified mail with electronic tracking, or by a 89797  
commercial carrier service utilizing any form of delivery 89798  
requiring a signed receipt. The notice shall inform the owner 89799  
and any lienholder that the motor vehicle will be declared a 89800  
nuisance and disposed of if not claimed within ten days of the 89801  
date of the sending of the notice. 89802

(2) The owner or lienholder of the motor vehicle is 89803  
responsible for payment of any expenses or charges incurred in 89804  
its removal and storage and may reclaim the motor vehicle upon 89805  
payment of those expenses or charges, and presentation of proof 89806  
of ownership, which may be evidenced by a certificate of title 89807  
or memorandum certificate of title to the motor vehicle, a 89808  
certificate of registration for the motor vehicle, or a lease 89809  
agreement. Upon Section 2930.11 of the Revised Code does not 89810  
apply with regard to the payment of fees for motor vehicle 89811  
removal and storage under this section. 89812

Upon presentation of proof of ownership evidenced as 89813  
provided above, the owner of the motor vehicle also may retrieve 89814  
any personal items from the vehicle without retrieving the 89815  
vehicle and without paying any fee. However, a towing service or 89816  
storage facility may charge an after-hours retrieval fee 89817  
established by the public utilities commission in rules adopted 89818  
under section 4921.25 of the Revised Code if the owner retrieves 89819

the personal items after hours, unless the towing service or 89820  
storage facility fails to provide the notice required under 89821  
division (B) (3) of section 4513.69 of the Revised Code, if 89822  
applicable. However, the owner shall not do either of the 89823  
following: 89824

(a) Retrieve any personal item that has been determined by 89825  
the sheriff, chief, trooper, or officer, as applicable, to be 89826  
necessary to a criminal investigation; 89827

(b) Retrieve any personal item from a vehicle if it would 89828  
endanger the safety of the owner, unless the owner agrees to 89829  
sign a waiver of liability. 89830

For purposes of division (C) (2) of this section, "personal 89831  
items" do not include any items that are attached to the 89832  
vehicle. 89833

(3) If the owner or lienholder of the motor vehicle 89834  
reclaims it after a search of the applicable records has been 89835  
conducted and after notice has been sent to the owner and any 89836  
lienholder as described in this section, and the search was 89837  
conducted by the place of storage, and the notice was sent to 89838  
the motor vehicle owner by the place of storage, the owner or 89839  
lienholder shall pay to the place of storage a processing fee of 89840  
twenty-five dollars, in addition to any expenses or charges 89841  
incurred in the removal and storage of the vehicle. 89842

(D) If the owner or lienholder makes no claim to the motor 89843  
vehicle within ten days of the date of sending the notice, and 89844  
if the vehicle is to be disposed of at public auction as 89845  
provided in section 4513.62 of the Revised Code, the sheriff, 89846  
chief, or department, without charge to any party, shall file 89847  
with the clerk of courts of the county in which the place of 89848



storage is located an affidavit showing compliance with the 89849  
requirements of this section. Upon presentation of the 89850  
affidavit, the clerk, without charge, shall issue a salvage 89851  
certificate of title, free and clear of all liens and 89852  
encumbrances, to the sheriff, chief, or department. If the 89853  
vehicle is to be disposed of to a motor vehicle salvage dealer 89854  
or other facility as provided in section 4513.62 of the Revised 89855  
Code, the sheriff, chief, or department shall execute in 89856  
triplicate an affidavit, as prescribed by the registrar of motor 89857  
vehicles, describing the motor vehicle and the manner in which 89858  
it was disposed of, and that all requirements of this section 89859  
have been complied with. The sheriff, chief, or department shall 89860  
retain the original of the affidavit for the sheriff's, chief's, 89861  
or department's records, and shall furnish two copies to the 89862  
motor vehicle salvage dealer or other facility. Upon 89863  
presentation of a copy of the affidavit by the motor vehicle 89864  
salvage dealer, the clerk of courts, within thirty days of the 89865  
presentation, shall issue a salvage certificate of title, free 89866  
and clear of all liens and encumbrances. 89867

(E) Whenever a motor vehicle salvage dealer or other 89868  
facility receives an affidavit for the disposal of a motor 89869  
vehicle as provided in this section, the dealer or facility 89870  
shall not be required to obtain an Ohio certificate of title to 89871  
the motor vehicle in the dealer's or facility's own name if the 89872  
vehicle is dismantled or destroyed and both copies of the 89873  
affidavit are delivered to the clerk of courts. 89874

(F) No towing service or storage facility shall fail to 89875  
comply with this section. 89876

**Sec. 4513.66.** (A) If a motor vehicle accident occurs on 89877  
any highway, public street, or other property open to the public 89878

for purposes of vehicular travel and if any motor vehicle, 89879  
cargo, or personal property that has been damaged or spilled as 89880  
a result of the motor vehicle accident is blocking the highway, 89881  
street, or other property or is otherwise endangering public 89882  
safety, a public safety official may do either of the following 89883  
without the consent of the owner but with the approval of the 89884  
law enforcement agency conducting any investigation of the 89885  
accident: 89886

(1) Remove, or order the removal of, the motor vehicle if 89887  
the motor vehicle is unoccupied, cargo, or personal property 89888  
from the portion of the highway, public street, or property 89889  
ordinarily used for vehicular travel on the highway, public 89890  
street, or other property open to the public for purposes of 89891  
vehicular travel. 89892

(2) If the motor vehicle is a commercial motor vehicle, 89893  
allow the owner or operator of the vehicle the opportunity to 89894  
arrange for the removal of the motor vehicle within a period of 89895  
time specified by the public safety official. If the public 89896  
safety official determines that the motor vehicle cannot be 89897  
removed within the specified period of time, the public safety 89898  
official shall remove or order the removal of the motor vehicle. 89899

(B) (1) Except as provided in division (B) (2) of this 89900  
section, the department of transportation, any employee of the 89901  
department of transportation, or a public safety official who 89902  
authorizes or participates in the removal of any unoccupied 89903  
motor vehicle, cargo, or personal property as authorized by 89904  
division (A) of this section, regardless of whether the removal 89905  
is executed by a private towing service, is not liable for civil 89906  
damages for any injury, death, or loss to person or property 89907  
that results from the removal of that unoccupied motor vehicle, 89908

cargo, or personal property. Further, except as provided in 89909  
division (B) (2) of this section, if a public safety official 89910  
authorizes, employs, or arranges to have a private towing 89911  
service remove any unoccupied motor vehicle, cargo, or personal 89912  
property as authorized by division (A) of this section, that 89913  
private towing service is not liable for civil damages for any 89914  
injury, death, or loss to person or property that results from 89915  
the removal of that unoccupied motor vehicle, cargo, or personal 89916  
property. 89917

(2) Division (B) (1) of this section does not apply to any 89918  
of the following: 89919

(a) Any person or entity involved in the removal of an 89920  
unoccupied motor vehicle, cargo, or personal property pursuant 89921  
to division (A) of this section if that removal causes or 89922  
contributes to the release of a hazardous material or to 89923  
structural damage to the roadway; 89924

(b) A private towing service that was not authorized, 89925  
employed, or arranged by a public safety official to remove an 89926  
unoccupied motor vehicle, cargo, or personal property under this 89927  
section; 89928

(c) Except as provided in division (B) (2) (d) of this 89929  
section, a private towing service that was authorized, employed, 89930  
or arranged by a public safety official to perform the removal 89931  
of the unoccupied motor vehicle, cargo, or personal property but 89932  
the private towing service performed the removal in a negligent 89933  
manner; 89934

(d) A private towing service that was authorized, 89935  
employed, or arranged by a public safety official to perform the 89936  
removal of the unoccupied motor vehicle, cargo, or personal 89937

property that was endangering public safety but the private 89938  
towing service performed the removal in a reckless manner. 89939

(C) Section 2930.11 of the Revised Code does not apply 89940  
with regard to the payment of fees for motor vehicle removal and 89941  
storage under this section. 89942

(D) As used in this section: 89943

(1) "Public safety official" means any of the following: 89944

(a) The sheriff of the county, or the chief of a law 89945  
enforcement agency in the municipal corporation, township, port 89946  
authority, conservancy district, university campus police 89947  
department, park district police force, or township or joint 89948  
police district, in which the accident occurred; 89949

(b) A state highway patrol trooper; 89950

(c) The chief of the fire department having jurisdiction 89951  
where the accident occurred; 89952

(d) A duly authorized subordinate acting on behalf of an 89953  
official specified in divisions ~~(C) (1) (a)~~ (D) (1) (a) to (c) of 89954  
this section; 89955

(e) A natural resources officer or a wildlife officer. 89956

(2) "Hazardous material" has the same meaning as in 89957  
section 2305.232 of the Revised Code. 89958

**Sec. 4517.01.** As used in sections 4517.01 to 4517.65 of 89959  
the Revised Code: 89960

(A) "Persons" includes individuals, partnerships, 89961  
associations, joint stock companies, corporations, sole 89962  
proprietorships, limited liability companies, limited liability 89963  
partnerships, business trusts, and any other legally recognized 89964

business entities or any combinations of individuals. 89965

(B) "Motor vehicle" means motor vehicle as defined in 89966  
section 4501.01 of the Revised Code and also includes "all- 89967  
purpose vehicle" and "off-highway motorcycle" as those terms are 89968  
defined in section 4519.01 of the Revised Code. "Motor vehicle" 89969  
does not include a snowmobile as defined in section 4519.01 of 89970  
the Revised Code or manufactured and mobile homes. "Motor 89971  
vehicle" includes a "fifth wheel trailer," "park trailer," 89972  
"travel trailer," "tent-type fold-out camping trailer," and a 89973  
"semitrailer" but does not otherwise include trailers as defined 89974  
in section 4501.01 of the Revised Code. 89975

(C) "New motor vehicle" means a motor vehicle, the legal 89976  
title to which has never been transferred by a manufacturer, 89977  
remanufacturer, distributor, or dealer to an ultimate purchaser. 89978

(D) "Ultimate purchaser" means, with respect to any new 89979  
motor vehicle, the first person, other than a dealer purchasing 89980  
in the capacity of a dealer, who in good faith purchases such 89981  
new motor vehicle for purposes other than resale. 89982

(E) "Business" includes any activities engaged in by any 89983  
person for the object of gain, benefit, or advantage either 89984  
direct or indirect, including activities conducted through the 89985  
internet or another computer network. 89986

(F) "Engaging in business" means commencing, conducting, 89987  
or continuing in business, or liquidating a business when the 89988  
liquidator thereof holds self out to be conducting such 89989  
business; making a casual sale or otherwise making transfers in 89990  
the ordinary course of business when the transfers are made in 89991  
connection with the disposition of all or substantially all of 89992  
the transferor's assets is not engaging in business. 89993

(G) "Retail sale" or "selling at retail" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motor vehicle, including through use of the internet or another computer network, to an ultimate purchaser. 89994  
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(H) "Retail installment contract" includes any contract in the form of a note, chattel mortgage, conditional sales contract, lease, agreement, or other instrument payable in one or more installments over a period of time and arising out of the retail sale of a motor vehicle. 89998  
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(I) "Farm machinery" means all machines and tools used in the production, harvesting, and care of farm products. 90003  
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(J) "Dealer" or "motor vehicle dealer" means any new motor vehicle dealer, any motor vehicle leasing dealer, any adaptive mobility dealer, and any used motor vehicle dealer. 90005  
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(K) "New motor vehicle dealer" means any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in new motor vehicles pursuant to a contract or agreement entered into with the manufacturer, remanufacturer, or distributor of the motor vehicles. 90008  
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(L) "Used motor vehicle dealer" means any person engaged in the business of selling, displaying, offering for sale, or dealing in used motor vehicles, at retail or wholesale, but does not mean any new motor vehicle dealer selling, displaying, offering for sale, or dealing in used motor vehicles incidentally to engaging in the business of selling, displaying, offering for sale, or dealing in new motor vehicles, any person engaged in the business of dismantling, salvaging, or rebuilding motor vehicles by means of using used parts, or any public officer performing official duties. 90013  
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(M) "Motor vehicle leasing dealer" means any person 90023  
engaged in the business of regularly making available, offering 90024  
to make available, or arranging for another person to use a 90025  
motor vehicle pursuant to a bailment, lease, sublease, or other 90026  
contractual arrangement under which a charge is made for its use 90027  
at a periodic rate for a term of thirty days or more, and title 90028  
to the motor vehicle is in and remains in the motor vehicle 90029  
leasing dealer who originally leases it, irrespective of whether 90030  
or not the motor vehicle is the subject of a later sublease, and 90031  
not in the user, including any financial institution acting as a 90032  
lessor for a lease or sublease. "Motor vehicle leasing dealer" 90033  
does not include a new motor vehicle dealer that is not the 90034  
lessor and that only assists in arranging a lease on the 90035  
lessor's behalf or a manufacturer or its affiliate leasing to 90036  
its employees or to dealers. 90037

(N) "Salesperson" means any person employed by a dealer to 90038  
sell, display, and offer for sale, or deal in motor vehicles for 90039  
a commission, compensation, or other valuable consideration, but 90040  
does not mean any public officer performing official duties. 90041

(O) "Casual sale" means any transfer of a motor vehicle by 90042  
a person other than a new motor vehicle dealer, used motor 90043  
vehicle dealer, adaptive mobility dealer, motor vehicle salvage 90044  
dealer, as defined in division (A) of section 4738.01 of the 90045  
Revised Code, salesperson, motor vehicle auction owner, 90046  
manufacturer, or distributor acting in the capacity of a dealer, 90047  
salesperson, auction owner, manufacturer, or distributor, to a 90048  
person who purchases the motor vehicle for use as a consumer. 90049

(P) "Motor vehicle auction owner" means any person who is 90050  
engaged wholly or in part in the business of auctioning motor 90051  
vehicles, but does not mean a construction equipment auctioneer 90052

or a construction equipment auction licensee. 90053

(Q) "Manufacturer" means a person who manufactures, 90054  
assembles, or imports motor vehicles, including motor homes, but 90055  
does not mean a person who only assembles or installs a body, 90056  
special equipment unit, finishing trim, or accessories on a 90057  
motor vehicle chassis supplied by a manufacturer or distributor. 90058

(R) "Tent-type fold-out camping trailer" means any vehicle 90059  
intended to be used, when stationary, as a temporary shelter 90060  
with living and sleeping facilities, and that is subject to the 90061  
following properties and limitations: 90062

(1) A minimum of twenty-five per cent of the fold-out 90063  
portion of the top and sidewalls combined must be constructed of 90064  
canvas, vinyl, or other fabric, and form an integral part of the 90065  
shelter. 90066

(2) When folded, the unit must not exceed: 90067

(a) Fifteen feet in length, exclusive of bumper and 90068  
tongue; 90069

(b) Sixty inches in height from the point of contact with 90070  
the ground; 90071

(c) Eight feet in width; 90072

(d) One ton gross weight at time of sale. 90073

(S) "Distributor" means any person authorized by a motor 90074  
vehicle manufacturer to distribute new motor vehicles to 90075  
licensed new motor vehicle dealers, but does not mean a person 90076  
who only assembles or installs a body, special equipment unit, 90077  
finishing trim, or accessories on a motor vehicle chassis 90078  
supplied by a manufacturer or distributor. 90079



(T) "Flea market" means a market place, other than a dealer's location licensed under this chapter, where a space or location is provided for a fee or compensation to a seller to exhibit and offer for sale or trade, motor vehicles to the general public.

(U) "Franchise" means any written agreement, contract, or understanding between any motor vehicle manufacturer or remanufacturer engaged in commerce and any new motor vehicle dealer that purports to fix the legal rights and liabilities of the parties to such agreement, contract, or understanding.

(V) "Franchisee" means a person who receives new motor vehicles from the franchisor under a franchise agreement and who offers, sells, and provides service for such new motor vehicles to the general public.

(W) "Franchisor" means a new motor vehicle manufacturer, remanufacturer, or distributor who supplies new motor vehicles under a franchise agreement to a franchisee.

(X) "Dealer organization" means a state or local trade association the membership of which is comprised predominantly of new motor vehicle dealers.

(Y) "Factory representative" means a representative employed by a manufacturer, remanufacturer, or by a factory branch primarily for the purpose of promoting the sale of its motor vehicles, parts, or accessories to dealers or for supervising or contacting its dealers or prospective dealers.

(Z) "Administrative or executive management" means those individuals who are not subject to federal wage and hour laws.

(AA) "Good faith" means honesty in the conduct or transaction concerned and the observance of reasonable

commercial standards of fair dealing in the trade as is defined 90109  
in section 1301.201 of the Revised Code, including, but not 90110  
limited to, the duty to act in a fair and equitable manner so as 90111  
to guarantee freedom from coercion, intimidation, or threats of 90112  
coercion or intimidation; provided however, that recommendation, 90113  
endorsement, exposition, persuasion, urging, or argument shall 90114  
not be considered to constitute a lack of good faith. 90115

(BB) "Coerce" means to compel or attempt to compel by 90116  
failing to act in good faith or by threat of economic harm, 90117  
breach of contract, or other adverse consequences. Coerce does 90118  
not mean to argue, urge, recommend, or persuade. 90119

(CC) "Relevant market area" means any area within a radius 90120  
of ten miles from the site of a potential new dealership, except 90121  
that for manufactured home or recreational vehicle dealerships 90122  
the radius shall be twenty-five miles. The ten-mile radius shall 90123  
be measured from the dealer's established place of business that 90124  
is used exclusively for the purpose of selling, displaying, 90125  
offering for sale, or dealing in motor vehicles. 90126

(DD) "Wholesale" or "at wholesale" means the act or 90127  
attempted act of selling, bartering, exchanging, or otherwise 90128  
disposing of a motor vehicle to a transferee for the purpose of 90129  
resale and not for ultimate consumption by that transferee. 90130

(EE) "Motor vehicle wholesaler" means any person licensed 90131  
as a dealer under the laws of another state and engaged in the 90132  
business of selling, displaying, or offering for sale used motor 90133  
vehicles, at wholesale, but does not mean any motor vehicle 90134  
dealer as defined in this section. 90135

(FF) (1) "Remanufacturer" means a person who assembles or 90136  
installs passenger seating, walls, a roof elevation, or a body 90137

extension on a conversion van with the motor vehicle chassis 90138  
supplied by a manufacturer or distributor, a person who modifies 90139  
a truck chassis supplied by a manufacturer or distributor for 90140  
use as a public safety or public service vehicle, a person who 90141  
modifies a motor vehicle chassis supplied by a manufacturer or 90142  
distributor for use as a limousine or hearse, or a person who 90143  
modifies an incomplete motor vehicle cab and chassis supplied by 90144  
a new motor vehicle dealer or distributor for use as a tow 90145  
truck, but does not mean either of the following: 90146

(a) A person who assembles or installs passenger seating, 90147  
a roof elevation, or a body extension on a recreational vehicle 90148  
as defined in division (Q) and referred to in division (B) of 90149  
section 4501.01 of the Revised Code; 90150

(b) An adaptive mobility dealer. 90151

(2) For the purposes of division (FF)(1) of this section, 90152  
"public safety vehicle or public service vehicle" means a fire 90153  
truck, ambulance, school bus, street sweeper, garbage packing 90154  
truck, or cement mixer, or a mobile self-contained facility 90155  
vehicle. 90156

(3) For the purposes of division (FF)(1) of this section, 90157  
"limousine" means a motor vehicle, designed only for the purpose 90158  
of carrying nine or fewer passengers, that a person modifies by 90159  
cutting the original chassis, lengthening the wheelbase by forty 90160  
inches or more, and reinforcing the chassis in such a way that 90161  
all modifications comply with all applicable federal motor 90162  
vehicle safety standards. No person shall qualify as or be 90163  
deemed to be a remanufacturer who produces limousines unless the 90164  
person has a written agreement with the manufacturer of the 90165  
chassis the person utilizes to produce the limousines to 90166  
complete properly the remanufacture of the chassis into 90167

limousines. 90168

(4) For the purposes of division (FF)(1) of this section, 90169  
"hearse" means a motor vehicle, designed only for the purpose of 90170  
transporting a single casket, that is equipped with a 90171  
compartment designed specifically to carry a single casket that 90172  
a person modifies by cutting the original chassis, lengthening 90173  
the wheelbase by ten inches or more, and reinforcing the chassis 90174  
in such a way that all modifications comply with all applicable 90175  
federal motor vehicle safety standards. No person shall qualify 90176  
as or be deemed to be a remanufacturer who produces hearses 90177  
unless the person has a written agreement with the manufacturer 90178  
of the chassis the person utilizes to produce the hearses to 90179  
complete properly the remanufacture of the chassis into hearses. 90180

(5) For the purposes of division (FF)(1) of this section, 90181  
"mobile self-contained facility vehicle" means a mobile 90182  
classroom vehicle, mobile laboratory vehicle, bookmobile, 90183  
bloodmobile, testing laboratory, and mobile display vehicle, 90184  
each of which is designed for purposes other than for passenger 90185  
transportation and other than the transportation or displacement 90186  
of cargo, freight, materials, or merchandise. A vehicle is 90187  
remanufactured into a mobile self-contained facility vehicle in 90188  
part by the addition of insulation to the body shell, and 90189  
installation of all of the following: a generator, electrical 90190  
wiring, plumbing, holding tanks, doors, windows, cabinets, 90191  
shelving, and heating, ventilating, and air conditioning 90192  
systems. 90193

(6) For the purposes of division (FF)(1) of this section, 90194  
"tow truck" means both of the following: 90195

(a) An incomplete cab and chassis that are purchased by a 90196  
remanufacturer from a new motor vehicle dealer or distributor of 90197

the cab and chassis and on which the remanufacturer then 90198  
installs in a permanent manner a wrecker body it purchases from 90199  
a manufacturer or distributor of wrecker bodies, installs an 90200  
emergency flashing light pylon and emergency lights upon the 90201  
mast of the wrecker body or rooftop, and installs such other 90202  
related accessories and equipment, including push bumpers, front 90203  
grille guards with pads and other custom-ordered items such as 90204  
painting, special lettering, and safety striping so as to create 90205  
a complete motor vehicle capable of lifting and towing another 90206  
motor vehicle. 90207

(b) An incomplete cab and chassis that are purchased by a 90208  
remanufacturer from a new motor vehicle dealer or distributor of 90209  
the cab and chassis and on which the remanufacturer then 90210  
installs in a permanent manner a car carrier body it purchases 90211  
from a manufacturer or distributor of car carrier bodies, 90212  
installs an emergency flashing light pylon and emergency lights 90213  
upon the rooftop, and installs such other related accessories 90214  
and equipment, including push bumpers, front grille guards with 90215  
pads and other custom-ordered items such as painting, special 90216  
lettering, and safety striping. 90217

As used in division (FF) (6) (b) of this section, "car 90218  
carrier body" means a mechanical or hydraulic apparatus capable 90219  
of lifting and holding a motor vehicle on a flat level surface 90220  
so that one or more motor vehicles can be transported, once the 90221  
car carrier is permanently installed upon an incomplete cab and 90222  
chassis. 90223

(GG) "Operate as a new motor vehicle dealership" means 90224  
engaging in activities such as displaying, offering for sale, 90225  
and selling new motor vehicles at retail, operating a service 90226  
facility to perform repairs and maintenance on motor vehicles, 90227

offering for sale and selling motor vehicle parts at retail, and 90228  
conducting all other acts that are usual and customary to the 90229  
operation of a new motor vehicle dealership. For the purposes of 90230  
this chapter only, possession of either a valid new motor 90231  
vehicle dealer franchise agreement or a new motor vehicle 90232  
dealers license, or both of these items, is not evidence that a 90233  
person is operating as a new motor vehicle dealership. 90234

(HH) "Outdoor power equipment" means garden and small 90235  
utility tractors, walk-behind and riding mowers, chainsaws, and 90236  
tillers. 90237

(II) "Remote service facility" means premises that are 90238  
separate from a licensed new motor vehicle dealer's sales 90239  
facility by not more than one mile and that are used by the 90240  
dealer to perform repairs, warranty work, recall work, and 90241  
maintenance on motor vehicles pursuant to a franchise agreement 90242  
entered into with a manufacturer of motor vehicles. A remote 90243  
service facility shall be deemed to be part of the franchise 90244  
agreement and is subject to all the rights, duties, obligations, 90245  
and requirements of Chapter 4517. of the Revised Code that 90246  
relate to the performance of motor vehicle repairs, warranty 90247  
work, recall work, and maintenance work by new motor vehicle 90248  
dealers. 90249

(JJ) "Recreational vehicle" has the same meaning as in 90250  
section 4501.01 of the Revised Code. 90251

(KK) "Construction equipment auctioneer" means a person 90252  
who holds both a valid auction firm license issued under Chapter 90253  
4707. of the Revised Code and a valid construction equipment 90254  
auction license issued under this chapter. 90255

(LL) "Large construction or transportation equipment" 90256

means vehicles having a gross vehicle weight rating of more than 90257  
ten thousand pounds and includes road rollers, traction engines, 90258  
power shovels, power cranes, commercial cars and trucks, or farm 90259  
trucks, and other similar vehicles obtained primarily from the 90260  
construction, mining, transportation or farming industries. 90261

(MM) "Local market conditions" includes, but is not 90262  
limited to: 90263

(1) Demographics in the franchisee's area; 90264

(2) Geographical and market characteristics in the 90265  
franchisee's area; 90266

(3) Local economic circumstances; 90267

(4) The proximity of other motor vehicle dealers of the 90268  
same line-make; 90269

(5) The proximity of motor vehicle manufacturing 90270  
facilities; 90271

(6) The buying patterns of motor vehicle purchasers; 90272

(7) Customer drive time and drive distance. 90273

(NN) "Established place of business" means a permanent, 90274  
enclosed building or structure that meets all of the following 90275  
requirements: 90276

(1) It is either owned, leased, or rented by the motor 90277  
vehicle dealer. 90278

(2) It meets local zoning or municipal requirements. 90279

(3) It is regularly occupied by at least one person. 90280

(4) It is easily accessible to the public. 90281

(5) The records and files necessary to conduct the 90282

business are generally kept and maintained at the location or 90283  
are readily accessible and available for reasonable inspection 90284  
from the location. 90285

"Established place of business" does not mean a residence, 90286  
tent, temporary stand, storage shed, lot, or any temporary 90287  
quarters, unless authorized by the registrar of motor vehicles. 90288

(OO) "Adaptive mobility dealer" means any person engaged 90289  
in the business of all of the following: 90290

(1) Selling at retail, displaying, offering for sale, 90291  
delivering, and dealing in adaptive mobility vehicles; 90292

(2) Selling and installing adaptive mobility equipment, 90293  
related accessories, and other goods and services to meet the 90294  
automotive adaptive mobility needs of drivers and passengers 90295  
with disabilities; 90296

(3) Providing maintenance and repair services for adaptive 90297  
mobility vehicles and adaptive mobility equipment. 90298

(PP) "Adaptive mobility equipment" means the mechanical or 90299  
electronic devices or parts that are designed to facilitate the 90300  
use of a motor vehicle by a person who is aging or a person with 90301  
disabilities, in accordance with 49 C.F.R. part 571, and that 90302  
are permanently attached to or incorporated into the motor 90303  
vehicle. 90304

Sec. 4561.03. (A) The Ohio airport improvement program 90305  
fund is created in the state treasury. The fund shall consist of 90306  
money appropriated to it by the general assembly and transfers 90307  
from the petroleum activity tax fund in accordance with section 90308  
5736.13 of the Revised Code. 90309

(B) The fund shall be used by the office of aviation to 90310



support the Ohio airport improvement program. The program 90311  
provides financial support to publicly owned, public-use 90312  
airports in Ohio. 90313

(C) Investment earnings of the fund shall be credited to 90314  
the fund. 90315

**Sec. 4701.01.** As used in this chapter: 90316

(A) "Practice of public accounting" means performing or 90317  
offering to perform any engagement that will result in the 90318  
issuance of an attest report and, with respect to a person who 90319  
holds a CPA certificate, PA registration, foreign certificate, 90320  
or firm registration, any other services involving the use of 90321  
accounting or auditing skills as established by rules adopted by 90322  
the accountancy board. 90323

(B) "Public accounting firm" means a sole proprietorship, 90324  
a partnership, a limited liability company, a professional 90325  
association, a corporation-for-profit, or any other business 90326  
organization that is engaged in the practice of public 90327  
accounting in this state. 90328

(C) "Opinion report" means any opinion on a financial 90329  
statement that is expressed in accordance with generally 90330  
accepted auditing standards as to the fairness of presentation 90331  
of information and that is used for guidance in financial 90332  
transactions, for accounting, or for assessing the status or 90333  
performance of commercial and noncommercial enterprises, whether 90334  
public, private, or governmental. 90335

(D) "Peer review" means a study, appraisal, or review of 90336  
one or more aspects of the professional work of a public 90337  
accounting firm that meets the standards and requirements set 90338  
forth by the accountancy board. 90339

(E) "Review report" means either of the following:	90340
(1) Any review report on a financial statement that is issued with respect to any of the following:	90341 90342
(a) Interim financial information in accordance with generally accepted auditing standards;	90343 90344
(b) The financial information of a nonpublic entity in accordance with statements on standards for accounting and review services;	90345 90346 90347
(c) The reliability of another party's written assertion in accordance with statements on standards for attestation engagements.	90348 90349 90350
(2) Any other review report on a financial statement that is not described in division (E) (1) of this section and that is issued in accordance with standards promulgated by the American institute of certified public accountants.	90351 90352 90353 90354
(F) "Compilation report" means any compilation report on a financial statement that is issued with respect to financial information of a nonpublic entity in accordance with statements on standards for accounting and review services as promulgated by the American institute of certified public accountants.	90355 90356 90357 90358 90359
(G) "Examination report" means any examination report on a financial statement that is issued with respect to another party's written assertion in accordance with statements on standards for attestation engagements as promulgated by the American institute of certified public accountants.	90360 90361 90362 90363 90364
(H) "Agreed-upon procedures report" means any report that is on a financial statement and that is based on agreed-upon procedures issued with respect to another party's written	90365 90366 90367

assertion in accordance with statements on standards for 90368  
attestation engagements as promulgated by the American institute 90369  
of certified public accountants. 90370

(I) "Qualified firm" means a sole proprietorship, 90371  
partnership, professional association, corporation-for-profit, 90372  
limited liability company, or other business organization in 90373  
which the individuals who own a majority of the business 90374  
organization interests in the business organization and control 90375  
the business organization hold an Ohio permit or a foreign 90376  
certificate. 90377

(J) "Own" means any direct or indirect ownership of an 90378  
equity interest or shares in a public accounting firm or 90379  
qualified firm. 90380

(K) "Control" or "controlled" means the right to exercise 90381  
the majority of the voting equity interests or shares in a 90382  
public accounting firm or qualified firm with respect to any 90383  
matter. 90384

(L) "Equity interest" means any capital interest or profit 90385  
interest in a sole proprietorship, partnership, professional 90386  
association, corporation-for-profit, limited liability company, 90387  
or other business organization. 90388

(M) "Ohio permit" means a permit to practice public 90389  
accounting issued under division (A) of section 4701.10 of the 90390  
Revised Code that is not revoked or suspended. 90391

(N) "Ohio registration" means the registration under 90392  
division (B) of section 4701.10 of the Revised Code of a holder 90393  
of a CPA certificate or PA registration who is not in the 90394  
practice of public accounting in this state. 90395

(O) "Firm registration" or "registered firm" means 90396

registration as a public accounting firm under section 4701.04 90397  
of the Revised Code. 90398

(P) "PA registration" means registration as a public 90399  
accountant under section 4701.07 of the Revised Code that is not 90400  
revoked or suspended. 90401

(Q) "CPA certificate" means a certificate issued under 90402  
section 4701.06 or 4701.061 of the Revised Code that is not 90403  
revoked or suspended. 90404

(R) "Foreign certificate" means a license, permit, 90405  
certificate, or registration issued to a certified public 90406  
accountant under the laws of another state that authorizes the 90407  
holder to practice public accounting in that state, is valid, is 90408  
in good standing, and has not expired. 90409

(S) "Attest report" means an opinion report, review 90410  
report, compilation report, examination report, agreed-upon 90411  
procedures report, or any similar report prepared in accordance 90412  
with standards established by the American institute of 90413  
certified public accountants with respect to a financial 90414  
statement or other financial information. 90415

(T) "Person" means any individual, corporation-for-profit, 90416  
business trust, estate, partnership, limited liability company, 90417  
professional association, or other business organization. 90418

(U) Technical terms that define specific public accounting 90419  
engagements have the same meanings as in the professional 90420  
standards promulgated by the American institute of certified 90421  
public accountants. 90422

**Sec. 4701.04.** (A) No public accounting firm located in 90423  
this state shall engage in the practice of public accounting in 90424  
this state unless it registers with the accountancy board and 90425

pays a registration fee set by the board. 90426

(B) Public accounting firms shall apply for initial 90427  
registration within ninety days after formation or within ninety 90428  
days after the commencement of practicing public accounting in 90429  
this state. All public accounting firms shall renew their 90430  
registration triennially. All public accounting firms shall 90431  
submit with their initial and renewal registration applications 90432  
all of the following: 90433

(1) A list of the names, addresses, and certificate or 90434  
registration numbers of all individuals who hold an Ohio permit 90435  
and who own an equity interest or shares in the public 90436  
accounting firm or are employed by the public accounting firm; 90437

(2) A list of the names and addresses of each person who 90438  
does not hold an Ohio permit or a foreign certificate and who 90439  
owns an equity interest or shares in the public accounting firm 90440  
if the person's principal place of business is located in this 90441  
state; 90442

(3) A statement that the public accounting firm and each 90443  
person who owns an equity interest or shares in the public 90444  
accounting firm or is employed by the public accounting firm and 90445  
who does not hold an Ohio permit or a foreign certificate is in 90446  
compliance with divisions (C) and (D) of this section. 90447

(C) A public accounting firm shall satisfy all of the 90448  
following requirements in order to register: 90449

(1) Except as provided in division ~~(C)(5)~~ (C)(7) of this 90450  
section, ~~each partner, shareholder, member, or other person who~~ 90451  
~~owns an more than fifty per cent of the total equity interest or~~ 90452  
shares in the public accounting firm shall be owned by 90453  
individuals who hold an Ohio permit or a foreign certificate. 90454

(2) If a public accounting firm has a board of directors, 90455  
more than fifty per cent of the directors shall hold an Ohio 90456  
permit or a foreign certificate. 90457

(3) If a public accounting firm has an employee stock 90458  
ownership plan, more than fifty per cent of the trustees of the 90459  
employee stock ownership plan shall hold an Ohio permit or a 90460  
foreign certificate. 90461

(4) The public accounting firm shall designate an 90462  
individual who holds an Ohio permit who shall be responsible for 90463  
the proper registration of the firm. The public accounting firm 90464  
shall identify this individual to the board. 90465

~~(3)~~(5) Each individual in a public accounting firm who 90466  
signs any attest report issued from an office of the public 90467  
accounting firm located in this state shall hold an Ohio permit. 90468

~~(4)~~(6) An individual who owns an equity interest or shares 90469  
in the public accounting firm or is employed by the public 90470  
accounting firm and who holds an Ohio permit or a foreign 90471  
certificate, or a qualified firm that owns an equity interest or 90472  
shares in the public accounting firm, shall assume ultimate 90473  
responsibility for any attest report issued from an office of 90474  
the public accounting firm located in this state. 90475

~~(5)~~(7) Any person who does not hold an Ohio permit or a 90476  
foreign certificate and who holds an equity interest or shares 90477  
in the public accounting firm shall satisfy the conditions set 90478  
forth in division (D) of this section. 90479

~~(6)~~(8) The public accounting firm shall provide for the 90480  
transfer of the equity interest or shares owned by persons who 90481  
do not hold an Ohio permit or a foreign certificate to either 90482  
the public accounting firm or to another person who owns an 90483

equity interest or shares in the firm if a person who does not 90484  
hold an Ohio permit or a foreign certificate withdraws from or 90485  
ceases to be employed by the public accounting firm. The public 90486  
accounting firm may make payments in connection with the 90487  
person's withdrawal from the firm to that person or, if that 90488  
person is deceased or dissolved, to the person's estate or 90489  
successor in interest. 90490

(D) A person who does not hold an Ohio permit or a foreign 90491  
certificate may own an equity interest or shares in a public 90492  
accounting firm if all of the following conditions are met: 90493

(1) All of the individuals who hold an Ohio permit or a 90494  
foreign certificate and who own equity interests or shares in 90495  
the public accounting firm, and qualified firms that own equity 90496  
interests or shares in the public accounting firm, own, in the 90497  
aggregate, a majority of the equity interests or shares in the 90498  
public accounting firm and control the public accounting firm. 90499

(2) The person does not assume or use any titles or 90500  
designations specified in division (A) of section 4701.14 of the 90501  
Revised Code. The person may designate or refer to the person as 90502  
a shareholder, partner, member, principal, owner, or officer of 90503  
the public accounting firm and also may use any other title that 90504  
the board authorizes by rule. 90505

(3) The person is not in violation of any standard 90506  
regarding the character or conduct of that person that the board 90507  
establishes by rule. 90508

(4) The person's participation in the business of the 90509  
public accounting firm is the person's principal occupation and 90510  
consists of providing services to or on behalf of the public 90511  
accounting firm, and the person is not functioning solely or 90512

predominately as a passive investor in the public accounting firm. 90513  
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(5) The person meets or exceeds the continuing education requirements that the board establishes by rule. 90515  
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(6) A person who holds a professional license, registration, or certification issued by this state or another state complies with the requirements of that license, registration, or certification. 90517  
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(7) The person abides by the code of conduct of the American institute of certified public accountants or a comparable code of professional conduct that the board adopts by rule. 90521  
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(8) The person complies with all applicable provisions of this chapter and the rules adopted by the board. 90525  
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(E) A person who owns a voting equity interest or shares in a public accounting firm may not delegate, by proxy or otherwise, the duty to exercise any voting rights to a person that does not hold an Ohio permit or a foreign certificate or to a person that is not a qualified firm. 90527  
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(F) As a condition for initial or renewal registration of a public accounting firm on and after January 1, 1993, the board, by rule, shall require that each public accounting firm undergo a peer review to determine the public accounting firm's degree of compliance in the practice of public accounting with generally accepted accounting principles, generally accepted auditing standards, and other generally accepted technical standards as defined by the board in rule, unless the public accounting firm meets one of the exceptions in division (J) of this section. 90532  
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(G) The board shall adopt rules establishing guidelines 90542  
for peer reviews, and may authorize an agent to administer all 90543  
or part of the board's peer review program and to assess a 90544  
reasonable fee to firms to cover the costs incurred by the agent 90545  
for program administration. The rules shall do all of the 90546  
following: 90547

(1) Designate a peer review committee consisting of 90548  
accounting professionals to serve as advisors to the board and 90549  
to ensure that the board's guidelines are followed. 90550

(2) Require that the peer review be conducted by a 90551  
reviewer that is both independent of the public accounting firm 90552  
reviewed and qualified pursuant to board rules; 90553

(3) Require that the standards and practices applied by 90554  
the reviewer be at least as stringent as those applied by the 90555  
American institute of certified public accountants; 90556

(4) Prohibit the use or disclosure of information obtained 90557  
by members of the board or a committee of peer reviewers during 90558  
or in connection with the peer review process for purposes other 90559  
than those related to determining the degree of compliance by 90560  
the public accounting firm with generally accepted accounting 90561  
principles, generally accepted auditing standards, and other 90562  
generally accepted technical standards as defined by the board 90563  
in rule. Division (G) (4) of this section does not apply to the 90564  
use or disclosure of information that is described in division 90565  
(K) (3) of this section or that is necessary to comply with any 90566  
provision of law. 90567

(H) (1) If a peer review report indicates that a public 90568  
accounting firm does not comply with standards and practices set 90569  
forth in the rules adopted by the board, the board, in its 90570

discretion, may review the results of the peer review report. If 90571  
the board, or its authorized peer review program administrator, 90572  
determines that the public accounting firm does not comply with 90573  
the standards and practices, it may require both of the 90574  
following: 90575

(a) Remedial action, which may include any of the 90576  
following: 90577

(i) Requiring employees of the public accounting firm to 90578  
complete general or specific continuing professional education 90579  
courses; 90580

(ii) Requiring the public accounting firm to undergo peer 90581  
review more frequently than triennially and peer review that is 90582  
conducted in whole or part under the direct supervision of the 90583  
board or its designee; 90584

(iii) Any other remedial action specified by the board. 90585

(b) An affidavit and supporting documentation from the 90586  
public accounting firm submitted within the time specified by 90587  
the board indicating completion of required remedial actions. 90588

(2) If the board, or its authorized peer review program 90589  
administrator, determines that a public accounting firm has not 90590  
complied with any requirement ordered under division (H) of this 90591  
section, or if the board determines, after the review of a peer 90592  
review report, that the public accounting firm has a history of 90593  
noncompliance with standards and practices set forth in board 90594  
rules, the board may hold a hearing to determine the extent of 90595  
the firm's noncompliance. If the board, after conducting the 90596  
hearing, determines that the public accounting firm does not 90597  
comply with appropriate standards and practices, the board may 90598  
issue an order that imposes any disciplinary measure set forth 90599

in division (B) of section 4701.16 of the Revised Code. 90600

(3) Notwithstanding divisions (K) (1) and (2) of this 90601  
section, all matters relating to the procedures for determining 90602  
compliance with the standards and practices under division (H) 90603  
(2) of this section are subject to Chapter 119. of the Revised 90604  
Code, including the notice and conduct of any hearing and the 90605  
issuance and appeal of any order. Remedial orders made under 90606  
division (H) (1) of this section are not subject to Chapter 119. 90607  
of the Revised Code. 90608

(I) The public accounting firm reviewed shall pay for any 90609  
peer review performed. 90610

(J) The board may exempt a public accounting firm from the 90611  
requirement to undergo a peer review if the public accounting 90612  
firm submits to the board a written and notarized statement that 90613  
the public accounting firm meets at least one of the following 90614  
grounds for exemption identified in the statement: 90615

(1) Within three years of the date of application for 90616  
initial or renewal registration, the public accounting firm has 90617  
completed a peer review acceptable to the board and conducted 90618  
pursuant to standards not less stringent than the peer review 90619  
standards promulgated by the American institute of certified 90620  
public accountants. A peer review that does not comply with 90621  
standards and practices set forth in the rules adopted by the 90622  
board and that may subject a public accounting firm to remedial 90623  
or disciplinary action pursuant to division (H) of this section, 90624  
does not qualify as an acceptable peer review. The public 90625  
accounting firm shall submit to the board a copy of the results 90626  
of the peer review and any additional documentation required by 90627  
the board. The board shall not require submittal of the working 90628  
papers related to the peer review process. 90629

(2) Within three years of the date of application for initial or renewal registration, the public accounting firm has completed a peer review acceptable to the board that was conducted in another state or foreign country. The public accounting firm shall submit to the board a copy of the results of the peer review and any additional documentation required by the board, including a detailed report of the procedures and standards applied by the reviewer.

(3) The public accounting firm has never practiced public accounting in this state or any other state or foreign country, will complete a peer review acceptable to the board within eighteen months of initial registration, and will review its registration with the board two years after initial registration as specified in rules the board adopts.

(4) The public accounting firm, on a schedule as required by rule adopted by the board, submits a report to the board that states all of the following:

(a) The public accounting firm does not undertake any engagement that will result in the issuance of an attest report or other engagement that is subject to peer review in accordance with division (F) of this section.

(b) The public accounting firm agrees to notify the board within ninety days after accepting any engagement that will result in the issuance of any attest report or other engagement that is subject to peer review in accordance with division (F) of this section and will complete a peer review acceptable to the board within one year after the acceptance of an engagement of that nature.

(5) Subject to the board's approval and for good cause as

defined in rules the board adopts, the public accounting firm is 90659  
entitled to an exemption. 90660

(K) In any civil action, arbitration, or administrative 90661  
proceeding involving a public accounting firm, all of the 90662  
following shall apply: 90663

(1) The proceedings, records, and work papers of any 90664  
reviewer, including board members and review committee members, 90665  
involved in the peer review process are privileged and not 90666  
subject to discovery, subpoena, or other means of legal process 90667  
and may not be introduced into evidence. 90668

(2) No reviewer, including board members and review 90669  
committee members, involved in the peer review process shall be 90670  
permitted or required to testify as to any matters produced, 90671  
presented, disclosed, or discussed during or in connection with 90672  
the peer review process or shall be required to testify to any 90673  
finding, recommendation, evaluation, opinion, or other actions 90674  
of those committees or their members. 90675

(3) No privilege exists under this section for either of 90676  
the following: 90677

(a) Information presented or considered in the peer review 90678  
process that was otherwise available to the public; 90679

(b) Materials prepared in connection with a particular 90680  
engagement merely because they subsequently are presented or 90681  
considered as part of the peer review process. 90682

(L) (1) If a peer review report indicates that a public 90683  
accounting firm complies with standards and practices set forth 90684  
in rules adopted by the board, the board shall destroy all 90685  
documents and reports related to the peer review within thirty 90686  
days after the board completes its review of the report. 90687

(2) If a peer review report indicates that a public accounting firm does not comply with those standards and practices set forth in rules adopted by the board, the board shall retain all documents and reports related to the peer review until completion of the next peer review that complies with standards and practices set forth in rules adopted by the board pursuant to division (G) of this section. The board also may use these documents to determine a history of noncompliance with standards and practices in any proceeding held under division (H) (2) of this section.

**Sec. 4701.16.** (A) After notice and hearing as provided in Chapter 119. of the Revised Code, the accountancy board may discipline as described in division (B) of this section a person holding an Ohio permit, an Ohio registration, a firm registration, a CPA certificate, or a PA registration or any other person whose activities are regulated by the board for any one or any combination of the following causes:

(1) Fraud or deceit in obtaining a firm registration or in obtaining a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration;

(2) Dishonesty, fraud, or gross negligence in the practice of public accounting;

(3) Violation of any of the provisions of section 4701.14 of the Revised Code;

(4) Violation of a rule of professional conduct promulgated by the board under the authority granted by this chapter;

(5) Conviction of a felony under the laws of any state or of the United States;

(6) Conviction of any crime, an element of which is 90717  
dishonesty or fraud, under the laws of any state or of the 90718  
United States; 90719

(7) Cancellation, revocation, suspension, or refusal to 90720  
renew authority to practice as a certified public accountant, a 90721  
public accountant, or a public accounting firm by any other 90722  
state, for any cause other than failure to pay registration fees 90723  
in that other state; 90724

(8) Suspension or revocation of the right to practice 90725  
before any state or federal agency; 90726

(9) Failure of a holder of a CPA certificate or PA 90727  
registration to obtain an Ohio permit or an Ohio registration, 90728  
or the failure of a public accounting firm to obtain a firm 90729  
registration; 90730

(10) Conduct discreditable to the public accounting 90731  
profession or to the holder of an Ohio permit, Ohio 90732  
registration, or foreign certificate; 90733

(11) Failure of a public accounting firm to comply with 90734  
section 4701.04 of the Revised Code. 90735

(B) For any of the reasons specified in division (A) of 90736  
this section, the board may do any of the following: 90737

(1) Revoke, suspend, or refuse to renew any CPA 90738  
certificate or PA registration or any Ohio permit, Ohio 90739  
registration, or firm registration; 90740

(2) Disqualify a person who is not a holder of an Ohio 90741  
permit or a foreign certificate from owning an equity interest\_ 90742  
or shares in a public accounting firm or qualified firm; 90743

(3) Publicly censure a registered firm or a holder of a 90744

CPA certificate, a PA registration, an Ohio permit, or an Ohio registration; 90745  
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(4) Levy against a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration a penalty or fine not to exceed five thousand dollars for each offense. Any fine shall be reasonable and in relation to the severity of the offense. 90747  
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(5) In the case of violations of division (A) (2) or (4) of this section, require completion of remedial continuing education programs prescribed by the board in addition to those required by section 4701.11 of the Revised Code; 90752  
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(6) In the case of violations of division (A) (2) or (4) of this section, require the holder of a CPA certificate, PA registration, or firm registration to submit to a peer review by a professional committee designated by the board, which committee shall report to the board concerning that holder's compliance with generally accepted accounting principles, generally accepted auditing standards, or other generally accepted technical standards; 90756  
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(7) Revoke or suspend the privileges to offer or render attest services in this state or to use a CPA title or designation in this state of an individual who holds a foreign certificate. 90764  
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(C) If the board levies a fine against or suspends the certificate of a person or registration of a person or firm for a violation of division (A) (2) or (4) of this section, it may waive all or any portion of the fine or suspension if the holder of the CPA certificate, PA registration, or firm registration complies fully with division (B) (5) or (6) of this section. 90768  
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(D) A person engaged in the practice of public accounting shall not be subject to discipline by the accountancy board solely because the person provided professional accounting services to the holder of a license under Chapter 3796. of the Revised Code.

**Sec. 4707.024.** (A) Not later than seventy-two hours after the end of an auction, a person licensed under this chapter shall deposit in one or more trust or escrow accounts all money received from the sale of an owner's or consignee's personal property at auction unless the licensee pays the money to the owner or consignee immediately after the end of the auction.

(B) For purposes of this section, a person licensed under this chapter shall designate a trust or escrow account that contains an owner's or consignee's money as "client trust account" or with words of similar meaning. In addition, a trust or escrow account only shall contain money received from the sale of personal property at auction that has not been disbursed and money for expenses regarding the auction, including commission and advertisement fees, that are specifically delineated in the auction contract.

~~(C)~~ (C) (1) Except for the payment of money to the owner or consignee immediately after the end of the auction, a person licensed under this chapter shall pay the owner or consignee with money from the client's trust or escrow account. In addition, the licensee may pay expenses, including commission and advertisement fees, that are specifically delineated in the auction contract with money from the trust or escrow account. Money in the trust or escrow account shall not be disbursed for any purpose that is inconsistent with this section. In addition, except as provided in division (C) (2) of this section, the money

shall not be commingled with the licensee's personal or business 90804  
money. In administering the trust or escrow account, the 90805  
licensee shall keep detailed records that show deposits, 90806  
withdrawals, and interest accrued, if applicable. 90807

Unless otherwise agreed to by the parties in the auction 90808  
contract or by the direction of a court of law or as otherwise 90809  
provided in division (C) (2) of this section, all money deposited 90810  
into a trust or escrow account shall be disbursed to the seller 90811  
not later than fifteen days after the auction. 90812

(2) Notwithstanding division (C) (1) of this section, a 90813  
licensee may deposit money into a trust or escrow account, and 90814  
retain that money in the account, to pay expenses related to 90815  
bank charges necessary to maintain the account. A licensee shall 90816  
not utilize any of the owner's or consignee's money to pay such 90817  
expenses. 90818

(D) Money from the sale of personal property at auction 90819  
may be deposited in an interest bearing account if the parties 90820  
to the auction contract specifically agree to such a deposit. 90821  
Interest earned in the account shall be credited to the seller 90822  
unless otherwise agreed to by the parties in the auction listing 90823  
contract. The interest credited to the account may remain in the 90824  
account for a period of sixty days after the seller receives the 90825  
money from the account. The interest money then shall be 90826  
disbursed according to the terms of the auction contract. 90827

(E) All money received in connection with the sale of real 90828  
property at auction shall be deposited in a broker's special or 90829  
trust bank account in a depository located in this state that is 90830  
described in division (A) (26) of section 4735.18 of the Revised 90831  
Code. 90832

**Sec. 4723.28.** (A) The board of nursing, by a vote of a quorum, may impose one or more of the following sanctions if it finds that a person committed fraud in passing an examination required to obtain a license or dialysis technician certificate issued by the board or to have committed fraud, misrepresentation, or deception in applying for or securing any nursing license or dialysis technician certificate issued by the board: deny, revoke, suspend, or place restrictions on any nursing license or dialysis technician certificate issued by the board; reprimand or otherwise discipline a holder of a nursing license or dialysis technician certificate; or impose a fine of not more than five hundred dollars per violation.

(B) Except as provided in section 4723.092 of the Revised Code, the board of nursing, by a vote of a quorum, may impose one or more of the following sanctions: deny, revoke, suspend, or place restrictions on any nursing license or dialysis technician certificate issued by the board; reprimand or otherwise discipline a holder of a nursing license or dialysis technician certificate; or impose a fine of not more than five hundred dollars per violation. The sanctions may be imposed for any of the following:

(1) Denial, revocation, suspension, or restriction of authority to engage in a licensed profession or practice a health care occupation, including nursing or practice as a dialysis technician, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;

(2) Engaging in the practice of nursing or engaging in practice as a dialysis technician, having failed to renew a nursing license or dialysis technician certificate issued under this chapter, or while a nursing license or dialysis technician

certificate is under suspension; 90863

(3) Conviction of, a plea of guilty to, a judicial finding 90864  
of guilt of, a judicial finding of guilt resulting from a plea 90865  
of no contest to, or a judicial finding of eligibility for a 90866  
pretrial diversion or similar program or for intervention in 90867  
lieu of conviction for, a misdemeanor committed in the course of 90868  
practice; 90869

(4) Conviction of, a plea of guilty to, a judicial finding 90870  
of guilt of, a judicial finding of guilt resulting from a plea 90871  
of no contest to, or a judicial finding of eligibility for a 90872  
pretrial diversion or similar program or for intervention in 90873  
lieu of conviction for, any felony or of any crime involving 90874  
gross immorality or moral turpitude; 90875

(5) Selling, giving away, or administering drugs or 90876  
therapeutic devices for other than legal and legitimate 90877  
therapeutic purposes; or conviction of, a plea of guilty to, a 90878  
judicial finding of guilt of, a judicial finding of guilt 90879  
resulting from a plea of no contest to, or a judicial finding of 90880  
eligibility for a pretrial diversion or similar program or for 90881  
intervention in lieu of conviction for, violating any municipal, 90882  
state, county, or federal drug law; 90883

(6) Conviction of, a plea of guilty to, a judicial finding 90884  
of guilt of, a judicial finding of guilt resulting from a plea 90885  
of no contest to, or a judicial finding of eligibility for a 90886  
pretrial diversion or similar program or for intervention in 90887  
lieu of conviction for, an act in another jurisdiction that 90888  
would constitute a felony or a crime of moral turpitude in Ohio; 90889

(7) Conviction of, a plea of guilty to, a judicial finding 90890  
of guilt of, a judicial finding of guilt resulting from a plea 90891

of no contest to, or a judicial finding of eligibility for a 90892  
pretrial diversion or similar program or for intervention in 90893  
lieu of conviction for, an act in the course of practice in 90894  
another jurisdiction that would constitute a misdemeanor in 90895  
Ohio; 90896

(8) Self-administering or otherwise taking into the body 90897  
any dangerous drug, as defined in section 4729.01 of the Revised 90898  
Code, in any way that is not in accordance with a legal, valid 90899  
prescription issued for that individual, or self-administering 90900  
or otherwise taking into the body any drug that is a schedule I 90901  
controlled substance; 90902

(9) Habitual or excessive use of controlled substances, 90903  
other habit-forming drugs, or alcohol or other chemical 90904  
substances to an extent that impairs the individual's ability to 90905  
provide safe nursing care or safe dialysis care; 90906

(10) Impairment of the ability to practice according to 90907  
acceptable and prevailing standards of safe nursing care or safe 90908  
dialysis care because of the use of drugs, alcohol, or other 90909  
chemical substances; 90910

(11) Impairment of the ability to practice according to 90911  
acceptable and prevailing standards of safe nursing care or safe 90912  
dialysis care because of a physical or mental disability; 90913

(12) Assaulting or causing harm to a patient or depriving 90914  
a patient of the means to summon assistance; 90915

(13) Misappropriation or attempted misappropriation of 90916  
money or anything of value in the course of practice; 90917

(14) Adjudication by a probate court of being mentally ill 90918  
or mentally incompetent. The board may reinstate the person's 90919  
nursing license or dialysis technician certificate upon 90920

adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency.	90921 90922 90923
(15) The suspension or termination of employment by the United States department of defense or department of veterans affairs for any act that violates or would violate this chapter;	90924 90925 90926
(16) Violation of this chapter or any rules adopted under it;	90927 90928
(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;	90929 90930
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	90931 90932 90933
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	90934 90935
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	90936 90937 90938
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	90939 90940 90941
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	90942 90943 90944
(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;	90945 90946 90947

(24) In the case of an advanced practice registered nurse, 90948  
except as provided in division (M) of this section, either of 90949  
the following: 90950

(a) Waiving the payment of all or any part of a deductible 90951  
or copayment that a patient, pursuant to a health insurance or 90952  
health care policy, contract, or plan that covers such nursing 90953  
services, would otherwise be required to pay if the waiver is 90954  
used as an enticement to a patient or group of patients to 90955  
receive health care services from that provider; 90956

(b) Advertising that the nurse will waive the payment of 90957  
all or any part of a deductible or copayment that a patient, 90958  
pursuant to a health insurance or health care policy, contract, 90959  
or plan that covers such nursing services, would otherwise be 90960  
required to pay. 90961

(25) Failure to comply with the terms and conditions of 90962  
participation in the safe haven program conducted under sections 90963  
4723.35 and 4723.351 of the Revised Code; 90964

(26) Failure to comply with the terms and conditions 90965  
required under the practice intervention and improvement program 90966  
established under section 4723.282 of the Revised Code; 90967

(27) In the case of an advanced practice registered nurse: 90968

(a) Engaging in activities that exceed those permitted for 90969  
the nurse's nursing specialty under section 4723.43 of the 90970  
Revised Code; 90971

(b) Failure to meet the quality assurance standards 90972  
established under section 4723.07 of the Revised Code. 90973

(28) In the case of an advanced practice registered nurse 90974  
other than a certified registered nurse anesthetist, failure to 90975

maintain a standard care arrangement in accordance with section	90976
4723.431 of the Revised Code or to practice in accordance with	90977
the standard care arrangement;	90978
(29) In the case of an advanced practice registered nurse	90979
who is designated as a clinical nurse specialist, certified	90980
nurse-midwife, or certified nurse practitioner, failure to	90981
prescribe drugs and therapeutic devices in accordance with	90982
section 4723.481 of the Revised Code;	90983
(30) Prescribing any drug or device to perform or induce	90984
an abortion, or otherwise performing or inducing an abortion;	90985
(31) Failure to establish and maintain professional	90986
boundaries with a patient, as specified in rules adopted under	90987
section 4723.07 of the Revised Code;	90988
(32) Regardless of whether the contact or verbal behavior	90989
is consensual, engaging with a patient other than the spouse of	90990
the registered nurse, licensed practical nurse, or dialysis	90991
technician in any of the following:	90992
(a) Sexual contact, as defined in section 2907.01 of the	90993
Revised Code;	90994
(b) Verbal behavior that is sexually demeaning to the	90995
patient or may be reasonably interpreted by the patient as	90996
sexually demeaning.	90997
(33) Assisting suicide, as defined in section 3795.01 of	90998
the Revised Code;	90999
(34) Failure to comply with the requirements in section	91000
3719.061 of the Revised Code before issuing for a minor a	91001
prescription for an opioid analgesic, as defined in section	91002
3719.01 of the Revised Code;	91003



(35) Failure to comply with section 4723.487 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;

(36) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice;

(37) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;

(38) Violation of section 4723.93 of the Revised Code;

(39) Failure to cooperate with an investigation conducted by the board under this chapter, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, in an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation does not constitute grounds for discipline if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold testimony or evidence at issue.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication conducted under Chapter 119. of the Revised

Code, except that in lieu of a hearing, the board may enter into 91033  
a consent agreement with an individual to resolve an allegation 91034  
of a violation of this chapter or any rule adopted under it. A 91035  
consent agreement, when ratified by a vote of a quorum, shall 91036  
constitute the findings and order of the board with respect to 91037  
the matter addressed in the agreement. If the board refuses to 91038  
ratify a consent agreement, the admissions and findings 91039  
contained in the agreement shall be of no effect. 91040

(D) The hearings of the board shall be conducted in 91041  
accordance with Chapter 119. of the Revised Code, the board may 91042  
appoint a hearing examiner, as provided in section 119.09 of the 91043  
Revised Code, to conduct any hearing the board is authorized to 91044  
hold under Chapter 119. of the Revised Code. 91045

In any instance in which the board is required under 91046  
Chapter 119. of the Revised Code to give notice of an 91047  
opportunity for a hearing and the applicant, licensee, or 91048  
certificate holder does not make a timely request for a hearing 91049  
in accordance with section 119.07 of the Revised Code, the board 91050  
is not required to hold a hearing, but may adopt, by a vote of a 91051  
quorum, a final order that contains the board's findings. In the 91052  
final order, the board may order any of the sanctions listed in 91053  
division (A) or (B) of this section. 91054

(E) If a criminal action is brought against a registered 91055  
nurse, licensed practical nurse, or dialysis technician for an 91056  
act or crime described in divisions (B) (3) to (7) of this 91057  
section and the action is dismissed by the trial court other 91058  
than on the merits, the board shall conduct an adjudication to 91059  
determine whether the registered nurse, licensed practical 91060  
nurse, or dialysis technician committed the act on which the 91061  
action was based. If the board determines on the basis of the 91062

adjudication that the registered nurse, licensed practical 91063  
nurse, or dialysis technician committed the act, or if the 91064  
registered nurse, licensed practical nurse, or dialysis 91065  
technician fails to participate in the adjudication, the board 91066  
may take action as though the registered nurse, licensed 91067  
practical nurse, or dialysis technician had been convicted of 91068  
the act. 91069

If the board takes action on the basis of a conviction, 91070  
plea, or a judicial finding as described in divisions (B) (3) to 91071  
(7) of this section that is overturned on appeal, the registered 91072  
nurse, licensed practical nurse, or dialysis technician may, on 91073  
exhaustion of the appeal process, petition the board for 91074  
reconsideration of its action. On receipt of the petition and 91075  
supporting court documents, the board shall temporarily rescind 91076  
its action. If the board determines that the decision on appeal 91077  
was a decision on the merits, it shall permanently rescind its 91078  
action. If the board determines that the decision on appeal was 91079  
not a decision on the merits, it shall conduct an adjudication 91080  
to determine whether the registered nurse, licensed practical 91081  
nurse, or dialysis technician committed the act on which the 91082  
original conviction, plea, or judicial finding was based. If the 91083  
board determines on the basis of the adjudication that the 91084  
registered nurse, licensed practical nurse, or dialysis 91085  
technician committed such act, or if the registered nurse, 91086  
licensed practical nurse, or dialysis technician does not 91087  
request an adjudication, the board shall reinstate its action; 91088  
otherwise, the board shall permanently rescind its action. 91089

Notwithstanding the provision of division (D) (2) of 91090  
section 2953.32 or division (F) (1) of section 2953.39 of the 91091  
Revised Code specifying that if records pertaining to a criminal 91092  
case are sealed or expunged under that section the proceedings 91093

in the case shall be deemed not to have occurred, sealing or 91094  
expungement of the following records on which the board has 91095  
based an action under this section shall have no effect on the 91096  
board's action or any sanction imposed by the board under this 91097  
section: records of any conviction, guilty plea, judicial 91098  
finding of guilt resulting from a plea of no contest, or a 91099  
judicial finding of eligibility for a pretrial diversion program 91100  
or intervention in lieu of conviction. 91101

The board shall not be required to seal, destroy, redact, 91102  
or otherwise modify its records to reflect the court's sealing 91103  
or expungement of conviction records. 91104

(F) The board may investigate an individual's criminal 91105  
background in performing its duties under this section. As part 91106  
of such investigation, the board may order the individual to 91107  
submit, at the individual's expense, a request to the bureau of 91108  
criminal identification and investigation for a criminal records 91109  
check and check of federal bureau of investigation records in 91110  
accordance with the procedure described in section 4723.091 of 91111  
the Revised Code. 91112

(G) During the course of an investigation conducted under 91113  
this section, the board may compel any registered nurse, 91114  
licensed practical nurse, or dialysis technician or applicant 91115  
under this chapter to submit to a mental or physical 91116  
examination, or both, as required by the board and at the 91117  
expense of the individual, if the board finds reason to believe 91118  
that the individual under investigation may have a physical or 91119  
mental impairment that may affect the individual's ability to 91120  
provide safe nursing care. 91121

The board shall not compel an individual who has been 91122  
referred to the safe haven program as described in sections 91123

4723.35 and 4723.351 of the Revised Code to submit to a mental 91124  
or physical examination. 91125

Failure of any individual to submit to a mental or 91126  
physical examination when directed constitutes an admission of 91127  
the allegations, unless the failure is due to circumstances 91128  
beyond the individual's control, and a default and final order 91129  
may be entered without the taking of testimony or presentation 91130  
of evidence. 91131

If the board finds that an individual is impaired, the 91132  
board shall require the individual to submit to care, 91133  
counseling, or treatment approved or designated by the board, as 91134  
a condition for initial, continued, reinstated, or renewed 91135  
authority to practice. The individual shall be afforded an 91136  
opportunity to demonstrate to the board that the individual can 91137  
begin or resume the individual's occupation in compliance with 91138  
acceptable and prevailing standards of care under the provisions 91139  
of the individual's authority to practice. 91140

For purposes of this division, any registered nurse, 91141  
licensed practical nurse, or dialysis technician or applicant 91142  
under this chapter shall be deemed to have given consent to 91143  
submit to a mental or physical examination when directed to do 91144  
so in writing by the board, and to have waived all objections to 91145  
the admissibility of testimony or examination reports that 91146  
constitute a privileged communication. 91147

(H) The board shall investigate evidence that appears to 91148  
show that any person has violated any provision of this chapter 91149  
or any rule of the board. Any person may report to the board any 91150  
information the person may have that appears to show a violation 91151  
of any provision of this chapter or rule of the board. In the 91152  
absence of bad faith, any person who reports such information or 91153

who testifies before the board in any adjudication conducted 91154  
under Chapter 119. of the Revised Code shall not be liable for 91155  
civil damages as a result of the report or testimony. 91156

(I) All of the following apply under this chapter with 91157  
respect to the confidentiality of information: 91158

(1) Information received by the board pursuant to a 91159  
complaint or an investigation is confidential and not subject to 91160  
discovery in any civil action, except that the board may 91161  
disclose information to law enforcement officers and government 91162  
entities for purposes of an investigation of either a licensed 91163  
health care professional, including a registered nurse, licensed 91164  
practical nurse, or dialysis technician, or a person who may 91165  
have engaged in the unauthorized practice of nursing or dialysis 91166  
care. No law enforcement officer or government entity with 91167  
knowledge of any information disclosed by the board pursuant to 91168  
this division shall divulge the information to any other person 91169  
or government entity except for the purpose of a government 91170  
investigation, a prosecution, or an adjudication by a court or 91171  
government entity. 91172

(2) If an investigation requires a review of patient 91173  
records, the investigation and proceeding shall be conducted in 91174  
such a manner as to protect patient confidentiality. 91175

(3) All adjudications and investigations of the board 91176  
shall be considered civil actions for the purposes of section 91177  
2305.252 of the Revised Code. 91178

(4) Any board activity that involves continued monitoring 91179  
of an individual as part of or following any disciplinary action 91180  
taken under this section shall be conducted in a manner that 91181  
maintains the individual's confidentiality. Information received 91182

or maintained by the board with respect to the board's 91183  
monitoring activities is not subject to discovery in any civil 91184  
action and is confidential, except that the board may disclose 91185  
information to law enforcement officers and government entities 91186  
for purposes of an investigation of a licensee or certificate 91187  
holder. 91188

(J) Any action taken by the board under this section 91189  
resulting in a suspension from practice shall be accompanied by 91190  
a written statement of the conditions under which the person may 91191  
be reinstated to practice. 91192

(K) When the board refuses to grant a license or 91193  
certificate to an applicant, revokes a license or certificate, 91194  
or refuses to reinstate a license or certificate, the board may 91195  
specify that its action is permanent. An individual subject to 91196  
permanent action taken by the board is forever ineligible to 91197  
hold a license or certificate of the type that was refused or 91198  
revoked and the board shall not accept from the individual an 91199  
application for reinstatement of the license or certificate or 91200  
for a new license or certificate. 91201

(L) No unilateral surrender of a nursing license or 91202  
dialysis technician certificate issued under this chapter shall 91203  
be effective unless accepted by majority vote of the board. No 91204  
application for a nursing license or dialysis technician 91205  
certificate issued under this chapter may be withdrawn without a 91206  
majority vote of the board. The board's jurisdiction to take 91207  
disciplinary action under this section is not removed or limited 91208  
when an individual has a license or certificate classified as 91209  
inactive or fails to renew a license or certificate. 91210

(M) Sanctions shall not be imposed under division (B) (24) 91211  
of this section against any licensee who waives deductibles and 91212

copayments as follows: 91213

(1) In compliance with the health benefit plan that 91214  
expressly allows such a practice. Waiver of the deductibles or 91215  
copayments shall be made only with the full knowledge and 91216  
consent of the plan purchaser, payer, and third-party 91217  
administrator. Documentation of the consent shall be made 91218  
available to the board upon request. 91219

(2) For professional services rendered to any other person 91220  
licensed pursuant to this chapter to the extent allowed by this 91221  
chapter and the rules of the board. 91222

**Sec. 4723.483.** (A) (1) Subject to division (A) (2) of this 91223  
section, and notwithstanding any provision of this chapter or 91224  
rule adopted by the board of nursing, a clinical nurse 91225  
specialist, certified nurse-midwife, or certified nurse 91226  
practitioner who holds a certificate to prescribe issued under 91227  
section 4723.48 of the Revised Code may do either of the 91228  
following without having examined an individual to whom 91229  
epinephrine may be administered: 91230

(a) Personally furnish a supply of epinephrine 91231  
autoinjectors for use in accordance with sections 3313.7110, 91232  
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 91233  
~~5101.76~~5180.26 of the Revised Code; 91234

(b) Issue a prescription for epinephrine autoinjectors for 91235  
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 91236  
3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~5180.26 of the 91237  
Revised Code. 91238

(2) An epinephrine autoinjector personally furnished or 91239  
prescribed under division (A) (1) of this section must be 91240  
furnished or prescribed in such a manner that it may be 91241



administered only in a manufactured dosage form. 91242

(B) A nurse who acts in good faith in accordance with this 91243  
section is not liable for or subject to any of the following for 91244  
any action or omission of an entity to which an epinephrine 91245  
autoinjector is furnished or a prescription is issued: damages 91246  
in any civil action, prosecution in any criminal proceeding, or 91247  
professional disciplinary action. 91248

**Sec. 4723.4811.** (A) (1) Subject to division (A) (2) of this 91249  
section, and notwithstanding any provision of this chapter or 91250  
rule adopted by the board of nursing, a clinical nurse 91251  
specialist, certified nurse-midwife, or certified nurse 91252  
practitioner licensed as an advanced practice registered nurse 91253  
under Chapter 4723. of the Revised Code may do either of the 91254  
following without having examined an individual to whom glucagon 91255  
may be administered: 91256

(a) Personally furnish a supply of injectable or nasally 91257  
administered glucagon for use in accordance with sections 91258  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and ~~5101.78~~ 91259  
5180.262 of the Revised Code; 91260

(b) Issue a prescription for injectable or nasally 91261  
administered glucagon for use in accordance with sections 91262  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and ~~5101.78~~ 91263  
5180.262 of the Revised Code. 91264

(2) Injectable or nasally administered glucagon personally 91265  
furnished or prescribed under division (A) (1) of this section 91266  
must be furnished or prescribed in such a manner that it may be 91267  
administered only in a manufactured dosage form. 91268

(B) A nurse who acts in good faith in accordance with this 91269  
section is not liable for or subject to any of the following for 91270

any action or omission of an entity to which injectable or 91271  
nasally administered glucagon is furnished or a prescription is 91272  
issued: damages in any civil action, prosecution in any criminal 91273  
proceeding, or professional disciplinary action. 91274

**Sec. 4729.01.** As used in this chapter: 91275

(A) "Pharmacy," except when used in a context that refers 91276  
to the practice of pharmacy, means any area, room, rooms, place 91277  
of business, department, or portion of any of the foregoing 91278  
where the practice of pharmacy is conducted. 91279

(B) "Practice of pharmacy" means providing pharmacist care 91280  
requiring specialized knowledge, judgment, and skill derived 91281  
from the principles of biological, chemical, behavioral, social, 91282  
pharmaceutical, and clinical sciences. As used in this division, 91283  
"pharmacist care" includes the following: 91284

(1) Interpreting prescriptions; 91285

(2) Dispensing drugs and drug therapy related devices; 91286

(3) Compounding drugs; 91287

(4) Counseling individuals with regard to their drug 91288  
therapy, recommending drug therapy related devices, and 91289  
assisting in the selection of drugs and appliances for treatment 91290  
of common diseases and injuries and providing instruction in the 91291  
proper use of the drugs and appliances; 91292

(5) Performing drug regimen reviews with individuals by 91293  
discussing all of the drugs that the individual is taking and 91294  
explaining the interactions of the drugs; 91295

(6) Performing drug utilization reviews with licensed 91296  
health professionals authorized to prescribe drugs when the 91297  
pharmacist determines that an individual with a prescription has 91298

a drug regimen that warrants additional discussion with the prescriber;	91299 91300
(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	91301 91302 91303
(8) Acting pursuant to a consult agreement, if an agreement has been established;	91304 91305
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	91306 91307
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	91308 91309
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	91310 91311 91312
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	91313 91314
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	91315 91316
(3) As an incident to research, teaching activities, or chemical analysis;	91317 91318
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	91319 91320 91321
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's	91322 91323 91324 91325

practice, if all of the following apply: 91326

(a) At the time the request is made, the drug is not 91327  
commercially available regardless of the reason that the drug is 91328  
not available, including the absence of a manufacturer for the 91329  
drug or the lack of a readily available supply of the drug from 91330  
a manufacturer. 91331

(b) A limited quantity of the drug is compounded and 91332  
provided to the professional. 91333

(c) The drug is compounded and provided to the 91334  
professional as an occasional exception to the normal practice 91335  
of dispensing drugs pursuant to patient-specific prescriptions. 91336

(D) "Consult agreement" means an agreement that has been 91337  
entered into under section 4729.39 of the Revised Code. 91338

(E) "Drug" means: 91339

(1) Any article recognized in the United States 91340  
pharmacopoeia and national formulary, or any supplement to them, 91341  
intended for use in the diagnosis, cure, mitigation, treatment, 91342  
or prevention of disease in humans or animals; 91343

(2) Any other article intended for use in the diagnosis, 91344  
cure, mitigation, treatment, or prevention of disease in humans 91345  
or animals; 91346

(3) Any article, other than food, intended to affect the 91347  
structure or any function of the body of humans or animals; 91348

(4) Any article intended for use as a component of any 91349  
article specified in division (E) (1), (2), or (3) of this 91350  
section; but does not include devices or their components, 91351  
parts, or accessories. 91352

"Drug" does not include "hemp" or a "hemp product" as those terms are defined in section 928.01 of the Revised Code. 91353  
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(F) "Dangerous drug" means any of the following: 91355

(1) Any drug to which either of the following applies: 91356

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription; 91357  
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(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription. 91364  
91365

(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply; 91366  
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(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body; 91369  
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91371

(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code. 91372  
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(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code. 91374  
91375

(H) "Prescription" means all of the following: 91376

(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a 91377  
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licensed health professional authorized to prescribe drugs; 91380

(2) For purposes of sections 4723.4810, 4729.282, 91381  
4730.432, and 4731.93 of the Revised Code, a written, 91382  
electronic, or oral order for a drug to treat chlamydia, 91383  
gonorrhea, or trichomoniasis issued to and in the name of a 91384  
patient who is not the intended user of the drug but is the 91385  
sexual partner of the intended user; 91386

(3) For purposes of sections 3313.7110, 3313.7111, 91387  
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 91388  
4731.96, and ~~5101.76~~5180.26 of the Revised Code, a written, 91389  
electronic, or oral order for an epinephrine autoinjector issued 91390  
to and in the name of a school, school district, or camp; 91391

(4) For purposes of Chapter 3728. and sections 4723.483, 91392  
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 91393  
electronic, or oral order for an epinephrine autoinjector issued 91394  
to and in the name of a qualified entity, as defined in section 91395  
3728.01 of the Revised Code; 91396

(5) For purposes of sections 3313.7115, 3313.7116, 91397  
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 91398  
~~5101.78~~5180.262 of the Revised Code, a written, electronic, or 91399  
oral order for injectable or nasally administered glucagon in 91400  
the name of a school, school district, or camp. 91401

(I) "Licensed health professional authorized to prescribe 91402  
drugs" or "prescriber" means an individual who is authorized by 91403  
law to prescribe drugs or dangerous drugs or drug therapy 91404  
related devices in the course of the individual's professional 91405  
practice, including only the following: 91406

(1) A dentist licensed under Chapter 4715. of the Revised 91407  
Code; 91408

- (2) A clinical nurse specialist, certified nurse-midwife, 91409  
or certified nurse practitioner who holds a current, valid 91410  
license issued under Chapter 4723. of the Revised Code to 91411  
practice nursing as an advanced practice registered nurse; 91412
- (3) A certified registered nurse anesthetist who holds a 91413  
current, valid license issued under Chapter 4723. of the Revised 91414  
Code to practice nursing as an advanced practice registered 91415  
nurse, but only to the extent of the nurse's authority under 91416  
sections 4723.43 and 4723.434 of the Revised Code; 91417
- (4) An optometrist licensed under Chapter 4725. of the 91418  
Revised Code to practice optometry; 91419
- (5) A physician authorized under Chapter 4731. of the 91420  
Revised Code to practice medicine and surgery, osteopathic 91421  
medicine and surgery, or podiatric medicine and surgery; 91422
- (6) A physician assistant who holds a license to practice 91423  
as a physician assistant issued under Chapter 4730. of the 91424  
Revised Code, holds a valid prescriber number issued by the 91425  
state medical board, and has been granted physician-delegated 91426  
prescriptive authority; 91427
- (7) A veterinarian licensed under Chapter 4741. of the 91428  
Revised Code; 91429
- (8) A certified mental health assistant licensed under 91430  
Chapter 4772. of the Revised Code who has been granted 91431  
physician-delegated prescriptive authority by the physician 91432  
supervising the certified mental health assistant. 91433
- (J) "Sale" or "sell" includes any transaction made by any 91434  
person, whether as principal proprietor, agent, or employee, to 91435  
do or offer to do any of the following: deliver, distribute, 91436  
broker, exchange, gift or otherwise give away, or transfer, 91437

whether the transfer is by passage of title, physical movement, 91438  
or both. 91439

(K) "Wholesale sale" and "sale at wholesale" mean any sale 91440  
in which the purpose of the purchaser is to resell the article 91441  
purchased or received by the purchaser. 91442

(L) "Retail sale" and "sale at retail" mean any sale other 91443  
than a wholesale sale or sale at wholesale. 91444

(M) "Retail seller" means any person that sells any 91445  
dangerous drug to consumers without assuming control over and 91446  
responsibility for its administration. Mere advice or 91447  
instructions regarding administration do not constitute control 91448  
or establish responsibility. 91449

(N) "Price information" means the price charged for a 91450  
prescription for a particular drug product and, in an easily 91451  
understandable manner, all of the following: 91452

(1) The proprietary name of the drug product; 91453

(2) The established (generic) name of the drug product; 91454

(3) The strength of the drug product if the product 91455  
contains a single active ingredient or if the drug product 91456  
contains more than one active ingredient and a relevant strength 91457  
can be associated with the product without indicating each 91458  
active ingredient. The established name and quantity of each 91459  
active ingredient are required if such a relevant strength 91460  
cannot be so associated with a drug product containing more than 91461  
one ingredient. 91462

(4) The dosage form; 91463

(5) The price charged for a specific quantity of the drug 91464  
product. The stated price shall include all charges to the 91465



consumer, including, but not limited to, the cost of the drug 91466  
product, professional fees, handling fees, if any, and a 91467  
statement identifying professional services routinely furnished 91468  
by the pharmacy. Any mailing fees and delivery fees may be 91469  
stated separately without repetition. The information shall not 91470  
be false or misleading. 91471

(O) "Wholesale distributor of dangerous drugs" or 91472  
"wholesale distributor" means a person engaged in the sale of 91473  
dangerous drugs at wholesale and includes any agent or employee 91474  
of such a person authorized by the person to engage in the sale 91475  
of dangerous drugs at wholesale. 91476

(P) "Manufacturer of dangerous drugs" or "manufacturer" 91477  
means a person, other than a pharmacist or prescriber, who 91478  
manufactures dangerous drugs and who is engaged in the sale of 91479  
those dangerous drugs. 91480

(Q) "Terminal distributor of dangerous drugs" or "terminal 91481  
distributor" means a person who is engaged in the sale of 91482  
dangerous drugs at retail, or any person, other than a 91483  
manufacturer, repackager, outsourcing facility, third-party 91484  
logistics provider, wholesale distributor, or pharmacist, who 91485  
has possession, custody, or control of dangerous drugs for any 91486  
purpose other than for that person's own use and consumption. 91487  
"Terminal distributor" includes pharmacies, hospitals, nursing 91488  
homes, and laboratories and all other persons who procure 91489  
dangerous drugs for sale or other distribution by or under the 91490  
supervision of a pharmacist, licensed health professional 91491  
authorized to prescribe drugs, or other person authorized by the 91492  
state board of pharmacy. 91493

(R) "Promote to the public" means disseminating a 91494  
representation to the public in any manner or by any means, 91495

other than by labeling, for the purpose of inducing, or that is likely to induce, directly or indirectly, the purchase of a dangerous drug at retail.

(S) "Person" includes any individual, partnership, association, limited liability company, or corporation, the state, any political subdivision of the state, and any district, department, or agency of the state or its political subdivisions.

(T) (1) "Animal shelter" means a facility operated by a humane society or any society organized under Chapter 1717. of the Revised Code or a dog pound operated pursuant to Chapter 955. of the Revised Code.

(2) "County dog warden" means a dog warden or deputy dog warden appointed or employed under section 955.12 of the Revised Code.

(U) "Food" has the same meaning as in section 3715.01 of the Revised Code.

(V) "Pain management clinic" has the same meaning as in section 4731.054 of the Revised Code.

(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use by the United States food and drug administration. "Investigational drug or product" does not include controlled substances in schedule I, as defined in section 3719.01 of the Revised Code.

(X) "Product," when used in reference to an investigational drug or product, means a biological product,

other than a drug, that is made from a natural human, animal, or 91525  
microorganism source and is intended to treat a disease or 91526  
medical condition. 91527

(Y) "Third-party logistics provider" means a person that 91528  
provides or coordinates warehousing or other logistics services 91529  
pertaining to dangerous drugs including distribution, on behalf 91530  
of a manufacturer, wholesale distributor, or terminal 91531  
distributor of dangerous drugs, but does not take ownership of 91532  
the drugs or have responsibility to direct the sale or 91533  
disposition of the drugs. 91534

(Z) "Repackager of dangerous drugs" or "repackager" means 91535  
a person that repacks and relabels dangerous drugs for sale or 91536  
distribution. 91537

(AA) "Outsourcing facility" means a facility that is 91538  
engaged in the compounding and sale of sterile drugs and is 91539  
registered as an outsourcing facility with the United States 91540  
food and drug administration. 91541

(BB) "Laboratory" means a laboratory licensed under this 91542  
chapter as a terminal distributor of dangerous drugs and 91543  
entrusted to have custody of any of the following drugs and to 91544  
use the drugs for scientific and clinical purposes and for 91545  
purposes of instruction: dangerous drugs that are not controlled 91546  
substances, as defined in section 3719.01 of the Revised Code; 91547  
dangerous drugs that are controlled substances, as defined in 91548  
that section; and controlled substances in schedule I, as 91549  
defined in that section. 91550

(CC) "Overdose reversal drug" means both of the following: 91551

(1) Naloxone; 91552

(2) Any other drug that the state board of pharmacy, 91553

through rules adopted in accordance with Chapter 119. of the 91554  
Revised Code, designates as a drug that is approved by the 91555  
federal food and drug administration for the reversal of a known 91556  
or suspected opioid-related overdose. 91557

Sec. 4729.261. (A) For purposes of division (D) (4) (b) of 91558  
section 2925.14 of the Revised Code, and subject to division (B) 91559  
of this section, the state board of pharmacy shall adopt rules 91560  
establishing standards and procedures for its approval of types 91561  
of instruments that are not to be considered drug paraphernalia 91562  
because they demonstrate efficacy in reducing drug poisoning by 91563  
determining the presence of a specific compound or group of 91564  
compounds. The rules shall be adopted in accordance with Chapter 91565  
119. of the Revised Code. 91566

(B) Under this section, the board shall not approve any 91567  
type of instrument to the extent that the instrument is intended 91568  
to measure the purity of a mixture. 91569

**Sec. 4729.52.** (A) As used in this section: 91570

(1) "Category II" means any dangerous drug that is not 91571  
included in category III. 91572

(2) "Category III" means any controlled substance that is 91573  
contained in schedule I, II, III, IV, or V. 91574

(3) "Schedule I," "schedule II," "schedule III," "schedule 91575  
IV," and "schedule V" have the same meanings as in section 91576  
3719.01 of the Revised Code. 91577

(B) (1) (a) The state board of pharmacy shall license 91578  
persons seeking to operate as any of the following persons, 91579  
whether located within or outside this state: 91580

(i) Wholesale distributors of dangerous drugs; 91581

(ii) Manufacturers of dangerous drugs;	91582
(iii) Outsourcing facilities;	91583
(iv) Third-party logistics providers;	91584
(v) Repackagers of dangerous drugs.	91585
(b) <del>There shall be two categories for the licenses</del> <u>When</u>	91586
<u>the board issues a license to a person identified in division</u>	91587
<u>(B) (1) (a) of this section.</u> <del>The, the license shall be issued</del>	91588
<u>according to one of the following categories</u> <del>are as follows, as</del>	91589
<u>the case may be for the person's business operations:</u>	91590
(i) <u>Category II license. A category II license applies to</u>	91591
<u>a person whose business operations are located within this</u>	91592
<u>state. A person who obtains this license may possess, have</u>	91593
<u>custody or control of, and distribute,</u> only the dangerous drugs	91594
described in category II.	91595
(ii) <u>Category III license. A category III license applies</u>	91596
<u>to a person whose business operations are located within this</u>	91597
<u>state. A person who obtains this license may possess, have</u>	91598
<u>custody or control of, and distribute,</u> the dangerous drugs	91599
described in category II and <u>the controlled substances described</u>	91600
<u>in category III.</u>	91601
(iii) <u>Nonresident license. A nonresident license applies</u>	91602
<u>to a person whose business operations are located outside this</u>	91603
<u>state. One of the following subcategories shall be designated by</u>	91604
<u>the board on the license, based on the license holder's business</u>	91605
<u>operations: wholesale distributor of dangerous drugs,</u>	91606
<u>manufacturer of dangerous drugs, outsourcing facility, third-</u>	91607
<u>party logistics provider, or repackager of dangerous drugs. A</u>	91608
<u>person who obtains a nonresident license may possess, have</u>	91609
<u>custody or control of, and distribute the dangerous drugs</u>	91610

described in category II and the controlled substances described 91611  
in category III. 91612

(c) The board may adopt rules under section 4729.26 of the 91613  
Revised Code to create classification types of any license 91614  
issued pursuant to this section. Persons who meet the 91615  
definitions of the classification types shall comply with all 91616  
requirements for the specific license classification specified 91617  
in rule. 91618

(C) A person seeking a license ~~identified in division (B)~~ 91619  
~~(1)(a) of~~ issued under this section shall file with the 91620  
executive director of the board a verified application 91621  
containing such information as the board requires of the 91622  
applicant relative to the licensure qualifications set forth in 91623  
section 4729.53 of the Revised Code and the rules adopted under 91624  
that section. 91625

(D) (1) The board shall ~~license as~~ issue a category II or 91626  
category III license, designated for a manufacturer, outsourcing 91627  
facility, third-party logistics provider, repackager, or 91628  
wholesale distributor as the case may be, to each applicant who 91629  
~~has paid~~ whose business operations are located within this 91630  
state, if the applicant pays the required license fee, if and 91631  
the board determines that the applicant meets the licensure 91632  
qualifications set forth in section 4729.53 of the Revised Code 91633  
and the rules adopted under that section. 91634

~~(D) (2)~~ The board may shall issue a nonresident license 91635  
with the appropriate subcategory designation to a person who 91636  
~~does not reside in~~ an applicant whose business operations are 91637  
located outside this state a license identified in division (B) 91638  
~~(1)(a) of this section,~~ if the person applicant pays the 91639  
required licensure license fee and meets the board determines 91640

either of the following: 91641

~~(1) Possesses~~ (a) That the applicant possesses a current 91642  
and valid manufacturer, outsourcing facility, third-party 91643  
logistics provider, repackager, or wholesale distributor 91644  
license, or its equivalent, issued by another state in which 91645  
that ~~person is~~ person's business operations are physically 91646  
located, but only if that state has qualifications for licensure 91647  
comparable to the licensure requirements in this state; 91648

~~(2) Meets~~ (b) That the applicant meets the requirements 91649  
set forth by the board for issuance of a nonresident license- 91650  
~~identified in division (B)(1)(a) of this section,~~ as verified by 91651  
a state, federal, or other entity recognized by the board to 91652  
perform such verification. 91653

(E) All licenses issued or renewed pursuant to this 91654  
section are effective for a period specified by the board in 91655  
rules adopted under section 4729.26 of the Revised Code. The 91656  
effective period for an initial or renewed license shall not 91657  
exceed twenty-four months unless the board extends the period in 91658  
rules to adjust license renewal schedules. A license shall be 91659  
renewed by the board pursuant to this section, the standard 91660  
renewal procedure of Chapter 4745. of the Revised Code, and 91661  
rules adopted by the board under section 4729.26 of the Revised 91662  
Code. A person seeking to renew a license shall submit an 91663  
application for renewal and pay the required renewal fee before 91664  
the date specified in the rules adopted by the board. 91665

(F) Each license issued under this section shall describe 91666  
not more than one establishment or place where the license 91667  
holder may engage in the activities authorized by the license. 91668  
No license shall authorize or permit the person named therein to 91669  
engage in the sale or distribution of drugs at wholesale or to 91670

maintain possession, custody, or control of dangerous drugs for 91671  
any purpose other than for the licensee's own use and 91672  
consumption at any establishment or place other than that 91673  
described in the license. 91674

~~(G)(1)(a)~~ (G)(1) The category II license fee is one 91675  
thousand nine hundred dollars and shall accompany each 91676  
application for licensure. The license renewal fee is one 91677  
thousand nine hundred dollars and shall accompany each renewal 91678  
application. 91679

~~(b)~~ (2) The category III license fee is two thousand 91680  
dollars and shall accompany each application for licensure. The 91681  
license renewal fee is two thousand dollars and shall accompany 91682  
each renewal application. 91683

~~(e)(i)~~ (3) The nonresident license fee is two thousand 91684  
dollars and shall accompany each application for licensure. The 91685  
license renewal fee is two thousand dollars and shall accompany 91686  
each renewal application. 91687

(H)(1) Subject to division ~~(G)(1)(e)(ii)~~ (H)(2) of this 91688  
section, a license issued pursuant to this section that has not 91689  
been renewed by the date specified in rules adopted by the board 91690  
may be reinstated upon payment of the renewal fee and a penalty 91691  
of three hundred dollars. 91692

~~(ii)~~ (2) If a complete application for renewal has not been 91693  
submitted by the sixty-first day after the renewal date 91694  
specified in rules adopted by the board, the license is 91695  
considered void and cannot be renewed, but the license holder 91696  
may reapply for licensure. 91697

~~(2)~~ (I) Renewal fees and penalties assessed under division 91698  
~~(G)(1)~~ (G) or (H) of this section shall not be returned if the 91699



applicant fails to qualify for renewal. 91700

~~(3)~~(J) A person licensed pursuant to this section that 91701  
fails to renew licensure in accordance with this section and 91702  
rules adopted by the board is prohibited from engaging in 91703  
manufacturing, repackaging, or compounding drugs, or 91704  
distributing drugs as a third-party logistics provider or 91705  
wholesale distributor, until a valid license is issued by the 91706  
board. 91707

~~(H)~~(K) Holding a license issued pursuant to this section 91708  
subjects the holder and the holder's agents and employees to the 91709  
jurisdiction of the board and to the laws of this state for the 91710  
purpose of the enforcement of this chapter and the rules of the 91711  
board. However, the filing of an application for licensure under 91712  
this section by or on behalf of any person, or the issuance of a 91713  
license pursuant to this section to or on behalf of any person, 91714  
shall not of itself constitute evidence that the person is doing 91715  
business within this state. 91716

~~(I)~~(L) A person holding a license issued under this 91717  
section shall designate, and shall have available at all times, 91718  
a person to serve for the licensed location in a position to be 91719  
known as "responsible person." A person may be designated and 91720  
serve as a responsible person only if the person meets the 91721  
requirements established in rules the board shall adopt under 91722  
section 4729.26 of the Revised Code. Along with the license 91723  
holder, a responsible person shall accept responsibility for the 91724  
operation of the licensed location in accordance with all 91725  
applicable state and federal laws and rules. 91726

A license holder shall notify the board of the person who 91727  
is designated to serve as the responsible person and, 91728  
thereafter, shall notify the board each time a change is made in 91729

the designation. Notice to the board shall be provided in 91730  
accordance with procedures established in rules that the board 91731  
shall adopt under section 4729.26 of the Revised Code. For any 91732  
change of responsible person, the board shall assess a fee of 91733  
fifteen dollars. 91734

(M) The board may enter into agreements with other states, 91735  
federal agencies, and other entities to exchange information 91736  
concerning licensing and inspection of any manufacturer, 91737  
outsourcing facility, third-party logistics provider, 91738  
repackager, or wholesale distributor located within or outside 91739  
this state and to investigate alleged violations of the laws and 91740  
rules governing distribution of drugs by such persons. Any 91741  
information received pursuant to such an agreement is subject to 91742  
the same confidentiality requirements applicable to the agency 91743  
or entity from which it was received and shall not be released 91744  
without prior authorization from that agency or entity. Any 91745  
information received is also subject to section 4729.23 of the 91746  
Revised Code. 91747

**Sec. 4729.53.** (A) The state board of pharmacy shall not 91748  
license any person as a manufacturer of dangerous drugs, 91749  
outsourcing facility, third-party logistics provider, repackager 91750  
of dangerous drugs, or wholesale distributor of dangerous drugs 91751  
unless the applicant for licensure furnishes satisfactory proof 91752  
to the board that all of the following conditions are met: 91753

(1) If the applicant has committed acts that the board 91754  
finds violate any federal, state, or local law, regulation, or 91755  
rule relating to drug samples, manufacturing, compounding, 91756  
repackaging, wholesale or retail drug distribution, or 91757  
distribution of dangerous drugs, including controlled 91758  
substances, or if the applicant has committed acts that the 91759

board finds constitute a felony, or if a federal, state, or 91760  
local governmental entity has suspended or revoked any current 91761  
or prior license of the applicant for the manufacture, 91762  
compounding, repackaging, distribution, or sale of any dangerous 91763  
drugs, including controlled substances, the applicant, to the 91764  
satisfaction of the board, assures that the applicant has in 91765  
place adequate safeguards to prevent the recurrence of any such 91766  
violations, felonies, or license suspensions or revocations. 91767

(2) The applicant's past experience in the manufacture, 91768  
compounding, repackaging, or distribution of dangerous drugs, 91769  
including controlled substances, is acceptable to the board. 91770

(3) The applicant is properly equipped as to land, 91771  
buildings, equipment, and personnel to properly carry on its 91772  
business, including providing adequate security for and proper 91773  
storage conditions and handling for dangerous drugs, and is 91774  
complying with the requirements under this chapter and the rules 91775  
adopted pursuant thereto for maintaining and making available 91776  
records to properly identified board officials and federal, 91777  
state, and local law enforcement agencies. 91778

(4) Personnel employed by the applicant have the 91779  
appropriate education or experience, as determined by the board, 91780  
to assume responsibility for positions related to compliance 91781  
with this chapter and the rules adopted pursuant thereto. 91782

(5) The applicant has designated the name and address of a 91783  
person to whom communications from the board may be directed and 91784  
upon whom the notices and citations provided for in section 91785  
4729.56 of the Revised Code may be served. 91786

(6) Adequate safeguards are assured to prevent the sale of 91787  
dangerous drugs other than in accordance with section 4729.51 of 91788

the Revised Code. 91789

(7) With respect to criminal records checks, the applicant 91790  
has done both of the following, and the board has decided that 91791  
the results of the criminal records checks do not make the 91792  
applicant ineligible for a license issued pursuant to section 91793  
4729.52 of the Revised Code: 91794

(a) ~~Complied~~ The applicant has complied with sections 91795  
4776.01 to 4776.04 of the Revised Code~~7~~. 91796

(b) ~~Required any~~ The applicant has required each of the 91797  
following to submit to a criminal records check in accordance 91798  
with section 4776.02 of the Revised Code and send the results of 91799  
the criminal records check directly to the board: 91800

(i) Any person who is seeking to serve as the responsible 91801  
person on the license, as required by section 4729.52 of the 91802  
Revised Code; 91803

(2) Any person who has an ownership interest~~7~~ or who is a 91804  
corporate officer, as set forth in rules adopted under division 91805  
(C) of this section~~7~~, ~~to submit to a criminal records check in~~ 91806  
~~accordance with section 4776.02 of the Revised Code and send the~~ 91807  
~~results of the criminal records check directly to the board.~~ 91808

(8) The applicant meets any other requirement or 91809  
qualification the board, by rule adopted under division (C) of 91810  
this section, considers relevant to and consistent with the 91811  
public safety and health. 91812

(B) In addition to the causes described in section 4729.56 91813  
of the Revised Code for refusing to grant or renew a license, 91814  
the board may refuse to grant or renew a license if the board 91815  
determines that the granting of the license or its renewal is 91816  
not in the public interest. 91817

(C) The board shall adopt rules in accordance with Chapter 91818  
119. of the Revised Code that do all of the following: 91819

(1) For purposes of division (A) (7) (b) of this section, 91820  
~~define "responsible person" and~~ specify the persons with 91821  
ownership interests and the corporate officers who are required 91822  
to submit to criminal records checks; 91823

(2) For purposes of division (A) (8) of this section, 91824  
specify other requirements or qualifications, if any, that an 91825  
applicant must meet to receive a license; 91826

(3) Address any other matter the board considers 91827  
appropriate to implement this section. 91828

**Sec. 4729.54.** (A) As used in this section: 91829

(1) "Category II" means any dangerous drug that is not 91830  
included in category III. 91831

(2) "Category III" means any controlled substance that is 91832  
contained in schedule I, II, III, IV, or V. 91833

(3) "Emergency medical service organization" has the same 91834  
meaning as in section 4765.01 of the Revised Code. 91835

(4) "Emergency medical service organization satellite" 91836  
means a location where dangerous drugs are stored that is 91837  
separate from, but associated with, the headquarters of an 91838  
emergency medical service organization. "Emergency medical 91839  
service organization satellite" does not include the units under 91840  
the control of the emergency medical service organization. 91841

(5) "Person" includes an emergency medical service 91842  
organization or an emergency medical service organization 91843  
satellite. 91844

(6) "Schedule I," "schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code. 91845  
91846  
91847

(B) (1) The state board of pharmacy shall license persons seeking to operate as terminal distributors of dangerous drugs, whether located within or outside this state. 91848  
91849  
91850

A person seeking to be licensed as a terminal distributor of dangerous drugs shall file with the executive director of the ~~state board of pharmacy~~ a verified application. After it is filed, the application may not be withdrawn without approval of the board. 91851  
91852  
91853  
91854  
91855

(2) An application shall contain all the following that apply in the applicant's case: 91856  
91857

(a) Information that the board requires relative to the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code; 91858  
91859  
91860

(b) A statement as to ~~whether~~ the category of licensure, identified under division (E) of this section, that the person is seeking to be licensed as a category II, category III, limited category II, or limited category III terminal distributor of dangerous drugs; 91861  
91862  
91863  
91864  
91865

(c) If the person is seeking to be licensed as a limited category II or limited category III terminal distributor of dangerous drugs, a list of the dangerous drugs described in category II or the controlled substances described in category III that the person is seeking to possess, have custody or control of, and distribute, which list shall also specify the purpose for which those drugs will be used and their source; 91866  
91867  
91868  
91869  
91870  
91871  
91872

(d) If the person is an emergency medical service 91873

organization, the information that is specified in divisions (C) 91874  
(1) and (2) of this section, and if the person is an emergency 91875  
medical service organization satellite, the information required 91876  
under division (D) of this section; 91877

(e) Except with respect to the units under the control of 91878  
an emergency medical service organization, the identity of the 91879  
one establishment or place at which the person intends to engage 91880  
in the sale or other distribution of dangerous drugs at retail, 91881  
and maintain possession, custody, or control of dangerous drugs 91882  
for purposes other than the person's own use or consumption; 91883

(f) If the application pertains to a pain management 91884  
clinic, information that demonstrates, to the satisfaction of 91885  
the board, compliance with division (A) of section 4729.552 of 91886  
the Revised Code. 91887

(C) (1) Each emergency medical service organization that 91888  
applies for a terminal distributor of dangerous drugs license 91889  
shall submit with its application all of the following: 91890

(a) A copy of its standing orders or protocol, which 91891  
orders or protocol shall be signed by a physician; 91892

(b) A list of the dangerous drugs that the units under its 91893  
control may carry, expressed in standard dose units, which shall 91894  
be signed by a physician; 91895

(c) A list of the personnel employed or used by the 91896  
organization to provide emergency medical services in accordance 91897  
with Chapter 4765. of the Revised Code. 91898

In accordance with Chapter 119. of the Revised Code, the 91899  
board shall adopt rules specifying when an emergency medical 91900  
service organization that is licensed as a terminal distributor 91901  
must notify the board of any changes in its documentation 91902

submitted pursuant to division (C)(1) of this section. 91903

(2) An emergency medical service organization seeking to 91904  
be licensed as a terminal distributor of dangerous drugs shall 91905  
list in its application for licensure the following additional 91906  
information: 91907

(a) The units under its control that the organization 91908  
determines will possess dangerous drugs for the purpose of 91909  
administering emergency medical services in accordance with 91910  
Chapter 4765. of the Revised Code; 91911

(b) With respect to each such unit, whether the dangerous 91912  
drugs that the organization determines the unit will possess are 91913  
in category II or III. 91914

(3) An emergency medical service organization that is 91915  
licensed as a terminal distributor of dangerous drugs shall file 91916  
a new application for such licensure if there is any change in 91917  
the number or location of any of its units or if there is any 91918  
change in the category of the dangerous drugs that any unit will 91919  
possess. 91920

(4) A unit listed in an application for licensure pursuant 91921  
to division (C)(2) of this section may obtain the dangerous 91922  
drugs it is authorized to possess from its emergency medical 91923  
service organization or, on a replacement basis, from a hospital 91924  
pharmacy. If units will obtain dangerous drugs from a hospital 91925  
pharmacy, the organization shall file, and maintain in current 91926  
form, the following items with the pharmacist who is responsible 91927  
for the hospital's terminal distributor of dangerous drugs 91928  
license: 91929

(a) A copy of its standing orders or protocol; 91930

(b) A list of the personnel employed or used by the 91931



organization to provide emergency medical services in accordance 91932  
with Chapter 4765. of the Revised Code, who are authorized to 91933  
possess the drugs, which list also shall indicate the personnel 91934  
who are authorized to administer the drugs. 91935

(D) Each emergency medical service organization satellite 91936  
that applies for a terminal distributor of dangerous drugs 91937  
license shall submit with its application all of the information 91938  
that the board requires to be submitted with the application, as 91939  
specified in rules the board shall adopt in accordance with 91940  
Chapter 119. of the Revised Code. 91941

(E) ~~There shall be four categories of terminal distributor~~ 91942  
~~of dangerous drugs licenses. The~~ When the board issues a license 91943  
to a person seeking to operate as a terminal distributor of 91944  
dangerous drugs, the board shall issue the license according to 91945  
one of the following categories ~~are as follows,~~ as the case may 91946  
be for the person's business operations: 91947

(1) Category II license. A category II license applies to 91948  
a person whose business operations are located within this 91949  
state. A person who obtains this license may possess, have 91950  
custody or control of, and distribute only the dangerous drugs 91951  
described in category II. 91952

(2) Limited category II license. A limited category II 91953  
license applies to a person whose business operations are 91954  
located within this state. A person who obtains this license may 91955  
possess, have custody or control of, and distribute only the 91956  
dangerous drugs described in category II that were listed in the 91957  
application for licensure. 91958

(3) Category III license, which may include a pain 91959  
management clinic classification issued under section 4729.552 91960

of the Revised Code. A category III license applies to a person 91961  
whose business operations are located within this state. A 91962  
person who obtains this license may possess, have custody or 91963  
control of, and distribute the dangerous drugs described in 91964  
category II and category III. If the license includes a pain 91965  
management clinic classification, the person may operate a pain 91966  
management clinic. 91967

(4) Limited category III license. A limited category III 91968  
license applies to a person whose business operations are 91969  
located within this state. A person who obtains this license may 91970  
possess, have custody or control of, and distribute only the 91971  
dangerous drugs described in category II or the controlled 91972  
substances described in category III that were listed in the 91973  
application for licensure. 91974

(5) Nonresident license. A nonresident license applies to 91975  
a person whose business operations are located outside this 91976  
state. A person who obtains a nonresident license may possess, 91977  
have custody or control of, and distribute the dangerous drugs 91978  
described in category II and the controlled substances described 91979  
in category III. 91980

(F) Except for an application made by a county dog warden 91981  
or on behalf of an animal shelter, if an applicant for a limited 91982  
category II license or limited category III license intends to 91983  
administer dangerous drugs to a person or animal, the applicant 91984  
shall submit, with the application, a copy of its protocol or 91985  
standing orders. The protocol or orders shall be signed by a 91986  
licensed health professional authorized to prescribe drugs, 91987  
specify the dangerous drugs to be administered, and list 91988  
personnel who are authorized to administer the dangerous drugs 91989  
in accordance with federal law or the law of this state. 91990

An application made by a county dog warden or on behalf of an animal shelter shall include a list of the dangerous drugs to be administered to animals and the personnel who are authorized to administer the drugs to animals in accordance with section 4729.532 of the Revised Code.

In accordance with Chapter 119. of the Revised Code, the board shall adopt rules specifying when a licensee must notify the board of any changes in its documentation submitted pursuant to this division.

(G) (1) Except as provided in division (G) (3) of this section, each applicant for licensure as a terminal distributor of dangerous drugs shall submit, with the application, a license fee in the amount that applies to the category of licensure being sought. The amount assessed shall not be returned to the applicant if the applicant fails to qualify for the license.

(2) The following fees apply under division (G) (1) of this section:

(a) Except as provided in division (G) (2) (b) of this section:

(i) Three hundred ~~twenty~~ sixty dollars for a category II or limited category II license;

(ii) Four hundred ~~forty~~ sixty dollars for a category III license, including a license with a pain management clinic classification issued under section 4729.552 of the Revised Code, or a limited category III license;

(iii) Five hundred dollars for a nonresident license.

(b) One hundred ~~twenty~~ sixty dollars for all of the following whose business operations are located within this

state: 92019

(i) A person who is required to hold a license as a terminal distributor of dangerous drugs pursuant to division (C) of section 4729.541 of the Revised Code; 92020  
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(ii) A professional association, corporation, partnership, or limited liability company organized for the purpose of practicing veterinary medicine that is not included in division (G) (2) (b) (i) of this section; 92023  
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(iii) An emergency medical service organization satellite. 92027

(3) No fee applies for a license issued to a charitable pharmacy, as defined in section 3719.811 of the Revised Code, if the charitable pharmacy is participating in the drug repository program established under section 3715.87 of the Revised Code. 92028  
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(H) (1) The board shall issue a terminal distributor of dangerous drugs license, in the appropriate category, to each person who submits an application for such licensure in accordance with this section, pays the required license fee, is determined by the board to meet the requirements set forth in section 4729.55 of the Revised Code, and satisfies any other applicable requirements of this section. 92032  
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(2) Except for the license of a county dog warden, the license shall describe the one establishment or place at which the licensee may engage in the sale or other distribution of dangerous drugs at retail and maintain possession, custody, or control of dangerous drugs for purposes other than the licensee's own use or consumption. The one establishment or place shall be that which is identified in the application for licensure. 92039  
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No such license shall authorize or permit the terminal 92047

distributor of dangerous drugs named in it to engage in the sale 92048  
or other distribution of dangerous drugs at retail or to 92049  
maintain possession, custody, or control of dangerous drugs for 92050  
any purpose other than the distributor's own use or consumption, 92051  
at any establishment or place other than that described in the 92052  
license, except that an agent or employee of an animal shelter 92053  
or county dog warden may possess and use dangerous drugs in the 92054  
course of business as provided in section 4729.532 of the 92055  
Revised Code. 92056

(3) The license of an emergency medical service 92057  
organization shall cover the organization's headquarters and, in 92058  
addition, shall cover and describe all the units of the 92059  
organization listed in its application for licensure. 92060

(I) (1) All licenses issued or renewed pursuant to this 92061  
section shall be effective for a period specified by the board 92062  
in rules adopted under section 4729.26 of the Revised Code. The 92063  
effective period for an initial or renewed license shall not 92064  
exceed twenty-four months unless the board extends the period in 92065  
rules to adjust license renewal schedules. A license shall be 92066  
renewed by the board according to the provisions of this 92067  
section, the standard renewal procedure of Chapter 4745. of the 92068  
Revised Code, and rules adopted by the board under section 92069  
4729.26 of the Revised Code. A person seeking to renew a license 92070  
shall submit an application for renewal and pay the required fee 92071  
on or before the date specified in the rules adopted by the 92072  
board. The fee required for the renewal of a license shall be 92073  
the same as the license fee that applies under division (G) (2) 92074  
of this section. 92075

(2) (a) Subject to division (I) (2) (b) of this section, a 92076  
license that has not been renewed by the date specified in rules 92077

adopted by the board may be reinstated only upon payment of the 92078  
required renewal fee and a penalty fee of one hundred ten 92079  
dollars. 92080

(b) If an application for renewal has not been submitted 92081  
by the sixty-first day after the renewal date specified in rules 92082  
adopted by the board, the license is considered void and cannot 92083  
be renewed, but the license holder may reapply for licensure. 92084

(3) A terminal distributor of dangerous drugs that fails 92085  
to renew licensure in accordance with this section and rules 92086  
adopted by the board is prohibited from engaging in the retail 92087  
sale, possession, or distribution of dangerous drugs until a 92088  
valid license is issued by the board. 92089

(J) (1) No emergency medical service organization that is 92090  
licensed as a terminal distributor of dangerous drugs shall fail 92091  
to comply with division (C) (1), (3), or (4) of this section. 92092

(2) No licensed terminal distributor of dangerous drugs 92093  
shall possess, have custody or control of, or distribute 92094  
dangerous drugs that the terminal distributor is not entitled to 92095  
possess, have custody or control of, or distribute by virtue of 92096  
its category of licensure. 92097

(3) No licensee that is required by division (F) of this 92098  
section to notify the board of changes in its protocol or 92099  
standing orders, or in personnel, shall fail to comply with that 92100  
division. 92101

(K) A person holding a license issued under this section 92102  
shall designate, and shall have available at all times, a person 92103  
to serve for the licensed location in a position to be known as 92104  
"responsible person." A person may be designated and serve as a 92105  
responsible person only if the person meets the requirements 92106

established in rules that the board shall adopt under section 92107  
4729.26 of the Revised Code. Along with the license holder, a 92108  
responsible person shall accept responsibility for the operation 92109  
of the licensed location in accordance with all applicable state 92110  
and federal laws and rules. 92111

A license holder shall notify the board of the person who 92112  
is designated to serve as the responsible person and, 92113  
thereafter, shall notify the board each time a change is made in 92114  
the designation. Notice to the board shall be provided in 92115  
accordance with procedures established in rules that the board 92116  
shall adopt under section 4729.26 of the Revised Code. For any 92117  
change of responsible person, the board shall assess a fee of 92118  
fifteen dollars. 92119

(L) The board may enter into agreements with other states, 92120  
federal agencies, and other entities to exchange information 92121  
concerning licensing and inspection of terminal distributors of 92122  
dangerous drugs located within or outside this state and to 92123  
investigate alleged violations of the laws and rules governing 92124  
distribution of drugs by terminal distributors. Any information 92125  
received pursuant to such an agreement is subject to the same 92126  
confidentiality requirements applicable to the agency or entity 92127  
from which it was received and shall not be released without 92128  
prior authorization from that agency or entity. Any information 92129  
received is also subject to section 4729.23 of the Revised Code. 92130

**Sec. 4729.541.** (A) Except as provided in divisions (B) and 92131  
(C) of this section, all of the following are exempt from 92132  
licensure as a terminal distributor of dangerous drugs: 92133

(1) A licensed health professional authorized to prescribe 92134  
drugs; 92135

(2) A business entity that is a corporation formed under 92136  
division (B) of section 1701.03 of the Revised Code, a limited 92137  
liability company formed under former Chapter 1705. of the 92138  
Revised Code as that chapter existed prior to February 11, 2022, 92139  
or Chapter 1706. of the Revised Code, or a professional 92140  
association formed under Chapter 1785. of the Revised Code if 92141  
the entity has a sole shareholder who is a prescriber and is 92142  
authorized to provide the professional services being offered by 92143  
the entity; 92144

(3) A business entity that is a corporation formed under 92145  
division (B) of section 1701.03 of the Revised Code, a limited 92146  
liability company formed under former Chapter 1705. of the 92147  
Revised Code as that chapter existed prior to February 11, 2022, 92148  
or Chapter 1706. of the Revised Code, a partnership or a limited 92149  
liability partnership formed under Chapter 1775. of the Revised 92150  
Code, or a professional association formed under Chapter 1785. 92151  
of the Revised Code, if, to be a shareholder, member, or 92152  
partner, an individual is required to be licensed, certified, or 92153  
otherwise legally authorized under Title XLVII of the Revised 92154  
Code to perform the professional service provided by the entity 92155  
and each such individual is a prescriber; 92156

(4) An individual who holds a current license, 92157  
certificate, or registration issued under Title XLVII of the 92158  
Revised Code and has been certified to conduct diabetes 92159  
education by a national certifying body specified in rules 92160  
adopted by the state board of pharmacy under section 4729.68 of 92161  
the Revised Code, but only with respect to insulin that will be 92162  
used for the purpose of diabetes education and only if diabetes 92163  
education is within the individual's scope of practice under 92164  
statutes and rules regulating the individual's profession; 92165



(5) An individual who holds a valid certificate issued by 92166  
a nationally recognized S.C.U.B.A. diving certifying 92167  
organization approved by the state board of pharmacy under rules 92168  
adopted by the board, but only with respect to medical oxygen 92169  
that will be used for the purpose of emergency care or treatment 92170  
at the scene of a diving emergency; 92171

(6) With respect to epinephrine autoinjectors that may be 92172  
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 92173  
or 3328.29 of the Revised Code, any of the following: the board 92174  
of education of a city, local, exempted village, or joint 92175  
vocational school district; a chartered or nonchartered 92176  
nonpublic school; a community school established under Chapter 92177  
3314. of the Revised Code; a STEM school established under 92178  
Chapter 3326. of the Revised Code; or a college-preparatory 92179  
boarding school established under Chapter 3328. of the Revised 92180  
Code; 92181

(7) With respect to epinephrine autoinjectors that may be 92182  
possessed under section ~~5101.76~~5180.26 of the Revised Code, any 92183  
of the following: a residential camp, as defined in section 92184  
2151.011 of the Revised Code; a child day camp, as defined in 92185  
section 5104.01 of the Revised Code; or a child day camp 92186  
operated by any county, township, municipal corporation, 92187  
township park district created under section 511.18 of the 92188  
Revised Code, park district created under section 1545.04 of the 92189  
Revised Code, or joint recreation district established under 92190  
section 755.14 of the Revised Code; 92191

(8) With respect to epinephrine autoinjectors that may be 92192  
possessed under Chapter 3728. of the Revised Code, a qualified 92193  
entity, as defined in section 3728.01 of the Revised Code; 92194

(9) With respect to inhalers that may be possessed under 92195

section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 92196  
the Revised Code, any of the following: the board of education 92197  
of a city, local, exempted village, or joint vocational school 92198  
district; a chartered or nonchartered nonpublic school; a 92199  
community school established under Chapter 3314. of the Revised 92200  
Code; a STEM school established under Chapter 3326. of the 92201  
Revised Code; or a college-preparatory boarding school 92202  
established under Chapter 3328. of the Revised Code; 92203

(10) With respect to inhalers that may be possessed under 92204  
section ~~5101.77~~ 5180.261 of the Revised Code, any of the 92205  
following: a residential camp, as defined in section 2151.011 of 92206  
the Revised Code; a child day camp, as defined in section 92207  
5104.01 of the Revised Code; or a child day camp operated by any 92208  
county, township, municipal corporation, township park district 92209  
created under section 511.18 of the Revised Code, park district 92210  
created under section 1545.04 of the Revised Code, or joint 92211  
recreation district established under section 755.14 of the 92212  
Revised Code; 92213

(11) With respect to overdose reversal drugs that may be 92214  
possessed for the purposes described in section 3715.50 of the 92215  
Revised Code, any person or government entity exercising the 92216  
authority conferred by that section; 92217

(12) With respect to overdose reversal drugs that may be 92218  
possessed for use in personally furnishing supplies of the drug 92219  
pursuant to a protocol established under section 3715.503 of the 92220  
Revised Code, any individual exercising the authority conferred 92221  
by that section; 92222

(13) With respect to injectable or nasally administered 92223  
glucagon that may be possessed under sections 3313.7115, 92224  
3313.7116, 3314.147, 3326.60, and 3328.38 of the Revised Code, 92225

any of the following: the board of education of a city, local, 92226  
exempted village, or joint vocational school district; a 92227  
chartered or nonchartered nonpublic school; a community school 92228  
established under Chapter 3314. of the Revised Code; a STEM 92229  
school established under Chapter 3326. of the Revised Code; or a 92230  
college-preparatory boarding school established under Chapter 92231  
3328. of the Revised Code; 92232

(14) With respect to injectable or nasally administered 92233  
glucagon that may be possessed under section ~~5101.78~~ 5180.262 of 92234  
the Revised Code, any of the following: a residential camp, as 92235  
defined in section 2151.011 of the Revised Code; a child day 92236  
camp, as defined in section 5104.01 of the Revised Code; or a 92237  
child day camp operated by any county, township, municipal 92238  
corporation, township park district created under section 511.18 92239  
of the Revised Code, park district created under section 1545.04 92240  
of the Revised Code, or joint recreation district established 92241  
under section 755.14 of the Revised Code; 92242

(15) A person who possesses nitrous oxide for use as a 92243  
direct ingredient in food pursuant to 21 C.F.R. 184.1545 or for 92244  
testing or maintaining a plumbing or heating, ventilation, and 92245  
air conditioning system; 92246

(16) A person who possesses medical oxygen, sterile water, 92247  
or sterile saline for direct administration to patients or for 92248  
the purpose of installation or maintenance of home medical 92249  
equipment, as defined in section 4752.01 of the Revised Code; 92250

(17) A facility that is owned and operated by the United 92251  
States department of defense, the United States department of 92252  
veterans affairs, or any other federal agency. 92253

(B) If a person described in division (A) of this section 92254

is a pain management clinic or is operating a pain management 92255  
clinic, the person shall hold a license as a terminal 92256  
distributor of dangerous drugs with a pain management clinic 92257  
classification issued under section 4729.552 of the Revised 92258  
Code. 92259

(C) Any of the persons described in divisions (A) (1) to 92260  
(16) of this section shall hold a license as a terminal 92261  
distributor of dangerous drugs in order to possess, have custody 92262  
or control of, and distribute any of the following: 92263

(1) Dangerous drugs that are compounded or used for the 92264  
purpose of compounding; 92265

(2) A schedule I, II, III, IV, or V controlled substance, 92266  
as defined in section 3719.01 of the Revised Code. 92267

**Sec. 4729.56.** (A) (1) The state board of pharmacy, in 92268  
accordance with Chapter 119. of the Revised Code, may impose any 92269  
one or more of the following sanctions on a person licensed 92270  
under ~~division (B) (1) (a) of~~ section 4729.52 of the Revised Code 92271  
for any of the causes set forth in division (A) (2) of this 92272  
section: 92273

(a) Suspend, revoke, restrict, limit, or refuse to grant 92274  
or renew a license; 92275

(b) Reprimand or place the license holder on probation; 92276

(c) Impose a monetary penalty or forfeiture not to exceed 92277  
in severity any fine designated under the Revised Code for a 92278  
similar offense or two thousand five hundred dollars if the acts 92279  
committed are not classified as an offense by the Revised Code; 92280

(2) The board may impose the sanctions set forth in 92281  
division (A) (1) of this section for any of the following: 92282

(a) Making any false material statements in an application for licensure under section 4729.52 of the Revised Code;	92283 92284
(b) Violating any federal, state, or local drug law; any provision of this chapter or Chapter 2925., 3715., or 3719. of the Revised Code; or any rule of the board;	92285 92286 92287
(c) A conviction of a felony;	92288
(d) Failing to satisfy the qualifications for licensure under section 4729.53 of the Revised Code or the rules of the board or ceasing to satisfy the qualifications after the registration is granted or renewed;	92289 92290 92291 92292
(e) Falsely or fraudulently promoting to the public a drug that is a controlled substance included in schedule I, II, III, IV, or V, except that nothing in this division prohibits a manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs from furnishing information concerning a controlled substance to a health care provider or licensed terminal distributor;	92293 92294 92295 92296 92297 92298 92299 92300
(f) Violating any provision of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or Chapter 3715. of the Revised Code;	92301 92302 92303
(g) Any other cause for which the board may impose sanctions as set forth in rules adopted under section 4729.26 of the Revised Code.	92304 92305 92306
(B) Upon the suspension or revocation of any license <del>identified in division (B) (1) (a) of</del> <u>issued under</u> section 4729.52 of the Revised Code, the licensee shall immediately surrender the license to the board.	92307 92308 92309 92310

(C) If the board suspends, revokes, or refuses to renew 92311  
any license ~~identified in division (B) (1) (a) of~~ issued under 92312  
section 4729.52 of the Revised Code and determines that there is 92313  
clear and convincing evidence of a danger of immediate and 92314  
serious harm to any person, the board may place under seal all 92315  
dangerous drugs owned by or in the possession, custody, or 92316  
control of the affected licensee. Except as provided in this 92317  
division, the board shall not dispose of the dangerous drugs 92318  
sealed under this division until the licensee exhausts all of 92319  
the licensee's appeal rights under Chapter 119. of the Revised 92320  
Code. The court involved in such an appeal may order the board, 92321  
during the pendency of the appeal, to sell sealed dangerous 92322  
drugs that are perishable. The board shall deposit the proceeds 92323  
of the sale with the court. 92324

(D) If the board is required under Chapter 119. of the 92325  
Revised Code to give notice of an opportunity for a hearing and 92326  
the license holder does not make a timely request for a hearing 92327  
in accordance with section 119.07 of the Revised Code, the board 92328  
is not required to hold a hearing, but may adopt a final order 92329  
that contains the board's findings. In the final order, the 92330  
board may impose any of the sanctions listed in division (A) of 92331  
this section. 92332

(E) Notwithstanding division (D) (2) of section 2953.32 or 92333  
division (F) (1) of section 2953.39 of the Revised Code 92334  
specifying that if records pertaining to a criminal case are 92335  
sealed or expunged under that section the proceedings in the 92336  
case must be deemed not to have occurred, sealing or expungement 92337  
of the following records on which the board has based an action 92338  
under this section shall have no effect on the board's action or 92339  
any sanction imposed by the board under this section: records of 92340  
any conviction, guilty plea, judicial finding of guilt resulting 92341

from a plea of no contest, or a judicial finding of eligibility 92342  
for a pretrial diversion program or intervention in lieu of 92343  
conviction. The board is not required to seal, destroy, redact, 92344  
or otherwise modify its records to reflect the court's sealing 92345  
or expungement of conviction records. 92346

**Sec. 4729.561.** If the state board of pharmacy determines 92347  
that there is clear and convincing evidence that the method used 92348  
~~by a licensed manufacturer of dangerous drugs, outsourcing~~ 92349  
~~facility, third-party logistics provider, repackager of~~ 92350  
~~dangerous drugs, or wholesale distributor of dangerous drugs to~~ 92351  
possess or distribute dangerous drugs by a person licensed under 92352  
section 4729.52 of the Revised Code presents a danger of 92353  
immediate and serious harm to others, the board may suspend 92354  
without a hearing the person's license issued pursuant to that 92355  
~~section 4729.52 of the Revised Code~~. The board shall follow the 92356  
procedure for suspension without a prior hearing in section 92357  
119.07 of the Revised Code. The suspension shall remain in 92358  
effect, unless removed by the board, until the board's final 92359  
adjudication order becomes effective, except that if the board 92360  
does not issue its final adjudication order within one hundred 92361  
twenty days after the suspension, the suspension shall be void 92362  
on the one hundred twenty-first day after the suspension. 92363

**Sec. 4729.60.** (A) (1) Before a ~~licensee identified in~~ 92364  
~~division (B) (1) (a) of~~ person licensed under section 4729.52 of 92365  
the Revised Code may sell or distribute dangerous drugs at 92366  
wholesale to any person, except as provided in division (A) (2) 92367  
of this section, the licensee shall query the roster established 92368  
pursuant to section 4729.59 of the Revised Code to determine 92369  
whether the purchaser is a licensed terminal distributor of 92370  
dangerous drugs. 92371

If no documented query is conducted before a sale is made, 92372  
it shall be presumed that the sale of dangerous drugs by the 92373  
licensee is in violation of division (B) of section 4729.51 of 92374  
the Revised Code and the purchase of dangerous drugs by the 92375  
purchaser is in violation of division (E) of section 4729.51 of 92376  
the Revised Code. If a licensee conducts a documented query and 92377  
relies on the results of the query in selling or distributing 92378  
dangerous drugs at wholesale to the terminal distributor of 92379  
dangerous drugs, the licensee shall be deemed not to have 92380  
violated division (B) of section 4729.51 of the Revised Code in 92381  
making the sale. 92382

(2) Division (A) (1) of this section does not apply when a 92383  
~~licensee identified in division (B) (1) (a) of person licensed~~ 92384  
under section 4729.52 of the Revised Code sells or distributes 92385  
dangerous drugs at wholesale to any of the following: 92386

(a) A person specified in division (B) (4) of section 92387  
4729.51 of the Revised Code; 92388

(b) A person exempt from licensure as a terminal 92389  
distributor of dangerous drugs under section 4729.541 of the 92390  
Revised Code. 92391

(B) Before a licensed terminal distributor of dangerous 92392  
drugs may purchase dangerous drugs at wholesale, the terminal 92393  
distributor shall query the roster established pursuant to 92394  
section 4729.59 of the Revised Code to confirm the seller is 92395  
licensed to engage in the sale or distribution of dangerous 92396  
drugs at wholesale. 92397

If no documented query is conducted before a purchase is 92398  
made, it shall be presumed that the purchase of dangerous drugs 92399  
by the terminal distributor is in violation of division (F) of 92400



section 4729.51 of the Revised Code and the sale of dangerous 92401  
drugs by the seller is in violation of division (A) of section 92402  
4729.51 of the Revised Code. If a licensed terminal distributor 92403  
of dangerous drugs conducts a documented query at least annually 92404  
and relies on the results of the query in purchasing dangerous 92405  
drugs at wholesale, the terminal distributor shall be deemed not 92406  
to have violated division (F) of section 4729.51 of the Revised 92407  
Code in making the purchase. 92408

**Sec. 4729.80.** (A) If the state board of pharmacy 92409  
establishes and maintains a drug database pursuant to section 92410  
4729.75 of the Revised Code, the board is authorized or required 92411  
to provide information from the database only as follows: 92412

(1) On receipt of a request from a designated 92413  
representative of a government entity responsible for the 92414  
licensure, regulation, or discipline of health care 92415  
professionals with authority to prescribe, administer, or 92416  
dispense drugs, the board may provide to the representative 92417  
information from the database relating to the professional who 92418  
is the subject of an active investigation being conducted by the 92419  
government entity or relating to a professional who is acting as 92420  
an expert witness for the government entity in such an 92421  
investigation. 92422

(2) On receipt of a request from a federal officer, or a 92423  
state or local officer of this or any other state, whose duties 92424  
include enforcing laws relating to drugs, the board shall 92425  
provide to the officer information from the database relating to 92426  
the person who is the subject of an active investigation of a 92427  
drug abuse offense, as defined in section 2925.01 of the Revised 92428  
Code, being conducted by the officer's employing government 92429  
entity. 92430

(3) Pursuant to a subpoena issued by a grand jury, the board shall provide to the grand jury information from the database relating to the person who is the subject of an investigation being conducted by the grand jury.

(4) Pursuant to a subpoena, search warrant, or court order in connection with the investigation or prosecution of a possible or alleged criminal offense, the board shall provide information from the database as necessary to comply with the subpoena, search warrant, or court order.

(5) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber a report of information from the database relating to a patient who is either a current patient of the prescriber or a potential patient of the prescriber based on a referral of the patient to the prescriber, if all of the following conditions are met:

(a) The prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to the patient who is the subject of the request;

(b) The prescriber has not been denied access to the database by the board.

(6) On receipt of a request from a pharmacist or the pharmacist's delegate approved by the board, the board shall provide to the pharmacist information from the database relating to a current patient of the pharmacist, if the pharmacist certifies in a form specified by the board that it is for the purpose of the pharmacist's practice of pharmacy involving the patient who is the subject of the request and the pharmacist has not been denied access to the database by the board.

(7) On receipt of a request from an individual seeking the individual's own database information in accordance with the procedure established in rules adopted under section 4729.84 of the Revised Code, the board may provide to the individual the individual's own prescription history.

(8) On receipt of a request from a medical director or a pharmacy director of a managed care organization that has entered into a contract with the department of medicaid under section 5167.10 of the Revised Code and a data security agreement with the board required by section 5167.14 of the Revised Code, the board shall provide to the medical director or the pharmacy director information from the database relating to a medicaid recipient enrolled in the managed care organization, including information in the database related to prescriptions for the recipient that were not covered or reimbursed under a program administered by the department of medicaid.

(9) On receipt of a request from the medicaid director, the board shall provide to the director information from the database relating to a recipient of a program administered by the department of medicaid, including information in the database related to prescriptions for the recipient that were not covered or paid by a program administered by the department.

(10) On receipt of a request from a medical director of a managed care organization that has entered into a contract with the administrator of workers' compensation under division (B) (4) of section 4121.44 of the Revised Code and a data security agreement with the board required by section 4121.447 of the Revised Code, the board shall provide to the medical director information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code

assigned to the managed care organization, including information 92490  
in the database related to prescriptions for the claimant that 92491  
were not covered or reimbursed under Chapter 4121., 4123., 92492  
4127., or 4131. of the Revised Code, if the administrator of 92493  
workers' compensation confirms, upon request from the board, 92494  
that the claimant is assigned to the managed care organization. 92495

(11) On receipt of a request from the administrator of 92496  
workers' compensation, the board shall provide to the 92497  
administrator information from the database relating to a 92498  
claimant under Chapter 4121., 4123., 4127., or 4131. of the 92499  
Revised Code, including information in the database related to 92500  
prescriptions for the claimant that were not covered or 92501  
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 92502  
Revised Code. 92503

(12) On receipt of a request from a prescriber or the 92504  
prescriber's delegate approved by the board, the board shall 92505  
provide to the prescriber information from the database relating 92506  
to a patient's mother, if the prescriber certifies in a form 92507  
specified by the board that it is for the purpose of providing 92508  
medical treatment to a newborn or infant patient diagnosed as 92509  
opioid dependent and the prescriber has not been denied access 92510  
to the database by the board. 92511

(13) On receipt of a request from the director of health, 92512  
the board shall provide to the director information from the 92513  
database relating to the duties of the director or the 92514  
department of health in implementing the Ohio violent death 92515  
reporting system established under section 3701.93 of the 92516  
Revised Code. 92517

(14) On receipt of a request from a requestor described in 92518  
division (A)(1), (2), (5), or (6) of this section who is from or 92519

participating with another state's prescription monitoring 92520  
program, the board may provide to the requestor information from 92521  
the database, but only if there is a written agreement under 92522  
which the information is to be used and disseminated according 92523  
to the laws of this state. 92524

(15) On receipt of a request from a delegate of a retail 92525  
dispensary licensed under Chapter 3796. of the Revised Code who 92526  
is approved by the board to serve as the dispensary's delegate, 92527  
the board shall provide to the delegate a report of information 92528  
from the database pertaining only to a patient's use of medical 92529  
marijuana, if both of the following conditions are met: 92530

(a) The delegate certifies in a form specified by the 92531  
board that it is for the purpose of dispensing medical marijuana 92532  
for use in accordance with Chapter 3796. of the Revised Code. 92533

(b) The retail dispensary or delegate has not been denied 92534  
access to the database by the board. 92535

(16) On receipt of a request from a judge of a program 92536  
certified by the Ohio supreme court as a specialized docket 92537  
program for drugs, the board shall provide to the judge, or an 92538  
employee of the program who is designated by the judge to 92539  
receive the information, information from the database that 92540  
relates specifically to a current or prospective program 92541  
participant. 92542

(17) On receipt of a request from a coroner, deputy 92543  
coroner, or coroner's delegate approved by the board, the board 92544  
shall provide to the requestor information from the database 92545  
relating to a deceased person about whom the coroner is 92546  
conducting or has conducted an autopsy or investigation. 92547

(18) On receipt of a request from a prescriber, the board 92548

may provide to the prescriber a summary of the prescriber's 92549  
prescribing record if such a record is created by the board. 92550  
Information in the summary is subject to the confidentiality 92551  
requirements of this chapter. 92552

~~(19)(a)~~ (19) On receipt of a request from a pharmacy's 92553  
responsible person designated under section 4729.54 of the 92554  
Revised Code, the board may provide to the responsible person a 92555  
summary of the pharmacy's dispensing record if such a record is 92556  
created by the board. Information in the summary is subject to 92557  
the confidentiality requirements of this chapter. 92558

~~(b) As used in division (A) (19) (a) of this section,~~ 92559  
~~"responsible person" has the same meaning as in rules adopted by~~ 92560  
~~the board under section 4729.26 of the Revised Code.~~ 92561

(20) The board may provide information from the database 92562  
without request to a prescriber or pharmacist who is authorized 92563  
to use the database pursuant to this chapter. 92564

(21) (a) On receipt of a request from a prescriber or 92565  
pharmacist, or the prescriber's or pharmacist's delegate, who is 92566  
a designated representative of a peer review committee, the 92567  
board shall provide to the committee information from the 92568  
database relating to a prescriber who is subject to the 92569  
committee's evaluation, supervision, or discipline if the 92570  
information is to be used for one of those purposes. The board 92571  
shall provide only information that it determines, in accordance 92572  
with rules adopted under section 4729.84 of the Revised Code, is 92573  
appropriate to be provided to the committee. 92574

(b) As used in division (A) (21) (a) of this section, "peer 92575  
review committee" has the same meaning as in section 2305.25 of 92576  
the Revised Code, except that it includes only a peer review 92577

committee of a hospital or a peer review committee of a 92578  
nonprofit health care corporation that is a member of the 92579  
hospital or of which the hospital is a member. 92580

(22) On receipt of a request from a requestor described in 92581  
division (A) (5) or (6) of this section who is from or 92582  
participating with a prescription monitoring program that is 92583  
operated by a federal agency and approved by the board, the 92584  
board may provide to the requestor information from the 92585  
database, but only if there is a written agreement under which 92586  
the information is to be used and disseminated according to the 92587  
laws of this state. 92588

(23) Any personal health information submitted to the 92589  
board pursuant to section 4729.772 of the Revised Code may be 92590  
provided by the board only as authorized by the submitter of the 92591  
information and in accordance with rules adopted under section 92592  
4729.84 of the Revised Code. 92593

(24) On receipt of a request from a person described in 92594  
division (A) (5), (6), or (17) of this section who is 92595  
participating in a drug overdose fatality review committee 92596  
described in section 307.631 of the Revised Code, the board may 92597  
provide to the requestor information from the database, but only 92598  
if there is a written agreement under which the information is 92599  
to be used and disseminated according to the laws of this state. 92600

(25) On receipt of a request from a person described in 92601  
division (A) (5), (6), or (17) of this section who is 92602  
participating in a suicide fatality review committee described 92603  
in section 307.641 of the Revised Code, the board may provide to 92604  
the requestor information from the database, but only if there 92605  
is a written agreement under which the information is to be used 92606  
and disseminated according to the laws of this state. 92607

(26) On receipt of a request from a designated representative of the division of marijuana control in the department of commerce, the board shall provide to the representative information from the database relating to an individual who, or entity that, is the subject of an active investigation being conducted by the division.

(B) The state board of pharmacy shall maintain a record of each individual or entity that requests information from the database pursuant to this section. In accordance with rules adopted under section 4729.84 of the Revised Code, the board may use the records to document and report statistics and law enforcement outcomes.

The board may provide records of an individual's requests for database information only to the following:

(1) A designated representative of a government entity that is responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs who is involved in an active criminal or disciplinary investigation being conducted by the government entity of the individual who submitted the requests for database information;

(2) A federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs and who is involved in an active investigation being conducted by the officer's employing government entity of the individual who submitted the requests for database information;

(3) A designated representative of the department of medicaid regarding a prescriber who is treating or has treated a recipient of a program administered by the department and who



submitted the requests for database information. 92637

(C) Information contained in the database and any 92638  
information obtained from it is confidential and is not a public 92639  
record. Information contained in the records of requests for 92640  
information from the database is confidential and is not a 92641  
public record. Information contained in the database that does 92642  
not identify a person, including any licensee or registrant of 92643  
the board or other entity, may be released in summary, 92644  
statistical, or aggregate form. 92645

(D) A pharmacist or prescriber shall not be held liable in 92646  
damages to any person in any civil action for injury, death, or 92647  
loss to person or property on the basis that the pharmacist or 92648  
prescriber did or did not seek or obtain information from the 92649  
database. 92650

**Sec. 4729.901.** (A) An applicant for registration under 92651  
section 4729.90 of the Revised Code shall file with the state 92652  
board of pharmacy an application in the form and manner 92653  
prescribed in rules adopted under section 4729.94 of the Revised 92654  
Code. The application shall be accompanied by an application fee 92655  
of ~~fifty~~ sixty-five dollars, which shall not be returned if the 92656  
applicant fails to qualify for registration. 92657

(B) If the board is satisfied that the applicant meets the 92658  
requirements of section 4729.90 of the Revised Code and any 92659  
additional requirements established by the board and determines 92660  
that the results of a criminal records check do not make the 92661  
applicant ineligible, the board shall register the applicant as 92662  
a registered pharmacy technician or certified pharmacy 92663  
technician, as applicable. 92664

(C) The board shall register as a registered pharmacy 92665

technician or certified pharmacy technician, as applicable, in 92666  
accordance with Chapter 4796. of the Revised Code an applicant 92667  
if either of the following applies: 92668

(1) The applicant holds a license or is registered in 92669  
another state. 92670

(2) The applicant has satisfactory work experience, a 92671  
government certification, or a private certification as 92672  
described in that chapter as a pharmacy technician in a state 92673  
that does not issue that license or registration. 92674

(D) ~~Registration under division (B) or (C) of this section~~ 92675  
as a registered pharmacy technician or certified pharmacy 92676  
technician is valid for the a two-year period, unless a 92677  
different period is specified by the board in rules adopted 92678  
under section 4729.94 of the Revised Code. ~~The period shall not~~ 92679  
~~exceed twenty-four months unless the board extends the period in~~ 92680  
~~the rules to account for initial registration, adjust license-~~ 92681  
registration renewal schedules, or to accommodate other matters 92682  
the board considers appropriate. 92683

**Sec. 4729.902.** (A) A registered pharmacy technician or 92684  
certified pharmacy technician shall file an application for\_ 92685  
biennial registration renewal in the form and manner prescribed 92686  
by the state board of pharmacy in rules adopted under section 92687  
4729.94 of the Revised Code. Registrations shall be renewed in 92688  
accordance with the rules and the standard renewal procedure set 92689  
forth in Chapter 4745. of the Revised Code. The biennial renewal 92690  
fee is ~~twenty-five~~ sixty-five dollars ~~per year.~~ 92691

(B) (1) A registered pharmacy technician or certified 92692  
pharmacy technician who fails to renew registration in 92693  
accordance with division (A) of this section is prohibited from 92694

engaging in the activities authorized by section 4729.91 of the Revised Code. 92695  
92696

(2) (a) A registration that is not renewed by a date determined under division (A) of this section but has not lapsed for more than ninety days may be reinstated if the applicant does both of the following: 92697  
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(i) Submits a renewal application in a form prescribed by the board in rules adopted under section 4729.94 of the Revised Code; 92701  
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92703

(ii) Pays the renewal fee and a late fee of fifty dollars. 92704

(b) A registration that has lapsed for more than ninety days cannot be renewed, but the registration holder may reapply for registration. 92705  
92706  
92707

**Sec. 4729.921.** (A) An applicant for registration as a pharmacy technician trainee shall file with the state board of pharmacy an application in the form and manner prescribed in rules adopted under section 4729.94 of the Revised Code. The application shall be accompanied by an application fee of ~~twenty-five~~ forty dollars, which shall not be returned if the applicant fails to qualify for registration. 92708  
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If the board is satisfied that an applicant meets the requirements of section 4729.92 of the Revised Code and any additional requirements established by the board and determines that the results of a criminal records check do not make the applicant ineligible, the board shall register the applicant as a pharmacy technician trainee. 92715  
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(B) (1) The board shall register as a pharmacy technician trainee in accordance with Chapter 4796. of the Revised Code an applicant who either holds a license or is registered in another 92721  
92722  
92723

state or has satisfactory work experience, a government 92724  
certification, or a private certification as described in that 92725  
chapter as a pharmacy technician trainee in a state that does 92726  
not issue that license or registration. 92727

(2) The board may register as a pharmacy technician 92728  
trainee an applicant who is seventeen years of age if either of 92729  
the following apply: 92730

(a) The applicant possesses a high school diploma or 92731  
certificate of high school equivalence; 92732

(b) The applicant does not possess a high school diploma 92733  
or certificate of high school equivalence but is enrolled in a 92734  
career-technical school program that is approved by the board 92735  
and conducted by a city, exempted village, local, or joint 92736  
vocational school district. 92737

(C) The board shall not refuse to register an applicant as 92738  
a pharmacy technician trainee because of a conviction for an 92739  
offense unless the refusal is in accordance with section 9.79 of 92740  
the Revised Code. 92741

(D) Registration is valid for ~~one year~~ eighteen months 92742  
from the date of registration, except that the board may extend 92743  
the time period for which registration is valid. Registration is 92744  
not renewable, but an individual may reapply for registration if 92745  
the individual's previous registration has lapsed for more than 92746  
five years or the board grants its approval. 92747

**Sec. 4730.433.** (A) (1) Subject to division (A) (2) of this 92748  
section, and notwithstanding any provision of this chapter or 92749  
rule adopted by the state medical board, a physician assistant 92750  
who holds a license issued under this chapter and a valid 92751  
prescriber number issued by the state medical board and has been 92752

granted physician-delegated prescriptive authority may do either 92753  
of the following without having examined an individual to whom 92754  
epinephrine may be administered: 92755

(a) Personally furnish a supply of epinephrine 92756  
autoinjectors for use in accordance with sections 3313.7110, 92757  
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 92758  
~~5101.76~~ 5180.26 of the Revised Code; 92759

(b) Issue a prescription for epinephrine autoinjectors for 92760  
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 92761  
3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the 92762  
Revised Code. 92763

(2) An epinephrine autoinjector personally furnished or 92764  
prescribed under division (A)(1) of this section must be 92765  
furnished or prescribed in such a manner that it may be 92766  
administered only in a manufactured dosage form. 92767

(B) A physician assistant who acts in good faith in 92768  
accordance with this section is not liable for or subject to any 92769  
of the following for any action or omission of an entity to 92770  
which an epinephrine autoinjector is furnished or a prescription 92771  
is issued: damages in any civil action, prosecution in any 92772  
criminal proceeding, or professional disciplinary action. 92773

**Sec. 4730.437.** (A)(1) Subject to division (A)(2) of this 92774  
section and notwithstanding any provision of this chapter or 92775  
rule adopted by the state medical board, a physician assistant 92776  
who holds a valid prescriber number issued by the board and has 92777  
been granted physician-delegated prescriptive authority may do 92778  
either of the following without having examined an individual to 92779  
whom glucagon may be administered: 92780

(a) Personally furnish a supply of injectable or nasally 92781

administered glucagon for use in accordance with section 92782  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 92783  
5180.262 of the Revised Code; 92784

(b) Issue a prescription for injectable or nasally 92785  
administered glucagon in accordance with section 3313.7115, 92786  
3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 5180.262 of 92787  
the Revised Code. 92788

(2) Injectable or nasally administered glucagon personally 92789  
furnished or prescribed under division (A)(1) of this section 92790  
must be furnished or prescribed in such a manner that it may be 92791  
administered only in a manufactured dosage form. 92792

(B) A physician assistant who acts in good faith in 92793  
accordance with this section is not liable for or subject to any 92794  
of the following for any action or omission of an entity to 92795  
which injectable or nasally administered glucagon is furnished 92796  
or a prescription is issued: damages in any civil action, 92797  
prosecution in any criminal proceeding, or professional 92798  
disciplinary action. 92799

**Sec. 4731.92.** (A) As used in this section, "physician" 92800  
means an individual authorized under this chapter to practice 92801  
medicine and surgery, osteopathic medicine and surgery, or 92802  
podiatric medicine and surgery. 92803

(B) (1) Subject to division (B) (2) of this section, and 92804  
notwithstanding any provision of this chapter or rule adopted by 92805  
the state medical board, a physician may do either of the 92806  
following without having examined an individual to whom glucagon 92807  
may be administered: 92808

(a) Personally furnish a supply of injectable or nasally 92809  
administered glucagon for use in accordance with section 92810

3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 92811  
5180.262 of the Revised Code; 92812

(b) Issue a prescription for injectable or nasally 92813  
administered glucagon for use in accordance with section 92814  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 92815  
5180.262 of the Revised Code. 92816

(2) Injectable or nasally administered glucagon personally 92817  
furnished or prescribed under division (B)(1) of this section 92818  
must be furnished or prescribed in such a manner that it may be 92819  
administered only in a manufactured dosage form. 92820

(C) A physician who acts in good faith in accordance with 92821  
this section is not liable for or subject to any of the 92822  
following for any action or omission of an entity to which 92823  
injectable or nasally administered glucagon is furnished or a 92824  
prescription is issued: damages in any civil action, prosecution 92825  
in any criminal proceeding, or professional disciplinary action. 92826

**Sec. 4731.96.** (A) As used in this section and section 92827  
4731.961 of the Revised Code, "physician" means an individual 92828  
authorized under this chapter to practice medicine and surgery, 92829  
osteopathic medicine and surgery, or podiatric medicine and 92830  
surgery. 92831

(B) (1) Subject to division (B) (2) of this section, and 92832  
notwithstanding any provision of this chapter or rule adopted by 92833  
the state medical board, a physician may do either of the 92834  
following without having examined an individual to whom 92835  
epinephrine may be administered: 92836

(a) Personally furnish a supply of epinephrine 92837  
autoinjectors for use in accordance with sections 3313.7110, 92838  
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 92839

~~5101.76~~ 5180.26 of the Revised Code; 92840

(b) Issue a prescription for epinephrine autoinjectors for 92841  
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 92842  
3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the 92843  
Revised Code. 92844

(2) An epinephrine autoinjector personally furnished or 92845  
prescribed under division (B)(1) of this section must be 92846  
furnished or prescribed in such a manner that it may be 92847  
administered only in a manufactured dosage form. 92848

(C) A physician who acts in good faith in accordance with 92849  
this section is not liable for or subject to any of the 92850  
following for any action or omission of an entity to which an 92851  
epinephrine autoinjector is furnished or a prescription is 92852  
issued: damages in any civil action, prosecution in any criminal 92853  
proceeding, or professional disciplinary action. 92854

**Sec. 4735.01.** As used in this chapter: 92855

(A) "Real estate broker" includes any person, partnership, 92856  
association, limited liability company, limited liability 92857  
partnership, or corporation, foreign or domestic, who for 92858  
another, whether pursuant to a power of attorney or otherwise, 92859  
and who for a fee, commission, or other valuable consideration, 92860  
or with the intention, or in the expectation, or upon the 92861  
promise of receiving or collecting a fee, commission, or other 92862  
valuable consideration does any of the following: 92863

(1) Sells, exchanges, purchases, rents, or leases, or 92864  
negotiates the sale, exchange, purchase, rental, or leasing of 92865  
any real estate; 92866

(2) Offers, attempts, or agrees to negotiate the sale, 92867  
exchange, purchase, rental, or leasing of any real estate; 92868



(3) Lists, or offers, attempts, or agrees to list, or 92869  
auctions, or offers, attempts, or agrees to auction, any real 92870  
estate; 92871

(4) Buys or offers to buy, sells or offers to sell, or 92872  
otherwise deals in options on real estate; 92873

(5) Operates, manages, or rents, or offers or attempts to 92874  
operate, manage, or rent, other than as custodian, caretaker, or 92875  
janitor, any building or portions of buildings to the public as 92876  
tenants; 92877

(6) Advertises or holds self out as engaged in the 92878  
business of selling, exchanging, purchasing, renting, or leasing 92879  
real estate; 92880

(7) Directs or assists in the procuring of prospects or 92881  
the negotiation of any transaction, other than mortgage 92882  
financing, which does or is calculated to result in the sale, 92883  
exchange, leasing, or renting of any real estate; 92884

(8) Is engaged in the business of charging an advance fee 92885  
or contracting for collection of a fee in connection with any 92886  
contract whereby the broker undertakes primarily to promote the 92887  
sale, exchange, purchase, rental, or leasing of real estate 92888  
through its listing in a publication issued primarily for such 92889  
purpose, or for referral of information concerning such real 92890  
estate to brokers, or both, except that this division does not 92891  
apply to a publisher of listings or compilations of sales of 92892  
real estate by their owners; 92893

(9) Collects rental information for purposes of referring 92894  
prospective tenants to rental units or locations of such units 92895  
and charges the prospective tenants a fee. 92896

(B) "Real estate" includes leaseholds as well as any and 92897

every interest or estate in land situated in this state, whether 92898  
corporeal or incorporeal, whether freehold or nonfreehold, and 92899  
the improvements on the land, but does not include cemetery 92900  
interment rights. 92901

(C) "Real estate salesperson" means any person associated 92902  
with a licensed real estate broker to do or to deal in any acts 92903  
or transactions set out or comprehended by the definition of a 92904  
real estate broker, for compensation or otherwise. 92905

(D) "Institution of higher education" includes all of the 92906  
following: 92907

(1) A state institution of higher education, as defined in 92908  
section 3345.011 of the Revised Code; 92909

(2) A nonprofit institution issued a certificate of 92910  
authorization under Chapter 1713. of the Revised Code; 92911

(3) A private institution exempt from regulation under 92912  
Chapter 3332. of the Revised Code, as prescribed in section 92913  
3333.046 of the Revised Code. 92914

(4) An institution with a certificate of registration from 92915  
the state board of career colleges and schools under Chapter 92916  
3332. of the Revised Code that is approved to offer degree or 92917  
certificate programs in accordance with section 3332.05 of the 92918  
Revised Code. 92919

(E) "Foreign real estate" means real estate not situated 92920  
in this state and any interest in real estate not situated in 92921  
this state. 92922

(F) "Foreign real estate dealer" includes any person, 92923  
partnership, association, limited liability company, limited 92924  
liability partnership, or corporation, foreign or domestic, who 92925

for another, whether pursuant to a power of attorney or 92926  
otherwise, and who for a fee, commission, or other valuable 92927  
consideration, or with the intention, or in the expectation, or 92928  
upon the promise of receiving or collecting a fee, commission, 92929  
or other valuable consideration, does or deals in any act or 92930  
transaction specified or comprehended in division (A) of this 92931  
section with respect to foreign real estate. 92932

(G) "Foreign real estate salesperson" means any person 92933  
associated with a licensed foreign real estate dealer to do or 92934  
deal in any act or transaction specified or comprehended in 92935  
division (A) of this section with respect to foreign real 92936  
estate, for compensation or otherwise. 92937

(H) Any person, partnership, association, limited 92938  
liability company, limited liability partnership, or 92939  
corporation, who, for another, in consideration of compensation, 92940  
by fee, commission, salary, or otherwise, or with the intention, 92941  
in the expectation, or upon the promise of receiving or 92942  
collecting a fee, does, or offers, attempts, or agrees to engage 92943  
in, any single act or transaction contained in the definition of 92944  
a real estate broker, whether an act is an incidental part of a 92945  
transaction, or the entire transaction, shall be constituted a 92946  
real estate broker or real estate salesperson under this 92947  
chapter. 92948

(I) (1) The terms "real estate broker," "real estate 92949  
salesperson," "foreign real estate dealer," and "foreign real 92950  
estate salesperson" do not include a person, partnership, 92951  
association, limited liability company, limited liability 92952  
partnership, or corporation, or the regular employees thereof, 92953  
who perform any of the acts or transactions specified or 92954  
comprehended in division (A) of this section, whether or not 92955

for, or with the intention, in expectation, or upon the promise 92956  
of receiving or collecting a fee, commission, or other valuable 92957  
consideration: 92958

(a) With reference to real estate situated in this state 92959  
owned by such person, partnership, association, limited 92960  
liability company, limited liability partnership, or 92961  
corporation, or acquired on its own account in the regular 92962  
course of, or as an incident to the management of the property 92963  
and the investment in it; 92964

(b) As receiver or trustee in bankruptcy, as guardian, 92965  
executor, administrator, trustee, assignee, commissioner, or any 92966  
person doing the things mentioned in this section, under 92967  
authority or appointment of, or incident to a proceeding in, any 92968  
court, or as a bona fide public officer, or as executor, 92969  
trustee, or other bona fide fiduciary under any trust agreement, 92970  
deed of trust, will, or other instrument that has been executed 92971  
in good faith creating a like bona fide fiduciary obligation; 92972

(c) As a public officer while performing the officer's 92973  
official duties; 92974

(d) As an attorney at law in the performance of the 92975  
attorney's duties; 92976

(e) As a person who engages in the brokering of the sale 92977  
of business assets, not including the sale, lease, exchange, or 92978  
assignment of any interest in real estate; 92979

(f) As a person who engages in the sale of manufactured 92980  
homes as defined in division (C) (4) of section 3781.06 of the 92981  
Revised Code, or of mobile homes as defined in division (O) of 92982  
section 4501.01 of the Revised Code, provided the sale does not 92983  
include the negotiation, sale, lease, exchange, or assignment of 92984

any interest in real estate; 92985

(g) As a person who engages in the sale of commercial real estate pursuant to the requirements of section 4735.022 of the Revised Code; 92986  
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(h) As an oil and gas land professional in the performance of the oil and gas land professional's duties, provided the oil and gas land professional is not engaged in the purchase or sale of a fee simple absolute interest in oil and gas or other real estate and the oil and gas land professional complies with division (A) of section 4735.023 of the Revised Code; 92989  
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(i) As an oil and gas land professional employed by the person, partnership, association, limited liability company, limited liability partnership, or corporation for which the oil and gas land professional is performing the oil and gas land professional's duties. 92995  
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(2) A person, partnership, association, limited liability company, limited liability partnership, or corporation exempt under division (I) (1) (a) of this section shall be limited by the legal interest in the real estate held by that person or entity to performing any of the acts or transactions specified in or comprehended by division (A) of this section. 93000  
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(J) "Disabled licensee" means a person licensed pursuant to this chapter who is under a severe disability which is of such a nature as to prevent the person from being able to attend any instruction lasting at least three hours in duration. 93006  
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(K) "Division of real estate" may be used interchangeably with, and for all purposes has the same meaning as, "division of real estate and professional licensing." 93010  
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(L) "Superintendent" or "superintendent of real estate" 93013

means the superintendent of the division of real estate and professional licensing of this state. Whenever the division or superintendent of real estate is referred to or designated in any statute, rule, contract, or other document, the reference or designation shall be deemed to refer to the division or superintendent of real estate and professional licensing, as the case may be.

(M) "Inactive license" means the license status in which a salesperson's license is in the possession of the division, renewed as required under this chapter or rules adopted under this chapter, and not associated with a real estate broker.

(N) "Broker's license on deposit" means the license status in which a broker's license is in the possession of the division of real estate and professional licensing and renewed as required under this chapter or rules adopted under this chapter.

(O) "Suspended license" means the license status that prohibits a licensee from providing services that require a license under this chapter for a specified interval of time.

(P) "Reactivate" means the process prescribed by the superintendent of real estate and professional licensing to remove a license from an inactive, suspended, or broker's license on deposit status to allow a licensee to provide services that require a license under this chapter.

(Q) "Revoked" means the license status in which the license is void and not eligible for reactivation.

(R) "Commercial real estate" means any parcel of real estate in this state other than real estate containing one to four residential units. "Commercial real estate" does not include single-family residential units such as condominiums,

townhouses, manufactured homes, or homes in a subdivision when 93043  
sold, leased, or otherwise conveyed on a unit-by-unit basis, 93044  
even when those units are a part of a larger building or parcel 93045  
of real estate containing more than four residential units. 93046

(S) "Out-of-state commercial broker" includes any person, 93047  
partnership, association, limited liability company, limited 93048  
liability partnership, or corporation that is licensed to do 93049  
business as a real estate broker in a jurisdiction other than 93050  
Ohio. 93051

(T) "Out-of-state commercial salesperson" includes any 93052  
person affiliated with an out-of-state commercial broker who is 93053  
not licensed as a real estate salesperson in Ohio. 93054

(U) "Exclusive right to sell or lease listing agreement" 93055  
means an agency agreement between a seller and broker that meets 93056  
the requirements of section 4735.55 of the Revised Code and does 93057  
both of the following: 93058

(1) Grants the broker the exclusive right to represent the 93059  
seller in the sale or lease of the seller's property; 93060

(2) Provides the broker will be compensated if the broker, 93061  
the seller, or any other person or entity produces a purchaser 93062  
or tenant in accordance with the terms specified in the listing 93063  
agreement or if the property is sold or leased during the term 93064  
of the listing agreement to anyone other than to specifically 93065  
exempted persons or entities. 93066

(V) "Exclusive agency agreement" means an agency agreement 93067  
between a seller and broker that meets the requirements of 93068  
section 4735.55 of the Revised Code and does both of the 93069  
following: 93070

(1) Grants the broker the exclusive right to represent the 93071

seller in the sale or lease of the seller's property; 93072

(2) Provides the broker will be compensated if the broker 93073  
or any other person or entity produces a purchaser or tenant in 93074  
accordance with the terms specified in the listing agreement or 93075  
if the property is sold or leased during the term of the listing 93076  
agreement, unless the property is sold or leased solely through 93077  
the efforts of the seller or to the specifically exempted 93078  
persons or entities. 93079

(W) "Exclusive purchaser agency agreement" means an agency 93080  
agreement between a purchaser or tenant and a broker that meets 93081  
the requirements of section 4735.55 of the Revised Code and does 93082  
both of the following: 93083

(1) Grants the broker the exclusive right to represent the 93084  
purchaser or tenant in the purchase or lease of property; 93085

(2) Provides the broker will be compensated in accordance 93086  
with the terms specified in the exclusive agency agreement or if 93087  
a property is purchased or leased by the purchaser or tenant 93088  
during the term of the agency agreement unless the property is 93089  
specifically exempted in the agency agreement. 93090

The agreement may authorize the broker to receive 93091  
compensation from the seller or the seller's agent and may 93092  
provide that the purchaser or tenant is not obligated to 93093  
compensate the broker if the property is purchased or leased 93094  
solely through the efforts of the purchaser or tenant. 93095

(X) "Seller" means a party in a real estate transaction 93096  
who is the potential transferor of property. "Seller" includes 93097  
an owner of property who is seeking to sell the property and a 93098  
landlord who is seeking to rent or lease property to another 93099  
person. 93100



(Y) "Resigned" means the license status in which a license  
has been voluntarily and permanently surrendered to or is  
otherwise in the possession of the division of real estate and  
professional licensing, may not be renewed or reactivated in  
accordance with the requirements specified in this chapter or  
the rules adopted pursuant to it, and is not associated with a  
real estate broker.

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(Z) "Bona fide" means made in good faith or without  
purpose of circumventing license law.

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(AA) "Associate broker" means an individual licensed as a  
real estate broker under this chapter who does not function as  
the principal broker or a management level licensee.

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(BB) "Brokerage" means a corporation, partnership, limited  
partnership, association, limited liability company, limited  
liability partnership, or sole proprietorship, foreign or  
domestic, that has been issued a broker's license. "Brokerage"  
includes the affiliated licensees who have been assigned  
management duties that include supervision of licensees whose  
duties may conflict with those of other affiliated licensees.

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(CC) Except as provided in section 4735.011 of the Revised  
Code, "eligible course" means a credit or noncredit course  
offered by an institution of higher education that may be  
applied toward the requirements for a degree or certificate at  
the institution.

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(DD) "Distance education" means courses required by  
divisions (B) (6) and (G) of section 4735.07, divisions (F) (6)  
and (J) of section 4735.09, and division (A) of section 4735.141  
of the Revised Code in which instruction is accomplished through  
use of interactive, electronic media and where the teacher and

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student are separated by distance or time, or both. 93130

(EE) "Licensee" means any individual licensed as a real 93131  
estate broker or salesperson by the Ohio real estate commission 93132  
pursuant to this chapter. 93133

(FF) "Management level licensee" means a licensee who is 93134  
employed by or affiliated with a real estate broker and who has 93135  
supervisory responsibility over other licensees employed by or 93136  
affiliated with that real estate broker. 93137

(GG) "Oil and gas land professional" means a person 93138  
regularly engaged in the preparation and negotiation of 93139  
agreements for the purpose of exploring for, transporting, 93140  
producing, or developing oil and gas mineral interests, 93141  
including, but not limited to, oil and gas leases and pipeline 93142  
easements. 93143

(HH) "Principal broker" means an individual licensed as a 93144  
real estate broker under this chapter who oversees and directs 93145  
the operations of the brokerage. 93146

(II) "Right-to-list home sale agreement" means an 93147  
agreement whereby the owner of residential real estate agrees to 93148  
provide another person with exclusive rights to list the real 93149  
estate for sale at a future date in exchange for monetary 93150  
consideration, or an equivalent to monetary consideration, and 93151  
that meets one or both of the following: 93152

(1) The agreement states that it runs with the land or 93153  
otherwise purports to bind future owners of the residential real 93154  
estate; 93155

(2) The agreement purports to be a lien, encumbrance, or 93156  
other real property security interest. 93157

(JJ) "Nonexclusive agency agreement" means an agency agreement between a purchaser, tenant, or seller and a broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following: 93158  
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(1) Grants the broker the nonexclusive right to represent the purchaser, tenant, or seller in the purchase, sale, or lease of property; 93162  
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(2) Provides the broker will be compensated in accordance with the terms specified in the nonexclusive agency agreement, and the purchaser, tenant, or seller may obtain services from other brokers or brokerage firms, subject to the terms of the nonexclusive agency agreement. 93165  
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**Sec. 4735.06.** ~~(A)~~ (A) (1) Application for a license as a real estate broker shall be made to the superintendent of real estate on forms furnished by the superintendent and filed with the superintendent and shall be signed by the applicant or its members or officers. 93170  
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(2) Each application shall state the name of the person applying and the location of the place of business for which the license is desired, and give such other information as the superintendent requires in the form of application prescribed by the superintendent. 93175  
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(3) Each application shall include the address of the applicant's current residence or, if the applicant is not an individual, the address of the current residence of each of the applicant's members or officers. 93180  
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(4) The superintendent shall retain residential addresses submitted under division (A) (3) of this section as separate records that do not constitute public records for the purposes 93184  
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of section 149.43 of the Revised Code. 93187

(B) (1) If the applicant is a partnership, limited 93188  
liability company, limited liability partnership, or 93189  
association, the names of all the members also shall be stated, 93190  
and, if the applicant is a corporation, the names of its 93191  
president and of each of its officers also shall be stated. 93192

The superintendent has the right to reject the application 93193  
of any partnership, association, limited liability company, 93194  
limited liability partnership, or corporation if the name 93195  
proposed to be used by such partnership, association, limited 93196  
liability company, limited liability partnership, or corporation 93197  
is likely to mislead the public or if the name is not such as to 93198  
distinguish it from the name of any existing partnership, 93199  
association, limited liability company, limited liability 93200  
partnership, or corporation licensed under this chapter, unless 93201  
there is filed with the application the written consent of such 93202  
existing partnership, association, limited liability company, 93203  
limited liability partnership, or corporation, executed by a 93204  
duly authorized representative of it, permitting the use of the 93205  
name of such existing partnership, association, limited 93206  
liability company, limited liability partnership, or 93207  
corporation. 93208

(2) The superintendent shall approve the use of a trade 93209  
name by a brokerage, if the name meets both of the following 93210  
criteria: 93211

(a) The proposed name is not the same as or is clearly 93212  
distinguishable from a name registered with the division of real 93213  
estate and professional licensing by another existing brokerage. 93214  
If the superintendent determines that the proposed name is not 93215  
clearly distinguishable from any other existing brokerage, the 93216

superintendent may approve the use of the trade name if there is 93217  
filed with the superintendent the written consent of the 93218  
existing brokerage with the same or similar name. 93219

(b) The name is not misleading or likely to mislead the 93220  
public. 93221

(3) The superintendent may approve the use of more than 93222  
one trade name for a brokerage. 93223

(4) When a brokerage has received the approval of the 93224  
superintendent to conduct business under one or more trade 93225  
names, those trade names shall be the only identifying names 93226  
used by the brokerage in all advertising. 93227

(C) A fee of one hundred thirty-five dollars shall 93228  
accompany the application for a real estate broker's license. 93229  
The initial licensing period commences at the time the license 93230  
is issued and ends on the applicant's first birthday thereafter. 93231  
However, if the applicant was an inactive or active salesperson 93232  
immediately preceding application for a broker's license, then 93233  
the initial licensing period shall commence at the time the 93234  
broker's license is issued and ends on the date the licensee's 93235  
continuing education is due as set when the applicant was a 93236  
salesperson. The application fee shall be nonrefundable. A fee 93237  
of one hundred thirty-five dollars shall be charged by the 93238  
superintendent for each successive application made by an 93239  
applicant. In the case of issuance of a three-year license, upon 93240  
passing the examination, or upon waiver of the examination 93241  
requirement, if the superintendent determines it is necessary, 93242  
the applicant shall submit an additional fee determined by the 93243  
superintendent based upon the number of years remaining in a 93244  
real estate salesperson's licensing period. 93245

(D) The Ohio real estate commission may use the division 93246  
of real estate operating fund created under section 4735.211 of 93247  
the Revised Code in discharging the duties prescribed in 93248  
divisions (E), (F), (G), and (H) of section 4735.03 of the 93249  
Revised Code and may use it in the advancement of education and 93250  
research in real estate at any institution of higher education 93251  
in the state, or in contracting with any such institution or a 93252  
trade organization for a particular research or educational 93253  
project in the field of real estate, or in advancing loans, not 93254  
exceeding two thousand dollars, to applicants for salesperson 93255  
licenses, to defray the costs of satisfying the educational 93256  
requirements of division (F) of section 4735.09 of the Revised 93257  
Code. Such loans shall be made according to rules established by 93258  
the commission under the procedures of Chapter 119. of the 93259  
Revised Code, and they shall be repaid to the fund within three 93260  
years of the time they are made. No more than twenty-five 93261  
thousand dollars shall be lent from the fund in any one fiscal 93262  
year. 93263

The governor may appoint a representative from the 93264  
executive branch to be a member ex officio of the commission for 93265  
the purpose of advising on research requests or educational 93266  
projects. The commission shall report to the general assembly on 93267  
the third Tuesday after the third Monday in January of each year 93268  
setting forth the total amount contained in the fund and the 93269  
amount of each research grant that it has authorized and the 93270  
amount of each research grant requested. A copy of all research 93271  
reports shall be submitted to the state library of Ohio and the 93272  
library of the legislative service commission. 93273

(E) If the superintendent, with the consent of the 93274  
commission, enters into an agreement with a national testing 93275  
service to administer the real estate broker's examination, 93276

pursuant to division (A) of section 4735.07 of the Revised Code, 93277  
the superintendent may require an applicant to pay the testing 93278  
service's examination fee directly to the testing service. If 93279  
the superintendent requires the payment of the examination fee 93280  
directly to the testing service, each applicant shall submit to 93281  
the superintendent a processing fee in an amount determined by 93282  
the Ohio real estate commission pursuant to division (A)(2) of 93283  
section 4735.10 of the Revised Code. 93284

**Sec. 4735.09.** (A) Application for a license as a real 93285  
estate salesperson shall be made to the superintendent of real 93286  
estate on forms furnished by the superintendent and signed by 93287  
the applicant. The application shall be in the form prescribed 93288  
by the superintendent and shall contain such information as is 93289  
required by this chapter and the rules of the Ohio real estate 93290  
commission. The application shall include the address of the 93291  
applicant's current residence. The superintendent shall retain 93292  
the applicant's current residence address in a separate record 93293  
that does not constitute a public record for purposes of section 93294  
149.43 of the Revised Code. The application shall be accompanied 93295  
by the recommendation of the real estate broker with whom the 93296  
applicant is associated or with whom the applicant intends to be 93297  
associated, certifying that the applicant is honest and 93298  
truthful, and has not been finally adjudged by a court to have 93299  
violated any municipal, state, or federal civil rights laws 93300  
relevant to the protection of purchasers or sellers of real 93301  
estate, which conviction or adjudication the applicant has not 93302  
disclosed to the superintendent, and recommending that the 93303  
applicant be admitted to the real estate salesperson 93304  
examination. 93305

(B) A fee of eighty-one dollars shall accompany the 93306  
application, which fee includes the fee for the initial year of 93307

the licensing period, if a license is issued. The initial year 93308  
of the licensing period commences at the time the license is 93309  
issued and ends on the applicant's first birthday thereafter. 93310  
The application fee shall be nonrefundable. A fee of eighty-one 93311  
dollars shall be charged by the superintendent for each 93312  
successive application made by the applicant. 93313

(C) There shall be no limit placed on the number of times 93314  
an applicant may retake the examination. 93315

(D) The superintendent, with the consent of the 93316  
commission, may enter into an agreement with a recognized 93317  
national testing service to administer the real estate 93318  
salesperson's examination under the superintendent's supervision 93319  
and control, consistent with the requirements of this chapter as 93320  
to the contents of the examination. 93321

If the superintendent, with the consent of the commission, 93322  
enters into an agreement with a national testing service to 93323  
administer the real estate salesperson's examination, the 93324  
superintendent may require an applicant to pay the testing 93325  
service's examination fee directly to the testing service. If 93326  
the superintendent requires the payment of the examination fee 93327  
directly to the testing service, each applicant shall submit to 93328  
the superintendent a processing fee in an amount determined by 93329  
the Ohio real estate commission pursuant to division (A)(1) of 93330  
section 4735.10 of the Revised Code. 93331

(E) The superintendent shall issue a real estate 93332  
salesperson's license when satisfied that the applicant has 93333  
received a passing score on each portion of the salesperson's 93334  
examination as determined by rule by the real estate commission. 93335

(F) No applicant for a salesperson's license shall take 93336



the salesperson's examination who has not established to the 93337  
satisfaction of the superintendent that the applicant: 93338

(1) Is honest and truthful; 93339

(2) (a) Has not been convicted of a disqualifying offense 93340  
as determined in accordance with section 9.79 of the Revised 93341  
Code; 93342

(b) Has not been finally adjudged by a court to have 93343  
violated any municipal, state, or federal civil rights laws 93344  
relevant to the protection of purchasers or sellers of real 93345  
estate or, if the applicant has been so adjudged, at least two 93346  
years have passed since the court decision and the 93347  
superintendent has disregarded the adjudication because the 93348  
applicant has proven, by a preponderance of the evidence, that 93349  
the applicant is honest and truthful, and there is no basis in 93350  
fact for believing that the applicant again will violate the 93351  
laws involved. 93352

(3) Has not, during any period in which the applicant was 93353  
licensed under this chapter, violated any provision of, or any 93354  
rule adopted pursuant to this chapter, or, if the applicant has 93355  
violated such provision or rule, has established to the 93356  
satisfaction of the superintendent that the applicant will not 93357  
again violate such provision or rule; 93358

(4) Is at least eighteen years of age; 93359

(5) If born after the year 1950, has a high school diploma 93360  
or a certificate of high school equivalence issued under section 93361  
3301.80 of the Revised Code; 93362

(6) Has successfully completed at an institution of higher 93363  
education all of the following eligible courses by either 93364  
classroom instruction or distance education: 93365

- (a) Forty hours of instruction in real estate practice; 93366
- (b) Forty hours of instruction that includes the subjects 93367  
of Ohio real estate law, municipal, state, and federal civil 93368  
rights law, new case law on housing discrimination, 93369  
desegregation issues, and methods of eliminating the effects of 93370  
prior discrimination. If feasible, the instruction in Ohio real 93371  
estate law shall be taught by a member of the faculty of an 93372  
accredited law school. If feasible, the instruction in 93373  
municipal, state, and federal civil rights law, new case law on 93374  
housing discrimination, desegregation issues, and methods of 93375  
eliminating the effects of prior discrimination shall be taught 93376  
by a staff member of the Ohio civil rights commission who is 93377  
knowledgeable with respect to those subjects. The requirements 93378  
of this division do not apply to an applicant who is admitted to 93379  
practice before the supreme court. 93380
- (c) Ten hours of instruction in real estate appraisal; 93381
- (d) Ten hours of instruction in real estate finance. 93382
- (G) (1) Successful completion of the instruction required 93383  
by division (F) (6) of this section shall be determined by the 93384  
law in effect on the date the instruction was completed. 93385
- (2) Division (F) (6) (c) of this section does not apply to 93386  
any new applicant who holds a valid Ohio real estate appraiser 93387  
license or certificate issued prior to the date of application 93388  
for a real estate salesperson's license. 93389
- (H) Only for noncredit course offerings, an institution of 93390  
higher education shall obtain approval from the appropriate 93391  
state authorizing entity prior to offering a real estate course 93392  
that is designed and marketed as satisfying the salesperson 93393  
license education requirements of division (F) (6) of this 93394

section. The state authorizing entity may consult with the 93395  
superintendent in reviewing the course for compliance with this 93396  
section. 93397

(I) Any person who has not been licensed as a real estate 93398  
salesperson or broker within a four-year period immediately 93399  
preceding the person's current application for the salesperson's 93400  
examination shall have successfully completed the prelicensure 93401  
instruction required by division (F) (6) of this section within a 93402  
ten-year period immediately preceding the person's current 93403  
application for the salesperson's examination. 93404

(J) Not earlier than the date of issue of a real estate 93405  
salesperson's license to a licensee, but not later than twelve 93406  
months after the date of issue of a real estate salesperson 93407  
license to a licensee, the licensee shall submit proof 93408  
satisfactory to the superintendent, on forms made available by 93409  
the superintendent, of the completion of twenty hours of 93410  
instruction that shall be completed in schools, seminars, and 93411  
educational institutions approved by the commission. The 93412  
instruction shall include, but is not limited to, current 93413  
practices relating to commercial real estate, property 93414  
management, short sales, and land contracts; contract law; 93415  
federal and state programs; economic conditions; and fiduciary 93416  
responsibility. Approval of the curriculum and providers shall 93417  
be granted according to rules adopted pursuant to section 93418  
4735.10 of the Revised Code and may be taken through classroom 93419  
instruction or distance education. 93420

If proof of completion of the required instruction is not 93421  
submitted within twelve months of the date a license is issued 93422  
under this section, the licensee's license is suspended 93423  
automatically without the taking of any action by the 93424

superintendent. The superintendent immediately shall notify the 93425  
broker with whom such salesperson is associated of the 93426  
suspension of the salesperson's license. A salesperson whose 93427  
license has been suspended under this division shall have twelve 93428  
months after the date of the suspension of the salesperson's 93429  
license to submit proof of successful completion of the 93430  
instruction required under this division. No such license shall 93431  
be reactivated by the superintendent until it is established, to 93432  
the satisfaction of the superintendent, that the requirements of 93433  
this division have been met and that the licensee is in 93434  
compliance with this chapter. A licensee's license is revoked 93435  
automatically without the taking of any action by the 93436  
superintendent when the licensee fails to submit the required 93437  
proof of completion of the education requirements under division 93438  
(I) of this section within twelve months of the date the license 93439  
is suspended. 93440

(K) Examinations shall be administered with reasonable 93441  
accommodations in accordance with the requirements of the 93442  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 93443  
U.S.C. 12189. The contents of an examination shall be consistent 93444  
with the classroom instructional requirements of division (F) (6) 93445  
of this section. An applicant who has completed the classroom 93446  
instructional requirements of division (F) (6) of this section at 93447  
the time of application shall be examined no later than twelve 93448  
months after the applicant is notified of the applicant's 93449  
admission to the examination. 93450

(L) Notwithstanding any provision of this chapter or 93451  
Chapter 4796. of the Revised Code to the contrary, the 93452  
superintendent shall issue a real estate salesperson's license 93453  
in accordance with Chapter 4796. of the Revised Code to an 93454  
applicant if both of the following apply: 93455

(1) The applicant satisfies the requirements specified in section 4796.03, 4796.04, or 4796.05 of the Revised Code, as applicable. 93456  
93457  
93458

(2) The applicant passes an examination on Ohio real estate law. 93459  
93460

**Sec. 4735.55.** (A) As used in this section: 93461

(1) "Residential real property" has the same meaning as in section 5302.30 of the Revised Code. 93462  
93463

(2) "Residential premises" and "tenant" ~~has~~ have the same ~~meaning~~ meanings as in section 5321.01 of the Revised Code. 93464  
93465

(B) ~~Prior to marketing~~ A licensee shall enter into a written agency agreement before doing any of the following: 93466  
93467

(1) Advertising or showing a ~~seller's~~ residential real property, ~~making~~ on behalf of a seller; 93468  
93469

(2) Making an offer to purchase residential real property on behalf of a purchaser, ~~or making~~; 93470  
93471

(3) Making an offer to lease a residential premises on behalf of a ~~purchaser~~ tenant for a term exceeding eighteen months, ~~a licensee shall enter into a written agency agreement that contains~~. 93472  
93473  
93474  
93475

(C) The written agency agreement shall contain all of the following: 93476  
93477

(1) An expiration date; 93478

(2) A statement that it is illegal, pursuant to the Ohio fair housing law, division (H) of section 4112.02 of the Revised Code, and the federal fair housing law, 42 U.S.C.A. 3601, as amended, to refuse to sell, transfer, assign, rent, lease, 93479  
93480  
93481  
93482

sublease, or finance housing accommodations, refuse to negotiate 93483  
for the sale or rental of housing accommodations, or otherwise 93484  
deny or make unavailable housing accommodations because of race, 93485  
color, religion, sex, familial status as defined in section 93486  
4112.01 of the Revised Code, ancestry, military status as 93487  
defined in that section, disability as defined in that section, 93488  
or national origin or to so discriminate in advertising the sale 93489  
or rental of housing, in the financing of housing, or in the 93490  
provision of real estate brokerage services; 93491

(3) A statement defining the practice known as 93492  
"blockbusting" and stating that it is illegal; 93493

(4) A copy of the United States department of housing and 93494  
urban development equal housing opportunity logotype, as set 93495  
forth in 24 C.F.R. 109.30, as amended; 93496

(5) A statement that the licensee is appointed as an agent 93497  
of the client, and an indication of whether the agency 93498  
relationship is exclusive or nonexclusive; 93499

(6) The terms by which the real estate broker is to be 93500  
compensated; 93501

(7) A conspicuous statement that broker fees and 93502  
commissions are not set by law, are fully negotiable, and may be 93503  
paid by the seller, the buyer, the landlord, the tenant, or a 93504  
third party, or by sharing or splitting the fees and commissions 93505  
between brokers. 93506

~~(C)~~(D) Each written agency agreement shall contain a place 93507  
for the licensee and the client to sign and date the agreement. 93508

~~(D)~~(E) A licensee shall furnish a copy of any written 93509  
agency agreement to a client in a timely manner after the 93510  
licensee and the client have signed and dated it. 93511

Sec. 4735.56. (A) Each brokerage shall develop a written 93512  
brokerage policy on agency to be given to prospective sellers, 93513  
tenants, and purchasers in accordance with ~~divisions (C) and (D)~~ 93514  
~~of~~ this section. 93515

(B) The brokerage policy on agency described in division 93516  
(A) of this section shall include all of the following 93517  
information: 93518

(1) An explanation of the permissible agency relationships 93519  
available under section 4735.53 of the Revised Code and the 93520  
duties that the agent owes the agent's client; 93521

(2) The brokerage's policy on representation of purchasers 93522  
or sellers; 93523

(3) Whether at some time during the agency relationship 93524  
the brokerage and its licensee may act as a dual agent, and the 93525  
options and consequences for the client if a dual agency 93526  
situation arises including the right of the client to terminate 93527  
the agency relationship and seek representation from another 93528  
source; 93529

(4) Whether at some time during the agency relationship, 93530  
another licensee affiliated with the same brokerage as the 93531  
licensee may become the exclusive agent for the other party in 93532  
the transaction and whether each licensee will represent only 93533  
the interests of that licensee's client; 93534

(5) The brokerage's policy on cooperation with other 93535  
brokerages, including whether the brokerage offers compensation 93536  
to other brokerages or will seek compensation from other 93537  
brokerages; 93538

(6) That a brokerage that has a purchaser as a client 93539  
represents the purchaser's interests even though the seller's 93540

agent or the seller may compensate that purchaser's brokerage; 93541

(7) That the signature of the purchaser or the seller 93542  
indicates acknowledgement of receipt of the brokerage policy on 93543  
agency. 93544

(C) A licensee working directly with a seller in a real 93545  
estate transaction shall provide the seller with the brokerage 93546  
policy on agency described in this section at the time the 93547  
licensee and seller enter into an agency agreement, if required 93548  
by section 4735.55 of the Revised Code or, if an agency 93549  
agreement is not required by that section, prior to ~~marketing-~~ 93550  
advertising or showing the seller's real estate, and shall 93551  
obtain a signature from the seller acknowledging receipt unless 93552  
the seller refuses to provide a signature. If the seller refuses 93553  
to provide a signature, the licensee shall note this on the 93554  
policy. 93555

(D) A licensee working directly with a purchaser in a real 93556  
estate transaction, whether as the purchaser's agent, the 93557  
seller's agent, or the seller's subagent, shall provide the 93558  
purchaser with the brokerage policy on agency described in this 93559  
section and obtain a signature from the purchaser acknowledging 93560  
receipt of the policy unless the purchaser refuses to provide a 93561  
signature. If the purchaser refuses to provide a signature, the 93562  
licensee shall note this on the policy. Except as provided in 93563  
division (E) of this section, the licensee shall provide the 93564  
brokerage policy on agency to a purchaser prior to the earliest 93565  
of the following actions of the licensee: 93566

(1) Initiating a prequalification evaluation to determine 93567  
whether the purchaser has the financial ability to purchase or 93568  
lease a particular real estate property; 93569



(2) Requesting specific financial information from the purchaser to determine the purchaser's ability to purchase or finance real estate in a particular price range;	93570 93571 93572
(3) Showing the real estate to the purchaser other than at an open house;	93573 93574
(4) Discussing, with the purchaser, the making of an offer to purchase or lease real estate;	93575 93576
(5) Submitting an offer to purchase or lease real estate on behalf of the purchaser;	93577 93578
(6) Entering into an agency agreement with the purchaser under section 4735.55 of the Revised Code.	93579 93580
(E) If the earliest event described in division (D) of this section is by telephone or electronic mail, the licensee shall disclose by that same medium the nature of the agency relationship that the licensee has with both the seller and the purchaser. The licensee shall provide the purchaser with the brokerage policy on agency described in this section at the first meeting with the purchaser following this disclosure of the agency relationship.	93581 93582 93583 93584 93585 93586 93587 93588
(F) A licensee acting as a seller's agent is not required to provide a purchaser with the brokerage policy on agency described in this section except in the case of an event described in division (D) of this section.	93589 93590 93591 93592
(G) The requirements of this section regarding provision of a brokerage policy on agency apply only in the following situations:	93593 93594 93595
(1) The sale or lease of vacant land;	93596
(2) The sale of a parcel of real estate containing one to	93597

four residential units; 93598

(3) The leasing of residential premises as defined in 93599  
section 5321.01 of the Revised Code, if the rental or lease 93600  
agreement is for a term of more than eighteen months. 93601

**Sec. 4735.80.** (A) The superintendent of real estate shall, 93602  
within one year after ~~the effective date of this section~~ April 3, 93603  
2025, adopt rules in accordance with Chapter 119. of the Revised 93604  
Code that require a licensee, prior to listing residential real 93605  
estate for sale, exchange, or purchase, to provide to the seller 93606  
a disclosure form, developed and maintained by the division of 93607  
real estate, that outlines both of the following: 93608

(1) The federal and state laws that relate to anti- 93609  
discrimination in the home-buying process with which a seller of 93610  
residential real estate shall comply, including the laws listed 93611  
in divisions ~~(B) (2)~~ (C) (2) and (3) of section 4735.55 of the 93612  
Revised Code; 93613

(2) The penalties associated with violating any of the 93614  
laws specified pursuant to division (A) (1) of this section. 93615

(B) No licensee shall market or show a seller's 93616  
residential real estate before providing the seller with the 93617  
disclosure required by this section and receiving a copy of that 93618  
disclosure that is signed and dated by the seller. The licensee 93619  
shall retain the signed and dated copy of the disclosure for not 93620  
less than three years following the closing date on the seller's 93621  
residential real estate. 93622

(C) Notwithstanding any provision of section 121.95 of the 93623  
Revised Code to the contrary, a regulatory restriction contained 93624  
in a rule adopted under this section is not subject to sections 93625  
121.95 to 121.953 of the Revised Code. 93626

**Sec. 4740.06.** (A) Any individual who applies for a license 93627  
shall file a written application with the appropriate specialty 93628  
section of the Ohio construction industry licensing board, 93629  
accompanied with the application fee as determined pursuant to 93630  
section 4740.09 of the Revised Code. The application shall be on 93631  
the form the section prescribes ~~and verified by the applicant's~~ 93632  
~~oath~~. The applicant shall provide information satisfactory to 93633  
the section showing that the applicant meets the requirements of 93634  
division (B), (C), or (D) of this section. 93635

(B) To qualify to take an examination, an individual 93636  
shall: 93637

(1) Be at least eighteen years of age; 93638

(2) Be a United States citizen or legal alien who produces 93639  
valid documentation to demonstrate the individual is a legal 93640  
resident of the United States; 93641

(3) Either have been a tradesperson in the type of 93642  
licensed trade for which the application is filed for not less 93643  
than five years immediately prior to the date the application is 93644  
filed, be a currently registered engineer in this state with 93645  
three years of business experience in the construction industry 93646  
in the trade for which the engineer is applying to take an 93647  
examination, or have other experience acceptable to the 93648  
appropriate specialty section of the board; 93649

(4) Maintain contractor's liability insurance in an amount 93650  
the appropriate specialty section of the board determines and 93651  
only in one contracting company name; 93652

(5) Not have done any of the following: 93653

(a) Violated this chapter or any rule adopted pursuant to 93654  
it; 93655

(b) Obtained or renewed a license issued pursuant to this chapter, or any order, ruling, or authorization of the board or a section of the board by fraud, misrepresentation, or deception;

(c) Engaged in fraud, misrepresentation, or deception in the conduct of business.

(C) For an individual who holds an out-of-state occupational license, as defined in section 4796.01 of the Revised Code, that is substantially similar to the license for which the individual is applying under this chapter, to qualify to take an examination, an individual shall:

(1) Provide proof that the individual was issued at least five authorizations for construction, erection, equipment, alteration, or addition of any building by an authority with responsibility for enforcing building regulations in the jurisdiction where the individual holds the out-of-state occupational license;

(2) Provide at least one tax return that reflects income earned for services provided under the individual's out-of-state occupational license;

(3) Provide proof that the contracting company with whom the individual is employed in the jurisdiction where the individual holds the out-of-state occupational license is either of the following:

(a) Licensed as a foreign corporation under section 1703.04 of the Revised Code and has designated an agent in this state in accordance with section 1703.041 of the Revised Code;

(b) Registered as a foreign limited liability company under section 1706.511 of the Revised Code and has designated an

agent in this state in accordance with section 1706.09 of the Revised Code. 93685  
93686

(4) Meet the requirements described in divisions (B) (1), (2), (4), and (5) of this section. 93687  
93688

(D) (1) For an individual who has been actively engaged in activities in the service of the uniformed services, as defined in section 4796.01 of the Revised Code, that are substantially similar to the activities for which the license the individual is applying under this chapter is required, to qualify to take an examination, an individual shall: 93689  
93690  
93691  
93692  
93693  
93694

(a) Provide proof that the individual was actively engaged in the activities in the service of the uniformed services for at least three of the five years immediately preceding the date the application is submitted; 93695  
93696  
93697  
93698

(b) Meet the requirements described in divisions (B) (1), (2), (4), and (5) of this section. 93699  
93700

(2) Each specialty section of the board may adopt a rule in accordance with Chapter 119. of the Revised Code to waive the requirement that an applicant under division (D) (1) (a) of this section has been actively engaged in the activity for three of the five years immediately preceding the date the application is submitted. 93701  
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(E) The board secretary, or the secretary's designee, shall approve an application for examination submitted under division (C) or (D) of this section within thirty days after receiving a complete application that meets the requirements of that division. 93707  
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93710  
93711

(F) When an applicant for licensure as a contractor in a licensed trade meets the qualifications set forth in division 93712  
93713

(B), (C), or (D) of this section and passes the required examination, the appropriate specialty section of the board, within ninety days after the application was filed, shall authorize the administrative section of the board to license the applicant for the type of contractor's license for which the applicant qualifies. A specialty section of the board may withdraw its authorization to the administrative section for issuance of a license for good cause shown, on the condition that notice of that withdrawal is given prior to the administrative section's issuance of the license.

(G) (1) Except as provided in division (G) (2) of this section, if an applicant does not pass the required examination, the applicant may retake the examination not less than sixty days after the applicant's most recent examination.

(2) An applicant who does not pass the required examination after taking the examination five times under this section shall reapply for a license under division (A) of this section before retaking the required examination any subsequent time.

(H) All licenses a contractor holds pursuant to this chapter shall expire annually on the same date, which shall be the expiration date of the original license the contractor holds. An individual holding a valid, unexpired license may renew the license, without reexamination, by submitting an application to the appropriate specialty section of the board not more than ninety calendar days before the expiration of the license, along with the renewal fee the specialty section requires and proof of compliance with the applicable continuing education requirements. The applicant shall provide information in the renewal application satisfactory to demonstrate to the

appropriate specialty section that the applicant continues to 93744  
meet the requirements of divisions (B) (2), (4), and (5) of this 93745  
section. 93746

Upon application and within one calendar year after a 93747  
license has expired, a section may waive any of the requirements 93748  
for renewal of a license upon finding that an applicant 93749  
substantially meets the renewal requirements or that failure to 93750  
timely apply for renewal is due to excusable neglect. A section 93751  
that waives requirements for renewal of a license may impose 93752  
conditions upon the licensee and assess a late filing fee of not 93753  
more than double the usual renewal fee. An applicant shall 93754  
satisfy any condition the section imposes before a license is 93755  
reissued. 93756

(I) An individual holding a valid license may request the 93757  
section of the board that authorized that license to place the 93758  
license in inactive status under conditions, and for a period of 93759  
time, as that section determines. 93760

(J) Except for the ninety-day extension provided for a 93761  
license assigned to a contracting company under division (D) of 93762  
section 4740.07 of the Revised Code, a license held by an 93763  
individual immediately terminates upon the death of the 93764  
individual. 93765

(K) Nothing in any license issued by the Ohio construction 93766  
industry licensing board shall be construed to limit or 93767  
eliminate any requirement of or any license issued by the Ohio 93768  
fire marshal. 93769

(L) (1) Subject to division (L) (3) of this section, no 93770  
specialty section of the board shall adopt, maintain, renew, or 93771  
enforce any rule, or otherwise preclude in any way, an 93772

individual from renewing a license under this chapter due to any 93773  
past criminal activity or interpretation of moral character. If 93774  
the specialty section denies an individual a license renewal, 93775  
the reasons for such denial shall be put in writing. 93776

(2) The section may refuse to issue a license to an 93777  
applicant because of a conviction of or plea of guilty to an 93778  
offense if the refusal is in accordance with section 9.79 of the 93779  
Revised Code. 93780

(3) In considering a renewal of an individual's license, 93781  
the section shall not consider any conviction or plea of guilty 93782  
prior to the initial licensing. However, the board may consider 93783  
a conviction or plea of guilty if it occurred after the 93784  
individual was initially licensed, or after the most recent 93785  
license renewal. 93786

(4) The section may grant an individual a conditional 93787  
license that lasts for one year. After the one-year period has 93788  
expired, the license is no longer considered conditional, and 93789  
the individual shall be considered fully licensed. 93790

(M) Notwithstanding divisions (H) and (L) of this section 93791  
and sections 4740.04 and 4740.05 of the Revised Code, the board 93792  
may establish rules that amend the continuing education 93793  
requirements and license renewal schedule for licensees as 93794  
provided in or adopted pursuant to those sections for the 93795  
purpose of establishing a compliance incentive program. These 93796  
rules may include provisions for the creation of the program and 93797  
the qualifications, continuing education requirements, and 93798  
renewal schedule for the program. 93799

**Sec. 4743.05.** (A) Except as otherwise provided in sections 93800  
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of 93801



the Revised Code, all money collected under Chapters 3773., 93802  
4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 93803  
4732., 4733., 4734., 4741., 4744., 4747., 4753., 4755., 4757., 93804  
4758., 4771., 4775., 4779., and 4781. of the Revised Code and 93805  
all license, certificate, and permit fees received by the state 93806  
board of education, including the fees established under section 93807  
3319.51 of the Revised Code, shall be paid into the state 93808  
treasury to the credit of the occupational licensing and 93809  
regulatory fund, which is hereby created for use in 93810  
administering such chapters and in paying the operating expenses 93811  
of the state board of education. 93812

(B) At the end of each quarter, the director of budget and 93813  
management shall transfer from the occupational licensing and 93814  
regulatory fund to the nurse education assistance fund created 93815  
in section 3333.28 of the Revised Code the amount certified to 93816  
the director under division (B) of section 4723.08 of the 93817  
Revised Code. 93818

(C) At the end of each quarter, the director shall 93819  
transfer from the occupational licensing and regulatory fund to 93820  
the certified public accountant education assistance fund 93821  
created in section 4701.26 of the Revised Code the amount 93822  
certified to the director under division (H) (2) of section 93823  
4701.10 of the Revised Code. 93824

(D) On August 30, 2021, and every two years thereafter, 93825  
the director shall transfer from the occupational licensing and 93826  
regulatory fund to the veterinary student debt assistance fund 93827  
created in section 4741.56 of the Revised Code the amount 93828  
certified to the director under section 4741.57 of the Revised 93829  
Code. 93830

**Sec. 4743.09.** (A) As used in this section: 93831

(1) "Durable medical equipment" means a type of equipment, 93832  
such as a remote monitoring device utilized by a physician, 93833  
physician assistant, or advanced practice registered nurse in 93834  
accordance with this section, that can withstand repeated use, 93835  
is primarily and customarily used to serve a medical purpose, 93836  
and generally is not useful to a person in the absence of 93837  
illness or injury and, in addition, includes repair and 93838  
replacement parts for the equipment. 93839

(2) "Facility fee" means any fee charged or billed for 93840  
telehealth services provided in a facility that is intended to 93841  
compensate the facility for its operational expenses and is 93842  
separate and distinct from a professional fee. 93843

(3) "Health care professional" means: 93844

(a) An advanced practice registered nurse, as defined in 93845  
section 4723.01 of the Revised Code; 93846

(b) An optometrist licensed under Chapter 4725. of the 93847  
Revised Code to practice optometry; 93848

(c) A pharmacist licensed under Chapter 4729. of the 93849  
Revised Code; 93850

(d) A physician assistant licensed under Chapter 4730. of 93851  
the Revised Code; 93852

(e) A physician licensed under Chapter 4731. of the 93853  
Revised Code to practice medicine and surgery, osteopathic 93854  
medicine and surgery, or podiatric medicine and surgery; 93855

(f) A psychologist, independent school psychologist, or 93856  
school psychologist licensed under Chapter 4732. of the Revised 93857  
Code; 93858

(g) A chiropractor licensed under Chapter 4734. of the 93859

Revised Code;	93860
(h) An audiologist or speech-language pathologist licensed under Chapter 4753. of the Revised Code;	93861 93862
(i) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;	93863 93864
(j) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code;	93865 93866 93867
(k) A professional clinical counselor, independent social worker, independent marriage and family therapist, art therapist, or music therapist licensed under Chapter 4757. of the Revised Code;	93868 93869 93870 93871
(l) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	93872 93873
(m) <u>A peer recovery supporter, youth peer supporter, or family peer supporter certified under Chapter 4758. of the Revised Code;</u>	93874 93875 93876
<u>(n)</u> A dietitian licensed under Chapter 4759. of the Revised Code;	93877 93878
<del>(n)</del> <u>(o)</u> A respiratory care professional licensed under Chapter 4761. of the Revised Code;	93879 93880
<del>(o)</del> <u>(p)</u> A genetic counselor licensed under Chapter 4778. of the Revised Code;	93881 93882
<del>(p)</del> <u>(q)</u> A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	93883 93884
<del>(q)</del> <u>(r)</u> A certified mental health assistant licensed under Chapter 4772. of the Revised Code.	93885 93886

- (4) "Health care professional licensing board" means any 93887  
of the following: 93888
- (a) The board of nursing; 93889
  - (b) The state vision professionals board; 93890
  - (c) The state board of pharmacy; 93891
  - (d) The state medical board; 93892
  - (e) The state board of psychology; 93893
  - (f) The state chiropractic board; 93894
  - (g) The state speech and hearing professionals board; 93895
  - (h) The Ohio occupational therapy, physical therapy, and 93896  
athletic trainers board; 93897
  - (i) The counselor, social worker, and marriage and family 93898  
therapist board; 93899
  - (j) The chemical dependency professionals board. 93900
- (5) "Health plan issuer" has the same meaning as in 93901  
section 3922.01 of the Revised Code. 93902
- (6) "Telehealth services" means health care services 93903  
provided through the use of information and communication 93904  
technology by a health care professional, within the 93905  
professional's scope of practice, who is located at a site other 93906  
than the site where either of the following is located: 93907
- (a) The patient receiving the services; 93908
  - (b) Another health care professional with whom the 93909  
provider of the services is consulting regarding the patient. 93910
- (B) (1) Each health care professional licensing board shall 93911

permit a health care professional under its jurisdiction to 93912  
provide the professional's services as telehealth services in 93913  
accordance with this section. Subject to division (B) (2) of this 93914  
section, a board may adopt any rules it considers necessary to 93915  
implement this section. All rules adopted under this section 93916  
shall be adopted in accordance with Chapter 119. of the Revised 93917  
Code. Any such rules adopted by a board are not subject to the 93918  
requirements of division (F) of section 121.95 of the Revised 93919  
Code. 93920

(2) (a) Except as provided in division (B) (2) (b) of this 93921  
section, the rules adopted by a health care professional 93922  
licensing board under this section shall establish a standard of 93923  
care for telehealth services that is equal to the standard of 93924  
care for in-person services. 93925

(b) Subject to division (B) (2) (c) of this section, a board 93926  
may require an initial in-person visit prior to prescribing a 93927  
schedule II controlled substance to a new patient, equivalent to 93928  
applicable state and federal requirements. 93929

(c) (i) A board shall not require an initial in-person 93930  
visit for a new patient whose medical record indicates that the 93931  
patient is receiving hospice or palliative care, who is 93932  
receiving medication-assisted treatment or any other medication 93933  
for opioid-use disorder, who is a patient with a mental health 93934  
condition, or who, as determined by the clinical judgment of a 93935  
health care professional, is in an emergency situation. 93936

(ii) Notwithstanding division (B) of section 3796.01 of 93937  
the Revised Code, medical marijuana shall not be considered a 93938  
schedule II controlled substance. 93939

(C) With respect to the provision of telehealth services, 93940

all of the following apply: 93941

(1) A health care professional may use synchronous or 93942  
asynchronous technology to provide telehealth services to a 93943  
patient during an initial visit if the appropriate standard of 93944  
care for an initial visit is satisfied. 93945

(2) A health care professional may deny a patient 93946  
telehealth services and, instead, require the patient to undergo 93947  
an in-person visit. 93948

(3) When providing telehealth services in accordance with 93949  
this section, a health care professional shall comply with all 93950  
requirements under state and federal law regarding the 93951  
protection of patient information. A health care professional 93952  
shall ensure that any username or password information and any 93953  
electronic communications between the professional and a patient 93954  
are securely transmitted and stored. 93955

(4) A health care professional may use synchronous or 93956  
asynchronous technology to provide telehealth services to a 93957  
patient during an annual visit if the appropriate standard of 93958  
care for an annual visit is satisfied. 93959

(5) In the case of a health care professional who is a 93960  
physician, physician assistant, or advanced practice registered 93961  
nurse, both of the following apply: 93962

(a) The professional may provide telehealth services to a 93963  
patient located outside of this state if permitted by the laws 93964  
of the state in which the patient is located. 93965

(b) The professional may provide telehealth services 93966  
through the use of medical devices that enable remote 93967  
monitoring, including such activities as monitoring a patient's 93968  
blood pressure, heart rate, or glucose level. 93969

(D) When a patient has consented to receiving telehealth services, the health care professional who provides those services is not liable in damages under any claim made on the basis that the services do not meet the same standard of care that would apply if the services were provided in-person.

(E) (1) A health care professional providing telehealth services shall not charge a patient or a health plan issuer covering telehealth services under section 3902.30 of the Revised Code any of the following: a facility fee, an origination fee, or any fee associated with the cost of the equipment used at the provider site to provide telehealth services.

A health care professional providing telehealth services may charge a health plan issuer for durable medical equipment used at a patient or client site.

(2) A health care professional may negotiate with a health plan issuer to establish a reimbursement rate for fees associated with the administrative costs incurred in providing telehealth services as long as a patient is not responsible for any portion of the fee.

(3) A health care professional providing telehealth services shall obtain a patient's consent before billing for the cost of providing the services, but the requirement to do so applies only once.

(F) Nothing in this section limits or otherwise affects any other provision of the Revised Code that requires a health care professional who is not a physician to practice under the supervision of, in collaboration with, in consultation with, or pursuant to the referral of another health care professional.

(G) It is the intent of the general assembly, through the amendments to this section, to expand access to and investment in telehealth services in this state in congruence with the expansion and investment in telehealth services made during the COVID-19 pandemic.

**Sec. 4743.12.** (A) As used in this section, "board" means the board of nursing, board of pharmacy, state board of education, state board of emergency medical, fire, and transportation services, state medical board, and state vision professionals board.

(B) When an individual applies for an initial license or certificate issued by a board or applies to renew such a license or certificate, the board shall ask the individual if the individual wishes to contribute, on a voluntary basis, to the save our sight fund established under section 3701.21 of the Revised Code. If the individual wishes to contribute, the board shall provide a method by which the contribution may be made. All amounts collected by a board under this section shall be deposited into the state treasury to the credit of the save our sight fund.

**Sec. 4749.01.** As used in this chapter:

(A) "Private investigator" means any person who engages in the business of private investigation.

(B) "Business of private investigation" means, except when performed by one excluded under division (H) of this section, the conducting, for hire, in person or through a partner or employees, of any investigation relevant to any crime or wrong done or threatened, or to obtain information on the identity, habits, conduct, movements, whereabouts, affiliations,



transactions, reputation, credibility, or character of any 94028  
person, or to locate and recover lost or stolen property, or to 94029  
determine the cause of or responsibility for any libel or 94030  
slander, or any fire, accident, or damage to property, or to 94031  
secure evidence for use in any legislative, administrative, or 94032  
judicial investigation or proceeding. 94033

(C) "Security guard provider" means any person who engages 94034  
in the business of security services. 94035

(D) "Business of security services" means either of the 94036  
following: 94037

(1) Furnishing, for hire, watchpersons, guards, private 94038  
patrol officers, or other persons whose primary duties are to 94039  
protect persons or property; 94040

(2) Furnishing, for hire, guard dogs, or armored motor 94041  
vehicle security services, in connection with the protection of 94042  
persons or property. 94043

(E) "Class A license" means a license issued under section 94044  
4749.03 of the Revised Code that qualifies the person issued the 94045  
license to engage in the business of private investigation and 94046  
the business of security services. 94047

(F) "Class B license" means a license issued under section 94048  
4749.03 of the Revised Code that qualifies the person issued the 94049  
license to engage only in the business of private investigation. 94050

(G) "Class C license" means a license issued under section 94051  
4749.03 of the Revised Code that qualifies the person issued the 94052  
license to engage only in the business of security services. 94053

(H) "Private investigator," "business of private 94054  
investigation," "security guard provider," and "business of 94055

security services" do not include: 94056

(1) Public officers and employees whose official duties 94057  
require them to engage in investigatory activities; 94058

(2) Attorneys at law or any expert hired by an attorney at 94059  
law for consultation or litigation purposes; 94060

(3) A consumer reporting agency, as defined in the "Fair 94061  
Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as 94062  
amended, provided that the consumer reporting agency is in 94063  
compliance with the requirements of that act and that the 94064  
agency's activities are confined to any of the following: 94065

(a) The issuance of consumer credit reports; 94066

(b) The conducting of limited background investigations 94067  
that pertain only to a client's prospective tenant and that are 94068  
engaged in with the prior written consent of the prospective 94069  
tenant; 94070

(c) The business of pre-employment background 94071  
investigation. As used in division (H) (3) (c) of this section, 94072  
"business of pre-employment background investigation" means, and 94073  
is limited to, furnishing for hire, in person or through a 94074  
partner or employees, the conducting of limited background 94075  
investigations, in-person interviews, telephone interviews, or 94076  
written inquiries that pertain only to a client's prospective 94077  
employee and the employee's employment and that are engaged in 94078  
with the prior written consent of the prospective employee. 94079

(4) Certified public insurance adjusters that hold a 94080  
certificate of authority issued pursuant to sections 3951.01 to 94081  
3951.09 of the Revised Code, while the adjuster is investigating 94082  
the cause of or responsibility for a fire, accident, or other 94083  
damage to property with respect to a claim or claims for loss or 94084

damage under a policy of insurance covering real or personal property; 94085  
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(5) Personnel placement services and persons who act as employees of such entities engaged in investigating matters related to personnel placement activities; 94087  
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(6) An employee in the regular course of the employee's employment, engaged in investigating matters pertinent to the business of the employee's employer or protecting property in the possession of the employee's employer, provided the employer is deducting all applicable state and federal employment taxes on behalf of the employee and neither the employer nor the employee is employed by, associated with, or acting for or on behalf of any private investigator or security guard provider; 94090  
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(7) Any better business bureau or similar organization or any of its employees while engaged in the maintenance of the quality of business activities relating to consumer sales and services; 94098  
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(8) An accountant who is registered or certified under Chapter 4701. of the Revised Code or any of the accountant's employees while engaged in activities for which the accountant is certified or registered; 94102  
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(9) Any person who, for hire or otherwise, conducts genealogical research in this state. 94106  
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As used in division (H) (9) of this section, "genealogical research" means the determination of the origins and descent of families, including the identification of individuals, their family relationships, and the biographical details of their lives. "Genealogical research" does not include furnishing for hire services for locating missing persons or natural or birth 94108  
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parents or children. 94114

(10) Any person residing in this state who conducts 94115  
research for the purpose of locating the last known owner of 94116  
unclaimed funds, provided that the person is in compliance with 94117  
Chapter 169. of the Revised Code and rules adopted thereunder. 94118  
The exemption set forth in division (H) (10) of this section 94119  
applies only to the extent that the person is conducting 94120  
research for the purpose of locating the last known owner of 94121  
unclaimed funds. 94122

As used in division (H) (10) of this section, "owner" and 94123  
"unclaimed funds" have the same meanings as in section 169.01 of 94124  
the Revised Code. 94125

(11) A professional engineer who is registered under 94126  
Chapter 4733. of the Revised Code or any of ~~his~~ the engineer's 94127  
employees. 94128

As used in division (H) (11) of this section and 94129  
notwithstanding division (I) of this section, "employee" has the 94130  
same meaning as in section 4101.01 of the Revised Code. 94131

(12) Any person residing in this state who, for hire or 94132  
otherwise, conducts research for the purpose of locating persons 94133  
to whom the state of Ohio owes money in the form of warrants, as 94134  
defined in section 131.01 of the Revised Code, that the state 94135  
voided but subsequently reissues. 94136

(13) An independent insurance adjuster who, as an 94137  
individual, an independent contractor, an employee of an 94138  
independent contractor, adjustment bureau association, 94139  
corporation, insurer, partnership, local recording agent, 94140  
managing general agent, or self-insurer, engages in the business 94141  
of independent insurance adjustment, or any person who 94142

supervises the handling of claims except while acting as an 94143  
employee of an insurer licensed in this state while handling 94144  
claims pertaining to specific policies written by that insurer. 94145

As used in division (H) (13) of this section, "independent 94146  
insurance adjustment" means conducting investigations to 94147  
determine the cause of or circumstances concerning a fire, 94148  
accident, bodily injury, or damage to real or personal property; 94149  
determining the extent of damage of that fire, accident, injury, 94150  
or property damage; securing evidence for use in a legislative, 94151  
administrative, or judicial investigation or proceeding, 94152  
adjusting losses; and adjusting or settling claims, including 94153  
the investigation, adjustment, denial, establishment of damages, 94154  
negotiation, settlement, or payment of claims in connection with 94155  
insurance contractors, self-insured programs, or other similar 94156  
insurance programs. "Independent adjuster" does not include 94157  
either of the following: 94158

(a) An attorney who adjusts insurance losses incidental to 94159  
the practice of law and who does not advertise or represent that 94160  
the attorney is an independent insurance adjuster; 94161

(b) A licensed agent or general agent of an insurer 94162  
licensed in this state who processes undisputed or uncontested 94163  
losses for insurers under policies issued by that agent or 94164  
general agent. 94165

(14) Except for a commissioned peace officer who engages 94166  
in the business of private investigation or compensates others 94167  
who engage in the business of private investigation or the 94168  
business of security services or both, any commissioned peace 94169  
officer as defined in division (B) of section 2935.01 of the 94170  
Revised Code. 94171

(15) Security personnel and contractors for a security organization under an approved physical protection program at a commercial nuclear power plant licensed by the United States nuclear regulatory commission, or its successor agency, while performing duties related to protecting the plant and nuclear material from threats, thefts, and sabotage.

(I) "Employee" means every person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go, or work, or be at any time in any place of employment, provided that the employer of the employee deducts all applicable state and federal employment taxes on behalf of the employee.

**Sec. 4751.20.** (A) Except as provided in section 4751.201 of the Revised Code, and subject to section 4751.32 of the Revised Code, the board of executives of long-term services and supports shall issue a nursing home administrator license to an individual under this section if all of the following requirements are satisfied:

(1) The individual has submitted to the board a completed application for the license in accordance with rules adopted under section 4751.04 of the Revised Code and paid an application fee of two hundred fifty dollars.

(2) If the individual is required by rules adopted under section 4751.04 of the Revised Code to serve as a nursing home administrator ~~in training~~resident, the individual has paid to the board the ~~administrator in training~~ application fee of two hundred fifty dollars.

(3) The individual is at least twenty-one years of age.

(4) The individual has successfully completed educational

requirements and work experience specified in rules adopted 94201  
under section 4751.04 of the Revised Code, including, if so 94202  
required by the rules, experience obtained as a nursing home 94203  
administrator ~~in training~~resident. 94204

(5) The individual has complied with section 4776.02 of 94205  
the Revised Code regarding a criminal records check. 94206

(6) The board, in accordance with section 9.79 of the 94207  
Revised Code, has determined that the results of the criminal 94208  
records check do not make the individual ineligible for the 94209  
license. 94210

(7) Except as provided in division (B) of this section, 94211  
the individual has passed the licensing examination administered 94212  
under section 4751.15 of the Revised Code. 94213

(8) The individual has paid to the board three hundred 94214  
fifty dollars for a temporary license issued under division (B) 94215  
of this section. 94216

(9) The individual has paid to the board a license fee of 94217  
~~two eight hundred fifty~~ dollars. 94218

~~(9)~~(10) The individual has satisfied any additional 94219  
requirements as may be prescribed in rules adopted under section 94220  
4751.04 of the Revised Code. 94221

(B) Beginning January 1, 2025, the operator of a nursing 94222  
home may request that the board issue a nursing home 94223  
administrator license to an individual who meets the 94224  
requirements specified in division (A) of this section but has 94225  
not passed the licensing examination administered under section 94226  
4751.15 of the Revised Code, in order to fill a vacancy in the 94227  
position of nursing home administrator at the nursing home 94228  
resulting from a death, illness, or other unexpected cause. An 94229

individual issued a license under division (B) of this section 94230  
shall submit to the board, not later than one hundred eighty 94231  
days after a license is issued, satisfactory evidence that the 94232  
individual has passed the licensing examination administered 94233  
under section 4751.15 of the Revised Code. 94234

(C) A nursing home administrator license shall certify 94235  
that the individual to whom it was issued has met the applicable 94236  
requirements of this chapter and any applicable rules adopted 94237  
under section 4751.04 of the Revised Code and is authorized to 94238  
practice nursing home administration while the license is valid. 94239

**Sec. 4751.24.** (A) Subject to section 4751.32 of the 94240  
Revised Code, a nursing home administrator license is valid for 94241  
two years and may be renewed and reinstated in accordance with 94242  
this section. 94243

(B) If a licensed nursing home administrator intends to 94244  
continue to practice nursing home administration without 94245  
interruption after the administrator's license expires, the 94246  
administrator shall apply to the board of executives of long- 94247  
term services and supports for a renewed nursing home 94248  
administrator license. Subject to section 4751.32 of the Revised 94249  
Code, the board shall renew the license if the administrator 94250  
does all of the following before the license expires: 94251

(1) Submits to the board a completed application for 94252  
license renewal in accordance with rules adopted under section 94253  
4751.04 of the Revised Code; 94254

(2) Pays to the board the license renewal fee of ~~six~~six-eight 94255  
hundred dollars; 94256

(3) Submits to the board satisfactory evidence of having 94257  
attended such continuing education programs or courses of study 94258



as may be prescribed in rules adopted under section 4751.04 of the Revised Code; 94259  
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(4) Satisfies any other requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code. 94261  
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(C) If a nursing home administrator license issued under section 4751.20 or 4751.201 of the Revised Code is not renewed before it expires, the individual who held the license may apply to the board for the license's reinstatement. Subject to section 4751.32 of the Revised Code, the board shall reinstate the license if the individual does all of the following not later than one year after the date the license expired: 94263  
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(1) Submits to the board the completed application for license reinstatement in accordance with rules adopted under section 4751.04 of the Revised Code; 94270  
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(2) Pays to the board the license reinstatement fee equal to the sum of the following: 94273  
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(a) ~~Three~~Eight hundred dollars; 94275

(b) Fifty dollars for each calendar quarter that occurs during the period beginning on the date the license expires and ending on the last day of the calendar quarter during which the individual applies for license reinstatement, up to a maximum of two hundred dollars. 94276  
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(3) Submits to the board satisfactory evidence of having attended such continuing education programs or courses of study as may be prescribed in rules adopted by the board under section 4751.04 of the Revised Code; 94281  
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(4) Satisfies any other requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code. 94285  
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(D) A licensed nursing home administrator who determines 94287  
to temporarily abandon the practice of nursing home 94288  
administration shall notify the board in writing immediately. 94289  
The former administrator may thereafter resume the practice of 94290  
nursing home administration within the state upon complying with 94291  
the requirements of this section regarding biennial license 94292  
renewal or license reinstatement, whichever is applicable. 94293

**Sec. 4751.25.** (A) Subject to section 4751.32 of the 94294  
Revised Code, a health services executive license is valid for 94295  
one year and may be renewed and reinstated in accordance with 94296  
this section. 94297

(B) A licensed health services executive may apply to the 94298  
board of executives of long-term services and supports for a 94299  
renewed license. Subject to section 4751.32 of the Revised Code, 94300  
the board shall renew the license if the licensed health 94301  
services executive does all of the following before the license 94302  
expires: 94303

(1) Submits to the board the completed application for 94304  
license renewal in accordance with rules adopted under section 94305  
4751.04 of the Revised Code; 94306

(2) Pays to the board the license renewal fee of ~~fifty~~one 94307  
hundred dollars; 94308

(3) Submits to the board satisfactory evidence of having 94309  
attended such continuing education programs or courses of study 94310  
as may be prescribed in rules adopted under section 4751.04 of 94311  
the Revised Code. 94312

(C) (1) If a health services executive license is not 94313  
renewed before it expires, the individual who held the license 94314  
may apply to the board for the license's reinstatement. Subject 94315

to section 4751.32 of the Revised Code, the board shall 94316  
reinstate the license if the individual does all of the 94317  
following not later than one year after the date the license 94318  
expired: 94319

(a) Submits to the board the completed application for 94320  
license reinstatement in accordance with rules adopted under 94321  
section 4751.04 of the Revised Code; 94322

(b) Pays to the board the license reinstatement fee 94323  
specified in division (C) (2) of this section; 94324

(c) Submits to the board satisfactory evidence of having 94325  
attended such continuing education programs or courses of study 94326  
as may be prescribed in rules adopted under section 4751.04 of 94327  
the Revised Code. 94328

(2) The fee to reinstate a health services executive 94329  
license under division (C) (1) of this section is the following: 94330

(a) If the individual applying for reinstatement has, at 94331  
the same time, applied for reinstatement of a nursing home 94332  
administrator license under division (C) of section 4751.24 of 94333  
the Revised Code and paid the reinstatement fee required by 94334  
division (C) (2) of that section, one hundred dollars; 94335

(b) If division (C) (2) (a) of this section does not apply 94336  
to the individual, the sum of the following: 94337

(i) One hundred dollars; 94338

(ii) Twenty-five dollars for each calendar quarter that 94339  
occurs during the period beginning on the date the license 94340  
expired and ending on the last day of the calendar quarter 94341  
during which the individual applies for license reinstatement, 94342  
up to a maximum of one hundred dollars. 94343

Sec. 4757.41. (A) This chapter shall not apply to the 94344  
following: 94345

(1) A person certified by the state board of education 94346  
under Chapter 3319. of the Revised Code while performing any 94347  
services within the person's scope of employment by a board of 94348  
education or by a private school meeting the standards 94349  
prescribed by the director of education and workforce under 94350  
division (D) of section 3301.07 of the Revised Code or in a 94351  
program operated under Chapter 5126. of the Revised Code for 94352  
training individuals with developmental disabilities; 94353

(2) Psychologists, independent school psychologists, or 94354  
school psychologists licensed under Chapter 4732. of the Revised 94355  
Code; 94356

(3) Members of other professions licensed, certified, or 94357  
registered by this state while performing services within the 94358  
recognized scope, standards, and ethics of their respective 94359  
professions; 94360

(4) Rabbis, priests, Christian science practitioners, 94361  
clergy, or members of religious orders and other individuals 94362  
participating with them in pastoral counseling when the 94363  
counseling activities are within the scope of the performance of 94364  
their regular or specialized ministerial duties and are 94365  
performed under the auspices or sponsorship of an established 94366  
and legally cognizable church, denomination, or sect or an 94367  
integrated auxiliary of a church as defined in federal tax 94368  
regulations, paragraph (g) (5) of 26 C.F.R. 1.6033-2 (1995), and 94369  
when the individual rendering the service remains accountable to 94370  
the established authority of that church, denomination, sect, or 94371  
integrated auxiliary; 94372

- (5) Any person who is not licensed under this chapter as a licensed professional clinical counselor, licensed professional counselor, independent social worker, or social worker and is employed in the civil service as defined in section 124.01 of the Revised Code while engaging in professional counseling or social work as a civil service employee, if on July 10, 2014, the person has at least two years of service in that capacity; 94373  
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- (6) A student in an accredited educational institution while carrying out activities that are part of the student's prescribed course of study if the activities are supervised as required by the educational institution and if the student does not hold herself or himself out as a person licensed or registered under this chapter; 94380  
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- (7) An individual who holds a license or certificate under Chapter 4758. of the Revised Code who is acting within the scope of the individual's license or certificate as a member of the profession of ~~chemical dependency~~ substance use disorder counseling ~~or~~, prevention services, or peer support services; 94386  
94387  
94388  
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94390
- (8) Any person employed by the American red cross while engaging in activities relating to services for military families and veterans and disaster relief, as described in the "American National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as amended; 94391  
94392  
94393  
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94395
- (9) Members of labor organizations who hold union counselor certificates while performing services in their official capacity as union counselors; 94396  
94397  
94398
- (10) Any person employed in a hospital as defined in section 3727.01 of the Revised Code or in a nursing home as defined in section 3721.01 of the Revised Code while providing 94399  
94400  
94401

as a hospital employee or nursing home employee, respectively, 94402  
social services other than counseling and the use of 94403  
psychosocial interventions and social psychotherapy; 94404

(11) A vocational rehabilitation professional who is 94405  
providing rehabilitation services to individuals under section 94406  
3304.17 of the Revised Code, or holds certification by the 94407  
commission on rehabilitation counselor certification and is 94408  
providing rehabilitation counseling services consistent with the 94409  
commission's standards; 94410

(12) A caseworker not licensed under this chapter as an 94411  
independent social worker or social worker who is employed by a 94412  
public children services agency under section 5153.112 of the 94413  
Revised Code; 94414

(13) A person completing supervised experience to qualify 94415  
for a license as an art therapist or music therapist, provided 94416  
that experience is completed under the supervision of a licensed 94417  
art therapist or music therapist, as applicable. 94418

(B) Divisions (A) (5) and (10) of this section do not 94419  
prevent a person described in those divisions from obtaining a 94420  
license or certificate of registration under this chapter. 94421

(C) Except as provided in divisions (A) and (D) of this 94422  
section, no employee in the service of the state, including 94423  
public employees as defined by Chapter 4117. of the Revised 94424  
Code, shall engage in the practice of professional counseling, 94425  
social work, or marriage and family therapy without the 94426  
appropriate license issued by the board. Failure to comply with 94427  
this division constitutes nonfeasance under section 124.34 of 94428  
the Revised Code or just cause under a collective bargaining 94429  
agreement. Nothing in this division restricts the director of 94430

administrative services from developing new classifications 94431  
related to this division or from reassigning affected employees 94432  
to appropriate classifications based on the employee's duties 94433  
and qualifications. 94434

(D) Except as provided in division (A) of this section, an 94435  
employee who was engaged in the practice of professional 94436  
counseling, social work, or marriage and family therapy in the 94437  
service of the state prior to July 10, 2014, including public 94438  
employees as defined by Chapter 4117. of the Revised Code, shall 94439  
comply with division (C) of this section within two years after 94440  
July 10, 2014. Any such employee who fails to comply shall be 94441  
removed from employment. 94442

(E) Nothing in this chapter prevents a public children 94443  
services agency from employing as a caseworker a person not 94444  
licensed under this chapter as an independent social worker or 94445  
social worker who has the qualifications specified in section 94446  
5153.112 of the Revised Code. 94447

**Sec. 4758.01.** As used in this chapter: 94448

(A) "Accredited educational institution" means an 94449  
educational institution accredited by an accrediting agency 94450  
accepted by the ~~Ohio board~~ department of regentshigher 94451  
education. 94452

~~(B) (1) "Alcohol and other drug clinical counseling~~ 94453  
~~principles, methods, or procedures" means an approach to~~ 94454  
~~chemical dependency counseling that emphasizes the chemical~~ 94455  
~~dependency counselor's role in systematically assisting clients~~ 94456  
~~through all of the following:~~ 94457

~~(a) Analyzing background and current information;~~ 94458

~~(b) Exploring possible solutions;~~ 94459

<del>(e) Developing and providing a treatment plan;</del>	94460
<del>(d) In the case of an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III only, diagnosing chemical dependency conditions.</del>	94461 94462 94463 94464
<del>(2) "Alcohol and other drug clinical counseling principles, methods, or procedures" includes counseling, assessing, consulting, and referral as they relate to chemical dependency conditions.</del>	94465 94466 94467 94468
<del>(C) "Chemical dependency conditions" means those conditions relating to the abuse of or dependency on alcohol or other drugs that are classified in accepted nosologies, including the diagnostic and statistical manual of mental disorders and the international classification of diseases, and in editions of those nosologies published after December 23, 2002.</del>	94469 94470 94471 94472 94473 94474 94475
<del>(D) "Chemical dependency counseling" means rendering or offering to render to individuals, groups, or the public a counseling service involving the application of alcohol and other drug clinical counseling principles, methods, or procedures to assist individuals who are abusing or dependent on alcohol or other drugs.</del>	94476 94477 94478 94479 94480 94481
<del>(E) (B) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.</del>	94482 94483
<u>(C) "Family peer support services" means services that promote resiliency and recovery, self-determination, advocacy, well-being, and skill development for caregivers and families of individuals with a mental illness or substance use disorder, or both, and who may also have a co-occurring developmental</u>	94484 94485 94486 94487 94488



disability. 94489

(D) "Gambling disorder" means a persistent and recurring 94490  
maladaptive gambling behavior that is classified in accepted 94491  
nosologies, including the diagnostic and statistical manual of 94492  
mental disorders and the international classification of 94493  
diseases, ~~and in editions of those nosologies published after~~ 94494  
~~September 15, 2014.~~ 94495

~~(F)~~(E) "Peer recovery support services" means services 94496  
that promote resiliency and recovery, self-determination, 94497  
advocacy, well-being, and skill development for individuals with 94498  
a mental illness or substance use disorder, or both, and who may 94499  
also have a co-occurring developmental disability, or the 94500  
caregivers or families of the foregoing. 94501

(F) "Peer supporter" includes a peer recovery supporter, a 94502  
youth peer supporter, or a family peer supporter certified under 94503  
this chapter. 94504

(G) "Peer support services" means services that promote 94505  
resiliency and recovery, self-determination, advocacy, well- 94506  
being, and skill development for individuals, caregivers of, and 94507  
families of individuals with a mental illness or substance use 94508  
disorder, or both, and who may also have a co-occurring 94509  
developmental disability. 94510

(H) "Prevention services" means ~~a comprehensive, multi-~~ 94511  
~~system set of individual and environmental approaches that~~ 94512  
~~maximizes physical health, promotes safety, and precludes the~~ 94513  
~~onset of behavioral health disorders~~services that are a planned 94514  
sequence of culturally relevant, evidenced-based strategies 94515  
designed to reduce the likelihood of, or delay the onset of, 94516  
mental, emotional, and behavioral disorders. 94517

~~(G)~~(I) Unless the context provides otherwise, "scope of practice" means the services, methods, and techniques in which and the areas for which a person who holds a license, certificate, or endorsement under this chapter is trained and qualified.

~~(H)~~(J) "Substance abuse professional" has the same meaning as in 49 C.F.R. 40.3.

~~(I)~~(K) "Substance use disorder clinical counseling principles, methods, or procedures" means counseling, assessing, treatment planning, crisis intervention, and referral as they relate to substance use disorder conditions.

(L) "Substance use disorder conditions" means those conditions relating to the abuse of or dependency on alcohol or other drugs that are classified in accepted nosologies, including the diagnostic and statistical manual of mental disorders and the international classification of diseases.

(M) "Substance use disorder counseling" means rendering or offering to render to individuals, groups, or the public a counseling service involving the application of substance use disorder clinical counseling principles, methods, or procedures.

(N) "U.S.-United States department of transportation drug and alcohol testing program" means a transportation workplace drug and alcohol testing program governed by 49 C.F.R. part 40.

(O) "Youth peer support services" means services that promote resiliency and recovery, self-determination, advocacy, well-being, and skill development primarily for individuals who are thirty years of age or younger with a mental illness or substance use disorder, or both, and who may also have a co-occurring developmental disability, as well as the individuals'

caregivers or families. 94547

**Sec. 4758.02.** ~~(A)~~ Except as provided in section 4758.03 of 94548  
the Revised Code, no person shall do any of the following: 94549

~~(1)~~ (A) Engage in or represent to the public that the 94550  
person engages in ~~chemical dependency~~ substance use disorder 94551  
counseling for a fee, salary, or other consideration unless the 94552  
person holds a valid independent chemical dependency counselor- 94553  
clinical supervisor license, independent chemical dependency 94554  
counselor license, chemical dependency counselor III license, 94555  
chemical dependency counselor II license, or chemical dependency 94556  
counselor assistant certificate issued under this chapter; 94557

~~(2)~~ (B) Use the title "licensed independent chemical 94558  
dependency counselor-clinical supervisor," "LICDC-CS," "licensed 94559  
independent chemical dependency counselor," "LICDC," "licensed 94560  
chemical dependency counselor III," "LCDC III," "licensed 94561  
chemical dependency counselor II," "LCDC II," "chemical 94562  
dependency counselor assistant," "CDCA," or any other title or 94563  
description incorporating the ~~word~~ words "chemical dependency 94564  
counselor" or any other initials used to identify persons acting 94565  
in those capacities unless currently authorized under this 94566  
chapter to act in the capacity indicated by the title or 94567  
initials; 94568

~~(3)~~ (C) Represent to the public that the person holds a 94569  
gambling disorder endorsement unless the person holds a valid 94570  
gambling disorder endorsement issued under this chapter; 94571

~~(4)~~ (D) Represent to the public that the person is a 94572  
registered applicant unless the person holds a valid registered 94573  
applicant certificate issued under this chapter; 94574

~~(5)~~ (E) Use the title "~~certified~~ licensed prevention 94575

consultant," ~~"CPC,"~~ "certified licensed prevention specialist," 94576  
~~"CPS,"~~ "certified prevention specialist assistant," "~~CPSA,~~" 94577  
"registered applicant," "~~RA,~~" or any other title, description, 94578  
or initials used to identify persons acting in those capacities 94579  
unless currently authorized under this chapter to act in the 94580  
capacity indicated by the title or initials. 94581

~~(B) No person shall engage in or represent to the public 94582  
that the person engages in chemical dependency counseling as a 94583  
chemical dependency counselor I; 94584~~

(F) Beginning one year after the effective date of this 94585  
amendment, engage in or represent to the public that the person 94586  
engages in the provision of peer recovery support services, 94587  
youth peer support services, or family peer support services for 94588  
a fee, salary, or other consideration unless the person holds a 94589  
valid peer recovery supporter certificate, youth peer supporter 94590  
certificate, or family peer supporter certificate issued under 94591  
this chapter; 94592

(G) Beginning one year after the effective date of this 94593  
amendment, use the title "certified peer supporter," "certified 94594  
peer recovery supporter," "certified youth peer supporter," 94595  
"certified family peer supporter," "licensed peer supporter," 94596  
"licensed peer recovery supporter, "licensed youth peer 94597  
supporter, "licensed family peer supporter," "peer supporter," 94598  
or any other title or initials used to identify persons acting 94599  
in those capacities unless currently authorized under this 94600  
chapter to act in the capacity indicated by the title or 94601  
initials; 94602

(H) Beginning one year after the effective date of this 94603  
amendment, represent to the public that the person holds a peer 94604  
support supervisor endorsement unless the person holds a valid 94605

peer support supervisor endorsement issued under this chapter. 94606

**Sec. 4758.03.** ~~Division (A) of section~~ Section 4758.02 of 94607  
the Revised Code does not apply to any of the following: 94608

(A) An individual who holds a valid license, registration, 94609  
certificate, or credentials issued under another chapter of the 94610  
Revised Code while performing services within the recognized 94611  
scope, standards, and ethics of the individual's profession; 94612

(B) An individual who is a rabbi, priest, Christian 94613  
Science practitioner, clergy, or member of a religious order and 94614  
other individuals participating with them in pastoral counseling 94615  
when the ~~chemical dependency~~ substance use disorder counseling 94616  
activities are within the scope of the performance of their 94617  
regular or specialized ministerial duties and are performed 94618  
under the auspices or sponsorship of an established and legally 94619  
cognizable church, denomination, or sect or an integrated 94620  
auxiliary of a church as defined in paragraph (h) of 26 Code of 94621  
Federal Regulations 1.6033-2 (2000) as amended, and the 94622  
individual rendering the service remains accountable to the 94623  
established authority of that church, denomination, sect, or 94624  
integrated auxiliary; 94625

(C) A student in an accredited educational institution 94626  
while carrying out activities that are part of the student's 94627  
prescribed course of study if the activities are supervised as 94628  
required by the educational institution and the student is not 94629  
represented as an individual who holds a license or certificate 94630  
issued under this chapter. 94631

**Sec. 4758.10.** (A) There is hereby created the chemical 94632  
dependency professionals board. 94633

(B) The governor shall appoint all of the following voting 94634

members of the board with the advice and consent of the senate: 94635

(1) Four individuals who hold a valid independent chemical 94636  
dependency counselor-clinical supervisor license or independent 94637  
chemical dependency counselor license issued under this chapter, 94638  
including at least two of whom have received ~~at least a~~ master's 94639  
degree or higher in a field related to ~~chemical dependency~~ 94640  
substance abuse counseling from an accredited educational 94641  
institution; 94642

(2) Two individuals who hold a valid chemical dependency 94643  
counselor III license issued under this chapter; 94644

(3) One individual who holds a valid chemical dependency 94645  
counselor II license issued under this chapter; 94646

(4) One individual who holds a valid chemical dependency 94647  
counselor assistant certificate issued under this chapter; 94648

(5) Two individuals who hold a valid prevention consultant 94649  
certificate license or prevention specialist certificate license 94650  
issued under this chapter; 94651

~~(5)~~ (6) One individual who holds a valid peer recovery 94652  
supporter certificate, youth peer supporter certificate, or 94653  
family peer supporter certificate issued under this chapter; 94654

(7) One individual who is authorized under Chapter 4731. 94655  
~~of the Revised Code to practice medicine and surgery or~~ 94656  
~~osteopathic medicine and surgery and has experience practicing~~ 94657  
~~in a field related to chemical dependency counseling;~~ 94658

~~(6)~~ any of the following employed by, or contracted to work 94659  
for, a community addiction services provider or community mental 94660  
health services provider as defined in section 5119.01 of the 94661  
Revised Code: 94662

<u>(a) A psychiatrist as defined in section 5122.01 of the Revised Code;</u>	94663
	94664
<u>(b) A clinical nurse specialist licensed under Chapter 4723. of the Revised Code who is certified as a psychiatric-mental health clinical nurse specialist by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code;</u>	94665
	94666
	94667
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	94669
<u>(c) A certified nurse practitioner licensed under Chapter 4723. of the Revised Code who is certified as a psychiatric-mental health nurse practitioner by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code;</u>	94670
	94671
	94672
	94673
	94674
<u>(d) A psychologist licensed under Chapter 4732. of the Revised Code;</u>	94675
	94676
<u>(e) Any of the following licensed under Chapter 4757. of the Revised Code: a licensed professional clinical counselor, professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist.</u>	94677
	94678
	94679
	94680
	94681
<u>(8) Two individuals who represent the public and have not practiced <del>chemical dependency substance use disorder counseling-</del> <del>or,</del> <u>prevention services, or peer support services</u> and have not been involved in the delivery of <del>chemical dependency substance use disorder counseling services-</del> <del>or,</del> <u>prevention services, or peer support services</u>. At least one of these individuals shall be at least fifty years of age. During their terms, the public members shall not practice <del>chemical dependency substance use disorder counseling-</del> <del>or,</del> <u>prevention services, or peer support services</u> or be involved in the delivery of <del>chemical dependency-</del></u>	94682
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	94691

substance use disorder counseling services ~~or,~~ prevention 94692  
services, or peer support services. 94693

~~(C) Not later than ninety days after December 23, 2002,~~ 94694  
~~the~~The director of mental health and addiction services shall 94695  
appoint an individual who represents the department of mental 94696  
health and addiction services to serve as an ex officio member 94697  
of the chemical dependency professionals board. 94698

(D) Not more than one-half of the voting members of the 94699  
board may be of the same gender or members of the same political 94700  
party. At least two voting members of the board shall be of 94701  
African, Native American, Hispanic, or Asian descent. 94702

~~Sec. 4758.11. Of the initial appointees to the chemical~~ 94703  
~~dependency professionals board appointed by the governor under~~ 94704  
~~division (B) of section 4758.10 of the Revised Code, four shall~~ 94705  
~~be appointed for terms ending one year after December 23, 2002,~~ 94706  
~~four shall be appointed for terms ending two years after~~ 94707  
~~December 23, 2002, and four shall be appointed for terms ending~~ 94708  
~~three years after December 23, 2002. After the initial~~ 94709  
~~appointments, terms~~Terms of office of members of the chemical 94710  
dependency professional board appointed by the governor under 94711  
section 4758.10 of the Revised Code shall be three years, with 94712  
each term ending on the same day of the same month of the year 94713  
as the term it succeeds. 94714

A voting member of the board shall hold office from the 94715  
date of appointment until the end of the term for which the 94716  
member was appointed. A voting member appointed to fill a 94717  
vacancy occurring prior to the expiration of the term for which 94718  
the member's predecessor was appointed shall hold office for the 94719  
remainder of that term. A voting member shall continue in office 94720  
after the expiration date of the member's term until the 94721



member's successor takes office or until a period of sixty days 94722  
has elapsed, whichever occurs first. Voting members may be 94723  
reappointed, except that an individual who has held office for 94724  
two consecutive full terms shall not be reappointed sooner than 94725  
one year after the expiration of the second full term. 94726

The ex officio member of the board appointed by the 94727  
director of mental health and addiction services under division 94728  
(C) of section 4758.10 of the Revised Code shall serve at the 94729  
pleasure of the director. 94730

**Sec. 4758.13.** The chemical dependency professionals board 94731  
shall meet to discuss matters relating to the administration and 94732  
operation of the board and the regulation of the practices of 94733  
~~chemical dependency~~ substance use disorder counseling, peer 94734  
support services, and prevention services. The board shall hold 94735  
at least one regular meeting every three months. Additional 94736  
meetings may be held at such times as the board determines, on 94737  
the call of the chairperson, or on the written request to the 94738  
executive director of three or more voting board members. If 94739  
three or more voting members request a meeting, the executive 94740  
director shall call a meeting, which shall be held not later 94741  
than seven days after the request is received. 94742

~~Seven~~ Nine voting members of the board constitute a quorum 94743  
to conduct business. Except as provided in section 4758.32 of 94744  
the Revised Code, no action shall be taken without the 94745  
concurrence of at least a quorum. 94746

At its first meeting each year, the board shall elect a 94747  
chairperson from among its voting members. No member shall serve 94748  
more than two consecutive terms as chairperson. 94749

The board shall keep any records and minutes necessary to 94750

fulfill the duties established by this chapter and rules adopted under it. 94751  
94752

**Sec. 4758.20.** (A) The chemical dependency professionals board shall adopt rules to establish, specify, or provide for all of the following: 94753  
94754  
94755

(1) Fees for the purposes authorized by section 4758.21 of the Revised Code; 94756  
94757

(2) If the board, pursuant to section 4758.221 of the Revised Code, elects to administer examinations for individuals seeking to act as substance abuse professionals in a U.S.-United States department of transportation drug and alcohol testing program, the board's administration of the examinations; 94758  
94759  
94760  
94761  
94762

(3) For the purpose of section 4758.23 of the Revised Code, codes of ethical practice and professional conduct for individuals who hold a license, certificate, or endorsement issued under this chapter; 94763  
94764  
94765  
94766

(4) For the purpose of section 4758.24 of the Revised Code, all of the following: 94767  
94768

(a) The documents that an individual seeking such a license, certificate, or endorsement must submit to the board; 94769  
94770

(b) Requirements to obtain the license, certificate, or endorsement that are in addition to the requirements established under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, 4758.47, ~~and 4758.48,~~ 4758.49, and 4758.491 of the Revised Code. The additional requirements may include ~~preceptorships~~ internships and practicums. 94771  
94772  
94773  
94774  
94775  
94776

(c) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code; 94777  
94778

(d) The period of time that an individual whose registered applicant certificate has expired must wait before applying for a new registered applicant certificate. 94779  
94780  
94781

(5) For the purpose of section 4758.28 of the Revised Code, requirements for approval of ~~continuing education courses of study for individuals who hold a license, certificate, or endorsement issued under this chapter~~programs; 94782  
94783  
94784  
94785

(6) For the purpose of section 4758.30 of the Revised Code, all of the following: 94786  
94787

(a) The intervention for and treatment of an individual holding a license, certificate, or endorsement issued under this chapter whose abilities to practice are impaired due to abuse of or dependency on alcohol or other drugs or other physical or mental condition; 94788  
94789  
94790  
94791  
94792

~~(7)~~(b) Requirements governing reinstatement of a suspended or revoked license, certificate, or endorsement ~~under division (C) of section 4758.30 of the Revised Code~~, including requirements for determining the amount of time an individual must wait to apply for reinstatement; 94793  
94794  
94795  
94796  
94797

~~(8)~~(c) For the purpose of determining the amount of a fine to be imposed, a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident. 94798  
94799  
94800  
94801

(7) For the purpose of section 4758.31 of the Revised Code, methods of ensuring that all records the board holds pertaining to an investigation remain confidential during the investigation; 94802  
94803  
94804  
94805

~~(9)~~(8) Criteria for employees of the board to follow when performing their duties under division (B) of section 4758.35 of 94806  
94807

the Revised Code; 94808

~~(10)~~(9) For the purpose of division ~~(A)(1)~~(A) of section 94809  
4758.39 ~~and,~~ division ~~(A)(1)~~(A) of section 4758.40, and division 94810  
(A) of section 4758.41 of the Revised Code, course requirements 94811  
for a degree in a behavioral science or nursing that may include 94812  
specific content areas and minimum hours for course 94813  
requirements; 94814

~~(11)~~(10) For the purpose of division ~~(A)(2)~~(B) of section 94815  
4758.39 of the Revised Code, the number of hours of compensated 94816  
work or supervised internship experience that an individual must 94817  
have and the number of those hours that must be in clinical 94818  
supervisory experience; 94819

~~(12)~~(11) For the purpose of division ~~(A)(3)~~(C) of section 94820  
4758.39, division ~~(A)(3)~~(C) of section 4758.40, division ~~(A)(3)~~ 94821  
(C) of section 4758.41, and ~~divisions~~division (A)(3) ~~and (D)(3)~~ 94822  
of section 4758.42 of the Revised Code, both of the following: 94823

(a) The number of hours of training in ~~chemical dependency~~ 94824  
substance use disorders an individual must have; 94825

(b) Training requirements for ~~chemical dependency~~ 94826  
substance use disorders that shall, at a minimum, include 94827  
qualifications for the individuals who provide the training and 94828  
the content areas covered in the training. 94829

~~(13)~~(12) For the purpose of division ~~(A)(2)~~(B) of section 94830  
4758.40, division ~~(A)(2)~~(B) of section 4758.41, and division (A) 94831  
(2) of section 4758.42 of the Revised Code, the number of hours 94832  
of compensated work or supervised internship experience that an 94833  
individual must have; 94834

~~(14)~~ For the purpose of division ~~(B)(2)(b)~~ of section 94835  
4758.40 and division ~~(B)(2)~~ of section 4758.41 of the Revised 94836

~~Code, requirements for the forty clock hours of training on the~~ 94837  
~~version of the diagnostic and statistical manual of mental~~ 94838  
~~disorders that is current at the time of the training, including~~ 94839  
~~the number of the clock hours that must be on substance-related~~ 94840  
~~disorders, the number of the clock hours that must be on~~ 94841  
~~chemical dependency conditions, and the number of the clock~~ 94842  
~~hours that must be on awareness of other mental and emotional~~ 94843  
~~disorders;~~ 94844

~~(15) For the purpose of division (A) (1) of section 4758.41~~ 94845  
~~of the Revised Code, course requirements for a degree in a~~ 94846  
~~behavioral science or nursing;~~ 94847

~~(16)~~(13) For the purpose ~~of division (C) (2)~~ of section 94848  
4758.42 of the Revised Code, ~~education~~ both of the following: 94849

~~(a) Education~~ requirements for ~~chemical~~ 94850  
~~dependency~~substance use disorders; 94851

~~(17) For the purpose of division (C) (3) of section 4758.42~~ 94852  
~~of the Revised Code, requirements~~ (b) Requirements for programs 94853  
that provide practicum experience in ~~chemical dependency;~~ 94854

~~(18)~~substance use disorders. 94855

~~(14) For the purpose of division (A) of section 4758.43 of~~ 94856  
the Revised Code, ~~both~~ all of the following: 94857

(a) The number of hours of training or education in 94858  
~~chemical dependency~~ substance use disorder counseling that an 94859  
individual must have; 94860

(b) Training requirements for ~~chemical dependency~~ 94861  
substance use disorder counseling that shall, at a minimum, 94862  
include qualifications for the individuals who provide the 94863  
training and the content areas covered in the training; 94864

<u>(c) Requirements for obtaining a chemical dependency counselor preliminary certificate.</u>	94865
	94866
<del>(19)</del> (15) For the purpose of <del>division (A) (1) of section 4758.44 of the Revised Code, <u>the all of the following:</u></del>	94867
	94868
<u>(a) The number of hours of compensated work experience in prevention services that an individual must have and the number of those hours that must be in administering or supervising the services;</u>	94869
	94870
	94871
	94872
<del>(20) For the purpose of division (A) (2) of section 4758.44 of the Revised Code, <u>the (b) The field of study in which an individual must obtain at least a bachelor's degree or higher;</u></del>	94873
	94874
	94875
<del>(21)</del> (c) <u>The number of hours of administrative or supervisory education that an individual must have.</u>	94876
	94877
<u>(16) For the purpose of division (A) (3) (C) of section 4758.44, division (A) (3) (C) of section 4758.45, and division (D) of section 4758.46 of the Revised Code, both of the following:</u>	94878
	94879
	94880
<u>(a) The number of hours of prevention-related education that an individual must have;</u>	94881
	94882
<u>(b) Requirements for prevention-related education.</u>	94883
<del>(22) For the purpose of division (A) (4) of section 4758.44 of the Revised Code, <u>the number of hours of administrative or supervisory education that an individual must have;</u></del>	94884
	94885
	94886
<del>(23)</del> (17) For the purpose of <del>division (A) (1) of section 4758.45 of the Revised Code, <u>the both of the following:</u></del>	94887
	94888
<u>(a) The number of hours of compensated or volunteer work, field placement, intern, or practicum experience in prevention services that an individual must have and the number of those</u>	94889
	94890
	94891

hours that must be in planning or delivering the services;	94892
<del>(24) For the purpose of division (A) (2) of section 4758.45</del>	94893
<del>of the Revised Code, the</del> (b) The field of study in which an	94894
individual must obtain <del>at least an associate's degree;</del>	94895
<del>(25) or higher.</del>	94896
(18) For the purpose of division (C) of section 4758.46 of	94897
the Revised Code, the number of hours of compensated or	94898
volunteer work, field placement, intern, or practicum experience	94899
in prevention services that an individual must have;	94900
<del>(26)</del> (19) Standards for the one hundred hours of	94901
compensated work or supervised internship in gambling disorder	94902
direct clinical experience required by division (B) (2) of	94903
section 4758.48 of the Revised Code;	94904
<del>(27)</del> (20) <u>For the purpose of section 4758.49 of the Revised</u>	94905
<u>Code, both of the following:</u>	94906
<u>(a) The equivalent of a high school diploma acceptable for</u>	94907
<u>certification;</u>	94908
<u>(b) Standards and number of required hours for the</u>	94909
<u>competency-based peer services training.</u>	94910
(21) <u>For the purpose of section 4758.491 of the Revised</u>	94911
<u>Code, both of the following:</u>	94912
<u>(a) The number of hours of online learning that an</u>	94913
<u>individual is required to complete;</u>	94914
<u>(b) Standards for the supervising peers training program</u>	94915
<u>that an individual is required to complete.</u>	94916
(22) For the purpose of section 4758.51 of the Revised	94917
Code, <del>continuing</del> <u>both of the following:</u>	94918

<u>(a) Continuing</u> education requirements for individuals who hold a license, certificate, or endorsement issued under this chapter;	94919 94920 94921
<del>(28) For the purpose of section 4758.51 of the Revised Code, the</del> <u>(b) The</u> number of hours of continuing education that an individual must complete to have an expired license, certificate, or endorsement restored under section 4758.26 of the Revised Code;	94922 94923 94924 94925 94926
<del>(29) For the purpose of divisions (A) and (B) of section 4758.52 of the Revised Code, training requirements for chemical dependency counseling;</del>	94927 94928 94929
<del>(30).</del>	94930
<u>(23)</u> The duties, which may differ, of all of the following:	94931 94932
<u>(a)</u> An independent chemical dependency counselor-clinical supervisor licensed under this chapter who supervises a chemical dependency counselor III under section 4758.56 of the Revised Code;	94933 94934 94935 94936
<u>(b)</u> An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter who supervises a chemical dependency counselor assistant under section 4758.59 of the Revised Code;	94937 94938 94939 94940 94941
<u>(c)</u> A prevention consultant or prevention specialist <del>certified</del> <u>licensed</u> under this chapter who supervises a prevention specialist assistant or registered applicant under section 4758.61 of the Revised Code.	94942 94943 94944 94945
<del>(31)</del> <u>(24)</u> The duties of an independent chemical dependency	94946



counselor licensed under this chapter who holds the gambling disorder endorsement who supervises a chemical dependency counselor III with the gambling disorder endorsement under section 4758.62 of the Revised Code. 94947  
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94949  
94950

~~(32)~~(25) For the purpose of sections 4758.60 and 4758.61 of the Revised Code, standards for the practice of prevention services, including specifications that require prevention services to be all of the following: 94951  
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94953  
94954

(a) Intentionally designed to reduce risk or promote health before the onset of a disorder; 94955  
94956

(b) Population-focused and targeted to specific levels of risk; 94957  
94958

(c) Reserved for interventions designed to reduce the occurrence of new cases of mental, emotional, and behavioral disorders, and not be used for clinical assessment, treatment, relapse and recovery support services, or medications of any type. 94959  
94960  
94961  
94962  
94963

(26) For the purpose of section 4758.65 of the Revised Code, both of the following: 94964  
94965

(a) Any additional competencies that may be promoted by a peer supporter; 94966  
94967

(b) Any additional tasks within a peer supporter's scope of practice. 94968  
94969

(27) For the purposes of section 4758.651 of the Revised Code, training requirements for supervisors of peer supporters who do not hold a peer support supervisor endorsement issued under this chapter; 94970  
94971  
94972  
94973

(28) Anything else the board considers necessary to 94974

administer this chapter. 94975

(B) All rules adopted under this section shall be adopted 94976  
in accordance with Chapter 119. of the Revised Code and any 94977  
applicable federal laws and regulations. 94978

(C) When it adopts rules under this section, the board may 94979  
consider standards established by any national association or 94980  
other organization representing the interests of those involved 94981  
in ~~chemical dependency substance use disorder counseling or,~~ 94982  
prevention services, or peer support services. 94983

**Sec. 4758.21.** (A) In accordance with rules adopted under 94984  
section 4758.20 of the Revised Code and subject to division (B) 94985  
of this section, the chemical dependency professionals board 94986  
shall establish, and may from time to time adjust, fees to be 94987  
charged for the following: 94988

(1) Admitting an individual to an examination administered 94989  
pursuant to section 4758.22 of the Revised Code; 94990

(2) Issuing an initial independent chemical dependency 94991  
counselor-clinical supervisor license, independent chemical 94992  
dependency counselor license, chemical dependency counselor III 94993  
license, chemical dependency counselor II license, chemical 94994  
dependency counselor assistant certificate, peer recovery 94995  
supporter certificate, youth peer supporter certificate, family 94996  
peer supporter certificate, prevention consultant 94997  
~~certificate~~license, prevention specialist ~~certificate~~license, 94998  
prevention specialist assistant certificate, or registered 94999  
applicant certificate; 95000

(3) Issuing an ~~initial~~a gambling disorder endorsement; 95001

(4) Issuing a peer support supervisor endorsement; 95002

(5) Renewing an independent chemical dependency counselor-  
clinical supervisor license, independent chemical dependency  
counselor license, chemical dependency counselor III license,  
chemical dependency counselor II license, chemical dependency  
counselor assistant certificate, peer recovery supporter  
certificate, youth peer supporter certificate, family peer  
supporter certificate, prevention consultant ~~certificate~~license,  
prevention specialist ~~certificate~~license, or prevention  
specialist assistant certificate; 95003  
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~~(5)~~ (6) Renewing a gambling disorder endorsement; 95012

~~(6)~~ (7) Renewing a peer support supervisor endorsement; 95013

(8) Approving ~~continuing education courses programs~~ under  
section 4758.28 of the Revised Code, except for online learning  
courses administered by the department of mental health and  
addiction services for the purposes of section 4758.49 of the  
Revised Code; 95014  
95015  
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~~(7)~~ (9) Doing anything else the board determines necessary  
to administer this chapter. 95019  
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(B) The fees established under division (A) of this  
section are nonrefundable. They shall be in amounts sufficient  
to cover the necessary expenses of the board in administering  
this chapter and rules adopted under it. The fees for a license,  
certificate, or endorsement and the renewal of a license,  
certificate, or endorsement may differ for the various types of  
licenses, certificates, or endorsements, but shall not exceed  
one hundred seventy-five dollars each, unless the board  
determines that amounts in excess of one hundred seventy-five  
dollars are needed to cover its necessary expenses in  
administering this chapter and rules adopted under it and the 95021  
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amounts in excess of one hundred seventy-five dollars are 95032  
approved by the controlling board. 95033

(C) All vouchers of the board shall be approved by the 95034  
chairperson or executive director of the board, or both, as 95035  
authorized by the board. 95036

**Sec. 4758.22.** The chemical dependency professionals board 95037  
shall prepare, cause to be prepared, or procure the use of, and 95038  
grade, cause to be graded, or procure the grading of, 95039  
examinations to determine the competence of individuals seeking 95040  
an independent chemical dependency counselor-clinical supervisor 95041  
license, independent chemical dependency counselor license, 95042  
chemical dependency counselor III license, chemical dependency 95043  
counselor II license, peer recovery supporter certificate, 95044  
youth peer supporter certificate, family peer supporter 95045  
certificate, prevention consultant ~~certificate~~ license, or 95046  
prevention specialist certificate license. The board may develop 95047  
the examinations or use examinations prepared by state or 95048  
national organizations that represent the interests of those 95049  
involved in chemical dependency substance use disorder 95050  
counseling or, prevention services, or peer support services. 95051  
The board shall conduct examinations at least twice each year 95052  
and shall determine the level of competence necessary for a 95053  
passing score. 95054

An individual may not sit for an examination administered 95055  
pursuant to this section unless the individual meets the 95056  
requirements to obtain the license or certificate the individual 95057  
seeks, other than the requirement to have passed the 95058  
examination, and pays the fee established under section 4758.21 95059  
of the Revised Code. An individual who is denied admission to 95060  
the examination may appeal the denial in accordance with Chapter 95061

119. of the Revised Code. 95062

**Sec. 4758.221.** In accordance with rules adopted under 95063  
section 4758.20 of the Revised Code, the chemical dependency 95064  
professionals board may administer examinations for individuals 95065  
seeking to act as substance abuse professionals in a ~~U.S.~~United 95066  
States department of transportation drug and alcohol testing 95067  
program. If it elects to administer the examinations, the board 95068  
shall use examinations that comprehensively cover all the 95069  
elements of substance abuse professional qualification training 95070  
listed in 49 C.F.R. 40.281(c) (1) and are prepared by a 95071  
nationally recognized professional or training organization that 95072  
represents the interests of those involved in ~~chemical-~~ 95073  
~~dependency-~~substance use disorder counseling services. 95074

**Sec. 4758.23.** (A) In rules adopted under section 4758.20 95075  
of the Revised Code, the chemical dependency professionals board 95076  
shall establish codes of ethical practice and professional 95077  
conduct for the following: 95078

(1) Individuals who hold a valid independent chemical 95079  
dependency counselor-clinical supervisor license, independent 95080  
chemical dependency counselor license, chemical dependency 95081  
counselor III license, chemical dependency counselor II license, 95082  
or chemical dependency counselor assistant certificate issued 95083  
under this chapter; 95084

(2) Individuals who hold a valid peer recovery supporter 95085  
certificate, youth peer supporter certificate, or family peer 95086  
supporter certificate issued under this chapter; 95087

(3) Individuals who hold a valid prevention consultant 95088  
certificate license, prevention specialist certificate license, 95089  
prevention specialist assistant certificate, or registered 95090

applicant certificate issued under this chapter; 95091

~~(3)~~ (4) Individuals who hold a valid peer support supervisor endorsement; 95092  
95093

(5) Individuals who hold a valid gambling disorder endorsement. 95094  
95095

(B) The codes for individuals identified under division 95096  
~~(A) (1) (A)~~ of this section shall define unprofessional conduct, 95097  
which shall include engaging in ~~a dual relationship~~ multiple 95098  
relationships with a client, former client, consumer, or former 95099  
consumer; committing an act of sexual abuse, misconduct, or 95100  
exploitation of a client, former client, consumer, or former 95101  
consumer; and, except as permitted by law, violating client or 95102  
consumer confidentiality. 95103

~~(C)~~ The codes for individuals identified under ~~division~~ 95104  
~~(A) (1)~~ divisions (A) (1) to (4) of this section may be based on 95105  
any codes of ethical practice and professional conduct developed 95106  
by national associations or other organizations representing the 95107  
interests of those involved in ~~chemical dependency~~ substance use 95108  
disorder counseling, peer support services, or prevention 95109  
services. The codes for individuals identified under ~~division~~ 95110  
~~(A) (2)~~ of this section may be based on any codes of ethical 95111  
~~practice and professional conduct developed by national~~ 95112  
~~associations or other organizations representing the interests~~ 95113  
~~of those involved in prevention services~~. The board may 95114  
establish standards in the codes that are more stringent than 95115  
those established by the national associations or other 95116  
organizations. 95117

**Sec. 4758.24.** (A) The chemical dependency professionals 95118  
board shall issue a license, certificate, or endorsement under 95119

this chapter to an individual who meets all of the following requirements: 95120  
95121

(1) ~~Except as provided in section 4758.241 of the Revised Code, submits~~ Submits a properly completed application and all other documentation specified in rules adopted under section 4758.20 of the Revised Code; 95122  
95123  
95124  
95125

(2) ~~Except as provided in section 4758.241 of the Revised Code, pays~~ Pays the fee established under section 4758.21 of the Revised Code for the license, certificate, or endorsement that the individual seeks; 95126  
95127  
95128  
95129

(3) Meets the requirements to obtain the license, certificate, or endorsement that the individual seeks as specified in section 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, 4758.47, ~~or 4758.48,~~ 4758.49, or 4758.491 of the Revised Code; 95130  
95131  
95132  
95133  
95134

(4) Meets any additional requirements specified in rules adopted under section 4758.20 of the Revised Code to obtain the license, certificate, or endorsement that the individual seeks. 95135  
95136  
95137

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license, certificate, or endorsement issued under this chapter shall comply with sections 4776.01 to 4776.04 of the Revised Code. The board shall not grant a license, certificate, or endorsement to an applicant for an initial license, certificate, or endorsement issued under this chapter unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 95138  
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(C) The board shall not do either of the following: 95146

~~(1) Issue a certificate to practice as a chemical dependency counselor I;~~ 95147  
95148

~~(2) Issue~~ issue a new registered applicant certificate to 95149  
an individual whose previous registered applicant certificate 95150  
has been expired for less than the period of time specified in 95151  
rules adopted under section 4758.20 of the Revised Code. 95152

**Sec. 4758.26.** (A) Subject to section 4758.30 of the 95153  
Revised Code, a license, certificate, or endorsement issued 95154  
under this chapter expires the following period of time after it 95155  
is issued: 95156

(1) In the case of ~~an initial~~ a chemical dependency 95157  
counselor assistant preliminary certificate or registered 95158  
applicant, thirteen months; 95159

(2) In the case of any other license, certificate, or 95160  
endorsement, two years. 95161

(B) Subject to section 4758.30 of the Revised Code and 95162  
except as provided in section 4758.27 of the Revised Code, the 95163  
chemical dependency professionals board shall renew a license, 95164  
certificate, or endorsement issued under this chapter in 95165  
accordance with the standard renewal procedure established under 95166  
Chapter 4745. of the Revised Code if the individual seeking the 95167  
renewal pays the renewal fee established under section 4758.21 95168  
of the Revised Code and ~~does the following:~~ 95169

~~(1) In the case of an individual seeking renewal of an~~ 95170  
~~initial chemical dependency counselor assistant certificate,~~ 95171  
~~satisfies the additional training requirement established under~~ 95172  
~~section 4758.52 of the Revised Code;~~ 95173

~~(2) In the case of any other individual,~~ satisfies the 95174  
continuing education requirements established under section 95175  
4758.51 of the Revised Code. 95176

(C) Subject to section 4758.30 of the Revised Code and 95177



except as provided in section 4758.27 of the Revised Code, a 95178  
license, certificate, or endorsement issued under this chapter 95179  
that has expired may be restored if the individual seeking the 95180  
restoration, not later than one year after the license, 95181  
certificate, or endorsement expires, applies for restoration of 95182  
the license, certificate, or endorsement. The board shall issue 95183  
a restored license, certificate, or endorsement to the 95184  
individual if the individual pays the renewal fee established 95185  
under section 4758.21 of the Revised Code and ~~does the~~ 95186  
~~following:~~ 95187

~~(1) In the case of an individual whose initial chemical 95188  
dependency counselor assistant certificate expired, satisfies 95189  
the additional training requirement established under section 95190  
4758.52 of the Revised Code;~~ 95191

~~(2) In the case of any other individual,~~ satisfies the 95192  
continuing education requirements established under section 95193  
4758.51 of the Revised Code for restoring the license, 95194  
certificate, or endorsement. 95195

The board shall not require an individual to take an 95196  
examination as a condition of having an expired license, 95197  
certificate, or endorsement restored under this section. 95198

**Sec. 4758.27.** The chemical dependency professionals board 95199  
shall not renew or restore under section 4758.26 of the Revised 95200  
Code either of the following: 95201

(A) A ~~certificate to practice as a chemical dependency 95202  
counselor~~ assistant preliminary certificate; 95203

(B) A registered applicant certificate. 95204

**Sec. 4758.28.** The chemical dependency professionals board 95205  
shall approve, in accordance with rules adopted under section 95206

4758.20 of the Revised Code and subject to payment of the fee 95207  
established under section 4758.21 of the Revised Code, 95208  
~~continuing education courses of study for individuals who hold~~ 95209  
programs that may be completed to meet the requirements to 95210  
receive an initial license, certificate, or endorsement issued 95211  
under this chapter or the renewal of a license, certificate, or 95212  
endorsement issued under this chapter. Programs that may be 95213  
approved under this section include degree and certificate 95214  
training programs offered by accredited educational 95215  
institutions, other training programs selected by the board, and 95216  
continuing education courses. 95217

**Sec. 4758.30.** (A) The chemical dependency professionals 95218  
board, in accordance with Chapter 119. of the Revised Code, may, 95219  
except as provided in division (B) of this section, refuse to 95220  
issue a license, certificate, or endorsement applied for under 95221  
this chapter; refuse to renew or restore a license, certificate, 95222  
or endorsement issued under this chapter; suspend, revoke, or 95223  
otherwise restrict a license, certificate, or endorsement issued 95224  
under this chapter; ~~or~~ reprimand an individual holding a 95225  
license, certificate, or endorsement issued under this chapter; 95226  
or impose a fine, in an amount determined in accordance with 95227  
rules adopted under section 4758.20 of the Revised Code, against 95228  
an individual holding a license, certificate, or endorsement 95229  
under this chapter. These actions may be taken by the board 95230  
regarding the applicant for a license, certificate, or 95231  
endorsement or the individual holding a license, certificate, or 95232  
endorsement for one or more of the following reasons: 95233

(1) Violation of any provision of this chapter or rules 95234  
adopted under it; 95235

(2) Knowingly making a false statement on an application 95236

for a license, certificate, or endorsement or for renewal, 95237  
restoration, or reinstatement of a license, certificate, or 95238  
endorsement; 95239

(3) Acceptance of a commission or rebate for referring an 95240  
individual to a person who holds a license or certificate issued 95241  
by, or who is registered with, an entity of state government, 95242  
including persons practicing ~~chemical-dependency~~ substance use 95243  
disorder counseling, peer support services, prevention services, 95244  
gambling disorder counseling, or fields related to ~~chemical-~~ 95245  
~~dependency counseling, prevention services, or gambling disorder~~ 95246  
counseling any of the foregoing; 95247

(4) Conviction in this state or any other ~~state-~~ 95248  
jurisdiction of any crime that is a felony in this state; 95249

(5) Conviction in this state or any other ~~state-~~ 95250  
jurisdiction of a misdemeanor committed in the course of 95251  
practice as an independent chemical dependency counselor- 95252  
clinical supervisor, independent chemical dependency counselor, 95253  
chemical dependency counselor III, chemical dependency counselor 95254  
II, chemical dependency counselor assistant, peer recovery 95255  
supporter, youth peer supporter, family peer supporter, 95256  
prevention consultant, gambling disorder endorsee, prevention 95257  
specialist, prevention specialist assistant, or registered 95258  
applicant; 95259

(6) Inability to practice as an independent chemical 95260  
dependency counselor-clinical supervisor, independent chemical 95261  
dependency counselor, chemical dependency counselor III, 95262  
chemical dependency counselor II, chemical dependency counselor 95263  
assistant, peer recovery supporter, youth peer supporter, family 95264  
peer supporter, gambling disorder endorsee, prevention 95265  
consultant, prevention specialist, prevention specialist 95266

assistant, or registered applicant due to abuse of or dependency 95267  
on alcohol or other drugs or ~~other physical or~~ by reason of 95268  
~~mental condition~~ illness or physical illness, including physical 95269  
deterioration that adversely affects cognitive, motor, or 95270  
perceptive skills; 95271

(7) Practicing outside the individual's scope of practice; 95272

(8) Practicing without complying with the supervision 95273  
requirements specified under section 4758.56, 4758.59, 4758.61, 95274  
~~or~~ 4758.62, or 4758.65 of the Revised Code; 95275

(9) Violation of the code of ethical practice and 95276  
professional conduct for ~~chemical dependency~~ substance use 95277  
disorder counseling, peer support services, prevention services, 95278  
or gambling disorder counseling adopted by the board pursuant to 95279  
section 4758.23 of the Revised Code; 95280

(10) Revocation of a license, certificate, or endorsement 95281  
or voluntary surrender of a license, certificate, or endorsement 95282  
in another state or jurisdiction for an offense that would be a 95283  
violation of this chapter. 95284

(B) The board shall not refuse to issue a license, 95285  
certificate, or endorsement to an applicant because of a 95286  
criminal conviction unless the refusal is in accordance with 95287  
section 9.79 of the Revised Code. 95288

(C) An individual whose license, certificate, or 95289  
endorsement has been suspended or revoked under this section may 95290  
apply to the board for reinstatement after an amount of time the 95291  
board shall determine in accordance with rules adopted under 95292  
section 4758.20 of the Revised Code. The board may accept or 95293  
refuse an application for reinstatement. The board may require 95294  
an examination for reinstatement of a license, certificate, or 95295

endorsement that has been suspended or revoked. 95296

**Sec. 4758.31.** The chemical dependency professionals board 95297  
shall investigate alleged violations of this chapter or the 95298  
rules adopted under it and alleged irregularities in the 95299  
delivery of ~~chemical dependency~~ substance use disorder 95300  
counseling services, peer support services, prevention services, 95301  
or gambling disorder counseling services by individuals who hold 95302  
a license, certificate, or endorsement issued under this 95303  
chapter. As part of an investigation, the board may issue 95304  
subpoenas, examine witnesses, and administer oaths. 95305

The board may receive any information necessary to conduct 95306  
an investigation under this section that has been obtained in 95307  
accordance with federal laws and regulations. If the board is 95308  
investigating the provision of ~~chemical dependency~~ substance use 95309  
disorder counseling services or gambling disorder counseling 95310  
services to a couple or group, it is not necessary for both 95311  
members of the couple or all members of the group to consent to 95312  
the release of information relevant to the investigation. 95313

The board shall ensure, in accordance with rules adopted 95314  
under section 4758.20 of the Revised Code, that all records it 95315  
holds pertaining to an investigation remain confidential during 95316  
the investigation. After the investigation, the records are 95317  
public records except as otherwise provided by federal or state 95318  
law. 95319

**Sec. 4758.35.** (A) An individual seeking a license, 95320  
certificate, or endorsement issued under this chapter shall ~~file~~ 95321  
~~with~~ submit an application to the chemical dependency 95322  
professionals board ~~a written application on a form prescribed~~ 95323  
~~by~~ in a manner that the board shall prescribe. Each ~~form~~ 95324  
application shall state that a false statement made on the ~~form~~ 95325

application is the crime of falsification under section 2921.13 95326  
of the Revised Code. 95327

(B) The board shall require an individual or individuals 95328  
employed by the board under section 4758.15 of the Revised Code 95329  
to do both of the following in accordance with criteria 95330  
established by rules adopted under section 4758.20 of the 95331  
Revised Code: 95332

(1) Receive and review all applications submitted to the 95333  
board; 95334

(2) Submit to the board all applications the individual or 95335  
individuals recommend the board review based on the criteria 95336  
established in the rules. 95337

(C) The board shall review all applications submitted to 95338  
the board pursuant to division (B) (2) of this section. 95339

**Sec. 4758.36.** As part of the review process under division 95340  
(C) of section 4758.35 of the Revised Code of an application 95341  
submitted by an applicant whose education or experience in 95342  
~~chemical dependency substance use disorder~~ counseling, peer 95343  
support services, prevention services, or gambling disorder 95344  
counseling was obtained outside the United States, or whose 95345  
education and experience both were obtained outside the United 95346  
States, the chemical dependency professionals board shall 95347  
determine whether the applicant's command of the English 95348  
language and education or experience meet the standards required 95349  
by this chapter and rules adopted under it. 95350

**Sec. 4758.39.** An individual seeking an independent 95351  
chemical dependency counselor-clinical supervisor license shall 95352  
meet ~~the requirements of division (A) or (B) of this section.~~ 95353

~~(A) To meet the requirements of this division, an~~ 95354

~~individual must meet~~ all of the following requirements: 95355

~~(1)~~ (A) Hold from an accredited educational institution ~~at least~~ a master's degree or higher in either a behavioral science 95356  
or nursing that meets the course requirements specified in rules 95357  
adopted under section 4758.20 of the Revised Code; 95358  
95359

~~(2)~~ (B) Have not less than the number of hours specified in 95360  
rules adopted under section 4758.20 of the Revised Code of 95361  
compensated work or supervised internship experience, including 95362  
at least the number of hours specified in those rules of 95363  
clinical supervisory experience, in any of the following, not 95364  
less than twenty per cent of which are in ~~chemical dependency~~ 95365  
substance use disorder counseling: 95366

~~(a) Chemical dependency services, substance abuse~~ 95367  
~~services, or both types of services~~ (1) The provision of services 95368  
in substance use disorder treatment within a scope of practice 95369  
that the board considers appropriate for an individual seeking 95370  
an independent chemical dependency counselor-clinical supervisor 95371  
license; 95372

~~(b)~~ (2) The practice of psychology, as defined in section 95373  
4732.01 of the Revised Code; 95374

~~(c)~~ (3) The practice of professional counseling, the 95375  
practice of social work, or the practice of marriage and family 95376  
therapy, all as defined in section 4757.01 of the Revised Code. 95377

~~(3)~~ (C) Have a minimum of the number of hours specified in 95378  
rules adopted under section 4758.20 of the Revised Code of 95379  
training in ~~chemical dependency~~ substance use disorders that 95380  
meets the requirements specified in those rules; 95381

~~(4)~~ (D) Unless the individual holds a valid license, 95382  
registration, certificate, or credentials issued under another 95383

chapter of the Revised Code that authorizes the individual to 95384  
engage in a profession whose scope of practice includes the 95385  
clinical supervision of ~~chemical dependency~~ substance use 95386  
disorder counseling, ~~chemical dependency~~ substance use disorder 95387  
counseling, and diagnosing and treating ~~chemical dependency~~ 95388  
substance use disorder conditions, pass one or more examinations 95389  
administered pursuant to section 4758.22 of the Revised Code for 95390  
the purpose of determining competence to practice as an 95391  
independent chemical dependency counselor-clinical supervisor. 95392

~~(B) To meet the requirement of this division, an 95393  
individual must hold, on March 22, 2013, a valid independent 95394  
chemical dependency counselor license. 95395~~

**Sec. 4758.40.** An individual seeking an independent 95396  
chemical dependency counselor license shall ~~meet the 95397  
requirements of division (A) or (B) of this section. 95398~~

~~(A) To meet the requirements of this division, an 95399  
individual must meet all of the following requirements: 95400~~

~~(1) (A) Hold from an accredited educational institution at 95401  
least a master's degree or higher in a behavioral science or 95402  
nursing that meets the course requirements specified in rules 95403  
adopted under section 4758.20 of the Revised Code; 95404~~

~~(2) (B) Have not less than the number of hours specified in 95405  
rules adopted under section 4758.20 of the Revised Code of 95406  
compensated work or supervised internship experience in any of 95407  
the following, not less than twenty per cent of which are in 95408  
~~chemical dependency~~ substance use disorder counseling: 95409~~

~~(a) Chemical dependency services, substance abuse 95410  
services, or both types of services (1) The provision of services 95411  
in substance use disorder treatment within a scope of practice 95412~~



that the board considers appropriate for an individual seeking an independent chemical dependency counselor license; 95413  
95414

~~(b)~~ (2) The practice of psychology, as defined in section 4732.01 of the Revised Code; 95415  
95416

~~(e)~~ (3) The practice of professional counseling, the practice of social work, or the practice of marriage and family therapy, all as defined in section 4757.01 of the Revised Code. 95417  
95418  
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~~(3)~~ (C) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in chemical dependency substance use disorders that meets the requirements specified in those rules; 95420  
95421  
95422  
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~~(4)~~ (D) Unless the individual holds a valid license, registration, certificate, or credentials issued under another chapter of the Revised Code that authorizes the individual to engage in a profession whose scope of practice includes chemical dependency substance use disorder counseling and diagnosing and treating chemical dependency substance use disorder conditions, pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as an independent chemical dependency counselor. 95424  
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~~(B) To meet the requirements of this division, an individual must meet both of the following requirements:~~ 95434  
95435

~~(1) Hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor III or certified chemical dependency counselor III-E;~~ 95436  
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95438  
95439  
95440

~~(2) Meet one of the following requirements:~~ 95441

~~(a) Hold the degree described in division (A) (1) of this section;~~ 95442  
95443

~~(b) Have held a chemical dependency counselor III, II, or I certificate for at least eight consecutive years and have not less than forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training. The training must meet the requirements specified in rules adopted under section 4758.20 of the Revised Code. An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, a psychologist licensed under Chapter 4732. of the Revised Code, or a licensed professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code may provide any portion of the training. An independent chemical dependency counselor licensed under this chapter who holds the degree described in division (A) (1) of this section may provide the portion of the training on chemical dependency conditions.~~ 95444  
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**Sec. 4758.41.** An individual seeking a chemical dependency counselor III license shall ~~meet the requirements of division (A), (B), or (C) of this section.~~ 95460  
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95462

~~(A) To meet the requirements of this division, an individual must meet all of the following requirements:~~ 95463  
95464

~~(1) (A) Hold from an accredited educational institution at least a bachelor's degree or higher in a behavioral science or nursing that meets the course requirements specified in rules adopted under section 4758.20 of the Revised Code;~~ 95465  
95466  
95467  
95468

~~(2) (B) Have not less than the number of hours specified in rules adopted under section 4758.20 of the Revised Code of~~ 95469  
95470

compensated work or supervised internship experience in any of 95471  
the following, not less than twenty per cent of which are in 95472  
~~chemical dependency substance use disorder~~ counseling: 95473

~~(a) Chemical dependency services, substance abuse~~ 95474  
~~services, or both types of services~~ (1) The provision of services 95475  
in substance use disorder treatment within a scope of practice 95476  
that the board considers appropriate for an individual seeking a 95477  
chemical dependency counselor III license; 95478

~~(b)~~ (2) The practice of psychology, as defined in section 95479  
4732.01 of the Revised Code; 95480

~~(c)~~ (3) The practice of professional counseling, the 95481  
practice of social work, or the practice of marriage and family 95482  
therapy, all as defined in section 4757.01 of the Revised Code. 95483

~~(3)~~ (C) Have a minimum of the number of hours specified in 95484  
rules adopted under section 4758.20 of the Revised Code of 95485  
training in ~~chemical dependency substance use disorders~~ that 95486  
meets the requirements specified in those rules; 95487

~~(4)~~ (D) Unless the individual holds a valid license, 95488  
registration, certificate, or credentials issued under another 95489  
chapter of the Revised Code that authorizes the individual to 95490  
engage in a profession whose scope of practice includes ~~chemical~~ 95491  
~~dependency substance use disorder~~ counseling and diagnosing and 95492  
treating ~~chemical dependency substance use disorder~~ conditions, 95493  
pass one or more examinations administered pursuant to section 95494  
4758.22 of the Revised Code for the purpose of determining 95495  
competence to practice as a chemical dependency counselor III. 95496

~~(B) To meet the requirements of this division, an~~ 95497  
~~individual must meet both of the following requirements:~~ 95498

~~(1) Hold, on December 23, 2002, a certificate or~~ 95499

~~credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor III or certified chemical dependency counselor III-E;~~

~~(2) Have not less than forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training. The training must meet the requirements specified in rules adopted under section 4758.20 of the Revised Code. An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, a psychologist licensed under Chapter 4732. of the Revised Code, or a licensed professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code may provide any portion of the training. An independent chemical dependency counselor licensed under this chapter who holds the degree described in division (A) (1) of section 4758.40 of the Revised Code may provide the portion of the training on chemical dependency conditions.~~

~~(C) To meet the requirements of this division, an individual must meet all of the following requirements:~~

~~(1) Hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor II;~~

~~(2) Meet the requirement of division (B) (2) of this section;~~

~~(3) Hold a bachelor's degree in a behavioral science.~~

**Sec. 4758.42.** An individual seeking a chemical dependency

counselor II license shall meet the requirements of division 95529  
(A) ~~or~~ (B) ~~or~~ (C) of this section ~~or, until three years after~~ 95530  
~~the effective date of this amendment, division (A), (B), (C), or~~ 95531  
~~(D) of this section.~~ 95532

(A) To meet the requirements of this division, an 95533  
individual must meet all of the following requirements: 95534

(1) Hold from an accredited educational institution an 95535  
associate's degree in a behavioral science or nursing or a 95536  
bachelor's degree in any field; 95537

(2) Have not less than the number of hours specified in 95538  
rules adopted under section 4758.20 of the Revised Code of 95539  
compensated work or supervised internship experience in any of 95540  
the following, not less than twenty per cent of which are in 95541  
~~chemical dependency substance use disorder~~ counseling: 95542

(a) ~~Chemical dependency services, substance abuse~~ 95543  
~~services, or both types of services~~ The provision of services in 95544  
substance use disorder treatment within a scope of practice that 95545  
the board considers appropriate for an individual seeking a 95546  
chemical dependency counselor II license; 95547

(b) The practice of psychology, as defined in section 95548  
4732.01 of the Revised Code; 95549

(c) The practice of professional counseling, the practice 95550  
of social work, or the practice of marriage and family therapy, 95551  
all as defined in section 4757.01 of the Revised Code. 95552

(3) Have a minimum of the number of hours specified in 95553  
rules adopted under section 4758.20 of the Revised Code of 95554  
training in ~~chemical dependency~~ substance use disorders that 95555  
meets the requirements specified in those rules; 95556

(4) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II.

~~(B) To meet the requirement of this division, an individual must hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor II.~~

~~(C)~~ To meet the requirements of this division, an individual must meet all of the following requirements:

(1) Hold from an accredited educational institution an associate's or bachelor's degree in either of the following with a specialization in chemical dependency substance use disorder counseling:

(a) A behavioral science;

(b) Nursing.

(2) Have a minimum of one hundred eighty hours of education in chemical dependency substance use disorders that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code;

(3) While holding a valid chemical dependency counselor assistant certificate, have successfully completed, over the course of not more than any two semesters, at least two hundred forty hours of supervised practicum experience in chemical dependency substance use disorder treatment through a program that meets all of the following requirements:

(a) The program includes at least two hours per week of

supervised practicum experience; 95585

(b) The program provides intensive outpatient treatment or 95586  
a higher level of care, or another level of care if specified in 95587  
rules adopted under section 4758.20 of the Revised Code; 95588

(c) The program meets other requirements specified in 95589  
rules adopted under that section. 95590

(4) Have at least one thousand hours of compensated work 95591  
experience as a chemical dependency counselor assistant; 95592

(5) Provide to the chemical dependency professionals board 95593  
a written recommendation from an individual who supervised the 95594  
individual's practice of ~~chemical dependency~~ substance use 95595  
disorder counseling as a chemical dependency counselor assistant 95596  
as required by division (B) of section 4758.59 of the Revised 95597  
Code; 95598

(6) Pass one or more examinations administered pursuant to 95599  
section 4758.22 of the Revised Code for the purpose of 95600  
determining competence to practice as a chemical dependency 95601  
counselor II. 95602

~~(D) To meet the requirements of this division, an 95603  
individual must meet all of the following requirements: 95604~~

~~(1) Since at least December 31, 2008, continuously have 95605  
done both of the following: 95606~~

~~(a) Held a valid chemical dependency counselor assistant 95607  
certificate; 95608~~

~~(b) Practiced chemical dependency counseling while under 95609  
supervision as required by division (B) of section 4758.59 of 95610  
the Revised Code. 95611~~

~~(2) Provide to the board a written recommendation from an individual who supervised the individual's practice of chemical dependency counseling as a chemical dependency counselor assistant;~~ 95612  
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~~(3) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in chemical dependency that meets the requirements specified in those rules;~~ 95616  
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95618  
95619

~~(4) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II.~~ 95620  
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**Sec. 4758.43.** An individual seeking a chemical dependency counselor assistant certificate shall meet either all of the following requirements: 95624  
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(A) Be at least eighteen years of age; 95627

(B) Hold a high school diploma, a certificate of high school equivalence, or a higher degree; 95628  
95629

(C) Have at least the number of hours in training or education specified in rules adopted under section 4758.20 of the Revised Code of training in chemical dependency related to substance use disorder counseling that meets the requirements specified in those rules; 95630  
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~~(B) Hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a registered candidate~~ 95635  
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95637  
(D) Obtain a chemical dependency counselor preliminary certificate in accordance with rules adopted under section 4758.20 of the Revised Code. 95638  
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**Sec. 4758.44.** An individual seeking a prevention consultant ~~certificate license shall meet the requirements of~~ 95641  
~~division (A) or (B) of this section.~~ 95642  
95643

~~(A) To meet the requirements of this division, an individual must meet all of the following requirements:~~ 95644  
95645

~~(1)(A)~~ Have at least the number of hours specified in 95646  
rules adopted under section 4758.20 of the Revised Code of 95647  
compensated work experience in prevention services, including at 95648  
least the number of hours specified in those rules of 95649  
administering or supervising the services; 95650

~~(2)(B)~~ Hold from an accredited educational institution at 95651  
~~least a bachelor's degree or higher~~ in a field of study 95652  
specified in rules adopted under section 4758.20 of the Revised 95653  
Code; 95654

~~(3)(C)~~ Have at least the number of hours specified in 95655  
rules adopted under section 4758.20 of the Revised Code of 95656  
prevention-related education that meets the requirements 95657  
specified in those rules; 95658

~~(4)(D)~~ Have at least the number of hours specified in 95659  
rules adopted under section 4758.20 of the Revised Code of 95660  
administrative or supervisory education; 95661

~~(5)(E)~~ Pass one or more examinations administered pursuant 95662  
to section 4758.22 of the Revised Code for the purpose of 95663  
determining competence to practice as a prevention consultant. 95664

~~(B) To meet the requirement of this division, an individual must hold, on December 23, 2002, a certificate or 95665  
credentials that were accepted under former section 3793.07 of 95666  
the Revised Code as authority to practice as a certified 95667  
prevention specialist II. 95668  
95669~~

**Sec. 4758.45.** An individual seeking a prevention specialist ~~certificate license~~ shall ~~meet the requirements of~~ division (A) or (B) of this section. 95670  
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~~(A) To meet the requirements of this division, an individual must meet all of the following requirements:~~ 95673  
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~~(1)(A)~~ Have at least the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated or volunteer work, field placement, intern, or practicum experience in prevention services, including at least the number of hours specified in those rules of planning or delivering the services; 95675  
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~~(2)(B)~~ Hold from an accredited educational institution ~~at least an associate's degree or higher~~ in a field of study specified in rules adopted under section 4758.20 of the Revised Code; 95681  
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~~(3)(C)~~ Have at least the number of hours specified in rules adopted under section 4758.20 of the Revised Code of prevention-related education that meets the requirements specified in those rules; 95685  
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95687  
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~~(4)(D)~~ Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a prevention specialist. 95689  
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~~(B) To meet the requirement of this division, an individual must hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified prevention specialist I.~~ 95692  
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**Sec. 4758.46.** An individual seeking a prevention specialist assistant certificate shall meet all of the following 95697  
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requirements:	95699
(A) Be at least eighteen years of age;	95700
(B) Have <del>at least</del> a high school diploma <del>or</del> , <u>a certificate</u> of high school equivalence, <u>or a higher degree</u> ;	95701 95702
(C) Have at least the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated or volunteer work, field placement, intern, or practicum experience in prevention services;	95703 95704 95705 95706
(D) Have at least the number of hours specified in rules adopted under section 4758.20 of the Revised Code of prevention- related education that meets the requirements specified in those rules.	95707 95708 95709 95710
<b>Sec. 4758.47.</b> An individual seeking a registered applicant certificate shall meet all of the following requirements:	95711 95712
(A) Be at least eighteen years of age;	95713
(B) Have <del>at least</del> a high school diploma <del>or</del> , <u>a certificate</u> of high school equivalence, <u>or a higher degree</u> ;	95714 95715
(C) Submit to the chemical dependency professionals board a professional development plan that is acceptable to the board.	95716 95717
<u><b>Sec. 4758.49.</b> (A) An individual seeking a peer recovery supporter certificate shall meet all of the following requirements:</u>	95718 95719 95720
<u>(1) Be at least eighteen years of age;</u>	95721
<u>(2) Hold a high school diploma, the equivalent of a high school diploma as determined by the board in rules adopted under section 4758.20 of the Revised Code, or a higher degree;</u>	95722 95723 95724
<u>(3) Attest that the individual has direct lived experience</u>	95725

<u>with mental illness or substance use disorder and is in recovery</u>	95726
<u>from a mental illness or substance use disorder;</u>	95727
<u>(4) Complete at least the number of hours of competency-</u>	95728
<u>based peer services training specified in rules adopted under</u>	95729
<u>section 4758.20 of the Revised Code;</u>	95730
<u>(5) Pass one or more examinations administered pursuant to</u>	95731
<u>section 4758.22 of the Revised Code for the purpose of</u>	95732
<u>determining competence to practice as a peer recovery supporter;</u>	95733
<u>(6) Attest to having read and understood the code of</u>	95734
<u>ethical practice and professional conduct established under</u>	95735
<u>section 4758.23 of the Revised Code for peer recovery</u>	95736
<u>supporters.</u>	95737
<u>(B) An individual seeking a youth peer supporter</u>	95738
<u>certificate shall meet all of the following requirements:</u>	95739
<u>(1) Be at least eighteen years of age but not more than</u>	95740
<u>thirty years of age;</u>	95741
<u>(2) Hold a high school diploma, the equivalent of a high</u>	95742
<u>school diploma as determined by the board in rules adopted under</u>	95743
<u>section 4758.20 of the Revised Code, or a higher degree;</u>	95744
<u>(3) Attest that the individual has direct lived experience</u>	95745
<u>with the behavioral health system and other child or youth</u>	95746
<u>services systems;</u>	95747
<u>(4) Complete at least the number of hours of competency-</u>	95748
<u>based peer services training, including training specific to</u>	95749
<u>youth peer support services, specified in rules adopted under</u>	95750
<u>section 4758.20 of the Revised Code;</u>	95751
<u>(5) Pass one or more examinations administered pursuant to</u>	95752
<u>section 4758.22 of the Revised Code for the purpose of</u>	95753

<u>determining competence to practice as a youth peer supporter;</u>	95754
<u>(6) Attest to having read and understood the code of ethical practice and professional conduct established under section 4758.23 of the Revised Code for youth peer supporters.</u>	95755 95756 95757
<u>(C) An individual seeking a family peer supporter certificate shall meet all of the following requirements:</u>	95758 95759
<u>(1) Be at least twenty-one years of age;</u>	95760
<u>(2) Hold a high school diploma, the equivalent of a high school diploma as determined by the board in rules adopted under section 4758.20 of the Revised Code, or a higher degree;</u>	95761 95762 95763
<u>(3) Attest that the individual has direct lived experience as the caregiver of an individual with mental illness or substance use disorder and has successfully navigated service systems for at least one year on behalf of the individual;</u>	95764 95765 95766 95767
<u>(4) Complete at least the number of hours of competency-based peer services training, including training specific to family peer support services, specified in rules adopted under section 4758.20 of the Revised Code;</u>	95768 95769 95770 95771
<u>(5) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a family peer supporter;</u>	95772 95773 95774
<u>(6) Attest to having read and understood the code of ethical practice and professional conduct established under section 4758.23 of the Revised Code for family peer supporters.</u>	95775 95776 95777
<b>Sec. 4758.491.</b> <u>An individual seeking a peer support supervisor endorsement shall meet all of the following requirements:</u>	95778 95779 95780

(A) Hold an active independent chemical dependency counselor, chemical dependency counselor III, or chemical dependency counselor II license, or peer recovery supporter, youth peer supporter, or family peer supporter certificate issued under this chapter; 95781  
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(B) Have provided services under either of the following for at least two years: 95786  
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(1) An active license or certification described in division (A) of this section; 95788  
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(2) A peer recovery supporter, youth peer supporter, or family peer supporter certificate issued by the department of mental health and addiction services prior to one year after the effective date of this section. 95790  
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(C) Complete the number of hours of online learning specified in rules adopted under section 4758.20 of the Revised Code; 95794  
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(D) Complete a supervising peers training program that meets the standards established in rules adopted under section 4758.20 of the Revised Code. 95797  
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**Sec. 4758.51.** (A) Except as provided in division (C) of this section and in accordance with rules adopted under section 4758.20 of the Revised Code, each individual who holds a license, certificate, or endorsement issued under this chapter, other than ~~an initial~~ a chemical dependency counselor assistant preliminary certificate or registered applicant certificate, shall complete during the period that the license, certificate, or endorsement is in effect not less than the following number of clock hours of continuing education as a condition of receiving a renewed license, certificate, or endorsement: 95800  
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- (1) In the case of an individual holding a prevention specialist assistant certificate, twenty; 95810  
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- (2) In the case of an individual holding a gambling disorder endorsement, six; 95812  
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- (3) In the case of any other individual, thirty, except as follows: 95814  
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- (a) If the individual is age sixty-five years or older, twenty; 95816  
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- (b) If the individual holds an international certificate from the international certification and reciprocity consortium, the number of clock hours required by the consortium. 95818  
95819  
95820
- (B) Except as provided in division (C) of this section, an individual whose license, certificate, or endorsement issued under this chapter, other than ~~an initial~~ a chemical dependency counselor assistant preliminary certificate or registered applicant certificate, has expired shall complete the number of hours of continuing education specified in rules adopted under section 4758.20 of the Revised Code as a condition of receiving a restored license, certificate, or endorsement. 95821  
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- (C) The chemical dependency professionals board may waive the continuing education requirements established under this section for individuals who are unable to fulfill them because of military service, illness, residence outside the United States, or any other reason the board considers acceptable. 95829  
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- Sec. 4758.54.** In addition to practicing ~~chemical dependency~~ substance use disorder counseling, an individual holding a valid independent chemical dependency counselor-clinical supervisor license may do all of the following: 95834  
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(A) Diagnose and treat <del>chemical dependency</del> <u>substance use disorder</u> conditions;	95838
	95839
(B) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to <del>abuse of and dependency on alcohol and other drugs</del> <u>behavioral health conditions related to substance use disorder</u> ;	95840
	95841
	95842
	95843
	95844
(C) Provide clinical supervision of <del>chemical dependency</del> <u>substance use disorder</u> counseling;	95845
	95846
<del>(D) Refer individuals with nonchemical dependency conditions to appropriate sources of help.</del>	95847
	95848
<b>Sec. 4758.55.</b> In addition to practicing <del>chemical dependency</del> <u>substance use disorder</u> counseling, an individual holding a valid independent chemical dependency counselor license may do all of the following:	95849
	95850
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	95852
(A) Diagnose and treat <del>chemical dependency</del> <u>substance use disorder</u> conditions;	95853
	95854
(B) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to <del>abuse of and dependency on alcohol and other drugs</del> <u>behavioral health conditions related to substance use disorder</u> ;	95855
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	95859
(C) Provide clinical supervision of <del>chemical dependency</del> <u>substance use disorder</u> counseling under the supervision of any of the following:	95860
	95861
	95862
(1) An independent chemical dependency counselor-clinical supervisor licensed under this chapter;	95863
	95864
(2) An individual authorized under Chapter 4731. of the	95865



Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	95866 95867
(3) A psychologist licensed under Chapter 4732. of the Revised Code;	95868 95869
(4) A registered nurse licensed under Chapter 4723. of the Revised Code or licensed professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, licensed professional clinical counselor, independent social worker, or independent marriage and family therapist;	95870 95871 95872 95873 95874 95875 95876 95877
(5) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code.	95878 95879 95880
<del>(D) Refer individuals with nonchemical dependency conditions to appropriate sources of help.</del>	95881 95882
<b>Sec. 4758.56.</b> (A) In addition to practicing <del>chemical dependency</del> <u>substance use disorder</u> counseling, an individual holding a valid chemical dependency counselor III license may do all of the following:	95883 95884 95885 95886
(1) Diagnose <del>chemical dependency</del> <u>substance use disorder</u> conditions under the supervision of any of the professionals listed in section 4758.561 of the Revised Code;	95887 95888 95889
(2) Treat <del>chemical dependency</del> <u>substance use disorder</u> conditions;	95890 95891
(3) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management,	95892 95893

and education services as they relate to ~~abuse of and dependency~~ 95894  
~~on alcohol and other drugs~~ behavioral health conditions related 95895  
to substance use disorder; 95896

(4) Provide clinical supervision of ~~chemical dependency-~~ 95897  
substance use disorder counseling under the supervision of any 95898  
of the professionals listed in section 4758.561 of the Revised 95899  
Code. 95900

~~(5) Refer individuals with nonchemical dependency-~~ 95901  
~~conditions to appropriate sources of help.~~ 95902

(B) A chemical dependency counselor III may not practice 95903  
as an individual practitioner. 95904

**Sec. 4758.57.** (A) In addition to practicing ~~chemical-~~ 95905  
dependency-substance use disorder counseling, an individual 95906  
holding a valid chemical dependency counselor II license may ~~do-~~ 95907  
~~both of the following:~~ 95908

~~(1) Perform~~ perform treatment planning, assessment, crisis 95909  
intervention, individual and group counseling, case management, 95910  
and education services as they relate to ~~abuse of and dependency~~ 95911  
~~on alcohol and other drugs;~~ 95912

~~(2) Refer individuals with nonchemical dependency-~~ 95913  
~~conditions to appropriate sources of help~~ behavioral health 95914  
conditions related to substance use disorder. 95915

(B) A chemical dependency counselor II may not practice as 95916  
an individual practitioner. 95917

**Sec. 4758.59.** (A) Subject to division (B) of this section, 95918  
an individual holding a valid chemical dependency counselor 95919  
assistant certificate ~~may do both of the following,~~ in addition 95920  
to practicing chemical dependency counseling. 95921

~~(1) Perform, may perform~~ treatment planning, assessment, 95922  
crisis intervention, individual and group counseling, case 95923  
management, and education services as they relate to ~~abuse of or~~ 95924  
~~dependency on alcohol and other drugs;~~ 95925

~~(2) Refer individuals with nonchemical dependency~~ 95926  
~~conditions to appropriate sources of help~~ behavioral health 95927  
conditions related to substance use disorder. 95928

(B) An individual holding a valid chemical dependency 95929  
counselor assistant certificate may practice ~~chemical dependency~~ 95930  
substance use disorder counseling and perform the tasks 95931  
specified in division (A) of this section only while under the 95932  
supervision of any of the following: 95933

(1) An independent chemical dependency counselor-clinical 95934  
supervisor, independent chemical dependency counselor, or 95935  
chemical dependency counselor III licensed under this chapter; 95936

(2) An individual authorized under Chapter 4731. of the 95937  
Revised Code to practice medicine and surgery or osteopathic 95938  
medicine and surgery; 95939

(3) A psychologist licensed under Chapter 4732. of the 95940  
Revised Code; 95941

(4) A registered nurse licensed under Chapter 4723. of the 95942  
Revised Code or licensed professional clinical counselor, 95943  
independent social worker, or independent marriage and family 95944  
therapist licensed under Chapter 4757. of the Revised Code if 95945  
such supervision is consistent with the scope of practice of the 95946  
registered nurse, licensed professional clinical counselor, 95947  
independent social worker, or independent marriage and family 95948  
therapist; 95949

(5) An individual authorized to practice as a certified 95950

nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code. 95951  
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(C) A chemical dependency counselor assistant may not practice as an individual practitioner. 95953  
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**Sec. 4758.60.** An individual who holds a valid prevention consultant ~~certificate~~ license or prevention specialist ~~certificate~~ license issued under this chapter may engage in the practice of prevention services as specified in rules adopted under section 4758.20 of the Revised Code. 95955  
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**Sec. 4758.61.** An individual who holds a valid prevention specialist assistant certificate or registered applicant certificate issued under this chapter may engage in the practice of prevention services, as specified in rules adopted under section 4758.20 of the Revised Code, under the supervision of any of the following: 95960  
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(A) A prevention consultant or prevention specialist ~~certified~~ licensed under this chapter; 95966  
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(B) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 95968  
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(C) A psychologist licensed under Chapter 4732. of the Revised Code; 95971  
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(D) A registered nurse licensed under Chapter 4723. of the Revised Code; 95973  
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(E) A licensed professional clinical counselor, a licensed professional counselor, an independent social worker, a social worker, an independent marriage and family therapist, or a marriage and family therapist licensed under Chapter 4757. of 95975  
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the Revised Code;	95979
(F) A school counselor licensed by the state board of education pursuant to section 3319.22 of the Revised Code;	95980 95981
(G) A health education specialist certified by the national commission for health education credentialing;	95982 95983
(H) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code.	95984 95985 95986
<b>Sec. 4758.62.</b> An individual who holds an independent chemical dependency counselor license and a gambling disorder endorsement may do all of the following:	95987 95988 95989
(A) Diagnose and treat gambling disorder conditions;	95990
(B) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and educational services insofar as those functions relate to gambling disorders;	95991 95992 95993 95994
(C) Supervise gambling disorder counseling; <del>and</del>	95995
<del>(D) Refer individuals with other gambling conditions to appropriate sources of help.</del>	95996 95997
<b>Sec. 4758.63.</b> An individual who holds a chemical dependency counselor III license and a gambling disorder endorsement may do all of the following:	95998 95999 96000
(A) Treat gambling disorder conditions;	96001
(B) Diagnose gambling disorder conditions under supervision;	96002 96003
(C) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management,	96004 96005

and educational services insofar as those functions relate to 96006  
gambling disorders; 96007

(D) Supervise gambling disorder counseling under 96008  
supervision; ~~and~~ 96009

~~(E) Refer individuals with other gambling conditions to~~ 96010  
~~appropriate sources of help.~~ 96011

The supervision required by divisions (B) and (D) of this 96012  
section shall be provided by an independent chemical dependency 96013  
counselor licensed under this chapter; an individual authorized 96014  
to practice medicine and surgery or osteopathic medicine and 96015  
surgery under Chapter 4731. of the Revised Code; a psychologist 96016  
licensed under Chapter 4732. of the Revised Code; an individual 96017  
authorized to practice as a certified nurse practitioner or 96018  
clinical nurse specialist under Chapter 4723. of the Revised 96019  
Code; a registered nurse licensed under Chapter 4723. of the 96020  
Revised Code; or a professional clinical counselor, independent 96021  
social worker, or independent marriage and family therapist 96022  
licensed under Chapter 4757. of the Revised Code. 96023

An individual holding a chemical dependency counselor III 96024  
license shall not practice as an individual practitioner. 96025

**Sec. 4758.64.** (A) An individual who holds a chemical 96026  
dependency counselor II license and a gambling disorder 96027  
endorsement may do ~~all~~ both of the following: 96028

~~(A)~~ (1) Treat gambling disorder conditions; 96029

~~(B)~~ (2) Perform treatment planning, assessment, crisis 96030  
intervention, individual and group counseling, case management, 96031  
and educational services insofar as those functions relate to 96032  
gambling disorders; ~~and~~ 96033

~~(C) Refer individuals with other gambling conditions to appropriate sources of help.~~ 96034  
96035

(B) An individual holding a chemical dependency II license shall not practice as an individual practitioner. 96036  
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**Sec. 4758.65.** (A) The activities described in division (B) of this section may be performed only under the supervision of an individual described in section 4758.651 of the Revised Code. 96038  
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(B) (1) A peer supporter certified under this chapter may work with the following populations: 96041  
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(a) In the case of a peer recovery supporter, individuals with a mental illness or substance use disorder, or both, and who may also have a co-occurring developmental disability, as well as the individuals' caregivers or families; 96043  
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(b) In the case of a youth peer supporter, individuals who primarily are thirty years of age or younger with a mental illness or substance use disorder, or both, and who may also have a co-occurring developmental disability, as well as the individuals' caregivers or families; 96047  
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(c) In the case of a family peer supporter, caregivers or families of individuals with a mental illness or substance use disorder, or both, and who may also have a co-occurring developmental disability. 96052  
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(2) A peer supporter certified under this chapter may promote any of the following competencies for the populations within the peer supporter's scope of practice as specified in division (B) (1) of this section: 96056  
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(a) Resiliency and recovery; 96060

(b) Self-determination; 96061

<u>(c) Advocacy;</u>	96062
<u>(d) Well-being;</u>	96063
<u>(e) Skill development;</u>	96064
<u>(f) Any other competencies specified in rules adopted pursuant to section 4758.20 of the Revised Code.</u>	96065 96066
<u>(3) A peer supporter may perform any other tasks within the peer supporter's scope of practice as established in rules adopted pursuant to section 4758.20 of the Revised Code.</u>	96067 96068 96069
<u>(C) A peer supporter may not practice as an individual practitioner.</u>	96070 96071
<b><u>Sec. 4758.651.</u></b> For purposes of section 4758.65 of the Revised Code, any of the following may supervise a peer supporter certified under this chapter:	96072 96073 96074
<u>(A) A peer recovery supporter, youth peer supporter, or family peer supporter certified under this chapter who holds a peer support supervisor endorsement issued under this chapter;</u>	96075 96076 96077
<u>(B) A chemical dependency counselor II, chemical dependency counselor III, or independent chemical dependency counselor licensed under this chapter who holds a peer support supervisor endorsement issued under this chapter;</u>	96078 96079 96080 96081
<u>(C) Any of the following who has completed the training requirements specified in rules adopted under section 4758.20 of the Revised Code to supervise peer supporters without holding a peer support supervisor endorsement issued under this chapter:</u>	96082 96083 96084 96085
<u>(1) A social worker, independent social worker, professional counselor, professional clinical counselor, marriage and family therapist, or independent marriage and</u>	96086 96087 96088



family therapist licensed under Chapter 4757. of the Revised 96089  
Code, if such supervision is consistent with the scope of 96090  
practice of the social worker, independent social worker, 96091  
professional counselor, professional clinical counselor, 96092  
marriage and family therapist, or independent marriage and 96093  
family therapist; 96094

(2) A psychologist licensed under Chapter 4732. of the 96095  
Revised Code; 96096

(3) A psychiatrist, as defined in section 5122.01 of the 96097  
Revised Code. 96098

**Sec. 4758.70.** (A) Except to the extent of providing 96099  
services authorized by this chapter, this chapter does not 96100  
authorize any individual to engage in either of the following: 96101

~~(A)~~ (1) The practice of psychology as defined in section 96102  
4732.01 of the Revised Code; 96103

~~(B)~~ (2) The practice of professional counseling, practice 96104  
of social work, or practice of marriage and family therapy, as 96105  
those terms are defined in section 4757.01 of the Revised Code. 96106

(B) Peer recovery supporters, youth peer supporters, or 96107  
family peer supporters certified under this chapter are not 96108  
authorized to engage in the practice of substance use disorder 96109  
counseling or prevention services. 96110

**Sec. 4758.80.** An independent chemical dependency 96111  
counselor, peer recovery supporter, youth peer supporter, or 96112  
family peer supporter may provide telehealth services in 96113  
accordance with section 4743.09 of the Revised Code. 96114

**Sec. 4758.99.** Whoever violates ~~division (A) or (B) of~~ 96115  
section 4758.02 of the Revised Code is guilty of a misdemeanor 96116

of the fourth degree on a first offense; on each subsequent 96117  
offense, the person is guilty of a misdemeanor of the third 96118  
degree. 96119

**Sec. 4765.11.** (A) The state board of emergency medical, 96120  
fire, and transportation services shall adopt, and may amend and 96121  
rescind, rules in accordance with Chapter 119. of the Revised 96122  
Code and divisions (C) and (D) of this section that establish 96123  
all of the following: 96124

(1) Procedures for its governance and the control of its 96125  
actions and business affairs; 96126

(2) Standards for the performance of emergency medical 96127  
services by first responders, emergency medical technicians- 96128  
basic, emergency medical technicians-intermediate, and emergency 96129  
medical technicians-paramedic; 96130

(3) Application fees for certificates of accreditation, 96131  
certificates of approval, certificates to teach, and 96132  
certificates to practice, which shall be deposited into the 96133  
trauma and emergency medical services fund created in section 96134  
4513.263 of the Revised Code; 96135

(4) Criteria for determining when the application or 96136  
renewal fee for a certificate to practice may be waived because 96137  
an applicant cannot afford to pay the fee; 96138

(5) Procedures for issuance and renewal of certificates of 96139  
accreditation, certificates of approval, certificates to teach, 96140  
and certificates to practice, including any measures necessary 96141  
to implement section 9.79 of the Revised Code and any procedures 96142  
necessary to ensure that adequate notice of renewal is provided 96143  
in accordance with division (E) of section 4765.30 of the 96144  
Revised Code; 96145

(6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;	96146 96147 96148
(7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	96149 96150 96151 96152
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	96153 96154
(9) Standards for certificates of accreditation and certificates of approval;	96155 96156
(10) Qualifications for certificates to teach;	96157
(11) Requirements for a certificate to practice;	96158
(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;	96159 96160 96161 96162 96163
(13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions;	96164 96165 96166 96167 96168
(14) Examinations for certificates to practice;	96169
(15) Procedures for administering examinations for certificates to practice;	96170 96171
(16) Procedures for approving examinations that	96172

demonstrate competence to have a certificate to practice renewed 96173  
without completing an emergency medical services continuing 96174  
education program; 96175

(17) Procedures for granting extensions and exemptions of 96176  
emergency medical services continuing education requirements; 96177

(18) Specifications of the emergency medical services that 96178  
first responders are authorized to perform under section 4765.35 96179  
of the Revised Code, that EMTs-basic are authorized to perform 96180  
under section 4765.37 of the Revised Code, that EMTs-I are 96181  
authorized to perform under section 4765.38 of the Revised Code, 96182  
and that paramedics are authorized to perform under section 96183  
4765.39 of the Revised Code; 96184

(19) Standards and procedures for implementing the 96185  
requirements of section 4765.06 of the Revised Code, including 96186  
designations of the persons who are required to report 96187  
information to the board and the types of information to be 96188  
reported; 96189

(20) Procedures for administering the emergency medical 96190  
services grant program established under section 4765.07 of the 96191  
Revised Code; 96192

(21) Procedures consistent with Chapter 119. of the 96193  
Revised Code for appealing decisions of the board; 96194

(22) Minimum qualifications and peer review and quality 96195  
improvement requirements for persons who provide medical 96196  
direction to emergency medical service personnel, including, 96197  
subject to division (B) of section 4765.42 of the Revised Code, 96198  
qualifications for a physician to be eligible to serve as the 96199  
medical director of an emergency medical service organization or 96200  
a member of its cooperating physician advisory board; 96201

(23) The manner in which a patient, or a patient's parent, guardian, or custodian, may consent to the board releasing identifying information about the patient under division (D) of section 4765.102 of the Revised Code;

(24) Circumstances under which a training program or continuing education program, or portion of either type of program, may be taught by a person who does not hold a certificate to teach issued under section 4765.23 of the Revised Code;

(25) Certification cycles for certificates issued under sections 4765.23 and 4765.30 of the Revised Code and certificates issued by the executive director of the state board of emergency medical, fire, and transportation services under section 4765.55 of the Revised Code that establish a common expiration date for all certificates;

(26) Procedures by which the holder of a certificate to practice who intends to retire may request the emergency medical service organization for which the holder performs services to direct the board to designate the holder as "retired" in the board's records when the holder retires.

(B) The board may adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and divisions (C) and (D) of this section that establish any of the following:

(1) Specifications of information that may be collected under the trauma system registry and incidence reporting system created under section 4765.06 of the Revised Code;

(2) Standards and procedures for implementing any of the recommendations made by any committees of the board or under

section 4765.04 of the Revised Code; 96231

(3) Procedures and requirements for conducting background 96232  
checks on applicants for the issuance and renewal of 96233  
certificates of accreditation, certificates of approval, 96234  
certificates to teach, and certificates to practice in 96235  
accordance with section 109.578 of the Revised Code; 96236

(4) Any other rules necessary to implement this chapter. 96237

(C) In developing and administering rules adopted under 96238  
this chapter, the state board of emergency medical, fire, and 96239  
transportation services shall consult with regional directors 96240  
and regional advisory boards appointed under section 4765.05 of 96241  
the Revised Code and emphasize the special needs of pediatric 96242  
and geriatric patients. 96243

(D) On and after April 6, 2023, the executive director 96244  
shall not issue to any new applicant a certificate to practice 96245  
as an emergency medical services assistant instructor. Any 96246  
emergency medical services assistant instructor certificate that 96247  
was issued in accordance with rules adopted under division (A) 96248  
of this section prior to April 6, 2023, remains valid, subject 96249  
to any conditions or responsibilities of retaining the validity 96250  
of that certificate, until the holder of the certificate allows 96251  
it to expire or lapse. The certificate may be renewed by the 96252  
holder of that certificate. The board shall adopt, amend, or 96253  
rescind rules in accordance with Chapter 119. of the Revised 96254  
Code in order to effectuate this division. 96255

(E) Except as otherwise provided in this division, before 96256  
adopting, amending, or rescinding any rule under this chapter, 96257  
the board shall submit the proposed rule to the director of 96258  
public safety for review. The director may review the proposed 96259

rule for not more than sixty days after the date it is 96260  
submitted. If, within this sixty-day period, the director 96261  
approves the proposed rule or does not notify the board that the 96262  
rule is disapproved, the board may adopt, amend, or rescind the 96263  
rule as proposed. If, within this sixty-day period, the director 96264  
notifies the board that the proposed rule is disapproved, the 96265  
board shall not adopt, amend, or rescind the rule as proposed 96266  
unless at least twelve members of the board vote to adopt, 96267  
amend, or rescind it. 96268

This division does not apply to an emergency rule adopted 96269  
in accordance with section 119.03 of the Revised Code. 96270

(F) Notwithstanding any requirement for a certificate 96271  
issued in accordance with rules adopted by the board under this 96272  
section, the board, in accordance with Chapter 4796. of the 96273  
Revised Code, shall issue a certificate that is a license as 96274  
defined in section 4796.01 of the Revised Code to an individual 96275  
if either of the following applies: 96276

(1) The individual holds a license or certificate in 96277  
another state. 96278

(2) The individual has satisfactory work experience, a 96279  
government certification, or a private certification as 96280  
described in that chapter as a first responder, emergency 96281  
medical technician-basic, emergency medical technician- 96282  
intermediate, or emergency medical technician-paramedic in a 96283  
state that does not issue that license or certificate. 96284

(G) Notwithstanding any provision of section 121.95 of the 96285  
Revised Code to the contrary, a regulatory restriction contained 96286  
in a rule adopted under division (A) (26) of this section is not 96287  
subject to sections 121.95 to 121.953 of the Revised Code. 96288

**Sec. 4765.55.** (A) The executive director of the state 96289  
board of emergency medical, fire, and transportation services, 96290  
with the advice and counsel of the firefighter and fire safety 96291  
inspector training committee of the state board of emergency 96292  
medical, fire, and transportation services, shall assist in the 96293  
establishment and maintenance by any state agency, or any 96294  
county, township, city, village, school district, or educational 96295  
service center of a fire service training program for the 96296  
training of all persons in positions of any fire training 96297  
certification level approved by the executive director, 96298  
including full-time paid firefighters, part-time paid 96299  
firefighters, volunteer firefighters, and fire safety inspectors 96300  
in this state. The executive director, with the advice and 96301  
counsel of the committee, shall adopt rules to regulate those 96302  
firefighter and fire safety inspector training programs, and 96303  
other training programs approved by the executive director. The 96304  
rules may include, but need not be limited to, training 96305  
curriculum, certification examinations, training schedules, 96306  
minimum hours of instruction, attendance requirements, required 96307  
equipment and facilities, basic physical requirements, and 96308  
methods of training for all persons in positions of any fire 96309  
training certification level approved by the executive director, 96310  
including full-time paid firefighters, part-time paid 96311  
firefighters, volunteer firefighters, and fire safety 96312  
inspectors. The rules adopted to regulate training programs for 96313  
volunteer firefighters shall not require more than thirty-six 96314  
hours of training. 96315

The executive director, with the advice and counsel of the 96316  
committee, shall provide for the classification and chartering 96317  
of fire service training programs in accordance with rules 96318  
adopted under division (B) of this section, and may take action 96319



against any chartered training program or applicant, in 96320  
accordance with rules adopted under divisions (B) (4) and (5) of 96321  
this section, for failure to meet standards set by the adopted 96322  
rules. 96323

(B) The executive director, with the advice and counsel of 96324  
the firefighter and fire safety inspector training committee of 96325  
the state board of emergency medical, fire, and transportation 96326  
services, shall adopt, and may amend or rescind, rules under 96327  
Chapter 119. of the Revised Code that establish all of the 96328  
following: 96329

(1) Requirements for, and procedures for chartering, the 96330  
training programs regulated by this section; 96331

(2) Requirements for, and requirements and procedures for 96332  
obtaining and renewing, an instructor certificate to teach the 96333  
training programs and continuing education classes regulated by 96334  
this section; 96335

(3) Requirements for, and requirements and procedures for 96336  
obtaining and renewing, any of the fire training certificates 96337  
regulated by this section; 96338

(4) Grounds and procedures for suspending, revoking, 96339  
restricting, or refusing to issue or renew any of the 96340  
certificates or charters regulated by this section, which 96341  
grounds shall be limited to one of the following: 96342

(a) Failure to satisfy the education or training 96343  
requirements of this section; 96344

(b) Conviction of a felony offense; 96345

(c) Conviction of a misdemeanor involving moral turpitude; 96346

(d) Conviction of a misdemeanor committed in the course of 96347

practice; 96348

(e) In the case of a chartered training program or 96349  
applicant, failure to meet standards set by the rules adopted 96350  
under this division. 96351

(5) Grounds and procedures for imposing and collecting 96352  
fines, not to exceed one thousand dollars, in relation to 96353  
actions taken under division (B) (4) of this section against 96354  
persons holding certificates and charters regulated by this 96355  
section, the fines to be deposited into the trauma and emergency 96356  
medical services fund established under section 4513.263 of the 96357  
Revised Code; 96358

(6) Continuing education requirements for certificate 96359  
holders, including a requirement that credit shall be granted 96360  
for in-service training programs conducted by local entities. 96361  
The continuing education requirements shall not require more 96362  
than thirty-six hours of continuing education every three-year 96363  
certification cycle. Local entities may require additional 96364  
continuing education, provided that completion of such 96365  
additional continuing education is not required for renewal of 96366  
certification. 96367

(7) Procedures for considering the granting of an 96368  
extension or exemption of fire service continuing education 96369  
requirements; 96370

(8) Certification cycles for which the certificates and 96371  
charters regulated by this section are valid; 96372

(9) If determined necessary by the executive director, 96373  
procedures and requirements for conducting background checks on 96374  
applicants for the issuance and renewal of certification as a 96375  
fire safety inspector in accordance with section 109.578 of the 96376

Revised Code; 96377

(10) Procedures by which a firefighter or fire safety inspector who intends to retire may request the department for which the firefighter or inspector performs services to direct the executive director of the state board of emergency medical, fire, and transportation services to designate the firefighter or inspector as "retired" in the board's records when the firefighter or inspector retires. 96378  
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(C) (1) The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall issue or renew an instructor certificate to teach the training programs and continuing education classes regulated by this section to any applicant that the executive director determines meets the qualifications established in rules adopted under division (B) of this section, and may take disciplinary action against an instructor certificate holder or applicant in accordance with rules adopted under division (B) of this section. 96385  
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(2) On and after April 6, 2023, the executive director shall not issue to any new applicant a certificate to practice as an assistant fire instructor. Any assistant fire instructor certificate that was issued in accordance with rules adopted under division (B) of this section prior to April 6, 2023, remains valid, subject to any conditions or responsibilities of retaining the validity of that certificate, until the holder of the certificate allows it to expire or lapse. The certificate may be renewed by the holder of that certificate. The executive director shall adopt, amend, or rescind rules in accordance with Chapter 119. of the Revised Code in order to effectuate division 96396  
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(C) (2) of this section. 96407

(3) The executive director, with the advice and counsel of 96408  
the committee, shall charter or renew the charter of any 96409  
training program that the executive director determines meets 96410  
the qualifications established in rules adopted under division 96411  
(B) of this section, and may take disciplinary action against 96412  
the holder of a charter in accordance with rules adopted under 96413  
division (B) of this section. 96414

(D) The executive director shall issue or renew a fire 96415  
training certificate for a firefighter, a fire safety inspector, 96416  
or another position of any fire training certification level 96417  
approved by the executive director, to any applicant that the 96418  
executive director determines meets the qualifications 96419  
established in rules adopted under division (B) of this section 96420  
and may take disciplinary actions against a certificate holder 96421  
or applicant in accordance with rules adopted under division (B) 96422  
of this section. 96423

(E) Certificates issued under this section shall be on a 96424  
form prescribed by the executive director, with the advice and 96425  
counsel of the firefighter and fire safety inspector training 96426  
committee of the state board of emergency medical, fire, and 96427  
transportation services. 96428

(F) (1) The executive director, with the advice and counsel 96429  
of the firefighter and fire safety inspector training committee 96430  
of the state board of emergency medical, fire, and 96431  
transportation services, shall establish criteria for evaluating 96432  
the standards maintained by the branches of the United States 96433  
military for firefighter, fire safety inspector, and fire 96434  
instructor training programs, and other training programs 96435  
recognized by the executive director, to determine whether the 96436

standards are equivalent to those established under this section 96437  
and shall establish requirements and procedures for issuing a 96438  
certificate to each person who presents proof to the executive 96439  
director of having satisfactorily completed a training program 96440  
that meets those standards. 96441

(2) The executive director, with the committee's advice 96442  
and counsel, shall adopt rules establishing requirements and 96443  
procedures for issuing a fire training certificate in lieu of 96444  
completing a chartered training program. 96445

(G) Notwithstanding any requirement for a certificate 96446  
issued under this section, the executive director shall issue a 96447  
certificate in accordance with Chapter 4796. of the Revised Code 96448  
to an individual if either of the following applies: 96449

(1) The individual holds a license or certificate in 96450  
another state. 96451

(2) The individual has satisfactory work experience, a 96452  
government certification, or a private certification as 96453  
described in that chapter as a firefighter or fire safety 96454  
inspector in a state that does not issue that license or 96455  
certificate. 96456

(H) Nothing in this section invalidates any other section 96457  
of the Revised Code relating to the fire training academy. 96458  
Section 4765.11 of the Revised Code does not affect any powers 96459  
and duties granted to the executive director under this section. 96460

(I) Notwithstanding any provision of division (B) (4) of 96461  
this section to the contrary, the executive director shall not 96462  
adopt rules for refusing to issue any of the certificates or 96463  
charters regulated by this section to an applicant because of a 96464  
criminal conviction unless the rules establishing grounds and 96465

procedures for refusal are in accordance with section 9.79 of 96466  
the Revised Code. 96467

(J) Notwithstanding any provision of section 121.95 of the 96468  
Revised Code to the contrary, a regulatory restriction contained 96469  
in a rule adopted under division (A)(10) of this section is not 96470  
subject to sections 121.95 to 121.953 of the Revised Code. 96471

**Sec. 4767.10.** (A) The division of real estate in the 96472  
department of commerce shall use ~~one dollar~~ six dollars of each 96473  
burial permit fee collected pursuant to section 3705.17 of the 96474  
Revised Code and paid into the state treasury to the credit of 96475  
the cemetery registration fund created under section 4767.03 of 96476  
the Revised Code to advance grants to cemeteries registered with 96477  
the division to defray the costs of exceptional cemetery 96478  
maintenance or training cemetery personnel in the maintenance 96479  
and operation of cemeteries. The division may not provide a 96480  
grant to a corporation or association that operates a cemetery 96481  
for profit. Grants provided under this section shall not exceed 96482  
five thousand dollars. An operator of five or more cemeteries 96483  
registered with the division may apply for and receive one grant 96484  
per year. All other operators of cemeteries registered with the 96485  
division may apply for and receive one grant every other year. 96486  
The division shall advance grants from the cemetery registration 96487  
fund in accordance with rules adopted by the Ohio cemetery 96488  
dispute resolution commission under Chapter 119. of the Revised 96489  
Code. 96490

(B) The director of commerce may increase, by rule adopted 96491  
under Chapter 119. of the Revised Code, the amount of total 96492  
grants the division may advance in a fiscal year if the director 96493  
determines the total amount of funds generated exceeds the 96494  
amount of funds the division needs to carry out its powers and 96495

duties under this section. If the director determines the 96496  
increased amount depletes the amount of funds the division needs 96497  
to carry out its powers and duties under this section, the 96498  
director may decrease the amount not below the amount specified 96499  
in division (A) of this section. 96500

**Sec. 4776.01.** As used in this chapter: 96501

(A) "License" means an authorization evidenced by a 96502  
license, certificate, registration, permit, card, or other 96503  
authority that is issued or conferred by a licensing agency to a 96504  
licensee or to an applicant for an initial license by which the 96505  
licensee or initial license applicant has or claims the 96506  
privilege to engage in a profession, occupation, or occupational 96507  
activity, or, except in the case of the state dental board, to 96508  
have control of and operate certain specific equipment, 96509  
machinery, or premises, over which the licensing agency has 96510  
jurisdiction. 96511

(B) Except as provided in section 4776.20 of the Revised 96512  
Code, "licensee" means the person to whom the license is issued 96513  
by a licensing agency. "Licensee" includes a person who, for 96514  
purposes of section 3796.13 of the Revised Code, has complied 96515  
with sections 4776.01 to 4776.04 of the Revised Code and has 96516  
been determined by the division of marijuana control, as the 96517  
applicable licensing agency, to meet the requirements for 96518  
employment. 96519

(C) Except as provided in section 4776.20 of the Revised 96520  
Code, "licensing agency" means any of the following: 96521

(1) The board authorized by Chapters 4701., 4717., 4725., 96522  
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 96523  
4753., 4755., 4757., 4758., 4759., 4760., 4761., 4762., 4772., 96524

4774., 4778., 4779., and 4783. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specific equipment, machinery, or premises.

(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code;

(3) The division of marijuana control, relative to its authority under Chapter 3796. of the Revised Code and any rules adopted under that chapter with respect to a person who is subject to section 3796.13 of the Revised Code;

(4) The director of agriculture, relative to the director's authority to issue licenses under Chapter 928. of the Revised Code.

(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license by reciprocity, endorsement, or similar manner of a license issued in another state. "Applicant for an initial license" also includes a person who, for purposes of section 3796.13 of the Revised Code, is required to comply with sections 4776.01 to 4776.04 of the Revised Code.

(E) "Applicant for a restored license" includes persons seeking restoration of a license under section 4730.14, 4730.28, 4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 4761.06, 4761.061, 4762.06, 4762.061, 4772.08, 4772.082, 4774.06, 4774.061, 4778.07, or 4778.071 of the Revised Code. "Applicant for a restored license" does not include a person seeking restoration of a license under section 4751.33 of the Revised Code.



(F) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 96554  
96555

**Sec. 4776.20.** (A) As used in this section: 96556

(1) "Licensing agency" means, in addition to each board identified in division (C) of section 4776.01 of the Revised Code, the board or other government entity authorized to issue a license under Chapters 3776., 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 4737., 4738., 4740., 4747., 4749., 4752., ~~4753., 4758., 4759.,~~ 4763., 4764., 4765., 4766., 4771., 4773., and 4781. of the Revised Code. "Licensing agency" includes an administrative officer that has authority to issue a license. 96557  
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(2) "Licensee" means, in addition to a licensee as described in division (B) of section 4776.01 of the Revised Code, the person to whom a license is issued by the board or other government entity authorized to issue a license under Chapters 3776., 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 4737., 4738., 4740., 4747., 4749., 4751., 4752., ~~4753., 4758., 4759.,~~ 4763., 4764., 4765., 4766., 4771., 4773., and 4781. of the Revised Code. 96566  
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(3) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 96574  
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(B) On a licensee's conviction of, plea of guilty to, judicial finding of guilt of, or judicial finding of guilt resulting from a plea of no contest to the offense of trafficking in persons in violation of section 2905.32 of the Revised Code, the prosecutor in the case shall promptly notify the licensing agency of the conviction, plea, or finding and provide the licensee's name and residential address. On receipt 96576  
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of this notification, the licensing agency shall immediately 96583  
suspend the licensee's license. 96584

(C) If there is a conviction of, plea of guilty to, 96585  
judicial finding of guilt of, or judicial finding of guilt 96586  
resulting from a plea of no contest to the offense of 96587  
trafficking in persons in violation of section 2905.32 of the 96588  
Revised Code and all or part of the violation occurred on the 96589  
premises of a facility that is licensed by a licensing agency, 96590  
the prosecutor in the case shall promptly notify the licensing 96591  
agency of the conviction, plea, or finding and provide the 96592  
facility's name and address and the offender's name and 96593  
residential address. On receipt of this notification, the 96594  
licensing agency shall immediately suspend the facility's 96595  
license. 96596

(D) Notwithstanding any provision of the Revised Code to 96597  
the contrary, the suspension of a license under division (B) or 96598  
(C) of this section shall be implemented by a licensing agency 96599  
without a prior hearing. After the suspension, the licensing 96600  
agency shall give written notice to the subject of the 96601  
suspension of the right to request a hearing under Chapter 119. 96602  
of the Revised Code. After a hearing is held, the licensing 96603  
agency shall either revoke or permanently revoke the license of 96604  
the subject of the suspension, unless it determines that the 96605  
license holder has not been convicted of, pleaded guilty to, 96606  
been found guilty of, or been found guilty based on a plea of no 96607  
contest to the offense of trafficking in persons in violation of 96608  
section 2905.32 of the Revised Code. 96609

**Sec. 4785.041.** (A) The division of industrial compliance 96610  
within the department of commerce may renew a license issued 96611  
under section 4785.04 of the Revised Code if the licensee does 96612

all of the following: 96613

(1) Submits an application for license renewal on a form 96614  
prescribed by the division; 96615

(2) Pays the license renewal fee established by the 96616  
division; 96617

(3) If the licensee is an elevator mechanic, submits 96618  
evidence that the applicant has completed the continuing 96619  
education coursework described in division (B) of this section; 96620

(4) If the license is an elevator contractor's license, 96621  
submits proof that the applicant is in compliance with the 96622  
insurance requirements prescribed in section 4785.07 of the 96623  
Revised Code. 96624

(B) The continuing education courses described in division 96625  
(A) (3) of this section shall: 96626

(1) Instruct licensees on new and existing rules and 96627  
standards adopted by the division; 96628

(2) Consist of not less than eight hours of instruction; 96629

(3) Be attended and completed within one year immediately 96630  
preceding the scheduled date for the license renewal; 96631

(4) Be taught by instructors through continuing education 96632  
providers approved by the division. 96633

(C) A continuing education instructor who holds a license 96634  
under this chapter is exempt from the continuing education 96635  
requirement prescribed in division (A) (3) of this section, 96636  
provided that any such applicant was qualified as an instructor 96637  
at any time during the year immediately preceding the scheduled 96638  
date for the license renewal. 96639

(D) (1) A licensee who is unable to complete the continuing education coursework required under this section before the expiration of the licensee's license due to a temporary disability may apply for a temporary continuing education waiver from the division.

(2) An application for a temporary continuing education waiver shall be made in a form prescribed by the division, which shall be signed by the applicant ~~under the penalty of perjury~~ and accompanied by a ~~certified~~ statement from a competent physician attesting to the temporary disability. If the division grants the waiver, the licensee's license does not expire but is placed on inactive status.

(3) On the termination of the temporary disability, the licensee shall submit to the division a ~~certified~~ statement from the same physician, if practicable, attesting to the termination of the temporary disability. The division shall then take the licensee's license off inactive status and shall issue a waiver sticker, valid for ninety days, to the licensee and affix the sticker to the license. The licensee may then perform the tasks the license authorizes the licensee to perform but the licensee shall meet the continuing education requirement during this ninety-day period or be considered to have not met the continuing education requirement and the license shall be deemed to be expired.

(E) (1) Approved continuing education providers shall keep uniform records, for a period of ten years, of attendance of licensees in a format approved by the division. Such records shall be available for inspection by the division on request.

(2) Approved training providers are responsible for the security of all attendance records and certificates of

completion, provided, however, that falsifying or knowingly 96670  
allowing another to falsify such attendance records or 96671  
certificates of completion constitutes grounds for suspension or 96672  
revocation of a continuing education provider's division 96673  
approval. 96674

(F) The division shall not renew the license of an 96675  
individual or entity if the individual or entity would be denied 96676  
an initial license for a reason listed in division (E) of 96677  
section 4785.04 of the Revised Code. 96678

**Sec. 4903.10.** After any order has been made by the public 96679  
utilities commission, any party who has entered an appearance in 96680  
person or by counsel in the proceeding may apply for a rehearing 96681  
in respect to any matters determined in the proceeding. Such 96682  
application shall be filed within thirty days after the entry of 96683  
the order upon the journal of the commission. 96684

Notwithstanding the preceding paragraph, in any 96685  
uncontested proceeding or, by leave of the commission first had 96686  
in any other proceeding, any affected person, firm, or 96687  
corporation may make an application for a rehearing within 96688  
thirty days after the entry of any final order upon the journal 96689  
of the commission. Leave to file an application for rehearing 96690  
shall not be granted to any person, firm, or corporation who did 96691  
not enter an appearance in the proceeding unless the commission 96692  
first finds: 96693

(A) The applicant's failure to enter an appearance prior 96694  
to the entry upon the journal of the commission of the order 96695  
complained of was due to just cause; and, 96696

(B) The interests of the applicant were not adequately 96697  
considered in the proceeding. 96698

Every applicant for rehearing or for leave to file an application for rehearing shall give due notice of the filing of such application to all parties who have entered an appearance in the proceeding in the manner and form prescribed by the commission.

Such application shall be in writing and shall set forth specifically the ground or grounds on which the applicant considers the order to be unreasonable or unlawful. No party shall in any court urge or rely on any ground for reversal, vacation, or modification not so set forth in the application.

Where such application for rehearing has been filed before the effective date of the order as to which a rehearing is sought, the effective date of such order, unless otherwise ordered by the commission, shall be postponed or stayed pending disposition of the matter by the commission or by operation of law. In all other cases the making of such an application shall not excuse any person from complying with the order, or operate to stay or postpone the enforcement thereof, without a special order of the commission.

Where such application for rehearing has been filed, the commission may grant and hold such rehearing on the matter specified in such application, if in its judgment sufficient reason therefor is made to appear. Notice of such rehearing shall be given by regular mail to all parties who have entered an appearance in the proceeding.

If the commission does not grant or deny such application for rehearing within thirty days from the date of filing thereof, it is denied by operation of law.

If the commission grants such rehearing, it shall specify

in the notice of such granting the purpose for which it is 96728  
granted. The commission shall also specify the scope of the 96729  
additional evidence, if any, that will be taken, but it shall 96730  
not upon such rehearing take any evidence that, with reasonable 96731  
diligence, could have been offered upon the original hearing. 96732

If, after such rehearing, the commission is of the opinion 96733  
that the original order or any part thereof is in any respect 96734  
unjust or unwarranted, or should be changed, the commission may 96735  
abrogate or modify the same; otherwise such order shall be 96736  
affirmed. An order made after such rehearing, abrogating or 96737  
modifying the original order, shall have the same effect as an 96738  
original order, but shall not affect any right or the 96739  
enforcement of any right arising from or by virtue of the 96740  
original order prior to the receipt of notice by the affected 96741  
party of the filing of the application for rehearing. 96742

If the commission does not affirm, abrogate, or modify the 96743  
original order within ninety days from the date granting such 96744  
rehearing, the order is affirmed by operation of law. 96745

No cause of action arising out of any order of the 96746  
commission, other than in support of the order, shall accrue in 96747  
any court to any person, firm, or corporation unless such 96748  
person, firm, or corporation has made a proper application to 96749  
the commission for a rehearing. 96750

**Sec. 4911.18.** (A) For the sole purpose of maintaining and 96751  
administering the office of the consumers' counsel and 96752  
exercising the powers of the consumers' counsel under this 96753  
chapter, an amount equal to the appropriation to the office of 96754  
the consumers' counsel in each fiscal year shall be apportioned 96755  
among and assessed against each public utility within this 96756  
state, as defined in section 4911.01 of the Revised Code, by 96757

first computing an assessment as though it were to be made in 96758  
proportion to the intrastate gross earnings or receipts of the 96759  
public utility for the calendar year next preceding that in 96760  
which the assessment is made, excluding earnings or receipts 96761  
from sales to other public utilities for resale. The office may 96762  
include in that first computation any amount of a public 96763  
utility's intrastate gross earnings or receipts underreported in 96764  
a prior year. In addition to whatever penalties apply under the 96765  
Revised Code to such underreporting, the office shall assess the 96766  
public utility interest at the rate stated in division (A) of 96767  
section 1343.01 of the Revised Code. The office shall deposit 96768  
any interest so collected into the consumers' counsel operating 96769  
fund. The office may exclude from that first computation any 96770  
such amounts that were over-reported in a prior year. 96771

The final computation of the assessment shall consist of 96772  
imposing upon each public utility whose assessment under the 96773  
first computation would have been one hundred dollars or less an 96774  
assessment of one hundred dollars and recomputing the assessment 96775  
of the remaining companies by apportioning an amount equal to 96776  
the appropriation to the office of consumers' counsel in each 96777  
fiscal year less the total amount to be recovered from those 96778  
paying the minimum assessment, in proportion to the intrastate 96779  
gross earnings or receipts of the remaining companies for the 96780  
calendar year next preceding that in which the assessments are 96781  
made, excluding earnings or receipts from sales to other public 96782  
utilities for resale. 96783

In the case of an assessment based on intrastate gross 96784  
receipts under this section against a public utility that is an 96785  
electric utility as defined in section 4928.01 of the Revised 96786  
Code, or an electric services company, electric cooperative, or 96787  
governmental aggregator subject to certification under section 96788



4928.08 of the Revised Code, such receipts shall be those 96789  
specified in the utility's, company's, cooperative's, or 96790  
aggregator's most recent report of intrastate gross receipts and 96791  
sales of kilowatt hours of electricity, filed with the public 96792  
utilities commission pursuant to division (F) of section 4928.06 96793  
of the Revised Code, and verified by the commission. 96794

In the case of an assessment based on intrastate gross 96795  
receipts under this section against a retail natural gas 96796  
supplier or governmental aggregator subject to certification 96797  
under section 4929.20 of the Revised Code, such receipts shall 96798  
be those specified in the supplier's or aggregator's most recent 96799  
report of intrastate gross receipts and sales of hundred cubic 96800  
feet of natural gas, filed with the commission pursuant to 96801  
division (B) of section 4929.23 of the Revised Code, and 96802  
verified by the commission. However, no such retail natural gas 96803  
supplier or such governmental aggregator serving or proposing to 96804  
serve customers of a particular natural gas company, as defined 96805  
in section 4929.01 of the Revised Code, shall be assessed under 96806  
this section until after the commission, pursuant to section 96807  
4905.26 or 4909.18 of the Revised Code, has removed from the 96808  
base rates of the natural gas company the amount of assessment 96809  
under this section that is attributable to the value of 96810  
commodity sales service, as defined in section 4929.01 of the 96811  
Revised Code, in the base rates paid by those customers of the 96812  
company that do not purchase that service from the natural gas 96813  
company. 96814

(B) Through calendar year 2005, on or before the first day 96815  
of October in each year, the office of consumers' counsel shall 96816  
notify each public utility of the sum assessed against it, 96817  
whereupon payment shall be made to the counsel, who shall 96818  
deposit it into the state treasury to the credit of the 96819

consumers' counsel operating fund, which is hereby created. 96820  
Beginning in calendar year 2006, on or before the fifteenth day 96821  
of May in each year, the consumers' counsel shall notify each 96822  
public utility that had a sum assessed against it for the 96823  
current fiscal year of more than one thousand dollars that fifty 96824  
per cent of that amount shall be paid to the consumers' counsel 96825  
by the twentieth day of June of that year as an initial payment 96826  
of the assessment against the company for the next fiscal year. 96827  
On or before the first day of October in each year, the 96828  
consumers' counsel shall make a final determination of the sum 96829  
of the assessment against each public utility and shall notify 96830  
each public utility of the sum assessed against it. The 96831  
consumers' counsel shall deduct from the assessment for each 96832  
public utility any initial payment received. Payment of the 96833  
assessment shall be made to the consumers' counsel by the first 96834  
day of November of that year. The consumers' counsel shall 96835  
deposit the payments received into the state treasury to the 96836  
credit of the consumers' counsel operating fund. Any such 96837  
amounts paid into the fund but not expended by the office shall 96838  
be credited ratably by the office to the public utilities that 96839  
pay more than the minimum assessment, according to the 96840  
respective portions of such sum assessable against them for the 96841  
ensuing fiscal year, after first deducting any deficits 96842  
accumulated from prior years. The assessments for such fiscal 96843  
year shall be reduced correspondingly. 96844

(C) Within five days after the beginning of each fiscal 96845  
year through fiscal year 2006, the director of budget and 96846  
management shall transfer from the general revenue fund to the 96847  
consumers' counsel operating fund an amount sufficient for 96848  
maintaining and administering the office of the consumers' 96849  
counsel and exercising the powers of the consumers' counsel 96850

under this chapter during the first four months of the fiscal 96851  
year. Not later than the thirty-first day of December of the 96852  
fiscal year, the same amount shall be transferred back to the 96853  
general revenue fund from the consumers' counsel operating fund. 96854

~~(D)~~ (D) (1) As used in this section, "public utility" 96855  
includes: 96856

~~(1)~~ (a) In addition to an electric utility as defined in 96857  
section 4928.01 of the Revised Code, an electric services 96858  
company, an electric cooperative, or a governmental aggregator 96859  
subject to certification under section 4928.08 of the Revised 96860  
Code, to the extent of the company's, cooperative's, or 96861  
aggregator's engagement in the business of supplying or 96862  
arranging for the supply in this state of any retail electric 96863  
service for which it must be so certified; 96864

~~(2)~~ (b) In addition to a natural gas company as defined in 96865  
section 4929.01 of the Revised Code, a retail natural gas 96866  
supplier or governmental aggregator subject to certification 96867  
under section 4929.20 of the Revised Code, to the extent of the 96868  
supplier's or aggregator's engagement in the business of 96869  
supplying or arranging for the supply in this state of any 96870  
competitive retail natural gas service for which it must be 96871  
certified. 96872

(2) As used in this section, "public utility" does not 96873  
include a wireless service provider or reseller as defined in 96874  
section 128.01 of the Revised Code, to the extent either of them 96875  
are providing wireless service as defined under section 128.01 96876  
of the Revised Code. 96877

Sec. 4925.11. (A) As used in sections 4925.11 to 4925.13 96878  
of the Revised Code: 96879

(1) "Authorized adult" means a parent, legal guardian, resource caregiver, or another individual over the age of twenty-one who acts in loco parentis of an unaccompanied rider. 96880  
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(2) "Authorized transportation" means transportation to and from a school, school-related activities, school-sanctioned activities, or other pre-established location. 96883  
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(3) "Eligible transportation network company" means a transportation network company that holds a permit under this chapter and uses eligible transportation network company drivers for authorized transportation of unaccompanied riders. 96886  
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(4) "Eligible transportation network company driver" means a transportation network company driver that meets the qualifications specified under both sections 4925.04 and 4925.12 of the Revised Code. 96890  
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(5) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code. 96894  
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(6) "School" means all of the following: 96896

(a) A city, exempted village, local, or joint vocational school district; 96897  
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(b) A community school established under Chapter 3314. of the Revised Code; 96899  
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(c) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code; 96901  
96902

(d) A chartered nonpublic school; 96903

(e) An educational service center, on behalf of a school or district. 96904  
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(7) "Unaccompanied rider" means an individual who is under 96906

eighteen years of age using authorized transportation through an 96907  
eligible transportation network company when an authorized adult 96908  
is not riding with that individual. 96909

(B) (1) The board of education or governing authority of a 96910  
school may contract with an eligible transportation network 96911  
company for regular authorized transportation of unaccompanied 96912  
riders in accordance with sections 4925.11 to 4925.13 of the 96913  
Revised Code. Any eligible transportation network company that 96914  
contracts with a board of education or governing authority of a 96915  
school shall provide an annual safety report to that board or 96916  
governing authority. 96917

(2) An authorized adult may request authorized 96918  
transportation from an eligible transportation network company 96919  
driver for an unaccompanied rider through an eligible 96920  
transportation network company. 96921

**Sec. 4925.12.** (A) A transportation network company shall 96922  
not authorize a person to act as an eligible transportation 96923  
network driver for purposes of authorized transportation of 96924  
unaccompanied riders if any of the following apply: 96925

(1) The person does not meet the minimum requirements for 96926  
a transportation network company driver under section 4925.04 of 96927  
the Revised Code. 96928

(2) The person is under twenty-one years of age. 96929

(3) The person has less than two years of driving 96930  
experience. 96931

(4) The person has been convicted of or pleaded guilty to 96932  
a violation of section 4511.19 of the Revised Code, or a 96933  
substantially equivalent municipal ordinance, within the prior 96934  
ten years. 96935

(5) The person has more than six points on the person's driver's license within the prior two years. 96936  
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(6) The person does not successfully complete a criminal records check in accordance with section 109.572 of the Revised Code prior to transporting unaccompanied riders. 96938  
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(7) The person does not successfully complete a pre-service training course in accordance with division (C) of this section. 96941  
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(8) The person does not have an automobile insurance policy that either meets the requirements of sections 3942.02 to 3942.04 of the Revised Code or is provided by the transportation network company as a part of its contract with a board of education or governing authority of a school under division (B) (1) of section 4925.11 of the Revised Code. 96944  
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(B) A transportation network company shall do all of the following in order to qualify as an eligible transportation network company: 96950  
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(1) Be in compliance with the requirements for a transportation network company under this chapter; 96953  
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(2) Obtain and review the motor vehicle driving records of its eligible transportation network company drivers not less than every six months and maintain those records for not less than six years; 96955  
96956  
96957  
96958

(3) Maintain an automobile insurance policy that meets the requirements of sections 3942.02 to 3942.04 of the Revised Code and, if under contract with a board of education or governing authority of a school, names that board or governing authority as a covered entity under that policy; 96959  
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(4) Authorize only eligible transportation network company drivers to provide authorized transportation to unaccompanied riders. 96964  
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(C) (1) An eligible transportation network company shall either provide or shall approve a pre-service training course for its transportation network company drivers. The course may be completed in one or multiple sessions. 96967  
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(2) Except as provided under division (C) (3) of this section, the pre-service training course shall include all of the following topics: 96971  
96972  
96973

(a) Public and staff relations and conflict resolution; 96974

(b) Transporting preschool and special needs children; 96975

(c) Equipment and care, including the operation of all adaptive equipment needed to safely transport preschool and special needs students; 96976  
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(d) Defensive driving; 96979

(e) Student management, including bullying behaviors; 96980

(f) Safety and emergency procedures; 96981

(g) Motor vehicle laws and student transportation operation and safety rules; 96982  
96983

(h) Signs, signals, and pavement markings; 96984

(i) Fuel conservation; 96985

(j) Safe radio and electronic wireless communications device use while operating a vehicle. 96986  
96987

(3) The company may waive one or more of the topics as part of the course if the transportation network company driver 96988  
96989

being trained clearly demonstrates sufficient knowledge of the 96990  
topic in advance of the course. 96991

**Sec. 4925.13.** (A) An eligible transportation network 96992  
company driver operating a vehicle for the transportation of 96993  
unaccompanied riders in accordance with section 4925.11 of the 96994  
Revised Code shall do all of the following: 96995

(1) Operate a vehicle that is originally designed and 96996  
manufactured for not more than nine passengers, not including 96997  
the driver; 96998

(2) Transport not more than the maximum number of 96999  
passengers permitted based on the manufacturer's stated capacity 97000  
of and passenger rating for the vehicle; 97001

(3) Load and unload passengers in a safe location that is 97002  
not on the roadway; 97003

(4) Comply with and ensure all passengers comply with the 97004  
requirements of sections 4511.81 and 4513.263 of the Revised 97005  
Code, as applicable; 97006

(5) Perform a daily pre-trip inspection before 97007  
transporting unaccompanied riders in accordance with division 97008  
(B) of this section and document that inspection; 97009

(6) Use a global positioning system device to allow for 97010  
real-time monitoring of the transportation of the unaccompanied 97011  
riders in accordance with division (C) of this section. 97012

(B) (1) A daily pre-trip inspection report shall include 97013  
all of the following: 97014

(a) Identification of the vehicle and a safety check of 97015  
any parts of the vehicle required to be a part of the inspection 97016  
documented on a paper or electronic form provided by the 97017



eligible transportation network company; 97018

(b) Identification and listing of any defects or 97019  
deficiencies, discovered by or reported to the driver, that 97020  
would affect the safety or operation of the vehicle; 97021

(c) An indication if no defects or deficiencies were found 97022  
during the inspection; 97023

(d) The signature or certification, documented on a paper 97024  
or electronic form, of the driver and date and time of the 97025  
inspection. 97026

(2) The pre-trip inspection report shall be submitted to 97027  
the eligible transportation network company and retained by the 97028  
company for not less than three months after the date the 97029  
inspection report was completed. 97030

(3) If a pre-trip inspection identifies defects or 97031  
deficiencies, the transportation network company driver shall 97032  
not use that vehicle to transport unaccompanied riders until the 97033  
vehicle has been inspected by a mechanic or other reliable 97034  
source for vehicle repair and maintenance and the mechanic or 97035  
other reliable source either repairs the defects or deficiencies 97036  
or certifies that a repair is unnecessary. 97037

(C) An eligible transportation network company shall use 97038  
and provide to its eligible transportation network company 97039  
drivers transporting unaccompanied riders a technology-enabled 97040  
integrated method or service that provides start-to-finish 97041  
visibility for the company, the authorized adult, and the 97042  
school, as applicable. The method or service shall incorporate 97043  
global positioning system monitoring of all rides provided by 97044  
the eligible transportation network company drivers in real- 97045  
time, including for safety-related anomalies. 97046

<b>Sec. 4927.01.</b> (A) As used in this chapter:	97047
(1) "Basic local exchange service" means residential-end-user access to and usage of telephone-company-provided services over a single line or small-business-end-user access to and usage of telephone-company-provided services over the primary access line of service, which in the case of residential and small-business access and usage is not part of a bundle or package of services, that does both of the following:	97048 97049 97050 97051 97052 97053 97054
(a) Enables a customer to originate or receive voice communications within a local service area as that area exists on September 13, 2010, or as that area is changed with the approval of the public utilities commission;	97055 97056 97057 97058
(b) Consists of all of the following services:	97059
(i) Local dial tone service;	97060
(ii) For residential end users, flat-rate telephone exchange service;	97061 97062
(iii) Touch tone dialing service;	97063
(iv) Access to and usage of 9-1-1 services, where such services are available;	97064 97065
(v) Access to operator services and directory assistance;	97066
(vi) Provision of a telephone directory in any reasonable format, which includes, at the telephone company's option, an internet-accessible database of directory listings, for no additional charge and a listing in that directory, with reasonable accommodations made for private listings, and for a telephone company that no longer offers a printed directory, provision of reasonable customer notice of the available options to obtain directory information;	97067 97068 97069 97070 97071 97072 97073 97074

- (vii) Per call, caller identification blocking services; 97075
- (viii) Access to telecommunications relay service; and 97076
- (ix) Access to toll presubscription, interexchange or toll providers or both, and networks of other telephone companies. 97077  
97078
- "Basic local exchange service" excludes any voice service 97079  
to which customers are transitioned following a withdrawal of 97080  
basic local exchange service under section 4927.10 of the 97081  
Revised Code. 97082
- (2) "Bundle or package of services" means one or more 97083  
telecommunications services or other services offered together 97084  
as one service option at a single price. 97085
- (3) "Carrier access" means access to and usage of 97086  
telephone company-provided facilities that enable end user 97087  
customers originating or receiving voice grade, data, or image 97088  
communications, over a local exchange telephone company network 97089  
operated within a local service area, to access interexchange or 97090  
other networks and includes special access. 97091
- (4) "Federal poverty level" means the income level 97092  
represented by the poverty guidelines as revised annually by the 97093  
United States department of health and human services in 97094  
accordance with section 673(2) of the "Omnibus Reconciliation 97095  
Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a 97096  
family size equal to the size of the family of the person whose 97097  
income is being determined. 97098
- (5) "Incumbent local exchange carrier" means, with respect 97099  
to an area, the local exchange carrier that: 97100
- (a) On February 8, 1996, provided telephone exchange 97101  
service in such area; and 97102

(b) (i) On February 8, 1996, was deemed to be a member of 97103  
the exchange carrier association pursuant to 47 C.F.R. 97104  
69.601(b); or 97105

(ii) Is a person or entity that, on or after February 8, 97106  
1996, became a successor or assign of a member described in 97107  
division (A) (5) (b) (i) of this section. 97108

(6) "Internet protocol-enabled services" means any 97109  
services, capabilities, functionalities, or applications that 97110  
are provided using internet protocol or a successor protocol to 97111  
enable an end user to send or receive communications in internet 97112  
protocol format or a successor format, regardless of how any 97113  
particular such service is classified by the federal 97114  
communications commission, and includes voice over internet 97115  
protocol service. 97116

(7) "Interstate-access component" means the portion of 97117  
carrier access that is within the jurisdiction of the federal 97118  
communications commission. 97119

(8) "Local exchange carrier" means any person engaged in 97120  
the provision of telephone exchange service, or the offering of 97121  
access to telephone exchange service or facilities for the 97122  
purpose of originating or terminating telephone toll service. 97123

(9) "Local service area" means the geographic area that 97124  
may encompass more than one exchange area and within which a 97125  
telephone customer, by paying the rate for basic local exchange 97126  
service, may complete calls to other telephone customers without 97127  
being assessed long distance toll charges. 97128

(10) "Small business" means a nonresidential service 97129  
customer with three or fewer service access lines. 97130

(11) "Telecommunications" means the transmission, between 97131

or among points specified by the user, of information of the 97132  
user's choosing, without change in the form or content of the 97133  
information as sent and received. 97134

(12) "Telecommunications carrier" has the same meaning as 97135  
in the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 97136  
153. 97137

(13) "Telecommunications service" means the offering of 97138  
telecommunications for a fee directly to the public, or to such 97139  
classes of users as to be effectively available directly to the 97140  
public, regardless of the facilities used. 97141

(14) "Telephone company" means a company described in 97142  
division (A) of section 4905.03 of the Revised Code that is a 97143  
public utility under section 4905.02 of the Revised Code. 97144

(15) "Telephone exchange service" means telecommunications 97145  
service that is within a telephone exchange, or within a 97146  
connected system of telephone exchanges within the same exchange 97147  
area operated to furnish to subscribers intercommunicating 97148  
service of the character ordinarily furnished by a single 97149  
exchange, and that is covered by the exchange service charge; or 97150  
comparable service provided through a system of switches, 97151  
transmission equipment, or other facilities, or combination 97152  
thereof, by which a customer can originate and terminate a 97153  
telecommunications service. 97154

(16) "Telephone toll service" means telephone service 97155  
between stations in different exchange areas for which there is 97156  
made a separate charge not included in contracts with customers 97157  
for exchange service. 97158

(17) "Voice over internet protocol service" means a 97159  
service that enables real-time, two-way, voice communications 97160

that originate or terminate from the user's location using 97161  
internet protocol or a successor protocol, including, but not 97162  
limited to, any such service that permits an end user to receive 97163  
calls from and terminate calls to the public switched network. 97164

(18) "Voice service" includes all of the applicable 97165  
functionalities described in 47 C.F.R. 54.101(a). "Voice 97166  
service" is not the same as basic local exchange service. 97167

(19) "Wireless service" means federally licensed 97168  
commercial mobile service as defined in the "Telecommunications 97169  
Act of 1996," 110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and 97170  
further defined as commercial mobile radio service in 47 C.F.R. 97171  
20.3. Under division (A) (19) of this section, commercial mobile 97172  
radio service is specifically limited to mobile telephone, 97173  
mobile cellular telephone, paging, personal communications 97174  
services, and specialized mobile radio service provided by a 97175  
common carrier in this state and excludes fixed wireless 97176  
service. 97177

(20) "Wireless service provider" means a facilities-based 97178  
provider of wireless service to one or more end users in this 97179  
state. 97180

(21) "Broadband internet access service" has the same 97181  
meaning as in 47 C.F.R. 8.1. 97182

(B) The definitions of this section shall be applied 97183  
consistent with the definitions in the "Telecommunications Act 97184  
of 1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and 97185  
with federal decisions interpreting those definitions. 97186

Sec. 4927.22. (A) Notwithstanding any provision of the 97187  
Revised Code, other than division (B) of this section: 97188

(1) Broadband internet access service is not subject to 97189

regulation by the public utilities commission. 97190

(2) No agency, commission, or political subdivision of 97191  
this state shall enact, adopt, or enforce, either directly or 97192  
indirectly, any law, rule, regulation, ordinance, standard, 97193  
order or other provision having the force or effect of law that 97194  
regulates, or has the effect of regulating, the entry, rates, 97195  
terms or conditions of any broadband internet access service, or 97196  
otherwise treats providers of broadband internet access services 97197  
as public utilities or telecommunications carriers. 97198

(B) This section shall not be construed to do either of 97199  
the following: 97200

(1) Restrict any authority delegated to the commission or 97201  
to any state agency to administer a state or federal grant 97202  
program under state or federal statute, rule, or order; 97203

(2) Restrict the application to broadband internet access 97204  
service, or providers thereof, of any law that applies generally 97205  
to the conduct of business in the state relating to consumer 97206  
protection and fair competition. 97207

**Sec. 4928.06.** (A) Beginning on the starting date of 97208  
competitive retail electric service, the public utilities 97209  
commission shall ensure that the policy specified in section 97210  
4928.02 of the Revised Code is effectuated. To the extent 97211  
necessary, the commission shall adopt rules to carry out this 97212  
chapter. Initial rules necessary for the commencement of the 97213  
competitive retail electric service under this chapter shall be 97214  
adopted within one hundred eighty days after the effective date 97215  
of this section. Except as otherwise provided in this chapter, 97216  
the proceedings and orders of the commission under the chapter 97217  
shall be subject to and governed by Chapter 4903. of the Revised 97218

Code. 97219

(B) If the commission determines, on or after the starting 97220  
date of competitive retail electric service, that there is a 97221  
decline or loss of effective competition with respect to a 97222  
competitive retail electric service of an electric utility, 97223  
which service was declared competitive by commission order 97224  
issued pursuant to division (A) of section 4928.04 of the 97225  
Revised Code, the commission shall ensure that that service is 97226  
provided at compensatory, fair, and nondiscriminatory prices and 97227  
terms and conditions. 97228

(C) In addition to its authority under section 4928.04 of 97229  
the Revised Code and divisions (A) and (B) of this section, the 97230  
commission, on an ongoing basis, shall monitor and evaluate the 97231  
provision of retail electric service in this state for the 97232  
purpose of discerning any noncompetitive retail electric service 97233  
that should be available on a competitive basis on or after the 97234  
starting date of competitive retail electric service pursuant to 97235  
a declaration in the Revised Code, and for the purpose of 97236  
discerning any competitive retail electric service that is no 97237  
longer subject to effective competition on or after that date. 97238  
Upon such evaluation, the commission periodically shall report 97239  
its findings and any recommendations for legislation to the 97240  
standing committees of both houses of the general assembly that 97241  
have primary jurisdiction regarding public utility legislation. 97242  
~~Until 2008, the commission and the consumer's counsel also shall 97243~~  
~~provide biennial reports to those standing committees, regarding 97244~~  
~~the effectiveness of competition in the supply of competitive 97245~~  
~~retail electric services in this state. In addition, until the 97246~~  
~~end of all market development periods as determined by the 97247~~  
~~commission under section 4928.40 of the Revised Code, those 97248~~  
~~standing committees shall meet at least biennially to consider 97249~~



~~the effect on this state of electric service restructuring and  
to receive reports from the commission, consumers' counsel, and  
director of development.~~

(D) In determining, for purposes of division (B) or (C) of  
this section, whether there is effective competition in the  
provision of a retail electric service or reasonably available  
alternatives for that service, the commission shall consider  
factors including, but not limited to, all of the following:

(1) The number and size of alternative providers of that  
service;

(2) The extent to which the service is available from  
alternative suppliers in the relevant market;

(3) The ability of alternative suppliers to make  
functionally equivalent or substitute services readily available  
at competitive prices, terms, and conditions;

(4) Other indicators of market power, which may include  
market share, growth in market share, ease of entry, and the  
affiliation of suppliers of services.

The burden of proof shall be on any entity requesting,  
under division (B) or (C) of this section, a determination by  
the commission of the existence of or a lack of effective  
competition or reasonably available alternatives.

(E) (1) Beginning on the starting date of competitive  
retail electric service, the commission has authority under  
Chapters 4901. to 4909. of the Revised Code, and shall exercise  
that authority, to resolve abuses of market power by any  
electric utility that interfere with effective competition in  
the provision of retail electric service.

(2) In addition to the commission's authority under 97278  
division (E)(1) of this section, the commission, beginning the 97279  
first year after the market development period of a particular 97280  
electric utility and after reasonable notice and opportunity for 97281  
hearing, may take such measures within a transmission 97282  
constrained area in the utility's certified territory as are 97283  
necessary to ensure that retail electric generation service is 97284  
provided at reasonable rates within that area. The commission 97285  
may exercise this authority only upon findings that an electric 97286  
utility is or has engaged in the abuse of market power and that 97287  
that abuse is not adequately mitigated by rules and practices of 97288  
any independent transmission entity controlling the transmission 97289  
facilities. Any such measure shall be taken only to the extent 97290  
necessary to protect customers in the area from the particular 97291  
abuse of market power and to the extent the commission's 97292  
authority is not preempted by federal law. The measure shall 97293  
remain in effect until the commission, after reasonable notice 97294  
and opportunity for hearing, determines that the particular 97295  
abuse of market power has been mitigated. 97296

(F) An electric utility, electric services company, 97297  
electric cooperative, or governmental aggregator subject to 97298  
certification under section 4928.08 of the Revised Code shall 97299  
provide the commission with such information, regarding a 97300  
competitive retail electric service for which it is subject to 97301  
certification, as the commission considers necessary to carry 97302  
out this chapter. An electric utility shall provide the 97303  
commission with such information as the commission considers 97304  
necessary to carry out divisions (B) to (E) of this section. The 97305  
commission shall take such measures as it considers necessary to 97306  
protect the confidentiality of any such information. 97307

The commission shall require each electric utility to file 97308

with the commission on and after the starting date of 97309  
competitive retail electric service an annual report of its 97310  
intrastate gross receipts and sales of kilowatt hours of 97311  
electricity, and shall require each electric services company, 97312  
electric cooperative, and governmental aggregator subject to 97313  
certification to file an annual report on and after that 97314  
starting date of such receipts and sales from the provision of 97315  
those retail electric services for which it is subject to 97316  
certification. For the purpose of the reports, sales of kilowatt 97317  
hours of electricity are deemed to occur at the meter of the 97318  
retail customer. 97319

**Sec. 4928.34.** (A) The public utilities commission shall 97320  
not approve or prescribe a transition plan under division (A) or 97321  
(B) of section 4928.33 of the Revised Code unless the commission 97322  
first makes all of the following determinations: 97323

(1) The unbundled components for the electric transmission 97324  
component of retail electric service, as specified in the 97325  
utility's rate unbundling plan required by division (A) (1) of 97326  
section 4928.31 of the Revised Code, equal the tariff rates 97327  
determined by the federal energy regulatory commission that are 97328  
in effect on the date of the approval of the transition plan 97329  
under sections 4928.31 to 4928.40 of the Revised Code, as each 97330  
such rate is determined applicable to each particular customer 97331  
class and rate schedule by the commission. The unbundled 97332  
transmission component shall include a sliding scale of charges 97333  
under division (B) of section 4905.31 of the Revised Code to 97334  
ensure that refunds determined or approved by the federal energy 97335  
regulatory commission are flowed through to retail electric 97336  
customers. 97337

(2) The unbundled components for retail electric 97338

distribution service in the rate unbundling plan equal the 97339  
difference between the costs attributable to the utility's 97340  
transmission and distribution rates and charges under its 97341  
schedule of rates and charges in effect on the effective date of 97342  
this section, based upon the record in the most recent rate 97343  
proceeding of the utility for which the utility's schedule was 97344  
established, and the tariff rates for electric transmission 97345  
service determined by the federal energy regulatory commission 97346  
as described in division (A) (1) of this section. 97347

(3) All other unbundled components required by the 97348  
commission in the rate unbundling plan equal the costs 97349  
attributable to the particular service as reflected in the 97350  
utility's schedule of rates and charges in effect on the 97351  
effective date of this section. 97352

(4) The unbundled components for retail electric 97353  
generation service in the rate unbundling plan equal the 97354  
residual amount remaining after the determination of the 97355  
transmission, distribution, and other unbundled components, and 97356  
after any adjustments necessary to reflect the effects of the 97357  
amendment of section 5727.111 of the Revised Code by Sub. S.B. 97358  
No. 3 of the 123rd general assembly. 97359

(5) All unbundled components in the rate unbundling plan 97360  
have been adjusted to reflect any base rate reductions on file 97361  
with the commission and as scheduled to be in effect by December 97362  
31, 2005, under rate settlements in effect on the effective date 97363  
of this section. However, all earnings obligations, 97364  
restrictions, or caps imposed on an electric utility in a 97365  
commission order prior to the effective date of this section are 97366  
void. 97367

(6) Subject to division (A) (5) of this section, the total 97368

of all unbundled components in the rate unbundling plan are 97369  
capped and shall equal during the market development period, 97370  
except as specifically provided in this chapter, the total of 97371  
all rates and charges in effect under the applicable bundled 97372  
schedule of the electric utility pursuant to section 4905.30 of 97373  
the Revised Code in effect on the day before the effective date 97374  
of this section, including the transition charge determined 97375  
under section 4928.40 of the Revised Code, adjusted for any 97376  
changes in the taxation of electric utilities and retail 97377  
electric service under Sub. S.B. No. 3 of the 123rd General 97378  
Assembly, and the universal service percentage of income payment 97379  
plan rider authorized by section ~~4928.51-4928.52~~ of the Revised 97380  
Code, ~~and the temporary rider authorized by section 4928.61 of~~ 97381  
~~the Revised Code.~~ For the purpose of this division, the rate cap 97382  
applicable to a customer receiving electric service pursuant to 97383  
an arrangement approved by the commission under section 4905.31 97384  
of the Revised Code is, for the term of the arrangement, the 97385  
total of all rates and charges in effect under the arrangement. 97386  
For any rate schedule filed pursuant to section 4905.30 of the 97387  
Revised Code or any arrangement subject to approval pursuant to 97388  
section 4905.31 of the Revised Code, the initial tax-related 97389  
adjustment to the rate cap required by this division shall be 97390  
equal to the rate of taxation specified in section 5727.81 of 97391  
the Revised Code and applicable to the schedule or arrangement. 97392  
To the extent such total annual amount of the tax-related 97393  
adjustment is greater than or less than the comparable amount of 97394  
the total annual tax reduction experienced by the electric 97395  
utility as a result of the provisions of Sub. S.B. No. 3 of the 97396  
123rd general assembly, such difference shall be addressed by 97397  
the commission through accounting procedures, refunds, or an 97398  
annual surcharge or credit to customers, or through other 97399  
appropriate means, to avoid placing the financial responsibility 97400

for the difference upon the electric utility or its 97401  
shareholders. Any adjustments in the rate of taxation specified 97402  
in section 5727.81 of the Revised Code ~~section~~ shall not occur 97403  
without a corresponding adjustment to the rate cap for each such 97404  
rate schedule or arrangement. The department of taxation shall 97405  
advise the commission and self-assessors under section 5727.81 97406  
of the Revised Code prior to the effective date of any change in 97407  
the rate of taxation specified under that section, and the 97408  
commission shall modify the rate cap to reflect that adjustment 97409  
so that the rate cap adjustment is effective as of the effective 97410  
date of the change in the rate of taxation. This division shall 97411  
be applied, to the extent possible, to eliminate any increase in 97412  
the price of electricity for customers that otherwise may occur 97413  
as a result of establishing the taxes contemplated in section 97414  
5727.81 of the Revised Code. 97415

(7) The rate unbundling plan complies with any rules 97416  
adopted by the commission under division (A) of section 4928.06 97417  
of the Revised Code. 97418

(8) The corporate separation plan required by division (A) 97419  
(2) of section 4928.31 of the Revised Code complies with section 97420  
4928.17 of the Revised Code and any rules adopted by the 97421  
commission under division (A) of section 4928.06 of the Revised 97422  
Code. 97423

(9) Any plan or plans the commission requires to address 97424  
operational support systems and any other technical 97425  
implementation issues pertaining to competitive retail electric 97426  
service comply with any rules adopted by the commission under 97427  
division (A) of section 4928.06 of the Revised Code. 97428

(10) The employee assistance plan required by division (A) 97429  
(4) of section 4928.31 of the Revised Code sufficiently provides 97430

severance, retraining, early retirement, retention, 97431  
outplacement, and other assistance for the utility's employees 97432  
whose employment is affected by electric industry restructuring 97433  
under this chapter. 97434

(11) The consumer education plan required under division 97435  
(A) (5) of section 4928.31 of the Revised Code complies with 97436  
former section 4928.42 of the Revised Code and any rules adopted 97437  
by the commission under division (A) of section 4928.06 of the 97438  
Revised Code. 97439

(12) The transition revenues for which an electric utility 97440  
is authorized a revenue opportunity under sections 4928.31 to 97441  
4928.40 of the Revised Code are the allowable transition costs 97442  
of the utility as such costs are determined by the commission 97443  
pursuant to section 4928.39 of the Revised Code, and the 97444  
transition charges for the customer classes and rate schedules 97445  
of the utility are the charges determined pursuant to section 97446  
4928.40 of the Revised Code. 97447

(13) Any independent transmission plan included in the 97448  
transition plan filed under section 4928.31 of the Revised Code 97449  
reasonably complies with section 4928.12 of the Revised Code and 97450  
any rules adopted by the commission under division (A) of 97451  
section 4928.06 of the Revised Code, unless the commission, for 97452  
good cause shown, authorizes the utility to defer compliance 97453  
until an order is issued under division (G) of section 4928.35 97454  
of the Revised Code. 97455

(14) The utility is in compliance with sections 4928.01 to 97456  
4928.11 of the Revised Code and any rules or orders of the 97457  
commission adopted or issued under those sections. 97458

(15) All unbundled components in the rate unbundling plan 97459

have been adjusted to reflect the elimination of the tax on 97460  
gross receipts imposed by section 5727.30 of the Revised Code. 97461

In addition, a transition plan approved by the commission 97462  
under section 4928.33 of the Revised Code but not containing an 97463  
approved independent transmission plan shall contain the express 97464  
conditions that the utility will comply with an order issued 97465  
under division (G) of section 4928.35 of the Revised Code. 97466

(B) Subject to division (E) of section 4928.17 of the 97467  
Revised Code, if the commission finds that any part of the 97468  
transition plan would constitute an abandonment under sections 97469  
4905.20 and 4905.21 of the Revised Code, the commission shall 97470  
not approve that part of the transition plan unless it makes the 97471  
finding required for approval of an abandonment application 97472  
under section 4905.21 of the Revised Code. Sections 4905.20 and 97473  
4905.21 of the Revised Code otherwise shall not apply to a 97474  
transition plan under sections 4928.31 to 4928.40 of the Revised 97475  
Code. 97476

**Sec. 4928.43.** (A) Each state agency that provides 97477  
employment assistance and job training programs, including the 97478  
~~bureau of employment department of job and family services and~~ 97479  
~~the department of development,~~ shall provide concentrated 97480  
attention through those programs to assisting employees whose 97481  
employment is affected by electric industry restructuring under 97482  
this chapter. 97483

(B) To the extent not prohibited by federal law or any law 97484  
of this state and except as otherwise provided in a labor 97485  
contract or other agreement, no unencumbered money in a pension 97486  
fund for employees of electric utilities shall be used for any 97487  
purpose other than to pay allowable pensions or early retirement 97488  
buyouts for the employees. 97489



**Sec. 4928.51.** ~~(A)~~ There is hereby established in the state 97490  
treasury a ~~universal service~~ the electric partnership plan fund, 97491  
into which shall be deposited all ~~universal service~~ revenues 97492  
remitted to the director of ~~development~~ job and family services 97493  
under this section, for the exclusive purposes of providing 97494  
funding for the low-income customer assistance programs ~~and for~~ 97495  
~~the consumer education program authorized under section 4928.56~~ 97496  
~~of the Revised Code~~, and paying the administrative costs of the 97497  
low-income customer assistance programs and the consumer 97498  
education program. Interest on the fund shall be credited to the 97499  
fund. Disbursements from the fund shall be made to any supplier 97500  
that provides a competitive retail electric service or a 97501  
noncompetitive retail electric service to a customer who is 97502  
approved to receive assistance under a specified low-income 97503  
customer assistance program and to any authorized provider of 97504  
weatherization or energy efficiency service to a customer 97505  
approved to receive such assistance under a specified low-income 97506  
customer assistance program. 97507

~~(B)~~ ~~Universal service revenues~~ Revenues deposited in the 97508  
electric partnership plan fund shall include all ~~of the~~ 97509  
~~following~~: 97510

~~(1)~~ ~~Revenues~~ revenues remitted to the director after 97511  
collection by an electric distribution utility ~~beginning July 1,~~ 97512  
~~2000, attributable to the collection from customers of the~~ 97513  
~~universal service rider prescribed under pursuant to division~~ 97514  
(C) of section 4928.52 of the Revised Code, 97515

~~(2)~~ ~~Revenues~~ ~~remitted to the director that have been~~ 97516  
~~collected by an electric distribution utility beginning July 1,~~ 97517  
~~2000, as customer payments under the percentage of income~~ 97518  
~~payment plan program, including revenues remitted under division~~ 97519

~~(C) of this section;~~ 97520

~~(3) Adequate revenues remitted to the director after collection by a municipal electric utility or electric cooperative in this state not earlier than July 1, 2000, upon the utility's or cooperative's decision to participate in the low-income customer assistance programs.~~ 97521  
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~~(C) (1) Beginning July 1, 2000, an electric distribution utility shall transfer to the director the right to collect all arrearage payments of a customer for percentage of income payment plan program debt owed to the utility on the day before that date or retain the right to collect that debt but remit to the director all program revenues received by the utility for that customer.~~ 97526  
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~~(2) A current or past percentage of income payment plan program customer is relieved of any payment obligation under the percentage of income payment program for any unpaid arrears accrued by the customer under the program as of the effective date of this section if the customer, as determined by the director, meets both of the following criteria:~~ 97533  
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~~(a) The customer as of that date has complied with customer payment responsibilities under the program.~~ 97539  
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~~(b) The customer is permanently and totally disabled as defined in section 5117.01 of the Revised Code or is sixty-five years of age or older as defined in that section.~~ 97541  
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~~(D) The public utilities commission shall complete an audit of each electric utility by July 1, 2000, for the purpose of establishing a baseline for the percentage of income payment plan program component of the low-income assistance programs.~~ 97544  
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**Sec. 4928.52.** (A) Beginning July January 1, 2000, the 97548

2026, the percentage of income payment plan rider shall replace, 97549  
for each electric distribution utility, the universal service 97550  
~~rider shall replace the percentage of income payment plan rider~~ 97551  
in existence on the effective date of the amendment of this 97552  
section and any amount in the rates of an electric utility for 97553  
~~the funding of low-income customer energy efficiency programs by~~ 97554  
this act. The ~~universal service~~ percentage of income payment 97555  
plan rider shall be a rider on retail electric distribution 97556  
service rates as such rates are determined by the public 97557  
utilities commission pursuant to this chapter. The ~~universal~~ 97558  
~~service~~ percentage of income payment plan rider for the first 97559  
~~five years after the starting date of competitive retail~~ 97560  
~~electric service shall be the sum of all of~~ recover the 97561  
following: 97562

(1) ~~The level of~~ prudently incurred costs of providing the 97563  
percentage of income payment plan program ~~rider in existence on~~ 97564  
~~the effective date of this section~~ for each electric distribution 97565  
utility; 97566

(2) ~~An amount equal to the level of funding for low-income~~ 97567  
~~customer energy efficiency programs provided through electric~~ 97568  
~~utility rates in effect on the effective date of this section~~ The 97569  
total of the electric distribution utilities' allocated shares, 97570  
as determined by the public utilities commission, under division 97571  
(B) (1) of this section; 97572

(3) Any additional amount necessary and sufficient to fund 97573  
through the ~~universal service~~ percentage of income payment plan 97574  
rider the administrative costs of the low-income customer 97575  
assistance programs ~~and the consumer education program created~~ 97576  
~~in section 4928.56 of the Revised Code.~~ 97577

~~(B) (1) If, during or after the five-year period~~ 97578

~~specified in division (A) of this section, the director of development, after consultation with the public benefits advisory board created under section 4928.58 of the Revised Code, determines that revenues in the universal service fund and revenues from federal or other sources of funding for those programs, including general revenue fund appropriations for the Ohio energy credit program, will be insufficient to cover the administrative costs of the low-income customer assistance programs and the consumer education program and provide adequate funding for those programs, the director shall file a petition with the commission for an increase in the universal service rider. The commission, after reasonable notice and opportunity for hearing, may adjust the universal service rider by the minimum amount necessary to provide the additional revenues. The commission shall not decrease the universal service rider without the approval of the director, after consultation by the director with the advisory board allocate to each electric distribution utility a share of the funding for low-income customer assistance programs administered by the director of job and family services according to each electric distribution utility's annual distribution service revenues.~~

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(2) Each electric distribution utility's allocation determined under division (B) (1) of this section shall include a separately designated allocation equal to the electric distribution utility's share of an amount not to exceed fifteen million dollars annually for funding the consumer education program administered by the department of job and family services under section 4928.56 of the Revised Code.

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(C) On the thirtieth day of June of each year, each electric distribution utility shall remit to the department for deposit in the electric partnership plan fund the utility's

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share of the following: 97610

(1) The utility's allocation determined under division (B) 97611  
(2) of this section for funding the consumer education program 97612  
administered by the department of job and family services under 97613  
section 4928.56 of the Revised Code; 97614

(2) The costs under division (A) (3) of this section for 97615  
the administration of the low-income customer assistance 97616  
programs administered by the director. 97617

~~(C)(D) The universal service percentage of income payment~~ 97618  
~~plan rider established under division (A) or (B) of this section~~ 97619  
shall be set in such a manner so as not to shift among the 97620  
customer classes of electric distribution utilities the costs of 97621  
funding low-income customer assistance programs. 97622

**Sec. 4928.53.** (A) Beginning July 1, ~~2000~~2026, the director 97623  
of ~~development is hereby authorized to~~ job and family services 97624  
shall administer the low-income customer assistance programs, 97625  
except for the percentage of income payment plan rider 97626  
established under section 4928.52 of the Revised Code. ~~For that~~ 97627  
~~purpose, the public utilities commission shall cooperate with~~ 97628  
~~and provide such assistance as the director requires for~~ 97629  
~~administration of the low-income customer assistance programs.~~ 97630  
The director shall consolidate the administration of and 97631  
redesign and coordinate the operations of ~~those~~ the low-income 97632  
customer assistance programs within the department to provide, 97633  
to the maximum extent possible, for efficient program 97634  
administration and a one-stop application and eligibility 97635  
determination process at the local level for consumers. 97636

(B) (1) ~~Not later than March 1, 2000, the~~ The director, in 97637  
accordance with Chapter 119. of the Revised Code, shall adopt 97638

rules to carry out sections 4928.51 to 4928.58 of the Revised Code and ensure the effective and efficient administration and operation of the low-income customer assistance programs. ~~The rules shall take effect on July 1, 2000.~~

(2) The director's authority to adopt rules under this division for the Ohio energy credit program shall be subject to such rule-making authority as is conferred on the director of development by sections 5117.01 to 5117.12 of the Revised Code, as amended by Sub. S.B. No. 3 of the 123rd general assembly, except that rules initially adopted by the director of development for the Ohio energy credit program shall incorporate the substance of those sections as they exist on the effective date of this section.

(3) ~~The director's~~ Under the director of job and family service's authority to adopt rules under this ~~division~~ section, the director may adopt rules for the percentage of income payment plan program shall include authority to adopt, including rules prescribing criteria for customer eligibility and policies regarding payment and crediting arrangements and responsibilities, and procedures for verifying customer eligibility, procedures for disbursing public funds to suppliers and otherwise administering funds under the director's jurisdiction, and requirements as to timely remittances of revenues described in division (B) of section 4928.51 of the Revised Code. The rules shall prohibit the imposition of a waiting period before enrolling an eligible customer in the percentage of income payment plan. ~~The director's authority in division (B) (3) of this section excludes authority to prescribe service disconnection and customer billing policies and procedures and to address complaints against suppliers under the percentage of payment plan program, which excluded authority~~

~~shall be exercised by the public utilities commission, in- 97670~~  
~~coordination with the director. Rules adopted by the director 97671~~  
under this division for the percentage of income payment plan 97672  
program shall specify a level of payment responsibility to be 97673  
borne by an eligible customer based on a percentage of the 97674  
customer's income. ~~Rules initially adopted by the director for- 97675~~  
~~the percentage of income payment plan program shall incorporate- 97676~~  
~~the eligibility criteria and payment arrangement and- 97677~~  
~~responsibility policies set forth in rule 4901:1-18-04(B) of the 97678~~  
~~Ohio Administrative Code in effect on the effective date of this 97679~~  
~~section. 97680~~

**Sec. 4928.54.** ~~The director of development services~~ public 97681  
utilities commission shall aggregate percentage of income 97682  
payment plan program customers for the purpose of establishing a 97683  
competitive procurement process for the supply of competitive 97684  
retail electric service for those customers. The process shall 97685  
be an auction. Only bidders certified under section 4928.08 of 97686  
the Revised Code may participate in the auction. 97687

**Sec. 4928.542.** The winning bid or bids selected through 97688  
the competitive procurement process established under section 97689  
4928.54 of the Revised Code shall meet all of the following 97690  
requirements: 97691

(A) Be designed to provide reliable competitive retail 97692  
electric service to percentage of income payment plan program 97693  
customers; 97694

(B) Reduce the cost of the percentage of income payment 97695  
plan program relative to the otherwise applicable standard 97696  
service offer established under sections 4928.141, 4928.142, and 97697  
4928.143 of the Revised Code; 97698

(C) Result in the best value for persons paying the 97699  
~~universal service percentage of income payment plan rider~~ 97700  
under 97701  
section 4928.52 of the Revised Code.

**Sec. 4928.543.** ~~The director of development services public~~ 97702  
~~utilities commission shall adopt rules in accordance with~~ 97703  
~~Chapter 119. of the Revised Code to implement sections 4928.54,~~ 97704  
4928.541, and 4928.542 of the Revised Code. The rules shall 97705  
ensure a fair and unbiased auction process and the performance 97706  
of the winning bidder or bidders. 97707

**Sec. 4928.544.** ~~(A) For the purpose of facilitating~~ 97708  
compliance with sections 4928.54, 4928.541, and 4928.542 of the 97709  
Revised Code, ~~and upon written request by the director of~~ 97710  
~~development services,~~ the public utilities commission shall 97711  
design, manage, and supervise the competitive procurement 97712  
process required by section 4928.54 of the Revised Code. To the 97713  
extent reasonably possible, and to minimize costs, the process 97714  
may be designed based on any existing competitive procurement 97715  
process for the establishment of the default generation supply 97716  
price for electric distribution utilities. 97717

This ~~division~~ section does not preclude a process design 97718  
that is based on a competitive procurement process that applies 97719  
to the combined certified territories of electric distribution 97720  
utilities subject to common ownership. 97721

~~(B) The director of development services shall reimburse~~ 97722  
~~the commission for its costs incurred under division (A) of this~~ 97723  
~~section. The reimbursements constitute administrative costs of~~ 97724  
~~the low-income customer assistance programs for the purpose of~~ 97725  
~~division (A) of section 4928.51 of the Revised Code.~~ 97726

**Sec. 4928.545.** The public utilities commission shall 97727



administer the percentage of income payment plan rider 97728  
established under section 4928.52 of the Revised Code, including 97729  
by performing periodic audits of each electric distribution 97730  
utility's percentage of income payment plan rider. 97731

The commission shall adopt rules for the administration of 97732  
the percentage of income payment plan rider and shall cooperate 97733  
with, and provide such assistance to, the director of job and 97734  
family services as the director requires for administration of 97735  
the low-income customer assistance programs. 97736

**Sec. 4928.55.** The director of ~~development~~-job and family 97737  
services shall establish an energy efficiency and weatherization 97738  
program targeted, to the extent practicable, to high-cost, high- 97739  
volume use structures occupied by customers eligible for the 97740  
percentage of income payment plan program, with the goal of 97741  
reducing the energy bills of the occupants. Acceptance of energy 97742  
efficiency and weatherization services provided by the program 97743  
shall be a condition for the eligibility of any such customer to 97744  
participate in the percentage of income payment plan program. 97745

**Sec. 4928.56.** The director of ~~development~~-job and family 97746  
services may adopt rules in accordance with Chapter 119. of the 97747  
Revised Code establishing an education program for consumers 97748  
eligible to participate in the low-income customer assistance 97749  
programs. The education program shall provide information to 97750  
consumers regarding energy efficiency and energy conservation. 97751

**Sec. 4928.58.** (A) There is hereby created the public 97752  
benefits advisory board, which has the purpose of ensuring that 97753  
energy services be provided to low-income consumers in this 97754  
state in an affordable manner consistent with the policy 97755  
specified in section 4928.02 of the Revised Code. The advisory 97756  
board shall consist of twenty-one members as follows: the 97757

director of ~~development~~ job and family services, the chairperson 97758  
of the public utilities commission, the consumers' counsel, and 97759  
the director of the air quality development authority, each 97760  
serving ex officio and represented by a designee at the 97761  
official's discretion; two members of the house of 97762  
representatives appointed by the speaker of the house of 97763  
representatives, neither of the same political party, and two 97764  
members of the senate appointed by the president of the senate, 97765  
neither of the same political party; and thirteen members 97766  
appointed by the governor with the advice and consent of the 97767  
senate, consisting of one representative of suppliers of 97768  
competitive retail electric service; one representative of the 97769  
residential class of electric utility customers; one 97770  
representative of the industrial class of electric utility 97771  
customers; one representative of the commercial class of 97772  
electric utility customers; one representative of agricultural 97773  
or rural customers of an electric utility; two customers 97774  
receiving assistance under one or more of the low-income 97775  
customer assistance programs, to represent customers eligible 97776  
for any such assistance, including senior citizens; one 97777  
representative of the general public; one representative of 97778  
local intake agencies; one representative of a community-based 97779  
organization serving low-income customers; one representative of 97780  
environmental protection interests; one representative of 97781  
lending institutions; and one person considered an expert in 97782  
energy efficiency or renewables technology. Initial appointments 97783  
shall be made not later than November 1, 1999. 97784

(B) Initial terms of six of the appointed members shall 97785  
end on June 30, 2003, and initial terms of the remaining seven 97786  
appointed members shall end on June 30, 2004. Thereafter, terms 97787  
of appointed members shall be for three years, with each term 97788

ending on the same day of the same month as the term it 97789  
succeeds. Each member shall hold office from the date of the 97790  
member's appointment until the end of the term for which the 97791  
member was appointed. Members may be reappointed. 97792

Vacancies shall be filled in the manner provided for 97793  
original appointments. Any member appointed to fill a vacancy 97794  
occurring prior to the expiration date of the term for which the 97795  
member's predecessor was appointed shall hold office as a member 97796  
for the remainder of that term. A member shall continue in 97797  
office after the expiration date of the member's term until the 97798  
member's successor takes office or until a period of sixty days 97799  
has elapsed, whichever occurs first. 97800

(C) Board members shall be reimbursed for their actual and 97801  
necessary expenses incurred in the performance of board duties. 97802  
The reimbursements constitute, as applicable, administrative 97803  
costs of the low-income customer assistance programs for the 97804  
purpose of ~~division (A) of section~~ sections 4928.51 and 4928.52 97805  
of the Revised Code ~~or administrative costs of the advanced-~~ 97806  
~~energy program for the purpose of division (A) of section-~~ 97807  
~~4528.61 of the Revised Code.~~ 97808

(D) The advisory board shall select a chairperson from 97809  
among its members. Only board members appointed by the governor 97810  
with the advice and consent of the senate shall be voting 97811  
members of the board; each shall have one vote in all 97812  
deliberations of the board. A majority of the voting members 97813  
constitute a quorum. 97814

(E) ~~The duties of the advisory board shall be as follows:~~ 97815  
~~(1) Advise~~ advise the director of job and family services 97816  
in the administration of ~~the universal service fund and the low-~~ 97817

income customer assistance programs ~~and advise the director on~~ 97818  
~~the director's recommendation to the commission regarding the~~ 97819  
~~appropriate level of the universal service rider;~~ 97820

~~(2) Advise the director on the administration of the~~ 97821  
~~advanced energy program and the advanced energy fund under~~ 97822  
~~sections 4928.61 to 4928.63 of the Revised Code.~~ 97823

(F) The advisory board is not an agency for purposes of 97824  
sections 101.82 to 101.87 of the Revised Code. 97825

**Sec. 4928.61.** (A) There is hereby established in the state 97826  
treasury the advanced energy fund, into which shall be deposited 97827  
all advanced energy revenues remitted to the director of 97828  
development under division (B) of this section, for the 97829  
exclusive purposes of funding the advanced energy program 97830  
created under section 4928.62 of the Revised Code and paying the 97831  
program's administrative costs. Interest on the fund shall be 97832  
credited to the fund. 97833

(B) Advanced energy revenues shall include all of the 97834  
following: 97835

~~(1) Revenues remitted to the director after collection by~~ 97836  
~~each electric distribution utility in this state of a temporary~~ 97837  
~~rider on retail electric distribution service rates as such~~ 97838  
~~rates are determined by the public utilities commission pursuant~~ 97839  
~~to this chapter. The rider shall be a uniform amount statewide,~~ 97840  
~~determined by the director of development, after consultation~~ 97841  
~~with the public benefits advisory board created by section~~ 97842  
~~4928.58 of the Revised Code. The amount shall be determined by~~ 97843  
~~dividing an aggregate revenue target for a given year as~~ 97844  
~~determined by the director, after consultation with the advisory~~ 97845  
~~board, by the number of customers of electric distribution~~ 97846

~~utilities in this state in the prior year. Such aggregate revenue target shall not exceed more than fifteen million dollars in any year through 2005 and shall not exceed more than five million dollars in any year after 2005. The rider shall be imposed beginning on the effective date of the amendment of this section by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, and shall terminate at the end of ten years following the starting date of competitive retail electric service or until the advanced energy fund, including interest, reaches one hundred million dollars, whichever is first.~~

~~(2) Revenues from payments, repayments, and collections under the advanced energy program and from program income;~~

~~(3) (2) Revenues remitted to the director after collection by a municipal electric utility or electric cooperative in this state upon the utility's or cooperative's decision to participate in the advanced energy fund;~~

~~(4) (3) Revenues from renewable energy compliance payments as provided under division (C) (2) of section 4928.64 of the Revised Code;~~

~~(5) (4) Revenue from forfeitures under division (C) of section 4928.66 of the Revised Code;~~

~~(6) (5) Funds transferred pursuant to division (B) of Section 512.10 of S.B. 315 of the 129th general assembly;~~

~~(7) (6) Interest earnings on the advanced energy fund.~~

~~(C) (1) Each electric distribution utility in this state shall remit to the director on a quarterly basis the revenues described in divisions (B) (1) and (2) of this section. Such remittances shall occur within thirty days after the end of each calendar quarter.~~

~~(2) Each participating electric cooperative and participating municipal electric utility shall remit to the director on a quarterly basis the revenues described in division (B) (3) of this section. Such remittances shall occur within thirty days after the end of each calendar quarter. For the purpose of division (B) (3) of this section, the participation of an electric cooperative or municipal electric utility in the energy efficiency revolving loan program as it existed immediately prior to the effective date of the amendment of this section by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, does not constitute a decision to participate in the advanced energy fund under this section as so amended.~~

~~(3) All remittances under divisions (C) (1) and (2) of this section shall continue only until the end of ten years following the starting date of competitive retail electric service or until the advanced energy fund, including interest, reaches one hundred million dollars, whichever is first.~~

~~(D) Any moneys collected in rates for non-low-income customer energy efficiency programs, as of October 5, 1999, and not contributed to the energy efficiency revolving loan fund authorized under this section prior to the effective date of its amendment by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, shall be used to continue to fund cost-effective, residential energy efficiency programs, be contributed into the universal service fund as a supplement to that required under section 4928.53 of the Revised Code, or be returned to ratepayers in the form of a rate reduction at the option of the affected electric distribution utility.~~

**Sec. 4928.62.** (A) There is hereby created the advanced energy program, which shall be administered by the director of

development. Under the program, the director may authorize the use of moneys in the advanced energy fund for financial, technical, and related assistance for advanced energy projects in this state or for economic development assistance, in furtherance of the purposes set forth in section 4928.63 of the Revised Code.

(1) To the extent feasible given approved applications for assistance, the assistance shall be distributed among the certified territories of electric distribution utilities and participating electric cooperatives, and among the service areas of participating municipal electric utilities, in amounts proportionate to the remittances of each utility and cooperative under ~~divisions (B)(1) and (3)~~division (B)(2) of section 4928.61 of the Revised Code.

(2) The funds described in division ~~(B)(6)~~(B)(5) of section 4928.61 of the Revised Code shall not be subject to the territorial requirements of division (A)(1) of this section.

(3) The director shall not authorize financial assistance for an advanced energy project under the program unless the director first determines that the project will create new jobs or preserve existing jobs in this state or use innovative technologies or materials.

(B) In carrying out sections 4928.61 to 4928.63 of the Revised Code, the director may do all of the following to further the public interest in advanced energy projects and economic development:

(1) Award grants, contracts, loans, loan participation agreements, linked deposits, and energy production incentives;

(2) Acquire in the name of the director any property of

any kind or character in accordance with this section, by 97935  
purchase, purchase at foreclosure, or exchange, on such terms 97936  
and in such manner as the director considers proper; 97937

(3) Make and enter into all contracts and agreements 97938  
necessary or incidental to the performance of the director's 97939  
duties and the exercise of the director's powers under sections 97940  
4928.61 to 4928.63 of the Revised Code; 97941

(4) Employ or enter into contracts with financial 97942  
consultants, marketing consultants, consulting engineers, 97943  
architects, managers, construction experts, attorneys, technical 97944  
monitors, energy evaluators, or other employees or agents as the 97945  
director considers necessary, and fix their compensation; 97946

(5) Adopt rules prescribing the application procedures for 97947  
financial assistance under the advanced energy program; the 97948  
fees, charges, interest rates, payment schedules, local match 97949  
requirements, and other terms and conditions of any grants, 97950  
contracts, loans, loan participation agreements, linked 97951  
deposits, and energy production incentives; criteria pertaining 97952  
to the eligibility of participating lending institutions; and 97953  
any other matters necessary for the implementation of the 97954  
program; 97955

(6) Do all things necessary and appropriate for the 97956  
operation of the program. 97957

(C) The department of development may hold ownership to 97958  
any unclaimed energy efficiency and renewable energy emission 97959  
allowances provided for in Chapter 3745-14 of the Administrative 97960  
Code or otherwise, that result from advanced energy projects 97961  
that receive funding from the advanced energy fund, and it may 97962  
use the allowances to further the public interest in advanced 97963



energy projects or for economic development. 97964

(D) Financial statements, financial data, and trade 97965  
secrets submitted to or received by the director from an 97966  
applicant or recipient of financial assistance under sections 97967  
4928.61 to 4928.63 of the Revised Code, or any information taken 97968  
from those statements, data, or trade secrets for any purpose, 97969  
are not public records for the purpose of section 149.43 of the 97970  
Revised Code. 97971

(E) Nothing in the amendments of sections 4928.61, 97972  
4928.62, and 4928.63 of the Revised Code by Sub. H.B. 251 of the 97973  
126th general assembly shall affect any pending or effected 97974  
assistance, pending or effected purchases or exchanges of 97975  
property made, or pending or effected contracts or agreements 97976  
entered into pursuant to division (A) or (B) of this section as 97977  
the section existed prior to the effective date of those 97978  
amendments, January 4, 2007, or shall affect the exemption 97979  
provided under division (C) of this section as the section 97980  
existed prior to that effective date. 97981

(F) Any assistance a school district receives for an 97982  
advanced energy project, including a geothermal heating, 97983  
ventilating, and air conditioning system, shall be in addition 97984  
to any assistance provided under Chapter 3318. of the Revised 97985  
Code and shall not be included as part of the district or state 97986  
portion of the basic project cost under that chapter. 97987

**Sec. 4928.63.** The director of development ~~and the public~~ 97988  
~~benefits advisory board have~~ has the powers and duties provided 97989  
in sections 4928.61 and 4928.62 of the Revised Code, in order to 97990  
promote the welfare of the people of this state; stabilize the 97991  
economy; assist in the improvement and development within this 97992  
state of not-for-profit entity, industrial, commercial, 97993

distribution, residential, and research buildings and activities 97994  
required for the people of this state; improve the economic 97995  
welfare of the people of this state by reducing energy costs and 97996  
by reducing energy usage in a cost-efficient manner using, as 97997  
determined by the director, both the most appropriate national, 97998  
federal, or other standards for products and the best practices 97999  
for the use of technology, products, or services in the context 98000  
of a total facility or building; and assist in the lowering of 98001  
energy demand to reduce air, water, or thermal pollution. It is 98002  
hereby determined that the accomplishment of those purposes is 98003  
essential so that the people of this state may maintain their 98004  
present high standards in comparison with the people of other 98005  
states and so that opportunities for improving the economic 98006  
welfare of the people of this state, for improving the housing 98007  
of residents of this state, and for favorable markets for the 98008  
products of this state's natural resources, agriculture, and 98009  
manufacturing shall be improved; and that it is necessary for 98010  
this state to establish the program authorized pursuant to 98011  
sections 4928.61 and 4928.62 of the Revised Code. 98012

**Sec. 4928.66.** (A) (1) (a) Beginning in 2009, an electric 98013  
distribution utility shall implement energy efficiency programs 98014  
that achieve energy savings equivalent to at least three-tenths 98015  
of one per cent of the total, annual average, and normalized 98016  
kilowatt-hour sales of the electric distribution utility during 98017  
the preceding three calendar years to customers in this state. 98018  
An energy efficiency program may include a combined heat and 98019  
power system placed into service or retrofitted on or after the 98020  
effective date of the amendment of this section by S.B. 315 of 98021  
the 129th general assembly, September 10, 2012, or a waste 98022  
energy recovery system placed into service or retrofitted on or 98023  
after September 10, 2012, except that a waste energy recovery 98024

system described in division (A) (38) (b) of section 4928.01 of 98025  
the Revised Code may be included only if it was placed into 98026  
service between January 1, 2002, and December 31, 2004. For a 98027  
waste energy recovery or combined heat and power system, the 98028  
savings shall be as estimated by the public utilities 98029  
commission. The savings requirement, using such a three-year 98030  
average, shall increase to an additional five-tenths of one per 98031  
cent in 2010, seven-tenths of one per cent in 2011, eight-tenths 98032  
of one per cent in 2012, nine-tenths of one per cent in 2013, 98033  
and one per cent in 2014. In 2015 and 2016, an electric 98034  
distribution utility shall achieve energy savings equal to the 98035  
result of subtracting the cumulative energy savings achieved 98036  
since 2009 from the product of multiplying the baseline for 98037  
energy savings, described in division (A) (2) (a) of this section, 98038  
by four and two-tenths of one per cent. If the result is zero or 98039  
less for the year for which the calculation is being made, the 98040  
utility shall not be required to achieve additional energy 98041  
savings for that year, but may achieve additional energy savings 98042  
for that year. The annual savings requirements shall be, for 98043  
years 2017, 2018, 2019, and 2020, an additional one per cent of 98044  
the baseline. For purposes of a waste energy recovery or 98045  
combined heat and power system, an electric distribution utility 98046  
shall not apply more than the total annual percentage of the 98047  
electric distribution utility's industrial-customer load, 98048  
relative to the electric distribution utility's total load, to 98049  
the annual energy savings requirement. 98050

(b) Beginning in 2009, an electric distribution utility 98051  
shall implement peak demand reduction programs designed to 98052  
achieve a one per cent reduction in peak demand in 2009 and an 98053  
additional seventy-five hundredths of one per cent reduction 98054  
each year through 2014. In 2015 and 2016, an electric 98055

distribution utility shall achieve a reduction in peak demand 98056  
equal to the result of subtracting the cumulative peak demand 98057  
reductions achieved since 2009 from the product of multiplying 98058  
the baseline for peak demand reduction, described in division 98059  
(A)(2)(a) of this section, by four and seventy-five hundredths 98060  
of one per cent. If the result is zero or less for the year for 98061  
which the calculation is being made, the utility shall not be 98062  
required to achieve an additional reduction in peak demand for 98063  
that year, but may achieve an additional reduction in peak 98064  
demand for that year. In 2017 and each year thereafter through 98065  
2020, the utility shall achieve an additional seventy-five 98066  
hundredths of one per cent reduction in peak demand. 98067

(2) For the purposes of divisions (A)(1)(a) and (b) of 98068  
this section: 98069

(a) The baseline for energy savings under division (A)(1) 98070  
(a) of this section shall be the average of the total kilowatt 98071  
hours the electric distribution utility sold in the preceding 98072  
three calendar years. The baseline for a peak demand reduction 98073  
under division (A)(1)(b) of this section shall be the average 98074  
peak demand on the utility in the preceding three calendar 98075  
years, except that the commission may reduce either baseline to 98076  
adjust for new economic growth in the utility's certified 98077  
territory. Neither baseline shall include the load and usage of 98078  
any of the following customers: 98079

(i) Beginning January 1, 2017, a customer for which a 98080  
reasonable arrangement has been approved under section 4905.31 98081  
of the Revised Code; 98082

(ii) A customer that has opted out of the utility's 98083  
portfolio plan under section 4928.6611 of the Revised Code; 98084

(iii) A customer that has opted out of the utility's 98085  
portfolio plan under Section 8 of S.B. 310 of the 130th general 98086  
assembly. 98087

(b) The commission may amend the benchmarks set forth in 98088  
division (A)(1)(a) or (b) of this section if, after application 98089  
by the electric distribution utility, the commission determines 98090  
that the amendment is necessary because the utility cannot 98091  
reasonably achieve the benchmarks due to regulatory, economic, 98092  
or technological reasons beyond its reasonable control. 98093

(c) Compliance with divisions (A)(1)(a) and (b) of this 98094  
section shall be measured by including the effects of all 98095  
demand-response programs for mercantile customers of the subject 98096  
electric distribution utility, all waste energy recovery systems 98097  
and all combined heat and power systems, and all such mercantile 98098  
customer-sited energy efficiency, including waste energy 98099  
recovery and combined heat and power, and peak demand reduction 98100  
programs, adjusted upward by the appropriate loss factors. Any 98101  
mechanism designed to recover the cost of energy efficiency, 98102  
including waste energy recovery and combined heat and power, and 98103  
peak demand reduction programs under divisions (A)(1)(a) and (b) 98104  
of this section may exempt mercantile customers that commit 98105  
their demand-response or other customer-sited capabilities, 98106  
whether existing or new, for integration into the electric 98107  
distribution utility's demand-response, energy efficiency, 98108  
including waste energy recovery and combined heat and power, or 98109  
peak demand reduction programs, if the commission determines 98110  
that that exemption reasonably encourages such customers to 98111  
commit those capabilities to those programs. If a mercantile 98112  
customer makes such existing or new demand-response, energy 98113  
efficiency, including waste energy recovery and combined heat 98114  
and power, or peak demand reduction capability available to an 98115

electric distribution utility pursuant to division (A) (2) (c) of 98116  
this section, the electric utility's baseline under division (A) 98117  
(2) (a) of this section shall be adjusted to exclude the effects 98118  
of all such demand-response, energy efficiency, including waste 98119  
energy recovery and combined heat and power, or peak demand 98120  
reduction programs that may have existed during the period used 98121  
to establish the baseline. The baseline also shall be normalized 98122  
for changes in numbers of customers, sales, weather, peak 98123  
demand, and other appropriate factors so that the compliance 98124  
measurement is not unduly influenced by factors outside the 98125  
control of the electric distribution utility. 98126

(d) (i) Programs implemented by a utility may include the 98127  
following: 98128

(I) Demand-response programs; 98129

(II) Smart grid investment programs, provided that such 98130  
programs are demonstrated to be cost-beneficial; 98131

(III) Customer-sited programs, including waste energy 98132  
recovery and combined heat and power systems; 98133

(IV) Transmission and distribution infrastructure 98134  
improvements that reduce line losses; 98135

(V) Energy efficiency savings and peak demand reduction 98136  
that are achieved, in whole or in part, as a result of funding 98137  
provided from the ~~universal service~~ electric partnership plan 98138  
fund established by section 4928.51 of the Revised Code to 98139  
benefit low-income customers through programs that include, but 98140  
are not limited to, energy audits, the installation of energy 98141  
efficiency insulation, appliances, and windows, and other 98142  
weatherization measures. 98143

(ii) No energy efficiency or peak demand reduction 98144

achieved under divisions (A) (2) (d) (i) (IV) and (V) of this 98145  
section shall qualify for shared savings. 98146

(iii) Division (A) (2) (c) of this section shall be applied 98147  
to include facilitating efforts by a mercantile customer or 98148  
group of those customers to offer customer-sited demand- 98149  
response, energy efficiency, including waste energy recovery and 98150  
combined heat and power, or peak demand reduction capabilities 98151  
to the electric distribution utility as part of a reasonable 98152  
arrangement submitted to the commission pursuant to section 98153  
4905.31 of the Revised Code. 98154

(e) No programs or improvements described in division (A) 98155  
(2) (d) of this section shall conflict with any statewide 98156  
building code adopted by the board of building standards. 98157

(B) In accordance with rules it shall adopt, the public 98158  
utilities commission shall produce and docket at the commission 98159  
an annual report containing the results of its verification of 98160  
the annual levels of energy efficiency and of peak demand 98161  
reductions achieved by each electric distribution utility 98162  
pursuant to division (A) of this section. A copy of the report 98163  
shall be provided to the consumers' counsel. 98164

(C) If the commission determines, after notice and 98165  
opportunity for hearing and based upon its report under division 98166  
(B) of this section, that an electric distribution utility has 98167  
failed to comply with an energy efficiency or peak demand 98168  
reduction requirement of division (A) of this section, the 98169  
commission shall assess a forfeiture on the utility as provided 98170  
under sections 4905.55 to 4905.60 and 4905.64 of the Revised 98171  
Code, either in the amount, per day per undercompliance or 98172  
noncompliance, relative to the period of the report, equal to 98173  
that prescribed for noncompliances under section 4905.54 of the 98174

Revised Code, or in an amount equal to the then existing market 98175  
value of one renewable energy credit per megawatt hour of 98176  
undercompliance or noncompliance. Revenue from any forfeiture 98177  
assessed under this division shall be deposited to the credit of 98178  
the advanced energy fund created under section 4928.61 of the 98179  
Revised Code. 98180

(D) The commission may establish rules regarding the 98181  
content of an application by an electric distribution utility 98182  
for commission approval of a revenue decoupling mechanism under 98183  
this division. Such an application shall not be considered an 98184  
application to increase rates and may be included as part of a 98185  
proposal to establish, continue, or expand energy efficiency or 98186  
conservation programs. The commission by order may approve an 98187  
application under this division if it determines both that the 98188  
revenue decoupling mechanism provides for the recovery of 98189  
revenue that otherwise may be forgone by the utility as a result 98190  
of or in connection with the implementation by the electric 98191  
distribution utility of any energy efficiency or energy 98192  
conservation programs and reasonably aligns the interests of the 98193  
utility and of its customers in favor of those programs. 98194

(E) The commission additionally shall adopt rules that 98195  
require an electric distribution utility to provide a customer 98196  
upon request with two years' consumption data in an accessible 98197  
form. 98198

(F) (1) As used in divisions (F) (2), (3), and (4) of this 98199  
section, "portfolio plan" has the same meaning as in division 98200  
(C) (1) of section 4928.6610 of the Revised Code. 98201

(2) If an electric distribution utility has a portfolio 98202  
plan in effect as of October 22, 2019, and that plan expires 98203  
before December 31, 2020, the commission shall extend the plan 98204



through that date. All portfolio plans shall terminate on that date. 98205  
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(3) If a portfolio plan is extended beyond its commission approved term by division (F) (2) of this section, the existing plan's budget shall be increased for the extended term to include an amount equal to the annual average of the approved budget for all years of the portfolio plan in effect as of October 22, 2019. 98207  
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(4) All other terms and conditions of a portfolio plan extended beyond its commission-approved term by division (F) (2) of this section shall remain the same unless changes are authorized by the commission. 98213  
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(G) (1) Not later than February 1, 2021, the commission shall determine the cumulative energy savings collectively achieved, since 2009, by all electric distribution utilities in this state as of December 31, 2020. In determining that cumulative total, the commission shall do both of the following: 98217  
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(a) Include energy savings that were estimated by the commission to be achieved as of December 31, 2020, and banked under division (G) of section 4928.662 of the Revised Code; 98222  
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(b) Use an energy savings baseline that is the average of the total kilowatt hours sold by all electric distribution utilities in this state in the calendar years 2018, 2019, and 2020. The baseline shall exclude the load and usage described in division (A) (2) (a) (i), (ii), and (iii) of this section. That baseline may also be reduced for new economic growth in the utility's certified territory as provided in division (A) (2) (a) of this section and adjusted and normalized as provided in division (A) (2) (c) of this section. 98225  
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(2) (a) If the cumulative energy savings collectively 98234  
achieved as determined by the commission under division (G) (1) 98235  
of this section is at least seventeen and one-half per cent of 98236  
the baseline described in division (G) (1) (b) of this section, 98237  
then full compliance with division (A) (1) (a) of this section 98238  
shall be deemed to have been achieved notwithstanding any 98239  
provision of this section to the contrary. 98240

(b) If the cumulative energy savings collectively achieved 98241  
as determined by the commission under division (G) (1) of this 98242  
section is less than seventeen and one-half per cent of the 98243  
baseline described in division (G) (1) (b) of this section, then 98244  
both of the following shall apply: 98245

(i) The commission shall determine the manner in which 98246  
further implementation of energy efficiency programs shall occur 98247  
as may be reasonably necessary for collective achievement of 98248  
cumulative energy savings equal to seventeen and one-half per 98249  
cent, and not more, of the baseline described in division (G) (1) 98250  
(b) of this section. 98251

(ii) Full compliance with division (A) (1) (a) of this 98252  
section shall be deemed to be achieved as of a date certain 98253  
established by the commission notwithstanding any provision of 98254  
this section to the contrary. 98255

(3) Upon the date that full compliance with division (A) 98256  
(1) (a) of this section is deemed achieved under division (G) (2) 98257  
(a) or (b) of this section, any electric distribution utility 98258  
cost recovery mechanisms authorized by the commission for 98259  
compliance with this section shall terminate except as may be 98260  
necessary to reconcile the difference between revenue collected 98261  
and the allowable cost of compliance associated with compliance 98262  
efforts occurring prior to December 31, 2021, for programs re- 98263

established under section 4928.661 of the Revised Code, and 98264  
prior to the date upon which full compliance with division (A) 98265  
(1)(a) of this section is deemed achieved, for all other 98266  
compliance efforts. No such cost recovery mechanism shall be 98267  
authorized by the commission beyond the period of time required 98268  
to complete this final reconciliation. 98269

**Sec. 4928.75.** ~~Beginning in fiscal year 2021 and each~~ 98270  
~~fiscal year thereafter, the~~ The director of development job and 98271  
family services shall, in each fiscal year, submit a completed 98272  
waiver request in accordance with section 96.83 of Title 45 of 98273  
the Code of Federal Regulations to the United States department 98274  
of health and human services and any other applicable federal 98275  
agencies for the state to expend twenty-five per cent of federal 98276  
low-income home energy assistance programs funds from the home 98277  
energy assistance block grants for weatherization services 98278  
allowed by section 96.83(a) of Title 45 of the Code of Federal 98279  
Regulations to the United States department of health and human 98280  
services. 98281

**Sec. 4933.51.** As used in sections 4933.51 to 4933.59 of 98282  
the Revised Code: 98283

(A) "Area of last resort" means an area within an electric 98284  
distribution utility's designated service territory that is 98285  
located in a county of this state with a population of not more 98286  
than fifty thousand, but excluding any areas of the county that 98287  
are within a ten-mile radius of another publicly available 98288  
electric vehicle charging station or any areas of the county 98289  
that are within one mile of an alternative fuel corridor 98290  
designated by the federal highway administration. 98291

(B) "Direct current fast charging station" means an 98292  
electric vehicle charging system capable of distributing 98293

electricity at fifty kilowatts or more of direct current to an 98294  
electric vehicle's rechargeable battery at a voltage of two 98295  
hundred volts or more. 98296

(C) "Electric distribution utility" has the same meaning 98297  
as in section 4928.01 of the Revised Code. 98298

(D) "Electric vehicle" means a vehicle that is powered 98299  
wholly by a system that can be recharged via an external source 98300  
of electricity, including a vehicle for public or private use 98301  
that is a passenger car, commercial car or truck, a vehicle used 98302  
for public transit, a vehicle used in a vehicle fleet, a vehicle 98303  
used in construction work, and a vehicle used in industrial or 98304  
warehouse work. 98305

(E) "Electric vehicle charging provider" means the owner 98306  
or operator of an electric vehicle charging station. "Electric 98307  
vehicle charging provider" excludes either of the following that 98308  
owns or operates an electric vehicle charging station: 98309

(1) An electric distribution utility; 98310

(2) An affiliate or subsidiary of an electric distribution 98311  
utility. 98312

(F) "Electric vehicle charging station" means any 98313  
nonresidential electric vehicle charging system that is both of 98314  
the following: 98315

(1) Capable of distributing electricity from a source 98316  
outside an electric vehicle to the electric vehicle; 98317

(2) A direct current fast charging station or level two 98318  
charging station. 98319

(G) "Level two charging station" means any electric 98320  
vehicle charging system capable of distributing electricity at a 98321

minimum of three or a maximum of twenty kilowatts of alternating 98322  
current to an electric vehicle's rechargeable battery at a 98323  
voltage of two hundred volts or more. 98324

(H) "Make-ready infrastructure" means electrical 98325  
infrastructure required to accommodate the electric load of an 98326  
electric vehicle charging station. "Make-ready infrastructure" 98327  
excludes an electric vehicle charging station. 98328

**Sec. 4933.53.** (A) No electric distribution utility may own 98329  
or operate publicly available electric vehicle charging stations 98330  
except through a separate affiliate or subsidiary that is not 98331  
subject to public utilities commission jurisdiction, except as 98332  
provided in division (C) of this section and notwithstanding 98333  
section 4933.55 of the Revised Code. This division does not 98334  
prohibit the commission from approving a program, funded by 98335  
revenues from electric distribution utility rates, to promote 98336  
the creation of electric vehicle charging stations by electric 98337  
vehicle charging providers or the purchase of any equipment used 98338  
to charge an electric vehicle by residential customers. 98339

(B) (1) No electric distribution utility may charge its 98340  
affiliate or subsidiary a subsidized rate, fee, or charge for 98341  
electric service distributed to the affiliate's or subsidiary's 98342  
publicly available electric vehicle charging stations. 98343

(2) An electric distribution utility affiliate or 98344  
subsidiary that owns or operates an electric vehicle charging 98345  
station shall be subject to the same rates, terms, and 98346  
conditions that apply to electric vehicle charging providers 98347  
located in the electric distribution utility's certified 98348  
territory. 98349

(C) (1) If, five or more years after the effective date of 98350

this section, an electric distribution utility is able to 98351  
demonstrate that there is not at least one publicly available 98352  
electric vehicle charging station in an area of last resort, the 98353  
electric distribution utility may petition the commission for 98354  
approval of the installation and ownership of a publicly 98355  
available electric vehicle charging station solely in the area 98356  
of last resort. 98357

The commission may approve, modify and approve, or reject 98358  
an electric distribution utility's installation and ownership of 98359  
such a charging station in an area of last resort, provided that 98360  
any approval shall include a finding that the requirements of 98361  
this section and section 4933.54 of the Revised Code have been 98362  
met. 98363

(2) No electric distribution utility shall be obligated to 98364  
deploy equipment for a publicly available electric vehicle 98365  
charging station without timely and adequate cost recovery. 98366

(D) (1) If an electric distribution utility files a 98367  
petition under division (C) of this section, the electric 98368  
distribution utility also shall file a proposal with the 98369  
commission that includes a description of the area of last 98370  
resort, a statement certifying that there is not at least one 98371  
publicly available electric vehicle charging station in the area 98372  
of last resort, and a description of the publicly available 98373  
electric vehicle charging station it proposes to construct at 98374  
the location. 98375

(2) An electric distribution utility, concurrently with 98376  
the filing made under this division, shall provide conspicuous 98377  
public notice on the electric distribution utility's web site 98378  
and to each dealer of transportation fuel within a ten-mile 98379  
radius of the location of the electric distribution utility's 98380

proposed publicly available electric vehicle charging station. 98381  
Such notice shall contain at least both of the following: 98382

(a) The date the electric distribution utility filed a 98383  
proposal with the commission to provide a publicly available 98384  
electric vehicle charging station under this division; 98385

(b) The date by which a person may file a proposal to 98386  
provide a publicly available electric vehicle charging station 98387  
within a ten-mile radius of the proposed location as described 98388  
in section 4933.54 of the Revised Code. 98389

(E) Prior to approving an electric distribution utility's 98390  
installation and ownership of an electric vehicle charging 98391  
station under division (C) of this section, the commission shall 98392  
conduct a right of first refusal process. The commission shall 98393  
not conduct a right of first refusal process if there is a 98394  
publicly available electric vehicle charging station within a 98395  
ten-mile radius of the site where an electric distribution 98396  
utility proposes to locate such a charging station. 98397

(F) If, within ninety days after notice is provided under 98398  
division (D) of this section, no electric vehicle charging 98399  
providers are identified within ten miles of the location 98400  
proposed by an electric distribution utility in a proposal filed 98401  
under division (D) of this section, an electric distribution 98402  
utility may submit to the commission a notice of intent to 98403  
proceed with installation of a publicly available electric 98404  
vehicle charging station. 98405

(G) Not earlier than one hundred eighty days after the 98406  
commission's finding of public interest and approval of the 98407  
proposal and installation, an electric distribution utility may 98408  
proceed with the construction and operation of its proposed 98409

publicly available electric vehicle charging station. The 98410  
construction and operation of the charging station shall not 98411  
proceed if the commission determines that the construction and 98412  
operation unreasonably duplicates a publicly available electric 98413  
vehicle charging station operated, or under construction, by 98414  
another person. 98415

**Sec. 4933.54.** Not later than ninety days after the filing 98416  
and notice described in division (D) of section 4933.53 of the 98417  
Revised Code, any person, except an electric distribution 98418  
utility, an electric cooperative, or a municipal electric 98419  
utility, may submit a notice to the public utilities commission 98420  
stating that it intends to provide a publicly available electric 98421  
vehicle charging station within a ten-mile radius of the 98422  
location proposed by an electric distribution utility under 98423  
section 4933.53 of the Revised Code and intends to request the 98424  
necessary make-ready infrastructure from the electric 98425  
distribution utility. The notice shall include the person's firm 98426  
commitment to place the charging station into service before the 98427  
later of the following dates: 98428

(A) Eighteen months after the date the person submits the 98429  
notice to the commission; 98430

(B) Twelve months after the date of completion of the 98431  
installation of the necessary make-ready infrastructure. 98432

**Sec. 4933.55.** Revenues received by an electric 98433  
distribution utility for providing electric distribution service 98434  
shall not, directly or indirectly, subsidize investments in the 98435  
ownership or operation of electric vehicle charging stations, 98436  
except as part of a program approved by the public utilities 98437  
commission consistent with sections 4933.51 to 4933.59 of the 98438  
Revised Code. 98439



Sec. 4933.57. Nothing in sections 4933.51 to 4933.59 of 98440  
the Revised Code prohibits an electric distribution utility from 98441  
recovering the costs of make-ready infrastructure through rates 98442  
or charges authorized under the electric distribution utility's 98443  
distribution rate case under section 4909.18 of the Revised 98444  
Code, so long as such subsidies for make-ready infrastructure 98445  
are offered to electric vehicle charging providers on a 98446  
nondiscriminatory basis. 98447

Sec. 4933.59. Nothing in sections 4933.51 to 4933.59 of 98448  
the Revised Code shall be construed to prohibit an electric 98449  
distribution utility from operating, leasing, installing, or 98450  
otherwise procuring service from an electric vehicle charging 98451  
station on its own premises for the sole purpose of serving its 98452  
own electric vehicles. 98453

Sec. 4981.36. The "Midwest Interstate Passenger Rail 98454  
Compact" is hereby ratified, enacted into law, and entered into 98455  
by the state of Ohio with all other states legally joining 98456  
therein in the form substantially as follows: 98457

"MIDWEST INTERSTATE PASSENGER RAIL COMPACT 98458

The contracting states solemnly agree: 98459

Article I 98460

Statement of Purpose 98461

The purposes of this compact are, through joint or 98462  
cooperative action: 98463

(A) To promote development and implementation of 98464  
improvements to intercity passenger rail service in the Midwest; 98465

(B) To coordinate interaction among Midwestern state 98466  
elected officials and their designees on passenger rail issues; 98467

(C) To promote development and implementation of long-range plans for high speed rail passenger service in the Midwest and among other regions of the United States; 98468  
98469  
98470

(D) To work with the public and private sectors at the federal, state and local levels to ensure coordination among the various entities having an interest in passenger rail service and to promote Midwestern interests regarding passenger rail; 98471  
and 98472  
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(E) To support efforts of transportation agencies involved in developing and implementing passenger rail service in the Midwest. 98476  
98477  
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Article II 98479

Establishment of Commission 98480

To further the purposes of the compact, a Commission is created to carry out the duties specified in this compact. 98481  
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Article III 98483

Commission Membership 98484

The manner of appointment of Commission members, terms of office consistent with the terms of this compact, provisions for removal and suspension, and manner of appointment to fill vacancies shall be determined by each party state pursuant to its laws, but each commissioner shall be a resident of the state of appointment. Commission members shall serve without compensation from the Commission. 98485  
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The Commission shall consist of four resident members of each state as follows: The governor or the governor's designee who shall serve during the tenure of office of the governor, or until a successor is named; one member of the private sector who 98492  
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shall be appointed by the governor and shall serve during the 98496  
tenure of office of the governor, or until a successor is named; 98497  
and two legislators, one from each legislative chamber (or two 98498  
legislators from any unicameral legislature), who shall serve 98499  
two-year terms, or until successors are appointed, and who shall 98500  
be appointed by the appropriate appointing authority in each 98501  
legislative chamber. All vacancies shall be filled in accordance 98502  
with the laws of the appointing states. Any commissioner 98503  
appointed to fill a vacancy shall serve until the end of the 98504  
incomplete term. Each member state shall have equal voting 98505  
privileges, as determined by the Commission bylaws. 98506

Article IV 98507

Powers and Duties of the Commission 98508

The duties of the Commission are to: 98509

(1) Advocate for the funding and authorization necessary 98510  
to make passenger rail improvements a reality for the region; 98511

(2) Identify and seek to develop ways that states can form 98512  
partnerships, including with rail industry and labor, to 98513  
implement improved passenger rail in the region; 98514

(3) Seek development of a long-term, interstate plan for 98515  
high speed rail passenger service implementation; 98516

(4) Cooperate with other agencies, regions and entities to 98517  
ensure that the Midwest is adequately represented and integrated 98518  
into national plans for passenger rail development; 98519

(5) Adopt bylaws governing the activities and procedures 98520  
of the Commission and addressing, among other subjects: the 98521  
powers and duties of officers; the voting rights of Commission 98522  
members, voting procedures, Commission business, and any other 98523

<u>purposes necessary to fulfill the duties of the Commission;</u>	98524
<u>(6) Expend such funds as required to carry out the powers</u>	98525
<u>and duties of the Commission; and</u>	98526
<u>(7) Report on the activities of the Commission to the</u>	98527
<u>legislatures and governor of the member states on an annual</u>	98528
<u>basis.</u>	98529
<u>In addition to its exercise of these duties, the</u>	98530
<u>Commission is empowered to:</u>	98531
<u>(1) Provide multistate advocacy necessary to implement</u>	98532
<u>passenger rail systems or plans, as approved by the Commission;</u>	98533
<u>(2) Work with local elected officials, economic</u>	98534
<u>development planning organizations, and similar entities to</u>	98535
<u>raise the visibility of passenger rail service benefits and</u>	98536
<u>needs;</u>	98537
<u>(3) Educate other state officials, federal agencies, other</u>	98538
<u>elected officials and the public on the advantages of passenger</u>	98539
<u>rail as an integral part of an intermodal transportation system</u>	98540
<u>in the region;</u>	98541
<u>(4) Work with federal agency officials and Members of</u>	98542
<u>Congress to ensure the funding and authorization necessary to</u>	98543
<u>develop a long-term, interstate plan for high speed rail</u>	98544
<u>passenger service implementation.</u>	98545
<u>(5) Make recommendations to members states;</u>	98546
<u>(6) If requested by each state participating in a</u>	98547
<u>particular project and under the terms of a formal agreement</u>	98548
<u>approved by the participating states and the Commission,</u>	98549
<u>implement or provide oversight for specific rail projects;</u>	98550

<u>(7) Establish an office and hire staff as necessary;</u>	98551
<u>(8) Contract for or provide services;</u>	98552
<u>(9) Assess dues, in accordance with the terms of this compact;</u>	98553 98554
<u>(10) Conduct research; and</u>	98555
<u>(11) Establish committees.</u>	98556
<u>Article V</u>	98557
<u>Officers</u>	98558
<u>The Commission shall annually elect from among its members a chair, a vice-chair who shall not be a resident of the state represented by the chair, and others as approved in the Commission bylaws. The officers shall perform such functions and exercise such powers as are specified in the Commission bylaws.</u>	98559 98560 98561 98562 98563
<u>Article VI</u>	98564
<u>Meetings and Commission Administration</u>	98565
<u>The Commission shall meet at least once in each calendar year, and at such other times as may be determined by the Commission. Commission business shall be conducted in accordance with the procedures and voting rights specified in the bylaws.</u>	98566 98567 98568 98569
<u>Article VII</u>	98570
<u>Finance</u>	98571
<u>Except as otherwise provided for, the monies necessary to finance the general operations of the Commission in carrying forth its duties, responsibilities and powers as stated herein shall be appropriated to the Commission by the compacting states, when authorized by the respective legislatures, by equal</u>	98572 98573 98574 98575 98576

apportionment among the compacting states. Nothing in this 98577  
compact shall be construed to commit a member state to 98578  
participate in financing a rail project except as provided by 98579  
law of a member state. 98580

The Commission may accept, for any of its purposes and 98581  
functions, donations, gifts, grants, and appropriations of 98582  
money, equipment, supplies, materials and services from the 98583  
federal government, from any party state or from any department, 98584  
agency, or municipality thereof, or from any institution, 98585  
person, firm, or corporation. All expenses incurred by the 98586  
Commission in executing the duties imposed upon it by this 98587  
compact shall be paid by the Commission out of the funds 98588  
available to it. The Commission shall not issue any debt 98589  
instrument. The Commission shall submit to the officer 98590  
designated by the laws of each party state, periodically as 98591  
required by the laws of each party state, a budget of its actual 98592  
past and estimated future expenditures. 98593

Article VIII 98594

Enactment, Effective Date and Amendments 98595

The states of Illinois, Indiana, Iowa, Kansas, Michigan, 98596  
Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota 98597  
and Wisconsin are eligible to join this compact. Upon approval 98598  
of the Commission, according to its bylaws, other states may 98599  
also be declared eligible to join the compact. As to any 98600  
eligible party state, this compact shall become effective when 98601  
its legislature shall have enacted the same into law; provided 98602  
that it shall not become initially effective until enacted into 98603  
law by any three (3) party states incorporating the provisions 98604  
of this compact into the laws of such states. Amendments to the 98605  
compact shall become effective upon their enactment by the 98606

legislatures of all compacting states. 98607

Article IX 98608

Withdrawal, Default and Termination 98609

Withdrawal from this compact shall be by enactment of a 98610  
statute repealing the same and shall take effect one year after 98611  
the effective date of such statute. A withdrawing state shall be 98612  
liable for any obligations which it may have incurred prior to 98613  
the effective date of withdrawal. If any compacting state shall 98614  
at any time default in the performance of any of its 98615  
obligations, assumed or imposed, in accordance with the 98616  
provisions of this compact, all rights, privileges and benefits 98617  
conferred by this compact or agreements hereunder shall be 98618  
suspended from the effective date of such default as fixed by 98619  
the Commission, and the Commission shall stipulate the 98620  
conditions and maximum time for compliance under which the 98621  
defaulting state may resume its regular status. Unless such 98622  
default shall be remedied under the stipulations and within the 98623  
time period set forth by the Commission, this compact may be 98624  
terminated with respect to such defaulting state by affirmative 98625  
vote of a majority of the other Commission members. Any such 98626  
defaulting state may be reinstated, upon vote of the Commission, 98627  
by performing all acts and obligations as stipulated by the 98628  
Commission. 98629

Article X 98630

Construction and Severability 98631

The provisions of this compact entered into hereunder 98632  
shall be severable and if any phrase, clause, sentence or 98633  
provision of this compact is declared to be contrary to the 98634  
constitution of any compacting state or of the United States or 98635

the applicability thereof to any government, agency, person or 98636  
circumstance is held invalid, the validity of the remainder of 98637  
this compact and the applicability thereof to any government, 98638  
agency, person or circumstance shall not be affected hereby. If 98639  
this compact entered into hereunder shall be held contrary to 98640  
the constitution of any compacting state, the compact shall 98641  
remain in full force and effect as to the remaining states and 98642  
in full force and effect as to the state affected as to all 98643  
severable matters. The provisions of this compact entered into 98644  
pursuant hereto shall be liberally construed to effectuate the 98645  
purposes thereof." 98646

**Sec. 4981.361.** In pursuance of Articles II and III of the 98647  
Midwest Interstate Passenger Rail Compact, as set forth in 98648  
section 4981.36 of the Revised Code, there shall be four members 98649  
of the commission from this state. 98650

The governor shall appoint two members as set forth in 98651  
Article III of the compact. The terms of office for the 98652  
governor's appointments shall be in accordance with Article III 98653  
of the compact. 98654

The speaker of the house of representatives and the 98655  
president of the senate each shall appoint one member from their 98656  
respective houses of the general assembly to serve as a member 98657  
of the commission, but the two appointees shall not be members 98658  
of the same political party. Terms of office for legislative 98659  
appointees shall be in accordance with Article III of the 98660  
compact. 98661

Any member shall continue in office subsequent to the 98662  
expiration of the member's term until a successor is appointed. 98663  
Vacancies in the commission shall be filled in the same manner 98664  
as original selections are made. Any member of the commission 98665



may be reappointed. 98666

Except for the purposes of Chapters 102., 2744., and 2921. 98667  
of the Revised Code, serving as a member of the commission does 98668  
not constitute holding a public office or position of employment 98669  
under the laws of this state and does not constitute grounds for 98670  
removal of public officers or employees from their offices or 98671  
positions of employment. 98672

The governor, speaker, or president may remove a member 98673  
for whom the governor, speaker, or president was the appointing 98674  
authority, for misfeasance, malfeasance, or willful neglect of 98675  
duty. 98676

Members of the commission shall serve without 98677  
compensation, but shall be reimbursed for the reasonable 98678  
expenses incurred by them in the discharge of their duties as 98679  
members of the commission. 98680

**Sec. 5101.101.** (A) This section establishes the order of 98681  
priority to be followed by the department of job and family 98682  
services when distributing funds for the purpose of providing 98683  
family planning services, including funds the department 98684  
receives through Title XX of the "Social Security Act," 88 Stat. 98685  
2337 (1974), 42 U.S.C. 1397, as amended, and funds the 98686  
department receives through Title IV-A of the "Social Security 98687  
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended, to be 98688  
used for purposes of providing Title XX social services. This 98689  
section does not apply to payments made under the medicaid 98690  
program. 98691

(B) With respect to each period during which funds from a 98692  
particular source are distributed for the purpose of providing 98693  
family planning services, the department is subject to both of 98694

the following when distributing the funds to applicants seeking 98695  
those funds: 98696

(1) Foremost priority shall be given to public entities 98697  
that are operated by state or local government entities and that 98698  
provide or are able to provide family planning services. 98699

(2) If any funds remain after the department distributes 98700  
funds to public entities under division (B) (1) of this section, 98701  
the department may distribute funds to nonpublic entities. If 98702  
funds are distributed to nonpublic entities, the department 98703  
shall distribute the funds in the following order of descending 98704  
priority: 98705

(a) Nonpublic entities that are federally qualified health 98706  
centers or federally qualified health center look-alikes, both 98707  
as defined in section 3701.047 of the Revised Code, or community 98708  
action agencies, as defined in section ~~122.66~~ 5101.311 of the 98709  
Revised Code; 98710

(b) Nonpublic entities that provide comprehensive primary 98711  
and preventive care services in addition to family planning 98712  
services; 98713

(c) Nonpublic entities that provide family planning 98714  
services, but do not provide comprehensive primary and 98715  
preventive care services. 98716

**Sec. 5101.211.** The director of job and family services or 98717  
the director of children and youth may provide for a grant 98718  
agreement entered into under section 5101.21 of the Revised Code 98719  
to have a retroactive effective date of the first day of July of 98720  
an odd-numbered year if both of the following are the case: 98721

(A) The agreement is entered into after that date and 98722  
before the last day of that July. 98723

(B) The board of county commissioners requests the 98724  
retroactive effective date and provides the director good cause 98725  
satisfactory to the director for the reason the agreement was 98726  
not entered into on or before the first day of that July. 98727

**Sec. 5101.212.** The department of job and family services 98728  
or the director of children and youth shall publish in a manner 98729  
accessible to the public all of the following that concern 98730  
family services duties for which grants included in grant 98731  
agreements entered into under section 5101.21 of the Revised 98732  
Code are awarded: state plans for receipt of federal financial 98733  
participation, agreements between the department and a federal 98734  
agency, and executive orders issued by the governor. The 98735  
department may publish the materials electronically or 98736  
otherwise. 98737

**Sec. 5101.215.** If the director of job and family services 98738  
or the director of children and youth enters into an agreement 98739  
or contracts with, or issues a grant to, a religious 98740  
organization under section 5101.214 of the Revised Code, the 98741  
religious organization shall comply with section 104 of the 98742  
Personal Responsibility and Work Opportunity and Reconciliation 98743  
Act of 1996 (P.L. 104-193). 98744

**Sec. 5101.222.** The director of job and family services or 98745  
the director of children and youth may adopt rules in accordance 98746  
with section 111.15 of the Revised Code to implement sections 98747  
5101.22 to 5101.222 of the Revised Code. If the director adopts 98748  
the rules, the director shall adopt the rules as if they were 98749  
internal management rules. 98750

**Sec. 5101.242.** The department of job and family services 98751  
or the director of children and youth may certify a claim to the 98752  
attorney general under section 131.02 of the Revised Code for 98753

the attorney general to take action under that section against a 98754  
responsible county grantee or responsible entity to recover any 98755  
funds that the department determines the responsible county 98756  
grantee or responsible entity owes the department for actions 98757  
taken under division (C) (2), (3), (4), or (5) of section 5101.24 98758  
or 5101.241 of the Revised Code. 98759

**Sec. 5101.26.** As used in this section and in sections 98760  
5101.27 to 5101.30 of the Revised Code: 98761

(A) "Community control sanction" has the same meaning as 98762  
in section 2929.01 of the Revised Code. 98763

(B) "County agency" means a county department of job and 98764  
family services or a public children services agency. 98765

(C) "Fugitive felon" means an individual who is fleeing to 98766  
avoid prosecution, or custody or confinement after conviction, 98767  
under the laws of the place from which the individual is 98768  
fleeing, for a crime or an attempt to commit a crime that is a 98769  
felony under the laws of the place from which the individual is 98770  
fleeing or, in the case of New Jersey, a high misdemeanor, 98771  
regardless of whether the individual has departed from the 98772  
individual's usual place of residence. 98773

(D) "Information" means records as defined in section 98774  
149.011 of the Revised Code, any other documents in any format, 98775  
and data derived from records and documents that are generated, 98776  
acquired, or maintained by the department of job and family 98777  
services, the department of children and youth, a county agency, 98778  
or an entity performing duties on behalf of the department or a 98779  
county agency. 98780

(E) "Law enforcement agency" has the same meaning as in 98781  
section 109.573 of the Revised Code. 98782

(F) "Post-release control sanction" has the same meaning 98783  
as in section 2967.01 of the Revised Code. 98784

(G) "Public assistance" means financial assistance or 98785  
social services that are provided under a program administered 98786  
by the department of job and family services, department of 98787  
children and youth, or a county agency pursuant to Chapter 329., 98788  
5101., 5104., 5107., or 5108. of the Revised Code or an 98789  
executive order issued under section 107.17 of the Revised Code. 98790  
"Public assistance" does not mean medical assistance provided 98791  
under a medical assistance program, as defined in section 98792  
5160.01 of the Revised Code. 98793

(H) "Public assistance recipient" means an applicant for 98794  
or recipient or former recipient of public assistance. 98795

(I) "Publicly funded child care" has the same meaning as 98796  
in section 5104.01 of the Revised Code. 98797

(J) "Tuberculosis control unit" means the county 98798  
tuberculosis control unit designated by a board of county 98799  
commissioners under section 339.72 of the Revised Code or the 98800  
district tuberculosis control unit designated pursuant to an 98801  
agreement entered into by two or more boards of community 98802  
commissioners under that section. 98803

**Sec. 5101.272.** (A) For the purposes of section 5101.27 of 98804  
the Revised Code, an authorization shall be made on a form that 98805  
uses language understandable to the average person and contains 98806  
all of the following: 98807

(1) A description of the information to be used or 98808  
disclosed that identifies the information in a specific and 98809  
meaningful fashion; 98810

(2) The name or other specific identification of the 98811

person or class of persons authorized to make the requested use 98812  
or disclosure; 98813

(3) The name or other specific identification of the 98814  
person or governmental entity to which the information may be 98815  
released; 98816

(4) A description of each purpose of the requested use or 98817  
disclosure of the information; 98818

(5) The date on which the authorization expires or an 98819  
event related either to the individual who is the subject of the 98820  
request or to the purposes of the requested use or disclosure, 98821  
the occurrence of which will cause the authorization to expire; 98822

(6) A statement that the information used or disclosed 98823  
pursuant to the authorization may be disclosed by the recipient 98824  
of the information and may no longer be protected from 98825  
disclosure; 98826

(7) The signature of the individual or the individual's 98827  
authorized representative and the date on which the 98828  
authorization was signed; 98829

(8) If signed by an authorized representative, a 98830  
description of the representative's authority to act for the 98831  
individual; 98832

(9) A statement of the individual or authorized 98833  
representative's right to prospectively revoke the written 98834  
authorization in writing, along with one of the following: 98835

(a) A description of how the individual or authorized 98836  
representative may revoke the authorization; 98837

(b) If the department of job and family services' or 98838  
department of children and youth's privacy notice contains a 98839

description of how the individual or authorized representative 98840  
may revoke the authorization, a reference to that privacy 98841  
notice. 98842

(10) A statement that treatment, payment, enrollment, or 98843  
eligibility for public assistance cannot be conditioned on 98844  
signing the authorization unless the authorization is necessary 98845  
for determining eligibility for the public assistance program. 98846

(B) When an individual requests information pursuant to 98847  
section 5101.27 of the Revised Code regarding the individual's 98848  
receipt of public assistance and does not wish to provide a 98849  
statement of purpose, the statement "at request of the 98850  
individual" is a sufficient description for purposes of division 98851  
(A) (4) of this section. 98852

**Sec. 5101.273.** The department of job and family services 98853  
or the department of children and youth shall enter into any 98854  
necessary agreements with the United States department of health 98855  
and human services and neighboring states to join and 98856  
participate as an active member in the public assistance 98857  
reporting information system. The department may disclose 98858  
information regarding a public assistance recipient to the 98859  
extent necessary to participate as an active member in the 98860  
public assistance reporting information system. 98861

**Sec. 5101.28.** (A) (1) On request of the department of job 98862  
and family services, the department of children and youth, or a 98863  
county agency, a law enforcement agency shall provide 98864  
information regarding public assistance recipients to enable the 98865  
department of job and family services, department of children 98866  
and youth, or county agency to determine, for eligibility 98867  
purposes, whether a recipient or a member of a recipient's 98868  
assistance group is a fugitive felon or violating a condition of 98869

probation, a community control sanction, parole, or a post- 98870  
release control sanction imposed under state or federal law. 98871

(2) A county agency may enter into a written agreement 98872  
with a local law enforcement agency establishing procedures 98873  
concerning access to information and providing for compliance 98874  
with this section. 98875

(B) To the extent permitted by federal law, the department 98876  
of job and family services, department of children and youth, 98877  
and county agencies shall provide information regarding 98878  
recipients of public assistance to a law enforcement agency on 98879  
request for use in the performance of the law enforcement 98880  
agency's official duties. 98881

(C) Information about a public assistance recipient shall 98882  
be exchanged, obtained, or shared only if the department of job 98883  
and family services, department of children and youth, county 98884  
agency, or law enforcement agency requesting the information 98885  
gives sufficient information to specifically identify the 98886  
recipient. In addition to the recipient's name, identifying 98887  
information may include the recipient's current or last known 98888  
address, social security number, other identifying number, age, 98889  
gender, physical characteristics, any information specified in 98890  
an agreement entered into under division (A) of this section, or 98891  
any information considered appropriate by the department of job 98892  
and family services, department of children and youth or agency. 98893

(D) (1) The department of job and family services, 98894  
department of children and youth, and ~~its~~ each department's 98895  
officers and employees are not liable in damages in a civil 98896  
action for any injury, death, or loss to person or property that 98897  
allegedly arises from the release of information in accordance 98898  
with divisions (A), (B), and (C) of this section. This section 98899



does not affect any immunity or defense that the department of 98900  
job and family services, department of children and youth, and 98901  
~~its~~ each department's officers and employees may be entitled to 98902  
under another section of the Revised Code or the common law of 98903  
this state, including section 9.86 of the Revised Code. 98904

(2) The county agencies and their employees are not liable 98905  
in damages in a civil action for any injury, death, or loss to 98906  
person or property that allegedly arises from the release of 98907  
information in accordance with divisions (A), (B), and (C) of 98908  
this section. "Employee" has the same meaning as in division (B) 98909  
of section 2744.01 of the Revised Code. This section does not 98910  
affect any immunity or defense that the county agencies and 98911  
their employees may be entitled to under another section of the 98912  
Revised Code or the common law of this state, including section 98913  
2744.02 and division (A) (6) of section 2744.03 of the Revised 98914  
Code. 98915

(E) To the extent permitted by federal law, the department 98916  
of job and family services, department of children and youth, 98917  
and county agencies shall provide access to information to the 98918  
auditor of state acting pursuant to Chapter 117. or sections 98919  
5101.181 and 5101.182 of the Revised Code and to any other 98920  
government entity authorized by federal law to conduct an audit 98921  
of, or similar activity involving, a public assistance program. 98922

(F) To the extent permitted by law, nothing in this 98923  
section prohibits the department of job and family services, the 98924  
department of children and youth, county departments of job and 98925  
family services, and employees of the departments from reporting 98926  
to a public children services agency or other appropriate agency 98927  
information on known or suspected physical or mental injury, 98928  
sexual abuse or exploitation, or negligent treatment or 98929

maltreatment, of a child. 98930

**Sec. 5101.30.** (A) The director of job and family services 98931  
and the director of children and youth shall adopt rules in 98932  
accordance with Chapter 119. of the Revised Code implementing 98933  
sections 5101.26 to 5101.30 of the Revised Code and governing 98934  
the custody, use, disclosure, and preservation of the 98935  
information generated or received by the department of job and 98936  
family services, the department of children and youth, county 98937  
agencies, other state and county entities, contractors, 98938  
grantees, private entities, or officials participating in the 98939  
administration of public assistance programs. The rules shall 98940  
comply with applicable federal statutes and regulations. 98941

(1) The rules shall specify conditions and procedures for 98942  
the release of information which may include, among other 98943  
conditions and procedures, both of the following: 98944

(a) Permitting providers of services or assistance under 98945  
public assistance programs limited access to information that is 98946  
essential for the providers to render services or assistance or 98947  
to bill for services or assistance rendered. The department of 98948  
aging, when investigating a complaint under section 173.20 of 98949  
the Revised Code, shall be granted any limited access permitted 98950  
in the rules pursuant to division (A) (1) of this section. 98951

(b) Permitting a contractor, grantee, or other state or 98952  
county entity limited access to information that is essential 98953  
for the contractor, grantee, or entity to perform administrative 98954  
or other duties on behalf of the department or county agency. A 98955  
contractor, grantee, or entity given access to information 98956  
pursuant to division (A) (2) of this section is bound by the 98957  
director's rules, and disclosure of the information by the 98958  
contractor, grantee, or entity in a manner not authorized by the 98959

rules is a violation of section 5101.27 of the Revised Code. 98960

(2) The rules may define who is an "authorized 98961  
representative" for purposes of sections 5101.27 and 5101.272 of 98962  
the Revised Code. 98963

(B) Whenever names, addresses, or other information 98964  
relating to public assistance recipients is held by any agency 98965  
other than the department or a county agency, that other agency 98966  
shall adopt rules consistent with sections 5101.26 to 5101.30 of 98967  
the Revised Code to prevent the publication or disclosure of 98968  
names, lists, or other information concerning those recipients. 98969

**Sec. ~~122.66~~ 5101.311.** As used in sections ~~122.66~~ 5101.311 98970  
to ~~122.702~~ 5101.318 of the Revised Code: 98971

(A) "Poverty line" means the official poverty line 98972  
established by the director of the United States office of 98973  
management and budget and as revised by the secretary of health 98974  
and human services in accordance with section 673(2) of the 98975  
"Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 98976  
9902. 98977

(B) "Low-income person" means a person whose adjusted 98978  
gross income as defined in division (A) of section 5747.01 of 98979  
the Revised Code is below the poverty line as defined in 98980  
division (A) of this section. 98981

(C) "Advocacy" means the act of pleading for, supporting, 98982  
or recommending actions on behalf of low-income persons. 98983

(D) "Community action agency" means a community-based and 98984  
operated private nonprofit agency or organization incorporated 98985  
under Chapter 1702. of the Revised Code that includes or is 98986  
designed to include a sufficient number of projects or 98987  
components to provide a range of services and activities having 98988

a measurable and potentially major impact on the causes of 98989  
poverty in the community or those areas of the community where 98990  
poverty is a particularly acute problem and is designated as a 98991  
community action agency by the ~~community services division~~ 98992  
department of job and family services pursuant to sections 98993  
~~122.68~~ 5101.313 and ~~122.69~~ 5101.315 of the Revised Code. A 98994  
"community action agency" is not a state agency or public 98995  
office. 98996

(E) "Community" means a city, village, county, multicity 98997  
or multicounty unit, a neighborhood or other area, disregarding 98998  
boundaries or political subdivisions, which provides a suitable 98999  
organizational base and possesses a commonality of needs and 99000  
interests for a community action program suitable to be served 99001  
by a community action agency. 99002

(F) "Service area" means the geographical area served by a 99003  
community action agency. 99004

**Sec. ~~122.67~~ 5101.312.** ~~There is hereby created in the~~ 99005  
~~development services agency the community services division.~~ The 99006  
director of ~~development services~~ job and family services shall 99007  
employ and fix the compensation of professional and technical 99008  
unclassified personnel as necessary to carry out the provisions 99009  
of sections ~~122.66~~ 5101.311 to ~~122.701~~ 5101.317 of the Revised 99010  
Code. 99011

**Sec. ~~122.68~~ 5101.313.** The ~~community services division~~ 99012  
department of job and family services shall: 99013

(A) Administer all federal funds appropriated to the state 99014  
from the "Community Services Block Grant Act," 95 Stat. 511, 42 99015  
U.S.C.A. 9901, and comply with requirements imposed by that act 99016  
in its application for, and administration of, the funds; 99017

(B) Designate community action agencies to receive 99018  
community services block grant funds; 99019

(C) (1) Subject to division (C) (2) of this section, 99020  
disburse at least ninety-one per cent of the funds received in 99021  
the state from the "Community Services Block Grant Act" to 99022  
community action agencies that comply with the requirements of 99023  
section ~~122.69~~5101.315 of the Revised Code and migrant and 99024  
seasonal farm worker organizations that are not designated 99025  
community action agencies but which provide the services 99026  
described in division (B) (1) of section ~~122.69~~5101.315 of the 99027  
Revised Code; 99028

(2) Disburse at least four and one-half per cent of the 99029  
funds received in the state from the "Community Services Block 99030  
Grant Act" to one or more nonprofit organizations to which both 99031  
of the following apply: 99032

(a) The organization or organizations were incorporated 99033  
under the laws of this state before January 1, 2015. 99034

(b) The primary purpose of the organization or 99035  
organizations is to provide training and technical assistance to 99036  
community action agencies that comply with the requirements of 99037  
section ~~122.69~~5101.315 of the Revised Code. 99038

(D) Provide technical assistance to community action 99039  
agencies to improve program planning, development, and 99040  
administration; 99041

(E) Conduct yearly performance assessments, according to 99042  
criteria determined by ~~development services agency~~department of 99043  
job and family services rule, to determine whether community 99044  
action agencies are in compliance with section ~~122.69~~5101.315 99045  
of the Revised Code; 99046

(F) Annually prepare and submit to the United States secretary of health and human services, the governor, the president of the Ohio senate, and the speaker of the Ohio house of representatives, a comprehensive report that includes:

(1) Certification that all community action agencies designated to receive funds from the "Community Services Block Grant Act" are in compliance with section ~~122.69~~ 5101.315 of the Revised Code;

(2) A program plan for the next federal fiscal year that has been made available for public inspection and that details how community services block grant funds will be disbursed and used during that fiscal year;

(3) Information detailing how funds were expended for the current fiscal year;

(4) An audit of community services block grant expenditures for the preceding federal fiscal year that is conducted in accordance with generally accepted accounting principles by an independent auditing firm that has no connection with any community action agency receiving community services block grant funds or with any employee of the division.

(G) Serve as a statewide advocate for social and economic opportunities for low-income persons.

**Sec. ~~122.681~~ 5101.314.** (A) Except as permitted by this section, or when required by federal law, no person or government entity shall solicit, release, disclose, receive, use, or knowingly permit or participate in the use of any information regarding an individual receiving assistance pursuant to a ~~community services division~~ department of job and family services program under sections ~~122.66~~ 5101.311 to

~~122.702~~5101.318 of the Revised Code for any purpose not 99076  
directly related to the administration of a ~~division~~department 99077  
assistance program. 99078

(B) To the extent permitted by federal law, the 99079  
~~division~~department, and any entity that receives ~~division~~ 99080  
department funds to administer a ~~division~~department program to 99081  
assist individuals, shall release information regarding an 99082  
individual assistance recipient to the following: 99083

(1) A government entity responsible for administering the 99084  
assistance program for purposes directly related to the 99085  
administration of the program; 99086

(2) A law enforcement agency for the purpose of any 99087  
investigation, prosecution, or criminal or civil proceeding 99088  
relating to the administration of the assistance program; 99089

(3) A government entity responsible for administering a 99090  
children's protective services program, for the purpose of 99091  
protecting children; 99092

(4) Any appropriate person in compliance with a search 99093  
warrant, subpoena, or other court order. 99094

(C) To the extent permitted by federal law and section 99095  
1347.08 of the Revised Code, the ~~division~~department, and any 99096  
entity administering a ~~division~~department program, shall 99097  
provide access to information regarding an individual assistance 99098  
recipient to all of the following: 99099

(1) The individual assistance recipient; 99100

(2) The authorized representative of the individual 99101  
assistance recipient; 99102

(3) The legal guardian of the individual assistance 99103

recipient; 99104

(4) The attorney of the individual assistance recipient. 99105

(D) To the extent permitted by federal law, the 99106  
~~division~~department, and any entity administering a ~~division~~  
department program, may do either of the following: 99107  
99108

(1) Release information about an individual assistance 99109  
recipient if the recipient gives voluntary, written 99110  
authorization; 99111

(2) Release information regarding an individual assistance 99112  
recipient to a state, federal, or federally assisted program 99113  
that provides cash or in-kind assistance or services directly to 99114  
individuals based on need. 99115

(E) The ~~community services division~~department of job and 99116  
family services, or an entity administering a ~~division~~  
department program, shall provide, at no cost, a copy of each 99117  
written authorization to the individual who signed it. 99118  
99119

(F) The ~~development services agency~~department may adopt 99120  
rules defining who may serve as an individual assistance 99121  
recipient's authorized representative for purposes of division 99122  
(C) (2) of this section. 99123

**Sec. ~~122-69~~ 5101.315.** (A) Any nonprofit agency or 99124  
organization seeking designation as a community action agency by 99125  
the ~~community services division~~department of job and family 99126  
services shall obtain the endorsement of the chief elected 99127  
officials of at least two-thirds of the municipal corporations 99128  
and the counties within the community to be served by the agency 99129  
or organization. 99130

(B) Any nonprofit agency or organization that receives the 99131



endorsement provided for in division (A) of this section shall 99132  
be designated by the ~~division~~ department as the community action 99133  
agency for the community it serves and shall receive community 99134  
services block grant funds for any period of time that the 99135  
nonprofit agency or organization: 99136

(1) Provides a range of services and opportunities having 99137  
a measurable and potentially major impact on the causes of 99138  
poverty in the community or those areas of the community where 99139  
poverty is a particularly acute problem. These activities may 99140  
include but shall not be limited to: 99141

(a) Providing activities designed to assist low-income 99142  
persons, including low-income persons who are elderly and who 99143  
have disabilities, to: 99144

(i) Secure and maintain meaningful employment, training, 99145  
work experience, and unsubsidized employment; 99146

(ii) Attain an adequate education; 99147

(iii) Make better use of available income; 99148

(iv) Obtain and maintain adequate housing and a suitable 99149  
living environment; 99150

(v) Obtain emergency assistance through loans or grants to 99151  
meet immediate and urgent individual and family needs, including 99152  
the need for health services, nutritious food, housing, and 99153  
employment-related assistance; 99154

(vi) Remove obstacles and solve personal and family 99155  
problems that block the achievement of self-sufficiency; 99156

(vii) Achieve greater participation in the affairs of the 99157  
community; 99158

(viii) Undertake family planning, consistent with personal and family goals and religious and moral convictions; 99159  
99160

(ix) Obtain energy assistance, conservation, and weatherization services. 99161  
99162

(b) Providing, on an emergency basis, supplies and services, nutritious foodstuffs, and related services necessary to counteract conditions of starvation and malnutrition among low-income persons; 99163  
99164  
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(c) Coordinating and establishing links between government and other social services programs to assure the effective delivery of services to low-income individuals; 99167  
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99169

(d) Providing child care services, nutrition and health services, transportation services, alcoholism and narcotic addiction prevention and rehabilitation services, youth development services, and community services to persons who are elderly and who have disabilities; 99170  
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(e) Encouraging entities in the private sector to participate in efforts to ameliorate poverty in the community. 99175  
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(2) Annually submits to the ~~division~~department a program plan and budget for use of community services block grant funds for the next federal fiscal year. At least ten days prior to its submission to the ~~division~~department, a copy of the program plan and budget shall be made available to the chief elected officials of the municipal corporations and counties within the service area in order to provide them the opportunity to review and comment upon such plan and budget. 99177  
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(3) Composes its board of directors in compliance with ~~section (c) (3) of section 675 of the "Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9904~~U.S.C. 9910, except 99185  
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that the board shall consist of not less than fifteen nor more than thirty-three members; 99188  
99189

(4) Complies with the prohibitions against discrimination and political activity, as provided in the "Community Services Block Grant Act"; 99190  
99191  
99192

(5) Complies with fiscal and program requirements established by ~~development services agency department~~ rule. 99193  
99194

**Sec. ~~122.70~~ 5101.316.** The board of directors of a community action agency shall: 99195  
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(A) Select, appoint, and may remove the executive director of the community action agency; 99197  
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(B) Approve contracts, annual program budgets, and policies of the community action agency; 99199  
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(C) Advise the elected officials of any political subdivision located within its service area, and state and federal elected officials who represent its service area, of the nature and extent of poverty within its community, and advise them of any needed changes; 99201  
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(D) Convene public meetings to provide community members the opportunity to comment on public policies and programs to reduce poverty; 99206  
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(E) Annually evaluate the policies and programs of the community action agency according to criteria determined by ~~department of development~~ department of job and family services rule; 99209  
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(F) Submit the results of the evaluation required by division (E) of this section, along with recommendations for improved administration of the community action agency, to the 99213  
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~~community services division~~department; 99216

(G) Adopt a code of ethics for the board of directors and 99217  
the employees of the community action agency; 99218

(H) Adopt written policies describing all of the 99219  
following: 99220

(1) How the community action agency is to expend and 99221  
distribute the community services block grant funds that it 99222  
receives from the division under sections ~~122.68~~5101.313 and 99223  
~~122.69~~5101.315 of the Revised Code; 99224

(2) The salary, benefits, travel expenses, and any other 99225  
compensation that persons are to receive for serving on the 99226  
community action agency's board of directors; 99227

(3) The operating procedures to be used by the board to 99228  
conduct its meetings, to vote on all official business it 99229  
considers, and to provide notice of its meetings. 99230

The written operating procedures described in this 99231  
division shall specify the methods by which the board may 99232  
conduct meetings using virtual electronic technology, and shall 99233  
specify that the board may provide notice of its meetings by any 99234  
means deemed appropriate to the board. 99235

(I) Provide for the posting of notices in a conspicuous 99236  
place indicating that the code of ethics described in division 99237  
(G) of this section and the policies described in division (H) 99238  
of this section are available for public inspection at the 99239  
community action agency during normal business hours. 99240

**Sec. ~~122.701~~ 5101.317.** (A) Prior to designating a new 99241  
community action agency or rescinding a community action 99242  
agency's designation, the ~~community services division~~department 99243

of job and family services shall: 99244

(1) Determine whether a community action agency is in 99245  
compliance with section ~~122.69~~5101.315 of the Revised Code; 99246

(2) Consult with the chief elected officials of political 99247  
subdivisions located within a community action agency's service 99248  
area, and, in designating a new community action agency, obtain 99249  
their endorsement of the agency in accordance with division (A) 99250  
of section ~~122.69~~5101.315 of the Revised Code; 99251

(3) Hold at least one public meeting within a community 99252  
action agency's service area for the purpose of allowing 99253  
citizens to comment on the community action agency's delivery of 99254  
services; 99255

(4) Evaluate the proposed service area of the community 99256  
action agency, and, as may be necessary, modify the boundaries 99257  
of the service area so that low-income persons in the area are 99258  
adequately and efficiently served. 99259

(B) After providing notice and hearing pursuant to 99260  
sections 119.01 to 119.13 of the Revised Code, the director of 99261  
~~development~~job and family services: 99262

(1) May rescind the designation of a community action 99263  
agency after finding that the agency is not in compliance with 99264  
any or all of the provisions of section ~~122.69~~5101.315 of the 99265  
Revised Code; 99266

(2) Shall rescind the designation of a community action 99267  
agency upon notification from the chief elected officials of 99268  
more than one-half of the municipal corporations and the 99269  
counties within a community currently served by a community 99270  
action agency that such agency is not endorsed by them and after 99271  
finding that the agency is not in compliance with section ~~122.69~~ 99272

5101.315 of the Revised Code. 99273

Any agency whose designation is rescinded pursuant to this 99274  
section may appeal from an order rescinding such designation 99275  
pursuant to section 119.12 of the Revised Code. 99276

**Sec. ~~122.702~~ 5101.318.** The general assembly shall conduct 99277  
public hearings ~~each year on the proposed use and distribution~~ 99278  
~~of~~ community services block grant funds, as required by section 99279  
~~675(b)676~~ of the "Community Services Block Grant Act," ~~95 Stat.~~ 99280  
~~1609, 42 U.S.C.A. 9904~~U.S.C. 9908. 99281

**Sec. 5101.33.** (A) As used in this section, "benefits" 99282  
means any of the following: 99283

(1) Cash assistance paid under Chapter 5107. of the 99284  
Revised Code; 99285

(2) Supplemental nutrition assistance program benefits 99286  
provided under section 5101.54 of the Revised Code; 99287

(3) Any other program administered by the department of 99288  
job and family services or the department of children and youth 99289  
under which assistance is provided or service rendered; 99290

(4) Any other program, service, or assistance administered 99291  
by a person or government entity that the department determines 99292  
may be delivered through the medium of electronic benefit 99293  
transfer. 99294

(B) The department of job and family services or 99295  
department of children and youth may make any payment or 99296  
delivery of benefits to eligible individuals through the medium 99297  
of electronic benefit transfer by doing all of the following: 99298

(1) Contracting with an agent to supply debit cards to the 99299  
department of job and family services or the department of 99300

children and youth for use by such individuals in accessing 99301  
their benefits and to credit such cards electronically with the 99302  
amounts specified by the director of job and family services or 99303  
the director of children and youth pursuant to law; 99304

(2) Informing such individuals about the use of the 99305  
electronic benefit transfer system and furnishing them with 99306  
debit cards and information that will enable them to access 99307  
their benefits through the system; 99308

(3) Arranging with specific financial institutions or 99309  
vendors, county departments of job and family services, or 99310  
persons or government entities for individuals to have their 99311  
cards credited electronically with the proper amounts at their 99312  
facilities; 99313

(4) Periodically preparing vouchers for the payment of 99314  
such benefits by electronic benefit transfer; 99315

(5) Satisfying any applicable requirements of federal and 99316  
state law. 99317

(C) The department may enter into a written agreement with 99318  
any person or government entity to provide benefits administered 99319  
by that person or entity through the medium of electronic 99320  
benefit transfer. A written agreement may require the person or 99321  
government entity to pay to the department either or both of the 99322  
following: 99323

(1) A charge that reimburses the department for all costs 99324  
the department incurs in having the benefits administered by the 99325  
person or entity provided through the electronic benefit 99326  
transfer system; 99327

(2) A fee for having the benefits provided through the 99328  
electronic benefit transfer system. 99329

(D) The department may designate which counties will participate in the medium of electronic benefit transfer, specify the date a designated county will begin participation, and specify which benefits will be provided through the medium of electronic benefit transfer in a designated county.

(E) The department of job and family services or the department of children and youth may adopt rules in accordance with Chapter 119. of the Revised Code for the efficient administration of this section.

**Sec. 5101.35.** (A) As used in this section:

(1) (a) "Agency" means the following entities that administer a family services program:

- (i) The department of job and family services;
- (ii) The department of children and youth;
- (iii) A county department of job and family services;
- (iv) A public children services agency;

(v) A private or government entity administering, in whole or in part, a family services program for or on behalf of the department of job and family services, the department of children and youth, or a county department of job and family services or public children services agency.

(b) If the department of medicaid contracts with the department of job and family services to hear appeals authorized by section 5160.31 of the Revised Code regarding medical assistance programs, "agency" includes the department of medicaid.

(2) "Appellant" means an applicant, participant, former



participant, recipient, or former recipient of a family services program who is entitled by federal or state law to a hearing regarding a decision or order of the agency that administers the program. 99357  
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(3) (a) "Family services program" means all of the following: 99361  
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(i) A Title IV-A program as defined in section 5101.80 of the Revised Code; 99363  
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(ii) Programs that provide assistance under Chapter 5104. of the Revised Code; 99365  
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(iii) Programs that provide assistance under section ~~5101.141~~, 5101.461, 5101.54, 5119.41, 5153.163, ~~or~~ 5153.165, or 5180.42 of the Revised Code; 99367  
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(iv) Title XX social services provided under section 5101.46 of the Revised Code, other than such services provided by the department of mental health and addiction services, the department of developmental disabilities, a board of alcohol, drug addiction, and mental health services, or a county board of developmental disabilities. 99370  
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(b) If the department of medicaid contracts with the department of job and family services to hear appeals authorized by section 5160.31 of the Revised Code regarding medical assistance programs, "family services program" includes medical assistance programs. 99376  
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(4) "Medical assistance program" has the same meaning as in section 5160.01 of the Revised Code. 99381  
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(B) Except as provided by divisions (G) and (H) of this section, an appellant who appeals under federal or state law a 99383  
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decision or order of an agency administering a family services 99385  
program shall, at the appellant's request, be granted a state 99386  
hearing by the department of job and family services or the 99387  
department of children and youth, as appropriate. This state 99388  
hearing shall be conducted in accordance with rules adopted 99389  
under this section. The state hearing shall be recorded, but 99390  
neither the recording nor a transcript of the recording shall be 99391  
part of the official record of the proceeding. Except as 99392  
provided in section 5160.31 of the Revised Code, a state hearing 99393  
decision is binding upon the agency and department, unless it is 99394  
reversed or modified on appeal to the director of job and family 99395  
services, director of children and youth, or a court of common 99396  
pleas. 99397

(C) Except as provided by division (G) of this section, an 99398  
appellant who disagrees with a state hearing decision may make 99399  
an administrative appeal to the director of job and family 99400  
services or director of children and youth in accordance with 99401  
rules adopted under this section. This administrative appeal 99402  
does not require a hearing, but the director or the director's 99403  
designee shall review the state hearing decision and previous 99404  
administrative action and may affirm, modify, remand, or reverse 99405  
the state hearing decision. An administrative appeal decision is 99406  
the final decision of the department and, except as provided in 99407  
section 5160.31 of the Revised Code, is binding upon the 99408  
department and agency, unless it is reversed or modified on 99409  
appeal to the court of common pleas. 99410

(D) An agency shall comply with a decision issued pursuant 99411  
to division (B) or (C) of this section within the time limits 99412  
established by rules adopted under this section. If a county 99413  
department of job and family services or a public children 99414  
services agency fails to comply within these time limits, the 99415

department may take action pursuant to section 5101.24 of the Revised Code. If another agency, other than the department of medicaid, fails to comply within the time limits, the department may force compliance by withholding funds due the agency or imposing another sanction established by rules adopted under this section.

(E) An appellant who disagrees with an administrative appeal decision of the director of job and family services, the director of children and youth, or either director's designee issued under division (C) of this section may appeal from the decision to the court of common pleas pursuant to section 119.12 of the Revised Code. The appeal shall be governed by section 119.12 of the Revised Code except that:

(1) The person may apply to the court for designation as an indigent and, if the court grants this application, the appellant shall not be required to furnish the costs of the appeal.

(2) The appellant shall mail the notice of appeal to the department of job and family services or director of children and youth, as appropriate, and file notice of appeal with the court within thirty days after the department mails the administrative appeal decision to the appellant. For good cause shown, the court may extend the time for mailing and filing notice of appeal, but such time shall not exceed six months from the date the department mails the administrative appeal decision. Filing notice of appeal with the court shall be the only act necessary to vest jurisdiction in the court.

(3) The department shall be required to file a transcript of the testimony of the state hearing with the court only if the court orders the department to file the transcript. The court

shall make such an order only if it finds that the department 99446  
and the appellant are unable to stipulate to the facts of the 99447  
case and that the transcript is essential to a determination of 99448  
the appeal. The department shall file the transcript not later 99449  
than thirty days after the day such an order is issued. 99450

(F) The department of job and family service and 99451  
department of children and youth, as applicable, shall adopt 99452  
rules in accordance with Chapter 119. of the Revised Code to 99453  
implement this section, including rules governing the following: 99454

(1) State hearings under division (B) of this section. The 99455  
rules shall include provisions regarding notice of eligibility 99456  
termination and the opportunity of an appellant appealing a 99457  
decision or order of a county department of job and family 99458  
services to request a county conference with the county 99459  
department before the state hearing is held. 99460

(2) Administrative appeals under division (C) of this 99461  
section; 99462

(3) Time limits for complying with a decision issued under 99463  
division (B) or (C) of this section; 99464

(4) Sanctions that may be applied against an agency under 99465  
division (D) of this section. 99466

(G) The department of job and family services and the 99467  
department of children and youth, as applicable, may adopt rules 99468  
in accordance with Chapter 119. of the Revised Code establishing 99469  
an appeals process for an appellant who appeals a decision or 99470  
order regarding a Title IV-A program identified under division 99471  
(A) (4) (c), (d), (e), (f), (g), or (h) of section 5101.80 of the 99472  
Revised Code that is different from the appeals process 99473  
established by this section. The different appeals process may 99474

include having a state agency that administers the Title IV-A 99475  
program pursuant to an interagency agreement entered into under 99476  
section 5101.801 of the Revised Code administer the appeals 99477  
process. 99478

(H) If an appellant receiving medicaid through a health 99479  
insuring corporation that holds a certificate of authority under 99480  
Chapter 1751. of the Revised Code is appealing a denial of 99481  
medicaid services based on lack of medical necessity or other 99482  
clinical issues regarding coverage by the health insuring 99483  
corporation, the person hearing the appeal may order an 99484  
independent medical review if that person determines that a 99485  
review is necessary. The review shall be performed by a health 99486  
care professional with appropriate clinical expertise in 99487  
treating the recipient's condition or disease. The department 99488  
shall pay the costs associated with the review. 99489

A review ordered under this division shall be part of the 99490  
record of the hearing and shall be given appropriate evidentiary 99491  
consideration by the person hearing the appeal. 99492

(I) The requirements of Chapter 119. of the Revised Code 99493  
apply to a state hearing or administrative appeal under this 99494  
section only to the extent, if any, specifically provided by 99495  
rules adopted under this section. 99496

**Sec. 5101.351.** The department of job and family services 99497  
or the department of children and youth may employ or contract 99498  
with hearing officers to draft and recommend state hearing 99499  
decisions under division (B) of section 5101.35 of the Revised 99500  
Code. The department may employ or contract with hearing 99501  
authorities to issue state hearing decisions under division (B) 99502  
of section 5101.35 of the Revised Code. A hearing authority 99503  
employed or contracted with under this section is not required 99504

to have been admitted to the practice of law in this state. 99505

**Sec. 5101.38.** The department of job and family services or 99506  
the department of children and youth may appoint and commission 99507  
any competent officer, employee, agency, or person to serve as a 99508  
special agent, investigator, or representative to perform a 99509  
designated duty for and in behalf of the department. Specific 99510  
credentials shall be given by the department to each person so 99511  
designated, and each credential shall state: 99512

(A) The person's name; 99513

(B) Agency with which such person is connected; 99514

(C) Purpose of appointment; 99515

(D) Date of expiration of appointment, if appropriate; 99516

(E) Such information as the department considers proper. 99517

**Sec. 5101.461.** (A) As used in this section: 99518

(1) "Title IV-A" means Title IV-A of the "Social Security 99519  
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 99520

(2) "Title XX" has the same meaning as in section 5101.46 99521  
of the Revised Code. 99522

(B) To the extent authorized by federal law, the 99523  
department of job and family services or the department of 99524  
children and youth may use funds received through the Title IV-A 99525  
temporary assistance for needy families block grant for purposes 99526  
of providing Title XX social services. The amount used under 99527  
this section shall not exceed the maximum amount permitted by 99528  
federal law. The funds and provision of Title XX social services 99529  
with the funds are not subject to section 5101.46 of the Revised 99530  
Code. 99531

Funds distributed under this section for the purpose of providing family planning services shall be distributed by a county department of job and family services according to the same order of priority that applies to the department of job and family services under section 5101.101 of the Revised Code.

(C) The department and any county department of job and family services may require an entity under contract to provide Title XX social services with funds used under this section to submit to an audit on the basis of alleged misuse or improper accounting of funds. If an audit is required, the social services provider shall reimburse the state department or county department for the cost it incurred in conducting the audit or having the audit conducted.

If an audit demonstrates that a social services provider is responsible for one or more adverse findings, the provider shall reimburse the state department or county department the amount of the adverse findings. The amount shall not be reimbursed with funds received under this section. The state department and county departments may terminate or refuse to enter into a contract with a social services provider to provide services with funds available pursuant to this section if there are adverse findings in an audit that are the responsibility of the provider.

(D) The state department of job and family services or the department of children and youth may adopt rules to implement and carry out the purposes of this section. Rules governing financial and operational matters of the department or matters between the department and county departments of job and family services shall be adopted as internal management rules in accordance with section 111.15 of the Revised Code. Rules

governing eligibility for services, program participation, and 99562  
other matters pertaining to applicants and participants shall be 99563  
adopted in accordance with Chapter 119. of the Revised Code. 99564

Sec. 5101.546. To the maximum extent permitted by federal 99565  
law and notwithstanding any provision of law to the contrary, 99566  
the department of job and family services shall require a 99567  
household receiving supplemental nutrition assistance program 99568  
benefits to report, not later than thirty days after the change 99569  
becomes known to the household, the changes in circumstances 99570  
enumerated for certified change reporting households under 7 99571  
C.F.R. 273.12(a)(1). The department shall not exercise the 99572  
option under 7 C.F.R. 273.12(a)(5) and (6) to establish a system 99573  
of quarterly or simplified reporting in lieu of the change 99574  
reporting requirements specified under 7 C.F.R. 273.12(a)(1). 99575

Sec. 5101.548. (A) The department of job and family 99576  
services shall not implement the option available under section 99577  
6(o)(6) of the "Food and Nutrition Act of 2008," 7 U.S.C. 99578  
2015(o)(6). 99579

(B) The department of job and family services shall not 99580  
request, apply for, or renew a waiver authorized by section 6(o) 99581  
(4) of the "Food and Nutrition Act of 2008," 7 U.S.C. 2015(o) 99582  
(4). 99583

Sec. 5101.549. (A) As used in this section: 99584

(1) "Food additive" means any of the following: 99585

(a) Synthetic food dyes derived from petroleum or coal 99586  
tar, including red 40, red 3, yellow 5, yellow 6, blue 1, blue 99587  
2, and green 3; 99588

(b) Titanium dioxide and any other whitening agents 99589  
classified as nanoparticles; 99590



(c) Brominated vegetable oil and other chemical emulsifiers linked to hormone disruption; 99591  
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(d) Potassium bromate, propylparaben, and any chemical additives classified as probable carcinogens. 99593  
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(2) "Sugar-sweetened beverages" means nonalcoholic beverages that are made with carbonated water that is flavored, contains a food additive, and is sweetened with sugar or artificial sweeteners. "Sugar-sweetened beverages" do not include a beverage that contains milk, milk products, soy, rice, or other milk substitutes, or that contain greater than fifty per cent vegetable or fruit juice by volume, or that contain less than five grams of added sugar. 99595  
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(B) The director of job and family services shall submit a request to the United States department of agriculture for a waiver to exclude sugar-sweetened beverages as items that may be purchased in this state under the supplemental nutrition assistance program. If a waiver submitted under this section is not approved, the director shall resubmit a request for a waiver on an annual basis. 99603  
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**Sec. 5101.612.** (A) As used in this section, "federal poverty line" has the same meaning as in section 5162.01 of the Revised Code. 99610  
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(B) Within available funds, the department of job and family services shall distribute funds to the counties not later than thirty days after the beginning of each calendar quarter for a part of the counties' costs for protective services. Funds provided to a county under this section shall be deposited into the public assistance fund created under section 5101.161 of the Revised Code. 99613  
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(C) In each fiscal year, the amount of funds available for 99620  
distribution under this section shall be allocated to counties 99621  
as follows: 99622

(1) If the amount is less than the amount initially 99623  
appropriated for the immediately preceding fiscal year, each 99624  
county shall receive an amount equal to the percentage of the 99625  
funding it received in the immediately preceding fiscal year, 99626  
exclusive of any releases from or additions to the allocation or 99627  
any sanctions imposed under this section; 99628

(2) If the amount is equal to the amount initially 99629  
appropriated for the immediately preceding fiscal year, each 99630  
county shall receive an amount equal to the amount it received 99631  
in the preceding fiscal year, exclusive of any releases from or 99632  
additions to the allocation or any sanctions imposed under this 99633  
section; 99634

(3) If the amount is greater than the amount initially 99635  
appropriated for the immediately preceding fiscal year, each 99636  
county shall receive the amount determined under division (C) (2) 99637  
of this section as a base allocation, plus a percentage of the 99638  
amount that exceeds the amount initially appropriated for the 99639  
immediately preceding fiscal year. The amount exceeding the 99640  
amount initially appropriated in the immediately preceding 99641  
fiscal year shall be allocated to the counties as follows: 99642

(a) Twelve per cent divided equally among all counties; 99643

(b) Forty-eight per cent in the ratio that the number of 99644  
residents of the county aged sixty or older bears to the total 99645  
number of such persons residing in this state; 99646

(c) Forty per cent in the ratio that the number of 99647  
residents of the county with incomes under the federal poverty 99648

line bears to the total number of such persons in this state. 99649

(D) Not later than ninety days after the end of each state 99650  
fiscal biennium, each county shall return any unspent funds to 99651  
the department. 99652

(E) The director of job and family services may adopt 99653  
rules in accordance with section 111.15 of the Revised Code to 99654  
allocate funds under this section and prescribe reports on 99655  
expenditures to be submitted by the counties as necessary for 99656  
the implementation of this section. 99657

**Sec. 5101.80.** (A) As used in this section and in section 99658  
5101.801 of the Revised Code: 99659

(1) "County family services agency" has the same meaning 99660  
as in section 307.981 of the Revised Code. 99661

(2) "State agency" has the same meaning as in section 9.82 99662  
of the Revised Code. 99663

(3) "Title IV-A administrative agency" means both of the 99664  
following: 99665

(a) A county family services agency or state agency 99666  
administering a Title IV-A program under the supervision of the 99667  
department of job and family services or the department of 99668  
children and youth; 99669

(b) A government agency or private, not-for-profit entity 99670  
administering a project funded in whole or in part with funds 99671  
provided under the Title IV-A demonstration program created 99672  
under section 5101.803 of the Revised Code. 99673

(4) "Title IV-A program" means all of the following that 99674  
are funded in part with funds provided under the temporary 99675  
assistance for needy families block grant established by Title 99676

IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 99677  
U.S.C. 601, as amended: 99678

(a) The Ohio works first program established under Chapter 99679  
5107. of the Revised Code; 99680

(b) The prevention, retention, and contingency program 99681  
established under Chapter 5108. of the Revised Code; 99682

(c) A program established by the general assembly or an 99683  
executive order issued by the governor that is administered or 99684  
supervised by the department of job and family services or 99685  
department of children and youth pursuant to section 5101.801 of 99686  
the Revised Code; 99687

(d) The kinship permanency incentive program created under 99688  
section ~~5101.802~~5180.52 of the Revised Code; 99689

(e) The Title IV-A demonstration program created under 99690  
section 5101.803 of the Revised Code; 99691

(f) The Ohio parenting and pregnancy program created under 99692  
section ~~5101.804~~5180.71 of the Revised Code; 99693

(g) Fatherhood programs recommended by the Ohio commission 99694  
on fatherhood under section ~~5101.805~~5180.704 of the Revised 99695  
Code; 99696

(h) A component of a Title IV-A program identified under 99697  
divisions (A) (4) (a) to (g) of this section that the Title IV-A 99698  
state plan prepared under division (C) (1) of this section 99699  
identifies as a component. 99700

(B) The department of job and family services shall act as 99701  
the single state agency to administer and supervise the 99702  
administration of Title IV-A programs. The Title IV-A state plan 99703  
and amendments to the plan prepared under division (C) of this 99704

section are binding on Title IV-A administrative agencies. No 99705  
Title IV-A administrative agency may establish, by rule or 99706  
otherwise, a policy governing a Title IV-A program that is 99707  
inconsistent with a Title IV-A program policy established, in 99708  
rule or otherwise, by the director of job and family services. 99709

(C) The department of job and family services shall do all 99710  
of the following: 99711

(1) Prepare and submit to the United States secretary of 99712  
health and human services a Title IV-A state plan for Title IV-A 99713  
programs; 99714

(2) Prepare and submit to the United States secretary of 99715  
health and human services amendments to the Title IV-A state 99716  
plan that the department determines necessary, including 99717  
amendments necessary to implement Title IV-A programs identified 99718  
in divisions (A) (4) (c) to (h) of this section; 99719

(3) Prescribe forms for applications, certificates, 99720  
reports, records, and accounts of Title IV-A administrative 99721  
agencies, and other matters related to Title IV-A programs; 99722

(4) Make such reports, in such form and containing such 99723  
information as the department may find necessary to assure the 99724  
correctness and verification of such reports, regarding Title 99725  
IV-A programs; 99726

(5) Require reports and information from each Title IV-A 99727  
administrative agency as may be necessary or advisable regarding 99728  
a Title IV-A program; 99729

(6) Afford a fair hearing in accordance with section 99730  
5101.35 of the Revised Code to any applicant for, or participant 99731  
or former participant of, a Title IV-A program aggrieved by a 99732  
decision regarding the program; 99733

- (7) Administer and expend, pursuant to Chapters 5104., 5107., and 5108. of the Revised Code and sections 5101.801, ~~5101.802,~~ 5101.803, and ~~5101.804~~ 5180.52, and 5180.71 of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and sections and all sums paid to the state by the secretary of the treasury of the United States as authorized by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended;
- (8) Conduct investigations and audits as are necessary regarding Title IV-A programs;
- (9) Enter into reciprocal agreements with other states relative to the provision of Ohio works first and prevention, retention, and contingency to residents and nonresidents;
- (10) Contract with a private entity to conduct an independent on-going evaluation of the Ohio works first program and the prevention, retention, and contingency program. The contract must require the private entity to do all of the following:
- (a) Examine issues of process, practice, impact, and outcomes;
- (b) Study former participants of Ohio works first who have not participated in Ohio works first for at least one year to determine whether they are employed, the type of employment in which they are engaged, the amount of compensation they are receiving, whether their employer provides health insurance, whether and how often they have received benefits or services under the prevention, retention, and contingency program, and whether they are successfully self sufficient;
- (c) Provide the department with reports at times the

department specifies. 99763

(11) Not later than the last day of each January and July,  
prepare a report containing information on the following: 99764  
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(a) Individuals exhausting the time limits for 99766  
participation in Ohio works first set forth in section 5107.18 99767  
of the Revised Code. 99768

(b) Individuals who have been exempted from the time 99769  
limits set forth in section 5107.18 of the Revised Code and the 99770  
reasons for the exemption. 99771

(D) The department shall provide copies of the reports it 99772  
receives under division (C)(10) of this section and prepares 99773  
under division (C)(11) of this section to the governor, the 99774  
president and minority leader of the senate, and the speaker and 99775  
minority leader of the house of representatives. The department 99776  
shall provide copies of the reports to any private or government 99777  
entity on request. 99778

(E) An authorized representative of the department or a 99779  
county family services agency or state agency administering a 99780  
Title IV-A program shall have access to all records and 99781  
information bearing thereon for the purposes of investigations 99782  
conducted pursuant to this section. An authorized representative 99783  
of a government entity or private, not-for-profit entity 99784  
administering a project funded in whole or in part with funds 99785  
provided under the Title IV-A demonstration program shall have 99786  
access to all records and information bearing on the project for 99787  
the purpose of investigations conducted pursuant to this 99788  
section. 99789

**Sec. 5101.801.** (A) Except as otherwise provided by the law 99790  
enacted by the general assembly or executive order issued by the 99791

governor establishing the Title IV-A program, a Title IV-A 99792  
program identified under division (A) (4) (c), (d), (e), (f), (g), 99793  
or (h) of section 5101.80 of the Revised Code shall provide 99794  
benefits and services that are not "assistance" as defined in 45 99795  
C.F.R. 260.31(a) and are benefits and services that 45 C.F.R. 99796  
260.31(b) excludes from the definition of assistance. 99797

(B) (1) Except as otherwise provided by the law enacted by 99798  
the general assembly or executive order issued by the governor 99799  
establishing the Title IV-A program, the department of job and 99800  
family services or the department of children and youth, as 99801  
appropriate, shall do either of the following regarding a Title 99802  
IV-A program identified under division (A) (4) (c), (d), (e), (f), 99803  
(g), or (h) of section 5101.80 of the Revised Code: 99804

(a) Administer the program or supervise a county family 99805  
services agency's administration of the program; 99806

(b) Enter into an interagency agreement with a state 99807  
agency for the state agency to administer the program under the 99808  
department's supervision. 99809

(2) The department of job and family services and the 99810  
department of children and youth may enter into an agreement 99811  
with a government entity and, to the extent permitted by federal 99812  
law, a private, not-for-profit entity for the entity to receive 99813  
funding for a project under the Title IV-A demonstration program 99814  
created under section 5101.803 of the Revised Code. 99815

(3) To the extent permitted by federal law, the department 99816  
of children and youth may enter into an agreement with a 99817  
private, not-for-profit entity for the entity to receive funds 99818  
under the Ohio parenting and pregnancy program created under 99819  
section ~~5101.804~~ 5180.71 of the Revised Code. 99820



(4) To the extent permitted by federal law, the department of children and youth may enter into an agreement with a private, not-for-profit entity for the entity to receive funds as recommended by the Ohio commission on fatherhood under section ~~5101.805~~5180.704 of the Revised Code.

(C) The department of job and family services and the department of children and youth, may adopt rules governing Title IV-A programs identified under divisions (A) (4) (c), (d), (e), (f), (g), and (h) of section 5101.80 of the Revised Code. Rules governing financial and operational matters of either department or between either department and county family services agencies shall be adopted as internal management rules adopted in accordance with section 111.15 of the Revised Code. All other rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(D) If the department of job and family services or the department of children and youth, enters into an agreement regarding a Title IV-A program identified under division (A) (4) (c), (e), (f), (g), or (h) of section 5101.80 of the Revised Code pursuant to division (B) (1) (b) or (2) of this section, the agreement shall include at least all of the following:

(1) A requirement that the state agency or entity comply with the requirements for the program or project, including all of the following requirements established by federal statutes and regulations, state statutes and rules, the United States office of management and budget, and the Title IV-A state plan prepared under section 5101.80 of the Revised Code:

(a) Eligibility;

(b) Reports;

(c) Benefits and services;	99850
(d) Use of funds;	99851
(e) Appeals for applicants for, and recipients and former recipients of, the benefits and services;	99852 99853
(f) Audits.	99854
(2) A complete description of all of the following:	99855
(a) The benefits and services that the program or project is to provide;	99856 99857
(b) The methods of program or project administration;	99858
(c) The appeals process under section 5101.35 of the Revised Code for applicants for, and recipients and former recipients of, the program or project's benefits and services;	99859 99860 99861
(d) Other requirements that the department of job and family services or the department of children and youth, as applicable, requires be included.	99862 99863 99864
(3) Procedures for the department of job and family services or the department of children and youth, as applicable, to approve a policy, established by rule or otherwise, that the state agency or entity establishes for the program or project before the policy is established;	99865 99866 99867 99868 99869
(4) Provisions regarding how the department of job and family services or the department of children and youth, as applicable, is to reimburse the state agency or entity for allowable expenditures under the program or project that the applicable department approves, including all of the following:	99870 99871 99872 99873 99874
(a) Limitations on administrative costs;	99875
(b) The department of job and family services or the	99876

department of children and youth, as applicable, at its discretion, doing either of the following:

(i) Withholding no more than five per cent of the funds that the department of job and family services or the department of children and youth, as applicable, would otherwise provide to the state agency or entity for the program or project;

(ii) Charging the state agency or entity for the costs to the department of job and family services or the department of children and youth, as applicable, of performing, or contracting for the performance of, audits and other administrative functions associated with the program or project.

(5) If the state agency or entity arranges by contract, grant, or other agreement for another entity to perform a function the state agency or entity would otherwise perform regarding the program or project, the state agency or entity's responsibilities for both of the following:

(a) Ensuring that the other entity complies with the agreement between the state agency or entity and the department of job and family services or the department of children and youth, as applicable and federal statutes and regulations and state statutes and rules governing the use of funds for the program or project;

(b) Auditing the other entity in accordance with requirements established by the United States office of management and budget.

(6) The state agency or entity's responsibilities regarding the prompt payment, including any interest assessed, of any adverse audit finding, final disallowance of federal funds, or other sanction or penalty imposed by the federal

government, auditor of state, department of job and family 99906  
services or the department of children and youth, as applicable, 99907  
a court, or other entity regarding funds for the program or 99908  
project; 99909

(7) Provisions for the department of job and family 99910  
services or the department of children and youth, as applicable, 99911  
to terminate the agreement or withhold reimbursement from the 99912  
state agency or entity if either of the following occur: 99913

(a) The federal government disapproves the program or 99914  
project or reduces federal funds for the program or project; 99915

(b) The state agency or entity fails to comply with the 99916  
terms of the agreement. 99917

(8) Provisions for both of the following: 99918

(a) The department of job and family services or the 99919  
department of children and youth, as applicable, and state 99920  
agency or entity determining the performance outcomes expected 99921  
for the program or project; 99922

(b) An evaluation of the program or project to determine 99923  
its success in achieving the performance outcomes determined 99924  
under division (D) (8) (a) of this section. 99925

(E) To the extent consistent with the law enacted by the 99926  
general assembly or executive order issued by the governor 99927  
establishing the Title IV-A program and subject to the approval 99928  
of the director of budget and management, the director of job 99929  
and family services or the director of children and youth, as 99930  
applicable, may terminate a Title IV-A program identified under 99931  
division (A) (4) (c), (d), (e), (f), (g), or (h) of section 99932  
5101.80 of the Revised Code or reduce funding for the program if 99933  
the applicable director determines that federal or state funds 99934

are insufficient to fund the program. If the director of budget and management approves the termination or reduction in funding for such a program, the director of job and family services or the department of children and youth, as applicable, shall issue instructions for the termination or funding reduction. If a Title IV-A administrative agency is administering the program, the agency is bound by the termination or funding reduction and shall comply with the applicable director's instructions.

(F) The director of job and family services and the director of children and youth may adopt internal management rules in accordance with section 111.15 of the Revised Code as necessary to implement this section. The rules are binding on each Title IV-A administrative agency.

**Sec. 5101.89.** As used in sections 5101.89 to 5101.899 of the Revised Code:

(A) "Youth" means a person who is any of the following:

(1) Less than eighteen years of age;

(2) An emancipated young adult;

(3) Is in the temporary or permanent custody of a public children services agency, a planned permanent living arrangement, or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services.

(B) "Emancipated young adult" has the same meaning as in section ~~5101.141~~5180.42 of the Revised Code.

**Sec. 5101.891.** (A) There is created a youth and family ~~ombudsman~~ombudsmen office under the department of job and family services consisting of the following:

- (1) A family ombudsman, who shall be appointed by the governor, to investigate complaints made by adults; 99963  
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- (2) A youth ombudsman, who shall be appointed by the governor with advice from the overcoming hurdles in Ohio youth advisory board, to investigate complaints made by youth and to advocate for the best interests of children involved in concerns investigated by the office; 99965  
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- (3) Not fewer than two regional ombudsmen; 99970
- (4) Any necessary support staff. 99971
- (B) The office shall investigate and resolve concerns made by or on behalf of children and families involved with public children services agencies, Title IV-E agencies, or private provider agencies that administer or oversee foster care or placement services for the children services system. The office shall ensure the independent and impartial review of youth, family, and community complaints or concerns. 99972  
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- Sec. 5101.892.** The youth and family ~~ombudsman~~ ombudsmen office shall perform all of the following duties: 99979  
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- (A) Receive, investigate, and attempt to resolve complaints from citizens, including children in the custody of a public children services agency or in the care and placement of a Title IV-E agency, related to government services regarding child protective services, foster care, and adoption; 99981  
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- (B) Establish procedures for receiving, investigating, and resolving complaints, consistent with state and federal law; 99986  
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- (C) Provide an annual report to the governor, speaker of the house of representatives, president of the senate, minority leadership of the house of representatives and senate, the 99988  
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director of job and family services, the director of children 99991  
and youth, and representatives of the overcoming hurdles in Ohio 99992  
youth advisory board. 99993

**Sec. 5101.893.** Not later than sixty days after release of 99994  
the annual report described under section 5101.892 of the 99995  
Revised Code, the overcoming hurdles in Ohio youth advisory 99996  
board shall provide an evaluation of the report to the governor 99997  
and the youth ombudsman of the youth and family ~~ombudsman~~ 99998  
ombudsmen office. 99999

**Sec. 5101.894.** To the extent permitted by state or federal 100000  
law, a representative of the youth and family ~~ombudsman~~ 100001  
ombudsmen office may report to an appropriate authority any 100002  
suspected violation of state law discovered during the course of 100003  
a complaint review. 100004

**Sec. 5101.895.** The department of job and family services 100005  
shall be responsible for all administrative undertakings for the 100006  
youth and family ~~ombudsman~~ombudsmen office, including the 100007  
provision of offices, equipment, and supplies, as necessary. 100008

**Sec. 5101.897.** (A) No employee of the youth and family 100009  
~~ombudsman~~ombudsmen office shall do any of the following: 100010

(1) Hold any office of trust or profit; 100011

(2) Engage in any occupation or business interfering or 100012  
inconsistent with the duties of the office; 100013

(3) Serve on any committee of any political party; 100014

(4) Have any interest that is, or may be, in conflict with 100015  
the interests and concerns of the office. 100016

(B) As used in this section, "office of trust or profit" 100017  
means any of the following: 100018

- (1) A federal or state elective office or an elective office of a political subdivision of the state; 100019  
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- (2) A position on a board or commission of the state that is appointed by the governor; 100021  
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- (3) An office set forth in section 121.03, 121.04, or 121.05 of the Revised Code; 100023  
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- (4) An office of the government of the United States that is appointed by the president of the United States. 100025  
100026
- Sec. 5101.899.** (A) The youth and family ~~ombudsman~~ ombudsmen office shall have access to ~~only~~ the records of the department of children and youth and the department of job and family services that are necessary for the administration of sections 5101.89 to 5101.899 of the Revised Code and in the performance of its official duties, including any records maintained in the uniform statewide automated child welfare information system under section ~~5101.13~~ 5180.40 of the Revised Code. The office has the right to request of the director of children and youth and the director of job and family services necessary information from any work unit of the department having information. The collection, compilation, analysis, and dissemination of information by the office shall be performed in a manner that protects complainants, individuals providing information about a complaint, public entities, and confidential records. 100027  
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- (B) The office shall have access to any necessary records in the control of a public children services agency, a Title IV-E agency, or a private provider agency that administers or oversees foster care or placement services for the children services system. 100043  
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(C) Files of the office and any records contained in those 100048  
files are not public records subject to inspection or copying 100049  
under section 149.43 of the Revised Code. Information contained 100050  
in investigative and other files maintained by the office shall 100051  
be disclosed only at the discretion of the office or if 100052  
disclosure is required by a court order. 100053

**Sec. 5101.99.** (A) Whoever violates division (A) of section 100054  
5101.27 of the Revised Code is guilty of a misdemeanor of the 100055  
first degree. 100056

(B) Whoever violates ~~section 5101.133,~~ division (A) of 100057  
section 5101.63~~7~~, or division (C) (2) of section 5101.631 of the 100058  
Revised Code is guilty of a misdemeanor of the fourth degree. 100059

**Sec. 5103.02.** As used in sections 5103.03 to 5103.181 of 100060  
the Revised Code: 100061

(A) (1) "Association" or "institution" includes all of the 100062  
following: 100063

(a) Any incorporated or unincorporated organization, 100064  
society, association, or agency, public or private, that 100065  
receives or cares for children for two or more consecutive 100066  
weeks; 100067

(b) Any individual, including the operator of a foster 100068  
home, who, for hire, gain, or reward, receives or cares for 100069  
children for two or more consecutive weeks, unless the 100070  
individual is related to them by blood or marriage; 100071

(c) Any individual not in the regular employ of a court, 100072  
or of an institution or association certified in accordance with 100073  
section 5103.03 of the Revised Code, who in any manner becomes a 100074  
party to the placing of children in foster homes, unless the 100075  
individual is related to such children by blood or marriage or 100076

is the appointed guardian of such children. 100077

(2) "Association" or "institution" does not include any of 100078  
the following: 100079

(a) Any organization, society, association, school, 100080  
agency, child guidance center, detention or rehabilitation 100081  
facility, or children's clinic licensed, regulated, approved, 100082  
operated under the direction of, or otherwise certified by the 100083  
department of education and workforce, a local board of 100084  
education, the department of youth services, the department of 100085  
mental health and addiction services, or the department of 100086  
developmental disabilities; 100087

(b) Any individual who provides care for only a single- 100088  
family group, placed there by their parents or other relative 100089  
having custody; 100090

(c) A private, nonprofit therapeutic wilderness camp; 100091

(d) A qualified organization as defined in section 2151.90 100092  
of the Revised Code. 100093

(B) "Family foster home" means a foster home that is not a 100094  
specialized foster home. 100095

(C) "Foster caregiver" means a person holding a valid 100096  
foster home certificate issued under section 5103.03 of the 100097  
Revised Code. 100098

(D) "Foster home" means a private residence in which 100099  
children are received apart from their parents, guardian, or 100100  
legal custodian, by an individual reimbursed for providing the 100101  
children nonsecure care, supervision, or training twenty-four 100102  
hours a day. "Foster home" does not include care provided for a 100103  
child in the home of a person other than the child's parent, 100104

guardian, or legal custodian while the parent, guardian, or 100105  
legal custodian is temporarily away. Family foster homes and 100106  
specialized foster homes are types of foster homes. 100107

(E) "Kinship caregiver" has the same meaning as in section 100108  
~~5101.85~~5180.50 of the Revised Code. 100109

(F) "Medically fragile foster home" means a foster home 100110  
that provides specialized medical services designed to meet the 100111  
needs of children with intensive health care needs who meet all 100112  
of the following criteria: 100113

(1) Under rules adopted by the medicaid director governing 100114  
medicaid payments for long-term care services, the children 100115  
require a skilled level of care. 100116

(2) The children require the services of a doctor of 100117  
medicine or osteopathic medicine at least once a week due to the 100118  
instability of their medical conditions. 100119

(3) The children require the services of a registered 100120  
nurse on a daily basis. 100121

(4) The children are at risk of institutionalization in a 100122  
hospital, skilled nursing facility, or intermediate care 100123  
facility for individuals with intellectual disabilities. 100124

(G) "Private, nonprofit therapeutic wilderness camp" means 100125  
a structured, alternative residential setting for children who 100126  
are experiencing emotional, behavioral, moral, social, or 100127  
learning difficulties at home or school in which all of the 100128  
following are the case: 100129

(1) The children spend the majority of their time, 100130  
including overnight, either outdoors or in a primitive 100131  
structure. 100132

(2) The children have been placed there by their parents	100133
or another relative having custody.	100134
(3) The camp accepts no public funds for use in its	100135
operations.	100136
(H) "Recommending agency" means a public children services	100137
agency, private child placing agency, or private noncustodial	100138
agency that recommends that the department of children and youth	100139
take any of the following actions under section 5103.03 of the	100140
Revised Code regarding a foster home:	100141
(1) Issue a certificate;	100142
(2) Deny a certificate;	100143
(3) Revoke a certificate.	100144
(I) "Resource caregiver" means a foster caregiver or a	100145
kinship caregiver.	100146
(J) "Resource family" means a foster home or the kinship	100147
caregiver family.	100148
(K) "Specialized foster home" means a medically fragile	100149
foster home or a treatment foster home.	100150
(L) "Treatment foster home" means a foster home that	100151
incorporates special rehabilitative services designed to treat	100152
the specific needs of the children received in the foster home	100153
and that receives and cares for children who are emotionally or	100154
behaviorally disturbed, who are chemically dependent, who have	100155
developmental disabilities, or who otherwise have exceptional	100156
needs.	100157
<b>Sec. 5103.021.</b> (A) As used in this section, a "scholars	100158
residential center" is a center that meets all of the following:	100159

- (1) The center is a certified affiliate in good standing 100160  
of a national organization with a mission to help underserved 100161  
children in middle school and high school in a comprehensive 100162  
manner that is academically focused and service-oriented and in 100163  
a family-like setting. 100164
- (2) The center is private and not-for-profit. 100165
- (3) The center does not receive Title IV-E funding or any 100166  
associated Title IV funds related to child welfare. 100167
- (4) The center only accepts children placed by their 100168  
parents or legal custodian. 100169
- (5) The center is voluntary and uses a competitive 100170  
selection process. 100171
- (B) The director of ~~job and family services~~ children and 100172  
youth shall adopt rules in accordance with Chapter 119. of the 100173  
Revised Code to implement standards regarding a scholars 100174  
residential center. The rules shall be substantially similar, as 100175  
determined by the director, to other similarly situated 100176  
providers of residential care for children, including rules 100177  
provided in Chapters 5101:2-5 and 5101:2-9 of the Administrative 100178  
Code, except that the rules shall reflect all of the following: 100179
- (1) A center is not subject to any policy that is not 100180  
specific or relevant to the center. 100181
- (2) A center is not required to provide discharge 100182  
summaries. 100183
- (3) A center is permitted to request agency waivers. 100184
- (4) A center is not required to implement case plans or 100185  
service plans. 100186

(5) Training requirements for center staff are limited to completion of all of the following:	100187 100188
(a) Orientation training;	100189
(b) Current American red cross, American heart association, or equivalent first aid and cardiopulmonary resuscitation certification;	100190 100191 100192
(c) One hour of annual trauma training.	100193
(6) A center is not subject to existing rules regarding:	100194
(a) Recreation and leisure activity requirements, provided that the center has a recreation area available and permits children to swim if a person who has completed life-saving or water safety training is present;	100195 100196 100197 100198
(b) Visiting and communications policies, provided that the center ensures that children have contact with their family;	100199 100200
(c) Qualified residential treatment program requirements;	100201
(d) Treatment-focused requirements established for residential agencies.	100202 100203
(7) A center shall provide notification and documentation of critical incidents to parents and legal custodians.	100204 100205
(C) The director shall certify a scholars residential center that submits an application to the director, on a form prescribed by the director, that indicates to the director's satisfaction that the center meets the standards set forth in rules adopted under division (B) of this section.	100206 100207 100208 100209 100210
<u>Sec. 5103.039. (A) The department of children and youth may suspend, without a prior hearing, the certificate of an institution or association, as defined in section 5103.02 of the</u>	100211 100212 100213

<u>Revised Code, which includes a foster caregiver, if any of the</u>	100214
<u>following occur:</u>	100215
<u>(1) A child dies or suffers a serious injury while placed</u>	100216
<u>or residing with the institution or association, including a</u>	100217
<u>foster home, as defined in section 5103.02 of the Revised Code.</u>	100218
<u>(2) A public children services agency receives a report</u>	100219
<u>pursuant to section 2151.421 of the Revised Code, and the person</u>	100220
<u>alleged to have inflicted abuse or neglect on the child who is</u>	100221
<u>the subject of the report is any of the following:</u>	100222
<u>(a) A principal of the institution or association;</u>	100223
<u>(b) An employee or volunteer of the institution or</u>	100224
<u>association who has not immediately been placed on</u>	100225
<u>administrative leave or released from employment;</u>	100226
<u>(c) Any person who resides in the foster home.</u>	100227
<u>(3) One of the following is charged by an indictment,</u>	100228
<u>information, or complaint with an offense relating to the death,</u>	100229
<u>injury, abuse, or neglect of a child:</u>	100230
<u>(a) A principal of the institution or association;</u>	100231
<u>(b) An employee or volunteer of the institution or</u>	100232
<u>association who has not immediately been placed on</u>	100233
<u>administrative leave or released from employment.</u>	100234
<u>(4) The department, the recommending agency, a public</u>	100235
<u>children services agency, or a county department of job and</u>	100236
<u>family services determines that a principal, employee, or</u>	100237
<u>volunteer of the institution or association, including a foster</u>	100238
<u>caregiver, or a person residing in the foster home, created a</u>	100239
<u>serious risk to the health or safety of a child placed therein</u>	100240
<u>that resulted in or could have resulted in a child's death or</u>	100241

injury. 100242

(5) The department determines that the owner of the 100243  
institution or association or the foster caregiver does not meet 100244  
the requirements of section 2151.86, 5103.0310, or 5103.053 of 100245  
the Revised Code. 100246

(B) In suspending a license under division (A) of this 100247  
section, the department shall comply with section 119.07 of the 100248  
Revised Code. A principal of an institution or association, 100249  
including a foster caregiver, may request an adjudicatory 100250  
hearing before the department pursuant to sections 119.06 and 100251  
119.12 of the Revised Code. If a hearing is requested and the 100252  
department does not issue its final adjudication order within 100253  
one hundred twenty days after the suspension, the suspension is 100254  
void on the one hundred twenty-first day after the suspension, 100255  
unless the hearing on the suspension is continued on agreement 100256  
by the parties or for good cause. 100257

(C) A summary suspension imposed under this section shall 100258  
remain in effect until any of the following occurs: 100259

(1) The public children services agency completes its 100260  
investigation of the report pursuant to section 2151.421 of the 100261  
Revised Code and determines that all of the allegations are 100262  
unsubstantiated. 100263

(2) All criminal charges are disposed of through dismissal 100264  
or a finding of not guilty. 100265

(3) The department issues pursuant to Chapter 119. of the 100266  
Revised Code a final order terminating the suspension. 100267

(D) An institution or association shall not have children 100268  
placed in the institution or association while a summary 100269  
suspension remains in effect. Upon the issuance of the order of 100270



suspension, the department shall place a hold on the certificate 100271  
or indicate that the certificate is suspended in Ohio's 100272  
statewide automated child welfare information system. 100273

(E) The director of children and youth may adopt rules in 100274  
accordance with Chapter 119. of the Revised Code establishing 100275  
standards and procedures for the summary suspension of 100276  
certificates. 100277

(F) This section does not limit the authority of the 100278  
department to revoke a certificate pursuant to section 5103.03 100279  
of the Revised Code. 100280

(G) As used in this section, "principal" means any of the 100281  
following: 100282

(1) The institution or association's administrator or 100283  
director; 100284

(2) The institution or association's owners or partners; 100285

(3) Members of the institution or association's governing 100286  
body; 100287

(4) A foster caregiver. 100288

**Sec. 5103.0329.** ~~(A)~~ A recommending agency may submit a 100289  
request to the department of children and youth, on a case-by- 100290  
case basis only, to waive any non-safety standards for a kinship 100291  
caregiver seeking foster home certification. Non-safety 100292  
standards include training hours and other requirements under 100293  
sections 5103.031 and 5103.032 of the Revised Code and standards 100294  
established by rules adopted under sections 5103.03 and 100295  
5103.0316 of the Revised Code, in accordance with 42 U.S.C. 671 100296  
(a) (10).— 100297

~~(B) "Kinship caregiver" has the same meaning as in section~~ 100298

<del>5101.85 of the Revised Code.</del>	100299
<u>Sec. 5103.0520. (A) As used in this section, "group home"</u>	100300
<u>has the same meaning as "group home for children" in section</u>	100301
<u>5103.05 of the Revised Code.</u>	100302
<u>(B) Not later than two hundred seventy days after the</u>	100303
<u>effective date of this section, the director of children and</u>	100304
<u>youth shall adopt rules in accordance with Chapter 119. of the</u>	100305
<u>Revised Code to establish requirements regarding all of the</u>	100306
<u>following for group homes:</u>	100307
<u>(1) The use of the Ohio professional registry, as operated</u>	100308
<u>by the Ohio child care resource and referral association or its</u>	100309
<u>successor organization or entity, to complete background checks</u>	100310
<u>or criminal records checks pursuant to section 2151.86,</u>	100311
<u>5103.037, 5103.0310, or 5103.053 of the Revised Code for any</u>	100312
<u>owner, board president, administrator, officer, operator, staff,</u>	100313
<u>volunteer, intern, and subcontractor of a group home;</u>	100314
<u>(2) Training on behavioral intervention, including the use</u>	100315
<u>of de-escalation, for all new and existing individuals working</u>	100316
<u>at a group home;</u>	100317
<u>(3) The supervision of children, including a ratio of at</u>	100318
<u>least one staff person for every five children or, if the group</u>	100319
<u>home accepts placement of fewer than five children, one staff</u>	100320
<u>person for every four children.</u>	100321
<u>(C) The operator of a group home shall comply with the</u>	100322
<u>ratio requirements established in rules adopted under division</u>	100323
<u>(B) (3) of this section as a requirement for certification.</u>	100324
<u>(D) The director of children and youth may suspend or</u>	100325
<u>revoke the certificate of a group home in accordance with</u>	100326
<u>Chapter 119. of the Revised Code for any violation under this</u>	100327

section or rules adopted under this section. 100328

**Sec. 5103.09.** (A) As used in this section, "Title IV-E agency" has the same meaning as in section 5101.132 of the Revised Code. 100329  
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(B) Upon receiving the care and placement of a child, a Title IV-E agency shall determine if the child is eligible for or receiving benefits administered by the United States social security administration, the United States department of veterans affairs, the Ohio public employee retirement system, the Ohio police and fire pension fund, the state teachers retirement system of Ohio, the school employees retirement system of Ohio, or the Ohio highway patrol retirement system. If the child is eligible for or receiving such benefits, the agency shall not use the child's benefits to pay for or reimburse the agency, county, or state for any cost of the child's care. 100332  
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(C) The director of children and youth may adopt rules in accordance with section 111.15 of the Revised Code to implement this section, including the establishment of new procedures necessary to assist a Title IV-E agency in complying with this section. 100343  
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**Sec. 5103.15.** (A) (1) The parents, guardian, or other persons having the custody of a child may enter into an agreement with any public children services agency or private child placing agency, whereby the child is placed without the approval of the juvenile court in the temporary custody of the agency for a period of time of up to thirty days, except that an agreement for temporary custody can be for a period of time of up to sixty days without court approval if the agreement is executed solely for the purpose of obtaining the adoption of a child who is less than six months of age on the date of the 100348  
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execution of the agreement. 100358

(2) Except as provided in division (A) (3) of this section 100359  
for agreements entered into to obtain the adoption of a child 100360  
under the age of six months, any public children services agency 100361  
or private child placing agency that obtains, without court 100362  
approval, temporary custody of a child pursuant to an agreement 100363  
executed in accordance with this division may request the 100364  
juvenile court of the county in which the child has a residence 100365  
or legal settlement for an original thirty-day extension of the 100366  
temporary custody agreement. Upon the filing of a request for 100367  
the extension of the temporary custody agreement, the juvenile 100368  
court shall determine whether the extension is in the best 100369  
interest of the child and may extend the temporary custody 100370  
agreement for a period of thirty days beyond the initial thirty- 100371  
day period for which court approval is not required by this 100372  
division. The agency requesting the original extension shall 100373  
file a case plan, prepared pursuant to section 2151.412 of the 100374  
Revised Code, with the court at the same time that it files its 100375  
request for an extension. 100376

At the expiration of the original thirty-day extension 100377  
period, the agency may request the juvenile court to grant an 100378  
additional thirty-day extension of the temporary custody 100379  
agreement. Upon the filing of the request for the additional 100380  
extension, the juvenile court may extend the temporary custody 100381  
agreement for a period of thirty days beyond the original 100382  
thirty-day extension period if it determines that the additional 100383  
extension is in the best interest of the child. The agency shall 100384  
file an updated version of the child's case plan at the same 100385  
time that it files its request for an additional extension. 100386

At the expiration of an additional thirty-day extension 100387

period and at the expiration of the original thirty-day 100388  
extension period if the agency does not request an additional 100389  
thirty-day extension, the agency shall either return the child 100390  
to the child's parents, guardian, or other person having custody 100391  
of the child or file a complaint with the court pursuant to 100392  
section 2151.27 of the Revised Code requesting temporary or 100393  
permanent custody of the child. The complaint shall be 100394  
accompanied by a case plan prepared in accordance with section 100395  
2151.412 of the Revised Code. 100396

(3) Any public children services agency or private child 100397  
placing agency that obtains, without court approval and solely 100398  
for the purpose of obtaining the adoption of the child, 100399  
temporary custody of a child who is under the age of six months 100400  
pursuant to an agreement executed in accordance with this 100401  
division may request the juvenile court in the county in which 100402  
the child has a residence or legal settlement to grant a thirty 100403  
day extension of the temporary custody agreement. Upon the 100404  
filing of the request, the court shall determine whether the 100405  
extension is in the best interest of the child and may extend 100406  
the temporary custody agreement for a period of thirty days 100407  
beyond the sixty day period for which the court approval is not 100408  
required by this division. The agency requesting the extension 100409  
shall file a case plan, prepared pursuant to section 2151.412 of 100410  
the Revised Code, with the court at the same time that it files 100411  
its request for an extension. 100412

At the expiration of the thirty day extension, the agency 100413  
shall either return the child to the parents, guardian, or other 100414  
person having custody of the child or file a complaint with the 100415  
court pursuant to section 2151.27 of the Revised Code requesting 100416  
temporary or permanent custody of the child. The complaint shall 100417  
be accompanied by a case plan prepared in accordance with 100418

section 2151.412 of the Revised Code. 100419

(B) (1) Subject to juvenile court approval, the following 100420  
may enter into an agreement with a public children services 100421  
agency or private child placing agency surrendering the child 100422  
into the permanent custody of that agency: 100423

(a) The parents, guardian, or other persons having custody 100424  
of the child; 100425

(b) The parents of a child who is in the temporary custody 100426  
of a public children services agency or private child placing 100427  
agency. 100428

(2) An agency that enters into an agreement under division 100429  
(B) (1) of this section may take and care for the child or place 100430  
the child in a family home. 100431

(3) A private child placing agency or public children 100432  
services agency that seeks permanent custody of a child pursuant 100433  
to division (B) (1) of this section shall file a request with the 100434  
juvenile court of the county in which the child has a residence 100435  
or legal settlement for approval of the agency's permanent 100436  
surrender agreement with the parents, guardian, or other persons 100437  
having custody of the child. Not later than fourteen business 100438  
days after the request is filed, the juvenile court shall 100439  
determine whether the permanent surrender agreement is in the 100440  
best interest of the child. The court may approve the permanent 100441  
surrender agreement if it determines that the agreement is in 100442  
the best interest of the child and, in the case of an agreement 100443  
between a parent and an agency, the requirements of section 100444  
5103.151 of the Revised Code are met. The agency requesting the 100445  
approval of the permanent surrender agreement shall file with 100446  
the court an original or amended case plan, prepared pursuant to 100447

section 2151.412 of the Revised Code, at the same time that it 100448  
files its request for the approval of the permanent surrender 100449  
agreement. 100450

(4) Notwithstanding division (B)(1) of this section, the 100451  
parents of a child less than six months of age may enter into an 100452  
agreement with a private child placing agency surrendering the 100453  
child into the permanent custody of the agency without juvenile 100454  
court approval if the agreement is executed solely for the 100455  
purpose of obtaining the adoption of the child. The agency 100456  
shall, not later than two business days after entering into the 100457  
agreement, notify the juvenile court. The agency also shall 100458  
notify the court not later than two business days after the 100459  
agency places the child for adoption. The court shall journalize 100460  
the notices it receives under division (B)(4) of this section. 100461

(C) The agreements provided for in this section shall be 100462  
in writing, on forms prescribed and furnished by the department\_ 100463  
of children and youth, and may contain any proper and legal 100464  
stipulations for proper care of the child, and may authorize the 100465  
public children services agency or private child placing agency 100466  
when such agreements are for permanent care and custody to 100467  
appear in any proceeding for the legal adoption of the child, 100468  
and consent to the child's adoption, as provided in section 100469  
3107.06 of the Revised Code. If an agreement for permanent care 100470  
and custody of a child is executed, social and medical histories 100471  
shall be completed in relation to the child in accordance with 100472  
section 3107.09 of the Revised Code. The adoption order of the 100473  
probate court judge made upon the consent shall be binding upon 100474  
the child and the child's parents, guardian, or other person, as 100475  
if those persons were personally in court and consented to the 100476  
order, whether made party to the proceeding or not. 100477

(D) An agreement entered into under this section by a parent under age eighteen is as valid as an agreement entered into by a parent age eighteen or older.

**Sec. 5103.155.** As used in this section, "children with special needs" has the same meaning as in rules adopted under section 5153.163 of the Revised Code.

If the department of ~~job and family services~~ children and youth determines that money in the putative father registry fund created under section 2101.16 of the Revised Code is more than is needed to perform its duties related to the putative father registry, the department may ~~transfer~~ use surplus moneys in the fund to ~~the department of children and youth to promote~~ adoption of children with special needs.

**Sec. 5103.18.** (A) (1) Prior to certification as a foster home under section 5103.03 of the Revised Code, a recommending agency shall obtain a summary report of a search of the uniform statewide automated child welfare information system, established under section ~~5101.13~~ 5180.40 of the Revised Code, from an entity listed in section ~~5101.132~~ 5180.402 of the Revised Code.

(2) Whenever a prospective foster parent or any other person eighteen years of age or older who resides with a prospective foster parent has resided in another state within the five-year period immediately prior to the date on which a criminal records check is requested for the person under division (A) of section 2151.86 of the Revised Code, the recommending agency shall request a check of the central registry of abuse and neglect of this state from the department of children and youth regarding the prospective foster parent or the person eighteen years of age or older who resides with the



prospective foster parent to enable the agency to check any 100508  
child abuse and neglect registry maintained by that other state. 100509  
The recommending agency shall make the request and shall review 100510  
the results of the check before the prospective foster parent 100511  
may be finally approved for placement of a child. Information 100512  
received pursuant to such a request shall be considered for 100513  
purposes of this chapter as if it were a summary report required 100514  
under division (A) of this section. The department of children 100515  
and youth shall comply with any request to check the central 100516  
registry that is similar to the request described in this 100517  
division and that is received from any other state. 100518

(B) (1) The summary report required under division (A) of 100519  
this section shall contain, if applicable, a chronological list 100520  
of abuse and neglect determinations or allegations of which a 100521  
person seeking to become a foster caregiver of a child is 100522  
subject and in regards to which a public children services 100523  
agency has done one of the following: 100524

(a) Determined that abuse or neglect occurred; 100525

(b) Initiated an investigation, and the investigation is 100526  
ongoing; 100527

(c) Initiated an investigation, and the agency was unable 100528  
to determine whether abuse or neglect occurred. 100529

(2) The summary report required under division (A) of this 100530  
section shall not contain any of the following: 100531

(a) An abuse and neglect determination of which a person 100532  
seeking to become a foster caregiver of a child is subject and 100533  
in regards to which a public children services agency determined 100534  
that abuse or neglect did not occur; 100535

(b) Information or reports the dissemination of which is 100536

prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended;

(c) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect.

(C) (1) A foster home certification may be denied based on a summary report containing the information described under division (B) (1) (a) of this section, when considered within the totality of the circumstances.

(2) A foster home certification shall not be denied solely based on a summary report containing the information described under division (B) (1) (b) or (c) of this section.

(D) The director of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

**Sec. 5103.30.** The Ohio child welfare training program is hereby established in the department of children and youth as a statewide program. The program shall provide all of the following:

(A) The training that section 3107.014 of the Revised Code requires an assessor to complete;

(B) The preplacement training that sections 5103.031 and 5103.033 of the Revised Code require a prospective foster caregiver to complete;

(C) The continuing training that sections 5103.032 and 5103.033 of the Revised Code require a foster caregiver to complete;

(D) The training that section 5153.122 of the Revised Code

requires a PCSA caseworker to complete; 100565

(E) The training that section 5153.123 of the Revised Code requires a PCSA caseworker supervisor to complete; 100566  
100567

(F) The training required under section ~~5101.1414~~ 5180.4211 of the Revised Code for a case manager and supervisor. 100568  
100569

**Sec. 5103.32.** (A) As used in this section: 100570

(1) "Title IV-B" means Title IV-B of the "Social Security Act of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 100571  
100572

(2) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670(1980). 100573  
100574

(3) "Title XX" has the same meaning as in section 5101.46 of the Revised Code. 100575  
100576

(B) For purposes of adequately funding the Ohio child welfare training program, the department of children and youth may use any of the following: 100577  
100578  
100579

(1) The federal financial participation funds withheld pursuant to division (E) of section ~~5101.141~~ 5180.42 of the Revised Code in an amount determined by the department; 100580  
100581  
100582

(2) Funds available under Title XX, Title IV-B, and Title IV-E to pay for training costs; 100583  
100584

(3) Other available state or federal funds; 100585

(4) Funds that a person, including a foundation, makes available for the program. 100586  
100587

**Sec. 5103.41.** The department of ~~job and family services~~ children and youth, in consultation with the Ohio child welfare training program steering committee, shall designate training regions in the state. The department ~~of children and~~ 100588  
100589  
100590  
100591

~~youth~~, at times it selects, shall review the composition of the 100592  
training regions. The committee, at times it selects, shall also 100593  
review the training regions' composition and provide the 100594  
department recommendations on changes. The department ~~of~~ 100595  
~~children and youth~~ may change the composition of the training 100596  
regions as the department considers necessary. 100597

The department may make a grant to a public children 100598  
services agency that establishes and maintains a regional 100599  
training center under this section for the purpose of wholly or 100600  
partially subsidizing the operation of the center. The 100601  
department shall specify in the grant all of the center's 100602  
duties, including the duties specified in section 5103.42 of the 100603  
Revised Code. 100604

**Sec. 5104.01.** As used in this chapter: 100605

(A) "Administrator" means the person responsible for the 100606  
daily operation of a center, type A home, or approved child day 100607  
camp. The administrator and the owner may be the same person. 100608

(B) "Approved child day camp" means a child day camp 100609  
approved pursuant to section 5104.22 of the Revised Code. 100610

(C) "Authorized representative" means an individual 100611  
employed by a center, type A home, or approved child day camp 100612  
that is owned by a person other than an individual and who is 100613  
authorized by the owner to do all of the following: 100614

(1) Communicate on the owner's behalf; 100615

(2) Submit on the owner's behalf applications for 100616  
licensure or approval; 100617

(3) Enter into on the owner's behalf provider agreements 100618  
for publicly funded child care. 100619

(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act.

(E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child care staff member or administrator that does both of the following:

(1) Uses a framework approved by the director of children and youth to document formal education, training, experience, and specialized credentials and certifications;

(2) Allows the child care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.

(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.

(G) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the director of education and workforce for nonpublic schools pursuant to section 3301.07 of the Revised Code.

(H) "Child" includes an infant, toddler, preschool-age child, or school-age child.

(I) "Child care block grant act" means the "Child Care and Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42

U.S.C. 9858, as amended. 100649

(J) "Child day camp" means a program in which only school- 100650  
age children attend or participate, that operates for no more 100651  
than twelve hours per day and no more than fifteen weeks during 100652  
the summer. For purposes of this division, the maximum twelve 100653  
hours of operation time does not include transportation time 100654  
from a child's home to a child day camp and from a child day 100655  
camp to a child's home. 100656

(K) "Child care" means all of the following: 100657

(1) Administering to the needs of infants, toddlers, 100658  
preschool-age children, and school-age children outside of 100659  
school hours; 100660

(2) By persons other than their parents, guardians, or 100661  
custodians; 100662

(3) For part of the twenty-four-hour day; 100663

(4) In a place other than a child's own home, except that 100664  
an in-home aide provides child care in the child's own home; 100665

(5) By a provider required by this chapter to be licensed 100666  
or approved by the department of children and youth, certified 100667  
by a county department of job and family services, or under 100668  
contract with the department to provide publicly funded child 100669  
care as described in section 5104.32 of the Revised Code. 100670

(L) "Child care center" and "center" mean any place that 100671  
is not the permanent residence of the licensee or administrator 100672  
in which child care or publicly funded child care is provided 100673  
for seven or more children at one time. "Child care center" and 100674  
"center" do not include any of the following: 100675

(1) A place located in and operated by a hospital, as 100676

defined in section 3727.01 of the Revised Code, in which the 100677  
needs of children are administered to, if all the children whose 100678  
needs are being administered to are monitored under the on-site 100679  
supervision of a physician licensed under Chapter 4731. of the 100680  
Revised Code or a registered nurse licensed under Chapter 4723. 100681  
of the Revised Code, and the services are provided only for 100682  
children who, in the opinion of the child's parent, guardian, or 100683  
custodian, are exhibiting symptoms of a communicable disease or 100684  
other illness or are injured; 100685

(2) A child day camp; 100686

(3) A place that provides care, if all of the following 100687  
apply: 100688

(a) An organized religious body provides the care; 100689

(b) A parent, custodian, or guardian of at least one child 100690  
receiving care is on the premises and readily accessible at all 100691  
times; 100692

(c) The care is not provided for more than thirty days a 100693  
year; 100694

(d) The care is provided only for preschool-age and 100695  
school-age children. 100696

(M) "Child care resource and referral service 100697  
organization" means a community-based nonprofit organization 100698  
that provides child care resource and referral services but not 100699  
child care. 100700

(N) "Child care resource and referral services" means all 100701  
of the following services: 100702

(1) Maintenance of a uniform data base of all child care 100703  
providers in the community that are in compliance with this 100704

chapter, including current occupancy and vacancy data;	100705
(2) Provision of individualized consumer education to families seeking child care;	100706 100707
(3) Provision of timely referrals of available child care providers to families seeking child care;	100708 100709
(4) Recruitment of child care providers;	100710
(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;	100711 100712 100713 100714
(6) Collection and analysis of data on the supply of and demand for child care in the community;	100715 100716
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	100717 100718 100719
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	100720 100721 100722
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	100723 100724 100725
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of children and youth;	100726 100727 100728 100729 100730
(11) Cooperation with the county department of job and	100731



family services in encouraging the establishment of parent 100732  
cooperative child care centers and parent cooperative type A 100733  
family child care homes. 100734

(O) "Child care staff member" means an employee of a child 100735  
care center, type A family child care home, licensed type B 100736  
family child care home, or approved child day camp who is 100737  
primarily responsible for the care and supervision of children. 100738  
The administrator, authorized representative, or owner may be a 100739  
child care staff member when not involved in other duties. 100740

(P) "Drop-in child care center," "drop-in center," "drop- 100741  
in type A family child care home," and "drop-in type A home" 100742  
mean a center or type A home that provides child care or 100743  
publicly funded child care for children on a temporary, 100744  
irregular basis. 100745

(Q) "Early learning and development program" has the same 100746  
meaning as "licensed child care program." 100747

(R) "Employee" means a person who either: 100748

(1) Receives compensation for duties performed in a child 100749  
care center, type A family child care home, licensed type B 100750  
family child care home, or approved child day camp; 100751

(2) Is assigned specific working hours or duties in a 100752  
child care center, type A family child care home, licensed type 100753  
B family child care home, or approved child day camp. 100754

~~(R)~~ (S) "Employer" means a person, firm, institution, 100755  
organization, or agency that operates a child care center, type 100756  
A family child care home, licensed type B family child care 100757  
home, or approved child day camp subject to licensure or 100758  
approval under this chapter. 100759

~~(S)~~(T) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

~~(T)~~(U) "Head start program" means a school-readiness program that satisfies all of the following:

(1) Is for children from birth to age five who are from low-income families;

(2) Receives funds distributed under the "Improving Head Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as amended;

(3) Is licensed as a child care program.

~~(U)~~(V) "Home education" has the same meaning as in section 3321.042 of the Revised Code.

~~(V)~~(W) "Home education learning pod" means a voluntary association of parents who direct their children's education through home education and includes the following characteristics:

(1) The parents choose to group their children together in a home or other location at various times, which may include hours when home education is not provided.

(2) The pod includes only the parents' children who are receiving home education, except that it also may include siblings of those children, or other children who are under the care of the parents, regardless of age.

(3) At least one parent of any of the children

participating in the pod must be on the premises while the pod  
is meeting. 100788  
100789

~~(W)~~(X) "Homeless child care" means child care provided to  
a child who satisfies any of the following: 100790  
100791

(1) Is homeless as defined in 42 U.S.C. 11302; 100792

(2) Is a homeless child or youth as defined in 42 U.S.C.  
11434a; 100793  
100794

(3) Resides temporarily with a caretaker in a facility  
providing emergency shelter for homeless families or is  
determined by a county department of job and family services to  
be homeless. 100795  
100796  
100797  
100798

~~(X)~~(Y) "Income" means gross income, as defined in section  
5107.10 of the Revised Code, less any amounts required by  
federal statutes or regulations to be disregarded. 100799  
100800  
100801

~~(Y)~~(Z) "Indicator checklist" means an inspection tool,  
used in conjunction with an instrument-based program monitoring  
information system, that contains selected licensing  
requirements that are statistically reliable indicators or  
predictors of a child care center's, type A family child care  
home's, or licensed type B family child care home's compliance  
with licensing requirements. 100802  
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~~(Z)~~(AA) "Infant" means a child who is less than eighteen  
months of age. 100809  
100810

~~(AA)~~(BB) "In-home aide" means a person who does not reside  
with the child but provides care in the child's home and is  
certified by a county director of job and family services  
pursuant to section 5104.12 of the Revised Code to provide  
publicly funded child care to a child in a child's own home 100811  
100812  
100813  
100814  
100815

pursuant to this chapter and any rules adopted under it. 100816

~~(BB)~~ (CC) "Instrument-based program monitoring information 100817  
system" means a method to assess compliance with licensing 100818  
requirements for child care centers, type A family child care 100819  
homes, and licensed type B family child care homes in which each 100820  
licensing requirement is assigned a weight indicative of the 100821  
relative importance of the requirement to the health, growth, 100822  
and safety of the children that is used to develop an indicator 100823  
checklist. 100824

~~(CC)~~ (DD) "License capacity" means the maximum number in 100825  
each age category of children who may be cared for in a child 100826  
care center, type A family child care home, or licensed type B 100827  
family child care home at one time as determined by the director 100828  
of children and youth considering building occupancy limits 100829  
established by the department of commerce, amount of available 100830  
indoor floor space and outdoor play space, and amount of 100831  
available play equipment, materials, and supplies. 100832

~~(DD)~~ (EE) "Licensed child care program" means any of the 100833  
following: 100834

(1) A child care center licensed by the department of 100835  
children and youth pursuant to this chapter; 100836

(2) A type A family child care home or type B family child 100837  
care home licensed by the department of children and youth 100838  
pursuant to this chapter; 100839

(3) A licensed preschool program or licensed school child 100840  
program. 100841

~~(EE)~~ (FF) "Licensed preschool program" or "licensed school 100842  
child program" means a preschool program or school child 100843  
program, as defined in section 3301.52 of the Revised Code, that 100844

is licensed by the department of children and youth pursuant to 100845  
sections 3301.52 to 3301.59 of the Revised Code. 100846

~~(FF)~~(GG) "Licensed type B family child care home" and 100847  
"licensed type B home" mean a type B family child care home for 100848  
which there is a valid license issued by the director of 100849  
children and youth pursuant to section 5104.03 of the Revised 100850  
Code. 100851

~~(GG)~~(HH) "Licensee" means the owner of a child care 100852  
center, type A family child care home, or type B family child 100853  
care home that is licensed pursuant to this chapter and who is 100854  
responsible for ensuring compliance with this chapter and rules 100855  
adopted pursuant to this chapter. 100856

~~(HH)~~(II) "Operate a child day camp" means to operate, 100857  
establish, manage, conduct, or maintain a child day camp. 100858

~~(II)~~(JJ) "Owner" includes a person, as defined in section 100859  
1.59 of the Revised Code, or government entity. 100860

~~(JJ)~~(KK) "Parent cooperative child care center," "parent 100861  
cooperative center," "parent cooperative type A family child 100862  
care home," and "parent cooperative type A home" mean a 100863  
corporation or association organized for providing educational 100864  
services to the children of members of the corporation or 100865  
association, without gain to the corporation or association as 100866  
an entity, in which the services of the corporation or 100867  
association are provided only to children of the members of the 100868  
corporation or association, ownership and control of the 100869  
corporation or association rests solely with the members of the 100870  
corporation or association, and at least one parent-member of 100871  
the corporation or association is on the premises of the center 100872  
or type A home during its hours of operation. 100873

~~(KK)~~ (LL) "Part-time child care center," "part-time center," "part-time type A family child care home," and "part-time type A home" mean a center or type A home that provides child care or publicly funded child care for not more than four hours a day for any child or not more than fifteen consecutive weeks per year, regardless of the number of hours per day.

~~(LL)~~ (MM) "Place of worship" means a building where activities of an organized religious group are conducted and includes the grounds and any other buildings on the grounds used for such activities.

~~(MM)~~ (NN) "Preschool-age child" means a child who is three years old or older but is not a school-age child.

~~(NN)~~ (OO) "Protective child care" means publicly funded child care for the direct care and protection of a child to whom all of the following apply:

(1) A case plan has been prepared and maintained for the child pursuant to section 2151.412 of the Revised Code.

(2) The case plan indicates a need for protective care.

(3) The child resides with a parent, stepparent, guardian, or another person who stands in loco parentis as defined in rules adopted under section 5104.38 of the Revised Code.

~~(OO)~~ (PP) "Publicly funded child care" means administering to the needs of infants, toddlers, preschool-age children, and school-age children under age thirteen during any part of the twenty-four-hour day by persons other than their caretaker parents for remuneration wholly or in part with federal or state funds, including funds available under the child care block grant act, Title IV-A, and Title XX, distributed by the department of children and youth.

~~(PP)~~(QQ) "Religious activities" means any of the 100903  
following: worship or other religious services; religious 100904  
instruction; Sunday school classes or other religious classes 100905  
conducted during or prior to worship or other religious 100906  
services; youth or adult fellowship activities; choir or other 100907  
musical group practices or programs; meals; festivals; or 100908  
meetings conducted by an organized religious group. 100909

~~(QQ)~~(RR) "School-age child" means a child who is enrolled 100910  
in or is eligible to be enrolled in a grade of kindergarten or 100911  
above but is less than fifteen years old or, in the case of a 100912  
child who is receiving special needs child care, is less than 100913  
eighteen years old. 100914

~~(RR)~~(SS) "Serious risk noncompliance" means a licensure or 100915  
certification rule violation that leads to a great risk of harm 100916  
to, or death of, a child, and is observable, not inferable. 100917

~~(SS)~~(TT) "Special needs child care" means child care 100918  
provided to a child who is less than eighteen years of age and 100919  
either has one or more chronic health conditions or does not 100920  
meet age appropriate expectations in one or more areas of 100921  
development, including social, emotional, cognitive, 100922  
communicative, perceptual, motor, physical, and behavioral 100923  
development and that may include on a regular basis such 100924  
services, adaptations, modifications, or adjustments needed to 100925  
assist in the child's function or development. 100926

~~(TT)~~(UU) "Title IV-A" means Title IV-A of the "Social 100927  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 100928

~~(UU)~~(VV) "Title XX" means Title XX of the "Social Security 100929  
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 100930

~~(VV)~~(WW) "Toddler" means a child who is at least eighteen 100931

months of age but less than three years of age. 100932

~~(WW)~~(XX) "Type A family child care home" and "type A home" 100933  
mean the permanent residence of the administrator in which child 100934  
care or publicly funded child care is provided for seven to 100935  
twelve children at one time or a permanent residence of the 100936  
administrator in which child care is provided for four to twelve 100937  
children at one time if four or more children at one time are 100938  
under two years of age. In counting children for the purposes of 100939  
this division, any children under six years of age who are 100940  
related to a licensee, administrator, or employee and who are on 100941  
the premises of the type A home shall be counted. "Type A family 100942  
child care home" and "type A home" do not include any child day 100943  
camp. 100944

~~(XX)~~(YY) "Type B family child care home" and "type B home" 100945  
mean a permanent residence of the provider in which care is 100946  
provided for one to six children at one time and in which no 100947  
more than three children are under two years of age at one time. 100948  
In counting children for the purposes of this division, any 100949  
children under six years of age who are related to the provider 100950  
and who are on the premises of the type B home shall be counted. 100951  
"Type B family child care home" and "type B home" do not include 100952  
any child day camp. 100953

**Sec. 5104.12.** (A) (1) A county director of job and family 100954  
services may certify in-home aides to provide publicly funded 100955  
child care pursuant to this chapter and any rules adopted under 100956  
it. Any in-home aide who receives a certificate pursuant to this 100957  
section to provide publicly funded child care is an independent 100958  
contractor and is not an employee of the county department of 100959  
job and family services that issues the certificate. 100960

(2) Every person desiring to receive certification as an 100961



in-home aide shall apply for certification to a county director 100962  
of job and family services on such forms as the director of 100963  
children and youth prescribes. A county director shall provide 100964  
at no charge to each applicant a copy of rules for certifying 100965  
in-home aides adopted pursuant to this chapter. 100966

(B) To be eligible for certification as an in-home aide, a 100967  
person shall not be either of the following: 100968

(1) The owner of a center or home whose license was 100969  
revoked pursuant to section 5104.04 of the Revised Code within 100970  
the previous five years; 100971

(2) An in-home aide whose certificate was revoked under 100972  
division (C) (2) of this section within the previous five years. 100973

(C) (1) If the county director of job and family services 100974  
determines that the applicant complies with this chapter and any 100975  
rules adopted under it, the county director shall certify the 100976  
person as an in-home aide and issue the person a certificate to 100977  
provide publicly funded child care ~~for twenty-four months~~. The 100978  
county director shall furnish a copy of the certificate to the 100979  
parent, custodian, or guardian. The certificate shall state the 100980  
name and address of the in-home aide, ~~the expiration date of the~~ 100981  
~~certification~~, and the name and telephone number of the county 100982  
director who issued the certificate. 100983

(2) The county director may revoke the certificate in 100984  
either of the following circumstances: 100985

(a) The county director determines, pursuant to rules 100986  
adopted under Chapter 119. of the Revised Code, that revocation 100987  
is necessary; 100988

(b) The in-home aide does not comply with division (C) (2) 100989  
of section 5104.32 of the Revised Code. 100990

(D) (1) The county director of job and family services 100991  
shall inspect every home of a child who is receiving publicly 100992  
funded child care in the child's own home while the in-home aide 100993  
is providing the services. Inspections may be unannounced. Upon 100994  
receipt of a complaint, the county director shall investigate 100995  
the in-home aide, shall investigate the home of a child who is 100996  
receiving publicly funded child care in the child's own home, 100997  
and division (D) (2) of this section applies regarding the 100998  
complaint. The caretaker parent shall permit the county director 100999  
to inspect any part of the child's home. The county director 101000  
shall prepare a written inspection report and furnish one copy 101001  
each to the in-home aide and the caretaker parent within a 101002  
reasonable time after the inspection. 101003

(2) Upon receipt of a complaint as described in division 101004  
(D) (1) of this section, in addition to the investigations that 101005  
are required under that division, both of the following apply: 101006

(a) If the complaint alleges that a child suffered 101007  
physical harm while receiving publicly funded child care in the 101008  
child's own home from an in-home aide or that the noncompliance 101009  
with law or act alleged in the complaint involved, resulted in, 101010  
or poses a substantial risk of physical harm to a child 101011  
receiving publicly funded child care in the child's own home 101012  
from an in-home aide, the county director shall inspect the home 101013  
of the child. 101014

(b) If division (D) (2) (a) of this section does not apply 101015  
regarding the complaint, the county director may inspect the 101016  
home of the child. 101017

(3) Division (D) (2) of this section does not limit, 101018  
restrict, or negate any duty of the county director to inspect a 101019  
home of a child who is receiving publicly funded child care from 101020

an in-home aide that otherwise is imposed under this section, or 101021  
any authority of the county director to inspect such a home that 101022  
otherwise is granted under this section when the county director 101023  
believes the inspection is necessary and it is permitted under 101024  
the grant. 101025

**Sec. 5104.29.** (A) ~~As used in this section, "early learning 101026  
and development program" has the same meaning as "licensed child 101027  
care program" as defined in section 5104.01 of the Revised Code. 101028~~

~~(B)~~ There is hereby created in the department of children 101029  
and youth the step up to quality program, under which the 101030  
department of children and youth, in cooperation with the 101031  
department of education and workforce, shall develop a tiered 101032  
quality rating and improvement system for all early learning and 101033  
development programs in this state. The step up to quality 101034  
program shall include all of the following components: 101035

(1) Quality program standards for early learning and 101036  
development programs; 101037

(2) Accountability measures that include tiered ratings 101038  
representing each program's level of quality; 101039

(3) Program and provider outreach and support to help 101040  
programs meet higher standards and promote participation in the 101041  
step up to quality program; 101042

(4) Financial incentives for early learning and 101043  
development programs that provide publicly funded child care and 101044  
are linked to achieving and maintaining quality standards; 101045

(5) Parent and consumer education to help parents learn 101046  
about program quality and ratings so they can make informed 101047  
choices on behalf of their children. 101048

~~(C)~~(B) The step up to quality program shall have the 101049  
following goals: 101050

(1) Increasing the number of low-income children, special 101051  
needs children, and children with limited English proficiency 101052  
participating in quality early learning and development 101053  
programs; 101054

(2) Providing families with an easy-to-use tool for 101055  
evaluating the quality of early learning and development 101056  
programs; 101057

(3) Recognizing and supporting early learning and 101058  
development programs that achieve higher levels of quality; 101059

(4) Providing incentives and supports to help early 101060  
learning and development programs implement continuous quality 101061  
improvement systems. 101062

~~(D)~~(C) Under the step up to quality program, participating 101063  
early learning and development programs may be eligible for 101064  
grants, technical assistance, training, and other assistance. 101065  
Programs that maintain a quality rating may be eligible for 101066  
unrestricted monetary awards. 101067

~~(E)~~(D) The tiered ratings developed pursuant to this 101068  
section shall be based on an early learning and development 101069  
program's performance in meeting program standards in the 101070  
following four domains: 101071

(1) Learning and development; 101072

(2) Administration and leadership practices; 101073

(3) Staff quality and professional development; 101074

(4) Family and community partnerships. 101075

The ratings developed under this section shall not take 101076  
into consideration whether an administrator or employee of an 101077  
early learning and development program holds or obtains a 101078  
bachelor's, master's, or doctoral degree. 101079

~~(F)~~ (E) The director of children and youth, in 101080  
collaboration with the director of education and workforce, 101081  
shall adopt rules in accordance with Chapter 119. of the Revised 101082  
Code to implement the step up to quality program described in 101083  
this section. 101084

**Sec. 5104.292.** (A) An early learning and development 101085  
program that applied to be rated in the step up to quality 101086  
program but was denied or that had its step up to quality rating 101087  
reduced or removed may appeal the decision of the director of 101088  
children and youth to refuse to rate the program or to reduce or 101089  
remove the program's rating. This section establishes standards 101090  
and procedures by which an appeal of such a decision is filed 101091  
and heard and the director's determination following a hearing 101092  
is reviewed. 101093

(B) An early learning and development program that wishes 101094  
to appeal a decision described in division (A) of this section 101095  
shall file an appeal with the director not later than fifteen 101096  
days after the program receives notice of the decision. 101097

(C) The director shall hear the appeal not later than 101098  
forty-five days after its filing. The hearing shall be conducted 101099  
either in-person or through virtual means. During the hearing, 101100  
the program shall be allowed to participate, including by asking 101101  
and answering questions and offering evidence in support of the 101102  
program's position. 101103

(D) Not later than fifteen days after the hearing, the 101104

director shall make an initial determination as to whether the 101105  
decision described in division (A) of this section is to be 101106  
upheld or reversed. As soon as practicable after making the 101107  
initial determination, the director shall convene a panel to 101108  
review both the initial determination and evidence presented at 101109  
the hearing. Neither of the following shall occur until after 101110  
the review panel convenes and makes a recommendation to the 101111  
director: 101112

(1) The determination is enforced. 101113

(2) The determination is made public. 101114

(E) A review panel shall consist of all of the following: 101115

(1) One individual representing the department of children 101116  
and youth, except that the individual shall be neither the 101117  
individual who recommended to the director that the program's 101118  
rating be refused, removed, or reduced nor that individual's 101119  
direct supervisor; 101120

(2) Two individuals, each representing an early learning 101121  
and development program and each participating in the early 101122  
childhood education and care advisory group of the department's 101123  
children and youth advisory council. 101124

The review panel shall meet either in-person or through 101125  
virtual means. 101126

(F) As soon as practicable after it convenes, the review 101127  
panel shall make a recommendation to the director as to whether 101128  
the director's initial determination should be enforced and made 101129  
public. The director shall consider the review panel's 101130  
recommendation before doing either of the following: 101131

(1) Making a final determination as to whether the 101132

decision in division (A) is to be upheld or reversed; 101133

(2) Making the final determination public. 101134

The actions described in divisions (F) (1) and (2) of this section shall occur as soon as practicable after the panel makes its recommendation. 101135  
101136  
101137

**Sec. 5104.30.** (A) The department of children and youth is 101138  
hereby designated as the state agency responsible for 101139  
administration and coordination of federal and state funding for 101140  
publicly funded child care in this state. Publicly funded child 101141  
care shall be provided to the following: 101142

(1) Recipients of transitional child care as provided 101143  
under section 5104.34 of the Revised Code; 101144

(2) Participants in the Ohio works first program 101145  
established under Chapter 5107. of the Revised Code; 101146

(3) Individuals who would be participating in the Ohio 101147  
works first program if not for a sanction under section 5107.16 101148  
of the Revised Code and who continue to participate in a work 101149  
activity, developmental activity, or alternative work activity 101150  
pursuant to an assignment under section 5107.42 of the Revised 101151  
Code; 101152

(4) A family receiving publicly funded child care on 101153  
October 1, 1997, until the family's income reaches one hundred 101154  
fifty per cent of the federal poverty line; 101155

(5) Subject to available funds, other individuals 101156  
determined eligible in accordance with rules adopted under 101157  
section 5104.38 of the Revised Code. 101158

The department shall apply to the United States department 101159  
of health and human services for authority to operate a 101160

coordinated program for publicly funded child care, if the 101161  
director of children and youth determines that the application 101162  
is necessary. For purposes of this section, the department of 101163  
children and youth may enter into agreements with other state 101164  
agencies that are involved in regulation or funding of child 101165  
care. The department shall consider the special needs of migrant 101166  
workers when it administers and coordinates publicly funded 101167  
child care and shall develop appropriate procedures for 101168  
accommodating the needs of migrant workers for publicly funded 101169  
child care. 101170

(B) The department of children and youth shall distribute 101171  
state and federal funds for publicly funded child care, 101172  
including appropriations of state funds for publicly funded 101173  
child care and appropriations of federal funds available under 101174  
the child care block grant act, Title IV-A, and Title XX. The 101175  
department may use any state funds appropriated for publicly 101176  
funded child care as the state share required to match any 101177  
federal funds appropriated for publicly funded child care. 101178

(C) In the use of federal funds available under the child 101179  
care block grant act, all of the following apply: 101180

(1) The department may use the federal funds to hire staff 101181  
to prepare any rules required under this chapter and to 101182  
administer and coordinate federal and state funding for publicly 101183  
funded child care. 101184

(2) Not more than five per cent of the aggregate amount of 101185  
the federal funds received for a fiscal year may be expended for 101186  
administrative costs. 101187

(3) The department shall allocate and use at least four 101188  
per cent of the federal funds for the following: 101189



(a) Activities designed to provide comprehensive consumer education to parents and the public;	101190 101191
(b) Activities that increase parental choice;	101192
(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care;	101193 101194 101195
(d) Establishing the step up to quality program pursuant to section 5104.29 of the Revised Code.	101196 101197
(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means.	101198 101199 101200 101201 101202 101203 101204 101205
(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child care. The department of children and youth may enter into interagency agreements with the department of education and workforce, the chancellor of higher education, the department of development, and other state agencies and entities whenever the	101206 101207 101208 101209 101210 101211 101212 101213 101214 101215 101216 101217 101218

cooperative efforts of the other state agencies and entities are 101219  
necessary for the department of children and youth to fulfill 101220  
its duties and responsibilities under this chapter. 101221

The department shall develop and maintain a registry of 101222  
persons providing child care. The director shall adopt rules in 101223  
accordance with Chapter 119. of the Revised Code establishing 101224  
procedures and requirements for the registry's administration. 101225

(E) (1) The director shall adopt rules in accordance with 101226  
Chapter 119. of the Revised Code establishing both of the 101227  
following: 101228

(a) ~~Reimbursement~~ Payment rates for providers of publicly 101229  
funded child care not later than the first day of July in each 101230  
odd-numbered year; 101231

(b) A procedure for ~~reimbursing and paying~~ providers of 101232  
publicly funded child care. 101233

(2) In establishing ~~reimbursement~~ payment rates under 101234  
division (E) (1) (a) of this section, the director shall do all of 101235  
the following: 101236

(a) Use the information obtained from the market rate 101237  
survey developed and conducted in accordance with 45 C.F.R. 101238  
98.45; 101239

(b) Establish an enhanced ~~reimbursement~~ payment rate for 101240  
providers who ~~provide child care for~~ enroll children whose 101241  
caretaker parents ~~who~~ work nontraditional hours; 101242

(c) With regard to the step up to quality program 101243  
established pursuant to section 5104.29 of the Revised Code, 101244  
establish enhanced ~~reimbursement~~ payment rates for child care 101245  
providers that participate in the program. 101246

(3) In establishing ~~reimbursement~~ payment rates under 101247  
division (E) (1) (a) of this section, the director may establish 101248  
different ~~reimbursement~~ payment rates based on any of the 101249  
following: 101250

- (a) Geographic location of the provider; 101251
- (b) Type of care provided; 101252
- (c) Age of the child served; 101253
- (d) Special needs of the child served; 101254
- (e) Whether the expanded hours of service are provided; 101255
- (f) Whether weekend service is provided; 101256
- (g) Whether the provider has exceeded the minimum 101257  
requirements of state statutes and rules governing child care; 101258
- (h) Any other factors the director considers appropriate. 101259

**Sec. 5104.302.** In addition to establishing payment rates 101260  
for publicly funded child care providers in each odd-numbered 101261  
year, as required by section 5104.30 of the Revised Code, the 101262  
director of children and youth may contract with a third-party 101263  
entity to analyze information regarding the prices charged for 101264  
child care for the subsequent even-numbered year. 101265

**Sec. 5104.32.** (A) All purchases of publicly funded child 101266  
care shall be made under a contract entered into by a licensed 101267  
child care center, licensed type A family child care home, 101268  
licensed type B family child care home, certified in-home aide, 101269  
approved child day camp, licensed preschool program, licensed 101270  
school child program, or border state child care provider and 101271  
the department of children and youth. All contracts for publicly 101272  
funded child care shall be contingent upon the availability of 101273

state and federal funds. The department shall prescribe a 101274  
standard form to be used for all contracts for the purchase of 101275  
publicly funded child care, regardless of the source of public 101276  
funds used to purchase the child care. To the extent permitted 101277  
by federal law and notwithstanding any other provision of the 101278  
Revised Code that regulates state contracts or contracts 101279  
involving the expenditure of state or federal funds, all 101280  
contracts for publicly funded child care shall be entered into 101281  
in accordance with the provisions of this chapter and are exempt 101282  
from any other provision of the Revised Code that regulates 101283  
state contracts or contracts involving the expenditure of state 101284  
or federal funds. 101285

(B) Each contract for publicly funded child care shall 101286  
specify at least the following: 101287

(1) That the provider of publicly funded child care agrees 101288  
to be paid ~~for rendering services at the lower of the rate~~ 101289  
~~customarily charged by the provider for children enrolled for~~ 101290  
~~child care or the reimbursement rate of payment established~~ 101291  
pursuant to section 5104.30 of the Revised Code; 101292

(2) ~~That, if a provider provides child care to an~~ 101293  
~~individual potentially eligible for publicly funded child care~~ 101294  
~~who is subsequently determined to be eligible, the department~~ 101295  
~~agrees to pay for all child care provided between the date the~~ 101296  
~~county department of job and family services receives the~~ 101297  
~~individual's completed application and the date the individual's~~ 101298  
~~eligibility is determined;~~ 101299

~~(3) Whether the county department of job and family~~ 101300  
~~services, the provider, or a child care resource and referral~~ 101301  
~~service organization will make eligibility determinations,~~ 101302  
whether the provider or a child care resource and referral 101303

service organization will be required to collect information to 101304  
be used by the county department to make eligibility 101305  
determinations, and the time period within which the provider or 101306  
child care resource and referral service organization is 101307  
required to complete required eligibility determinations or to 101308  
transmit to the county department any information collected for 101309  
the purpose of making eligibility determinations; 101310

~~(4)~~(3) That the provider, other than a border state child 101311  
care provider, shall continue to be licensed, approved, or 101312  
certified pursuant to this chapter and shall comply with all 101313  
standards and other requirements in this chapter and in rules 101314  
adopted pursuant to this chapter for maintaining the provider's 101315  
license, approval, or certification; 101316

~~(5)~~(4) That, in the case of a border state child care 101317  
provider, the provider shall continue to be licensed, certified, 101318  
or otherwise approved by the state in which the provider is 101319  
located and shall comply with all standards and other 101320  
requirements established by that state for maintaining the 101321  
provider's license, certificate, or other approval; 101322

~~(6)~~(5) Whether the provider will be paid by the 101323  
department of children and youth or in some other manner as 101324  
prescribed by rules adopted under section 5104.42 of the Revised 101325  
Code; 101326

~~(7)~~(6) That the contract is subject to the availability 101327  
of state and federal funds. 101328

(C) (1) The department shall establish an automated child 101329  
care system to track child attendance and enrollment and 101330  
calculate payments for publicly funded child care. Not later 101331  
than July 1, 2026, and thereafter, the department shall 101332

calculate payments for publicly funded child care based on a 101333  
child's enrollment, as described in 45 C.F.R. 98.45(m), rather 101334  
than on a child's attendance. 101335

(2) Each eligible provider that provides publicly funded 101336  
child care shall participate in the automated child care system. 101337  
A provider participating in the system shall not do any of the 101338  
following: 101339

(a) Use or have possession of a personal identification 101340  
number or password issued to a caretaker parent under the 101341  
automated child care system; 101342

(b) Falsify child attendance or enrollment records; 101343

(c) Knowingly seek or accept payment for publicly funded 101344  
child care ~~that was not provided for a child not enrolled with~~ 101345  
the provider or for which the provider was not eligible; 101346

(d) Knowingly seek or accept payment for child care 101347  
~~provided to~~ for a child who resides in the provider's own home. 101348

(D) The department may withhold any money due under this 101349  
chapter and may recover through any appropriate method any money 101350  
erroneously paid under this chapter if evidence demonstrates 101351  
that a provider of publicly funded child care failed to comply 101352  
with either of the following: 101353

(1) The terms of the contract entered into under this 101354  
section; 101355

(2) This chapter or any rules adopted under it. 101356

(E) If the department has evidence that a provider has 101357  
employed an individual who is ineligible for employment under 101358  
section 5104.013 of the Revised Code and the provider has not 101359  
released the individual from employment upon notice that the 101360

individual is ineligible, the department may terminate 101361  
immediately the contract entered into under this section to 101362  
provide publicly funded child care. 101363

(F) Any decision by the department concerning publicly 101364  
funded child care, including the recovery of funds, overpayment 101365  
determinations, and contract terminations is final and is not 101366  
subject to appeal, hearing, or further review under Chapter 119. 101367  
of the Revised Code. 101368

**Sec. 5104.34.** (A) (1) Each county department of job and 101369  
family services shall implement procedures for making 101370  
determinations of eligibility for publicly funded child care. 101371  
Under those procedures, the eligibility determination for each 101372  
applicant shall be made no later than thirty calendar days from 101373  
the date the county department receives a completed application 101374  
for publicly funded child care. Each applicant shall be notified 101375  
promptly of the results of the eligibility determination. An 101376  
applicant aggrieved by a decision or delay in making an 101377  
eligibility determination may appeal the decision or delay to 101378  
the department of children and youth in accordance with section 101379  
5101.35 of the Revised Code. The due process rights of 101380  
applicants shall be protected. 101381

To the extent permitted by federal law, the county 101382  
department may make all determinations of eligibility for 101383  
publicly funded child care, may contract with child care 101384  
providers or child care resource and referral service 101385  
organizations for the providers or resource and referral service 101386  
organizations to make all or any part of the determinations, and 101387  
may contract with child care providers or child care resource 101388  
and referral service organizations for the providers or resource 101389  
and referral service organizations to collect specified 101390

information for use by the county department in making 101391  
determinations. If a county department contracts with a child 101392  
care provider or a child care resource and referral service 101393  
organization for eligibility determinations or for the 101394  
collection of information, the contract shall require the 101395  
provider or resource and referral service organization to make 101396  
each eligibility determination no later than thirty calendar 101397  
days from the date the provider or resource and referral 101398  
organization receives a completed application that is the basis 101399  
of the determination and to collect and transmit all necessary 101400  
information to the county department within a period of time 101401  
that enables the county department to make each eligibility 101402  
determination no later than thirty days after the filing of the 101403  
application that is the basis of the determination. 101404

The county department may station employees of the 101405  
department in various locations throughout the county to collect 101406  
information relevant to applications for publicly funded child 101407  
care and to make eligibility determinations. The county 101408  
department, child care provider, and child care resource and 101409  
referral service organization shall make each determination of 101410  
eligibility for publicly funded child care no later than thirty 101411  
days after the filing of the application that is the basis of 101412  
the determination, shall make each determination in accordance 101413  
with any relevant rules adopted pursuant to section 5104.38 of 101414  
the Revised Code, and shall notify promptly each applicant for 101415  
publicly funded child care of the results of the determination 101416  
of the applicant's eligibility. 101417

The director of children and youth shall adopt rules in 101418  
accordance with Chapter 119. of the Revised Code for monitoring 101419  
the eligibility determination process. In accordance with those 101420  
rules, the state department shall monitor eligibility 101421



determinations made by county departments of job and family 101422  
services and shall direct any entity that is not in compliance 101423  
with this division or any rule adopted under this division to 101424  
implement corrective action specified by the department. 101425

(2) (a) All eligibility determinations for publicly funded 101426  
child care shall be made in accordance with rules adopted 101427  
pursuant to division (A) of section 5104.38 of the Revised Code. 101428  
Except as otherwise provided in this section, all of the 101429  
following apply: 101430

(i) Publicly funded child care may be provided only to 101431  
eligible infants, toddlers, preschool-age children, school-age 101432  
children under age thirteen, or children receiving special needs 101433  
child care. 101434

(ii) For an applicant to be eligible for publicly funded 101435  
child care, the caretaker parent must be employed or 101436  
participating in a program of education or training for an 101437  
amount of time reasonably related to the time that the parent's 101438  
children are receiving publicly funded child care. This 101439  
restriction does not apply to families whose children are 101440  
eligible for protective child care. 101441

(iii) The eligibility period for publicly funded child 101442  
care shall be at least twelve months. 101443

~~(b) In accordance with rules adopted under division (B) of 101444  
section 5104.38 of the Revised Code, an applicant may receive 101445  
publicly funded child care while the county department 101446  
determines eligibility. An applicant may receive publicly funded 101447  
child care while a county department determines eligibility only 101448  
once during a twelve-month period. If the county department 101449  
determines that an applicant is not eligible for publicly funded 101450~~

~~child care, the child care provider shall be paid for providing~~ 101451  
~~publicly funded child care for up to five days after that~~ 101452  
~~determination if the county department received a completed~~ 101453  
~~application with all required documentation. A program may~~ 101454  
~~appeal a denial of payment under this division.~~ 101455

~~(e)~~ If a caretaker parent who has been determined eligible 101456  
to receive publicly funded child care no longer meets the 101457  
requirements of division (A) (2) (a) (ii) of this section, the 101458  
caretaker parent may continue to receive publicly funded child 101459  
care for a period of at least three but not more than four 101460  
months not to extend beyond the caretaker parent's eligibility 101461  
period. 101462

~~(d)~~ (c) If a child turns thirteen, or if a child receiving 101463  
special needs child care turns eighteen, during the eligibility 101464  
period, the caretaker parent may continue to receive publicly 101465  
funded child care until the end of that eligibility period. 101466

Subject to available funds, the department of children and 101467  
youth shall allow a family to receive publicly funded child care 101468  
unless the family's income exceeds the maximum income 101469  
eligibility limit. Initial and continued eligibility for 101470  
publicly funded child care is subject to available funds unless 101471  
the family is receiving child care pursuant to division (A) (1), 101472  
(2), (3), or (4) of section 5104.30 of the Revised Code. If the 101473  
department must limit eligibility due to lack of available 101474  
funds, it shall give first priority for publicly funded child 101475  
care to an assistance group whose income is not more than the 101476  
maximum income eligibility limit that received transitional 101477  
child care in the previous month but is no longer eligible 101478  
because the eligibility period has expired. Such an assistance 101479  
group shall continue to receive priority for publicly funded 101480

child care until its income exceeds the maximum income 101481  
eligibility limit. 101482

(3) An assistance group that ceases to participate in the 101483  
Ohio works first program established under Chapter 5107. of the 101484  
Revised Code is eligible for transitional child care at any time 101485  
during the immediately following twelve-month period that both 101486  
of the following apply: 101487

(a) The assistance group requires child care due to 101488  
employment; 101489

(b) The assistance group's income is not more than one 101490  
hundred fifty per cent of the federal poverty line. 101491

An assistance group ineligible to participate in the Ohio 101492  
works first program pursuant to section 5101.83 or section 101493  
5107.16 of the Revised Code is not eligible for transitional 101494  
child care. 101495

(B) To the extent permitted by federal law, the department 101496  
of children and youth may require a caretaker parent determined 101497  
to be eligible for publicly funded child care to pay a fee 101498  
according to the schedule of fees established in rules adopted 101499  
under section 5104.38 of the Revised Code. The department shall 101500  
make protective child care services and homeless child care 101501  
services available to children without regard to the income or 101502  
assets of the caretaker parent of the child. 101503

(C) A caretaker parent receiving publicly funded child 101504  
care shall report to the entity that determined eligibility any 101505  
changes in status with respect to employment or participation in 101506  
a program of education or training not later than ten calendar 101507  
days after the change occurs. 101508

(D) If the department of children and youth determines 101509

that available resources are not sufficient to provide publicly funded child care to all eligible families who request it, the department may establish a waiting list. The department may establish separate waiting lists within the waiting list based on income.

(E) A caretaker parent shall not receive publicly funded child care from more than one child care provider per child during a week, unless a county department grants the family an exemption for one of the following reasons:

(1) The child needs additional care during non-traditional hours;

(2) The child needs to change providers in the middle of the week and the hours of care provided by the providers do not overlap;

(3) The child's provider is closed on scheduled school days off or on calamity days.

(F) As used in this section, "maximum income eligibility limit" means the amount of income specified in rules adopted under division (A) of section 5104.38 of the Revised Code.

**Sec. 5104.36.** The licensee or administrator of a child care center, type A family child care home, or licensed type B family child care home, an in-home aide providing child care services, the director or administrator of an approved child day camp, and a border state child care provider shall keep a record for each eligible child enrolled with the center, home, in-home aide, camp, or provider, to be made available to the county department of job and family services or the department of children and youth on request. The record shall include all of the following:

(A) The name and date of birth of the child;	101539
(B) The name and address of the child's caretaker parent;	101540
(C) The name and address of the caretaker parent's place of employment or program of education or training;	101541 101542
(D) The hours for which <u>the child has been enrolled with</u> <u>the center, home, in-home aide, camp, or provider and the hours</u> <u>for which</u> child care services have been provided for the child;	101543 101544 101545
(E) Any other information required by the county department of job and family services or the department of children and youth.	101546 101547 101548
<b>Sec. 5104.37.</b> (A) In addition to the duties described in division (D) of section 5104.30 of the Revised Code, the director of <del>job and family services</del> <u>children and youth</u> shall engage in activities to do the following:	101549 101550 101551 101552
(1) Encourage the establishment and licensure of family <del>day-care</del> <u>child care</u> homes in this state, especially in areas with the greatest need for child care;	101553 101554 101555
(2) Connect families and caretaker parents in need of child care with family <del>day-care</del> <u>child care</u> homes not meeting the license capacity specified on their licenses, as described in division (E) of section 5104.03 of the Revised Code.	101556 101557 101558 101559
(B) The director may contract with one or more third-party entities to assist the director in performing the duties described in division (A) of this section.	101560 101561 101562
(C) Not later than May 30, 2023, and periodically thereafter, the director shall submit to the general assembly a report documenting any barriers that may prevent the establishment or licensure of family <del>day-care</del> <u>child care</u> homes.	101563 101564 101565 101566

The director shall submit the required report in accordance with 101567  
section 101.68 of the Revised Code. 101568

**Sec. 5104.38.** In addition to any other rules adopted under 101569  
this chapter, the director of children and youth shall adopt 101570  
rules in accordance with Chapter 119. of the Revised Code 101571  
governing financial and administrative requirements for publicly 101572  
funded child care and establishing all of the following: 101573

(A) Procedures and criteria to be used in making 101574  
determinations of eligibility for publicly funded child care 101575  
that give priority to children of families with lower incomes 101576  
and procedures and criteria for eligibility for publicly funded 101577  
protective child care or homeless child care. The rules shall 101578  
specify the maximum amount of income a family may have for 101579  
initial and continued eligibility. The maximum amount shall not 101580  
exceed three hundred per cent of the federal poverty line. The 101581  
rules may specify exceptions to the eligibility requirements in 101582  
the case of a family that previously received publicly funded 101583  
child care and is seeking to have the child care reinstated 101584  
after the family's eligibility was terminated. 101585

~~(B) Procedures under which an applicant for publicly 101586  
funded child care may receive publicly funded child care while 101587  
the county department of job and family services determines 101588  
eligibility and under which a child care provider may appeal a 101589  
denial of payment under division (A) (2) (b) of section 5104.34 of 101590  
the Revised Code; 101591~~

~~(C) A schedule of fees requiring all eligible caretaker 101592  
parents to pay a fee for publicly funded child care according to 101593  
income and family size, which shall be uniform for all types of 101594  
publicly funded child care, except as authorized by rule, and, 101595  
to the extent permitted by federal law, shall permit the use of 101596~~

state and federal funds to pay the customary deposits and other 101597  
advance payments that a provider charges all children who 101598  
receive child care from that provider. 101599

~~(D)~~ (C) A formula for determining the amount of state and 101600  
federal funds appropriated for publicly funded child care that 101601  
may be allocated to a county department to use for 101602  
administrative purposes; 101603

~~(E)~~ (D) Procedures to be followed by the department and 101604  
county departments in recruiting individuals and groups to 101605  
become providers of child care; 101606

~~(F)~~ (E) Procedures to be followed in establishing state or 101607  
local programs designed to assist individuals who are eligible 101608  
for publicly funded child care in identifying the resources 101609  
available to them and to refer the individuals to appropriate 101610  
sources to obtain child care; 101611

~~(G)~~ (F) Procedures to deal with fraud and abuse committed 101612  
by either recipients or providers of publicly funded child care; 101613

~~(H)~~ (G) Procedures for establishing a child care grant or 101614  
loan program in accordance with the child care block grant act; 101615

~~(I)~~ (H) Standards and procedures for applicants to apply 101616  
for grants and loans, and for the department to make grants and 101617  
loans; 101618

~~(J)~~ (I) A definition of "person who stands in loco 101619  
parentis" for the purposes of division ~~(NN)~~ ~~(3)~~ (OO) (3) of section 101620  
5104.01 of the Revised Code; 101621

~~(K)~~ (J) Procedures for a county department of job and 101622  
family services to follow in making eligibility determinations 101623  
and redeterminations for publicly funded child care available 101624

through telephone, computer, and other means at locations other than the county department; 101625  
101626

~~(L)~~(K) If the director establishes a different reimbursement payment rate under division (E) (3) (d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served; 101627  
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~~(M)~~(L) To the extent permitted by federal law, procedures for enrolling and paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the thirty-day period; 101633  
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~~(N)~~(M) Any other rules necessary to carry out sections 5104.30 to 5104.43 of the Revised Code. 101641  
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**Sec. 5104.41.** A child and the child's caretaker who are otherwise ineligible for publicly funded child care are eligible for homeless child care for the lesser of the following: 101643  
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~~(A) Not more than ninety days;~~ 101646

~~(B) The period of time they reside in a facility providing emergency shelter for homeless families or the period of time in which the county department determines they are homeless twelve months.~~ 101647  
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**Sec. 5104.53.** (A) As used in this section: 101651

(1) "IEP" has the same meaning as in section 3323.01 of 101652



the Revised Code. 101653

(2) "Resource caregiver" has the same meaning as in 101654  
section 5103.02 of the Revised Code. 101655

(B) The early childhood education grant program is created 101656  
in the department of children and youth. Subject to available 101657  
funds, the program shall support and invest in early learning 101658  
and development programs operating in this state by awarding 101659  
grants to programs that meet the conditions of this section in 101660  
an amount that corresponds to the number of eligible children 101661  
served by the programs. 101662

(C) To be eligible for a grant under this section, an 101663  
early learning and development program shall meet each of the 101664  
following conditions: 101665

(1) The program is rated through the step up to quality 101666  
program established under section 5104.29 of the Revised Code at 101667  
the tiered rating specified by the department in rules adopted 101668  
under this section. 101669

(2) The program provides early learning and development 101670  
services to one or more preschool-age children described in 101671  
division (D) of this section. 101672

(3) The program meets any other eligibility condition 101673  
specified by the department in rules adopted under this section. 101674

(D) A preschool-age child who meets all of the following 101675  
conditions, as determined by a county department of job and 101676  
family services, is eligible to participate in the early 101677  
childhood education grant program if a slot is available: 101678

(1) Either the amount of the child's family income does 101679  
not exceed two hundred per cent of the federal poverty line or 101680

<u>the child meets one of the following conditions:</u>	101681
<u>(a) An IEP has been developed for the child;</u>	101682
<u>(b) The child is placed with a resource caregiver as described in Chapter 5103. of the Revised Code, with such placement documented by either a family case plan or kinship permanency incentive payments;</u>	101683 101684 101685 101686
<u>(c) The child is homeless as described in division (V) of section 5104.01 of the Revised Code.</u>	101687 101688
<u>(2) The child is a citizen of the United States or a qualified alien.</u>	101689 101690
<u>(3) The child meets any other eligibility condition specified by the department in rules adopted under this section.</u>	101691 101692
<u>(E) Any funds appropriated to the department for purposes of the early childhood education grant program shall be used as follows:</u>	101693 101694 101695
<u>(1) In each fiscal year, not more than two per cent of appropriated funds shall be used for program support and technical assistance.</u>	101696 101697 101698
<u>(2) Appropriated funds other than those described in division (E) (1) of this section shall be distributed to grant recipients.</u>	101699 101700 101701
<u>(F) In accordance with Chapter 119. of the Revised Code, the director shall adopt rules to implement this section and administer the early childhood education grant program, including rules addressing all of the following topics:</u>	101702 101703 101704 101705
<u>(1) Eligibility conditions and other requirements for participation in the grant program by early learning and</u>	101706 101707

development programs, including the tiered rating at which a 101708  
program becomes eligible to participate; 101709

(2) Eligibility conditions for children participating in 101710  
the early childhood education grant program if a slot is 101711  
available; 101712

(3) Standards, procedures, and requirements to apply for 101713  
and distribute funds to participating early learning and 101714  
development programs; 101715

(4) In the event funds are distributed in error under the 101716  
program, methods by which the department may recover those 101717  
funds. 101718

**Sec. 5104.54.** (A) The child care cred program is created 101719  
in the department of children and youth, under which the costs 101720  
of child care are shared by participating employees, their 101721  
employers, and, subject to available funds, the department. The 101722  
distribution of the costs shall be as follows: employees are 101723  
responsible for forty per cent; employers are responsible for 101724  
forty per cent; and, subject to available funds, the department 101725  
is responsible for twenty per cent. The program has all of the 101726  
following goals: enabling employers to attract and retain 101727  
talent; assisting employees with child care costs; and 101728  
sustaining the businesses of child care providers. 101729

(B) To be eligible to participate in the program, all of 101730  
the following apply: 101731

(1) In the case of an employee, the maximum amount of the 101732  
family's income shall not exceed four hundred per cent of the 101733  
federal poverty line and the employee shall reside in this state 101734  
and have been selected for participation by the employee's 101735  
employer. 101736

(2) In the case of an employer, the employer shall be 101737  
located in this state and have selected one or more of its 101738  
employees to participate in the program. 101739

(3) In the case of a child care provider, the provider 101740  
shall either hold a license issued under this chapter or be 101741  
certified by a county department of job and family services 101742  
under section 5104.12 of the Revised Code. The department shall 101743  
not require participation in the step up to quality program in 101744  
order to be an eligible provider for this program. 101745

(C) Each employee and employer seeking to participate in 101746  
the program shall together submit an application to the 101747  
department in a manner prescribed by the department. The 101748  
department shall review each application as soon as practicable 101749  
after it is received and shall determine if the employee and 101750  
employer are both eligible to participate. 101751

(D) After an employee and employer are both determined 101752  
eligible and agree to participate in the program, all of the 101753  
following apply: 101754

(1) The employee, with the assistance of the department, 101755  
shall select a child care provider for the employee's child and 101756  
shall enroll the child with the provider. An employee may opt to 101757  
select the employee's existing child care provider so long as 101758  
that provider is licensed or certified as described in this 101759  
section. 101760

(2) In addition to the employer's share, the employer may 101761  
agree to contribute some or all of an employee's share of child 101762  
care costs. 101763

(3) As a condition of participation, the department may 101764  
require the employee, employer, and child care provider to each 101765

sign a memorandum of understanding with the department. 101766

(4) The department is responsible for coordinating and performing all administrative activities associated with the sharing of child care costs and making payments to child care providers. 101767  
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(E) An eligibility determination made under division (C) of this section remains valid as long as the employee, employer, and child care provider continue to satisfy the eligibility conditions described in division (B) of this section. 101771  
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(F) If the department finds that an employee or employer has committed fraud, misrepresentation, or deception in applying to participate, or in participating, in the program, the employee or employer is permanently ineligible to participate, or continue to participate, in the program. 101775  
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(G) (1) The department may adopt rules as necessary to implement this section. Any rules shall be adopted in accordance with Chapter 119. of the Revised Code. 101780  
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(2) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (G) (1) of this section is not subject to sections 121.95 to 121.953 of the Revised Code. 101783  
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**Sec. 5104.60.** The director of children and youth shall contract with a third-party entity to develop a registry information system to provide, on an ongoing basis, training and professional development opportunities to the employees of early learning and development programs that receive funding under the child care block grant act. The registry information system shall be known as the Ohio professional registry. 101787  
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In developing the registry information system, the third- 101794

party entity shall comply with requirements set forth in the 101795  
child care block grant act and 45 C.F.R. Part 98. 101796

**Sec. 5104.99.** (A) Whoever violates section 5104.02 of the 101797  
Revised Code shall be punished as follows: 101798

(1) For each offense, the offender shall be fined not less 101799  
than one hundred dollars nor more than five hundred dollars 101800  
multiplied by the number of children receiving child care at the 101801  
child care center or type A family child care home that either 101802  
exceeds the number of children to which a type B family ~~day-care~~ 101803  
child care home may provide child care or, if the offender is a 101804  
licensed type A family child care home that is operating as a 101805  
child care center without being licensed as a center, exceeds 101806  
the license capacity of the type A home. 101807

(2) In addition to the fine specified in division (A) (1) 101808  
of this section, all of the following apply: 101809

(a) Except as provided in divisions (A) (2) (b), (c), and 101810  
(d) of this section, the court shall order the offender to 101811  
reduce the number of children to which it provides child care to 101812  
a number that does not exceed either the number of children to 101813  
which a type B family child care home may provide child care or, 101814  
if the offender is a licensed type A family child care home that 101815  
is operating as a child care center without being licensed as a 101816  
center, the license capacity of the type A home. 101817

(b) If the offender previously has been convicted of or 101818  
pleaded guilty to one violation of section 5104.02 of the 101819  
Revised Code, the court shall order the offender to cease the 101820  
provision of child care to any person until it obtains a child 101821  
care center license or a type A family child care home license, 101822  
as appropriate, under section 5104.03 of the Revised Code. 101823

(c) If the offender previously has been convicted of or  
pleaded guilty to two violations of section 5104.02 of the  
Revised Code, the offender is guilty of a misdemeanor of the  
first degree, and the court shall order the offender to cease  
the provision of child care to any person until it obtains a  
child care center license or a type A family child care home  
license, as appropriate, under section 5104.03 of the Revised  
Code. The court shall impose the fine specified in division (A)  
(1) of this section and may impose an additional fine provided  
that the total amount of the fines so imposed does not exceed  
the maximum fine authorized for a misdemeanor of the first  
degree under section 2929.28 of the Revised Code.

(d) If the offender previously has been convicted of or  
pleaded guilty to three or more violations of section 5104.02 of  
the Revised Code, the offender is guilty of a felony of the  
fifth degree, and the court shall order the offender to cease  
the provision of child care to any person until it obtains a  
child care center license or a type A family child care home  
license, as appropriate, under section 5104.03 of the Revised  
Code. The court shall impose the fine specified in division (A)  
(1) of this section and may impose an additional fine provided  
that the total amount of the fines so imposed does not exceed  
the maximum fine authorized for a felony of the fifth degree  
under section 2929.18 of the Revised Code.

(B) Whoever violates section 5104.09 of the Revised Code  
is guilty of a misdemeanor of the third degree.

**Sec. 5117.07.** (A) On or before the first day of October,  
the director of development shall review all applications  
submitted under division (C) of section 5117.03 of the Revised  
Code and shall determine the eligibility of each applicant to

receive a credit or payment. The total income and current total  
income amounts set forth in division (A) of this section are  
subject to adjustment under section 5117.071 of the Revised  
Code.

(1) An applicant is eligible for a credit of thirty per  
cent if the applicant is a head of household, has a total income  
of five thousand dollars or less or a current total income of  
two thousand five hundred dollars or less, owns and occupies or  
rents and occupies a household receiving the source of energy  
for its primary heating system from an energy company and such  
energy is separately metered, and is either of the following:

(a) Sixty-five years of age or older;

(b) Permanently and totally disabled.

(2) An applicant is eligible for a credit of twenty-five  
per cent if the applicant is a head of household, has a total  
income of more than five thousand dollars but not more than nine  
thousand dollars or a current total income of more than two  
thousand five hundred dollars but not more than four thousand  
five hundred dollars, is sixty-five years of age or older or  
permanently and totally disabled, and owns and occupies or rents  
and occupies a household receiving the source of energy for its  
primary heating system from an energy company and such energy is  
separately metered.

(3) An applicant is eligible for a payment if either of  
the following applies to the applicant:

(a) The applicant would be eligible for the credit under  
division (A)(1) or (2) of this section but for the fact that the  
source of energy for the primary heating system of the  
applicant's household is not separately metered;



(b) The applicant is a head of household, has a total 101883  
income of no more than nine thousand dollars or a current total 101884  
income of no more than four thousand five hundred dollars, is 101885  
sixty-five years of age or older or permanently and totally 101886  
disabled, and owns and occupies or rents and occupies a 101887  
household receiving the source of energy for its primary heating 101888  
system from an energy dealer. 101889

(4) In the case of a multiple unit dwelling for which 101890  
separate metering for the source of energy for its primary 101891  
heating system is not provided, more than one applicant 101892  
occupying such dwelling may be determined eligible for a payment 101893  
under division (A) (3) (a) of this section. 101894

(B) Notwithstanding division (A) of this section: 101895

(1) No head of household who resides in public housing or 101896  
receives a rent subsidy from a government agency is eligible for 101897  
a credit or payment unless the person's rent subsidy does not 101898  
reflect the costs of that person's household receiving the 101899  
source of energy for its primary heating system; 101900

(2) A resident of a nursing home, hospital, or other 101901  
extended health care facility is not eligible for a credit or 101902  
payment for the costs of providing the source of energy for the 101903  
primary heating system of the facility. 101904

(C) The director shall establish a procedure whereby the 101905  
director ~~commissioner~~ can verify total income and current total 101906  
income for the calendar year in which an applicant is determined 101907  
eligible for a payment or credit. If a person receives a credit 101908  
or payment that the person is ineligible to receive under 101909  
division (A) of this section as determined by the director, that 101910  
person shall refund to the director the credit or payment, or 101911

excess portion of a credit or payment, that person received. The 101912  
sum refunded shall be deposited in the state treasury to the 101913  
credit of the ~~universal service~~ electric partnership plan fund 101914  
created in section 4928.51 of the Revised Code. 101915

(D) The director may request an additional certification 101916  
of permanent and total disability for any applicant claiming 101917  
such status on an application renewal form submitted under 101918  
section 5117.03 of the Revised Code. Such certification shall be 101919  
requested from the person or agency named on the form pursuant 101920  
to division (B) (1) of section 5117.03 of the Revised Code. If 101921  
such additional certification is refused due to a conclusion by 101922  
the person or agency that the applicant is not permanently and 101923  
totally disabled, the director shall determine the applicant 101924  
ineligible for any credit or payment. If such additional 101925  
certification is unavailable or refused for any other reason, 101926  
the director may determine the applicant to be eligible for a 101927  
credit or payment provided the director ~~commissioner~~ has good 101928  
cause to believe the applicant is permanently and totally 101929  
disabled. 101930

(E) On or before the first day of October, the director 101931  
shall notify each applicant of the disposition of the 101932  
applicant's application under divisions (A) and (B) of this 101933  
section. At the same time, the director ~~tax commissioner~~ shall 101934  
notify the applicant, regardless of whether the applicant's 101935  
application is approved or disapproved, that the applicant may 101936  
be eligible to participate in a state or federal weatherization 101937  
program and should contact the applicant's community action 101938  
agency for further information. If an application is 101939  
disapproved, the applicant may appeal to the director for a 101940  
hearing on the matter. A notice of disapproval shall include a 101941  
detailed explanation of the applicant's right of appeal under 101942

this chapter. Any such appeal shall be on an appeal form 101943  
prescribed by the director and shall be filed with the director 101944  
within twenty days of the receipt of the notice of disapproval. 101945

**Sec. 5119.01.** (A) As used in this chapter: 101946

(1) "Addiction" means the chronic and habitual use of 101947  
alcoholic beverages, the use of a drug of abuse as defined in 101948  
section 3719.011 of the Revised Code, or the use of gambling by 101949  
an individual to the extent that the individual no longer can 101950  
control the individual's use of alcohol, the individual becomes 101951  
physically or psychologically dependent on the drug, the 101952  
individual's use of alcohol or drugs endangers the health, 101953  
safety, or welfare of the individual or others, or the 101954  
individual's gambling causes psychological, financial, 101955  
emotional, marital, legal, or other difficulties endangering the 101956  
health, safety, or welfare of the individual or others. 101957

(2) "Addiction services" means services, including 101958  
intervention, for the treatment of persons with alcohol, drug, 101959  
or gambling addictions, and for the prevention of such 101960  
addictions. 101961

(3) "Alcohol and drug addiction services" means services, 101962  
including intervention, for the treatment of persons with 101963  
alcohol use disorder or persons who abuse drugs of abuse and for 101964  
the prevention of alcohol use disorder and drug addiction. 101965

(4) "Alcohol use disorder" means a medical condition 101966  
characterized by an individual's impaired ability to stop or 101967  
control the individual's alcohol use despite adverse social, 101968  
occupational, or health consequences. An alcohol use disorder 101969  
may be classified as mild, moderate, or severe. 101970

(5) "Certifiable services and supports" means all of the 101971

following:	101972
(a) Alcohol and drug addiction services;	101973
(b) Mental health services;	101974
(c) The types of recovery supports that are specified in rules adopted under section 5119.36 of the Revised Code as requiring certification under that section.	101975 101976 101977
(6) "Community addiction services provider" means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following:	101978 101979 101980 101981
(a) Alcohol and drug addiction services that are certified by the director of <del>mental-behavioral health and addiction services</del> under section 5119.36 of the Revised Code;	101982 101983 101984
(b) Gambling addiction services;	101985
(c) Recovery supports that are related to alcohol and drug addiction services or gambling addiction services and paid for with federal, state, or local funds administered by the department of <del>mental-behavioral health and addiction services</del> or a board of alcohol, drug addiction, and mental health services.	101986 101987 101988 101989 101990
(7) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides either of the following:	101991 101992 101993
(a) Mental health services that are certified by the director of <del>mental-behavioral health and addiction services</del> under section 5119.36 of the Revised Code;	101994 101995 101996
(b) Recovery supports that are related to mental health services and paid for with federal, state, or local funds	101997 101998

administered by the department of ~~mental-behavioral health and~~ 101999  
~~addiction services~~ or a board of alcohol, drug addiction, and 102000  
mental health services. 102001

(8) "Drug addiction" means the use of a drug of abuse, as 102002  
defined in section 3719.011 of the Revised Code, by an 102003  
individual to the extent that the individual becomes physically 102004  
or psychologically dependent on the drug or endangers the 102005  
health, safety, or welfare of the individual or others. 102006

(9) "Gambling addiction" means the use of gambling by an 102007  
individual to the extent that it causes psychological, 102008  
financial, emotional, marital, legal, or other difficulties 102009  
endangering the health, safety, or welfare of the individual or 102010  
others. 102011

(10) "Gambling addiction services" means services for the 102012  
treatment of persons who have a gambling addiction and for the 102013  
prevention of gambling addiction. 102014

(11) "Hospital" means a hospital or inpatient unit 102015  
licensed by the department of ~~mental-behavioral health and~~ 102016  
~~addiction services~~ under section 5119.33 of the Revised Code, 102017  
and any institution, hospital, or other place established, 102018  
controlled, or supervised by the department under this chapter. 102019

(12) "Included opioid and co-occurring drug addiction 102020  
services and recovery supports" means the addiction services and 102021  
recovery supports that, pursuant to section 340.033 of the 102022  
Revised Code, are included in the array of services and recovery 102023  
supports for all levels of opioid and co-occurring drug 102024  
addiction required to be included in the community-based 102025  
continuum of care established under section 340.032 of the 102026  
Revised Code. 102027

- (13) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code. 102028  
102029
- (14) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life. 102030  
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- (15) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental illness and for the prevention of mental illness. 102034  
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- (16) "Opioid treatment program" has the same meaning as in 42 C.F.R. 8.2. 102037  
102038
- (17) "Recovery housing residence" means a residence for individuals recovering from alcohol use disorder or drug addiction that provides an alcohol-free and drug-free living environment, peer support, assistance with obtaining alcohol and drug addiction services, and other recovery assistance for alcohol use disorder and drug addiction. 102039  
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- (18) "Recovery supports" means assistance that is intended to help an individual with alcohol use disorder, drug addiction, or mental illness, or a member of such an individual's family, initiate and sustain the individual's recovery from alcohol use disorder, drug addiction, or mental illness. "Recovery supports" does not mean alcohol and drug addiction services or mental health services. 102045  
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- (19) (a) "Residence," except when referring to a recovery housing residence or the meaning of "residence" in section 5119.90 of the Revised Code, means a person's physical presence in a county with intent to remain there, except in either of the following circumstances: 102052  
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(i) If a person is receiving a mental health treatment service at a facility that includes nighttime sleeping accommodations, "residence" means that county in which the person maintained the person's primary place of residence at the time the person entered the facility;

(ii) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, "residence" means the county where the criminal charges were filed.

(b) When the residence of a person is disputed, the matter of residence shall be referred to the department of ~~mental behavioral health and addiction services~~ for investigation and determination. Residence shall not be a basis for a board of alcohol, drug addiction, and mental health services to deny services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.

(B) Any reference in this chapter to a board of alcohol, drug addiction, and mental health services also refers to an alcohol and drug addiction services board or a community mental health board in a service district in which an alcohol and drug addiction services board or a community mental health board has been established under section 340.021 or former section 340.02 of the Revised Code.

**Sec. 5119.011.** (A) Whenever the term ~~"department of mental health," the term "Ohio department of mental health," the term "department of alcohol and drug addiction services," or the term "Ohio department of alcohol and drug addiction services"~~ "department of mental health and addiction services" is used,

referred to, or designated in any statute, rule, contract, 102087  
grant, or other document, the use, reference, or designation 102088  
shall be construed to mean the department of ~~mental~~ behavioral 102089  
~~health and addiction services~~. 102090

(B) Whenever the term "~~director of mental health~~" or the 102091  
~~term "director of alcohol and drug addiction services"~~ "director 102092  
of mental health and addiction services" is used, referred to, 102093  
or designated in any statute, rule, contract, grant, or other 102094  
document, the use, reference, or designation shall be construed 102095  
to mean the director of ~~mental~~ behavioral ~~health and addiction~~ 102096  
~~services~~. 102097

**Sec. 5119.04.** The department of ~~mental~~ behavioral health 102098  
~~and addiction services~~ and any institutions under its 102099  
supervision or jurisdiction shall, where applicable, be in 102100  
substantial compliance with standards set forth for psychiatric 102101  
facilities by the joint commission or medical assistance 102102  
standards under Title XIX of the "Social Security Act," 49 Stat. 102103  
620 (1935), 42 U.S.C. 301, as amended, or other applicable 102104  
standards. 102105

The requirements of this section are in addition to any 102106  
other requirements established by the Revised Code and nothing 102107  
in this section shall be construed to limit any rights, 102108  
privileges, protections, or immunities which may exist under the 102109  
constitution and laws of the United States or this state. 102110

**Sec. 5119.05.** Subject to the rules of the director of 102111  
~~mental~~ behavioral ~~health and addiction services~~, each 102112  
institution under the jurisdiction of the department shall be 102113  
under the management and control of a managing officer to be 102114  
known as a chief executive officer or by another appropriate 102115  
title. Such managing officer shall be appointed by the director 102116



of ~~mental behavioral health and addiction services~~, and shall be 102117  
in the unclassified service and serve at the pleasure of the 102118  
director. Each managing officer shall be of good moral character 102119  
and have skill, ability, and experience in the managing 102120  
officer's profession. 102121

The managing officer, under the director, shall serve as 102122  
the appointing authority of the institution to which such 102123  
managing officer is appointed. Subject to civil service rules, 102124  
the managing officer shall have the power to appoint and remove 102125  
employees of the institution. On behalf of the institution, the 102126  
managing officer has the authority and responsibility for 102127  
entering into contracts and other agreements for the efficient 102128  
operations of the institution. 102129

**Sec. 5119.051.** The department of ~~mental behavioral health~~ 102130  
~~and addiction services~~ shall keep in its office a proper and 102131  
complete set of books and accounts with each institution, which 102132  
shall clearly show the nature and amount of every expenditure 102133  
authorized and made at such institution, and which shall contain 102134  
an account of all appropriations made by the general assembly 102135  
and of all other funds, together with the disposition of such 102136  
funds. 102137

The department shall prescribe the form of vouchers, 102138  
records, and methods of keeping accounts at each of the 102139  
institutions, which shall be as nearly uniform as possible. The 102140  
department may examine the records of each institution at any 102141  
time. 102142

The department may authorize any of its bookkeepers, 102143  
accountants, or employees to examine and check the records, 102144  
accounts, and vouchers or take an inventory of the property of 102145  
any institution, or do whatever is necessary, and pay the actual 102146

and reasonable expenses incurred in such service when an 102147  
itemized account is filed and approved. 102148

**Sec. 5119.06.** The department of ~~mental~~behavioral health 102149  
~~and addiction services~~ shall keep in its office, accessible only 102150  
to its employees, except by the consent of the department or the 102151  
order of the judge of a court of record, a record showing the 102152  
name, residence, sex, age, nativity, occupation, condition, and 102153  
date of entrance or commitment of every patient in the 102154  
institutions governed by it, the date, cause, and terms of 102155  
discharge and the condition of such person at the time of 102156  
leaving, and also a record of all transfers from one institution 102157  
to another, and, if such person dies while in the care or 102158  
custody of the department, the date and cause of death. These 102159  
and such other facts as the department requires shall be 102160  
furnished by the managing officer of each institution within 102161  
twenty-four hours after the commitment, entrance, death, or 102162  
discharge of a patient. 102163

In case of an accident or injury or peculiar death of a 102164  
patient the managing officer shall make a special report to the 102165  
department within twenty-four hours thereafter, giving the 102166  
circumstances as fully as possible. 102167

**Sec. 5119.07.** A person, firm, or corporation may file a 102168  
petition in the court of common pleas of the county in which a 102169  
benevolent institution of the department of ~~mental~~behavioral 102170  
~~health and addiction services~~ is located, in which petition the 102171  
desire to erect or carry on at a less distance than that 102172  
prescribed in section 3767.19 of the Revised Code shall be set 102173  
forth, the business prohibited, the precise point of its 102174  
establishment, and the reasons and circumstances, in its 102175  
opinion, why the erection or carrying on of the business would 102176

not annoy or endanger the health, convenience, or recovery of 102177  
the patients of such institution. The petitioner shall give 102178  
notice in a newspaper of general circulation in the county of 102179  
the pendency and prayer of the petition for at least six 102180  
consecutive weeks before the day set for hearing the petition 102181  
and serve a written notice upon the managing officer of the 102182  
institution at least thirty days before the day set for hearing 102183  
the petition. 102184

If, upon the hearing of the petition, it appears that the 102185  
notice has been given as required and the court is of the 102186  
opinion that no good reason exists why such establishment may 102187  
not be erected or such business carried on and that by the 102188  
erection or carrying on of the business at the point named, the 102189  
institution will sustain no detriment, the court may issue an 102190  
order granting the prayer of the petitioner. Thereafter the 102191  
petitioner may locate such establishment or carry on such 102192  
business at the point named in the petition. 102193

**Sec. 5119.08.** (A) As used in this section, "felony" has 102194  
the same meaning as in section 109.511 of the Revised Code. 102195

(B) (1) Subject to division (C) of this section, upon the 102196  
recommendation of the director of ~~mental-behavioral health-and-~~ 102197  
~~addiction services~~, the managing officer of an institution under 102198  
the jurisdiction of the department of ~~mental-behavioral health~~ 102199  
~~and addiction services~~ may designate one or more employees to be 102200  
special police officers of the department. The special police 102201  
officers shall take an oath of office, wear the badge of office, 102202  
and give bond for the proper and faithful discharge of their 102203  
duties in an amount that the director requires. 102204

(2) In accordance with section 109.77 of the Revised Code, 102205  
the special police officers shall be required to complete 102206

successfully a peace officer basic training program approved by 102207  
the Ohio peace officer training commission and to be certified 102208  
by the commission. The cost of the training shall be paid by the 102209  
department of ~~mental-behavioral health and addiction services~~. 102210

(3) Special police officers, on the premises of 102211  
institutions under the jurisdiction of the department of ~~mental-~~ 102212  
~~behavioral health and addiction services~~ and subject to the 102213  
rules of the department, shall protect the property of the 102214  
institutions and the persons and property of patients in the 102215  
institutions, suppress riots, disturbances, and breaches of the 102216  
peace, and enforce the laws of the state and the rules of the 102217  
department for the preservation of good order. They may arrest 102218  
any person without a warrant and detain the person until a 102219  
warrant can be obtained under the circumstances described in 102220  
division (F) of section 2935.03 of the Revised Code. 102221

(C) (1) The managing officer of an institution under the 102222  
jurisdiction of the department of ~~mental-behavioral health and-~~ 102223  
~~addiction services~~ shall not designate an employee as a special 102224  
police officer of the department pursuant to division (B) (1) of 102225  
this section on a permanent basis, on a temporary basis, for a 102226  
probationary term, or on other than a permanent basis if the 102227  
employee previously has been convicted of or has pleaded guilty 102228  
to a felony. 102229

(2) (a) The managing officer of an institution under the 102230  
jurisdiction of the department of ~~mental-behavioral health and-~~ 102231  
~~addiction services~~ shall terminate the employment as a special 102232  
police officer of the department of an employee designated as a 102233  
special police officer under division (B) (1) of this section if 102234  
that employee does either of the following: 102235

(i) Pleads guilty to a felony; 102236

(ii) Pleads guilty to a misdemeanor pursuant to a 102237  
negotiated plea agreement as provided in division (D) of section 102238  
2929.43 of the Revised Code in which the employee agrees to 102239  
surrender the certificate awarded to that employee under section 102240  
109.77 of the Revised Code. 102241

(b) The managing officer shall suspend from employment as 102242  
a special police officer of the department an employee 102243  
designated as a special police officer under division (B) (1) of 102244  
this section if that employee is convicted, after trial, of a 102245  
felony. If the special police officer files an appeal from that 102246  
conviction and the conviction is upheld by the highest court to 102247  
which the appeal is taken or if the special police officer does 102248  
not file a timely appeal, the managing officer shall terminate 102249  
the employment of that special police officer. If the special 102250  
police officer files an appeal that results in that special 102251  
police officer's acquittal of the felony or conviction of a 102252  
misdemeanor, or in the dismissal of the felony charge against 102253  
that special police officer, the managing officer shall 102254  
reinstate that special police officer. A special police officer 102255  
of the department who is reinstated under division (C) (2) (b) of 102256  
this section shall not receive any back pay unless that special 102257  
police officer's conviction of the felony was reversed on 102258  
appeal, or the felony charge was dismissed, because the court 102259  
found insufficient evidence to convict the special police 102260  
officer of the felony. 102261

(3) Division (C) of this section does not apply regarding 102262  
an offense that was committed prior to January 1, 1997. 102263

(4) The suspension from employment, or the termination of 102264  
the employment, of a special police officer under division (C) 102265  
(2) of this section shall be in accordance with applicable 102266

collective bargaining agreements. 102267

**Sec. 5119.091.** The attorney general shall attend to all 102268  
claims instituted on behalf of or against the department of 102269  
~~mental behavioral health and addiction services~~ or any 102270  
institution under the jurisdiction of the department and the 102271  
managing officer thereof, except such institutions as are 102272  
privately owned or operated under a license from the department 102273  
of ~~mental behavioral health and addiction services~~, and shall 102274  
represent the public hospital in proceedings under section 102275  
5122.15 of the Revised Code. The department of ~~mental behavioral~~ 102276  
~~health and addiction services~~ shall reimburse the attorney 102277  
general for the compensation of assistant attorneys general 102278  
required to represent the public hospital in proceedings under 102279  
section 5122.15 of the Revised ~~code~~Code and shall also pay the 102280  
costs of litigation incurred by the attorney general under that 102281  
section. 102282

If a writ of habeas corpus is applied for, the clerk of 102283  
the court shall give notice of the time and place of hearing to 102284  
the attorney general. 102285

**Sec. 5119.10.** (A) The director of ~~mental behavioral health~~ 102286  
~~and addiction services~~ is the chief executive and appointing 102287  
authority of the department of ~~mental behavioral health and~~ 102288  
~~addiction services~~. The director may organize the department for 102289  
its efficient operation, including creating divisions or offices 102290  
as necessary. The director may establish procedures for the 102291  
governance of the department, conduct of its employees and 102292  
officers, performance of its business, and custody, use, and 102293  
preservation of departmental records, papers, books, documents, 102294  
and property. Whenever the Revised Code imposes a duty upon or 102295  
requires an action of the department or any of its institutions, 102296

the director or the director's designee shall perform the action 102297  
or duty in the name of the department, except that the medical 102298  
director appointed pursuant to section 5119.11 of the Revised 102299  
Code shall be responsible for decisions relating to medical 102300  
diagnosis, treatment, rehabilitation, quality assurance, and the 102301  
clinical aspects of the following: licensure of hospitals and 102302  
residential facilities, research, community addiction and mental 102303  
health plans, and certification and delivery of addiction 102304  
services and mental health services. 102305

(B) The director shall: 102306

(1) Adopt rules for the proper execution of the powers and 102307  
duties of the department with respect to the institutions under 102308  
its control, and require the performance of additional duties by 102309  
the officers of the institutions as necessary to fully meet the 102310  
requirements, intents, and purposes of this chapter. In case of 102311  
an apparent conflict between the powers conferred upon any 102312  
managing officer and those conferred by such sections upon the 102313  
department, the presumption shall be conclusive in favor of the 102314  
department. 102315

(2) Adopt rules for the nonpartisan management of the 102316  
institutions under the department's control. An officer or 102317  
employee of the department or any officer or employee of any 102318  
institution under its control who, by solicitation or otherwise, 102319  
exerts influence directly or indirectly to induce any other 102320  
officer or employee of the department or any of its institutions 102321  
to adopt the exerting officer's or employee's political views or 102322  
to favor any particular person, issue, or candidate for office 102323  
shall be removed from the exerting officer's or employee's 102324  
office or position, by the department in case of an officer or 102325  
employee, and by the governor in case of the director. 102326

- (3) Appoint such employees, including the medical director, as are necessary for the efficient conduct of the department, and prescribe their titles and duties; 102327  
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102329
- (4) Prescribe the forms of affidavits, applications, medical certificates, orders of hospitalization and release, and all other forms, reports, and records that are required in the hospitalization or admission and release of all persons to the institutions under the control of the department, or are otherwise required under this chapter or Chapter 5122. of the Revised Code; 102330  
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102336
- (5) Exercise the powers and perform the duties relating to addiction and mental health facilities, addiction services, mental health services, 9-8-8 suicide and crisis response, and recovery supports that are assigned to the director under this chapter and Chapter 340. of the Revised Code; 102337  
102338  
102339  
102340  
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- (6) Develop and implement clinical evaluation and monitoring of services that are operated by the department; 102342  
102343
- (7) Adopt rules establishing standards for the performance of evaluations by a forensic center or other psychiatric program or facility of the mental condition of defendants ordered by the court under section 2919.271, or 2945.371 of the Revised Code, and for the treatment of defendants who have been found incompetent to stand trial and ordered by the court under section 2945.38, 2945.39, 2945.401, or 2945.402 of the Revised Code to receive treatment in facilities; 102344  
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- (8) On behalf of the department, have the authority and responsibility for entering into contracts and other agreements with providers, agencies, institutions, and other entities, both public and private, as necessary for the department to carry out 102352  
102353  
102354  
102355



its duties under this chapter and Chapters 340., 2919., 2945., 102356  
and 5122. of the Revised Code. Chapter 125. of the Revised Code 102357  
does not apply to contracts the director enters into under this 102358  
section for addiction services, mental health services, or 102359  
recovery supports provided to individuals who have an addiction 102360  
or mental illness by providers, agencies, institutions, and 102361  
other entities not owned or operated by the department. 102362

(9) Adopt rules in accordance with Chapter 119. of the 102363  
Revised Code specifying the supplemental services that may be 102364  
provided through a trust authorized by section 5815.28 of the 102365  
Revised Code; 102366

(10) Adopt rules in accordance with Chapter 119. of the 102367  
Revised Code establishing standards for the maintenance and 102368  
distribution to a beneficiary of assets of a trust authorized by 102369  
section 5815.28 of the Revised Code. 102370

(C) The director may contract with hospitals licensed by 102371  
the department under section 5119.33 of the Revised Code for the 102372  
care and treatment of patients with mental illnesses, or with 102373  
persons, organizations, or agencies for the custody, evaluation, 102374  
supervision, care, or treatment of persons with mental illnesses 102375  
receiving services elsewhere than within the enclosure of a 102376  
hospital operated under section 5119.14 of the Revised Code. 102377

**Sec. 5119.11.** (A) The director of ~~mental~~behavioral health 102378  
~~and addiction services~~ shall appoint a medical director who is 102379  
eligible or certified by the American board of psychiatry and 102380  
neurology or the American osteopathic board of neurology and 102381  
psychiatry, and has at least five years of clinical and two 102382  
years of administrative experience. The medical director shall 102383  
also have certification or substantial training and experience 102384  
in the field of addiction medicine or addiction psychiatry. The 102385

medical director shall be responsible for decisions relating to 102386  
medical diagnosis, treatment, prevention, rehabilitation, 102387  
quality assurance, and the clinical aspects of addiction 102388  
services and mental health services involving all of the 102389  
following: 102390

(1) Licensure of hospitals, residential facilities, and 102391  
outpatient facilities; 102392

(2) Research; 102393

(3) Community addiction and mental health plans; 102394

(4) Certification and delivery of addiction and mental 102395  
health services. 102396

(B) The medical director shall also exercise clinical 102397  
supervision of the chief clinical officers of hospitals and 102398  
institutions under the jurisdiction of the department and shall 102399  
review and approve decisions relating to the employment of the 102400  
chief clinical officers. The medical director or the medical 102401  
director's designee shall advise the director on matters 102402  
relating to licensure, research, the certification and delivery 102403  
of addiction services and mental health services, and community 102404  
addiction and mental health plans. The medical director shall 102405  
participate in the development of guidelines for community 102406  
addiction and mental health plans. The director of ~~mental-~~ 102407  
behavioral health and addiction services may establish other 102408  
duties of the medical director. 102409

**Sec. 5119.14.** (A) The department of ~~mental-behavioral~~ 102410  
health and ~~addiction services~~ shall maintain, operate, manage, 102411  
and govern state institutions and other services for the care 102412  
and treatment of persons with mental illnesses. 102413

(B) (1) The department of ~~mental-~~behavioral health and 102414

~~addiction services~~ may, with the approval of the governor, 102415  
designate the name and purpose of any institutions under its 102416  
jurisdiction and may change, with the approval of the governor, 102417  
the designation and name when necessary. 102418

(2) The department shall divide the state into districts 102419  
for the purpose of designating the institution in which persons 102420  
with mental illnesses are hospitalized and may change the 102421  
districts. 102422

~~(3)~~ (C) Subject to section 5139.08 and pursuant to Chapter 102423  
5122. of the Revised Code and on the agreement of the 102424  
~~departments~~ department of mental behavioral health and addiction 102425  
~~services~~ and department of youth services, the department of 102426  
~~mental behavioral health and addiction services~~ may receive from 102427  
the department of youth services for psychiatric observation, 102428  
diagnosis, or treatment any person eighteen years of age or 102429  
older in the custody of the department of youth services. The 102430  
departments may enter into a written agreement specifying the 102431  
procedures necessary to implement this division. 102432

~~(C)~~ (D) The department of ~~mental behavioral health and~~ 102433  
~~addiction services~~ shall designate hospitals, facilities, and 102434  
community mental health services providers for the custody, 102435  
care, and special treatment of, and authorize payment for such 102436  
custody, care, and special treatment provided to, persons who 102437  
are charged with a crime and who are found incompetent to stand 102438  
trial or not guilty by reason of insanity. 102439

~~(D)~~ (E) The department of ~~mental behavioral health and~~ 102440  
~~addiction services~~ may do any of the following: 102441

(1) Require reports from the managing officer of any 102442  
institution under the department's jurisdiction, relating to the 102443

admission, examination, comprehensive evaluation, diagnosis, 102444  
release, or discharge of any patient; 102445

(2) Visit each institution regularly to review its 102446  
operations and to investigate complaints made by any patient or 102447  
by any person on behalf of a patient, provided these duties may 102448  
be performed by a person designated by the director. 102449

~~(E)~~(F) The department of ~~mental behavioral health and~~ 102450  
~~addiction services~~ may provide or contract to provide addiction 102451  
services for offenders incarcerated in the state prison system. 102452

~~(F)~~(G) In addition to the powers expressly conferred on 102453  
the department of behavioral health, the department of ~~mental~~ 102454  
~~health and addiction services~~ shall have all other powers and 102455  
authority necessary for the full and efficient exercise of the 102456  
executive, administrative, and fiscal supervision over the state 102457  
institutions described in this section. 102458

**Sec. 5119.141.** ~~The~~ In addition to the powers and duties 102459  
expressly conferred on the department of behavioral health, the 102460  
~~department of mental health and addiction services has all the~~ 102461  
~~authority~~ may take any other action it considers necessary to 102462  
carry out its powers and duties under the purposes of this 102463  
chapter and Chapters 340., 2919., 2945., and 5122. of the 102464  
Revised Code, ~~including~~. Actions authorized by this section 102465  
include the authority to adopt rules pursuant to Chapter 119. of 102466  
the Revised Code that may be necessary to carry out the purposes 102467  
of this chapter and Chapters 340., 2919., 2945., and 5122. of 102468  
the Revised Code. 102469

**Sec. 5119.15.** The department of ~~mental behavioral health~~ 102470  
~~and addiction services~~ may make such investigations as are 102471  
necessary in the performance of its duties and to that end the 102472

director of ~~mental-behavioral health and addiction services~~ 102473  
shall have the same power as a judge of a county court to 102474  
administer oaths and to enforce the attendance and testimony of 102475  
witnesses and the production of books or papers. 102476

The department shall keep a record of such investigations 102477  
stating the time, place, charges or subject, witnesses summoned 102478  
and examined, and its conclusions. 102479

In matters involving the conduct of an officer, a 102480  
stenographic report of the evidence shall be taken and a copy of 102481  
such report, with all documents introduced, kept on file at the 102482  
office of the department. 102483

The fees of witnesses for attendance and travel shall be 102484  
the same as in the court of common pleas, but no officer or 102485  
employee of the institution under investigation is entitled to 102486  
such fees. 102487

Any judge of the probate court or of the court of common 102488  
pleas, upon application of the department, may compel the 102489  
attendance of witnesses, the production of books or papers, and 102490  
the giving of testimony before the department, by a judgment for 102491  
contempt or otherwise, in the same manner as in cases before 102492  
such courts. 102493

The department of ~~mental-behavioral health and addiction~~ 102494  
~~services~~ may appoint and commission any competent agency or 102495  
person, to serve without compensation, as a special agent, 102496  
investigator, or representative to perform a designated duty for 102497  
the department. Specific credentials shall be given by the 102498  
department to each person so designated. Each credential shall 102499  
state the: 102500

(A) Name of the agent, investigator, or representative; 102501

- (B) Agency with which such person is connected; 102502
- (C) Purpose of appointment; 102503
- (D) Date of expiration of appointment; 102504
- (E) Such information as the department considers proper. 102505

**Sec. 5119.161.** The department of ~~mental~~behavioral health-  
~~and addiction services~~, in conjunction with the department of 102506  
job and family services, shall develop a joint state plan to 102507  
improve the accessibility and timeliness of alcohol and drug 102508  
addiction services for individuals identified by a public 102509  
children services agency as in need of those services. The plan 102510  
shall address the fact that Ohio works first participants may be 102511  
among the persons receiving services under section 340.15 of the 102512  
Revised Code and shall require the department of job and family 102513  
services to seek federal funds available under Title IV-A of the 102514  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 102515  
amended, for the provision of the services to Ohio works first 102516  
participants who are receiving services under section 340.15 of 102517  
the Revised Code. 102518  
102519

The departments shall review and amend the plan as 102520  
necessary. 102521

**Sec. 5119.17.** (A) The department of ~~mental~~behavioral 102522  
~~health and addiction services~~, in accordance with division (B) 102523  
of this section, shall give priority to developing, and promptly 102524  
shall develop, with available public and private resources a 102525  
program that does all of the following: 102526

- (1) Provides a manner of identifying the aggregate number 102527  
of pregnant women in this state who are addicted to a drug of 102528  
abuse; 102529

(2) Provides for an effective means of intervention to eliminate the addiction of pregnant women to drugs of abuse prior to the birth of their children;

(3) Gives priority to the treatment of pregnant women addicted to drugs of abuse, including by requiring community addiction services providers that receive public funds to give priority to pregnant women referred for treatment;

(4) Provides for the continued monitoring of women who were addicted to a drug of abuse during their pregnancies, after the birth of their children, and for the availability of treatment and rehabilitation for those women;

(5) Provides a manner of determining the aggregate number of children who are born in this state to women who are addicted, at the time of birth, to a drug of abuse, and of children who are born in this state with an addiction to or a dependency on a drug of abuse;

(6) Provides for the continued monitoring of children who are born in this state to women who are addicted, at the time of birth, to a drug of abuse, or who are born in this state with an addiction to or dependency on a drug of abuse, after their birth;

(7) Provides for the treatment and rehabilitation of any child who is born to a woman who is addicted, at the time of birth, to a drug of abuse, and of any child who is born with an addiction to or dependency on a drug of abuse.

(B) In developing the program described in division (A) of this section, the department may obtain information from the department of health and the department of job and family services, and those departments shall cooperate with the

department of ~~mental-behavioral health and addiction services~~ in 102559  
its development and implementation of the program. 102560

(C) Immediately upon its development of the program 102561  
described in division (A) of this section, the department shall 102562  
implement the program. 102563

(D) Any record or information that is obtained or 102564  
maintained by the department in connection with the program 102565  
described in division (A) of this section and could enable the 102566  
identification of any woman or child described in division (A) 102567  
(1) or (5) of this section is not a public record subject to 102568  
inspection or copying under section 149.43 of the Revised Code. 102569

(E) A community addiction services provider that receives 102570  
public funds shall not refuse to treat a person solely because 102571  
the person is pregnant if appropriate treatment is offered by 102572  
the provider. 102573

**Sec. 5119.18.** An appointing authority may appoint a person 102574  
who holds a certified or permanent position in the classified 102575  
service within the department of ~~mental-behavioral health and~~ 102576  
~~addiction services~~ to a position in the unclassified service 102577  
within the department. A person appointed pursuant to this 102578  
section to a position in the unclassified service shall retain 102579  
the right to resume the position and status held by the person 102580  
in the classified service immediately prior to the person's 102581  
appointment to the position in the unclassified service, 102582  
pursuant to division (D) of section 124.11 of the Revised Code. 102583

A person who holds a position in the classified service 102584  
and who is appointed to a position in the unclassified service 102585  
on or after January 1, 2016, shall have the right to resume a 102586  
position in the classified service under this section only 102587



within five years after the effective date of the person's 102588  
appointment in the unclassified service. 102589

**Sec. 5119.181.** (A) No appointing officer shall appoint a 102590  
person to fill a position in either the classified or 102591  
unclassified service of the department of ~~mental-behavioral~~ 102592  
~~health and addiction services~~ if the person has been convicted 102593  
of or pleaded guilty to a violation of the following: 102594

(1) Any felony contained in the Revised Code, if the 102595  
felony bears a direct and substantial relationship to the 102596  
position being filled; 102597

(2) Any crime contained in the Revised Code constituting a 102598  
misdemeanor of the first degree on the first offense and a 102599  
felony on subsequent offenses, if the crime bears a direct and 102600  
substantial relationship to the position being filled; 102601

(3) An existing or former law of this state, any other 102602  
state, or the United States, if the law violated is 102603  
substantially equivalent to any of the offenses described in 102604  
division (A) (1) or (2) of this section. 102605

(B) The director of ~~mental-behavioral health and addiction~~ 102606  
~~services~~ shall adopt rules, in accordance with Chapter 119. of 102607  
the Revised Code, to implement this section. 102608

(C) The director or an appointing officer shall request 102609  
the bureau of criminal identification and investigation created 102610  
by section 109.51 of the Revised Code or, at the director's or 102611  
appointing officer's discretion, any other state or federal 102612  
agency, to supply the director or appointing officer with a 102613  
written report regarding the criminal records of any applicant. 102614  
For each investigation undertaken at the department's request 102615  
under this section, the department shall pay a reasonable fee to 102616

the bureau or other state or federal agency conducting the 102617  
investigation. The amount of the fee shall be determined by the 102618  
bureau or other state or federal agency conducting the 102619  
investigation and shall be sufficient to cover the costs of 102620  
conducting the investigation. The report made by the bureau or 102621  
other state or federal agency is not a public record for 102622  
purposes of section 149.43 of the Revised Code and shall not be 102623  
made available to any person, except the applicant, the 102624  
director, the appointing officer or the appointing officer's 102625  
designees, or any hearing officer involved in a case denying 102626  
employment. 102627

(D) As used in this section, "applicant" means a person 102628  
who is under final consideration for appointment to a position 102629  
in the classified or unclassified service of the department of 102630  
~~mental behavioral health and addiction services.~~ 102631

**Sec. 5119.182.** The department of ~~mental behavioral health~~ 102632  
~~and addiction services~~ may require any of its employees and each 102633  
officer and employee of every institution under its control who 102634  
may be charged with custody or control of any money or property 102635  
belonging to the state or who is required to give bond, to give 102636  
a surety company bond, properly conditioned, in a sum to be 102637  
fixed by the department which when approved by the department, 102638  
shall be filed in the office of the secretary of state. The cost 102639  
of such bonds, when approved by the department, shall be paid 102640  
from funds available for the department. The bonds required or 102641  
authorized by this section may, in the discretion of the 102642  
director of ~~mental behavioral health and addiction services,~~ be 102643  
individual, schedule, or blanket bonds. 102644

**Sec. 5119.184.** The department of ~~mental behavioral health~~ 102645  
~~and addiction services~~ may provide educational grants or tuition 102646

reimbursements to upgrade the education, training, and 102647  
professional achievement of its employees, whenever it 102648  
determines that provision of such grants or reimbursements is 102649  
essential to the achievement of its goals. The department may 102650  
enter into agreements with its employees for the purposes of 102651  
this section. The agreements may require, as a condition of each 102652  
grant or reimbursement, that the employee continue employment 102653  
with the department or with another federal, state, or local 102654  
public agency designated by the department for a period of time 102655  
stated in the agreement. If an employee does not fulfill the 102656  
employment requirement stated in the agreement, the department 102657  
may take action to recover the amount of all educational grants 102658  
or tuition reimbursements paid to the employee under this 102659  
section, plus interest at the rate of ten per cent per year 102660  
calculated from the date of payment of each grant or 102661  
reimbursement. 102662

**Sec. 5119.185.** (A) As used in this section: 102663

(1) "Advanced practice registered nurse" has the same 102664  
meaning as in section 4723.01 of the Revised Code. 102665

(2) "Clinician" means any of the following: 102666

(a) An advanced practice registered nurse; 102667

(b) A physician; 102668

(c) A physician assistant. 102669

(3) "Physician" means an individual authorized under 102670  
Chapter 4731. of the Revised Code to practice medicine and 102671  
surgery or osteopathic medicine and surgery. 102672

(4) "Physician assistant" means an individual who holds a 102673  
current, valid license to practice as a physician assistant 102674

issued under Chapter 4730. of the Revised Code. 102675

(B) The department of ~~mental behavioral health and~~ 102676  
~~addiction services~~ may establish a clinician recruitment program 102677  
under which the department agrees to repay all or part of the 102678  
principal and interest of a government or other educational loan 102679  
incurred by a clinician who agrees to provide services to 102680  
inpatients and outpatients of institutions under the 102681  
department's administration. To be eligible to participate in 102682  
the program, a clinician must have attended the following: 102683

(1) In the case of a physician, a school that was, at the 102684  
time of attendance, a medical school or osteopathic medical 102685  
school in this country accredited by the ~~liason~~ liaison 102686  
committee on medical education or the American osteopathic 102687  
association, or a medical school or osteopathic medical school 102688  
located outside this country that was acknowledged by the world 102689  
health organization and verified by a member state of that 102690  
organization as operating within that state's jurisdiction; 102691

(2) In the case of a physician assistant, a school that 102692  
was, at the time of attendance, accredited by the accreditation 102693  
review commission on education for the physician assistant or a 102694  
regional or specialized and professional accrediting agency 102695  
recognized by the council for higher education accreditation; 102696

(3) In the case of an advanced practice registered nurse, 102697  
a school that was, at the time of attendance, accredited by a 102698  
national or regional accrediting organization. 102699

(C) The department shall enter into a contract with each 102700  
clinician it recruits under this section. Each contract shall 102701  
include at least the following terms: 102702

(1) The clinician agrees to provide a specified scope of 102703

health care services for a specified number of hours per week 102704  
and a specified number of years to patients of one or more 102705  
specified institutions administered by the department. 102706

(2) The department agrees to repay all or a specified 102707  
portion of the principal and interest of a government or other 102708  
educational loan taken by the clinician for the following 102709  
expenses if the clinician meets the service obligation agreed to 102710  
and the expenses were incurred while the clinician was enrolled 102711  
in, for up to a maximum of four years, a school that qualifies 102712  
the clinician to participate in the program: 102713

(a) Tuition; 102714

(b) Other educational expenses for specific purposes, 102715  
including fees, books, and laboratory expenses, in amounts 102716  
determined to be reasonable in accordance with rules adopted 102717  
under division (D) of this section; 102718

(c) Room and board, in an amount determined to be 102719  
reasonable in accordance with rules adopted under division (D) 102720  
of this section. 102721

(3) The clinician agrees to pay the department a specified 102722  
amount, which shall be not less than the amount already paid by 102723  
the department pursuant to its agreement, as damages if the 102724  
clinician fails to complete the service obligation agreed to or 102725  
fails to comply with other specified terms of the contract. The 102726  
contract may vary the amount of damages based on the portion of 102727  
the clinician's service obligation that remains uncompleted as 102728  
determined by the department. 102729

(4) Other terms agreed upon by the parties. 102730

(D) If the department elects to implement the clinician 102731  
recruitment program, it shall adopt rules in accordance with 102732

Chapter 119. of the Revised Code that establish all of the following:	102733
	102734
(1) Criteria for designating institutions for which clinicians will be recruited;	102735
	102736
(2) Criteria for selecting clinicians for participation in the program;	102737
	102738
(3) Criteria for determining the portion of a clinician's loan that the department will agree to repay;	102739
	102740
(4) Criteria for determining reasonable amounts of the expenses described in divisions (C) (2) (b) and (c) of this section;	102741
	102742
	102743
(5) Procedures for monitoring compliance by clinicians with the terms of their contracts;	102744
	102745
(6) Any other criteria or procedures necessary to implement the program.	102746
	102747
<b>Sec. 5119.186.</b> (A) The director of <del>mental-behavioral</del> health and <del>addiction services</del> or the managing officer of an institution of the department may enter into an agreement with boards of trustees or boards of directors of one or more institutions of higher education or hospitals licensed pursuant to section 5119.33 of the Revised Code to establish, manage, and conduct collaborative training efforts for students enrolled in courses of studies for occupations or professions that involve the care and treatment for persons receiving addiction or mental health services.	102748
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	102756
	102757
(B) Such collaborative training efforts may include but are not limited to programs in psychiatry, psychology, nursing, social work, counseling professions, and others considered	102758
	102759
	102760

appropriate by the director of ~~mental-behavioral health-and-~~ 102761  
~~addiction services~~. Any such program shall be approved or 102762  
accredited by its respective professional organization or state 102763  
board having jurisdiction over the profession. 102764

(1) The department shall require that the following be 102765  
provided for in agreements between the department and 102766  
institutions of higher education or hospitals licensed pursuant 102767  
to section 5119.33 of the Revised Code: 102768

(a) Establishment of inter-disciplinary committees to 102769  
advise persons responsible for training programs. Each committee 102770  
shall have representation drawn from the geographical community 102771  
the institution of higher education or hospital serves and shall 102772  
include representatives of agencies, boards, targeted 102773  
populations as determined by the department, racial and ethnic 102774  
minority groups, and publicly funded programs; 102775

(b) Funding procedures; 102776

(c) Specific outcomes and accomplishments that are 102777  
expected or required of a program under such agreement; 102778

(d) The types of services to be provided under such 102779  
agreement. 102780

(2) The department may require that the following be 102781  
provided for in agreements between the department and 102782  
institutions of higher education or hospitals licensed pursuant 102783  
to section 5119.33 of the Revised Code: 102784

(a) Special arrangements for individual residents or 102785  
trainees to encourage their employment in publicly funded 102786  
settings upon completion of their training; 102787

(b) Procedures for the selection of residents or trainees 102788

to promote the admission, retention, and graduation of women, 102789  
minorities, and disabled persons; 102790

(c) Cross-cultural training and other subjects considered 102791  
necessary to enhance training efforts and the care and treatment 102792  
of patients and clients; 102793

(d) Funding of faculty positions oriented toward meeting 102794  
the needs of publicly funded programs. 102795

Subject to appropriations by the general assembly, the 102796  
director of ~~mental-behavioral health and addiction services~~ has 102797  
final approval of the funding of these collaborative training 102798  
efforts. 102799

**Sec. 5119.187.** The courses of study for the instruction 102800  
and training of all persons in institutions under the control of 102801  
the department of ~~mental-behavioral health and addiction~~ 102802  
~~services~~ shall be subject to the approval of the superintendent 102803  
of public instruction. 102804

All teachers employed in institutions under the control of 102805  
the department of ~~mental-behavioral health and addiction~~ 102806  
~~services~~ shall possess such educator licenses or have such 102807  
qualifications and approval as the superintendent of public 102808  
instruction, after consulting with the officers in charge of the 102809  
institutions, prescribes for the various types of service in the 102810  
institutions. 102811

**Sec. 5119.188.** (A) As used in this section, "state 102812  
correctional institution" has the same meaning as in section 102813  
2967.01 of the Revised Code. 102814

(B) The department of ~~mental-behavioral health and~~ 102815  
~~addiction services~~ shall develop a program that is designed to 102816  
educate and train the employees of each state correctional 102817



institution, the employees of each department of youth services 102818  
institution, and other persons associated by contract or 102819  
otherwise with each state correctional institution or each 102820  
department of youth services institution, who will be 102821  
responsible for the conduct of, or otherwise providing treatment 102822  
or rehabilitation services pursuant to, a substance abuse 102823  
treatment or rehabilitation program offered in the institution 102824  
to adult prisoners or juvenile offenders. Upon the development 102825  
of the educational and training program, the department of 102826  
~~mental behavioral health and addiction services~~ promptly shall 102827  
commence its implementation. The department of ~~mental behavioral~~ 102828  
~~health and addiction services~~ may charge to the department of 102829  
rehabilitation and correction and to the department of youth 102830  
services a reasonable annual fee that reflects the expenses 102831  
incurred by it during the immediately preceding calendar year in 102832  
preparing and offering the educational and training program 102833  
during that year to the respective employees and other 102834  
associated persons described in this division. 102835

The director of rehabilitation and correction and the 102836  
director of youth services shall require the respective 102837  
employees and other associated persons described in this 102838  
division to attend and successfully complete the educational and 102839  
training program developed pursuant to this division as a 102840  
condition of their continuing to have responsibility for the 102841  
conduct of, or their continuing to provide treatment or 102842  
rehabilitation services pursuant to, any treatment or 102843  
rehabilitation program that is offered in a state correctional 102844  
institution or in a department of youth services institution to 102845  
adult prisoners or juvenile offenders. If the department of 102846  
~~mental behavioral health and addiction services~~ charges a 102847  
reasonable annual fee as described in this division, the 102848

director involved shall cause that fee to be paid from any 102849  
available funds of the department of rehabilitation and 102850  
correction or any available funds of the department of youth 102851  
services. 102852

(C) The department of rehabilitation and correction and 102853  
the department of ~~mental-behavioral health and addiction-~~ 102854  
~~services~~ jointly shall develop program specifications for the 102855  
alcohol and drug addiction treatment programs offered in state 102856  
correctional institutions. 102857

**Sec. 5119.19.** (A) As used in this section: 102858

(1) "Community-based correctional facility" has the same 102859  
meaning as in section 2929.01 of the Revised Code. 102860

(2) "Drug used in medication-assisted treatment" means a 102861  
drug approved by the United States food and drug administration 102862  
for use in medication-assisted treatment, regardless of the 102863  
method the drug is administered or the form in which it is 102864  
dispensed, including an oral drug, an injectable drug, or a 102865  
long-acting or extended-release drug. "Drug used in medication- 102866  
assisted treatment" includes all of the following: 102867

(a) A full agonist; 102868

(b) A partial agonist; 102869

(c) An antagonist. 102870

(3) "Drug used in withdrawal management or detoxification" 102871  
means a drug approved by the United States food and drug 102872  
administration for use in, or a drug in standard use for, 102873  
mitigating opioid or alcohol withdrawal symptoms or assisting 102874  
with detoxification, regardless of the method the drug is 102875  
administered or the form in which it is dispensed, including an 102876

oral drug, an injectable drug, or a long-acting or extended-  
release drug. "Drug used in withdrawal management or  
detoxification" includes all of the following:

(a) A full agonist;

(b) A partial agonist;

(c) An antagonist;

(d) An alpha-2 adrenergic agonist.

(4) "Medication-assisted treatment" has the same meaning  
as in section 340.01 of the Revised Code.

(5) "Prescribed drug" has the same meaning as in section  
5164.01 of the Revised Code.

(6) (a) "Psychotropic drug" means, except as provided in  
division (A) (6) (b) of this section, a drug that has the  
capability of changing or controlling mental functioning or  
behavior through direct pharmacological action. "Psychotropic  
drug" includes all of the following:

(i) Antipsychotic medications, including those  
administered or dispensed in a long-acting injectable form;

(ii) Antidepressant medications;

(iii) Anti-anxiety medications;

(iv) Mood stabilizing medications.

(b) "Psychotropic drug" excludes a stimulant prescribed  
for the treatment of attention deficit hyperactivity disorder.

(7) "Withdrawal management or detoxification" means a set  
of medical interventions aimed at managing the acute physical  
symptoms of intoxication and withdrawal. Withdrawal management

seeks to minimize the physical harm caused by the intoxication 102903  
and withdrawal from a substance of abuse. Detoxification denotes 102904  
a clearing of toxins from the body of the patient who is acutely 102905  
intoxicated, dependent on a substance of abuse, or both. 102906

(B) There is hereby created a program to be known as the 102907  
behavioral health drug reimbursement ~~program~~. ~~The program, which~~ 102908  
shall be administered by the department of ~~mental-behavioral~~ 102909  
~~health and addiction services~~. 102910

The purpose of the program is to provide state 102911  
~~reimbursement-financial assistance~~ to counties for the cost of 102912  
the following drugs that are administered or dispensed to 102913  
inmates of county jails in this state and individuals confined 102914  
in community-based correctional facilities in this state: 102915  
psychotropic drugs, drugs used in medication-assisted treatment, 102916  
and drugs used in withdrawal management or detoxification. 102917

Each county shall ensure that inmates of county jails and 102918  
individuals confined in community-based correctional facilities 102919  
have access to all behavioral health drugs specified in this 102920  
division that are prescribed drugs covered by the fee-for- 102921  
service component of the medicaid program. 102922

(C) The department, based on factors it considers 102923  
appropriate, shall allocate an amount to each county for 102924  
~~reimbursement of drug costs~~ that have been or will be incurred 102925  
by the county pursuant to this section. 102926

(D) The director of ~~mental-behavioral health and addiction~~ 102927  
~~services~~ may adopt rules as necessary to implement this section. 102928  
The rules, if adopted, shall be adopted in accordance with 102929  
Chapter 119. of the Revised Code. 102930

**Sec. 5119.20.** (A) As used in this section: 102931

"Electroencephalogram (EEG) combined transcranial magnetic stimulation" means treatment in which transcranial magnetic stimulation (TMS) frequency pulses are tuned to the patient's physiology and biometric data.

"First responder" has the meaning defined in section 2903.01 of the Revised Code.

"Law enforcement officer" has the meaning defined in section 9.69 of the Revised Code.

(B) The director of ~~mental-behavioral health and addiction services~~ shall establish a program to make electroencephalogram (EEG) combined transcranial magnetic stimulation available for veterans, first responders, and law enforcement officers. Eligible individuals must have substance use disorders, mental illness, sleep disorders, traumatic brain injuries, sexual trauma, post traumatic stress disorder and accompanying comorbidities, concussions or other brain trauma, or other issues identified by the individual's qualified medical practitioner as issues that would warrant treatment under the program. The program shall be operated in conjunction with a supplier selected under this section.

(C) The director shall choose a location for the program and for up to ten branch sites, and shall enter into a contract for the purchase of services related to the program. Each branch site may operate one or more portable units or EEG combined neuromodulation portable units if the director determines that portable units or EEG combined neuromodulation portable units are necessary to expand access to care. The contract shall include provisions requiring the supplier to create and conduct a clinical trial, to establish and operate a clinical practice, to evaluate outcomes of the clinical trial and the clinical

practice, to expend payments received from the state as needed 102962  
for purposes of the program, and to report quarterly regarding 102963  
the program to the president of the senate and to the standing 102964  
committee of the senate that generally considers legislation 102965  
regarding veterans affairs. 102966

(D) There is the electroencephalogram (EEG) combined 102967  
transcranial magnetic stimulation fund in the state treasury. It 102968  
shall consist of moneys appropriated to it by the general 102969  
assembly. The director, with the approval of the controlling 102970  
board, may authorize a disbursement from the fund for services 102971  
rendered under the contract. 102972

(E) The director shall adopt rules under Chapter 119. of 102973  
the Revised Code as necessary to administer this section. 102974

(F) The supplier, in conducting the clinical trial and in 102975  
operating the clinical practice, shall adhere to all of the 102976  
following: 102977

(1) The United States food and drug administration 102978  
regulations governing the conduct of clinical practice and 102979  
clinical trials; 102980

(2) A peer-to-peer support network shall be made available 102981  
by the supplier to any individual receiving treatment under the 102982  
program. 102983

(3) The program protocol shall use adapted stimulation 102984  
frequency and intensity modulation based on EEG and motor 102985  
threshold testing as well as clinical symptoms and signs, and 102986  
biometrics. 102987

(4) Each individual who receives treatment under the 102988  
program also shall receive neurophysiological monitoring, 102989  
monitoring for symptoms of substance use and mental health 102990

disorders, and access to counseling and wellness programming. 102991  
Each individual also shall participate in the peer-to-peer 102992  
support network established by the supplier. 102993

(5) Clinical protocols and outcomes of the clinical trial, 102994  
and of any treatment provided by the clinical practice, shall be 102995  
collected and reported quarterly in a report provided by the 102996  
supplier to the director of ~~mental-behavioral~~ health and 102997  
~~addiction services~~ and to the United States food and drug 102998  
administration. 102999

(6) Any individual who receives treatment at the clinical 103000  
practice shall be eligible for a minimum of two 103001  
electroencephalograms, plus an additional electroencephalogram 103002  
for every ten treatments, during the course of the individual's 103003  
treatment. 103004

(7) The report required by this section shall include a 103005  
thorough accounting of the use and expenditure of all funds 103006  
received from the state under this section. 103007

(G) Contracts entered into under this section are subject 103008  
to section 9.231 and Chapter 125. of the Revised Code. 103009

(H) Operation of the program established under this 103010  
section is contingent upon an appropriation by the general 103011  
assembly designated for that purpose. 103012

**Sec. 5119.201.** (A) The director of ~~mental-behavioral~~ 103013  
health and ~~addiction services~~ may acquire by purchase, lease, or 103014  
otherwise such real and personal property rights in the name of 103015  
the state as are necessary for the purposes of the department. 103016

(B) When it is necessary for a state institution under the 103017  
jurisdiction of the department to acquire any real estate, 103018  
right-of-way, or easement in real estate in order to accomplish 103019

the purposes for which it was organized or is being conducted, 103020  
and the department is unable to agree with the owner of such 103021  
property upon the price to be paid for the property, such 103022  
property may be appropriated in the manner provided for the 103023  
appropriation of property for other state purposes. 103024

(C) The director may work with the department of 103025  
administrative services to sell, lease, or exchange portions of 103026  
real and personal property of the department when the sale, 103027  
lease, or exchange is advantageous to the state. Money received 103028  
from such sales, leases, or exchanges shall be credited to the 103029  
~~the department of mental-behavioral health and addiction-~~ 103030  
~~services~~-trust fund, created in section 5119.46 of the Revised 103031  
Code. 103032

(D) Any instrument by which real property is acquired 103033  
pursuant to this section shall identify the agency of the state 103034  
that has the use and benefit of the real property as specified 103035  
in section 5301.012 of the Revised Code. 103036

**Sec. 5119.21.** (A) The department of ~~mental-behavioral~~ 103037  
~~health and addiction services~~ shall: 103038

(1) To the extent the department has available resources 103039  
and in consultation with boards of alcohol, drug addiction, and 103040  
mental health services, support the community-based continuum of 103041  
care that the boards are required by section 340.032 of the 103042  
Revised Code to establish. The department shall provide the 103043  
support on a district or multi-district basis. The department 103044  
shall assist in identifying resources, and may prioritize 103045  
support, for one or more of the elements of the community-based 103046  
continuum of care. For the purpose of division (A)(10) of 103047  
section 340.032 of the Revised Code and to the extent the 103048  
department determines is necessary, the department shall define 103049



additional elements to be included in the community-based 103050  
continuum of care. 103051

(2) Provide training, consultation, and technical 103052  
assistance regarding addiction services, mental health services, 103053  
recovery supports, and appropriate prevention, recovery, and 103054  
mental health promotion activities, including those that are 103055  
culturally competent, to employees of the department, community 103056  
addiction services providers, community mental health services 103057  
providers, and boards of alcohol, drug addiction, and mental 103058  
health services; 103059

(3) To the extent the department has available resources, 103060  
promote and support a full range of addiction services, mental 103061  
health services, and recovery supports that are available and 103062  
accessible to all residents of this state, especially for 103063  
severely emotionally disturbed children and adolescents, adults 103064  
with severe mental disabilities, pregnant women, parents, 103065  
guardians or custodians of children at risk of abuse or neglect, 103066  
and other special target populations, including racial and 103067  
ethnic minorities, as determined by the department; 103068

(4) Develop standards and measures for both of the 103069  
following: 103070

(a) Evaluating the effectiveness of addiction services, 103071  
including opioid treatment programs, of mental health services, 103072  
and of recovery supports; 103073

(b) Increasing the accountability of community addiction 103074  
services providers and community mental health services 103075  
providers. 103076

(5) Design and set criteria for the determination of 103077  
priority populations; 103078

- (6) Promote, direct, conduct, and coordinate scientific research, taking ethnic and racial differences into consideration, concerning all of the following: 103079  
103080  
103081
- (a) The causes and prevention of mental illness and addiction; 103082  
103083
- (b) Methods of providing effective addiction services, mental health services, and recovery supports; 103084  
103085
- (c) Means of enhancing the mental health of and recovery from addiction of all residents of this state. 103086  
103087
- (7) Foster the establishment and availability of vocational rehabilitation services and the creation of employment opportunities for individuals with addiction and mental health needs, including members of racial and ethnic minorities; 103088  
103089  
103090  
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103092
- (8) Establish a program to protect and promote the rights of persons receiving addiction services, mental health services, and recovery supports, including the issuance of guidelines on informed consent and other rights; 103093  
103094  
103095  
103096
- (9) Promote the involvement of persons who are receiving or have received addiction services, mental health services, and recovery supports including families and other persons having a close relationship to a person receiving those services and supports, in the planning, evaluation, delivery, and operation of addiction services, mental health services, and recovery supports; 103097  
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- (10) Notify and consult with the relevant constituencies that may be affected by rules, standards, and guidelines issued by the department of ~~mental-behavioral health and addiction services~~ services. These constituencies shall include consumers of 103104  
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103107

addiction services, mental health services, and recovery 103108  
supports and the families of such consumers. These 103109  
constituencies may include public and private providers, 103110  
employee organizations, and others when appropriate. Whenever 103111  
the department proposes the adoption, amendment, or rescission 103112  
of rules under Chapter 119. of the Revised Code, the 103113  
notification and consultation required by this division shall 103114  
occur prior to the commencement of proceedings under Chapter 103115  
119. The department shall adopt rules under Chapter 119. of the 103116  
Revised Code that establish procedures for the notification and 103117  
consultation required by this division. 103118

(11) Provide consultation to the department of 103119  
rehabilitation and correction concerning the delivery of 103120  
addiction services and mental health services in state 103121  
correctional institutions; 103122

(12) Promote and coordinate efforts in the provision of 103123  
addiction services by other state agencies, as defined in 103124  
section 1.60 of the Revised Code; courts; hospitals; clinics; 103125  
physicians in private practice; public health authorities; 103126  
boards of alcohol, drug addiction, and mental health services; 103127  
community addiction services providers; law enforcement 103128  
agencies; and related groups; 103129

(13) Provide to each court of record, and biennially 103130  
update, a list of the treatment and education programs within 103131  
that court's jurisdiction that the court may require an 103132  
offender, sentenced pursuant to section 4511.19 of the Revised 103133  
Code, to attend; 103134

(14) Make the warning sign described in sections 3313.752, 103135  
3345.41, and 3707.50 of the Revised Code available on the 103136  
department's internet web site; 103137

(15) Provide a program of gambling addiction services on behalf of the state lottery commission, pursuant to an agreement entered into with the director of the commission under division (K) of section 3770.02 of the Revised Code, and provide a program of gambling addiction services on behalf of the Ohio casino control commission, under an agreement entered into with the executive director of the commission under section 3772.062 of the Revised Code. Under Section 6(C)(3) of Article XV, Ohio Constitution, the department may enter into agreements with boards of alcohol, drug addiction, and mental health services, including boards with districts in which a casino facility is not located, and nonprofit organizations to provide addiction services, and with state institutions of higher education or private nonprofit institutions that possess a certificate of authorization issued under Chapter 1713. of the Revised Code to perform related research.

(B) The department may accept and administer grants from public or private sources for carrying out any of the duties enumerated in this section.

(C) The department may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement the requirements of this chapter.

Sec. 5119.211. The department of behavioral health may establish a process and standards for the state certification of certified community behavioral health clinics. The process and standards may be based on the provisions of section 223 of the "Protecting Access to Medicare Act of 2014," 42 U.S.C. 1396a note.

If the department establishes a process and standards for the state certification of certified community behavioral health

clinics, the department may coordinate with local, state, and 103168  
federal government entities for the development and 103169  
establishment of the clinics. 103170

The director of behavioral health may adopt rules as the 103171  
director considers necessary to implement this section. If the 103172  
director adopts rules, the rules shall be adopted in accordance 103173  
with Chapter 119. of the Revised Code. 103174

**Sec. 5119.22.** The director of ~~mental-behavioral health-and~~ 103175  
~~addiction services,~~ with respect to all mental health and 103176  
addiction facilities, addiction services, mental health 103177  
services, and recovery supports established and operated or 103178  
provided under Chapter 340. of the Revised Code, shall do all of 103179  
the following: 103180

(A) Adopt rules pursuant to Chapter 119. of the Revised 103181  
Code that may be necessary to carry out the purposes of this 103182  
chapter and Chapters 340. and 5122. of the Revised Code. 103183

(B) Review and evaluate the community-based continuum of 103184  
care required by section 340.032 of the Revised Code to be 103185  
established in each service district, taking into account the 103186  
findings and recommendations of the board of alcohol, drug 103187  
addiction, and mental health services of the district submitted 103188  
under division (A) (4) of section 340.03 of the Revised Code and 103189  
the priorities and plans of the department of ~~mental-behavioral~~ 103190  
~~health-and-addiction services,~~ including the needs of residents 103191  
of the district currently receiving services in state-operated 103192  
hospitals, and make recommendations for needed improvements to 103193  
boards of alcohol, drug addiction, and mental health services; 103194

(C) At the director's discretion, provide to boards of 103195  
alcohol, drug addiction, and mental health services state or 103196

federal funds, in addition to those allocated under section 103197  
5119.23 of the Revised Code, for special programs or projects 103198  
the director considers necessary but for which local funds are 103199  
not available; 103200

(D) Establish criteria by which each board of alcohol, 103201  
drug addiction, and mental health services reviews and evaluates 103202  
the quality, effectiveness, and efficiency of the facility 103203  
services, addiction services, mental health services, and 103204  
recovery supports for which it contracts under section 340.036 103205  
of the Revised Code. The criteria shall include requirements 103206  
ensuring appropriate utilization of the services and supports. 103207  
The department shall assess each board's evaluation of the 103208  
services and supports and the compliance of each board with this 103209  
section, Chapter 340. of the Revised Code, and other state or 103210  
federal law and regulations. The department, in cooperation with 103211  
the board, periodically shall review and evaluate the quality, 103212  
effectiveness, and efficiency of the facility services, 103213  
addiction services, mental health services, and recovery 103214  
supports for which each board contracts under section 340.036 of 103215  
the Revised Code and the facilities, addiction services, and 103216  
mental health services that each board operates or provides 103217  
under section 340.037 of the Revised Code. The department shall 103218  
collect information that is necessary to perform these 103219  
functions. 103220

(E) To the extent the director determines necessary and 103221  
after consulting with boards of alcohol, drug addiction, and 103222  
mental health services, community addiction services providers, 103223  
and community mental health services providers, develop and 103224  
operate, or contract for the operation of, a community 103225  
behavioral health information system or systems. The department 103226  
shall specify the information that must be provided by the 103227

boards and providers for inclusion in the system or systems. 103228

Boards of alcohol, drug addiction, and mental health 103229  
services, community addiction services providers, and community 103230  
mental health services providers shall submit information 103231  
requested by the department in the form and manner and in 103232  
accordance with time frames prescribed by the department. 103233  
Information collected by the department may include all of the 103234  
following: 103235

(1) Information on addiction services, mental health 103236  
services, and recovery supports provided; 103237

(2) Financial information regarding expenditures of 103238  
federal, state, or local funds; 103239

(3) Information about persons served. 103240

The department shall not collect any personal information 103241  
from the boards or providers except as required or permitted by 103242  
state or federal law for purposes related to payment, health 103243  
care operations, program and service evaluation, reporting 103244  
activities, research, system administration, and oversight. 103245

(F) In consultation with representatives of boards of 103246  
alcohol, drug addiction, and mental health services and after 103247  
consideration of recommendations made by the medical director 103248  
appointed under section 5119.11 of the Revised Code, establish 103249  
all of the following: 103250

(1) Guidelines, including a timetable, for the boards' 103251  
development and submission of proposed community addiction and 103252  
mental health plans, budgets, and lists of addiction services, 103253  
mental health services, and recovery supports under sections 103254  
340.03 and 340.08 of the Revised Code; 103255

(2) Procedures, including a timetable, for the director's review and approval or disapproval of the plans, budgets, and lists;	103256 103257 103258
(3) Procedures for corrective action regarding the plans, budgets, and lists, including submission of revised or new plans, budgets, and lists;	103259 103260 103261
(4) Procedures for the director to follow in offering technical assistance to boards to assist them in making the plans, budgets, and lists acceptable or in making proposed amendments to approved plans, budgets, and lists meet criteria for approval;	103262 103263 103264 103265 103266
(5) Procedures for issuing time-limited waivers under section 5119.221 of the Revised Code.	103267 103268
(G) Review each board's proposed community addiction and mental health plan, budget, and list of addiction services, mental health services, and recovery supports submitted pursuant to sections 340.03 and 340.08 of the Revised Code and approve or disapprove the plan, the budget, and the list in whole or in part. The director shall disapprove a board's proposed budget in whole or in part if the proposed budget would not make available in the board's service district the essential elements of the community-based continuum of care required by section 340.032 of the Revised Code, including, except as otherwise authorized by a time-limited waiver issued under section 5119.221 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction.	103269 103270 103271 103272 103273 103274 103275 103276 103277 103278 103279 103280 103281
Prior to a final decision to disapprove a plan, budget, or list in whole or in part, a representative of the director shall meet with the board and discuss the reason for the action the	103282 103283 103284



director proposes to take and any corrective action that should 103285  
be taken to make the plan, budget, or list acceptable to the 103286  
director. In addition, the director shall offer technical 103287  
assistance to the board to assist it to make the plan, budget, 103288  
or list acceptable. The director shall give the board a 103289  
reasonable time in which to revise the plan, budget, or list. 103290  
The board thereafter shall submit a revised plan, budget, or 103291  
list or a new plan, budget, or list. 103292

(H) Approve or disapprove all or part of proposed 103293  
amendments that a board of alcohol, drug addiction, or mental 103294  
health services submits under section 340.03 or 340.08 of the 103295  
Revised Code to an approved community addiction and mental 103296  
health plan, budget, or list of addiction services, mental 103297  
health services, and recovery supports. 103298

If the director disapproves of all or part of any proposed 103299  
amendment, the director shall provide the board an opportunity 103300  
to present its position. The director shall inform the board of 103301  
the reasons for the disapproval and of the criteria that must be 103302  
met before the proposed amendment may be approved. The director 103303  
shall give the board a reasonable time within which to meet the 103304  
criteria and shall offer technical assistance to the board to 103305  
help it meet the criteria. 103306

**Sec. 5119.221.** (A) The director of mental-behavioral 103307  
~~health and addiction services~~, in accordance with procedures 103308  
established under division (F) (5) of section 5119.22 of the 103309  
Revised Code, may issue to a board of alcohol, drug addiction, 103310  
and mental health services a time-limited waiver of the 103311  
requirement of section 340.033 of the Revised Code that 103312  
ambulatory detoxification and medication-assisted treatment be 103313  
made available within the borders of the board's service 103314

district if the director determines that both of the following 103315  
apply: 103316

(1) The board seeking the waiver has made reasonable 103317  
efforts to make ambulatory detoxification and medication- 103318  
assisted treatment available within the borders of the board's 103319  
service district; 103320

(2) Ambulatory detoxification and medication-assisted 103321  
treatment can be made available through one or more contracts 103322  
between the board seeking the waiver and community addiction 103323  
services providers that are located not more than thirty miles 103324  
beyond the borders of the board's service district. 103325

(B) Each waiver issued under this section shall specify 103326  
the amount of time for which it is in effect and whether it 103327  
applies to ambulatory detoxification, medication-assisted 103328  
treatment, or both. 103329

**Sec. 5119.23.** (A) The department of ~~mental-behavioral~~ 103330  
~~health and addiction services~~ shall establish a methodology for 103331  
allocating to boards of alcohol, drug addiction, and mental 103332  
health services the funds appropriated by the general assembly 103333  
to the department for the purpose of the community-based 103334  
continuum of care that each board establishes under section 103335  
340.032 of the Revised Code. The department shall establish the 103336  
methodology after notifying and consulting with relevant 103337  
constituencies as required by division (A)(10) of section 103338  
5119.21 of the Revised Code. The methodology may provide for the 103339  
funds to be allocated to boards on a district or multi-district 103340  
basis. 103341

(B) Subject to section 5119.25 of the Revised Code, and to 103342  
required submissions and approvals under sections 340.08 and 103343

5119.22 of the Revised Code, the department shall allocate the 103344  
funds to the boards in a manner consistent with the methodology, 103345  
this section, other state and federal laws, rules, and 103346  
regulations. 103347

(C) In consultation with boards, community addiction 103348  
services providers, community mental health services providers, 103349  
and persons receiving addiction services, mental health 103350  
services, and recovery supports, the department shall establish 103351  
guidelines for the use of funds allocated under this section. 103352

**Sec. 5119.24.** (A) As used in this section, "administrative 103353  
function" means a function related to one or more of the 103354  
following: 103355

(1) Continuous quality improvement; 103356

(2) Utilization review; 103357

(3) Resource development; 103358

(4) Fiscal administration; 103359

(5) General administration; 103360

(6) Any other function related to administration that is 103361  
required by Chapter 340. of the Revised Code. 103362

(B) Each board of alcohol, drug addiction, and mental 103363  
health services shall submit an annual report to the department 103364  
of ~~mental behavioral health and addiction services~~ specifying 103365  
how the board used funds allocated to the board under section 103366  
5119.23 of the Revised Code for administrative functions in the 103367  
year preceding the report's submission. The director of ~~mental-~~ 103368  
behavioral health and addiction services shall establish the 103369  
date by which the report must be submitted each year. 103370

**Sec. 5119.25.** (A) The director of ~~mental~~-behavioral health 103371  
~~and addiction services~~ may withhold funds, in whole or in part, 103372  
that otherwise are to be allocated to a board of alcohol, drug 103373  
addiction, and mental health services under section 5119.23 of 103374  
the Revised Code if either of the following circumstances apply: 103375

(1) The board fails to comply with Chapter 340. or 5119. 103376  
of the Revised Code or rules of the department of ~~mental~~-behavioral health ~~and addiction services~~; 103377  
103378

(2) The board denies available service on the basis of 103379  
race, color, religion, ancestry, military status, sex, age, 103380  
national origin, disability as defined in section 4112.01 of the 103381  
Revised Code, or developmental disability. 103382

(B) The director shall withhold funds, in whole or in 103383  
part, that otherwise are to be allocated to a board under 103384  
section 5119.23 of the Revised Code if either of the following 103385  
circumstances apply: 103386

(1) The director, under division (G) of section 5119.22 of 103387  
the Revised Code, disapproves all or part of the board's 103388  
proposed community addiction and mental health plan, budget, or 103389  
list of addiction services, mental health services, and recovery 103390  
supports; 103391

(2) The board's use of state and federal funds fails to 103392  
comply with the board's approved budget, including approved 103393  
amendments to the budget. 103394

(C) The director shall issue a notice identifying the 103395  
areas of noncompliance and the action necessary to achieve 103396  
compliance. The director may offer technical assistance to the 103397  
board to achieve compliance. The board shall have thirty days 103398  
from receipt of the notice of noncompliance to present its 103399

position that it is in compliance or to submit to the director 103400  
evidence of corrective action the board took to achieve 103401  
compliance. Before withholding funds, the director or the 103402  
director's designee shall hold a hearing within thirty days of 103403  
receipt of the board's position or evidence to determine if 103404  
there are continuing violations and that either assistance is 103405  
rejected or the board is unable, or has failed, to achieve 103406  
compliance. The director may appoint a representative from 103407  
another board of alcohol, drug addiction, and mental health 103408  
services to serve as a mentor for the board in developing and 103409  
executing a plan of corrective action to achieve compliance. Any 103410  
such representative shall be from a board that is in compliance 103411  
with Chapter 340. of the Revised Code, this chapter, and the 103412  
department's rules. Subsequent to the hearing process, if it is 103413  
determined that compliance has not been achieved, the director 103414  
may allocate all or part of the withheld funds to one or more 103415  
community mental health services providers or community 103416  
addiction services providers to provide the mental health 103417  
service, addiction service, or recovery support for which the 103418  
board is not in compliance until the time that there is 103419  
compliance. 103420

(D) The director shall adopt rules in accordance with 103421  
Chapter 119. of the Revised Code to implement this section. 103422

**Sec. 5119.27.** (A) As used in this section: 103423

(1) "Community control sanction" has the same meaning as 103424  
in section 2929.01 of the Revised Code. 103425

(2) "Federally assisted," "program," and "substance use 103426  
disorder" have the same meanings as in 42 C.F.R. 2.11 and as 103427  
further described in 42 C.F.R. 2.12(b). 103428

(3) "Post-release control sanction" has the same meaning 103429  
as in section 2967.01 of the Revised Code. 103430

(B) In accordance with 42 U.S.C. 290dd-2, records or 103431  
information created or maintained by a federally assisted 103432  
program for the treatment of substance use disorders shall be 103433  
kept confidential and may be disclosed only for the purposes and 103434  
under the circumstances expressly authorized under 42 C.F.R. 103435  
Part 2. 103436

(C) When the person, with respect to whom any record or 103437  
information referred to in division (B) of this section is 103438  
maintained, gives consent in the form of a written release 103439  
signed by the person, the content of the record or information 103440  
may be disclosed if the written release conforms to all of the 103441  
requirements set forth in 42 C.F.R. 2.31. 103442

(D) In accordance with 42 C.F.R. 2.35, a person who is 103443  
subject to a community control sanction, a post-release control 103444  
sanction, is on parole, or is ordered to intervention in lieu of 103445  
conviction, and who has agreed to participate in a federally 103446  
assisted program for the treatment of substance use disorders as 103447  
a condition of the community control sanction, post-release 103448  
control sanction, parole, or intervention order, shall consent 103449  
to the release of records and information relating to the 103450  
progress of treatment, frequency of treatment, adherence to 103451  
treatment requirements, and probable outcome of treatment. 103452  
Release of information and records under this division shall be 103453  
limited to the court or governmental personnel having the 103454  
responsibility for supervising the person's community control 103455  
sanction, post-release control sanction, parole, or intervention 103456  
order. A person, described in this division, who refuses to 103457  
allow disclosure may be considered in violation of the 103458

conditions of the person's community control sanction, post- 103459  
release control sanction, parole, or intervention order. 103460

(E) In accordance with 42 C.F.R. 2.52 and 2.53, disclosure 103461  
of a person's record may be made without the person's consent to 103462  
qualified personnel for the purpose of conducting scientific 103463  
research, management, financial audits, or program evaluation, 103464  
but these personnel may not identify, directly or indirectly, 103465  
any particular person in any report of the research, audit, or 103466  
evaluation, or otherwise disclose a person's identity in any 103467  
manner. 103468

(F) In accordance with 42 C.F.R. 2.66, upon the request of 103469  
a prosecuting attorney or the director of ~~mental-behavioral~~ 103470  
~~health-and-addiction services~~, a court of competent jurisdiction 103471  
may order the disclosure of records or information referred to 103472  
in division (B) of this section if the court has reason to 103473  
believe that a federally assisted program for the treatment of 103474  
substance use disorders is being operated or used in a manner 103475  
contrary to law. The use of any information or record so 103476  
disclosed shall be limited to the prosecution of persons who are 103477  
or may be charged with any offense related to the illegal 103478  
operation or use of the program, or to the decision to withdraw 103479  
the authority of a the program to continue operation. For 103480  
purposes of this division the court shall do all of the 103481  
following: 103482

(1) Limit disclosure to those parts of the person's record 103483  
considered essential to fulfill the objective for which the 103484  
order was granted; 103485

(2) Require, where appropriate, that all information be 103486  
disclosed in chambers; 103487

(3) Include any other appropriate measures to keep 103488  
disclosure to a minimum, consistent with the protection of the 103489  
persons seeking or receiving services, the provider-client 103490  
relationship, and the administration of the program. 103491

**Sec. 5119.28.** (A) All records, and reports, other than 103492  
court journal entries or court docket entries, identifying a 103493  
person and pertaining to the person's mental health condition, 103494  
assessment, provision of care, treatment, or recovery supports, 103495  
or payment for assessment, care, treatment, or recovery supports 103496  
that are maintained in connection with any services certified by 103497  
the department of ~~mental-behavioral health-and-addiction-~~ 103498  
~~services~~, any recovery supports paid for with funds administered 103499  
by the department or a board of alcohol, drug addiction, and 103500  
mental health services, or any hospitals or facilities licensed 103501  
or operated by the department, shall be kept confidential and 103502  
shall not be disclosed by any person except: 103503

(1) If the person identified, or the person's legal 103504  
guardian, if any, or if the person is a minor, the person's 103505  
parent or legal guardian, consents; 103506

(2) When disclosure is provided for in this chapter or 103507  
Chapter 340. or 5122. of the Revised Code or in accordance with 103508  
other provisions of state or federal law authorizing such 103509  
disclosure; 103510

(3) That hospitals, boards of alcohol, drug addiction, and 103511  
mental health services, licensed facilities, and community 103512  
mental health services providers may release necessary 103513  
information to insurers and other third-party payers, including 103514  
government entities responsible for processing and authorizing 103515  
payment, to obtain payment for goods and services furnished to 103516  
the person; 103517



- (4) Pursuant to a court order signed by a judge; 103518
- (5) That a person shall be granted access to the person's 103519  
own psychiatric and medical records, unless access specifically 103520  
is restricted in a person's treatment plan for clear treatment 103521  
reasons; 103522
- (6) That the department of ~~mental~~ behavioral health and 103523  
~~addiction services~~ may exchange psychiatric records and other 103524  
pertinent information with community mental health services 103525  
providers and boards of alcohol, drug addiction, and mental 103526  
health services relating to the person's care or services. 103527  
Records and information that may be exchanged pursuant to this 103528  
division shall be limited to medication history, physical health 103529  
status and history, financial status, summary of course of 103530  
treatment, summary of treatment needs, and a discharge summary, 103531  
if any. 103532
- (7) That the department of ~~mental~~ behavioral health and 103533  
~~addiction services~~, hospitals and community providers operated 103534  
by the department, hospitals licensed by the department under 103535  
section 5119.33 of the Revised Code, and community mental health 103536  
services providers may exchange psychiatric records and other 103537  
pertinent information with payers and other providers of 103538  
treatment and health services if the purpose of the exchange is 103539  
to facilitate continuity of care for the person or for the 103540  
emergency treatment of the person; 103541
- (8) That the department of ~~mental~~ behavioral health and 103542  
~~addiction services~~ and community mental health services 103543  
providers may exchange psychiatric records and other pertinent 103544  
information with boards of alcohol, drug addiction, and mental 103545  
health services for purposes of any board function set forth in 103546  
Chapter 340. of the Revised Code. Boards of alcohol, drug 103547

addiction, and mental health services shall not access any 103548  
personal information from the department or providers except as 103549  
required or permitted by this section, or Chapter 340. or 5122. 103550  
of the Revised Code for purposes related to payment, care 103551  
coordination, health care operations, program and service 103552  
evaluation, reporting activities, research, system 103553  
administration, oversight, or other authorized purposes. 103554

(9) That a person's family member who is involved in the 103555  
provision, planning, and monitoring of services to the person 103556  
may receive medication information, a summary of the person's 103557  
diagnosis and prognosis, and a list of the services and 103558  
personnel available to assist the person and the person's 103559  
family, if the person's treatment provider determines that the 103560  
disclosure would be in the best interests of the person. No such 103561  
disclosure shall be made unless the person is notified first and 103562  
receives the information and does not object to the disclosure. 103563

(10) That community mental health services providers may 103564  
exchange psychiatric records and certain other information with 103565  
the board of alcohol, drug addiction, and mental health services 103566  
and other providers in order to provide services to a person 103567  
involuntarily committed to a board. Release of records under 103568  
this division shall be limited to medication history, physical 103569  
health status and history, financial status, summary of course 103570  
of treatment, summary of treatment needs, and discharge summary, 103571  
if any. 103572

(11) That information may be disclosed to the executor or 103573  
the administrator of an estate of a deceased person when the 103574  
information is necessary to administer the estate; 103575

(12) That information may be disclosed to staff members of 103576  
the appropriate board or to staff members designated by the 103577

director of ~~mental-behavioral health and addiction services~~ for 103578  
the purpose of evaluating the quality, effectiveness, and 103579  
efficiency of mental health services and recovery supports and 103580  
determining if the services and supports meet minimum standards. 103581  
Information obtained during such evaluations shall not be 103582  
retained with the name of any person. 103583

(13) That records pertaining to the person's diagnosis, 103584  
course of treatment, treatment needs, and prognosis shall be 103585  
disclosed and released to the appropriate prosecuting attorney 103586  
if the person was committed pursuant to section 2945.38, 103587  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 103588  
to the attorney designated by the board for proceedings pursuant 103589  
to involuntary commitment under Chapter 5122. of the Revised 103590  
Code; 103591

(14) That the department of ~~mental-behavioral health and~~ 103592  
~~addiction services~~ may exchange psychiatric hospitalization 103593  
records, other mental health treatment records, and other 103594  
pertinent information with the department of rehabilitation and 103595  
correction and with the department of youth services to ensure 103596  
continuity of care for inmates and offenders who are receiving 103597  
mental health services in an institution of the department of 103598  
rehabilitation and correction or the department of youth 103599  
services and may exchange psychiatric hospitalization records, 103600  
other mental health treatment records, and other pertinent 103601  
information with boards of alcohol, drug addiction, and mental 103602  
health services and community mental health services providers 103603  
to ensure continuity of care for inmates or offenders who are 103604  
receiving mental health services in an institution and are 103605  
scheduled for release within six months. The release of records 103606  
under this division is limited to records regarding an inmate's 103607  
or offender's medication history, physical health status and 103608

history, summary of course of treatment, summary of treatment 103609  
needs, and a discharge summary, if any. 103610

(15) That a community mental health services provider that 103611  
ceases to operate may transfer to either a community mental 103612  
health services provider that assumes its caseload or to the 103613  
board of alcohol, drug addiction, and mental health services of 103614  
the service district in which the person resided at the time 103615  
mental health services or recovery supports were most recently 103616  
provided any records concerning the services or supports that 103617  
have not been transferred elsewhere at the person's request; 103618

(16) That records and reports relating to a person who has 103619  
been deceased for fifty years or more are no longer considered 103620  
confidential. 103621

(B) Before records are disclosed pursuant to divisions (A) 103622  
(3), (6), and (10) of this section, the custodian of the records 103623  
shall attempt to obtain the person's consent for the disclosure. 103624

(C) No person shall reveal the content of a medical record 103625  
of a person that is confidential pursuant to this section, 103626  
except as authorized by law. 103627

**Sec. 5119.29.** The department of ~~mental~~behavioral health- 103628  
~~and addiction services~~, in conjunction with boards of alcohol, 103629  
drug addiction, and mental health services and community mental 103630  
health boards, shall develop a coordinated system for tracking 103631  
and monitoring persons found not guilty by reason of insanity 103632  
and committed pursuant to section 2945.40 of the Revised Code 103633  
who have been granted a conditional release and persons found 103634  
incompetent to stand trial and committed pursuant to section 103635  
2945.39 of the Revised Code who have been granted a conditional 103636  
release. The system shall do all of the following: 103637

(A) Centralize responsibility for the tracking of those persons; 103638  
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(B) Develop uniformity in monitoring those persons; 103640

(C) Develop a mechanism to allow prompt rehospitalization, reinstitutionalization, or detention when a violation of the conditional release or decompensation occurs. 103641  
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**Sec. 5119.30.** The department of ~~mental-behavioral~~ health and ~~addiction services~~ promptly shall develop and maintain a program that continually provides the courts of this state with relevant information pertaining to addiction services and programs available both within their jurisdictions and statewide in order to facilitate the ability of the courts to utilize treatment and rehabilitation alternatives in addition to or in lieu of imposing sentences of imprisonment upon appropriate offenders. 103644  
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**Sec. 5119.31.** The department of administrative services shall purchase all supplies needed for the proper support and maintenance of the institutions under the control of the department of ~~mental-behavioral~~ health and ~~addiction services~~ in accordance with the competitive selection procedures of Chapter 125. of the Revised Code and such rules as the department of administrative services adopts. All bids shall be publicly opened on the day and hour and at the place specified in the advertisement. 103653  
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Preference shall be given to bidders in localities wherein the institution is located, if the price is fair and reasonable and not greater than the usual price; but bids not meeting the specifications shall be rejected. 103662  
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The department of administrative services may require such 103666

security as it considers proper to accompany the bids and shall 103667  
fix the security to be given by the contractor. 103668

The department of administrative services may reject any 103669  
or all bids and secure new bids, if for any reason it is deemed 103670  
for the best interest of the state to do so, and it may 103671  
authorize the managing officer of any institution to purchase 103672  
perishable goods and supplies for use in cases of emergency, in 103673  
which cases such managing officer shall certify such fact in 103674  
writing and the department of administrative services shall 103675  
record the reasons for such purchase. 103676

**Sec. 5119.311.** The department of ~~mental~~behavioral health 103677  
~~and addiction services~~ may examine into, with or without expert 103678  
assistance, the question of the mental and physical condition of 103679  
any person committed to or involuntarily confined in any 103680  
hospital for persons with mental illnesses, or restrained of 103681  
liberty at any place within this state by reason of alleged 103682  
mental illness and may order and compel the discharge of any 103683  
such person who is not a person with a mental illness subject to 103684  
court order as defined in division (B) of section 5122.01 of the 103685  
Revised Code and direct what disposition shall be made of the 103686  
person. The order of discharge shall be signed by the director 103687  
of ~~mental~~behavioral health ~~and addiction services~~. Upon receipt 103688  
of such order by the superintendent or other person in charge of 103689  
the building in which the person named in such order is 103690  
confined, such person shall forthwith be discharged or otherwise 103691  
disposed of according to the terms of said order, and any 103692  
further or other detention of such person is unlawful. No such 103693  
order shall be made in favor of any person committed and held 103694  
for trial on a criminal charge, in confinement by an order of a 103695  
judge or court made in a criminal proceeding, or in any case 103696  
unless notice is given to the superintendent or other person 103697

having charge of the building in which the alleged person with a 103698  
mental illness is detained, and a reasonable opportunity is 103699  
allowed the person in charge to justify further detention of the 103700  
person confined. 103701

**Sec. 5119.32.** The department of ~~mental~~behavioral health 103702  
~~and addiction services~~ is hereby designated as the state 103703  
administrative agency for the substance abuse prevention 103704  
treatment block grant and the community mental health services 103705  
block grant authorized by the "Public Health Services Act," 95 103706  
Stat. 357, 543, 42 U.S.C. 300x, as amended, and similar alcohol, 103707  
drug abuse, or mental health programs that are specified in an 103708  
appropriations act. 103709

**Sec. 5119.33.** ~~(A)(1)~~(A) The department of ~~mental~~ 103710  
behavioral health ~~and addiction services~~ shall inspect and 103711  
license all hospitals that receive persons with mental 103712  
illnesses, except those hospitals managed by the department. No 103713  
hospital may receive for care or treatment, either at public or 103714  
private expense, any person who is or appears to have a mental 103715  
illness, whether or not so adjudicated, unless the hospital has 103716  
received a license from the department authorizing it to receive 103717  
for care or treatment persons with mental illnesses or the 103718  
hospital is managed by the department. 103719

~~(2) No such license shall be granted to a hospital for the 103720  
treatment of persons with mental illnesses unless both of the 103721  
following are the case:— 103722~~

~~(a) The department is satisfied, after investigation, that 103723  
the hospital is managed and operated by qualified persons, is 103724  
adequately staffed and equipped to operate, and has on its staff 103725  
one or more qualified physicians responsible for the medical 103726  
care of the patients confined there. At least one such physician 103727~~

~~shall be a psychiatrist.~~ 103728

~~(b) The department has not been notified under section 5119.334 of the Revised Code or is not otherwise aware that the hospital, or any owner, sponsor, medical director, administrator, or principal of the hospital, has been the subject of an adverse action, as defined in that section, taken during the three-year period immediately preceding the date of application.~~ 103729  
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(B) The department shall adopt rules under Chapter 119. of the Revised Code prescribing minimum standards for the operation of hospitals for the care and treatment of persons with mental illnesses and establishing standards and procedures for the issuance, renewal, or revocation of full, probationary, and interim licenses. No license shall be granted to any hospital established or used for the care of persons with mental illnesses unless such hospital is operating in accordance with this section and rules adopted pursuant to this section. A full license shall expire one year after the date of issuance, a probationary license shall expire at the time prescribed by rule adopted pursuant to Chapter 119. of the Revised Code by the director of ~~mental behavioral health and addiction services~~, and an interim license shall expire ninety days after the date of issuance. A full, probationary, or interim license may be renewed, except that an interim license may be renewed only twice. The department may fix reasonable fees for licenses and for license renewals. Such hospitals are subject to inspection and on-site review by the department. 103736  
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(C) Except as otherwise provided in Chapter 5122. of the Revised Code, neither the director of ~~mental behavioral health and addiction services~~; an employee of the department; a board 103755  
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of alcohol, drug addiction, and mental health services or 103758  
employee of a community mental health services provider; nor any 103759  
other public official shall hospitalize any person with a mental 103760  
illness for care or treatment in any hospital that is not 103761  
licensed in accordance with this section. 103762

(D) (1) The department may issue an order suspending the 103763  
admission of patients with mental illnesses to a hospital for 103764  
care or treatment if it finds either of the following: 103765

(a) The hospital is not in compliance with rules adopted 103766  
by the director pursuant to this section. 103767

(b) The hospital has been cited for more than one 103768  
violation of statutes or rules during any previous period of 103769  
time during which the hospital is licensed pursuant to this 103770  
section. 103771

(2) (a) Except as provided in division (D) (2) (b) of this 103772  
section, proceedings initiated to suspend the admission of 103773  
patients are governed by Chapter 119. of the Revised Code. 103774

(b) If a suspension of admissions is proposed because the 103775  
director has determined that the licensee has demonstrated a 103776  
pattern of serious noncompliance or that a violation creates a 103777  
substantial risk to the health and safety of patients, the 103778  
director may issue an order imposing the suspension of 103779  
admissions before providing an opportunity for an adjudication 103780  
under Chapter 119. of the Revised Code. The director shall lift 103781  
the order for the suspension of admissions if the director 103782  
determines that the violation that formed the basis for the 103783  
order has been corrected. 103784

(3) Appeals from proceedings initiated to order the 103785  
suspension of admissions shall be conducted in accordance with 103786

Chapter 119. of the Revised Code, unless the order was issued 103787  
before providing an opportunity for an adjudication, in which 103788  
case all of the following apply: 103789

(a) The licensee may request a hearing not later than ten 103790  
days after being served in accordance with sections 119.05 and 103791  
119.07 of the Revised Code. 103792

(b) If a timely request for a hearing that includes the 103793  
licensee's current address is made, the hearing shall commence 103794  
not later than thirty days after the department receives the 103795  
request. 103796

(c) After commencing, the hearing shall continue 103797  
uninterrupted, except for Saturdays, Sundays, and legal 103798  
holidays, unless other interruptions are agreed to by the 103799  
licensee and the director. 103800

(d) If the hearing is conducted by a hearing examiner, the 103801  
hearing examiner shall file a report and recommendations with 103802  
the department not later than ten days after the last of the 103803  
following: 103804

(i) The close of the hearing; 103805

(ii) If a transcript of the proceedings is ordered, the 103806  
hearing examiner receives the transcript; 103807

(iii) If post-hearing briefs are timely filed, the hearing 103808  
examiner receives the briefs. 103809

(e) The hearing examiner shall send a written copy of the 103810  
report and recommendations, by certified mail, to the licensee, 103811  
or the licensee's attorney, if applicable, not later than five 103812  
days after the report is filed with the department. 103813

(f) Not later than five days after receiving the report 103814

and recommendations, the licensee may file objections with the department. 103815  
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(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations. 103817  
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(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected. 103821  
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(E) (1) ~~Any license issued by the department under this section may be revoked or not renewed by the department~~ The department may deny, refuse to renew, or revoke a license for any of the following reasons: 103825  
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(a) The hospital is ~~no longer~~ not a suitable place for the care or treatment of persons with mental illnesses. 103829  
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(b) The hospital refuses to be subject to inspection or on-site review by the department. 103831  
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(c) The hospital ~~has failed~~ fails to furnish humane, kind, and adequate treatment and care. 103833  
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(d) The hospital fails to comply with the licensure rules of the department. 103835  
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(e) The department finds that the hospital is not managed and operated by qualified persons, is not adequately staffed and equipped to operate, or does not have on its staff one or more qualified physicians, including at least one psychiatrist, who is responsible for the care of the patients in the hospital. 103837  
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(f) The department has been notified under section 103842

5119.334 of the Revised Code or otherwise becomes aware that the 103843  
hospital, any owner, sponsor, medical director, administrator, 103844  
or principal of the hospital, or any subsidiary of the hospital, 103845  
owner, or sponsor has been the subject of an adverse action, as 103846  
defined in that section, taken during the three-year period 103847  
immediately preceding the date of notification or date of 103848  
becoming aware of the adverse action. 103849

(2) Proceedings initiated to deny applications for full or 103850  
probationary licenses, to refuse to renew full or probationary 103851  
licenses, or to revoke full or probationary licenses are 103852  
governed by Chapter 119. of the Revised Code. If an order has 103853  
been issued suspending the admission of patients, the order 103854  
remains in effect during the pendency of those proceedings. 103855

(F) (1) In a proceeding initiated to suspend the admission 103856  
of patients, to deny an application for a full or probationary 103857  
license, to refuse to renew a full or probationary license, or 103858  
to revoke a full or probationary license, the department may 103859  
order the suspension, denial, refusal, or revocation regardless 103860  
of whether some or all of the deficiencies that prompted the 103861  
proceedings have been corrected at the time of the hearing. 103862

(2) When the department issues an order suspending the 103863  
admission of patients, denies an application for a full or 103864  
probationary license, refuses to renew a full or probationary 103865  
license, or revokes a full or probationary license, the 103866  
department shall not grant an opportunity for submitting a plan 103867  
of correction. 103868

(G) The department may inspect, conduct an on-site review, 103869  
and review the records of any hospital that the department has 103870  
reason to believe is operating without a license. 103871

**Sec. 5119.331.** If the department of ~~mental-behavioral~~ health and ~~addiction services~~ determines that a hospital not licensed by the department is receiving for care or treatment any person who is or appears to have a mental illness, the department may request in writing that the attorney general petition the court of common pleas in the county where the hospital is located to enjoin the hospital from continued operation in violation of section 5119.33 of the Revised Code.

**Sec. 5119.332.** No third-party payer shall directly or indirectly reimburse, nor shall any person be obligated to pay any hospital for psychiatric services for which a license is required under section 5119.33 of the Revised Code unless the hospital is licensed by the department of ~~mental-behavioral~~ health and ~~addiction services~~.

As used in this section, "third-party payer" means a health insuring corporation licensed under Chapter 1751. of the Revised Code, an insurance company that issues sickness and accident insurance in conformity with Chapter 3923. of the Revised Code, a state-financed health insurance program under Chapter 3701., 4123., or 5101. of the Revised Code, or any self-insurance plan.

**Sec. 5119.333.** No person shall keep or maintain a hospital for the care or treatment of persons with mental illnesses unless it is licensed by the department of ~~mental-behavioral~~ health and ~~addiction services~~, as provided by section 5119.33 of the Revised Code.

**Sec. 5119.334.** (A) As used in this section, "adverse action" means an action by a state, provincial, federal, or other licensing or regulatory authority other than the department of behavioral health to deny, revoke, suspend, place

on probation, or otherwise restrict a license, certificate, or 103902  
other approval to operate a hospital or practice a health care 103903  
profession. 103904

(B) (1) When submitting an application for initial or 103905  
renewed licensure of a hospital under section 5119.33 of the 103906  
Revised Code, the applicant shall notify the department of 103907  
~~mental-behavioral health and addiction services~~ of any adverse 103908  
action taken against any of the following during the three-year 103909  
period immediately preceding the date of application: 103910

(a) The hospital or the hospital's; 103911

(b) Any owner, sponsor, medical director, administrator, 103912  
or any of its principals within principal of the three-year 103913  
period immediately preceding the date of application hospital; 103914

(c) Any subsidiary of the hospital, owner, or sponsor. 103915

(2) Not later than seven days after receiving a notice of 103916  
adverse action ~~from a licensing or regulatory authority that is~~ 103917  
~~other than the department of mental health and addiction~~ 103918  
~~services~~, the holder of a hospital license issued under section 103919  
5119.33 of the Revised Code shall notify the department of the 103920  
action. 103921

(C) To notify the department as required by this section, 103922  
a copy of the notice of adverse action shall be provided to the 103923  
department. 103924

**Sec. 5119.34.** (A) As used in this section and sections 103925  
5119.341 to ~~5119.343~~ 5119.344 of the Revised Code: 103926

(1) "Accommodations" means housing, daily meal 103927  
preparation, laundry, housekeeping, arranging for 103928  
transportation, social and recreational activities, maintenance, 103929

security, and other services that do not constitute personal 103930  
care services or skilled nursing care. 103931

(2) "ADAMHS board" means a board of alcohol, drug 103932  
addiction, and mental health services. 103933

(3) "Adult" means a person who is eighteen years of age or 103934  
older, other than a person described in division (A) (4) of this 103935  
section who is between eighteen and twenty-one years of age. 103936

(4) "Child" means a person who is under eighteen years of 103937  
age or a person with a mental disability who is under twenty-one 103938  
years of age. 103939

(5) ~~"Community mental health services provider" means a~~ 103940  
~~community mental health services provider as defined in section~~ 103941  
~~5119.01 of the Revised Code.~~ 103942

~~(6) "Community mental health services" means any mental~~ 103943  
~~health services certified by the department pursuant to section~~ 103944  
~~5119.36 of the Revised Code.~~ 103945

~~(7)~~ "Operator" means the person or persons, firm, 103946  
partnership, agency, governing body, association, corporation, 103947  
or other entity that is responsible for the administration and 103948  
management of a residential facility and that is the applicant 103949  
for a residential facility license. 103950

~~(8)~~ (6) "Personal care services" means services including, 103951  
but not limited to, the following: 103952

(a) Assisting residents with activities of daily living; 103953

(b) Assisting residents with self-administration of 103954  
medication in accordance with rules adopted under this section; 103955

(c) Preparing special diets, other than complex 103956

therapeutic diets, for residents pursuant to the instructions of 103957  
a physician or a licensed dietitian, in accordance with rules 103958  
adopted under this section. 103959

"Personal care services" does not include "skilled nursing 103960  
care" as defined in section 3721.01 of the Revised Code. A 103961  
facility need not provide more than one of the services listed 103962  
in division ~~(A)(8)~~ (A)(6) of this section to be considered to be 103963  
providing personal care services. 103964

~~(9)~~ (7) "Room and board" means the provision of sleeping 103965  
and living space, meals or meal preparation, laundry services, 103966  
housekeeping services, or any combination thereof. 103967

~~(10)~~ (8) "Residential state supplement program" means the 103968  
program established under section 5119.41 of the Revised Code. 103969

~~(11)~~ (9) "Supervision" means any of the following: 103970

(a) Observing a resident to ensure the resident's health, 103971  
safety, and welfare while the resident engages in activities of 103972  
daily living or other activities; 103973

(b) Reminding a resident to perform or complete an 103974  
activity, such as reminding a resident to engage in personal 103975  
hygiene or other self-care activities; 103976

(c) Assisting a resident in making or keeping an 103977  
appointment. 103978

~~(12)~~ (10) "Unrelated" means that a resident is not related 103979  
to the owner or operator of a residential facility or to the 103980  
owner's or operator's spouse as a parent, grandparent, child, 103981  
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 103982  
uncle, or as the child of an aunt or uncle. 103983

(B) (1) A "residential facility" is a publicly or privately 103984



operated home or facility that falls into one of the following	103985
categories:	103986
(a) Class one facilities provide accommodations,	103987
supervision, personal care services, and mental health services	103988
for one or more unrelated adults with mental illness or one or	103989
more unrelated children or adolescents with severe emotional	103990
disturbances;	103991
(b) Class two facilities provide accommodations,	103992
supervision, and personal care services to any of the following:	103993
(i) One or two unrelated persons with mental illness;	103994
(ii) One or two unrelated adults who are receiving	103995
payments under the residential state supplement program;	103996
(iii) Three to sixteen unrelated adults.	103997
(c) Class three facilities provide room and board for five	103998
or more unrelated adults with mental illness.	103999
(2) "Residential facility" does not include any of the	104000
following:	104001
(a) A hospital subject to licensure under section 5119.33	104002
of the Revised Code or an institution maintained, operated,	104003
managed, and governed by the department of <u>mental-behavioral</u>	104004
health <del>and addiction services</del> for the hospitalization of persons	104005
with mental illnesses pursuant to section 5119.14 of the Revised	104006
Code;	104007
(b) A residential facility licensed under section 5123.19	104008
of the Revised Code or otherwise regulated by the department of	104009
developmental disabilities;	104010
(c) An institution or association subject to certification	104011

under section 5103.03 of the Revised Code; 104012

(d) A facility operated by a hospice care program licensed 104013  
under section 3712.04 of the Revised Code that is used 104014  
exclusively for care of hospice patients; 104015

(e) A nursing home, residential care facility, or home for 104016  
the aging as defined in section 3721.02 of the Revised Code; 104017

(f) A facility licensed under section 5119.37 of the 104018  
Revised Code to operate an opioid treatment program; 104019

(g) Any facility that receives funding for operating costs 104020  
from the department of development under any program established 104021  
to provide emergency shelter housing or transitional housing for 104022  
the homeless; 104023

(h) A terminal care facility for the homeless that has 104024  
entered into an agreement with a hospice care program under 104025  
section 3712.07 of the Revised Code; 104026

(i) A facility approved by the veterans administration 104027  
under section 104(a) of the "Veterans Health Care Amendments of 104028  
1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used 104029  
exclusively for the placement and care of veterans; 104030

(j) The residence of a relative or guardian of a person 104031  
with mental illness. 104032

(C) Nothing in division (B) of this section shall be 104033  
construed to permit personal care services to be imposed on a 104034  
resident who is capable of performing the activity in question 104035  
without assistance. 104036

(D) Except in the case of a residential facility described 104037  
in division (B) (1) (a) of this section, members of the staff of a 104038  
residential facility shall not administer medication to the 104039

facility's residents, but may do any of the following: 104040

(1) Remind a resident when to take medication and watch to 104041  
ensure that the resident follows the directions on the 104042  
container; 104043

(2) Assist a resident in the self-administration of 104044  
medication by taking the medication from the locked area where 104045  
it is stored, in accordance with rules adopted pursuant to this 104046  
section, and handing it to the resident. If the resident is 104047  
physically unable to open the container, a staff member may open 104048  
the container for the resident. 104049

(3) Assist a resident who is physically impaired but 104050  
mentally alert, such as a resident with arthritis, cerebral 104051  
palsy, or Parkinson's disease, in removing oral or topical 104052  
medication from containers and in consuming or applying the 104053  
medication, upon request by or with the consent of the resident. 104054  
If a resident is physically unable to place a dose of medicine 104055  
to the resident's mouth without spilling it, a staff member may 104056  
place the dose in a container and place the container to the 104057  
mouth of the resident. 104058

(E) A person operating or seeking to operate a residential 104059  
facility shall apply for licensure of the facility to the 104060  
department of ~~mental-behavioral health-and-addiction services~~. 104061  
The application shall be submitted by the operator. When 104062  
applying for the license, the applicant shall pay to the 104063  
department the application fee specified in rules adopted under 104064  
division (N) of this section. The fee is nonrefundable. 104065

The department shall send a copy of an application to the 104066  
ADAMHS board serving the county in which the person operates or 104067  
seeks to operate the facility. The ADAMHS board shall review the 104068

application and provide to the department any information about 104069  
the applicant or the facility that the board would like the 104070  
department to consider in reviewing the application. 104071

~~(F) The department of mental behavioral health and 104072  
addiction services shall inspect and license the operation of 104073  
residential facilities. ~~The department may issue a license to~~ 104074  
~~operate a residential facility only if all of the following are~~ 104075  
~~the case:—~~ 104076~~

~~(1) The department is satisfied, after investigation, that 104077  
the facility is managed and operated by qualified persons and is 104078  
adequately staffed and equipped to operate.—~~ 104079

~~(2) The department has not been notified under section 104080  
5119.343 of the Revised Code or is not otherwise aware that the 104081  
residential facility or any owner, operator, or manager of the 104082  
residential facility has been the subject of an adverse action, 104083  
as defined in that section, taken during the three-year period 104084  
immediately preceding the date of application. 104085~~

~~(3) The department has not been notified or is not 104086  
otherwise aware that the residential facility or any owner, 104087  
operator, or manager of the facility has been the subject of an 104088  
adverse action, as defined in that section, taken at any time 104089  
based on an act or omission that violated the right of a 104090  
residential facility resident to be free from abuse, neglect, or 104091  
exploitation.— 104092~~

The department may issue full, probationary, and interim 104093  
licenses. A full license shall expire up to three years after 104094  
the date of issuance, a probationary license shall expire in a 104095  
shorter period of time as specified in rules adopted by the 104096  
director of mental behavioral health and addiction services— 104097

under division (N) of this section, and an interim license shall 104098  
expire ninety days after the date of issuance. A license may be 104099  
renewed in accordance with rules adopted by the director under 104100  
division (N) of this section. The renewal application shall be 104101  
submitted by the operator. When applying for renewal of a 104102  
license, the applicant shall pay to the department the renewal 104103  
fee specified in rules adopted under division (N) of this 104104  
section. The fee is nonrefundable. 104105

(G) (1) If the department finds any of the following with 104106  
respect to a residential facility, the department may issue an 104107  
order suspending the admission of residents to the facility, 104108  
refuse to issue or renew a license for the facility, or revoke 104109  
the facility's license: 104110

(a) The facility is not in compliance with rules adopted 104111  
by the director pursuant to division (N) of this section; 104112

(b) Any facility operated by the applicant or licensee has 104113  
been cited for a pattern of serious noncompliance or repeated 104114  
violations of statutes or rules during the period of current or 104115  
previous licenses; 104116

(c) The applicant or licensee submits false or misleading 104117  
information as part of a license application, renewal, or 104118  
investigation. 104119

(d) The facility is not managed and operated by qualified 104120  
persons or adequately staffed and equipped to operate. 104121

(e) The department has been notified under section 104122  
5119.343 of the Revised Code or otherwise becomes aware that the 104123  
facility, any owner, operator, or manager of the facility, or 104124  
any subsidiary of the facility, owner, or operator has been the 104125  
subject of an adverse action, as defined in that section, taken 104126

during the three-year period immediately preceding the date of 104127  
notification or date of becoming aware of the adverse action. 104128

(f) The department has been notified under section 104129  
5119.343 of the Revised Code or otherwise becomes aware that the 104130  
facility, any owner, operator, or manager of the facility, or 104131  
any subsidiary of the facility, owner, or operator has been the 104132  
subject of an adverse action, as defined in that section, taken 104133  
at any time based on an act or omission that violated the right 104134  
of a residential facility resident to be free from abuse, 104135  
neglect, or exploitation. 104136

(2) Proceedings initiated to deny applications for full or 104137  
probationary licenses, to refuse to renew full or probationary 104138  
licenses, or to revoke full or probationary licenses are 104139  
governed by Chapter 119. of the Revised Code. If an order has 104140  
been issued suspending the admission of residents to the 104141  
facility, the order remains in effect during the pendency of 104142  
those proceedings. 104143

Proceedings initiated to suspend the admission of 104144  
residents to a facility are governed by Chapter 119. of the 104145  
Revised Code, except as provided in division (H) of this 104146  
section. 104147

(3) In a proceeding initiated to suspend the admission of 104148  
residents to a facility, to deny an application for a full or 104149  
probationary license, to refuse to renew a full or probationary 104150  
license, or to revoke a full or probationary license, the 104151  
department may order the suspension, denial, refusal, or 104152  
revocation regardless of whether some or all of the deficiencies 104153  
that prompted the proceedings have been corrected at the time of 104154  
the hearing. 104155

(4) When the department issues an order suspending the admission of residents to a facility, denies an application for a full or probationary license, refuses to renew a full or probationary license, or revokes a full or probationary license, the department shall not grant an opportunity for submitting a plan of correction.

(H) (1) If a suspension of admissions of residents to a facility is proposed because the director has determined that the licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents, the director may issue an order imposing the suspension of admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected.

(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after being served in accordance with sections 119.05 and 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue

uninterrupted, except for Saturdays, Sundays, and legal 104185  
holidays, unless other interruptions are agreed to by the 104186  
licensee and the director. 104187

(d) If the hearing is conducted by a hearing examiner, the 104188  
hearing examiner shall file a report and recommendations with 104189  
the department not later than ten days after the last of the 104190  
following: 104191

(i) The close of the hearing; 104192

(ii) If a transcript of the proceedings is ordered, the 104193  
hearing examiner receives the transcript; 104194

(iii) If post-hearing briefs are timely filed, the hearing 104195  
examiner receives the briefs. 104196

(e) The hearing examiner shall send a written copy of the 104197  
report and recommendations, by certified mail, to the licensee, 104198  
or the licensee's attorney, if applicable, not later than five 104199  
days after the report is filed with the department. 104200

(f) Not later than five days after receiving the report 104201  
and recommendations, the licensee may file objections with the 104202  
department. 104203

(g) Not later than fifteen days after the hearing examiner 104204  
files the report and recommendations, the department shall issue 104205  
an order approving, modifying, or disapproving the report and 104206  
recommendations. 104207

(h) Notwithstanding the pendency of the hearing, the 104208  
department shall lift the order for the suspension of admissions 104209  
if the department determines the violation that formed the basis 104210  
for the order has been corrected. 104211

(I) The department may issue an interim license to operate 104212



a residential facility if both of the following conditions are met: 104213  
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(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available. 104215  
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(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director under division (N) of this section. 104220  
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An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code. 104224  
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(J) (1) The department of ~~mental~~ behavioral health and ~~and~~ ~~addiction services~~ may conduct an inspection of a residential facility as follows: 104229  
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(a) Prior to issuance of a license for the facility; 104232

(b) Prior to renewal of the license; 104233

(c) To determine whether the facility has completed a plan of correction required pursuant to division (J) (2) of this section and corrected deficiencies to the satisfaction of the department and in compliance with this section and rules adopted pursuant to it; 104234  
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(d) Upon complaint by any individual or agency; 104239

(e) At any time the director considers an inspection to be 104240

necessary in order to determine whether the facility is in 104241  
compliance with this section and rules adopted pursuant to this 104242  
section. 104243

(2) In conducting inspections the department may conduct 104244  
an on-site examination and evaluation of the residential 104245  
facility and its personnel, activities, and services. The 104246  
department shall have access to examine and copy all records, 104247  
accounts, and any other documents relating to the operation of 104248  
the residential facility, including records pertaining to 104249  
residents, and shall have access to the facility in order to 104250  
conduct interviews with the operator, staff, and residents. 104251  
Following each inspection and review, the department shall 104252  
complete a report listing any deficiencies, and including, when 104253  
appropriate, a time table within which the operator shall 104254  
correct the deficiencies. The department may require the 104255  
operator to submit a plan of correction describing how the 104256  
deficiencies will be corrected. 104257

(K) No person shall do any of the following: 104258

(1) Operate a residential facility unless the facility 104259  
holds a valid license; 104260

(2) Violate any of the conditions of licensure after 104261  
having been granted a license; 104262

(3) Interfere with a state or local official's inspection 104263  
or investigation of a residential facility; 104264

(4) Violate any of the provisions of this section or any 104265  
rules adopted pursuant to this section. 104266

(L) The following may enter a residential facility at any 104267  
time: 104268

(1) Employees designated by the director of <del>mental-</del>	104269
<u>behavioral health and addiction services</u> ;	104270
(2) Employees of an ADAMHS board under either of the	104271
following circumstances:	104272
(a) When a resident of the facility is receiving services	104273
from a community mental health services provider under contract	104274
with that ADAMHS board or another ADAMHS board;	104275
(b) When authorized by section 340.05 of the Revised Code.	104276
(3) Employees of a community mental health services	104277
provider under either of the following circumstances:	104278
(a) When the provider has a person receiving services	104279
residing in the facility;	104280
(b) When the provider is acting as an agent of an ADAMHS	104281
board other than the board with which it is under contract.	104282
(4) Representatives of the state long-term care ombudsman	104283
program when the facility provides accommodations, supervision,	104284
and personal care services for three to sixteen unrelated adults	104285
or to one or two unrelated adults who are receiving payments	104286
under the residential state supplement program.	104287
The persons specified in division (L) of this section	104288
shall be afforded access to examine and copy all records,	104289
accounts, and any other documents relating to the operation of	104290
the residential facility, including records pertaining to	104291
residents.	104292
(M) Employees of the department of <u>mental-behavioral</u>	104293
health and <del>addiction services</del> may enter, for the purpose of	104294
investigation, any institution, residence, facility, or other	104295
structure which has been reported to the department as, or that	104296

the department has reasonable cause to believe is, operating as 104297  
a residential facility without a valid license. 104298

(N) The director of behavioral health shall adopt and may 104299  
amend and rescind rules pursuant to Chapter 119. of the Revised 104300  
Code governing the licensing and operation of residential 104301  
facilities. The rules shall establish all of the following: 104302

(1) Minimum standards for the health, safety, adequacy, 104303  
and cultural competency of treatment of and services for persons 104304  
in residential facilities; 104305

(2) Procedures for the issuance, renewal, or revocation of 104306  
the licenses of residential facilities; 104307

(3) Procedures for conducting background investigations 104308  
for prospective or current operators, employees, volunteers, and 104309  
other non-resident occupants who may have direct access to 104310  
facility residents; 104311

(4) The fee to be paid when applying for a new residential 104312  
facility license or renewing the license; 104313

(5) Procedures for the operator of a residential facility 104314  
to follow when notifying the ADAMHS board serving the county in 104315  
which the facility is located when the facility is serving 104316  
residents with mental illness or severe mental disability, 104317  
including the circumstances under which the operator is required 104318  
to make such a notification; 104319

(6) Procedures for the issuance and termination of orders 104320  
of suspension of admission of residents to a residential 104321  
facility; 104322

(7) Measures to be taken by residential facilities 104323  
relative to residents' medication; 104324

- (8) Requirements relating to preparation of special diets; 104325
- (9) The maximum number of residents who may be served in a residential facility; 104326  
104327
- (10) The rights of residents of residential facilities and procedures to protect such rights; 104328  
104329
- (11) Standards and procedures under which the director may waive the requirements of any of the rules adopted. 104330  
104331
- (O) (1) The department of behavioral health may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction. 104332  
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- (2) Any person who makes a complaint under division (O) (1) of this section, or any person who participates in an administrative or judicial proceeding resulting from such a complaint, is immune from civil liability and is not subject to criminal prosecution, other than for perjury, unless the person has acted in bad faith or with malicious purpose. 104340  
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- (P) (1) The director of ~~mental behavioral health and addiction services~~ behavioral health may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license or from operating a licensed facility when, in the director's judgment, there is a present danger to the health or safety of any of the occupants of the facility. The court shall have jurisdiction to grant such injunctive relief upon a 104346  
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showing that the respondent named in the petition is operating a facility without a license or there is a present danger to the health or safety of any residents of the facility.

(2) When the court grants injunctive relief in the case of a facility operating without a license, the court shall issue, at a minimum, an order enjoining the facility from admitting new residents to the facility and an order requiring the facility to assist with the safe and orderly relocation of the facility's residents.

(3) If injunctive relief is granted against a facility for operating without a license and the facility continues to operate without a license, the director shall refer the case to the attorney general for further action.

(Q) The director of behavioral health may fine a person for violating division (K) of this section. The fine shall be five hundred dollars for a first offense; for each subsequent offense, the fine shall be one thousand dollars. The director's actions in imposing a fine shall be taken in accordance with Chapter 119. of the Revised Code.

**Sec. 5119.342.** (A) Upon petition by the director of ~~mental behavioral health and addiction services~~, the court of common pleas or the probate court may appoint a receiver to take possession of and operate a residential facility licensed pursuant to section 5119.34 of the Revised Code, when conditions existing at the residential facility present a substantial risk of physical or mental harm to residents and no other remedies at law are adequate to protect the health, safety, and welfare of the residents.

Petitions filed pursuant to this section shall include:

(1) A description of the specific conditions existing at 104383  
the residential facility which present a substantial risk of 104384  
physical or mental harm to residents; 104385

(2) A statement of the absence of other adequate remedies 104386  
at law; 104387

(3) The number of individuals residing at the facility; 104388

(4) A statement that the facts have been brought to the 104389  
attention of the owner or licensee and that conditions have not 104390  
been remedied within a reasonable period of time or that the 104391  
conditions, though remedied periodically, habitually exist at 104392  
the residential facility as a pattern or practice; and 104393

(5) The name and address of the person holding the license 104394  
for the residential facility. 104395

(B) A court in which a petition is filed pursuant to this 104396  
section shall notify the person holding the license for the 104397  
facility of the filing. The department shall send notice of the 104398  
filing to the following, as appropriate: the Ohio protection and 104399  
advocacy system as defined in section 5123.60 of the Revised 104400  
Code; facility owner; facility operator; board of alcohol, drug 104401  
addiction, and mental health services; board of health; 104402  
department of developmental disabilities; department of job and 104403  
family services; facility residents; and residents' families and 104404  
guardians. The court shall provide a hearing on the petition 104405  
within five court days of the time it was filed, except that the 104406  
court may appoint a receiver prior to that time if it determines 104407  
that the circumstances necessitate such action. 104408

Following a hearing on the petition, and upon a 104409  
determination that the appointment of a receiver is warranted, 104410  
the court shall appoint a receiver and notify the department of 104411

~~mental-behavioral health and addiction services~~ and appropriate persons of this action. 104412  
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In setting forth the powers of the receiver, the court may generally authorize the receiver to do all that is prudent and necessary to safely and efficiently operate the residential facility within the requirements of state and federal law, but shall require the receiver to obtain court approval prior to making any single expenditure of more than five thousand dollars to correct deficiencies in the structure or furnishings of a facility. The court shall closely review the conduct of the receiver and shall require regular and detailed reports. 104414  
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(C) A receivership established pursuant to this section shall be terminated, following notification of the appropriate parties and a hearing, if the court determines either of the following: 104423  
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(1) The residential facility has been closed and the former residents have been relocated to an appropriate facility; 104427  
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(2) Circumstances no longer exist at the residential facility which present a substantial risk of physical or mental harm to residents, and there is no deficiency in the residential facility that is likely to create a future risk of harm. 104429  
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Notwithstanding division (C) (2) of this section, the court shall not terminate a receivership for a residential facility that has previously operated under another receivership unless the responsibility for the operation of the facility is transferred to an operator approved by the court and the department of ~~mental-behavioral health and addiction services~~. 104433  
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(D) Except for the department of ~~mental-behavioral health and addiction services~~ or appropriate board of alcohol, drug 104439  
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addiction, and mental health services, no party or person 104441  
interested in an action shall be appointed a receiver pursuant 104442  
to this section. 104443

To assist the court in identifying persons qualified to be 104444  
named as receivers, the director of ~~mental~~-behavioral health ~~and~~ 104445  
~~addiction services~~ shall maintain a list of the names of such 104446  
persons. The department of ~~mental~~-behavioral health ~~and~~ 104447  
~~addiction services~~, the department of job and family services, 104448  
and the department of health shall provide technical assistance 104449  
to any receiver appointed pursuant to this section. 104450

Before entering upon the duties of receiver, the receiver 104451  
must be sworn to perform the duties faithfully, and, with surety 104452  
approved by the court, judge, or clerk, execute a bond to such 104453  
person, and in such sum as the court or judge directs, to the 104454  
effect that such receiver will faithfully discharge the duties 104455  
of receiver in the action, and obey the orders of the court 104456  
therein. 104457

(1) Under the control of the appointing court, a receiver 104458  
may do the following: 104459

(a) Bring and defend actions in the appointee's name as 104460  
receiver; 104461

(b) Take and keep possession of property. 104462

(2) The court shall authorize the receiver to do the 104463  
following: 104464

(a) Collect payment for all goods and services provided to 104465  
the residents or others during the period of the receivership at 104466  
the same rate as was charged by the licensee at the time the 104467  
petition for receivership was filed, unless a different rate is 104468  
set by the court; 104469

(b) Honor all leases, mortgages, and secured transactions 104470  
governing all buildings, goods, and fixtures of which the 104471  
receiver has taken possession, but, in the case of a rental 104472  
agreement only to the extent of payments that are for the use of 104473  
the property during the period of the receivership, or, in the 104474  
case of a purchase agreement, only to the extent that payments 104475  
come due during the period of the receivership; 104476

(c) If transfer of residents is necessary, provide for the 104477  
orderly transfer of residents by: 104478

(i) Cooperating with all appropriate state and local 104479  
agencies in carrying out the transfer of residents to 104480  
alternative community placements; 104481

(ii) Providing for the transportation of residents' 104482  
belongings and records; 104483

(iii) Helping to locate alternative placements and develop 104484  
plans for transfer; 104485

(iv) Encouraging residents or guardians to participate in 104486  
transfer planning except when an emergency exists and immediate 104487  
transfer is necessary. 104488

(d) Make periodic reports on the status of the residential 104489  
facility to the court; the appropriate state agencies; and the 104490  
board of alcohol, drug addiction, and mental health services. 104491  
Each report shall be made available to residents, their 104492  
guardians, and families. 104493

(e) Compromise demands or claims; and 104494

(f) Generally do such acts respecting the residential 104495  
facility as the court authorizes. 104496

Notwithstanding any other provision of law, contracts 104497

which are necessary to carry out the powers and duties of the receiver need not be competitively bid.

**Sec. 5119.343.** (A) As used in this section, "adverse action" means an action by a state, provincial, federal, or other licensing or regulatory authority other than the department of behavioral health to deny, revoke, suspend, place on probation, or otherwise restrict a license, certificate, or other approval to operate a residential facility or practice a health care profession.

(B) (1) When submitting an application for initial or renewed licensure of a residential facility under section 5119.34 of the Revised Code, the applicant shall notify the department of ~~mental behavioral health and addiction services~~ of any adverse action taken against any of the following during the three-year period immediately preceding the date of application:

(a) The residential facility or the facility's;

(b) Any owner, operator, or manager within of the three-year period immediately preceding the date of application facility;

(c) Any subsidiary of the facility, owner, or operator.

(2) Not later than seven days after receiving a notice of adverse action ~~from a licensing or regulatory authority that is other than the department of mental health and addiction services~~, the holder of a residential facility license issued under section 5119.34 of the Revised Code shall notify the department of the action.

(3) To notify the department as required by this section, a copy of the notice of adverse action shall be provided to the department.

Sec. 5119.344. (A) As used in this section, "principal" 104527  
means an owner, operator, or manager of a class one residential 104528  
facility. 104529

(B) The department of mental health and addiction services 104530  
may suspend, without a prior hearing, the license of a class one 104531  
residential facility that serves children if any of the 104532  
following occurs: 104533

(1) A child suffers a serious injury or dies while 104534  
residing in the residential facility. 104535

(2) The department, a public children services agency, or 104536  
a county department of job and family services determines that a 104537  
principal, employee, volunteer, or nonresident occupant of the 104538  
residential facility created a serious risk to the health or 104539  
safety of a child residing in the facility that resulted in or 104540  
could have resulted in a child's death or injury. 104541

(3) A principal, employee, resident, volunteer, or 104542  
nonresident occupant of the facility was charged by an 104543  
indictment, information, or complaint with an offense relating 104544  
to the death, injury, or sexual assault of another person that 104545  
occurred on the premises of the facility. 104546

(4) A principal, employee, volunteer, or nonresident 104547  
occupant of the facility was charged by an indictment, 104548  
information, or complaint with an offense relating to the death, 104549  
injury, or sexual assault of a child residing in the facility. 104550

(5) A public children services agency receives a report 104551  
pursuant to section 2151.421 of the Revised Code, and the person 104552  
alleged to have inflicted abuse or neglect on the child, who is 104553  
the subject of the report, is either of the following: 104554

(a) A principal of the residential facility; 104555

(b) An employee of the residential facility who has not 104556  
been immediately placed on administrative leave or released from 104557  
employment. 104558

(6) The residential facility is not in compliance with the 104559  
rule, adopted under section 5119.34 of the Revised Code, 104560  
pertaining to background investigations for owners, operators, 104561  
employees, and other specified individuals. 104562

(C) In suspending a license under division (B) of this 104563  
section, the department shall comply with section 119.07 of the 104564  
Revised Code. The owner of a class one residential facility may 104565  
request an adjudicatory hearing before the department pursuant 104566  
to sections 119.06 and 119.12 of the Revised Code. If a hearing 104567  
is requested and the department does not issue its final 104568  
adjudication order within one hundred twenty days after the 104569  
suspension, the suspension is void on the one hundred twenty- 104570  
first day after the suspension, unless the hearing on the 104571  
suspension is continued on agreement by the parties or for good 104572  
cause. 104573

(D) Any summary suspension imposed under this section 104574  
shall remain in effect until any of the following occurs: 104575

(1) The public children services agency completes its 104576  
investigation of the report pursuant to section 2151.421 of the 104577  
Revised Code and determines that all of the allegations are 104578  
unsubstantiated. 104579

(2) All criminal charges are disposed of through dismissal 104580  
or a finding of not guilty. 104581

(3) The department issues, pursuant to Chapter 119. of the 104582  
Revised Code, a final order terminating the suspension. 104583

(E) A class one residential facility serving children 104584

shall not have children placed in the facility while a summary 104585  
suspension remains in effect. Upon the issuance of the order of 104586  
suspension, the department shall place a hold on the license or 104587  
indicate that the license is suspended in Ohio's statewide 104588  
automated child welfare information system. 104589

(F) The director of mental health and addiction services 104590  
may adopt rules in accordance with Chapter 119. of the Revised 104591  
Code establishing standards and procedures for the summary 104592  
suspension of licenses. 104593

(G) This section does not limit the authority of the 104594  
department to take other action, such as issuing an order 104595  
suspending the admission of residents to a residential facility, 104596  
refusing to issue or renew a license for a facility, or revoking 104597  
a facility's license under section 5119.34 of the Revised Code. 104598

**Sec. 5119.35.** (A) Except as provided in division (B) of 104599  
this section, if a mental health service or alcohol and drug 104600  
addiction service has been specified in rules adopted under this 104601  
section as a service that is required to be certified, no person 104602  
or government entity shall provide that service unless it has 104603  
been certified under section 5119.36 of the Revised Code. 104604

(B) Division (A) of this section does not apply to either 104605  
of the following: 104606

(1) An individual who holds a valid license, certificate, 104607  
or registration issued by this state authorizing the practice of 104608  
a health care profession that includes the performance of any 104609  
service that is required to be certified as described in this 104610  
section, regardless of whether the service is performed as part 104611  
of a sole proprietorship, partnership, or group practice; 104612

(2) An individual who provides any service that is 104613

required to be certified as described in this section as part of 104614  
an employment or contractual relationship with a hospital 104615  
outpatient clinic that is accredited by an accreditation agency 104616  
or organization approved by the director of ~~mental behavioral~~ 104617  
health ~~and addiction services~~. 104618

(C) (1) If the director of ~~mental behavioral health and~~ 104619  
~~addiction services~~ determines that a person or government entity 104620  
is violating division (A) of this section, the director may 104621  
request, in writing, that the attorney general petition the 104622  
court of common pleas in the county where the person or 104623  
government entity is located or providing the services to enjoin 104624  
the person or government entity from engaging in the conduct 104625  
that violates division (A) of this section. 104626

(2) No person or government entity that is subject to this 104627  
section is eligible to receive, for a service that is subject to 104628  
this section, any federal funds, state funds, or funds 104629  
administered by a board of alcohol, drug addiction, and mental 104630  
health services, unless that service has been certified under 104631  
section 5119.36 of the Revised Code. This limitation is in 104632  
addition to the injunction that may be sought under division (C) 104633  
(1) of this section for a violation of division (A) of this 104634  
section. 104635

(D) The director may adopt rules in accordance with 104636  
Chapter 119. of the Revised Code to specify mental health 104637  
services and alcohol and drug addiction services that are 104638  
required to be certified under section 5119.36 of the Revised 104639  
Code. 104640

**Sec. 5119.36.** (A) A person or government entity that seeks 104641  
initial certification of one or more certifiable services and 104642  
supports, or that seeks to renew certification of one or more 104643

certifiable services and supports, shall submit an application 104644  
to the director of ~~mental behavioral health and addiction~~ 104645  
~~services~~. On receipt of the application, the director shall 104646  
determine whether the standards established by ~~divisions~~ 104647  
division (B) ~~and (C)~~ of this section and any rules adopted under 104648  
this section are satisfied or continue to be satisfied by the 104649  
applicant. As part of the determination the director may conduct 104650  
an on-site review of the applicant. In doing so, the director 104651  
may conduct the review in cooperation with a board of alcohol, 104652  
drug addiction, and mental health services that seeks to 104653  
contract or has a contract with the applicant under section 104654  
340.036 of the Revised Code. 104655

Not later than fourteen days after receipt of an ~~initial~~ 104656  
~~or renewal~~ application for initial or renewed certification, the 104657  
director shall inform the board of alcohol, drug addiction, and 104658  
mental health services serving the alcohol, drug addiction, and 104659  
mental health service district in which the applicant's 104660  
certifiable services and supports will be provided of the 104661  
receipt of the application. On the board's request, the director 104662  
shall provide the board with a copy of the application. 104663

Not later than thirty days after a provider's 104664  
certification ceases to be valid for any reason, including the 104665  
provider's failure to renew the certification prior to 104666  
expiration, the director's acceptance of the provider's 104667  
surrender of the certification, or the issuance of a final order 104668  
for disciplinary action under division ~~(G)~~ (F) or ~~(M)~~ (L) of this 104669  
section, the director shall provide notice to the applicable 104670  
board of alcohol, drug addiction, and mental health services of 104671  
the reason the certification ceased to be valid and the date it 104672  
became invalid. 104673



(B) (1) Except as provided in division (B) (4) of this section, beginning on ~~the effective date of this amendment~~ October 3, 2023, an applicant seeking initial certification of certifiable services and supports shall be accredited by one or more national accrediting organizations specified in division (B) (3) of this section for certifiable services and supports for which national accreditation exists for such services and supports or equivalent services and supports.

(2) Except as provided in division (B) (4) of this section, beginning October 1, 2025, an applicant seeking to renew certification of certifiable services and supports shall be accredited by one or more national accrediting organizations specified in division (B) (3) of this section for certifiable services and supports for which national accreditation exists for such services and supports or equivalent services and supports.

(3) For purposes of divisions (B) (1) and (2) of this section, the director shall accept appropriate accreditation of an applicant's certifiable services and supports from any of the following national accrediting organizations:

- (a) The joint commission;
- (b) The commission on accreditation of rehabilitation facilities;
- (c) The council on accreditation;
- (d) Any other national accrediting organization the director considers appropriate.

(4) The accreditation requirements of divisions (B) (1) and (2) of this section do not apply to an applicant seeking an initial or renewed certification to provide prevention services,

as that term is defined in rules adopted under this section. For 104703  
such applicants, accreditation is optional. 104704

~~(C) In addition to meeting the accreditation standard set 104705  
forth in division (B) of this section, an applicant seeking 104706  
initial or renewed certification of one or more certifiable 104707  
services and supports is eligible to receive the certification 104708  
only if both of the following are the case, as determined by the 104709  
director: 104710~~

~~(1) The applicant has adequate staff and equipment to 104711  
provide the certifiable services and supports; 104712~~

~~(2) The department has not been notified under section 104713  
5119.367 of the Revised Code or is not otherwise aware that the 104714  
applicant, or any owner or principal of the applicant, has been 104715  
the subject of an adverse action, as defined in that section, 104716  
taken during the three-year period immediately preceding the 104717  
date of application. 104718~~

~~(D) (1) (C) (1) Except as provided in division (D) (2) (C) (2) 104719  
of this section, if the director determines that an applicant 104720  
has paid any required certification fee, that the applicant's 104721  
accreditation of certifiable services and supports is current 104722  
and appropriate for the services and supports for which the 104723  
applicant is seeking initial or renewed certification, that the 104724  
applicant meets the requirements of division (C) of this 104725  
section, and that the applicant meets any other requirements 104726  
established by this section or rules adopted under it, the 104727  
director shall certify the services and supports or renew the 104728  
certification of the services and supports, as applicable. 104729  
Except as provided in division (J) (I) of this section, the 104730  
director shall issue or renew the certification without further 104731  
evaluation of the services and supports. 104732~~

(2) Prior to October 1, 2025, if an applicant that seeks 104733  
to renew certification of certifiable services and supports is 104734  
not accredited to provide those services and supports by one or 104735  
more national accrediting organizations specified in division 104736  
(B)(3) of this section, the director shall conduct an evaluation 104737  
of the applicant to determine whether the applicant's 104738  
certifiable services and supports satisfy the standards for 104739  
certification. The evaluation is in addition to any on-site 104740  
review conducted under division (A) of this section and shall be 104741  
performed in cooperation with a board of alcohol, drug 104742  
addiction, and mental health services that seeks to contract or 104743  
has a contract with the applicant under section 340.036 of the 104744  
Revised Code. If the director determines that an applicant has 104745  
paid any required certification fee, that the applicant's 104746  
certifiable services and supports satisfy the standards for 104747  
renewed certification, ~~that the applicant meets the requirements~~ 104748  
~~of division (C) of this section,~~ and that the applicant meets 104749  
any other requirements established by this section or the rules 104750  
adopted under it, the director shall certify the certifiable 104751  
services and supports. 104752

~~(E)~~(D) For purposes of the accreditation requirements of 104753  
this section, both of the following apply: 104754

(1) The director may review the accrediting organizations 104755  
specified in division (B)(3) of this section to evaluate whether 104756  
the accreditation standards and processes used by the 104757  
organizations are consistent with service delivery models the 104758  
director considers appropriate for mental health services, 104759  
alcohol and drug addiction services, or physical health 104760  
services. The director may communicate to an accrediting 104761  
organization any identified concerns, trends, needs, and 104762  
recommendations. 104763

(2) The director shall require a community mental health services provider and a community addiction services provider to notify the director not later than ten days after any change in the provider's accreditation status. The provider may notify the director by providing a copy of the relevant document the provider received from the accrediting organization.

~~(F)~~(E) The director may require a community mental health services provider or a community addiction services provider to submit to the director cost reports pertaining to the provider.

~~(G)~~(F) The director may refuse to certify certifiable services and supports, refuse to renew certification, or revoke certification if any of the following apply to an applicant for certification or the holder of the certification:

(1) The applicant or holder is not in compliance with rules adopted under this section.

(2) The applicant or holder has been cited for a pattern of serious noncompliance or repeated violations of statutes or rules during the current certification period or any previous certification period.

(3) The applicant or holder has been found to be in violation of section 5119.396 of the Revised Code;

(4) The applicant or holder submits false or misleading information as part of a certification application, renewal, or investigation.

(5) The applicant does not have adequate staff and equipment to provide the certifiable services and supports.

(6) The department has been notified under section 5119.367 of the Revised Code or is otherwise aware that the

applicant, any owner or principal of the applicant, or any 104792  
subsidiary of the applicant or owner has been the subject of an 104793  
adverse action, as defined in that section, taken during the 104794  
three-year period immediately preceding the date of notification 104795  
or date of becoming aware of the adverse action. 104796

~~(H)~~(G) Proceedings initiated to deny applications to 104797  
certify certifiable services and supports, to refuse to renew 104798  
certification, or to revoke certification are governed by 104799  
Chapter 119. of the Revised Code. If an order has been issued 104800  
suspending admissions to a community addiction services 104801  
provider, as provided in division ~~(M)~~(L) of this section, the 104802  
order remains in effect during the pendency of those 104803  
proceedings. 104804

~~(I)~~(H) The director may conduct an on-site review or 104805  
otherwise evaluate a community mental health services provider 104806  
or a community addiction services provider at any time based on 104807  
cause, including complaints made by or on behalf of persons 104808  
receiving mental health services or alcohol and drug addiction 104809  
services and confirmed or alleged deficiencies brought to the 104810  
attention of the director. This authority does not affect the 104811  
director's duty to conduct the inspections required by section 104812  
5119.37 of the Revised Code. 104813

In conducting an on-site review under this division, the 104814  
director may do so in cooperation with a board of alcohol, drug 104815  
addiction, and mental health services that seeks to contract or 104816  
has a contract with the applicant under section 340.036 of the 104817  
Revised Code. In conducting any other evaluation under this 104818  
division, the director shall do so in cooperation with such a 104819  
board. 104820

~~(J)~~(I) If the director proposes to take action under 104821

division ~~(G)~~(F) of this section, the director shall notify the 104822  
board of alcohol, drug addiction, and mental health services 104823  
serving the alcohol, drug addiction, and mental health service 104824  
district in which the certifiable services and supports will be 104825  
or were provided, and provide the board opportunity to respond 104826  
as specified in division (A) of this section with respect to 104827  
initial or renewal applications. 104828

When a final order is issued by the director under 104829  
division ~~(G)~~(F) of this section, the director may request that 104830  
the appropriate board of alcohol, drug addiction, and mental 104831  
health services reallocate any funds for the certifiable 104832  
services and supports the applicant was to provide to a 104833  
community mental health services provider or community addiction 104834  
services provider whose certifiable services and supports 104835  
satisfy the standards. If the board does not reallocate such 104836  
funds in a reasonable period of time, the director may withhold 104837  
state and federal funds for the certifiable services and 104838  
supports and allocate those funds directly to a community mental 104839  
health services provider or community addiction services 104840  
provider whose certifiable services and supports satisfy the 104841  
standards. 104842

~~(K)~~(J) Each applicant seeking initial or renewed 104843  
certification of its certifiable services and supports shall pay 104844  
a fee for the certification required by this section, unless the 104845  
applicant is exempt under rules adopted under this section. Fees 104846  
shall be paid into the state treasury to the credit of the sale 104847  
of goods and services fund created pursuant to section 5119.45 104848  
of the Revised Code. 104849

~~(L)~~(K) The director shall adopt rules in accordance with 104850  
Chapter 119. of the Revised Code to implement this section. The 104851

rules shall do all of the following: 104852

(1) Subject to section 340.034 of the Revised Code, 104853  
specify the types of recovery supports that are required to be 104854  
certified under this section; 104855

(2) Establish certification standards for certifiable 104856  
services and supports that are consistent with nationally 104857  
recognized applicable standards and facilitate participation in 104858  
federal assistance programs. The rules shall include as 104859  
certification standards only requirements that improve the 104860  
quality of certifiable services and supports or the health and 104861  
safety of persons receiving certifiable services and supports. 104862  
The standards shall address at a minimum all of the following: 104863

(a) Reporting major unusual incidents to the director; 104864

(b) Procedures for applicants for and persons receiving 104865  
certifiable services and supports to file grievances and 104866  
complaints; 104867

(c) Seclusion; 104868

(d) Restraint; 104869

(e) Requirements regarding the physical facilities in 104870  
which certifiable services and supports are provided; 104871

(f) Requirements with regard to health, safety, adequacy, 104872  
and cultural specificity and sensitivity; 104873

(g) Standards for evaluating certifiable services and 104874  
supports; 104875

(h) Standards and procedures for granting full, 104876  
probationary, and interim certification of the certifiable 104877  
services and supports of an applicant; 104878

- (i) Standards and procedures for revoking the certification of a community mental health services provider's or community addiction services provider's certifiable services and supports that do not continue to meet the minimum standards established pursuant to this section;
- (j) The limitations to be placed on a provider whose certifiable services and supports are granted probationary or interim certification;
- (k) Development of written policies addressing the rights of persons receiving certifiable services and supports, including all of the following:
- (i) The right to a copy of the written policies addressing the rights of persons receiving certifiable services and supports;
- (ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;
- (iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;
- (iv) The right to have a client rights officer provided by the provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised Code if the person is committed to the provider or board.
- (l) Documentation that must be submitted as evidence of holding appropriate accreditation;
- (m) A process by which the director may review the



accreditation standards and process used by the national 104907  
accrediting organizations specified in division (B) (3) of this 104908  
section. 104909

(3) Establish the process for certification of certifiable 104910  
services and supports; 104911

(4) Set the amount of initial and renewal certification 104912  
fees and any reasons for which applicants may be exempt from the 104913  
fees; 104914

(5) Specify the type of notice and hearing to be provided 104915  
prior to a decision on whether to reallocate funds; 104916

(6) Establish a process by which the director, based on 104917  
deficiencies identified as a result of conducting an on-site 104918  
review or otherwise evaluating a community mental health 104919  
services provider or community addiction services provider under 104920  
division ~~(I)~~(H) of this section, may take any range of 104921  
correction actions, including revocation of the provider's 104922  
certification. 104923

~~(M)~~(L) (1) The director may issue an order suspending 104924  
admissions to a community addiction services provider that 104925  
provides overnight accommodations if the director finds either 104926  
of the following: 104927

(a) The provider's certifiable services and supports are 104928  
not in compliance with rules adopted under this section; 104929

(b) The provider has been cited for more than one 104930  
violation of statutes or rules during any previous certification 104931  
period of the provider. 104932

(2) (a) Except as provided in division ~~(M)~~(L) (2) (b) 104933  
of this section, proceedings initiated to suspend admissions to 104934

a community addiction services provider that provides overnight accommodations are governed by Chapter 119. of the Revised Code. 104935  
104936

(b) If a suspension of admissions is proposed because the director has determined that the provider has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of patients, the director may issue an order suspending admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected. 104937  
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(3) Appeals from proceedings initiated to order the suspension of admissions shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply: 104947  
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(a) The provider may request a hearing not later than ten days after being served in accordance with sections 119.05 and 119.07 of the Revised Code. 104952  
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(b) If a timely request for a hearing that includes the provider's current address is made, the hearing shall commence not later than thirty days after the department receives the request. 104955  
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(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the provider and the director. 104959  
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(d) If the hearing is conducted by a hearing examiner, the 104963

hearing examiner shall file a report and recommendations with 104964  
the department not later than ten days after the last of the 104965  
following: 104966

(i) The close of the hearing; 104967

(ii) If a transcript of the proceedings is ordered, the 104968  
hearing examiner receives the transcript; 104969

(iii) If post-hearing briefs are timely filed, the hearing 104970  
examiner receives the briefs. 104971

(e) The hearing examiner shall send a written copy of the 104972  
report and recommendations, by certified mail, to the provider, 104973  
or the provider's attorney, if applicable, not later than five 104974  
days after the report is filed with the department. 104975

(f) Not later than five days after receiving the report 104976  
and recommendations, the provider may file objections with the 104977  
department. 104978

(g) Not later than fifteen days after the hearing examiner 104979  
files the report and recommendations, the department shall issue 104980  
an order approving, modifying, or disapproving the report and 104981  
recommendations. 104982

(h) Notwithstanding the pendency of the hearing, the 104983  
department shall lift the order for the suspension of admissions 104984  
if the department determines the violation that formed the basis 104985  
for the order has been corrected. 104986

~~(N) (1)~~ (M) (1) In a proceeding initiated to suspend 104987  
admissions to a community addiction services provider that 104988  
provides overnight accommodations, to deny an application for 104989  
certification of certifiable services and supports, to refuse to 104990  
renew certification, or to revoke certification, the department 104991

may order the suspension, denial, refusal, or revocation 104992  
regardless of whether some or all of the deficiencies that 104993  
prompted the proceedings have been corrected at the time of the 104994  
hearing. 104995

(2) When the department issues an order suspending 104996  
admissions to a community addiction services provider that 104997  
provides overnight accommodations, denies an application for 104998  
certification of certifiable services and supports, refuses to 104999  
renew certification, or revokes a certification, the department 105000  
shall not grant an opportunity for submitting a plan of 105001  
correction. 105002

~~(O)~~ (N) The department of ~~mental-behavioral~~ health and 105003  
~~addiction services~~ shall maintain a current list of community 105004  
addiction services providers and shall provide a copy of the 105005  
list to a judge of a court of common pleas who requests a copy 105006  
for the use of the judge under division (H) of section 2925.03 105007  
of the Revised Code. The list shall identify each provider by 105008  
its name, its address, and the county in which it is located. 105009

~~(P)~~ (O) No person shall represent in any manner that a 105010  
community mental health services provider's or community 105011  
addiction services provider's certifiable services and supports 105012  
are certified by the director if the certifiable services and 105013  
supports are not so certified at the time the representation is 105014  
made. 105015

~~(O)~~ (P) If a board of alcohol, drug addiction, and mental 105016  
health services requests the department of ~~mental-behavioral~~ 105017  
health and ~~addiction services~~ to investigate a community mental 105018  
health services provider or community addiction services 105019  
provider pursuant to this section, the department shall initiate 105020  
the investigation not later than ten business days after receipt 105021

of the request. If the department initiates an investigation of 105022  
a community mental health services provider or community 105023  
addiction services provider under this section for any other 105024  
reason, the department shall notify the board of alcohol, drug 105025  
addiction, and mental health services serving the applicable 105026  
alcohol, drug addiction, and mental health service district of 105027  
the investigation and the reason for the investigation not later 105028  
than three business days after the investigation begins. On the 105029  
board's request, the department shall provide the board with 105030  
information specifying the status of the investigation and the 105031  
final disposition of the investigation. 105032

**Sec. 5119.362.** (A) In accordance with rules adopted under 105033  
section 5119.363 of the Revised Code, each community addiction 105034  
services provider shall do all of the following: 105035

(1) Maintain a waiting list for the provider's included 105036  
opioid and co-occurring drug addiction services and recovery 105037  
supports; 105038

(2) Notify an individual included on the provider's 105039  
waiting list when the provider has a slot available for the 105040  
individual and, if the individual does not contact the provider 105041  
about the slot within a period of time specified in the rules, 105042  
contact the individual to determine why the individual did not 105043  
contact the provider and to assess whether the individual still 105044  
needs the included opioid and co-occurring drug addiction 105045  
services and recovery supports; 105046

(3) Remove an individual from the waiting list if either 105047  
of the following applies: 105048

(a) The individual withdraws the individual's request for 105049  
included opioid and co-occurring drug addiction services and 105050

recovery supports; 105051

(b) When the provider notifies the individual about an 105052  
available slot, the individual does not contact the provider 105053  
about the slot within the period of time specified in the rules 105054  
or otherwise vacates the slot before beginning to receive the 105055  
services and supports. 105056

(4) As part of the process of maintaining the waiting 105057  
list, determine both of the following: 105058

(a) For each individual who seeks from the provider 105059  
included opioid and co-occurring drug addiction services and 105060  
recovery supports, the number of days that starts with the day 105061  
the individual first contacts the provider about accessing the 105062  
services and supports and ends on the following day: 105063

(i) If the individual is required to be assessed for the 105064  
individual's clinical need for the services and supports, the 105065  
day of the assessment; 105066

(ii) If the individual is not required to be assessed for 105067  
the individual's clinical need for the services and supports, 105068  
the first day of the individual's access to the services and 105069  
supports. 105070

(b) For each such individual who is required to be 105071  
assessed for the individual's clinical need for the services and 105072  
supports, the number of days that starts with the day of the 105073  
assessment and ends with the first day of the individual's 105074  
access to the services and supports. 105075

(5) Using information the provider acquires by maintaining 105076  
the waiting list, determine whether included opioid and co- 105077  
occurring drug addiction services and recovery supports are 105078  
insufficient to meet the needs of individuals on the waiting 105079

list; 105080

(6) Subject to division (B) of this section, report all of 105081  
the following information not later than the last day of each 105082  
month to the department of ~~mental behavioral health and~~ 105083  
~~addiction services:~~ 105084

(a) An unduplicated count of all individuals who were 105085  
included on the provider's waiting list during the immediately 105086  
preceding month and each type of included opioid and co- 105087  
occurring drug addiction services and recovery supports for 105088  
which they were waiting; 105089

(b) The total number of days each such individual had been 105090  
on the provider's waiting list during the immediately preceding 105091  
month; 105092

(c) The last known type of residential setting in which 105093  
each such individual resided during the immediately preceding 105094  
month; 105095

(d) The total number of individuals who did not contact 105096  
the provider after receiving, during the immediately preceding 105097  
month, the notices under division (A) (2) of this section about 105098  
the provider having slots available for the individuals and, if 105099  
known, the reasons the contacts were not made; 105100

(e) The total number of such individuals who withdrew, in 105101  
the immediately preceding month, their requests for included 105102  
opioid and co-occurring drug addiction services and recovery 105103  
supports, each type of service and support that those 105104  
individuals had requested or been assessed as having a clinical 105105  
need for, and, if known, the reasons those individuals withdrew 105106  
their requests; 105107

(f) An unduplicated count of all individuals who were 105108

referred to another community addiction services provider 105109  
because the referring provider does not provide the type of 105110  
included opioid and co-occurring drug addiction services and 105111  
recovery supports that those individuals had requested or been 105112  
assessed as having a clinical need for and each type of service 105113  
and support for which those individuals were referred; 105114

(g) All other information specified in the rules. 105115

(B) Each report that a community addiction services 105116  
provider provides to the department under this section shall do 105117  
both of the following: 105118

(1) For the purposes of divisions (A) (6) (a) and (f) of 105119  
this section, specify the counties of residence of the 105120  
individuals in the unduplicated counts and include identifying 105121  
information required by the rules adopted under section 5119.363 105122  
of the Revised Code so that the department is able to identify 105123  
any individuals who are inadvertently duplicated in the counts; 105124

(2) For the purpose of the information reported under 105125  
division (A) (6) (c) of this section, identify the types of 105126  
residential settings at least as either institutional or 105127  
noninstitutional. 105128

**Sec. 5119.363.** The director of mental-behavioral health 105129  
~~and addiction services~~ shall adopt rules governing the duties of 105130  
community addiction services providers under section 5119.362 of 105131  
the Revised Code. The rules shall be adopted in accordance with 105132  
Chapter 119. of the Revised Code. 105133

The director shall adopt rules under this section that 105134  
authorize the department of mental-behavioral health ~~and~~ 105135  
~~addiction services~~ to determine an advanced practice registered 105136  
nurse's, physician assistant's, or physician's compliance with 105137



section 3719.064 of the Revised Code if such practitioner works 105138  
for a community addiction services provider. 105139

**Sec. 5119.364.** (A) The department of ~~mental~~behavioral 105140  
~~health and addiction services~~ shall do both of the following 105141  
with the reports it receives from community addiction services 105142  
providers under section 5119.362 of the Revised Code: 105143

(1) Subject to division (B) of this section, make the 105144  
reports available on the department's internet web site; 105145

(2) Make the reports available in an electronic format to 105146  
boards of alcohol, drug addiction, and mental health services in 105147  
a manner that provides the information about an individual 105148  
contained in a report to the board that serves the individual's 105149  
county. 105150

(B) In making the reports available on the department's 105151  
web site, the department shall present the information contained 105152  
in the reports on both a statewide aggregate basis and county- 105153  
level aggregate basis. The information on the web site shall be 105154  
updated monthly after the community addiction services providers 105155  
submit new reports to the department. 105156

**Sec. 5119.365.** The director of ~~mental~~behavioral health 105157  
~~and addiction services~~ shall adopt rules in accordance with 105158  
Chapter 119. of the Revised Code to do both of the following: 105159

(A) Streamline the intake procedures used by a community 105160  
addiction services provider accepting and beginning to serve a 105161  
new individual, including procedures regarding intake forms and 105162  
questionnaires; 105163

(B) Enable a community addiction services provider to 105164  
retain an individual as an active patient even though the 105165  
patient last received services from the provider more than 105166

thirty days before resumption of services so that the individual 105167  
and provider do not have to repeat the intake procedures. 105168

**Sec. 5119.366.** The director of ~~mental~~behavioral health 105169  
~~and addiction services~~ shall require that each board of alcohol, 105170  
drug addiction, and mental health services ensure that each 105171  
community mental health services provider and community 105172  
addiction services provider with which it contracts under 105173  
section 340.036 of the Revised Code to provide certifiable 105174  
services and supports establish grievance procedures consistent 105175  
with rules adopted under section 5119.36 of the Revised Code 105176  
that are available to all persons seeking or receiving 105177  
certifiable services and supports from a community mental health 105178  
services provider or community addiction services provider. 105179

**Sec. 5119.367.** (A) As used in this section, "adverse 105180  
action" means an action by a state, provincial, federal, or 105181  
other licensing or regulatory authority other than the 105182  
department of behavioral health to deny, revoke, suspend, place 105183  
on probation, or otherwise restrict a license, certification, or 105184  
other approval to provide certifiable services and supports or 105185  
an equivalent to certifiable services and supports. 105186

(B) (1) When submitting an application for initial or 105187  
renewed certification of one or more certifiable services and 105188  
supports, the applicant shall notify the department of ~~mental~~behavioral health ~~and addiction services~~ of any adverse action 105189  
taken against the following during the three-year period 105190  
immediately preceding the date of application: 105192

(a) The applicant ~~or any~~; 105193

(b) Any owner or principal of the applicant ~~within~~; 105194

(c) Any subsidiary of the ~~three-year period immediately~~ 105195

~~preceding the date of application~~applicant or owner. 105196

(2) Not later than seven days after receiving a notice of 105197  
adverse action ~~from a licensing or regulatory authority that is~~ 105198  
~~other than the department of mental health and addiction~~ 105199  
~~services, an applicant for initial or renewed certification or~~ 105200  
the holder of a certification issued under section 5119.36 of 105201  
the Revised Code shall notify the department of the action. 105202

(C) To notify the department as required by this section, 105203  
a copy of the notice of adverse action shall be provided to the 105204  
department. 105205

**Sec. 5119.368.** (A) As used in this section, "telehealth 105206  
services" has the same meaning as in section 4743.09 of the 105207  
Revised Code. 105208

(B) Each community mental health services provider and 105209  
community addiction services provider shall establish written 105210  
policies and procedures describing how the provider will ensure 105211  
that staff persons assisting clients with receiving telehealth 105212  
services or providing telehealth services are fully trained in 105213  
using equipment necessary for providing the services. 105214

(C) Prior to providing telehealth services to a client, a 105215  
provider shall describe to the client the potential risks 105216  
associated with receiving treatment through telehealth services 105217  
and shall document that the client was provided with the risks 105218  
and agreed to assume those risks. The risks communicated to a 105219  
client shall address the following: 105220

(1) Clinical aspects of receiving treatment through 105221  
telehealth services; 105222

(2) Security considerations when receiving treatment 105223  
through telehealth services; 105224

- (3) Confidentiality for individual and group counseling. 105225
- (D) It is the responsibility of the provider, to the 105226  
extent possible, to ensure contractually that any entity or 105227  
individuals involved in the transmission of information through 105228  
telehealth mechanisms guarantee that the confidentiality of the 105229  
information is protected. 105230
- (E) Every provider shall have a contingency plan for 105231  
providing telehealth services to clients in the event that 105232  
technical problems occur during the provision of those services. 105233
- (F) Providers shall maintain, at a minimum, the following 105234  
information pertaining to local resources: 105235
- (1) The local suicide prevention telephone hotline, if 105236  
available, or the national suicide prevention telephone hotline. 105237
- (2) Contact information for the local police and fire 105238  
departments. 105239
- The provider shall provide the client written information 105240  
on how to access assistance in a crisis, including one caused by 105241  
equipment malfunction or failure. 105242
- (G) It is the responsibility of the provider to ensure 105243  
that equipment meets standards sufficient to do the following: 105244
- (1) To the extent possible, ensure confidentiality of 105245  
communication; 105246
- (2) Provide for interactive communication between the 105247  
provider and the client; 105248
- (3) When providing telehealth services using synchronous 105249  
technology, ensure that video or audio are sufficient to enable 105250  
real-time interaction between the client and the provider and to 105251

ensure the quality of the service provided. 105252

(H) A mental health facility or unit that is serving as a 105253  
client site shall be maintained in such a manner that 105254  
appropriate staff persons are on hand at the facility or unit in 105255  
the event of a malfunction with the equipment used to provide 105256  
telehealth services. 105257

(I) (1) All telehealth services provided by interactive 105258  
videoconferencing shall meet both of the following conditions: 105259

(a) Begin with the verification of the client through a 105260  
name and password or personal identification number when 105261  
treatment services are being provided; 105262

(b) Be provided in accordance with state and federal law. 105263

(2) When providing telehealth services in accordance with 105264  
this section, a provider shall comply with all requirements 105265  
under state and federal law regarding the protection of patient 105266  
information. Each provider shall ensure that any username or 105267  
password information and any electronic communications between 105268  
the provider and a client are securely transmitted and stored. 105269

(J) The department of ~~mental-behavioral health and~~ 105270  
~~addiction services~~ may adopt rules as it considers necessary to 105271  
implement this section. The rules shall be adopted in accordance 105272  
with Chapter 119. of the Revised Code. Any such rules adopted by 105273  
the department are not subject to the requirements of division 105274  
(F) of section 121.95 of the Revised Code. 105275

**Sec. 5119.37.** (A) (1) (a) Except as provided in division (A) 105276  
(1) (b) of this section, no person or government entity shall 105277  
operate an opioid treatment program requiring certification, as 105278  
certification is defined in 42 C.F.R. 8.2, unless the person or 105279  
government entity is a community addiction services provider and 105280

the program is licensed under this section. 105281

(b) Division (A) (1) (a) of this section does not apply to a 105282  
program operated by the United States department of veterans 105283  
affairs. 105284

(2) No community addiction services provider licensed 105285  
under this section shall operate an opioid treatment program in 105286  
a manner inconsistent with this section and the rules adopted 105287  
under it. 105288

(B) A community addiction services provider seeking a 105289  
license to operate an opioid treatment program shall apply to 105290  
the department of ~~mental behavioral health and addiction~~ 105291  
~~services~~. The department shall review all applications received. 105292

(C) The department may issue a license to operate an 105293  
opioid treatment program to a community addiction services 105294  
provider only if all of the following apply: 105295

(1) During the three-year period immediately preceding the 105296  
date of application, the provider ~~or any owner, sponsor, medical~~ 105297  
~~director, administrator, or principal of the provider has and~~ 105298  
each of the following, as the case may be, have been in good 105299  
standing to operate an opioid treatment program in all other 105300  
locations where the provider or such other person has been 105301  
operating a similar program, ~~as~~: an owner, sponsor, medical 105302  
director, administrator, or principal of the provider; a 105303  
subsidiary of the provider; or a subsidiary of the provider's 105304  
owner or sponsor. Good standing shall be evidenced by both of 105305  
the following: 105306

(a) Not having been denied a license, certificate, or 105307  
similar approval to operate an opioid treatment program by this 105308  
state or another jurisdiction; 105309

(b) Not having been the subject of any of the following in 105310  
this state or another jurisdiction: 105311

(i) An action that resulted in the suspension or 105312  
revocation of the license, certificate, or similar approval of 105313  
the provider or other person; 105314

(ii) A voluntary relinquishment, withdrawal, or other 105315  
action taken by the provider or other person to avoid suspension 105316  
or revocation of the license, certificate, or similar approval; 105317

(iii) A disciplinary action that was based, in whole or in 105318  
part, on the provider or other person engaging in the 105319  
inappropriate prescribing, dispensing, administering, personally 105320  
furnishing, diverting, storing, supplying, compounding, or 105321  
selling of a controlled substance or other dangerous drug. 105322

(2) It affirmatively appears to the department that the 105323  
provider is adequately staffed and equipped to operate an opioid 105324  
treatment program. 105325

(3) It affirmatively appears to the department that the 105326  
provider will operate an opioid treatment program in strict 105327  
compliance with all laws relating to drug abuse and the rules 105328  
adopted by the department. 105329

(4) Except as provided in division (D) of this section and 105330  
section 5119.371 of the Revised Code, if the provider is seeking 105331  
an initial license for a particular location, the proposed 105332  
opioid treatment program is not located on a parcel of real 105333  
estate that is within a radius of five hundred linear feet of 105334  
the boundaries of a parcel of real estate having situated on it 105335  
a public or private school, child care center licensed under 105336  
Chapter 5104. of the Revised Code, or child-serving agency 105337  
regulated by the department under this chapter. 105338

(5) The provider meets any additional requirements 105339  
established by the department in rules adopted under division 105340  
(F) of this section. 105341

(D) The department may waive the requirement of division 105342  
(C) (4) of this section if it receives, from each public or 105343  
private school, child care center, or child-serving agency that 105344  
is within the five hundred linear feet radius described in that 105345  
division, a letter of support for the location. The department 105346  
shall determine whether a letter of support is satisfactory for 105347  
purposes of waiving the requirement. 105348

(E) (1) Except as provided in division (E) (2) of this 105349  
section, a license to operate an opioid treatment program shall 105350  
expire two years from the date of issuance. Licenses may be 105351  
renewed. 105352

(2) In circumstances in which the director of ~~mental-~~ 105353  
behavioral health and addiction services has concerns regarding 105354  
compliance of a community addiction services provider licensed 105355  
as an opioid treatment program, the department shall notify the 105356  
provider of those concerns and stipulate that the provider's 105357  
license expires annually on a date determined by the department. 105358

(F) The department shall establish procedures and adopt 105359  
rules for licensing, inspection, and supervision of community 105360  
addiction services providers that operate an opioid treatment 105361  
program. The rules shall establish standards for the control, 105362  
storage, furnishing, use, dispensing, and administering of 105363  
medications used in medication-assisted treatment; prescribe 105364  
minimum standards for the operation of the opioid treatment 105365  
program component of the provider's operations; and comply with 105366  
federal laws and regulations. 105367



All rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code. All actions taken by the department regarding the licensing of providers to operate opioid treatment programs shall be conducted in accordance with Chapter 119. of the Revised Code, except as provided in division (L) of this section.

(G) (1) The department shall inspect all community addiction services providers licensed to operate an opioid treatment program. Inspections shall be conducted at least biennially and may be conducted more frequently.

In addition, the department may inspect any provider or other person that it reasonably believes to be operating an opioid treatment program without a license issued under this section.

(2) When conducting an inspection, the department may do both of the following:

(a) Examine and copy all records, accounts, and other documents relating to the provider's or other person's operations, including records pertaining to patients or clients;

(b) Conduct interviews with any individual employed by or contracted or otherwise associated with the provider or person, including an administrator, staff person, patient, or client.

(3) No person or government entity shall interfere with a state or local government official acting on behalf of the department while conducting an inspection.

(H) A community addiction services provider shall not administer or dispense methadone in a tablet, powder, or intravenous form. Methadone shall be administered or dispensed only in a liquid form intended for ingestion.

A community addiction services provider shall not 105397  
administer or dispense a medication used in medication-assisted 105398  
treatment for pain or other medical reasons. 105399

(I) As used in this division, "program sponsor" means a 105400  
person who assumes responsibility for the operation and 105401  
employees of the opioid treatment program component of a 105402  
community addiction services provider's operations. 105403

A provider shall not permit an individual to act as a 105404  
program sponsor, medical director, or director of the provider 105405  
if the individual is receiving a medication used in medication- 105406  
assisted treatment from any community addiction services 105407  
provider. 105408

(J) The department may issue orders to ensure compliance 105409  
with all laws relating to drug abuse and the rules adopted under 105410  
this section. Subject to section 5119.27 of the Revised Code, 105411  
the department may hold hearings, require the production of 105412  
relevant matter, compel testimony, issue subpoenas, and make 105413  
adjudications. Upon failure of a person without lawful excuse to 105414  
obey a subpoena or to produce relevant matter, the department 105415  
may apply to a court of common pleas for an order compelling 105416  
compliance. 105417

(K) The department may refuse to issue, or may withdraw or 105418  
revoke, a license to operate an opioid treatment program. A 105419  
license may be refused if a community addiction services 105420  
provider does not meet the requirements of division (C) of this 105421  
section. A license may be withdrawn at any time the department 105422  
determines that the provider no longer meets the requirements 105423  
for receiving the license. A license may be revoked in 105424  
accordance with division (L) of this section. 105425

Once a license is issued under this section, the 105426  
department shall not consider the requirement of division (C) (4) 105427  
of this section in determining whether to renew, withdraw, or 105428  
revoke the license or whether to reissue the license as a result 105429  
of a change in ownership. 105430

(L) If the department finds reasonable cause to believe 105431  
that a community addiction services provider licensed under this 105432  
section is in violation of any state or federal law or rule 105433  
relating to drug abuse, the department may issue an order 105434  
immediately revoking the license, subject to division (M) of 105435  
this section. The department shall set a date not more than 105436  
fifteen days later than the date of the order of revocation for 105437  
a hearing on the continuation or cancellation of the revocation. 105438  
For good cause, the department may continue the hearing on 105439  
application of any interested party. In conducting hearings, the 105440  
department has all the authority and power set forth in division 105441  
(J) of this section. Following the hearing, the department shall 105442  
either confirm or cancel the revocation. The hearing shall be 105443  
conducted in accordance with Chapter 119. of the Revised Code, 105444  
except that the provider shall not be permitted to operate an 105445  
opioid treatment program pending the hearing or pending any 105446  
appeal from an adjudication made as a result of the hearing. 105447  
Notwithstanding any provision of Chapter 119. of the Revised 105448  
Code to the contrary, a court shall not stay or suspend any 105449  
order of revocation issued by the department under this division 105450  
pending judicial appeal. 105451

(M) The department shall not revoke a license to operate 105452  
an opioid treatment program unless all clients receiving 105453  
medication used in medication-assisted treatment from the 105454  
community addiction services provider are provided adequate 105455  
substitute medication or treatment. For purposes of this 105456

division, the department may transfer the clients to other 105457  
providers licensed to operate opioid treatment programs or 105458  
replace any or all of the administrators and staff of the 105459  
provider with representatives of the department who shall 105460  
continue on a provisional basis the opioid treatment component 105461  
of the provider's operations. 105462

(N) Each time the department receives an application from 105463  
a community addiction services provider for a license to operate 105464  
an opioid treatment program, issues or refuses to issue a 105465  
license, or withdraws or revokes a license, the department shall 105466  
notify the board of alcohol, drug addiction, and mental health 105467  
services of each alcohol, drug addiction, and mental health 105468  
service district in which the provider operates. 105469

(O) Whenever it appears to the department from files, upon 105470  
complaint, or otherwise, that a community addiction services 105471  
provider has engaged in any practice declared to be illegal or 105472  
prohibited by section 3719.61 of the Revised Code, or any other 105473  
state or federal laws or regulations relating to drug abuse, or 105474  
when the department believes it to be in the best interest of 105475  
the public and necessary for the protection of the citizens of 105476  
the state, the department may request criminal proceedings by 105477  
laying before the prosecuting attorney of the proper county any 105478  
evidence of criminality which may come to its knowledge. 105479

(P) The department shall maintain a current list of 105480  
community addiction services providers licensed by the 105481  
department under this section and shall provide a copy of the 105482  
current list to a judge of a court of common pleas who requests 105483  
a copy for the use of the judge under division (H) of section 105484  
2925.03 of the Revised Code and to a board of alcohol, drug 105485  
addiction, and mental health services that requests a copy for 105486

purposes of division (I) (3) of section 340.08 of the Revised Code. The list of licensed community addiction services providers shall identify each licensed provider by its name, its address, and the county in which it is located.

**Sec. 5119.371.** (A) On application by a community addiction services provider that has purchased or leased real property to be used as the location of an opioid treatment program subject to licensure under section 5119.37 of the Revised Code, the department of ~~mental behavioral health and addiction services~~ shall determine whether the location of the proposed program complies with the requirements of division (C) (4) of section 5119.37 of the Revised Code by not being located on a parcel of real estate that is within a radius of five hundred linear feet of the boundaries of a parcel of real estate having situated on it a public or private school, child care center licensed under Chapter 5104. of the Revised Code, or child-serving agency regulated by the department under this chapter.

If the department determines that the location is in compliance with division (C) (4) of section 5119.37 of the Revised Code, the department shall issue a declaration stating that the location is in compliance. The declaration is valid for two years from the date of issuance.

The department shall provide to the provider either a copy of the declaration or a notice that the department has determined that the location is not in compliance with division (C) (4) of section 5119.37 of the Revised Code.

If, before expiration of the declaration, a community addiction services provider applies for a license to operate an opioid treatment program, the department shall not consider the requirement of division (C) (4) of section 5119.37 of the Revised

Code in determining whether to issue the license. 105517

(B) A community addiction services provider seeking to 105518  
relocate an opioid treatment program licensed under section 105519  
5119.37 of the Revised Code may apply for and be granted a 105520  
declaration under division (A) of this section. If, before 105521  
expiration of the declaration, the provider applies for issuance 105522  
of a license due to relocation, the department shall not 105523  
consider the requirement of division (C) (4) of section 5119.37 105524  
of the Revised Code in determining whether to reissue the 105525  
license due to relocation. 105526

**Sec. 5119.38.** A drivers' intervention program may be used 105527  
as an alternative to a term of imprisonment for an offender 105528  
sentenced pursuant to division (G) (1) (a) of section 4511.19 of 105529  
the Revised Code, if it is certified by the director of ~~mental-~~ 105530  
behavioral health and addiction services pursuant to this 105531  
section. No drivers' intervention program shall be used as an 105532  
alternative to a term of imprisonment that is imposed pursuant 105533  
to division (G) (1) (b), (c), (d), or (e) of section 4511.19 of 105534  
the Revised Code. 105535

To qualify for certification by the director and to 105536  
receive funds from the statewide treatment and prevention fund 105537  
created by section 4301.30 of the Revised Code in any amounts 105538  
and at any times that the director determines are appropriate, a 105539  
drivers' intervention program shall meet state minimum standards 105540  
that the director shall establish by rule. The rules shall 105541  
include, but are not limited to, standards governing program 105542  
course hours and content, qualifications of program personnel, 105543  
methods of identifying and testing participants to isolate 105544  
participants with alcohol and drug abuse problems, referral of 105545  
such persons to community addiction services providers, the 105546

prompt notification of courts by program operators of the 105547  
completion of the programs by persons required by courts to 105548  
attend them, and record keeping, including methods of tracking 105549  
participants for a reasonable time after they have left the 105550  
program. 105551

The director shall issue a certificate to any qualified 105552  
drivers' intervention program. The certificate is valid for 105553  
three years. 105554

**Sec. 5119.39.** (A) The department of ~~mental-behavioral~~ 105555  
~~health and addiction services~~ shall monitor the operation of 105556  
recovery housing in this state by doing either of the following: 105557

(1) Certifying recovery housing residences through a 105558  
process established by the department; 105559

(2) Accepting accreditation, or its equivalent for 105560  
recovery housing, from one or more of the following: 105561

(a) The Ohio affiliate of the national alliance for 105562  
recovery residences; 105563

(b) Oxford house, inc.; 105564

(c) Any other organization that is designated by the 105565  
department for purposes of this section. 105566

(B) If the department certifies recovery housing 105567  
residences, the department shall, in rules adopted under section 105568  
5119.397 of the Revised Code, establish requirements for initial 105569  
certification and renewal certification, as well as grounds and 105570  
procedures for disciplinary action against operators of recovery 105571  
housing residences. 105572

**Sec. 5119.391.** (A) The department of ~~mental-behavioral~~ 105573  
~~health and addiction services~~ shall monitor the establishment of 105574

recovery housing residences in this state. 105575

(B) For purposes of division (A) of this section, and 105576  
within the timeframe specified in division (C) of this section, 105577  
each person or government entity that will operate a recovery 105578  
housing residence on or after ~~the effective date of this section~~ 105579  
October 3, 2023, including any recovery housing that was 105580  
established and in operation prior to ~~the effective date of this~~ 105581  
~~section~~ October 3, 2023, shall file with the department, on a 105582  
form prescribed by the department, all of the following 105583  
information: 105584

(1) The name of the recovery housing residence and any 105585  
other name under which the residence does business; 105586

(2) The address of the recovery housing residence; 105587

(3) The name of the person or government entity operating 105588  
the residence; 105589

(4) The primary telephone number and electronic mail 105590  
address for the recovery housing operator; 105591

(5) The date the recovery housing residence was first 105592  
occupied, or will be occupied, by its first resident; 105593

(6) Information related to any existing accreditation or 105594  
its equivalent that the recovery housing residence has obtained 105595  
or is in the process of obtaining; 105596

(7) Any other information the department considers 105597  
appropriate. 105598

(C) The form required by division (B) of this section 105599  
shall be filed with the department as follows: 105600

(1) For a recovery housing residence that began operating 105601



before the effective date of this section, not later than thirty 105602  
days after ~~the effective date of this section~~ October 3, 2023; 105603

(2) For a recovery housing residence that will begin 105604  
operating on or after ~~the effective date of this section~~ October 105605  
3, 2023, not later than thirty days after the first resident 105606  
begins occupying the residence. 105607

(D) If the department accepts accreditation or its 105608  
equivalent from an organization specified in section 5119.39 of 105609  
the Revised Code, the department may provide copies of forms 105610  
filed in accordance with this section to any such organization. 105611

**Sec. 5119.392.** (A) Beginning January 1, 2025, no person or 105612  
government entity shall operate a recovery housing residence 105613  
unless either of the following applies: 105614

(1) (a) If the department of ~~mental behavioral health and~~ 105615  
~~addiction services~~ certifies recovery housing residences, the 105616  
recovery housing residence is certified by the department. 105617

(b) If the department accepts accreditation or its 105618  
equivalent from an organization specified in section 5119.39 of 105619  
the Revised Code, the residence is accredited by such an 105620  
organization. 105621

(2) The recovery housing residence has been operating for 105622  
not more than eighteen months and is actively engaged in efforts 105623  
to obtain certification or accreditation, as applicable. For 105624  
purposes of identifying this eighteen-month timeframe, a 105625  
recovery housing residence is considered to begin operating on 105626  
the date that the first resident occupies the residence, as 105627  
specified on the form filed in accordance with section 5119.391 105628  
of the Revised Code. 105629

(B) If the director of ~~mental behavioral health and~~ 105630

~~addiction services~~ determines that a recovery housing residence 105631  
is operating in violation of this section, the director may 105632  
request, in writing, that the attorney general petition the 105633  
court of common pleas of the county in which the recovery 105634  
housing residence is located for an order enjoining operation of 105635  
the recovery housing residence. 105636

**Sec. 5119.393.** (A) The department of ~~mental-behavioral~~ 105637  
~~health and addiction services~~ shall establish a procedure to 105638  
receive and investigate complaints from residents, staff, and 105639  
the public regarding recovery housing residences. The department 105640  
may contract with one or more of the organizations specified in 105641  
section 5119.39 of the Revised Code to fulfill some or all of 105642  
the functions associated with receiving and investigating 105643  
complaints. 105644

(B) Any organization under contract with the department to 105645  
receive and investigate complaints shall make reports to the 105646  
department as follows: 105647

(1) Not less than monthly, the contractor shall report the 105648  
status of each pending investigation and shall report the 105649  
outcome of each investigation that has been completed since the 105650  
last report was made; 105651

(2) As soon as practicable, but not later than ten days 105652  
after making an adverse decision, if a contractor's 105653  
accreditation or its equivalent is accepted by the department 105654  
for purposes of section 5119.39 of the Revised Code, the 105655  
contractor shall report that decision to the department in a 105656  
manner prescribed by the department. 105657

(C) (1) With respect to complaints received by the 105658  
department or a contractor of the department, information and 105659

records received, collected, or generated by the department or a 105660  
contractor pursuant to an investigation, and reports that are 105661  
made under division (B) of this section, all of the following 105662  
apply to those items, subject to division (C) (2) of this 105663  
section: 105664

(a) The items are confidential and not public records 105665  
under section 149.43 of the Revised Code. 105666

(b) The items are exempt from the provisions of Chapter 105667  
1347. of the Revised Code. 105668

(c) The items are not subject to discovery in any civil 105669  
action. 105670

(2) (a) The items described in division (C) (1) of this 105671  
section shall be disclosed if required by law. 105672

(b) The items described in division (C) (1) of this section 105673  
may be disclosed to any federal, state, or local law 105674  
enforcement, prosecutorial, or regulatory agency or its officers 105675  
or agents. 105676

(c) The items described in division (C) (1) of this section 105677  
may be admitted into evidence in a criminal trial in accordance 105678  
with the Rules of Evidence, or in an administrative hearing 105679  
conducted by an agency, but the court or agency shall require 105680  
that appropriate measures be taken to ensure that 105681  
confidentiality is maintained with respect to any part thereof 105682  
that contains names or other identifying information about 105683  
residents, complainants, or others whose confidentiality was 105684  
protected by the department or its contractor when the items 105685  
were in the possession of the department or contractor. Measures 105686  
to ensure confidentiality that may be taken by the court or 105687  
agency include sealing its records or redacting specific 105688

information from its records. 105689

(d) The items described in division (C) (1) of this section 105690  
may be included in the registry established and maintained under 105691  
section 5119.394 of the Revised Code, but the department shall 105692  
make its best effort to do so in a manner that protects the 105693  
confidentiality of complainants, individuals or organizations 105694  
providing information about a complaint, and recovery housing 105695  
residents. The department may refer to any of the foregoing in 105696  
the registry as long as it removes personally identifying 105697  
information or uses any other technique it considers appropriate 105698  
to maintain confidentiality. 105699

**Sec. 5119.394.** (A) The department of ~~mental-behavioral~~ 105700  
~~health and addiction services~~ shall establish and maintain a 105701  
registry of recovery housing residences that meet the criteria 105702  
described in division (A) (1) or (2) of section 5119.392 of the 105703  
Revised Code. ~~For~~ 105704

(B) For each residence, the registry shall include all of 105705  
the following, subject to the confidentiality requirements of 105706  
division (C) of section 5119.393 of the Revised Code: 105707

(1) Any information from the form required by division (B) 105708  
of section 5119.391 of the Revised Code that the department 105709  
chooses to include in the registry; 105710

(2) If a complaint received under section 5119.393 of the 105711  
Revised Code has been investigated and substantiated, a 105712  
description of the complaint, the date the complaint was 105713  
submitted to the department or its contractor, and the outcome 105714  
of the investigation; 105715

(3) Any other information the department considers 105716  
appropriate. 105717

~~(B)~~(C) The department shall immediately remove from the registry a recovery housing residence that ceases to meet the criteria described in division (A) (1) or (2) of section 5119.392 of the Revised Code, including if the criteria described in those divisions ceases to be met because the residence has had its certification or accreditation, as applicable, revoked or not renewed.

~~(C)~~(D) The department shall make the registry available to the public on the department's web site.

**Sec. 5119.395.** (A) Beginning January 1, 2025, no person or government entity shall advertise or represent any residence or other building to be a recovery housing residence, sober living home, or any other alcohol and drug free housing for persons recovering from alcohol use disorder or drug addiction unless the residence or building meets either of the following conditions:

(1) The residence or building is on the registry established and maintained under section 5119.394 of the Revised Code;

(2) The residence or building is regulated by the department of rehabilitation and correction under section 2967.14 of the Revised Code.

(B) If the director of ~~mental~~behavioral health and ~~addiction services~~ determines that a person or government entity is violating division (A) of this section, the director may request, in writing, that the attorney general petition the court of common pleas of the county where the person or government entity is operating the residence or other building to enjoin that person or government entity from engaging in the

conduct that violates division (A) of this section. 105747

**Sec. 5119.397.** The director of ~~mental~~behavioral health 105748  
~~and addiction services~~ may adopt rules in accordance with 105749  
Chapter 119. of the Revised Code to implement sections 5119.39 105750  
to 5119.396 of the Revised Code. 105751

**Sec. 5119.40.** (A) As used in this section, "individual 105752  
with a mental illness" and "specialized services" have the same 105753  
meanings as in section 5165.03 of the Revised Code. 105754

(B) (1) Except as provided in division (B) (2) of this 105755  
section and rules adopted under division (E) (3) of this section, 105756  
for purposes of section 5165.03 of the Revised Code, the 105757  
department of ~~mental~~behavioral health ~~and addiction services~~ 105758  
shall determine in accordance with the "Social Security Act," 105759  
section 1919(e) (7), 42 U.S.C. 1396r(e) (7), and regulations 105760  
adopted under section 1919(f) (8) (A) of that act, 42 U.S.C. 105761  
1396r(f) (8) (A), whether, because of the individual's physical 105762  
and mental condition, an individual with a mental illness 105763  
seeking admission to a nursing facility requires the level of 105764  
services provided by a nursing facility and, if the individual 105765  
requires that level of services, whether the individual requires 105766  
specialized services for mental illness. The determination 105767  
required by this division shall be based on an independent 105768  
physical and mental evaluation performed by a person or entity 105769  
other than the department. 105770

(2) Except as provided in division (B) (3) of this section, 105771  
a determination under division (B) (1) of this section is not 105772  
required for any of the following: 105773

(a) An individual seeking readmission to a nursing 105774  
facility after having been transferred from a nursing facility 105775

to a hospital for care; 105776

(b) An individual who meets all of the following 105777  
conditions: 105778

(i) The individual is admitted to the nursing facility 105779  
directly from a hospital after receiving inpatient care at the 105780  
hospital; 105781

(ii) The individual requires nursing facility services for 105782  
the condition for which care in the hospital was received; 105783

(iii) The individual's attending physician has certified, 105784  
before admission to the nursing facility, that the individual is 105785  
likely to require less than thirty days of nursing facility 105786  
services. 105787

(c) An individual transferred from one nursing facility to 105788  
another nursing facility, with or without an intervening 105789  
hospital stay. 105790

(3) A determination under division (B) (1) of this section 105791  
is required for an individual described in division (B) (2) (a) or 105792  
(b) of this section if the hospital from which the individual is 105793  
transferred or directly admitted to a nursing facility is either 105794  
of the following: 105795

(a) A hospital that the department maintains, operates, 105796  
manages, and governs under section 5119.14 of the Revised Code 105797  
for the care and treatment of persons with mental illnesses; 105798

(b) A free-standing hospital, or unit of a hospital, 105799  
licensed by the department under section 5119.33 of the Revised 105800  
Code. 105801

(C) Except as provided in rules adopted under division (E) 105802  
(3) of this section, the department of ~~mental~~-behavioral health 105803

~~and addiction services~~ shall review and determine for each 105804  
resident of a nursing facility who has a mental illness, whether 105805  
the resident, because of the resident's physical and mental 105806  
condition, requires the level of services provided by a nursing 105807  
facility and whether the resident requires specialized services 105808  
for mental illness. The review and determination shall be 105809  
conducted in accordance with section 1919(e) (7) of the "Social 105810  
Security Act" and the regulations adopted under section 1919(f) 105811  
(8) (A) of the act and based on an independent physical and 105812  
mental evaluation performed by a person or entity other than the 105813  
department. The review and determination shall be completed 105814  
promptly after a nursing facility has notified the department 105815  
that there has been a significant change in the resident's 105816  
mental or physical condition. 105817

(D) (1) In the case of a nursing facility resident who has 105818  
continuously resided in a nursing facility for at least thirty 105819  
months before the date of a review and determination under 105820  
division (C) of this section, if the resident is determined not 105821  
to require the level of services provided by a nursing facility, 105822  
but is determined to require specialized services for mental 105823  
illness, the department, in consultation with the resident's 105824  
family or legal representative and care givers, shall do all of 105825  
the following: 105826

(a) Inform the resident of the institutional and 105827  
noninstitutional alternatives covered under the state plan for 105828  
medical assistance; 105829

(b) Offer the resident the choice of remaining in the 105830  
nursing facility or receiving covered services in an alternative 105831  
institutional or noninstitutional setting; 105832

(c) Clarify the effect on eligibility for services under 105833



the state plan for medical assistance if the resident chooses to leave the facility, including its effect on readmission to the facility;

(d) Provide for or arrange for the provision of specialized services for the resident's mental illness in the setting chosen by the resident.

(2) In the case of a nursing facility resident who has continuously resided in a nursing facility for less than thirty months before the date of the review and determination under division (C) of this section, if the resident is determined not to require the level of services provided by a nursing facility, but is determined to require specialized services for mental illness, or if the resident is determined to require neither the level of services provided by a nursing facility nor specialized services for mental illness, the department shall act in accordance with its alternative disposition plan approved by the United States department of health and human services under section 1919(e) (7) (E) of the "Social Security Act."

(3) In the case of an individual who is determined under division (B) or (C) of this section to require both the level of services provided by a nursing facility and specialized services for mental illness, the department of mental-behavioral health ~~and addiction services~~ shall provide or arrange for the provision of the specialized services needed by the individual or resident while residing in a nursing facility.

(E) The department of mental-behavioral health ~~and addiction services~~ shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Establish criteria to be used in making the

determinations required by divisions (B) and (C) of this 105863  
section. The criteria shall not exceed the criteria established 105864  
by regulations adopted by the United States department of health 105865  
and human services under section 1919(f)(8)(A) of the "Social 105866  
Security Act." 105867

(2) Specify information to be provided by the individual 105868  
or nursing facility resident being assessed; 105869

(3) Specify any circumstances, in addition to 105870  
circumstances listed in division (B) of this section, under 105871  
which determinations under divisions (B) and (C) of this section 105872  
are not required to be made. 105873

**Sec. 5119.41.** (A) The department of ~~mental-behavioral~~ 105874  
~~health and addiction services~~ shall implement the residential 105875  
state supplement program under which the state supplements the 105876  
amounts received by aged, blind, or disabled adults as 105877  
supplemental security income payments under Title XVI of the 105878  
"Social Security Act," 42 U.S.C. 1381 et seq., or as social 105879  
security benefits or social security disability insurance 105880  
benefits under Title II of the "Social Security Act," 42 U.S.C. 105881  
401 et seq. Residential state supplement payments shall be used 105882  
for the provision of accommodations, supervision, and personal 105883  
care services to recipients of supplemental security income 105884  
payments, social security benefits, and social security 105885  
disability insurance benefits who the department determines are 105886  
at risk of needing institutional care. 105887

In implementing the program, the department may designate 105888  
one or more entities to be responsible for providing 105889  
administrative services regarding the program. The department 105890  
may designate an entity either by entering into a contract with 105891  
the entity to ~~provided~~ provide the services or by otherwise 105892

delegating to the entity the responsibility to provide the 105893  
services. 105894

(B) To be eligible for residential state supplement 105895  
payments, an individual must satisfy all eligibility 105896  
requirements established by rules adopted under this section. 105897

(C) The director of ~~mental-behavioral health and addiction~~ 105898  
~~services~~ and the medicaid director shall adopt rules as 105899  
necessary to implement the residential state supplement program, 105900  
including the requirements that an individual must satisfy to be 105901  
eligible for payments under the program. The rules shall be 105902  
adopted in accordance with Chapter 119. of the Revised Code. 105903

The rules adopted by the director of ~~mental-behavioral~~ 105904  
~~health and addiction services~~ may establish the method to be 105905  
used to determine the payment an eligible individual will 105906  
receive under the program. The amount the general assembly 105907  
appropriates for the program may be a factor included in the 105908  
method that director establishes. 105909

To the extent permitted by Title XVI of the "Social 105910  
Security Act" and any other provision of federal law, the rules 105911  
adopted by the medicaid director may establish standards for 105912  
adjusting the eligibility requirements concerning the level of 105913  
impairment an individual must have so that the amount 105914  
appropriated for the program by the general assembly is adequate 105915  
for the number of eligible individuals. The rules shall not 105916  
limit the eligibility of individuals who are disabled solely on 105917  
a basis classifying disabilities as physical or mental. 105918

(D) The county department of job and family services of 105919  
the county in which an applicant for the residential state 105920  
supplement program resides or the department of medicaid shall 105921

determine whether the applicant meets income and resource requirements for the program. 105922  
105923

The county department of job and family services or the department of medicaid shall notify each individual who is denied approval for payments under the program of the individual's right to a hearing. On request, the hearing shall be provided in accordance with section 5101.35 of the Revised Code. 105924  
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(E) An individual in a licensed or certified living arrangement receiving state supplementation on November 15, 1990, under former section 5101.531 of the Revised Code shall not become ineligible for payments under this program solely by reason of the individual's living arrangement as long as the individual remains in the living arrangement in which the individual resided on November 15, 1990. 105930  
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**Sec. 5119.42.** (A) As used in this section, "private, nonprofit organization" means a private association, organization, corporation, or other entity that is tax exempt under section 501(a) and described in section 501(c) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501. 105937  
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(B) To the extent funds are available and on application by boards of alcohol, drug addiction, and mental health services, the director of ~~mental-behavioral health and addiction services~~ may approve state reimbursement of, or state grants for, community construction programs including residential housing for persons with severe mental disabilities and persons with substance use disorders. The director may also approve an application for reimbursement or a grant for such programs submitted by other governmental entities or by private, nonprofit organizations, after the application has been reviewed 105942  
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and recommended for approval or disapproval by the board of 105952  
alcohol, drug addiction, and mental health services for the 105953  
district from which the application came, and the application is 105954  
consistent with the board's approved community addiction and 105955  
mental health plan submitted under division (A) of section 105956  
340.03 of the Revised Code and the board's approved budget and 105957  
list of addiction services, mental health services, and recovery 105958  
supports submitted under divisions (A) and (B) of section 340.08 105959  
of the Revised Code. 105960

(C) (1) The director of ~~mental behavioral health and~~ 105961  
~~addiction services~~ shall adopt rules in accordance with Chapter 105962  
119. of the Revised Code that specify procedures for applying 105963  
for state reimbursement of and state grants for community 105964  
construction programs, including residential housing for persons 105965  
with severe mental disabilities and persons with substance use 105966  
disorders and procedures and criteria for approval of such 105967  
reimbursement and grants. 105968

(2) The director of ~~mental behavioral health and addiction~~ 105969  
~~services~~ shall not approve state reimbursement or a state grant 105970  
unless all of the following conditions are met: 105971

(a) The applicant includes with the application a plan 105972  
specifying the services, in addition to housing, that will be 105973  
provided to persons who will reside in the residential housing. 105974  
Services specified may include any of the services described in 105975  
section 340.09 of the Revised Code. 105976

(b) The director is satisfied that the residential housing 105977  
for persons with severe mental disabilities will be developed to 105978  
promote the maximum practical integration of persons with severe 105979  
mental disabilities with persons at the same site who do not 105980  
have severe mental disabilities. 105981

(c) The use of any funds distributed pursuant to the 105982  
reimbursement or grant will not subject any obligation from 105983  
which the funds are derived to federal income taxation. 105984

(3) The director may enter into an agreement establishing 105985  
terms for any reimbursement or grant approved under this 105986  
division with the organization, board, or other government 105987  
entity that is the recipient of the reimbursement or grant. Any 105988  
such agreement is subject to any covenant or agreement 105989  
pertaining to any obligation issued to provide funds for the 105990  
reimbursement or grant. 105991

**Sec. 5119.421.** (A) This section applies to a board of 105992  
alcohol, drug addiction, and mental health services, another 105993  
governmental entity, or a private, nonprofit organization that 105994  
received a grant or reimbursement under section 5119.42 of the 105995  
Revised Code for a facility on which the department of ~~mental-~~ 105996  
behavioral health and addiction services holds a security 105997  
interest. 105998

(B) A board of alcohol, drug addiction, and mental health 105999  
services, another governmental entity, or a private, nonprofit 106000  
organization to which this section applies may apply to the 106001  
director of ~~mental-~~behavioral health and addiction services for 106002  
approval to sell its facility and acquire, construct, or 106003  
renovate a replacement facility pursuant to this section. The 106004  
director shall prescribe the form of the application. Before 106005  
submitting an application to the director, a governmental entity 106006  
or private, nonprofit organization must obtain approval of the 106007  
application from the board of alcohol, drug addiction, and 106008  
mental health services with jurisdiction over the service 106009  
district in which the existing facility is located. The director 106010  
shall approve an application for a replacement project upon 106011

determining that the project provides for the continuation of 106012  
appropriate mental health and addiction services to the 106013  
population served by the board, entity, or organization. 106014

(C) A board, entity, or organization that obtains approval 106015  
for a project under division (B) of this section shall pay the 106016  
proceeds of the sale of its facility to the director of ~~mental-~~ 106017  
behavioral health ~~and addiction services~~. The director shall 106018  
deposit the proceeds to the credit of the community capital 106019  
replacement facilities fund. 106020

(D) When a board, entity, or organization that has sold 106021  
its facility notifies the director of ~~mental-~~behavioral health 106022  
~~and addiction services~~ that it is ready to acquire, construct, 106023  
or renovate a replacement facility, the director shall do one of 106024  
the following: 106025

(1) If the replacement facility is located in the same 106026  
alcohol, drug addiction, and mental health service district as 106027  
the original facility, and if the purposes for which the 106028  
replacement facility will be used are the same as or similar to 106029  
those for the original facility, the director shall pay to the 106030  
board, entity, or organization from the community capital 106031  
replacement facilities fund an amount equal to the lesser of an 106032  
amount equal to the proceeds of the sale of the original 106033  
facility or the amount of the state's agreed-upon participation 106034  
(as a per cent of the total cost) in the cost of the replacement 106035  
facility. If the amount of the state's agreed-upon participation 106036  
in the cost of the replacement facility is less than the value 106037  
of the state's security interest in the original facility, the 106038  
difference between the state's agreed-upon participation in the 106039  
cost of the replacement facility and the value of the state's 106040  
security interest in the original facility shall be retained in 106041

the community capital replacement facilities fund, and any 106042  
excess proceeds shall be paid to the board, entity, or 106043  
organization. 106044

(2) If the replacement facility is located in a different 106045  
alcohol, drug addiction, and mental health service district than 106046  
the original facility, or if the purposes for which the 106047  
replacement facility will be used are not the same as or similar 106048  
to those for the original facility, the director shall request 106049  
controlling board approval for release of funds for the project. 106050  
If the controlling board so approves, the director shall pay to 106051  
the board, entity, or organization from the community capital 106052  
replacement facilities fund the lesser of an amount equal to the 106053  
proceeds of the sale of the original facility or the amount of 106054  
the state's agreed-upon participation (as a per cent of the 106055  
total cost) in the cost of the replacement facility. If the 106056  
amount of the state's agreed-upon participation in the cost of 106057  
the replacement facility is less than the value of the state's 106058  
security interest in the original facility, the difference 106059  
between the state's agreed-upon participation in the cost of the 106060  
replacement facility and the value of the state's security 106061  
interest in the original facility shall be retained in the 106062  
community capital replacement facilities fund, and any excess 106063  
proceeds shall be paid to the board, entity, or organization. 106064

(E) The director of ~~mental-behavioral health and addiction~~ 106065  
~~services~~ and a board, entity, or organization shall enter into 106066  
an agreement specifying the terms of any payment made to the 106067  
board, entity, or organization under division (D) of this 106068  
section. The terms may include provision for the department of 106069  
~~mental-behavioral health and addiction services~~ to hold a 106070  
security interest in the facility. 106071



(F) (1) When approving an application under division (B) of 106072  
this section, the director of ~~mental-behavioral health and~~ 106073  
~~addiction services~~ shall establish a deadline by which the 106074  
board, entity, or organization must notify the director that it 106075  
is ready to acquire, construct, or renovate a replacement 106076  
facility. If the board, entity, or organization does not notify 106077  
the director on or before the deadline, the director may cancel 106078  
the project. Upon canceling the project, the director shall pay 106079  
to the board, entity, or organization from the community capital 106080  
replacement facilities fund an amount equal to the portion of 106081  
the proceeds of the sale of the original facility that exceeds 106082  
the value of the state's security interest in the facility. 106083

(2) Notwithstanding the deadline established under 106084  
division (F) (1) of this section, if at any time a board, entity, 106085  
or organization notifies the director that it does not intend to 106086  
acquire, construct, or renovate a replacement facility under 106087  
this section, the director shall cancel the replacement project 106088  
and pay to the board, entity, or organization from the community 106089  
capital replacement facilities fund an amount equal to the 106090  
portion of the proceeds of the sale of the original facility 106091  
that exceeds the value of the state's security interest in the 106092  
facility. 106093

(G) If a replacement project is canceled after the sale of 106094  
the original facility, the director of ~~mental-behavioral health~~ 106095  
~~and addiction services~~ shall use funds equal to the value of the 106096  
state's security interest in the original facility for 106097  
additional grants or reimbursements under section 5119.42 of the 106098  
Revised Code. The director shall obtain the approval of the 106099  
controlling board before releasing the additional grants or 106100  
reimbursements. 106101

(H) The community capital replacement facilities fund is hereby created in the state treasury. The director of ~~mental-behavioral health and addiction services~~ shall use the fund for the purposes of this section.

**Sec. 5119.43.** (A) The director of ~~mental-behavioral health and addiction services~~ may enter into agreements with any person, political subdivision, or state agency for the sale or lease of land or facilities under the jurisdiction of the director of ~~mental-behavioral health and addiction services~~ in the following manner:

(1) The director of ~~mental-behavioral health and addiction services~~ shall designate lands and facilities that are not needed by the department of ~~mental-behavioral health and addiction services~~ and are under the jurisdiction of the department.

(2) The director of ~~mental-behavioral health and addiction services~~ shall have a preliminary appraisal made of any lands or facilities designated under division (A)(1) of this section by a disinterested professional appraiser from the department of administrative services. The appraiser shall deliver to the director of ~~mental-behavioral health and addiction services~~ a signed certificate of the probable market value of the lands and facilities as determined from the preliminary appraisal.

(3) The director of ~~mental-behavioral health and addiction services~~ shall certify to the clerk of the house of representatives and to the clerk of the senate a list of all lands and facilities which may be sold or leased, and shall include with the list the results of the preliminary appraisals of the lands and facilities, a general description of the land and facilities, and a description of the current use of the land

and facilities. 106132

(4) Every list of lands and facilities certified by the 106133  
director of ~~mental-behavioral health and addiction services~~ to 106134  
the clerk of the house of representatives and to the clerk of 106135  
the senate under division (A) (3) of this section, shall 106136  
immediately be transmitted by the respective clerks to the 106137  
committees in the house and the senate to which land conveyance 106138  
bills are usually referred. If either committee files in its 106139  
clerk's office, within sixty calendar days of the original 106140  
certification of the lands and facilities by the director of 106141  
~~mental-behavioral health and addiction services~~, a report 106142  
disapproving the sale or lease of any lands or facilities, the 106143  
sale or lease of the lands or facilities disapproved in the 106144  
report shall not be made under this section. With respect to a 106145  
sale or lease of lands and facilities that has not been 106146  
disapproved under this division, the director of ~~mental-~~ 106147  
~~behavioral health and addiction services~~ shall certify those 106148  
lands and facilities to the director of administrative services. 106149

(5) After certification to the director of administrative 106150  
services under division (A) (4) of this section, the director of 106151  
~~mental-behavioral health and addiction services~~ shall have a 106152  
formal appraisal made of the lands and facilities by a 106153  
disinterested professional appraiser from the department of 106154  
administrative services. The director of ~~mental-behavioral~~ 106155  
~~health and addiction services~~ may accept the formal appraisal or 106156  
may reject it and order a new formal appraisal by a 106157  
disinterested professional appraiser who shall not be from the 106158  
department of administrative services. The director of ~~mental-~~ 106159  
~~behavioral health and addiction services~~ may then sell or lease 106160  
the lands or facilities in accordance with this division and 106161  
department of administrative services procedures as set forth in 106162

Chapter 123. of the Revised Code. Any such deed or lease shall 106163  
be prepared and recorded pursuant to section 5301.13 of the 106164  
Revised Code. The department of administrative services shall be 106165  
the sole agent for the state and shall complete the sale or 106166  
lease of the lands or facilities, up to and including the 106167  
closing thereof, after the director of ~~mental behavioral~~ health 106168  
~~and addiction services~~ approves the sale price. The director of 106169  
~~mental behavioral~~ health and ~~addiction services~~ and the director 106170  
of administrative services may, if it is determined to be in the 106171  
best interests of the state, agree to sell surplus land for an 106172  
amount less than the formal appraised value but shall not sell 106173  
any land for less than two-thirds of the formal appraised value. 106174

(B) Coincident with the certification made under division 106175  
(A) (3) of this section concerning lands which may be sold, the 106176  
director of ~~mental behavioral~~ health and ~~addiction services~~ 106177  
shall give written notice of intention to sell the lands by 106178  
certified mail to the executive officer of each county, 106179  
township, municipal corporation, and school district within 106180  
which the lands are situated. In each notice, the director of 106181  
~~mental behavioral~~ health and ~~addiction services~~ shall specify 106182  
the conditions under which the lands shall be sold, including 106183  
whether the lands will be sold as a single unit or sold in 106184  
specific parcels that the director designates, and shall solicit 106185  
from the subdivision offers to purchase the lands in accordance 106186  
with the conditions the director of ~~mental behavioral~~ health and 106187  
~~addiction services~~ has specified and at a price equal to the 106188  
preliminary appraised value determined pursuant to division (A) 106189  
(2) of this section. If, within thirty days of having certified 106190  
the lands to the director of administrative services under 106191  
division (A) (4) of this section, the director of ~~mental~~ 106192  
~~behavioral~~ health and ~~addiction services~~ receives from the 106193

executive officer of a subdivision a written offer to purchase 106194  
the lands at or above the price specified in the original notice 106195  
from the director of ~~mental-behavioral health and addiction-~~ 106196  
~~services~~ to the officer, provided such offer otherwise complies 106197  
with the conditions of purchase specified in the original notice 106198  
from the director of ~~mental-behavioral health and addiction-~~ 106199  
~~services~~, the director of ~~mental-behavioral health and addiction~~ 106200  
~~services~~ shall forthwith enter into an agreement to sell the 106201  
lands to the subdivision. The agreement shall incorporate any 106202  
and all terms that are acceptable to both parties and that are 106203  
consistent with the terms specified in the original notice from 106204  
the director of ~~mental-behavioral health and addiction services.~~ 106205  
If no offer to purchase is received by the director of ~~mental-~~ 106206  
~~behavioral health and addiction services~~ within the thirty-day 106207  
period provided in this division, the original notice from the 106208  
director of ~~mental-behavioral health and addiction services-~~ 106209  
shall be considered withdrawn and the director of ~~mental-~~ 106210  
~~behavioral health and addiction services~~ shall be under no 106211  
obligation to sell any of the lands specified in the notice to 106212  
the subdivision. If two or more offers to purchase the same 106213  
parcels of land are received by the director of ~~mental-~~ 106214  
~~behavioral health and addiction services~~ within the required 106215  
time period from the executive officers of two or more 106216  
subdivisions, the director of ~~mental-behavioral health and-~~ 106217  
~~addiction services~~ shall accept the offer or offers to purchase 106218  
that the director considers to be in the best interests of the 106219  
state and of the department of ~~mental-behavioral health and-~~ 106220  
~~addiction services~~ and shall proceed to enter into agreements of 106221  
sale pursuant to this division. If all of the original notices 106222  
from the director of ~~mental-behavioral health and addiction-~~ 106223  
~~services~~ relating to a given parcel of land become withdrawn, 106224  
the director of ~~mental-behavioral health and addiction services-~~ 106225

may thereupon proceed to sell the parcel as otherwise provided 106226  
in this section. No subdivision may commence an action to 106227  
enforce the provisions of this division, or to seek any other 106228  
legal or equitable remedy relative to this division, with 106229  
respect to any lands certified to the director of administrative 106230  
services under division (A)(4) of this section, except within 106231  
sixty days of the date on which the lands were so certified. 106232

(C) Any agreement under this section shall be at such 106233  
terms as will be in the best interests of the state and the 106234  
department of ~~mental behavioral health and addiction services~~. 106235  
However, the terms of any agreement for sale shall include a 106236  
provision that the purchaser will abide by any comprehensive 106237  
plan for the area that has been adopted by the local government 106238  
in which the property is located before the parties enter into 106239  
the agreement. No lease shall be of a duration greater than 106240  
fifteen years. No agreement, except an agreement entered into 106241  
under division (B) of this section, shall be entered into before 106242  
the proposal to sell or lease the land or facilities has been 106243  
advertised once each week for four weeks in a newspaper of 106244  
general circulation in every county in which the lands or 106245  
facilities are located and if the preliminary appraised value of 106246  
the land to be sold or leased is more than one hundred thousand 106247  
dollars, advertisement shall be made once each week for four 106248  
weeks in at least two newspapers in the state having a daily 106249  
circulation of one hundred thousand or more. If a city in this 106250  
state is served by more than one newspaper having a circulation 106251  
of one hundred thousand or more, advertisement may be made in 106252  
only one of the newspapers serving the city. 106253

(D) Each deed or lease prepared and recorded pursuant to 106254  
this section shall contain a recital stating that all provisions 106255  
of this section have been complied with. The recital shall be 106256

considered binding and conclusive against all subdivisions of 106257  
the state provided no action has been commenced pursuant to 106258  
division (B) of this section. Any deed or lease containing such 106259  
a recital shall be conclusively presumed to have been executed 106260  
in compliance with this section insofar as title or other 106261  
interest of any bona fide purchasers, lessees, or transferees of 106262  
the property is concerned. 106263

(E) Nothing in this section shall be construed as 106264  
establishing a precedent for the disposal of state lands and 106265  
facilities by other departments of the state. 106266

**Sec. 5119.431.** When it is necessary for a state 106267  
institution under the jurisdiction of the department of ~~mental-~~ 106268  
behavioral health and addiction services to acquire any real 106269  
estate, right of way, or easement in real estate in order to 106270  
accomplish the purposes for which it was organized or is being 106271  
conducted, and the department is unable to agree with the owner 106272  
of such property upon the price to be paid therefor, such 106273  
property may be appropriated in the manner provided for the 106274  
appropriation of property for other state purposes. 106275

Any instrument by which real property is acquired pursuant 106276  
to this section shall identify the agency of the state that has 106277  
the use and benefit of the real property as specified in section 106278  
5301.012 of the Revised Code. 106279

**Sec. 5119.44.** As used in this section, "free clinic" has 106280  
the same meaning as in section 2305.2341 of the Revised Code. 106281

(A) The department of ~~mental-behavioral health and-~~ 106282  
~~addiction services~~ may provide certain goods and services for 106283  
the department of ~~mental-behavioral health and addiction-~~ 106284  
~~services~~, the department of developmental disabilities, the 106285

department of rehabilitation and correction, the department of 106286  
youth services, and other state, county, or municipal agencies 106287  
requesting such goods and services when the department of ~~mental~~ 106288  
behavioral health and addiction services determines that it is 106289  
in the public interest, and considers it advisable, to provide 106290  
these goods and services. The department of ~~mental~~behavioral 106291  
health and ~~addiction services~~ also may provide goods and 106292  
services to agencies operated by the United States government 106293  
and to public or private nonprofit agencies, other than free 106294  
clinics, that are funded in whole or in part by the state if the 106295  
public or private nonprofit agencies are designated for 106296  
participation in this program by the director of ~~mental~~ 106297  
behavioral health and addiction services for community addiction 106298  
services providers and community mental health services 106299  
providers, the director of developmental disabilities for 106300  
community developmental disabilities agencies, the director of 106301  
rehabilitation and correction for community rehabilitation and 106302  
correction agencies, or the director of youth services for 106303  
community youth services agencies. 106304

Designated community agencies or services providers shall 106305  
receive goods and services through the department of ~~mental~~ 106306  
behavioral health and addiction services only in those cases 106307  
where the designating state agency certifies that providing such 106308  
goods and services to the agency or services provider will 106309  
conserve public resources to the benefit of the public and where 106310  
the provision of such goods and services is considered feasible 106311  
by the department of ~~mental~~behavioral health and ~~addiction~~ 106312  
services. 106313

(B) The department of ~~mental~~behavioral health and 106314  
~~addiction services~~ may permit free clinics to purchase certain 106315  
goods and services to the extent the purchases fall within the 106316



exemption to the Robinson-Patman Act, 15 U.S.C. 13 et seq., 106317  
applicable to nonprofit institutions, in 15 U.S.C. 13c, as 106318  
amended. 106319

(C) The goods and services that may be provided by the 106320  
department of ~~mental-behavioral health and addiction services~~ 106321  
under divisions (A) and (B) of this section may include: 106322

(1) Procurement, storage, processing, and distribution of 106323  
food and professional consultation on food operations; 106324

(2) Procurement, storage, and distribution of medical and 106325  
laboratory supplies, dental supplies, medical records, forms, 106326  
optical supplies, and sundries; 106327

(3) Procurement, storage, repackaging, distribution, and 106328  
dispensing of drugs, the provision of professional pharmacy 106329  
consultation, and drug information services; 106330

(4) Other goods and services. 106331

(D) The department of ~~mental-behavioral health and~~ 106332  
~~addiction services~~ may provide the goods and services designated 106333  
in division (C) of this section to its institutions and to 106334  
state-operated community-based mental health or addiction 106335  
services providers. 106336

(E) After consultation with and advice from the director 106337  
of developmental disabilities, the director of rehabilitation 106338  
and correction, and the director of youth services, the 106339  
department of ~~mental-behavioral health and addiction services~~ 106340  
may provide the goods and services designated in division (C) of 106341  
this section to the department of developmental disabilities, 106342  
the department of rehabilitation and correction, and the 106343  
department of youth services. 106344

(F) The cost of administration of this section shall be 106345  
determined by the department of ~~mental-behavioral health and~~ 106346  
~~addiction services~~ and paid by the agencies, services providers, 106347  
or free clinics receiving the goods and services to the 106348  
department for deposit in the state treasury to the credit of 106349  
the Ohio pharmacy services fund, which is hereby created. The 106350  
fund shall be used to pay the cost of administration of this 106351  
section to the department. 106352

(G) Whenever a state agency fails to make a payment for 106353  
goods and services provided under this section within thirty-one 106354  
days after the date the payment was due, the office of budget 106355  
and management may transfer moneys from the state agency to the 106356  
department of ~~mental-behavioral health and addiction services~~. 106357  
The amount transferred shall not exceed the amount of overdue 106358  
payments. Prior to making a transfer under this division, the 106359  
office of budget and management shall apply any credits the 106360  
state agency has accumulated in payments for goods and services 106361  
provided under this section. 106362

(H) Purchases of goods and services under this section are 106363  
not subject to section 307.86 of the Revised Code. 106364

**Sec. 5119.45.** Unless otherwise specifically provided by 106365  
law, all moneys received by the department of ~~mental-behavioral~~ 106366  
~~health and addiction services~~ from the sale of goods and 106367  
services, including, but not limited to, shared service 106368  
agreements with other governmental entities and nongovernmental 106369  
entities, employee housing and cafeteria receipts, fees for 106370  
copying services, and sales of other tangible personal property 106371  
under the department's control, shall be paid into the state 106372  
treasury to the credit of the sale of goods and services fund, 106373  
which is hereby created. Moneys received by the department 106374

pursuant to section 5119.44 of the Revised Code shall not be 106375  
paid into the fund. The department shall use the moneys in the 106376  
fund for paying operating expenses of the department. 106377

**Sec. 5119.46.** There is hereby created in the state 106378  
treasury the department of ~~mental~~behavioral health and- 106379  
~~addiction services~~-trust fund. ~~Not later than the first day of~~ 106380  
~~September of each year, the director of mental health and~~ 106381  
~~addiction services shall certify to the director of budget and~~ 106382  
~~management the amount of all of the unexpended, unencumbered~~ 106383  
~~balances of general revenue fund appropriations made to the~~ 106384  
~~department of mental health and addiction services for the~~ 106385  
~~previous fiscal year, excluding funds appropriated for rental~~ 106386  
~~payments to the Ohio public facilities commission. On receipt of~~ 106387  
~~the certification, the director of budget and management shall~~ 106388  
~~transfer cash to the trust fund in an amount up to, but not~~ 106389  
~~exceeding, the total of the amounts certified by the director of~~ 106390  
~~mental health and addiction services.~~ 106391

~~In addition, the~~The trust fund shall receive all amounts, 106392  
subject to any provisions in bond documents, received from the 106393  
sale or lease of lands and facilities by the department. 106394

All moneys in the trust fund ~~shall be used by the~~ 106395  
~~department of mental health and addiction services to pay for~~ 106396  
~~expenditures the department incurs in performing any of its~~ 106397  
~~duties under this chapter~~are subject to appropriation by the 106398  
general assembly or may be used with the approval of the 106399  
controlling board. The use of moneys in the trust fund pursuant 106400  
to this section does not represent an ongoing commitment to the 106401  
continuation of the trust fund or to the use of moneys in the 106402  
trust fund. 106403

**Sec. 5119.47.** The director of ~~mental~~behavioral health and 106404

~~addiction services~~ shall administer the problem casino gambling 106405  
and addictions fund. The director shall use the money in the 106406  
fund to support gambling addiction services, alcohol and drug 106407  
addiction services, other services that relate to gambling 106408  
addiction and substance abuse, and research that relates to 106409  
gambling addiction and substance abuse. Treatment and prevention 106410  
services supported by money in the fund under this section shall 106411  
be services that are certified by the department of ~~mental-~~ 106412  
behavioral health and addiction services. 106413

The director shall prepare an annual report describing the 106414  
use of the fund for these purposes. The director shall submit 106415  
the report to the Ohio casino control commission, the speaker 106416  
and minority leader of the house of representatives, the 106417  
president and minority leader of the senate, and the governor. 106418

**Sec. 5119.48.** (A) The department of ~~mental-~~behavioral 106419  
~~health and addiction services~~ shall create the all roads lead to 106420  
home program. The program shall include all of the following 106421  
initiatives: 106422

(1) A media campaign. As part of the campaign, the 106423  
department shall develop public service announcements and shall 106424  
make the announcements available to television and radio media 106425  
outlets. The announcements shall be made available beginning on 106426  
January 1, 2018, ~~and~~ Thereafter, the announcements shall be 106427  
made at least twice annually, once between January and March of 106428  
each year, and once in September of each year as part of 106429  
national recovery month. 106430

(2) A web site ~~as~~ that meets the requirements described in 106431  
division (C) of this section; 106432

(3) A twenty-four-hour hotline, that is operated by a call 106433

center, for the purpose of helping individuals access addiction services. 106434  
106435

(B) The media campaign described in division (A) (1) of this section shall do all of the following: 106436  
106437

(1) Include messages to reduce the stigma associated with seeking help for drug addiction; 106438  
106439

(2) Provide directions for people who are in need of drug addiction assistance to a web-based location that includes all of the following: 106440  
106441  
106442

(a) Information on where to find help for drug addiction; 106443

(b) Information on intervention and referral options; 106444

(c) Contact information for county board boards of alcohol, drug addiction assistance authorities, and mental health services. 106445  
106446  
106447

(3) Prioritize its efforts in media markets that have the highest rates of drug overdose deaths in this state; 106448  
106449

(4) Utilize television and radio public service announcements provided to media outlets, as well as internet advertising models such as low-cost social media outlets. 106450  
106451  
106452

(C) Before January 1, 2018, for purposes of division (A) (2) of this section, the department shall create a web site ~~as described in division (A) (2) of this section~~ that is interactive and offers all of the following components: 106453  
106454  
106455  
106456

(1) If reasonably available for use, an evidence-based self-reporting screening tool approved by the department's medical director; 106457  
106458  
106459

(2) Community detoxification and withdrawal management 106460

options and community treatment options; 106461

(3) A searchable database of certified substance abuse 106462  
providers organized by zip code; 106463

(4) Information on recovery supports, including recovery 106464  
housing residences; 106465

(5) Clinical information regarding what a person may 106466  
expect during detoxification, withdrawal, and treatment. 106467

(D) The department may contract with private vendors for 106468  
the creation and maintenance of the ~~interactive~~ web site 106469  
described in division (C) of this section. 106470

**Sec. 5119.49.** (A) The director of ~~mental~~ behavioral health 106471  
~~and addiction services~~ shall collaborate with the state board of 106472  
pharmacy and attorney general in the establishment and 106473  
administration of a drug take-back program, as provided under 106474  
section 4729.69 of the Revised Code. 106475

(B) The department may accept grants, gifts, or donations 106476  
for purposes of the program. Money received under this division 106477  
shall be deposited into the drug take-back program fund 106478  
established under section 109.90 of the Revised Code. 106479

**Sec. 5119.50.** The director of ~~mental~~ behavioral health ~~and~~ 106480  
~~addiction services~~ may accept, hold, and administer in trust on 106481  
behalf of the state, if it is for the public interest, any 106482  
grant, gift, devise, or bequest of money or property made to the 106483  
state for the use or benefit of any institution described in 106484  
section 5119.14 of the Revised Code or for the use and benefit 106485  
of persons with mental illnesses under its control. If the trust 106486  
so provides, the money or property may be used for any work 106487  
which the department of ~~mental~~ behavioral health ~~and addiction~~ 106488  
~~services~~ is authorized to undertake. 106489

The department shall keep such gift, grant, devise, or bequest as a distinct property or fund and, if it is in money, shall invest it in the manner provided by law. The department may deposit in a proper trust company or savings bank any money left in trust during a specified life or lives and shall adopt rules governing the deposit, transfer, withdrawal, or investment of such money and the income thereof.

The department shall, in the manner prescribed by the director of budget and management pursuant to section 126.21 of the Revised Code, account for all money or property received or expended under this section. The records, together with a statement certified by the depository showing the funds deposited there to the credit of the trust, shall be open to public inspection. The director of budget and management may require the department to file a report with the director on any particular portion, or the whole, of any trust property received or expended by it.

The department shall, upon the expiration of any trust according to its terms, dispose of the funds or property held thereunder in the manner provided in the instrument creating the trust. If the instrument creating the trust failed to make any terms of disposition, or if no trust was in evidence, then the decedent patient's money, saving or commercial deposits, dividends or distributions, bonds, or any other interest-bearing debt certificate or stamp issued by the United States government shall escheat to the state. All such unclaimed intangible personal property of a former patient shall be retained by the managing officer in such institution for the period of one year, during which time every possible effort shall be made to find such former patient or the former patient's legal representative.

If, after a period of one year from the time the patient  
has left the institution or has died, the managing officer has  
been unable to locate such person or the person's legal  
representative, then upon proper notice of such fact the  
director shall at that time formulate in writing a method of  
disposition on the minutes of the department authorizing the  
managing officer to convert such intangible personal property to  
cash to be paid into the state treasury to the credit of the  
general revenue fund.

The department shall include in its annual report a  
statement of all money and property and the terms and conditions  
relating thereto.

**Sec. 5119.51.** (A) As used in this section, "supplemental  
services" has the same meaning as in section 5815.28 of the  
Revised Code.

(B) There is hereby created in the state treasury the  
services fund for individuals with mental illness. On the death  
of the beneficiary of a trust created pursuant to section  
5815.28 of the Revised Code, the portion of the remaining assets  
of the trust specified in the trust instrument shall be  
deposited to the credit of the fund. Money credited to the fund  
shall be used for individuals with mental illness.

Supplemental services may be provided through the  
department or boards of alcohol, drug addiction, and mental  
health services. In accordance with Chapter 119. of the Revised  
Code, the department of ~~mental behavioral health and addiction~~  
~~services~~ may adopt any rules necessary to implement this  
section.

**Sec. 5119.52.** Each managing officer of an institution



under the jurisdiction of the department of ~~mental~~-behavioral 106550  
health and ~~addiction services~~ as described in section 5119.14 of 106551  
the Revised Code, with the approval of the director of ~~mental~~- 106552  
behavioral health and addiction services, may establish local 106553  
institution funds designated as follows: 106554

(A) Industrial and entertainment fund created and 106555  
maintained for the entertainment and welfare of the patients of 106556  
the institution. The director shall establish rules for the 106557  
operation of the industrial and entertainment fund. 106558

(B) Commissary fund created and maintained for the benefit 106559  
of patients in the institution. Commissary revenue over and 106560  
above operating costs and reserve shall be considered profits. 106561  
All profits from the commissary fund operations shall be paid 106562  
into the industrial and entertainment fund and used only for the 106563  
entertainment and welfare of patients. The director shall 106564  
establish rules for the operation of the commissary fund. 106565

**Sec. 5119.54.** The treasurer of state shall have charge of 106566  
all funds under the jurisdiction of the department of ~~mental~~- 106567  
behavioral health and addiction services and shall pay out the 106568  
same only in accordance with this chapter. 106569

The department shall cause to be furnished a contract of 106570  
indemnity to cover all funds received by it or by its managing 106571  
officers, employees, or agents while the funds are in the 106572  
possession of such managing officers, employees or agents. Such 106573  
funds are designated as follows: 106574

(A) Funds which are due and payable to the treasurer of 106575  
state as provided by Chapter 131. of the Revised Code; 106576

(B) Those funds which are held in trust by the managing 106577  
officers, employees, or agents of the institution as local funds 106578

or accounts under the jurisdiction of the department. 106579

Such contract of indemnity shall be made payable to the 106580  
state and the premium for such contract of indemnity may be paid 106581  
from any of the moneys received for the use of the department 106582  
under this chapter and Chapters 5121. and 5122. of the Revised 106583  
Code. 106584

Funds collected from various sources, such as the sale of 106585  
goods, and all miscellaneous articles, shall be transmitted on 106586  
or before Monday of each week to the treasurer of state and a 106587  
detailed statement of such collections shall be made to the 106588  
department. 106589

**Sec. 5119.55.** The department of ~~mental-behavioral health~~ 106590  
~~and addiction services~~ may pay an amount for personal use to 106591  
each individual residing in a state institution as described in 106592  
section 5119.14 of the Revised Code who would be eligible for 106593  
supplemental security income benefits at the reduced rate 106594  
established by Title XVI of the "Social Security Act," 42 U.S.C. 106595  
1381 et seq., if the medicaid program covers services provided 106596  
in such institutions. The amount paid by the department shall 106597  
not exceed the reduced supplemental security income benefit rate 106598  
established by Title XVI of the "Social Security Act." 106599

**Sec. 5119.56.** Money or property deposited with managing 106600  
officers of institutions under the jurisdiction of the 106601  
department of ~~mental-behavioral health and addiction services~~ by 106602  
any patient under the department's control or by relatives, 106603  
guardians, conservators, and others for the special benefit of 106604  
such patient, as well as all other funds and all other income 106605  
paid to the patient, the patient's estate, or on the patient's 106606  
behalf, or paid to the managing officer or to the institution as 106607  
representative payee or otherwise paid on the patient's behalf, 106608

shall remain in the hands of such officers in appropriate 106609  
accounts for use accordingly. The managing officer shall keep 106610  
itemized book accounts of the receipt and disposition of such 106611  
money and property, which book shall be open at all times to the 106612  
inspection of the department. The director of ~~mental~~ behavioral 106613  
health ~~and addiction services~~ shall adopt rules governing the 106614  
deposit, transfer, withdrawal, or investment of the funds and 106615  
the income thereof, as well as rules under which such funds and 106616  
income shall be paid by managing officers for the support of the 106617  
patients pursuant to Chapter 5121. of the Revised Code, or for 106618  
their other needs. 106619

Whenever any patient confined in any state institution 106620  
subject to the jurisdiction of the department dies, escapes, or 106621  
is discharged from such institution, and any personal funds of 106622  
such person remain in the hands of the managing officer thereof 106623  
and no demand for such funds is made upon such managing officer 106624  
by the owner of the funds or the owner's legally appointed 106625  
representative, the managing officer shall hold the funds in the 106626  
personal deposit fund for a period of at least one year during 106627  
which time the managing officer shall make every effort possible 106628  
to locate the owner or the owner's legally appointed 106629  
representative. 106630

If at the end of this period no demand has been made for 106631  
the funds, the managing officer shall dispose of the funds as 106632  
follows: 106633

(A) All money in a personal deposit fund in excess of ten 106634  
dollars due for the support of a patient shall be paid in 106635  
accordance with the provisions of Chapter 5121. of the Revised 106636  
Code. 106637

(B) All money in a personal deposit fund in excess of ten 106638

dollars not due for the support of a patient shall be placed to 106639  
the credit of the institution's local account designated as the 106640  
"industrial and entertainment" fund. 106641

(C) The first ten dollars to the credit of a patient shall 106642  
be placed to the credit of the institution's local account 106643  
designated as the "industrial and entertainment" fund. 106644

Whenever any patient in any state institution subject to 106645  
the jurisdiction of the department dies, escapes, or is 106646  
discharged from such institution, and any personal effects of 106647  
such person remain in the hands of the managing officer thereof, 106648  
and no demand is made upon such managing officer by the owner of 106649  
the property or the owner's legally appointed representative, 106650  
the managing officer shall hold and dispose of such property in 106651  
the following manner. 106652

All the miscellaneous personal effects shall be held for a 106653  
period of at least one year, during which time the managing 106654  
officer shall make every effort possible to locate the owner or 106655  
the owner's legal representative. If at the end of this period, 106656  
no demand has been made by the owner of the property or the 106657  
owner's legal representative, the managing officer shall file 106658  
with the county recorder of the county of commitment of such 106659  
owner, all deeds, wills, contract mortgages, or assignments. The 106660  
balance of the personal effects shall be sold at public auction 106661  
after being duly advertised, and the funds turned over to the 106662  
treasurer of state for credit to the general revenue fund. If 106663  
any of the property is not of a type to be filed with the county 106664  
recorder and is not salable at public auction, then the managing 106665  
officer of the institution shall destroy such property. 106666

**Sec. 5119.60.** The department of ~~mental~~behavioral health 106667  
~~and addiction services~~ shall submit an annual report to the 106668

governor that shall describe the services the department offers 106669  
and how appropriated funds have been spent. The report shall 106670  
include all of the following: 106671

(A) The utilization of state hospitals by each alcohol, 106672  
drug addiction, and mental health service district; 106673

(B) The number of persons served by community addiction 106674  
services providers that receive funds distributed by the 106675  
department, with a breakdown into categories including age, sex, 106676  
race, the type of drug to which the person is addicted, and any 106677  
other categories the director of ~~mental-behavioral~~ health and 106678  
~~addiction services~~ considers significant; 106679

(C) The number of persons with severe mental disabilities 106680  
served in each district; 106681

(D) The number and types of addiction services, mental 106682  
health services, and recovery supports provided to persons with 106683  
severe mental disabilities through state-operated services, 106684  
community addiction services providers, and community mental 106685  
health services providers; 106686

(E) A report measuring the success of community addiction 106687  
services providers, based on the measures for accountability 106688  
developed by the department, including the percentage of persons 106689  
served by such community addiction services providers who have 106690  
not relapsed; 106691

(F) Any other information that the director considers 106692  
significant or is requested by the governor. 106693

**Sec. 5119.61.** (A) The department of ~~mental-behavioral~~ 106694  
health and ~~addiction services~~ shall collect and compile 106695  
statistics and other information on the care and treatment of 106696  
persons with mental disabilities, and the care, treatment, and 106697

rehabilitation of persons with alcohol use disorder, persons 106698  
with drug dependencies, persons in danger of drug dependence, 106699  
and persons with or in danger of developing a gambling addiction 106700  
in this state. The information shall include, without 106701  
limitation, information on the number of such persons, the type 106702  
of drug involved, if any, the type of care, treatment, or 106703  
rehabilitation prescribed or undertaken, and the success or 106704  
failure of the care, treatment, or rehabilitation. The 106705  
department shall collect information about addiction services, 106706  
mental health services, and recovery supports delivered and 106707  
persons served as required for reporting and evaluation relating 106708  
to state and federal funds expended for such purposes. 106709

(B) No community addiction services provider or community 106710  
mental health services provider shall fail to supply statistics 106711  
and other information within its knowledge and with respect to 106712  
its addiction services, mental health services, and recovery 106713  
supports upon request of the department. 106714

(C) Communications by a person seeking aid in good faith 106715  
for alcohol use disorder or drug dependence are confidential, 106716  
and this section does not require the collection or permit the 106717  
disclosure of information which reveals or comprises the 106718  
identity of any person seeking aid. 106719

(D) Based on the information collected and compiled under 106720  
division (A) of this section, the department shall develop a 106721  
project to assess the outcomes of persons served by community 106722  
addiction services providers and community mental health 106723  
services providers that receive funds distributed by the 106724  
department. 106725

(E) The director of ~~mental behavioral health and addiction~~ 106726  
~~services~~ may fine a community addiction services provider or 106727

community mental health services provider for violating division 106728  
(B) of this section. In determining whether to impose a fine, 106729  
the director shall consider whether the provider has engaged in 106730  
a pattern of noncompliance. If a fine is imposed, it shall be 106731  
one thousand dollars for a first failure to comply with division 106732  
(B) of this section and two thousand dollars for each subsequent 106733  
failure. The director's actions in imposing a fine shall be 106734  
taken in accordance with Chapter 119. of the Revised Code. 106735

All fines collected under this division shall be deposited 106736  
in the state treasury to the credit of the department's 106737  
statewide treatment and prevention fund created by section 106738  
4301.30 of the Revised Code. 106739

**Sec. 5119.71.** Pursuant to Article X of the compact set 106740  
forth in section 5119.70 of the Revised Code, the director of 106741  
~~mental-behavioral health and addiction services~~ and the director 106742  
of developmental disabilities each shall designate an officer 106743  
who shall be the compact administrator for the department and 106744  
who, acting jointly with like officers of other party states, 106745  
shall adopt rules to carry out more effectively the terms of the 106746  
compact. The compact administrators of each department shall 106747  
serve subject to the pleasure of the governor and shall 106748  
cooperate with all departments, agencies, and officers of and in 106749  
the government of this state and its subdivisions in 106750  
facilitating the proper administration of the compact or of any 106751  
supplementary agreements entered into by this state thereunder. 106752

**Sec. 5119.82.** There is hereby established a 9-8-8 106753  
administrator within the department of ~~mental-behavioral health~~ 106754  
~~and addiction services~~ to oversee the administration of the 9-8- 106755  
8 suicide prevention and mental health crisis hotline system 106756  
statewide. 106757

**Sec. 5119.85.** (A) As used in this section, "telephone company" has the same meaning as in section 128.01 of the Revised Code. 106758  
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(B) Except for willful or wanton misconduct, a telephone company, a provider of interconnected voice over internet protocol service, and any other installer, maintainer, or provider, through the sale or otherwise, of customer premises equipment, or service used for or with the 9-8-8 hotline, and their respective officers, directors, employees, agents, suppliers, corporate parents, and affiliates are not liable in damages in a civil action for injuries, death or loss to persons or property incurred by any person resulting from such an entity's or its officers', directors', employees', agents', or suppliers' participation in or acts or omissions in connection with participating in or developing, maintaining, or operating the 9-8-8 hotline. 106761  
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**Sec. 5119.89.** The director of ~~mental-behavioral health and addiction services~~ shall consult with the superintendent of insurance as required by section 3901.90 of the Revised Code to develop consumer and payer education on ~~mental-behavioral health and addiction services~~ insurance parity and establish and promote a consumer hotline to collect information and help consumers understand and access their insurance benefits. 106774  
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The department of ~~mental-behavioral health and addiction services~~ and the department of insurance shall jointly report annually on the departments' efforts, which shall include information on consumer and payer outreach activities and identification of trends and barriers to access and coverage in this state. The departments shall submit the report to the general assembly, the joint medicaid oversight committee, and 106781  
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the governor, not later than the thirtieth day of January of 106788  
each year. 106789

**Sec. 5119.90.** As used in sections 5119.90 to 5119.98 of 106790  
the Revised Code: 106791

(A) "Alcohol and other drug abuse" means alcohol use 106792  
disorder or drug addiction. 106793

(B) "Another drug" means a controlled substance as defined 106794  
in section 3719.01 of the Revised Code or a harmful intoxicant 106795  
as defined in section 2925.01 of the Revised Code. 106796

(C) "Board of alcohol, drug addiction, and mental health 106797  
services" means a board of alcohol, drug addiction, and mental 106798  
health services established under section 340.02 or 340.021 of 106799  
the Revised Code. 106800

(D) "Danger" or "threat of danger to self, family, or 106801  
others" means substantial physical harm or threat of substantial 106802  
physical harm upon self, family, or others. 106803

(E) "Hospital" has the same meaning as in section 3701.01 106804  
or 3727.01 of the Revised Code but does not include either a 106805  
hospital operated by the department of ~~mental-behavioral health~~ 106806  
~~and addiction services~~ or an inpatient unit licensed by the 106807  
department. 106808

(F) "Intoxicated" means being under the influence of 106809  
alcohol, another drug, or both alcohol and another drug and, as 106810  
a result, having a significantly impaired ability to function. 106811

(G) "Petitioner" means a person who institutes a 106812  
proceeding under sections 5119.91 to 5119.98 of the Revised 106813  
Code. 106814

(H) "Probate court" means the probate division of the 106815

court of common pleas. 106816

(I) "Qualified health professional" means a person that is 106817  
properly credentialed or licensed to conduct a drug and alcohol 106818  
assessment and diagnosis under Ohio law. 106819

(J) "Residence" means the legal residence of a person as 106820  
determined by applicable principles governing conflicts of law. 106821

(K) "Respondent" means a person alleged in a petition 106822  
filed or hearing under sections 5119.91 to 5119.98 of the 106823  
Revised Code to be a person who is experiencing alcohol and 106824  
other drug abuse and who may be ordered under those sections to 106825  
undergo treatment. 106826

(L) "Treatment" means services and programs for the care 106827  
and rehabilitation of intoxicated persons and persons 106828  
experiencing alcohol and other drug abuse. "Treatment" includes 106829  
residential treatment, a halfway house setting, and an intensive 106830  
outpatient or outpatient level of care. 106831

**Sec. 5119.99.** (A) Whoever violates section 5119.333 of the 106832  
Revised Code is guilty of a misdemeanor of the first degree. 106833

(B) Whoever violates section 5119.27 or 5119.28, division 106834  
~~(P)~~(O) of section 5119.36, or division (A) (1) or (2) of section 106835  
5119.37 of the Revised Code is guilty of a felony of the fifth 106836  
degree. 106837

**Sec. 5120.035.** (A) As used in this section: 106838

(1) "Community treatment provider" means a program that 106839  
provides substance use disorder assessment and treatment for 106840  
persons and that satisfies all of the following: 106841

(a) It is located outside of a state correctional 106842  
institution. 106843

(b) It shall provide the assessment and treatment for 106844  
qualified prisoners referred and transferred to it under this 106845  
section in a suitable facility that is licensed pursuant to 106846  
division ~~(C)~~(D) of section 2967.14 of the Revised Code. 106847

(c) All qualified prisoners referred and transferred to it 106848  
under this section shall reside initially in the suitable 106849  
facility specified in division (A)(1)(b) of this section while 106850  
undergoing the assessment and treatment. 106851

(2) "Electronic monitoring device" has the same meaning as 106852  
in section 2929.01 of the Revised Code. 106853

(3) "State correctional institution" has the same meaning 106854  
as in section 2967.01 of the Revised Code. 106855

(4) "Qualified prisoner" means a person who satisfies all 106856  
of the following: 106857

(a) The person is confined in a state correctional 106858  
institution under a prison term imposed for a felony of the 106859  
third, fourth, or fifth degree that is not an offense of 106860  
violence. 106861

(b) The department of rehabilitation and correction 106862  
determines, using a standardized assessment tool, that the 106863  
person has a substance use disorder. 106864

(c) The person has not more than twelve months remaining 106865  
to be served under the prison term described in division (A)(4) 106866  
(a) of this section. 106867

(d) The person is not serving any prison term other than 106868  
the term described in division (A)(4)(a) of this section. 106869

(e) The person is eighteen years of age or older. 106870

(f) The person does not show signs of drug or alcohol withdrawal and does not require medical detoxification. 106871  
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(g) As determined by the department of rehabilitation and correction, the person is physically and mentally capable of uninterrupted participation in the substance use disorder treatment program established under division (B) of this section. 106873  
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(B) The department of rehabilitation and correction shall establish and operate a program for community-based substance use disorder treatment for qualified prisoners. The purpose of the program shall be to provide substance use disorder assessment and treatment through community treatment providers to help reduce substance use relapses and recidivism for qualified prisoners while preparing them for reentry into the community and improving public safety. 106878  
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(C) (1) The department shall determine which qualified prisoners in its custody should be placed in the substance use disorder treatment program established under division (B) of this section. The department has full discretion in making that determination. If the department determines that a qualified prisoner should be placed in the program, the department may refer the prisoner to a community treatment provider the department has approved under division (E) of this section for participation in the program and transfer the prisoner from the state correctional institution to the provider's approved and licensed facility. Except as otherwise provided in division (C) (3) of this section, no prisoner shall be placed under the program in any facility other than a facility of a community treatment provider that has been so approved. If the department places a prisoner in the program, the prisoner shall receive 106886  
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credit against the prisoner's prison term for all time served in 106901  
the provider's approved and licensed facility and may earn days 106902  
of credit under section 2967.193 or 2967.194 of the Revised 106903  
Code, but otherwise neither the placement nor the prisoner's 106904  
participation in or completion of the program shall result in 106905  
any reduction of the prisoner's prison term. 106906

(2) If the department places a prisoner in the substance 106907  
use disorder treatment program, the prisoner does not 106908  
satisfactorily participate in the program, and the prisoner has 106909  
not served the prisoner's entire prison term, the department may 106910  
remove the prisoner from the program and return the prisoner to 106911  
a state correctional institution. 106912

(3) If the department places a prisoner in the substance 106913  
use disorder treatment program and the prisoner is 106914  
satisfactorily participating in the program, the department may 106915  
permit the prisoner to reside at a residence approved by the 106916  
department if the department determines, with input from the 106917  
community treatment provider, that residing at the approved 106918  
residence will help the prisoner prepare for reentry into the 106919  
community and will help reduce substance use relapses and 106920  
recidivism for the prisoner. If a prisoner is permitted under 106921  
this division to reside at a residence approved by the 106922  
department, the prisoner shall be monitored during the period of 106923  
that residence by an electronic monitoring device. 106924

(D) (1) When a prisoner has been placed in the substance 106925  
use disorder treatment program established under division (B) of 106926  
this section, before the prisoner is released from custody of 106927  
the department upon completion of the prisoner's prison term, 106928  
the department shall conduct and prepare an evaluation of the 106929  
prisoner, the prisoner's participation in the program, and the 106930

prisoner's needs regarding substance use disorder treatment upon 106931  
release. Before the prisoner is released from custody of the 106932  
department upon completion of the prisoner's prison term, the 106933  
parole board or the court acting pursuant to an agreement under 106934  
section 2967.29 of the Revised Code shall consider the 106935  
evaluation, in addition to all other information and materials 106936  
considered, as follows: 106937

(a) If the prisoner is a prisoner for whom post-release 106938  
control is mandatory under section 2967.28 of the Revised Code, 106939  
the board or court shall consider it in determining which post- 106940  
release control sanction or sanctions to impose upon the 106941  
prisoner under that section. 106942

(b) If the prisoner is a prisoner for whom post-release 106943  
control is not mandatory under section 2967.28 of the Revised 106944  
Code, the board or court shall consider it in determining 106945  
whether a post-release control sanction is necessary and, if so, 106946  
which post-release control sanction or sanctions to impose upon 106947  
the prisoner under that section. 106948

(2) If the department determines that a prisoner it placed 106949  
in the substance use disorder treatment program successfully 106950  
completed the program and successfully completed a term of post- 106951  
release control, if applicable, and if the prisoner submits an 106952  
application under section 2953.32 or the prosecutor in the case 106953  
submits an application under section 2953.39 of the Revised Code 106954  
for sealing or expungement of the record of the conviction, the 106955  
director may issue a letter to the court in support of the 106956  
application. 106957

(E) (1) The department shall accept applications from 106958  
community treatment providers that satisfy the requirement 106959  
specified in division (E) (2) of this section and that wish to 106960

participate in the substance use disorder treatment program 106961  
established under division (B) of this section, and shall 106962  
approve for participation in the program at least four and not 106963  
more than eight of the providers that apply. To the extent 106964  
feasible, the department shall approve one or more providers 106965  
from each geographical quadrant of the state. 106966

(2) Each community treatment provider that applies under 106967  
division (E)(1) of this section to participate in the program 106968  
shall have the provider's alcohol and drug addiction services 106969  
that provide substance use disorder treatment certified by the 106970  
department of mental health and addiction services under section 106971  
5119.36 of the Revised Code. A community treatment provider is 106972  
not required to have the provider's halfway house or residential 106973  
treatment certified by the department of mental health and 106974  
addiction services. 106975

(F) The department of rehabilitation and correction shall 106976  
adopt rules for the operation of the substance use disorder 106977  
treatment program it establishes under division (B) of this 106978  
section and shall operate the program in accordance with this 106979  
section and those rules. The rules shall establish, at a 106980  
minimum, all of the following: 106981

(1) Criteria that establish which qualified prisoners are 106982  
eligible for the program; 106983

(2) Criteria that must be satisfied to transfer a 106984  
qualified prisoner to a residence pursuant to division (C)(3) of 106985  
this section; 106986

(3) Criteria for the removal of a prisoner from the 106987  
program pursuant to division (C)(2) of this section; 106988

(4) Criteria for determining when an offender has 106989

successfully completed the program for purposes of division (D) 106990  
(2) of this section; 106991

(5) Criteria for community treatment providers to provide 106992  
assessment and treatment, including minimum standards for 106993  
treatment. 106994

Sec. 5120.039. The department of rehabilitation and 106995  
correction shall permit the Frederick Douglass project for 106996  
justice to register with the department under section 5120.034 106997  
of the Revised Code to enter institutions under the control of 106998  
the department for the purpose of facilitating structured 106999  
meetings between incarcerated people and non-incarcerated 107000  
people. 107001

Sec. 5120.16. (A) Persons sentenced to any institution, 107002  
division, or place under the control of the department of 107003  
rehabilitation and correction are committed to the control, 107004  
care, and custody of the department. Subject to division ~~(B)~~(C) 107005  
of this section, the director of rehabilitation and correction 107006  
or the director's designee may direct that persons sentenced to 107007  
the department, or to any institution or place within the 107008  
department, shall be conveyed by the sheriff initially to an 107009  
appropriate facility established and maintained by the 107010  
department, or committed electronically in accordance with 107011  
division (B) of this section, for reception, examination, 107012  
observation, and classification of the persons so sentenced. 107013  
Prior to removal of an individual on an out of jurisdiction 107014  
detainer, the sheriff shall convey the sentenced person to the 107015  
department of rehabilitation and correction or electronically 107016  
commit the sentenced person in accordance with division (B) of 107017  
this section. 107018

If a presentence investigation report was not prepared 107019



pursuant to section 2947.06 or 2951.03 of the Revised Code or 107020  
Criminal Rule 32.2 regarding any person sentenced to the 107021  
department or to any institution or place within the department, 107022  
the director or the director's designee may order the 107023  
department's field staff to conduct an offender background 107024  
investigation and prepare an offender background investigation 107025  
report regarding the person. The investigation and report shall 107026  
be conducted in accordance with division (A) of section 2951.03 107027  
of the Revised Code and the report shall contain the same 107028  
information as a presentence investigation report prepared 107029  
pursuant to that section. 107030

When the examination, observation, and classification of 107031  
the person have been completed by the facility and a written 107032  
report of the examination, observation, and classification is 107033  
filed with the commitment papers, the director or the director's 107034  
designee, subject to division (B) of this section, shall assign 107035  
the person to a suitable state institution or place maintained 107036  
by the state within the director's department or shall designate 107037  
that the person is to be housed in a county, multicounty, 107038  
municipal, municipal-county, or multicounty-municipal jail or 107039  
workhouse, if authorized by section 5120.161 of the Revised 107040  
Code, there to be confined, cared for, treated, trained, and 107041  
rehabilitated until paroled, released in accordance with section 107042  
2929.20, 2967.26, 2967.28, or 5120.036 of the Revised Code, or 107043  
otherwise released under the order of the court that imposed the 107044  
person's sentence. No person committed by a probate court, a 107045  
trial court pursuant to section 2945.40, 2945.401, or 2945.402 107046  
of the Revised Code subsequent to a finding of not guilty by 107047  
reason of insanity, or a juvenile court shall be assigned to a 107048  
state correctional institution. 107049

If a person is sentenced, committed, or assigned for the 107050

commission of a felony to any one of the institutions or places 107051  
maintained by the department or to a county, multicounty, 107052  
municipal, municipal-county, or multicounty-municipal jail or 107053  
workhouse, the department, by order duly recorded and subject to 107054  
division (B) of this section, may transfer the person to any 107055  
other institution, or, if authorized by section 5120.161 of the 107056  
Revised Code, to a county, multicounty, municipal, municipal- 107057  
county, or multicounty-municipal jail or workhouse. 107058

(B) An agreement may be entered into between a court of 107059  
common pleas and the department of rehabilitation and correction 107060  
under which persons may be electronically committed to the 107061  
department of rehabilitation and correction. 107062

(C) If the case of a child who is alleged to be a 107063  
delinquent child is transferred for criminal prosecution to the 107064  
appropriate court having jurisdiction of the offense pursuant to 107065  
section 2152.12 of the Revised Code, if the child is convicted 107066  
of or pleads guilty to a felony in that case, if the child is 107067  
sentenced to a prison term, as defined in section 2901.01 of the 107068  
Revised Code, and if the child is under eighteen years of age 107069  
when delivered to the custody of the department of 107070  
rehabilitation and correction, all of the following apply 107071  
regarding the housing of the child: 107072

(1) Until the child attains eighteen years of age, subject 107073  
to divisions ~~(B) (2)~~ (C) (2), (3), and (4) of this section, the 107074  
department shall house the child in a housing unit in a state 107075  
correctional institution separate from inmates who are eighteen 107076  
years of age or older. 107077

(2) The department is not required to house the child in 107078  
the manner described in division ~~(B) (1)~~ (C) (1) of this section if 107079  
the child does not observe the rules and regulations of the 107080

institution or the child otherwise creates a security risk by 107081  
being housed separately. 107082

(3) If the department receives too few inmates who are 107083  
under eighteen years of age to fill a housing unit in a state 107084  
correctional institution separate from inmates who are eighteen 107085  
years of age or older, as described in division ~~(B) (1)~~ (C) (1) of 107086  
this section, the department may house the child in a housing 107087  
unit in a state correctional institution that includes both 107088  
inmates who are under eighteen years of age and inmates who are 107089  
eighteen years of age or older and under twenty-one years of 107090  
age. 107091

(4) Upon the child's attainment of eighteen years of age, 107092  
the department may house the child with the adult population of 107093  
the state correctional institution. 107094

~~(C)~~ (D) The director or the director's designee shall 107095  
develop a policy for dealing with problems related to infection 107096  
with the human immunodeficiency virus. The policy shall include 107097  
methods of identifying individuals committed to the custody of 107098  
the department who are at high risk of infection with the virus 107099  
and counseling those individuals. 107100

Arrangements for housing individuals diagnosed as having 107101  
AIDS or an AIDS-related condition shall be made by the 107102  
department based on security and medical considerations and in 107103  
accordance with division ~~(B)~~ (C) of this section, if applicable. 107104

**Sec. 5120.21.** (A) The department of rehabilitation and 107105  
correction shall keep in its office, accessible only to its 107106  
employees, except by the consent of the department or the order 107107  
of the judge of a court of record, and except as provided in 107108  
division (C) of this section, a record showing the name, 107109

residence, sex, age, nativity, occupation, condition, and date 107110  
of entrance or commitment of every inmate in the several 107111  
institutions governed by it. The record also shall include the 107112  
date, cause, and terms of discharge and the condition of such 107113  
person at the time of leaving, a record of all transfers from 107114  
one institution to another, and, if such inmate is dead, the 107115  
date and cause of death. These and other facts that the 107116  
department requires shall be furnished by the managing officer 107117  
of each institution within ten days after the commitment, 107118  
entrance, death, or discharge of an inmate. 107119

(B) In case of an accident or injury or peculiar death of 107120  
an inmate, the managing officer shall make a special report to 107121  
the department within twenty-four hours thereafter, giving the 107122  
circumstances as fully as possible. 107123

(C) (1) As used in this division, "medical record" means 107124  
any document or combination of documents that pertains to the 107125  
medical history, diagnosis, prognosis, or medical condition of a 107126  
patient and that is generated and maintained in the process of 107127  
medical treatment. 107128

(2) A separate medical record of every inmate in an 107129  
institution governed by the department shall be compiled, 107130  
maintained, and kept apart from and independently of any other 107131  
record pertaining to the inmate. Upon the signed written request 107132  
of the inmate to whom the record pertains together with the 107133  
written request of a person the inmate designates who is either 107134  
a licensed attorney at law or a licensed physician, certified 107135  
nurse-midwife, clinical nurse specialist, or certified nurse 107136  
practitioner, the department shall make the inmate's medical 107137  
record available to the designated attorney, physician, or 107138  
nurse. The record may be inspected or copied by the inmate's 107139

designated attorney, physician, or nurse. The department may 107140  
establish a reasonable fee for the copying of any medical 107141  
record. If a physician, certified nurse-midwife, clinical nurse 107142  
specialist, or certified nurse practitioner concludes that 107143  
presentation of all or any part of the medical record directly 107144  
to the inmate will result in serious medical harm to the inmate, 107145  
the physician or nurse shall so indicate on the medical record. 107146  
An inmate's medical record shall be made available to a 107147  
physician, certified nurse-midwife, clinical nurse specialist, 107148  
certified nurse practitioner, or attorney designated in writing 107149  
by the inmate not more than once every twelve months. 107150

(D) ~~Except as otherwise provided by a~~ Notwithstanding any 107151  
other law of this state or the United States to the contrary, 107152  
the department and the officers of its institutions shall keep 107153  
confidential and accessible only to its employees, except by the 107154  
consent of the department or the order of a judge of a court of 107155  
record, all of the following: 107156

(1) Architectural, engineering, or construction diagrams, 107157  
drawings, or plans of a correctional institution; 107158

(2) Plans for hostage negotiation, for disturbance 107159  
control, for the control and location of keys, and for dealing 107160  
with escapes; 107161

(3) Statements made by inmate informants; 107162

(4) Records that are maintained by the department of youth 107163  
services, that pertain to children in its custody, and that are 107164  
released to the department of rehabilitation and correction by 107165  
the department of youth services pursuant to section 5139.05 of 107166  
the Revised Code; 107167

(5) Victim impact statements and information provided by 107168

victims of crimes that the department considers when determining 107169  
the security level assignment, program participation, and 107170  
release eligibility of inmates; 107171

(6) Information and data of any kind or medium pertaining 107172  
to groups that pose a security threat; 107173

(7) Conversations recorded from the monitored inmate 107174  
telephones that involve nonprivileged communications. 107175

~~(E)~~ (E) (1) Records regarding inmates committed to the 107176  
department of rehabilitation and correction or records of 107177  
persons under the supervision of the adult parole authority are 107178  
not public records under section 149.43 of the Revised Code. 107179  
Nothing in this division prohibits the disclosure of the 107180  
following information related to inmates committed to the 107181  
department of rehabilitation and correction: 107182

(a) Name; 107183

(b) Criminal convictions; 107184

(c) Photograph; 107185

(d) Supervision status, including current and past place 107186  
of incarceration; 107187

(e) Disciplinary history. 107188

(2) Except as otherwise provided by a law of this state or 107189  
the United States, the department of rehabilitation and 107190  
correction may release inmate records to the department of youth 107191  
services or a court of record, and the department of youth 107192  
services or the court of record may use those records for the 107193  
limited purpose of carrying out the duties of the department of 107194  
youth services or the court of record. Inmate records released 107195  
by the department of rehabilitation and correction to the 107196

department of youth services or a court of record shall remain 107197  
confidential and shall not be considered public records as 107198  
defined in section 149.43 of the Revised Code. 107199

~~(F) Except as otherwise provided in division (C) of this 107200  
section, records of inmates committed to the department of 107201  
rehabilitation and correction as well as records of persons 107202  
under the supervision of the adult parole authority shall not be 107203  
considered public records as defined in section 149.43 of the 107204  
Revised Code. 107205~~

**Sec. 5120.85.** (A) As used in this section: 107206

(1) "Correction officer" means a correction officer, 107207  
corporal, sergeant, lieutenant, or captain, and the equivalents 107208  
of all such persons, at an institution under the control of the 107209  
department of rehabilitation and correction. 107210

(2) "Killed in the line of duty" has the same meaning as 107211  
in section 742.63 of the Revised Code. 107212

(B) (1) The director of rehabilitation and correction shall 107213  
notify the director of administrative services when a correction 107214  
officer is killed in the line of duty. On receiving the notice, 107215  
the director of administrative services shall enroll the 107216  
surviving spouse of the deceased correction officer in any 107217  
health, medical, hospital, dental, surgical, or vision benefit 107218  
the department of administrative services contracts for under 107219  
section 124.82 of the Revised Code or otherwise provides for the 107220  
benefit of state employees who are paid directly by warrant of 107221  
the director of budget and management. Receiving benefits under 107222  
this section does not make the surviving spouse a state 107223  
employee. 107224

(2) A surviving spouse is ineligible to participate in a 107225

health, medical, hospital, dental, surgical, or vision benefit 107226  
under division (B) (1) of this section if the spouse is either of 107227  
the following: 107228

(a) An employee paid directly by warrant of the director 107229  
of budget and management who is eligible to participate in those 107230  
benefits pursuant to section 124.82 of the Revised Code; 107231

(b) Eligible to enroll in the medicare program established 107232  
by Title XVIII of the "Social Security Act," 42 U.S.C. 1395c. 107233

(C) The department of rehabilitation and correction shall 107234  
pay the department of administrative services for the total cost 107235  
of a surviving spouse's health, medical, hospital, dental, 107236  
surgical, or vision benefit under division (B) (1) of this 107237  
section, plus any applicable administrative costs. 107238

(D) A surviving spouse who is receiving a health, medical, 107239  
hospital, dental, surgical, or vision benefit under division (B) 107240  
(1) of this section shall apply to the director of 107241  
administrative services to participate in any health, medical, 107242  
hospital, dental, surgical, or vision benefit available under 107243  
section 124.824 of the Revised Code as soon as practicable after 107244  
the spouse's application for a death benefit paid under section 107245  
742.63 of the Revised Code is approved by the board of trustees 107246  
of the Ohio police and fire pension fund. 107247

**Sec. 5121.30.** As used in sections 5121.30 to 5121.56 of 107248  
the Revised Code: 107249

(A) "Countable assets" means all of the following: 107250

(1) Cash; 107251

(2) Bank deposits; 107252

(3) Securities; 107253



(4) Individual retirement accounts;	107254
(5) Qualified employer plans, including 401(k) and Keogh plans;	107255 107256
(6) Annuities;	107257
(7) Funds in a trust created under section 5815.28 of the Revised Code;	107258 107259
(8) Investment property and income;	107260
(9) The cash surrender values of life insurance policies;	107261
(10) Assets acquired by gift, bequest, devise, or inheritance;	107262 107263
(11) Any other asset determined by the department of mental health and addiction services to be equivalent to the assets enumerated in this division.	107264 107265 107266
(B) "Federal poverty level" or "FPL" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	107267 107268 107269 107270 107271 107272 107273
(C) "Federal poverty guidelines" means the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	107274 107275 107276 107277 107278 107279 107280

(D) "Hospital" means an institution, hospital, or other place established, controlled, or supervised by the department of mental health and addiction services under Chapter 5119. of the Revised Code, except when otherwise described only as a hospital operated by the department.

(E) "Liable relative" means all of the following:

(1) A patient's spouse;

(2) A patient's mother or father, or both, if the patient is under eighteen years of age;

(3) A patient's guardian.

(F) "Patient" means a person admitted to a hospital for inpatient care or treatment, including a person transferred to a hospital from a state correctional institution or a person under indictment or conviction who has been transferred to a hospital.

**Sec. 5121.32.** On an annual basis, the department of mental health and addiction services shall determine both of the following using generally accepted governmental accounting principles:

(A) The ~~applicable~~ per diem charge for each hospital operated by the department;

(B) The ancillary per diem rate for each hospital operated by the department.

In determining a hospital's ~~applicable~~ per diem charge and ancillary per diem rate, the department shall consider the average actual per diem cost of maintaining and treating a patient at the hospital or, at the department's discretion, the average actual per diem cost of maintaining and treating a patient in a unit of the hospital.

**Sec. 5121.33.** (A) Except as provided in sections 5121.35, 107309  
5121.43, 5121.46, 5121.47, 5121.49, and 5121.52 of the Revised 107310  
Code, the department of mental health and addiction services 107311  
shall, for each billing cycle, charge a patient, patient's 107312  
estate, or liable relative ~~an amount equal to the sum of the~~ 107313  
~~following:~~ 107314

~~(A) The applicable per diem charge multiplied the amount~~ 107315  
~~calculated under division (B) of this section for care and~~ 107316  
~~treatment the patient receives in a hospital operated by the~~ 107317  
~~department.~~ 107318

(B) The amount to be charged under division (A) of this 107319  
section shall be calculated by multiplying the hospital's per 107320  
diem charge or ancillary per diem rate determined under section 107321  
5121.32 of the Revised Code, whichever the department determines 107322  
applies, by the number of days the patient was admitted to the 107323  
hospital. 107324

~~(B) An amount that was previously billed but not paid~~ 107325  
~~during the period that is covered by the billing cycle.~~ 107326

**Sec. 5121.34.** (A) A patient, patient's estate, and 107327  
patient's liable relatives shall be jointly and severally liable 107328  
for amounts charged by the department of mental health and 107329  
addiction services in accordance with section 5121.33 or 5121.35 107330  
of the Revised Code. In no case shall any of the foregoing 107331  
persons be liable for more than one hundred per cent of the full 107332  
~~sum~~ amount charged under section 5121.33 of the Revised Code. 107333

(B) Collections of support payments shall be made by the 107334  
department and, subject to meeting prior requirements for 107335  
payment and crediting of such collections and other available 107336  
receipts, in accordance with the bond proceedings applicable to 107337

obligations issued pursuant to section 154.20 of the Revised Code. The collections and other available receipts designated by the director of mental health and addiction services for deposit in the special accounts, together with insurance contract payments provided for in section 5121.43 of the Revised Code, shall be remitted to the treasurer of state for deposit in the state treasury to the credit of the mental health operating fund, which is hereby created, to be used for the general purposes of the department. The department shall make refunds of overpayment of support charges from the mental health operating fund.

**Sec. 5121.41.** (A) If the assets of a patient, patient's estate, or liable relative do not exceed the countable asset limit in section 5121.40 of the Revised Code and the annual income of the patient, estate, or relative does not exceed four hundred per cent of the federal poverty level, the patient, estate, or relative shall be charged an amount discounted from the amount the department charges under section 5121.33 of the Revised Code for the first thirty days the patient is admitted as an inpatient in a hospital and for which the patient is liable for the cost of care. The amount of the discount shall be computed according to the following schedule:

		Annual Gross Income						107360
		Expressed as a Percentage of FPL						107361
								107362
		1	2	3	4	5	6	7
A	Inpatient Days at	0 -	176 -	200 -	250 -	300 -	350 -	
	a Hospital	175	199	249	299	349	400	
		Percentage discount from charged amount						107363

107364

	1	2	3	4	5	6	7
A	1 - 14	100	90	70	50	30	10
B	15 - 30	100	95	75	55	35	15

(B) A patient, estate, or relative who is charged a discounted amount for the first thirty days the patient is admitted as an inpatient and who has an annual income not greater than one hundred seventy-five per cent of the federal poverty level shall not be charged for the days the patient is admitted beyond the thirtieth day.

(C) A patient, estate, or relative who is charged a discounted amount for the first thirty days the patient is admitted as an inpatient and who has an annual income greater than one hundred seventy-five per cent of the federal poverty level shall be charged an amount equal to the sum of the following for the days the patient is admitted beyond the thirtieth day:

(1) The ancillary per diem rate that applies to the hospital, as determined under section 5121.32 of the Revised Code, multiplied by the number of days the patient was admitted to the hospital;

(2) An amount that was previously charged but not paid.

**Sec. 5121.43.** (A) If a patient is covered by an insurance policy or other contract that provides for payment of expenses for care and treatment for mental illness at or from a hospital under the jurisdiction of operated by the department of mental health and addiction services, sections 5121.33 to 5121.55 of the Revised Code are inapplicable to the extent that the policy

~~or contract is in force. Any insurance carrier or other third-~~ 107389  
~~party payor providing coverage for such care and treatment shall~~ 107390  
~~pay for the patient's support obligation in amounts equal to the~~ 107391  
~~lesser of amounts charged by the department under section-~~ 107392  
~~5121.33 of the Revised Code or the benefits provided under the~~ 107393  
~~policy or other contract. Whether or not an insured, owner of,~~ 107394  
~~or other person having an interest in such policy or other~~ 107395  
~~contract is liable for support payments, the all of the~~ 107396  
~~following apply with respect to the amount owed to the~~ 107397  
~~department for such care and treatment:~~ 107398

(1) The insured, policy owner, or other person having an 107399  
interest in the policy or other contract shall assign payment 107400  
directly to the department of all assignable benefits under the 107401  
policy or other contract and shall pay to the department, within 107402  
ten days of receipt, all insurance or other benefits received as 107403  
reimbursement or payment for expenses incurred by the patient or 107404  
for any other reason. ~~If the insured, policy owner, or other~~ 107405  
~~person refuses to assign payment to the department or refuses to~~ 107406  
~~pay received reimbursements or payments to the department within~~ 107407  
~~ten days of receipt, the total liability of the insured, policy-~~ 107408  
~~owner, or other person for the services is an amount equal to-~~ 107409  
~~the per diem charge for the hospital where the patient was-~~ 107410  
~~admitted multiplied by the number of days the patient was-~~ 107411  
~~admitted.~~ 107412

(2) (a) Regardless of the coverage provided by the policy 107413  
or other contract, the patient, patient's estate, or patient's 107414  
liable relative is liable to the department for the actual cost 107415  
of care and treatment calculated under section 5121.33 of the 107416  
Revised Code. 107417

(b) If the amount the department receives through the 107418

assignment of benefits, as required by division (A) (1) of this 107419  
section, is less than the actual cost of care and treatment that 107420  
is calculated under section 5121.33 of the Revised Code, the 107421  
department shall charge the patient, patient's estate, or liable 107422  
relative the lesser of the following: 107423

(i) The amount calculated under section 5121.33 of the 107424  
Revised Code that remains after subtracting the amount the 107425  
department receives through the assignment of benefits; 107426

(ii) The amount calculated under section 5121.33 of the 107427  
Revised Code that applies after the department takes into 107428  
consideration the exceptions described in sections 5121.35, 107429  
5121.46, 5121.47, 5121.49, and 5121.52 of the Revised Code. 107430

(3) In no event shall ~~this total~~ a patient, patient's 107431  
estate, or liable relative have liability ~~exceed~~ under this 107432  
section for an amount that exceeds either, as the case may be, 107433  
the department's actual cost of providing care and treatment to 107434  
a patient calculated under section 5121.33 of the Revised Code 107435  
or the amount that is charged under division (A) (2) (b) of this 107436  
section. 107437

(B) With respect to the requirements of division (A) (1) of 107438  
this section, both of the following apply: 107439

(1) The department may disqualify patients and liable 107440  
relatives who have failed to assign benefits in accordance with 107441  
division (A) (1) of this section, and retained third party funds, 107442  
from future discounts that otherwise may have been available. 107443

(2) The department may request that the attorney general 107444  
petition a court of competent jurisdiction to compel ~~the~~ an 107445  
insured, policy owner ~~of~~, or other person having an interest in 107446  
the policy or other contract to comply with the assignment 107447

requirements ~~in~~ of division (A) (1) of this section. 107448

**Sec. 5122.01.** As used in this chapter and Chapter 5119. of 107449  
the Revised Code: 107450

(A) "Mental illness" means a substantial disorder of 107451  
thought, mood, perception, orientation, or memory that grossly 107452  
impairs judgment, behavior, capacity to recognize reality, or 107453  
ability to meet the ordinary demands of life. 107454

(B) "Person with a mental illness subject to court order" 107455  
means a person with a mental illness who, because of the 107456  
person's illness: 107457

(1) Represents a substantial risk of physical harm to self 107458  
as manifested by evidence of threats of, or attempts at, suicide 107459  
or serious self-inflicted bodily harm; 107460

(2) Represents a substantial risk of physical harm to 107461  
others as manifested by evidence of recent homicidal or other 107462  
violent behavior, evidence of recent threats that place another 107463  
in reasonable fear of violent behavior and serious physical 107464  
harm, or other evidence of present dangerousness; 107465

(3) Represents a substantial and immediate risk of serious 107466  
physical impairment or injury to self as manifested by evidence 107467  
that the person is unable to provide for and is not providing 107468  
for the person's basic physical needs because of the person's 107469  
mental illness and that appropriate provision for those needs 107470  
cannot be made immediately available in the community; 107471

(4) Would benefit from treatment for the person's mental 107472  
illness and is in need of such treatment as manifested by 107473  
evidence of behavior that creates a grave and imminent risk to 107474  
substantial rights of others or the person; 107475



(5) (a) Would benefit from treatment as manifested by	107476
evidence of behavior that indicates all of the following:	107477
(i) The person is unlikely to survive safely in the	107478
community without supervision, based on a clinical	107479
determination.	107480
(ii) The person has a history of lack of compliance with	107481
treatment for mental illness and one of the following applies:	107482
(I) At least twice within the thirty-six months prior to	107483
the filing of an affidavit seeking court-ordered treatment of	107484
the person under section 5122.111 of the Revised Code, the lack	107485
of compliance has been a significant factor in necessitating	107486
hospitalization in a hospital or receipt of services in a	107487
forensic or other mental health unit of a correctional facility,	107488
provided that the thirty-six-month period shall be extended by	107489
the length of any hospitalization or incarceration of the person	107490
that occurred within the thirty-six-month period.	107491
(II) Within the forty-eight months prior to the filing of	107492
an affidavit seeking court-ordered treatment of the person under	107493
section 5122.111 of the Revised Code, the lack of compliance	107494
resulted in one or more acts of serious violent behavior toward	107495
self or others or threats of, or attempts at, serious physical	107496
harm to self or others, provided that the forty-eight-month	107497
period shall be extended by the length of any hospitalization or	107498
incarceration of the person that occurred within the forty-	107499
eight-month period.	107500
(iii) The person, as a result of the person's mental	107501
illness, is unlikely to voluntarily participate in necessary	107502
treatment.	107503
(iv) In view of the person's treatment history and current	107504

behavior, the person is in need of treatment in order to prevent 107505  
a relapse or deterioration that would be likely to result in 107506  
substantial risk of serious harm to the person or others. 107507

(b) An individual who meets only the criteria described in 107508  
division (B) (5) (a) of this section is not subject to 107509  
hospitalization. 107510

(C) (1) "Patient" means, subject to division (C) (2) of this 107511  
section, a person who is admitted either voluntarily or 107512  
involuntarily to a hospital or other place under section 107513  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 107514  
subsequent to a finding of not guilty by reason of insanity or 107515  
incompetence to stand trial or under this chapter, who is under 107516  
observation or receiving treatment in such place. 107517

(2) "Patient" does not include a person admitted to a 107518  
hospital or other place under section 2945.39, 2945.40, 107519  
2945.401, or 2945.402 of the Revised Code to the extent that the 107520  
reference in this chapter to patient, or the context in which 107521  
the reference occurs, is in conflict with any provision of 107522  
sections 2945.37 to 2945.402 of the Revised Code. 107523

(D) "Licensed physician" means a person licensed under the 107524  
laws of this state to practice medicine or a medical officer of 107525  
the government of the United States while in this state in the 107526  
performance of the person's official duties. 107527

(E) "Psychiatrist" means a licensed physician who has 107528  
satisfactorily completed a residency training program in 107529  
psychiatry, as approved by the residency review committee of the 107530  
American medical association, the committee on post-graduate 107531  
education of the American osteopathic association, or the 107532  
American osteopathic board of neurology and psychiatry, or who 107533

on July 1, 1989, has been recognized as a psychiatrist by the 107534  
Ohio state medical association or the Ohio osteopathic 107535  
association on the basis of formal training and five or more 107536  
years of medical practice limited to psychiatry. 107537

(F) "Hospital" means a hospital or inpatient unit licensed 107538  
by the department of ~~mental-behavioral health and addiction-~~ 107539  
~~services~~ under section 5119.33 of the Revised Code, and any 107540  
institution, hospital, or other place established, controlled, 107541  
or supervised by the department under Chapter 5119. of the 107542  
Revised Code. 107543

(G) "Public hospital" means a facility that is tax- 107544  
supported and under the jurisdiction of the department of ~~mental~~ 107545  
behavioral health and addiction services. 107546

(H) "Community mental health services provider" means an 107547  
agency, association, corporation, individual, or program that 107548  
provides community mental health services that are certified by 107549  
the director of ~~mental-behavioral health and addiction services-~~ 107550  
under section 5119.36 of the Revised Code. 107551

(I) "Licensed clinical psychologist" means a person who 107552  
holds a current, valid psychologist license issued under section 107553  
4732.12 of the Revised Code, and in addition, meets the 107554  
educational requirements set forth in division (B) of section 107555  
4732.10 of the Revised Code and has a minimum of two years' 107556  
full-time professional experience, or the equivalent as 107557  
determined by rule of the state board of psychology, at least 107558  
one year of which shall be a predoctoral internship, in clinical 107559  
psychological work in a public or private hospital or clinic or 107560  
in private practice, diagnosing and treating problems of mental 107561  
illness or intellectual disability under the supervision of a 107562  
psychologist who is licensed or who holds a diploma issued by 107563

the American board of professional psychology, or whose 107564  
qualifications are substantially similar to those required for 107565  
licensure by the state board of psychology when the supervision 107566  
has occurred prior to enactment of laws governing the practice 107567  
of psychology. 107568

(J) "Health officer" means any public health physician; 107569  
public health nurse; or other person authorized or designated by 107570  
a city or general health district or a board of alcohol, drug 107571  
addiction, and mental health services to perform the duties of a 107572  
health officer under this chapter. 107573

(K) "Chief clinical officer" means the medical director of 107574  
a hospital, community mental health services provider, or board 107575  
of alcohol, drug addiction, and mental health services, or, if 107576  
there is no medical director, the licensed physician responsible 107577  
for the treatment provided by a hospital or community mental 107578  
health services provider. The chief clinical officer may 107579  
delegate to the attending physician responsible for a patient's 107580  
care the duties imposed on the chief clinical officer by this 107581  
chapter. In the case of a community mental health services 107582  
provider, the chief clinical officer shall be designated by the 107583  
governing body of the services provider and shall be a licensed 107584  
physician or licensed clinical psychologist who supervises 107585  
diagnostic and treatment services. A licensed physician or 107586  
licensed clinical psychologist designated by the chief clinical 107587  
officer may perform the duties and accept the responsibilities 107588  
of the chief clinical officer in the chief clinical officer's 107589  
absence. 107590

(L) "Working day" or "court day" means Monday, Tuesday, 107591  
Wednesday, Thursday, and Friday, except when such day is a 107592  
holiday. 107593

(M) "Indigent" means unable without deprivation of satisfaction of basic needs to provide for the payment of an attorney and other necessary expenses of legal representation, including expert testimony.

(N) "Respondent" means the person whose detention, commitment, hospitalization, continued hospitalization or commitment, or discharge is being sought in any proceeding under this chapter.

(O) "Ohio protection and advocacy system" has the same meaning as in section 5123.60 of the Revised Code.

(P) "Independent expert evaluation" means an evaluation conducted by a licensed clinical psychologist, psychiatrist, or licensed physician who has been selected by the respondent or the respondent's counsel and who consents to conducting the evaluation.

(Q) "Court" means the probate division of the court of common pleas.

(R) "Expunge" means:

(1) The removal and destruction of court files and records, originals and copies, and the deletion of all index references;

(2) The reporting to the person of the nature and extent of any information about the person transmitted to any other person by the court;

(3) Otherwise insuring that any examination of court files and records in question shall show no record whatever with respect to the person;

(4) That all rights and privileges are restored, and that

the person, the court, and any other person may properly reply 107622  
that no such record exists, as to any matter expunged. 107623

(S) "Residence" means a person's physical presence in a 107624  
county with intent to remain there, except that: 107625

(1) If a person is receiving a mental health service at a 107626  
facility that includes nighttime sleeping accommodations, 107627  
residence means that county in which the person maintained the 107628  
person's primary place of residence at the time the person 107629  
entered the facility; 107630

(2) If a person is committed pursuant to section 2945.38, 107631  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 107632  
residence means the county where the criminal charges were 107633  
filed. 107634

When the residence of a person is disputed, the matter of 107635  
residence shall be referred to the department of ~~mental-~~ 107636  
behavioral health and addiction services for investigation and 107637  
determination. Residence shall not be a basis for a board of 107638  
alcohol, drug addiction, and mental health services to deny 107639  
services to any person present in the board's service district, 107640  
and the board shall provide services for a person whose 107641  
residence is in dispute while residence is being determined and 107642  
for a person in an emergency situation. 107643

(T) "Admission" to a hospital or other place means that a 107644  
patient is accepted for and stays at least one night at the 107645  
hospital or other place. 107646

(U) "Prosecutor" means the prosecuting attorney, village 107647  
solicitor, city director of law, or similar chief legal officer 107648  
who prosecuted a criminal case in which a person was found not 107649  
guilty by reason of insanity, who would have had the authority 107650

to prosecute a criminal case against a person if the person had 107651  
not been found incompetent to stand trial, or who prosecuted a 107652  
case in which a person was found guilty. 107653

(V) (1) "Treatment plan" means a written statement of 107654  
reasonable objectives and goals for an individual established by 107655  
the treatment team, with specific criteria to evaluate progress 107656  
towards achieving those objectives. 107657

(2) The active participation of the patient in 107658  
establishing the objectives and goals shall be documented. The 107659  
treatment plan shall be based on patient needs and include 107660  
services to be provided to the patient while the patient is 107661  
hospitalized, after the patient is discharged, or in an 107662  
outpatient setting. The treatment plan shall address services to 107663  
be provided. In the establishment of the treatment plan, 107664  
consideration should be given to the availability of services, 107665  
which may include but are not limited to all of the following: 107666

(a) Community psychiatric supportive treatment; 107667

(b) Assertive community treatment; 107668

(c) Medications; 107669

(d) Individual or group therapy; 107670

(e) Peer support services; 107671

(f) Financial services; 107672

(g) Housing or supervised living services; 107673

(h) Alcohol or substance abuse treatment; 107674

(i) Any other services prescribed to treat the patient's 107675  
mental illness and to either assist the patient in living and 107676  
functioning in the community or to help prevent a relapse or a 107677

deterioration of the patient's current condition. 107678

(3) If the person subject to the treatment plan has 107679  
executed an advance directive for mental health treatment, the 107680  
treatment team shall consider any directions included in such 107681  
advance directive in developing the treatment plan. 107682

(W) "Community control sanction" has the same meaning as 107683  
in section 2929.01 of the Revised Code. 107684

(X) "Post-release control sanction" has the same meaning 107685  
as in section 2967.01 of the Revised Code. 107686

(Y) "Local correctional facility" has the same meaning as 107687  
in section 2903.13 of the Revised Code. 107688

(Z) "Clinical nurse specialist" and "certified nurse 107689  
practitioner" have the same meanings as in section 4723.01 of 107690  
the Revised Code. 107691

**Sec. 5122.03.** A patient admitted under section 5122.02 of 107692  
the Revised Code who requests release in writing, or whose 107693  
release is requested in writing by the patient's counsel, legal 107694  
guardian, parent, spouse, or adult next of kin shall be released 107695  
forthwith, except when any of the following is the case: 107696

(A) The patient was admitted on the patient's own 107697  
application and the request for release is made by a person 107698  
other than the patient, release may be conditional upon the 107699  
agreement of the patient. 107700

(B) The patient was, within the past twelve months, a 107701  
defendant described in division (B) (1) (a) (v) (I) of section 107702  
2945.38 of the Revised Code and the chief clinical officer of 107703  
the hospital decides not to file or cause to be filed an 107704  
affidavit under section 5122.11 of the Revised Code as described 107705



in division (C) of this section. In that circumstance, the chief 107706  
clinical officer shall immediately notify the trial court or 107707  
prosecutor described in division (B) (1) (a) (v) (I) of section 107708  
2945.38 of the Revised Code of the chief clinical officer's 107709  
decision and intent to release the patient. Not later than three 107710  
court days after being notified of the intent to release, the 107711  
trial court or prosecutor may file or cause to be filed with the 107712  
court of the county where the patient is hospitalized, or the 107713  
court of the county where the patient resides, an affidavit 107714  
under section 5122.11 of the Revised Code. If such an affidavit 107715  
is filed, the patient's release must be postponed until a 107716  
hearing under section 5122.141 of the Revised Code is held. 107717

(C) The chief clinical officer of the hospital, within 107718  
three court days from the receipt of the request for release, 107719  
files or causes to be filed with the court of the county where 107720  
the patient is hospitalized or of the county where the patient 107721  
is a resident, an affidavit under section 5122.11 of the Revised 107722  
Code. Release may be postponed until the hearing held under 107723  
section 5122.141 of the Revised Code. A telephone communication 107724  
within three court days from the receipt of the request for 107725  
release from the chief clinical officer to the court, indicating 107726  
that the required affidavit has been mailed, is sufficient 107727  
compliance with the time limit for filing such affidavit. 107728

Unless the patient is released within three days from the 107729  
receipt of the request by the chief clinical officer, the 107730  
request shall serve as a request for an initial hearing under 107731  
section 5122.141 of the Revised Code. If the court finds that 107732  
the patient is a person with a mental illness subject to court 107733  
order, all provisions of this chapter with respect to 107734  
involuntary hospitalization apply to such person. 107735

Judicial proceedings for hospitalization shall not be 107736  
commenced with respect to a voluntary patient except pursuant to 107737  
this section. 107738

Sections 5121.30 to 5121.56 of the Revised Code apply to 107739  
persons received in a hospital operated by the department of 107740  
~~mental-behavioral health and addiction services~~ on a voluntary 107741  
application. 107742

The chief clinical officer of the hospital shall provide 107743  
reasonable means and arrangements for informing patients of 107744  
their rights to release as provided in this section and for 107745  
assisting them in making and presenting requests for release or 107746  
for a hearing under section 5122.141 of the Revised Code. 107747

Before a patient is released from a public hospital, the 107748  
chief clinical officer shall, when possible, ~~notify~~ provide 107749  
notice of the patient's pending release to the board of alcohol, 107750  
drug addiction, and mental health services serving the patient's 107751  
county of residence ~~of the patient's pending release after .~~ 107752  
Before the notice is given, the chief clinical officer ~~has-~~ 107753  
~~informed~~ shall inform the patient that the board will be so 107754  
notified. 107755

**Sec. 5122.10.** (A) (1) Any of the following who has reason 107756  
to believe that a person is a person with a mental illness 107757  
subject to court order and represents a substantial risk of 107758  
physical harm to self or others if allowed to remain at liberty 107759  
pending examination may take the person into custody and may 107760  
immediately transport the person to a hospital or, 107761  
notwithstanding section 5119.33 of the Revised Code, to a 107762  
general hospital not licensed by the department of ~~mental-~~ 107763  
~~behavioral health and addiction services~~ where the person may be 107764  
held for the period prescribed in this section: 107765

(a) A psychiatrist;	107766
(b) A licensed physician;	107767
(c) A licensed clinical psychologist;	107768
(d) A clinical nurse specialist who is certified as a psychiatric-mental health CNS by the American nurses credentialing center;	107769 107770 107771
(e) A certified nurse practitioner who is certified as a psychiatric-mental health NP by the American nurses credentialing center;	107772 107773 107774
(f) A health officer;	107775
(g) A parole officer;	107776
(h) A police officer;	107777
(i) A sheriff.	107778
(2) If the chief of the adult parole authority or a parole or probation officer with the approval of the chief of the authority has reason to believe that a parolee, an offender under a community control sanction or post-release control sanction, or an offender under transitional control is a person with a mental illness subject to court order and represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination, the chief or officer may take the parolee or offender into custody and may immediately transport the parolee or offender to a hospital or, notwithstanding section 5119.33 of the Revised Code, to a general hospital not licensed by the department of <del>mental</del> <u>behavioral</u> health and <del>addiction services</del> where the parolee or offender may be held for the period prescribed in this section.	107779 107780 107781 107782 107783 107784 107785 107786 107787 107788 107789 107790 107791 107792

(B) A written statement shall be given to the hospital by 107793  
the individual authorized under division (A) (1) or (2) of this 107794  
section to transport the person. The statement shall specify the 107795  
circumstances under which such person was taken into custody and 107796  
the reasons for the belief that the person is a person with a 107797  
mental illness subject to court order and represents a 107798  
substantial risk of physical harm to self or others if allowed 107799  
to remain at liberty pending examination. This statement shall 107800  
be made available to the respondent or the respondent's attorney 107801  
upon request of either. 107802

(C) Every reasonable and appropriate effort shall be made 107803  
to take persons into custody in the least conspicuous manner 107804  
possible. A person taking the respondent into custody pursuant 107805  
to this section shall explain to the respondent: the name and 107806  
professional designation and affiliation of the person taking 107807  
the respondent into custody; that the custody-taking is not a 107808  
criminal arrest; and that the person is being taken for 107809  
examination by mental health professionals at a specified mental 107810  
health facility identified by name. 107811

(D) If a person taken into custody under this section is 107812  
transported to a general hospital, the general hospital may 107813  
admit the person, or provide care and treatment for the person, 107814  
or both, notwithstanding section 5119.33 of the Revised Code, 107815  
but by the end of twenty-four hours after arrival at the general 107816  
hospital, the person shall be transferred to a hospital as 107817  
defined in section 5122.01 of the Revised Code. 107818

(E) A person transported or transferred to a hospital or 107819  
community mental health services provider under this section 107820  
shall be examined by the staff of the hospital or services 107821  
provider within twenty-four hours after arrival at the hospital 107822

or services provider. If to conduct the examination requires 107823  
that the person remain overnight, the hospital or services 107824  
provider shall admit the person in an unclassified status until 107825  
making a disposition under this section. After the examination, 107826  
if the chief clinical officer of the hospital or services 107827  
provider believes that the person is not a person with a mental 107828  
illness subject to court order, the chief clinical officer shall 107829  
release or discharge the person immediately unless a court has 107830  
issued a temporary order of detention applicable to the person 107831  
under section 5122.11 of the Revised Code. After the 107832  
examination, if the chief clinical officer believes that the 107833  
person is a person with a mental illness subject to court order, 107834  
the chief clinical officer may detain the person for not more 107835  
than three court days following the day of the examination and 107836  
during such period admit the person as a voluntary patient under 107837  
section 5122.02 of the Revised Code or file an affidavit under 107838  
section 5122.11 of the Revised Code. If neither action is taken 107839  
and a court has not otherwise issued a temporary order of 107840  
detention applicable to the person under section 5122.11 of the 107841  
Revised Code, the chief clinical officer shall discharge the 107842  
person at the end of the three-day period unless the person has 107843  
been sentenced to the department of rehabilitation and 107844  
correction and has not been released from the person's sentence, 107845  
in which case the person shall be returned to that department. 107846

**Sec. 5122.15.** (A) Full hearings shall be conducted in a 107847  
manner consistent with this chapter and with due process of law. 107848  
The hearings shall be conducted by a judge of the probate court 107849  
or a referee designated by a judge of the probate court and may 107850  
be conducted in or out of the county in which the respondent is 107851  
held. Any referee designated under this division shall be an 107852  
attorney. 107853

(1) With the consent of the respondent, the following 107854  
shall be made available to counsel for the respondent: 107855

(a) All relevant documents, information, and evidence in 107856  
the custody or control of the state or prosecutor; 107857

(b) All relevant documents, information, and evidence in 107858  
the custody or control of the hospital in which the respondent 107859  
currently is held, or in which the respondent has been held 107860  
pursuant to this chapter; 107861

(c) All relevant documents, information, and evidence in 107862  
the custody or control of any hospital, facility, or person not 107863  
included in division (A) (1) (a) or (b) of this section. 107864

(2) The respondent has the right to attend the hearing and 107865  
to be represented by counsel of the respondent's choice. The 107866  
right to attend the hearing may be waived only by the respondent 107867  
or counsel for the respondent after consultation with the 107868  
respondent. 107869

(3) If the respondent is not represented by counsel, is 107870  
absent from the hearing, and has not validly waived the right to 107871  
counsel, the court shall appoint counsel immediately to 107872  
represent the respondent at the hearing, reserving the right to 107873  
tax costs of appointed counsel to the respondent, unless it is 107874  
shown that the respondent is indigent. If the court appoints 107875  
counsel, or if the court determines that the evidence relevant 107876  
to the respondent's absence does not justify the absence, the 107877  
court shall continue the case. 107878

(4) The respondent shall be informed that the respondent 107879  
may retain counsel and have independent expert evaluation. If 107880  
the respondent is unable to obtain an attorney, the respondent 107881  
shall be represented by court-appointed counsel. If the 107882

respondent is indigent, court-appointed counsel and independent expert evaluation shall be provided as an expense under section 5122.43 of the Revised Code. 107883  
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(5) The hearing shall be closed to the public, unless counsel for the respondent, with the permission of the respondent, requests that the hearing be open to the public. 107886  
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(6) If the hearing is closed to the public, the court, for good cause shown, may admit persons who have a legitimate interest in the proceedings. If the respondent, the respondent's counsel, or the designee of the director or of the chief clinical officer objects to the admission of any person, the court shall hear the objection and any opposing argument and shall rule upon the admission of the person to the hearing. 107889  
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(7) The affiant under section 5122.11 of the Revised Code shall be subject to subpoena by either party. 107896  
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(8) The court shall examine the sufficiency of all documents filed and shall inform the respondent, if present, and the respondent's counsel of the nature and content of the documents and the reason for which the respondent is being detained, or for which the respondent's placement is being sought. 107898  
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(9) The court shall receive only reliable, competent, and material evidence. 107904  
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(10) Unless proceedings are initiated pursuant to section 5120.17 or 5139.08 of the Revised Code, an attorney that the board designates shall present the case demonstrating that the respondent is a person with a mental illness subject to court order. The attorney shall offer evidence of the diagnosis, prognosis, record of treatment, if any, and less restrictive 107906  
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treatment plans, if any. In proceedings pursuant to section 107912  
5120.17 or 5139.08 of the Revised Code, the attorney general 107913  
shall designate an attorney who shall present the case 107914  
demonstrating that the respondent is a person with a mental 107915  
illness subject to court order. The attorney shall offer 107916  
evidence of the diagnosis, prognosis, record of treatment, if 107917  
any, and less restrictive treatment plans, if any. 107918

(11) The respondent or the respondent's counsel has the 107919  
right to subpoena witnesses and documents and to examine and 107920  
cross-examine witnesses. 107921

(12) The respondent has the right, but shall not be 107922  
compelled, to testify, and shall be so advised by the court. 107923

(13) On motion of the respondent or the respondent's 107924  
counsel for good cause shown, or on the court's own motion, the 107925  
court may order a continuance of the hearing. 107926

(14) If the respondent is represented by counsel and the 107927  
respondent's counsel requests a transcript and record, or if the 107928  
respondent is not represented by counsel, the court shall make 107929  
and maintain a full transcript and record of the proceeding. If 107930  
the respondent is indigent and the transcript and record is 107931  
made, a copy shall be provided to the respondent upon request 107932  
and be treated as an expense under section 5122.43 of the 107933  
Revised Code. 107934

(15) To the extent not inconsistent with this chapter, the 107935  
Rules of Civil Procedure are applicable. 107936

(B) Unless, upon completion of the hearing the court finds 107937  
by clear and convincing evidence that the respondent is a person 107938  
with a mental illness subject to court order, it shall order the 107939  
respondent's discharge immediately. 107940



(C) If, upon completion of the hearing, the court finds by clear and convincing evidence that the respondent is a person with a mental illness subject to court order, the court shall order the respondent for a period not to exceed ninety days to any of the following:

(1) A hospital operated by the department of ~~mental-behavioral health and addiction services~~ if the respondent is committed pursuant to section 5139.08 of the Revised Code;

(2) A nonpublic hospital;

(3) The veterans' administration or other agency of the United States government;

(4) A board of alcohol, drug addiction, and mental health services or services provider the board designates;

(5) Receive private psychiatric or psychological care and treatment;

(6) Any other suitable facility or person consistent with the diagnosis, prognosis, and treatment needs of the respondent. A jail or other local correctional facility is not a suitable facility.

(D) Any order made pursuant to division (C) (2), (3), (5), or (6) of this section shall be conditioned upon the receipt by the court of consent by the hospital, facility, agency, or person to accept the respondent and may include a requirement that a person or entity described in division (C) (2), (3), (5), or (6) of this section inform the board of alcohol, drug addiction, and mental health services or community mental health services provider the board designates about the progress of the respondent with the treatment plan.

(E) In determining the entity or person to which the respondent is to be committed under division (C) of this section, the court shall consider all of the following:

(1) The respondent's diagnosis and prognosis made by a psychiatrist, licensed clinical psychologist, clinical nurse specialist who is certified as a psychiatric-mental health clinical nurse specialist by the American nurses credentialing center, or certified nurse practitioner who is certified as a psychiatric-mental health nurse practitioner by the American nurses credentialing center;

(2) The respondent's preferences;

(3) The respondent's projected treatment plan.

The court shall order the implementation of the least restrictive alternative available and consistent with treatment goals. If the court determines that the least restrictive alternative available that is consistent with treatment goals is inpatient hospitalization, the court's order shall so state.

(F) During the ninety-day period the entity or person shall examine and treat the respondent. If the respondent is receiving treatment in an outpatient setting, or receives treatment in an outpatient setting during a subsequent period of continued commitment under division (H) of this section, the entity or person to whom the respondent is committed shall determine the appropriate outpatient treatment for the respondent. If, at any time prior to the expiration of the ninety-day period, it is determined by the entity or person that the respondent's treatment needs could be equally well met in an available and appropriate less restrictive setting, both of the following apply:

(1) The respondent shall be released from the care of the entity or person immediately and shall be referred to the court together with a report of the findings and recommendations of the entity or person;

(2) The entity or person shall notify the respondent's counsel or the attorney designated by a board of alcohol, drug addiction, and mental health services or, if the respondent was committed to a board or a services provider designated by the board, it shall place the respondent in the least restrictive setting available consistent with treatment goals and notify the court and the respondent's counsel of the placement.

The court shall dismiss the case or order placement in the least restrictive setting.

(G) (1) Except as provided in division (G) (2) of this section, any person for whom proceedings for treatment have been commenced pursuant to section 5122.11 of the Revised Code, may apply at any time for voluntary admission or treatment to the entity or person to which the person was committed. Upon admission as a voluntary patient the chief clinical officer of the entity or the person immediately shall notify the court, the patient's counsel, and the attorney designated by the board, if the attorney has entered the proceedings, in writing of that fact, and, upon receipt of the notice, the court shall dismiss the case.

(2) A person who is found incompetent to stand trial or not guilty by reason of insanity and who is committed pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code shall not voluntarily commit the person pursuant to this section until after the final termination of the commitment, as described in division (J) of section 2945.401 of

the Revised Code. 108028

(H) If, at the end of the first ninety-day period or any 108029  
subsequent period of continued commitment, there has been no 108030  
disposition of the case, either by discharge or voluntary 108031  
admission or treatment, the entity or person shall discharge the 108032  
patient immediately, unless at least ten days before the 108033  
expiration of the period the attorney the board designates or 108034  
the prosecutor files with the court an application for continued 108035  
commitment. The application of the attorney or the prosecutor 108036  
shall include a written report containing the diagnosis, 108037  
prognosis, past treatment, a list of alternative treatment 108038  
settings and plans, and identification of the treatment setting 108039  
that is the least restrictive consistent with treatment needs. 108040  
The attorney the board designates or the prosecutor shall file 108041  
the written report at least three days prior to the full 108042  
hearing. A copy of the application and written report shall be 108043  
provided to the respondent's counsel immediately. 108044

The court shall hold a full hearing on applications for 108045  
continued commitment at the expiration of the first ninety-day 108046  
period and at least every two years after the expiration of the 108047  
first ninety-day period. 108048

Hearings following any application for continued 108049  
commitment are mandatory and may not be waived. 108050

For a respondent who is ordered to receive treatment in an 108051  
outpatient setting, if at any time after the first ninety-day 108052  
period the entity or person to whom the respondent was ordered 108053  
determines that the respondent has demonstrated voluntary 108054  
consent for treatment, that entity or person shall immediately 108055  
notify the respondent, the respondent's counsel, the attorney 108056  
designated by the board, and the court. The entity or person 108057

shall submit to the court a report of the findings and 108058  
recommendations. The court may dismiss the case upon review of 108059  
the facts. 108060

Upon request of a person who is involuntarily committed 108061  
under this section, or the person's counsel, that is made more 108062  
than one hundred eighty days after the person's last full 108063  
hearing, mandatory or requested, the court shall hold a full 108064  
hearing on the person's continued commitment. Upon the 108065  
application of a person involuntarily committed under this 108066  
section, supported by an affidavit of a psychiatrist or licensed 108067  
clinical psychologist, alleging that the person no longer is a 108068  
person with a mental illness subject to court order, the court 108069  
for good cause shown may hold a full hearing on the person's 108070  
continued commitment prior to the expiration of one hundred 108071  
eighty days after the person's last full hearing. Section 108072  
5122.12 of the Revised Code applies to all hearings on continued 108073  
commitment. 108074

If the court, after a hearing for continued commitment 108075  
finds by clear and convincing evidence that the respondent is a 108076  
person with a mental illness subject to court order, the court 108077  
may order continued commitment at places or to persons specified 108078  
in division (C) of this section. 108079

(I) Unless the admission is pursuant to section 5120.17 or 108080  
5139.08 of the Revised Code, the chief clinical officer of the 108081  
entity admitting a respondent pursuant to a judicial proceeding, 108082  
within ten working days of the admission, shall make a report of 108083  
the admission to the board of alcohol, drug addiction, and 108084  
mental health services serving the respondent's county of 108085  
residence. 108086

(J) A referee appointed by the court may make all orders 108087

that a judge may make under this section and sections 5122.11 108088  
and 5122.141 of the Revised Code, except an order of contempt of 108089  
court. The orders of a referee take effect immediately. Within 108090  
fourteen days of the making of an order by a referee, a party 108091  
may file written objections to the order with the court. The 108092  
filed objections shall be considered a motion, shall be 108093  
specific, and shall state their grounds with particularity. 108094  
Within ten days of the filing of the objections, a judge of the 108095  
court shall hold a hearing on the objections and may hear and 108096  
consider any testimony or other evidence relating to the 108097  
respondent's mental condition. At the conclusion of the hearing, 108098  
the judge may ratify, rescind, or modify the referee's order. 108099

(K) An order of the court under division (C), (H), or (J) 108100  
of this section is a final order. 108101

(L) Before a board, or a services provider the board 108102  
designates, may place an unconsenting respondent in an inpatient 108103  
setting from a less restrictive placement, the board or services 108104  
provider shall do all of the following: 108105

(1) Determine that the respondent is in immediate need of 108106  
treatment in an inpatient setting because the respondent 108107  
represents a substantial risk of physical harm to the respondent 108108  
or others if allowed to remain in a less restrictive setting; 108109

(2) On the day of placement in the inpatient setting or on 108110  
the next court day, file with the court a motion for transfer to 108111  
an inpatient setting or communicate to the court by telephone 108112  
that the required motion has been mailed; 108113

(3) Ensure that every reasonable and appropriate effort is 108114  
made to take the respondent to the inpatient setting in the 108115  
least conspicuous manner possible; 108116

(4) Immediately notify the board's designated attorney and 108117  
the respondent's attorney. 108118

At the respondent's request, the court shall hold a 108119  
hearing on the motion and make a determination pursuant to 108120  
division (E) of this section within five days of the placement. 108121

(M) Before a board, or a services provider the board 108122  
designates, may move a respondent from one residential placement 108123  
to another, the board or services provider shall consult with 108124  
the respondent about the placement. If the respondent objects to 108125  
the placement, the proposed placement and the need for it shall 108126  
be reviewed by a qualified mental health professional who 108127  
otherwise is not involved in the treatment of the respondent. 108128

(N) The entity or person to whom the respondent was 108129  
ordered for treatment in an outpatient setting may submit a 108130  
report to the court indicating that the respondent has either 108131  
failed to comply with the treatment plan or begun to demonstrate 108132  
signs of decompensation that may be grounds for hospitalization. 108133  
On receipt of the report, the court shall promptly schedule a 108134  
hearing to review the case. The court shall conduct the hearing 108135  
in a manner consistent with this chapter and due process of law. 108136  
The board shall receive notice of the hearing and the board and 108137  
entity or person treating the respondent shall submit a report 108138  
to the court with a plan for appropriate alternative treatment, 108139  
if any, or recommend that the court discontinue the court- 108140  
ordered treatment. The court shall consider available and 108141  
appropriate alternative placements but shall not impose criminal 108142  
sanctions that result in confinement in a jail or other local 108143  
correctional facility based on the respondent's failure to 108144  
comply with the treatment plan. The court may not order the 108145  
respondent to a more restrictive placement unless the criteria 108146

specified in division (L) of this section are met and may not 108147  
order the respondent to an inpatient setting unless the court 108148  
determines by clear and convincing evidence presented by the 108149  
board that the respondent meets the criteria specified in 108150  
divisions (A) and (B) (1), (2), (3), or (4) of section 5122.01 of 108151  
the Revised Code. 108152

**Sec. 5122.20.** The director of ~~mental-behavioral health and~~ 108153  
~~addiction services~~ or the director's designee may transfer, or 108154  
authorize the transfer of, an involuntary patient, or a 108155  
consenting voluntary patient hospitalized pursuant to section 108156  
5122.02 or sections 5122.11 to 5122.15 of the Revised Code, from 108157  
one public hospital to another, or to a hospital, community 108158  
mental health services provider, or other facility offering 108159  
treatment or other services for mental illness, if the medical 108160  
director of the department of ~~mental-behavioral health and~~ 108161  
~~addiction services~~ determines that it would be consistent with 108162  
the medical needs of the patient to do so. If such a transfer is 108163  
made to a private facility, the transfer shall be conditioned 108164  
upon the consent of the facility. 108165

Before an involuntary patient may be transferred to a more 108166  
restrictive setting, the chief clinical officer shall file a 108167  
motion with the court requesting the court to amend its order of 108168  
placement issued under section 5122.15 of the Revised Code. At 108169  
the patient's request, the court shall hold a hearing on the 108170  
motion at which the patient has the same rights as at a full 108171  
hearing under section 5122.15 of the Revised Code. The hearing 108172  
shall be held within ten days after the date on which the 108173  
respondent was transferred to the more restrictive setting or on 108174  
which the motion was filed, whichever is earlier. On the motion 108175  
of the respondent, the respondent's counsel, or the chief 108176  
clinical officer, or on its own motion, and for good cause 108177



shown, the court may order a continuance of the hearing for up to ten days.

Whenever an involuntary patient is transferred, written notice of the transfer shall be given to the patient's legal guardian, parents, spouse, and counsel, or, if none is known, to the patient's nearest known relative or friend. If the patient is a minor, the department, before making such a transfer, shall make a minute of the order for the transfer and the reason for it upon its record and shall send a certified copy at least seven days prior to the transfer to the person shown by its record to have had the care or custody of the minor immediately prior to the minor's commitment. Whenever a consenting voluntary patient is transferred, the notification shall be given only at the patient's request. The chief clinical officer shall advise a voluntary patient who is being transferred that the patient may decide if the notification shall be given. In all such transfers, due consideration shall be given to the wishes of the patient, and the relationship of the patient to the patient's family, legal guardian, or friends, so as to maintain the relationship and encourage visits beneficial to the patient.

When a voluntary patient whose medical or psychological needs are found by the chief clinical officer to warrant a transfer refuses to be transferred to an alternate facility, the chief clinical officer may file an affidavit for a hearing under section 5122.11 of the Revised Code.

**Sec. 5122.21.** (A) The chief clinical officer shall as frequently as practicable, and at least once every thirty days, examine or cause to be examined every patient, and, whenever the chief clinical officer determines that the conditions justifying involuntary hospitalization or commitment no longer obtain,

shall discharge the patient not under indictment or conviction 108208  
for crime and immediately make a report of the discharge to the 108209  
department of ~~mental behavioral health and addiction services~~. 108210  
The chief clinical officer may discharge a patient who is under 108211  
an indictment, a sentence of imprisonment, a community control 108212  
sanction, or a post-release control sanction or on parole ten 108213  
days after written notice of intent to discharge the patient has 108214  
been given by personal service or certified mail, return receipt 108215  
requested, to the court having criminal jurisdiction over the 108216  
patient. Except when the patient was found not guilty by reason 108217  
of insanity and the defendant's commitment is pursuant to 108218  
section 2945.40 of the Revised Code, the chief clinical officer 108219  
has final authority to discharge a patient who is under an 108220  
indictment, a sentence of imprisonment, a community control 108221  
sanction, or a post-release control sanction or on parole. 108222

(B) After a finding pursuant to section 5122.15 of the 108223  
Revised Code that a person is a person with a mental illness 108224  
subject to court order, the chief clinical officer of the 108225  
hospital or community mental health services provider to which 108226  
the person is ordered or to which the person is transferred 108227  
under section 5122.20 of the Revised Code, may grant a discharge 108228  
without the consent or authorization of any court. 108229

Upon discharge, the chief clinical officer shall notify 108230  
the court that caused the judicial hospitalization of the 108231  
discharge from the hospital. 108232

**Sec. 5122.23.** The chief clinical officer of a public 108233  
hospital shall immediately report to the department of ~~mental~~ 108234  
behavioral health and addiction services and the board of 108235  
alcohol, drug addiction, and mental health services serving the 108236  
patient's county of residence the removal, death, escape, 108237

discharge, or trial visit of any patient hospitalized under 108238  
section 5122.15 of the Revised Code, or the return of such an 108239  
escaped or visiting patient to the department, the probate judge 108240  
of the county from which such patient was hospitalized, and the 108241  
probate judge of the county of residence of such patient. In 108242  
case of death, the chief clinical officer also shall notify one 108243  
or more of the nearest relatives of the deceased patient, if 108244  
known to the chief clinical officer, by letter, telegram, or 108245  
telephone. If the place of residence of such relative is unknown 108246  
to the chief clinical officer, immediately upon receiving 108247  
notification the probate judge shall in the speediest manner 108248  
possible notify such relatives, if known to the probate judge. 108249

The chief clinical officer of a public hospital, upon the 108250  
request of the probate judge of the county from which a patient 108251  
was hospitalized or the probate judge of the county of residence 108252  
of such a patient, shall make a report to the judge of the 108253  
condition of any patient under the care, treatment, custody, or 108254  
control of the chief clinical officer. 108255

**Sec. 5122.26.** (A) If a patient is absent without leave, on 108256  
a verbal or written order issued within five days of the time of 108257  
the unauthorized absence by the department of ~~mental-behavioral~~ 108258  
~~health-and-addiction-services~~, the chief clinical officer of the 108259  
hospital from which the patient is absent without leave, or the 108260  
court of either the county from which the patient was committed 108261  
or in which the patient is found, any health or police officer 108262  
or sheriff may take the patient into custody and transport the 108263  
patient to the hospital in which the patient was hospitalized or 108264  
to a place that is designated in the order. The officer 108265  
immediately shall report such fact to the entity that issued the 108266  
order. 108267

The chief clinical officer of a hospital may discharge a patient who is under an indictment, a sentence of imprisonment, a community control sanction, or a post-release control sanction or on parole and who has been absent without leave for more than thirty days but shall give written notice of the discharge to the court with criminal jurisdiction over the patient. The chief clinical officer of a hospital may discharge any other patient who has been absent without leave for more than fourteen days.

The chief clinical officer shall take all proper measures for the apprehension of an escaped patient. The expense of the return of an escaped patient shall be borne by the hospital where the patient is hospitalized.

(B) (1) Subject to division (B) (2) of this section, no patient hospitalized under Chapter 5122. of the Revised Code whose absence without leave was caused or contributed to by the patient's mental illness shall be subject to a charge of escape.

(2) Division (B) (1) of this section does not apply to any person who was hospitalized, institutionalized, or confined in a facility under an order made pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code and who escapes from the facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility that is incidental to hospitalization, institutionalization, or confinement in the facility and that occurs outside the facility, in violation of section 2921.34 of the Revised Code.

**Sec. 5122.27.** The chief clinical officer of the hospital or the chief clinical officer's designee shall assure that all patients hospitalized or committed pursuant to this chapter

shall: 108298

(A) Receive, within twenty days of their admission 108299  
sufficient professional care to assure that an evaluation of 108300  
current status, differential diagnosis, probable prognosis, and 108301  
description of the current treatment plan is stated on the 108302  
official chart; 108303

(B) Have a written treatment plan consistent with the 108304  
evaluation, diagnosis, prognosis, and goals which shall be 108305  
provided, upon request of the patient or patient's counsel, to 108306  
the patient's counsel and to any private physician or licensed 108307  
clinical psychologist designated by the patient or the patient's 108308  
counsel or to the Ohio protection and advocacy system; 108309

(C) Receive treatment consistent with the treatment plan. 108310  
The department of ~~mental behavioral health and addiction~~ 108311  
~~services~~ shall set standards for treatment provided to such 108312  
patients, consistent wherever possible with standards set by the 108313  
joint commission. 108314

(D) Receive periodic reevaluations of the treatment plan 108315  
by the professional staff at intervals not to exceed ninety 108316  
days; 108317

(E) Be provided with adequate medical treatment for 108318  
physical disease or injury; 108319

(F) Receive humane care and treatment, including without 108320  
limitation, the following: 108321

(1) The least restrictive environment consistent with the 108322  
treatment plan; 108323

(2) The necessary facilities and personnel required by the 108324  
treatment plan; 108325

(3) A humane psychological and physical environment;	108326
(4) The right to obtain current information concerning the patient's treatment program and expectations in terms that the patient can reasonably understand;	108327 108328 108329
(5) Participation in programs designed to afford the patient substantial opportunity to acquire skills to facilitate return to the community or to terminate an involuntary commitment;	108330 108331 108332 108333
(6) The right to be free from unnecessary or excessive medication;	108334 108335
(7) Freedom from restraints or isolation unless it is stated in a written order by the chief clinical officer or the chief clinical officer's designee, or the patient's individual physician or psychologist in a private or general hospital.	108336 108337 108338 108339
If the chief clinical officer of the hospital is unable to provide the treatment required by divisions (C), (E), and (F) of this section for any patient hospitalized pursuant to Chapter 5122. of the Revised Code, the chief clinical officer shall immediately notify the patient, the court, the Ohio protection and advocacy system, the director of <del>mental</del> <u>behavioral</u> health- <del>and addiction services</del> , and the patient's counsel and legal guardian, if known. If within ten days after receipt of such notification by the director, the director is unable to effect a transfer of the patient, pursuant to section 5122.20 of the Revised Code, to a hospital, community mental health services provider, or other medical facility where treatment is available, or has not received an order of the court to the contrary, the involuntary commitment of any patient hospitalized pursuant to Chapter 5122. of the Revised Code and defined as a	108340 108341 108342 108343 108344 108345 108346 108347 108348 108349 108350 108351 108352 108353 108354

person with a mental illness subject to court order under 108355  
division (B) (4) of section 5122.01 of the Revised Code shall 108356  
automatically be terminated. 108357

**Sec. 5122.31.** (A) All certificates, applications, records, 108358  
and reports made for the purpose of this chapter and sections 108359  
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 108360  
Code, other than court journal entries or court docket entries, 108361  
and directly or indirectly identifying a patient or former 108362  
patient or person whose hospitalization or commitment has been 108363  
sought under this chapter, shall be kept confidential and shall 108364  
not be disclosed by any person except: 108365

(1) If the person identified, or the person's legal 108366  
guardian, if any, or if the person is a minor, the person's 108367  
parent or legal guardian, consents, and if the disclosure is in 108368  
the best interests of the person, as may be determined by the 108369  
court for judicial records and by the chief clinical officer for 108370  
medical records; 108371

(2) When disclosure is provided for in this chapter or 108372  
Chapters 340. or 5119. of the Revised Code or in accordance with 108373  
other provisions of state or federal law authorizing such 108374  
disclosure; 108375

(3) That hospitals, boards of alcohol, drug addiction, and 108376  
mental health services, and community mental health services 108377  
providers may release necessary medical information to insurers 108378  
and other third-party payers, including government entities 108379  
responsible for processing and authorizing payment, to obtain 108380  
payment for goods and services furnished to the patient; 108381

(4) Pursuant to a court order signed by a judge; 108382

(5) That a patient shall be granted access to the 108383

patient's own psychiatric and medical records, unless access 108384  
specifically is restricted in a patient's treatment plan for 108385  
clear treatment reasons; 108386

(6) That hospitals and other institutions and facilities 108387  
within the department of ~~mental-behavioral health and addiction-~~ 108388  
~~services~~ may exchange psychiatric records and other pertinent 108389  
information with other hospitals, institutions, and facilities 108390  
of the department, and with community mental health services 108391  
providers and boards of alcohol, drug addiction, and mental 108392  
health services with which the department has a current 108393  
agreement for patient care or services. Records and information 108394  
that may be released pursuant to this division shall be limited 108395  
to medication history, physical health status and history, 108396  
financial status, summary of course of treatment in the 108397  
hospital, summary of treatment needs, and a discharge summary, 108398  
if any. 108399

(7) That hospitals within the department and other 108400  
institutions and facilities within the department may exchange 108401  
psychiatric records and other pertinent information with payers 108402  
and other providers of treatment, health services, and recovery 108403  
supports if the purpose of the exchange is to facilitate 108404  
continuity of care for a patient or for the emergency treatment 108405  
of an individual; 108406

(8) That a patient's family member who is involved in the 108407  
provision, planning, and monitoring of services to the patient 108408  
may receive medication information, a summary of the patient's 108409  
diagnosis and prognosis, and a list of the services and 108410  
personnel available to assist the patient and the patient's 108411  
family, if the patient's treating physician determines that the 108412  
disclosure would be in the best interests of the patient. No 108413



such disclosure shall be made unless the patient is notified 108414  
first and receives the information and does not object to the 108415  
disclosure. 108416

(9) That community mental health services providers may 108417  
exchange psychiatric records and certain other information with 108418  
the board of alcohol, drug addiction, and mental health services 108419  
and other services providers in order to provide services to a 108420  
person involuntarily committed to a board. Release of records 108421  
under this division shall be limited to medication history, 108422  
physical health status and history, financial status, summary of 108423  
course of treatment, summary of treatment needs, and discharge 108424  
summary, if any. 108425

(10) That information may be disclosed to the executor or 108426  
the administrator of an estate of a deceased patient when the 108427  
information is necessary to administer the estate; 108428

(11) That records in the possession of the Ohio history 108429  
connection may be released to the closest living relative of a 108430  
deceased patient upon request of that relative; 108431

(12) That records pertaining to the patient's diagnosis, 108432  
course of treatment, treatment needs, and prognosis shall be 108433  
disclosed and released to the appropriate prosecuting attorney 108434  
if the patient was committed pursuant to section 2945.38, 108435  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 108436  
to the attorney designated by the board for proceedings pursuant 108437  
to involuntary commitment under this chapter. 108438

(13) That the department of ~~mental-behavioral health and~~ 108439  
~~addiction services~~ may exchange psychiatric hospitalization 108440  
records, other mental health treatment records, and other 108441  
pertinent information with the department of rehabilitation and 108442

correction and with the department of youth services to ensure 108443  
continuity of care for inmates or offenders who are receiving 108444  
mental health services in an institution of the department of 108445  
rehabilitation and correction or the department of youth 108446  
services and may exchange psychiatric hospitalization records, 108447  
other mental health treatment records, and other pertinent 108448  
information with boards of alcohol, drug addiction, and mental 108449  
health services and community mental health services providers 108450  
to ensure continuity of care for inmates or offenders who are 108451  
receiving mental health services in an institution and are 108452  
scheduled for release within six months. The release of records 108453  
under this division is limited to records regarding an inmate's 108454  
or offender's medication history, physical health status and 108455  
history, summary of course of treatment, summary of treatment 108456  
needs, and a discharge summary, if any; 108457

(14) That records and reports relating to a person who has 108458  
been deceased for fifty years or more are no longer considered 108459  
confidential. 108460

(B) Before records are disclosed pursuant to divisions (A) 108461  
(3), (6), and (9) of this section, the custodian of the records 108462  
shall attempt to obtain the patient's consent for the 108463  
disclosure. No person shall reveal the contents of a medical 108464  
record of a patient except as authorized by law. 108465

(C) The managing officer of a hospital who releases 108466  
necessary medical information under division (A) (3) of this 108467  
section to allow an insurance carrier or other third party payor 108468  
to comply with section 5121.43 of the Revised Code shall neither 108469  
be subject to criminal nor civil liability. 108470

**Sec. 5122.32.** (A) As used in this section: 108471

(1) "Quality assurance committee" means a committee that 108472  
is appointed in the central office of the department of ~~mental-~~ 108473  
behavioral health and ~~addiction services~~ by the director of 108474  
~~mental-behavioral~~ health and ~~addiction services~~, a committee of 108475  
a hospital or community setting program, or a duly authorized 108476  
subcommittee of a committee of that nature and that is 108477  
designated to carry out quality assurance program activities. 108478

(2) "Quality assurance program" means a comprehensive 108479  
program within the department of ~~mental-~~behavioral health and 108480  
~~addiction services~~ to systematically review and improve the 108481  
quality of medical and mental health services within the 108482  
department and its hospitals and community setting programs, the 108483  
safety and security of persons receiving or administering 108484  
medical and mental health services within the department and its 108485  
hospitals and community setting programs, and the efficiency and 108486  
effectiveness of the utilization of staff and resources in the 108487  
delivery of medical and mental health services within the 108488  
department and its hospitals and community setting programs. 108489  
"Quality assurance program" includes the central office quality 108490  
assurance committees, morbidity and mortality review committees, 108491  
quality assurance programs of community setting programs, 108492  
quality assurance committees of hospitals operated by the 108493  
department of ~~mental-behavioral~~ health and ~~addiction services~~, 108494  
and the office of licensure and certification of the department. 108495

(3) "Quality assurance program activities" include 108496  
collecting or compiling information and reports required by a 108497  
quality assurance committee, receiving, reviewing, or 108498  
implementing the recommendations made by a quality assurance 108499  
committee, and credentialing, privileging, infection control, 108500  
tissue review, peer review, utilization review including access 108501  
to patient care records, patient care assessment records, and 108502

medical and mental health records, medical and mental health 108503  
resource management, mortality and morbidity review, and 108504  
identification and prevention of medical or mental health 108505  
incidents and risks, whether performed by a quality assurance 108506  
committee or by persons who are directed by a quality assurance 108507  
committee. 108508

(4) "Quality assurance records" means the proceedings, 108509  
discussion, records, findings, recommendations, evaluations, 108510  
opinions, minutes, reports, and other documents or actions that 108511  
emanate from quality assurance committees, quality assurance 108512  
programs, or quality assurance program activities. "Quality 108513  
assurance records" does not include aggregate statistical 108514  
information that does not disclose the identity of persons 108515  
receiving or providing medical or mental health services in 108516  
department of ~~mental-behavioral health and addiction services~~ 108517  
hospitals or community setting programs. 108518

(B) (1) Except as provided in division (E) of this section, 108519  
quality assurance records are confidential and are not public 108520  
records under section 149.43 of the Revised Code, and shall be 108521  
used only in the course of the proper functions of a quality 108522  
assurance program. 108523

(2) Except as provided in division (E) of this section, no 108524  
person who possesses or has access to quality assurance records 108525  
and who knows that the records are quality assurance records 108526  
shall willfully disclose the contents of the records to any 108527  
person or entity. 108528

(C) (1) Except as provided in division (E) of this section, 108529  
no quality assurance record shall be subject to discovery, and 108530  
is not admissible in evidence, in any judicial or administrative 108531  
proceeding. 108532

(2) Except as provided in division (E) of this section, no member of a quality assurance committee or a person who is performing a function that is part of a quality assurance program shall be permitted or required to testify in a judicial or administrative proceeding with respect to quality assurance records or with respect to any finding, recommendation, evaluation, opinion, or other action taken by the committee, member, or person.

(3) Information, documents, or records otherwise available from original sources are not to be construed as being unavailable for discovery or admission in evidence in a judicial or administrative proceeding merely because they were presented to a quality assurance committee. No person testifying before a quality assurance committee or person who is a member of a quality assurance committee shall be prevented from testifying as to matters within the person's knowledge, but the witness cannot be asked about the witness' testimony before the quality assurance committee or about an opinion formed by the person as a result of the quality assurance committee proceedings.

(D) (1) A person who, without malice and in the reasonable belief that the information is warranted by the facts known to the person, provides information to a person engaged in quality assurance program activities is not liable for damages in a civil action for injury, death, or loss to person or property to any person as a result of providing the information.

(2) A member of a quality assurance committee, a person engaged in quality assurance program activities, and an employee of the department of ~~mental-behavioral health and addiction services~~ shall not be liable in damages in a civil action for injury, death, or loss to person or property to any person for

any acts, omissions, decisions, or other conduct within the 108563  
scope of the functions of the quality assurance program. 108564

(3) Nothing in this section shall relieve any institution 108565  
or individual from liability arising from the treatment of a 108566  
patient. 108567

(E) Quality assurance records may be disclosed, and 108568  
testimony may be provided concerning quality assurance records, 108569  
only to the following persons or entities: 108570

(1) Persons who are employed or retained by the department 108571  
of ~~mental behavioral health and addiction services~~ and who have 108572  
authority to evaluate or implement the recommendations of a 108573  
state-operated hospital, community setting program, or central 108574  
office quality assurance committee; 108575

(2) Public or private agencies or organizations if needed 108576  
to perform a licensing or accreditation function related to 108577  
department of ~~mental behavioral health and addiction services~~ 108578  
hospitals or community setting programs, or to perform 108579  
monitoring of a hospital or program of that nature as required 108580  
by law. 108581

(F) A disclosure of quality assurance records pursuant to 108582  
division (E) of this section does not otherwise waive the 108583  
confidential and privileged status of the disclosed quality 108584  
assurance records. 108585

(G) Nothing in this section shall limit the access of the 108586  
Ohio protection and advocacy system to records or personnel as 108587  
required under section 5123.601 of the Revised Code. Nothing in 108588  
this section shall limit the admissibility of documentary or 108589  
testimonial evidence in an action brought by the Ohio protection 108590  
and advocacy system in its own name or on behalf of a client. 108591

**Sec. 5122.33.** The department of ~~mental~~-behavioral health 108592  
~~and addiction services~~ may prescribe the form of applications, 108593  
reports, records, and medical certificates provided for under 108594  
this chapter, and the information required to be contained 108595  
therein; require reports from the chief clinical officer of any 108596  
public hospital relating to the admission, examination, 108597  
diagnosis, release, or discharge of any patient; visit each such 108598  
hospital regularly to review the admission procedures of all new 108599  
patients admitted between visits; investigate by personal visit 108600  
complaints made by any patient or by any person on behalf of a 108601  
patient; and adopt such rules as are reasonably necessary to 108602  
effectuate the provisions of this chapter. 108603

**Sec. 5122.341.** (A) As used in this section: 108604

(1) "Facility or provider" means, in the context of a 108605  
person committed to the department of ~~mental~~-behavioral health 108606  
~~and addiction services~~ under sections 2945.37 to 2945.402 of the 108607  
Revised Code, any entity in which the department of ~~mental~~- 108608  
behavioral health ~~and addiction services~~ places such a person. 108609

(2) "Person committed to the department" means a person 108610  
committed to the department of ~~mental~~-behavioral health ~~and~~ 108611  
~~addiction services~~ under sections 2945.37 to 2945.402 of the 108612  
Revised Code. 108613

(B) No member of a board of directors, or employee, of a 108614  
facility or provider in which the department of ~~mental~~- 108615  
behavioral health ~~and addiction services~~ places a person 108616  
committed to the department is liable for injury or damages 108617  
caused by any action or inaction taken within the scope of the 108618  
board member's official duties or employee's employment relating 108619  
to the commitment of, and services provided to, the person 108620  
committed to the department, unless the action or inaction 108621

constitutes willful or wanton misconduct. A board member's or 108622  
employee's action or inaction does not constitute willful or 108623  
wanton misconduct if the board member or employee acted in good 108624  
faith and reasonably under the circumstances and with the 108625  
knowledge reasonably attributable to the board member or 108626  
employee. 108627

The immunity from liability conferred by this section is 108628  
in addition to and not in limitation of any immunity conferred 108629  
by any other section of the Revised Code or by judicial 108630  
precedent. 108631

**Sec. 5122.36.** If the legal residence of a person with a 108632  
mental illness is in another county of the state, the necessary 108633  
expense of the person's return is a proper charge against the 108634  
county of legal residence. If an adjudication and order of 108635  
hospitalization by the probate court of the county of temporary 108636  
residence are required, the regular probate court fees and 108637  
expenses incident to the order of hospitalization under this 108638  
chapter and any other expense incurred on the person's behalf 108639  
shall be charged to and paid by the county of the person's legal 108640  
residence upon the approval and certification of the probate 108641  
judge of the county of the person's legal residence. The 108642  
ordering court shall send to the probate court of the person's 108643  
county of legal residence a certified copy of the commitment 108644  
order from the ordering court. The receiving court shall enter 108645  
and record the commitment order. The certified commitment order 108646  
is prima facie evidence of the residence of the person. When the 108647  
residence of the person cannot be established as represented by 108648  
the ordering court, the matter of residence shall be referred to 108649  
the department of ~~mental-behavioral health and addiction-~~ 108650  
~~services~~ for investigation and determination. 108651



**Sec. 5122.44.** As used in sections 5122.44 to 5122.47 of 108652  
the Revised Code: 108653

(A) "Compilation" means a written list of the following 108654  
information, as the department of ~~mental-behavioral health and~~ 108655  
~~addiction services~~ is able to reasonably ascertain, for every 108656  
patient who was buried, entombed, or inurned prior to March 31, 108657  
2005, in a cemetery located on the grounds of or adjacent to the 108658  
grounds of a public hospital: 108659

(1) Name; 108660

(2) Date of birth; 108661

(3) Date of death or burial; 108662

(4) Specific physical location of the burial, entombment, 108663  
or inurnment, including the plot or grave site number if 108664  
available. 108665

(B) "Patient" means an individual who died while admitted 108666  
to a public hospital that was under the control of the 108667  
department of ~~mental-behavioral health and~~ ~~addiction services~~. 108668

(C) "Record" has the same meaning as in section 149.011 of 108669  
the Revised Code. 108670

(D) "State agency" means every organized body, office, or 108671  
agency established by the laws of the state for the exercise of 108672  
any function of state government. 108673

**Sec. 5122.45.** The department of ~~mental-behavioral health~~ 108674  
~~and addiction services~~ shall create a separate compilation for 108675  
each cemetery located on the grounds of or adjacent to the 108676  
grounds of a public hospital that is under the control of the 108677  
department on March 31, 2005. The compilation shall be created 108678  
within a reasonable time not exceeding three years after March 108679

31, 2005. The department shall use its best efforts to create 108680  
the most complete compilations possible using records in the 108681  
department's possession and records obtained in accordance with 108682  
section 5122.46 of the Revised Code. 108683

**Sec. 5122.46.** The Ohio history connection and each state 108684  
agency shall, at the request of the department of ~~mental-~~ 108685  
behavioral health ~~and addiction services~~, provide the department 108686  
access to records and information in the possession of the Ohio 108687  
history connection or state agency for purposes of creating 108688  
compilations. 108689

**Sec. 5122.47.** The department of ~~mental-~~behavioral health 108690  
~~and addiction services~~ shall deposit a copy of each compilation 108691  
with the Ohio history connection and the state library as soon 108692  
as a compilation is completed. The department shall not disclose 108693  
any record or information used to create a compilation except as 108694  
provided in sections 149.43 and 5122.31 of the Revised Code. 108695

**Sec. 5123.081.** (A) As used in this section: 108696

(1) (a) "Applicant" means any of the following: 108697

(i) A person who is under final consideration for 108698  
appointment to or employment with the department of 108699  
developmental disabilities or a county board of developmental 108700  
disabilities; 108701

(ii) A person who is being transferred to the department 108702  
or a county board; 108703

(iii) An employee who is being recalled to or reemployed 108704  
by the department or a county board after a layoff; 108705

(iv) A person under final consideration for a direct 108706  
services position with a provider or subcontractor. 108707

- (b) Neither of the following is an applicant: 108708
- (i) A person who is employed by a responsible entity in a position for which a criminal records check is required by this section and either is being considered for a different position with the responsible entity or is returning after a leave of absence or seasonal break in employment, unless the responsible entity has reason to believe that the person has committed a disqualifying offense; 108709  
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- (ii) A person who is to provide only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who is to receive the respite care selects the person. 108716  
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- (2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 108721  
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- (3) "Direct services position" means an employment position in which the employee has the opportunity to be alone with or exercises supervision or control over one or more individuals with developmental disabilities. 108723  
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- (4) "Disqualifying offense" means any of the offenses listed or described in divisions (A) (3) (a) to (e) of section 109.572 of the Revised Code. 108727  
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- (5) (a) "Employee" means either of the following: 108730
- (i) A person appointed to or employed by the department of developmental disabilities or a county board of developmental disabilities; 108731  
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- (ii) A person employed in a direct services position by a provider or subcontractor. 108734  
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(b) "Employee" does not mean a person who provides only 108736  
respite care under a family support services program established 108737  
under section 5126.11 of the Revised Code if a family member of 108738  
the individual with a developmental disability who receives the 108739  
respite care selected the person. 108740

(6) "Minor drug possession offense" has the same meaning 108741  
as in section 2925.01 of the Revised Code. 108742

(7) "Provider" means a person that provides specialized 108743  
services to individuals with developmental disabilities and 108744  
employs one or more persons in direct services positions. 108745

(8) "Responsible entity" means the following: 108746

(a) The department of developmental disabilities in the 108747  
case of either of the following: 108748

(i) A person who is an applicant because the person is 108749  
under final consideration for appointment to or employment with 108750  
the department, being transferred to the department, or being 108751  
recalled to or reemployed by the department after a layoff; 108752

(ii) A person who is an employee because the person is 108753  
appointed to or employed by the department. 108754

(b) A county board of developmental disabilities in the 108755  
case of either of the following: 108756

(i) A person who is an applicant because the person is 108757  
under final consideration for appointment to or employment with 108758  
the county board, being transferred to the county board, or 108759  
being recalled to or reemployed by the county board after a 108760  
layoff; 108761

(ii) A person who is an employee because the person is 108762  
appointed to or employed by the county board. 108763

- (c) A provider in the case of either of the following: 108764
- (i) A person who is an applicant because the person is 108765  
under final consideration for a direct services position with 108766  
the provider; 108767
- (ii) A person who is an employee because the person is 108768  
employed in a direct services position by the provider. 108769
- (d) A subcontractor in the case of either of the 108770  
following: 108771
- (i) A person who is an applicant because the person is 108772  
under final consideration for a direct services position with 108773  
the subcontractor; 108774
- (ii) A person who is an employee because the person is 108775  
employed in a direct services position by the subcontractor. 108776
- (9) "Specialized services" means any program or service 108777  
designed and operated to serve primarily individuals with 108778  
developmental disabilities, including a program or service 108779  
provided by an entity licensed or certified by the department of 108780  
developmental disabilities. If there is a question as to whether 108781  
a provider or subcontractor is providing specialized services, 108782  
the provider or subcontractor may request that the director of 108783  
developmental disabilities make a determination. The director's 108784  
determination is final. 108785
- (10) "Subcontractor" means a person to which both of the 108786  
following apply: 108787
- (a) The person has either of the following: 108788
- (i) A subcontract with a provider to provide specialized 108789  
services included in the contract between the provider and the 108790  
department of developmental disabilities or a county board of 108791

developmental disabilities; 108792

(ii) A subcontract with another subcontractor to provide 108793  
specialized services included in a subcontract between the other 108794  
subcontractor and a provider or other subcontractor. 108795

(b) The person employs one or more persons in direct 108796  
services positions. 108797

(B) A responsible entity shall not employ an applicant or 108798  
continue to employ an employee if either of the following 108799  
applies: 108800

(1) The applicant or employee fails to comply with 108801  
division (D) (3) of this section. 108802

(2) Except as provided in rules adopted under this 108803  
section, the applicant or employee is found by a criminal 108804  
records check required by this section to have been convicted 108805  
of, pleaded guilty to, or been found eligible for intervention 108806  
in lieu of conviction for a disqualifying offense. 108807

(C) Before employing an applicant in a position for which 108808  
a criminal records check is required by this section, a 108809  
responsible entity shall require the applicant to submit a 108810  
statement with the applicant's signature attesting that the 108811  
applicant has not been convicted of, pleaded guilty to, or been 108812  
found eligible for intervention in lieu of conviction for a 108813  
disqualifying offense. The responsible entity also shall require 108814  
the applicant to sign an agreement under which the applicant 108815  
agrees to notify the responsible entity within fourteen calendar 108816  
days if, while employed by the responsible entity, the applicant 108817  
is formally charged with, is convicted of, pleads guilty to, or 108818  
is found eligible for intervention in lieu of conviction for a 108819  
disqualifying offense. The agreement shall provide that the 108820

applicant's failure to provide the notification may result in 108821  
termination of the applicant's employment. 108822

(D) (1) As a condition of employing any applicant in a 108823  
position for which a criminal records check is required by this 108824  
section, a responsible entity shall request the superintendent 108825  
of the bureau of criminal identification and investigation to 108826  
conduct a criminal records check of the applicant. If rules 108827  
adopted under this section require an employee to undergo a 108828  
criminal records check, a responsible entity shall request the 108829  
superintendent to conduct a criminal records check of the 108830  
employee at times specified in the rules as a condition of the 108831  
responsible entity's continuing to employ the employee in a 108832  
position for which a criminal records check is required by this 108833  
section. If an applicant or employee does not present proof that 108834  
the applicant or employee has been a resident of this state for 108835  
the five-year period immediately prior to the date upon which 108836  
the criminal records check is requested, the responsible entity 108837  
shall request that the superintendent obtain information from 108838  
the federal bureau of investigation as a part of the criminal 108839  
records check. If the applicant or employee presents proof that 108840  
the applicant or employee has been a resident of this state for 108841  
that five-year period, the responsible entity may request that 108842  
the superintendent include information from the federal bureau 108843  
of investigation in the criminal records check. For purposes of 108844  
this division, an applicant or employee may provide proof of 108845  
residency in this state by presenting, with a ~~notarized~~ 108846  
statement asserting that the applicant or employee has been a 108847  
resident of this state for that five-year period, a valid 108848  
driver's license, notification of registration as an elector, a 108849  
copy of an officially filed federal or state tax form 108850  
identifying the applicant's or employee's permanent residence, 108851

or any other document the responsible entity considers acceptable. 108852  
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(2) A responsible entity shall do all of the following: 108854

(a) Provide to each applicant and employee for whom a criminal records check is required by this section a copy of the form prescribed pursuant to division (C) (1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C) (2) of section 109.572 of the Revised Code; 108855  
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(b) Obtain the completed form and standard impression sheet from the applicant or employee; 108861  
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(c) Forward the completed form and standard impression sheet to the superintendent at the time the criminal records check is requested. 108863  
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(3) Any applicant or employee who receives pursuant to this division a copy of the form prescribed pursuant to division (C) (1) of section 109.572 of the Revised Code and a copy of the standard impression sheet prescribed pursuant to division (C) (2) of that section and who is requested to complete the form and provide a set of the applicant's or employee's fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the standard impression sheet with the impressions of the applicant's or employee's fingerprints. 108866  
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(4) A responsible entity shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C) (3) of section 109.572 of the Revised Code for each criminal records check requested and conducted pursuant to this section. 108876  
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(E) A responsible entity may request any other state or federal agency to supply the responsible entity with a written report regarding the criminal record of an applicant or employee. If an employee holds an occupational or professional license or other credentials, the responsible entity may request that the state or federal agency that regulates the employee's occupation or profession supply the responsible entity with a written report of any information pertaining to the employee's criminal record that the agency obtains in the course of conducting an investigation or in the process of renewing the employee's license or other credentials. The responsible entity may consider the reports when determining whether to employ the applicant or to continue to employ the employee.

(F) As a condition of employing an applicant in a position for which a criminal records check is required by this section and that involves transporting individuals with developmental disabilities or operating a responsible entity's vehicles for any purpose, the responsible entity shall obtain the applicant's driving record from the bureau of motor vehicles. If rules adopted under this section require a responsible entity to obtain an employee's driving record, the responsible entity shall obtain the employee's driving record from the bureau at times specified in the rules as a condition of continuing to employ the employee. The responsible entity may consider the applicant's or employee's driving record when determining whether to employ the applicant or to continue to employ the employee.

(G) A responsible entity may employ an applicant conditionally pending receipt of a report regarding the applicant requested under this section. The responsible entity shall request the report before employing the applicant

conditionally. The responsible entity shall terminate the 108912  
applicant's employment if it is determined from a report that 108913  
the applicant failed to inform the responsible entity that the 108914  
applicant had been convicted of, pleaded guilty to, or been 108915  
found eligible for intervention in lieu of conviction for a 108916  
disqualifying offense. 108917

(H) A responsible entity may charge an applicant a fee for 108918  
costs the responsible entity incurs in obtaining a report 108919  
regarding the applicant under this section if the responsible 108920  
entity notifies the applicant of the amount of the fee at the 108921  
time of the applicant's initial application for employment and 108922  
that, unless the fee is paid, the responsible entity will not 108923  
consider the applicant for employment. The fee shall not exceed 108924  
the amount of the fee, if any, the responsible entity pays for 108925  
the report. 108926

(I) (1) Any report obtained pursuant to this section is not 108927  
a public record for purposes of section 149.43 of the Revised 108928  
Code and shall not be made available to any person, other than 108929  
the following: 108930

(a) The applicant or employee who is the subject of the 108931  
report or the applicant's or employee's representative; 108932

(b) The responsible entity that requested the report or 108933  
its representative; 108934

(c) The department if a county board, provider, or 108935  
subcontractor is the responsible entity that requested the 108936  
report and the department requests the responsible entity to 108937  
provide a copy of the report to the department; 108938

(d) A county board if a provider or subcontractor is the 108939  
responsible entity that requested the report and the county 108940

board requests the responsible entity to provide a copy of the report to the county board; 108941  
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(e) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following: 108943  
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(i) The denial of employment to the applicant or employee; 108945

(ii) The denial, suspension, or revocation of a certificate under section 5123.166 or 5123.45 of the Revised Code; 108946  
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(iii) A civil or criminal action regarding the medicaid program or a program the department administers. 108949  
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(2) An applicant or employee for whom the responsible entity has obtained reports under this section may submit a written request to the responsible entity to have copies of the reports sent to any state agency, entity of local government, or private entity. The applicant or employee shall specify in the request the agencies or entities to which the copies are to be sent. On receiving the request, the responsible entity shall send copies of the reports to the agencies or entities specified. 108951  
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(3) A responsible entity may request that a state agency, entity of local government, or private entity send copies to the responsible entity of any report regarding a records check or criminal records check that the agency or entity possesses, if the responsible entity obtains the written consent of the individual who is the subject of the report. 108960  
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(4) A responsible entity shall provide each applicant and employee with a copy of any report obtained about the applicant or employee under this section. 108966  
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(J) The director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo criminal records checks under this section;

(b) Require responsible entities to obtain the driving records of employees under this section;

(c) If the rules require employees to undergo criminal records checks, require responsible entities to obtain the driving records of employees, or both, exempt one or more classes of employees from the requirements.

(2) The rules shall do all of the following:

(a) If the rules require employees to undergo criminal records checks, require responsible entities to obtain the driving records of employees, or both, specify the times at which the criminal records checks are to be conducted and the driving records are to be obtained;

(b) Specify circumstances under which a responsible entity may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets standards in regard to rehabilitation set by the director;

(c) Require a responsible entity to request a criminal records check under this section before employing an applicant conditionally as permitted under division (G) of this section.

**Sec. 5123.16.** (A) As used in sections 5123.16 to ~~5123.1611~~ 108996

<u>5123.1613</u> of the Revised Code:	108997
(1) "Applicant" means any of the following:	108998
(a) The chief executive officer of a business that applies under section 5123.161 of the Revised Code for a certificate to provide supported living;	108999 109000 109001
(b) The chief executive officer of a business that seeks renewal of the business's supported living certificate under section 5123.164 of the Revised Code;	109002 109003 109004
(c) An individual who applies under section 5123.161 of the Revised Code for a certificate to provide supported living as an independent provider;	109005 109006 109007
(d) An independent provider who seeks renewal of the independent provider's supported living certificate under section 5123.164 of the Revised Code.	109008 109009 109010
(2) "Business" means an association, corporation, nonprofit organization, partnership, trust, or other group of persons. "Business" does not mean an independent provider.	109011 109012 109013
(3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	109014 109015
(4) "Disqualifying offense" means any of the offenses listed or described in divisions (A) (3) (a) to (e) of section 109.572 of the Revised Code.	109016 109017 109018
(5) "Independent provider" means a provider who provides supported living on a self-employed basis and does not employ, directly or through contract, another person to provide the supported living.	109019 109020 109021 109022
(6) "Provider" means a person or government entity	109023

certified by the director of developmental disabilities to 109024  
provide supported living. For the purpose of division (A) (8) of 109025  
this section, "provider" includes a person or government entity 109026  
that seeks or previously held a certificate to provide supported 109027  
living. 109028

(7) "Minor drug possession offense" has the same meaning 109029  
as in section 2925.01 of the Revised Code. 109030

(8) "Related party" means any of the following: 109031

(a) In the case of a provider who is an individual, any of 109032  
the following: 109033

(i) The spouse of the provider; 109034

(ii) A parent or stepparent of the provider or provider's 109035  
spouse; 109036

(iii) A child of the provider or provider's spouse; 109037

(iv) A sibling, half sibling, or stepsibling of the 109038  
provider or provider's spouse; 109039

(v) A grandparent of the provider or provider's spouse; 109040

(vi) A grandchild of the provider or provider's spouse. 109041

(b) In the case of a provider that is a person other than 109042  
an individual, any of the following: 109043

(i) Any person or government entity that directly or 109044  
indirectly controls the provider's day-to-day operations 109045

(including as a general manager, business manager, financial 109046  
manager, administrator, or director), regardless of whether the 109047  
person or government entity exercises the control pursuant to a 109048  
contract or other arrangement and regardless of whether the 109049  
person or government entity is required to file an Internal 109050

Revenue Code form W-2 for the provider;	109051
(ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;	109052 109053 109054
(iii) A member of the provider's board of directors or trustees;	109055 109056
(iv) A person owning a financial interest of five per cent or more in the provider, including a direct, indirect, security, or mortgage financial interest;	109057 109058 109059
(v) The spouse, parent, stepparent, child, sibling, half sibling, stepsibling, grandparent, or grandchild of any of the persons specified in divisions (A) (8) (b) (i) to (iv) of this section;	109060 109061 109062 109063
(vi) A person over which the provider has control of the day-to-day operation;	109064 109065
(vii) A corporation that has a subsidiary relationship with the provider.	109066 109067
(c) In the case of a provider that is a government entity, any of the following:	109068 109069
(i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement;	109070 109071 109072 109073 109074 109075
(ii) An officer of the provider;	109076
(iii) A member of the provider's governing board;	109077

(iv) A person or government entity over which the provider 109078  
has control of the day-to-day operation. 109079

(B) No person or government entity may provide supported 109080  
living without a valid supported living certificate issued by 109081  
the director of developmental disabilities. 109082

(C) A county board of developmental disabilities may 109083  
provide supported living only to the extent permitted by rules 109084  
adopted under section 5123.1611 of the Revised Code. 109085

**Sec. 5123.168.** The director of developmental disabilities 109086  
~~may issue an adjudication order in accordance with Chapter 119.~~ 109087  
~~of the Revised Code to shall~~ terminate a supported living 109088  
certificate if the certificate holder has not billed for 109089  
supported living for ~~twelve~~ twenty-four consecutive months. To 109090  
terminate a supported living certificate under this section, the 109091  
director shall send a notice by certified mail to the 109092  
certificate holder at the address on file with the department of 109093  
developmental disabilities explaining why the certificate is 109094  
terminated. 109095

**Sec. 5123.169.** (A) The director of developmental 109096  
disabilities shall not issue a supported living certificate to 109097  
an applicant or renew an applicant's supported living 109098  
certificate if either of the following applies: 109099

(1) The applicant fails to comply with division (C) (2) of 109100  
this section; 109101

(2) Except as provided in rules adopted under section 109102  
5123.1611 of the Revised Code, the applicant is found by a 109103  
criminal records check required by this section to have been 109104  
convicted of, pleaded guilty to, or been found eligible for 109105  
intervention in lieu of conviction for a disqualifying offense. 109106



(B) Before issuing a supported living certificate to an applicant or renewing an applicant's supported living certificate, the director shall require the applicant to submit a statement with the applicant's signature attesting that the applicant has not been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. The director also shall require the applicant to sign an agreement under which the applicant agrees to notify the director within fourteen calendar days if, while holding a supported living certificate, the applicant is formally charged with, is convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for a disqualifying offense. The agreement shall provide that the applicant's failure to provide the notification may result in action being taken by the director against the applicant under section 5123.166 of the Revised Code.

(C) (1) As a condition of receiving a supported living certificate or having a supported living certificate renewed, an applicant shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant. If an applicant does not present proof to the director that the applicant has been a resident of this state for the five-year period immediately prior to the date that the applicant applies for issuance or renewal of the supported living certificate, the director shall require the applicant to request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check. If the applicant presents proof to the director that the applicant has been a resident of this state for that five-year period, the director may require the applicant to request that the superintendent include information

from the federal bureau of investigation in the criminal records 109138  
check. For purposes of this division, an applicant may provide 109139  
proof of residency in this state by presenting, with a ~~notarized~~ 109140  
statement asserting that the applicant has been a resident of 109141  
this state for that five-year period, a valid driver's license, 109142  
notification of registration as an elector, a copy of an 109143  
officially filed federal or state tax form identifying the 109144  
applicant's permanent residence, or any other document the 109145  
director considers acceptable. 109146

(2) Each applicant shall do all of the following: 109147

(a) Obtain a copy of the form prescribed pursuant to 109148  
division (C) (1) of section 109.572 of the Revised Code and a 109149  
standard impression sheet prescribed pursuant to division (C) (2) 109150  
of section 109.572 of the Revised Code; 109151

(b) Complete the form and provide the applicant's 109152  
fingerprint impressions on the standard impression sheet; 109153

(c) Forward the completed form and standard impression 109154  
sheet to the superintendent at the time the criminal records 109155  
check is requested; 109156

(d) Instruct the superintendent to submit the completed 109157  
report of the criminal records check directly to the director; 109158

(e) Pay to the bureau of criminal identification and 109159  
investigation the fee prescribed pursuant to division (C) (3) of 109160  
section 109.572 of the Revised Code for each criminal records 109161  
check of the applicant requested and conducted pursuant to this 109162  
section. 109163

(D) The director may request any other state or federal 109164  
agency to supply the director with a written report regarding 109165  
the criminal record of an applicant. The director may consider 109166

the reports when determining whether to issue a supported living certificate to the applicant or to renew an applicant's supported living certificate. 109167  
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(E) An applicant who seeks to be an independent provider or is an independent provider seeking renewal of the applicant's supported living certificate shall obtain the applicant's driving record from the bureau of motor vehicles and provide a copy of the record to the director if the supported living that the applicant will provide involves transporting individuals with developmental disabilities. The director may consider the applicant's driving record when determining whether to issue the applicant a supported living certificate or to renew the applicant's supported living certificate. 109170  
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(F) (1) A report obtained pursuant to this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, other than the following: 109180  
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(a) The applicant who is the subject of the report or the applicant's representative; 109184  
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(b) The director or the director's representative; 109186

(c) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following: 109187  
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(i) The denial of a supported living certificate or refusal to renew a supported living certificate; 109189  
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(ii) The denial, suspension, or revocation of a certificate under section 5123.45 of the Revised Code; 109191  
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(iii) A civil or criminal action regarding the medicaid program. 109193  
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(2) An applicant for whom the director has obtained 109195  
reports under this section may submit a written request to the 109196  
director to have copies of the reports sent to any person or 109197  
state or local government entity. The applicant shall specify in 109198  
the request the person or entities to which the copies are to be 109199  
sent. On receiving the request, the director shall send copies 109200  
of the reports to the persons or entities specified. 109201

(3) The director may request that a person or state or 109202  
local government entity send copies to the director of any 109203  
report regarding a records check or criminal records check that 109204  
the person or entity possesses, if the director obtains the 109205  
written consent of the individual who is the subject of the 109206  
report. 109207

(4) The director shall provide each applicant with a copy 109208  
of any report obtained about the applicant under this section. 109209

Sec. 5123.1613. (A) A person who has been granted 109210  
guardianship of an individual with a developmental disability 109211  
shall not provide supported living to that individual either as 109212  
an independent provider or as an employee or contractor of a 109213  
supported living certificate holder unless there is a 109214  
relationship by blood, adoption, or marriage between the 109215  
guardian and the individual. 109216

(B) A supported living certificate holder owned or 109217  
operated by a guardian of an individual with a developmental 109218  
disability shall not provide supported living to that individual 109219  
unless there is a relationship by blood, adoption, or marriage 109220  
between the guardian and the individual. 109221

**Sec. 5123.191. (A) The court of common pleas or a judge 109222**  
thereof in the judge's county, or the probate court, may appoint 109223

a receiver to take possession of and operate a residential 109224  
facility licensed by the department of developmental 109225  
disabilities, in causes pending in such courts respectively, 109226  
when conditions existing at the facility present a substantial 109227  
risk of physical or mental harm to residents and no other 109228  
remedies at law are adequate to protect the health, safety, and 109229  
welfare of the residents. Conditions at the facility that may 109230  
present such risk of harm include, but are not limited to, 109231  
instances when any of the following occur: 109232

(1) The residential facility is in violation of state or 109233  
federal law or regulations. 109234

(2) The facility has had its license revoked or procedures 109235  
for revocation have been initiated, or the facility is closing 109236  
or intends to cease operations. 109237

(3) Arrangements for relocating residents need to be made. 109238

(4) Insolvency of the operator, licensee, or landowner 109239  
threatens the operation of the facility. 109240

(5) The facility or operator has demonstrated a pattern 109241  
and practice of repeated violations of state or federal laws or 109242  
regulations. 109243

(B) A court in which a petition is filed pursuant to this 109244  
section shall notify the person holding the license for the 109245  
facility and the department of developmental disabilities of the 109246  
filing. The court shall order the department to notify the 109247  
facility owner, facility operator, county board of developmental 109248  
disabilities, facility residents, and residents' parents and 109249  
guardians of the filing of the petition. 109250

The court shall provide a hearing on the petition within 109251  
five court days of the time it was filed, except that the court 109252

may appoint a receiver prior to that time if it determines that 109253  
the circumstances necessitate such action. Following a hearing 109254  
on the petition, and upon a determination that the appointment 109255  
of a receiver is warranted, the court shall appoint a receiver 109256  
and notify the department of developmental disabilities and 109257  
appropriate persons of this action. 109258

(C) A residential facility for which a receiver has been 109259  
named is deemed to be in compliance with section 5123.19 and 109260  
Chapter 3721. of the Revised Code for the duration of the 109261  
receivership. 109262

(D) When the operating revenue of a residential facility 109263  
in receivership is insufficient to meet its operating expenses, 109264  
including the cost of bringing the facility into compliance with 109265  
state or federal laws or regulations, the court may order the 109266  
state to provide necessary funding, except as provided in 109267  
division (K) of this section. The state shall provide such 109268  
funding, subject to the approval of the controlling board. The 109269  
court may also order the appropriate authorities to expedite all 109270  
inspections necessary for the issuance of licenses or the 109271  
certification of a facility, and order a facility to be closed 109272  
if it determines that reasonable efforts cannot bring the 109273  
facility into substantial compliance with the law. 109274

(E) In establishing a receivership, the court shall set 109275  
forth the powers and duties of the receiver. The court may 109276  
generally authorize the receiver to do all that is prudent and 109277  
necessary to safely and efficiently operate the residential 109278  
facility within the requirements of state and federal law, but 109279  
shall require the receiver to obtain court approval prior to 109280  
making any single expenditure of more than five thousand dollars 109281  
to correct deficiencies in the structure or furnishings of a 109282

facility. The court shall closely review the conduct of the 109283  
receiver it has appointed and shall require regular and detailed 109284  
reports. The receivership shall be reviewed at least every sixty 109285  
days. 109286

(F) A receivership established pursuant to this section 109287  
shall be terminated, following notification of the appropriate 109288  
parties and a hearing, if the court determines either of the 109289  
following: 109290

(1) The residential facility has been closed and the 109291  
former residents have been relocated to an appropriate facility. 109292

(2) Circumstances no longer exist at the facility that 109293  
present a substantial risk of physical or mental harm to 109294  
residents, and there is no deficiency in the facility that is 109295  
likely to create a future risk of harm. 109296

Notwithstanding division (F) (2) of this section, the court 109297  
shall not terminate a receivership for a residential facility 109298  
that has previously operated under another receivership unless 109299  
the responsibility for the operation of the facility is 109300  
transferred to an operator approved by the court and the 109301  
department of developmental disabilities. 109302

(G) The department of developmental disabilities may, upon 109303  
its own initiative or at the request of an owner, operator, or 109304  
resident of a residential facility, or at the request of a 109305  
resident's guardian or relative or a county board of 109306  
developmental disabilities, petition the court to appoint a 109307  
receiver to take possession of and operate a residential 109308  
facility. When the department has been requested to file a 109309  
petition by any of the parties listed above, it shall, within 109310  
forty-eight hours of such request, either file such a petition 109311

or notify the requesting party of its decision not to file. If 109312  
the department refuses to file, the requesting party may file a 109313  
petition with the court requesting the appointment of a receiver 109314  
to take possession of and operate a residential facility. 109315

Petitions filed pursuant to this division shall include 109316  
the following: 109317

(1) A description of the specific conditions existing at 109318  
the facility which present a substantial risk of physical or 109319  
mental harm to residents; 109320

(2) A statement of the absence of other adequate remedies 109321  
at law; 109322

(3) The number of individuals residing at the facility; 109323

(4) A statement that the facts have been brought to the 109324  
attention of the owner or licensee and that conditions have not 109325  
been remedied within a reasonable period of time or that the 109326  
conditions, though remedied periodically, habitually exist at 109327  
the facility as a pattern or practice; 109328

(5) The name and address of the person holding the license 109329  
for the facility and the address of the department of 109330  
developmental disabilities. 109331

The court may award to an operator appropriate costs and 109332  
expenses, including reasonable attorney's fees, if it determines 109333  
that a petitioner has initiated a proceeding in bad faith or 109334  
merely for the purpose of harassing or embarrassing the 109335  
operator. 109336

(H) Except for the department of developmental 109337  
disabilities or a county board of developmental disabilities, no 109338  
party or person interested in an action shall be appointed a 109339



receiver pursuant to this section. 109340

To assist the court in identifying persons qualified to be 109341  
named as receivers, the director of developmental disabilities 109342  
shall maintain a list of the names of such persons. The director 109343  
shall, in accordance with Chapter 119. of the Revised Code, 109344  
establish standards for evaluating persons desiring to be 109345  
included on such a list. 109346

(I) Before a receiver enters upon the duties of that 109347  
person, the receiver must be sworn to perform the duties of 109348  
receiver faithfully, and, with surety approved by the court, 109349  
judge, or clerk, execute a bond to such person, and in such sum 109350  
as the court or judge directs, to the effect that such receiver 109351  
will faithfully discharge the duties of receiver in the action, 109352  
and obey the orders of the court therein. 109353

(J) Under the control of the appointing court, a receiver 109354  
may bring and defend actions in the receiver's own name as 109355  
receiver and take and keep possession of property. 109356

The court shall authorize the receiver to do the 109357  
following: 109358

(1) Collect payment for all goods and services provided to 109359  
the residents or others during the period of the receivership at 109360  
the same rate as was charged by the licensee at the time the 109361  
petition for receivership was filed, unless a different rate is 109362  
set by the court; 109363

(2) Honor all leases, mortgages, and secured transactions 109364  
governing all buildings, goods, and fixtures of which the 109365  
receiver has taken possession and continues to use, subject to 109366  
the following conditions: 109367

(a) In the case of a rental agreement, only to the extent 109368

of payments that are for the use of the property during the 109369  
period of the receivership; 109370

(b) In the case of a purchase agreement only to the extent 109371  
of payments that come due during the period of the receivership. 109372

(3) If transfer of residents is necessary, provide for the 109373  
orderly transfer of residents by doing the following: 109374

(a) Cooperating with all appropriate state and local 109375  
agencies in carrying out the transfer of residents to 109376  
alternative community placements; 109377

(b) Providing for the transportation of residents' 109378  
belongings and records; 109379

(c) Helping to locate alternative placements and develop 109380  
discharge plans; 109381

(d) Preparing residents for the trauma of discharge; 109382

(e) Permitting residents or guardians to participate in 109383  
transfer or discharge planning except when an emergency exists 109384  
and immediate transfer is necessary. 109385

(4) Make periodic reports on the status of the residential 109386  
program to the appropriate state agency, county board of 109387  
developmental disabilities, parents, guardians, and residents; 109388

(5) Compromise demands or claims; 109389

(6) Generally do such acts respecting the residential 109390  
facility as the court authorizes. 109391

(K) Neither the receiver nor the department of 109392  
developmental disabilities is liable for debts incurred by the 109393  
owner or operator of a residential facility for which a receiver 109394  
has been appointed. 109395

(L) The department of developmental disabilities may 109396  
contract for the operation of a residential facility in 109397  
receivership. The department shall establish the conditions of a 109398  
contract. Notwithstanding any other provision of law, contracts 109399  
that are necessary to carry out the powers and duties of the 109400  
receiver need not be competitively bid. 109401

(M) The department of developmental disabilities, the 109402  
department of ~~job and family services~~ children and youth, and the 109403  
department of health shall provide technical assistance to any 109404  
receiver appointed pursuant to this section. 109405

**Sec. 5123.38.** ~~(A)~~ (A) (1) Except as provided in division (B) 109406  
of this section, if an individual is committed to a state- 109407  
operated ICF/IID pursuant to sections 5123.71 to 5123.76 of the 109408  
Revised Code, the county board of developmental disabilities of 109409  
the county from which the individual was ordered 109410  
institutionalized is responsible for the nonfederal share of 109411  
medicaid expenditures for the individual's care in the state- 109412  
operated ICF/IID. 109413

(2) The director of developmental disabilities shall 109414  
annually establish a methodology for determining the amount to 109415  
be collected from the county board for the estimated nonfederal 109416  
share of medicaid expenditures. The department of developmental 109417  
disabilities shall collect the amount of the nonfederal share 109418  
from the county board by either withholding that amount from 109419  
funds the department has otherwise allocated to the county board 109420  
or submitting an invoice for payment of that amount to the 109421  
county board. 109422

(B) Division (A) of this section does not apply ~~under~~ 109423  
~~either of the following circumstances:~~ 109424

~~(1) Not later than one hundred eighty days after the date  
of the commitment of an individual, the county board arranges  
for the provision of alternative services for the individual,  
and the individual is discharged from the ICF/IID.~~

~~(2) The if the director of developmental disabilities,  
after determining that circumstances warrant granting a waiver  
in an individual's case, grants the county board a waiver that  
exempts the county board from responsibility for the nonfederal  
share for that case. The exemption may waive the collection of  
either the full amount or a portion of the estimated nonfederal  
share of medicaid expenditures.~~

**Sec. 5123.41.** As used in this section and sections 5123.42  
to 5123.47 of the Revised Code:

(A) "Adult services" has the same meaning as in section  
5126.01 of the Revised Code.

(B) "Certified supported living provider" means a person  
or government entity certified under section 5123.161 of the  
Revised Code.

(C) "Drug" has the same meaning as in section 4729.01 of  
the Revised Code.

(D) "Family member" means a parent, sibling, spouse, son,  
daughter, grandparent, aunt, uncle, cousin, or guardian of an  
individual with a developmental disability if the individual  
with a developmental disability lives with the person and is  
dependent on the person to the extent that, if the supports were  
withdrawn, another living arrangement would have to be found.

(E) "Family support services" has the same meaning as in  
section 5126.01 of the Revised Code.

<del>(E)</del> <u>(F)</u> "Health-related activities" means the following:	109453
(1) Taking vital signs;	109454
(2) Application of clean dressings that do not require health assessment;	109455 109456
(3) Basic measurement of bodily intake and output;	109457
(4) Oral suctioning;	109458
(5) Use of glucometers;	109459
(6) External urinary catheter cleaning;	109460
(7) Emptying and replacing ostomy bags;	109461
(8) Collection of specimens by noninvasive means;	109462
(9) Pulse oximetry reading;	109463
(10) Use of continuous positive airway pressure machines;	109464
(11) Application of percussion vests;	109465
(12) Use of cough assist devices and insufflators;	109466
(13) Application of prescribed compression hosiery.	109467
<del>(F)</del> <u>(G)</u> "Licensed health professional authorized to prescribe drugs" has the same meaning as in section 4729.01 of the Revised Code.	109468 109469 109470
<del>(G)</del> <u>(H)</u> "Metered dose inhaled medication" means a premeasured medication administered by inhalation using a hand-held dispenser or aerosol nebulizer.	109471 109472 109473
<del>(H)</del> <u>(I)</u> "Developmental disabilities personnel" means the employees and the workers under contract who provide specialized services to individuals with developmental disabilities.	109474 109475 109476
"Developmental disabilities personnel" includes those who	109477

provide the services as follows: 109478

(1) Through direct employment with the department of 109479  
developmental disabilities or a county board of developmental 109480  
disabilities; 109481

(2) Through an entity under contract with the department 109482  
of developmental disabilities or a county board of developmental 109483  
disabilities; 109484

(3) Through direct employment or by being under contract 109485  
with private entities, including private entities that operate 109486  
residential facilities. 109487

~~(I)~~ (J) "Nursing delegation" means the process established 109488  
in rules adopted by the board of nursing pursuant to Chapter 109489  
4723. of the Revised Code under which a registered nurse or 109490  
licensed practical nurse acting at the direction of a registered 109491  
nurse transfers the performance of a particular nursing activity 109492  
or task to another person who is not otherwise authorized to 109493  
perform the activity or task. 109494

~~(J)~~ (K) "Over-the-counter medication" means a drug that may 109495  
be sold and purchased without a prescription. 109496

~~(K)~~ (L) "Prescribed medication" means a drug that is to be 109497  
administered according to the instructions of a licensed health 109498  
professional authorized to prescribe drugs. 109499

~~(I)~~ (M) "Residential facility" means a facility licensed 109500  
under section 5123.19 of the Revised Code. 109501

~~(M)~~ (N) "Specialized services" has the same meaning as in 109502  
section 5123.50 of the Revised Code. 109503

~~(N)~~ (O) "Topical over-the-counter musculoskeletal 109504  
medication" means an over-the-counter medication that is applied 109505

topically or passes through the skin to provide relief from 109506  
discomfort in the muscles, joints, or bones. 109507

**Sec. 5123.42.** (A) Developmental disabilities personnel who 109508  
are not specifically authorized by other provisions of the 109509  
Revised Code to administer medications or perform health-related 109510  
activities may do so pursuant to this section as part of the 109511  
specialized services the developmental disabilities personnel 109512  
provide to individuals with developmental disabilities in the 109513  
following categories: 109514

(1) Recipients of early intervention, preschool, and 109515  
school-age services offered or provided pursuant to this chapter 109516  
or Chapter 5126. of the Revised Code; 109517

(2) Recipients of adult services, if the services are 109518  
received in a setting where seventeen or more individuals 109519  
receive the services and the services are offered or provided 109520  
pursuant to this chapter or Chapter 5126. of the Revised Code; 109521

(3) Recipients of adult services, if the services are 109522  
received in a setting where not more than sixteen individuals 109523  
receive the services and the services are offered or provided 109524  
pursuant to this chapter or Chapter 5126. of the Revised Code; 109525

(4) Recipients of family support services offered or 109526  
provided pursuant to this chapter or Chapter 5126. of the 109527  
Revised Code; 109528

(5) Recipients of services from certified supported living 109529  
providers, if the services are offered or provided pursuant to 109530  
this chapter or Chapter 5126. of the Revised Code; 109531

(6) Recipients of residential support services from 109532  
certified home and community-based services providers, if the 109533  
services are received in a community living arrangement that 109534

includes not more than four individuals with developmental 109535  
disabilities and the services are offered or provided pursuant 109536  
to this chapter or Chapter 5126. of the Revised Code; 109537

(7) Recipients of services not included in divisions (A) 109538  
(1) to (6) of this section that are offered or provided pursuant 109539  
to this chapter or Chapter 5126. of the Revised Code; 109540

(8) Residents of a residential facility with not more than 109541  
five resident beds; 109542

(9) Residents of a residential facility with at least six 109543  
resident beds. 109544

(B) (1) In the case of individuals described in divisions 109545  
(A) (1) to (9) of this section, developmental disabilities 109546  
personnel may do all of the following without nursing delegation 109547  
and without a certificate issued under section 5123.45 of the 109548  
Revised Code: 109549

(a) Activate a ~~vagal~~ vagus nerve stimulator; 109550

(b) ~~Use an epinephrine autoinjector to~~ To treat 109551  
anaphylaxis, administer prescribed epinephrine either by 109552  
autoinjector or intranasally; 109553

(c) Administer topical over-the-counter medications for 109554  
the purpose of cleaning, protecting, or comforting the skin, 109555  
hair, nails, teeth, or oral surfaces, but not for the purpose of 109556  
treating an open wound or a condition that requires a medical 109557  
diagnosis, including a fungal infection. 109558

(2) The authority of developmental disabilities personnel 109559  
to ~~activate a vagal nerve stimulator, use an epinephrine~~ 109560  
~~autoinjector, and perform the health-related activity or~~ 109561  
~~administer topical over-the-counter~~ the medications described in 109562



division (B) (1) of this section is subject to all of the 109563  
following: 109564

(a) ~~To activate a vagal nerve stimulator or use an~~ 109565  
~~epinephrine autoinjector, developmental~~ Developmental 109566  
disabilities personnel shall successfully complete the training 109567  
course or courses developed under section 5123.43 of the Revised 109568  
Code for developmental disabilities personnel. Developmental 109569  
disabilities personnel shall ~~activate a vagal nerve stimulator~~ 109570  
~~or use an epinephrine autoinjector~~ perform the health-related 109571  
activity or administer the medications described in division (B) 109572  
(1) of this section only as authorized by the training 109573  
completed. 109574

(b) The employer of developmental disabilities personnel 109575  
shall ensure that the personnel have been trained specifically 109576  
with respect to each individual for whom they ~~activate a vagal~~ 109577  
~~nerve stimulator or use an epinephrine autoinjector~~ perform the 109578  
health-related activity or administer the medications described 109579  
in division (B) (1) of this section. Developmental disabilities 109580  
personnel shall not ~~activate a vagal nerve stimulator or use an~~ 109581  
~~epinephrine autoinjector~~ perform such an activity or administer 109582  
such medications for any individual for whom they have not been 109583  
specifically trained. 109584

(c) If the employer of developmental disabilities 109585  
personnel believes that the personnel have not or will not 109586  
safely ~~activate a vagal nerve stimulator or use an epinephrine~~ 109587  
~~autoinjector~~ perform the health-related activity or administer 109588  
the medications described in division (B) (1) of this section, 109589  
the employer shall prohibit the developmental disabilities 109590  
personnel from continuing or commencing to do so. Developmental 109591  
disabilities personnel shall not engage in the action or actions 109592

subject to an employer's prohibition. 109593

(d) Developmental disabilities personnel shall activate a 109594  
~~vagal-vagus~~ nerve stimulator, ~~use an~~ administer prescribed 109595  
epinephrine either by autoinjector or intranasally, or 109596  
administer topical over-the-counter medications in accordance 109597  
with the manufacturer's instructions. 109598

(C) (1) In the case of recipients of early intervention, 109599  
preschool, and school-age services, as specified in division (A) 109600  
(1) of this section, all of the following apply: 109601

(a) With nursing delegation, developmental disabilities 109602  
personnel may perform health-related activities. 109603

(b) With nursing delegation, developmental disabilities 109604  
personnel may administer oral and topical prescribed medications 109605  
and topical over-the-counter musculoskeletal medications. 109606

(c) With nursing delegation, developmental disabilities 109607  
personnel may administer oxygen and metered dose inhaled 109608  
medications. 109609

(d) With nursing delegation, developmental disabilities 109610  
personnel may administer prescribed medications through 109611  
gastrostomy and jejunostomy tubes, if the tubes being used are 109612  
stable and labeled. 109613

(e) With nursing delegation, developmental disabilities 109614  
personnel may administer routine doses of insulin through 109615  
subcutaneous injections, inhalation, and insulin pumps. 109616

(f) With nursing delegation, developmental disabilities 109617  
personnel may administer prescribed medications for the 109618  
treatment of metabolic glycemc disorders through subcutaneous 109619  
injections. 109620

(2) In the case of individuals described in divisions (A)	109621
(2), (7), and (9) of this section, all of the following apply:	109622
(a) With nursing delegation, developmental disabilities	109623
personnel may perform health-related activities.	109624
(b) With nursing delegation, developmental disabilities	109625
personnel may administer oral and topical prescribed medications	109626
and topical over-the-counter musculoskeletal medications.	109627
(c) With nursing delegation, developmental disabilities	109628
personnel may administer oxygen and metered dose inhaled	109629
medications.	109630
(d) With nursing delegation, developmental disabilities	109631
personnel may administer prescribed medications through	109632
gastrostomy and jejunostomy tubes, if the tubes being used are	109633
stable and labeled.	109634
(e) With nursing delegation, developmental disabilities	109635
personnel may administer routine doses of insulin through	109636
subcutaneous injections, inhalation, and insulin pumps.	109637
(f) With nursing delegation, developmental disabilities	109638
personnel may administer prescribed medications for the	109639
treatment of metabolic glyceimic disorders through subcutaneous	109640
injections.	109641
(3) In the case of individuals described in divisions (A)	109642
(3), (4), (5), (6), and (8) of this section, all of the	109643
following apply:	109644
(a) Without nursing delegation, developmental disabilities	109645
personnel may perform health-related activities.	109646
(b) Without nursing delegation, developmental disabilities	109647
personnel may administer oral and topical prescribed medications	109648

and topical over-the-counter musculoskeletal medications. 109649

(c) Without nursing delegation, developmental disabilities 109650  
personnel may administer oxygen and metered dose inhaled 109651  
medications. 109652

(d) With nursing delegation, developmental disabilities 109653  
personnel may administer prescribed medications through 109654  
gastrostomy and jejunostomy tubes, if the tubes being used are 109655  
stable and labeled. 109656

(e) With nursing delegation, developmental disabilities 109657  
personnel may administer routine doses of insulin through 109658  
subcutaneous injections, inhalation, and insulin pumps. 109659

(f) With nursing delegation, developmental disabilities 109660  
personnel may administer prescribed medications for the 109661  
treatment of metabolic glyceimic disorders through subcutaneous 109662  
injections. 109663

(D) The authority of developmental disabilities personnel 109664  
to administer medications and perform health-related activities 109665  
pursuant to division (C) of this section is subject to all of 109666  
the following: 109667

(1) To administer medications or perform health-related 109668  
activities for individuals in the categories specified under 109669  
divisions (A) (1) to (9) of this section, developmental 109670  
disabilities personnel shall obtain the certificate or 109671  
certificates required by the department of developmental 109672  
disabilities and issued under section 5123.45 of the Revised 109673  
Code. Developmental disabilities personnel shall administer 109674  
medications and perform health-related activities only as 109675  
authorized by the certificate or certificates held. 109676

(2) If nursing delegation is required under division (C) 109677

of this section, developmental disabilities personnel shall not 109678  
act without nursing delegation or in a manner that is 109679  
inconsistent with the delegation. 109680

(3) The employer of developmental disabilities personnel 109681  
shall ensure that the personnel have been trained specifically 109682  
with respect to each individual for whom they administer 109683  
medications or perform health-related activities. Developmental 109684  
disabilities personnel shall not administer medications or 109685  
perform health-related activities for any individual for whom 109686  
they have not been specifically trained. 109687

(4) If the employer of developmental disabilities 109688  
personnel believes that the developmental disabilities personnel 109689  
have not or will not safely administer medications or perform 109690  
health-related activities, the employer shall prohibit the ~~the~~ 109691  
personnel from continuing or commencing to do so. Developmental 109692  
disabilities personnel shall not engage in the action or actions 109693  
subject to an employer's prohibition. 109694

(E) In accordance with section 5123.46 of the Revised 109695  
Code, the department of developmental disabilities shall adopt 109696  
rules governing its implementation of this section. The rules 109697  
shall include the following: 109698

(1) Requirements for documentation of the administration 109699  
of medications and performance of health-related activities by 109700  
developmental disabilities personnel pursuant to the authority 109701  
granted under this section; 109702

(2) Procedures for reporting errors that occur in the 109703  
administration of medications and performance of health-related 109704  
activities by developmental disabilities personnel pursuant to 109705  
the authority granted under this section; 109706

(3) Other standards and procedures the department 109707  
considers necessary for implementation of this section. 109708

Sec. 5123.423. A family member may administer medications 109709  
or perform health-related activities as described in section 109710  
5123.42 of the Revised Code without either of the following: 109711  
nursing delegation or a certificate issued under section 5123.45 109712  
of the Revised Code. 109713

**Sec. 5123.47.** (A) As used in this section: 109714

(1) "In-home care" means the supportive services provided 109715  
within the home of an individual with a developmental disability 109716  
who receives funding for the services through a county board of 109717  
developmental disabilities, including any recipient of 109718  
residential services funded as home and community-based 109719  
services, family support services provided under section 5126.11 109720  
of the Revised Code, or supported living provided in accordance 109721  
with sections 5126.41 to 5126.47 of the Revised Code. "In-home 109722  
care" includes care that is provided outside an individual's 109723  
home in places incidental to the home, and while traveling to 109724  
places incidental to the home, except that "in-home care" does 109725  
not include care provided in the facilities of a county board of 109726  
developmental disabilities or care provided in schools. 109727

(2) "Parent" means either parent of a child, including an 109728  
adoptive parent but not a foster parent. 109729

(3) "Unlicensed in-home care worker" means an individual 109730  
who provides in-home care on a self-employed basis and does not 109731  
employ, either directly or through contract, another person to 109732  
provide the in-home care, but who is not a health care 109733  
professional. 109734

(4) ~~"Family member" means a parent, sibling, spouse, son,~~ 109735

~~daughter, grandparent, aunt, uncle, cousin, or guardian of the~~ 109736  
~~individual with a developmental disability if the individual~~ 109737  
~~with a developmental disability lives with the person and is~~ 109738  
~~dependent on the person to the extent that, if the supports were~~ 109739  
~~withdrawn, another living arrangement would have to be found.~~ 109740

~~(5) "Health care professional" means any of the following:~~ 109741

(a) A dentist who holds a valid license issued under 109742  
Chapter 4715. of the Revised Code; 109743

(b) A registered or licensed practical nurse who holds a 109744  
valid license issued under Chapter 4723. of the Revised Code; 109745

(c) An optometrist who holds a valid license issued under 109746  
Chapter 4725. of the Revised Code; 109747

(d) A pharmacist who holds a valid license issued under 109748  
Chapter 4729. of the Revised Code; 109749

(e) A person who holds a valid license or certificate 109750  
issued under Chapter 4731. of the Revised Code to practice 109751  
medicine and surgery, osteopathic medicine and surgery, 109752  
podiatric medicine and surgery, or a limited brand of medicine; 109753

(f) A physician assistant who holds a valid license issued 109754  
under Chapter 4730. of the Revised Code; 109755

(g) An occupational therapist or occupational therapy 109756  
assistant or a physical therapist or physical therapist 109757  
assistant who holds a valid license issued under Chapter 4755. 109758  
of the Revised Code; 109759

(h) A respiratory care professional who holds a valid 109760  
license issued under Chapter 4761. of the Revised Code; 109761

(i) A certified mental health assistant who holds a valid 109762

license issued under Chapter 4772. of the Revised Code. 109763

~~(6)~~ (5) "Health care task" means a task that is prescribed, 109764  
ordered, ~~delegated,~~ or otherwise directed by a health care 109765  
professional acting within the scope of the professional's 109766  
practice. "Health care task" includes the administration of ~~oral~~ 109767  
~~and topical prescribed medications; administration of nutrition-~~ 109768  
~~and medications through gastrostomy and jejunostomy tubes that-~~ 109769  
~~are stable and labeled; administration of oxygen and metered-~~ 109770  
~~dose inhaled medications; administration of insulin through-~~ 109771  
~~subcutaneous injections, inhalation, and insulin pumps; and-~~ 109772  
~~administration of prescribed medications for the treatment of-~~ 109773  
~~metabolic glyceemic disorders through subcutaneous injections.~~ 109774

(B) Except as provided in division ~~(E)~~ (F) of this section, 109775  
a family member of an individual with a developmental disability 109776  
may authorize an unlicensed in-home care worker to perform 109777  
health care tasks as part of the in-home care the worker 109778  
provides to the individual, if all of the following apply: 109779

(1) The family member is the primary supervisor of the 109780  
care. 109781

(2) At the time the family member both authorizes the 109782  
unlicensed in-home care worker to perform health care tasks and 109783  
supervises the care provided to the individual, the family 109784  
member is not acting as a paid provider for the individual. 109785

(3) The unlicensed in-home care worker has been selected 109786  
by the family member or the individual receiving care and is 109787  
under the direct supervision of the family member. 109788

~~(3) The unlicensed in-home care worker is providing the~~ 109789  
~~care through an employment or other arrangement entered into~~ 109790  
~~directly with the family member and is not otherwise employed by~~ 109791



~~or under contract with a person or government entity to provide services to individuals with developmental disabilities.~~ 109792  
109793

(4) The health care task is completed in accordance with standard, written instructions. 109794  
109795

(5) Performance of the health care task requires no judgment based on specialized health care knowledge or expertise. 109796  
109797  
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(6) The outcome of the health care task is reasonably predictable. 109799  
109800

(7) Performance of the health care task requires no complex observation of the individual receiving the care. 109801  
109802

(8) Improper performance of the health care task will result in only minimal complications that are not life-threatening. 109803  
109804  
109805

(C) A family member who authorizes an unlicensed in-home care worker to perform health care tasks under this section shall ~~obtain~~ do all of the following: 109806  
109807  
109808

(1) Obtain a prescription, if applicable, and written instructions from a health care professional for the care to be provided to the individual. ~~The family member shall authorize;~~ 109809  
109810  
109811

(2) Authorize the unlicensed in-home care worker to provide the care by preparing a written document granting the authority. ~~The family member shall provide;~~ 109812  
109813  
109814

(3) Provide the unlicensed in-home care worker with appropriate training and written instructions in accordance with the instructions obtained from the health care professional. ~~The family member or a health care professional shall be;~~ 109815  
109816  
109817  
109818

(4) Be available to communicate with the unlicensed in- 109819  
home care worker either in person or by telecommunication while 109820  
the in-home care worker performs a health care task. 109821

(D) Before an unlicensed in-home care worker may perform 109822  
the health care tasks authorized by a family member under this 109823  
section, the worker shall accept the written document described 109824  
in division (C) (2) of this section granting the worker that 109825  
authority. 109826

(E) A family member who authorizes an unlicensed in-home 109827  
care worker to ~~administer oral and topical prescribed~~ 109828  
~~medications or perform other~~ health care tasks retains full 109829  
responsibility for the health and safety of the individual 109830  
receiving the care and for ensuring that the worker provides the 109831  
care appropriately and safely. No entity that funds or monitors 109832  
the provision of in-home care may be held liable for the results 109833  
of the care provided under this section by an unlicensed in-home 109834  
care worker, including such entities as the county board of 109835  
developmental disabilities and the department of developmental 109836  
disabilities. 109837

An unlicensed in-home care worker who is authorized under 109838  
this section by a family member to provide care to an individual 109839  
may not be held liable for any injury caused in providing the 109840  
care, unless the worker provides the care in a manner that is 109841  
not in accordance with the training and instructions received or 109842  
the worker acts in a manner that constitutes willful or wanton 109843  
misconduct. 109844

~~(E)~~ (F) A county board of developmental disabilities may 109845  
evaluate the authority granted by a family member under this 109846  
section to an unlicensed in-home care worker at any time it 109847  
considers necessary and shall evaluate the authority on receipt 109848

of a complaint. ~~If~~In evaluating the authority, the board shall 109849  
use appropriately licensed health care professionals. 109850

If, after its evaluation, the board determines that a 109851  
family member has acted in a manner that is inappropriate for 109852  
the health and safety of the individual receiving the care, then 109853  
all of the following apply: 109854

(1) The authorization granted by the family member to an 109855  
unlicensed in-home care worker is void,~~and the~~. 109856

(2) The family member may not authorize other unlicensed 109857  
in-home care workers to provide the care.~~In making such a~~ 109858  
~~determination, the~~ 109859

(3) The board shall use authorize appropriately licensed 109860  
~~health care professionals and or certified providers to instead~~ 109861  
perform the health care tasks. 109862

(4) The board shall provide the family member an 109863  
opportunity to file a complaint under section 5126.06 of the 109864  
Revised Code. 109865

**Sec. 5124.15.** (A) Except as otherwise provided by section 109866  
5124.101 of the Revised Code, sections 5124.151 to 5124.154 of 109867  
the Revised Code, and division (B) of this section, the total 109868  
per medicaid day payment rate that the department of 109869  
developmental disabilities shall pay to an ICF/IID provider for 109870  
ICF/IID services the provider's ICF/IID provides during a fiscal 109871  
year shall equal the sum of all of the following: 109872

(1) The per medicaid day capital component rate determined 109873  
for the ICF/IID under section 5124.17 of the Revised Code; 109874

(2) The per medicaid day direct care costs component rate 109875  
determined for the ICF/IID under section 5124.19 of the Revised 109876

Code;	109877
(3) The per medicaid day indirect care costs component rate determined for the ICF/IID under section 5124.21 of the Revised Code;	109878 109879 109880
(4) The per medicaid day other protected costs component rate determined for the ICF/IID under section 5124.23 of the Revised Code;	109881 109882 109883
(5) The sum of the following:	109884
(a) The per medicaid day quality incentive payment determined for the ICF/IID under section 5124.24 of the Revised Code;	109885 109886 109887
(b) A direct support personnel payment equal to two and four-hundredths per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year;	109888 109889 109890 109891
(c) <del>A-For state fiscal year 2026, a professional workforce development payment equal to thirteen and fifty-five hundredths for state fiscal year 2024 and twenty and eighty-one hundredths during fiscal year 2025</del> <u>ten and four hundred five thousandths</u> per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year.	109892 109893 109894 109895 109896 109897 109898
(B) The department shall adjust the total per medicaid day payment rate otherwise determined for an ICF/IID under this section as directed by the general assembly through the enactment of law governing medicaid payments to ICF/IID providers.	109899 109900 109901 109902 109903
(C) (1) In addition to paying an ICF/IID provider the total	109904

per medicaid day payment rate determined for the provider's 109905  
ICF/IID under divisions (A) and (B) of this section for a fiscal 109906  
year, the department may do either or both of the following: 109907

(a) In accordance with section 5124.25 of the Revised 109908  
Code, pay the provider a rate add-on for ventilator-dependent 109909  
outlier ICF/IID services if the rate add-on is to be paid under 109910  
that section and the department approves the provider's 109911  
application for the rate add-on; 109912

(b) In accordance with section 5124.26 of the Revised 109913  
Code, pay the provider for outlier ICF/IID services the ICF/IID 109914  
provides to residents identified as needing intensive behavioral 109915  
health support services if the rate add-on is to be paid under 109916  
that section and the department approves the provider's 109917  
application for the rate add-on. 109918

(2) The rate add-ons are not to be part of the ICF/IID's 109919  
total per medicaid day payment rate. 109920

**Sec. 5126.201.** (A) A person may be employed by or under 109921  
contract with a county board of developmental disabilities as a 109922  
conditional status service and support administrator only if 109923  
either of the following is true: 109924

(1) The person has at least an appropriate associate 109925  
degree; 109926

(2) The person meets both of the following requirements: 109927

(a) The person was employed by the county board and 109928  
performed service and support administration duties on June 30, 109929  
2005; 109930

(b) The person holds a high school diploma or a 109931  
certificate of high school equivalence. 109932

(B) A conditional status service and support administrator shall perform the duties of service and support administration, as specified in division (B) of section 5126.15 of the Revised Code, only under the supervision of a management employee who is a service and support administration supervisor.

(C) A superintendent of a county board of developmental disabilities shall ensure that a conditional status service and support administrator successfully completes a web-based training program established by the department of developmental disabilities not later than thirty days after being hired. The training shall include all of the following topics:

(1) Empowering individuals serviced through the development of person-centered individual service plans;

(2) Coordinating services;

(3) Enhancing team effectiveness;

(4) Understanding medicaid;

(5) An overview of ICFs/IID;

(6) An overview of medicaid home and community-based services waivers administered by the department and county boards of developmental disabilities, including self-directed services, budget authority, and employer authority;

(7) Targeted case management;

(8) Employment navigation.

**Sec. 5139.05.** (A) The juvenile court may commit any child to the department of youth services as authorized in Chapter 2152. of the Revised Code, provided that any child so committed shall be at least ten years of age at the time of the child's

delinquent act, and, if the child is ten or eleven years of age, 109960  
the delinquent act is a violation of section 2909.03 of the 109961  
Revised Code or would be aggravated murder, murder, or a first 109962  
or second degree felony offense of violence if committed by an 109963  
adult. Any order to commit a child to an institution under the 109964  
control and management of the department shall have the effect 109965  
of ordering that the child be committed to the department and 109966  
assigned to an institution or placed in a community corrections 109967  
facility in accordance with division (E) of section 5139.36 of 109968  
the Revised Code as follows: 109969

(1) For an indefinite term consisting of the prescribed 109970  
minimum period specified by the court under division (A) (1) of 109971  
section 2152.16 of the Revised Code and a maximum period not to 109972  
exceed the child's attainment of twenty-one years of age, if the 109973  
child was committed pursuant to section 2152.16 of the Revised 109974  
Code; 109975

(2) Until the child's attainment of twenty-one years of 109976  
age, if the child was committed for aggravated murder or murder 109977  
pursuant to section 2152.16 of the Revised Code; 109978

(3) For a period of commitment that shall be in addition 109979  
to, and shall be served consecutively with and prior to, a 109980  
period of commitment described in division (A) (1) or (2) of this 109981  
section, if the child was committed pursuant to section 2152.17 109982  
of the Revised Code; 109983

(4) If the child is ten or eleven years of age, to an 109984  
institution, a residential care facility, a residential 109985  
facility, or a facility licensed by the department of ~~job and~~ 109986  
~~family services~~ children and youth that the department of youth 109987  
services considers best designated for the training and 109988  
rehabilitation of the child and protection of the public. The 109989

child shall be housed separately from children who are twelve 109990  
years of age or older until the child is released or discharged 109991  
or until the child attains twelve years of age, whichever occurs 109992  
first. Upon the child's attainment of twelve years of age, if 109993  
the child has not been released or discharged, the department is 109994  
not required to house the child separately. 109995

(B) (1) Except as otherwise provided in section 5139.54 of 109996  
the Revised Code, the release authority of the department of 109997  
youth services, in accordance with section 5139.51 of the 109998  
Revised Code and at any time after the end of the minimum period 109999  
specified under division (A) (1) of section 2152.16 of the 110000  
Revised Code, may grant the release from custody of any child 110001  
committed to the department. 110002

The order committing a child to the department of youth 110003  
services shall state that the child has been adjudicated a 110004  
delinquent child and state the minimum period. The jurisdiction 110005  
of the court terminates at the end of the minimum period except 110006  
as follows: 110007

(a) In relation to judicial release procedures, 110008  
supervision, and violations; 110009

(b) With respect to functions of the court related to the 110010  
revocation of supervised release that are specified in sections 110011  
5139.51 and 5139.52 of the Revised Code; 110012

(c) In relation to its duties relating to serious youthful 110013  
offender dispositional sentences under sections 2152.13 and 110014  
2152.14 of the Revised Code. 110015

(2) When a child has been committed to the department 110016  
under section 2152.16 of the Revised Code, the department shall 110017  
retain legal custody of the child until one of the following: 110018



(a) The department discharges the child to the exclusive management, control, and custody of the child's parent or the guardian of the child's person or, if the child is eighteen years of age or older, discharges the child. 110019  
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(b) The committing court, upon its own motion, upon petition of the parent, guardian of the person, or next friend of a child, or upon petition of the department, terminates the department's legal custody of the child. 110023  
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(c) The committing court grants the child a judicial release to court supervision under section 2152.22 of the Revised Code. 110027  
110028  
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(d) The department's legal custody of the child is terminated automatically by the child attaining twenty-one years of age. 110030  
110031  
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(e) If the child is subject to a serious youthful offender dispositional sentence, the adult portion of that dispositional sentence is imposed under section 2152.14 of the Revised Code. 110033  
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110035

(C) When a child is committed to the department of youth services, the department may assign the child to a hospital for mental, physical, and other examination, inquiry, or treatment for the period of time that is necessary. The department may remove any child in its custody to a hospital for observation, and a complete report of every observation at the hospital shall be made in writing and shall include a record of observation, treatment, and medical history and a recommendation for future treatment, custody, and maintenance. The department shall thereupon order the placement and treatment that it determines to be most conducive to the purposes of Chapters 2151. and 5139. of the Revised Code. The committing court and all public 110036  
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authorities shall make available to the department all pertinent 110048  
data in their possession with respect to the case. 110049

(D) Records maintained by the department of youth services 110050  
pertaining to the children in its custody shall be accessible 110051  
only to department employees, except by consent of the 110052  
department, upon the order of the judge of a court of record, or 110053  
as provided in divisions (D) (1) and (2) of this section. These 110054  
records shall not be considered "public records," as defined in 110055  
section 149.43 of the Revised Code. 110056

(1) Except as otherwise provided by a law of this state or 110057  
the United States, the department of youth services may release 110058  
records that are maintained by the department of youth services 110059  
and that pertain to children in its custody to the department of 110060  
rehabilitation and correction regarding persons who are under 110061  
the jurisdiction of the department of rehabilitation and 110062  
correction and who have previously been committed to the 110063  
department of youth services. The department of rehabilitation 110064  
and correction may use those records for the limited purpose of 110065  
carrying out the duties of the department of rehabilitation and 110066  
correction. Records released by the department of youth services 110067  
to the department of rehabilitation and correction shall remain 110068  
confidential and shall not be considered public records as 110069  
defined in section 149.43 of the Revised Code. 110070

(2) The department of youth services shall provide to the 110071  
superintendent of the school district in which a child 110072  
discharged or released from the custody of the department is 110073  
entitled to attend school under section 3313.64 or 3313.65 of 110074  
the Revised Code the records described in divisions (D) (4) (a) to 110075  
(d) of section 2152.18 of the Revised Code. Subject to the 110076  
provisions of section 3319.321 of the Revised Code and the 110077

Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, as 110078  
amended, the records released to the superintendent shall remain 110079  
confidential and shall not be considered public records as 110080  
defined in section 149.43 of the Revised Code. 110081

(E) (1) When a child is committed to the department of 110082  
youth services, the department, orally or in writing, shall 110083  
notify the parent, guardian, or custodian of a child that the 110084  
parent, guardian, or custodian may request at any time from the 110085  
superintendent of the institution in which the child is located 110086  
any of the information described in divisions (E) (1) (a), (b), 110087  
(c), and (d) of this section. The parent, guardian, or custodian 110088  
may provide the department with the name, address, and telephone 110089  
number of the parent, guardian, or custodian, and, until the 110090  
department is notified of a change of name, address, or 110091  
telephone number, the department shall use the name, address, 110092  
and telephone number provided by the parent, guardian, or 110093  
custodian to provide notices or answer inquiries concerning the 110094  
following information: 110095

(a) When the department of youth services makes a 110096  
permanent assignment of the child to a facility, the department, 110097  
orally or in writing and on or before the third business day 110098  
after the day the permanent assignment is made, shall notify the 110099  
parent, guardian, or custodian of the child of the name of the 110100  
facility to which the child has been permanently assigned. 110101

If a parent, guardian, or custodian of a child who is 110102  
committed to the department of youth services requests, orally 110103  
or in writing, the department to provide the parent, guardian, 110104  
or custodian with the name of the facility in which the child is 110105  
currently located, the department, orally or in writing and on 110106  
or before the next business day after the day on which the 110107

request is made, shall provide the name of that facility to the 110108  
parent, guardian, or custodian. 110109

(b) If a parent, guardian, or custodian of a child who is 110110  
committed to the department of youth services, orally or in 110111  
writing, asks the superintendent of the institution in which the 110112  
child is located whether the child is being disciplined by the 110113  
personnel of the institution, what disciplinary measure the 110114  
personnel of the institution are using for the child, or why the 110115  
child is being disciplined, the superintendent or the 110116  
superintendent's designee, on or before the next business day 110117  
after the day on which the request is made, shall provide the 110118  
parent, guardian, or custodian with written or oral responses to 110119  
the questions. 110120

(c) If a parent, guardian, or custodian of a child who is 110121  
committed to the department of youth services, orally or in 110122  
writing, asks the superintendent of the institution in which the 110123  
child is held whether the child is receiving any medication from 110124  
personnel of the institution, what type of medication the child 110125  
is receiving, or what condition of the child the medication is 110126  
intended to treat, the superintendent or the superintendent's 110127  
designee, on or before the next business day after the day on 110128  
which the request is made, shall provide the parent, guardian, 110129  
or custodian with oral or written responses to the questions. 110130

(d) When a major incident occurs with respect to a child 110131  
who is committed to the department of youth services, the 110132  
department, as soon as reasonably possible after the major 110133  
incident occurs, shall notify the parent, guardian, or custodian 110134  
of the child that a major incident has occurred with respect to 110135  
the child and of all the details of that incident that the 110136  
department has ascertained. 110137

(2) The failure of the department of youth services to provide any notification required by or answer any requests made pursuant to division (E) of this section does not create a cause of action against the state.

(F) The department of youth services, as a means of punishment while the child is in its custody, shall not prohibit a child who is committed to the department from seeing that child's parent, guardian, or custodian during standard visitation periods allowed by the department of youth services unless the superintendent of the institution in which the child is held determines that permitting that child to visit with the child's parent, guardian, or custodian would create a safety risk to that child, that child's parents, guardian, or custodian, the personnel of the institution, or other children held in that institution.

(G) As used in this section:

(1) "Permanent assignment" means the assignment or transfer for an extended period of time of a child who is committed to the department of youth services to a facility in which the child will receive training or participate in activities that are directed toward the child's successful rehabilitation. "Permanent assignment" does not include the transfer of a child to a facility for judicial release hearings pursuant to section 2152.22 of the Revised Code or for any other temporary assignment or transfer to a facility.

(2) "Major incident" means the escape or attempted escape of a child who has been committed to the department of youth services from the facility to which the child is assigned; the return to the custody of the department of a child who has escaped or otherwise fled the custody and control of the

department without authorization; the allegation of any sexual 110168  
activity with a child committed to the department; physical 110169  
injury to a child committed to the department as a result of 110170  
alleged abuse by department staff; an accident resulting in 110171  
injury to a child committed to the department that requires 110172  
medical care or treatment outside the institution in which the 110173  
child is located; the discovery of a controlled substance upon 110174  
the person or in the property of a child committed to the 110175  
department; a suicide attempt by a child committed to the 110176  
department; a suicide attempt by a child committed to the 110177  
department that results in injury to the child requiring 110178  
emergency medical services outside the institution in which the 110179  
child is located; the death of a child committed to the 110180  
department; an injury to a visitor at an institution under the 110181  
control of the department that is caused by a child committed to 110182  
the department; and the commission or suspected commission of an 110183  
act by a child committed to the department that would be an 110184  
offense if committed by an adult. 110185

(3) "Sexual activity" has the same meaning as in section 110186  
2907.01 of the Revised Code. 110187

(4) "Controlled substance" has the same meaning as in 110188  
section 3719.01 of the Revised Code. 110189

(5) "Residential care facility" and "residential facility" 110190  
have the same meanings as in section 2151.011 of the Revised 110191  
Code. 110192

**Sec. 5139.08.** The department of youth services may enter 110193  
into an agreement with the director of rehabilitation and 110194  
correction pursuant to which the department of youth services, 110195  
in accordance with division (C) (2) of section 5139.06 and 110196  
section 5120.162 of the Revised Code, may transfer to a 110197

correctional medical center established by the department of 110198  
rehabilitation and correction, children who are within its 110199  
custody for diagnosis or treatment of an illness, physical 110200  
condition, or other medical problem. The department of youth 110201  
services may enter into any other agreements with the director 110202  
of children and youth, the director of job and family services, 110203  
the director of mental health and addiction services, the 110204  
director of developmental disabilities, the director of 110205  
rehabilitation and correction, with the courts having probation 110206  
officers or other public officials, and with private agencies or 110207  
institutions for separate care or special treatment of children 110208  
subject to the control of the department of youth services. The 110209  
department of youth services may, upon the request of a juvenile 110210  
court not having a regular probation officer, provide probation 110211  
services for such court. 110212

Upon request by the department of youth services, any 110213  
public agency or group care facility established or administered 110214  
by the state for the care and treatment of children and youth 110215  
shall, consistent with its functions, accept and care for any 110216  
child whose custody is vested in the department in the same 110217  
manner as it would be required to do if custody had been vested 110218  
by a court in such agency or group care facility. If the 110219  
department has reasonable grounds to believe that any child or 110220  
youth whose custody is vested in it is mentally ill or has an 110221  
intellectual disability, the department may file an affidavit 110222  
under section 5122.11 or 5123.76 of the Revised Code. The 110223  
department's affidavit for admission of a child or youth to such 110224  
institution shall be filed with the probate court of the county 110225  
from which the child was committed to the department. Such court 110226  
may request the probate court of the county in which the child 110227  
is held to conduct the hearing on the application, in which case 110228

the court making such request shall bear the expenses of the 110229  
proceeding. If the department files such an affidavit, the child 110230  
or youth may be kept in such institution until a final decision 110231  
on the affidavit is made by the appropriate court. 110232

**Sec. 5139.34.** (A) Funds may be appropriated to the 110233  
department of youth services for the purpose of granting state 110234  
subsidies to counties. A county or the juvenile court that 110235  
serves a county shall use state subsidies granted to the county 110236  
pursuant to this section only in accordance with divisions (B) 110237  
(2) (a) and (3) (a) of section 5139.43 of the Revised Code and the 110238  
rules pertaining to the state subsidy funds that the department 110239  
adopts pursuant to division (D) of section 5139.04 of the 110240  
Revised Code. The department shall not grant financial 110241  
assistance pursuant to this section for the provision of care 110242  
and services for children in a placement facility unless the 110243  
facility has been certified, licensed, or approved by a state or 110244  
national agency with certification, licensure, or approval 110245  
authority, including, but not limited to, the department of ~~job-~~ 110246  
~~and family services~~ children and youth, department of education 110247  
and workforce, department of mental health and addiction 110248  
services, department of developmental disabilities, or American 110249  
correctional association. For the purposes of this section, 110250  
placement facilities do not include a state institution or a 110251  
county or district children's home. 110252

The department of youth services also shall not grant 110253  
financial assistance pursuant to this section for the provision 110254  
of care and services for children, including, but not limited 110255  
to, care and services in a detention facility, in another 110256  
facility, or in out-of-home placement, unless the minimum 110257  
standards applicable to the care and services that the 110258  
department prescribes in rules adopted pursuant to division (D) 110259



of section 5139.04 of the Revised Code have been satisfied. 110260

(B) The department of youth services shall apply the 110261  
following formula to determine the amount of the annual grant 110262  
that each county is to receive pursuant to division (A) of this 110263  
section, subject to the appropriation for this purpose to the 110264  
department made by the general assembly: 110265

(1) Each county shall receive a basic annual grant of 110266  
fifty thousand dollars. 110267

(2) The sum of the basic annual grants provided under 110268  
division (B)(1) of this section shall be subtracted from the 110269  
total amount of funds appropriated to the department of youth 110270  
services for the purpose of making grants pursuant to division 110271  
(A) of this section to determine the remaining portion of the 110272  
funds appropriated. The remaining portion of the funds 110273  
appropriated shall be distributed on a per capita basis to each 110274  
county that has a population of more than twenty-five thousand 110275  
for that portion of the population of the county that exceeds 110276  
twenty-five thousand. 110277

(C)(1) Prior to a county's receipt of an annual grant 110278  
pursuant to this section, the juvenile court that serves the 110279  
county shall prepare, submit, and file in accordance with 110280  
division (B)(3)(a) of section 5139.43 of the Revised Code an 110281  
annual grant agreement and application for funding that is for 110282  
the combined purposes of, and that satisfies the requirements 110283  
of, this section and section 5139.43 of the Revised Code. In 110284  
addition to the subject matters described in division (B)(3)(a) 110285  
of section 5139.43 of the Revised Code or in the rules that the 110286  
department adopts to implement that division, the annual grant 110287  
agreement and application for funding shall address fiscal 110288  
accountability and performance matters pertaining to the 110289

programs, care, and services that are specified in the agreement 110290  
and application and for which state subsidy funds granted 110291  
pursuant to this section will be used. 110292

(2) The county treasurer of each county that receives an 110293  
annual grant pursuant to this section shall deposit the state 110294  
subsidy funds so received into the county's felony delinquent 110295  
care and custody fund created pursuant to division (B)(1) of 110296  
section 5139.43 of the Revised Code. Subject to exceptions 110297  
prescribed in section 5139.43 of the Revised Code that may apply 110298  
to the disbursement, the department shall disburse the state 110299  
subsidy funds to which a county is entitled in a lump sum 110300  
payment that shall be made in July of each calendar year. 110301

(3) Upon an order of the juvenile court that serves a 110302  
county and subject to appropriation by the board of county 110303  
commissioners of that county, a county treasurer shall disburse 110304  
from the county's felony delinquent care and custody fund the 110305  
state subsidy funds granted to the county pursuant to this 110306  
section for use only in accordance with this section, the 110307  
applicable provisions of section 5139.43 of the Revised Code, 110308  
and the county's approved annual grant agreement and application 110309  
for funding. 110310

(4) The moneys in a county's felony delinquent care and 110311  
custody fund that represent state subsidy funds granted pursuant 110312  
to this section are subject to appropriation by the board of 110313  
county commissioners of the county; shall be disbursed by the 110314  
county treasurer as required by division (C)(3) of this section; 110315  
shall be used in the manners referred to in division (C)(3) of 110316  
this section; shall not revert to the county general fund at the 110317  
end of any fiscal year; shall carry over in the felony 110318  
delinquent care and custody fund from the end of any fiscal year 110319

to the next fiscal year; shall be in addition to, and shall not  
be used to reduce, any usual annual increase in county funding  
that the juvenile court is eligible to receive or the current  
level of county funding of the juvenile court and of any  
programs, care, or services for alleged or adjudicated  
delinquent children, unruly children, or juvenile traffic  
offenders or for children who are at risk of becoming delinquent  
children, unruly children, or juvenile traffic offenders; and  
shall not be used to pay for the care and custody of felony  
delinquents who are in the care and custody of an institution  
pursuant to a commitment, recommitment, or revocation of a  
release on parole by the juvenile court of that county or who  
are in the care and custody of a community corrections facility  
pursuant to a placement by the department as described in  
division (E) of section 5139.36 of the Revised Code.

(5) As a condition of the continued receipt of state  
subsidy funds pursuant to this section, each county and the  
juvenile court that serves each county that receives an annual  
grant pursuant to this section shall comply with divisions (B)  
(3) (b), (c), and (d) of section 5139.43 of the Revised Code.

Sec. 5145.32. Every officer or employee of a correctional  
institution under the control or supervision of the department  
of rehabilitation and correction, and every contractor, or  
employee of such contractor, upon entering the grounds of a  
state correctional institution, shall be subject to screening to  
prevent the conveyance of drugs of abuse into the institution.

**Sec. 5153.10.** Each public children services agency shall  
designate an executive officer known as the "executive  
director," who shall not be in the classified civil service. The  
superintendent of the children's home, the county director of

job and family services, or other individual may serve as the executive director. 110350  
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The agency shall, from time to time, inquire into community conditions affecting the welfare of children and study the work of the agency and its relation to the work of other organizations whose functions are related to child welfare. The agency may, after consultation with the executive director, adopt rules of general application, not inconsistent with law or with the rules adopted by the director of ~~job and family services~~ children and youth. 110352  
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**Sec. 5153.122.** Each PCSA caseworker hired after January 1, 2007, shall complete in-service training during the first year of the caseworker's continuous employment as a PCSA caseworker, except that the executive director of the public children services agency may waive the training requirement for a school of social work graduate who participated in the university partnership program described in division (E) of section ~~5101.141~~ 5180.42 of the Revised Code and as provided in section 5153.124 of the Revised Code. The training shall consist of courses in all of the following: 110360  
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(A) Recognizing, accepting reports of, and preventing child abuse, neglect, and dependency; 110370  
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(B) Assessing child safety; 110372

(C) Assessing risks; 110373

(D) Interviewing persons; 110374

(E) Investigating cases; 110375

(F) Intervening; 110376

(G) Providing services to children and their families; 110377

(H) The importance of and need for accurate data;	110378
(I) Preparation for court;	110379
(J) Maintenance of case record information;	110380
(K) The legal duties of PCSA caseworkers to protect the constitutional and statutory rights of children and families from the initial time of contact during investigation through treatment, including instruction regarding parents' rights and the limitations that the Fourth Amendment to the United States Constitution places upon caseworkers and their investigations;	110381 110382 110383 110384 110385 110386
(L) Content on other topics relevant to child abuse, neglect, and dependency, including permanency strategies, concurrent planning, and adoption as an option for unintended pregnancies.	110387 110388 110389 110390
After a PCSA caseworker's first year of continuous employment as a PCSA caseworker, the caseworker annually shall complete thirty-six hours of training in areas relevant to the caseworker's assigned duties.	110391 110392 110393 110394
During the first two years of continuous employment as a PCSA caseworker, each PCSA caseworker shall complete training in recognizing the signs of domestic violence and its relationship to child abuse as established in rules the director of children and youth shall adopt pursuant to Chapter 119. of the Revised Code.	110395 110396 110397 110398 110399 110400
<b>Sec. 5153.16.</b> (A) Except as provided in section 2151.422 of the Revised Code, in accordance with rules adopted under section 5153.166 of the Revised Code, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency shall do all of the following:	110401 110402 110403 110404 110405 110406

- (1) Make an investigation concerning any child alleged to be an abused, neglected, or dependent child; 110407  
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- (2) Enter into agreements with the parent, guardian, or other person having legal custody of any child, or with the department of children and youth, department of mental health and addiction services, department of developmental disabilities, other department, any certified organization within or outside the county, or any agency or institution outside the state, having legal custody of any child, with respect to the custody, care, or placement of any child, or with respect to any matter, in the interests of the child, provided the permanent custody of a child shall not be transferred by a parent to the public children services agency without the consent of the juvenile court; 110409  
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- (3) Enter into a contract with an agency providing prevention services in an effort to prevent neglect or abuse, to enhance a child's welfare, and to preserve the family unit intact when referring a family for prevention services under division (J) of section 2151.421 of the Revised Code. 110421  
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- (4) Accept custody of children committed to the public children services agency by a court exercising juvenile jurisdiction; 110426  
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- (5) Provide such care as the public children services agency considers to be in the best interests of any child adjudicated to be an abused, neglected, or dependent child the agency finds to be in need of public care or service; 110429  
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- (6) Provide social services to any unmarried girl adjudicated to be an abused, neglected, or dependent child who is pregnant with or has been delivered of a child; 110433  
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- (7) Make available to the children with medical handicaps program of the department of health at its request any information concerning a child with a disability found to be in need of treatment under sections 3701.021 to 3701.028 of the Revised Code who is receiving services from the public children services agency; 110436  
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- (8) Provide temporary emergency care for any child considered by the public children services agency to be in need of such care, without agreement or commitment; 110442  
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- (9) Find certified foster homes, within or outside the county, for the care of children, including children with disabilities from other counties attending special schools in the county; 110445  
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- (10) Subject to the approval of the board of county commissioners and the department of children and youth, establish and operate a training school or enter into an agreement with any municipal corporation or other political subdivision of the county respecting the operation, acquisition, or maintenance of any children's home, training school, or other institution for the care of children maintained by such municipal corporation or political subdivision; 110449  
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- (11) Acquire and operate a county children's home, establish, maintain, and operate a receiving home for the temporary care of children, or procure certified foster homes for this purpose; 110457  
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- (12) Enter into an agreement with the trustees of any district children's home, respecting the operation of the district children's home in cooperation with the other county boards in the district; 110461  
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(13) Cooperate with, make its services available to, and 110465  
act as the agent of persons, courts, the department of children 110466  
and youth, the department of health, and other organizations 110467  
within and outside the state, in matters relating to the welfare 110468  
of children, except that the public children services agency 110469  
shall not be required to provide supervision of or other 110470  
services related to the exercise of parenting time rights 110471  
granted pursuant to section 3109.051 or 3109.12 of the Revised 110472  
Code or companionship or visitation rights granted pursuant to 110473  
section 3109.051, 3109.11, or 3109.12 of the Revised Code unless 110474  
a juvenile court, pursuant to Chapter 2151. of the Revised Code, 110475  
or a common pleas court, pursuant to division (E)(6) of section 110476  
3113.31 of the Revised Code, requires the provision of 110477  
supervision or other services related to the exercise of the 110478  
parenting time rights or companionship or visitation rights; 110479

(14) Make investigations at the request of any 110480  
superintendent of schools in the county or the principal of any 110481  
school concerning the application of any child adjudicated to be 110482  
an abused, neglected, or dependent child for release from 110483  
school, where such service is not provided through a school 110484  
attendance department; 110485

(15) Administer funds provided under Title IV-E of the 110486  
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 110487  
amended, in accordance with rules adopted under section ~~5101.141~~ 110488  
5180.42 of the Revised Code; 110489

(16) In addition to administering Title IV-E adoption 110490  
assistance funds, enter into agreements to make adoption 110491  
assistance payments under section 5153.163 of the Revised Code; 110492

(17) Implement a system of safety and risk assessment, in 110493  
accordance with rules adopted by the director of children and 110494



youth, to assist the public children services agency in 110495  
determining the risk of abuse or neglect to a child; 110496

(18) Enter into a plan of cooperation with the board of 110497  
county commissioners under section 307.983 of the Revised Code 110498  
and comply with each fiscal agreement the board enters into 110499  
under section 307.98 of the Revised Code that include family 110500  
services duties of public children services agencies and 110501  
contracts the board enters into under sections 307.981 and 110502  
307.982 of the Revised Code that affect the public children 110503  
services agency; 110504

(19) Make reasonable efforts to prevent the removal of an 110505  
alleged or adjudicated abused, neglected, or dependent child 110506  
from the child's home, eliminate the continued removal of the 110507  
child from the child's home, or make it possible for the child 110508  
to return home safely, except that reasonable efforts of that 110509  
nature are not required when a court has made a determination 110510  
under division (A) (2) of section 2151.419 of the Revised Code; 110511

(20) Make reasonable efforts to place the child in a 110512  
timely manner in accordance with the permanency plan approved 110513  
under division (E) of section 2151.417 of the Revised Code and 110514  
to complete whatever steps are necessary to finalize the 110515  
permanent placement of the child; 110516

(21) Administer a Title IV-A program identified under 110517  
division (A) (4) (c) or (h) of section 5101.80 of the Revised Code 110518  
that the department of children and youth provides for the 110519  
public children services agency to administer under the 110520  
department's supervision pursuant to section 5101.801 of the 110521  
Revised Code; 110522

(22) Administer the kinship permanency incentive program 110523

created under section ~~5101.802~~ 5180.52 of the Revised Code under 110524  
the supervision of the director of children and youth; 110525

(23) Provide independent living services pursuant to 110526  
sections 2151.81 to 2151.84 of the Revised Code; 110527

(24) File a missing child report with a local law 110528  
enforcement agency upon becoming aware that a child in the 110529  
custody of the public children services agency is or may be 110530  
missing. 110531

(B) The public children services agency shall use the 110532  
system implemented pursuant to division (A) (17) of this section 110533  
in connection with an investigation undertaken pursuant to 110534  
division (G) (1) of section 2151.421 of the Revised Code to 110535  
assess both of the following: 110536

(1) The ongoing safety of the child; 110537

(2) The appropriateness of the intensity and duration of 110538  
the services provided to meet child and family needs throughout 110539  
the duration of a case. 110540

(C) Except as provided in section 2151.422 of the Revised 110541  
Code, in accordance with rules of the director of children and 110542  
youth, and on behalf of children in the county whom the public 110543  
children services agency considers to be in need of public care 110544  
or protective services, the public children services agency may 110545  
do the following: 110546

(1) Provide or find, with other child serving systems, 110547  
specialized foster care for the care of children in a 110548  
specialized foster home, as defined in section 5103.02 of the 110549  
Revised Code, certified under section 5103.03 of the Revised 110550  
Code; 110551

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties:

(i) County departments of job and family services;

(ii) Boards of alcohol, drug addiction, and mental health services;

(iii) County boards of developmental disabilities;

(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;

(v) Private and government providers of services;

(vi) Managed care organizations and prepaid health plans.

(b) A public children services agency contract under division (C) (2) (a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules.

(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C) (2) (a) of this section. If an entity specified in division (B) or (C) of section 5153.02 of the Revised Code is the public children services agency for a county, the board of county commissioners may enter into contracts pursuant to section 307.982 of the Revised Code regarding the agency's duties.

**Sec. 5153.163.** (A) As used in this section:

(1) "Adoptive parent" means, as the context requires, a prospective adoptive parent or an adoptive parent.

(2) "Relative" has the same meaning as in section ~~5101.141~~ 110579  
5180.42 of the Revised Code. 110580

(B) (1) Before a child's adoption is finalized, a public 110581  
children services agency may enter into an agreement with the 110582  
child's adoptive parent under which the agency, to the extent 110583  
state funds are available, may make state adoption maintenance 110584  
subsidy payments as needed on behalf of the child when all of 110585  
the following apply: 110586

(a) The child is a child with special needs. 110587

(b) The child was placed in the adoptive home by a public 110588  
children services agency or a private child placing agency and 110589  
may legally be adopted. 110590

(c) The adoptive parent has the capability of providing 110591  
the permanent family relationships needed by the child. 110592

(d) The needs of the child are beyond the economic 110593  
resources of the adoptive parent. 110594

(e) Acceptance of the child as a member of the adoptive 110595  
parent's family would not be in the child's best interest 110596  
without payments on the child's behalf under this section. 110597

(f) The gross income of the adoptive parent's family does 110598  
not exceed one hundred twenty per cent of the median income of a 110599  
family of the same size, including the child, as most recently 110600  
determined for this state by the secretary of health and human 110601  
services under Title XX of the "Social Security Act," 88 Stat. 110602  
2337, 42 U.S.C.A. 1397, as amended. 110603

(g) The child is not eligible for adoption assistance 110604  
payments under Title IV-E of the "Social Security Act," 94 Stat. 110605  
501 (1980), 42 U.S.C.A. 671, as amended. 110606

(2) State adoption maintenance subsidy payment agreements 110607  
must be made by either the public children services agency that 110608  
has permanent custody of the child or the public children 110609  
services agency of the county in which the private child placing 110610  
agency that has permanent custody of the child is located. 110611

(3) State adoption maintenance subsidy payments shall be 110612  
made in accordance with the agreement between the public 110613  
children services agency and the adoptive parent and are subject 110614  
to an annual redetermination of need. 110615

(4) Payments under this division may begin either before 110616  
or after issuance of the final adoption decree, except that 110617  
payments made before issuance of the final adoption decree may 110618  
be made only while the child is living in the adoptive parent's 110619  
home. Preadoption payments may be made for not more than twelve 110620  
months, unless the final adoption decree is not issued within 110621  
that time because of a delay in court proceedings. Payments that 110622  
begin before issuance of the final adoption decree may continue 110623  
after its issuance. 110624

(C) (1) A public children services agency may enter into an 110625  
agreement with a child's relative under which the agency, to the 110626  
extent state funds are available, may provide state kinship 110627  
guardianship assistance as needed on behalf of the child when 110628  
all of the following apply: 110629

(a) The relative has cared for the eligible child as a 110630  
foster caregiver as defined by section 5103.02 of the Revised 110631  
Code for at least six consecutive months. 110632

(b) Both of the following apply: 110633

(i) A juvenile court issued an order granting legal 110634  
custody of the child to the relative, or a probate court issued 110635

an order granting guardianship of the child to the relative, and 110636  
the order is not a temporary court order. 110637

(ii) The relative has committed to care for the child on a 110638  
permanent basis. 110639

(c) The relative signed a state kinship guardianship 110640  
assistance agreement prior to assuming legal guardianship or 110641  
legal custody of the child. 110642

(d) The child had been removed from home pursuant to a 110643  
voluntary placement agreement or as a result of a judicial 110644  
determination to the effect that continuation in the home would 110645  
be contrary to the welfare of the child. 110646

(e) Returning the child home or adoption are not 110647  
appropriate permanency options for the child. 110648

(f) The child demonstrates a strong attachment to the 110649  
relative and the relative has a strong commitment to caring 110650  
permanently for the child. 110651

(g) With respect to a child who has attained fourteen 110652  
years of age, the child has been consulted regarding the state 110653  
kinship guardianship assistance arrangement. 110654

(h) The child is not eligible for kinship guardianship 110655  
assistance payments under Title IV-E of the "Social Security 110656  
Act," 42 U.S.C. 673(d), as amended. 110657

(2) The public children services agency that had custody 110658  
of a child immediately prior to a court granting legal custody 110659  
or guardianship of the child to a relative of the child 110660  
described in division (C)(1) of this section is authorized to 110661  
enter into a state kinship guardianship assistance agreement 110662  
with that relative. 110663

(3) State kinship guardianship assistance for a child 110664  
shall be provided in accordance with a state kinship 110665  
guardianship assistance agreement entered into between the 110666  
public children services agency and relative of the child 110667  
described in division (C)(1) of this section and is subject to 110668  
an annual redetermination of need. 110669

~~(4) Not later than fifteen months after September 30,~~ 110670  
~~2021, if the amended state plan submitted under Title IV-E to~~ 110671  
~~implement 42 U.S.C. 673(d) as described in section 5101.1416 of~~ 110672  
~~the Revised Code is approved, division (C) of this section shall~~ 110673  
~~be implemented.~~ 110674

(D) No payment shall be made under division (B) or (C) of 110675  
this section on behalf of any person eighteen years of age or 110676  
older beyond the end of the school year during which the person 110677  
attains the age of eighteen or on behalf of a person with a 110678  
mental or physical disability twenty-one years of age or older. 110679

(E) The director of children and youth shall adopt rules 110680  
in accordance with Chapter 119. of the Revised Code that are 110681  
needed to implement this section. The rules shall establish all 110682  
of the following: 110683

(1) The application process for all forms of assistance 110684  
provided under this section; 110685

(2) The method to determine the amount of assistance 110686  
payable under division (B) of this section; 110687

(3) The definition of "child with special needs" for this 110688  
section; 110689

(4) The process whereby a child's continuing need for 110690  
services provided under division (B) or (C) of this section is 110691  
annually redetermined; 110692

(5) Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section. 110693  
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(F) The state adoption special services subsidy program ceases to exist on July 1, 2004, except that, subject to the findings of the annual redetermination process established under division (E) of this section and the child's individual need for services, a public children services agency may continue to provide state adoption special services subsidy payments on behalf of a child for whom payments were being made prior to July 1, 2004. 110696  
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(G) Benefits and services provided under this section are inalienable whether by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other like processes. 110704  
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**Sec. 5160.37.** (A) A medical assistance recipient's enrollment in a medical assistance program gives an automatic right of recovery to the department of medicaid and a county department of job and family services against the liability of a third party for the cost of medical assistance paid on behalf of the recipient. When an action or claim is brought against a third party by a medical assistance recipient, any payment, settlement or compromise of the action or claim, or any court award or judgment, is subject to the recovery right of the department of medicaid or county department. Except in the case of a medical assistance recipient who receives medical assistance through a medicaid managed care organization, the department's or county department's claim shall not exceed the amount of medical assistance paid by the department or county department on behalf of the recipient. A payment, settlement, 110708  
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compromise, judgment, or award that excludes the cost of medical 110723  
assistance paid for by the department or county department shall 110724  
not preclude a department from enforcing its rights under this 110725  
section. 110726

(B) (1) In the case of a medical assistance recipient who 110727  
receives medical assistance through a medicaid managed care 110728  
organization that has a capitation agreement with a provider, 110729  
the amount of the department's or county department's claim 110730  
shall be the amount the medicaid managed care organization would 110731  
have paid in the absence of a capitation agreement. 110732

(2) In the case of a medical assistance recipient who 110733  
receives medical assistance through a medicaid managed care 110734  
organization that does not have a capitation agreement with a 110735  
provider, the amount of the department's or county department's 110736  
claim shall be the amount the medicaid managed care organization 110737  
pays for medical assistance rendered to the recipient, even if 110738  
that amount is more than the amount the department or county 110739  
department pays to the medicaid managed care organization for 110740  
the recipient's medical assistance. 110741

(C) A medical assistance recipient, and the recipient's 110742  
attorney, if any, shall cooperate with the departments. In 110743  
furtherance of this requirement, the medical assistance 110744  
recipient, or the recipient's attorney, if any, shall, not later 110745  
than thirty days after initiating informal recovery activity or 110746  
filing a legal recovery action against a third party, provide 110747  
written notice of the activity or action to the department of 110748  
medicaid or county department if it has paid for medical 110749  
assistance under a medical assistance program. 110750

(D) The written notice that must be given under division 110751  
(C) of this section shall disclose the identity and address of 110752

any third party against whom the medical assistance recipient 110753  
has or may have a right of recovery. 110754

(E) No settlement, compromise, judgment, or award or any 110755  
recovery in any action or claim by a medical assistance 110756  
recipient where the department or county department has a right 110757  
of recovery shall be made final without first giving the 110758  
department or county department written notice as described in 110759  
division (C) of this section and a reasonable opportunity to 110760  
perfect its rights of recovery. If the department or county 110761  
department is not given the appropriate written notice, the 110762  
medical assistance recipient and, if there is one, the 110763  
recipient's attorney, are liable to reimburse the department or 110764  
county department for the recovery received to the extent of 110765  
medical assistance payments made by the department or county 110766  
department. 110767

(F) The department or county department shall be permitted 110768  
to enforce its recovery rights against the third party even 110769  
though it accepted prior payments in discharge of its rights 110770  
under this section if, at the time the department or county 110771  
department received such payments, it was not aware that 110772  
additional medical expenses had been incurred but had not yet 110773  
been paid by the department or county department. The third 110774  
party becomes liable to the department or county department as 110775  
soon as the third party is notified in writing of the valid 110776  
claims for recovery under this section. 110777

(G) (1) Subject to division (G) (2) of this section, the 110778  
right of recovery of the department or county department does 110779  
not apply to that portion of any judgment, award, settlement, or 110780  
compromise of a claim, to the extent of attorneys' fees, costs, 110781  
or other expenses incurred by a medical assistance recipient in 110782

securing the judgment, award, settlement, or compromise, or to 110783  
the extent of medical, surgical, and hospital expenses paid by 110784  
such recipient from the recipient's own resources. 110785

(2) Reasonable attorneys' fees, not to exceed one-third of 110786  
the total judgment, award, settlement, or compromise, plus costs 110787  
and other expenses incurred by the medical assistance recipient 110788  
in securing the judgment, award, settlement, or compromise, 110789  
shall first be deducted from the total judgment, award, 110790  
settlement, or compromise. After fees, costs, and other expenses 110791  
are deducted from the total judgment, award, settlement, or 110792  
compromise, there shall be a rebuttable presumption that the 110793  
department of medicaid or county department shall receive no 110794  
less than one-half of the remaining amount, or the actual amount 110795  
of medical assistance paid, whichever is less. A party may rebut 110796  
the presumption in accordance with division (L) (1) ~~or~~, (2), or 110797  
(3) of this section, as applicable. 110798

(H) A right of recovery created by this section may be 110799  
enforced separately or jointly by the department of medicaid or 110800  
county department. To enforce its recovery rights, the 110801  
department or county department may do any of the following: 110802

(1) Intervene or join in any action or proceeding brought 110803  
by the medical assistance recipient or on the recipient's behalf 110804  
against any third party who may be liable for the cost of 110805  
medical assistance paid; 110806

(2) Institute and pursue legal proceedings against any 110807  
third party who may be liable for the cost of medical assistance 110808  
paid; 110809

(3) Initiate legal proceedings in conjunction with any 110810  
injured, diseased, or disabled medical assistance recipient or 110811

the recipient's attorney or representative. 110812

(I) A medical assistance recipient shall not assess 110813  
attorney fees, costs, or other expenses against the department 110814  
of medicaid or a county department when the department or county 110815  
department enforces its right of recovery created by this 110816  
section. 110817

(J) The right of recovery given to the department under 110818  
this section includes payments made by a third party under 110819  
contract with a person having a duty to support. 110820

(K) The department of medicaid may assign to a medical 110821  
assistance provider the right of recovery given to the 110822  
department under this section with respect to any claim for 110823  
which the department has notified the provider that the 110824  
department intends to recoup the department's prior payment for 110825  
the claim. 110826

(L) (1) Prior to any payment to the department or a county 110827  
department pursuant to the department's or county department's 110828  
right of recovery under this section, a party that desires to 110829  
rebut the presumption in division (G) of this section shall 110830  
submit to the department or county department a request for a 110831  
hearing in accordance with the procedure the department 110832  
establishes in rules required by division (O) of this section. 110833  
The amount sought by the department or county department shall 110834  
be held in escrow or in an interest on lawyers' trust account 110835  
until the hearing examiner renders a decision or the case is 110836  
otherwise concluded. A party successfully rebuts the presumption 110837  
by a showing of clear and convincing evidence that a different 110838  
allocation is warranted. 110839

(2) A medical assistance recipient who has repaid money, 110840

on or after September 29, 2007, to the department or a county department pursuant to the department's or county department's right of recovery under this section, section 5160.38 of the Revised Code, or former section 5101.58 or 5101.59 of the Revised Code may request a hearing to rebut the presumption in division (G) of this section. The request shall be made in accordance with the procedure the department establishes for this purpose in rules required by division (O) of this section. It must be made not later than one hundred eighty days after September 29, 2015, or ninety days after the payment is made, whichever is later. A party successfully rebuts the presumption by a showing of clear and convincing evidence that a different allocation is warranted.

(3) A medical assistance recipient who has repaid money, between April 6, 2007 and September 28, 2007, to the department or a county department pursuant to the department's or county department's right of recovery under this section, section 5160.38 of the Revised Code, or former section 5101.58 or 5101.59 of the Revised Code may request a hearing to rebut the presumption in division (G) of this section. The request shall be made not later than one hundred eighty days after the effective date of this amendment in accordance with the procedure the department establishes for this purpose in rules required by division (O) of this section. The presumption is successfully rebutted if the requestor demonstrates by clear and convincing evidence that a different allocation is warranted.

(4) With respect to a hearing requested under division (L) (1) ~~or~~, (2), or (3) of this section, all of the following are the case:

(a) The hearing examiner may consider, but is not bound by

the allocation of, medical expenses specified in a settlement 110871  
agreement between the medical assistance recipient and the 110872  
relevant third party; 110873

(b) The department or county department may raise 110874  
affirmative defenses during the hearing, including the existence 110875  
of a prior settlement with the medical assistance recipient, the 110876  
doctrine of accord and satisfaction, or the common law principle 110877  
of res judicata; 110878

(c) If the parties agree, live testimony shall not be 110879  
presented at the hearing; 110880

(d) The hearing may be governed by rules adopted under 110881  
section 5160.02 of the Revised Code. If such rules are adopted, 110882  
Chapter 119. of the Revised Code applies to the hearing only to 110883  
the extent specified in those rules; 110884

(e) The hearing examiner's decision is binding on the 110885  
department or county department and the medical assistance 110886  
recipient unless the decision is reversed or modified on appeal 110887  
to the medicaid director as described in division (M) of this 110888  
section; 110889

(f) A request for a hearing may be submitted by any of the 110890  
following: 110891

(i) The medical assistance recipient; 110892

(ii) The medical assistance recipient's authorized 110893  
representative; 110894

(iii) The executor or administrator of a medical 110895  
assistance recipient's estate authorized to make or pursue a 110896  
request; 110897

(iv) A court-appointed guardian; 110898

(v) An attorney who has been directly retained by the 110899  
medical assistance recipient, or the recipient's parent, legal 110900  
guardian, or court-appointed guardian. 110901

(M) (1) A medical assistance recipient who disagrees with a 110902  
hearing examiner's decision under division (L) of this section 110903  
may file an administrative appeal with the medicaid director in 110904  
accordance with the procedure the department establishes for 110905  
this purpose in rules required by division (O) of this section. 110906  
A hearing is not required during the administrative appeal, but 110907  
the director or the director's designee shall review the hearing 110908  
examiner's decision and any prior relevant administrative 110909  
action. After the review, the director or the director's 110910  
designee shall affirm, modify, remand, or reverse the hearing 110911  
decision. A decision made under this division is final and 110912  
binding on the department or county department and the medical 110913  
assistance recipient unless it is reversed or modified on appeal 110914  
to a court of common pleas as described in division (N) of this 110915  
section. 110916

(2) An administrative appeal may be governed by rules 110917  
adopted under section 5160.02 of the Revised Code. If such rules 110918  
are adopted, Chapter 119. of the Revised Code applies to an 110919  
administrative appeal only to the extent specified in those 110920  
rules. 110921

(N) A party to an administrative appeal described in 110922  
division (M) of this section may file an appeal with a court of 110923  
common pleas in accordance with section 119.12 of the Revised 110924  
Code. 110925

(O) The medicaid director shall adopt rules under section 110926  
5160.02 of the Revised Code as necessary to implement this 110927  
section, including rules establishing procedures a party may use 110928

to request a hearing under division (L) (1) ~~or~~, (2), or (3) of 110929  
this section or an administrative appeal under division (M) (1) 110930  
of this section. The rules shall be adopted in accordance with 110931  
Chapter 119. of the Revised Code. 110932

(P) Divisions (L) to (N) of this section are remedial in 110933  
nature and shall be liberally construed by the courts of this 110934  
state in accordance with section 1.11 of the Revised Code. Those 110935  
divisions specify the sole remedy available to a party who 110936  
claims the department or a county department has received or is 110937  
to receive more money than entitled to receive under this 110938  
section, section 5160.38 of the Revised Code, or former section 110939  
5101.58 or 5101.59 of the Revised Code. 110940

**Sec. 5160.45.** (A) As used in sections 5160.45 to 5160.481 110941  
of the Revised Code, "information" means all of the following: 110942

(1) Records, as defined in section 149.011 of the Revised 110943  
Code; 110944

(2) Any other documents in any format; 110945

(3) Data derived from records and documents that are 110946  
generated, acquired, or maintained by the department of 110947  
medicaid, a county department of job and family services, or an 110948  
entity performing duties on behalf of the department or a county 110949  
department. 110950

(B) Except as permitted by this section, section 340.038, 110951  
section 5160.47, or rules authorized by section 5160.48 or 110952  
5160.481 of the Revised Code, or when required by federal law, 110953  
no person or government entity shall use or disclose information 110954  
regarding a medical assistance recipient for any purpose not 110955  
directly connected with the administration of a medical 110956  
assistance program. 110957



(C) Both of the following shall be considered to be 110958  
purposes directly connected with the administration of a medical 110959  
assistance program: 110960

(1) Treatment, payment, or other operations or activities 110961  
authorized by 42 C.F.R. Chapter IV; 110962

(2) Any administrative function or duty the department of 110963  
medicaid performs alone or jointly with a federal government 110964  
entity, another state government entity, or a local government 110965  
entity implementing a provision of federal law. 110966

(D) The department or a county department of job and 110967  
family services may disclose information regarding a medical 110968  
assistance recipient to any of the following: 110969

(1) The recipient or the recipient's authorized 110970  
representative; 110971

(2) The recipient's legal guardian in accordance with 110972  
division (C) of section 2111.13 of the Revised Code; 110973

(3) The attorney of the recipient, if the department or 110974  
county department has obtained authorization from the recipient 110975  
or the recipient's authorized representative or legal guardian 110976  
that meets all requirements of the Health Insurance Portability 110977  
and Accountability Act of 1996, 42 U.S.C. 1320d et seq., 110978  
regulations promulgated by the United States department of 110979  
health and human services to implement the act, section 5160.46 110980  
of the Revised Code, and any rules authorized by section 5160.48 110981  
of the Revised Code; 110982

(4) A health information or health records management 110983  
entity that has executed with the department a business 110984  
associate agreement required by 45 C.F.R 164.502(e) (2) and has 110985  
been authorized by the recipient or the recipient's authorized 110986

representative or legal guardian to receive the recipient's 110987  
electronic health records in accordance with rules authorized by 110988  
section 5160.48 of the Revised Code; 110989

(5) A court if pursuant to a written order of the court. 110990

(E) The department may receive from county departments of 110991  
job and family services information regarding any medical 110992  
assistance recipient for purposes of training and verifying the 110993  
accuracy of eligibility determinations for a medical assistance 110994  
program. The department may assemble information received under 110995  
this division into a report if the report is in a form specified 110996  
by the department. Information received and assembled into a 110997  
report under this division shall remain confidential and not be 110998  
subject to disclosure pursuant to section 149.43 or 1347.08 of 110999  
the Revised Code. 111000

(F) The department shall notify courts in this state 111001  
regarding its authority, under division (D) (5) of this section, 111002  
to disclose information regarding a medical assistance recipient 111003  
pursuant to a written court order. 111004

Sec. 5160.53. The department of medicaid shall collaborate 111005  
with the department of behavioral health to publish a directory 111006  
of all residential facilities licensed under section 5119.34 of 111007  
the Revised Code on the department of medicaid's web site. For 111008  
each facility, the directory shall include all of the following: 111009

(A) The name of the facility; 111010

(B) The facility's full address; 111011

(C) The facility's categorization as a class one, class 111012  
two, or class three facility; 111013

(D) The services offered at the facility. 111014

**Sec. 5162.133.** Not less than once each year, the medicaid director shall submit a report on the medicaid buy-in for workers with disabilities program to the governor, general assembly, and joint medicaid oversight committee. The copy to the general assembly shall be submitted in accordance with section 101.68 of the Revised Code. The report shall include all of the following information:

(A) The number of individuals who participated in the medicaid buy-in for workers with disabilities program;

(B) The cost of the program;

~~(C) The amount of revenue generated by premiums that participants pay under section 5163.094 of the Revised Code;~~

~~(D) The average amount of earned income of participants' families;~~

~~(E)~~ (D) The average amount of time participants have participated in the program;

~~(F)~~ (E) The types of other health insurance participants have been able to obtain.

**Sec. 5162.138.** Beginning in 2026, the department of medicaid shall report quarterly to the joint medicaid oversight committee and its executive director, including all of the following information for the preceding quarter:

(A) The total number of licensed private room beds in nursing homes in this state;

(B) The number of those beds that are utilized by medicaid residents;

(C) The number of those beds that are utilized by private

<u>pay or non-medicaid residents;</u>	111042
<u>(D) The number of those beds that are unoccupied;</u>	111043
<u>(E) The average length of time a medicaid resident lived</u> <u>in a private room during that period.</u>	111044 111045
<u>Sec. 5162.14. (A) The medicaid director shall immediately</u> <u>provide notice in accordance with this section if the United</u> <u>States centers for medicare and medicaid services does any of</u> <u>the following related to a quarterly medicaid statement of</u> <u>expenditures for medical assistance programs form that is</u> <u>submitted by the department of medicaid:</u>	111046 111047 111048 111049 111050 111051
<u>(1) Determines that the form has a variance of</u> <u>expenditures of eight per cent or greater;</u>	111052 111053
<u>(2) Asks any questions related to the form;</u>	111054
<u>(3) Refuses to certify the information provided on the</u> <u>form;</u>	111055 111056
<u>(4) Refuses to release any funds to the state.</u>	111057
<u>(B) When providing notice under this section, the director</u> <u>shall include any letter or information that is provided by the</u> <u>United States centers for medicare and medicaid services in its</u> <u>questioning or deciding not to certify the form, as well as any</u> <u>correspondences from the department in response.</u>	111058 111059 111060 111061 111062
<u>(C) The notice required under this section shall be</u> <u>provided to all of the following:</u>	111063 111064
<u>(1) The speaker of the house of representatives and</u> <u>president of the senate;</u>	111065 111066
<u>(2) The executive director of the joint medicaid oversight</u> <u>committee;</u>	111067 111068

(3) The chairpersons of the relevant standing committees 111069  
in both the house of representatives and the senate. 111070

**Sec. 5162.17.** (A) (1) On the first of September annually, 111071  
the department of medicaid shall prepare and submit a report to 111072  
the joint medicaid oversight committee and the executive 111073  
director of the joint medicaid oversight committee that details 111074  
the total full-time equivalent employees and related 111075  
expenditures of all of the following for each state agency: 111076

(a) Eligibility operations; 111077

(b) Information technology; 111078

(c) Medicaid management information systems operations; 111079

(d) All other administrative operations. 111080

(2) The report shall delineate the administrative costs 111081  
for each category identified in division (A) (1) of this section 111082  
by costs paid to vendors and costs incurred directly by the 111083  
state agency. 111084

(B) The report required under this section shall include 111085  
all of the following: 111086

(1) The actual total number of full-time equivalent 111087  
employees, their unique identifying employee position numbers or 111088  
equivalents, their salaries, their benefits, their taxes, and 111089  
any non-salary or benefit administrative costs from the prior 111090  
two years; 111091

(2) The budgeted number of full-time equivalent employees, 111092  
salaries, taxes, and non-salary or benefit administrative costs 111093  
from the prior two years; 111094

(3) The forecasted number of full-time equivalent 111095

employees, salaries, benefits, taxes, and any non-salary or 111096  
benefit administrative costs for the upcoming year; 111097

(4) A comparison between both of the two prior years' 111098  
actual and budgeted number of full-time equivalent employees and 111099  
expenditures, as well as a comparison between the actual number 111100  
of full-time equivalent employees and expenditures from the 111101  
prior year and the forecasted number of full-time equivalent 111102  
employees and expenditures for the upcoming year. If the total 111103  
number of full-time equivalent employees or expenditures for any 111104  
combination of agency and category deviates more than five per 111105  
cent from the preceding year's budgeted number of full-time 111106  
equivalent employees, the report shall provide a detailed 111107  
justification for the variance. 111108

(C) The joint medicaid oversight committee may provide a 111109  
template for the department to reference in creating the report 111110  
required by this section. 111111

**Sec. 5162.25.** (A) As used in this section: 111112

(1) "State directed payment program" means a payment 111113  
program authorized by the United States centers for medicare and 111114  
medicaid services under 42 C.F.R. 438.6(c). 111115

(2) "Preprint" means a form created by the United States 111116  
centers for medicare and medicaid services to request approval 111117  
of a state directed payment program, as required under 42 C.F.R. 111118  
438.6(c). 111119

(B) (1) Except as provided in division (B) (2) of this 111120  
section, and subject to division (B) (3) of this section, the 111121  
medicaid director shall comply with this section for all new and 111122  
existing state directed payment programs. 111123

(2) This section does not apply to a state directed 111124

payment program that is funded by the department of medicaid or 111125  
the hospital franchise permit fee program. 111126

(3) A state directed payment program subject to this 111127  
section shall be approved by the joint medicaid oversight 111128  
committee before being established by the medicaid director. 111129

(C) All of the following apply to a state directed payment 111130  
program that is subject to this section: 111131

(1) The program shall comply with the requirements of 42 111132  
C.F.R. 438.6(c), including all of the following: 111133

(a) The program shall be approved by the United States 111134  
centers for medicare and medicaid services, and the director 111135  
shall seek approval for the program in accordance with section 111136  
5162.07 of the Revised Code. 111137

(b) Directed payments under the program shall not exceed 111138  
the average commercial rate for all providers participating 111139  
under a preprint unless exempted by a value-based purchasing 111140  
agreement approved by the United States centers for medicare and 111141  
medicaid services. 111142

(c) The program shall be subject to an evaluation plan, in 111143  
accordance with 42 C.F.R. 438.6(c) (2) (ii) (D). 111144

(2) The program shall be for hospital providers and 111145  
services or professional services provided by hospitals. 111146

(3) Unless otherwise determined by the medicaid director, 111147  
only one state directed payment preprint may be approved for 111148  
each of the following provider classes: 111149

(a) Inpatient and outpatient hospital services; 111150

(b) Physician services; 111151

<u>(c) Children's hospitals participating in the outcomes</u>	111152
<u>acceleration for kids quality initiative.</u>	111153
<u>(D) A hospital provider participating in a state directed</u>	111154
<u>payment program shall do all of the following:</u>	111155
<u>(1) Enter into one or more contracts related to the state</u>	111156
<u>directed payment program as necessary, as determined by the</u>	111157
<u>department;</u>	111158
<u>(2) Comply with all average commercial rate reporting</u>	111159
<u>requirements established by the department, related to the</u>	111160
<u>requirements set forth in 42 C.F.R. 438.6(c) (2) (iii);</u>	111161
<u>(3) Comply with the department's state directed payment</u>	111162
<u>quality measure set, including the metrics and targets set by</u>	111163
<u>the department for the state directed payment program to advance</u>	111164
<u>the goals and objectives specified in the department's quality</u>	111165
<u>strategy, as specified in 42 C.F.R. 438.6(c) (2) (ii) (C) and 42</u>	111166
<u>C.F.R. 438.340;</u>	111167
<u>(4) Cooperate with any evaluation or reporting</u>	111168
<u>requirements established by the department related to the</u>	111169
<u>requirements set forth in 42 C.F.R. 438.6(c) (2) (ii) (D) and (F).</u>	111170
<u>(E) Any hospital provider contract required under division</u>	111171
<u>(D) (1) of this section shall be executed not later than the</u>	111172
<u>first day of October preceding the first fiscal year of a</u>	111173
<u>biennium. A contract required under this section may be entered</u>	111174
<u>into in accordance with section 5162.32 of the Revised Code.</u>	111175
<u>(F) (1) All funds supporting a state directed payment</u>	111176
<u>program shall comply with the requirements specified in 42</u>	111177
<u>C.F.R. 433.51. No hospital provider may participate in a state</u>	111178
<u>directed payment program unless sufficient funds are obligated</u>	111179
<u>and appropriated.</u>	111180



(2) The director may terminate or decline to establish any state directed payment program if federal or local funding is not available or sufficient to sustain the program. The department shall not at any time be required to provide funding for a state directed payment program that is subject to this section. 111181  
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**Sec. 5163.03.** (A) ~~Subject to section 5163.05 of the Revised Code, the~~ The medicaid program shall cover all mandatory eligibility groups. 111187  
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111189

(B) The medicaid program shall cover all of the optional eligibility groups that state statutes require the medicaid program to cover. 111190  
111191  
111192

(C) The medicaid program may cover any of the optional eligibility groups to which either of the following applies: 111193  
111194

(1) State statutes expressly permit the medicaid program to cover the optional eligibility group. 111195  
111196

(2) The medicaid program covers the optional eligibility group ~~on the effective date of this amendment~~ November 22, 2017. 111197  
111198

(D) The medicaid program shall not cover an optional eligibility group to which either of the following applies: 111199  
111200

(1) State statutes prohibit the medicaid program from covering the optional eligibility group. 111201  
111202

(2) Except as provided in divisions (B) and (C)(1) of this section, the medicaid program does not cover the optional eligibility group ~~on the effective date of this amendment~~ November 22, 2017. 111203  
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111205  
111206

**Sec. 5163.04.** (A) If the federal medical assistance percentage for medical assistance provided to members of the 111207  
111208

expansion eligibility group is set below ninety per cent, the 111209  
department of medicaid shall do both of the following: 111210

(1) Immediately discontinue all medical assistance for 111211  
members of the group. 111212

(2) Not later than fifteen business days after the change 111213  
to the federal medical assistance percentage, certify to the 111214  
director of budget and management, the joint medicaid oversight 111215  
committee, the president of the senate, and the speaker of the 111216  
house of representatives the state and federal shares of total 111217  
actual expenditure for the expansion eligibility group for the 111218  
most recently completed month prior to the change. 111219

(B) (1) Except as provided in division (B) (2) of this 111220  
section, the state share amount certified under division (A) (2) 111221  
of this section shall be multiplied by the number of months 111222  
remaining in the fiscal year. The amount calculated under this 111223  
division shall remain in the general revenue fund until the end 111224  
of the fiscal year, at which time the funds shall be transferred 111225  
in accordance with section 131.44 of the Revised Code. 111226

(2) If the change to the federal medical assistance 111227  
percentage described in division (A) of this section occurs 111228  
during the first year of a fiscal biennium, the state share 111229  
amount certified under division (A) (2) of this section shall be 111230  
multiplied by twelve for the second year of the fiscal biennium. 111231  
The amount calculated under this division shall remain in the 111232  
general revenue fund until the end of the fiscal biennium, at 111233  
which time the funds shall be transferred in accordance with 111234  
section 131.44 of the Revised Code. 111235

**Sec. 5163.091.** Under the medicaid buy-in for workers with 111236  
disabilities program, an individual who does ~~all~~ both of the 111237

following in accordance with rules authorized by section 111238  
5163.098 of the Revised Code qualifies for the medicaid program: 111239

(A) Applies for the medicaid buy-in for workers with 111240  
disabilities program; 111241

(B) Provides satisfactory evidence of all of the 111242  
following: 111243

(1) That the individual is at least sixteen years of age 111244  
and under sixty-five years of age; 111245

(2) Except as provided in section 5163.096 of the Revised 111246  
Code, that one of the following applies to the individual: 111247

(a) The individual is considered disabled for the purpose 111248  
of the supplemental security income program, regardless of 111249  
whether the individual receives supplemental security income 111250  
benefits, and the individual has earnings from employment. 111251

(b) The individual is an employed individual with a 111252  
medically improved disability. 111253

(3) That the value of the individual's resources, less 111254  
amounts disregarded pursuant to rules authorized by section 111255  
5163.098 of the Revised Code, does not exceed the amount 111256  
provided for by section 5163.092 of the Revised Code; 111257

(4) That the individual's income, less amounts disregarded 111258  
pursuant to section 5163.093 of the Revised Code, does not 111259  
exceed two hundred fifty per cent of the federal poverty line; 111260

(5) That the individual meets the additional eligibility 111261  
requirements for the medicaid buy-in for workers with 111262  
disabilities program established in rules authorized by section 111263  
5163.098 of the Revised Code. 111264

~~(C) To the extent required by section 5163.094 of the Revised Code, pays the premium established under that section.~~ 111265  
111266

**Sec. 5163.093.** For the purpose of determining whether an individual is within the income eligibility limit for the medicaid buy-in for workers with disabilities program, all of the following apply: 111267  
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111270

(A) Twenty thousand dollars of the individual's earned income shall be disregarded. 111271  
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(B) Twenty thousand dollars of the individual's unearned income shall be disregarded. 111273  
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(C) No amount that the individual's employer pays to obtain health insurance for one or more members of the individual's family, ~~including any amount of a premium established under section 5163.094 of the Revised Code that the employer pays,~~ shall be treated as the individual's income. 111275  
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~~(C)~~ (D) Any other amounts, if any, specified in rules authorized by section 5163.098 of the Revised Code shall be disregarded from the individual's earned income, unearned income, or both. 111280  
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111283

**Sec. 5163.094.** An individual ~~whose income exceeds one hundred fifty per cent of the federal poverty line shall~~ not be required to pay an annual a premium as a condition of qualifying for the medicaid buy-in for workers with disabilities program. 111284  
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111286  
111287  
~~The amount of the premium shall be determined as follows:~~ 111288

~~(A) Subtract one hundred fifty per cent of the federal poverty line, as applicable for a family size equal to the size of the individual's family, from the amount of the income of the individual's family,~~ 111289  
111290  
111291  
111292

~~(B) Subtract an amount specified in rules authorized by section 5163.098 of the Revised Code from the difference determined under division (A) of this section;~~ 111293  
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111295

~~(C) Multiply the difference determined under division (B) of this section by one tenth.~~ 111296  
111297

**Sec. 5163.098.** (A) The medicaid director shall adopt rules 111298  
under section 5163.02 of the Revised Code as necessary to 111299  
implement the medicaid buy-in for workers with disabilities 111300  
program. The rules shall do all of the following: 111301

(1) Specify assets, asset values, and amounts to be 111302  
disregarded in determining asset and income eligibility limits 111303  
for the program; 111304

(2) Establish meanings for the terms "earned income," 111305  
"health insurance," "resources," "spouse," and "unearned 111306  
income"; 111307

(3) Establish additional eligibility requirements for the 111308  
program that must be established for the United States secretary 111309  
of health and human services to approve the program; 111310

~~(4) For the purpose of division (B) of section 5163.094 of 111311  
the Revised Code, specify an amount to be subtracted from the 111312  
difference determined under division (A) of that section.~~ 111313

(B) The director may adopt rules under section 5163.02 of 111314  
the Revised Code to specify amounts to be disregarded from an 111315  
individual's earned income, unearned income, or both under 111316  
division ~~(C)~~(D) of section 5163.093 of the Revised Code for the 111317  
purpose of determining whether the individual is within the 111318  
income eligibility limit for the medicaid buy-in for workers 111319  
with disabilities program. 111320

Sec. 5163.102. (A) Notwithstanding sections 5163.10 and 5163.101 of the Revised Code, not later than January 1, 2026, the department of medicaid shall seek approval from the United States centers for medicare and medicaid services to eliminate mandatory hospital presumptive eligibility and restrict presumptive eligibility determinations to children and pregnant women, as those groups are described in sections 5163.10 and 5163.101 of the Revised Code. If the request is denied or approval is withdrawn at any time, the department shall resubmit the request within twenty-four months of the date of each denial or withdrawal.

(B) In its request, the department shall seek to require each hospital qualified to make presumptive eligibility determinations to do all of the following:

(1) Notify the department of each presumptive eligibility determination within five business days of the determination date;

(2) Assist applicants who have been determined presumptively eligible to submit a complete medicaid application form;

(3) Notify the applicant in writing on all forms that the applicant must file a complete medicaid application form before the last day of the following month, or the applicant will lose coverage that day;

(4) Notify the applicant that if the application is filed before the last day of the month after the applicant is presumed presumptively eligible, presumptive eligibility coverage will continue until a final determination is made on the complete application.

(C) (1) A qualified hospital shall comply with all of the following standards when making presumptive eligibility determinations to ensure their accuracy: 111350  
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111352

(a) The department must receive the medicaid presumptive eligibility card within five business days of the date the applicant was determined presumptively eligible. 111353  
111354  
111355

(b) The department must receive a complete medicaid application before the applicant's presumptive eligibility period expires. 111356  
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111358

(c) Each presumptive eligibility determination must be approved for standard eligibility after review of the applicant's completed medicaid application. 111359  
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(2) All of the following apply to a qualified hospital that fails to meet the standards described in division (C) (1) of this section: 111362  
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111364

(a) The first time a hospital fails to meet any of the standards, the department shall notify the hospital in writing within five days from the date the standard was not met. The notice shall include: 111365  
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(i) A description of the standard that was not met and an explanation of how it was not met; 111369  
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(ii) Notification that a second failure to follow the standards will require all applicable hospital staff to participate in mandatory training conducted by the department on hospital presumptive eligibility rules and regulations. 111371  
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(b) The second time a hospital fails to meet any of the standards within one year of the first failure, the department shall notify the hospital in writing within five days from the 111375  
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date the standard was not met. The notice shall include: 111378

(i) A description of the standard that was not met and an explanation of how it was not met; 111379  
111380

(ii) Confirmation that all applicable hospital staff will be required to participate in a mandatory training conducted by the department on hospital presumptive eligibility rules and regulations, including the date, time, and location of the training; 111381  
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(iii) A description of appeal procedures available to the hospital to dispute the finding that the hospital failed to meet presumptive eligibility standards. The department shall provide the hospital with an opportunity to appeal the decision, and, upon a showing of clear and convincing evidence that the standard was met, the finding shall be removed from the hospital's record. 111386  
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(iv) A warning that any additional failure to meet presumptive eligibility standards within one year of the failure that triggered the notice will result in disqualification. 111393  
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(c) The third time a hospital fails to meet any of the standards within one year of the second failure, the department shall notify the hospital in writing within five days from the date the standard was not met. The notice shall include: 111396  
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111399

(i) A description of the standard that was not met and an explanation of how it was not met; 111400  
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(ii) A description of appeal procedures available to the hospital to dispute the finding that the hospital failed to meet presumptive eligibility standards. The department shall provide the hospital with an opportunity to appeal the decision and, upon a showing of clear and convincing evidence that the 111402  
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standard was met, the finding shall be removed from the 111407  
hospital's record. 111408

(iii) Confirmation that, effective on receipt of the 111409  
notice, the hospital is no longer qualified to make presumptive 111410  
eligibility determinations. 111411

(D) The department shall not designate itself as a 111412  
qualified health entity for the purpose of making presumptive 111413  
eligibility determinations or for any purpose not expressly 111414  
authorized by state law or required by federal law. 111415

(E) Not later than ninety days after the department 111416  
receives approval from the United States centers for medicare 111417  
and medicaid services to eliminate mandatory hospital 111418  
presumptive eligibility and restrict presumptive eligibility 111419  
determinations to children and pregnant women in accordance with 111420  
division (A) of this section, the auditor of state shall conduct 111421  
an audit to ensure the department's compliance with the 111422  
requirements of this section. 111423

**Sec. 5163.30.** (A) As used in this section: 111424

(1) "Assets" include all of an individual's income and 111425  
resources and those of the individual's spouse, including any 111426  
income or resources the individual or spouse is entitled to but 111427  
does not receive because of action by any of the following: 111428

(a) The individual or spouse; 111429

(b) A person or government entity, including a court or 111430  
administrative agency, with legal authority to act in place of 111431  
or on behalf of the individual or spouse; 111432

(c) A person or government entity, including a court or 111433  
administrative agency, acting at the direction or on the request 111434

of the individual or spouse. 111435

(2) "Home and community-based services" means home and 111436  
community-based services furnished under a medicaid waiver 111437  
granted by the United States secretary of health and human 111438  
services under the "Social Security Act," section 1915(c) or 111439  
(d), 42 U.S.C. 1396n(c) or (d). 111440

(3) "Institutionalized individual" means a resident of a 111441  
nursing facility, an inpatient in a medical institution for whom 111442  
a payment is made based on a level of care provided in a nursing 111443  
facility, or an individual described in the "Social Security 111444  
Act," section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A) 111445  
(ii)(VI). 111446

(4) "Look-back date" means the date that is a number of 111447  
months specified in rules adopted under section 5163.02 of the 111448  
Revised Code immediately before either of the following: 111449

(a) The date an individual becomes an institutionalized 111450  
individual if the individual is eligible for medicaid on that 111451  
date; 111452

(b) The date an individual applies for medicaid while an 111453  
institutionalized individual. 111454

(5) "Nursing facility equivalent services" means services 111455  
that are covered by the medicaid program, equivalent to nursing 111456  
facility services, provided by an institution that provides the 111457  
same level of care as a nursing facility, and provided to an 111458  
inpatient of the institution who is a medicaid recipient 111459  
eligible for medicaid-covered nursing facility equivalent 111460  
services. 111461

(6) "Undue hardship" means being deprived of either of the 111462  
following: 111463

(a) Medical care such that an individual's health or life is endangered; 111464  
111465

(b) Food, clothing, shelter, or other necessities of life. 111466

(B) Except as provided in division (C) of this section and rules adopted under section 5163.02 of the Revised Code, an institutionalized individual is ineligible for nursing facility services, nursing facility equivalent services, and home and community-based services if the individual or individual's spouse disposes of assets for less than fair market value on or after the look-back date. The institutionalized individual's ineligibility shall begin on a date determined in accordance with rules adopted under section 5163.02 of the Revised Code and shall continue for a number of months determined in accordance with such rules. 111467  
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(C) (1) An institutionalized individual may be granted a waiver of all or a portion of the period of ineligibility to which the individual would otherwise be subjected under division (B) of this section if the ineligibility would cause an undue hardship for the individual. 111478  
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(2) An institutionalized individual ~~shall~~may be granted a waiver of all or a portion of the period of ineligibility if the administrator of the nursing facility in which the individual resides has notified the individual of a proposed transfer or discharge under section 3721.16 of the Revised Code due to failure to pay for the care the nursing facility has provided to the individual, the individual or the individual's sponsor requests a hearing on the proposed transfer or discharge in accordance with section 3721.161 of the Revised Code, and the transfer or discharge is upheld by a final determination that is not subject to further appeal. 111483  
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(3) An institutionalized individual may be granted a waiver of all of the period of ineligibility if all of the assets that were disposed of for less than fair market value are returned to the individual or individual's spouse or if the individual or individual's spouse receives cash or other personal or real property that equals the difference between what the individual or individual's spouse received for the assets and the fair market value of the assets. Except as provided in division (C) (1) or (2) of this section, no waiver of any part of the period of ineligibility shall be granted if the amount the individual or individual's spouse receives is less than the difference between what the individual or individual's spouse received for the assets and the fair market value of the assets.

(4) Waivers shall be granted in accordance with rules adopted under section 5163.02 of the Revised Code.

(D) To secure compliance with this section, the medicaid director may require an individual, as a condition of initial or continued eligibility for medicaid, to provide documentation of the individual's assets up to five years before the date the individual becomes an institutionalized individual if the individual is eligible for medicaid on that date or the date the individual applies for medicaid while an institutionalized individual. Documentation may include tax returns, records from financial institutions, and real property records.

**Sec. 5163.33.** (A) In determining the amount of income that a medicaid recipient must apply monthly toward payment of the cost of care in a nursing facility or ICF/IID, a county department of job and family services shall deduct from the recipient's monthly income a monthly personal needs allowance in

accordance with the "Social Security Act," section 1902(q), 42 U.S.C. 1396a(q). 111524  
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(B) In the case of a resident of a nursing facility, the 111526  
monthly personal needs allowance shall be not less than ~~fifty-~~ 111527  
seventy-five dollars for an individual resident and not less 111528  
than one hundred fifty dollars for a married couple if both 111529  
spouses are residents of a nursing facility and their incomes 111530  
are considered available to each other in determining 111531  
eligibility. 111532

(C) In the case of a resident of an ICF/IID, the monthly 111533  
personal needs allowance shall be as follows: 111534

(1) Prior to January 1, 2016, forty dollars unless the 111535  
resident has earned income, in which case the monthly personal 111536  
needs allowance shall be determined by the department of 111537  
medicaid, or the department's designee, but shall not exceed one 111538  
hundred five dollars; 111539

(2) For calendar year 2016 and each calendar year 111540  
thereafter, not less than ~~fifty-~~ seventy-five dollars for an 111541  
individual resident and not less than one hundred fifty dollars 111542  
for a married couple if both spouses are residents of an ICF/IID 111543  
and their incomes are considered available to each other in 111544  
determining eligibility. 111545

Sec. 5163.50. (A) Not later than thirty days after the 111546  
effective date of this section, the department of medicaid or 111547  
the department's designee shall begin utilizing third-party data 111548  
sources and systems to conduct eligibility change in 111549  
circumstances checks of all medicaid recipients in this state on 111550  
at least a quarterly basis. 111551

(B) To the extent permitted by state and federal laws, the 111552

department or the department's designee shall verify each 111553  
medicaid recipient's enrollment records against third-party data 111554  
sources and systems, including all of the following: 111555

(1) Information accessed through databases available to 111556  
the department under 42 C.F.R. 435.948, 435.949, and 435.956, as 111557  
permitted under 42 C.F.R. 435.916(a) (2); 111558

(2) Identity records; 111559

(3) Death records; 111560

(4) Employment and wage records; 111561

(5) Lottery winnings records; 111562

(6) Residency checks; 111563

(7) Household composition and asset records; 111564

(8) Incarceration records; 111565

(9) Records indicating concurrent enrollment in medicaid 111566  
programs in other states; 111567

(10) Third-party liability records; 111568

(11) Any other records the department considers 111569  
appropriate in order to strengthen program integrity, reduce 111570  
costs, and reduce fraud, waste, and abuse in the medicaid 111571  
program. 111572

(C) To the extent permitted by federal law, the department 111573  
shall disenroll those recipients who are deemed no longer 111574  
eligible for the medicaid program due to verified changed 111575  
circumstances. 111576

(D) The department shall complete a report containing its 111577  
findings from the verification conducted under division (B) of 111578

this section, including any findings of fraud, waste, or abuse 111579  
in the medicaid program. Not later than December 31, 2025, the 111580  
department shall submit its report to the executive director of 111581  
the joint medicaid oversight committee. Thereafter, the 111582  
department shall submit updated reports to the executive 111583  
director every six months. 111584

(E) To the extent practical, the department shall employ 111585  
the processes described in this section to verify member 111586  
compliance with work and community engagement requirements 111587  
established pursuant to the medicaid waiver component authorized 111588  
under section 5166.37 of the Revised Code. 111589

(F) A medicaid provider that holds a valid medicaid 111590  
provider agreement may employ the processes described in this 111591  
section to verify an individual's eligibility for medicaid. 111592

(G) Any third-party vendor expenses incurred from the 111593  
verification required by division (B) of this section shall be 111594  
entirely contingent on validated cost savings that have been 111595  
realized by the department. 111596

**Sec. 5164.071.** (A) As used in this section, "doula" has 111597  
the same meaning as in section 4723.89 of the Revised Code. 111598

(B) ~~The~~ In the six counties with the most infant deaths as 111599  
determined by the department of health, the medicaid program 111600  
shall cover doula services that are provided by a doula if the 111601  
doula has a valid provider agreement and is certified under 111602  
section 4723.89 of the Revised Code. Medicaid payments for doula 111603  
services shall be determined on the basis of each pregnancy, 111604  
regardless of whether multiple births occur as a result of that 111605  
pregnancy. 111606

(C) Any provider outcome measurements or incentives the 111607

department of medicaid implements for the medicaid coverage of 111608  
doula services shall be consistent with this state's medicare- 111609  
medicaid plan quality withhold provider or managed care plan 111610  
methodology and benchmarks. 111611

(D) The medicaid director shall adopt rules under section 111612  
5164.02 of the Revised Code to implement this section. 111613

Sec. 5164.093. (A) As used in this section, "rapid whole 111614  
genome sequencing" means an investigation of the entire human 111615  
genome, including coding and non-coding regions and 111616  
mitochondrial deoxyribonucleic acid, to identify disease-causing 111617  
genetic changes, and includes patient-only whole genome 111618  
sequencing and duo and trio whole genome sequencing of the 111619  
patient and biological parent or parents. 111620

(B) Beginning one year after the effective date of this 111621  
section, and subject to approval from the centers for medicare 111622  
and medicaid services, the medicaid program shall reimburse 111623  
medicaid providers for rapid whole genome sequencing for 111624  
patients who are Medicaid recipients and meet all of the 111625  
following criteria: 111626

(1) The patient is under one year of age. 111627

(2) The patient has a complex or acute illness of unknown 111628  
etiology that is not confirmed to be caused by an environmental 111629  
exposure, toxic ingestion, infection with normal response to 111630  
therapy, or trauma. 111631

(3) The patient is receiving hospital services in an 111632  
intensive care unit or other high acuity care unit within a 111633  
hospital. 111634

(C) A laboratory performing the rapid whole genome 111635  
sequencing provided pursuant to this section shall return the 111636



preliminary positive results within seven days and final results 111637  
within fifteen days from the date of receipt of the sample. 111638

(D) Payment provided pursuant to this section may be 111639  
subject to any of the following evidence-based medical necessity 111640  
criteria: 111641

(1) The patient has symptoms that suggest a broad 111642  
differential diagnosis that would require an evaluation by 111643  
multiple genetic tests if rapid whole genome sequencing is not 111644  
performed. 111645

(2) The patient's treating health care provider has 111646  
determined that timely identification of a molecular diagnosis 111647  
is necessary to guide clinical decision-making and testing 111648  
results may guide the treatment or management of the patient's 111649  
condition. 111650

(3) The patient has a family genetic history related to 111651  
the patient's condition. 111652

(4) The patient has a complex or acute illness of unknown 111653  
etiology including at least one of the following conditions: 111654

(a) Congenital anomalies involving at least two organ 111655  
systems or complex or multiple congenital anomalies in one organ 111656  
system; 111657

(b) Specific organ malformations highly suggestive of a 111658  
genetic etiology; 111659

(c) Abnormal laboratory tests or abnormal chemistry 111660  
profiles suggesting the presence of a genetic disease, complex 111661  
metabolic disorder, or inborn error of metabolism; 111662

(d) Refractory or severe hypoglycemia or hyperglycemia; 111663

<u>(e) Abnormal response to therapy related to an underlying</u>	111664
<u>medical condition affecting vital organs or bodily systems;</u>	111665
<u>(f) Severe muscle weakness, rigidity, or spasticity;</u>	111666
<u>(g) A high-risk stratification for a brief, resolved,</u>	111667
<u>unexplained, and recurrent event that is any of the following:</u>	111668
<u>(i) An event without respiratory infection;</u>	111669
<u>(ii) A witnessed seizure-like event;</u>	111670
<u>(iii) A cardiopulmonary resuscitation event.</u>	111671
<u>(h) Refractory seizures;</u>	111672
<u>(i) Abnormal cardiac diagnostic testing results suggestive</u>	111673
<u>of possible channelopathies, arrhythmias, cardiomyopathies,</u>	111674
<u>myocarditis, or structural heart disease;</u>	111675
<u>(j) Abnormal diagnostic imaging studies suggestive of an</u>	111676
<u>underlying genetic condition;</u>	111677
<u>(k) Abnormal physiologic function studies suggestive of an</u>	111678
<u>underlying genetic etiology.</u>	111679
<u>(E) The director may add conditions to those specified in</u>	111680
<u>division (D) (4) of this section based on new medical evidence</u>	111681
<u>and may provide coverage for rapid whole genome sequencing or</u>	111682
<u>other next-generation sequencing and genetic testing in addition</u>	111683
<u>to the reimbursement required under this section.</u>	111684
<u>(F) (1) Except as provided in division (F) (2) of this</u>	111685
<u>section, genetic data generated as a result of performing rapid</u>	111686
<u>whole genome sequencing pursuant to this section shall have a</u>	111687
<u>primary use of assisting the ordering health care professional</u>	111688
<u>and treating care team to diagnose and treat the patient, and as</u>	111689
<u>protected health information it shall be subject to the</u>	111690

requirements applicable to protected health information set 111691  
forth in the "Health Insurance Portability and Accountability 111692  
Act of 1996," 42 U.S.C. 1320d et seq., the "Health Information 111693  
Technology for Economic and Clinical Health Act of 2009," 42 111694  
U.S.C. 17921 et seq., and any other applicable law regarding 111695  
protected health information. 111696

(2) Genetic data generated from rapid whole genome 111697  
sequencing reimbursed under this section can be used in 111698  
scientific research if consent for such use of the data has been 111699  
expressly given by the patient's legal guardian. The patient, 111700  
the patient's legal guardian, or the patient's health care 111701  
provider with the patient or the patient's guardian's consent, 111702  
may request access to the results of the testing for use in 111703  
other clinical settings. A health care provider may only charge 111704  
a fee to the patient based on the direct costs of producing the 111705  
results in a format usable in other clinical settings. A patient 111706  
or a patient's legal guardian shall have the right to rescind 111707  
the original consent to the use of the data in scientific 111708  
research at any time, and upon receipt of a written revocation 111709  
of the consent the health care provider or other entity using 111710  
the data shall cease use and expunge the data from any data 111711  
repository where it is held. 111712

(G) The director shall take any actions necessary to 111713  
implement the provisions of this section, including: 111714

(1) Adopting rules authorized by section 5166.02 of the 111715  
Revised Code; 111716

(2) Any other administrative action determined to be 111717  
necessary to implement the requirements of this section. 111718

**Sec. 5164.38.** (A) As used in this section: 111719

- (1) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code. 111720  
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- (2) "Revalidate" means to approve a medicaid provider's continued enrollment as a medicaid provider in accordance with the revalidation process established in rules authorized by section 5164.32 of the Revised Code. 111722  
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- (B) This section does not apply to either of the following: 111726  
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- (1) Any action taken or decision made by the department of medicaid with respect to entering into or refusing to enter into a contract with a managed care organization pursuant to section 5167.10 of the Revised Code; 111728  
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111731
- (2) Any action taken by the department under division (D) (2) of section 5124.60, division (D) (1) or (2) of section 5124.61, or sections 5165.60 to 5165.89 of the Revised Code. 111732  
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111734
- (C) Except as provided in division (E) of this section and section 5164.58 of the Revised Code, the department shall do any of the following by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code: 111735  
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- (1) Refuse to enter into a provider agreement with a medicaid provider; 111739  
111740
- (2) Refuse to revalidate a medicaid provider's provider agreement; 111741  
111742
- (3) Suspend or terminate a medicaid provider's provider agreement; 111743  
111744
- (4) Take any action based upon a final fiscal audit of a medicaid provider. 111745  
111746

(D) Any party who is adversely affected by the issuance of 111747  
an adjudication order under division (C) of this section may 111748  
appeal to the court of common pleas in accordance with section 111749  
119.12 of the Revised Code. 111750

(E) The department is not required to comply with division 111751  
(C) (1), (2), or (3) of this section whenever any of the 111752  
following occur: 111753

(1) The terms of a provider agreement require the medicaid 111754  
provider to hold a license, permit, or certificate or maintain a 111755  
certification issued by an official, board, commission, 111756  
department, division, bureau, or other agency of state or 111757  
federal government other than the department of medicaid, and 111758  
the license, permit, certificate, or certification is inactive 111759  
by any means, has been denied, revoked, not renewed, suspended, 111760  
surrendered, withdrawn, retired, or otherwise restricted or 111761  
limited. 111762

(2) The terms of a provider agreement require the medicaid 111763  
provider to hold a license, permit, or certificate or maintain 111764  
certification issued by an official, board, commission, 111765  
department, division, bureau, or other agency of state or 111766  
federal government other than the department of medicaid, and 111767  
the provider has not obtained the license, permit, certificate, 111768  
or certification. 111769

(3) The medicaid provider's application for a provider 111770  
agreement is denied, or the provider's provider agreement is 111771  
terminated or not revalidated, because of or pursuant to any of 111772  
the following: 111773

(a) The termination, refusal to renew, inactivation by any 111774  
means, or denial of a license, permit, certificate, or 111775

certification by an official, board, commission, department, 111776  
division, bureau, or other agency of this state other than the 111777  
department of medicaid, notwithstanding the fact that the 111778  
provider may hold a license, permit, certificate, or 111779  
certification from an official, board, commission, department, 111780  
division, bureau, or other agency of another state; 111781

(b) Division (D) or (E) of section 5164.35 of the Revised 111782  
Code; 111783

(c) The provider's termination, suspension, or exclusion 111784  
from the medicare program or from another state's medicaid 111785  
program and, in either case, the termination, suspension, or 111786  
exclusion is binding on the provider's participation in the 111787  
medicaid program in this state; 111788

(d) The provider's pleading guilty to or being convicted 111789  
of a criminal activity materially related to either the medicare 111790  
or medicaid program; 111791

(e) The provider or its owner, officer, authorized agent, 111792  
associate, manager, or employee having been convicted of one of 111793  
the offenses that caused the provider's provider agreement to be 111794  
suspended pursuant to section 5164.36 of the Revised Code; 111795

(f) The provider's failure to provide the department the 111796  
national provider identifier assigned the provider by the 111797  
national provider system pursuant to 45 C.F.R. 162.408. 111798

(4) The medicaid provider's application for a provider 111799  
agreement is denied, or the provider's provider agreement is 111800  
terminated or suspended, as a result of action by the United 111801  
States department of health and human services and that action 111802  
is binding on the provider's medicaid participation. 111803

(5) The medicaid provider's provider agreement and 111804

medicaid payments to the provider are suspended under section 111805  
5164.36 or 5164.37 of the Revised Code. 111806

(6) The medicaid provider's application for a provider 111807  
agreement is denied because the provider's application was not 111808  
complete; 111809

(7) The medicaid provider's provider agreement is 111810  
converted under section 5164.32 of the Revised Code from a 111811  
provider agreement that is not time-limited to a provider 111812  
agreement that is time-limited. 111813

(8) Unless the medicaid provider is a nursing facility or 111814  
ICF/IID, the provider's provider agreement is not revalidated 111815  
pursuant to division (B) (1) of section 5164.32 of the Revised 111816  
Code. 111817

(9) The medicaid provider's provider agreement is 111818  
suspended, terminated, or not revalidated because of either of 111819  
the following: 111820

(a) Any reason authorized or required by one or more of 111821  
the following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 111822  
455.450; 111823

(b) The provider has not billed or otherwise submitted a 111824  
medicaid claim for two years or longer. 111825

(F) In the case of a medicaid provider described in 111826  
division (E) (3) (f), (6), (7), or (9) (b) of this section, the 111827  
department may take its action by sending a notice explaining 111828  
the action to the provider. The notice shall be sent to the 111829  
medicaid provider's address on record with the department. The 111830  
notice may be sent by regular mail. 111831

(G) The department may withhold payments for medicaid 111832

services rendered by a medicaid provider during the pendency of 111833  
proceedings initiated under division (C) (1), (2), or (3) of this 111834  
section. If the proceedings are initiated under division (C) (4) 111835  
of this section, the department may withhold payments only to 111836  
the extent that they equal amounts determined in a final fiscal 111837  
audit as being due the state. This division does not apply if 111838  
the department fails to comply with section 119.07 of the 111839  
Revised Code, requests a continuance of the hearing, or does not 111840  
issue a decision within thirty days after the hearing is 111841  
completed. This division does not apply to nursing facilities 111842  
and ICFs/IID. 111843

**Sec. 5164.451.** (A) As used in this section: 111844

(1) "Electronic visit verification system" has the same 111845  
meaning as in 42 U.S.C. 1396b. 111846

(2) "Integrated care delivery system" means the 111847  
demonstration project implemented as described in section 111848  
5164.91 of the Revised Code. 111849

(3) "Medicaid managed care organization" includes a 111850  
managed care organization participating in the integrated care 111851  
delivery system. 111852

(B) If the medicaid director establishes an electronic 111853  
visit verification system in rules adopted under section 5164.02 111854  
of the Revised Code, then all of the following apply: 111855

(1) The electronic visit verification system shall not 111856  
exceed the minimum requirements specified in 42 U.S.C. 1396b. 111857

(2) The department of medicaid and the department of 111858  
developmental disabilities shall provide education and technical 111859  
assistance to medicaid providers subject to the electronic visit 111860  
verification system to aid them in complying with the system. 111861



(3) When a medicaid provider described in division (B) (2) 111862  
of this section submits a claim to the department of medicaid, 111863  
the department of developmental disabilities, a medicaid managed 111864  
care organization, or any other entity authorized to pay a 111865  
medicaid claim subject to the electronic visit verification 111866  
system and the claim is not supported by information in the 111867  
system, all of the following apply: 111868

(a) The department, organization, or entity shall not deny 111869  
the claim. 111870

(b) The department, organization, or entity shall notify 111871  
the medicaid provider that the claim is not supported by 111872  
information in the system. 111873

(c) The department, organization, or entity shall offer 111874  
the medicaid provider the opportunity to review and correct both 111875  
the claim and data in the system. 111876

(4) The department of medicaid, the department of 111877  
developmental disabilities, a medicaid managed care 111878  
organization, or any other entity authorized to conduct a post- 111879  
payment audit or review may consider information in the 111880  
electronic visit verification system as part of its audit or 111881  
review protocol, but shall not conduct an audit or review based 111882  
solely on information in the system. 111883

**Sec. 5164.91.** (A) The medicaid director may implement a 111884  
demonstration project called the integrated care delivery system 111885  
to test and evaluate the integration of the care that dual 111886  
eligible individuals receive under medicare and medicaid. No 111887  
provision of Title LI of the Revised Code applies to the 111888  
integrated care delivery system if that provision implements or 111889  
incorporates a provision of federal law governing medicaid and 111890

that provision of federal law does not apply to the system. 111891

If the director terminates the integrated care delivery system, the director may develop and establish a successor integrated care delivery system, as approved by the United States centers for medicare and medicaid services, to serve dual eligible individuals in all counties of this state. 111892  
111893  
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(B) (1) The director shall allow participants in the integrated care delivery system or the ICDS successor program the choice to enroll in a medicare coordination only dual special needs plan offered by an entity that does not participate in the successor program and allow participants to remain with their current medicare dual special needs plan. 111897  
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(2) The director shall grant medicaid provider contracts for coordination only dual special needs plans that are offered by entities not selected to participate in the integrated care delivery system or the successor program and permit the entities offering those plans to enroll in those plans dual eligible individuals and participants in the integrated care delivery system or the successor program. 111903  
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**Sec. 5165.158.** (A) As used in this section: 111910

(1) "Category one private room" means a private room that has unshared access to a toilet and sink. 111911  
111912

(2) "Category two private room" means a private room that has shared access to a toilet and sink. 111913  
111914

~~(B) Beginning six months following approval by the United States centers for medicare and medicaid services or on the effective date of applicable department of medicaid rules, whichever is later, but not sooner than April 1, 2024, the~~ The 111915  
111916  
111917  
111918  
total per medicaid day payment rate for nursing facility 111919

services provided ~~on or after that date~~ in private rooms 111920  
approved by the department of medicaid under division (C) of 111921  
this section shall be the sum of both of the following: 111922

(1) The total per medicaid day payment rate determined for 111923  
the nursing facility under section 5165.15 of the Revised Code; 111924

(2) The private room incentive payment. The private room 111925  
incentive payment shall be thirty dollars per day for a category 111926  
one private room and twenty dollars per day for a category two 111927  
private room, beginning in state fiscal year 2024. The 111928  
department may increase the payment amount for subsequent fiscal 111929  
years. 111930

(C) (1) The department shall approve rooms in nursing 111931  
facilities to qualify for the rate described in division (B) of 111932  
this section. A nursing facility provider shall apply for 111933  
approval of its private rooms by submitting an application in 111934  
the form and manner prescribed by the department. ~~The department~~ 111935  
~~shall begin accepting applications for approval of category one~~ 111936  
~~private rooms on January 1, 2024, and category two private rooms~~ 111937  
~~on March 1, 2024.~~ The department may specify evidence that an 111938  
applicant must supply to demonstrate that a room meets the 111939  
definition of a private room under section 5165.01 of the 111940  
Revised Code and may conduct an on-site inspection of the room 111941  
to verify that it meets the definition. Subject to division (C) 111942  
(2) of this section, the department shall approve an application 111943  
if the rooms included in the application meet the definition of 111944  
a private room under section 5165.01 of the Revised Code. 111945

(2) The department shall only consider applications that 111946  
meet the following criteria: 111947

(a) Private rooms that are in existence on July 1, 2023, 111948

in facilities where all of the licensed beds are in service on 111949  
the application date; 111950

(b) Private rooms created by surrendering licensed beds 111951  
from ~~its~~ the nursing facility's licensed capacity, or, if the 111952  
facility does not hold a license, surrendering beds that have 111953  
been certified by CMS. A nursing facility where the beds are 111954  
owned by a county and the facility is operated by a person other 111955  
than the county may satisfy this requirement by removing beds 111956  
from service. 111957

(c) Private rooms created by adding space to the nursing 111958  
facility or renovating nonbedroom space, without increasing the 111959  
total licensed bed capacity; 111960

(d) A nursing facility licensed after July 1, 2023, in 111961  
which all licensed beds are in service on the application date 111962  
or in which private rooms were created by surrendering licensed 111963  
beds from its licensed capacity. 111964

(3) The department may specify evidence that an applicant 111965  
must supply to demonstrate that it meets the conditions 111966  
specified in division (C) (2) of this section and may conduct an 111967  
on-site inspection to verify that the conditions are met. 111968

(4) The department may deny an application if the 111969  
department determines that any of the following circumstances 111970  
apply: 111971

(a) The rooms included in the application do not meet the 111972  
definition of a private room under section 5165.01 of the 111973  
Revised Code; 111974

(b) The rooms included in the application do not meet the 111975  
criteria specified in division (C) (2) of this section; 111976

(c) The applicant created private rooms by reducing the number of available beds without surrendering the beds, and surrender of the beds is required by this section;

(d) Approval of the room would cause ~~projected expenditures for the total number of private room incentive payments rooms created under this section for the fiscal year to exceed forty million dollars in fiscal year 2024 or one hundred sixty million dollars in fiscal year 2025 or subsequent fiscal years. In projecting expenditures for private room incentive payments, the department shall use a medicaid utilization percentage of fifty per cent. If the department determines that there are more approvable eligible applications submitted than can be accommodated within the applicable spending limit specified in this division, the department shall prioritize category one private rooms to exceed fifteen thousand private rooms across the state.~~

(e) On the application date, the nursing facility is listed on table A or table D of the SFF list, as defined in section 5165.01 of the Revised Code or is designated as having a one-star overall rating in the United States centers for medicare and medicaid services nursing facility five-star quality rating system known as care compare.

~~(5) (D) The department shall not pay a private room incentive payment rate under this section for more than fifteen thousand rooms.~~

(E) Beginning July 1, 2025, to retain eligibility for private room rates, a nursing facility must do both of the following:

~~(a)~~ (1) Have a policy in place to prioritize placement in a

private room based on the medical and psychosocial needs of the resident; 112006  
112007

~~(b)~~ (2) Participate in the resident or family satisfaction survey performed pursuant to section 173.47 of the Revised Code. 112008  
112009

~~(6) The department shall hold all applications for a private room incentive payment in a pending status until the United States centers for medicare and medicaid services approves private room incentive payments and the department determines a facility is qualified for the payment. An application in pending status shall be included in the payment cap described in division (C) (4) (d) of this section as if the application were approved.~~ 112010  
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~~(7)~~ (F) An applicant may request reconsideration of a denial under division (C) of this section. 112018  
112019

**Sec. 5165.192.** (A) (1) Except as provided in division (B) of this section and in accordance with the process specified in rules authorized by this section, the department of medicaid shall do all of the following: 112020  
112021  
112022  
112023

(a) Every quarter, determine the following two case-mix scores for each nursing facility: 112024  
112025

(i) A quarterly case-mix score that includes each resident who is a medicaid recipient and is not a low case-mix resident; 112026  
112027

(ii) A quarterly case-mix score that includes each resident regardless of payment source. 112028  
112029

(b) Every six months, determine a semiannual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A) (1) (a) (i) of this section; 112030  
112031  
112032  
112033

(c) After the end of each calendar year, determine an 112034  
annual average case-mix score for each nursing facility by using 112035  
the quarterly case-mix scores determined for the nursing 112036  
facility pursuant to division (A) (1) (a) (ii) of this section. 112037

(2) When determining case-mix scores under division (A) (1) 112038  
of this section, the department shall use all of the following: 112039

(a) Data from a resident assessment instrument specified 112040  
in rules authorized by section 5165.191 of the Revised Code; 112041

(b) Except as provided in rules authorized by this 112042  
section, the case-mix values established by the United States 112043  
department of health and human services; 112044

(c) Except as modified in rules authorized by this 112045  
section, the grouper methodology used on ~~June 30, 1999~~October 1, 112046  
2019, for the patient driven payment model nursing index, by the 112047  
United States department of health and human services for 112048  
prospective payment of skilled nursing facilities under the 112049  
medicare program. 112050

(B) (1) Subject to division (B) (2) of this section, the 112051  
department, for one or more months of a calendar quarter, may 112052  
assign to a nursing facility a case-mix score that is five per 112053  
cent less than the nursing facility's case-mix score for the 112054  
immediately preceding calendar quarter if any of the following 112055  
apply: 112056

(a) The provider does not timely submit complete and 112057  
accurate resident assessment data necessary to determine the 112058  
nursing facility's case-mix score for the calendar quarter; 112059

(b) The nursing facility was subject to an exception 112060  
review under section 5165.193 of the Revised Code for the 112061  
immediately preceding calendar quarter; 112062

(c) The nursing facility was assigned a case-mix score for 112063  
the immediately preceding calendar quarter. 112064

(2) Before assigning a case-mix score to a nursing 112065  
facility due to the submission of incorrect resident assessment 112066  
data, the department shall permit the provider to correct the 112067  
data. The department may assign the case-mix score if the 112068  
provider fails to submit the corrected resident assessment data 112069  
not later than the earlier of the forty-fifth day after the end 112070  
of the calendar quarter to which the data pertains or the 112071  
deadline for submission of such corrections established by 112072  
regulations adopted by the United States department of health 112073  
and human services under Title XVIII and Title XIX. 112074

(3) If, for more than six months in a calendar year, a 112075  
provider is paid a rate determined for a nursing facility using 112076  
a case-mix score assigned to the nursing facility under division 112077  
(B)(1) of this section, the department may assign the nursing 112078  
facility a cost per case-mix unit that is five per cent less 112079  
than the nursing facility's actual or assigned cost per case-mix 112080  
unit for the immediately preceding calendar year. The department 112081  
may use the assigned cost per case-mix unit, instead of 112082  
determining the nursing facility's actual cost per case-mix unit 112083  
in accordance with section 5165.19 of the Revised Code, to 112084  
establish the nursing facility's rate for direct care costs for 112085  
the fiscal year immediately following the calendar year for 112086  
which the cost per case-mix unit is assigned. 112087

(4) The department shall take action under division (B) 112088  
(1), (2), or (3) of this section only in accordance with rules 112089  
authorized by this section. The department shall not take an 112090  
action that affects rates for prior payment periods except in 112091  
accordance with sections 5165.41 and 5165.42 of the Revised 112092



Code. 112093

(C) The medicaid director shall adopt rules under section 112094  
5165.02 of the Revised Code as necessary to implement this 112095  
section. 112096

(1) The rules shall do all of the following: 112097

(a) Specify the process for determining the semiannual and 112098  
annual average case-mix scores for nursing facilities; 112099

(b) ~~Adjust the case-mix values specified in division (A)~~ 112100  
~~(2) (b) of this section to reflect changes in relative wage~~ 112101  
~~differentials that are specific to this state;~~ 112102

~~(c) Express all of those case-mix values in numeric terms~~ 112103  
~~that are different from the terms specified by the United States~~ 112104  
~~department of health and human services but that do not alter~~ 112105  
~~the relationship of the case-mix values to one another;~~ 112106

~~(d)~~ Modify the grouper methodology specified in division 112107  
(A) (2) (c) of this section as follows: 112108

(i) ~~Establish a different hierarchy for assigning~~ 112109  
~~residents to case-mix categories under the methodology;~~ 112110

~~(ii) Allow the use of the index maximizer element of the~~ 112111  
~~methodology;~~ 112112

~~(iii)~~ Incorporate changes to the grouper methodology for 112113  
the patient driven payment model nursing index used by the 112114  
United States department of health and human services ~~makes~~ 112115  
after June 30, 1999 on October 1, 2019, for prospective payment 112116  
of skilled nursing facilities under the medicare program; 112117

~~(iv)~~ (ii) Make other changes the department determines are 112118  
necessary. 112119

~~(e)~~(c) Establish procedures under which resident 112120  
assessment data shall be reviewed for accuracy and providers 112121  
shall be notified of any data that requires correction; 112122

~~(f)~~(d) Establish procedures for providers to correct 112123  
resident assessment data and specify a reasonable period of time 112124  
by which providers shall submit the corrections. The procedures 112125  
may limit the content of corrections in the manner required by 112126  
regulations adopted by the United States department of health 112127  
and human services under Title XVIII and Title XIX. 112128

~~(g)~~(e) Specify when and how the department will assign 112129  
case-mix scores or costs per case-mix unit to a nursing facility 112130  
under division (B) of this section if information necessary to 112131  
calculate the nursing facility's case-mix score is not provided 112132  
or corrected in accordance with the procedures established by 112133  
the rules. 112134

(2) Notwithstanding any other provision of this chapter, 112135  
the rules may provide for the exclusion of case-mix scores 112136  
assigned to a nursing facility under division (B) of this 112137  
section from the determination of the nursing facility's 112138  
semiannual or annual average case-mix score and the cost per 112139  
case-mix unit for the nursing facility's peer group. 112140

**Sec. 5165.26.** (A) As used in this section: 112141

(1) "Base rate" means the portion of a nursing facility's 112142  
total per medicaid day payment rate determined under divisions 112143  
(A) and (B) of section 5165.15 of the Revised Code. 112144

(2) "CMS" means the United States centers for medicare and 112145  
medicaid services. 112146

(3) "Long-stay resident" means an individual who has 112147  
resided in a nursing facility for at least one hundred one days. 112148

(4) "Nursing facilities for which a quality score was determined" includes nursing facilities that are determined to have a quality score of zero. 112149  
112150  
112151

(5) "SFF list" means the list of nursing facilities that the United States department of health and human services creates under the special focus facility program. 112152  
112153  
112154

(6) "Special focus facility program" means the program conducted by the United States secretary of health and human services pursuant to section 1919(f)(10) of the "Social Security Act," 42 U.S.C. 1396r(f)(10). 112155  
112156  
112157  
112158

(B) Subject to divisions (D) and (E) and except as provided in division (F) of this section, the department of medicaid shall determine each nursing facility's per medicaid day quality incentive payment rate as follows: 112159  
112160  
112161  
112162

(1) Determine the sum of the quality scores determined under division (C) of this section for all nursing facilities. 112163  
112164

(2) Determine the average quality score by dividing the sum determined under division (B)(1) of this section by the number of nursing facilities for which a quality score was determined. 112165  
112166  
112167  
112168

(3) Determine the sum of the total number of medicaid days for all of the calendar year preceding the fiscal year for which the rate is determined for all nursing facilities for which a quality score was determined. 112169  
112170  
112171  
112172

(4) Multiply the average quality score determined under division (B)(2) of this section by the sum determined under division (B)(3) of this section. 112173  
112174  
112175

(5) Determine the value per quality point by determining 112176

the quotient of the following: 112177

(a) The sum determined under division (E) (2) of this 112178  
section. 112179

(b) The product determined under division (B) (4) of this 112180  
section. 112181

(6) Multiply the value per quality point determined under 112182  
division (B) (5) of this section by the nursing facility's 112183  
quality score determined under division (C) of this section. 112184

(C) (1) Except as provided in divisions (C) (2) and (3) of 112185  
this section, a nursing facility's quality score for a state 112186  
fiscal year shall be the sum of the following: 112187

(a) The total number of points that CMS assigned to the 112188  
nursing facility under CMS's nursing facility five-star quality 112189  
rating system for the following quality metrics, or CMS's 112190  
successor metrics as described below, based on the most recent 112191  
four-quarter average data, or the average data for fewer 112192  
quarters in the case of successor metrics, available in the 112193  
database maintained by CMS and known as nursing home compare in 112194  
the most recent month of the calendar year during which the 112195  
fiscal year for which the rate is determined begins: 112196

(i) The percentage of the nursing facility's long-stay 112197  
residents at high risk for pressure ulcers who had pressure 112198  
ulcers; 112199

(ii) The percentage of the nursing facility's long-stay 112200  
residents who had a urinary tract infection; 112201

(iii) The percentage of the nursing facility's long-stay 112202  
residents whose ability to move independently worsened; 112203

(iv) The percentage of the nursing facility's long-stay 112204

residents who had a catheter inserted and left in their bladder. 112205

If CMS ceases to publish any of the metrics specified in 112206  
division (C)(1)(a) of this section, the department shall use the 112207  
nursing facility quality metrics on the same topics that CMS 112208  
subsequently publishes. 112209

(b) Seven and five-tenths points for fiscal year 2024 and 112210  
three points for fiscal year 2025 and subsequent fiscal years if 112211  
the nursing facility's occupancy rate is greater than seventy- 112212  
five per cent. For purposes of this division, the department 112213  
shall utilize the facility's occupancy rate for licensed beds 112214  
reported on its cost report for the calendar year preceding the 112215  
fiscal year for which the rate is determined or, if the facility 112216  
is not required to be licensed, the facility's occupancy rate 112217  
for certified beds. If the facility surrenders licensed or 112218  
certified beds before the first day of July of the calendar year 112219  
in which the fiscal year begins, the department shall calculate 112220  
a nursing facility's occupancy rate by dividing the inpatient 112221  
days reported on the facility's cost report for the calendar 112222  
year preceding the fiscal year for which the rate is determined 112223  
by the product of the number of days in the calendar year and 112224  
the facility's number of licensed, or if applicable, certified 112225  
beds on the first day of July of the calendar year in which the 112226  
fiscal year begins. 112227

(c) Beginning with state fiscal year 2025, the total 112228  
number of points that CMS assigned to the nursing facility under 112229  
CMS's nursing facility five-star quality rating system for the 112230  
following quality metrics, or successor metrics designated by 112231  
CMS, based on the most recent four-quarter average data 112232  
available in the database maintained by CMS and known as nursing 112233  
home compare in the most recent month of the calendar year 112234

during which the fiscal year for which the rate is determined 112235  
begins: 112236

(i) The percentage of the nursing facility's long-stay 112237  
residents whose need for help with daily activities has 112238  
increased; 112239

(ii) The percentage of the nursing facility's long-stay 112240  
residents experiencing one or more falls with major injury; 112241

(iii) The percentage of the nursing facility's long-stay 112242  
residents who were administered an antipsychotic medication; 112243

(iv) Adjusted total nurse staffing hours per resident per 112244  
day using quintiles instead of deciles by using the points 112245  
assigned to the higher of the two deciles that constitute the 112246  
quintile. 112247

If CMS ceases to publish any of the metrics specified in 112248  
division (C)(1)(c) of this section, the department shall use the 112249  
nursing facility quality metrics on the same topics CMS 112250  
subsequently publishes. 112251

(2) In determining a nursing facility's quality score for 112252  
a state fiscal year, the department shall make the following 112253  
adjustment to the number of points that CMS assigned to the 112254  
nursing facility for each of the quality metrics specified in 112255  
divisions (C)(1)(a) and (c) of this section: 112256

(a) Unless division (C)(2)(b) or (c) of this section 112257  
applies, divide the number of the nursing facility's points for 112258  
the quality metric by twenty. 112259

(b) If CMS assigned the nursing facility to the lowest 112260  
percentile for the quality metric, reduce the number of the 112261  
nursing facility's points for the quality metric to zero. 112262

(c) If the nursing facility's total number of points calculated for or during a state fiscal year for all of the quality metrics specified in divisions (C)(1)(a), and if applicable, division (C)(1)(c) of this section is less than a number of points that is equal to the twenty-fifth percentile of all nursing facilities, calculated using the points for the July 1 rate setting of that fiscal year reduce the nursing facility's points to zero until the next point calculation. If a facility's recalculated points under division (C)(3) of this section are below the number of points determined to be the twenty-fifth percentile for that fiscal year, the facility shall receive zero points for the remainder of that fiscal year.

(3) A nursing facility's quality score shall be recalculated for the second half of the state fiscal year based on the most recent four quarter average data, or the average data for fewer quarters in the case of successor metrics, available in the database maintained by CMS and known as the care compare, in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins. The metrics specified by division (C)(1)(b) of this section shall not be recalculated. In redetermining the quality payment for each facility based on the recalculated points, the department shall use the same per point value determined for the quality payment at the start of the fiscal year.

(D) A nursing facility shall not receive a quality incentive payment if the Department of Health assigned the nursing facility to the SFF list under the special focus facility program and the nursing facility is listed in table A, on the first day of May of the calendar year for which the rate is being determined.

(E) The total amount to be spent on quality incentive 112293  
payments under division (B) of this section for a fiscal year 112294  
shall be determined as follows: 112295

(1) Determine the following amount for each nursing 112296  
facility: 112297

(a) The amount that is five and two-tenths per cent of the 112298  
nursing facility's base rate for nursing facility services 112299  
provided on the first day of the state fiscal year plus one 112300  
dollar and seventy-nine cents plus sixty per cent of the per 112301  
diem amount by which the nursing facility's rate for direct care 112302  
costs determined for the fiscal year under section 5165.19 of 112303  
the Revised Code changed as a result of the rebasing conducted 112304  
under section 5165.36 of the Revised Code. 112305

(b) Multiply the amount determined under division (E) (1) 112306  
(a) of this section by the number of the nursing facility's 112307  
medicaid days for the calendar year preceding the fiscal year 112308  
for which the rate is determined. 112309

(2) Determine the sum of the products determined under 112310  
division (E) (1) (b) of this section for all nursing facilities 112311  
for which the product was determined for the state fiscal year. 112312

(3) To the sum determined under division (E) (2) of this 112313  
section, add one hundred twenty-five million dollars. 112314

(F) (1) Beginning July 1, 2023, a new nursing facility 112315  
shall receive a quality incentive payment for the fiscal year in 112316  
which the new facility obtains an initial provider agreement and 112317  
the immediately following fiscal year equal to the median 112318  
quality incentive payment determined for nursing facilities for 112319  
the fiscal year. For the state fiscal year after the immediately 112320  
following fiscal year and subsequent fiscal years, the quality 112321



incentive payment shall be determined under division (C) of this section. 112322  
112323

(2) A nursing facility that undergoes a change of operator with an effective date of July 1, ~~2023~~2025, or later shall not receive a quality incentive payment until the earlier of the first day of January or the first day of July that is at least six months after the effective date of the change of operator. Thereafter any quality incentive payment shall be determined under division (C) of this section. 112324  
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~~(3) A nursing facility that undergoes a change of owner with an effective date of July 1, 2023, or later shall not receive a quality incentive payment until the earlier of the first day of January or the first day of July that is at least six months after the effective date of the change of owner if, within one year after the change of owner, there is an increase in the lease payments or other financial obligations of the operator to the owner above the payments or obligations specified by the agreement between the previous owner and the operator. Thereafter, any quality incentive payments for the facility shall be determined under division (C) of this section.~~ 112331  
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Sec. 5166.50. (A) Within one year of the effective date of this amendment, the department of medicaid shall apply for a medicaid waiver component to provide reentry services to medicaid-eligible imprisoned individuals for ninety days before an imprisoned individual's expected release date. The benefits provided shall include: 112342  
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(1) Mental health services; 112348

(2) Behavioral health services; 112349

(3) Substance use disorder treatment and related services; 112350

(4) A thirty-day supply of prescription medication at the 112351  
time of release, including medication administered by injection. 112352

(B) The department shall implement the medicaid waiver 112353  
component within one year of approval from the United States 112354  
centers for medicare and medicaid services. 112355

(C) (1) If the department is unable to apply for the 112356  
medicaid waiver component within the time frame specified in 112357  
division (A) of this section, the department shall request an 112358  
extension of up to thirty days from the speaker of the house of 112359  
representatives and the president of the senate. 112360

(2) If the department is unable to implement the medicaid 112361  
waiver component within the time frame specified in division (B) 112362  
of this section, the department shall request an extension for 112363  
the amount of time needed to implement the waiver component from 112364  
the speaker of the house of representatives and the president of 112365  
the senate. 112366

(D) If the medicaid waiver component is not approved by 112367  
the United States centers for medicare and medicaid services, 112368  
the department shall reapply for the waiver within four years of 112369  
the effective date of this section. 112370

**Sec. 5167.01.** As used in this chapter: 112371

(A) "340B covered entity" means an entity described in 112372  
section 340B(a) (4) of the "Public Health Service Act," 42 U.S.C. 112373  
256b(a) (4) and includes any pharmacy under contract with the 112374  
entity to dispense drugs on behalf of the entity. 112375

(B) "Affiliated company" means an entity, including a 112376  
third-party payer or specialty pharmacy, with common ownership, 112377  
members of a board of directors, or managers, or that is a 112378  
parent company, subsidiary company, jointly held company, or 112379

holding company with respect to the other entity. 112380

(C) "Care management system" means the system established 112381  
under section 5167.03 of the Revised Code. 112382

(D) "Controlled substance" has the same meaning as in 112383  
section 3719.01 of the Revised Code. 112384

(E) "Dual eligible individual" has the same meaning as in 112385  
section 5160.01 of the Revised Code. 112386

(F) "Emergency services" has the same meaning as in the 112387  
"Social Security Act," section 1932(b)(2), 42 U.S.C. 1396u-2(b) 112388  
(2). 112389

(G) "Enrollee" means a medicaid recipient who participates 112390  
in the care management system and enrolls in a medicaid MCO 112391  
plan. 112392

(H) "ICDS participant" ~~has~~ and "integrated care delivery 112393  
system" have the same ~~meaning~~ meanings as in section 5164.01 of 112394  
the Revised Code. 112395

(I) "ICDS successor program" means a fully integrated dual 112396  
eligible special needs plan established in accordance with 42 112397  
C.F.R. 422.107, that the department of medicaid utilizes as a 112398  
replacement for the integrated care delivery system. 112399

(J) "Medicaid managed care organization" means a managed 112400  
care organization under contract with the department of medicaid 112401  
pursuant to section 5167.10 of the Revised Code. 112402

~~(J)~~ (K) "Medicaid MCO plan" means a plan that a medicaid 112403  
managed care organization, pursuant to its contract with the 112404  
department of medicaid under section 5167.10 of the Revised 112405  
Code, makes available to medicaid recipients participating in 112406  
the care management system. 112407

~~(K)~~(L) "Medicaid waiver component" has the same meaning as 112408  
in section 5166.01 of the Revised Code. 112409

(M) "Medicare coordination only dual special needs plan" 112410  
means a dual special needs plan established in accordance with 112411  
42 C.F.R. 422.107(D). 112412

~~(L)~~(N) "Network provider" has the same meaning as in 42 112413  
C.F.R. 438.2. 112414

~~(M)~~(O) "Nursing facility services" has the same meaning as 112415  
in section 5165.01 of the Revised Code. 112416

~~(N)~~(P) "Part B drug" means a drug or biological described 112417  
in section 1842(o)(1)(C) of the "Social Security Act," 42 U.S.C. 112418  
1395u(o)(1)(C). 112419

~~(O)~~(Q) "Pharmacy benefit manager" has the same meaning as 112420  
in section 3959.01 of the Revised Code. 112421

~~(P)~~(R) "Practice of pharmacy" has the same meaning as in 112422  
section 4729.01 of the Revised Code. 112423

~~(Q)~~(S) "Prescribed drug" has the same meaning as in 112424  
section 5164.01 of the Revised Code. 112425

~~(R)~~(T) "Prior authorization requirement" has the same 112426  
meaning as in section 5160.34 of the Revised Code. 112427

~~(S)~~(U) "Provider" means any person or government entity 112428  
that furnishes services to a medicaid recipient enrolled in a 112429  
medicaid MCO plan, regardless of whether the person or entity 112430  
has a provider agreement. 112431

~~(T)~~(V) "Provider agreement" has the same meaning as in 112432  
section 5164.01 of the Revised Code. 112433

~~(U)~~(W) "State pharmacy benefit manager" means the pharmacy 112434

benefit manager selected by and under contract with the medicaid 112435  
director under section 5167.24 of the Revised Code. 112436

~~(V)~~(X) "Third-party administrator" means any person who 112437  
adjusts or settles claims on behalf of an insuring entity in 112438  
connection with life, dental, health, prescription drugs, or 112439  
disability insurance or self-insurance programs and includes a 112440  
pharmacy benefit manager. 112441

**Sec. 5167.03.** (A) As part of the medicaid program, the 112442  
department of medicaid shall establish a care management system. 112443  
The department shall implement the system in some or all 112444  
counties. 112445

(B) The department shall designate the medicaid recipients 112446  
who are required or permitted to participate in the care 112447  
management system. Those who shall be required to participate in 112448  
the system include medicaid recipients who receive cognitive 112449  
behavioral therapy as described in division (A)(2) of section 112450  
5167.16 of the Revised Code. Except as provided in section 112451  
5166.406 of the Revised Code, no medicaid recipient 112452  
participating in the healthy Ohio program established under 112453  
section 5166.40 of the Revised Code shall participate in the 112454  
system. 112455

~~The~~ (C) Except as otherwise provided in this section, the 112456  
general assembly's authorization through the enactment of 112457  
legislation is needed before home and community-based services 112458  
available under a medicaid waiver component or nursing facility 112459  
services are included in the care management system, ~~except that~~ 112460  
. ICDS participants, or participants in the ICDS successor 112461  
program, may be required or permitted to obtain such services 112462  
under the system. Medicaid recipients who receive such services 112463  
may be designated for voluntary or mandatory participation in 112464

the system in order to receive other health care services 112465  
included in the system. 112466

~~The~~ (D) Subject to division (E) of this section, the 112467  
department may require or permit participants in the care 112468  
management system to do either or both of the following: 112469

~~(A)~~ (1) Obtain health care services from providers 112470  
designated by the department; 112471

~~(B)~~ (2) Enroll in a medicaid MCO plan. 112472

(E) (1) The department shall allow individuals 112473  
participating in the care management system to enroll in the 112474  
medicaid MCO plan of the individual's choosing. If an individual 112475  
does not elect a medicaid MCO plan in which to enroll during the 112476  
time period specified by the department, the department shall 112477  
randomly assign the individual to a medicaid MCO plan. When 112478  
assigning individuals to a medicaid MCO plan under this 112479  
division, the department shall not give preference to any 112480  
specific medicaid MCO plan or group of plans. 112481

(2) If the department is unable to satisfy the 112482  
requirements established under division (E) (1) of this section, 112483  
it shall notify the general assembly, the executive director of 112484  
the joint medicaid oversight committee, and the auditor of state 112485  
not later than thirty days after making such a determination. As 112486  
part of the notice required under this division, the department 112487  
shall provide an explanation as to why it is unable to satisfy 112488  
the requirements. 112489

(F) The director shall allow participants in the 112490  
integrated care delivery system or the ICDS successor program 112491  
the choice to enroll in a medicare coordination only dual 112492  
special needs plan offered by an entity that does not 112493

participate in the successor program and allow participants to 112494  
remain with their current medicare dual special needs plan. 112495

The director shall grant medicaid provider contracts for 112496  
coordination only dual special needs plans that are offered by 112497  
entities not selected to participate in the integrated care 112498  
delivery system or the successor program and permit the entities 112499  
offering those plans to enroll in those plans dual eligible 112500  
individuals and participants in the integrated care delivery 112501  
system or the successor program. 112502

**Sec. 5167.104.** Each contract between the department of 112503  
medicaid and a medicaid managed care organization entered into 112504  
under section 5167.10 of the Revised Code shall require the 112505  
organization to conduct internal cross checks of its data 112506  
systems for all of the following information concerning medicaid 112507  
enrollees under the organization's medicaid MCO plan: 112508

(A) Name; 112509

(B) Date of birth; 112510

(C) Social security number; 112511

(D) Home address. 112512

**Sec. 5167.25.** (A) The department of medicaid shall conduct 112513  
an annual financial audit of each medicaid managed care 112514  
organization. The audit shall, at a minimum, examine the 112515  
administrative costs and total expenditures of each medicaid 112516  
managed care organization. 112517

(B) As part of an audit conducted under this section, each 112518  
medicaid managed care organization shall submit to the 112519  
department a detailed breakdown of the organization's costs for 112520  
all capitated payment contracts. The department shall utilize 112521

information provided by a medicaid managed care organization 112522  
under this section to ensure that the organization complies with 112523  
all medical loss ratio requirements. 112524

(C) The department shall prepare an annual report 112525  
detailing the findings of audits conducted under this section. 112526  
The report shall be submitted to the general assembly in 112527  
accordance with section 101.68 of the Revised Code and the joint 112528  
medicaid oversight committee. 112529

**Sec. 5168.08.** (A) Before or during each program year, the 112530  
department of medicaid shall issue to each hospital the 112531  
preliminary determination of the amount that the hospital is 112532  
assessed under section 5168.06 of the Revised Code during the 112533  
program year. The preliminary determination of a hospital's 112534  
assessment shall be calculated for a cost-reporting period that 112535  
is specified in rules adopted under section 5168.02 of the 112536  
Revised Code. 112537

The department shall consult with hospitals each year when 112538  
determining the date on which it will issue the preliminary 112539  
determinations in order to minimize hospitals' cash flow 112540  
difficulties. 112541

If no hospital submits a request for reconsideration under 112542  
division (B) of this section, the preliminary determination 112543  
constitutes the final reconciliation of each hospital's 112544  
assessment under section 5168.06 of the Revised Code. The final 112545  
reconciliation ~~is~~ constitutes an interim final order and may be 112546  
subject to adjustments under made by the United States centers 112547  
for medicare and medicaid services pursuant to division (D) of 112548  
this section. 112549

(B) Not later than fourteen days after the preliminary 112550



determinations are issued, any hospital may submit to the 112551  
department a written request to reconsider the preliminary 112552  
determinations. The request shall be accompanied by written 112553  
materials setting forth the basis for the reconsideration, which 112554  
may be delivered to the department by regular mail, electronic 112555  
mail, or in-person delivery. ~~If one or more hospitals submit a~~ 112556  
~~request, the department shall hold a public hearing not later~~ 112557  
~~than thirty days after the preliminary determinations are issued~~ 112558  
~~to reconsider the preliminary determinations. The department~~ 112559  
~~shall issue to each hospital a written notice of the date, time,~~ 112560  
~~and place of the hearing at least ten days prior to the hearing.~~ 112561  
On the basis of the evidence submitted to the department ~~or~~ 112562  
~~presented at the public hearing,~~ the department shall reconsider 112563  
and may adjust the preliminary determinations. The result of the 112564  
reconsideration is the final reconciliation of the hospital's 112565  
assessment under section 5168.06 of the Revised Code. The final 112566  
reconciliation ~~is~~ constitutes an interim final order and may be 112567  
subject to adjustments under by the United States centers for 112568  
medicare and medicaid services pursuant to division (D) of this 112569  
section. 112570

(C) The department shall issue to each hospital a written 112571  
notice of its assessment for the program year under the final 112572  
reconciliation. A hospital may appeal the final reconciliation 112573  
of its assessment to the court of common pleas of Franklin 112574  
county, pursuant to Chapter 2505. of the Revised Code. The 112575  
complete record of the proceedings shall include all 112576  
documentation considered by the department in issuing the final 112577  
reconciliation. While a judicial appeal is pending, the hospital 112578  
shall pay, in accordance with the schedules required by division 112579  
(B) of section 5168.06 of the Revised Code, any amount of its 112580  
assessment that is not in dispute into the hospital care 112581

assurance program fund created in section 5168.11 of the Revised Code. 112582  
112583

(D) In the course of any program year, the department may 112584  
adjust the assessment rate or rates established in rules 112585  
pursuant to section 5168.06 of the Revised Code or adjust the 112586  
amounts of intergovernmental transfers required under section 112587  
5168.07 of the Revised Code and, as a result of the adjustment, 112588  
adjust each hospital's assessment and intergovernmental 112589  
transfer, to reflect refinements made by the United States 112590  
centers for medicare and medicaid services during that program 112591  
year to the limits it prescribed under the "Social Security 112592  
Act," section 1923(f), 42 U.S.C. 1396r-4(f). When adjusted, the 112593  
assessment rate or rates must comply with division (A) of 112594  
section 5168.06 of the Revised Code. An adjusted 112595  
intergovernmental transfer must comply with division (A) of 112596  
section 5168.07 of the Revised Code. The department shall notify 112597  
hospitals of adjustments made under this division and adjust for 112598  
the remainder of the program year the installments paid by 112599  
hospitals under sections 5168.06 and 5168.07 of the Revised Code 112600  
in accordance with rules adopted under section 5168.02 of the 112601  
Revised Code. 112602

**Sec. 5168.11.** (A) Except as provided in section 5162.52 of 112603  
the Revised Code, all payments of assessments by hospitals under 112604  
section 5168.06 of the Revised Code and all intergovernmental 112605  
transfers under section 5168.07 of the Revised Code shall be 112606  
deposited in the state treasury to the credit of the hospital 112607  
care assurance program fund, hereby created. All investment 112608  
earnings of the hospital care assurance program fund shall be 112609  
credited to the fund. The department of medicaid shall maintain 112610  
records that show the amount of money in the hospital care 112611  
assurance program fund at any time that has been paid by each 112612

hospital and the amount of any investment earnings on that 112613  
amount. All moneys credited to the hospital care assurance 112614  
program fund shall be used solely to make payments to hospitals 112615  
under division (D) of this section and section 5168.09 of the 112616  
Revised Code. 112617

(B) All federal matching funds received as a result of the 112618  
department distributing funds from the hospital care assurance 112619  
program fund to hospitals under section 5168.09 of the Revised 112620  
Code shall be credited to the health care - federal fund created 112621  
under section 5162.50 of the Revised Code. 112622

(C) All distributions of funds to hospitals under section 112623  
5168.09 of the Revised Code are conditional on: 112624

(1) Expiration of the time for appeals under section 112625  
5168.08 of the Revised Code without the filing of an appeal, or 112626  
on court determinations, in the event of appeals, that the 112627  
hospital is entitled to the funds; 112628

(2) The sum of the following being sufficient to 112629  
distribute the funds after the final determination of any 112630  
appeals: 112631

(a) The available money in the hospital care assurance 112632  
program fund; 112633

(b) The available portion of the money in the health care 112634  
- federal fund that is credited to that fund pursuant to 112635  
division (B) of this section. 112636

(3) The hospital's compliance with section 5168.14 of the 112637  
Revised Code. 112638

(D) If an audit conducted by the department, pursuant to 112639  
42 C.F.R. 455.304, of the amounts of payments made and funds 112640

received by hospitals under sections 5168.06, 5168.07, and 112641  
5168.09 of the Revised Code identifies amounts that, due to 112642  
errors by the department, a hospital should not have been 112643  
required to pay but did pay, should have been required to pay 112644  
but did not pay, should not have received but did receive, or 112645  
should have received but did not receive, the department shall: 112646

(1) Make payments to any hospital that the audit reveals 112647  
paid amounts it should not have been required to pay or did not 112648  
receive amounts it should have received; 112649

(2) Take action to recover from a hospital any amounts 112650  
that the audit reveals it should have been required to pay but 112651  
did not pay or that it should not have received but did receive. 112652

Payments made under division (D) (1) of this section shall 112653  
be made from the hospital care assurance program fund. Amounts 112654  
recovered under division (D) (2) of this section shall be 112655  
deposited to the credit of that fund. ~~Any hospital may appeal~~ 112656  
~~the amount.~~ An action authorized under Chapter 2721. of the 112657  
Revised Code and filed in Franklin county shall be the exclusive 112658  
remedy for any hospital that disagrees with the amount that the 112659  
hospital is to be paid under division (D) (1) or the amount that 112660  
is to be recovered from the hospital under division (D) (2) of 112661  
this section ~~to the court of common pleas of Franklin county.~~ 112662  
While any judicial proceeding is pending under division (D) of 112663  
this section, a hospital shall pay to the hospital care 112664  
assurance program fund any amount identified pursuant to 112665  
division (D) (2) of this section that is not in dispute. 112666

**Sec. 5168.22.** (A) Before or during each assessment program 112667  
year, the department of medicaid shall issue to each hospital 112668  
the preliminary determination of the amount that the hospital is 112669  
assessed under section 5168.21 of the Revised Code for the 112670

assessment program year. Except as provided in division (B) of 112671  
this section, the preliminary determination becomes the final 112672  
determination for the assessment program year fifteen days after 112673  
the preliminary determination is issued to the hospital. 112674

(B) A hospital may request that the department reconsider 112675  
the preliminary determination issued to the hospital under 112676  
division (A) of this section by submitting to the department a 112677  
written request for a reconsideration not later than fourteen 112678  
days after the hospital's preliminary determination is issued to 112679  
the hospital. The request must be accompanied by written 112680  
materials setting forth the basis for the reconsideration, which 112681  
may be delivered to the department by regular mail, electronic 112682  
mail, or in-person delivery. On receipt of the timely request, 112683  
the department shall reconsider the preliminary determination 112684  
and may adjust the preliminary determination on the basis of the 112685  
written materials accompanying the request. The result of the 112686  
reconsideration is the final determination of the hospital's 112687  
assessment under section 5168.21 of the Revised Code for the 112688  
assessment program year. 112689

(C) The department shall issue to each hospital a written 112690  
notice of the final determination of its assessment for the 112691  
assessment program year. A hospital may appeal the final 112692  
determination to the court of common pleas of Franklin county,  112693  
pursuant to Chapter 2505. of the Revised Code. The complete 112694  
record of the proceedings shall include all documentation 112695  
considered by the department in issuing the final determination. 112696  
While a judicial appeal is pending, the hospital shall pay, in 112697  
accordance with section 5168.23 of the Revised Code, any amount 112698  
of its assessment that is not in dispute. 112699

**Sec. ~~5104.50~~ 5180.04.** (A) The governor shall create the 112700

~~early childhood~~ children and youth advisory council in 112701  
accordance with 42 U.S.C. 9837b(b) (1) and 20 U.S.C. 1441 and 112702  
shall appoint one of its members to serve as chairperson of the 112703  
council with the director of children and youth serving as co- 112704  
chair. The council shall serve as both the state advisory 112705  
council on early childhood education and care, as described in 112706  
42 U.S.C. 9837b(b) (1), and the state interagency coordinating 112707  
council, as described in 20 U.S.C. 1441. ~~In addition to the~~ 112708  
~~duties specified in 42 U.S.C. 9837b(b) (1), the~~ The council shall 112709  
~~promote~~ advise the governor on the availability, accessibility, 112710  
affordability, and quality of services provided through the 112711  
prenatal and child-serving systems. This includes fostering a 112712  
continuum of care that promotes family-centered programs and 112713  
services that acknowledge and support the social, emotional, 112714  
cognitive, intellectual, and physical development of children 112715  
and the vital role of families in ensuring the well-being and 112716  
success of children. 112717

(B) (1) The advisory council shall include up to twenty- 112718  
five members appointed by the governor, including the following: 112719

(a) At least one representative of the department of 112720  
children and youth; 112721

(b) At least one representative of the department of 112722  
medicaid; 112723

(c) At least one representative of the department of job 112724  
and family services; 112725

(d) At least one representative of the department of 112726  
mental health and addiction services; 112727

(e) At least one representative of the department of 112728  
education and workforce; 112729

<u>(f) At least one representative of the department of health;</u>	112730
	112731
<u>(g) At least one representative of the department of developmental disabilities;</u>	112732
	112733
<u>(h) At least one representative of the department of youth services;</u>	112734
	112735
<u>(i) At least one representative from each of the following stakeholder groups, selected from multi-sized municipal corporations and geographically diverse areas of the state, including rural, urban, and suburban areas:</u>	112736
	112737
	112738
	112739
<u>(i) Maternal and infant vitality;</u>	112740
<u>(ii) Early intervention;</u>	112741
<u>(iii) Home visiting;</u>	112742
<u>(iv) Early childhood education;</u>	112743
<u>(v) Child care centers providing publicly funded child care;</u>	112744
	112745
<u>(vi) Family child care homes providing publicly funded child care;</u>	112746
	112747
<u>(vii) School child programs;</u>	112748
<u>(viii) Preschool programs;</u>	112749
<u>(ix) Children's services.</u>	112750
<u>(2) In making appointments to the advisory council, the governor shall ensure that the membership of the council reasonably represents the population of the state.</u>	112751
	112752
	112753
<u>(C) (1) The advisory council shall create topic-specific advisory groups that address a continuum of services including</u>	112754
	112755

<u>the following:</u>	112756
<u>(a) Early childhood education and care;</u>	112757
<u>(b) Children services;</u>	112758
<u>(c) Maternal and infant vitality;</u>	112759
<u>(d) Early childhood mental health services and supports;</u>	112760
<u>(e) Early intervention services.</u>	112761
<u>(2) No representative of the department of children and youth shall serve as a chairperson for a topic-specific advisory group.</u>	112762 112763 112764
<u>(3) The governor shall appoint additional members as necessary to the early childhood education and care advisory group and the early intervention services advisory group to satisfy the requirements of 42 U.S.C. 9837b(b) (1) and 20 U.S.C. 1441.</u>	112765 112766 112767 112768 112769
<u>(4) The director of children and youth shall appoint each representative appointed pursuant to division (B) (1) (i) of this section to at least one topic-specific advisory group.</u>	112770 112771 112772
<b>Sec. 5180.14.</b> (A) As used in this section and sections 5180.15, 5180.16, and 5180.17 of the Revised Code:	112773 112774
(1) "Child care center," "type A family child care home," and "licensed type B family child care home" have the same meanings as in section 5104.01 of the Revised Code.	112775 112776 112777
(2) "Child care facility" means a child care center, a type A family child care home, or a licensed type B family child care home.	112778 112779 112780
(3) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.	112781 112782



- (4) "Freestanding birthing center" has the same meaning as  
in section 3701.503 of the Revised Code. 112783  
112784
- (5) "Hospital" has the same meaning as in section 3722.01  
of the Revised Code to which either of the following applies: 112785  
112786
- (a) The hospital has a maternity unit. 112787
- (b) The hospital receives for care infants who have been  
transferred to it from other facilities and who have never been  
discharged to their residences following birth. 112788  
112789  
112790
- (6) "Infant" means a child who is less than one year of  
age. 112791  
112792
- (7) "Maternity unit" means the distinct portion of a  
hospital in which maternity services are provided. 112793  
112794
- (8) "Other person responsible for the infant" includes a  
foster caregiver. 112795  
112796
- (9) "Parent" means either parent, unless the parents are  
separated or divorced or their marriage has been dissolved or  
annulled, in which case "parent" means the parent who is the  
residential parent and legal custodian of the child. "Parent"  
also means a prospective adoptive parent with whom a child is  
placed. 112797  
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- (10) "Shaken baby syndrome" means signs and symptoms,  
including, but not limited to, retinal hemorrhages in one or  
both eyes, subdural hematoma, or brain swelling, resulting from  
the violent shaking or the shaking and impacting of the head of  
an infant or small child. 112803  
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- (B) The director of children and youth shall establish the  
shaken baby syndrome education program by doing all of the  
following: 112808  
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(1) Developing educational materials that present readily  
comprehensible information on shaken baby syndrome; 112811  
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(2) Making available on the department of children and  
youth web site in an easily accessible format the educational 112813  
materials developed under division (B)(1) of this section; 112814  
112815

(3) Annually assessing the effectiveness of the shaken 112816  
baby syndrome education program by doing all of the following: 112817

(a) Evaluating the reports received pursuant to section 112818  
~~5101.135~~5180.405 of the Revised Code; 112819

(b) Reviewing the content of the educational materials to 112820  
determine if updates or improvements should be made; 112821

(c) Reviewing the manner in which the educational 112822  
materials are distributed, as described in section 5180.15 of 112823  
the Revised Code, to determine if modifications to that manner 112824  
should be made. 112825

(C) In meeting the requirements under division (B) of this 112826  
section, the director shall develop educational materials that, 112827  
to the extent possible, minimize administrative or financial 112828  
burdens on any of the entities or persons listed in section 112829  
5180.15 of the Revised Code. 112830

**Sec. 5180.21.** (A) The department of children and youth 112831  
shall establish the help me grow program as the state's 112832  
evidence-based parent support program that encourages early 112833  
prenatal and well-baby care, as well as provides parenting 112834  
education to promote the comprehensive health and development of 112835  
children. The program shall provide home visiting services to 112836  
families with a pregnant woman or child under five years of age 112837  
that meet the eligibility requirements established in rules 112838  
adopted under this section. Home visiting services shall be 112839

provided through evidence-based home visiting models or 112840  
innovative, promising home visiting models recommended by the 112841  
~~Ohio home visiting consortium~~ children and youth advisory  
council created under section ~~5180.23~~ 5180.04 of the Revised 112842  
Code. 112843  
112844

(B) Families shall be referred to the appropriate home 112845  
visiting services through the central intake and referral system 112846  
created under section 5180.22 of the Revised Code. 112847

(C) To the extent possible, the goals of the help me grow 112848  
program shall be consistent with the goals of the federal home 112849  
visiting program, as specified by the maternal and child health 112850  
bureau of the health resources and services administration in 112851  
the United States department of health and human services or its 112852  
successor. 112853

(D) The director of children and youth may enter into an 112854  
interagency agreement with one or more state agencies to 112855  
implement the help me grow program and ensure coordination of 112856  
early childhood programs. 112857

(E) The director may distribute help me grow program funds 112858  
through contracts, grants, or subsidies to entities providing 112859  
services under the program. 112860

(F) As a condition of receiving payments for home visiting 112861  
services, providers shall report to the director data on the 112862  
program performance indicators, specified in rules adopted under 112863  
division (G) of this section, that are used to assess progress 112864  
toward achieving all of the following: 112865

(1) The benchmark domains established for the federal home 112866  
visiting program, including improvement in maternal and newborn 112867  
health; reduction in child injuries, abuse, and neglect; 112868

improved school readiness and achievement; reduction in crime 112869  
and domestic violence; and improved family economic self- 112870  
sufficiency; 112871

(2) Improvement in birth outcomes and reduction in 112872  
stillbirths, as that term is defined in section 5180.12 of the 112873  
Revised Code; 112874

(3) Reduction in tobacco use by pregnant women, new 112875  
parents, and others living in households with children. 112876

The providers shall report the data in the format and 112877  
within the time frames specified in the rules. 112878

The director shall prepare an annual report on the data 112879  
received from the providers. The director shall make the report 112880  
available on the internet web site maintained by the department 112881  
of children and youth. 112882

(G) Pursuant to Chapter 119. of the Revised Code, the 112883  
director shall adopt rules that are necessary and proper to 112884  
implement this section. The rules shall specify all of the 112885  
following: 112886

(1) Subject to division (H) of this section, eligibility 112887  
requirements for home visiting services; 112888

(2) Eligibility requirements for providers of home 112889  
visiting services; 112890

(3) Standards and procedures for the provision of program 112891  
services, including data collection, program monitoring, and 112892  
program evaluation; 112893

(4) Procedures for appealing the denial of an application 112894  
for program services or the termination of services; 112895

- (5) Procedures for appealing the denial of an application to become a provider of program services or the termination of the department's approval of a provider; 112896  
112897  
112898
- (6) Procedures for addressing complaints; 112899
- (7) The program performance indicators on which data must be reported by providers of home visiting services under division (F) of this section, which, to the extent possible, shall be consistent with federal reporting requirements for federally funded home visiting services; 112900  
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112904
- (8) The format in which reports must be submitted under division (F) of this section and the time frames within which the reports must be submitted; 112905  
112906  
112907
- (9) Criteria for payment of approved providers of program services; 112908  
112909
- (10) Any other rules necessary to implement the program. 112910
- (H) When adopting rules required by division (G) (1) of this section, the department shall specify that families residing in the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code are to receive priority over other families for home visiting services. 112911  
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- Sec. 5180.22.** (A) The department of children and youth shall create a central intake and referral system for all home visiting programs operating in this state. Through a competitive bidding process, the department of children and youth may select one or more persons or government entities to operate the system. 112916  
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- (B) If the department of children and youth chooses to select one or more system operators as described in division (A) 112922  
112923

of this section, a contract with any system operator shall 112924  
require that the system do both of the following: 112925

(1) Serve as a single point of entry for access, 112926  
assessment, and referral of families to appropriate home 112927  
visiting services based on each family's location of residence; 112928

(2) Use a standardized form or other mechanism to assess 112929  
for each family member's risk factors and social determinants of 112930  
health, as well as ensure that the family is referred to the 112931  
appropriate home visiting program, which may include a program 112932  
that uses home visiting contractors who provide services within 112933  
a community HUB that fully or substantially complies with the 112934  
pathways community HUB certification standards developed by the 112935  
pathways community HUB institute. 112936

(C) The standardized form or other mechanism described in 112937  
division (B) (2) of this section shall be agreed to by the home 112938  
visiting consortium created under section 5180.23 of the Revised 112939  
Code. 112940

(D) A contract entered into under division (B) of this 112941  
section shall require a system operator to issue an annual 112942  
report to the department of children and youth that includes 112943  
data regarding referrals made by the central intake and referral 112944  
system, costs associated with the referrals, and the quality of 112945  
services received by families who were referred to services 112946  
through the system. The report shall be distributed to the ~~home-~~ 112947  
~~visiting consortium~~ children and youth advisory council created 112948  
under section ~~5180.23~~ 5180.04 of the Revised Code. 112949

(E) Nothing in this section is intended to do any of the 112950  
following: 112951

(1) Prohibit the department of children and youth from 112952

using alternative promotional materials or names for the central 112953  
intake and referral system; 112954

(2) Require the use of help me grow program promotional 112955  
materials or names; 112956

(3) Prohibit providers, central coordinators, the 112957  
department of children and youth, or stakeholders from using the 112958  
help me grow name for promotional materials for home visiting. 112959

**Sec. ~~5101.76~~ 5180.26.** (A) A residential camp, as defined 112960  
in section 2151.011 of the Revised Code, a child day camp, as 112961  
defined in section 5104.01 of the Revised Code, or a child day 112962  
camp operated by any county, township, municipal corporation, 112963  
township park district created under section 511.18 of the 112964  
Revised Code, park district created under section 1545.04 of the 112965  
Revised Code, or joint recreation district established under 112966  
section 755.14 of the Revised Code may procure epinephrine 112967  
autoinjectors for use in emergency situations identified under 112968  
division (C) (5) of this section by doing one of the following: 112969

(1) Having a licensed health professional authorized to 112970  
prescribe drugs, acting in accordance with section 4723.483, 112971  
4730.433, or 4731.96 of the Revised Code, personally furnish the 112972  
epinephrine autoinjectors to the camp or issue a prescription 112973  
for them in the name of the camp; 112974

(2) Obtaining a prescriber-issued protocol that includes 112975  
definitive orders for epinephrine autoinjectors and the dosages 112976  
of epinephrine to be administered through them. 112977

A camp that elects to procure epinephrine autoinjectors 112978  
under this section is encouraged to maintain at least two 112979  
epinephrine autoinjectors at all times. 112980

(B) A camp that elects to procure epinephrine 112981

autoinjectors under this section shall adopt a policy governing 112982  
their maintenance and use. Before adopting the policy, the camp 112983  
shall consult with a licensed health professional authorized to 112984  
prescribe drugs. 112985

(C) The policy adopted under division (B) of this section 112986  
shall do all of the following: 112987

(1) Identify the one or more locations in which an 112988  
epinephrine autoinjector must be stored; 112989

(2) Specify the conditions under which an epinephrine 112990  
autoinjector must be stored, replaced, and disposed; 112991

(3) Specify the individuals employed by or under contract 112992  
with the camp who may access and use an epinephrine autoinjector 112993  
to provide a dosage of epinephrine to an individual in an 112994  
emergency situation identified under division (C) (5) of this 112995  
section; 112996

(4) Specify any training that employees or contractors 112997  
specified under division (C) (3) of this section must complete 112998  
before being authorized to access and use an epinephrine 112999  
autoinjector; 113000

(5) Identify the emergency situations, including when an 113001  
individual exhibits signs and symptoms of anaphylaxis, in which 113002  
employees or contractors specified under division (C) (3) of this 113003  
section may access and use an epinephrine autoinjector; 113004

(6) Specify that assistance from an emergency medical 113005  
service provider must be requested immediately after an 113006  
epinephrine autoinjector is used; 113007

(7) Specify the individuals to whom a dosage of 113008  
epinephrine may be administered through an epinephrine 113009



autoinjector in an emergency situation specified under division 113010  
(C) (5) of this section. 113011

(D) (1) The following are not liable in damages in a civil 113012  
action for injury, death, or loss to person or property that 113013  
allegedly arises from an act or omission associated with 113014  
procuring, maintaining, accessing, or using an epinephrine 113015  
autoinjector under this section, unless the act or omission 113016  
constitutes willful or wanton misconduct: 113017

(a) A camp; 113018

(b) A camp employee or contractor; 113019

(c) A licensed health professional authorized to prescribe 113020  
drugs who personally furnishes or prescribes epinephrine 113021  
autoinjectors, provides a consultation, or issues a protocol 113022  
pursuant to this section. 113023

(2) This section does not eliminate, limit, or reduce any 113024  
other immunity or defense that a camp or camp employee or 113025  
contractor or licensed health professional may be entitled to 113026  
under Chapter 2744. or any other provision of the Revised Code 113027  
or under the common law of this state. 113028

(E) A camp may accept donations of epinephrine 113029  
autoinjectors from a wholesale distributor of dangerous drugs, 113030  
as defined in section 4729.01 of the Revised Code, and may 113031  
accept donations of money from any person to purchase 113032  
epinephrine autoinjectors. 113033

(F) A camp that elects to procure epinephrine 113034  
autoinjectors under this section shall report to the department 113035  
of children and youth each procurement and occurrence in which 113036  
an epinephrine autoinjector is used from a camp's supply of 113037  
epinephrine autoinjectors. 113038

(G) As used in this section, "licensed health professional 113039  
authorized to prescribe drugs" and "prescriber" have the same 113040  
meanings as in section 4729.01 of the Revised Code. 113041

**Sec. ~~5101.77~~ 5180.261.** (A) As used in this section, 113042  
"inhaler" means a device that delivers medication to alleviate 113043  
asthmatic symptoms, is manufactured in the form of a metered 113044  
dose inhaler or dry powdered inhaler, and may include a spacer, 113045  
holding chamber, or other device that attaches to the inhaler 113046  
and is used to improve the delivery of the medication. 113047

(B) A residential camp, as defined in section 2151.011 of 113048  
the Revised Code, a child day camp, as defined in section 113049  
5104.01 of the Revised Code, or a child day camp operated by any 113050  
county, township, municipal corporation, township park district 113051  
created under section 511.18 of the Revised Code, park district 113052  
created under section 1545.04 of the Revised Code, or joint 113053  
recreation district established under section 755.14 of the 113054  
Revised Code may procure inhalers for use in emergency 113055  
situations identified under division (D)(5) of this section. A 113056  
camp that elects to procure inhalers under this section is 113057  
encouraged to maintain at least two inhalers at all times. 113058

(C) A camp that elects to procure inhalers under this 113059  
section shall adopt a policy governing their maintenance and 113060  
use. Before adopting the policy, the camp shall consult with a 113061  
licensed health professional authorized to prescribe drugs, as 113062  
defined in section 4729.01 of the Revised Code. 113063

(D) A component of a policy adopted by a camp under 113064  
division (C) of this section shall be a prescriber-issued 113065  
protocol specifying definitive orders for inhalers, including 113066  
the dosages of medication to be administered through them, the 113067  
number of times that each inhaler may be used before disposal, 113068

and the methods of disposal. The policy also shall do all of the following: 113069  
113070

(1) Identify the one or more locations in which an inhaler must be stored; 113071  
113072

(2) Specify the conditions under which an inhaler must be stored, replaced, and disposed; 113073  
113074

(3) Specify the individuals employed by or under contract with the camp who may access and use an inhaler to provide a dosage of medication to an individual in an emergency situation identified under division (D) (5) of this section; 113075  
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113078

(4) Specify any training that employees or contractors specified under division (D) (3) of this section must complete before being authorized to access and use an inhaler; 113079  
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113081

(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of asthma, in which employees or contractors specified under division (D) (3) of this section may access and use an inhaler; 113082  
113083  
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(6) Specify that assistance from an emergency medical service provider must be requested immediately after an employee or contractor, other than a licensed health professional, uses an inhaler; 113086  
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(7) Specify the individuals to whom a dosage of medication may be administered through an inhaler in an emergency situation specified under division (D) (5) of this section. 113090  
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(E) A camp or camp employee or contractor is not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an 113093  
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inhaler under this section, unless the act or omission 113097  
constitutes willful or wanton misconduct. 113098

This section does not eliminate, limit, or reduce any 113099  
other immunity or defense that a camp or camp employee or 113100  
contractor may be entitled to under Chapter 2744. or any other 113101  
provision of the Revised Code or under the common law of this 113102  
state. 113103

(F) A camp may accept donations of inhalers from a 113104  
wholesale distributor of dangerous drugs, as defined in section 113105  
4729.01 of the Revised Code, and may accept donations of money 113106  
from any person to purchase inhalers. 113107

(G) A camp that elects to procure inhalers under this 113108  
section shall report to the department of children and youth 113109  
each procurement and occurrence in which an inhaler is used from 113110  
a camp's supply of inhalers. 113111

**Sec. ~~5101.78~~ 5180.262.** (A) As used in this section, 113112  
"licensed health professional authorized to prescribe drugs" and 113113  
"prescriber" have the same meanings as in section 4729.01 of the 113114  
Revised Code. 113115

(B) A residential camp, as defined in section 2151.011 of 113116  
the Revised Code; a child day camp, as defined in section 113117  
5104.01 of the Revised Code; or a child day camp operated by any 113118  
county, township, municipal corporation, township park district 113119  
created under section 511.18 of the Revised Code, park district 113120  
created under section 1545.04 of the Revised Code, or joint 113121  
recreation district established under section 755.14 of the 113122  
Revised Code may procure injectable or nasally administered 113123  
glucagon for use in emergency situations identified under 113124  
division (D) (5) of this section by doing one of the following: 113125

(1) Having a licensed health professional authorized to 113126  
prescribe drugs, acting in accordance with section 4723.4811, 113127  
4730.437, or 4731.92 of the Revised Code, personally furnish the 113128  
injectable or nasally administered glucagon to the camp or issue 113129  
a prescription for the drug in the name of the camp; 113130

(2) Obtaining a prescriber-issued protocol that includes 113131  
definitive orders for injectable or nasally administered 113132  
glucagon and the dosages to be administered; 113133

A camp that elects to procure injectable or nasally 113134  
administered glucagon under this section is encouraged to 113135  
maintain at least two doses of the drug at all times. 113136

(C) A camp that elects to procure injectable or nasally 113137  
administered glucagon under this section shall adopt a policy 113138  
governing maintenance and use of the drug. Before adopting the 113139  
policy, the camp shall consult with a licensed health 113140  
professional authorized to prescribe drugs. 113141

(D) The policy adopted under division (C) of this section 113142  
shall do all of the following: 113143

(1) Identify the one or more locations at the camp in 113144  
which injectable or nasally administered glucagon must be 113145  
stored; 113146

(2) Specify the conditions under which injectable or 113147  
nasally administered glucagon must be stored, replaced, or 113148  
disposed; 113149

(3) Specify the individuals employed by or under contract 113150  
with the camp, or who volunteer at the camp, who may access and 113151  
use injectable or nasally administered glucagon in an emergency 113152  
situation identified under division (D) (5) of this section; 113153

(4) Specify any training that employees, contractors, or volunteers specified under division (D) (3) of this section must complete before being authorized to access and use injectable or nasally administered glucagon; 113154  
113155  
113156  
113157

(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of severe hypoglycemia, in which employees, contractors, or volunteers specified under division (D) (3) of this section may access and use injectable or nasally administered glucagon; 113158  
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113160  
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(6) Specify that assistance from an emergency medical service provider must be requested immediately after a dose of glucagon is administered; 113163  
113164  
113165

(7) Specify the individuals to whom a dose of glucagon may be administered in an emergency situation specified under division (D) (5) of this section. 113166  
113167  
113168

(E) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct: 113169  
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(a) A camp; 113175

(b) A camp employee, contractor, or volunteer; 113176

(c) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or nasally administered glucagon, provides a consultation, or issues a protocol pursuant to this section; 113177  
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113180

(2) This section does not eliminate, limit, or reduce any 113181

other immunity or defense that a camp; camp employee, 113182  
contractor, or volunteer; or licensed health professional may be 113183  
entitled to under Chapter 2744. or any other provision of the 113184  
Revised Code or under the common law of this state. 113185

(F) A camp may accept donations of injectable or nasally 113186  
administered glucagon from a wholesale distributor of dangerous 113187  
drugs or manufacturer of dangerous drugs, as defined in section 113188  
4729.01 of the Revised Code, and may accept donations of money 113189  
from any person to purchase the drug. 113190

(G) A camp that elects to procure injectable or nasally 113191  
administered glucagon under this section shall report to the 113192  
department of children and youth each procurement and each 113193  
occurrence in which a dose of the drug is used from the camp's 113194  
supply. 113195

**Sec. ~~3738.01~~ 5180.27.** (A) As used in this section and 113196  
sections ~~3738.02-5180.271~~ to ~~3738.09-5180.278~~ of the Revised 113197  
Code, "pregnancy-associated death" means the death of a woman 113198  
while pregnant or anytime within one year of pregnancy 113199  
regardless of cause. 113200

(B) There is hereby established in the department of 113201  
~~health-children and youth~~ a pregnancy-associated mortality 113202  
review (PAMR) board to identify and review all pregnancy- 113203  
associated deaths statewide for the purpose of reducing the 113204  
incidence of those deaths. 113205

**Sec. ~~3738.02~~ 5180.271.** The PAMR board may not conduct a 113206  
review of a pregnancy-associated death while an investigation of 113207  
the death or prosecution of a person for causing the death is 113208  
pending unless the prosecuting attorney agrees to allow the 113209  
review. The law enforcement agency conducting the criminal 113210

investigation, on the conclusion of the investigation, and the 113211  
prosecuting attorney prosecuting the case, on the conclusion of 113212  
the prosecution, shall notify the chairperson of the PAMR board 113213  
of the conclusion. 113214

**Sec. ~~3738.03~~ 5180.272.** All of the following apply with 113215  
respect to the PAMR board: 113216

(A) The director of ~~health~~ children and youth shall 113217  
appoint the board's members. In doing so, the director shall 113218  
make a good faith effort to select members who represent all 113219  
regions of the state and multiple areas of expertise and 113220  
constituencies concerned with the care of pregnant and 113221  
postpartum women. 113222

(B) The board, by a majority vote of a quorum of its 113223  
members, shall select an individual to serve as its chairperson. 113224  
The board may replace a chairperson in the same manner. 113225

(C) An appointed member shall hold office until a 113226  
successor is appointed. The director of ~~health~~ children and 113227  
youth shall fill a vacancy as soon as practicable. 113228

(D) A member shall not receive any compensation for, and 113229  
shall not be paid for any expenses incurred pursuant to, 113230  
fulfilling the member's duties on the board. 113231

(E) The board shall meet at the call of the board's 113232  
chairperson as often as the chairperson determines necessary for 113233  
timely completion of pregnancy-associated death reviews. The 113234  
reviews shall be conducted in accordance with rules adopted 113235  
under section ~~3738.09~~ 5180.278 of the Revised Code. 113236

(F) The department of ~~health~~ children and youth shall 113237  
provide meeting space, staff services, and other technical 113238  
assistance required by the board in carrying out its duties. 113239



**Sec. ~~3738.04~~ 5180.273.** The PAMR board shall seek to reduce 113240  
the incidence of pregnancy-associated deaths in this state by 113241  
doing all of the following: 113242

(A) Promoting cooperation, collaboration, and 113243  
communication between all groups, professions, agencies, and 113244  
entities that serve pregnant and postpartum women and families; 113245

(B) Recommending and developing plans for implementing 113246  
service and program changes, as well as changes to the groups, 113247  
professions, agencies, and entities that serve pregnant and 113248  
postpartum women and families; 113249

(C) Providing the department of ~~health~~ children and youth 113250  
with aggregate data, trends, and patterns regarding pregnancy- 113251  
associated deaths using data and other relevant information 113252  
specified in rules adopted under section ~~3738.09~~ 5180.278 of the 113253  
Revised Code; 113254

(D) Developing effective interventions to reduce the 113255  
mortality of pregnant and postpartum women. 113256

**Sec. ~~3738.05~~ 5180.274.** (A) Notwithstanding section 113257  
3701.243 and any other section of the Revised Code pertaining to 113258  
confidentiality, and except as provided in division (B) of this 113259  
section, an individual, government entity, agency that provides 113260  
services specifically to individuals or families, law 113261  
enforcement agency, health care provider, or other public or 113262  
private entity that provided services to a woman whose death is 113263  
being reviewed by the PAMR board shall submit to the board a 113264  
copy of any record it possesses that the board requests. In 113265  
addition, such an individual or entity may make available to the 113266  
board additional information, documents, or reports that could 113267  
be useful to the board's investigation. 113268

(B) No person, government entity, law enforcement agency, 113269  
or prosecuting attorney shall provide any information regarding 113270  
a pregnancy-associated death while an investigation of the death 113271  
or prosecution of a person for causing the death is pending 113272  
unless the prosecuting attorney agrees to allow the review. 113273

(C) A family member of the deceased may decline to 113274  
participate in an interview as part of the review process. In 113275  
that case, the review shall continue without the family member's 113276  
participation. 113277

**Sec. ~~3738.06~~ 5180.275.** (A) Any record, document, report, 113278  
or other information presented to the PAMR board, as well as all 113279  
statements made by board members during board meetings, all work 113280  
products of the board, and data submitted to the department of 113281  
~~health-children and youth~~ by the board, other than the biennial 113282  
reports described in section ~~3738.08~~ 5180.277 of the Revised 113283  
Code, are confidential and not a public record under section 113284  
149.43 of the Revised Code. Such materials shall be used by the 113285  
board and department only in the exercise of the proper 113286  
functions of the board and department. 113287

(B) No person shall permit or encourage the unauthorized 113288  
dissemination of confidential information described in division 113289  
(A) of this section. 113290

~~(C) Whoever violates division (B) of this section is  
guilty of a misdemeanor of the second degree.~~ 113291  
113292

**Sec. ~~3738.07~~ 5180.276.** (A) An individual or public or 113293  
private entity providing records, documents, reports, or other 113294  
information to the PAMR board is immune from any civil liability 113295  
for injury, death, or loss to person or property that otherwise 113296  
might be incurred or imposed as a result of providing the 113297

records, documents, reports, or information to the board. 113298

(B) Each board member is immune from any civil liability 113299  
for injury, death, or loss to person or property that might 113300  
otherwise be incurred or imposed as a result of the member's 113301  
participation on the board. 113302

**Sec. ~~3738.08~~ 5180.277.** (A) The PAMR board shall prepare a 113303  
biennial report that does all of the following: 113304

(1) Summarizes the board's findings from the reviews 113305  
completed in the immediately preceding two calendar years, 113306  
including any trends or patterns identified by the board; 113307

(2) Makes recommendations on how pregnancy-associated 113308  
deaths may be prevented, including changes that should be made 113309  
to policies and laws; 113310

(3) Includes any other information related to pregnancy- 113311  
associated mortality the board considers useful. 113312

(B) A report shall not contain individually identifiable 113313  
information regarding any woman whose death was reviewed by the 113314  
board. 113315

(C) The board shall submit a copy of each report to the 113316  
director of ~~health~~children and youth, the general assembly, and 113317  
the governor. The copy to the general assembly shall be 113318  
submitted in accordance with section 101.68 of the Revised Code. 113319  
The initial report shall be submitted not later than March 1, 113320  
2020, with subsequent reports submitted not later than March 1 113321  
every two years thereafter. 113322

The director shall make a copy of each report available on 113323  
the department of ~~health's~~children and youth's web site. 113324

(D) Reports prepared under this section are public records 113325

under section 149.43 of the Revised Code. 113326

**Sec. ~~3738.09~~ 5180.278.** The director of ~~health~~ children and  
youth shall adopt rules that are necessary for the 113327  
implementation of sections ~~3738.01~~ 5180.27 to ~~3738.08~~ 5180.277 113328  
of the Revised Code, including rules that do all of the 113329  
following: 113330  
113331

(A) Establish a procedure for the PAMR board to follow in 113332  
conducting pregnancy-associated death reviews; 113333

(B) Specify the data and other relevant information the 113334  
board must use when conducting pregnancy-associated death 113335  
reviews; 113336

(C) Establish guidelines for the board to follow to 113337  
prevent an unauthorized dissemination of confidential 113338  
information in violation of division (B) of section ~~3738.06~~ 113339  
5180.275 of the Revised Code. 113340

The rules shall be adopted in accordance with Chapter 119. 113341  
of the Revised Code. 113342

**Sec. ~~5101.13~~ 5180.40.** (A) The department of children and 113343  
youth shall establish and maintain a uniform statewide automated 113344  
child welfare information system in accordance with the 113345  
requirements of 42 ~~U.S.C.A.~~ U.S.C. 674(a)(3)(C) and related 113346  
federal regulations and guidelines. The information system shall 113347  
contain records regarding any of the following: 113348

(1) Investigations of children and families, and 113349  
children's care in out-of-home care, in accordance with sections 113350  
2151.421 and 5153.16 of the Revised Code; 113351

(2) Care and treatment provided to children and families; 113352

(3) Any other information related to children and families 113353

that state or federal law, regulation, or rule requires the 113354  
department or a public children services agency to maintain. 113355

~~(B) The department shall plan implementation of the 113356  
information system on a county-by-county basis and shall 113357  
finalize statewide implementation by all public children- 113358  
services agencies as described in section 5153.02 of the Revised 113359  
Code not later than January 1, 2008. 113360~~

~~(C) The department shall promptly notify all public 113361  
children services agencies of the initiation and completion of 113362  
statewide implementation of the statewide information system- 113363  
established under division (A) of this section. 113364~~

~~(D) "Out-of-home care" has the same meaning as in section 113365  
2151.011 of the Revised Code. 113366~~

**Sec. ~~5101.131~~ 5180.401.** Except as provided in section 113367  
~~5101.132~~ 5180.402 of the Revised Code, information contained in 113368  
or obtained from the information system established and 113369  
maintained under section ~~5101.13~~ 5180.40 of the Revised Code is 113370  
confidential and is not subject to disclosure pursuant to 113371  
section 149.43 or 1347.08 of the Revised Code. 113372

**Sec. ~~5101.132~~ 5180.402.** (A) Information contained in the 113373  
information system established and maintained under section 113374  
~~5101.13~~ 5180.40 of the Revised Code may be accessed or entered 113375  
only as follows: 113376

(1) The department of job and family services, the 113377  
department of children and youth, a public children services 113378  
agency, a title IV-E agency, a prosecuting attorney, a private 113379  
child placing agency, and a private noncustodial agency may 113380  
access or enter the information when either of the following is 113381  
the case: 113382

(a) The access or entry is directly connected with 113383  
assessment, investigation, or services regarding a child or 113384  
family; 113385

(b) The access or entry is permitted by state or federal 113386  
law, rule, or regulation. 113387

(2) A person may access or enter the information in a 113388  
manner, to the extent, and for the purposes authorized by rules 113389  
adopted by the department. 113390

(B) As used in this section, "title IV-E agency" means a 113391  
public children services agency or a public entity with which 113392  
the department of job and family services or department of 113393  
children and youth has a title IV-E subgrant agreement in 113394  
effect. 113395

**Sec. ~~5101.133~~ 5180.403.** No person shall access or use 113396  
information contained in the information system established and 113397  
maintained under section ~~5101.13~~ 5180.40 of the Revised Code 113398  
other than in accordance with section ~~5101.132~~ 5180.402 of the 113399  
Revised Code or rules authorized by that section. 113400

No person shall disclose information obtained from the 113401  
information system established and maintained under section 113402  
~~5101.13~~ 5180.40 of the Revised Code in a manner not specified by 113403  
rules authorized by section ~~5101.134~~ 5180.404 of the Revised 113404  
Code. 113405

**Sec. ~~5101.134~~ 5180.404.** (A) Notwithstanding any provision 113406  
of the Revised Code that requires confidentiality of information 113407  
that is contained in the uniform statewide automated child 113408  
welfare information system established in section ~~5101.13~~ 113409  
5180.40 of the Revised Code, the department of children and 113410  
youth shall adopt rules in accordance with Chapter 119. of the 113411

Revised Code regarding a private child placing agency's or 113412  
private noncustodial agency's access, data entry, and use of 113413  
information in the uniform statewide automated child welfare 113414  
information system. 113415

(B) (1) The department of children and youth may adopt 113416  
rules in accordance with section 111.15 of the Revised Code, as 113417  
if they were internal management rules, as necessary to carry 113418  
out the purposes of sections ~~5101.13~~5180.40 to ~~5101.133~~ 113419  
5180.403 of the Revised Code. 113420

(2) The department may adopt rules in accordance with 113421  
Chapter 119. of the Revised Code as necessary to carry out the 113422  
purposes of division (A) (2) of section ~~5101.132~~5180.402 of the 113423  
Revised Code. 113424

(C) Public children services agencies shall implement and 113425  
use the information system established pursuant to section 113426  
~~5101.13~~5180.40 of the Revised Code in accordance with rules 113427  
adopted by the department. 113428

**Sec. ~~5101.135~~ 5180.405.** (A) A public children services 113429  
employee who is entering a report of an investigation of child 113430  
abuse in the statewide automated child welfare information 113431  
system, as required by section ~~5101.13~~5180.40 of the Revised 113432  
Code, shall make a notation on each case of child abuse that 113433  
indicates whether the child abuse arose from an act that caused 113434  
the child to suffer from, or resulted in the child suffering 113435  
from, shaken baby syndrome. 113436

(B) On the first day of March of each year, the department 113437  
of children and youth shall report to the director of health the 113438  
number of reports of child abuse that arose from an act that 113439  
caused the child to suffer from, or resulted in the child 113440

suffering from, shaken baby syndrome and that arose during the 113441  
calendar year immediately preceding the calendar year in which 113442  
the report is made, as determined by an examination of the 113443  
statewide automated child welfare information system established 113444  
and maintained under section ~~5101.13~~5180.40 of the Revised 113445  
Code. 113446

(C) As used in this section, "shaken baby syndrome" has 113447  
the same meaning as in section 5180.14 of the Revised Code. 113448

**Sec. ~~5101.136~~ 5180.406.** If a person requests the 113449  
department of ~~job and family services~~children and youth to 113450  
conduct a search of whether that person's name has been placed 113451  
or remains in the statewide automated child welfare information 113452  
system as an alleged perpetrator of child abuse or neglect and a 113453  
search reveals that a "substantiated" disposition exists, the 113454  
department shall send a letter to the person who requested the 113455  
search indicating a "match." 113456

**Sec. ~~5101.137~~ 5180.407.** The department of ~~job and family~~  
~~services~~children and youth shall work with stakeholders to 113457  
establish an expungement policy regarding dispositions of child 113458  
abuse or neglect in Ohio's central registry on child abuse and 113459  
neglect by March 1, 2024. 113460  
113461

**Sec. ~~5101.14~~ 5180.41.** (A) As used in this section and 113462  
section ~~5101.144~~5180.411 of the Revised Code, "children 113463  
services" means services provided to children pursuant to 113464  
Chapter 5153. of the Revised Code. 113465

(B) Within available funds, the department of children and 113466  
youth shall distribute funds to the counties within thirty days 113467  
after the beginning of each calendar quarter for a part of the 113468  
counties' costs for children services. 113469



Funds provided to the county under this section shall be 113470  
deposited into the children services fund created pursuant to 113471  
section ~~5101.144~~5180.411 of the Revised Code. 113472

(C) In each fiscal year, the amount of funds available for 113473  
distribution under this section shall be allocated to counties 113474  
as follows: 113475

(1) If the amount is less than the amount initially 113476  
appropriated for the immediately preceding fiscal year, each 113477  
county shall receive an amount equal to the percentage of the 113478  
funding it received in the immediately preceding fiscal year, 113479  
exclusive of any releases from or additions to the allocation or 113480  
any sanctions imposed under this section; 113481

(2) If the amount is equal to the amount initially 113482  
appropriated for the immediately preceding fiscal year, each 113483  
county shall receive an amount equal to the amount it received 113484  
in the preceding fiscal year, exclusive of any releases from or 113485  
additions to the allocation or any sanctions imposed under this 113486  
section; 113487

(3) If the amount is greater than the amount initially 113488  
appropriated for the immediately preceding fiscal year, each 113489  
county shall receive the amount determined under division (C) (2) 113490  
of this section as a base allocation, plus a percentage of the 113491  
amount that exceeds the amount initially appropriated for the 113492  
immediately preceding fiscal year. The amount exceeding the 113493  
amount initially appropriated in the immediately preceding 113494  
fiscal year shall be allocated to the counties as follows: 113495

(a) Twelve per cent divided equally among all counties; 113496

(b) Forty-eight per cent in the ratio that the number of 113497  
residents of the county under the age of eighteen bears to the 113498

total number of such persons residing in this state; 113499

(c) Forty per cent in the ratio that the number of 113500  
residents of the county with incomes under the federal poverty 113501  
guideline bears to the total number of such persons in this 113502  
state. 113503

As used in division (C) (3) (c) of this section, "federal 113504  
poverty guideline" means the poverty guideline as defined by the 113505  
United States office of management and budget and revised by the 113506  
United States secretary of health and human services in 113507  
accordance with section 673 of the "Community Services Block 113508  
Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 113509

(D) Within ninety days after the end of each state fiscal 113510  
biennium, each county shall return any unspent funds to the 113511  
department. 113512

(E) The director of children and youth may adopt the 113513  
following rules in accordance with section 111.15 of the Revised 113514  
Code: 113515

(1) Rules that are necessary for the allocation of funds 113516  
under this section; 113517

(2) Rules prescribing reports on expenditures to be 113518  
submitted by the counties as necessary for the implementation of 113519  
this section. 113520

**Sec. ~~5101.144~~ 5180.411.** Each county shall deposit all 113521  
funds its public children services agency receives from 113522  
appropriations made by the board of county commissioners or any 113523  
other source for the purpose of providing children services into 113524  
a special fund in the county treasury known as the children 113525  
services fund. A county shall use money in the fund only for the 113526  
purposes of meeting the expenses of providing children services. 113527

<b>Sec. <del>5101.141</del> <u>5180.42</u>.</b> (A) As used in sections <del>5101.141</del>	113528
<u>5180.42</u> to <del>5101.1417</del> <u>5180.4214</u> of the Revised Code:	113529
(1) "Adopted young adult" means a person:	113530
(a) Who was in the temporary or permanent custody of a	113531
public children services agency;	113532
(b) Who was adopted at the age of sixteen or seventeen and	113533
attained the age of sixteen before a Title IV-E adoption	113534
assistance agreement became effective;	113535
(c) Who has attained the age of eighteen; and	113536
(d) Who has not yet attained the age of twenty-one.	113537
(2) "Child" means any of the following:	113538
(a) A person who meets the requirements of division (B) (3)	113539
of section 5153.01 of the Revised Code;	113540
(b) An adopted young adult;	113541
(c) An emancipated young adult.	113542
(3) "Emancipated young adult" means a person:	113543
(a) Who was in the temporary or permanent custody of a	113544
public children services agency, a planned permanent living	113545
arrangement, or in the Title-IV-E-eligible care and placement	113546
responsibility of a juvenile court or other governmental agency	113547
that provides Title IV-E reimbursable placement services;	113548
(b) Whose custody, arrangement, or care and placement was	113549
terminated on or after the person's eighteenth birthday; and	113550
(c) Who has not yet attained the age of twenty-one.	113551
(4) "Kinship guardianship young adult" means an individual	113552
that meets the following criteria:	113553

- (a) Was in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement prior to the commitment described in division (A) (4) (b) of this section; 113554  
113555  
113556
- (b) Was committed to the legal custody or legal guardianship of a kinship caregiver at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E kinship guardianship assistance agreement became effective; 113558  
113559  
113560  
113561
- (c) Has attained the age of eighteen; 113562
- (d) Has not yet attained the age of twenty-one. 113563
- (5) "Relative" means, with respect to a child, any of the following who is eighteen years of age or older: 113564  
113565
- (a) The following individuals related by blood or adoption to the child: 113566  
113567
- (i) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great"; 113568  
113569
- (ii) Siblings; 113570
- (iii) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand"; 113571  
113572  
113573
- (iv) First cousins and first cousins once removed. 113574
- (b) Stepparents and stepsiblings of the child; 113575
- (c) Spouses and former spouses of individuals named in divisions (A) (5) (a) and (b) of this section; 113576  
113577
- (d) A legal guardian of the child; 113578
- (e) A legal custodian of the child; 113579

(f) Any nonrelative adult that has a familiar and long- 113580  
standing relationship or bond with the child or the family, 113581  
which relationship or bond will ensure the child's social ties. 113582

(6) "Representative" means a person with whom the 113583  
department of children and youth has entered into a contract, 113584  
pursuant to division (B) (2) (b) of this section. 113585

(7) "Title IV-E" means Title IV-E of the "Social Security 113586  
Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 113587

(B) (1) Except as provided in divisions (B) (2) ~~and~~ (3) ~~and~~ ~~(4)~~ 113588  
of this section, the department of children and youth 113589  
shall act as the single state agency to administer federal 113590  
payments for foster care, kinship guardianship assistance, and 113591  
adoption assistance made pursuant to Title IV-E. The director of 113592  
children and youth shall adopt rules to implement this 113593  
authority. Rules governing financial and administrative 113594  
requirements applicable to public children services agencies and 113595  
government entities that provide Title IV-E reimbursable 113596  
placement services to children shall be adopted in accordance 113597  
with section 111.15 of the Revised Code, as if they were 113598  
internal management rules. Rules governing requirements 113599  
applicable to private child placing agencies and private 113600  
noncustodial agencies and rules establishing eligibility, 113601  
program participation, and other requirements concerning Title 113602  
IV-E shall be adopted in accordance with Chapter 119. of the 113603  
Revised Code. A public children services agency to which the 113604  
department distributes Title IV-E funds shall administer the 113605  
funds in accordance with those rules. 113606

~~(2) If the~~ (2) (a) The department shall implement the state 113607  
plan is as amended under ~~divisions (A) and (B) of section~~ 113608  
5101.1411-5180.428 of the Revised Code, ~~both of the following~~ 113609

~~shall apply:—~~ 113610

~~(a) Implementation of the amendments to the plan shall~~ 113611  
~~begin fifteen months after September 13, 2016, the effective~~ 113612  
~~date of H.B. 50 of the 131st general assembly, if both of the~~ 113613  
~~following apply:—~~ 113614

~~(i) The plan as amended is approved by the secretary of~~ 113615  
~~health and human services;—~~ 113616

~~(ii) The~~ if the ~~general assembly has appropriated~~ 113617  
~~sufficient funds to operate the program required under the plan~~ 113618  
~~as amended.~~ 113619

(b) The department shall have, exercise, and perform all 113620  
new duties required under the plan as amended. In doing so, the 113621  
department may contract with another person to carry out those 113622  
new duties, to the extent permitted under Title IV-E. 113623

~~(3) If the state plan is amended under division (C) of~~ 113624  
~~section 5101.1411 of the Revised Code, both of the following~~ 113625  
~~apply:—~~ 113626

~~(a) Implementation of the amendments to the plan shall~~ 113627  
~~begin fifteen months after September 30, 2021, if both of the~~ 113628  
~~following apply:—~~ 113629

~~(i) The plan as amended is approved by the secretary of~~ 113630  
~~health and human services.—~~ 113631

~~(ii) The general assembly has appropriated sufficient~~ 113632  
~~funds to operate the program required under the plan as amended.~~ 113633

~~(b) The department shall perform all new duties required~~ 113634  
~~under the amended plan. In doing so, the department may contract~~ 113635  
~~with another person to carry out those new duties, to the extent~~ 113636  
~~permitted under Title IV-E.—~~ 113637

~~(4) If The department shall implement the state plan ~~is as~~ 113638  
amended under section ~~5101.1416~~ 5180.4213 of the Revised Code, 113639  
~~and is approved by the secretary of health and human services,~~ 113640  
~~implementation of the amendments to the plan shall begin fifteen~~ 113641  
~~months after September 30, 2021.~~ 113642~~

(C) (1) Except with regard to the new duties imposed on the 113643  
department or its contractor under ~~divisions~~ division (B) (2) (b) 113644  
~~and (B) (3) (b)~~ of this section that are not imposed on the 113645  
county, the county, on behalf of each child eligible for foster 113646  
care maintenance payments under Title IV-E, shall make payments 113647  
to cover the cost of providing all of the following: 113648

(a) The child's food, clothing, shelter, daily 113649  
supervision, and school supplies; 113650

(b) The child's personal incidentals; 113651

(c) Reasonable travel to the child's home for visitation. 113652

(2) In addition to payments made under division (C) (1) of 113653  
this section, the county may, on behalf of each child eligible 113654  
for foster care maintenance payments under Title IV-E, make 113655  
payments to cover the cost of providing the following: 113656

(a) Liability insurance with respect to the child; 113657

(b) If the county is participating in the demonstration 113658  
project established under division (A) of section ~~5101.142~~ 113659  
5180.421 of the Revised Code, services provided under the 113660  
project. 113661

(3) With respect to a child who is in a child-care 113662  
institution, including any type of group home designed for the 113663  
care of children or any privately operated program consisting of 113664  
two or more certified foster homes operated by a common 113665

administrative unit, the foster care maintenance payments made 113666  
by the county on behalf of the child shall include the 113667  
reasonable cost of the administration and operation of the 113668  
institution, group home, or program, as necessary to provide the 113669  
items described in divisions (C) (1) and (2) of this section. 113670

(D) To the extent that either foster care maintenance 113671  
payments under division (C) of this section, Title IV-E kinship 113672  
guardianship assistance, or Title IV-E adoption assistance 113673  
payments for maintenance costs require the expenditure of county 113674  
funds, the board of county commissioners shall report the nature 113675  
and amount of each expenditure of county funds to the 113676  
department. 113677

(E) The department shall distribute to public children 113678  
services agencies that incur and report expenditures of the type 113679  
described in division (D) of this section federal financial 113680  
participation received for administrative and training costs 113681  
incurred in the operation of foster care maintenance, kinship 113682  
guardianship assistance, and adoption assistance programs. The 113683  
department may withhold not more than three per cent of the 113684  
federal financial participation received. The funds withheld may 113685  
be used only to fund the following: 113686

(1) The Ohio child welfare training program established 113687  
under section 5103.30 of the Revised Code; 113688

(2) The university partnership program for college and 113689  
university students majoring in social work who have committed 113690  
to work for a public children services agency upon graduation; 113691

(3) Efforts supporting organizational excellence, 113692  
including voluntary activities to be accredited by a nationally 113693  
recognized accreditation organization. 113694



The funds withheld shall be in addition to any 113695  
administration and training cost for which the department is 113696  
reimbursed through its own cost allocation plan. 113697

(F) All federal financial participation funds received by 113698  
a county pursuant to this section shall be deposited into the 113699  
county's children services fund created pursuant to section 113700  
~~5101.144~~5180.411 of the Revised Code. 113701

~~(G)~~(G) (1) The department shall periodically publish and 113702  
distribute the maximum amounts that the department will 113703  
reimburse public children services agencies for making payments 113704  
on behalf of children eligible for foster care maintenance 113705  
payments. 113706

(2) The department may issue a request for proposals to 113707  
establish statewide rate cards for placement and care of 113708  
children eligible for foster care maintenance payments. If a 113709  
request for proposals is issued, the department shall review and 113710  
accept the reasonable cost of providing the items described in 113711  
division (C) of this section. 113712

(H) The department, by and through its director, is hereby 113713  
authorized to develop, participate in the development of, 113714  
negotiate, and enter into one or more interstate compacts on 113715  
behalf of this state with agencies of any other states, for the 113716  
provision of social services to children in relation to whom all 113717  
of the following apply: 113718

(1) They have special needs. 113719

(2) This state or another state that is a party to the 113720  
interstate compact is providing kinship guardianship assistance 113721  
or adoption assistance on their behalf. 113722

(3) They move into this state from another state or move 113723

out of this state to another state. 113724

**Sec. ~~5101.142~~ 5180.421.** (A) The department of children and 113725  
youth may apply to the United States secretary of health and 113726  
human services for a waiver of requirements established under 113727  
Title IV-E, or regulations adopted thereunder, to conduct a 113728  
demonstration project expanding eligibility for and services 113729  
provided under Title IV-E. The department may enter into 113730  
agreements with the secretary necessary to implement the 113731  
demonstration project, including agreements establishing the 113732  
terms and conditions of the waiver authorizing the project. If a 113733  
demonstration project is to be established, the department shall 113734  
do all of the following: 113735

(1) Have the director of children and youth adopt rules in 113736  
accordance with Chapter 119. of the Revised Code governing the 113737  
project. The rules shall be consistent with the agreements the 113738  
department enters into with the secretary. 113739

(2) Enter into agreements with public children services 113740  
agencies that the department selects for participation in the 113741  
project. The department shall not select an agency that objects 113742  
to participation or refuses to be bound by the terms and 113743  
conditions of the project. 113744

(3) Contract with persons or governmental agencies 113745  
providing services under the project; 113746

(4) Amend the state plan required by section 471 of the 113747  
"Social Security Act," 42 ~~U.S.C.A.~~U.S.C. 671, as amended, as 113748  
needed to implement the project; 113749

(5) Conduct ongoing evaluations of the project; 113750

(6) Perform other administrative and operational 113751  
activities required by the agreement with the secretary. 113752

(B) The department may apply to the United States secretary of health and human services for a waiver of the requirements established under Title IV-B of the "Social Security Act of 1967," ~~81 Stat. 821,~~ 42 U.S.C.A.U.S.C. 620 or regulations adopted thereunder and established under any other federal law or regulations that affect the children services functions prescribed by Chapter 5153. of the Revised Code, to conduct demonstration projects or otherwise improve the effectiveness and efficiency of the children services function.

**Sec. ~~5101.145~~ 5180.422.** (A) In adopting rules under section ~~5101.141~~5180.42 of the Revised Code regarding financial requirements applicable to public children services agencies, private child placing agencies, private noncustodial agencies, and government entities that provide Title IV-E reimbursable placement services to children, the department of children and youth ~~shall~~may establish both of the following:

(1) A single form for the agencies or entities to report costs reimbursable under Title IV-E and costs reimbursable under medicaid;

(2) Procedures to monitor cost reports submitted by the agencies or entities.

(B) The procedures established under division (A) (2) of this section shall ~~be implemented not later than October 1, 2003.~~ ~~The procedures shall~~ be used to do both of the following:

(1) Determine which of the costs are reimbursable under Title IV-E;

(2) Ensure that costs reimbursable under medicaid are excluded from determinations made under division (B) (1) of this section.

**Sec. ~~5101.146~~ 5180.423.** The department of children and youth shall establish the following penalties, which shall be enforced at the discretion of the department, for the failure of a public children services agency, private child placing agency, private noncustodial agency, or government entity that provides Title IV-E reimbursable placement services to children to comply with procedures the department establishes to ensure fiscal accountability:

(A) For initial failure, the department and the agency or entity involved shall jointly develop and implement a corrective action plan according to a specific schedule. If requested by the agency or entity involved, the department shall provide technical assistance to the agency or entity to ensure the fiscal accountability procedures and goals of the plan are met.

(B) For subsequent failures or failure to achieve the goals of the plan described in division (A) of this section, one of the following:

(1) For public children services agencies, the department may take any action permitted under division (C) (2), (4), (5), or (6) of section 5101.24 of the Revised Code.

(2) For private child placing agencies or private noncustodial agencies, cancellation of any Title IV-E allowability rates for the agency involved pursuant to section ~~5101.141~~ 5180.42 of the Revised Code or revocation pursuant to Chapter 119. of the Revised Code of that agency's certificate issued under section 5103.03 of the Revised Code;

(3) For government entities, other than public children services agencies, that provide Title IV-E reimbursable placement services to children, cancellation of any Title IV-E

allowability rates for the entity involved pursuant to section 113811  
~~5101.141~~5180.42 of the Revised Code. 113812

**Sec. ~~5101.147~~ 5180.424.** If a public children services 113813  
agency fails to comply with the fiscal accountability procedures 113814  
established by the department of children and youth, the 113815  
department shall notify the board of county commissioners of the 113816  
county served by the agency. If a private child placing agency 113817  
or private noncustodial agency fails to comply with the fiscal 113818  
accountability procedures, the department shall notify the 113819  
executive director of each public children services agency that 113820  
has entered into a contract for services with the private child 113821  
placing agency or private noncustodial agency. 113822

**Sec. ~~5101.148~~ 5180.425.** If the department of children and 113823  
youth sanctions a public children services agency, private child 113824  
placing agency, or private noncustodial agency, it shall take 113825  
every possible precaution to ensure that any foster children 113826  
that have been placed by the agency under sanction are not 113827  
unnecessarily removed from the certified foster homes in which 113828  
they reside. 113829

**Sec. ~~5101.149~~ 5180.426.** Money from the children services 113830  
fund shall not be used to provide a personal loan to any 113831  
individual. 113832

**Sec. ~~5101.1410~~ 5180.427.** In addition to the remedies 113833  
available under sections ~~5101.146~~ and 5101.24 and 5180.423 of 113834  
the Revised Code, the department of children and youth may 113835  
certify a claim to the attorney general under section 131.02 of 113836  
the Revised Code for the attorney general to take action under 113837  
that section against a public children services agency, private 113838  
child placing agency, private noncustodial agency, or government 113839  
entity that provides Title IV-E reimbursable placement services 113840

to children if all of the following are the case: 113841

(A) The agency or entity files a cost report with the 113842  
department pursuant to rules adopted under division (B) of 113843  
section ~~5101.1411~~ 5180.42 of the Revised Code. 113844

(B) The department receives and distributes federal Title 113845  
IV-E reimbursement funds based on the cost report. 113846

(C) The agency's or entity's misstatement, 113847  
misclassification, overstatement, understatement, or other 113848  
inclusion or omission of any cost included in the cost report 113849  
causes the United States department of health and human services 113850  
to disallow all or part of the federal Title IV-E reimbursement 113851  
funds the department received and distributed. 113852

(D) The agency's or entity's misstatement, 113853  
misclassification, overstatement, understatement, or other 113854  
inclusion or omission of any cost included in the cost report is 113855  
not the direct result of a written directive concerning the 113856  
agency or entity's cost report that the department issued to the 113857  
agency or entity. 113858

**Sec. ~~5101.1411~~ 5180.428.** (A) (1) The director of ~~job and~~ 113859  
~~family services children and youth~~ shall, ~~not later than nine~~ 113860  
~~months after September 13, 2016, the effective date of H.B. 50~~ 113861  
~~of the 131st general assembly, submit an amendment to the state~~ 113862  
~~plan required by 42 U.S.C. 671 to the United States secretary of~~ 113863  
~~health and human services to implement 42 U.S.C. 675(8) to make~~ 113864  
federal payments for foster care under Title IV-E directly to, 113865  
or on behalf of, any emancipated young adult who meets the 113866  
following requirements: 113867

(a) The emancipated young adult signs a voluntary 113868  
participation agreement. 113869

(b) The emancipated young adult satisfies division (D) of this section. 113870  
113871

(2) Any emancipated young adult who meets the requirements of division (A) (1) of this section may apply for foster care payments and make the appropriate application at any time. 113872  
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(B) (1) The director of ~~job and family services children and youth shall, not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to~~ implement 42 U.S.C. 675(8) to make federal payments for adoption assistance under Title IV-E available to any parent who meets all of the following requirements: 113875  
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(a) The parent adopted a person who is an adopted young adult and the parent entered into an adoption assistance agreement under 42 U.S.C. 673 while the adopted person was age sixteen or seventeen. 113883  
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(b) The parent maintains parental responsibility for the adopted young adult. 113887  
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(c) The adopted young adult satisfies division (D) of this section. 113889  
113890

(2) Any parent who meets the requirements of division (B) (1) of this section that are applicable to a parent may request an extension of adoption assistance payments at any time before the adopted young adult reaches age twenty-one. 113891  
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(3) An adopted young adult who is eligible to receive adoption assistance payments is not considered an emancipated young adult and is therefore not eligible to receive payment under division (A) of this section. 113895  
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(C) (1) The director of ~~job and family services children~~ and youth shall, ~~not later than nine months after September 30,~~ 2021, ~~submit an amendment to the state plan required by 42-~~ U.S.C. 671 to the United States secretary of health and human- ~~services to~~ implement 42 U.S.C. 673(d) to provide kinship guardianship assistance under Title IV-E available to any relative who meets all of the following requirements: 113899  
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(a) Both of the following apply: 113906

(i) A juvenile court issued an order granting legal custody of a person who is a kinship guardianship young adult to the relative, or a probate court issued an order granting guardianship of a person who is a kinship guardianship young adult to the relative, and the order is not a temporary court order. 113907  
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(ii) The relative entered into a kinship guardianship assistance agreement under 42 U.S.C. 673(d) while the kinship guardianship young adult was age sixteen or seventeen. 113913  
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(b) The relative maintains parental responsibility for the kinship guardianship young adult. 113916  
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(c) The kinship guardianship young adult satisfies division (D) of this section. 113918  
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(2) Any person who meets the requirements of division (C) (1) of this section may request an extension of kinship guardianship assistance at any time before the kinship guardianship young adult reaches age twenty-one. 113920  
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(3) A kinship guardianship young adult who is eligible to receive kinship guardianship assistance is not considered an emancipated young adult and is therefore not eligible to receive assistance under division (A) of this section. 113924  
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(D) In addition to other requirements, an adopted, kinship guardianship, or emancipated young adult must meet at least one of the following criteria: 113928  
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(1) Is completing secondary education or a program leading to an equivalent credential; 113931  
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(2) Is enrolled in an institution that provides post-secondary or vocational education; 113933  
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(3) Is participating in a program or activity designed to promote, or remove barriers to, employment; 113935  
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(4) Is employed for at least eighty hours per month; 113937

(5) Is incapable of doing any of the activities described in divisions (D)(1) to (4) of this section due to a physical or mental condition, which incapacity is supported by regularly updated information in the person's case record or plan. 113938  
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(E) Any emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or any relative described in division (C)(1) of this section who is receiving kinship guardianship assistance, or any parent receiving adoption assistance payments, may refuse the payments at any time. 113942  
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(F)(1) An emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or any relative described in division (C)(1) of this section who is receiving kinship guardianship assistance and the kinship guardianship young adult, or a parent receiving adoption assistance payments and the adopted young adult shall be eligible for services set forth in the federal, "Fostering 113949  
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Connections to Success and Increasing Adoptions Act of 2008," 113957  
P.L. 110-351, ~~122 Stat. 3949.~~ 113958

(2) An emancipated young adult described in division (A) 113959  
(1) of this section who is directly receiving foster care 113960  
payments, or on whose behalf such foster care payments are 113961  
received, pursuant to this section, may be eligible to reside in 113962  
a supervised independent living setting, including apartment 113963  
living, room and board arrangements, college or university 113964  
dormitories, host homes, and shared roommate settings. 113965

(G) Any determination by the department of ~~job and family~~ 113966  
~~services or the department of children and youth~~ that denies or 113967  
terminates foster care assistance, kinship guardianship 113968  
assistance, ~~kinship support program payments,~~ or adoption 113969  
assistance payments shall be subject to a state hearing pursuant 113970  
to section 5101.35 of the Revised Code. 113971

**Sec. ~~5101.1412~~ 5180.429.** (A) Without the approval of a 113972  
court, an emancipated young adult who receives payments, or on 113973  
whose behalf payments are received, under division (A) of 113974  
section ~~5101.1411~~ 5180.428 of the Revised Code, may enter into a 113975  
voluntary participation agreement with the department of 113976  
children and youth, or its representative, for the emancipated 113977  
young adult's care and placement. The agreement shall stay in 113978  
effect until one of the following occurs: 113979

(1) The emancipated young adult enrolled in the program 113980  
notifies the department, or its representative, that they want 113981  
to terminate the agreement. 113982

(2) The emancipated young adult becomes ineligible for the 113983  
program. 113984

(B) In order to maintain Title IV-E eligibility for the 113985

emancipated young adult, both of the following apply: 113986

(1) Not later than one hundred eighty days after the 113987  
effective date of the voluntary participation agreement, the 113988  
department or its representative must petition the court for, 113989  
and obtain, a judicial determination that the emancipated young 113990  
adult's best interest is served by continuing the care and 113991  
placement with the department or its representative. 113992

(2) Not later than twelve months after the effective date 113993  
of the voluntary participation agreement, and at least once 113994  
every twelve months thereafter, the department or its 113995  
representative must petition the court for, and obtain, a 113996  
judicial determination that the department or its representative 113997  
has made reasonable efforts to finalize a permanency plan to 113998  
prepare the emancipated young adult for independence. 113999

**Sec. ~~5101.1413~~ 5180.4210.** Notwithstanding section ~~5101.141~~ 114000  
~~5180.42~~ of the Revised Code and any rules adopted thereunder, 114001  
the department of children and youth shall pay the full 114002  
nonfederal share of payments made pursuant to section ~~5101.1411~~ 114003  
~~5180.428~~ of the Revised Code. No public children services agency 114004  
shall be responsible for the cost of any payments made pursuant 114005  
to section ~~5101.1411~~ ~~5180.428~~ of the Revised Code. 114006

**Sec. ~~5101.1414~~ 5180.4211.** (A) The department of children 114007  
and youth shall adopt rules necessary to carry out the purposes 114008  
of sections ~~5101.1411~~ ~~5180.428~~ to ~~5101.1413~~ ~~5180.4210~~ of the 114009  
Revised Code, including rules that do all of the following: 114010

(1) Allow an emancipated young adult described in division 114011  
(A) (1) of section ~~5101.1411~~ ~~5180.428~~ of the Revised Code who is 114012  
directly receiving foster care payments, or on whose behalf such 114013  
foster care payments are received, or an adopted young adult 114014

whose adoptive parents are receiving adoption assistance 114015  
payments, to maintain eligibility while transitioning into, or 114016  
out of, qualified employment or educational activities; 114017

(2) Require that a thirty-day notice of termination be 114018  
given by the department to an emancipated young adult described 114019  
in division (A) (1) of section ~~5101.1411~~5180.428 of the Revised 114020  
Code who is receiving foster care payments, or on whose behalf 114021  
such foster care payments are received, or to a parent receiving 114022  
adoption assistance payments for an adopted young adult 114023  
described in division (B) (1) of section ~~5101.1411~~5180.428 of 114024  
the Revised Code, who is determined to be ineligible for 114025  
payments; 114026

(3) Establish the scope of practice and training necessary 114027  
for case managers and supervisors who care for emancipated young 114028  
adults described in division (A) (1) of section ~~5101.1411~~ 114029  
5180.428 of the Revised Code who are receiving foster care 114030  
payments, or on whose behalf such foster care payments are 114031  
received, under section ~~5101.1411~~5180.428 of the Revised Code. 114032

(B) The department of children and youth shall create an 114033  
advisory council to evaluate and make recommendations for 114034  
statewide implementation of sections ~~5101.1411~~5180.428 and 114035  
~~5101.1412~~5180.429 of the Revised Code. 114036

**Sec. ~~5101.1415~~ 5180.4212.** The provisions of divisions (A) 114037  
and (D) to (G) of section ~~5101.1411~~5180.428 of the Revised Code 114038  
shall not apply if the person is eligible for temporary or 114039  
permanent custody until age twenty-one pursuant to a 114040  
dispositional order under sections 2151.353, 2151.414, and 114041  
2151.415 of the Revised Code. 114042

**Sec. ~~5101.1416~~ 5180.4213.** (A) ~~Not later than nine months~~ 114043

~~after the effective date of this section , the~~ The director of 114044  
~~job and family services children and youth shall submit an~~ 114045  
~~amendment to the state plan required by 42 U.S.C. 671 to the~~ 114046  
~~United States secretary of health and human services to~~ 114047  
implement 42 U.S.C. 673(d) to provide kinship guardianship 114048  
assistance under Title IV-E on behalf of a child to a relative 114049  
who meets the following requirements: 114050

(1) The relative has cared for the eligible child pursuant 114051  
to division (B) of this section as a foster caregiver as defined 114052  
by section 5103.02 of the Revised Code for at least six 114053  
consecutive months. 114054

(2) Both of the following apply: 114055

(a) A juvenile court issued an order granting legal 114056  
custody of the child to the relative, or a probate court issued 114057  
an order granting guardianship of the child to the relative, and 114058  
the order is not a temporary court order. 114059

(b) The relative has committed to care for the child on a 114060  
permanent basis. 114061

(3) The relative signs a kinship guardianship assistance 114062  
agreement required by 42 U.S.C. 673. 114063

(B) A child is an eligible child for kinship guardianship 114064  
assistance under this section if the following are met: 114065

(1) The child has been removed from his or her home 114066  
pursuant to a voluntary placement agreement or as a result of a 114067  
judicial determination to the effect that continuation in the 114068  
home would be contrary to the welfare of the child. 114069

(2) The child has been eligible for foster care 114070  
maintenance payments under section ~~5101.141~~ 5180.42 of the 114071

Revised Code while residing for at least six consecutive months 114072  
in the home of a relative described in division (A) of this 114073  
section. 114074

(3) Returning the child home or adoption of the child are 114075  
not appropriate permanency options for the child. 114076

(4) The child demonstrates a strong attachment to the 114077  
child's relative described in division (A) of this section and 114078  
the relative has a strong commitment to caring permanently for 114079  
the child. 114080

(5) With respect to a child who has attained fourteen 114081  
years of age, the child has been consulted regarding the kinship 114082  
guardianship arrangement. 114083

**Sec. ~~5101.1417~~ 5180.4214.** The department of children and 114084  
youth shall adopt rules necessary to carry out the purposes of 114085  
sections ~~5101.1411~~5180.42, ~~5101.1411~~5180.428, and ~~5101.1416~~ 114086  
5180.4213 of the Revised Code, and 42 U.S.C. 673(d) of the 114087  
"Social Security Act," including rules that do all of the 114088  
following: 114089

(A) Allow a kinship guardianship young adult described in 114090  
division (C) of section ~~5101.1411~~5180.428 of the Revised Code 114091  
on whose behalf kinship guardianship assistance is received, to 114092  
maintain eligibility while transitioning into, or out of, 114093  
qualified employment or educational activities; 114094

(B) Require that a thirty-day notice of termination be 114095  
given by the department to a person receiving kinship 114096  
guardianship assistance for a kinship guardianship young adult 114097  
described in division (C) of section ~~5101.1411~~5180.428 of the 114098  
Revised Code, who is determined to be ineligible for assistance. 114099

**Sec. ~~5101.1418~~ 5180.43.** (A) (1) If, after a child's 114100

adoption is finalized, the department of children and youth 114101  
considers the child to be in need of public care or protective 114102  
services, the department may, to the extent state funds are 114103  
available for this purpose, enter into an agreement with the 114104  
child's adoptive parent under which the department may make post 114105  
adoption special services subsidy payments on behalf of the 114106  
child as needed when both of the following apply: 114107

(a) The child has a physical or developmental disability 114108  
or mental or emotional condition that either: 114109

(i) Existed before the adoption petition was filed; or 114110

(ii) Developed after the adoption petition was filed and 114111  
can be directly attributed to factors in the child's preadoption 114112  
background, medical history, or biological family's background 114113  
or medical history. 114114

(b) The department determines the expenses necessitated by 114115  
the child's disability or condition are beyond the adoptive 114116  
parent's economic resources. 114117

(2) Services for which the department may make post 114118  
adoption special services subsidy payments on behalf of a child 114119  
under this section shall include medical, surgical, psychiatric, 114120  
psychological, and counseling services, including residential 114121  
treatment. 114122

(3) The department shall establish clinical standards to 114123  
evaluate a child's physical or developmental disability or 114124  
mental or emotional condition and assess the child's need for 114125  
services. 114126

(4) The total dollar value of post adoption special 114127  
services subsidy payments made on a child's behalf shall not 114128  
exceed ten thousand dollars in any fiscal year, unless the 114129

department determines that extraordinary circumstances exist 114130  
that necessitate further funding of services for the child. 114131  
Under such extraordinary circumstances, the value of the 114132  
payments made on the child's behalf shall not exceed fifteen 114133  
thousand dollars in any fiscal year. 114134

(5) The adoptive parent or parents of a child who receives 114135  
post adoption special services subsidy payments shall pay at 114136  
least five per cent of the total cost of all services provided 114137  
to the child; except that the department may waive this 114138  
requirement if the gross annual income of the child's adoptive 114139  
family is not more than two hundred per cent of the federal 114140  
poverty guideline. 114141

(6) The department may use other sources of revenue to 114142  
make post adoption special services subsidy payments, in 114143  
addition to any state funds appropriated for that purpose. 114144

(7) The department may contract with another person to 114145  
carry out any of the duties described in this section. 114146

(B) No payment shall be made on behalf of any person 114147  
eighteen years of age or older beyond the end of the school year 114148  
during which the person attains the age of eighteen or on behalf 114149  
of a mentally or physically disabled person twenty-one years of 114150  
age or older. 114151

(C) The director of children and youth shall adopt rules 114152  
in accordance with Chapter 119. of the Revised Code necessary to 114153  
implement this section. The rules shall establish all of the 114154  
following: 114155

(1) The application process for all forms of assistance 114156  
provided under this section; 114157

(2) Standards for determining the children who qualify to 114158



receive assistance provided under this section; 114159

(3) The method of determining the amount, duration, and 114160  
scope of services provided to a child; 114161

(4) The method of transitioning the post adoption special 114162  
services subsidy program from public children services agencies 114163  
to the department; 114164

(5) Any other rule, requirement, or procedure the 114165  
department considers appropriate for the implementation of this 114166  
section. 114167

~~(D) The department shall implement this section not later 114168  
than July 1, 2022. 114169~~

**Sec. ~~5101.15~~ 5180.44.** Within available funds the 114170  
department of children and youth may reimburse counties in 114171  
accordance with this section for a portion of the salaries paid 114172  
to child welfare workers employed under section 5153.12 of the 114173  
Revised Code. No county with a population of eighty thousand or 114174  
less, according to the latest census accepted by the department 114175  
as official, shall be entitled to reimbursement on the salaries 114176  
of more than two child welfare workers, and no county with a 114177  
population of more than eighty thousand, according to such 114178  
census, shall be entitled to reimbursement on the salaries of 114179  
more than two child welfare workers plus one additional child 114180  
welfare worker for each one hundred thousand of population in 114181  
excess of eighty thousand. 114182

The maximum reimbursement to which a county may be 114183  
entitled on any child welfare worker shall be as follows: 114184

(A) Twenty-seven hundred dollars a year for a child 114185  
welfare worker who is a graduate of an accredited high school, 114186  
college, or university; 114187

(B) Thirty-three hundred dollars a year for a child 114188  
welfare worker who has one year or more of graduate training in 114189  
social work or a field which the department finds to be related 114190  
to social work; 114191

(C) Thirty-nine hundred dollars a year for a child welfare 114192  
worker who has completed two years of social work training. 114193

The salary of the executive director, designated in 114194  
accordance with section 5153.10 of the Revised Code, shall be 114195  
subject to reimbursement under this section, provided that the 114196  
executive director qualifies under division (A), (B), or (C) of 114197  
this section. No funds shall be allocated under this section 114198  
until the director of children and youth has approved a plan of 114199  
child welfare services for the county submitted by the public 114200  
children services agency. 114201

**Sec. ~~5101.19~~ 5180.45.** As used in sections ~~5101.19~~ 5180.45 114202  
to ~~5101.194~~ 5180.454 of the Revised Code: 114203

(A) "Adopted child" means a person who is less than 114204  
eighteen years of age when the person becomes subject to a final 114205  
order of adoption, an interlocutory order of adoption, or when 114206  
the adoption is recognized by this state under section 3107.18 114207  
of the Revised Code. 114208

(B) "Adoption" includes an adoption arranged by an 114209  
attorney, a public children services agency, private child 114210  
placing agency, or a private noncustodial agency, an interstate 114211  
adoption, or an international or foreign adoption. 114212

(C) "Adoptive parent" means the person or persons who 114213  
obtain parental rights and responsibilities over an adopted 114214  
child pursuant to a final order of adoption, an interlocutory 114215  
order of adoption, or an adoption recognized by this state under 114216

section 3107.18 of the Revised Code. 114217

(D) "Casework services" means services performed or 114218  
arranged by a public children services agency, private child 114219  
placing agency, private noncustodial agency, or public entity 114220  
with whom the department of children and youth has a Title IV-E 114221  
subgrant agreement in effect, to manage the progress, provide 114222  
supervision and protection of the child and the child's parent, 114223  
guardian, or custodian. 114224

(E) "Foster caregiver" has the same meaning as in section 114225  
5103.02 of the Revised Code. 114226

(F) "Qualified professional" means an individual that is, 114227  
but not limited to, any one of the following: 114228

- (1) Audiologist; 114229
- (2) Orthopedist; 114230
- (3) Physician; 114231
- (4) Certified nurse practitioner; 114232
- (5) Physician assistant; 114233
- (6) Psychiatrist; 114234
- (7) Psychologist; 114235
- (8) School psychologist; 114236
- (9) Licensed marriage and family therapist; 114237
- (10) Speech and language pathologist; 114238
- (11) Licensed independent social worker; 114239
- (12) Licensed professional clinical counselor; 114240
- (13) Licensed social worker who is under the direct 114241

supervision of a licensed independent social worker; 114242

(14) Licensed professional counselor who is under the 114243  
direct supervision of a licensed professional clinical 114244  
counselor. 114245

(G) "Special needs" means any of the following: 114246

(1) A developmental disability as defined in section 114247  
5123.01 of the Revised Code; 114248

(2) A physical or mental impairment that substantially 114249  
limits one or more of the major life activities; 114250

(3) Any physiological disorder or condition, cosmetic 114251  
disfigurement, or anatomical loss affecting one or more body 114252  
systems; 114253

(4) Any mental or psychological disorder; 114254

(5) A medical condition causing distress, pain, 114255  
dysfunction, or social problems as diagnosed by a qualified 114256  
professional that results in ongoing medical treatment. 114257

**Sec. ~~5101.191~~ 5180.451.** (A) The director of children and 114258  
youth shall establish and administer the Ohio adoption grant 114259  
program in accordance with sections ~~5101.19~~ 5180.45 to ~~5101.194~~ 114260  
5180.454 of the Revised Code. 114261

(B) The director shall provide ~~one, but not both,~~ either of 114262  
the following one-time payments for an adopted child to the 114263  
child's adoptive parent if the requirements of division (A) of 114264  
section ~~5101.192~~ 5180.452 of the Revised Code, but not division 114265  
(B) of that section, are satisfied regarding the child: 114266

(1) Ten thousand dollars; 114267

(2) Fifteen thousand dollars, if the parent was a foster 114268

caregiver who cared for the child prior to adoption. 114269

(C) The director shall provide a one-time payment for an 114270  
adopted child of twenty thousand dollars to the child's adoptive 114271  
parent if the requirements of divisions (A) and (B) of section 114272  
~~5101.192~~5180.452 of the Revised Code are satisfied regarding 114273  
the child. 114274

(D) The payment described in divisions (B) and (C) of this 114275  
section shall be provided to all eligible applicants to the 114276  
extent state funds are available for this purpose. 114277

**Sec. ~~5101.192~~ 5180.452.** (A) To receive a grant payment 114278  
under division (B) of section ~~5101.191~~5180.451 of the Revised 114279  
Code, all of the following must be satisfied: 114280

(1) The adoptive parent has not previously received a 114281  
grant payment from the Ohio adoption grant program for the 114282  
adopted child for whom the parent is seeking payment. 114283

(2) The adoptive parent does not also currently claim an 114284  
adoption tax credit pursuant to former section 5747.37 of the 114285  
Revised Code for the adopted child for whom the parent is 114286  
seeking payment. 114287

(3) The adoptive parent applies for the grant not later 114288  
than one year after the final adoption order, interlocutory 114289  
order of adoption, or recognition of the adoption by this state 114290  
under section 3107.18 of the Revised Code for the adopted child 114291  
for whom the grant payment is sought. 114292

(4) The adoption was not by a parent whose spouse is a 114293  
biological or adoptive parent of the child prior to the adoption 114294  
for which the payment is sought. 114295

(5) The adoption is finalized on or after January 1, 2023. 114296

(6) The adoptive parent was a resident of Ohio at the time the adoption was finalized. 114297  
114298

(B) To receive a grant payment under division (C) of section ~~5101.191~~ 5180.451 of the Revised Code, both of the following must be satisfied: 114299  
114300  
114301

(1) The requirements of division (A) of this section must be satisfied. 114302  
114303

(2) A qualified professional who does not provide casework services to the adopted child diagnoses the child with one or more special needs in the professional's area of expertise prior to the final order of adoption, interlocutory order of adoption, or recognition of the adoption by this state under section 3107.18 of the Revised Code. 114304  
114305  
114306  
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**Sec. ~~5101.193~~ 5180.453.** (A) The director of children and youth shall adopt rules to administer and implement the Ohio adoption grant program. The director, in consultation with the tax commissioner, shall also adopt rules authorizing the department to withhold and remit to the Internal Revenue Service federal income tax from grant payments under division (B) of section ~~5101.191~~ 5180.451 of the Revised Code, provided such withholding is authorized under federal law or approved by the Internal Revenue Service. 114310  
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(B) No application fee shall be charged for the grant program. 114319  
114320

(C) Notwithstanding any law to the contrary, the director may require, as necessary to administer the Ohio adoption grant program, either or both of the following: 114321  
114322  
114323

(1) ~~The submission~~ Certified copies of any court or legal document necessary to prove a final order of adoption, an 114324  
114325

interlocutory order of adoption, or recognition of the adoption 114326  
under section 3107.18 of the Revised Code; 114327

(2) Any department, agency, court, or division of the 114328  
state, including the department of health, to provide any 114329  
document related to the adoption. 114330

~~(D)~~ (D) (1) No person shall knowingly produce or submit any 114331  
false or misleading documentation or information to the 114332  
department of children and youth in an effort to qualify for or 114333  
obtain a grant from the Ohio adoption grant program. 114334

(2) Whoever violates division (D) (1) of this section is 114335  
guilty of falsification in accordance with section 2921.13 of 114336  
the Revised Code. 114337

(E) Notwithstanding any provision of section 121.95 of the 114338  
Revised Code to the contrary, a regulatory restriction contained 114339  
in a rule adopted under section ~~5101.193~~5180.453 of the Revised 114340  
Code is not subject to sections 121.95 to 121.953 of the Revised 114341  
Code. 114342

**Sec. ~~5101.194~~ 5180.454.** Any document provided to the 114343  
department of children and youth under division (C) of section 114344  
~~5101.193~~5180.453 of the Revised Code remains ~~a~~ : 114345

(A) A public record under section 149.43 of the Revised 114346  
Code if it was a public record under that section before being 114347  
provided to the department; 114348

(B) Confidential if it was confidential under any state or 114349  
federal law before being provided to the department. 114350

**Sec. ~~5101.85~~ 5180.50.** As used in sections ~~5101.851~~5180.51 114351  
to ~~5101.856~~5180.514 of the Revised Code, "kinship caregiver" 114352  
means any of the following who is eighteen years of age or older 114353

and is caring for a child in place of the child's parents: 114354

(A) The following individuals related by blood or adoption 114355  
to the child: 114356

(1) Grandparents, including grandparents with the prefix 114357  
"great," "great-great," or "great-great-great"; 114358

(2) Siblings; 114359

(3) Aunts, uncles, nephews, and nieces, including such 114360  
relatives with the prefix "great," "great-great," "grand," or 114361  
"great-grand"; 114362

(4) First cousins and first cousins once removed. 114363

(B) Stepparents and stepsiblings of the child; 114364

(C) Spouses and former spouses of individuals named in 114365  
divisions (A) and (B) of this section; 114366

(D) A legal guardian of the child; 114367

(E) A legal custodian of the child; 114368

(F) Any nonrelative adult that has a familiar and long- 114369  
standing relationship or bond with the child or the family, 114370  
which relationship or bond will ensure the child's social ties. 114371

**Sec. ~~5101.851~~ 5180.51.** The department of children and 114372  
youth shall establish a statewide kinship care navigator program 114373  
to assist kinship caregivers who are seeking information 114374  
regarding, or assistance obtaining, services and benefits 114375  
available at the state and local level that address the needs of 114376  
those caregivers residing in each county. The program shall 114377  
provide to kinship caregivers information and referral services 114378  
and assistance obtaining support services including the 114379  
following: 114380



(A) Publicly funded child care;	114381
(B) Respite care;	114382
(C) Training related to caring for special needs children;	114383
(D) A toll-free telephone number that may be called to obtain basic information about the rights of, and services available to, kinship caregivers;	114384 114385 114386
(E) Legal services.	114387
<b>Sec. <del>5101.853</del> <u>5180.511</u>.</b> The director of children and youth shall divide the state into not less than five and not greater than twelve regions, for the kinship care navigator program under section <del>5101.851</del> - <u>5180.51</u> of the Revised Code. The director shall take the following into consideration when establishing the regions:	114388 114389 114390 114391 114392 114393
(A) The population size;	114394
(B) The estimated number of kinship caregivers;	114395
(C) The expertise of kinship navigators;	114396
(D) Any other factor the director considers relevant.	114397
<b>Sec. <del>5101.854</del> <u>5180.512</u>.</b> The program in each kinship care navigator region established under section <del>5101.853</del> - <u>5180.511</u> of the Revised Code shall provide information and referral services and assistance in obtaining support services for kinship caregivers within its region.	114398 114399 114400 114401 114402
<b>Sec. <del>5101.855</del> <u>5180.513</u>.</b> The department of children and youth shall adopt rules to implement the kinship care navigator program. The rules shall be adopted under Chapter 119. of the Revised Code, except that rules governing fiscal and administrative matters related to implementation of the program	114403 114404 114405 114406 114407

are internal management rules and shall be adopted under section 114408  
111.15 of the Revised Code. 114409

**Sec. ~~5101.856~~ 5180.514.** (A) (1) The kinship care navigator 114410  
program shall be funded to the extent that general revenue funds 114411  
have been appropriated by the general assembly for that purpose. 114412

(2) The director of children and youth shall take any 114413  
action necessary to obtain funds available for the kinship care 114414  
navigator program under Title IV-E of the "Social Security Act," 114415  
~~94 Stat. 501 (1980),~~ 42 U.S.C. 670, as amended. 114416

(B) The department shall pay the full nonfederal share for 114417  
the kinship care navigator program. No county department of job 114418  
and family services or public children services agency shall be 114419  
responsible for the cost of the program. 114420

**Sec. ~~5101.802~~ 5180.52.** (A) As used in this section: 114421

(1) "Custodian," "guardian," and "minor child" have the 114422  
same meanings as in section 5107.02 of the Revised Code. 114423

(2) "Federal poverty guidelines" has the same meaning as 114424  
in section 5101.46 of the Revised Code. 114425

(3) "Kinship caregiver" has the same meaning as in section 114426  
~~5101.85~~ 5180.50 of the Revised Code. 114427

(B) Subject to division (E) of section 5101.801 of the 114428  
Revised Code, there is hereby created the kinship permanency 114429  
incentive program to promote permanency for a minor child in the 114430  
legal and physical custody of a kinship caregiver. The program 114431  
shall provide an initial one-time incentive payment to the 114432  
kinship caregiver to defray the costs of initial placement of 114433  
the minor child in the kinship caregiver's home. The program may 114434  
provide additional permanency incentive payments for the minor 114435

child at six-month intervals, based on the availability of 114436  
funds. An eligible caregiver may receive a maximum of eight 114437  
incentive payments per minor child. 114438

(C) A kinship caregiver may participate in the program if 114439  
all of the following requirements are met: 114440

(1) The kinship caregiver applies to a public children 114441  
services agency in accordance with the application process 114442  
established in rules authorized by division (E) of this section; 114443

(2) Not earlier than July 1, 2005, a juvenile court issues 114444  
an order granting legal custody to the kinship caregiver, or a 114445  
probate court grants guardianship to the kinship caregiver, 114446  
except that a temporary court order is not sufficient to meet 114447  
this requirement; 114448

(3) The kinship caregiver is either the minor child's 114449  
custodian or guardian; 114450

(4) The minor child resides with the kinship caregiver 114451  
pursuant to a placement approval process established in rules 114452  
authorized by division (E) of this section; 114453

(5) Excluding any income excluded under rules adopted 114454  
under division (E) of this section, the gross income of the 114455  
kinship caregiver's family, including the minor child, does not 114456  
exceed three hundred per cent of the federal poverty guidelines. 114457

(6) The kinship caregiver is not receiving kinship 114458  
guardianship assistance under Title IV-E of the "Social Security 114459  
Act," 42 U.S.C. 673(d), as amended, or the program described in 114460  
section ~~5101.1411~~5180.428 of the Revised Code or the program 114461  
described in section 5153.163 of the Revised Code. 114462

(D) Public children services agencies shall make initial 114463

and ongoing eligibility determinations for the kinship 114464  
permanency incentive program in accordance with rules authorized 114465  
by division (E) of this section. The director of children and 114466  
youth shall supervise public children services agencies' duties 114467  
under this section. 114468

(E) The director of children and youth shall adopt rules 114469  
under division (C) of section 5101.801 of the Revised Code as 114470  
necessary to implement the kinship permanency incentive program. 114471  
The rules shall establish all of the following: 114472

(1) The application process for the program; 114473

(2) The placement approval process through which a minor 114474  
child is placed with a kinship caregiver for the kinship 114475  
caregiver to be eligible for the program; 114476

(3) The initial and ongoing eligibility determination 114477  
process for the program, including the computation of income 114478  
eligibility; 114479

(4) The amount of the incentive payments provided under 114480  
the program; 114481

(5) The method by which the incentive payments are 114482  
provided to a kinship caregiver. 114483

(F) The amendments made to this section by Am. Sub. H.B. 114484  
119 of the 127th general assembly shall not affect the 114485  
eligibility of any kinship caregiver whose eligibility was 114486  
established before June 30, 2007. 114487

**Sec. ~~5101.88~~ 5180.53.** As used in sections ~~5101.881-~~ 114488  
~~5180.531~~ to ~~5101.8811-~~5180.536 of the Revised Code: 114489

(A) "Cost-of-living adjustment" has the same meaning as in 114490  
section 5107.04 of the Revised Code. 114491

(B) "Kinship caregiver" has the same meaning as in section 114492  
~~5101.85~~ 5180.50 of the Revised Code. 114493

**Sec. ~~5101.881~~ 5180.531.** There is hereby established the 114494  
kinship support program. The department of children and youth 114495  
shall coordinate and administer the program to the extent funds 114496  
are appropriated and allocated for this purpose. 114497

**Sec. ~~5101.884~~ 5180.532.** The kinship support program shall 114498  
provide financial payments to kinship caregivers who: 114499

(A) Receive placement of a child who is in the temporary 114500  
or permanent custody of a public children services agency or 114501  
under the Title IV-E agency with legal responsibility for the 114502  
care and placement of the child; and 114503

(B) Do not have foster home certification under section 114504  
5103.03 of the Revised Code. 114505

**Sec. ~~5101.885~~ 5180.533.** Kinship support program payments 114506  
under section ~~5101.884~~ 5180.532 of the Revised Code shall be ten 114507  
dollars and twenty cents per child, per day, to the extent funds 114508  
are available. The department of children and youth shall 114509  
increase the payment amount on January 1, 2022, and on the first 114510  
day of each January thereafter by the cost-of-living adjustment 114511  
made in the immediately preceding December. 114512

**Sec. ~~5101.886~~ 5180.534.** Kinship support program payments 114513  
shall be made to kinship caregivers ~~as follows:~~ 114514

~~(A) For not more than nine months after the effective date 114515  
of this section, if a child has been placed with the kinship- 114516  
caregiver as of the effective date of this section; 114517~~

~~(B) For not more than than nine months after the placement 114518  
of a child with the kinship caregiver, if the placement occurs- 114519~~

~~during the nine-month period that begins on the effective date~~ 114520  
~~of this section;~~ 114521

~~(C) For~~ for not more than six months after the date of 114522  
placement of a child with the kinship caregiver, ~~if the~~ 114523  
~~placement occurs after the nine-month period that began on the~~ 114524  
~~effective date of this section.~~ 114525

**Sec. ~~5101.887~~ 5180.535.** Kinship support program payments 114526  
under section ~~5101.884~~ 5180.532 of the Revised Code shall cease 114527  
when any of the following occur: 114528

(A) The kinship caregiver obtains foster home 114529  
certification under section 5103.03 of the Revised Code. 114530

(B) In accordance with section ~~5101.886~~ 5180.534 of the 114531  
Revised Code; 114532

(C) Placement with the kinship caregiver is terminated or 114533  
otherwise ceases. 114534

**Sec. ~~5101.8811~~ 5180.536.** The director of children and 114535  
youth may adopt rules for the administration of the kinship 114536  
support program in accordance with section 111.15 of the Revised 114537  
Code. 114538

**Sec. ~~5101.8812~~ 5180.56.** Benefits and services provided 114539  
under the kinship guardianship assistance program, extended 114540  
kinship guardianship assistance program, kinship support 114541  
program, and kinship permanency incentive program are 114542  
inalienable whether by way of assignment, charge, or otherwise 114543  
and exempt from execution, attachment, ~~guardianship~~ garnishment, 114544  
and other like processes. 114545

**Sec. ~~5101.889~~ 5180.57.** A kinship caregiver, on obtaining 114546  
foster home certification under section 5103.03 of the Revised 114547

Code, shall receive foster care maintenance payments equal to 114548  
the custodial agency rate as determined by the certifying 114549  
agency, which is either the custodial agency, private child 114550  
placing agency, or private non-custodial agency. 114551

**Sec. ~~5101.34~~ 5180.70.** (A) There is hereby created in the 114552  
department of children and youth the Ohio commission on 114553  
fatherhood. The commission shall consist of the following 114554  
members: 114555

(1) (a) Four members of the house of representatives 114556  
appointed by the speaker of the house, not more than two of whom 114557  
are members of the same political party. Two of the members must 114558  
be from legislative districts that include a county or part of a 114559  
county that is among the one-third of counties in this state 114560  
with the highest number per capita of households headed by 114561  
females. 114562

(b) Two members of the senate appointed by the president 114563  
of the senate, each from a different political party. One of the 114564  
members must be from a legislative district that includes a 114565  
county or part of a county that is among the one-third of 114566  
counties in this state with the highest number per capita of 114567  
households headed by females. 114568

(2) The governor, or the governor's designee; 114569

(3) One representative of the judicial branch of 114570  
government appointed by the chief justice of the supreme court; 114571

(4) The directors of health, children and youth, 114572  
rehabilitation and correction, mental health and addiction 114573  
services, youth services, and education and workforce, or their 114574  
designees; 114575

(5) One representative of the Ohio family and children 114576

first cabinet council created under section 121.37 of the 114577  
Revised Code appointed by the chairperson of the council; 114578

(6) Five representatives of the general public appointed 114579  
by the governor. These members shall have extensive experience 114580  
in issues related to fatherhood. 114581

(B) Members appointed to the Ohio commission on fatherhood 114582  
shall serve two-year terms. A member appointed pursuant to 114583  
division (A)(1) of this section shall serve on the commission 114584  
until the end of the general assembly from which the member was 114585  
appointed or until the member ceases to serve in the chamber of 114586  
the general assembly in which the member serves at the time of 114587  
appointment, whichever occurs first. The governor or the 114588  
governor's designee shall serve on the commission until the 114589  
governor ceases to be governor. The directors or their designees 114590  
shall serve on the commission until they cease, or the director 114591  
a designee represents ceases, to be director. Each member shall 114592  
serve on the commission from the date of appointment until the 114593  
end of the term for which the member was appointed. Members may 114594  
be reappointed. 114595

Vacancies shall be filled in the manner provided for 114596  
original appointments. Any member appointed to fill a vacancy 114597  
occurring prior to the expiration date of the term for which the 114598  
member's predecessor was appointed shall serve on the commission 114599  
for the remainder of that term. A member shall continue to serve 114600  
on the commission subsequent to the expiration date of the 114601  
member's term until the member's successor is appointed or until 114602  
a period of sixty days has elapsed, whichever occurs first. 114603  
Members shall serve without compensation but shall be reimbursed 114604  
for necessary expenses. 114605

**Sec. ~~5101.341~~ 5180.701.** (A) The Ohio commission on 114606



fatherhood shall elect a chairperson from among its members in 114607  
every odd-numbered year. 114608

(B) The governor shall appoint an individual to serve as 114609  
the commission's executive director. The executive director 114610  
shall serve at the pleasure of the governor and shall report to 114611  
the director of children and youth or the director's designee. 114612

The governor shall fix the executive director's salary on 114613  
the basis of the executive director's experience and the 114614  
executive director's responsibilities and duties. The executive 114615  
director shall be in the unclassified civil service. 114616

The department of children and youth shall provide staff 114617  
and other support services as necessary for the commission to 114618  
fulfill its duties. 114619

(C) The commission may accept gifts, grants, donations, 114620  
contributions, benefits, and other funds from any public agency 114621  
or private source to carry out any or all of the commission's 114622  
duties. The funds shall be deposited into the Ohio commission on 114623  
fatherhood fund, which is hereby created in the state treasury. 114624  
All gifts, grants, donations, contributions, benefits, and other 114625  
funds received by the commission pursuant to this division shall 114626  
be used solely to support the operations of the commission. 114627

**Sec. ~~5101.342~~ 5180.702.** The Ohio commission on fatherhood 114628  
shall do both of the following: 114629

(A) Organize a state summit on fatherhood every four 114630  
years; 114631

(B) Prepare a report each year that does the following: 114632

(1) Identifies resources available to fund fatherhood- 114633  
related programs and explores the creation of initiatives to do 114634

the following: 114635

(a) Build the parenting skills of fathers; 114636

(b) Provide employment-related services for low-income, 114637  
noncustodial fathers; 114638

(c) Prevent premature fatherhood; 114639

(d) Provide services to fathers who are inmates in or have 114640  
just been released from imprisonment in a state correctional 114641  
institution, as defined in section 2967.01 of the Revised Code, 114642  
or in any other detention facility, as defined in section 114643  
2921.01 of the Revised Code, so that they are able to maintain 114644  
or reestablish their relationships with their families; 114645

(e) Reconcile fathers with their families; 114646

(f) Increase public awareness of the critical role fathers 114647  
play. 114648

(2) Describes the commission's expectations for the 114649  
outcomes of fatherhood-related programs and initiatives and the 114650  
methods the commission uses for conducting annual measures of 114651  
those outcomes; 114652

(3) Evaluates the number of fathers and children served 114653  
and the number and types of additional services provided as a 114654  
result of the recommendations made to the director of job and 114655  
family services pursuant to section ~~5101.805~~5180.704 of the 114656  
Revised Code. 114657

The commission shall submit each report to the general 114658  
assembly in accordance with section 101.68 of the Revised Code. 114659

(C) Pursuant to section ~~5101.805~~5180.704 of the Revised 114660  
Code, the commission may make recommendations to the director of 114661

~~job and family services children and youth~~ regarding funding, 114662  
approval, and implementation of fatherhood programs in this 114663  
state that meet at least one of the four purposes of the 114664  
temporary assistance for needy families block grant, as 114665  
specified in 42 U.S.C. 601. 114666

(D) The portion of the report prepared pursuant to 114667  
division (B)(2) of this section shall be prepared by the 114668  
commission in collaboration with the director of children and 114669  
youth. 114670

(E) The commission shall submit each report prepared 114671  
pursuant to division (B) of this section to the president and 114672  
minority leader of the senate, speaker and minority leader of 114673  
the house of representatives, governor, and chief justice of the 114674  
supreme court. The first report is due not later than one year 114675  
after the last of the initial appointments to the commission is 114676  
made under section ~~5101.341~~ 5180.701 of the Revised Code. 114677

**Sec. ~~5101.343~~ 5180.703.** Sections 101.82 to 101.87 of the 114678  
Revised Code do not apply to the Ohio commission on fatherhood. 114679

**Sec. ~~5101.805~~ 5180.704.** (A) Subject to division (E) of 114680  
section 5101.801 of the Revised Code, the Ohio commission on 114681  
fatherhood, created under section ~~5101.34~~ 5180.70 of the Revised 114682  
Code, may make recommendations to the director of ~~job and family~~ 114683  
~~services children and youth~~ concerning the funding, approval, 114684  
and implementation of fatherhood programs in this state that 114685  
meet at least one of the four purposes of the temporary 114686  
assistance for needy families block grant, as specified in 42 114687  
U.S.C. 601. 114688

(B) The department of ~~job and family services children and~~ 114689  
youth may provide funding under this section to government 114690

entities and, to the extent permitted by federal law, private, 114691  
not-for-profit entities with which the department enters into 114692  
agreements under division (B) (4) of section 5101.801 of the 114693  
Revised Code. 114694

**Sec. ~~5101.804~~ 5180.71.** (A) Subject to division (E) of 114695  
section 5101.801 of the Revised Code, there is hereby created 114696  
the Ohio parenting and pregnancy program to provide services for 114697  
pregnant women and parents or other relatives caring for 114698  
children twelve months of age or younger that do both of the 114699  
following: 114700

(1) Promote childbirth, parenting, and alternatives to 114701  
abortion; 114702

(2) Meet one or more of the four purposes of the temporary 114703  
assistance for needy families block grant as specified in 42 114704  
U.S.C. 601. 114705

(B) To the extent permitted by federal law, the department 114706  
of children and youth may provide funds under the program to 114707  
entities with which the department enters into agreements under 114708  
division (B) (3) of section 5101.801 of the Revised Code. In 114709  
accordance with criteria the department develops, the department 114710  
may solicit proposals from entities seeking to provide services 114711  
under the program. The department may enter into an agreement 114712  
with an entity only if it meets all of the following conditions: 114713

(1) Is a private, not-for-profit entity; 114714

(2) Is an entity whose primary purpose is to promote 114715  
childbirth, rather than abortion, through counseling and other 114716  
services, including parenting and adoption support; 114717

(3) Provides services to pregnant women and parents or 114718  
other relatives caring for children twelve months of age or 114719

younger, including clothing, counseling, diapers, food, 114720  
furniture, health care, parenting classes, postpartum recovery, 114721  
shelter, and any other supportive services, programs, or related 114722  
outreach; 114723

(4) Does not charge pregnant women and parents or other 114724  
relatives caring for children twelve months of age or younger a 114725  
fee for any services received; 114726

(5) Is not involved in or associated with any abortion 114727  
activities, including providing abortion counseling or referrals 114728  
to abortion clinics, performing abortion-related medical 114729  
procedures, or engaging in pro-abortion advertising; 114730

(6) Does not discriminate in its provision of services on 114731  
the basis of race, religion, color, age, marital status, 114732  
national origin, disability, or gender. 114733

(C) An entity that has entered into an agreement with the 114734  
department under division (B) (3) of section 5101.801 of the 114735  
Revised Code may enter into a subcontract with another entity 114736  
under which the other entity provides all or part of the 114737  
services described in division (B) (3) of this section. A 114738  
subcontract may be entered into with another entity only if that 114739  
entity meets all of the following conditions: 114740

(1) Is a private, not-for-profit entity; 114741

(2) Is physically and financially separate from any 114742  
entity, or component of an entity, that engages in abortion 114743  
activities; 114744

(3) Is not involved in or associated with any abortion 114745  
activities, including providing abortion counseling or referrals 114746  
to abortion clinics, performing abortion-related medical 114747  
procedures, or engaging in pro-abortion advertising. 114748

(D) The director of children and youth shall adopt rules 114749  
under division (C) of section 5101.801 of the Revised Code as 114750  
necessary to implement the Ohio parenting and pregnancy program. 114751

**Sec. ~~3701.65~~ 5180.72.** (A) There is hereby created in the 114752  
state treasury the "choose life" fund. The fund shall consist of 114753  
the contributions that are paid to the registrar of motor 114754  
vehicles by applicants who voluntarily elect to obtain "choose 114755  
life" license plates pursuant to section 4503.91 of the Revised 114756  
Code and any money returned to the fund under division (E) (1) (d) 114757  
of this section. All investment earnings of the fund shall be 114758  
credited to the fund. 114759

(B) (1) At least annually, the director of ~~health-children~~ 114760  
and youth shall distribute the money in the fund to any private, 114761  
nonprofit organization that is eligible to receive funds under 114762  
this section and that applies for funding under division (C) of 114763  
this section. 114764

(2) The director shall allocate the funds to each county 114765  
in proportion to the number of "choose life" license plates 114766  
issued during the preceding year to vehicles registered in each 114767  
county. The director shall distribute funds allocated for a 114768  
county as follows: 114769

(a) To one or more eligible organizations located within 114770  
the county; 114771

(b) If no eligible organization located within the county 114772  
applies for funding, to one or more eligible organizations 114773  
located in contiguous counties; 114774

(c) If no eligible organization located within the county 114775  
or a contiguous county applies for funding, to one or more 114776  
eligible organizations within any other county. 114777

(3) The director shall ensure that any funds allocated for 114778  
a county are distributed equally among eligible organizations 114779  
that apply for funding within the county. 114780

(C) Any organization seeking funds under this section 114781  
annually shall apply for distribution of the funds based on the 114782  
county in which the organization is located. An organization 114783  
also may apply for funding in a county in which it is not 114784  
located if it demonstrates that it provides services for 114785  
pregnant women residing in that county. The director shall 114786  
develop an application form and may determine the schedule and 114787  
procedures that an organization shall follow when annually 114788  
applying for funds. The application shall inform the applicant 114789  
of the conditions for receiving and using funds under division 114790  
(E) of this section. The application shall require evidence that 114791  
the organization meets all of the following requirements: 114792

(1) Is a private, nonprofit organization; 114793

(2) Is committed to counseling pregnant women about the 114794  
option of adoption; 114795

(3) Provides services within the state to pregnant women 114796  
who are planning to place their children for adoption, including 114797  
counseling and meeting the material needs of the women; 114798

(4) Does not charge women for any services received; 114799

(5) Is not involved or associated with any abortion 114800  
activities, including counseling for or referrals to abortion 114801  
clinics, providing medical abortion-related procedures, or pro- 114802  
abortion advertising; 114803

(6) Does not discriminate in its provision of any services 114804  
on the basis of race, religion, color, age, marital status, 114805  
national origin, disability, gender, or age; 114806

(7) If the organization is applying for funding in a county in which it is not located, provides services for pregnant women residing in that county.

(D) The director shall not distribute funds to an organization that does not provide verifiable evidence of the requirements specified in the application under division (C) of this section and shall not provide additional funds to any organization that fails to comply with division (E) of this section in regard to its previous receipt of funds under this section.

(E) (1) An organization receiving funds under this section shall do all of the following:

(a) Use not more than sixty per cent of the funds distributed to it for the material needs of pregnant women who are planning to place their children for adoption or for infants awaiting placement with adoptive parents, including clothing, housing, medical care, food, utilities, and transportation;

(b) Use not more than forty per cent of the funds distributed to it for counseling, training, or advertising;

(c) Not use any of the funds distributed to it for administrative expenses, legal expenses, or capital expenditures;

(d) Annually return to the fund created under division (A) of this section any unused money that exceeds ten per cent of the money distributed to the organization.

(2) The organization annually shall submit to the director an audited financial statement verifying its compliance with division (E) (1) of this section.



(F) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules to implement this section. 114835  
114836

It is not the intent of the general assembly that the department create a new position within the department to implement and administer this section. It is the intent of the general assembly that the implementation and administration of this section be accomplished by existing department personnel. 114837  
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(G) If funds that have been allocated to a county for any previous year have not been distributed to one or more eligible organizations, the director may distribute those funds in accordance with this section. 114842  
114843  
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114845

**Sec. ~~5180.40~~ 5180.73.** To increase participation in evidence-based parenting education programs, the department of children and youth shall ensure state departments, agencies, and boards have information to communicate with parents, caregivers, and child care providers about such programs to promote their benefits, including their parenting, caregiving, and educational resources. 114846  
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**Sec. 5180.99.** (A) Whoever violates division (B) of section 5180.275 of the Revised Code is guilty of a misdemeanor of the second degree. 114853  
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114855

(B) Whoever violates section 5180.403 of the Revised Code is guilty of a misdemeanor of the fourth degree. 114856  
114857

**Sec. 5303.34.** An action may be brought by a person that owns mineral rights, against any person that, without lawful authority, does either of the following: 114858  
114859  
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(A) Trespasses upon the land containing such minerals and extracts, exploits, or otherwise converts the minerals; 114861  
114862

(B) Trespasses upon the land containing such minerals and, 114863  
as a result of the entry, renders the development and extraction 114864  
of the minerals by the owner commercially unfeasible. 114865

**Sec. 5303.35.** (A) As used in this section, "bad faith" 114866  
means a trespass committed with either of the following: 114867

(1) Actual knowledge of unlawful entry onto property 114868  
containing minerals; 114869

(2) Willful or wanton disregard for the lawful property or 114870  
mineral rights of another person and with the intent of 114871  
depriving the lawful owner of the economic benefit of the 114872  
minerals. 114873

"Bad faith" does not include an entry onto property 114874  
committed in good faith that was based on a reasonable belief 114875  
that such entry or extraction occurring after such entry was 114876  
lawful. 114877

(B) Subject to division (C) of this section, in an action 114878  
brought under division (A) of section 5303.34 of the Revised 114879  
Code, damages shall be equal to the following: 114880

(1) In the case of minerals, such as coal, stone, or ore, 114881  
that are extracted by underground or surface mining methods, the 114882  
revenue received from the sale of the minerals measured at the 114883  
mouth of the mine, less the cost of extraction, less any sums 114884  
previously paid. 114885

(2) In the case of minerals, such as hydrocarbons or other 114886  
minerals, in liquid or gaseous states that are extracted by 114887  
drilling, the revenue received from the sale of such minerals 114888  
measured at the wellhead, less the cost of extraction, less any 114889  
sums previously paid. 114890

(C) When calculating damages under division (B) (1) or (2) 114891  
of this section, if the person who trespassed is determined to 114892  
have trespassed on the land in bad faith, no reduction for the 114893  
cost of extraction shall be allowed, and the damaged party is 114894  
entitled to the full revenue received from the sale of the 114895  
minerals, regardless of extraction method, less any sums 114896  
previously paid. 114897

(D) (1) Subject to division (D) (2) of this section, in an 114898  
action brought under division (B) of section 5303.34 of the 114899  
Revised Code, damages shall be equal to the putative reasonably 114900  
expected revenue, on a present value basis, that could have been 114901  
received from the sale of such minerals either at the mine or at 114902  
the wellhead, less the cost of extraction, as established using 114903  
commercially reasonable indices applicable to the location of 114904  
such minerals. 114905

(2) If the person is determined to have trespassed on the 114906  
land in bad faith, when calculating damages under division (D) 114907  
(1) of this section, damages shall be equal to the putative 114908  
reasonably expected revenue, on a present value basis, that 114909  
could have been received from the sale of such minerals either 114910  
at the mine or at the wellhead, less any sums previously paid. 114911

(E) A party bringing an action under division (A) or (B) 114912  
of section 5303.34 of the Revised Code is not to be entitled to 114913  
punitive or treble damages. 114914

(F) The general assembly, in enacting this section and 114915  
section 5303.34 of the Revised Code, intends to abrogate the 114916  
common law causes of action and remedies involving claims for 114917  
the unlawful extraction, exploitation, or conversion of the 114918  
minerals of another person. 114919

**Sec. 5310.47.** Abolition of land registration in a county 114920  
does not bar ~~either of the following:~~ 114921

~~(A) A~~ a person who is deprived of land, any interest 114922  
therein, or any encumbrance thereon as the result of a decree 114923  
obtained by fraud in a case relating to registered land or to 114924  
the initial registration of land from filing a complaint to open 114925  
up and review the case as provided in section 5309.23 or 5309.81 114926  
of the Revised Code. 114927

~~(B) A person who has a cause of action under section~~ 114928  
~~5310.07 of the Revised Code from commencing and prosecuting an~~ 114929  
~~action as provided in that section, subject to the period of~~ 114930  
~~limitation provided in section 5310.12 of the Revised Code. If~~ 114931  
~~judgment is rendered for the plaintiff in such an action,~~ 114932  
~~recovery shall be had as provided in sections 5310.09 to 5310.11~~ 114933  
~~and 5310.13 of the Revised Code.~~ 114934

**Sec. 5502.30.** (A) The state, any political subdivision, 114935  
any municipal agency, any emergency management volunteer, 114936  
another state, or an emergency management agency thereof or of 114937  
the federal government or of another country or province or 114938  
subdivision thereof performing emergency management services in 114939  
this state pursuant to an arrangement, agreement, or compact for 114940  
mutual aid and assistance, or any agency, member, agent, or 114941  
representative of any of them, or any individual, partnership, 114942  
corporation, association, trustee, or receiver, or any of the 114943  
agents thereof, in good faith carrying out, complying with, or 114944  
attempting to comply with any state or federal law or any 114945  
arrangement, agreement, or compact for mutual aid and 114946  
assistance, or any order issued by federal or state military 114947  
authorities relating to emergency management, is not liable for 114948  
any injury to or death of persons or damage to property as the 114949

result thereof during training periods, test periods, practice 114950  
periods, or other emergency management operations, or false 114951  
alerts, as well as during any hazard, actual or imminent, and 114952  
subsequent to the same except in cases of willful misconduct. As 114953  
used in this division, "emergency management volunteer" means 114954  
only an individual who is authorized to assist any agency 114955  
performing emergency management during a hazard. 114956

(B) The state, any political subdivision, any individual, 114957  
partnership, corporation, association, trustee, or receiver, or 114958  
any agent, agency, representative, officer, or employee of any 114959  
of them that owns, maintains, occupies, operates, or controls 114960  
all or part of any building, structure, or premises shall not be 114961  
liable for any injury or death sustained by any person or damage 114962  
caused to any property while that person or property is in the 114963  
building, structure, or premises for duty, training, or shelter 114964  
purposes during a hazard, drill, test, or false warning, or is 114965  
entering therein for such purposes or departing therefrom, or 114966  
for any injury, death, or property damage as the result of any 114967  
condition in or on the building, structure, or premises or of 114968  
any act or omission with respect thereto, except a willful act 114969  
intended to cause injury or damage. 114970

(C) Any person deployed by the emergency management agency 114971  
to render aid in another state pursuant to section 5502.40 of 114972  
the Revised Code, including a full-time or part-time paid 114973  
employee of a political subdivision of this state or a nonprofit 114974  
organization, a paid or unpaid volunteer of a for-profit or 114975  
nonprofit organization, and a health care worker of a for-profit 114976  
or nonprofit organization, that is rendering aid in another 114977  
state is considered an officer or employee of the state for 114978  
purposes of the immunity established under Article VI of the 114979  
emergency management assistance compact enacted under section 114980

5502.40 of the Revised Code. Nothing in this division entitles 114981  
~~an employee of a political subdivision~~ any person deployed 114982  
pursuant to section 5502.40 of the Revised Code to any other 114983  
right or benefit of a state officer or employee. 114984

(D) This section does not affect the right of any person 114985  
to receive benefits to which the person may be entitled under 114986  
Chapter 4123. of the Revised Code or any pension law, nor the 114987  
rights of any person to receive any benefits or compensation 114988  
under any act of congress or under any law of this state. 114989

**Sec. 5505.046.** ~~The secretary of state, or any person~~ 114990  
~~acting on personal knowledge and subject to the penalties of~~ 114991  
~~perjury, may file a~~ A complaint with the Ohio elections 114992  
~~commission~~ alleging a violation of section 5505.045 of the 114993  
Revised Code may be filed in accordance with section 3517.14 of 114994  
the Revised Code. ~~The complaint shall be made on a form~~ 114995  
~~prescribed and provided by the commission.~~ 114996

~~On receipt of a complaint under this section, the~~ 114997  
~~commission shall hold a hearing open to the public to determine~~ 114998  
~~whether the violation alleged in the complaint has occurred. The~~ 114999  
~~commission may administer oaths and issue subpoenas to any~~ 115000  
~~person in the state compelling the attendance of witnesses and~~ 115001  
~~the production of relevant papers, books, accounts, and reports.~~ 115002  
~~On the refusal of any person to obey a subpoena or to be sworn~~ 115003  
~~or to answer as a witness, the commission may apply to the court~~ 115004  
~~of common pleas of Franklin county under section 2705.03 of the~~ 115005  
~~Revised Code. The court shall hold contempt proceedings in~~ 115006  
~~accordance with Chapter 2705. of the Revised Code.~~ 115007

~~The commission shall provide the person accused of the~~ 115008  
~~violation at least seven days prior notice of the time, date,~~ 115009  
~~and place of the hearing. The accused may be represented by an~~ 115010

~~attorney and shall have an opportunity to present evidence, call  
witnesses, and cross-examine witnesses.~~ 115011  
115012

~~At the hearing, the commission shall determine whether the  
violation alleged in the complaint has occurred. If the  
commission determines that a violation of division (A) of  
section 5505.045 of the Revised Code has occurred, the  
commission shall either impose a fine under section 5505.99 of  
the Revised Code or enter a finding that good cause has been  
shown not to impose the fine. If the commission determines that  
a violation of division (B) of section 5505.045 of the Revised  
Code has occurred, the commission shall impose the fine  
described in section 5505.99 of the Revised Code, refer the  
matter to the appropriate prosecutor, or enter a finding that  
good cause has been shown to not impose a fine or refer the  
matter to the appropriate prosecutor.~~ 115013  
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**Sec. 5505.99.** (A) Whoever violates division (A) of section 115026  
5505.045 of the Revised Code shall be fined not more than one 115027  
hundred dollars for each day of the violation. 115028

(B) Whoever violates division (B) of section 5505.045 of 115029  
the Revised Code shall be imprisoned for not more than six 115030  
months or fined not more than five thousand dollars, or both. 115031

~~(C) Fines imposed by the Ohio elections commission under  
this section shall be paid into the Ohio elections commission  
fund created under section 3513.10 of the Revised Code.~~ 115032  
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115034

**Sec. 5513.01.** (A) The director of transportation shall 115035  
make all purchases of machinery, materials, supplies, or other 115036  
articles in the manner provided in this section. In all cases 115037  
except those in which the director provides written 115038  
authorization for purchases by district deputy directors of 115039

transportation, the director shall make all such purchases at 115040  
the central office of the department of transportation in 115041  
Columbus. Before making any purchase at that office, the 115042  
director, as provided in this section, shall give notice to 115043  
bidders of the director's intention to purchase. Where the 115044  
expenditure does not exceed the amount applicable to the 115045  
purchase of ~~supplies~~goods specified in division ~~(A)~~(B) of 115046  
section 125.05 of the Revised Code, the director shall give such 115047  
notice as the director considers proper, or the director may 115048  
make the purchase without notice. Where the expenditure exceeds 115049  
the amount applicable to the purchase of ~~supplies~~goods 115050  
specified in division (A) of section 125.05 of the Revised Code, 115051  
the director shall give notice by posting for not less than ten 115052  
days a written, typed, or printed invitation to bidders on a 115053  
bulletin board. The director shall locate the notice in a place 115054  
in the offices assigned to the department and open to the public 115055  
during business hours. 115056

Producers or distributors of any product may notify the 115057  
director, in writing, of the class of articles for the 115058  
furnishing of which they desire to bid and their post-office 115059  
addresses. In that circumstance, the director shall mail copies 115060  
of all invitations to bidders relating to the purchase of such 115061  
articles to such persons by regular first class mail at least 115062  
ten days prior to the time fixed for taking bids. The director 115063  
also may mail copies of all invitations to bidders to news 115064  
agencies or other agencies or organizations distributing 115065  
information of this character. Requests for invitations are not 115066  
valid and do not require action by the director unless renewed 115067  
by the director, either annually or after such shorter period as 115068  
the director may prescribe by a general rule. 115069

The director shall include in an invitation to bidders a 115070



brief statement of the general character of the article that it 115071  
is intended to purchase, the approximate quantity desired, and a 115072  
statement of the time and place where bids will be received, and 115073  
may relate to and describe as many different articles as the 115074  
director thinks proper, it being the intent and purpose of this 115075  
section to authorize the inclusion in a single invitation of as 115076  
many different articles as the director desires to invite bids 115077  
upon at any given time. The director shall give invitations 115078  
issued during each calendar year consecutive numbers, and ensure 115079  
that the number assigned to each invitation appears on all 115080  
copies thereof. In all cases where notice is required by this 115081  
section, the director shall require sealed bids, on forms 115082  
prescribed and furnished by the director. The director shall not 115083  
permit the modification of bids after they have been opened. 115084

(B) The director may permit a state agency, the Ohio 115085  
turnpike and infrastructure commission, any political 115086  
subdivision, and any state university or college to participate 115087  
in contracts into which the director has entered for the 115088  
purchase of machinery, materials, supplies, or other articles. 115089  
The turnpike and infrastructure commission and any political 115090  
subdivision or state university or college desiring to 115091  
participate in such purchase contracts shall file with the 115092  
director a certified copy of the bylaws or rules of the turnpike 115093  
and infrastructure commission or the ordinance or resolution of 115094  
the legislative authority, board of trustees, or other governing 115095  
board requesting authorization to participate in such contracts 115096  
and agreeing to be bound by such terms and conditions as the 115097  
director prescribes. Purchases made by a state agency, the 115098  
turnpike and infrastructure commission, political subdivisions, 115099  
or state universities or colleges under this division are exempt 115100  
from any competitive bidding required by law for the purchase of 115101

machinery, materials, supplies, or other articles. 115102

(C) As used in this section: 115103

(1) "Political subdivision" means any county, township, 115104  
municipal corporation, conservancy district, township park 115105  
district, park district created under Chapter 1545. of the 115106  
Revised Code, port authority, regional transit authority, 115107  
regional airport authority, regional water and sewer district, 115108  
county transit board, school district as defined in section 115109  
5513.04 of the Revised Code, regional planning commission formed 115110  
under section 713.21 of the Revised Code, regional council of 115111  
government formed under section 167.01 of the Revised Code, or 115112  
other association of local governments established pursuant to 115113  
an agreement under sections 307.14 to 307.19 of the Revised 115114  
Code. 115115

(2) "State university or college" has the same meaning as 115116  
in division (A) (1) of section 3345.32 of the Revised Code. 115117

(3) "Ohio turnpike and infrastructure commission" means 115118  
the commission created by section 5537.02 of the Revised Code. 115119

(4) "State agency" means every organized body, office, 115120  
board, authority, commission, or agency established by the laws 115121  
of the state for the exercise of any governmental or quasi- 115122  
governmental function of state government, regardless of the 115123  
funding source for that entity, other than any state institution 115124  
of higher education, the office of the governor, lieutenant 115125  
governor, auditor of state, treasurer of state, secretary of 115126  
state, or attorney general, the general assembly, the courts or 115127  
any judicial agency, or any state retirement system or 115128  
retirement program established by or referenced in the Revised 115129  
Code. 115130

**Sec. 5513.02.** (A) Specifications describing the character 115131  
of the articles that the department of transportation is 115132  
proposing to purchase, and the conditions governing shipment and 115133  
delivery, shall be kept on file at the department and open to 115134  
public inspection throughout the time during which an invitation 115135  
to bidders is required to be posted. The director of 115136  
transportation may require bids to be accompanied by a certified 115137  
check payable to the director in an amount fixed by the director 115138  
and stated in the invitation to bidders. Persons, firms, or 115139  
corporations desiring to bid on more than one invitation shall 115140  
be relieved from furnishing certified checks with their bids 115141  
provided they first furnish a bond payable to the state, in an 115142  
amount and with surety approved by the director, conditioned for 115143  
the faithful performances of all contracts that may be awarded 115144  
to them, and otherwise conditioned as the director requires. All 115145  
bids shall be publicly opened and read at the time and place 115146  
mentioned in the notice. All purchases shall be made by the 115147  
director from the lowest responsive and responsible bidder for 115148  
each item in accordance with section 9.312 of the Revised Code, 115149  
except where the director has established in the bidding 115150  
documents a provision for multiple awards for the purchase of 115151  
items such as asphalt, aggregates, machinery parts, and others 115152  
as the director determines necessary, and except that in the 115153  
purchase of machinery, equipment, or supplies for which fixed 115154  
and definite specifications cannot be prepared, the director may 115155  
purchase the articles meeting the general specifications 115156  
prescribed and which the director finds are most suitable for 115157  
the uses intended. Sections 5513.01 to 5513.04 of the Revised 115158  
Code shall apply to the exchange of machinery and equipment and 115159  
in force account operations where the director desires to 115160  
combine in one order the furnishing, hauling, and placing of 115161  
material. The director may purchase or authorize the purchase 115162

without notice, or upon such notice as the director prescribes, 115163  
of materials that in the director's judgment may be required for 115164  
the immediate repair of roads or bridges destroyed or damaged by 115165  
flood, landslide, or other casualty. No person shall place 115166  
separate orders for the purpose of defeating such sections, and 115167  
contracts of purchase shall not be valid unless made in 115168  
conformity with this section. 115169

(B) Section ~~125.092~~ 125.091 and division (B) of section 115170  
125.11 of the Revised Code apply to the purchase of products by 115171  
the director pursuant to sections 5513.01 to 5513.04 of the 115172  
Revised Code. 115173

**Sec. 5525.03.** (A) All prospective bidders other than 115174  
environmental remediators and specialty contractors for which 115175  
there are no classes of work provided for in the rules adopted 115176  
by the director of transportation shall apply for qualification 115177  
on forms prescribed and furnished by the director. The 115178  
application shall be ~~accompanied by a certificate of compliance~~ 115179  
~~with affirmative action programs issued pursuant to section 9.47~~ 115180  
~~of the Revised Code and dated no earlier than one hundred eighty~~ 115181  
days before the date fixed for the opening of bids for a 115182  
particular project. 115183

(B) The director shall act upon an application for 115184  
qualification within thirty days after it is presented to the 115185  
director. Upon the receipt of any application for qualification, 115186  
the director shall examine the application to determine whether 115187  
the applicant is competent and responsible and possesses the 115188  
financial resources required by section 5525.04 of the Revised 115189  
Code. If the applicant is found to possess the qualifications 115190  
prescribed by sections 5525.02 to 5525.09 of the Revised Code 115191  
and by rules adopted by the director, ~~including a certificate of~~ 115192

~~compliance with affirmative action programs,~~ a certificate of 115193  
qualification shall be issued to the applicant, which shall be 115194  
valid for the period of one year or such shorter period of time 115195  
as the director prescribes, unless revoked by the director for 115196  
cause as defined by rules adopted by the director under section 115197  
5525.05 of the Revised Code. 115198

(C) The certificate of qualification shall contain a 115199  
statement fixing the aggregate amount of work, for any or all 115200  
owners, that the applicant may have under construction and 115201  
uncompleted at any one time and may contain a statement limiting 115202  
such bidder to the submission of bids upon a certain class of 115203  
work. Subject to any restriction as to amount or class of work 115204  
therein contained, the certificate of qualification shall 115205  
authorize its holder to bid on all work on which bids are taken 115206  
by the department of transportation during the period of time 115207  
therein specified. 115208

(D) An applicant who has received a certificate of 115209  
qualification and desires to amend the certificate by the dollar 115210  
amount or by the classes of work may submit to the director such 115211  
documentation as the director considers appropriate. The 115212  
director shall review the documentation submitted by the 115213  
applicant and, within fifteen days, shall either amend the 115214  
certificate of qualification or deny the request. If the 115215  
director denies the request to amend the certificate, the 115216  
applicant may appeal that decision to the director's 115217  
prequalification review board in accordance with section 5525.07 115218  
of the Revised Code. Two or more persons, partnerships, or 115219  
corporations may bid jointly on any one project, but only on 115220  
condition that prior to the time bids are taken on the project 115221  
the bidders make a joint application for qualification and 115222  
obtain a joint certificate qualification. 115223

(E) The director may debar from participating in future 115224  
contracts with the department any bidding company as well as any 115225  
partner of a partnership, or the officers and directors of an 115226  
association or corporation if the certificate of qualification 115227  
of the company, partnership, association, or corporation is 115228  
revoked or not renewed by the director. When the director 115229  
reasonably believes that grounds for revocation and debarment 115230  
exist, the director shall send the bidding company and any 115231  
individual involved a notice of proposed revocation and 115232  
debarment indicating the grounds for such action as established 115233  
in rules adopted by the director under section 5525.05 of the 115234  
Revised Code and the procedure for requesting a hearing. The 115235  
notice and hearing shall be in accordance with Chapter 119. of 115236  
the Revised Code. If the bidding company or individual does not 115237  
respond with a request for a hearing in the manner specified in 115238  
Chapter 119. of the Revised Code, the director shall revoke the 115239  
certificate and issue the debarment decision without a hearing 115240  
and shall notify the bidding company or individual of the 115241  
decision by certified mail, return receipt requested. 115242

(F) The debarment period may be of any length determined 115243  
by the director and the director may modify or rescind the 115244  
debarment at any time. During the period of debarment, the 115245  
director shall not issue a certificate of qualification for any 115246  
company, partnership, association, or corporation affiliated 115247  
with a debarred individual. After the debarment period expires, 115248  
the bidding company or individual, and any partnership, 115249  
association, or corporation affiliated with the individual may 115250  
make an application for qualification if such entity or 115251  
individual is not otherwise debarred. 115252

**Sec. 5537.01.** As used in this chapter: 115253

(A) "Commission" means the Ohio turnpike and 115254  
infrastructure commission created by section 5537.02 of the 115255  
Revised Code or, if that commission is abolished, the board, 115256  
body, officer, or commission succeeding to the principal 115257  
functions thereof or to which the powers given by this chapter 115258  
to the commission are given by law. 115259

(B) "Turnpike project" means any express or limited access 115260  
highway, super highway, or motorway constructed, operated, or 115261  
improved, under the jurisdiction of the commission and pursuant 115262  
to this chapter, ~~at a location or locations reviewed by the~~ 115263  
~~turnpike legislative review committee~~ and approved by the 115264  
governor, including all bridges, tunnels, overpasses, 115265  
underpasses, interchanges, entrance plazas, approaches, those 115266  
portions of connecting public roads that serve interchanges and 115267  
are determined by the commission and the director of 115268  
transportation to be necessary for the safe merging of traffic 115269  
between the turnpike project and those public roads, toll 115270  
booths, service facilities, and administration, storage, and 115271  
other buildings, property, and facilities that the commission 115272  
considers necessary for the operation or policing of the 115273  
turnpike project, together with all property and rights which 115274  
may be acquired by the commission for the construction, 115275  
maintenance, or operation of the turnpike project, and includes 115276  
any sections or extensions of a turnpike project designated by 115277  
the commission as such for the particular purpose. Each turnpike 115278  
project shall be separately designated, by name or number, and 115279  
may be constructed, improved, or extended in such sections as 115280  
the commission may from time to time determine. Construction 115281  
includes the improvement and renovation of a previously 115282  
constructed turnpike project, including additional interchanges, 115283  
whether or not the turnpike project was initially constructed by 115284

the commission. 115285

(C) "Infrastructure project" means any public express or 115286  
limited access highway, super highway, or motorway, including 115287  
all bridges, tunnels, overpasses, underpasses, interchanges, 115288  
entrance plazas, approaches, and those portions of connecting 115289  
public roads that serve interchanges, that is constructed or 115290  
improved, in whole or in part, with infrastructure funding 115291  
approved pursuant to criteria established under section 5537.18 115292  
of the Revised Code. 115293

(D) "Cost," as applied to construction of a turnpike 115294  
project or an infrastructure project, includes the cost of 115295  
construction, including bridges over or under existing highways 115296  
and railroads, acquisition of all property acquired either by 115297  
the commission or by the owner of the infrastructure project for 115298  
the construction, demolishing or removing any buildings or 115299  
structures on land so acquired, including the cost of acquiring 115300  
any lands to which the buildings or structures may be moved, 115301  
site clearance, improvement, and preparation, diverting public 115302  
roads, interchanges with public roads, access roads to private 115303  
property, including the cost of land or easements therefor, all 115304  
machinery, furnishings, and equipment, communications 115305  
facilities, financing expenses, interest prior to and during 115306  
construction and for one year after completion of construction, 115307  
traffic estimates, indemnity and surety bonds and premiums on 115308  
insurance, title work and title commitments, insurance, and 115309  
guarantees, engineering, feasibility studies, and legal 115310  
expenses, plans, specifications, surveys, estimates of cost and 115311  
revenues, other expenses necessary or incident to determining 115312  
the feasibility or practicability of constructing or operating a 115313  
turnpike project or an infrastructure project, administrative 115314  
expenses, and any other expense that may be necessary or 115315



incident to the construction of the turnpike project or an 115316  
infrastructure project, the financing of the construction, and 115317  
the placing of the turnpike project or an infrastructure project 115318  
in operation. Any obligation or expense incurred by the 115319  
department of transportation with the approval of the commission 115320  
for surveys, borings, preparation of plans and specifications, 115321  
and other engineering services in connection with the 115322  
construction of a turnpike project or an infrastructure project, 115323  
or by the federal government with the approval of the commission 115324  
for any public road projects which must be reimbursed as a 115325  
condition to the exercise of any of the powers of the commission 115326  
under this chapter, shall be regarded as a part of the cost of 115327  
the turnpike project or an infrastructure project and shall be 115328  
reimbursed to the state or the federal government, as the case 115329  
may be, from revenues, state taxes, or the proceeds of bonds as 115330  
authorized by this chapter. 115331

(E) "Owner" includes all persons having any title or 115332  
interest in any property authorized to be acquired by the 115333  
commission for turnpike projects under this chapter, or the 115334  
public entity for whom an infrastructure project is funded, in 115335  
whole or in part, by the commission under this chapter. 115336

(F) "Revenues" means all tolls, service revenues, 115337  
investment income on special funds, rentals, gifts, grants, and 115338  
all other moneys coming into the possession of or under the 115339  
control of the commission by virtue of this chapter, except the 115340  
proceeds from the sale of bonds. "Revenues" does not include 115341  
state taxes. 115342

(G) "Public roads" means all public highways, roads, and 115343  
streets in the state, whether maintained by a state agency or 115344  
any other governmental agency. 115345

(H) "Public utility facilities" means tracks, pipes, 115346  
mains, conduits, cables, wires, towers, poles, and other 115347  
equipment and appliances of any public utility. 115348

(I) "Financing expenses" means all costs and expenses 115349  
relating to the authorization, issuance, sale, delivery, 115350  
authentication, deposit, custody, clearing, registration, 115351  
transfer, exchange, fractionalization, replacement, payment, and 115352  
servicing of bonds including, without limitation, costs and 115353  
expenses for or relating to publication and printing, postage, 115354  
delivery, preliminary and final official statements, offering 115355  
circulars, and informational statements, travel and 115356  
transportation, underwriters, placement agents, investment 115357  
bankers, paying agents, registrars, authenticating agents, 115358  
remarketing agents, custodians, clearing agencies or 115359  
corporations, securities depositories, financial advisory 115360  
services, certifications, audits, federal or state regulatory 115361  
agencies, accounting and computation services, legal services 115362  
and obtaining approving legal opinions and other legal opinions, 115363  
credit ratings, redemption premiums, and credit enhancement 115364  
facilities. 115365

(J) "Bond proceedings" means the resolutions, trust 115366  
agreements, certifications, notices, sale proceedings, leases, 115367  
lease-purchase agreements, assignments, credit enhancement 115368  
facility agreements, and other agreements, instruments, and 115369  
documents, as amended and supplemented, or any one or more or 115370  
any combination thereof, authorizing, or authorizing or 115371  
providing for the terms and conditions applicable to, or 115372  
providing for the security or sale or award or liquidity of, 115373  
bonds, and includes the provisions set forth or incorporated in 115374  
those bonds and bond proceedings. 115375

(K) "Bond service charges" means principal, including any 115376  
mandatory sinking fund or mandatory redemption requirements for 115377  
the retirement of bonds, and interest and any redemption premium 115378  
payable on bonds, as those payments come due and are payable to 115379  
the bondholder or to a person making payment under a credit 115380  
enhancement facility of those bond service charges to a 115381  
bondholder. 115382

(L) "Bond service fund" means the applicable fund created 115383  
by the bond proceedings for and pledged to the payment of bond 115384  
service charges on bonds provided for by those proceedings, 115385  
including all moneys and investments, and earnings from 115386  
investments, credited and to be credited to that fund as 115387  
provided in the bond proceedings. 115388

(M) "Bonds" means bonds, notes, including notes 115389  
anticipating bonds or other notes, commercial paper, 115390  
certificates of participation, or other evidences of obligation, 115391  
including any interest coupons pertaining thereto, issued by the 115392  
commission pursuant to this chapter. 115393

(N) "Infrastructure fund" means the applicable fund or 115394  
funds created by the bond proceedings, which shall be used to 115395  
pay or defray the cost of infrastructure projects recommended by 115396  
the director of transportation and evaluated and approved by the 115397  
commission. 115398

(O) "Net revenues" means revenues lawfully available to 115399  
pay both current operating expenses of the commission and bond 115400  
service charges in any fiscal year or other specified period, 115401  
less current operating expenses of the commission and any amount 115402  
necessary to maintain a working capital reserve for that period. 115403

(P) "Pledged revenues" means net revenues, moneys and 115404

investments, and earnings on those investments, in the 115405  
applicable bond service fund and any other special funds, and 115406  
the proceeds of any bonds issued for the purpose of refunding 115407  
prior bonds, all as lawfully available and by resolution of the 115408  
commission committed for application as pledged revenues to the 115409  
payment of bond service charges on particular issues of bonds. 115410

(Q) "Service facilities" means service stations, 115411  
restaurants, and other facilities for food service, roadside 115412  
parks and rest areas, parking, camping, tenting, rest, and 115413  
sleeping facilities, hotels or motels, and all similar and other 115414  
facilities providing services to the traveling public in 115415  
connection with the use of a turnpike project and owned, leased, 115416  
licensed, or operated by the commission. 115417

(R) "Service revenues" means those revenues of the 115418  
commission derived from its ownership, leasing, licensing, or 115419  
operation of service facilities. 115420

(S) "Special funds" means the applicable bond service fund 115421  
and any accounts and subaccounts in that fund, any other funds 115422  
or accounts permitted by and established under, and identified 115423  
as a "special fund" or "special account" in, the bond 115424  
proceedings, including any special fund or account established 115425  
for purposes of rebate or other requirements under federal 115426  
income tax laws. 115427

(T) "State agencies" means the state, officers of the 115428  
state, and boards, departments, branches, divisions, or other 115429  
units or agencies of the state. 115430

(U) "State taxes" means receipts of the commission from 115431  
the proceeds of state taxes or excises levied and collected, or 115432  
appropriated by the general assembly to the commission, for the 115433

purposes and functions of the commission. State taxes do not 115434  
include tolls, or investment earnings on state taxes except on 115435  
those state taxes referred to in Section 5a of Article XII, Ohio 115436  
Constitution. 115437

(V) "Tolls" means tolls, special fees or permit fees, or 115438  
other charges by the commission to the owners, lessors, lessees, 115439  
or operators of motor vehicles for the operation of or the right 115440  
to operate those vehicles on a turnpike project. 115441

(W) "Credit enhancement facilities" means letters of 115442  
credit, lines of credit, standby, contingent, or firm securities 115443  
purchase agreements, insurance, or surety arrangements, 115444  
guarantees, and other arrangements that provide for direct or 115445  
contingent payment of bond service charges, for security or 115446  
additional security in the event of nonpayment or default in 115447  
respect of bonds, or for making payment of bond service charges 115448  
and at the option and on demand of bondholders or at the option 115449  
of the commission or upon certain conditions occurring under put 115450  
or similar arrangements, or for otherwise supporting the credit 115451  
or liquidity of the bonds, and includes credit, reimbursement, 115452  
marketing, remarketing, indexing, carrying, interest rate hedge, 115453  
and subrogation agreements, and other agreements and 115454  
arrangements for payment and reimbursement of the person 115455  
providing the credit enhancement facility and the security for 115456  
that payment and reimbursement. 115457

(X) "Person" has the same meaning as in section 1.59 of 115458  
the Revised Code and, unless the context otherwise provides, 115459  
also includes any governmental agency and any combination of 115460  
those persons. 115461

(Y) "Refund" means to fund and retire outstanding bonds, 115462  
including advance refunding with or without payment or 115463

redemption prior to stated maturity. 115464

(Z) "Governmental agency" means any state agency, federal 115465  
agency, political subdivision, or other local, interstate, or 115466  
regional governmental agency, and any combination of those 115467  
agencies. 115468

(AA) "Property" has the same meaning as in section 1.59 of 115469  
the Revised Code, and includes interests in property. 115470

(BB) "Administrative agent," "agent," "commercial paper," 115471  
"floating rate interest structure," "indexing agent," "interest 115472  
rate hedge," "interest rate period," "put arrangement," and 115473  
"remarketing agent" have the same meanings as in section 9.98 of 115474  
the Revised Code. 115475

(CC) "Outstanding," as applied to bonds, means outstanding 115476  
in accordance with the terms of the bonds and the applicable 115477  
bond proceedings. 115478

(DD) "Ohio turnpike system" or "system" means all existing 115479  
and future turnpike projects constructed, operated, and 115480  
maintained under the jurisdiction of the commission. 115481

(EE) "Ohio turnpike and infrastructure system" means 115482  
turnpike projects and infrastructure projects funded by the 115483  
commission existing on and after July 1, 2013, that facilitate 115484  
access to, use of, and egress from the Ohio turnpike system, and 115485  
also facilitate access to and from areas of population, 115486  
commerce, and industry that are connected to the Ohio turnpike 115487  
system. 115488

**Sec. 5537.02.** (A) There is hereby created a commission to 115489  
be known on and after July 1, 2013, as the "Ohio turnpike and 115490  
infrastructure commission." The commission is a body both 115491  
corporate and politic, constituting an instrumentality of the 115492

state, and the exercise by it of the powers conferred by this 115493  
chapter in the construction, operation, and maintenance of the 115494  
Ohio turnpike system, and also in entering into agreements with 115495  
the department of transportation to pay the cost or a portion of 115496  
the costs of infrastructure projects, are and shall be held to 115497  
be essential governmental functions of the state, but the 115498  
commission shall not be immune from liability by reason thereof. 115499  
Chapter 2744. of the Revised Code applies to the commission and 115500  
the commission is a political subdivision of the state for 115501  
purposes of that chapter. The commission is subject to all 115502  
provisions of law generally applicable to state agencies which 115503  
do not conflict with this chapter. 115504

(B) (1) The commission shall consist of ten members as 115505  
follows: 115506

(a) Six members appointed by the governor with the advice 115507  
and consent of the senate, no more than three of whom shall be 115508  
members of the same political party; 115509

(b) The director of transportation, or the director's 115510  
designee, who shall be a voting member, and the director of 115511  
budget and management, or the director's designee. The directors 115512  
or their designees, as applicable, shall serve as ex officio 115513  
members, without compensation; 115514

(c) One member of the senate, appointed by the president 115515  
of the senate, ~~who shall represent either a district in which is~~ 115516  
~~located or through which passes a portion of a turnpike project~~ 115517  
~~that is part of the Ohio turnpike system or a district located~~ 115518  
~~in the vicinity of a turnpike project that is part of the Ohio~~ 115519  
~~turnpike system;~~ 115520

(d) One member of the house of representatives, appointed 115521

by the speaker of the house of representatives, ~~who shall~~ 115522  
~~represent either a district in which is located or through which~~ 115523  
~~passes a portion of a turnpike project that is part of the Ohio-~~ 115524  
~~turnpike system or a district located in the vicinity of a~~ 115525  
~~turnpike project that is part of the Ohio turnpike system.~~ 115526

(2) The members appointed by the governor shall be 115527  
residents of the state, shall have been qualified electors 115528  
therein for a period of at least five years next preceding their 115529  
appointment. In making the appointments, the governor may 115530  
appoint persons who reside in different geographic areas of the 115531  
state, taking into consideration the various turnpike and 115532  
infrastructure projects in the state. Members appointed to the 115533  
commission prior to July 1, 2013, shall serve terms of eight 115534  
years commencing on the first day of July and ending on the 115535  
thirtieth day of June. Thereafter, members appointed by the 115536  
governor shall serve terms of five years commencing on the first 115537  
day of July and ending on the thirtieth day of June. Those 115538  
members appointed by the president of the senate or the speaker 115539  
of the house of representatives shall serve a term of the 115540  
remainder of the general assembly during which the senator or 115541  
representative is appointed. Each appointed member shall hold 115542  
office from the date of appointment until the end of the term 115543  
for which the member was appointed. If a commission member dies 115544  
or resigns, or if a senator or representative who is a member of 115545  
the commission ceases to be a senator or representative, or if 115546  
an ex officio member ceases to hold the applicable office, the 115547  
vacancy shall be filled in the same manner as provided in 115548  
division (B)(1) of this section. Any member who fills a vacancy 115549  
occurring prior to the end of the term for which the member's 115550  
predecessor was appointed shall, if appointed by the governor, 115551  
hold office for the remainder of such term or, if appointed by 115552



the president of the senate or the speaker of the house of 115553  
representatives, shall hold office for the remainder of the term 115554  
or for a shorter period of time as determined by the president 115555  
or the speaker. Any member appointed by the governor shall 115556  
continue in office subsequent to the expiration date of the 115557  
member's term until the member's successor takes office, or 115558  
until a period of sixty days has elapsed, whichever occurs 115559  
first. A member of the commission is eligible for reappointment. 115560  
Each member of the commission appointed by the governor, before 115561  
entering upon the member's duties, shall take an oath as 115562  
provided by Section 7 of Article XV, Ohio Constitution. The 115563  
governor, the president of the senate, or the speaker of the 115564  
house of representatives, may at any time remove their 115565  
respective appointees to the commission for misfeasance, 115566  
nonfeasance, or malfeasance in office. 115567

(3) (a) A member of the commission who is appointed by the 115568  
president of the senate or the speaker of the house of 115569  
representatives shall not participate in any vote of the 115570  
commission. Serving as an appointed member of the commission 115571  
under divisions (B) (1) (c), (1) (d), or (2) of this section does 115572  
not constitute grounds for resignation from the senate or the 115573  
house of representatives under section 101.26 of the Revised 115574  
Code. 115575

(b) The director of budget and management shall not 115576  
participate in any vote of the commission. 115577

(C) The voting members of the commission shall elect one 115578  
of the voting members as chairperson and another as vice- 115579  
chairperson, and shall appoint a secretary-treasurer who need 115580  
not be a member of the commission. Four of the voting members of 115581  
the commission constitute a quorum, and the affirmative vote of 115582

four voting members is necessary for any action taken by the 115583  
commission. No vacancy in the membership of the commission 115584  
impairs the rights of a quorum to exercise all the rights and 115585  
perform all the duties of the commission. 115586

(D) Each member of the commission appointed by the 115587  
governor shall give a surety bond to the commission in the penal 115588  
sum of twenty-five thousand dollars and the secretary-treasurer 115589  
shall give such a bond in at least the penal sum of fifty 115590  
thousand dollars. The commission may require any of its officers 115591  
or employees to file surety bonds including a blanket bond as 115592  
provided in section 3.06 of the Revised Code. Each such bond 115593  
shall be in favor of the commission and shall be conditioned 115594  
upon the faithful performance of the duties of the office, 115595  
executed by a surety company authorized to transact business in 115596  
this state, approved by the governor, and filed in the office of 115597  
the secretary of state. The costs of the surety bonds shall be 115598  
paid or reimbursed by the commission from revenues. Each member 115599  
of the commission appointed by the governor shall receive an 115600  
annual salary of five thousand dollars, payable in monthly 115601  
installments. Each member shall be reimbursed for the member's 115602  
actual expenses necessarily incurred in the performance of the 115603  
member's duties. All costs and expenses incurred by the 115604  
commission in carrying out this chapter shall be payable solely 115605  
from revenues and state taxes, and no liability or obligation 115606  
shall be incurred by the commission beyond the extent to which 115607  
revenues have been provided for pursuant to this chapter. 115608

**Sec. 5537.03.** In order to remove present and anticipated 115609  
impediments and potential hazards on the congested highways in 115610  
this state, to facilitate vehicular traffic throughout the 115611  
state, to finance infrastructure projects that improve and 115612  
enhance mobility in Ohio, and also to promote the agricultural, 115613

recreational, tourism, and commercial, industrial, and economic 115614  
development of the state, and to provide for the general welfare 115615  
by the construction, improvement, and maintenance of modern 115616  
express highways embodying safety devices, including without 115617  
limitation center divisions, ample shoulder widths, long sight 115618  
distances, multiple lanes in each direction, and grade 115619  
separations at intersections with other public roads and 115620  
railroads, the Ohio turnpike and infrastructure commission may 115621  
do the following: 115622

(A) Subject to section 5537.26 of the Revised Code, 115623  
construct, maintain, repair, and operate a system of turnpike 115624  
projects ~~at locations that are reviewed by the turnpike-~~ 115625  
~~legislative review committee and approved by the governor,~~ and 115626  
in accordance with alignment and design standards that are 115627  
approved by the director of transportation, and issue revenue 115628  
bonds of this state, payable solely from pledged revenues, to 115629  
pay the cost of those projects. The turnpikes and turnpike 115630  
projects authorized by this chapter are hereby or shall be made 115631  
part of the Ohio turnpike system. 115632

(B) Provide the infrastructure funds to pay the cost or a 115633  
portion of the cost of infrastructure projects as recommended by 115634  
the director of transportation pursuant to a determination made 115635  
by the commission based on criteria set forth in rules adopted 115636  
by the commission under section 5537.18 of the Revised Code. A 115637  
determination by the commission to provide infrastructure funds 115638  
for an infrastructure project shall be conclusive and 115639  
incontestable. 115640

**Sec. 5537.27.** The Ohio turnpike and infrastructure 115641  
commission, the director of transportation or the director's 115642  
designee, and another person designated by the governor shall 115643

establish a procedure whereby a political subdivision or other 115644  
government agency or agencies may submit a written application 115645  
to the commission, requesting the commission to construct and 115646  
operate a turnpike project within the boundaries of the 115647  
subdivision, agency, or agencies making the request. The 115648  
procedure shall include a requirement that the commission send a 115649  
written reply to the subdivision, agency, or agencies, 115650  
explaining the disposition of the request. The procedure 115651  
established pursuant to this section shall not become effective 115652  
unless it is approved by the commission and by the director or 115653  
the director's designee and the designee of the governor, ~~and~~ 115654  
~~shall require submission of the proposed turnpike project to the~~ 115655  
~~turnpike legislative review committee if the project must be~~ 115656  
~~approved by the governor.~~ 115657

**Sec. 5540.02.** (A) A transportation improvement district 115658  
may be created by the board of county commissioners of a county. 115659  
The board, by resolution, shall determine the structure of the 115660  
board of trustees of the transportation improvement district it 115661  
creates by adopting the structure contained either in division 115662  
(C) (1) or (2) of this section. 115663

(B) A transportation improvement district is a body both 115664  
corporate and politic, and the exercise by it of the powers 115665  
conferred by this chapter in the financing, construction, 115666  
maintenance, repair, and operation of a project are and shall be 115667  
held to be essential governmental functions. 115668

(C) (1) If the board of county commissioners so elects, a 115669  
transportation improvement district shall be governed by a board 115670  
of trustees consisting of the following members: 115671

(a) Two members appointed by the board of county 115672  
commissioners; 115673

- (b) Three members appointed by the legislative authority 115674  
of the most populous municipal corporation in the district; 115675
- (c) Two members appointed by the legislative authority of 115676  
the second most populous municipal corporation in the district; 115677
- (d) Two members appointed by the board of township 115678  
trustees of the township in the county that is most populous in 115679  
its unincorporated area; 115680
- (e) The county engineer; 115681
- (f) One member appointed by the legislative authority of 115682  
any township or municipal corporation that cannot otherwise 115683  
appoint a member to the board pursuant to this section, and that 115684  
is wholly or partially within the area of the transportation 115685  
improvement district as the district was originally designated 115686  
by the board of county commissioners; 115687
- (g) If the area of a transportation improvement district 115688  
is expanded by the board of county commissioners, the 115689  
legislative authority of any township or municipal corporation 115690  
that is wholly or partially within the area of expansion and 115691  
that cannot otherwise appoint a member to the board pursuant to 115692  
this section, with the consent of the board of trustees of the 115693  
district, may appoint one member to the board; 115694
- (h) One member appointed by the regional planning 115695  
commission for the county, who shall be a nonvoting member of 115696  
the board; 115697
- ~~(i) One member appointed at the discretion of the speaker 115698  
of the house of representatives, who, if appointed, shall be a 115699  
nonvoting member of the board and who may be a member of the 115700  
house of representatives. 115701~~

One of each of the appointments made by the board of  
county commissioners, the legislative authority of a municipal  
corporation, and the board of township trustees under divisions  
(C)(1)(a), (b), (c), and (d) of this section, shall be members  
of the chamber of commerce for the respective political  
subdivision.

Whenever the addition of members to the board of trustees  
of a transportation improvement district pursuant to division  
(C)(1)(f) or (g) of this section results in an even number of  
total voting members on the board, the board of trustees of the  
district may appoint an additional person to its membership to  
maintain an odd number of voting members.

(2) As an alternative to the structure prescribed in  
division (C)(1) of this section, a board of county  
commissioners, by resolution, may elect that the transportation  
improvement district it creates be governed by a board of  
trustees consisting of ~~the following members:~~

~~(a) Five~~ five members appointed by the board of county  
commissioners;

~~(b) One member appointed at the discretion of the speaker  
of the house of representatives, who, if appointed, shall be a  
nonvoting member of the board and who may be a member of the  
house of representatives.~~

(D) Each appointed member of the board shall hold office  
for a term of two years but subject to removal at the pleasure  
of the authority that appointed the member. Members may be  
reappointed. Except as otherwise provided in this division, any  
vacancy on the board shall be filled in the same manner as the  
original appointment. Any vacancy on a board appointed under

division (C)(1) of this section lasting longer than thirty days 115731  
due to the failure of the legislative authority of a municipal 115732  
corporation or a board of township trustees to make an 115733  
appointment shall be filled by the board of trustees of the 115734  
transportation improvement district. 115735

(E) The voting members of the board shall elect from the 115736  
entire board membership a chairperson, vice-chairperson, and 115737  
secretary-treasurer. A majority of the voting members of the 115738  
board constitutes a quorum, the affirmative vote of which is 115739  
necessary for any action of the district. No vacancy in the 115740  
membership of the board impairs the right of a quorum to 115741  
exercise all the rights and perform all duties of the district. 115742

(F) The board of county commissioners of any county, the 115743  
legislative authority of any municipal corporation, and the 115744  
board of township trustees of any township may make 115745  
appropriations from moneys available to them and not otherwise 115746  
appropriated to pay costs incurred by the district in the 115747  
exercise of its functions under this chapter, provided those 115748  
moneys are available to use for that purpose. 115749

(G) An organizational meeting of the board of trustees of 115750  
a transportation improvement district created under this section 115751  
shall be held at the time and place designated by the board 115752  
member who has served the most years as a member of the board of 115753  
county commissioners that created the transportation improvement 115754  
district. 115755

**Sec. 5595.01.** As used in this chapter: 115756

(A) "Regional transportation improvement project" or 115757  
"project" means a regional transportation improvement project 115758  
undertaken pursuant to section 5595.02 of the Revised Code. 115759

(B) "Transportation improvement" means the construction, 115760  
repair, maintenance, or expansion of streets, highways, parking 115761  
facilities, rail tracks and necessarily related rail facilities, 115762  
bridges, tunnels, overpasses, underpasses, interchanges, 115763  
approaches, culverts, and other means of transportation, and the 115764  
erection and maintenance of traffic signs, markers, lights, and 115765  
signals. 115766

(C) "Opportunity corridor improvement" means a public 115767  
infrastructure improvement, as defined by section 5709.40 of the 115768  
Revised Code, the primary purpose of which is to enhance or 115769  
assist one or more transportation improvements or to create or 115770  
facilitate economic development opportunities described in the 115771  
memorandum of understanding or to otherwise benefit real 115772  
property located, or businesses that are operating or will 115773  
operate, within the development area, and that is funded at 115774  
least in part with private funds. "Opportunity corridor 115775  
improvement" includes ~~the~~ both of the following: 115776

(1) The establishment, acquisition, ownership, control, 115777  
management, sale, or transfer of a business under division (E) 115778  
of section 5595.041 of the Revised Code; 115779

(2) The facilities that are required for the gathering, 115780  
transmission, and distribution of utilities, including water, 115781  
sewer, gas, oil, gas or oil derivatives, electric, hydrogen, and 115782  
communications. 115783

(D) "Development area" means all parcels of real property 115784  
located within two thousand five hundred feet of the outermost 115785  
boundary of the right-of-way associated with any transportation 115786  
improvement or economic development opportunity described in the 115787  
memorandum of understanding. For the purpose of this division, a 115788  
parcel is located within two thousand five hundred feet of the 115789



right-of-way if the distance between any portion of the parcel 115790  
and any portion of the right-of-way is two thousand five hundred 115791  
feet or less. 115792

(E) "Right-of-way" means land, property, or the interest 115793  
therein, usually in the configuration of a strip, acquired for 115794  
or devoted to transportation or economic development purposes. 115795  
"Right-of-way" includes the roadway, shoulders or berm, ditch, 115796  
and slopes extending to the right-of-way limits under the 115797  
control of the state or local authority. 115798

(F) "Qualified RTIP" means a regional transportation 115799  
improvement project undertaken before ~~the effective date of this~~ 115800  
~~amendment~~ October 3, 2023, or a regional transportation 115801  
improvement project undertaken after the completion of a 115802  
feasibility study. 115803

(G) "Memorandum of understanding" means a memorandum of 115804  
understanding between the governing board of a qualified RTIP 115805  
and the department of transportation under section 5595.041 of 115806  
the Revised Code. 115807

(H) "Feasibility study" means a study that contains both 115808  
of the following: 115809

(1) An economic feasibility assessment, approved by the 115810  
department of development, that demonstrates the financial 115811  
viability of the transportation improvement or opportunity 115812  
corridor improvement; 115813

(2) A technical feasibility assessment, approved by the 115814  
department of transportation, that demonstrates the ease of 115815  
construction of the transportation improvement or opportunity 115816  
corridor improvement. 115817

**Sec. 5595.02.** (A) The boards of county commissioners of 115818

two or more counties may undertake a regional transportation 115819  
improvement project for the purpose of completing transportation 115820  
improvements within the territory of the counties. The project 115821  
shall be administered by a governing board in accordance with a 115822  
cooperative agreement. 115823

~~(B)~~ (B) (1) The cooperative agreement shall provide for the 115824  
creation of a governing board consisting of ~~one~~ the following 115825  
individuals: 115826

(a) One county commissioner from each county that is a 115827  
party to the agreement or a designee appointed by the board of 115828  
county commissioners of the county for the purpose of serving on 115829  
the governing board, ~~and the~~ ; 115830

(b) The county engineer of each such county or a designee 115831  
appointed by the county engineer for the purpose of serving on 115832  
the governing board; 115833

(c) The chief executive officer of the JobsOhio network 115834  
partner that covers the majority of the area encompassed by the 115835  
regional transportation improvement project or a designee 115836  
appointed by the chief executive officer for the purpose of 115837  
serving on the governing board. ~~Membership~~ 115838

(2) Membership on the board is not a direct or indirect 115839  
interest in a contract or expenditure of money by the county. 115840  
The board is a public body for the purposes of section 121.22 of 115841  
the Revised Code and a public office for the purposes of section 115842  
149.43 of the Revised Code. Chapter 2744. of the Revised Code 115843  
applies to the board. 115844

(C) The governing board of a regional transportation 115845  
improvement project is a body both corporate and politic, and 115846  
the exercise by it of the powers conferred by this chapter in 115847

the financing, construction, maintenance, repair, and operation 115848  
of transportation improvements are essential governmental 115849  
functions. 115850

(D) A board of county commissioners, in accordance with 115851  
the cooperative agreement, may make appropriations to pay costs 115852  
incurred by the governing board in the exercise of its functions 115853  
under this chapter so long as such costs are approved by the 115854  
director of transportation under section 5595.12 of the Revised 115855  
Code. 115856

**Sec. 5595.04.** The governing board of a regional 115857  
transportation improvement project may do any of the following: 115858

(A) Make and enter into all contracts and agreements 115859  
necessary or incidental to the performance of its functions and 115860  
the execution of its powers under this chapter and in accordance 115861  
with the cooperative agreement and, if applicable, the 115862  
memorandum of understanding. The procuring of goods and awarding 115863  
of contracts with a cost in excess of fifty thousand dollars 115864  
shall be done in accordance with the competitive bidding 115865  
procedures established for boards of county commissioners by 115866  
sections 307.86 to 307.91 of the Revised Code. 115867

(B) Sue and be sued in its own name, plead and be 115868  
impleaded, provided any actions against the governing board or 115869  
the regional transportation improvement project shall be brought 115870  
in the court of common pleas of a county that is a party to the 115871  
cooperative agreement or in the court of common pleas of the 115872  
county in which the cause of action arose, and all summonses, 115873  
exceptions, and notices shall be served on the governing board 115874  
by leaving a copy thereof at its principal office with a member 115875  
of the governing board or an employee or agent thereof; 115876

(C) Employ or retain persons as are necessary in the 115877  
judgment of the governing board to carry out the project, and 115878  
fix their compensation; 115879

(D) Acquire by purchase, lease, lease-purchase, lease with 115880  
option to purchase, or otherwise any property necessary, 115881  
convenient, or proper for the construction, maintenance, repair, 115882  
or operation of one or more transportation improvements and, if 115883  
applicable, one or more opportunity corridor improvements. The 115884  
governing board may pledge net revenues, to the extent permitted 115885  
by this chapter with respect to bonds, to secure payments to be 115886  
paid by the governing board under such a lease, lease-purchase 115887  
agreement, or lease with option to purchase. Title to real and 115888  
personal property shall be held in the name of the governing 115889  
board. Except as provided under section 5595.041 of the Revised 115890  
Code, the governing board is not authorized to acquire property 115891  
by appropriation. 115892

(E) Issue securities to pay for the costs of 115893  
transportation improvements and opportunity corridor 115894  
improvements pursuant to section 5595.05 of the Revised Code; 115895

(F) If the regional transportation project ~~was undertaken~~ 115896  
~~pursuant to section 5595.02 of the Revised Code before March 23,~~ 115897  
~~2018, the effective date of the amendment of this section by~~ 115898  
~~S.B. 8 of the 132nd general assembly~~ is a qualified RTIP: 115899

(1) Create a transportation financing district and declare 115900  
improvements to parcels within the district to be a public 115901  
purpose and exempt from taxation as provided under section 115902  
5709.48 of the Revised Code; 115903

(2) Negotiate and enter into voluntary agreements under 115904  
section 5709.481 of the Revised Code that impose assessments on 115905

real property located in a transportation financing district. 115906

**Sec. 5701.11.** The effective date to which this section 115907  
refers is the effective date of this section as amended by S.B. 115908  
10 of the 135th general assembly. 115909

(A) (1) Except as provided under division (A) (2) or (B) of 115910  
this section, any reference in Title LVII or section 149.311, 115911  
3123.90, 3770.07, 3770.071, 3770.072, 3770.073, ~~or~~ 3772.37, or 115912  
3775.16 of the Revised Code to the Internal Revenue Code, to the 115913  
Internal Revenue Code "as amended," to other laws of the United 115914  
States, or to other laws of the United States, "as amended," 115915  
means the Internal Revenue Code or other laws of the United 115916  
States as they exist on the effective date. 115917

(2) This section does not apply to any reference in Title 115918  
LVII of the Revised Code to the Internal Revenue Code as of a 115919  
date certain specifying the day, month, and year, or to other 115920  
laws of the United States as of a date certain specifying the 115921  
day, month, and year. 115922

(B) (1) For purposes of applying section 5733.04, 5745.01, 115923  
or 5747.01 of the Revised Code to a taxpayer's taxable year 115924  
ending after February 17, 2022, and before the effective date, a 115925  
taxpayer may irrevocably elect to incorporate the provisions of 115926  
the Internal Revenue Code or other laws of the United States 115927  
that are in effect for federal income tax purposes for that 115928  
taxable year if those provisions differ from the provisions 115929  
that, under division (A) of this section, would otherwise apply. 115930  
The filing by the taxpayer for that taxable year of a report or 115931  
return that incorporates the provisions of the Internal Revenue 115932  
Code or other laws of the United States applicable for federal 115933  
income tax purposes for that taxable year, and that does not 115934  
include any adjustments to reverse the effects of any 115935

differences between those provisions and the provisions that 115936  
would otherwise apply, constitutes the making of an irrevocable 115937  
election under this division for that taxable year. 115938

(2) Elections under prior versions of division (B) (1) of 115939  
this section remain in effect for the taxable years to which 115940  
they apply. 115941

**Sec. 5703.052.** (A) There is hereby created in the state 115942  
treasury the tax refund fund, from which refunds shall be paid 115943  
for amounts illegally or erroneously assessed or collected, or 115944  
for any other reason overpaid, with respect to taxes levied by 115945  
Chapter 4301., 4305., 5726., 5728., 5729., 5731., 5733., 5735., 115946  
5736., 5739., 5741., 5743., 5747., 5748., 5749., 5751., or 5753. 115947  
and sections 3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 115948  
5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the Revised 115949  
Code. Refunds for fees levied under sections 3734.90 to 115950  
3734.9014 of the Revised Code, wireless 9-1-1 charges imposed 115951  
under section 128.40 of the Revised Code, next generation 9-1-1 115952  
access fees imposed under sections 128.41 and 128.42 of the 115953  
Revised Code, or any penalties assessed with respect to such 115954  
fees or charges, that are illegally or erroneously assessed or 115955  
collected, or for any other reason overpaid, also shall be paid 115956  
from the fund. Refunds for amounts illegally or erroneously 115957  
assessed or collected by the tax commissioner, or for any other 115958  
reason overpaid, that are due under section 1509.50 of the 115959  
Revised Code shall be paid from the fund. Refunds for amounts 115960  
illegally or erroneously assessed or collected by the 115961  
commissioner, or for any other reason overpaid to the 115962  
commissioner, under sections 718.80 to 718.95 of the Revised 115963  
Code shall be paid from the fund. However, refunds for amounts 115964  
illegally or erroneously assessed or collected by the 115965  
commissioner, or for any other reason overpaid to the 115966

commissioner, with respect to taxes levied under section 115967  
5739.101 of the Revised Code shall not be paid from the tax 115968  
refund fund, but shall be paid as provided in section 5739.104 115969  
of the Revised Code. 115970

(B) (1) Upon certification by the tax commissioner to the 115971  
treasurer of state of a tax refund, a wireless 9-1-1 charge 115972  
refund, a next generation 9-1-1 access fee refund, or another 115973  
amount refunded, or by the superintendent of insurance of a 115974  
domestic or foreign insurance tax refund, the treasurer of state 115975  
shall place the amount certified to the credit of the fund. The 115976  
certified amount transferred shall be derived from the receipts 115977  
of the same tax, fee, wireless 9-1-1 charge, next generation 9- 115978  
1-1 access fee, or other amount from which the refund arose. 115979

(2) When a refund is for a tax, fee, wireless 9-1-1 115980  
charge, next generation 9-1-1 access fee, or other amount that 115981  
is not levied by the state or that was illegally or erroneously 115982  
distributed to a taxing jurisdiction, the tax commissioner shall 115983  
recover the amount of that refund from the next distribution of 115984  
that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 115985  
access fee, or other amount that otherwise would be made to the 115986  
taxing jurisdiction. If the amount to be recovered would exceed 115987  
twenty-five per cent of the next distribution of that tax, fee, 115988  
wireless 9-1-1 charge, next generation 9-1-1 access fee, or 115989  
other amount, the commissioner may spread the recovery over more 115990  
than one future distribution, taking into account the amount to 115991  
be recovered and the amount of the anticipated future 115992  
distributions. In no event may the commissioner spread the 115993  
recovery over a period to exceed ~~thirty-six~~ seventy-two months. 115994

**Sec. 5703.059.** (A) The Notwithstanding any provision in 115995  
the Revised Code to the contrary, the tax commissioner may adopt 115996

~~rules requiring returns, including any accompanying schedule or~~ 115997  
~~statement, for any~~ require either or both of the following: 115998

(1) Any tax or fee administered by the commissioner to be 115999  
filed electronically using the Ohio business gateway as defined 116000  
in section 718.01 of the Revised Code, filed telephonically 116001  
using the system known as the Ohio telefile system, or filed by 116002  
any other electronic means prescribed by the commissioner. ~~;~~ 116003

~~(B) The commissioner may adopt rules requiring any~~ (2) Any 116004  
payment of tax shown on such a return to be due to be made 116005  
electronically in a manner approved by the commissioner. 116006

~~(C) A rule adopted under this section does not apply to~~ 116007  
~~returns or reports filed or payments made before the effective~~ 116008  
~~date of the rule.~~ (B) The commissioner shall publicize any new 116009  
electronic filing requirement on the department's web site. The 116010  
commissioner shall educate the public of the requirement through 116011  
seminars, workshops, conferences, or other outreach activities. 116012

~~(D)~~ (C) Any person required to file returns and make 116013  
payments electronically ~~under rules adopted under this section~~ 116014  
may apply to the commissioner, on a form prescribed by the 116015  
commissioner, to be excused from that requirement. For good 116016  
cause shown, the commissioner may excuse the applicant from the 116017  
requirement and permit the applicant to file the returns or 116018  
reports or make the payments required under this section by 116019  
nonelectronic means. 116020

**Sec. 5703.19.** (A) To carry out the purposes of the laws 116021  
that the tax commissioner is required to administer, the 116022  
commissioner or any person employed by the commissioner for that 116023  
purpose, upon demand, may inspect books, accounts, records, and 116024  
memoranda of any person or public utility subject to those laws, 116025



and may examine under oath any officer, agent, or employee of 116026  
that person or public utility. If such books, accounts, records, 116027  
or memoranda are kept electronically or available in an 116028  
electronic format, the person or public utility shall provide 116029  
such records to the commissioner electronically or in an 116030  
electronic format at the commissioner's request. Any person 116031  
other than the commissioner who makes a demand pursuant to this 116032  
section shall produce the person's authority to make the 116033  
inspection. 116034

(B) If a person or public utility receives at least ten 116035  
days' written notice of a demand made under division (A) of this 116036  
section and refuses to comply with that demand, a penalty of 116037  
five hundred dollars shall be imposed upon the person or public 116038  
utility for each day the person or public utility refuses to 116039  
comply with the demand. Penalties imposed under this division 116040  
may be assessed and collected in the same manner as assessments 116041  
made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 116042  
5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., or 116043  
sections 718.90, 3734.90 to 3734.9014, of the Revised Code. 116044

**Sec. 5703.21.** (A) Except as provided in divisions (B) and 116045  
(C) of this section, no agent of the department of taxation, 116046  
except in the agent's report to the department or when called on 116047  
to testify in any court or proceeding, shall divulge any 116048  
information acquired by the agent as to the transactions, 116049  
property, or business of any person while acting or claiming to 116050  
act under orders of the department. Whoever violates this 116051  
provision shall thereafter be disqualified from acting as an 116052  
officer or employee or in any other capacity under appointment 116053  
or employment of the department. 116054

(B) (1) For purposes of an audit pursuant to section 117.15 116055

of the Revised Code, or an audit of the department pursuant to 116056  
Chapter 117. of the Revised Code, or an audit, pursuant to that 116057  
chapter, the objective of which is to express an opinion on a 116058  
financial report or statement prepared or issued pursuant to 116059  
division (A) (7) or (9) of section 126.21 of the Revised Code, 116060  
the officers and employees of the auditor of state charged with 116061  
conducting the audit shall have access to and the right to 116062  
examine any state tax returns and state tax return information 116063  
in the possession of the department to the extent that the 116064  
access and examination are necessary for purposes of the audit. 116065  
Any information acquired as the result of that access and 116066  
examination shall not be divulged for any purpose other than as 116067  
required for the audit or unless the officers and employees are 116068  
required to testify in a court or proceeding under compulsion of 116069  
legal process. Whoever violates this provision shall thereafter 116070  
be disqualified from acting as an officer or employee or in any 116071  
other capacity under appointment or employment of the auditor of 116072  
state. 116073

(2) For purposes of an internal audit pursuant to section 116074  
126.45 of the Revised Code, the officers and employees of the 116075  
office of internal audit in the office of budget and management 116076  
charged with directing the internal audit shall have access to 116077  
and the right to examine any state tax returns and state tax 116078  
return information in the possession of the department to the 116079  
extent that the access and examination are necessary for 116080  
purposes of the internal audit. Any information acquired as the 116081  
result of that access and examination shall not be divulged for 116082  
any purpose other than as required for the internal audit or 116083  
unless the officers and employees are required to testify in a 116084  
court or proceeding under compulsion of legal process. Whoever 116085  
violates this provision shall thereafter be disqualified from 116086

acting as an officer or employee or in any other capacity under 116087  
appointment or employment of the office of internal audit. 116088

(3) As provided by section 6103(d)(2) of the Internal 116089  
Revenue Code, any federal tax returns or federal tax information 116090  
that the department has acquired from the internal revenue 116091  
service, through federal and state statutory authority, may be 116092  
disclosed to the auditor of state or the office of internal 116093  
audit solely for purposes of an audit of the department. 116094

(4) For purposes of Chapter 3739. of the Revised Code, an 116095  
agent of the department of taxation may share information with 116096  
the division of state fire marshal that the agent finds during 116097  
the course of an investigation. 116098

(C) Division (A) of this section does not prohibit any of 116099  
the following: 116100

(1) Divulging information contained in applications, 116101  
complaints, and related documents filed with the department 116102  
under section 5715.27 of the Revised Code or in applications 116103  
filed with the department under section 5715.39 of the Revised 116104  
Code; 116105

(2) Providing to the attorney general information the 116106  
department obtains under division (J) of section 1346.01 of the 116107  
Revised Code; 116108

(3) Permitting properly authorized officers, employees, or 116109  
agents of a municipal corporation from inspecting reports or 116110  
information pursuant to section 718.84 of the Revised Code or 116111  
rules adopted under section 5745.16 of the Revised Code; 116112

(4) Providing information regarding the name, account 116113  
number, or business address of a holder of a vendor's license 116114  
issued pursuant to section 5739.17 of the Revised Code, a holder 116115

of a direct payment permit issued pursuant to section 5739.031 116116  
of the Revised Code, or a seller having a use tax account 116117  
maintained pursuant to section 5741.17 of the Revised Code, or 116118  
information regarding the active or inactive status of a 116119  
vendor's license, direct payment permit, or seller's use tax 116120  
account; 116121

(5) Providing to a county auditor notices or documents 116122  
concerning or affecting the taxable value of property in the 116123  
county auditor's county. Unless authorized by law to disclose 116124  
documents so provided, the county auditor shall not disclose 116125  
such documents; 116126

(6) Providing to a county auditor a sales or use tax 116127  
return or audit information under section 333.06 of the Revised 116128  
Code; 116129

(7) Disclosing to a state or federal government agency, 116130  
for use in the performance of that agency's official duties in 116131  
this state, information in the possession of the tax 116132  
commissioner necessary to verify compliance with any provision 116133  
of the Revised Code or federal law relating to that agency. 116134  
Unless disclosure is otherwise authorized by law, information 116135  
provided to any state or federal government agency under this 116136  
section remains confidential and is not subject to further 116137  
disclosure; 116138

(8) Disclosing to a current or former employee, for use in 116139  
preparation of the employee's income tax return, the account 116140  
number issued by the tax commissioner to an employer for use in 116141  
filing returns and making payments under section 5747.07 of the 116142  
Revised Code. The commissioner may require the employee to 116143  
provide evidence of current or past employment before such 116144  
disclosure; 116145

(9) Publishing or disclosing the amount of revenue 116146  
distributed to a county, municipal corporation, township, school 116147  
district, or any other political subdivision from any tax or 116148  
fund administered by the tax commissioner. 116149

**Sec. 5703.261.** (A) As used in this section: 116150

(1) "Instrument" has the same meaning as in section 116151  
1303.03 of the Revised Code. 116152

(2) "Financial transaction device" has the same meaning as 116153  
in section 113.40 of the Revised Code. 116154

(B) If a taxpayer or employer required by any tax 116155  
administered by the department of taxation to pay taxes, 116156  
penalties, interest, or other charges arising from unpaid taxes 116157  
makes payment of the taxes, penalties, interest, or other 116158  
charges with a dishonored instrument, an instrument that is 116159  
determined to be nonnegotiable, or with any financial 116160  
transaction device that is declined, returned, or dishonored, a 116161  
penalty of fifty dollars shall be added to the amount due. The 116162  
penalty imposed by this section shall be assessed and collected 116163  
in the same manner as the taxes, penalties, interest, or other 116164  
charges. ~~All or part of any penalty imposed under this section~~ 116165  
~~may be abated by the tax commissioner.~~ The commissioner may 116166  
assess only one penalty under this section against the same 116167  
instrument or the same financial transaction device for the same 116168  
payment. 116169

**Sec. 5703.262.** (A) As used in this section: 116170

(1) "Document" means any report, return, schedule, 116171  
statement, claim, or other document intended for submission to 116172  
any state or county official or department concerning any tax 116173  
administered by the department of taxation. 116174

(2) "Preparer" means any person who, for compensation, prepares for another, or assists another in preparing, any document.

(B) The tax commissioner may designate documents that must be signed by preparers. If a preparer fails to sign a document designated by the commissioner and the unsigned document is submitted to the intended state or county official or department, a penalty of one hundred dollars shall be imposed upon the preparer who failed to sign the document.

(C) If a false or fraudulent document is prepared by a preparer, who previously has been warned, in writing, by the tax commissioner concerning the consequences of continuing to file false or fraudulent documents, and the document is submitted to the intended state or county official or department, a penalty of one thousand dollars shall be imposed upon the preparer who prepared or assisted another in preparing the document, knowing it to be false or fraudulent.

~~(D) All or part of any penalty imposed under division (B) or (C) of this section may be abated by the tax commissioner.~~

**Sec. 5703.263.** (A) (1) "Tax return preparer" means any person other than an accountant or an attorney that operates a business that prepares, or directly or indirectly employs another person to prepare, for a taxpayer a tax return or application for refund in exchange for compensation or remuneration from the taxpayer or the taxpayer's related member. The preparation of a substantial portion of a tax return or application for refund shall be considered to be the same as the preparation of the return or application for refund. "Tax return preparer" does not include an individual who performs only one or more of the following activities:

(a) Furnishes typing, reproducing, or other mechanical assistance;	116205 116206
(b) Prepares an application for refund or a return on behalf of an employer by whom the individual is regularly and continuously employed, or on behalf of an officer or employee of that employer;	116207 116208 116209 116210
(c) Prepares as a fiduciary an application for refund or a return;	116211 116212
(d) Prepares an application for refund or a return for a taxpayer in response to a notice of deficiency issued to the taxpayer or the taxpayer's related member, or in response to a waiver of restriction after the commencement of an audit of the taxpayer or the taxpayer's related member.	116213 116214 116215 116216 116217
(2) "Related member" has the same meaning as in section 5733.042 of the Revised Code.	116218 116219
(3) "Accountant" means any of the following:	116220
(a) An individual who holds both a CPA certificate and an Ohio permit or Ohio registration issued by the accountancy board under section 4701.10 of the Revised Code;	116221 116222 116223
(b) An individual who holds a foreign certificate;	116224
(c) An individual who is employed by a public accounting firm with respect to any return prepared under the supervision of an individual described in division (A) (3) (a) or (b) of this section, regardless of whether the public accounting firm is required to register with the accountancy board under section 4701.04 of the Revised Code.	116225 116226 116227 116228 116229 116230
(4) "CPA certificate" and "foreign certificate" have the same meanings as in section 4701.01 of the Revised Code.	116231 116232

(5) "Attorney" means an individual who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules, is permitted to practice as an attorney and counselor at law in this state under Chapter 4705. of the Revised Code, and is not currently suspended or removed from such practice under that chapter.

(6) A tax return preparer engages in "prohibited conduct" if the preparer does any of the following:

(a) Prepares any return or application for refund that includes an understatement of a taxpayer's tax liability due to an unreasonable position or due to willful or reckless conduct. For the purposes of this division, "unreasonable position" and "willful or reckless conduct" have the meanings as used in section 6694 of the Internal Revenue Code.

(b) When required under any provision of Title LVII of the Revised Code, the preparer fails to do any of the following:

(i) Provide copies of a return or application for refund;

(ii) Provide the preparer's signature or federal preparer tax identification number on a return or application for refund;

(iii) Retain copies of the preparer's records;

(iv) Provide any information or documents requested by the tax commissioner;

(v) Act diligently in determining a taxpayer's eligibility for tax credits, deductions, or exemptions.

(c) Negotiates a check or other negotiable instrument issued to a taxpayer by the department of taxation without the permission of the taxpayer;



(d) Engages in any conduct subject to criminal penalties under Title LVII of the Revised Code;	116260 116261
(e) Misrepresents the preparer's eligibility to file returns or applications for refund on behalf of taxpayers, or otherwise misrepresents the preparer's experience or education;	116262 116263 116264
(f) Guarantees the payment of any tax refund or the allowance of any tax credit, deduction, or exemption;	116265 116266
(g) Engages in any other fraudulent or deceptive conduct that substantially interferes with the proper administration of any provision of Title LVII of the Revised Code.	116267 116268 116269
(7) "State" means a state of the United States, the District of Columbia, the commonwealth of Puerto Rico, or any territory or possession of the United States.	116270 116271 116272
(B) When a tax return preparer engages in prohibited conduct, the commissioner, may do either or both of the following:	116273 116274 116275
(1) If the commissioner has previously warned the tax return preparer in writing of the consequences of continuing to engage in prohibited conduct, impose a penalty not exceeding one hundred dollars per instance of prohibited conduct;	116276 116277 116278 116279
(2) Regardless of whether the commissioner has previously warned the tax return preparer, request that the attorney general apply to a court of competent jurisdiction for an injunction to restrain the preparer from further engaging in the prohibited conduct. The court may take either of the following actions:	116280 116281 116282 116283 116284 116285
(a) If the court finds that injunctive relief is appropriate to prevent the recurrence of the prohibited conduct,	116286 116287

the court shall issue an injunction against the preparer 116288  
enjoining the preparer from engaging in such conduct. 116289

(b) If the court finds that the preparer has continually 116290  
or repeatedly engaged in prohibited conduct, and that enjoining 116291  
the preparer solely from engaging in such conduct would not be 116292  
sufficient to prevent the preparer's interference with the 116293  
proper administration of any provision of Title LVII of the 116294  
Revised Code, the court may issue an injunction against the 116295  
preparer enjoining the preparer from acting as a tax return 116296  
preparer in this state. 116297

If a tax return preparer has been enjoined from preparing 116298  
tax returns or applications for refunds by a federal court or by 116299  
another state court in the five years preceding the date on 116300  
which an injunction is requested under this section, that prior 116301  
injunction shall be sufficient to establish a prima facie case 116302  
for the issuance of an injunction under division (B) (2) of this 116303  
section. 116304

(C) The commissioner may require a tax return preparer to 116305  
include the preparer's name and federal preparer tax 116306  
identification number when filing any return or application for 116307  
refund. If a tax return preparer fails to include this 116308  
information when required to do so by the commissioner, or if 116309  
the information provided is false, inaccurate, or incomplete, 116310  
the commissioner may impose a penalty of fifty dollars for each 116311  
such failure, provided that the maximum penalty imposed on a 116312  
preparer under this division in a calendar year shall not exceed 116313  
twenty-five thousand dollars. 116314

(D) The penalties imposed under divisions (B) (1) and (C) 116315  
of this section may be assessed and collected in the same manner 116316  
as assessments made under Chapter 3769., 4305., 5727., 5728., 116317

5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., 116318  
or 5753., section 718.90, or sections 3734.90 to 3734.9014 of 116319  
the Revised Code. ~~The commissioner may abate all or a portion of~~ 116320  
~~any penalty imposed under this section upon the showing of good~~ 116321  
~~cause by the tax return preparer.~~ 116322

**Sec. 5703.37.** (A) (1) Except as provided in division (B) of 116323  
this section, whenever service of a notice or order is required 116324  
in the manner provided in this section, a copy of the notice or 116325  
order shall be served upon the person affected thereby either by 116326  
personal service, by certified mail, or by a delivery service 116327  
authorized under section 5703.056 of the Revised Code that 116328  
notifies the tax commissioner of the date of delivery. 116329

(2) In lieu of serving a copy of a notice or order through 116330  
one of the means provided in division (A) (1) of this section, 116331  
the commissioner may serve a notice or order upon the person 116332  
affected thereby through alternative means as provided in this 116333  
section, including, but not limited to, delivery by secure 116334  
electronic mail as provided in division (F) of this section or 116335  
by ordinary mail. Delivery by such means satisfies the 116336  
requirements for delivery under this section. 116337

(B) (1) (a) If certified or ordinary mail is returned 116338  
because of an undeliverable address, the commissioner shall 116339  
first utilize reasonable means to ascertain a new last known 116340  
address, including the use of a change of address service 116341  
offered by the United States postal service or an authorized 116342  
delivery service under section 5703.056 of the Revised Code. If, 116343  
after using reasonable means, the commissioner is unable to 116344  
ascertain a new last known address, the assessment is final for 116345  
purposes of section 131.02 of the Revised Code sixty days after 116346  
the notice or order ~~sent by certified mail~~ is first returned to 116347

the commissioner, and the commissioner shall certify the notice 116348  
or order, if applicable, to the attorney general for collection 116349  
under section 131.02 of the Revised Code. 116350

(b) Notwithstanding certification to the attorney general 116351  
under division (B)(1)(a) of this section, once the commissioner 116352  
or attorney general, or the designee of either, makes an initial 116353  
contact with the person to whom the notice or order is directed, 116354  
the person may protest an assessment by filing a petition for 116355  
reassessment within sixty days after the initial contact. The 116356  
certification of an assessment under division (B)(1)(a) of this 116357  
section is prima-facie evidence that delivery is complete and 116358  
that the notice or order is served. 116359

(2) If mailing of a notice or order by certified or 116360  
ordinary mail is returned for some cause other than an 116361  
undeliverable address or if a person does not access an 116362  
electronic notice or order within the time provided in division 116363  
(F) of this section, the commissioner shall resend the notice or 116364  
order by ordinary mail. The notice or order shall show the date 116365  
the commissioner sends the notice or order and include the 116366  
following statement: 116367

"This notice or order is deemed to be served on the 116368  
addressee under applicable law ten days from the date this 116369  
notice or order was mailed by the commissioner as shown on the 116370  
notice or order, and all periods within which an appeal may be 116371  
filed apply from and after that date." 116372

Unless the mailing is returned because of an undeliverable 116373  
address, the mailing of that information is prima-facie evidence 116374  
that delivery of the notice or order was completed ten days 116375  
after the commissioner ~~sent~~ resent the notice or order by 116376  
ordinary mail and that the notice or order was served. 116377

If the ~~ordinary mail-mailing~~ mailing is subsequently returned 116378  
because of an undeliverable address, the commissioner shall 116379  
proceed under division (B) (1) (a) of this section. A person may 116380  
challenge the presumption of delivery and service under this 116381  
division in accordance with division (C) of this section. 116382

(C) (1) A person disputing the presumption of delivery and 116383  
service under division (B) of this section bears the burden of 116384  
proving by a preponderance of the evidence that the address to 116385  
which the notice or order was sent was not an address with which 116386  
the person was associated at the time the commissioner 116387  
originally mailed the notice or order ~~by certified mail~~. For the 116388  
purposes of this section, a person is associated with an address 116389  
at the time the commissioner originally mailed the notice or 116390  
order if, at that time, the person was residing, receiving legal 116391  
documents, or conducting business at the address; or if, before 116392  
that time, the person had conducted business at the address and, 116393  
when the notice or order was mailed, the person's agent or the 116394  
person's affiliate was conducting business at the address. For 116395  
the purposes of this section, a person's affiliate is any other 116396  
person that, at the time the notice or order was mailed, owned 116397  
or controlled at least twenty per cent, as determined by voting 116398  
rights, of the addressee's business. 116399

(2) If the person elects to protest an assessment 116400  
certified to the attorney general for collection, the person 116401  
must do so within sixty days after the attorney general's 116402  
initial contact with the person. The attorney general may enter 116403  
into a compromise with the person under sections 131.02 and 116404  
5703.06 of the Revised Code if the person does not file a 116405  
petition for reassessment with the commissioner. 116406

(D) Nothing in this section prohibits the commissioner or 116407

the commissioner's designee from delivering a notice or order by 116408  
personal service. 116409

(E) Collection actions taken pursuant to section 131.02 of 116410  
the Revised Code upon any assessment being challenged under 116411  
division (B) (1) (b) of this section shall be stayed upon the 116412  
pendency of an appeal under this section. If a petition for 116413  
reassessment is filed pursuant to this section on a claim that 116414  
has been certified to the attorney general for collection, the 116415  
claim shall be uncertified. 116416

(F) (1) The commissioner may serve a notice or order upon 116417  
the person affected by the notice or order or that person's 116418  
authorized representative through secure electronic means 116419  
associated with the person's or representative's last known 116420  
address, but only with the person's consent. The commissioner 116421  
must inform the recipient, electronically or by mail, that a 116422  
notice or order is available for electronic review and provide 116423  
instructions to access and print the notice or order. The types 116424  
of electronic notification the commissioner may use include 116425  
electronic mail, text message, or any other form of electronic 116426  
communication. The recipient's electronic access of the notice 116427  
or order satisfies the requirements for delivery under this 116428  
section. If the recipient fails to access the notice or order 116429  
electronically within ten business days, then the commissioner 116430  
shall inform the recipient a second time, electronically or by 116431  
mail, that a notice or order is available for electronic review 116432  
and provide instructions to access and print the notice or 116433  
order. If the recipient fails to access the notice or order 116434  
electronically within ten business days of the second 116435  
notification, the notice or order shall be served upon the 116436  
person through the means provided in division (B) (2) of this 116437  
section. 116438

(2) The tax commissioner shall establish a system to issue notification of assessments to taxpayers through secure electronic means.

(G) As used in this section:

(1) "Last known address" means the address the department has at the time the document is originally sent by certified or ordinary mail, or any address the department can ascertain using reasonable means such as the use of a change of address service offered by the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code. For documents sent by secure electronic means, "last known address" means an electronic mode of communication that is identified on a form prescribed by the commissioner for such purpose or that is associated with the person or the authorized representative of the person as of the date the notification was sent on the Ohio business gateway, as defined in section 718.01 of the Revised Code, as of the date the notification was sent or another electronic filing or payment system prescribed by the commissioner.

(2) "Undeliverable address" means an address to which the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code is not able to deliver a notice or order, except when the reason for nondelivery is because the addressee fails to acknowledge or accept the notice or order.

**Sec. 5703.70.** (A) On the filing of an application for refund under section 718.91, 3734.905, 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08,

5751.08, or 5753.06 of the Revised Code, or an application for 116469  
compensation under section 5739.061 of the Revised Code, if the 116470  
tax commissioner determines that the amount of the refund or 116471  
compensation to which the applicant is entitled is less than the 116472  
amount claimed in the application, the commissioner shall give 116473  
the applicant written notice electronically or by ordinary mail 116474  
of the amount. ~~The~~ If sent by ordinary mail, the notice shall be 116475  
sent to the address shown on the application unless the 116476  
applicant notifies the commissioner of a different address. If 116477  
sent electronically, the notice shall be sent to the person or 116478  
the person's authorized representative through secure electronic 116479  
means associated with the person's or representative's last 116480  
known electronic mail address, but only with the person's 116481  
consent. The applicant shall have sixty days from the date the 116482  
commissioner electronically sends or mails the notice to provide 116483  
additional information to the commissioner or request a hearing, 116484  
or both. 116485

(B) If the applicant neither requests a hearing nor 116486  
provides additional information to the tax commissioner within 116487  
the time prescribed by division (A) of this section, the 116488  
commissioner shall take no further action, and the refund or 116489  
compensation amount denied becomes final. 116490

(C) (1) If the applicant requests a hearing within the time 116491  
prescribed by division (A) of this section, the tax commissioner 116492  
shall assign a time and place for the hearing and notify the 116493  
applicant of such time and place, but the commissioner may 116494  
continue the hearing from time to time, as necessary. After the 116495  
hearing, the commissioner may make such adjustments to the 116496  
refund or compensation as the commissioner finds proper, and 116497  
shall issue a final determination thereon. 116498



(2) If the applicant does not request a hearing, but provides additional information, within the time prescribed by division (A) of this section, the commissioner shall review the information, make such adjustments to the refund or compensation as the commissioner finds proper, and issue a final determination thereon. The commissioner may review such information and make such adjustments as many times as the commissioner finds proper before the issuance of a final determination.

(3) If the applicant requests a hearing and provides additional information within the time prescribed by division (A) of this section, the commissioner may review the information and make such adjustments to the refund or compensation as the commissioner finds proper. The commissioner may review such information and make such adjustments as many times as the commissioner finds proper before the issuance of a final determination.

The commissioner shall assign a time and place for the hearing and notify the applicant of such time and place, but the commissioner may continue the hearing from time to time, as necessary. After the hearing, the commissioner may make any additional adjustments to the refund or compensation as the commissioner finds proper and shall issue a final determination thereon.

(4) The commissioner shall serve a copy of the final determination made under division (C) (1), (2), or (3) of this section on the applicant in the manner provided in section 5703.37 of the Revised Code, and the decision is final, subject to appeal under section 5717.02 of the Revised Code.

(D) The tax commissioner shall certify to the director of

budget and management and treasurer of state for payment from 116529  
the tax refund fund created by section 5703.052 of the Revised 116530  
Code, the amount of the refund to be refunded under division (B) 116531  
or (C) of this section. The commissioner also shall certify to 116532  
the director and treasurer of state for payment from the general 116533  
revenue fund the amount of compensation to be paid under 116534  
division (B) or (C) of this section. 116535

Sec. 5703.901. The tax commissioner may, in whole or in 116536  
part, abate any penalty, including an interest penalty, or any 116537  
other charge the commissioner imposes to enforce any tax or fee 116538  
the commissioner administers. 116539

**Sec. 5705.14.** No transfer shall be made from one fund of a 116540  
subdivision to any other fund, by order of the court or 116541  
otherwise, except as follows: 116542

(A) The unexpended balance in a bond fund that is no 116543  
longer needed for the purpose for which such fund was created 116544  
shall be transferred to the sinking fund or bond retirement fund 116545  
from which such bonds are payable. 116546

(B) The unexpended balance in any specific permanent 116547  
improvement fund, other than a bond fund, after the payment of 116548  
all obligations incurred in the acquisition of such improvement, 116549  
shall be transferred to the sinking fund or bond retirement fund 116550  
of the subdivision; provided that if such money is not required 116551  
to meet the obligations payable from such funds, it may be 116552  
transferred to a special fund for the acquisition of permanent 116553  
improvements, or, with the approval of the court of common pleas 116554  
of the county in which such subdivision is located, to the 116555  
general fund of the subdivision. 116556

(C) (1) Except as provided in division (C) (2) of this 116557

section, the unexpended balance in the sinking fund or bond 116558  
retirement fund of a subdivision, after all indebtedness, 116559  
interest, and other obligations for the payment of which such 116560  
fund exists have been paid and retired, shall be transferred, in 116561  
the case of the sinking fund, to the bond retirement fund, and 116562  
in the case of the bond retirement fund, to the sinking fund; 116563  
provided that if such transfer is impossible by reason of the 116564  
nonexistence of the fund to receive the transfer, such 116565  
unexpended balance, with the approval of the court of common 116566  
pleas of the county in which such division is located, may be 116567  
transferred to any other fund of the subdivision. 116568

(2) Money in a bond fund or bond retirement fund of a 116569  
city, local, exempted village, cooperative education, or joint 116570  
vocational school district may be transferred to a specific 116571  
permanent improvement fund provided that the county budget 116572  
commission of the county in which the school district is located 116573  
approves the transfer upon its determination that the money 116574  
transferred will not be required to meet the obligations payable 116575  
from the bond fund or bond retirement fund. In arriving at such 116576  
a determination, the county budget commission shall consider the 116577  
balance of the bond fund or bond retirement fund, the 116578  
outstanding obligations payable from the fund, and the sources 116579  
and timing of the fund's revenue. 116580

(D) The unexpended balance in any special fund, other than 116581  
an improvement fund, existing in accordance with division (D), 116582  
(F), or (G) of section 5705.09 or section 5705.12 of the Revised 116583  
Code, may be transferred to the general fund or to the sinking 116584  
fund or bond retirement fund after the termination of the 116585  
activity, service, or other undertaking for which such special 116586  
fund existed, but only after the payment of all obligations 116587  
incurred and payable from such special fund. 116588

(E) Money may be transferred from the general fund to any other fund of the subdivision. 116589  
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(F) Moneys retained or received by a county under section 4501.04 or division (A) (2) of section 5735.27 of the Revised Code may be transferred from the fund into which they were deposited to the sinking fund or bond retirement fund from which any principal, interest, or charges for which such moneys may be used is payable. 116591  
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(G) Moneys retained or received by a municipal corporation under section 4501.04 or division (A) (1) of section 5735.27 of the Revised Code may be transferred from the fund into which they were deposited to the sinking fund or bond retirement fund from which any principal, interest, or charges for which such moneys may be used is payable. 116597  
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(H) (1) Money may be transferred from the county developmental disabilities general fund to the county developmental disabilities capital fund established under section 5705.091 of the Revised Code or to any other fund created for the purposes of the county board of developmental disabilities, so long as money in the fund to which the money is transferred can be spent for the particular purpose of the transferred money. The county board of developmental disabilities may request, by resolution, that the board of county commissioners make the transfer. The county board of developmental disabilities shall transmit a certified copy of the resolution to the board of county commissioners. Upon receiving the resolution, the board of county commissioners may make the transfer. Money transferred to a fund shall be credited to an account appropriate to its particular purpose. 116603  
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(2) An unexpended balance in an account in the county 116618

developmental disabilities capital fund or any other fund 116619  
created for the purposes of the county board of developmental 116620  
disabilities may be transferred back to the county developmental 116621  
disabilities general fund. The transfer may be made if the 116622  
unexpended balance is no longer needed for its particular 116623  
purpose and all outstanding obligations have been paid. Money 116624  
transferred back to the county developmental disabilities 116625  
general fund shall be credited to an account for current 116626  
expenses within that fund. The county board of developmental 116627  
disabilities may request, by resolution, that the board of 116628  
county commissioners make the transfer. The county board of 116629  
developmental disabilities shall transmit a certified copy of 116630  
the resolution to the board of county commissioners. Upon 116631  
receiving the resolution, the board of county commissioners may 116632  
make the transfer. 116633

(I) Money may be transferred from the public assistance 116634  
fund established under section 5101.161 of the Revised Code to 116635  
either of the following funds, so long as the money to be 116636  
transferred from the public assistance fund may be spent for the 116637  
purposes for which money in the receiving fund may be used: 116638

(1) The children services fund established under section 116639  
~~5101.144~~ 5180.411 of the Revised Code; 116640

(2) The child support enforcement administrative fund 116641  
established, as authorized under rules adopted by the director 116642  
of job and family services, in the county treasury for use by 116643  
any county family services agency. 116644

(J) Notwithstanding this section, money in any fund or 116645  
account of a village dissolved in accordance with sections 116646  
703.31 to 703.39 of the Revised Code may be transferred by the 116647  
receiver-trustee to a special account for the purpose of paying 116648

the debts, obligations, and liabilities of the dissolved village 116649  
or to the general fund of any township into which the territory 116650  
of the village is dissolved for any purpose that directly or 116651  
indirectly benefits the former territory of the dissolved 116652  
village. 116653

(K) Except in the case of transfer pursuant to division 116654  
(E) or (J) of this section, transfers authorized by this section 116655  
shall only be made by resolution of the taxing authority passed 116656  
with the affirmative vote of two-thirds of the members. 116657

**Sec. 5705.27.** There is hereby created in each county a 116658  
county budget commission consisting of the county auditor, the 116659  
county treasurer, and the ~~prosecuting attorney~~president of the 116660  
board of county commissioners. Upon petition filed with the 116661  
board of elections, signed by the number of electors of the 116662  
county equal in amount to three per cent of the total number of 116663  
votes cast for governor at the most recent election therefor, 116664  
there shall be submitted to the electors of the county at the 116665  
next general election occurring not sooner than ninety days 116666  
after the filing of the petition, the question "Shall the county 116667  
budget commission consist of two additional members to be 116668  
elected from the county?" Provision shall be made on the ballot 116669  
for the election from the county at large of two additional 116670  
members of the county budget commission who shall be electors of 116671  
the county if a majority of the electors voting on the question 116672  
shall have voted in the affirmative. In such counties, where the 116673  
electors have voted in the affirmative, the county budget 116674  
commission shall consist of such two elected members in addition 116675  
to the county auditor, the county treasurer and the ~~prosecuting~~- 116676  
~~attorney~~president of the board of county commissioners. Such 116677  
members, who shall not hold any other public office, shall serve 116678  
for a term of four years. The commission shall meet at the 116679

office of the county auditor in each county on the first Monday 116680  
in February and on the first Monday in August, annually, and 116681  
shall complete its work on or before the first day of September, 116682  
annually, unless for good cause the tax commissioner extends the 116683  
time for completing the work. A majority of members shall 116684  
constitute a quorum, provided that no action of the commission 116685  
shall be valid unless agreed to by a majority of the members of 116686  
the commission. The auditor shall be the secretary of the 116687  
commission and shall keep a full and accurate record of all 116688  
proceedings. The auditor shall appoint such messengers and 116689  
clerks as the commission deems necessary, and the budget 116690  
commissioners shall be allowed their actual and necessary 116691  
expenses. The elected members of the commission shall also 116692  
receive twenty dollars for each day in attendance at commission 116693  
meetings and in discharge of official duties. Any vacancy among 116694  
such elected members shall be filled by the presiding judge of 116695  
the court of common pleas. In adjusting the rates of taxation 116696  
and fixing the amount of taxes to be levied each year, the 116697  
commissioners shall be governed by the amount of the taxable 116698  
property shown on the auditor's tax list for the current year; 116699  
provided that if the auditor's tax list has not been completed, 116700  
the auditor shall estimate, as nearly as practicable, the amount 116701  
of the taxable property for such year, and such officers shall 116702  
be governed by such estimate. 116703

In any county in which two members of the commission are 116704  
elected, upon petition filed with the board of elections, signed 116705  
by the number of electors of the county equal in amount to three 116706  
per cent of the votes cast for governor at the most recent 116707  
election therefor, there shall be submitted to the electors of 116708  
the county at the next general election occurring not sooner 116709  
than ninety days after the filing of the petition, the question 116710

"Shall the elected members be eliminated from the county budget commission?" If the majority of the electors voting thereon shall have voted in the affirmative, the county budget commission shall consist solely of the county auditor, the county treasurer, and the ~~prosecuting attorney~~ president of the board of county commissioners.

**Sec. 5705.31.** The county auditor shall present to the county budget commission the annual tax budgets submitted under sections 5705.01 to 5705.47 of the Revised Code, together with an estimate prepared by the auditor of the amount of any state levy, the rate of any school tax levy as previously determined, the tax commissioner's estimate of the amount to be received in the county public library fund, the tax rates provided under section 5705.281 of the Revised Code if adoption of the tax budget was waived under that section, and such other information as the commission requests or the tax commissioner prescribes. The budget commission shall examine such budget and ascertain the total amount proposed to be raised in the county for the purposes of each subdivision and other taxing units in the county.

The commission shall ascertain that the following levies have been properly authorized and, if so authorized, shall approve them without modification:

(A) All levies in excess of the ten-mill limitation;

(B) All levies for debt charges not provided for by levies in excess of the ten-mill limitation, including levies necessary to pay notes issued for emergency purposes;

(C) The levies prescribed by division (B) of sections 742.33 and 742.34 of the Revised Code;



(D) Except as otherwise provided in this division, a 116740  
minimum levy within the ten-mill limitation for the current 116741  
expense and debt service of each subdivision or taxing unit, 116742  
which shall equal two-thirds of the average levy for current 116743  
expenses and debt service allotted within the fifteen-mill 116744  
limitation to such subdivision or taxing unit during the last 116745  
five years the fifteen-mill limitation was in effect unless such 116746  
subdivision or taxing unit requests an amount requiring a lower 116747  
rate. Except as provided in section 5705.312 of the Revised 116748  
Code, if the levies required in divisions (B) and (C) of this 116749  
section for the subdivision or taxing unit equal or exceed the 116750  
entire minimum levy of the subdivision as fixed, the minimum 116751  
levies of the other subdivisions or taxing units shall be 116752  
reduced by the commission to provide for the levies and an 116753  
operating levy for the subdivision. Such additional levy shall 116754  
be deducted from the minimum levies of each of the other 116755  
subdivisions or taxing units, but the operating levy for a 116756  
school district shall not be reduced below a figure equivalent 116757  
to forty-five per cent of the millage available within the ten- 116758  
mill limitation after all the levies in divisions (B) and (C) of 116759  
this section have been provided for. 116760

If a municipal corporation and a township have entered 116761  
into an annexation agreement under section 709.192 of the 116762  
Revised Code in which they agree to reallocate their shares of 116763  
the minimum levies established under this division and if that 116764  
annexation agreement is submitted along with the annual tax 116765  
budget of both the township and the municipal corporation, then, 116766  
when determining the minimum levy under this division, the 116767  
auditor shall allocate, to the extent possible, the minimum levy 116768  
for that municipal corporation and township in accordance with 116769  
their annexation agreement. 116770

(E) The levies prescribed by section 3709.29 of the Revised Code. 116771  
116772

Divisions (A) to (E) of this section are mandatory, and commissions shall be without discretion to reduce such minimum levies except as provided in such divisions or section 5705.316 of the Revised Code. 116773  
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If any debt charge is omitted from the budget, the commission shall include it therein. 116777  
116778

Sec. 5705.316. A board of education of a city, local, or exempted village school district shall make the certification required under section 5705.36 of the Revised Code to the county auditor of each county in which the district is located on or before the fifteenth day of July. 116779  
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The county budget commission or, if applicable, joint budget commission shall convene on or before the fifteenth day of August to review the certifications from each such school district to determine if the amount of carry-over balance in the district's general operating budget from the preceding fiscal year exceeds thirty per cent of the district's general fund expenditures made in the preceding fiscal year. 116784  
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If a district's carry-over balance exceeds that threshold, the commission shall reduce the rate of, or the annual amount of money to be raised by, any or all of the current expense taxes levied by the district for the current tax year so as to reduce the district's collections by the amount by which the district's general operating budget carry-over balance exceeded the threshold. These reductions apply only for the current tax year and shall be made without regard to maintaining the reduction limit imposed under division (E) (2) of section 319.301 of the 116791  
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Revised Code. 116800

This section does not apply to an island school district 116801  
or a joint state school district. Nothing in this section 116802  
prohibits a county budget commission from reducing the rate of a 116803  
current levy as otherwise authorized by law. 116804

**Sec. 5705.391.** (A) The department of education and 116805  
workforce and the auditor of state shall jointly adopt rules 116806  
requiring boards of education to submit ~~five-year~~ three-year 116807  
projections of operational revenues and expenditures. The rules 116808  
shall provide for the auditor of state or the department to 116809  
examine the ~~five-year~~ three-year projections and to determine 116810  
whether any further fiscal analysis is needed to ascertain 116811  
whether a district has the potential to incur a deficit during 116812  
the first ~~three~~ two years of the ~~five-year~~ three-year period. 116813

The auditor of state or the department may conduct any 116814  
further audits or analyses necessary to assess any district's 116815  
fiscal condition. If further audits or analyses are conducted by 116816  
the auditor of state, the auditor of state shall notify the 116817  
department of the district's fiscal condition, and the 116818  
department shall immediately notify the district of any 116819  
potential to incur a deficit in the current fiscal year or of 116820  
any strong indications that a deficit will be incurred in either 116821  
of the ensuing two years. If such audits or analyses are 116822  
conducted by the department, the department shall immediately 116823  
notify the district and the auditor of state of such potential 116824  
deficit or strong indications thereof. 116825

A district notified under this section shall take 116826  
immediate steps to eliminate any deficit in the current fiscal 116827  
year and shall begin to plan to avoid the projected future 116828  
deficits. 116829

(B) The state board of education, in accordance with 116830  
sections 3319.31 and 3319.311 of the Revised Code, may limit, 116831  
suspend, or revoke a license as defined under section 3319.31 of 116832  
the Revised Code that has been issued to any school employee 116833  
found to have willfully contributed erroneous, inaccurate, or 116834  
incomplete data required for the submission of the ~~five-year-~~ 116835  
three-year projection required by this section. 116836

(C) The department and the auditor of state, in their 116837  
joint adoption of rules under division (A) of this section, 116838  
shall not require a board of education to submit its ~~five-year-~~ 116839  
three-year projection of operational revenues and expenditures 116840  
prior to the thirtieth day of November of any fiscal year. 116841

(D) Beginning with submissions required in fiscal year 116842  
2024 and for each fiscal year in which a submission is required 116843  
under this section thereafter, the department and the auditor 116844  
shall label the projections regarding property tax allocation in 116845  
the projection as "state share of local property taxes." 116846

**Sec. 5705.412.** (A) As used in this section, "qualifying 116847  
contract" means any agreement for the expenditure of money under 116848  
which aggregate payments from the funds included in the school 116849  
district's ~~five-year-~~three-year forecast under section 5705.391 116850  
of the Revised Code will exceed the lesser of the following 116851  
amounts: 116852

(1) Five hundred thousand dollars; 116853

(2) One per cent of the total revenue to be credited in 116854  
the current fiscal year to the district's general fund, as 116855  
specified in the district's most recent certificate of estimated 116856  
resources certified under section 5705.36 of the Revised Code. 116857

(B) (1) Notwithstanding section 5705.41 of the Revised 116858

Code, no school district shall adopt any appropriation measure, 116859  
make any qualifying contract, or increase during any school year 116860  
any wage or salary schedule unless there is attached thereto a 116861  
certificate, signed as required by this section, that the school 116862  
district has in effect the authorization to levy taxes including 116863  
the renewal or replacement of existing levies which, when 116864  
combined with the estimated revenue from all other sources 116865  
available to the district at the time of certification, are 116866  
sufficient to provide the operating revenues necessary to enable 116867  
the district to maintain all personnel and programs for all the 116868  
days set forth in its adopted school calendars for the current 116869  
fiscal year and for a number of days in succeeding fiscal years 116870  
equal to the number of days instruction was held or is scheduled 116871  
for the current fiscal year, as follows: 116872

(a) A certificate attached to an appropriation measure 116873  
under this section shall cover only the fiscal year in which the 116874  
appropriation measure is effective and shall not consider the 116875  
renewal or replacement of an existing levy as the authority to 116876  
levy taxes that are subject to appropriation in the current 116877  
fiscal year unless the renewal or replacement levy has been 116878  
approved by the electors and is subject to appropriation in the 116879  
current fiscal year. 116880

(b) A certificate attached, in accordance with this 116881  
section, to any qualifying contract shall cover the term of the 116882  
contract. 116883

(c) A certificate attached under this section to a wage or 116884  
salary schedule shall cover the term of the schedule. 116885

If the board of education has not adopted a school 116886  
calendar for the school year beginning on the first day of the 116887  
fiscal year in which a certificate is required, the certificate 116888

attached to an appropriation measure shall include the number of 116889  
days on which instruction was held in the preceding fiscal year 116890  
and other certificates required under this section shall include 116891  
that number of days for the fiscal year in which the certificate 116892  
is required and any succeeding fiscal years that the certificate 116893  
must cover. 116894

The certificate shall be signed by the treasurer and 116895  
president of the board of education and the superintendent of 116896  
the school district, unless the district is in a state of fiscal 116897  
emergency declared under Chapter 3316. of the Revised Code. In 116898  
that case, the certificate shall be signed by a member of the 116899  
district's financial planning and supervision commission who is 116900  
designated by the commission for this purpose. 116901

(2) In lieu of the certificate required under division (B) 116902  
of this section, an alternative certificate stating the 116903  
following may be attached: 116904

(a) The contract is a multi-year contract for materials, 116905  
equipment, or nonpayroll services essential to the education 116906  
program of the district; 116907

(b) The multi-year contract demonstrates savings over the 116908  
duration of the contract as compared to costs that otherwise 116909  
would have been demonstrated in a single year contract, and the 116910  
terms will allow the district to reduce the deficit it is 116911  
currently facing in future years as demonstrated in its ~~five-~~ 116912  
~~year~~-three-year forecast adopted in accordance with section 116913  
5705.391 of the Revised Code. 116914

The certificate shall be signed by the treasurer and 116915  
president of the board of education and the superintendent of 116916  
the school district, unless the district is in a state of fiscal 116917

emergency declared under Chapter 3316. of the Revised Code. In 116918  
that case, the certificate shall be signed by a member of the 116919  
district's financial planning and supervision commission who is 116920  
designated by the commission for this purpose. 116921

(C) Every qualifying contract made or wage or salary 116922  
schedule adopted or put into effect without such a certificate 116923  
shall be void, and no payment of any amount due thereon shall be 116924  
made. 116925

(D) The department of education and workforce and the 116926  
auditor of state jointly shall adopt rules governing the methods 116927  
by which treasurers, presidents of boards of education, 116928  
superintendents, and members of financial planning and 116929  
supervision commissions shall estimate revenue and determine 116930  
whether such revenue is sufficient to provide necessary 116931  
operating revenue for the purpose of making certifications 116932  
required by this section. 116933

(E) The auditor of state shall be responsible for 116934  
determining whether school districts are in compliance with this 116935  
section. At the time a school district is audited pursuant to 116936  
section 117.11 of the Revised Code, the auditor of state shall 116937  
review each certificate issued under this section since the 116938  
district's last audit, and the appropriation measure, contract, 116939  
or wage and salary schedule to which such certificate was 116940  
attached. If the auditor of state determines that a school 116941  
district has not complied with this section with respect to any 116942  
qualifying contract or wage or salary schedule, the auditor of 116943  
state shall notify the prosecuting attorney for the county, the 116944  
city director of law, or other chief law officer of the school 116945  
district. That officer may file a civil action in any court of 116946  
appropriate jurisdiction to seek a declaration that the contract 116947

or wage or salary schedule is void, to recover for the school 116948  
district from the payee the amount of payments already made 116949  
under it, or both, except that the officer shall not seek to 116950  
recover payments made under any collective bargaining agreement 116951  
entered into under Chapter 4117. of the Revised Code. If the 116952  
officer does not file such an action within one hundred twenty 116953  
days after receiving notice of noncompliance from the auditor of 116954  
state, any taxpayer may institute the action in the taxpayer's 116955  
own name on behalf of the school district. 116956

(F) This section does not apply to any contract or 116957  
increase in any wage or salary schedule that is necessary in 116958  
order to enable a board of education to comply with division (B) 116959  
of section 3317.13 of the Revised Code, provided the contract or 116960  
increase does not exceed the amount required to be paid to be in 116961  
compliance with such division. 116962

(G) Any officer, employee, or other person who expends or 116963  
authorizes the expenditure of any public funds or authorizes or 116964  
executes any contract or schedule contrary to this section, 116965  
expends or authorizes the expenditure of any public funds on the 116966  
void contract or schedule, or issues a certificate under this 116967  
section which contains any false statements is liable to the 116968  
school district for the full amount paid from the district's 116969  
funds on the contract or schedule. The officer, employee, or 116970  
other person is jointly and severally liable in person and upon 116971  
any official bond that the officer, employee, or other person 116972  
has given to the school district to the extent of any payments 116973  
on the void claim, not to exceed ten thousand dollars. However, 116974  
no officer, employee, or other person shall be liable for a 116975  
mistaken estimate of available resources made in good faith and 116976  
based upon reasonable grounds. If an officer, employee, or other 116977  
person is found to have complied with rules jointly adopted by 116978



the department of education and workforce and the auditor of 116979  
state under this section governing methods by which revenue 116980  
shall be estimated and determined sufficient to provide 116981  
necessary operating revenue for the purpose of making 116982  
certifications required by this section, the officer, employee, 116983  
or other person shall not be liable under this section if the 116984  
estimates and determinations made according to those rules do 116985  
not, in fact, conform with actual revenue. The prosecuting 116986  
attorney of the county, the city director of law, or other chief 116987  
law officer of the district shall enforce this liability by 116988  
civil action brought in any court of appropriate jurisdiction in 116989  
the name of and on behalf of the school district. If the 116990  
prosecuting attorney, city director of law, or other chief law 116991  
officer of the district fails, upon the written request of any 116992  
taxpayer, to institute action for the enforcement of the 116993  
liability, the attorney general, or the taxpayer in the 116994  
taxpayer's own name, may institute the action on behalf of the 116995  
subdivision. 116996

(H) This section does not require the attachment of an 116997  
additional certificate beyond that required by section 5705.41 116998  
of the Revised Code for current payrolls of, or contracts of 116999  
employment with, any employees or officers of the school 117000  
district. 117001

This section does not require the attachment of a 117002  
certificate to a temporary appropriation measure if all of the 117003  
following apply: 117004

(1) The amount appropriated does not exceed twenty-five 117005  
per cent of the total amount from all sources available for 117006  
expenditure from any fund during the preceding fiscal year; 117007

(2) The measure will not be in effect on or after the 117008

thirtieth day following the earliest date on which the district 117009  
may pass an annual appropriation measure; 117010

(3) An amended official certificate of estimated resources 117011  
for the current year, if required, has not been certified to the 117012  
board of education under division (B) of section 5705.36 of the 117013  
Revised Code. 117014

**Sec. 5709.212.** (A) ~~With~~ Except for applications filed for 117015  
an industrial water pollution control facility, with every 117016  
application for an exempt facility certificate filed pursuant to 117017  
section 5709.21 of the Revised Code, the applicant shall pay a 117018  
fee equal to one-half of one per cent of the total exempt 117019  
facility project cost, not to exceed two thousand dollars. If 117020  
the director of environmental protection is required to provide 117021  
the opinion for an application for an air pollution control 117022  
facility or noise pollution control facility, the fee shall be 117023  
credited to the non-Title V clean air fund created in section 117024  
3704.035 of the Revised Code for use in administering section 117025  
5709.211 of the Revised Code, ~~unless the application is for an~~ 117026  
~~industrial water pollution control facility. In such a case, the~~ 117027  
~~fee shall be credited to the surface water protection fund~~ 117028  
~~created in section 6111.038 of the Revised Code for use in~~ 117029  
~~administering section 5709.211 of the Revised Code.~~ If the 117030  
director of development or director of natural resources is 117031  
required to provide the opinion for an application, the fee for 117032  
each exempt facility application shall be credited to the exempt 117033  
facility inspection fund, which is hereby created in the state 117034  
treasury, for appropriation to the department of development 117035  
~~services agency or department of natural resources, as~~ 117036  
applicable, for use in administering section 5709.211 of the 117037  
Revised Code. 117038

An applicant is not entitled to any tax exemption under section 5709.25 of the Revised Code until the fee required by this section is paid. The fee required by this section is not refundable, and is due with the application for an exempt facility certificate even if an exempt facility certificate ultimately is not issued or is withdrawn. Any application submitted without payment of the fee shall be deemed incomplete until the fee is paid.

(B) The application fee imposed under division (A) of this section for a jointly owned facility shall be equal to one-half of one per cent of the total exempt facility project cost, not to exceed two thousand dollars for each facility that is the subject of the application.

**Sec. 5709.48.** (A) As used in this section and sections 5709.481, 5709.49, and 5709.50 of the Revised Code:

(1) "Regional transportation improvement project" has the same meaning as in section 5595.01 of the Revised Code.

(2) "Improvements" means the increase in the assessed value of any real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of the resolution adopted under this section were it not for the exemption granted by that resolution.

(3) "Qualified RTIP" has the same meaning as in section 5595.01 of the Revised Code.

(B) For the purposes described in division (A) of section 5595.06 of the Revised Code, the governing board of a regional transportation improvement project that ~~was undertaken pursuant to section 5595.02 of the Revised Code before March 23, 2018~~ is a qualified RTIP, may, by resolution, create a transportation

financing district and declare improvements to parcels within 117068  
the district to be a public purpose and exempt from taxation. 117069

(C) A transportation financing district shall consist of 117070  
all territory of all counties that are participants in the 117071  
regional transportation improvement project funded by the 117072  
district, except that the district shall not include parcels 117073  
used primarily for residential purposes, parcels that are 117074  
currently exempt from taxation under this section or section 117075  
5709.40, 5709.41, 5709.45, 5709.73, or 5709.77 of the Revised 117076  
Code, or parcels excluded from the district under division (G) 117077  
of this section. 117078

(D) A resolution creating a transportation financing 117079  
district shall specify all of the following: 117080

(1) The county treasurer's permanent parcel number 117081  
associated with each parcel included in the district; 117082

(2) (a) The percentage of improvements to be exempted from 117083  
taxation and the duration of the exemption. 117084

(b) Except as provided in division (E) of this section, 117085  
the percentage of improvements to be exempted shall not exceed 117086  
seventy-five per cent, and the duration of the exemption shall 117087  
not exceed ten years. 117088

(c) In no case may the life of the exemption exceed the 117089  
remaining number of years the cooperative agreement for the 117090  
regional transportation improvement district, described under 117091  
section 5595.03 of the Revised Code, is in effect. 117092

(3) A plan for the district that describes the principal 117093  
purposes and goals to be served by the district and explains how 117094  
the use of service payments provided for by section 5709.49 of 117095  
the Revised Code will economically benefit owners of property 117096

within the district. 117097

(E) Subject to division (D)(2)(c) of this section, 117098  
improvements to parcels located in a transportation financing 117099  
district may be exempted from taxation for up to thirty years, 117100  
and the percentage of improvements that may be exempted may 117101  
equal up to one hundred per cent, if either of the following 117102  
apply: 117103

(1) The governing board, before adopting a resolution 117104  
under division (B) of this section, obtains the approval under 117105  
division (F) of this section of the board of education of each 117106  
city, local, and exempted village school district within the 117107  
territory of the proposed transportation financing district. 117108

(2) In the resolution creating the transportation 117109  
financing district, the governing board agrees to compensate 117110  
each city, local, or exempted village, and joint vocational 117111  
school district or districts in which the transportation 117112  
financing district is located for the full amount of taxes that 117113  
would have been payable to the school district or districts if 117114  
the improvements had not been exempted from taxation. 117115

(F)(1) A governing board seeking the approval of a school 117116  
district for the purpose of division (E)(1) of this section 117117  
shall send notice of the proposed resolution to the school 117118  
district not later than forty-five business days before it 117119  
intends to adopt the resolution. The notice shall include a copy 117120  
of the proposed resolution and shall indicate the date on which 117121  
the governing board intends to adopt the resolution. 117122

The board of education, by resolution adopted by a 117123  
majority of the board, may approve the exemption for the period 117124  
or for the exemption percentage specified in the notice; may 117125

disapprove the exemption for the number of years in excess of 117126  
ten, may disapprove the exemption for the percentage of the 117127  
improvements to be exempted in excess of seventy-five per cent, 117128  
or both; or may approve the exemption on the condition that the 117129  
governing board and the board of education negotiate an 117130  
agreement providing for compensation equal in value to a 117131  
percentage of the amount of taxes exempted or some other 117132  
mutually agreeable compensation. If a mutually acceptable 117133  
compensation agreement is negotiated between the governing board 117134  
and the board of education, the governing board shall compensate 117135  
the joint vocational school district within which the district 117136  
is located at the same rate and under the same terms received by 117137  
the city, local, or exempted village school district. 117138

(2) The board of education shall certify a resolution 117139  
adopted under division (F)(1) of this section to the governing 117140  
board not later than fourteen days before the date the governing 117141  
board intends to adopt the resolution as indicated in the 117142  
notice. If the board of education approves the ordinance or 117143  
negotiates a mutually acceptable compensation agreement, the 117144  
governing board may enact the resolution in its current form. If 117145  
the board of education disapproves of the ordinance and fails to 117146  
negotiate a mutually acceptable compensation agreement, the 117147  
resolution is subject to the limitations prescribed by divisions 117148  
(D)(2)(b) and (c) of this section. If the board of education 117149  
fails to certify a resolution within the time prescribed by this 117150  
division, the governing board may adopt the resolution and 117151  
declare the improvements a public purpose for the period of time 117152  
specified in the resolution, or, in the case of exemption 117153  
percentages proposed in excess of seventy-five per cent, for the 117154  
exemption percentage specified in the resolution. 117155

The governing board may adopt the resolution at any time 117156

after the board of education certifies its resolution approving 117157  
the exemption, or, if the board of education approves the 117158  
exemption on the condition that a mutually acceptable 117159  
compensation agreement be negotiated, at any time after the 117160  
compensation agreement is agreed to by the board of education 117161  
and the governing board. 117162

(3) A board of education may adopt a resolution waiving 117163  
its right to approve or receive notice of transportation 117164  
financing districts proposed under this section. If a board of 117165  
education has adopted such a resolution, the terms of that 117166  
resolution supersede the requirements of division (F) (1) of this 117167  
section. The governing board may negotiate an agreement with a 117168  
board of education providing for some mutually agreeable 117169  
compensation in exchange for the board of education adopting 117170  
such a resolution. If a board of education has adopted such an 117171  
ordinance or resolution, it shall certify a copy to the 117172  
governing board. If the board of education rescinds such a 117173  
resolution, it shall certify notice of the rescission to the 117174  
governing board. 117175

(4) If the governing board is not required by division (F) 117176  
of this section to notify the board of education of the 117177  
governing board's intent to create a transportation financing 117178  
district, the governing board shall comply with the notice 117179  
requirements imposed under section 5709.83 of the Revised Code, 117180  
unless the board of education has adopted a resolution under 117181  
that section waiving its right to receive such a notice. 117182

(G) The governing board shall notify and obtain the 117183  
approval of every real property owner whose property is included 117184  
in the proposed transportation financing district. The approval 117185  
shall include a signed agreement between the property owner and 117186

the governing board that specifies the projects and purposes for 117187  
which the service payments made by the owner under section 117188  
5709.49 of the Revised Code will be used. Such an agreement does 117189  
not supersede any compensation agreement between the governing 117190  
board and a school district under division (F) of this section. 117191  
If the property owner and the governing board do not reach an 117192  
agreement under this division, the parcel shall be excluded from 117193  
the district. 117194

(H) (1) Upon adopting a resolution creating a 117195  
transportation financing district, the governing board shall 117196  
send a copy of the resolution and documentation sufficient to 117197  
prove that the requirements of divisions (F) and (G) of this 117198  
section have been met to the director of development. The 117199  
director shall evaluate the resolution and documentation to 117200  
determine if the governing board has fully complied with the 117201  
requirements of this section. If the director approves the 117202  
resolution, the director shall send notice of approval to the 117203  
governing board. If the director does not approve the 117204  
resolution, the director shall send a notice of denial to the 117205  
governing board that includes the reason or reasons for the 117206  
denial. If the director does not make a determination within 117207  
ninety days after receiving a resolution under this section, the 117208  
director is deemed to have approved the resolution. No 117209  
resolution creating a transportation financing district is 117210  
effective without actual or constructive approval by the 117211  
director under this section. 117212

(2) An exemption from taxation granted under this section 117213  
commences with the tax year specified in the resolution so long 117214  
as the year specified in the resolution commences after the 117215  
effective date of the resolution. If the resolution specifies a 117216  
year commencing before the effective date of the resolution or 117217



specifies no year whatsoever, the exemption commences with the 117218  
tax year in which an exempted improvement first appears on the 117219  
tax list and that commences after the effective date of the 117220  
resolution. 117221

(3) Except as otherwise provided in this division, the 117222  
exemption ends on the date specified in the resolution as the 117223  
date the improvement ceases to be a public purpose or the 117224  
regional transportation improvement project funded by the 117225  
service payments dissolves under section 5595.13 of the Revised 117226  
Code, whichever occurs first. Exemptions shall be claimed and 117227  
allowed in the same manner as in the case of other real property 117228  
exemptions. If an exemption status changes during a year, the 117229  
procedure for the apportionment of the taxes for that year is 117230  
the same as in the case of other changes in tax exemption status 117231  
during the year. 117232

(I) The resolution creating a transportation financing 117233  
district may be amended at any time by majority vote of the 117234  
governing board and with the approval of the director of 117235  
development obtained in the same manner as approval of the 117236  
original resolution. Such an amendment may include adding a 117237  
parcel to the district that was previously excluded under 117238  
division (G) of this section, so long as the governing board and 117239  
the owner of the parcel reach an agreement on the use of service 117240  
payments as provided under that division. 117241

**Sec. 5709.93.** (A) As used in this section: 117242

(1) "Taxes charged and payable" means taxes charged and 117243  
payable after the reduction required by section 319.301 of the 117244  
Revised Code but before the reductions required by sections 117245  
319.302 and 323.152 of the Revised Code. 117246

(2) "Threshold per cent" means two per cent for fiscal year 2016; and, for fiscal year 2017 and thereafter, the sum of the prior year's threshold per cent plus two percentage points.

(3) "Public library" means a county, municipal, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code.

(4) "Local taxing unit" means a subdivision or taxing unit, as defined in section 5705.01 of the Revised Code, a park district created under Chapter 1545. of the Revised Code, or a township park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts.

(5) "Municipal current expense allocation" means the sum of the payments received by a municipal corporation in calendar year 2014 for current expense levy losses under division (A)(1)(e)(ii) of section 5727.86 and division (A)(1)(c)(ii) of section 5751.22 of the Revised Code as they existed at that time.

(6) "Current expense allocation" means the sum of the payments received by a local taxing unit or public library in calendar year 2014 for current expense levy losses under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time, less any reduction required under division (B)(2) of this section.

(7) "TPP inside millage debt levy loss" means payments made to local taxing units in calendar year 2014 under division (A)(3) of section 5751.22 of the Revised Code as that section existed at that time.

(8) "S.B. 3 inside millage debt levy loss" means payments

made to local taxing units in calendar year 2014 under section 117276  
(A) (4) of section 5727.86 of the Revised Code as that section 117277  
existed at that time. 117278

(9) "Qualifying levy" means a levy for which payment was 117279  
made in calendar year 2014 under division (A) (1) of section 117280  
5727.86 and divisions (A) (1) and (2) of section 5751.22 of the 117281  
Revised Code as they existed at that time. 117282

(10) "Total resources," in the case of county mental 117283  
health and disability related functions, means the sum of the 117284  
amounts in divisions (A) (10) (a) and (b) of this section less any 117285  
reduction required under division (B) (1) of this section. 117286

(a) The sum of the payments received by the county for 117287  
mental health and developmental disability related functions in 117288  
calendar year 2014 under division (A) (1) of section 5727.86 and 117289  
division (A) (1) of section 5751.22 of the Revised Code as they 117290  
existed at that time; 117291

(b) With respect to taxes levied by the county for mental 117292  
health and developmental disability related purposes, the taxes 117293  
charged and payable for such purposes against all property on 117294  
the tax list of real and public utility property for tax year 117295  
2014. 117296

(11) "Total resources," in the case of county senior 117297  
services related functions, means the sum of the amounts in 117298  
divisions (A) (11) (a) and (b) of this section less any reduction 117299  
required under division (B) (1) of this section. 117300

(a) The sum of the payments received by the county for 117301  
senior services related functions in calendar year 2014 under 117302  
division (A) (1) of section 5727.86 and division (A) (1) of 117303  
section 5751.22 of the Revised Code as they existed at that 117304

time; 117305

(b) With respect to taxes levied by the county for senior 117306  
services related purposes, the taxes charged and payable for 117307  
such purposes against all property on the tax list of real and 117308  
public utility property for tax year 2014. 117309

(12) "Total resources," in the case of county children's 117310  
services related functions, means the sum of the amounts in 117311  
divisions (A) (12) (a) and (b) of this section less any reduction 117312  
required under division (B) (1) of this section. 117313

(a) The sum of the payments received by the county for 117314  
children's services related functions in calendar year 2014 117315  
under division (A) (1) of section 5727.86 and division (A) (1) of 117316  
section 5751.22 of the Revised Code as they existed at that 117317  
time; 117318

(b) With respect to taxes levied by the county for 117319  
children's services related purposes, the taxes charged and 117320  
payable for such purposes against all property on the tax list 117321  
of real and public utility property for tax year 2014. 117322

(13) "Total resources," in the case of county public 117323  
health related functions, means the sum of the amounts in 117324  
divisions (A) (13) (a) and (b) of this section less any reduction 117325  
required under division (B) (1) of this section. 117326

(a) The sum of the payments received by the county for 117327  
public health related functions in calendar year 2014 under 117328  
division (A) (1) of section 5727.86 and division (A) (1) of 117329  
section 5751.22 of the Revised Code as they existed at that 117330  
time; 117331

(b) With respect to taxes levied by the county for public 117332  
health related purposes, the taxes charged and payable for such 117333

purposes against all property on the tax list of real and public utility property for tax year 2014. 117334  
117335

(14) "Total resources," in the case of all county functions not included in divisions (A)(10) to (13) of this section, means the sum of the amounts in divisions (A)(14)(a) to (e) of this section less any reduction required under division (B)(1) or (2) of this section. 117336  
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(a) The sum of the payments received by the county for all other purposes in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 117341  
117342  
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(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 117345  
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(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014, excluding taxes charged and payable for the purpose of paying debt charges; 117352  
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(d) The sum of the amounts distributed to the county in calendar year 2014 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code; 117357  
117358  
117359

(e) The sum of amounts distributed to the county from the gross casino revenue county fund from July 2014 through April 2015. 117360  
117361  
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(15) "Total resources," in the case of a municipal corporation, means the sum of the amounts in divisions (A) (15) (a) to (h) of this section less any reduction required under division (B) (1) or (2) of this section.

(a) The sum of the payments received by the municipal corporation in calendar year 2014 for current expense levy losses under division (A) (1) of section 5727.86 and division (A) (1) of section 5751.22 of the Revised Code as they existed at that time;

(b) The municipal corporation's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) The sum of the amounts distributed to the municipal corporation in calendar year 2014 pursuant to section 5747.50 of the Revised Code;

(d) With respect to taxes levied by the municipal corporation, the taxes charged and payable against all property on the tax list of real and public utility property for municipal current expenses for tax year 2014;

(e) The amount of admissions tax collected by the municipal corporation in calendar year 2013, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2013 for which the municipal corporation has reported data to the commissioner;

(f) The amount of income taxes collected by the municipal

corporation in calendar year 2013 as certified to the tax 117392  
commissioner under section 5747.50 of the Revised Code in 2013, 117393  
or if such information has not yet been reported to the 117394  
commissioner, in the most recent year before 2014 for which the 117395  
municipal corporation has reported such data to the 117396  
commissioner; 117397

(g) The sum of the amounts distributed to the municipal 117398  
corporation from the gross casino revenue host city fund from 117399  
July 2014 through April 2015; 117400

(h) The sum of the amounts distributed to the municipal 117401  
corporation from the gross casino revenue county fund from July 117402  
2014 through April 2015. 117403

(16) "Total resources," in the case of a township, means 117404  
the sum of the amounts in divisions (A) (16) (a) to (c) of this 117405  
section less any reduction required under division (B) (1) or (2) 117406  
of this section. 117407

(a) The sum of the payments received by the township in 117408  
calendar year 2014 pursuant to division (A) (1) of section 117409  
5727.86 of the Revised Code and division (A) (1) of section 117410  
5751.22 of the Revised Code as they existed at that time, 117411  
excluding payments received for debt purposes; 117412

(b) The township's percentage share of county undivided 117413  
local government fund allocations as certified to the tax 117414  
commissioner for calendar year 2015 by the county auditor under 117415  
division (J) of section 5747.51 of the Revised Code or division 117416  
(F) of section 5747.53 of the Revised Code multiplied by the 117417  
total amount actually distributed in calendar year 2014 from the 117418  
county undivided local government fund; 117419

(c) With respect to taxes levied by the township, the 117420

taxes charged and payable against all property on the tax list 117421  
of real and public utility property for tax year 2014 excluding 117422  
taxes charged and payable for the purpose of paying debt charges 117423  
or from levies imposed under section 5705.23 of the Revised 117424  
Code. 117425

(17) "Total resources," in the case of a local taxing unit 117426  
that is not a county, municipal corporation, township, or public 117427  
library means the sum of the amounts in divisions (A) (17) (a) to 117428  
(e) of this section less any reduction required under division 117429  
(B) (1) of this section. 117430

(a) The sum of the payments received by the local taxing 117431  
unit in calendar year 2014 pursuant to division (A) (1) of 117432  
section 5727.86 of the Revised Code and division (A) (1) of 117433  
section 5751.22 of the Revised Code as they existed at that 117434  
time; 117435

(b) The local taxing unit's percentage share of county 117436  
undivided local government fund allocations as certified to the 117437  
tax commissioner for calendar year 2015 by the county auditor 117438  
under division (J) of section 5747.51 of the Revised Code or 117439  
division (F) of section 5747.53 of the Revised Code multiplied 117440  
by the total amount actually distributed in calendar year 2014 117441  
from the county undivided local government fund; 117442

(c) With respect to taxes levied by the local taxing unit, 117443  
the taxes charged and payable against all property on the tax 117444  
list of real and public utility property for tax year 2014 117445  
excluding taxes charged and payable for the purpose of paying 117446  
debt charges or from a levy imposed under section 5705.23 of the 117447  
Revised Code; 117448

(d) The amount received from the tax commissioner during 117449



calendar year 2014 for sales or use taxes authorized under 117450  
sections 5739.023 and 5741.022 of the Revised Code; 117451

(e) For institutions of higher education receiving tax 117452  
revenue from a local levy, as identified in section 3358.02 of 117453  
the Revised Code, the final state share of instruction 117454  
allocation for fiscal year 2014 as calculated by the chancellor 117455  
of higher education and reported to the state controlling board. 117456

(18) "Total resources," in the case of a county, municipal 117457  
corporation, school district, or township public library that 117458  
receives the proceeds of a tax levied under section 5705.23 of 117459  
the Revised Code, means the sum of the amounts in divisions (A) 117460  
(18) (a) to (d) of this section less any reduction required under 117461  
division (B) (1) of this section. 117462

(a) The sum of the payments received by the county, 117463  
municipal corporation, school district, or township public 117464  
library in calendar year 2014 pursuant to sections 5727.86 and 117465  
5751.22 of the Revised Code, as they existed at that time, for 117466  
fixed-rate levy losses attributable to a tax levied under 117467  
section 5705.23 of the Revised Code for the benefit of the 117468  
public library; 117469

(b) The public library's percentage share of county 117470  
undivided local government fund allocations as certified to the 117471  
tax commissioner for calendar year 2015 by the county auditor 117472  
under division (J) of section 5747.51 of the Revised Code or 117473  
division (F) of section 5747.53 of the Revised Code multiplied 117474  
by the total amount actually distributed in calendar year 2014 117475  
from the county undivided local government fund; 117476

(c) With respect to a tax levied pursuant to section 117477  
5705.23 of the Revised Code for the benefit of the public 117478

library, the amount of such tax that is charged and payable 117479  
against all property on the tax list of real and public utility 117480  
property for tax year 2014 excluding any tax that is charged and 117481  
payable for the purpose of paying debt charges; 117482

(d) The sum of the amounts distributed to the library 117483  
district from the county public library fund in calendar year 117484  
2014, as reported to the tax commissioner by the county auditor. 117485

(19) "Municipal current expense property tax levies" means 117486  
all property tax levies of a municipality, except those with the 117487  
following levy names: library; airport resurfacing; bond or any 117488  
levy name including the word "bond"; capital improvement or any 117489  
levy name including the word "capital"; debt or any levy name 117490  
including the word "debt"; equipment or any levy name including 117491  
the word "equipment," unless the levy is for combined operating 117492  
and equipment; employee termination fund; fire pension or any 117493  
levy containing the word "pension," including police pensions; 117494  
fireman's fund or any practically similar name; sinking fund; 117495  
road improvements or any levy containing the word "road"; fire 117496  
truck or apparatus; flood or any levy containing the word 117497  
"flood"; conservancy district; county health; note retirement; 117498  
sewage, or any levy containing the words "sewage" or "sewer"; 117499  
park improvement; parkland acquisition; storm drain; street or 117500  
any levy name containing the word "street"; lighting, or any 117501  
levy name containing the word "lighting"; and water. 117502

(20) "Operating fixed-rate levy loss" means, in the case 117503  
of local taxing units other than municipal corporations, fixed- 117504  
rate levy losses of levies imposed for purposes other than 117505  
paying debt charges or, in the case of municipal corporations, 117506  
fixed-rate levy losses of municipal current expense property tax 117507  
levies. 117508

(21) (a) "Qualifying municipal corporation" means a 117509  
municipal corporation in the territory of which a qualifying end 117510  
user is located. 117511

(b) "Qualifying end user" means an end user of at least 117512  
seven million qualifying kilowatt hours of electricity annually. 117513

(c) "Qualifying kilowatt hours" means kilowatt hours of 117514  
electricity generated by a renewable energy resource, as defined 117515  
in section 5727.01 of the Revised Code, using wind energy and 117516  
the distribution of which is subject to the tax levied under 117517  
section 5727.81 of the Revised Code for any measurement period 117518  
beginning after June 30, 2015. 117519

(22) Any term used in this section has the same meaning as 117520  
in section 5727.84 or 5751.20 of the Revised Code unless 117521  
otherwise defined by this section. 117522

(B) (1) "Total resources" used to compute payments to be 117523  
made under division (C) of this section shall be reduced to the 117524  
extent that payments distributed in calendar year 2014 were 117525  
attributable to levies no longer charged and payable. 117526

(2) "Current expense allocation" used to compute payments 117527  
to be made under division (C) of this section shall be reduced 117528  
to the extent that payments distributed in calendar year 2014 117529  
were attributable to levies no longer charged and payable. 117530

(C) (1) Except as provided in division (D) of this section, 117531  
the tax commissioner shall compute payments for operating fixed- 117532  
rate levy losses of local taxing units and public libraries for 117533  
fiscal year 2016 and each year thereafter as prescribed in 117534  
divisions (C) (1) (a) and (b) of this section: 117535

(a) For public libraries and local taxing units other than 117536  
municipal corporations: 117537

(i) If the ratio of current expense allocation to total resources is equal to or less than the threshold per cent, zero; 117538  
117539

(ii) If the ratio of current expense allocation to total resources is greater than the threshold per cent, the current expense allocation minus the product of total resources multiplied by the threshold per cent. 117540  
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(b) For municipal corporations: 117544

(i) If the ratio of the municipal current expense allocation to total resources is equal to or less than the threshold per cent, zero; 117545  
117546  
117547

(ii) If the ratio of the municipal current expense allocation to total resources is greater than the threshold per cent, the municipal current expense allocation minus the product of total resources multiplied by the threshold per cent. 117548  
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(2) For any local taxing unit or public library with operating fixed-rate levy losses greater than zero, the operating fixed-rate levy loss shall be allocated among all qualifying operating fixed-rate levies in proportion to each such levy's share of the payments received in tax year 2014. In fiscal year 2016 and thereafter, if a levy to which operating fixed-rate levy loss is allocated is no longer charged and payable, the payment to the local taxing unit or public library shall be reduced by the amount allocated to the levy that is no longer charged and payable. 117552  
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(D) (1) Except as provided in division (D) (2) of this section, the tax commissioner shall make payments to local taxing units equal to the sum of TPP inside millage debt levy loss and S.B. 3 inside millage debt levy loss. No payment shall be made if the levy for which the levy loss is computed is not 117562  
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charged and payable for debt purposes in fiscal year 2016 or any year thereafter. 117567  
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(2) No payment shall be made for TPP inside millage debt levy loss in calendar year 2018 or thereafter. No payment shall be made for S.B.3 inside millage debt levy loss in calendar year 2017 or thereafter. 117569  
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(E) For a qualifying municipal corporation, the tax commissioner shall compute payments for fiscal year 2016 and each ensuing fiscal year in an amount equal to the amount of tax imposed under section 5727.81 of the Revised Code and paid on the basis of qualifying kilowatt hours of electricity distributed through the meter of a qualifying end user located in the municipal corporation for measurement periods ending in the preceding calendar year. The payment shall be computed regardless of whether the qualifying municipal corporation qualifies for a payment under any other division of this section for the fiscal year in which the payment is computed under this division. For the purposes of this division, the commissioner may require an electric distribution company distributing qualifying kilowatt hours or, if the end user is a self-assessing purchaser, the end user, to report to the commissioner the number of qualifying kilowatt hours distributed through the meter of the qualifying end user. 117573  
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(F) (1) The payments required to be made under divisions (C), (D), and (H) of this section shall be paid from the ~~local government tangible property tax replacement~~ general revenue fund to the county undivided income tax fund in the proper county treasury. Beginning in August 2015, one-half of the amount determined under each of those divisions shall be paid on or before the last day of August each year, and one-half shall 117590  
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be paid on or before the last day of February each year. Within 117597  
thirty days after receipt of such payments, the county treasurer 117598  
shall distribute amounts determined under this section to the 117599  
proper local taxing unit or public library as if they had been 117600  
levied and collected as taxes, and the local taxing unit or 117601  
public library shall allocate the amounts so received among its 117602  
funds in the same proportions as if those amounts had been 117603  
levied and collected as taxes. 117604

(2) On or before the last day of August and of February of 117605  
each fiscal year that follows a calendar year in which taxes are 117606  
paid on the basis of qualifying kilowatt hours of electricity 117607  
distributed through the meter of a qualifying end user located 117608  
in a qualifying municipal corporation, one-half of the payment 117609  
computed under division (E) of this section shall be paid from 117610  
the ~~local government tangible personal property tax replacement~~ 117611  
general revenue fund directly to the qualifying municipal 117612  
corporation. The municipal corporation shall credit the payments 117613  
to a special fund created for the purpose of providing grants or 117614  
other financial assistance to the qualifying end user or to 117615  
compensate the municipal corporation for municipal income tax or 117616  
other tax credits or reductions as the legislative authority may 117617  
grant to the qualifying end user. Such grants or other financial 117618  
assistance may be provided for by ordinance or resolution of the 117619  
legislative authority of the qualifying municipal corporation 117620  
and may continue for as long as is provided by the ordinance or 117621  
resolution. 117622

(G) If all or a part of the territories of two or more 117623  
local taxing units are merged, or unincorporated territory of a 117624  
township is annexed by a municipal corporation, the tax 117625  
commissioner shall adjust the payments made under this section 117626  
to each of the local taxing units in proportion to the square 117627

mileage of the merged or annexed territory as a percentage of 117628  
the total square mileage of the jurisdiction from which the 117629  
territory originated, or as otherwise provided by a written 117630  
agreement between the legislative authorities of the local 117631  
taxing units certified to the commissioner not later than the 117632  
first day of June of the calendar year in which the payment is 117633  
to be made. 117634

(H) For fiscal years 2022 through 2026, if the total 117635  
amount to be received under division (C) of this section by a 117636  
joint fire district that has a nuclear power plant located 117637  
within its territory is less than the amount the district 117638  
received under this section in fiscal year 2017, the district 117639  
shall receive a supplemental payment equal to the difference 117640  
between the amount to be received under that division for the 117641  
fiscal year and the amount received under this section in fiscal 117642  
year 2017. 117643

**Sec. 5715.19.** (A) As used in this section: 117644

"Member" has the same meaning as in section 1706.01 of the 117645  
Revised Code. 117646

"Internet identifier of record" has the same meaning as in 117647  
section 9.312 of the Revised Code. 117648

"Interim period" means, for each county, the tax year to 117649  
which section 5715.24 of the Revised Code applies and each 117650  
subsequent tax year until the tax year in which that section 117651  
applies again. 117652

"Legislative authority" means a board of county 117653  
commissioners, a board of township trustees of any township with 117654  
territory in the county, the board of education of any school 117655  
district with territory in the county, or the legislative 117656

authority of a municipal corporation with territory in the 117657  
county. 117658

"Original complaint" means a complaint filed under 117659  
division (A) of this section. 117660

"Counter-complaint" means a complaint filed under division 117661  
(B) of this section in response to an original complaint. 117662

"Third party complainant" means a complainant other than 117663  
the property owner, the owner's spouse, a tenant authorized to 117664  
file an original complaint, or any person acting on behalf of a 117665  
property owner. "Third party complainant" does not include a 117666  
legislative authority or a mayor of a municipal corporation, but 117667  
does include the prosecuting attorney or treasurer of a county\_ 117668  
or any person acting on behalf of a legislative authority or 117669  
mayor. 117670

For purposes of this section, a person is considered to be 117671  
acting on behalf of a legislative authority or mayor if the 117672  
person is an official or employee of the political subdivision 117673  
or has been hired, contracted, or directed by such an official 117674  
or employee to file a complaint or counter-complaint under this 117675  
section on behalf of the political subdivision. 117676

(1) Subject to division (A)(2) of this section, a 117677  
complaint against any of the following determinations for the 117678  
current tax year shall be filed with the county auditor on or 117679  
before the thirty-first day of March of the ensuing tax year or 117680  
the date of closing of the collection for the first half of real 117681  
and public utility property taxes for the current tax year, 117682  
whichever is later: 117683

(a) Any classification made under section 5713.041 of the 117684  
Revised Code; 117685



(b) Any determination made under section 5713.32 or 5713.35 of the Revised Code; 117686  
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(c) Any recoupment charge levied under section 5713.35 of the Revised Code; 117688  
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(d) The determination of the total valuation or assessment of any parcel that appears on the tax list, except parcels assessed by the tax commissioner pursuant to section 5727.06 of the Revised Code; 117690  
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(e) The determination of the total valuation of any parcel that appears on the agricultural land tax list, except parcels assessed by the tax commissioner pursuant to section 5727.06 of the Revised Code; 117694  
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(f) Any determination made under division (A) of section 319.302 of the Revised Code. 117698  
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If such a complaint is filed by mail or certified mail, the date of the United States postmark placed on the envelope or sender's receipt by the postal service shall be treated as the date of filing. A private meter postmark on an envelope is not a valid postmark for purposes of establishing whether a complaint has been timely filed. 117700  
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Subject to division (A) (6) of this section, any person owning taxable real property in the county or in a taxing district with territory in the county; such a person's spouse; a tenant of the property owner, if the property is classified as to use for tax purposes as commercial or industrial, the lease requires the tenant to pay the entire amount of taxes charged against the property, and the lease allows, or the property owner otherwise authorizes, the tenant to file such a complaint with respect to the property; an individual who is retained by 117706  
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such a person or tenant and who holds a designation from a 117715  
professional assessment organization, such as the institute for 117716  
professionals in taxation, the national council of property 117717  
taxation, or the international association of assessing 117718  
officers; a public accountant who holds a permit under section 117719  
4701.10 of the Revised Code, a general or residential real 117720  
estate appraiser licensed or certified under Chapter 4763. of 117721  
the Revised Code, or a real estate broker licensed under Chapter 117722  
4735. of the Revised Code, who is retained by such a person or 117723  
tenant; if the person or tenant is a firm, company, association, 117724  
partnership, limited liability company, or corporation, an 117725  
officer, a salaried employee, a partner, or a member of that 117726  
person or tenant; if the person or tenant is a trust, a trustee 117727  
of the trust; the prosecuting attorney or treasurer of the 117728  
county; or the legislative authority of a subdivision or the 117729  
mayor of a municipal corporation may file such a complaint 117730  
regarding any such determination affecting any real property in 117731  
the county, except that a person owning taxable real property in 117732  
another county may file such a complaint only with regard to any 117733  
such determination affecting real property in the county that is 117734  
located in the same taxing district as that person's real 117735  
property is located. The county auditor shall present to the 117736  
county board of revision all complaints filed with the auditor. 117737

(2) No person, legislative authority, or officer shall 117738  
file a complaint against the valuation or assessment of any 117739  
parcel that appears on the tax list if it filed a complaint 117740  
against the valuation or assessment of that parcel for any prior 117741  
tax year in the same interim period, unless the person, 117742  
legislative authority, or officer alleges that the valuation or 117743  
assessment should be changed due to one or more of the following 117744  
circumstances that occurred after the tax lien date for the tax 117745

year for which the prior complaint was filed and that the 117746  
circumstances were not taken into consideration with respect to 117747  
the prior complaint: 117748

(a) The property was sold in an arm's length transaction, 117749  
as described in section 5713.03 of the Revised Code; 117750

(b) The property lost value due to some casualty; 117751

(c) Substantial improvement was added to the property; 117752

(d) An increase or decrease of at least fifteen per cent 117753  
in the property's occupancy has had a substantial economic 117754  
impact on the property. 117755

(3) If a county board of revision, the board of tax 117756  
appeals, or any court dismisses a complaint filed under this 117757  
section or section 5715.13 of the Revised Code for the reason 117758  
that the act of filing the complaint was the unauthorized 117759  
practice of law or the person filing the complaint was engaged 117760  
in the unauthorized practice of law, the party affected by a 117761  
decrease in valuation or the party's agent, or the person owning 117762  
taxable real property in the county or in a taxing district with 117763  
territory in the county, may refile the complaint, 117764  
notwithstanding division (A) (2) of this section. 117765

(4) (a) No complaint filed under this section or section 117766  
5715.13 of the Revised Code shall be dismissed for the reason 117767  
that the complaint fails to accurately identify the owner of the 117768  
property that is the subject of the complaint. 117769

(b) If a complaint fails to accurately identify the owner 117770  
of the property that is the subject of the complaint, the board 117771  
of revision shall exercise due diligence to ensure the correct 117772  
property owner is notified as required by divisions (B) and (C) 117773  
of this section. 117774

(5) Notwithstanding division (A)(2) of this section, a person, legislative authority, or officer may file a complaint against the valuation or assessment of any parcel that appears on the tax list if it filed a complaint against the valuation or assessment of that parcel for any prior tax year in the same interim period if the person, legislative authority, or officer withdrew the complaint before the complaint was heard by the board.

(6) The legislative authority of a subdivision, the mayor of a municipal corporation, or a third party complainant shall not file an original complaint with respect to property the subdivision or complainant does not own or lease unless both of the following conditions are met:

(a) If the complaint is based on a determination described in division (A)(1)(d) or (e) of this section, ~~the property was~~ (i) sold all of the following requirements are met:

(i) The complaint seeks an increase in the valuation of the property based upon the sale of the property in an arm's length transaction, as described in section 5713.03 of the Revised Code, before, but not after, .

(ii) That sale is evidenced by a conveyance fee statement, attached to the complaint, that declares the value of the property conveyed pursuant to section 319.202 of the Revised Code and that was filed during the two years preceding the tax lien date for the tax year for which the complaint is to be filed, and (ii) the .

(iii) That sale price exceeds the true value of the property appearing on the tax list for that tax year by both ten per cent and the amount of the filing threshold determined under

division (J) of this section~~+~~. 117804

(b) If the complaint is filed by a legislative authority~~-~~ 117805  
~~or, mayor, or third party complainant acting on behalf of a~~ 117806  
legislative authority or mayor, the legislative authority or, in 117807  
the case of a mayor, the legislative authority of the municipal 117808  
corporation, first adopts a resolution authorizing the filing of 117809  
the original complaint at a public meeting of the legislative 117810  
authority. 117811

(7) A resolution adopted under division (A) (6) (b) of this 117812  
section shall include all of the following information: 117813

(a) Identification of the parcel or parcels that are the 117814  
subject of the original complaint by street address, if 117815  
available from online records of the county auditor, and by 117816  
permanent parcel number; 117817

(b) The name of at least one of the record owners of the 117818  
parcel or parcels; 117819

(c) The basis for the complaint under divisions (A) (1) (a) 117820  
to (f) of this section relative to each parcel identified in the 117821  
resolution; 117822

(d) The tax year for which the complaint will be filed, 117823  
which shall be a year for which a complaint may be timely filed 117824  
under this section at the time of the resolution's adoption. 117825

A legislative authority shall not adopt a resolution 117826  
required under division (A) (6) (b) of this section that 117827  
identifies more than one parcel under division (A) (7) (a) of this 117828  
section, except that a single resolution may identify more than 117829  
one parcel under that division if each parcel has the same 117830  
record owner or the same record owners, as applicable. A 117831  
legislative authority may adopt multiple resolutions required 117832

under division (A) (6) (b) of this section by a single vote, 117833  
provided that the vote is separate from the question of whether 117834  
to adopt any resolution that is not adopted under division (A) 117835  
(6) (b) of this section. 117836

Before adopting a resolution required by division (A) (6) 117837  
(b) of this section, the legislative authority shall mail a 117838  
written notice to at least one of the record owners of the 117839  
parcel or parcels identified in the resolution stating the 117840  
intent of the legislative authority in adopting the resolution, 117841  
the proposed date of adoption, and the basis for the complaint 117842  
under divisions (A) (1) (a) to (f) of this section relative to 117843  
each parcel identified in the resolution. The notice shall be 117844  
sent by certified mail to the last known tax-mailing address of 117845  
at least one of the record owners and, if different from that 117846  
tax-mailing address, to the street address of the parcel or 117847  
parcels identified in the resolution. Alternatively, if the 117848  
legislative authority has record of an internet identifier of 117849  
record associated with at least one of the record owners, the 117850  
legislative authority may send the notice by ordinary mail and 117851  
by that internet identifier of record. The notice shall be 117852  
postmarked or, if sent by internet identifier of record, sent at 117853  
least seven calendar days before the legislative authority 117854  
adopts the resolution. 117855

A board of revision has jurisdiction to consider a 117856  
complaint filed pursuant to a resolution adopted under division 117857  
(A) (6) (b) of this section only if the legislative authority 117858  
notifies the board of revision of the resolution in the manner 117859  
prescribed in division ~~(A) (8)~~ (A) (8) (a) of this section. The 117860  
failure to accurately identify the street address or the name of 117861  
the record owners of the parcel in the resolution does not 117862  
invalidate the resolution nor is it a cause for dismissal of the 117863

complaint. 117864

~~(8)~~(8) (a) A complaint form prescribed by a board of 117865  
revision or the tax commissioner for the purpose of this section 117866  
shall include a box that must be checked, when a legislative 117867  
authority, mayor, or third party complainant acting on behalf of 117868  
either files an original complaint, to indicate that a 117869  
resolution authorizing the complaint was adopted in accordance 117870  
with divisions (A) (6) (b) and (7) of this section and that notice 117871  
was mailed or sent in accordance with division (A) (7) of this 117872  
section before adoption of the resolution to at least one of the 117873  
record owners of the property that is the subject of the 117874  
complaint. 117875

(b) Any third party complainant shall submit, with the 117876  
complaint, a sworn affidavit stating whether the third party 117877  
complainant is or is not acting on behalf of a legislative 117878  
authority or mayor. 117879

~~(B)~~(B) (1) Within thirty days after the last date such 117880  
complaints may be filed, the auditor shall give notice of each 117881  
complaint in which the stated amount of overvaluation, 117882  
undervaluation, discriminatory valuation, illegal valuation, or 117883  
incorrect determination is at least seventeen thousand five 117884  
hundred dollars in taxable value to each property owner whose 117885  
property is the subject of the complaint, if the complaint was 117886  
not filed by the owner or the owner's spouse. A board of 117887  
education, subject to this division; a property owner; the 117888  
owner's spouse; a tenant of the owner, if that tenant would be 117889  
eligible to file a complaint under division (A) of this section 117890  
with respect to the property; an individual who is retained by 117891  
such an owner or tenant and who holds a designation from a 117892  
professional assessment organization, such as the institute for 117893

professionals in taxation, the national council of property 117894  
taxation, or the international association of assessing 117895  
officers; a public accountant who holds a permit under section 117896  
4701.10 of the Revised Code, a general or residential real 117897  
estate appraiser licensed or certified under Chapter 4763. of 117898  
the Revised Code, or a real estate broker licensed under Chapter 117899  
4735. of the Revised Code, who is retained by such an owner or 117900  
tenant; or, if the owner or tenant is a firm, company, 117901  
association, partnership, limited liability company, 117902  
corporation, or trust, an officer, a salaried employee, a 117903  
partner, a member, or trustee of that owner or tenant, may file 117904  
a counter-complaint in support of or objecting to the amount of 117905  
alleged overvaluation, undervaluation, discriminatory valuation, 117906  
illegal valuation, or incorrect determination stated in a 117907  
previously filed original complaint or objecting to the current 117908  
valuation. 117909

(2) A board of education may file a counter-complaint only 117910  
if the original complaint (a) was filed by the owner of the 117911  
property that is the subject of the complaint, a tenant of that 117912  
property owner, or any person acting on behalf of such owner or 117913  
tenant, and (b) states an amount of overvaluation, 117914  
undervaluation, discriminatory valuation, illegal valuation, or 117915  
incorrect determination of at least seventeen thousand five 117916  
hundred dollars in taxable value. 117917

The board shall file the counter-complaint within thirty 117918  
days after the original complaint is filed or after the last day 117919  
such complaints may be filed, whichever is later, and any other 117920  
person shall file the counter-complaint within thirty days after 117921  
receiving the notice required under this division. 117922

(3) Upon the filing of a counter-complaint, the board of 117923



education, property owner, or tenant shall be made a party to 117924  
the action. 117925

(C) Each board of revision shall notify any complainant 117926  
and counter-complainant, and also the property owner, if the 117927  
property owner's address is known, and the complaint is filed by 117928  
one other than the property owner, not less than ten days prior 117929  
to the hearing, either by certified mail or, if the board has 117930  
record of an internet identifier of record associated with the 117931  
owner, by ordinary mail and by that internet identifier of 117932  
record of the time and place the same will be heard. The board 117933  
of revision shall hear and render its decision on an original 117934  
complaint within one hundred eighty days after the last day such 117935  
a complaint may be filed with the board under division (A)(1) of 117936  
this section or, if a counter-complaint is filed, within one 117937  
hundred eighty days after such filing. If the original complaint 117938  
is filed by the legislative authority of a subdivision, the 117939  
mayor of a municipal corporation with territory in the county, 117940  
or a third party complainant, and if the board of revision has 117941  
not rendered its decision on the complaint within one year after 117942  
the date the complaint was filed, the board may dismiss the 117943  
complaint. 117944

(D) The determination of any such original complaint or 117945  
counter-complaint shall relate back to the date when the lien 117946  
for taxes or recoupment charges for the current year attached or 117947  
the date as of which liability for such year was determined. 117948  
Liability for taxes and recoupment charges for such year and 117949  
each succeeding year until the complaint is finally determined 117950  
and for any penalty and interest for nonpayment thereof within 117951  
the time required by law shall be based upon the determination, 117952  
valuation, or assessment as finally determined. Each complaint 117953  
shall state the amount of overvaluation, undervaluation, 117954

discriminatory valuation, illegal valuation, or incorrect 117955  
classification or determination upon which the complaint is 117956  
based. The treasurer shall accept any amount tendered as taxes 117957  
or recoupment charge upon property concerning which a complaint 117958  
is then pending, computed upon the claimed valuation as set 117959  
forth in the complaint. Unless dismissal is required under 117960  
division (C) of this section, if an original complaint or 117961  
counter-complaint filed for the current year is not determined 117962  
by the board within the time prescribed for such determination, 117963  
the complaint and any proceedings in relation thereto shall be 117964  
continued by the board as a valid complaint for any ensuing year 117965  
until that original complaint or counter-complaint is finally 117966  
determined by the board or upon any appeal from a decision of 117967  
the board. In such case, the original complaint and counter- 117968  
complaint shall continue in effect without further filing by the 117969  
original taxpayer, the original taxpayer's assignee, or any 117970  
other person or entity authorized to file a complaint under this 117971  
section. 117972

(E) If a taxpayer files a complaint as to the 117973  
classification, valuation, assessment, or any determination 117974  
affecting the taxpayer's own property and tenders less than the 117975  
full amount of taxes or recoupment charges as finally 117976  
determined, an interest charge shall accrue as follows: 117977

(1) If the amount finally determined is less than the 117978  
amount billed but more than the amount tendered, the taxpayer 117979  
shall pay interest at the rate per annum prescribed by section 117980  
5703.47 of the Revised Code, computed from the date that the 117981  
taxes were due on the difference between the amount finally 117982  
determined and the amount tendered. This interest charge shall 117983  
be in lieu of any penalty or interest charge under section 117984  
323.121 of the Revised Code unless the taxpayer failed to file a 117985

complaint and tender an amount as taxes or recoupment charges 117986  
within the time required by this section, in which case section 117987  
323.121 of the Revised Code applies. 117988

(2) If the amount of taxes finally determined is equal to 117989  
or greater than the amount billed and more than the amount 117990  
tendered, the taxpayer shall pay interest at the rate prescribed 117991  
by section 5703.47 of the Revised Code from the date the taxes 117992  
were due on the difference between the amount finally determined 117993  
and the amount tendered, such interest to be in lieu of any 117994  
interest charge but in addition to any penalty prescribed by 117995  
section 323.121 of the Revised Code. 117996

(F) Upon request of a complainant, the tax commissioner 117997  
shall determine the common level of assessment of real property 117998  
in the county for the year stated in the request that is not 117999  
valued under section 5713.31 of the Revised Code, which common 118000  
level of assessment shall be expressed as a percentage of true 118001  
value and the common level of assessment of lands valued under 118002  
such section, which common level of assessment shall also be 118003  
expressed as a percentage of the current agricultural use value 118004  
of such lands. Such determination shall be made on the basis of 118005  
the most recent available sales ratio studies of the 118006  
commissioner and such other factual data as the commissioner 118007  
deems pertinent. 118008

(G) A complainant shall provide to the board of revision 118009  
all information or evidence within the complainant's knowledge 118010  
or possession that affects the real property that is the subject 118011  
of the complaint. A complainant who fails to provide such 118012  
information or evidence is precluded from introducing it on 118013  
appeal to the board of tax appeals or the court of common pleas, 118014  
except that the board of tax appeals or court may admit and 118015

consider the evidence if the complainant shows good cause for 118016  
the complainant's failure to provide the information or evidence 118017  
to the board of revision. 118018

(H) In case of the pendency of any proceeding in court 118019  
based upon an alleged excessive, discriminatory, or illegal 118020  
valuation or incorrect classification or determination, the 118021  
taxpayer may tender to the treasurer an amount as taxes upon 118022  
property computed upon the claimed valuation as set forth in the 118023  
complaint to the court. The treasurer may accept the tender. If 118024  
the tender is not accepted, no penalty shall be assessed because 118025  
of the nonpayment of the full taxes assessed. 118026

(I) A legislative authority, or any person acting on 118027  
behalf of a legislative authority, may not enter into a private 118028  
payment agreement with respect to any complaint filed or 118029  
contemplated under this section or section 5715.13 of the 118030  
Revised Code, and any such agreement is void and unenforceable. 118031  
As used in this division, "private payment agreement" means any 118032  
type of agreement in which a property owner, a tenant authorized 118033  
to file a complaint under division (A) of this section, or any 118034  
person acting on behalf of a property owner or such a tenant 118035  
agrees to make one or more payments to a subdivision in exchange 118036  
for the legislative authority of that subdivision, or any person 118037  
acting on behalf of that subdivision, doing any of the 118038  
following: 118039

(1) Refraining from filing a complaint or counter- 118040  
complaint under this section; 118041

(2) Dismissing a complaint or counter-complaint filed 118042  
under this section by the legislative authority ~~under this~~ 118043  
~~section~~ or any person acting on behalf of the legislative 118044  
authority; 118045

(3) Resolving a claim under this section by settlement agreement. 118046  
118047

A "private payment agreement" does not include any agreement to resolve a claim under this section pursuant to which an agreed-upon valuation for the property that is the subject of the claim is approved by the county auditor and reflected on the tax list, provided that agreement does not require any payments described in this division. 118048  
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(J) For the purpose of division (A) (6) (a) of this section, the filing threshold for tax year 2022 equals five hundred thousand dollars. For tax year 2023 and each tax year thereafter, the tax commissioner shall adjust the filing threshold used in that division by completing the following calculations in September of each year: 118054  
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(1) Determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce from the first day of January of the preceding year to the last day of December of the preceding year; 118060  
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(2) Multiply that percentage increase by the filing threshold for the current year; 118065  
118066

(3) Add the resulting product to the filing threshold for the current year; 118067  
118068

(4) Round the resulting sum to the nearest multiple of one thousand dollars. 118069  
118070

The commissioner shall certify the amount resulting from the adjustment to each county auditor not later than the first day of October each year. The certified amount applies to complaints filed for the tax year in which the amount is 118071  
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118074

certified. The commissioner shall not make the adjustment for 118075  
any tax year in which the amount resulting from the adjustment 118076  
would be less than the filing threshold for the current tax 118077  
year. 118078

(K) If a board of revision dismisses a complaint filed by 118079  
a legislative authority, mayor, or person acting on behalf of 118080  
either on the basis that the complaint does not comply with the 118081  
requirements of divisions (A) (6) to (8) of this section, the 118082  
board shall order the legislative authority, mayor, or person to 118083  
pay any costs and reasonable attorney's fees incurred by the 118084  
property owner in connection with the complaint. 118085

The political subdivision shall remit the costs and 118086  
attorney's fees to the board of revision within sixty days after 118087  
the board dismisses the complaint, and the board shall remit 118088  
those amounts to the property owner. If the political 118089  
subdivision fails to pay the required amount within sixty days 118090  
after the complaint was dismissed, the board shall notify the 118091  
prosecuting attorney of the county in which the property is 118092  
located, and the prosecuting attorney shall proceed to collect 118093  
the amount owed. The prosecuting attorney may recover from the 118094  
political subdivision any costs related to the collection 118095  
action. 118096

(L) Any person who knowingly makes a false statement in an 118097  
affidavit furnished under division (A) (8) (b) of this section is 118098  
guilty of falsification under division (A) (11) of section 118099  
2921.13 of the Revised Code. 118100

**Sec. 5717.01.** An appeal from a decision of a county board 118101  
of revision may be taken to the board of tax appeals within 118102  
thirty days after notice of the decision of the county board of 118103  
revision is mailed as provided in division (A) of section 118104

5715.20 of the Revised Code. Such an appeal may be taken by the 118105  
county auditor, the tax commissioner, or any board, legislative 118106  
authority, public official, or taxpayer authorized by section 118107  
5715.19 of the Revised Code to file complaints against 118108  
valuations or assessments with the auditor, except that a 118109  
subdivision ~~that files an original complaint or counter-~~ 118110  
~~complaint under that section with respect to property the-~~ 118111  
~~subdivision does not own or lease may not appeal the decision of~~ 118112  
~~the board of revision with respect to that original complaint or~~ 118113  
~~counter-complaint~~ the legislative authority or mayor of a 118114  
subdivision may file such an appeal only if the subdivision owns 118115  
or leases the property that is the subject of the board of 118116  
revision's decision, and except that no such appeal may be taken 118117  
by a third party complainant, as defined in that section. Such 118118  
appeal shall be taken by the filing of a notice of appeal, in 118119  
person or by certified mail, express mail, facsimile 118120  
transmission, electronic transmission, or by authorized delivery 118121  
service, with the board of tax appeals and with the county board 118122  
of revision. If notice of appeal is filed by certified mail, 118123  
express mail, or authorized delivery service as provided in 118124  
section 5703.056 of the Revised Code, the date of the United 118125  
States postmark placed on the sender's receipt by the postal 118126  
service or the date of receipt recorded by the authorized 118127  
delivery service shall be treated as the date of filing. If 118128  
notice of appeal is filed by facsimile transmission or 118129  
electronic transmission, the date and time the notice is 118130  
received by the board shall be the date and time reflected on a 118131  
timestamp provided by the board's electronic system, and the 118132  
appeal shall be considered filed with the board on the date 118133  
reflected on that timestamp. Any timestamp provided by another 118134  
computer system or electronic submission device shall not affect 118135  
the time and date the notice is received by the board. Upon 118136

receipt of such notice of appeal such county board of revision 118137  
shall notify all persons thereof who were parties to the 118138  
proceeding before such county board of revision by either 118139  
certified mail or, if the board has record of an internet 118140  
identifier of record associated with such a person, by ordinary 118141  
mail and by that internet identifier of record, and shall file 118142  
proof of such notice or, in the case of ordinary mail, an 118143  
affidavit attesting that the board sent the notice with the 118144  
board of tax appeals. The county board of revision shall 118145  
thereupon certify to the board of tax appeals a transcript of 118146  
the record of the proceedings of the county board of revision 118147  
pertaining to the original complaint, and all evidence offered 118148  
in connection therewith. Such appeal may be heard by the board 118149  
of tax appeals at its offices in Columbus or in the county where 118150  
the property is listed for taxation, or the board of tax appeals 118151  
may cause its examiners to conduct such hearing and to report to 118152  
it their findings for affirmation or rejection. An appeal may 118153  
proceed pursuant to section 5703.021 of the Revised Code on the 118154  
small claims docket if the appeal qualifies under that section. 118155

The board of tax appeals may order the appeal to be heard 118156  
on the record and the evidence certified to it by the county 118157  
board of revision, or it may order the hearing of additional 118158  
evidence, and it may make such investigation concerning the 118159  
appeal as it deems proper. 118160

As used in this section, "internet identifier of record" 118161  
has the same meaning as in section 9.312 of the Revised Code. 118162

**Sec. 5725.01.** As used in sections 5725.01 to 5725.26 of 118163  
the Revised Code: 118164

(A) "Financial institution" means: 118165



(1) A national bank organized and existing as a national bank association pursuant to the "National Bank Act," 12 U.S.C. 21; 118166  
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(2) A federal savings association or federal savings bank that is chartered under 12 U.S.C. 1464; 118169  
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(3) A bank, banking association, trust company, savings and loan association, savings bank, or other banking institution that is incorporated or organized under the laws of any state; 118171  
118172  
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(4) Any corporation organized under 12 U.S.C. 611 to 631; 118174

(5) Any agency or branch of a foreign depository as defined in 12 U.S.C. 3101; 118175  
118176

(6) A company licensed as a small business investment company under the "Small Business Investment Act of 1958," 72 Stat. 689, 15 U.S.C. 661, as amended; or 118177  
118178  
118179

(7) A company chartered under the "Farm Credit Act of 1933," 48 Stat. 257, 12 U.S.C. 1131(d), as amended. 118180  
118181

Corporations or institutions organized under the "Federal Farm Loan Act" and amendments thereto, insurance companies, and credit unions shall not be considered financial institutions or dealers in intangibles within the meaning of such sections. 118182  
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~~(B) (1)~~ (B) "Dealer in intangibles" includes every person who keeps an office or other place of business in this state and engages at such office or other place in a business that consists primarily of lending money, or discounting, buying, or selling bills of exchange, drafts, acceptances, notes, mortgages, or other evidences of indebtedness, or of buying or selling bonds, stocks, or other investment securities, whether on the person's own account with a view to profit, or as agent 118186  
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or broker for others, with a view to profit or personal 118194  
earnings. Dealer in intangibles excludes institutions used 118195  
exclusively for charitable purposes, insurance companies, and 118196  
financial institutions. The investment of funds as personal 118197  
accumulations or as business reserves or working capital does 118198  
not constitute engaging in a business within the meaning of this 118199  
division; but a person who, having engaged in a business that 118200  
consists primarily of lending money, or discounting, buying, or 118201  
selling bills of exchange, drafts, acceptances, notes, 118202  
mortgages, or other evidences of indebtedness on the person's 118203  
own account, remains in business primarily for the purpose of 118204  
realizing upon the assets of the business is deemed a dealer in 118205  
intangibles, though not presently engaged in a business that 118206  
consists primarily of lending money or discounting or buying 118207  
such securities. 118208

~~(2) The tax commissioner shall adopt a rule defining 118209  
"primarily" as that term is used in division (B) (1) of this 118210  
section. 118211~~

(C) "Insurance company" includes every corporation, 118212  
association, and society engaged in the business of insurance of 118213  
any character, or engaged in the business of entering into 118214  
contracts substantially amounting to insurance of any character, 118215  
or of indemnifying or guaranteeing against loss or damage, or 118216  
acting as surety on bonds or undertakings. "Insurance company" 118217  
also includes any health insuring corporation as defined in 118218  
section 1751.01 of the Revised Code. 118219

(D) "Domestic insurance company" includes every insurance 118220  
company organized and existing under the laws of this state, and 118221  
every unincorporated association and society formed under the 118222  
laws of this state for the purpose of engaging in said business, 118223

except a company, association, or society that is an insurance 118224  
holding company affiliate controlled by a nonresident affiliate 118225  
and has risks in this state formerly written by its foreign 118226  
affiliates in a total amount exceeding the risks outstanding on 118227  
the taxpayer's latest annual report that arise from business 118228  
initially written by it in this state; and excludes every 118229  
foreign insurance company. As used in this division, terms 118230  
defined in section 3901.32 of the Revised Code have the same 118231  
meanings given to them in that section. 118232

(E) "Foreign insurance company" includes every insurance 118233  
company organized or existing under the laws of any other state, 118234  
territory, country, or the United States and every insurance 118235  
holding company affiliate excepted under division (D) of this 118236  
section. 118237

(F) "Credit union" means a nonprofit cooperative financial 118238  
institution organized or chartered under the laws of this state, 118239  
of another state, or of the United States. 118240

**Sec. 5725.23.** Taxes, interest, and penalties may be 118241  
recovered from a delinquent domestic insurance company or person 118242  
in an action brought in the name of the state in the court of 118243  
common pleas of Franklin county or any county in which such 118244  
company or person has an office or place of business, and such 118245  
court shall have jurisdiction of such action regardless of the 118246  
amount involved. The attorney general, on request of the 118247  
superintendent of insurance or tax commissioner, shall institute 118248  
such action in the court of common pleas of Franklin county or 118249  
any other county the superintendent or commissioner directs. In 118250  
any such action, it shall be sufficient to allege that the tax, 118251  
interest, and penalty sought to be recovered stand charged on 118252  
the tax list of domestic insurance company franchise taxes ~~or~~ 118253

~~intangible property taxes~~ in the office of the treasurer of 118254  
state and have been unpaid for a period of forty-five days after 118255  
having been placed thereon. Sums recovered in any such action 118256  
shall be paid into the state treasury and distributed as 118257  
provided in section 5725.24 of the Revised Code. 118258

**Sec. 5726.03.** (A) (1) Annually, on or before the fifteenth 118259  
day of October, the reporting person for each taxpayer shall 118260  
make a report in writing to the tax commissioner, in such form 118261  
as the commissioner prescribes, and shall remit to the 118262  
commissioner the amount of tax shown to be due on the report. 118263  
The remittance shall be made payable to the treasurer of state. 118264  
~~The commissioner shall make available, on the official internet-~~ 118265  
~~web site of the department of taxation, copies of the forms-~~ 118266  
~~prescribed by the commissioner for the purpose of making the-~~ 118267  
~~annual report.~~ 118268

(2) An annual report shall be signed by the president, 118269  
vice-president, secretary, treasurer, general manager, 118270  
superintendent, or managing agent in this state of the reporting 118271  
person. 118272

(3) An annual report shall contain the facts, figures, 118273  
computations, and attachments that result in the determination 118274  
of the amount of tax due from a taxpayer under this chapter. 118275

(B) (1) In the case of a financial institution described in 118276  
division (H) (1) of section 5726.01 of the Revised Code, the 118277  
annual report filed for a taxable year shall list, and include 118278  
information related to, each person includable in an FR Y-9 118279  
filed by the reporting person for that taxable year. 118280

(2) In the case of a financial institution described in 118281  
division (H) (2) or (3) of section 5726.01 of the Revised Code, 118282

the annual report for a taxable year shall list, and include 118283  
information related to, each person includable in a call report 118284  
filed by the reporting person for that taxable year. 118285

(C) (1) The reporting person for a taxpayer shall remit 118286  
each tax payment and, if required by the commissioner, file each 118287  
annual or estimated tax report electronically. The commissioner 118288  
may require reporting persons to use the Ohio business gateway 118289  
as defined in section 718.01 of the Revised Code to file reports 118290  
and remit the tax, or may provide another means for reporting 118291  
persons to file and remit the tax electronically. 118292

(2) The payment of taxes as provided in division (C) of 118293  
this section shall not affect a taxpayer's obligation to file an 118294  
annual report required under division (A) of this section. 118295

(3) The reporting person for a taxpayer that is required 118296  
to remit tax payments electronically under this section may 118297  
apply to the tax commissioner, in the manner prescribed by the 118298  
commissioner, to be excused from that requirement. The 118299  
commissioner may excuse the taxpayer from the requirements of 118300  
division (C) of this section for good cause. 118301

(4) If the reporting person for a taxpayer that is 118302  
required to remit tax payments or file reports electronically 118303  
under this section fails to do so, the commissioner may impose a 118304  
penalty not to exceed the following: 118305

(a) For either of the first two reports the person so 118306  
fails, five per cent of the amount of the payment that was 118307  
required to be remitted; 118308

(b) For the third and any subsequent reports the person so 118309  
fails, ten per cent of the amount of the payment that was 118310  
required to be remitted. 118311

The penalty imposed under this section is in addition to 118312  
any other penalty or charge imposed under this chapter and shall 118313  
be considered as revenue arising from the tax levied under this 118314  
chapter. A penalty may be collected by assessment in the manner 118315  
prescribed by section 5726.20 of the Revised Code. ~~The tax-~~ 118316  
~~commissioner may abate all or a portion of such a penalty and-~~ 118317  
~~may adopt rules governing such abatements.~~ 118318

**Sec. 5726.20.** (A) The tax commissioner may make an 118319  
assessment, based on any information in the commissioner's 118320  
possession, against any person that fails to file a return or 118321  
report or pay any tax as required by this chapter. The reporting 118322  
person for a taxpayer shall file the annual report required 118323  
under section 5726.03 of the Revised Code and remit the tax 118324  
imposed by this chapter. Each person included in the annual 118325  
report of the taxpayer is jointly and severally liable for the 118326  
tax imposed by this chapter and any penalties and interest 118327  
thereon. If the reporting person fails, for any reason, to file 118328  
and remit any tax, the amount due may be collected by assessment 118329  
against the reporting person and against any or all other 118330  
persons required to be included in the annual report of the 118331  
taxpayer as provided in section 5703.90 of the Revised Code. The 118332  
commissioner shall make the assessment in the manner provided in 118333  
this section. The commissioner shall give the person assessed 118334  
written notice of the assessment as provided in section 5703.37 118335  
of the Revised Code. With the notice, the commissioner shall 118336  
provide instructions on the manner in which to petition for 118337  
reassessment and request a hearing with respect to the petition. 118338

(B) No assessment shall be made or issued against a person 118339  
under this section more than four years after the later of the 118340  
final date the report subject to assessment was required to be 118341  
filed or the date such report was filed. Such time limit may be 118342

extended if both the person and the commissioner consent in 118343  
writing to the extension or if an agreement waiving or extending 118344  
the time limit has been entered into pursuant to section 122.171 118345  
of the Revised Code. Any such extension shall extend the four- 118346  
year time limit prescribed in division (A) of section 5726.30 of 118347  
the Revised Code for the same period of time. There shall be no 118348  
bar or limit to an assessment against a person that fails to 118349  
file a report subject to assessment as required by this chapter, 118350  
or that files a fraudulent report. 118351

(C) Unless the person assessed, within sixty days after 118352  
service of the notice of assessment, files with the tax 118353  
commissioner, ~~either in person or by certified mail,~~ a written 118354  
petition for reassessment signed by the person or the person's 118355  
authorized agent having knowledge of the facts, the assessment 118356  
shall become final, and the amount of the assessment is due and 118357  
payable from the person assessed to the treasurer of state. A 118358  
petition shall indicate the objections of the person assessed, 118359  
but additional objections may be raised in writing if received 118360  
by the commissioner prior to the date shown on the final 118361  
determination. If a petition for reassessment has been properly 118362  
filed, the commissioner shall proceed under section 5703.60 of 118363  
the Revised Code. 118364

(D) (1) After an assessment becomes final, if any portion 118365  
of the assessment, including any accrued interest, remains 118366  
unpaid, a certified copy of the tax commissioner's entry making 118367  
the assessment final may be filed in the office of the clerk of 118368  
the court of common pleas in the county in which the person 118369  
resides or has its principal place of business in this state, or 118370  
in the office of the clerk of court of common pleas of Franklin 118371  
county. 118372

(2) Immediately upon the filing of the entry, the clerk 118373  
shall enter judgment for the state against the person assessed 118374  
in the amount shown on the entry. The judgment may be filed by 118375  
the clerk in a loose-leaf book entitled, "special judgments for 118376  
the financial institution tax" and shall have the same effect as 118377  
other judgments. Execution shall issue upon the judgment at the 118378  
request of the tax commissioner, and all laws applicable to 118379  
sales on execution shall apply to sales made under the judgment. 118380

(3) If the assessment is not paid in its entirety within 118381  
sixty days after the day the assessment was issued, the portion 118382  
of the assessment consisting of tax due shall bear interest at 118383  
the rate per annum prescribed by section 5703.47 of the Revised 118384  
Code from the date the tax commissioner issues the assessment 118385  
until the date the assessment is paid or until it is certified 118386  
to the attorney general for collection under section 131.02 of 118387  
the Revised Code, whichever comes first. If the unpaid portion 118388  
of the assessment is certified to the attorney general for 118389  
collection, the entire unpaid portion of the assessment shall 118390  
bear interest at the rate per annum prescribed by section 118391  
5703.47 of the Revised Code from the date of certification until 118392  
the date it is paid in its entirety. Interest shall be paid in 118393  
the same manner as the tax and may be collected by the issuance 118394  
of an assessment under this section. 118395

(E) If the tax commissioner believes that collection of 118396  
the tax imposed by this chapter will be jeopardized unless 118397  
proceedings to collect or secure collection of the tax are 118398  
instituted without delay, the commissioner may issue a jeopardy 118399  
assessment against the person liable for the tax. Immediately 118400  
upon the issuance of the jeopardy assessment, the commissioner 118401  
shall file an entry with the clerk of the court of common pleas 118402  
in the manner prescribed by division (D) of this section. Notice 118403



of the jeopardy assessment shall be served on the person 118404  
assessed or the person's authorized agent in the manner provided 118405  
in section 5703.37 of the Revised Code within five days of the 118406  
filing of the entry with the clerk. The total amount assessed 118407  
shall be immediately due and payable, unless the person assessed 118408  
files a petition for reassessment in accordance with division 118409  
(C) of this section and provides security in a form satisfactory 118410  
to the commissioner and in an amount sufficient to satisfy the 118411  
unpaid balance of the assessment. Full or partial payment of the 118412  
assessment shall not prejudice the commissioner's consideration 118413  
of the petition for reassessment. 118414

(F) The tax commissioner shall immediately forward to the 118415  
treasurer of state all amounts the commissioner receives under 118416  
this section. Such amounts shall be considered as revenue 118417  
arising from the tax imposed by this chapter. 118418

(G) If the tax commissioner possesses information 118419  
indicating that the amount of tax a taxpayer is required to pay 118420  
under this chapter exceeds the amount the reporting person for 118421  
the taxpayer paid, the tax commissioner may audit a sample of 118422  
the taxpayer's gross receipts over a representative period of 118423  
time to ascertain the amount of tax due, and may issue an 118424  
assessment based on the audit. The tax commissioner shall make a 118425  
good faith effort to reach agreement with the taxpayer in 118426  
selecting a representative sample. The tax commissioner may 118427  
apply a sampling method only if the commissioner has prescribed 118428  
the method by rule. 118429

(H) If the whereabouts of a person subject to this chapter 118430  
is not known to the tax commissioner, the secretary of state is 118431  
hereby deemed to be that person's agent for purposes of service 118432  
of process or notice of any assessment, action, or proceedings 118433

instituted in this state against the person under this chapter. 118434  
Such process or notice shall be served on such person by the 118435  
commissioner or by an agent of the commissioner by leaving a 118436  
true and attested copy of the process or notice at the office of 118437  
the secretary of state at least fifteen days before the return 118438  
day of such process or notice, and by sending a copy of the 118439  
process or notice to such person by ordinary mail, with an 118440  
endorsement thereon of the service upon the secretary of state, 118441  
addressed to such person at the person's last known address. 118442

**Sec. 5726.21.** (A) In addition to any other penalty imposed 118443  
by this chapter or Chapter 5703. of the Revised Code, the 118444  
following penalties shall apply: 118445

(1) If a taxpayer required to file any report under this 118446  
chapter fails to make and file the report within the time 118447  
prescribed, a penalty may be imposed not exceeding the greater 118448  
of fifty dollars per month or fraction of a month, not to exceed 118449  
five hundred dollars, or five per cent per month or fraction of 118450  
a month, not to exceed fifty per cent of the tax required to be 118451  
shown on the report, for each month or fraction of a month 118452  
elapsing between the due date and the date on which the report 118453  
is filed. 118454

(2) If a taxpayer fails to pay the amount of tax required 118455  
to be paid under this chapter, except for estimated tax under 118456  
section 5726.06 of the Revised Code, by the dates prescribed in 118457  
this chapter for payment, a penalty may be imposed not exceeding 118458  
fifteen per cent of the delinquent payment. 118459

(3) If a taxpayer files what purports to be a report 118460  
required by this chapter that does not contain information upon 118461  
which the substantial correctness of the report may be judged or 118462  
contains information that on its face indicates that the report 118463

is substantially incorrect, and the filing of the report in that 118464  
manner is due to a position that is frivolous or a desire that 118465  
is apparent from the report to delay or impede the 118466  
administration of the tax levied under this chapter, a penalty 118467  
of up to five hundred dollars may be imposed. 118468

(4) If a taxpayer makes a fraudulent attempt to evade the 118469  
reporting or payment of the tax required to be shown on any 118470  
report required under this chapter, a penalty may be imposed not 118471  
exceeding the greater of one thousand dollars or one hundred per 118472  
cent of the tax required to be shown on the report. 118473

(5) If a taxpayer makes a false or fraudulent claim for a 118474  
refund under this chapter, a penalty may be imposed not 118475  
exceeding the greater of one thousand dollars or one hundred per 118476  
cent of the claim. 118477

(B) The tax commissioner may collect any penalty imposed 118478  
by this section in the same manner as the tax levied under this 118479  
chapter. Penalties so collected shall be considered as revenue 118480  
arising from the tax levied under this chapter. 118481

(C) For purposes of this section, the tax required to be 118482  
shown on the report shall be reduced by the amount of any part 118483  
of the tax paid on or before the date prescribed for filing the 118484  
report. 118485

~~(D) The tax commissioner may abate all or a portion of any 118486  
penalties imposed under this section and may adopt rules 118487  
governing such abatements. 118488~~

**Sec. 5726.98.** (A) To provide a uniform procedure for 118489  
calculating the amount of tax due under section 5726.02 of the 118490  
Revised Code, a taxpayer shall claim any credits to which the 118491  
taxpayer is entitled under this chapter in the following order: 118492

The nonrefundable job retention credit under division (B) of section 5726.50 of the Revised Code;	118493 118494
The nonrefundable credit for purchases of qualified low-income community investments under section 5726.54 of the Revised Code;	118495 118496 118497
The nonrefundable credit for qualified research expenses under section 5726.56 of the Revised Code;	118498 118499
The nonrefundable credit for qualifying dealer in intangibles taxes under section 5726.57 of the Revised Code;	118500 118501
The nonrefundable Ohio low-income housing tax credit under section 5726.58 of the Revised Code;	118502 118503
The nonrefundable affordable single-family home credit under section 5726.60 of the Revised Code;	118504 118505
The nonrefundable welcome home Ohio (WHO) program credit under section 122.633 of the Revised Code;	118506 118507
The nonrefundable opportunity zone investment credit under section 5726.61 of the Revised Code;	118508 118509
The refundable credit for rehabilitating an historic building under section 5726.52 of the Revised Code;	118510 118511
The refundable job retention or job creation credit under division (A) of section 5726.50 of the Revised Code;	118512 118513
The refundable credit under section 5726.53 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	118514 118515 118516
The refundable motion picture and Broadway theatrical production credit under section 5726.55 of the Revised Code;	118517 118518
<del>The refundable credit for film and theater capital</del>	118519

~~improvement projects under section 5726.59 of the Revised Code.~~ 118520

(B) For any credit except the refundable credits 118521  
enumerated in this section, the amount of the credit for a 118522  
taxable year shall not exceed the tax due after allowing for any 118523  
other credit that precedes it in the order required under this 118524  
section. Any excess amount of a particular credit may be carried 118525  
forward if authorized under the section creating that credit. 118526  
Nothing in this chapter shall be construed to allow a taxpayer 118527  
to claim, directly or indirectly, a credit more than once for a 118528  
taxable year. 118529

**Sec. 5727.08.** On or before the first day of March, 118530  
annually, each public utility and interexchange 118531  
telecommunications company, and, for tax years 2009 and 118532  
thereafter, each public utility property lessor, shall file a 118533  
report with the tax commissioner, on a form prescribed by the 118534  
tax commissioner. The report shall include such information as 118535  
the tax commissioner requires to enable the tax commissioner to 118536  
make any assessment or apportionment required under this 118537  
chapter. 118538

The report shall be signed by either the owner of the 118539  
public utility, interexchange telecommunications company, or 118540  
public utility property lessor or the president, secretary, 118541  
treasurer, or another duly authorized person. 118542

If such a public utility, interexchange telecommunications 118543  
company, or lessor fails to file the report on or before the 118544  
first day of March, or the date it is due under an extension 118545  
allowed pursuant to section 5727.48 of the Revised Code, or 118546  
fails to accurately report all taxable property, the tax 118547  
commissioner may impose a penalty of up to fifty per cent of the 118548  
taxable value of the property that was not timely or accurately 118549

reported. However, if such a public utility, company, or lessor 118550  
files, within sixty days after the first day of March or the 118551  
extended due date, the report or an amended report and discloses 118552  
all items of taxable property that are required by this chapter 118553  
to be reported, the penalty shall not be more than five per cent 118554  
of the taxable value that was not timely or accurately reported. 118555  
The penalty shall be added to and considered a part of the total 118556  
taxable value of the property that was not timely or accurately 118557  
reported, ~~and may be abated in whole or in part by the tax-~~ 118558  
~~commissioner pursuant to a petition for reassessment filed under~~ 118559  
~~section 5727.47 of the Revised Code.~~ 118560

**Sec. 5727.25.** (A) Except as provided in division (B) of 118561  
this section, within forty-five days after the last day of 118562  
March, June, September, and December, each natural gas company 118563  
or combined company subject to the excise tax imposed by section 118564  
5727.24 of the Revised Code shall file a return with the tax 118565  
commissioner, in such form as the commissioner prescribes, and 118566  
pay the full amount of the tax due on its taxable gross receipts 118567  
for the preceding calendar quarter. All payments made under this 118568  
division shall be made electronically in accordance with section 118569  
5727.311 of the Revised Code. 118570

(B) Any natural gas company or combined company subject to 118571  
the excise tax imposed by this section that has an annual tax 118572  
liability for the preceding calendar year ending on the thirty- 118573  
first day of December of less than three hundred twenty-five 118574  
thousand dollars may elect to file an annual return with the tax 118575  
commissioner, in such form as the commissioner prescribes, for 118576  
the next year. A company that elects to file an annual return 118577  
for the calendar year shall file the return and remit the taxes 118578  
due on its taxable gross receipts within forty-five days after 118579  
the thirty-first day of December. The minimum tax for a natural 118580

gas company or combined company subject to this division shall 118581  
be fifty dollars, and the company shall not be required to remit 118582  
the tax due electronically. 118583

(C) A return required to be filed under division (A) or 118584  
(B) of this section shall show the amount of tax due from the 118585  
company for the period covered by the return and any other 118586  
information as prescribed by the tax commissioner. A return 118587  
shall be considered filed when received by the commissioner. The 118588  
commissioner may extend the time for making and filing returns 118589  
and paying the tax. 118590

(D) Any natural gas company or combined company that fails 118591  
to file a return or pay the full amount of the tax due within 118592  
the period prescribed under this section shall pay an additional 118593  
charge of fifty dollars or ten per cent of the tax required to 118594  
be paid for the reporting period, whichever is greater. If any 118595  
tax due is not paid timely in accordance with this section, the 118596  
company liable for the tax shall pay interest, calculated at the 118597  
rate per annum prescribed by section 5703.47 of the Revised 118598  
Code, from the date the tax payment was due to the date of 118599  
payment or to the date an assessment was issued, whichever 118600  
occurs first. The tax commissioner may collect any additional 118601  
charge or interest imposed by this section by assessment in the 118602  
manner provided in section 5727.26 of the Revised Code. ~~The~~ 118603  
~~commissioner may abate all or a portion of the additional charge~~ 118604  
~~and may adopt rules governing such abatements.~~ 118605

(E) The taxes, additional charges, penalties, and interest 118606  
collected under sections 5727.24 to 5727.29 of the Revised Code 118607  
shall be credited in accordance with section 5727.45 of the 118608  
Revised Code. 118609

**Sec. 5727.26.** (A) The tax commissioner may make an 118610

assessment, based on any information in the commissioner's 118611  
possession, against any natural gas company or combined company 118612  
that fails to file a return or pay any tax, interest, or 118613  
additional charge as required by sections 5727.24 to 5727.29 of 118614  
the Revised Code. The commissioner shall give the company 118615  
assessed written notice of the assessment as provided in section 118616  
5703.37 of the Revised Code. With the notice, the commissioner 118617  
shall provide instructions on how to petition for reassessment 118618  
and request a hearing on the petition. A penalty of up to 118619  
fifteen per cent may be added to all amounts assessed under this 118620  
section. ~~The tax commissioner may adopt rules providing for the~~ 118621  
~~imposition and remission of the penalty.~~ 118622

(B) Unless the company assessed, within sixty days after 118623  
service of the notice of assessment, files with the tax 118624  
commissioner, ~~either personally or by certified mail,~~ a written 118625  
petition signed by the company's authorized agent having 118626  
knowledge of the facts, the assessment becomes final, and the 118627  
amount of the assessment is due and payable from the company 118628  
assessed to the commissioner. The petition shall indicate the 118629  
objections of the company assessed, but additional objections 118630  
may be raised in writing if received by the commissioner prior 118631  
to the date shown on the final determination. 118632

If a petition for reassessment has been properly filed, 118633  
the commissioner shall proceed under section 5703.60 of the 118634  
Revised Code. 118635

(C) After an assessment becomes final, if any portion of 118636  
the assessment, including accrued interest, remains unpaid, a 118637  
certified copy of the tax commissioner's entry making the 118638  
assessment final may be filed in the office of the clerk of the 118639  
court of common pleas in the county in which the natural gas 118640



company's or combined company's principal place of business is 118641  
located, or in the office of the clerk of court of common pleas 118642  
of Franklin county. 118643

Immediately on the filing of the entry, the clerk shall 118644  
enter judgment for the state against the company assessed in the 118645  
amount shown on the entry. The judgment may be filed by the 118646  
clerk in a loose-leaf book entitled, "special judgments for the 118647  
public utility excise tax on natural gas and combined 118648  
companies," and shall have the same effect as other judgments. 118649  
Execution shall issue upon the judgment at the request of the 118650  
tax commissioner, and all laws applicable to sales on execution 118651  
shall apply to sales made under the judgment. 118652

If the assessment is not paid in its entirety within sixty 118653  
days after the day the assessment was issued, the portion of the 118654  
assessment consisting of tax due shall bear interest at the rate 118655  
per annum prescribed by section 5703.47 of the Revised Code from 118656  
the day the tax commissioner issues the assessment until it is 118657  
paid or until it is certified to the attorney general for 118658  
collection under section 131.02 of the Revised Code, whichever 118659  
comes first. If the unpaid portion of the assessment is 118660  
certified to the attorney general for collection, the entire 118661  
unpaid portion of the assessment shall bear interest at the rate 118662  
per annum prescribed by section 5703.47 of the Revised Code from 118663  
the date of certification until the date it is paid in its 118664  
entirety. Interest shall be paid in the same manner as the tax 118665  
and may be collected by the issuance of an assessment under this 118666  
section. 118667

(D) If the tax commissioner believes that collection of 118668  
the tax will be jeopardized unless proceedings to collect or 118669  
secure collection of the tax are instituted without delay, the 118670

commissioner may issue a jeopardy assessment against the company 118671  
liable for the tax. Immediately upon the issuance of the 118672  
jeopardy assessment, the commissioner shall file an entry with 118673  
the clerk of the court of common pleas in the manner prescribed 118674  
by division (C) of this section. Notice of the jeopardy 118675  
assessment shall be served on the company assessed or the 118676  
company's authorized agent in the manner provided in section 118677  
5703.37 of the Revised Code within five days of the filing of 118678  
the entry with the clerk. The total amount assessed is 118679  
immediately due and payable, unless the company assessed files a 118680  
petition for reassessment in accordance with division (B) of 118681  
this section and provides security in a form satisfactory to the 118682  
commissioner and in an amount sufficient to satisfy the unpaid 118683  
balance of the assessment. Full or partial payment of the 118684  
assessment does not prejudice the commissioner's consideration 118685  
of the petition for reassessment. 118686

(E) The tax commissioner shall immediately forward to the 118687  
treasurer of state all amounts that the tax commissioner 118688  
receives under this section, and such amounts shall be 118689  
considered revenue arising from the tax imposed by section 118690  
5727.24 of the Revised Code. 118691

(F) No assessment shall be made or issued against a 118692  
natural gas company or combined company for the tax imposed by 118693  
section 5727.24 of the Revised Code more than four years after 118694  
the return date for the period in which the tax was reported, or 118695  
more than four years after the return for the period was filed, 118696  
whichever is later. 118697

**Sec. 5727.38.** On or before the first Monday of November, 118698  
annually, the tax commissioner may assess an excise tax against 118699  
a public utility subject to the excise tax under section 5727.30 118700

of the Revised Code. The tax shall be computed by multiplying 118701  
the taxable gross receipts as determined by the commissioner 118702  
under section 5727.33 of the Revised Code by six and three- 118703  
fourths per cent in the case of pipe-line companies, and four 118704  
and three-fourths per cent in the case of all other companies. 118705  
The minimum tax for any such company for owning property or 118706  
doing business in this state shall be fifty dollars. The 118707  
assessment shall be ~~mailed to the taxpayer~~served on the public 118708  
utility in the manner prescribed by section 5703.37 of the 118709  
Revised Code. 118710

**Sec. 5727.42.** (A) The tax commissioner shall collect the 118711  
excise tax imposed by section 5727.30 of the Revised Code and 118712  
the taxpayer shall pay all taxes and any penalties thereon. 118713  
Payments of the tax may be made by mail, in person, 118714  
electronically if required to do so by section 5727.311 of the 118715  
Revised Code, or by any other means authorized by the 118716  
commissioner. The commissioner may adopt rules concerning the 118717  
methods and timeliness of payment. 118718

(B) Each tax assessment issued pursuant to this section 118719  
shall separately reflect the taxes and any penalty due, and any 118720  
other information considered necessary. ~~The commissioner shall~~ 118721  
~~mail the assessment to the taxpayer, and the mailing of it shall~~ 118722  
~~be prima facie evidence of receipt thereof by the taxpayer~~The 118723  
assessment shall be served on the taxpayer in the manner 118724  
prescribed by section 5703.37 of the Revised Code. 118725

(C) The commissioner shall refund taxes levied and 118726  
payments made for the tax imposed by section 5727.30 of the 118727  
Revised Code as provided in this section, ~~but no refund shall be~~ 118728  
~~made to a taxpayer having a delinquent claim certified pursuant~~ 118729  
~~to this section that remains unpaid. The commissioner may~~ 118730

~~consult the attorney general regarding such claims.~~ 118731

(D) After receiving any excise tax annual statement for 118732  
the tax imposed by section 5727.30 of the Revised Code, the 118733  
commissioner shall: 118734

(1) Ascertain the difference between the total taxes owed 118735  
and the sum of all payments made for that year. 118736

(2) If the difference is a deficiency, the commissioner 118737  
shall issue an assessment. 118738

(3) If the difference is an excess, the commissioner shall 118739  
issue a refund of that amount to the taxpayer. If the amount of 118740  
the refund is less than that claimed by the taxpayer, the 118741  
taxpayer, within sixty days of the issuance of the refund, may 118742  
provide to the commissioner additional information to support 118743  
the claim or may request a hearing. Upon receiving such 118744  
information or request within that time, the commissioner shall 118745  
follow the same procedures set forth in divisions (C) and (D) of 118746  
section 5703.70 of the Revised Code for the determination of 118747  
refund applications. 118748

If the taxpayer has a deficiency for one tax year and an 118749  
excess for another tax year, or any combination thereof for more 118750  
than two years, the commissioner may determine the net result 118751  
and, depending on such result, proceed to issue an assessment or 118752  
certify a refund. 118753

(E) If a taxpayer fails to pay the amount of taxes 118754  
required to be paid, or fails to make an estimated payment on or 118755  
before the due date prescribed in division (B) of section 118756  
5727.31 of the Revised Code, the commissioner shall impose a 118757  
penalty in the amount of fifteen per cent of the unpaid amount, 118758  
and the commissioner shall issue an assessment for the unpaid 118759

amount and penalty. Unless a timely petition for reassessment is filed under section 5727.47 of the Revised Code, the attorney general shall proceed to collect the delinquent taxes and penalties thereon in the manner prescribed by law and notify the commissioner of all collections.

(F) If a taxpayer entitled to a refund under this section is indebted to the state for any tax or fee administered by the tax commissioner, or any charge, penalty, or interest arising from such a tax or fee, the amount refundable may be applied in satisfaction of that debt. If the amount refundable is less than the amount of the debt, it may be applied in partial satisfaction of the debt. If the amount refundable is greater than the amount of the debt, the amount remaining after satisfaction of the debt shall be refunded.

**Sec. 5727.47.** (A) Notice of each assessment certified or issued pursuant to section 5727.23 or 5727.38 of the Revised Code shall be ~~mailed to the public utility, and its mailing shall be prima-facie evidence of its receipt by the public utility to which it is addressed~~served on the public utility or public utility property lessor in the manner prescribed by section 5703.37 of the Revised Code. With the notice, the tax commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition. If a public utility objects to such an assessment, it may file with the commissioner, ~~either personally or by certified mail,~~ within sixty days after the mailing of the notice of assessment a written petition for reassessment signed by the utility's authorized agent having knowledge of the facts. The date the commissioner receives the petition shall be considered the date of filing. The petition shall indicate the utility's objections, but additional objections may be raised in writing if received

by the commissioner prior to the date shown on the final 118791  
determination. 118792

In the case of a petition seeking a reduction in taxable 118793  
value filed with respect to an assessment certified under 118794  
section 5727.23 of the Revised Code, the petitioner shall state 118795  
in the petition the total amount of reduction in taxable value 118796  
sought by the petitioner. If the petitioner objects to the 118797  
percentage of true value at which taxable property is assessed 118798  
by the commissioner, the petitioner shall state in the petition 118799  
the total amount of reduction in taxable value sought both with 118800  
and without regard to the objection pertaining to the percentage 118801  
of true value at which its taxable property is assessed. If a 118802  
petitioner objects to the commissioner's apportionment of the 118803  
taxable value of the petitioner's taxable property, the 118804  
petitioner shall distinctly state in the petition that the 118805  
petitioner objects to the commissioner's apportionment, and, 118806  
within forty-five days after filing the petition for 118807  
reassessment, shall submit the petitioner's proposed 118808  
apportionment of the taxable value of its taxable property among 118809  
taxing districts. If a petitioner that objects to the 118810  
commissioner's apportionment fails to state its objections to 118811  
that apportionment in its petition for reassessment or fails to 118812  
submit its proposed apportionment within forty-five days after 118813  
filing the petition for reassessment, the commissioner shall 118814  
dismiss the petitioner's objection to the commissioner's 118815  
apportionment, and the taxable value of the petitioner's taxable 118816  
property, subject to any adjustment to taxable value pursuant to 118817  
the petition or appeal, shall be apportioned in the manner used 118818  
by the commissioner in the preliminary or amended preliminary 118819  
assessment certified under section 5727.23 of the Revised Code. 118820

If an additional objection seeking a reduction in taxable 118821

value in excess of the reduction stated in the original petition 118822  
is properly and timely raised with respect to an assessment 118823  
issued under section 5727.23 of the Revised Code, the petitioner 118824  
shall state the total amount of the reduction in taxable value 118825  
sought in the additional objection both with and without regard 118826  
to any reduction in taxable value pertaining to the percentage 118827  
of true value at which taxable property is assessed. If a 118828  
petitioner fails to state the reduction in taxable value sought 118829  
in the original petition or in additional objections properly 118830  
raised after the petition is filed, the commissioner shall 118831  
notify the petitioner of the failure in the manner provided in 118832  
section 5703.37 of the Revised Code. If the petitioner fails to 118833  
notify the commissioner in writing of the reduction in taxable 118834  
value sought in the petition or in an additional objection 118835  
within thirty days after receiving the commissioner's notice, 118836  
the commissioner shall dismiss the petition or the additional 118837  
objection in which that reduction is sought. 118838

(B) (1) Subject to divisions (B) (2) and (3) of this 118839  
section, a public utility filing a petition for reassessment 118840  
regarding an assessment certified or issued under section 118841  
5727.23 or 5727.38 of the Revised Code shall pay the tax with 118842  
respect to the assessment objected to as required by law. The 118843  
acceptance of any tax payment by the tax commissioner or any 118844  
county treasurer shall not prejudice any claim for taxes on 118845  
final determination by the commissioner or final decision by the 118846  
board of tax appeals or any court. 118847

(2) If a public utility properly and timely files a 118848  
petition for reassessment regarding an assessment certified 118849  
under section 5727.23 of the Revised Code, the petitioner shall 118850  
pay the tax as prescribed by divisions (B) (2) (a), (b), and (c) 118851  
of this section: 118852

(a) If the petitioner does not object to the commissioner's apportionment of the taxable value of the petitioner's taxable property, the petitioner is not required to pay the part of the tax otherwise due on the taxable value that the petitioner seeks to have reduced, subject to division (B) (2) (c) of this section.

(b) If the petitioner objects to the commissioner's apportionment of the taxable value of the petitioner's taxable property, the petitioner is not required to pay the tax otherwise due on the part of the taxable value apportioned to any taxing district that the petitioner objects to, subject to division (B) (2) (c) of this section. If, pursuant to division (A) of this section, the petitioner has, in a proper and timely manner, apportioned taxable value to a taxing district to which the commissioner did not apportion the petitioner's taxable value, the petitioner shall pay the tax due on the taxable value that the petitioner has apportioned to the taxing district, subject to division (B) (2) (c) of this section.

(c) If a petitioner objects to the percentage of true value at which taxable property is assessed by the commissioner, the petitioner shall pay the tax due on the basis of the percentage of true value at which the public utility's taxable property is assessed by the commissioner. In any case, the petitioner's payment of tax shall not be less than the amount of tax due based on the taxable value reflected on the last appeal notice issued by the commissioner under division (C) of this section. Until the county auditor receives notification under division (E) of this section and proceeds under section 5727.471 of the Revised Code to issue any refund that is found to be due, the county auditor shall not issue a refund for any increase in the reduction in taxable value that is sought by a petitioner



later than forty-five days after the petitioner files the 118884  
original petition as required under division (A) of this 118885  
section. 118886

(3) Any part of the tax that, under division (B) (2) (a) or 118887  
(b) of this section, is not paid shall be collected upon receipt 118888  
of the notification as provided in section 5727.471 of the 118889  
Revised Code with interest thereon computed in the same manner 118890  
as interest is computed under division (E) of section 5715.19 of 118891  
the Revised Code, subject to any correction of the assessment by 118892  
the commissioner under division (E) of this section or the final 118893  
judgment of the board of tax appeals or a court to which the 118894  
board's final judgment is appealed. The penalty imposed under 118895  
section 323.121 of the Revised Code shall apply only to the 118896  
unpaid portion of the tax if the petitioner's tax payment is 118897  
less than the amount of tax due based on the taxable value 118898  
reflected on the last appeal notice issued by the commissioner 118899  
under division (C) of this section. 118900

(C) Upon receipt of a properly filed petition for 118901  
reassessment with respect to an assessment certified under 118902  
section 5727.23 of the Revised Code, the tax commissioner shall 118903  
notify the treasurer of state or the auditor of each county to 118904  
which the assessment objected to has been certified. In the case 118905  
of a petition with respect to an assessment certified under 118906  
section 5727.23 of the Revised Code, the commissioner shall 118907  
issue an appeal notice within thirty days after receiving the 118908  
amount of the taxable value reduction and apportionment changes 118909  
sought by the petitioner in the original petition or in any 118910  
additional objections properly and timely raised by the 118911  
petitioner. The appeal notice shall indicate the amount of the 118912  
reduction in taxable value sought in the petition or in the 118913  
additional objections and the extent to which the reduction in 118914

taxable value and any change in apportionment requested by the 118915  
petitioner would affect the commissioner's apportionment of the 118916  
taxable value among taxing districts in the county as shown in 118917  
the assessment. If a petitioner is seeking a reduction in 118918  
taxable value on the basis of a lower percentage of true value 118919  
than the percentage at which the commissioner assessed the 118920  
petitioner's taxable property, the appeal notice shall indicate 118921  
the reduction in taxable value sought by the petitioner without 118922  
regard to the reduction sought on the basis of the lower 118923  
percentage and shall indicate that the petitioner is required to 118924  
pay tax on the reduced taxable value determined without regard 118925  
to the reduction sought on the basis of a lower percentage of 118926  
true value, as provided under division (B) (2) (c) of this 118927  
section. The appeal notice shall include a statement that the 118928  
reduced taxable value and the apportionment indicated in the 118929  
notice are not final and are subject to adjustment by the 118930  
commissioner or by the board of tax appeals or a court on 118931  
appeal. If the commissioner finds an error in the appeal notice, 118932  
the commissioner may amend the notice, but the notice is only 118933  
for informational and tax payment purposes; the notice is not 118934  
subject to appeal by any person. The commissioner also shall 118935  
~~mail~~provide a copy of the appeal notice to the petitioner. Upon 118936  
the request of a taxing authority, the county auditor may 118937  
disclose to the taxing authority the extent to which a reduction 118938  
in taxable value sought by a petitioner would affect the 118939  
apportionment of taxable value to the taxing district or 118940  
districts under the taxing authority's jurisdiction, but such a 118941  
disclosure does not constitute a notice required by law to be 118942  
given for the purpose of section 5717.02 of the Revised Code. 118943

(D) If the petitioner requests a hearing on the petition, 118944  
the tax commissioner shall assign a time and place for the 118945

hearing on the petition and notify the petitioner of such time and place, but the commissioner may continue the hearing from time to time as necessary.

(E) The tax commissioner may make corrections to the assessment as the commissioner finds proper. The commissioner shall serve a copy of the commissioner's final determination on the petitioner in the manner provided in section 5703.37 of the Revised Code. The commissioner's decision in the matter shall be final, subject to appeal under section 5717.02 of the Revised Code. With respect to a final determination issued for an assessment certified under section 5727.23 of the Revised Code, the commissioner also shall transmit a copy of the final determination to the applicable county auditor. In the absence of any further appeal, or when a decision of the board of tax appeals or of any court to which the decision has been appealed becomes final, the commissioner shall notify the public utility and, as appropriate, shall proceed under section 5727.42 of the Revised Code, or notify the applicable county auditor, who shall proceed under section 5727.471 of the Revised Code.

The notification made under this division is not subject to further appeal.

(F) On appeal, no adjustment shall be made in the tax commissioner's assessment certified under section 5727.23 of the Revised Code that reduces the taxable value of a petitioner's taxable property by an amount that exceeds the reduction sought by the petitioner in its petition for reassessment or in any additional objections properly and timely raised after the petition is filed with the commissioner.

**Sec. 5727.48.** The tax commissioner, ~~on application by a public utility,~~ may extend to ~~the~~ a public utility a further

specified time, not to exceed thirty days, within which to file 118976  
any report or statement required by this chapter to be filed 118977  
with the commissioner, except reports required by sections 118978  
5727.24 to 5727.29 of the Revised Code. A public utility ~~must~~ 118979  
~~file such an application, in writing, with the commissioner~~ 118980  
shall request this extension, in the form and manner prescribed 118981  
by the commissioner, on or before the date that the report or 118982  
statement is otherwise required to be filed. 118983

**Sec. 5727.60.** If a person fails to file a report within 118984  
the time prescribed by section 5727.08 or 5727.31 of the Revised 118985  
Code, including any extensions of time granted by the tax 118986  
commissioner, a penalty of fifty dollars per month, not to 118987  
exceed five hundred dollars, may be imposed for each month or 118988  
fraction of a month elapsing between the due date of the report, 118989  
including any extensions, and the date the report was filed. The 118990  
penalty under this section for failing to file a report required 118991  
by section 5727.08 of the Revised Code shall be paid into the 118992  
state general revenue fund. The penalty under this section for 118993  
failing to file the report required by section 5727.31 of the 118994  
Revised Code shall be deposited into the state treasury in the 118995  
same manner as the tax, and the commissioner may collect the 118996  
penalty by assessment pursuant to section 5727.38 of the Revised 118997  
Code. ~~The tax commissioner may abate this penalty in full or in~~ 118998  
~~part.~~ 118999

**Sec. 5727.82.** (A) (1) Except as provided in divisions (A) 119000  
(3) and (D) of this section, by the twentieth day of each month, 119001  
each electric distribution company required to pay the tax 119002  
imposed by section 5727.81 of the Revised Code shall file with 119003  
the tax commissioner a return as prescribed by the tax 119004  
commissioner and shall make payment of the full amount of tax 119005  
due for the preceding month. The electric distribution company 119006

shall make payment to the tax commissioner unless required to 119007  
remit the payment electronically as provided in section 5727.83 119008  
of the Revised Code. 119009

(2) By the twentieth day of May, August, November, and 119010  
February, each natural gas distribution company required to pay 119011  
the tax imposed by section 5727.811 of the Revised Code shall 119012  
file with the tax commissioner a return as prescribed by the tax 119013  
commissioner and shall make payment to the tax commissioner of 119014  
the full amount of tax due for the preceding quarter. 119015

(3) If the electric distribution company required to pay 119016  
the tax imposed by section 5727.81 of the Revised Code is a 119017  
municipal electric utility, it may retain in its general fund 119018  
that portion of the tax on the kilowatt hours distributed to end 119019  
users located within the boundaries of the municipal 119020  
corporation. However, the municipal electric utility shall make 119021  
payment in accordance with division (A) (1) of this section of 119022  
the tax due on the kilowatt hours distributed to end users 119023  
located outside the boundaries of the municipal corporation. 119024

(4) By the twentieth day of each month, each self- 119025  
assessing purchaser that under division (C) of section 5727.81 119026  
of the Revised Code pays directly to the tax commissioner the 119027  
tax imposed by section 5727.81 of the Revised Code shall file 119028  
with the tax commissioner a return as prescribed by the tax 119029  
commissioner and shall make payment of the full amount of the 119030  
tax due for the preceding month. 119031

(5) As prescribed by the tax commissioner, a return shall 119032  
be signed by the company or self-assessing purchaser required to 119033  
file it, or an authorized employee, officer, or agent of the 119034  
company or purchaser. The return shall be deemed filed when 119035  
received by the tax commissioner. 119036

(B) Any natural gas distribution company, electric 119037  
distribution company, or self-assessing purchaser required by 119038  
this section to file a return who fails to file it and pay the 119039  
tax within the period prescribed shall pay an additional charge 119040  
of fifty dollars or ten per cent of the tax required to be paid 119041  
for the reporting period, whichever is greater. The tax 119042  
commissioner may collect the additional charge by assessment 119043  
pursuant to section 5727.89 of the Revised Code. ~~The~~ 119044  
~~commissioner may abate all or a portion of the additional charge~~ 119045  
~~and may adopt rules governing such abatements.~~ 119046

(C) If any tax due is not paid timely in accordance with 119047  
this section, the natural gas distribution company, electric 119048  
distribution company, or self-assessing purchaser liable for the 119049  
tax shall pay interest, calculated at the rate per annum 119050  
prescribed by section 5703.47 of the Revised Code, from the date 119051  
the tax payment was due to the date of payment or to the date an 119052  
assessment is issued, whichever occurs first. Interest shall be 119053  
paid in the same manner as the tax, and the commissioner may 119054  
collect the interest by assessment pursuant to section 5727.89 119055  
of the Revised Code. 119056

(D) Not later than the tenth day of each month, a 119057  
qualified end user not making the election to self-assess under 119058  
division (C) of section 5727.81 of the Revised Code shall report 119059  
in writing to the electric distribution company that distributes 119060  
electricity to the end user the kilowatt hours that were 119061  
consumed as a qualified end user in a qualifying manufacturing 119062  
process for the prior month and the number of days, if any, on 119063  
which the end user was not a qualified end user. For each 119064  
calendar day during that month, a qualified end user shall 119065  
report the kilowatt hours that were not used in a qualifying 119066  
manufacturing process. For each calendar day the end user was 119067

not a qualified end user, the end user shall report in writing 119068  
to the electric distribution company the total number of 119069  
kilowatt hours used on that day, and the electric distribution 119070  
company shall pay the tax imposed under section 5727.81 of the 119071  
Revised Code on each kilowatt hour that was not distributed to a 119072  
qualified end user in a qualifying manufacturing process. The 119073  
electric distribution company may rely in good faith on a 119074  
qualified end user's report filed under this division. If it is 119075  
determined that the end user was not a qualified end user for 119076  
any calendar day or the quantity of electricity used by the 119077  
qualified end user in a qualifying manufacturing process was 119078  
overstated, the tax commissioner shall assess and collect any 119079  
tax imposed under section 5727.81 of the Revised Code directly 119080  
from the qualified end user. As requested by the commissioner, 119081  
each end user reporting to an electric distribution company that 119082  
it is a qualified end user shall provide documentation to the 119083  
commissioner that establishes the volume of electricity consumed 119084  
daily by the qualified end user and the total number of kilowatt 119085  
hours consumed in a qualifying manufacturing process. 119086

**Sec. 5727.83.** (A) A natural gas distribution company, an 119087  
electric distribution company, or a self-assessing purchaser 119088  
shall remit each tax payment electronically as prescribed by 119089  
divisions (B) and (C) of this section. 119090

The tax commissioner shall notify each natural gas 119091  
distribution company, electric distribution company, and self- 119092  
assessing purchaser of the obligation to remit taxes 119093  
electronically by using the Ohio business gateway, as defined in 119094  
section 718.01 of the Revised Code, or another means of 119095  
electronic payment. Failure by the commissioner to notify a 119096  
company or self-assessing purchaser subject to this section to 119097  
remit taxes electronically does not relieve the company or self- 119098

assessing purchaser of its obligation to remit taxes in that 119099  
manner. 119100

(B) A natural gas distribution company, an electric 119101  
distribution company, or a self-assessing purchaser required by 119102  
this section to remit payments electronically shall remit such 119103  
payments on or before the dates specified under section 5727.82 119104  
of the Revised Code. The payment of taxes electronically does 119105  
not affect a company's or self-assessing purchaser's obligation 119106  
to file a return as required under section 5727.82 of the 119107  
Revised Code. 119108

(C) A natural gas distribution company, an electric 119109  
distribution company, or a self-assessing purchaser required by 119110  
this section to remit taxes electronically may apply to the tax 119111  
commissioner in the manner prescribed by the commissioner to be 119112  
excused from that requirement. The commissioner may excuse the 119113  
company or self-assessing purchaser from electronic remittance 119114  
for good cause shown for the period of time requested by the 119115  
company or self-assessing purchaser or for a portion of that 119116  
period. The commissioner shall notify the company or self- 119117  
assessing purchaser of the commissioner's decision as soon as is 119118  
practicable. 119119

(D) If a natural gas distribution company, an electric 119120  
distribution company, or a self-assessing purchaser required by 119121  
this section to remit taxes electronically remits those taxes by 119122  
some means other than electronically as prescribed by this 119123  
section , and the tax commissioner determines that such failure 119124  
was not due to reasonable cause or was due to willful neglect, 119125  
the commissioner may collect an additional charge by assessment 119126  
in the manner prescribed by section 5727.89 of the Revised Code. 119127  
The additional charge shall equal five per cent of the amount of 119128



the taxes required to be paid electronically, but shall not 119129  
exceed five thousand dollars. Any additional charge assessed 119130  
under this section is in addition to any other penalty or charge 119131  
imposed under this chapter, and shall be considered as revenue 119132  
arising from the tax imposed under this chapter. ~~The tax-~~ 119133  
~~commissioner may abate all or a portion of such a charge and may~~ 119134  
~~adopt rules governing such abatements.~~ 119135

No additional charge shall be assessed under this division 119136  
against a natural gas distribution company, an electric 119137  
distribution company, or a self-assessing purchaser that has 119138  
been notified of its obligation to remit taxes electronically 119139  
under this section and that remits its first two tax payments 119140  
after such notification by some other means. The additional 119141  
charge may be assessed upon the remittance of any subsequent tax 119142  
payment that the company or purchaser remits by some means other 119143  
than electronically. 119144

**Sec. 5727.89.** (A) The tax commissioner may make an 119145  
assessment, based on any information in the commissioner's 119146  
possession, against any natural gas distribution company, 119147  
electric distribution company, self-assessing purchaser, or 119148  
qualified end user that fails to file a return or pay any tax, 119149  
interest, or additional charge as required by sections 5727.80 119150  
to 5727.95 of the Revised Code. 119151

When information in the possession of the tax commissioner 119152  
indicates that a person liable for the tax imposed by section 119153  
5727.81 or 5727.811 of the Revised Code has not paid the full 119154  
amount of tax due, the commissioner may audit a representative 119155  
sample of the person's business and may issue an assessment 119156  
based on the audit. The commissioner shall give the person 119157  
assessed written notice of the assessment in the manner provided 119158

in section 5703.37 of the Revised Code. With the notice, the 119159  
commissioner shall provide instructions on how to petition for 119160  
reassessment and request a hearing on the petition. 119161

The tax commissioner may issue an assessment for which the 119162  
tax imposed by section 5727.81 or 5727.811 of the Revised Code 119163  
was due and unpaid on the date the person was informed by an 119164  
agent of the tax commissioner of an investigation or audit of 119165  
the person. Any payment of the tax for the period covered by the 119166  
assessment, after the person is so informed, shall be credited 119167  
against the assessment. 119168

A penalty of up to fifteen per cent may be added to all 119169  
amounts assessed under this section. ~~The commissioner may adopt~~ 119170  
~~rules providing for the imposition and remission of penalties.~~ 119171

(B) Unless the party assessed files with the tax 119172  
commissioner within sixty days after service of the notice of 119173  
assessment, ~~either personally or by certified mail,~~ a written 119174  
petition for reassessment signed by the party assessed or that 119175  
party's authorized agent having knowledge of the facts, the 119176  
assessment becomes final and the amount of the assessment is due 119177  
and payable from the party assessed to the treasurer of state. 119178  
The petition shall indicate the objections of the party 119179  
assessed, but additional objections may be raised in writing if 119180  
received by the commissioner prior to the date shown on the 119181  
final determination. If the petition has been properly filed, 119182  
the commissioner shall proceed under section 5703.60 of the 119183  
Revised Code. 119184

(C) After an assessment becomes final, if any portion of 119185  
the assessment, including accrued interest, remains unpaid, a 119186  
certified copy of the tax commissioner's entry making the 119187  
assessment final may be filed in the office of the clerk of the 119188

court of common pleas in the county in which the party assessed 119189  
resides or in which the party's business is conducted. If the 119190  
party assessed maintains no place of business in this state and 119191  
is not a resident of this state, the certified copy of the entry 119192  
may be filed in the office of the clerk of the court of common 119193  
pleas of Franklin county. 119194

Immediately upon the filing of the entry, the clerk shall 119195  
enter a judgment for the state against the person assessed in 119196  
the amount shown on the entry. The judgment may be filed by the 119197  
clerk in a loose-leaf book entitled "special judgments for the 119198  
distribution excise taxes," and shall have the same effect as 119199  
other judgments. Execution shall issue upon the judgment at the 119200  
request of the tax commissioner, and all laws applicable to 119201  
sales on execution shall apply to sales made under the judgment. 119202

If the assessment is not paid in its entirety within sixty 119203  
days after the day the assessment was issued, the portion of the 119204  
assessment consisting of tax due shall bear interest at the rate 119205  
per annum prescribed by section 5703.47 of the Revised Code from 119206  
the day the tax commissioner issues the assessment until the day 119207  
the assessment is paid or until it is certified to the attorney 119208  
general for collection under section 131.02 of the Revised Code, 119209  
whichever comes first. If the unpaid portion of the assessment 119210  
is certified to the attorney general for collection, the entire 119211  
unpaid portion of the assessment shall bear interest at the rate 119212  
per annum prescribed by section 5703.47 of the Revised Code from 119213  
the date of certification until the date it is paid in its 119214  
entirety. Interest shall be paid in the same manner as the tax 119215  
and may be collected by the issuance of an assessment under this 119216  
section. 119217

(D) If the tax commissioner believes that collection of 119218

the tax imposed by section 5727.81 or 5727.811 of the Revised Code will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the party assessed or the party's legal representative within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the party assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(E) All money collected by the tax commissioner under this section shall be paid to the treasurer of state, and when paid shall be considered as revenue arising from the taxes imposed by sections 5727.81 and 5727.811 of the Revised Code.

**Sec. 5728.09.** (A) Any person who fails to file timely the return required by section 5728.08 of the Revised Code may be required to pay an additional charge equal to the greater of fifty dollars or ten per cent of the tax due. ~~The tax commissioner may adopt rules providing for the imposition and remission of the additional charges.~~ Any additional charge imposed under this section may be collected through an assessment as provided in section 5728.10 of the Revised Code.

(B) If the tax imposed by this chapter, or any portion of that tax, whether determined by the tax commissioner or the taxpayer, is not paid on or before the date prescribed in section 5728.08 of the Revised Code, interest shall be collected and paid in the same manner as the tax, upon that unpaid amount at the rate per annum prescribed by section 5703.47 of the Revised Code from the date prescribed for payment of the tax until it is paid or until the day an assessment is issued under section 5728.10 of the Revised Code, whichever occurs first. Any interest imposed under this chapter may be collected through an assessment as provided in section 5728.10 of the Revised Code.

**Sec. 5728.10.** (A) If any person required to file a fuel use tax return by sections 5728.01 to 5728.14 of the Revised Code, fails to file the return within the time prescribed by those sections, files an incomplete return, files an incorrect return, or fails to remit the full amount of the tax due for the period covered by the return, the tax commissioner may make an assessment against the person, based upon any information in the commissioner's possession, for the period for which the tax was due.

No assessment shall be made against any person for any tax imposed by this chapter more than four years after the return date for the period for which the tax was due or more than four years after the return for the period was filed, whichever is later. This section does not bar an assessment against any person who fails to file a fuel use tax return as required by this chapter, or who files a fraudulent fuel use tax return.

A penalty of up to fifteen per cent may be added to the amount of every assessment made pursuant to this section. ~~The commissioner may adopt rules providing for the imposition and~~

~~remission of penalties added to assessments made under this~~ 119279  
~~section.~~ 119280

The commissioner shall give the party assessed written 119281  
notice of the assessment in the manner provided in section 119282  
5703.37 of the Revised Code. With the notice, the commissioner 119283  
shall provide instructions on how to petition for reassessment 119284  
and request a hearing on the petition. 119285

(B) Unless the party assessed files with the tax 119286  
commissioner within sixty days after service of the notice of 119287  
assessment, ~~either personally or by certified mail,~~ a written 119288  
petition for reassessment, signed by the party assessed, or by 119289  
the party's authorized agent having knowledge of the facts, the 119290  
assessment becomes final and the amount of the assessment is due 119291  
and payable from the party assessed to the treasurer of state. 119292  
The petition shall indicate the objections of the party 119293  
assessed, but additional objections may be raised in writing if 119294  
received by the commissioner prior to the date shown on the 119295  
final determination. If the petition has been properly filed, 119296  
the commissioner shall proceed under section 5703.60 of the 119297  
Revised Code. 119298

(C) After an assessment becomes final, if any portion of 119299  
the assessment remains unpaid, including accrued interest, a 119300  
certified copy of the tax commissioner's entry making the 119301  
assessment final may be filed in the office of the clerk of the 119302  
court of common pleas in the county in which the party's place 119303  
of business is located or the county in which the party assessed 119304  
resides. If the party maintains no office in this state and is 119305  
not a resident of this state, the certified copy of the entry 119306  
may be filed in the office of the clerk of the court of common 119307  
pleas of Franklin county. 119308

Immediately upon the filing of the entry, the clerk shall 119309  
enter a judgment for the state of Ohio against the party 119310  
assessed in the amount shown on the entry. The judgment may be 119311  
filed by the clerk in a loose-leaf book entitled "special 119312  
judgments for state fuel use tax," and shall have the same 119313  
effect as other judgments. Execution shall issue upon the 119314  
judgment upon the request of the commissioner, and all laws 119315  
applicable to sales on execution shall apply to sales made under 119316  
the judgment. 119317

If the assessment is not paid within sixty days after the 119318  
day the assessment was issued, the portion of the assessment 119319  
consisting of tax due shall bear interest at the rate per annum 119320  
prescribed by section 5703.47 of the Revised Code from the day 119321  
the commissioner issues the assessment until it is paid or until 119322  
it is certified to the attorney general for collection under 119323  
section 131.02 of the Revised Code, whichever comes first. If 119324  
the unpaid portion of the assessment is certified to the 119325  
attorney general for collection, the entire unpaid portion of 119326  
the assessment shall bear interest at the rate per annum 119327  
prescribed by section 5703.47 of the Revised Code from the date 119328  
of certification until the date it is paid in its entirety. 119329  
Interest shall be paid in the same manner as the tax and may be 119330  
collected by the issuance of an assessment under this section. 119331

(D) All money collected by the tax commissioner under this 119332  
section shall be paid into the state treasury in the same manner 119333  
as the revenues deriving from the taxes imposed by section 119334  
5728.06 of the Revised Code. 119335

**Sec. 5729.10.** If a company fails to pay the tax levied by 119336  
section 5729.03 of the Revised Code, or to make any partial 119337  
payment thereof as required by law after a statement thereof has 119338

been made and mailed to it, or if the annual statement required 119339  
by law to be made by it is false or incorrect, the 119340  
superintendent of insurance may revoke the license of such 119341  
company doing business in this state. Upon failure to pay the 119342  
tax or to make partial payment thereof according to law, the 119343  
~~superintendent~~treasurer of state shall certify that fact to the 119344  
attorney general, who shall thereupon begin an action against 119345  
the company in the court of common pleas of Franklin county, or 119346  
any other county ~~h~~the attorney general elects, to recover the 119347  
amount of the tax. If such company ceases to do business in this 119348  
state, it shall thereupon make a report to the superintendent of 119349  
the gross amount of premiums not theretofore reported as 119350  
provided in section 5729.02 or 5729.04 of the Revised Code 119351  
received by it from policies covering risks within this state 119352  
prior to such discontinuance of business, after deducting return 119353  
premiums and considerations received for reinsurance not 119354  
theretofore so reported, and shall forthwith pay to the 119355  
~~superintendent~~treasurer of state a like per cent of tax 119356  
thereon. 119357

**Sec. 5733.022.** (A) Subject to division (C) of this 119358  
section, if a taxpayer's total liability for taxes imposed by 119359  
section 5733.06 of the Revised Code, after reduction for all 119360  
nonrefundable credits allowed the taxpayer, exceeds fifty 119361  
thousand dollars, the taxpayer shall remit each tax payment for 119362  
the tax year electronically as prescribed by divisions (B) and 119363  
(C) of this section. 119364

The tax commissioner shall notify each taxpayer required 119365  
to remit taxes electronically of the taxpayer's obligation to do 119366  
so. Failure by the commissioner to notify a taxpayer subject to 119367  
this section to remit taxes electronically does not relieve the 119368  
taxpayer of its obligation to remit taxes in that manner. 119369



(B) Taxpayers required by this section to remit payments 119370  
electronically shall remit such payments in the manner 119371  
prescribed by the tax commissioner. 119372

Except as otherwise provided in this paragraph, the 119373  
electronic payment of taxes does not affect a taxpayer's 119374  
obligation to file the annual corporation report or the 119375  
declaration of estimated tax report as required under sections 119376  
5733.02 and 5733.021 of the Revised Code. 119377

(C) If two or more taxpayers have elected or are required 119378  
to file a combined report under section 5733.052 of the Revised 119379  
Code, the tax liability of those taxpayers for purposes of 119380  
division (A) of this section is the aggregate tax liability of 119381  
those taxpayers after reduction for nonrefundable credits 119382  
allowed the taxpayers. 119383

(D) A taxpayer required by this section to remit taxes 119384  
electronically may apply to the tax commissioner in the manner 119385  
prescribed by the commissioner to be excused from that 119386  
requirement. The commissioner may excuse the taxpayer from 119387  
electronic remittance for good cause shown for the period of 119388  
time requested by the taxpayer or for a portion of that period. 119389  
The commissioner shall notify the taxpayer of the commissioner's 119390  
decision as soon as is practicable. 119391

(E) If a taxpayer required by this section to remit taxes 119392  
electronically remits those taxes by some means other than 119393  
electronically as prescribed by this section, and the tax 119394  
commissioner determines that such failure was not due to 119395  
reasonable cause or was due to willful neglect, the commissioner 119396  
may collect an additional charge by assessment in the manner 119397  
prescribed by section 5733.11 of the Revised Code. The 119398  
additional charge shall equal five per cent of the amount of the 119399

taxes or estimated tax payments required to be paid 119400  
electronically, but shall not exceed five thousand dollars. Any 119401  
additional charge assessed under this section is in addition to 119402  
any other penalty or charge imposed under this chapter, and 119403  
shall be considered as revenue arising from the taxes imposed 119404  
under this chapter. ~~The commissioner may remit all or a portion~~ 119405  
~~of such a charge and may adopt rules governing such remission.~~ 119406

No additional charge shall be assessed under this division 119407  
against a taxpayer that has been notified of its obligation to 119408  
remit taxes electronically under this section and that remits 119409  
its first two tax payments after such notification by some other 119410  
means . The additional charge may be assessed upon the 119411  
remittance of any subsequent tax payment that the taxpayer 119412  
remits by some means other than electronically. 119413

**Sec. 5735.062.** (A) If the tax commissioner so requires, 119414  
the dealer shall remit each monthly tax payment electronically 119415  
as prescribed by division (B) of this section. 119416

The commissioner shall notify each dealer required to 119417  
remit taxes electronically of the dealer's obligation to do so. 119418  
Failure by the commissioner to notify a dealer subject to this 119419  
section to remit taxes electronically does not relieve the 119420  
dealer of its obligation to remit taxes electronically. 119421

(B) Dealers required by division (A) of this section to 119422  
remit payments electronically shall remit such payments through 119423  
the Ohio business gateway, as defined in section 718.01 of the 119424  
Revised Code, or in another manner as prescribed by the 119425  
commissioner. Required payments shall be remitted on or before 119426  
the dates specified under section 5735.06 of the Revised Code. 119427  
The payment of taxes electronically does not affect a dealer's 119428  
obligation to file the monthly return as required under section 119429

5735.06 of the Revised Code. 119430

A dealer required by this section to remit taxes 119431  
electronically may apply to the commissioner to be excused from 119432  
that requirement. The commissioner may excuse the dealer from 119433  
the electronic remittance requirement for good cause shown for 119434  
the period of time requested by the dealer or for a portion of 119435  
that period. 119436

(C) If a dealer required by this section to remit taxes 119437  
electronically fails to do so, the commissioner may impose a 119438  
penalty on the dealer not to exceed one of the following: 119439

(1) For the first return period the dealer fails to remit 119440  
taxes electronically, the greater of twenty-five dollars or five 119441  
per cent of the amount of the payment required to be remitted; 119442

(2) For the second or any subsequent return period the 119443  
dealer fails to remit taxes electronically, the greater of fifty 119444  
dollars or ten per cent of the amount of the payment required to 119445  
be remitted. 119446

The penalty imposed under division (C) of this section is 119447  
in addition to any other penalty imposed under this chapter and 119448  
shall be considered as revenue arising from the taxes imposed 119449  
under this chapter. A penalty may be collected by assessment in 119450  
the manner prescribed by section 5735.12 of the Revised Code. 119451  
~~The commissioner may abate all or a portion of a penalty.~~ 119452

(D) The commissioner may adopt rules necessary to 119453  
administer this section. 119454

**Sec. 5735.12.** (A) Any person required by this chapter to 119455  
file reports or pay the tax levied by this chapter who fails to 119456  
do so within the time prescribed may be liable for an additional 119457  
charge not exceeding the greater of ten per cent of the person's 119458

tax liability for that month or fifty dollars. ~~The tax-~~ 119459  
~~commissioner may remit all or a portion of the additional charge~~ 119460  
~~and may adopt rules relating to the remission of all or a~~ 119461  
~~portion of the charge.~~ 119462

If any person required by this chapter to file reports or 119463  
pay the taxes, interest, or additional charge levied by this 119464  
chapter fails to file the report, files an incomplete or 119465  
incorrect report, or fails to remit the full amount of the tax, 119466  
interest, or additional charge due for the period covered by the 119467  
report, the commissioner may make an assessment against the 119468  
person based upon any information in the commissioner's 119469  
possession. 119470

No assessment shall be made against any motor fuel dealer 119471  
for taxes imposed by this chapter more than four years after the 119472  
date on which the report on which the assessment was based was 119473  
due or was filed, whichever is later. This section does not bar 119474  
an assessment against any motor fuel dealer who fails to file a 119475  
report required by section 5735.06 of the Revised Code, or who 119476  
files a fraudulent motor fuel tax report. 119477

A penalty of up to fifteen per cent may be added to the 119478  
amount of every assessment made under this section. The 119479  
commissioner may adopt rules providing for the imposition and 119480  
remission of penalties added to assessments made under this 119481  
section. 119482

The commissioner shall give the party assessed written 119483  
notice of the assessment in the manner provided in section 119484  
5703.37 of the Revised Code. With the notice, the commissioner 119485  
shall provide instructions on how to petition for reassessment 119486  
and request a hearing on the petition. 119487

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment, ~~either personally or by certified mail,~~ a written petition for reassessment in writing, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the party assessed resides or in which the business of the party assessed is conducted. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the party assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state motor fuel tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until it is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) All money collected by the tax commissioner under this section shall be paid to the treasurer of state, and when paid shall be considered as revenue arising from the tax imposed by this chapter.

(E) If the tax commissioner determines that the commissioner has erroneously refunded motor fuel tax to any person, the commissioner may make an assessment against the person for recovery of the erroneously refunded tax.

**Sec. 5735.121.** (A) If the tax commissioner finds that any person liable for tax under this chapter is about to depart from the state, remove property from the state, conceal self, or conceal the person's property, or do any other act tending to prejudice, obstruct, or render wholly or partly ineffectual proceedings to collect the tax, unless proceedings are commenced without delay, or if the commissioner believes that the collection of the amount due from any person will be jeopardized

by delay, the commissioner may issue a jeopardy assessment 119549  
against the person for the amount of the tax, plus a penalty of 119550  
up to fifteen per cent. Upon issuance of a jeopardy assessment 119551  
under this division, the total amount assessed shall immediately 119552  
be due and payable unless security is provided pursuant to 119553  
division (C) of this section. Any assessment issued under this 119554  
section shall bear interest in the manner prescribed in section 119555  
5735.12 of the Revised Code. 119556

(B) The commissioner immediately shall file an entry with 119557  
the clerk of the court of common pleas in the same manner and 119558  
with the same effect as provided in section 5735.12 of the 119559  
Revised Code. Notice of the jeopardy assessment shall be served 119560  
on the person assessed or the legal representative of the person 119561  
assessed, as provided in section 5703.37 of the Revised Code, 119562  
within five days of the filing of the entry. The person assessed 119563  
may petition for reassessment within sixty days of receipt of 119564  
the notice of jeopardy assessment in the same manner as provided 119565  
in section 5735.12 of the Revised Code. Full or partial payment 119566  
of the assessment shall not prejudice the commissioner's 119567  
consideration of the merits of the assessment as contested by 119568  
the petition for reassessment. Upon notification of the 119569  
existence of the judgment filed pursuant to this division, any 119570  
public official having control or custody of any funds or 119571  
property of the person assessed immediately shall pay or deliver 119572  
the funds or property to the commissioner as full or partial 119573  
satisfaction of the jeopardy assessment. However, funds or 119574  
property needed as evidence in criminal proceedings or that is 119575  
expected to be forfeited pursuant to Chapter 2981. of the 119576  
Revised Code, need not be relinquished by the public official. 119577  
Upon disposition of criminal and forfeiture proceedings, funds 119578  
and property not needed as evidence and not forfeited shall be 119579

delivered to the commissioner. 119580

(C) If the person subject to a jeopardy assessment files a 119581  
petition for reassessment and posts security satisfactory to the 119582  
commissioner in an amount sufficient to satisfy the unpaid 119583  
balance of the assessment, execution on the judgment shall be 119584  
stayed pending disposition of the petition for reassessment and 119585  
all appeals resulting from the petition. If the security is 119586  
sufficient to satisfy the full amount of the assessment, the 119587  
commissioner shall return any funds or property of the person 119588  
that previously were seized. Upon satisfaction of the 119589  
assessment, the commissioner shall order the security released 119590  
and the judgment vacated. 119591

~~(D) The commissioner may adopt rules providing for the 119592  
imposition and remission of penalties added to assessments made 119593  
under this section. 119594~~

**Sec. 5736.02.** (A) Beginning with the tax period that 119595  
commences July 1, 2014, and continuing for every tax period 119596  
thereafter, there is hereby levied an excise tax on each 119597  
supplier measured by the supplier's calculated gross receipts 119598  
derived from the first sale of motor fuel within this state. The 119599  
tax due shall be computed by multiplying sixty-five one- 119600  
hundredths of one per cent by the supplier's calculated gross 119601  
receipts. 119602

All revenue from the tax shall be distributed as follows: 119603

(1) All revenue from the tax as measured by calculated 119604  
gross receipts derived from the sale of motor fuel used for 119605  
propelling vehicles on public highways and waterways shall be 119606  
used for the purposes of maintaining the state highway system, 119607  
funding the enforcement of traffic laws, and covering the costs 119608



of hospitalization of indigent persons injured in motor vehicle 119609  
accidents on the public highways. 119610

(2) All revenue from the tax as measured by calculated 119611  
gross receipts derived from the sale of motor fuel used 119612  
exclusively in the operation of aircraft shall be used to fund 119613  
airport improvements. 119614

(3) All revenue not distributed as required by division 119615  
(A) (1) or (2) of this section shall be used for the purpose of 119616  
funding the needs of this state and its local governments. 119617

(B) The tax imposed by this section is in addition to any 119618  
other taxes or fees imposed under the Revised Code. 119619

(C) The tax commissioner shall determine and publish, on 119620  
the web site of the department of taxation, the statewide 119621  
average wholesale prices of a gallon of unleaded regular 119622  
gasoline, of a gallon of propane, and of a gallon of diesel fuel 119623  
for each calendar quarter. The commissioner's determination is 119624  
presumed to be correct unless clearly erroneous. The figure 119625  
shall be published at least fifteen days before the beginning of 119626  
the calendar quarter. The commissioner shall base the average 119627  
price on pricing information available from the United States 119628  
energy information administration or, if such information is not 119629  
available from that agency, from another publicly available 119630  
source selected by the commissioner. The commissioner shall 119631  
first make reasonable efforts to obtain data specific to this 119632  
state before using national data to determine the average 119633  
wholesale price. The price shall not include any federal or 119634  
state excise taxes on the gasoline or diesel fuel, or the tax 119635  
imposed by this chapter. The price shall be rounded up to the 119636  
nearest one-tenth of one cent. 119637

(D) Nothing in this chapter prohibits a person from 119638  
separately or proportionately billing or invoicing the tax 119639  
imposed by this section to a purchaser of motor fuel. 119640

(E) The tax imposed by this section applies only to 119641  
suppliers having a substantial nexus with this state, as that 119642  
term is defined in section 5751.01 of the Revised Code. A 119643  
supplier that does not have substantial nexus with the state may 119644  
voluntarily obtain a license from the commissioner under section 119645  
5736.06 of the Revised Code. A supplier that voluntarily obtains 119646  
a license from the commissioner is entitled to the same benefits 119647  
and is subject to the same duties and requirements as are 119648  
suppliers required to be licensed with the commissioner. 119649

**Sec. 5736.04.** (A) Not later than the tenth day of the 119650  
second month after the end of each calendar quarter, every 119651  
taxpayer shall file with the tax commissioner a tax return in 119652  
such form as the commissioner prescribes. The return shall 119653  
include, but is not limited to, the amount of the taxpayer's 119654  
calculated gross receipts for the calendar quarter and shall 119655  
indicate the amount of tax due under section 5736.02 of the 119656  
Revised Code for the calendar quarter. The taxpayer shall 119657  
indicate on each return the portion of the taxpayer's gross 119658  
receipts attributable to motor fuel used for propelling vehicles 119659  
on public highways and waterways, the portion of such receipts 119660  
attributable to motor fuel used exclusively in the operation of 119661  
aircraft, and the portion of such receipts attributable to motor 119662  
fuel used for other purposes. For this purpose, the sale of 119663  
gasoline and of diesel fuel that is not dyed diesel fuel shall 119664  
be rebuttably presumed to be distributed or sold for use or used 119665  
to propel vehicles on public highways or waterways. All other 119666  
sales of motor fuel shall be rebuttably presumed not to be 119667  
distributed or sold for use or used to propel vehicles on public 119668

highways or waterways. 119669

(B) (1) The taxpayer shall remit the tax shown to be due on 119670  
the return, and, if required by the tax commissioner, file the 119671  
return, electronically. The commissioner may require taxpayers 119672  
to use the Ohio business gateway as defined in section 718.01 of 119673  
the Revised Code to file ~~return~~-returns and remit the tax, or 119674  
may provide another means for taxpayers to file and remit the 119675  
tax electronically. 119676

(2) A person required by this section to remit taxes or 119677  
file returns electronically may apply to the commissioner, on 119678  
the form prescribed by the commissioner, to be excused from that 119679  
requirement. The commissioner may excuse a person from such 119680  
requirement for good cause. 119681

(C) The tax rate with respect to calculated gross receipts 119682  
for a calendar quarter is not fixed until the end of the 119683  
measurement period for each calendar quarter. The total amount 119684  
of calculated gross receipts reported for a given calendar 119685  
quarter shall be subject to the tax rate in effect in that 119686  
quarter. 119687

**Sec. 5736.05.** (A) Any taxpayer that fails to file a return 119688  
or pay the full amount of the tax due within the period 119689  
prescribed therefor under this chapter shall pay a penalty in an 119690  
amount not exceeding the greater of fifty dollars or ten per 119691  
cent of the tax required to be paid for the tax period. 119692

(B) (1) If any additional tax is found to be due, the tax 119693  
commissioner may impose an additional penalty of up to fifteen 119694  
per cent on the additional tax found to be due. 119695

(2) Any delinquent payments of the tax made after a 119696  
taxpayer is notified of an audit or a tax discrepancy by the 119697

commissioner is subject to the penalty imposed by division (B) 119698  
of this section. If an assessment is issued under section 119699  
5736.09 of the Revised Code in connection with such delinquent 119700  
payments, the payments shall be credited to the assessment. 119701

(C) If a person required to remit taxes or file a return 119702  
electronically under section 5736.04 of the Revised Code fails 119703  
to do so, the commissioner may impose a penalty not to exceed 119704  
the following: 119705

(1) For either of the first two calendar quarters the 119706  
person so fails, five per cent of the amount of the payment that 119707  
was required to be remitted; 119708

(2) For the third and any subsequent calendar quarters the 119709  
person so fails, ten per cent of the amount of the payment that 119710  
was required to be remitted. 119711

(D) The tax commissioner may collect any penalty or 119712  
interest imposed by this section in the same manner as the tax 119713  
imposed under this chapter. Penalties and interest so collected 119714  
shall be considered as revenue arising from the tax imposed 119715  
under this chapter. 119716

~~(E) The tax commissioner may abate all or a portion of any 119717  
penalties imposed under this section and may adopt rules 119718  
governing such abatements. 119719~~

~~(F) If any tax due is not timely paid in accordance with 119720  
this chapter, the taxpayer shall pay interest, calculated at the 119721  
rate per annum prescribed by section 5703.47 of the Revised 119722  
Code, from the date the tax payment was due to the date of 119723  
payment or to the date an assessment was issued, whichever 119724  
occurs first. 119725~~

**Sec. 5736.09.** (A) The tax commissioner may make an 119726

assessment, based on any information in the commissioner's 119727  
possession, against any person that fails to file a return or 119728  
pay any ~~tax~~ amounts as required by this chapter. The 119729  
commissioner shall give the person assessed written notice of 119730  
the assessment as provided in section 5703.37 of the Revised 119731  
Code. With the notice, the commissioner shall provide 119732  
instructions on the manner in which to petition for reassessment 119733  
and request a hearing with respect to the petition. 119734

(B) Unless the person assessed, within sixty days after 119735  
service of the notice of assessment, files with the 119736  
commissioner, ~~either personally or by certified mail,~~ a written 119737  
petition signed by the person or the person's authorized agent 119738  
having knowledge of the facts, the assessment becomes final, and 119739  
the amount of the assessment is due and payable from the person 119740  
assessed to the treasurer of state. The petition shall indicate 119741  
the objections of the person assessed, but additional objections 119742  
may be raised in writing if received by the commissioner prior 119743  
to the date shown on the final determination. 119744

If a petition for reassessment has been properly filed, 119745  
the commissioner shall proceed under section 5703.60 of the 119746  
Revised Code. 119747

(C) (1) After an assessment becomes final, if any portion 119748  
of the assessment, including accrued interest, remains unpaid, a 119749  
certified copy of the commissioner's entry making the assessment 119750  
final may be filed in the office of the clerk of the court of 119751  
common pleas in the county in which the person resides or has 119752  
its principal place of business in this state, or in the office 119753  
of the clerk of court of common pleas of Franklin county. 119754

(2) Immediately upon the filing of the entry, the clerk 119755  
shall enter judgment for the state against the person assessed 119756

in the amount shown on the entry. The judgment may be filed by 119757  
the clerk in a loose-leaf book entitled, "special judgments for 119758  
the petroleum activity tax" and shall have the same effect as 119759  
other judgments. Execution shall issue upon the judgment at the 119760  
request of the commissioner, and all laws applicable to sales on 119761  
execution shall apply to sales made under the judgment. 119762

(3) If the assessment is not paid in its entirety within 119763  
sixty days after the day the assessment was issued, the portion 119764  
of the assessment consisting of tax due shall bear interest at 119765  
the rate per annum prescribed by section 5703.47 of the Revised 119766  
Code from the day the commissioner issues the assessment until 119767  
it is paid or until it is certified to the attorney general for 119768  
collection under section 131.02 of the Revised Code, whichever 119769  
comes first. If the unpaid portion of the assessment is 119770  
certified to the attorney general for collection, the entire 119771  
unpaid portion of the assessment shall bear interest at the rate 119772  
per annum prescribed by section 5703.47 of the Revised Code from 119773  
the date of certification until the date it is paid in its 119774  
entirety. Interest shall be paid in the same manner as the tax 119775  
and may be collected by the issuance of an assessment under this 119776  
section. 119777

(D) If the commissioner believes that collection of the 119778  
tax will be jeopardized unless proceedings to collect or secure 119779  
collection of the tax are instituted without delay, the 119780  
commissioner may issue a jeopardy assessment against the person 119781  
liable for the tax. Immediately upon the issuance of the 119782  
jeopardy assessment, the commissioner shall file an entry with 119783  
the clerk of the court of common pleas in the manner prescribed 119784  
by division (C) of this section. Notice of the jeopardy 119785  
assessment shall be served on the person assessed or the 119786  
person's authorized agent in the manner provided in section 119787

5703.37 of the Revised Code within five days of the filing of 119788  
the entry with the clerk. The total amount assessed is 119789  
immediately due and payable, unless the person assessed files a 119790  
petition for reassessment in accordance with division (B) of 119791  
this section and provides security in a form satisfactory to the 119792  
commissioner and in an amount sufficient to satisfy the unpaid 119793  
balance of the assessment. Full or partial payment of the 119794  
assessment does not prejudice the commissioner's consideration 119795  
of the petition for reassessment. 119796

(E) The commissioner shall immediately forward to the 119797  
treasurer of state all amounts the commissioner receives under 119798  
this section, and such amounts shall be considered as revenue 119799  
arising from the tax imposed under this chapter. 119800

(F) Except as otherwise provided in this division, no 119801  
assessment shall be made or issued against a taxpayer for ~~the~~ 119802  
~~tax amounts~~ imposed under this chapter more than four years 119803  
after the due date for the filing of the return or application 119804  
for the tax period for which the ~~tax amount~~ was reported, or 119805  
more than four years after the return or application for the tax 119806  
period was filed, whichever is later. The time limit may be 119807  
extended if both the taxpayer and the commissioner consent in 119808  
writing to the extension or enter into an agreement waiving or 119809  
extending the time limit. Any such extension shall extend the 119810  
four-year time limit in division (A) of section 5736.08 of the 119811  
Revised Code for the same period of time. Nothing in this 119812  
division bars an assessment against a taxpayer that fails to 119813  
file a return required by this chapter or that files a 119814  
fraudulent return. 119815

(G) If the commissioner possesses information that 119816  
indicates that the amount of tax a taxpayer is required to pay 119817

under this chapter exceeds the amount the taxpayer paid, the 119818  
commissioner may audit a sample of the taxpayer's calculated 119819  
gross receipts over a representative period of time to ascertain 119820  
the amount of tax due, and may issue an assessment based on the 119821  
audit. The commissioner shall make a good faith effort to reach 119822  
agreement with the taxpayer in selecting a representative 119823  
sample. The commissioner may apply a sampling method only if the 119824  
commissioner has prescribed the method by rule. 119825

(H) If the whereabouts of a person subject to this chapter 119826  
is not known to the commissioner, the commissioner shall follow 119827  
the procedures under section 5703.37 of the Revised Code. 119828

**Sec. 5736.13.** (A) For the purpose of receiving, accounting 119829  
for, and distributing revenue received from the tax imposed by 119830  
section 5736.02 of the Revised Code, the following funds are 119831  
hereby created in the state treasury: 119832

(1) The petroleum activity tax fund; 119833

(2) The petroleum activity tax administration fund. All 119834  
amounts credited to the petroleum activity tax administration 119835  
fund shall be used solely for the purpose of paying the expenses 119836  
of the department of taxation incident to the administration of 119837  
the tax imposed by section 5736.02 of the Revised Code. 119838

(3) The petroleum activity tax public highways fund. 119839

(B) All money collected from the tax imposed by section 119840  
5736.02 of the Revised Code shall be deposited into the 119841  
petroleum activity tax fund. 119842

(C) From the petroleum activity tax fund, the director of 119843  
budget and management shall place to the credit of the tax 119844  
refund fund established by section 5703.052 of the Revised Code 119845  
amounts equal to the refunds certified by the tax commissioner 119846



pursuant to section 5736.08 of the Revised Code. 119847

(D) Not later than the last day of March, June, September, 119848  
and December of each year, the director of budget and management 119849  
shall provide for the transfer of the balance of the petroleum 119850  
activity tax fund as of the last day of the preceding month, 119851  
excluding any amounts required to be transferred as provided in 119852  
division (C) of this section, as follows: 119853

(1) To the petroleum activity tax administration fund, one 119854  
per cent; 119855

(2) To the Ohio airport improvement program fund created 119856  
in section 4561.03 of the Revised Code, an amount equal to the 119857  
balance of the fund attributable to the tax on calculated gross 119858  
receipts derived from the sale of motor fuel used exclusively in 119859  
the operation of aircraft minus one per cent of that balance; 119860

(3) To the petroleum activity tax public highways fund, an 119861  
amount that bears the same ratio to the balance in the petroleum 119862  
activity tax fund, after subtracting the amount transferred 119863  
under division (D) (1) and (2) of this section, that (a) the 119864  
calculated gross receipts attributed to motor fuel used for 119865  
propelling vehicles on public highways and waterways as 119866  
indicated by returns filed by the last day of the preceding 119867  
month, bears to (b) all calculated gross receipts as indicated 119868  
by those returns; 119869

~~(3)~~(4) To the general revenue fund, the amount remaining 119870  
after the transfers required by divisions (D) (1) ~~and (2)~~to (3) 119871  
of this section. 119872

**Sec. 5739.032.** (A) If the total amount of tax required to 119873  
be paid by a permit holder under section 5739.031 of the Revised 119874  
Code for any calendar year equals or exceeds seventy-five 119875

thousand dollars, the permit holder shall remit each monthly tax payment in the second ensuing and each succeeding year electronically as prescribed by division (B) of this section.

If a permit holder's tax payment for each of two consecutive years is less than seventy-five thousand dollars, the permit holder is relieved of the requirement to remit taxes electronically for the year that next follows the second of the consecutive years in which the tax payment is less than that amount, and is relieved of that requirement for each succeeding year, unless the tax payment in a subsequent year equals or exceeds seventy-five thousand dollars.

Failure by the tax commissioner to notify a permit holder subject to this section to remit taxes electronically does not relieve the permit holder of its obligation to remit taxes in that manner.

(B) Permit holders required by division (A) of this section to remit payments electronically shall remit such payments by using the Ohio business gateway, as defined in section 718.01 of the Revised Code, or another means of electronic payment, and as follows:

(1) On or before the twenty-third day of each month, a permit holder shall remit an amount equal to seventy-five per cent of the anticipated tax liability for that month.

(2) On or before the twenty-third day of each month, a permit holder shall report the taxes due for the previous month and shall remit that amount, less any amounts paid for that month as required by division (B) (1) of this section.

The electronic payment of taxes does not affect a permit holder's obligation to file the monthly return as required under

section 5739.031 of the Revised Code. 119905

(C) (1) (a) If a permit holder that is required to remit 119906  
payments under division (B) of this section fails to make a 119907  
payment, or makes a payment under division (B) (1) of this 119908  
section that is less than seventy-five per cent of the actual 119909  
liability for that month, the commissioner may impose an 119910  
additional charge not to exceed five per cent of that unpaid 119911  
amount. 119912

(b) Division (C) (1) (a) of this section does not apply if 119913  
the permit holder's payment under division (B) (1) of this 119914  
section is equal to or greater than seventy-five per cent of the 119915  
permit holder's reported liability for the same month in the 119916  
immediately preceding calendar year. 119917

(2) If a permit holder required by this section to remit 119918  
taxes electronically remits those taxes by some means other than 119919  
electronically as prescribed by this section and the tax 119920  
commissioner determines that such failure was not due to 119921  
reasonable cause or was due to willful neglect, the commissioner 119922  
may impose an additional charge not to exceed the lesser of five 119923  
per cent of the amount of the taxes required to be paid 119924  
electronically or five thousand dollars. 119925

(3) Any additional charge imposed under division (C) (1) or 119926  
(2) of this section is in addition to any other penalty or 119927  
charge imposed under this chapter, and shall be considered as 119928  
revenue arising from taxes imposed under this chapter. An 119929  
additional charge may be collected by assessment in the manner 119930  
prescribed by section 5739.13 of the Revised Code. ~~The tax-~~ 119931  
~~commissioner may waive all or a portion of such a charge and may~~ 119932  
~~adopt rules governing such waiver.~~ 119933

No additional charge shall be imposed under division (C) 119934  
(2) of this section against a permit holder that has been 119935  
notified of its obligation to remit taxes electronically under 119936  
this section and that remits its first two tax payments after 119937  
such notification by some other means. The additional charge may 119938  
be imposed upon the remittance of any subsequent tax payment 119939  
that the permit holder remits by some means other than 119940  
electronically. 119941

**Sec. 5739.07.** (A) When, pursuant to this chapter, a vendor 119942  
has paid taxes to the tax commissioner or the commissioner's 119943  
agent, the commissioner shall refund to the vendor the amount of 119944  
taxes paid, and any penalties assessed with respect to such 119945  
taxes, if the vendor has refunded to the consumer the full 119946  
amount of taxes the consumer paid illegally or erroneously or if 119947  
the vendor has illegally or erroneously billed the consumer but 119948  
has not collected the taxes from the consumer. 119949

(B) When, pursuant to this chapter, a consumer has paid 119950  
taxes directly to the tax commissioner or the commissioner's 119951  
agent, and the payment or assessment was illegal or erroneous, 119952  
the commissioner shall refund to the consumer the full amount of 119953  
illegal or erroneous taxes paid and any penalties assessed with 119954  
respect to such taxes. 119955

(C) The commissioner shall refund to the consumer amounts 119956  
paid illegally or erroneously to a vendor only if: 119957

(1) The commissioner has not refunded the tax to the 119958  
vendor and the vendor has not refunded the tax to the consumer; 119959  
or 119960

(2) The consumer has received a refund from a manufacturer 119961  
or other person, other than the vendor, of the full purchase 119962

price, but not the tax, paid to the vendor in settlement of a 119963  
complaint by the consumer about the property or service 119964  
purchased. 119965

The commissioner may require the consumer to obtain or the 119966  
vendor to provide a written statement confirming that the vendor 119967  
has not refunded the tax to the consumer and has not filed an 119968  
application for refund of the tax with the commissioner. 119969

(D) Subject to division (E) of this section, an 119970  
application for refund shall be filed with the tax commissioner 119971  
on the form prescribed by the commissioner within four years 119972  
from the date of the illegal or erroneous payment, unless the 119973  
vendor or consumer waives the time limitation under division (A) 119974  
(3) of section 5739.16 of the Revised Code. If the time 119975  
limitation is waived, the refund application period shall be 119976  
extended for the same period as the waiver. 119977

(E) An application for refund shall be filed in accordance 119978  
with division (D) of this section unless a person is subject to 119979  
an assessment that is subject to the time limit of division (B) 119980  
of section 5703.58 of the Revised Code for amounts not reported 119981  
and paid between the four-year time limit described in division 119982  
(D) of this section and the seven-year limit described in 119983  
division (B) of section 5703.58 of the Revised Code, in which 119984  
case the person may file an application within six months after 119985  
the date the assessment is issued. Any refund allowed under this 119986  
division shall not exceed the amount of the assessment due for 119987  
the same period. 119988

(F) On the filing of an application for a refund, the 119989  
commissioner shall determine the amount of refund to which the 119990  
applicant is entitled. If the amount is not less than that 119991  
claimed, the commissioner shall certify that amount to the 119992

director of budget and management and the treasurer of state for 119993  
payment from the tax refund fund created by section 5703.052 of 119994  
the Revised Code. If the amount is less than that claimed, the 119995  
commissioner shall proceed in accordance with section 5703.70 of 119996  
the Revised Code. 119997

(G) When a refund is granted under this section, it shall 119998  
include interest thereon as provided by section 5739.132 of the 119999  
Revised Code, except that no such interest shall be granted when 120000  
a refund is granted for illegal or erroneous payments made 120001  
pursuant to a direct payment permit issued under section 120002  
5739.031 of the Revised Code or division (I) of section 122.175 120003  
of the Revised Code. 120004

**Sec. 5739.09.** (A) (1) A board of county commissioners may, 120005  
by resolution adopted by a majority of the members of the board, 120006  
levy an excise tax not to exceed three per cent on transactions 120007  
by which lodging by a hotel is or is to be furnished to 120008  
transient guests. The board shall establish all regulations 120009  
necessary to provide for the administration and allocation of 120010  
the tax. The regulations may prescribe the time for payment of 120011  
the tax, and may provide for the imposition of a penalty or 120012  
interest, or both, for late payments, provided that the penalty 120013  
does not exceed ten per cent of the amount of tax due, and the 120014  
rate at which interest accrues does not exceed the rate per 120015  
annum prescribed pursuant to section 5703.47 of the Revised 120016  
Code. Except as otherwise provided in this section, the 120017  
regulations shall provide, after deducting the real and actual 120018  
costs of administering the tax, for the return to each municipal 120019  
corporation or township that does not levy an excise tax on the 120020  
transactions, a uniform percentage of the tax collected in the 120021  
municipal corporation or in the unincorporated portion of the 120022  
township from each transaction, not to exceed thirty-three and 120023

one-third per cent. Except as provided in this section, the 120024  
remainder of the revenue arising from the tax shall be deposited 120025  
in a separate fund and shall be spent either (a) to make 120026  
contributions to the convention and visitors' bureau operating 120027  
within the county, including a pledge and contribution of any 120028  
portion of the remainder pursuant to an agreement authorized by 120029  
section 307.678 or 307.695 of the Revised Code or (b) to pay, if 120030  
authorized in the regulations, for public safety services in a 120031  
resort area designated under section 5739.101 of the Revised 120032  
Code. 120033

(2) If the board of county commissioners of an eligible 120034  
county as defined in section 307.678 or 307.695 of the Revised 120035  
Code adopts a resolution amending a resolution levying a tax 120036  
under division (A) of this section to provide that revenue from 120037  
the tax shall be used by the board as described in either 120038  
division (D) of section 307.678 or division (H) of section 120039  
307.695 of the Revised Code, the remainder of the revenue shall 120040  
be used as described in the resolution making that amendment. 120041

(3) Except as provided in division (B), (C), (D), (E), 120042  
(F), (G), (H), (I), (J), (K), or (Q) of this section, on and 120043  
after May 10, 1994, a board of county commissioners may not levy 120044  
an excise tax pursuant to division (A) of this section in any 120045  
municipal corporation or township located wholly or partly 120046  
within the county that has in effect an ordinance or resolution 120047  
levying an excise tax pursuant to division (B) of section 120048  
5739.08 of the Revised Code. 120049

(4) The board of a county that has levied a tax under 120050  
division (M) of this section may, by resolution adopted within 120051  
ninety days after July 15, 1985, by a majority of the members of 120052  
the board, amend the resolution levying a tax under division (A) 120053

of this section to provide for a portion of that tax to be 120054  
pledged and contributed in accordance with an agreement entered 120055  
into under section 307.695 of the Revised Code. A tax, any 120056  
revenue from which is pledged pursuant to such an agreement, 120057  
shall remain in effect at the rate at which it is imposed for 120058  
the duration of the period for which the revenue from the tax 120059  
has been so pledged. 120060

(5) The board of county commissioners of an eligible 120061  
county as defined in section 307.695 of the Revised Code may, by 120062  
resolution adopted by a majority of the members of the board, 120063  
amend a resolution levying a tax under division (A) of this 120064  
section to provide that the revenue from the tax shall be used 120065  
by the board as described in division (H) of section 307.695 of 120066  
the Revised Code, in which case the tax shall remain in effect 120067  
at the rate at which it was imposed for the duration of any 120068  
agreement entered into by the board under section 307.695 of the 120069  
Revised Code, the duration during which any securities issued by 120070  
the board under that section are outstanding, or the duration of 120071  
the period during which the board owns a project as defined in 120072  
section 307.695 of the Revised Code, whichever duration is 120073  
longest. 120074

(6) The board of county commissioners of an eligible 120075  
county as defined in section 307.678 of the Revised Code may, by 120076  
resolution, amend a resolution levying a tax under division (A) 120077  
of this section to provide that revenue from the tax, not to 120078  
exceed five hundred thousand dollars each year, may be used as 120079  
described in division (E) of section 307.678 of the Revised 120080  
Code. 120081

(7) Notwithstanding division (A) of this section, the 120082  
board of county commissioners of a county described in division 120083



(H) (1) of this section may, by resolution, amend a resolution 120084  
levying a tax under division (A) of this section to provide that 120085  
all or a portion of the revenue from the tax, including any 120086  
revenue otherwise required to be returned to townships or 120087  
municipal corporations under that division, may be used or 120088  
pledged for the payment of debt service on securities issued to 120089  
pay the costs of constructing, operating, and maintaining sports 120090  
facilities described in division (H) (2) of this section. 120091

(8) The board of county commissioners of a county 120092  
described in division (I) of this section may, by resolution, 120093  
amend a resolution levying a tax under division (A) of this 120094  
section to provide that all or a portion of the revenue from the 120095  
tax may be used for the purposes described in section 307.679 of 120096  
the Revised Code. 120097

(B) A board of county commissioners that levies an excise 120098  
tax under division (A) of this section on June 30, 1997, at a 120099  
rate of three per cent, and that has pledged revenue from the 120100  
tax to an agreement entered into under section 307.695 of the 120101  
Revised Code or, in the case of the board of county 120102  
commissioners of an eligible county as defined in section 120103  
307.695 of the Revised Code, has amended a resolution levying a 120104  
tax under division (M) of this section to provide that proceeds 120105  
from the tax shall be used by the board as described in division 120106  
(H) of section 307.695 of the Revised Code, may, at any time by 120107  
a resolution adopted by a majority of the members of the board, 120108  
amend the resolution levying a tax under division (A) of this 120109  
section to provide for an increase in the rate of that tax up to 120110  
seven per cent on each transaction; to provide that revenue from 120111  
the increase in the rate shall be used as described in division 120112  
(H) of section 307.695 of the Revised Code or be spent solely to 120113  
make contributions to the convention and visitors' bureau 120114

operating within the county to be used specifically for 120115  
promotion, advertising, and marketing of the region in which the 120116  
county is located; and to provide that the rate in excess of the 120117  
three per cent levied under division (A) of this section shall 120118  
remain in effect at the rate at which it is imposed for the 120119  
duration of the period during which any agreement is in effect 120120  
that was entered into under section 307.695 of the Revised Code 120121  
by the board of county commissioners levying a tax under 120122  
division (A) of this section, the duration of the period during 120123  
which any securities issued by the board under division (I) of 120124  
section 307.695 of the Revised Code are outstanding, or the 120125  
duration of the period during which the board owns a project as 120126  
defined in section 307.695 of the Revised Code, whichever 120127  
duration is longest. The amendment also shall provide that no 120128  
portion of that revenue need be returned to townships or 120129  
municipal corporations as would otherwise be required under 120130  
division (A) of this section. 120131

(C) (1) As used in division (C) of this section, "cost" and 120132  
"facility" have the same meanings as in section 351.01 of the 120133  
Revised Code, and "convention center" has the same meaning as in 120134  
section 307.695 of the Revised Code. 120135

(2) A board of county commissioners that levies a tax 120136  
under division (A) of this section on March 18, 1999, at a rate 120137  
of three per cent may, by resolution adopted not later than 120138  
forty-five days after March 18, 1999, amend the resolution 120139  
levying the tax to provide for all of the following: 120140

(a) That the rate of the tax shall be increased by not 120141  
more than an additional four per cent on each transaction; 120142

(b) That all of the revenue from the increase in the rate 120143  
shall be pledged and contributed to a convention facilities 120144

authority established by the board of county commissioners under 120145  
Chapter 351. of the Revised Code on or before November 15, 1998, 120146  
and used to pay costs of constructing, maintaining, operating, 120147  
and promoting a facility in the county, including paying bonds, 120148  
or notes issued in anticipation of bonds, as provided by that 120149  
chapter; 120150

(c) That no portion of the revenue arising from the 120151  
increase in rate need be returned to municipal corporations or 120152  
townships as otherwise required under division (A) of this 120153  
section; 120154

(d) That the increase in rate shall not be subject to 120155  
diminution by initiative or referendum or by law while any 120156  
bonds, or notes in anticipation of bonds, issued by the 120157  
authority under Chapter 351. of the Revised Code to which the 120158  
revenue is pledged, remain outstanding in accordance with their 120159  
terms, unless provision is made by law or by the board of county 120160  
commissioners for an adequate substitute therefor that is 120161  
satisfactory to the trustee if a trust agreement secures the 120162  
bonds. 120163

(3) Division (C) of this section does not apply to the 120164  
board of county commissioners of any county in which a 120165  
convention center or facility exists or is being constructed on 120166  
November 15, 1998, or of any county in which a convention 120167  
facilities authority levies a tax pursuant to section 351.021 of 120168  
the Revised Code on that date. 120169

(D) (1) As used in division (D) of this section, "cost" has 120170  
the same meaning as in section 351.01 of the Revised Code, and 120171  
"convention center" has the same meaning as in section 307.695 120172  
of the Revised Code. 120173

(2) A board of county commissioners that levies a tax 120174  
under division (A) of this section on June 30, 2002, at a rate 120175  
of three per cent may, by resolution adopted not later than 120176  
September 30, 2002, amend the resolution levying the tax to 120177  
provide for all of the following: 120178

(a) That the rate of the tax shall be increased by not 120179  
more than an additional three and one-half per cent on each 120180  
transaction; 120181

(b) That all of the revenue from the increase in rate 120182  
shall be pledged and contributed to a convention facilities 120183  
authority established by the board of county commissioners under 120184  
Chapter 351. of the Revised Code on or before May 15, 2002, and 120185  
be used to pay costs of constructing, expanding, maintaining, 120186  
operating, or promoting a convention center in the county, 120187  
including paying bonds, or notes issued in anticipation of 120188  
bonds, as provided by that chapter; 120189

(c) That no portion of the revenue arising from the 120190  
increase in rate need be returned to municipal corporations or 120191  
townships as otherwise required under division (A) of this 120192  
section; 120193

(d) That the increase in rate shall not be subject to 120194  
diminution by initiative or referendum or by law while any 120195  
bonds, or notes in anticipation of bonds, issued by the 120196  
authority under Chapter 351. of the Revised Code to which the 120197  
revenue is pledged, remain outstanding in accordance with their 120198  
terms, unless provision is made by law or by the board of county 120199  
commissioners for an adequate substitute therefor that is 120200  
satisfactory to the trustee if a trust agreement secures the 120201  
bonds. 120202

(3) Any board of county commissioners that, pursuant to 120203  
division (D)(2) of this section, has amended a resolution 120204  
levying the tax authorized by division (A) of this section may 120205  
further amend the resolution to provide that the revenue 120206  
referred to in division (D)(2)(b) of this section shall be 120207  
pledged and contributed both to a convention facilities 120208  
authority to pay the costs of constructing, expanding, 120209  
maintaining, or operating one or more convention centers in the 120210  
county, including paying bonds, or notes issued in anticipation 120211  
of bonds, as provided in Chapter 351. of the Revised Code, and 120212  
to a convention and visitors' bureau to pay the costs of 120213  
promoting one or more convention centers in the county. 120214

(E)(1) As used in division (E) of this section: 120215

(a) "Port authority" means a port authority created under 120216  
Chapter 4582. of the Revised Code. 120217

(b) "Port authority military-use facility" means port 120218  
authority facilities on which or adjacent to which is located an 120219  
installation of the armed forces of the United States, a reserve 120220  
component thereof, or the national guard and at least part of 120221  
which is made available for use, for consideration, by the armed 120222  
forces of the United States, a reserve component thereof, or the 120223  
national guard. 120224

(2) For the purpose of contributing revenue to pay 120225  
operating expenses of a port authority that operates a port 120226  
authority military-use facility, the board of county 120227  
commissioners of a county that created, participated in the 120228  
creation of, or has joined such a port authority may do one or 120229  
both of the following: 120230

(a) Amend a resolution previously adopted under division 120231

(A) of this section to designate some or all of the revenue from 120232  
the tax levied under the resolution to be used for that purpose, 120233  
notwithstanding that division; 120234

(b) Amend a resolution previously adopted under division 120235  
(A) of this section to increase the rate of the tax by not more 120236  
than an additional two per cent and use the revenue from the 120237  
increase exclusively for that purpose. 120238

(3) If a board of county commissioners amends a resolution 120239  
to increase the rate of a tax as authorized in division (E) (2) 120240  
(b) of this section, the board also may amend the resolution to 120241  
specify that the increase in rate of the tax does not apply to 120242  
"hotels," as otherwise defined in section 5739.01 of the Revised 120243  
Code, having fewer rooms used for the accommodation of guests 120244  
than a number of rooms specified by the board. 120245

(F) (1) A board of county commissioners of a county 120246  
organized under a county charter adopted pursuant to Article X, 120247  
Section 3, Ohio Constitution, and that levies an excise tax 120248  
under division (A) of this section at a rate of three per cent 120249  
and levies an additional excise tax under division (O) of this 120250  
section at a rate of one and one-half per cent may, by 120251  
resolution adopted not later than January 1, 2008, by a majority 120252  
of the members of the board, amend the resolution levying a tax 120253  
under division (A) of this section to provide for an increase in 120254  
the rate of that tax by not more than an additional one per cent 120255  
on transactions by which lodging by a hotel is or is to be 120256  
furnished to transient guests. Notwithstanding divisions (A) and 120257  
(O) of this section, the resolution shall provide that all of 120258  
the revenue from the increase in rate, after deducting the real 120259  
and actual costs of administering the tax, shall be used to pay 120260  
the costs of improving, expanding, equipping, financing, or 120261

operating a convention center by a convention and visitors' 120262  
bureau in the county. 120263

(2) The increase in rate shall remain in effect for the 120264  
period specified in the resolution, not to exceed ten years, and 120265  
may be extended for an additional period of time not to exceed 120266  
ten years thereafter by a resolution adopted by a majority of 120267  
the members of the board. 120268

(3) The increase in rate shall be subject to the 120269  
regulations adopted under division (A) of this section, except 120270  
that the resolution may provide that no portion of the revenue 120271  
from the increase in the rate shall be returned to townships or 120272  
municipal corporations as would otherwise be required under that 120273  
division. 120274

(G)(1) Division (G) of this section applies only to a 120275  
county with a population greater than sixty-five thousand and 120276  
less than seventy thousand according to the most recent federal 120277  
decennial census and in which, on December 31, 2006, an excise 120278  
tax is levied under division (A) of this section at a rate not 120279  
less than and not greater than three per cent, and in which the 120280  
most recent increase in the rate of that tax was enacted or took 120281  
effect in November 1984. 120282

(2) The board of county commissioners of a county to which 120283  
division (G) of this section applies, by resolution adopted by a 120284  
majority of the members of the board, may increase the rate of 120285  
the tax by not more than one per cent on transactions by which 120286  
lodging by a hotel is or is to be furnished to transient guests. 120287  
The increase in rate shall be for the purpose of paying expenses 120288  
deemed necessary by the convention and visitors' bureau 120289  
operating in the county to promote travel and tourism. 120290

(3) The increase in rate shall remain in effect for the 120291  
period specified in the resolution, not to exceed twenty years, 120292  
provided that the increase in rate may not continue beyond the 120293  
time when the purpose for which the increase is levied ceases to 120294  
exist. If revenue from the increase in rate is pledged to the 120295  
payment of debt charges on securities, the increase in rate is 120296  
not subject to diminution by initiative or referendum or by law 120297  
for so long as the securities are outstanding, unless provision 120298  
is made by law or by the board of county commissioners for an 120299  
adequate substitute for that revenue that is satisfactory to the 120300  
trustee if a trust agreement secures payment of the debt 120301  
charges. 120302

(4) The increase in rate shall be subject to the 120303  
regulations adopted under division (A) of this section, except 120304  
that the resolution may provide that no portion of the revenue 120305  
from the increase in the rate shall be returned to townships or 120306  
municipal corporations as would otherwise be required under 120307  
division (A) of this section. 120308

(5) A resolution adopted under division (G) of this 120309  
section is subject to referendum under sections 305.31 to 305.99 120310  
of the Revised Code. 120311

(H) (1) Division (H) of this section applies only to a 120312  
county satisfying all of the following: 120313

(a) The population of the county is greater than one 120314  
hundred seventy-five thousand and less than two hundred twenty- 120315  
five thousand according to the most recent federal decennial 120316  
census. 120317

(b) An amusement park with an average yearly attendance in 120318  
excess of two million guests is located in the county. 120319



(c) On December 31, 2014, an excise tax was levied in the 120320  
county under division (A) of this section at a rate of three per 120321  
cent. 120322

(2) The board of county commissioners of a county to which 120323  
division (H) of this section applies, by resolution adopted by a 120324  
majority of the members of the board, may increase the rate of 120325  
the tax by not more than one per cent on transactions by which 120326  
lodging by a hotel is or is to be furnished to transient guests. 120327  
The increase in rate shall be used to pay the costs of 120328  
constructing and maintaining facilities owned by the county or 120329  
by a port authority created under Chapter 4582. of the Revised 120330  
Code, and designed to host sporting events and expenses deemed 120331  
necessary by the convention and visitors' bureau operating in 120332  
the county to promote travel and tourism with reference to the 120333  
sports facilities, and to pay or pledge to the payment of debt 120334  
service on securities issued to pay the costs of constructing, 120335  
operating, and maintaining the sports facilities. 120336

(3) The increase in rate shall remain in effect for the 120337  
period specified in the resolution. If revenue from the increase 120338  
in rate is pledged to the payment of debt charges on securities, 120339  
the increase in rate is not subject to diminution by initiative 120340  
or referendum or by law for so long as the securities are 120341  
outstanding, unless provision is made by law or by the board of 120342  
county commissioners for an adequate substitute for that revenue 120343  
that is satisfactory to the trustee if a trust agreement secures 120344  
payment of the debt charges. 120345

(4) The increase in rate shall be subject to the 120346  
regulations adopted under division (A) of this section, except 120347  
that the resolution may provide that no portion of the revenue 120348  
from the increase in the rate shall be returned to townships or 120349

municipal corporations as would otherwise be required under 120350  
division (A) of this section. 120351

(I) (1) The board of county commissioners of a county with 120352  
a population greater than seventy-five thousand and less than 120353  
seventy-eight thousand, by resolution adopted by a majority of 120354  
the members of the board not later than October 15, 2015, may 120355  
increase the rate of the tax by not more than one per cent on 120356  
transactions by which lodging by a hotel is or is to be 120357  
furnished to transient guests. The increase in rate shall be for 120358  
the purposes described in section 307.679 of the Revised Code or 120359  
for the promotion of travel and tourism in the county, including 120360  
travel and tourism to sports facilities. 120361

(2) The increase in rate shall remain in effect for the 120362  
period specified in the resolution and as necessary to fulfill 120363  
the county's obligations under a cooperative agreement entered 120364  
into under section 307.679 of the Revised Code. If the 120365  
resolution is adopted by the board before September 29, 2015, 120366  
but after that enactment becomes law, the increase in rate shall 120367  
become effective beginning on September 29, 2015. If revenue 120368  
from the increase in rate is pledged to the payment of debt 120369  
charges on securities, or to substitute for other revenues 120370  
pledged to the payment of such debt, the increase in rate is not 120371  
subject to diminution by initiative or referendum or by law for 120372  
so long as the securities are outstanding, unless provision is 120373  
made by law or by the board of county commissioners for an 120374  
adequate substitute for that revenue that is satisfactory to the 120375  
trustee if a trust agreement secures payment of the debt 120376  
charges. 120377

(3) The increase in rate shall be subject to the 120378  
regulations adopted under division (A) of this section, except 120379

that no portion of the revenue from the increase in the rate 120380  
shall be returned to townships or municipal corporations as 120381  
would otherwise be required under division (A) of this section. 120382

(J) (1) Division (J) of this section applies only to 120383  
counties satisfying either of the following: 120384

(a) A county that, on July 1, 2015, does not levy an 120385  
excise tax under division (A) of this section and that has a 120386  
population of at least thirty-nine thousand but not more than 120387  
forty thousand according to the 2010 federal decennial census; 120388

(b) A county that, on July 1, 2015, levies an excise tax 120389  
under division (A) of this section at a rate of three per cent 120390  
and that has a population of at least seventy-one thousand but 120391  
not more than seventy-five thousand according to 2010 federal 120392  
decennial census. 120393

(2) The board of county commissioners of a county to which 120394  
division (J) of this section applies, by resolution adopted by a 120395  
majority of the members of the board, may levy an excise tax at 120396  
a rate not to exceed three per cent on transactions by which 120397  
lodging by a hotel is or is to be furnished to transient guests 120398  
for the purpose of acquiring, constructing, equipping, or 120399  
repairing permanent improvements, as defined in section 133.01 120400  
of the Revised Code. 120401

(3) If the board does not levy a tax under division (A) of 120402  
this section, the board shall establish regulations necessary to 120403  
provide for the administration of the tax, which may prescribe 120404  
the time for payment of the tax and the imposition of penalty or 120405  
interest subject to the limitations on penalty and interest 120406  
provided in division (A) of this section. No portion of the 120407  
revenue shall be returned to townships or municipal corporations 120408

in the county unless otherwise provided by resolution of the board. 120409  
120410

(4) The tax shall apply throughout the territory of the county, including in any township or municipal corporation levying an excise tax under division (A) or (B) of section 5739.08 of the Revised Code. The levy of the tax is subject to referendum as provided under section 305.31 of the Revised Code. 120411  
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(5) The tax shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding unless provision is made by law or by the board for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges. 120416  
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(K) (1) The board of county commissioners of an eligible county, as defined in section 307.678 of the Revised Code, that levies an excise tax under division (A) of this section on July 1, 2017, at a rate of three per cent may, by resolution adopted by a majority of the members of the board, amend the resolution levying the tax to increase the rate of the tax by not more than an additional three per cent on each transaction. 120425  
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(2) No portion of the revenue shall be returned to townships or municipal corporations in the county unless otherwise provided by resolution of the board. Otherwise, the revenue from the increase in the rate shall be distributed and used in the same manner described under division (A) of this section or distributed or used to provide credit enhancement facilities as authorized under section 307.678 of the Revised 120432  
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120438

Code. 120439

(3) The increase in rate shall remain in effect for the 120440  
period specified in the resolution. If revenue from the increase 120441  
in rate is pledged to the payment of debt charges on securities, 120442  
the increase in rate is not subject to diminution by initiative 120443  
or referendum or by law for so long as the securities are 120444  
outstanding unless provision is made by law or by the board for 120445  
an adequate substitute for that revenue that is satisfactory to 120446  
the trustee if a trust agreement secures payment of the debt 120447  
charges. 120448

(L) (1) As used in division (L) of this section: 120449

(a) "Eligible county" means a county that has a population 120450  
greater than one hundred ninety thousand and less than two 120451  
hundred thousand according to the 2010 federal decennial census 120452  
and that levies an excise tax under division (A) of this section 120453  
at a rate of three per cent. 120454

(b) "Professional sports facility" means a sports facility 120455  
that is intended to house major or minor league professional 120456  
athletic teams, including a stadium, together with all parking 120457  
facilities, walkways, and other auxiliary facilities, real and 120458  
personal property, property rights, easements, and interests 120459  
that may be appropriate for, or used in connection with, the 120460  
operation of the facility. 120461

(2) Subject to division (L) (3) of this section, the board 120462  
of county commissioners of an eligible county, by resolution 120463  
adopted by a majority of the members of the board, may increase 120464  
the rate of the tax by not more than one per cent on 120465  
transactions by which lodging by a hotel is or is to be 120466  
furnished to transient guests. Revenue from the increase in rate 120467

shall be used for the purposes of paying the costs of 120468  
constructing, improving, and maintaining a professional sports 120469  
facility in the county and paying expenses considered necessary 120470  
by the convention and visitors' bureau operating in the county 120471  
to promote travel and tourism with respect to that professional 120472  
sports facility. The tax shall take effect only after the 120473  
convention and visitors' bureau enters into a contract for the 120474  
construction, improvement, or maintenance of a professional 120475  
sports facility that is or will be located on property acquired, 120476  
in whole or in part, with revenue from the increased rate, and 120477  
thereafter shall remain in effect for the period specified in 120478  
the resolution. If revenue from the increase in rate is pledged 120479  
to the payment of debt charges on securities, the increase in 120480  
rate is not subject to diminution by initiative or referendum or 120481  
by law for so long as the securities are outstanding, unless a 120482  
provision is made by law or by the board of county commissioners 120483  
for an adequate substitute for that revenue that is satisfactory 120484  
to the trustee if a trust agreement secures payment of the debt 120485  
charges. The increase in rate shall be subject to the 120486  
regulations adopted under division (A) of this section, except 120487  
that the resolution may provide that no portion of the revenue 120488  
from the increase in the rate shall be returned to townships or 120489  
municipal corporations as would otherwise be required under 120490  
division (A) of this section. 120491

(3) If, on December 31, 2019, the convention and visitors' 120492  
bureau has not entered into a contract for the construction, 120493  
improvement, or maintenance of a professional sports facility 120494  
that is or will be located on property acquired, in whole or in 120495  
part, with revenue from the increased rate, the authority to 120496  
levy the tax under division (L) (2) of this section is hereby 120497  
repealed on that date. 120498

(M) (1) For the purposes described in section 307.695 of 120499  
the Revised Code and to cover the costs of administering the 120500  
tax, a board of county commissioners of a county where a tax 120501  
imposed under division (A) of this section is in effect may, by 120502  
resolution adopted within ninety days after July 15, 1985, by a 120503  
majority of the members of the board, levy an additional excise 120504  
tax not to exceed three per cent on transactions by which 120505  
lodging by a hotel is or is to be furnished to transient guests. 120506  
The tax authorized by division (M) of this section shall be in 120507  
addition to any tax that is levied pursuant to divisions (A) to 120508  
(L) of this section, but it shall not apply to transactions 120509  
subject to a tax levied by a municipal corporation or township 120510  
pursuant to section 5739.08 of the Revised Code. 120511

(2) The board shall establish all regulations necessary to 120512  
provide for the administration and allocation of the tax. The 120513  
regulations may prescribe the time for payment of the tax, and 120514  
may provide for the imposition of a penalty or interest, or 120515  
both, for late payments, provided that the penalty does not 120516  
exceed ten per cent of the amount of tax due, and the rate at 120517  
which interest accrues does not exceed the rate per annum 120518  
prescribed pursuant to section 5703.47 of the Revised Code. 120519

(3) All revenues arising from the tax shall be expended in 120520  
accordance with section 307.695 of the Revised Code. The board 120521  
of county commissioners of an eligible county as defined in 120522  
section 307.695 of the Revised Code may, by resolution adopted 120523  
by a majority of the members of the board, amend the resolution 120524  
levying a tax under this division to provide that the revenue 120525  
from the tax shall be used by the board as described in division 120526  
(H) of section 307.695 of the Revised Code. 120527

(4) A tax imposed under this division shall remain in 120528

effect at the rate at which it is imposed for the duration of 120529  
the period during which any agreement entered into by the board 120530  
under section 307.695 of the Revised Code is in effect, the 120531  
duration of the period during which any securities issued by the 120532  
board under division (I) of section 307.695 of the Revised Code 120533  
are outstanding, or the duration of the period during which the 120534  
board owns a project as defined in section 307.695 of the 120535  
Revised Code, whichever duration is longest. 120536

(N) (1) For the purpose of providing contributions under 120537  
division (B) (1) of section 307.671 of the Revised Code to enable 120538  
the acquisition, construction, and equipping of a port authority 120539  
educational and cultural facility in the county and, to the 120540  
extent provided for in the cooperative agreement authorized by 120541  
that section, for the purpose of paying debt service charges on 120542  
bonds, or notes in anticipation of bonds, described in division 120543  
(B) (1) (b) of that section, a board of county commissioners, by 120544  
resolution adopted within ninety days after December 22, 1992, 120545  
by a majority of the members of the board, may levy an 120546  
additional excise tax not to exceed one and one-half per cent on 120547  
transactions by which lodging by a hotel is or is to be 120548  
furnished to transient guests. The excise tax authorized by 120549  
division (N) of this section shall be in addition to any tax 120550  
that is levied pursuant to divisions (A) to (M) of this section, 120551  
to any excise tax levied pursuant to section 5739.08 of the 120552  
Revised Code, and to any excise tax levied pursuant to section 120553  
351.021 of the Revised Code. 120554

(2) The board of county commissioners shall establish all 120555  
regulations necessary to provide for the administration and 120556  
allocation of the tax that are not inconsistent with this 120557  
section or section 307.671 of the Revised Code. The regulations 120558  
may prescribe the time for payment of the tax, and may provide 120559



for the imposition of a penalty or interest, or both, for late 120560  
payments, provided that the penalty does not exceed ten per cent 120561  
of the amount of tax due, and the rate at which interest accrues 120562  
does not exceed the rate per annum prescribed pursuant to 120563  
section 5703.47 of the Revised Code. 120564

(3) All revenues arising from the tax shall be expended in 120565  
accordance with section 307.671 of the Revised Code and division 120566  
(N) of this section. The levy of a tax imposed under division 120567  
(N) of this section may not commence prior to the first day of 120568  
the month next following the execution of the cooperative 120569  
agreement authorized by section 307.671 of the Revised Code by 120570  
all parties to that agreement. 120571

(4) The tax shall remain in effect at the rate at which it 120572  
is imposed for the period of time described in division (C) of 120573  
section 307.671 of the Revised Code for which the revenue from 120574  
the tax has been pledged by the county to the corporation 120575  
pursuant to that section, but, to any extent provided for in the 120576  
cooperative agreement, for no lesser period than the period of 120577  
time required for payment of the debt service charges on bonds, 120578  
or notes in anticipation of bonds, described in division (B) (1) 120579  
(b) of that section. 120580

(O) (1) For the purpose of paying the costs of acquiring, 120581  
constructing, equipping, and improving a municipal educational 120582  
and cultural facility, including debt service charges on bonds 120583  
provided for in division (B) of section 307.672 of the Revised 120584  
Code, and for any additional purposes determined by the county 120585  
in the resolution levying the tax or amendments to the 120586  
resolution, including subsequent amendments providing for paying 120587  
costs of acquiring, constructing, renovating, rehabilitating, 120588  
equipping, and improving a port authority educational and 120589

cultural performing arts facility, as defined in section 307.674 120590  
of the Revised Code, and including debt service charges on bonds 120591  
provided for in division (B) of section 307.674 of the Revised 120592  
Code, the legislative authority of a county, by resolution 120593  
adopted within ninety days after June 30, 1993, by a majority of 120594  
the members of the legislative authority, may levy an additional 120595  
excise tax not to exceed one and one-half per cent on 120596  
transactions by which lodging by a hotel is or is to be 120597  
furnished to transient guests. The excise tax authorized by 120598  
division (O) of this section shall be in addition to any tax 120599  
that is levied pursuant to divisions (A) to (N) of this section, 120600  
to any excise tax levied pursuant to section 5739.08 of the 120601  
Revised Code, and to any excise tax levied pursuant to section 120602  
351.021 of the Revised Code. 120603

(2) The legislative authority of the county shall 120604  
establish all regulations necessary to provide for the 120605  
administration and allocation of the tax. The regulations may 120606  
prescribe the time for payment of the tax, and may provide for 120607  
the imposition of a penalty or interest, or both, for late 120608  
payments, provided that the penalty does not exceed ten per cent 120609  
of the amount of tax due, and the rate at which interest accrues 120610  
does not exceed the rate per annum prescribed pursuant to 120611  
section 5703.47 of the Revised Code. 120612

(3) All revenues arising from the tax shall be expended in 120613  
accordance with section 307.672 of the Revised Code and this 120614  
division. The levy of a tax imposed under this division shall 120615  
not commence prior to the first day of the month next following 120616  
the execution of the cooperative agreement authorized by section 120617  
307.672 of the Revised Code by all parties to that agreement. 120618  
The tax shall remain in effect at the rate at which it is 120619  
imposed for the period of time determined by the legislative 120620

authority of the county. That period of time shall not exceed 120621  
fifteen years, except that the legislative authority of a county 120622  
with a population of less than two hundred fifty thousand 120623  
according to the most recent federal decennial census, by 120624  
resolution adopted by a majority of its members before the 120625  
original tax or any extension thereof expires, may extend the 120626  
duration of the tax for an additional period of time. The 120627  
additional period of time by which a legislative authority 120628  
extends a tax levied under division (O) of this section shall 120629  
not exceed fifteen years. 120630

(P) (1) The legislative authority of a county that has 120631  
levied a tax under division (O) of this section may, by 120632  
resolution adopted within one hundred eighty days after January 120633  
4, 2001, by a majority of the members of the legislative 120634  
authority, amend the resolution levying a tax under that 120635  
division to provide for the use of the proceeds of that tax, to 120636  
the extent that it is no longer needed for its original purpose 120637  
as determined by the parties to a cooperative agreement 120638  
amendment pursuant to division (D) of section 307.672 of the 120639  
Revised Code, to pay costs of acquiring, constructing, 120640  
renovating, rehabilitating, equipping, and improving a port 120641  
authority educational and cultural performing arts facility, 120642  
including debt service charges on bonds provided for in division 120643  
(B) of section 307.674 of the Revised Code, and to pay all 120644  
obligations under any guaranty agreements, reimbursement 120645  
agreements, or other credit enhancement agreements described in 120646  
division (C) of section 307.674 of the Revised Code. 120647

(2) The resolution may also provide for the extension of 120648  
the tax at the same rate for the longer of the period of time 120649  
determined by the legislative authority of the county, but not 120650  
to exceed an additional twenty-five years, or the period of time 120651

required to pay all debt service charges on bonds provided for 120652  
in division (B) of section 307.672 of the Revised Code and on 120653  
port authority revenue bonds provided for in division (B) of 120654  
section 307.674 of the Revised Code. 120655

(3) All revenues arising from the amendment and extension 120656  
of the tax shall be expended in accordance with section 307.674 120657  
of the Revised Code and divisions (O) and (P) of this section. 120658

(Q) (1) As used in division (Q) of this section: 120659

(a) "Convention facilities authority" has the same meaning 120660  
as in section 351.01 of the Revised Code. 120661

(b) "Convention center" has the same meaning as in section 120662  
307.695 of the Revised Code. 120663

(2) Notwithstanding any contrary provision of division (N) 120664  
of this section, the legislative authority of a county with a 120665  
population of one million or more according to the most recent 120666  
federal decennial census that has levied a tax under division 120667  
(N) of this section may, by resolution adopted by a majority of 120668  
the members of the legislative authority, provide for the 120669  
extension of such levy and may provide that the proceeds of that 120670  
tax, to the extent that they are no longer needed for their 120671  
original purpose as defined by a cooperative agreement entered 120672  
into under section 307.671 of the Revised Code, shall be 120673  
deposited into the county general revenue fund. The resolution 120674  
shall provide for the extension of the tax at a rate not to 120675  
exceed the rate specified in division (N) of this section for a 120676  
period of time determined by the legislative authority of the 120677  
county, but not to exceed an additional forty years. 120678

(3) The legislative authority of a county with a 120679  
population of one million or more that has levied a tax under 120680

division (A) of this section may, by resolution adopted by a 120681  
majority of the members of the legislative authority, increase 120682  
the rate of the tax levied by such county under division (A) of 120683  
this section to a rate not to exceed five per cent on 120684  
transactions by which lodging by a hotel is or is to be 120685  
furnished to transient guests. Notwithstanding any contrary 120686  
provision of division (A) of this section, the resolution may 120687  
provide that all collections resulting from the rate levied in 120688  
excess of three per cent, after deducting the real and actual 120689  
costs of administering the tax, shall be deposited in the county 120690  
general fund. 120691

(4) The legislative authority of a county with a 120692  
population of one million or more that has levied a tax under 120693  
division (A) of this section may, by resolution adopted on or 120694  
before August 30, 2004, by a majority of the members of the 120695  
legislative authority, provide that all or a portion of the 120696  
proceeds of the tax levied under division (A) of this section, 120697  
after deducting the real and actual costs of administering the 120698  
tax and the amounts required to be returned to townships and 120699  
municipal corporations with respect to the first three per cent 120700  
levied under division (A) of this section, shall be deposited in 120701  
the county general fund, provided that such proceeds shall be 120702  
used to satisfy any pledges made in connection with an agreement 120703  
entered into under section 307.695 of the Revised Code. 120704

(5) No amount collected from a tax levied, extended, or 120705  
required to be deposited in the county general fund under 120706  
division (Q) of this section shall be contributed to a 120707  
convention facilities authority, corporation, or other entity 120708  
created after July 1, 2003, for the principal purpose of 120709  
constructing, improving, expanding, equipping, financing, or 120710  
operating a convention center unless the mayor of the municipal 120711

corporation in which the convention center is to be operated by 120712  
that convention facilities authority, corporation, or other 120713  
entity has consented to the creation of that convention 120714  
facilities authority, corporation, or entity. Notwithstanding 120715  
any contrary provision of section 351.04 of the Revised Code, if 120716  
a tax is levied by a county under division (Q) of this section, 120717  
the board of county commissioners of that county may determine 120718  
the manner of selection, the qualifications, the number, and 120719  
terms of office of the members of the board of directors of any 120720  
convention facilities authority, corporation, or other entity 120721  
described in division (Q) (5) of this section. 120722

(6) (a) No amount collected from a tax levied, extended, or 120723  
required to be deposited in the county general fund under 120724  
division (Q) of this section may be used for any purpose other 120725  
than paying the direct and indirect costs of constructing, 120726  
improving, expanding, equipping, financing, or operating a 120727  
convention center and for the real and actual costs of 120728  
administering the tax, unless, prior to the adoption of the 120729  
resolution of the legislative authority of the county 120730  
authorizing the levy, extension, increase, or deposit, the 120731  
county and the mayor of the most populous municipal corporation 120732  
in that county have entered into an agreement as to the use of 120733  
such amounts, provided that such agreement has been approved by 120734  
a majority of the mayors of the other municipal corporations in 120735  
that county. The agreement shall provide that the amounts to be 120736  
used for purposes other than paying the convention center or 120737  
administrative costs described in division (Q) (6) (a) of this 120738  
section be used only for the direct and indirect costs of 120739  
capital improvements, including the financing of capital 120740  
improvements, except that the agreement may subsequently be 120741  
amended by the parties that have entered into that agreement to 120742

authorize such amounts to instead be used for any costs related 120743  
to the promotion or support of tourism or tourism-related 120744  
programs. 120745

(b) If the county in which the tax is levied has an 120746  
association of mayors and city managers, the approval of that 120747  
association of an agreement described in division (Q) (6) (a) of 120748  
this section shall be considered to be the approval of the 120749  
majority of the mayors of the other municipal corporations for 120750  
purposes of that division. 120751

(7) Each year, the auditor of state shall conduct an audit 120752  
of the uses of any amounts collected from taxes levied, 120753  
extended, or deposited under division (Q) of this section and 120754  
shall prepare a report of the auditor of state's findings. The 120755  
auditor of state shall submit the report to the legislative 120756  
authority of the county that has levied, extended, or deposited 120757  
the tax, the speaker of the house of representatives, the 120758  
president of the senate, and the leaders of the minority parties 120759  
of the house of representatives and the senate. 120760

(R) (1) As used in division (R) of this section: 120761

(a) "Convention facilities authority" has the same meaning 120762  
as in section 351.01 of the Revised Code. 120763

(b) "Convention center" has the same meaning as in section 120764  
307.695 of the Revised Code. 120765

(2) Notwithstanding any contrary provision of division (N) 120766  
of this section, the legislative authority of a county with a 120767  
population of one million two hundred thousand or more according 120768  
to the most recent federal decennial census or the most recent 120769  
annual population estimate published or released by the United 120770  
States census bureau at the time the resolution is adopted 120771

placing the levy on the ballot, that has levied a tax under 120772  
division (N) of this section may, by resolution adopted by a 120773  
majority of the members of the legislative authority, provide 120774  
for the extension of such levy and may provide that the proceeds 120775  
of that tax, to the extent that the proceeds are no longer 120776  
needed for their original purpose as defined by a cooperative 120777  
agreement entered into under section 307.671 of the Revised Code 120778  
and after deducting the real and actual costs of administering 120779  
the tax, shall be used for paying the direct and indirect costs 120780  
of constructing, improving, expanding, equipping, financing, or 120781  
operating a convention center. The resolution shall provide for 120782  
the extension of the tax at a rate not to exceed the rate 120783  
specified in division (N) of this section for a period of time 120784  
determined by the legislative authority of the county, but not 120785  
to exceed an additional forty years. 120786

(3) The legislative authority of a county with a 120787  
population of one million two hundred thousand or more that has 120788  
levied a tax under division (A) of this section may, by 120789  
resolution adopted by a majority of the members of the 120790  
legislative authority, increase the rate of the tax levied by 120791  
such county under division (A) of this section to a rate not to 120792  
exceed five per cent on transactions by which lodging by a hotel 120793  
is or is to be furnished to transient guests. Notwithstanding 120794  
any contrary provision of division (A) of this section, the 120795  
resolution shall provide that all collections resulting from the 120796  
rate levied in excess of three per cent, after deducting the 120797  
real and actual costs of administering the tax, shall be used 120798  
for paying the direct and indirect costs of constructing, 120799  
improving, expanding, equipping, financing, or operating a 120800  
convention center. 120801

(4) The legislative authority of a county with a 120802



population of one million two hundred thousand or more that has 120803  
levied a tax under division (A) of this section may, by 120804  
resolution adopted on or before July 1, 2008, by a majority of 120805  
the members of the legislative authority, provide that all or a 120806  
portion of the proceeds of the tax levied under division (A) of 120807  
this section, after deducting the real and actual costs of 120808  
administering the tax and the amounts required to be returned to 120809  
townships and municipal corporations with respect to the first 120810  
three per cent levied under division (A) of this section, shall 120811  
be used to satisfy any pledges made in connection with an 120812  
agreement entered into under section 307.695 of the Revised Code 120813  
or shall otherwise be used for paying the direct and indirect 120814  
costs of constructing, improving, expanding, equipping, 120815  
financing, or operating a convention center. 120816

(5) Any amount collected from a tax levied or extended 120817  
under division (R) of this section may be contributed to a 120818  
convention facilities authority created before July 1, 2005, but 120819  
no amount collected from a tax levied or extended under division 120820  
(R) of this section may be contributed to a convention 120821  
facilities authority, corporation, or other entity created after 120822  
July 1, 2005, unless the mayor of the municipal corporation in 120823  
which the convention center is to be operated by that convention 120824  
facilities authority, corporation, or other entity has consented 120825  
to the creation of that convention facilities authority, 120826  
corporation, or entity. 120827

(S) As used in division (S) of this section, "soldiers' 120828  
memorial" means a memorial constructed and funded under Chapter 120829  
345. of the Revised Code. 120830

The board of county commissioners of a county with a 120831  
population between one hundred three thousand and one hundred 120832

seven thousand according to the most recent federal decennial 120833  
census, by resolution adopted by a majority of the members of 120834  
the board within six months after September 15, 2014, may levy a 120835  
tax not to exceed three per cent on transactions by which a 120836  
hotel is or is to be furnished to transient guests. The purpose 120837  
of the tax shall be to pay the costs of expanding, maintaining, 120838  
or operating a soldiers' memorial and the costs of administering 120839  
the tax. All revenue arising from the tax shall be credited to 120840  
one or more special funds in the county treasury and shall be 120841  
spent solely for the purposes of paying those costs. 120842

The board of county commissioners shall adopt all rules 120843  
necessary to provide for the administration of the tax subject 120844  
to the same limitations on imposing penalty or interest under 120845  
division (A) of this section. 120846

(T) As used in division (T) of this section: 120847

(1) "Eligible county" means a county in which a county 120848  
agricultural society or independent agricultural society is 120849  
organized under section 1711.01 or 1711.02 of the Revised Code, 120850  
provided the agricultural society owns a facility or site in the 120851  
county at which an annual harness horse race is conducted where 120852  
one-day attendance equals at least forty thousand attendees. 120853

(2) "Permanent improvements," "debt charges," and 120854  
"financing costs" have the same meanings as in section 133.01 of 120855  
the Revised Code. 120856

(3) "Costs of permanent improvements" include all costs 120857  
allowed in section 133.15 of the Revised Code. 120858

A board of county commissioners of an eligible county, by 120859  
resolution adopted by a majority of the members of the board, 120860  
may levy an excise tax at the rate of up to three per cent on 120861

transactions by which lodging by a hotel is or is to be 120862  
furnished to transient guests for the purpose of paying the 120863  
costs of permanent improvements at sites at which one or more 120864  
agricultural societies conduct fairs or exhibits, including 120865  
paying financing costs and debt charges on bonds, or notes in 120866  
anticipation of bonds, paying the costs of maintaining or 120867  
operating such permanent improvements, and paying the costs of 120868  
administering the tax. 120869

A resolution adopted under division (T) of this section, 120870  
other than a resolution that only extends the period of time for 120871  
which the tax is levied, shall direct the board of elections to 120872  
submit the question of the proposed lodging tax to the electors 120873  
of the county at a special election held on the date specified 120874  
by the board in the resolution, provided that the election 120875  
occurs not less than ninety days after a certified copy of the 120876  
resolution is transmitted to the board of elections. A 120877  
resolution submitted to the electors under division (T) of this 120878  
section shall not go into effect unless it is approved by a 120879  
majority of those voting upon it. The resolution takes effect on 120880  
the date the board of county commissioners receives notification 120881  
from the board of elections of an affirmative vote. 120882

The tax shall remain in effect for the period specified in 120883  
the resolution, not to exceed five years, and may be extended 120884  
for an additional period of years that is at least the number of 120885  
years required for payment of the debt charges on bonds or notes 120886  
in anticipation of bonds authorized under this division but not 120887  
in excess of fifteen years thereafter by a resolution adopted by 120888  
a majority of the members of the board. A resolution extending 120889  
the period of time for which the tax is in effect is not subject 120890  
to approval of the electors of the county, but is subject to 120891  
referendum under sections 305.31 to 305.99 of the Revised Code. 120892

All revenue arising from the tax shall be credited to one or 120893  
more special funds in the county treasury and shall be spent 120894  
solely for the purposes of paying the costs of such permanent 120895  
improvements, including paying financing costs and debt charges 120896  
on bonds, or notes in anticipation of bonds, and maintaining or 120897  
operating the improvements. Revenue allocated for the use of a 120898  
county agricultural society may be credited to the county 120899  
agricultural society fund created in section 1711.16 of the 120900  
Revised Code upon appropriation by the board. If revenue is 120901  
credited to that fund, it shall be expended only as provided in 120902  
that section. 120903

The board of county commissioners shall adopt all rules 120904  
necessary to provide for the administration of the tax. The 120905  
rules may prescribe the time for payment of the tax, and may 120906  
provide for the imposition or penalty or interest, or both, for 120907  
late payments, provided that the penalty does not exceed ten per 120908  
cent of the amount of tax due, and the rate at which interest 120909  
accrues does not exceed the rate per annum prescribed in section 120910  
5703.47 of the Revised Code. 120911

The board of county commissioners may issue bonds, or 120912  
notes in anticipation thereof, pursuant to Chapter 133. of the 120913  
Revised Code, for the purpose of paying the costs of permanent 120914  
improvements as authorized in this division and pledge the 120915  
revenue arising from the tax for that purpose. The board of 120916  
county commissioners may pledge or contribute the revenue 120917  
arising from the tax levied under this division to a port 120918  
authority created under Chapter 4582. of the Revised Code, and 120919  
the port authority may issue bonds, or notes in anticipation 120920  
thereof, pursuant to that chapter, for the purpose of paying the 120921  
costs of permanent improvements as authorized in this division. 120922

(U) As used in division (U) of this section, "eligible county" means a county in which a tax is levied under division (A) of this section at a rate of three per cent and whose territory includes a part of Lake Erie the shoreline of which represents at least fifty per cent of the linear length of the county's border with other counties of this state.

The board of county commissioners of an eligible county that has entered into an agreement with a port authority in the county under section 4582.56 of the Revised Code may levy an additional lodging tax on transactions by which lodging by a hotel is or is to be furnished to transient guests for the purpose of financing lakeshore improvement projects constructed or financed by the port authority under that section. The resolution levying the tax shall specify the purpose of the tax, the rate of the tax, which shall not exceed two per cent, and the number of years the tax will be levied or that it will be levied for a continuing period of time. The tax shall be administered pursuant to the regulations adopted by the board under division (A) of this section, except that all the proceeds of the tax levied under this division shall be pledged to the payment of the costs, including debt charges, of lakeshore improvements undertaken by a port authority pursuant to the agreement under section 4582.56 of the Revised Code. No revenue from the tax may be used to pay the current expenses of the port authority.

A resolution levying a tax under division (U) of this section is subject to referendum under sections 305.31 to 305.41 and 305.99 of the Revised Code.

(V) (1) As used in division (V) of this section:

(a) "Tourism development district" means a district

designated by a municipal corporation under section 715.014 of 120953  
the Revised Code or by a township under section 503.56 of the 120954  
Revised Code. 120955

(b) "Lodging tax" means a tax levied pursuant to this 120956  
section or section 5739.08 of the Revised Code. 120957

(c) "Tourism development district lodging tax proceeds" 120958  
means all proceeds of a lodging tax derived from transactions by 120959  
which lodging by a hotel located in a tourism development 120960  
district is or is to be provided to transient guests. 120961

(d) "Eligible county" has the same meaning as in section 120962  
307.678 of the Revised Code. 120963

(2) (a) Notwithstanding division (A) of this section, the 120964  
board of county commissioners, board of township trustees, or 120965  
legislative authority of any county, township, or municipal 120966  
corporation that levies a lodging tax on September 29, 2017, and 120967  
in which any part of a tourism development district is located 120968  
on or after that date shall amend the ordinance or resolution 120969  
levying the tax to require either of the following: 120970

(i) In the case of a tax levied by a county, that all 120971  
tourism development district lodging tax proceeds from that tax 120972  
be used exclusively to foster and develop tourism in the tourism 120973  
development district; 120974

(ii) In the case of a tax levied by a township or 120975  
municipal corporation, that all tourism development district 120976  
lodging tax proceeds from that tax be used exclusively to foster 120977  
and develop tourism in the tourism development district. 120978

(b) Notwithstanding division (A) of this section, any 120979  
ordinance or resolution levying a lodging tax adopted on or 120980  
after September 29, 2017, by a county, township, or municipal 120981

corporation in which any part of a tourism development district 120982  
is located on or after that date shall require that all tourism 120983  
development district lodging tax proceeds from that tax be used 120984  
exclusively to foster and develop tourism in the tourism 120985  
development district. 120986

(c) A county shall not use any of the proceeds described 120987  
in division (V) (2) (a) (i) or (V) (2) (b) of this section unless the 120988  
convention and visitors' bureau operating within the county 120989  
approves the manner in which such proceeds are used to foster 120990  
and develop tourism in the tourism development district. Upon 120991  
obtaining such approval, the county may pay such proceeds to the 120992  
bureau to use for the agreed-upon purpose. 120993

A municipal corporation or township shall not use any of 120994  
the proceeds described in division (V) (2) (a) (ii) or (V) (2) (b) of 120995  
this section unless the convention and visitors' bureau 120996  
operating within the municipal corporation or township approves 120997  
the manner in which such proceeds are used to foster and develop 120998  
tourism in the tourism development district. Upon obtaining such 120999  
approval, the municipal corporation or township may pay such 121000  
proceeds to the bureau to use for the agreed-upon purpose. 121001

(3) (a) Notwithstanding division (A) of this section, the 121002  
board of county commissioners of an eligible county that levies 121003  
a lodging tax on March 23, 2018, may amend the resolution 121004  
levying that tax to require that all or a portion of the 121005  
proceeds of that tax otherwise required to be spent solely to 121006  
make contributions to the convention and visitors' bureau 121007  
operating within the county shall be used to foster and develop 121008  
tourism in a tourism development district. 121009

(b) Notwithstanding division (A) of this section, the 121010  
board of county commissioners of an eligible county that adopts 121011

a resolution levying a lodging tax on or after March 23, 2018, 121012  
may require that all or a portion of the proceeds of that tax 121013  
otherwise required to be spent solely to make contributions to 121014  
the convention and visitors' bureau operating within the county 121015  
pursuant to division (A) of this section shall be used to foster 121016  
and develop tourism in a tourism development district. 121017

(c) A county shall not use any of the proceeds in the 121018  
manner described in division (V) (3) (a) or (b) of this section 121019  
unless the convention and visitors' bureau operating within the 121020  
county approves the manner in which such proceeds are used to 121021  
foster and develop tourism in the tourism development district. 121022  
Upon obtaining such approval, the county may pay such proceeds 121023  
to the bureau to use for the agreed upon purpose. 121024

(W) (1) As used in division (W) of this section: 121025

(a) "Eligible county" means a county with a population 121026  
greater than three hundred thousand and less than three hundred 121027  
fifty thousand that levies a tax under division (A) of this 121028  
section at a rate of three per cent; 121029

(b) "Cost" and "facility" have the same meanings as in 121030  
section 351.01 of the Revised Code. 121031

(2) A board of county commissioners of an eligible county, 121032  
by resolution adopted by a majority of the members of the board, 121033  
may levy an excise tax at the rate of up to three per cent on 121034  
transactions by which lodging by a hotel is or is to be 121035  
furnished to transient guests. All of the revenue from the tax 121036  
shall be used to pay the costs of administering the tax or 121037  
pledged and contributed to a convention facilities authority 121038  
established by the board of county commissioners under Chapter 121039  
351. of the Revised Code and used by the authority to pay the 121040



cost of constructing a facility in the county, including paying 121041  
bonds, or notes issued in anticipation of bonds, as provided by 121042  
that chapter, or paying the expenses of maintaining, operating, 121043  
or promoting such a facility. No portion of the revenue arising 121044  
from the tax need be returned to municipal corporations or 121045  
townships as required for taxes levied under division (A) of 121046  
this section. 121047

(3) A resolution adopted under division (W) of this 121048  
section shall direct the board of elections to submit the 121049  
question of the proposed lodging tax to the electors of the 121050  
county at a special election held on the date specified by the 121051  
board in the resolution, provided that the election occurs not 121052  
less than ninety days after a certified copy of the resolution 121053  
is transmitted to the board of elections. A resolution submitted 121054  
to the electors under division (W) of this section shall not go 121055  
into effect unless it is approved by a majority of those voting 121056  
upon it. The resolution takes effect on the date the board of 121057  
county commissioners receives notification from the board of 121058  
elections of an affirmative vote. 121059

(4) Once the tax is approved by the electors of the county 121060  
pursuant to division (W) (3) of this section, it shall not be 121061  
subject to diminution by initiative or referendum or by law 121062  
while any bonds, or notes in anticipation of bonds, issued by 121063  
the authority under Chapter 351. of the Revised Code to which 121064  
the revenue is pledged, remain outstanding in accordance with 121065  
their terms, unless provision is made by law or by the board of 121066  
county commissioners for an adequate substitute therefore that 121067  
is satisfactory to the trustee if a trust agreement secures the 121068  
bonds. 121069

(5) The tax authorized by division (W) of this section 121070

shall be in addition to any other tax that is levied pursuant to 121071  
this section. 121072

(X) (1) As used in division (X) of this section: 121073

(a) "Convention facilities authority," "cost," and 121074  
"facility" have the same meanings as in section 351.01 of the 121075  
Revised Code, except that "facility" does not include a "sports 121076  
facility," as that term is defined in that section, other than a 121077  
facility intended to house a major league soccer team. 121078

(b) "Eligible county" means a county with a population 121079  
greater than eight hundred thousand but less than one million 121080  
that levies a tax under division (A) of this section. 121081

(c) "Port authority" means a port authority created under 121082  
Chapter 4582. of the Revised Code. 121083

(2) A board of county commissioners or the legislative 121084  
authority of an eligible county may, by resolution adopted by a 121085  
majority of the members of the board or legislative authority, 121086  
levy an excise tax at a rate not to exceed one per cent on 121087  
transactions by which lodging by a hotel is or is to be 121088  
furnished to transient guests. All revenue arising from the tax 121089  
shall be used to pay the costs of administering the tax or 121090  
pledged and contributed to the convention and visitors' bureau 121091  
operating within the applicable eligible county, a convention 121092  
facilities authority within the applicable eligible county, or a 121093  
port authority and used by the convention and visitors' bureau, 121094  
the convention facilities authority, or the port authority to 121095  
pay the cost of acquiring, constructing, renovating, expanding, 121096  
maintaining, or operating one or more facilities in the county, 121097  
including paying bonds, or notes issued in anticipation of 121098  
bonds, or paying the expenses of maintaining, operating, or 121099

promoting one or more facilities. No portion of the revenue 121100  
arising from the tax need be returned to municipal corporations 121101  
or townships as required for taxes levied under division (A) of 121102  
this section. 121103

(3) The tax authorized by division (X) of this section 121104  
shall be in addition to any other tax that is levied pursuant to 121105  
this section. 121106

(4) Any board of county commissioners of an eligible 121107  
county that, pursuant to division (D) (2) of this section, has 121108  
amended a resolution levying the tax authorized by division (A) 121109  
of this section may further amend the resolution to provide that 121110  
all or a portion of the revenue referred to in division (D) (2) 121111  
(b) of this section and division (A) of this section may be 121112  
pledged and contributed to pay the costs of acquiring, 121113  
constructing, renovating, expanding, maintaining, or operating 121114  
one or more facilities in the county, including paying bonds, or 121115  
notes issued in anticipation of bonds, or paying the expenses of 121116  
maintaining, operating, or promoting one or more facilities. 121117

**Sec. 5739.102.** A person who is liable for a tax levied 121118  
under section 5739.101 of the Revised Code shall file a return 121119  
with the tax commissioner showing the person's taxable gross 121120  
receipts from sales described under division (B) (1) or (2) or 121121  
(C) of that section. The tax commissioner shall prescribe the 121122  
form of the return, and the six- or twelve-month reporting 121123  
period. The person shall file the return on or before the last 121124  
day of the month following the end of the reporting period 121125  
prescribed by the commissioner, and shall include with the 121126  
return payment of the tax for the period. The remittance shall 121127  
be made payable to the treasurer of state. 121128

Upon receipt of a return, the tax commissioner shall 121129

credit any money included with it to the resort area excise tax 121130  
fund, which is hereby created. Within forty-five days after the 121131  
end of each month, the commissioner shall provide for the 121132  
distribution of all money paid during that month into the resort 121133  
area excise tax fund to the appropriate municipal corporations 121134  
and townships, after first subtracting and crediting to the 121135  
general revenue fund one per cent to cover the costs of 121136  
administering the excise tax. 121137

If a person liable for the tax fails to file a return or 121138  
pay the tax as required under this section and the rules of the 121139  
tax commissioner, the person shall pay an additional charge of 121140  
the greater of fifty dollars or ten per cent of the tax due for 121141  
the return period. The additional charge shall be considered 121142  
revenue arising from the tax levied under section 5739.101 of 121143  
the Revised Code, and may be collected by assessment in the 121144  
manner provided in section 5739.13 of the Revised Code. ~~The tax-~~ 121145  
~~commissioner may remit all or a portion of the charge.~~ 121146

**Sec. 5739.12.** (A) (1) Each person who has or is required to 121147  
have a vendor's license, on or before the twenty-third day of 121148  
each month, shall make and file a return for the preceding month 121149  
in the form prescribed by the tax commissioner, and shall pay 121150  
the tax shown on the return to be due. The return shall be filed 121151  
electronically using the Ohio business gateway, as defined in 121152  
section 718.01 of the Revised Code, the Ohio telefile system, or 121153  
any other electronic means prescribed by the commissioner. 121154  
Payment of the tax shown on the return to be due shall be made 121155  
electronically in a manner approved by the commissioner. The 121156  
commissioner may require a vendor that operates from multiple 121157  
locations or has multiple vendor's licenses to report all tax 121158  
liabilities on one consolidated return. The return shall show 121159  
the amount of tax due from the vendor to the state for the 121160

period covered by the return and such other information as the 121161  
commissioner deems necessary for the proper administration of 121162  
this chapter. The commissioner may extend the time for making 121163  
and filing returns and paying the tax, and may require that the 121164  
return for the last month of any annual or semiannual period, as 121165  
determined by the commissioner, be a reconciliation return 121166  
detailing the vendor's sales activity for the preceding annual 121167  
or semiannual period. The reconciliation return shall be filed 121168  
by the last day of the month following the last month of the 121169  
annual or semiannual period. ~~The commissioner may remit all or~~ 121170  
~~any part of amounts or penalties that may become due under this~~ 121171  
~~chapter and may adopt rules relating thereto.~~ Such return shall 121172  
be filed electronically as directed by the tax commissioner, and 121173  
payment of the amount of tax shown to be due thereon, after 121174  
deduction of any discount provided for under this section, shall 121175  
be made electronically in a manner approved by the tax 121176  
commissioner. 121177

(2) Any person required to file returns and make payments 121178  
electronically under division (A) (1) of this section may apply 121179  
to the tax commissioner on a form prescribed by the commissioner 121180  
to be excused from that requirement. For good cause shown, the 121181  
commissioner may excuse the person from that requirement and may 121182  
permit the person to file the returns and make the payments 121183  
required by this section by nonelectronic means. 121184

(B) (1) If the return is filed and the amount of tax shown 121185  
thereon to be due is paid on or before the date such return is 121186  
required to be filed, the vendor shall be entitled to a discount 121187  
of three-fourths of one per cent of the amount shown to be due 121188  
on the return. 121189

(2) A vendor that has selected a certified service 121190

provider as its agent shall not be entitled to the discount if 121191  
the certified service provider receives a monetary allowance 121192  
pursuant to section 5739.06 of the Revised Code for performing 121193  
the vendor's sales and use tax functions in this state. Amounts 121194  
paid to the clerk of courts pursuant to section 4505.06 of the 121195  
Revised Code shall be subject to the applicable discount. The 121196  
discount shall be in consideration for prompt payment to the 121197  
clerk of courts and for other services performed by the vendor 121198  
in the collection of the tax. 121199

(C) (1) Upon application to the tax commissioner, a vendor 121200  
who is required to file monthly returns may be relieved of the 121201  
requirement to report and pay the actual tax due, provided that 121202  
the vendor agrees to remit to the commissioner payment of not 121203  
less than an amount determined by the commissioner to be the 121204  
average monthly tax liability of the vendor, based upon a review 121205  
of the returns or other information pertaining to such vendor 121206  
for a period of not less than six months nor more than two years 121207  
immediately preceding the filing of the application. Vendors who 121208  
agree to the above conditions shall make and file an annual or 121209  
semiannual reconciliation return, as prescribed by the 121210  
commissioner. The reconciliation return shall be filed 121211  
electronically as directed by the tax commissioner, and payment 121212  
of the amount of tax shown to be due thereon, after deduction of 121213  
any discount provided in this section, shall be made 121214  
electronically in a manner approved by the commissioner. Failure 121215  
of a vendor to comply with any of the above conditions may 121216  
result in immediate reinstatement of the requirement of 121217  
reporting and paying the actual tax liability on each monthly 121218  
return, and the commissioner may at the commissioner's 121219  
discretion deny the vendor the right to report and pay based 121220  
upon the average monthly liability for a period not to exceed 121221

two years. The amount ascertained by the commissioner to be the 121222  
average monthly tax liability of a vendor may be adjusted, based 121223  
upon a review of the returns or other information pertaining to 121224  
the vendor for a period of not less than six months nor more 121225  
than two years preceding such adjustment. 121226

(2) The commissioner may authorize vendors whose tax 121227  
liability is not such as to merit monthly returns, as 121228  
ascertained by the commissioner upon the basis of administrative 121229  
costs to the state, to make and file returns at less frequent 121230  
intervals. When returns are filed at less frequent intervals in 121231  
accordance with such authorization, the vendor shall be allowed 121232  
the discount provided in this section in consideration for 121233  
prompt payment with the return, provided the return is filed and 121234  
payment is made of the amount of tax shown to be due thereon, at 121235  
the time specified by the commissioner, but a vendor that has 121236  
selected a certified service provider as its agent shall not be 121237  
entitled to the discount. 121238

(D) Any vendor who fails to file a return or to pay the 121239  
full amount of the tax shown on the return to be due in the 121240  
manner prescribed under this section and the rules of the 121241  
commissioner may, for each such return, be required to forfeit 121242  
and pay into the state treasury an additional charge not 121243  
exceeding fifty dollars or ten per cent of the tax required to 121244  
be paid for the reporting period, whichever is greater, as 121245  
revenue arising from the tax imposed by this chapter, and such 121246  
sum may be collected by assessment in the manner provided in 121247  
section 5739.13 of the Revised Code. ~~The commissioner may remit~~ 121248  
~~all or a portion of the additional charge and may adopt rules~~ 121249  
~~relating to the imposition and remission of the additional~~ 121250  
~~charge.~~ 121251

(E) If the amount required to be collected by a vendor 121252  
from consumers is in excess of the applicable percentage of the 121253  
vendor's receipts from sales that are taxable under section 121254  
5739.02 of the Revised Code, or in the case of sales subject to 121255  
a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 121256  
of the Revised Code, in excess of the percentage equal to the 121257  
aggregate rate of such taxes and the tax levied by section 121258  
5739.02 of the Revised Code, such excess shall be remitted along 121259  
with the remittance of the amount of tax due under section 121260  
5739.10 of the Revised Code. 121261

(F) The commissioner, if the commissioner deems it 121262  
necessary in order to insure the payment of the tax imposed by 121263  
this chapter, may require returns and payments to be made for 121264  
other than monthly periods. 121265

(G) Any vendor required to file a return and pay the tax 121266  
under this section whose total payment for a year equals or 121267  
exceeds the amount shown in division (A) of section 5739.122 of 121268  
the Revised Code is subject to the accelerated tax payment 121269  
requirements in divisions (B) and (C) of that section. For a 121270  
vendor that operates from multiple locations or has multiple 121271  
vendor's licenses, in determining whether the vendor's total 121272  
payment equals or exceeds the amount shown in division (A) of 121273  
that section, the vendor's total payment amount shall be the 121274  
amount of the vendor's total tax liability for the previous 121275  
calendar year for all of the vendor's locations or licenses. 121276

**Sec. 5739.122.** (A) If the total amount of tax required to 121277  
be paid by a vendor under section 5739.12 of the Revised Code 121278  
for any calendar year equals or exceeds seventy-five thousand 121279  
dollars, the vendor shall remit each monthly tax payment in the 121280  
second ensuing and each succeeding tax year on an accelerated 121281



basis as prescribed by divisions (B) and (C) of this section. 121282

If a vendor's tax payment for each of two consecutive 121283  
years is less than seventy-five thousand dollars, the vendor is 121284  
relieved of the requirement to remit taxes in the manner 121285  
prescribed by this section for the year that next follows the 121286  
second of the consecutive years in which the tax payment is less 121287  
than that amount, and is relieved of that requirement for each 121288  
succeeding year, unless the tax payment in a subsequent year 121289  
equals or exceeds seventy-five thousand dollars. 121290

The tax commissioner shall notify each vendor required to 121291  
make accelerated tax payments of the vendor's obligation to do 121292  
so and shall maintain an updated list of those vendors. Failure 121293  
by the tax commissioner to notify a vendor subject to this 121294  
section to remit taxes on an accelerated basis does not relieve 121295  
the vendor of its obligation to remit taxes as provided under 121296  
division (B) of this section. 121297

(B) Vendors required by division (A) of this section to 121298  
make accelerated tax payments shall electronically remit such 121299  
payments to the tax commissioner in a manner approved by the 121300  
commissioner, as follows: 121301

(1) On or before the twenty-third day of each month, a 121302  
vendor shall remit an amount equal to seventy-five per cent of 121303  
the anticipated tax liability for that month. 121304

(2) On or before the twenty-third day of each month, a 121305  
vendor shall report the taxes collected for the previous month 121306  
and shall remit that amount, less any amounts paid for that 121307  
month as required by division (B) (1) of this section. 121308

The payment of taxes on an accelerated basis under this 121309  
section does not affect a vendor's obligation to file returns 121310

and pay the tax shown on the returns to be due as required under 121311  
section 5739.12 of the Revised Code. 121312

(C) A vendor required by this section to remit taxes on an 121313  
accelerated basis may apply to the tax commissioner, in the 121314  
manner prescribed by the commissioner, to be excused from that 121315  
requirement. The commissioner may excuse the vendor from 121316  
remittance on an accelerated basis for good cause shown for the 121317  
period of time requested by the vendor or for a portion of that 121318  
period. 121319

(D) (1) (a) If a vendor that is required to remit payments 121320  
under division (B) of this section fails to make a payment 121321  
required under division (B) (1) of this section, or makes a 121322  
payment under division (B) (1) of this section that is less than 121323  
seventy-five per cent of the actual liability for that month, 121324  
the commissioner may impose an additional charge not to exceed 121325  
five per cent of that unpaid amount. 121326

(b) Division (D) (1) (a) of this section does not apply if 121327  
the vendor's payment under division (B) (1) of this section is 121328  
equal to or greater than seventy-five per cent of the vendor's 121329  
reported liability for the same month in the immediately 121330  
preceding calendar year. 121331

(2) Any additional charge imposed under division (D) (1) 121332  
of this section is in addition to any other penalty or charge 121333  
imposed under this chapter, and shall be considered as revenue 121334  
arising from taxes imposed under this chapter. An additional 121335  
charge may be collected by assessment in the manner prescribed 121336  
by section 5739.13 of the Revised Code. ~~The tax commissioner may~~ 121337  
~~waive all or a portion of such a charge and may adopt rules~~ 121338  
~~governing such waiver.~~ 121339

**Sec. 5739.124.** (A) If required by the tax commissioner, a 121340  
permit holder required to make payments under section 5739.032 121341  
of the Revised Code shall file all returns and reports 121342  
electronically. The commissioner may require the permit holder 121343  
to use the Ohio business gateway, as defined in section 718.01 121344  
of the Revised Code, or any other electronic means approved by 121345  
the commissioner, to file the returns and reports, or to remit 121346  
the tax, in lieu of the manner prescribed under section 5739.032 121347  
of the Revised Code. 121348

(B) A person required under this section to file reports 121349  
and returns electronically may apply to the tax commissioner to 121350  
be excused from that requirement. Applications shall be made on 121351  
a form prescribed by the commissioner. The commissioner may 121352  
approve the application for good cause. 121353

(C) (1) If a person required to file a report or return 121354  
electronically under this section fails to do so, the tax 121355  
commissioner may impose an additional charge not to exceed the 121356  
following: 121357

(a) For each of the first two failures, five per cent of 121358  
the amount required to be reported on the report or return; 121359

(b) For the third and any subsequent failure, ten per cent 121360  
of the amount required to be reported on the report or return. 121361

(2) The charges authorized under division (C) (1) of this 121362  
section are in addition to any other charge or penalty 121363  
authorized under this chapter, and shall be considered as 121364  
revenue arising from taxes imposed under this chapter. An 121365  
additional charge may be collected by assessment in the manner 121366  
prescribed by section 5739.13 of the Revised Code. ~~The~~ 121367  
~~commissioner may waive all or a portion of such a charge and may~~ 121368

~~adopt rules governing such waiver.~~ 121369

**Sec. 5739.13.** (A) If any vendor collects the tax imposed 121370  
by or pursuant to section 5739.02, 5739.021, 5739.023, or 121371  
5739.026 of the Revised Code, and fails to remit the tax to the 121372  
state as prescribed, or on the sale of a motor vehicle, 121373  
watercraft, or outboard motor required to be titled, fails to 121374  
remit payment to a clerk of a court of common pleas as provided 121375  
in section 1548.06 or 4505.06 of the Revised Code, the vendor 121376  
shall be personally liable for any tax collected and not 121377  
remitted. The tax commissioner may make an assessment against 121378  
such vendor based upon any information in the commissioner's 121379  
possession. 121380

If any vendor fails to collect the tax or any consumer 121381  
fails to pay the tax imposed by or pursuant to section 5739.02, 121382  
5739.021, 5739.023, or 5739.026 of the Revised Code, on any 121383  
transaction subject to the tax, the vendor or consumer shall be 121384  
personally liable for the amount of the tax applicable to the 121385  
transaction. The commissioner may make an assessment against 121386  
either the vendor or consumer, as the facts may require, based 121387  
upon any information in the commissioner's possession. 121388

An assessment against a vendor when the tax imposed by or 121389  
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 121390  
the Revised Code has not been collected or paid, shall not 121391  
discharge the purchaser's or consumer's liability to reimburse 121392  
the vendor for the tax applicable to such transaction. 121393

An assessment issued against either, pursuant to this 121394  
section, shall not be considered an election of remedies, nor a 121395  
bar to an assessment against the other for the tax applicable to 121396  
the same transaction, provided that no assessment shall be 121397  
issued against any person for the tax due on a particular 121398

transaction if the tax on that transaction actually has been 121399  
paid by another. 121400

The commissioner may make an assessment against any vendor 121401  
who fails to file a return or remit the proper amount of tax 121402  
required by this chapter, or against any consumer who fails to 121403  
pay the proper amount of tax required by this chapter. When 121404  
information in the possession of the commissioner indicates that 121405  
the amount required to be collected or paid under this chapter 121406  
is greater than the amount remitted by the vendor or paid by the 121407  
consumer, the commissioner may audit a sample of the vendor's 121408  
sales or the consumer's purchases for a representative period, 121409  
to ascertain the per cent of exempt or taxable transactions or 121410  
the effective tax rate and may issue an assessment based on the 121411  
audit. The commissioner shall make a good faith effort to reach 121412  
agreement with the vendor or consumer in selecting a 121413  
representative sample. 121414

The commissioner may make an assessment, based on any 121415  
information in the commissioner's possession, against any person 121416  
who fails to file a return or remit the proper amount of tax 121417  
required by section 5739.102 of the Revised Code. 121418

The commissioner may issue an assessment on any 121419  
transaction for which any tax imposed under this chapter or 121420  
Chapter 5741. of the Revised Code was due and unpaid on the date 121421  
the vendor or consumer was informed by an agent of the tax 121422  
commissioner of an investigation or audit. If the vendor or 121423  
consumer remits any payment of the tax for the period covered by 121424  
the assessment after the vendor or consumer was informed of the 121425  
investigation or audit, the payment shall be credited against 121426  
the amount of the assessment. 121427

The commissioner shall give the party assessed written 121428

notice of the assessment in the manner provided in section 121429  
5703.37 of the Revised Code. With the notice, the commissioner 121430  
shall provide instructions on how to petition for reassessment 121431  
and request a hearing on the petition. 121432

(B) Unless the party assessed files with the commissioner 121433  
within sixty days after service of the notice of assessment,~~—~~ 121434  
~~either personally or by certified mail,~~ a written petition for 121435  
reassessment, signed by the party assessed or that party's 121436  
authorized agent having knowledge of the facts, the assessment 121437  
becomes final and the amount of the assessment is due from the 121438  
party assessed and payable to the treasurer of state and 121439  
remitted to the tax commissioner. The petition shall indicate 121440  
the objections of the party assessed, but additional objections 121441  
may be raised in writing if received by the commissioner prior 121442  
to the date shown on the final determination. If the petition 121443  
has been properly filed, the commissioner shall proceed under 121444  
section 5703.60 of the Revised Code. 121445

(C) After an assessment becomes final, if any portion of 121446  
the assessment remains unpaid, including accrued interest, a 121447  
certified copy of the commissioner's entry making the assessment 121448  
final may be filed in the office of the clerk of the court of 121449  
common pleas in the county in which the place of business of the 121450  
party assessed is located or the county in which the party 121451  
assessed resides. If the party assessed maintains no place of 121452  
business in this state and is not a resident of this state, the 121453  
certified copy of the entry may be filed in the office of the 121454  
clerk of the court of common pleas of Franklin county. 121455

Immediately upon the filing of the entry, the clerk shall 121456  
enter a judgment for the state against the party assessed in the 121457  
amount shown on the entry. The judgment may be filed by the 121458

clerk in a loose-leaf book entitled "special judgments for 121459  
state, county, and transit authority retail sales tax" or, if 121460  
appropriate, "special judgments for resort area excise tax," and 121461  
shall have the same effect as other judgments. Execution shall 121462  
issue upon the judgment upon the request of the tax 121463  
commissioner, and all laws applicable to sales on execution 121464  
shall apply to sales made under the judgment except as otherwise 121465  
provided in this chapter. 121466

If the assessment is not paid in its entirety within sixty 121467  
days after the date the assessment was issued, the portion of 121468  
the assessment consisting of tax due shall bear interest at the 121469  
rate per annum prescribed by section 5703.47 of the Revised Code 121470  
from the day the tax commissioner issues the assessment until 121471  
the assessment is paid or until it is certified to the attorney 121472  
general for collection under section 131.02 of the Revised Code, 121473  
whichever comes first. If the unpaid portion of the assessment 121474  
is certified to the attorney general for collection, the entire 121475  
unpaid portion of the assessment shall bear interest at the rate 121476  
per annum prescribed by section 5703.47 of the Revised Code from 121477  
the date of certification until the date it is paid in its 121478  
entirety. Interest shall be paid in the same manner as the tax 121479  
and may be collected by issuing an assessment under this 121480  
section. 121481

(D) All money collected by the tax commissioner under this 121482  
section shall be paid to the treasurer of state, and when paid 121483  
shall be considered as revenue arising from the taxes imposed by 121484  
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 121485

**Sec. 5739.132.** (A) If a tax, fee, or charge due under this 121486  
chapter or Chapter 128. or 5741. of the Revised Code is not paid 121487  
on or before the day the payment is required to be paid, 121488

interest shall accrue on the unpaid tax, fee, or charge at the 121489  
rate per annum prescribed by section 5703.47 of the Revised Code 121490  
from the day the tax, fee, or charge was required to be paid 121491  
until the tax, fee, or charge is paid or until the day an 121492  
assessment is issued under section 5739.13 or 5739.15 of the 121493  
Revised Code, whichever occurs first. Interest shall be paid in 121494  
the same manner as the tax, fee, or charge, and may be collected 121495  
by assessment. 121496

~~(B) Interest~~ (B) (1) Except as provided in division (B) (2) 121497  
of this section, interest shall be allowed and paid on any 121498  
refund granted pursuant to section 128.47, 5739.07, or 5741.10 121499  
of the Revised Code from the date of the overpayment. The 121500  
interest shall be computed at the rate per annum prescribed by 121501  
section 5703.47 of the Revised Code. 121502

(2) No interest shall be allowed or paid on a refund of a 121503  
tax levied pursuant to section 5739.021, 5739.026, 5741.021, or 121504  
5741.023 of the Revised Code. 121505

**Sec. 5739.133.** (A) A penalty may be added to every amount 121506  
assessed under section 5739.13 or 5739.15 of the Revised Code as 121507  
follows: 121508

(1) In the case of an assessment against a person who 121509  
fails to collect and remit the tax required by this chapter or 121510  
Chapter 5741. of the Revised Code, up to fifty per cent of the 121511  
amount assessed; 121512

(2) In the case of a person whom the tax commissioner 121513  
believes has collected the tax but failed to remit it to the 121514  
state as required by this chapter or Chapter 5741. of the 121515  
Revised Code, up to fifty per cent of the amount assessed; 121516

(3) In the case of all other assessments, up to fifteen 121517



per cent of the amount assessed. 121518

No amount assessed under section 5739.13 or 5739.15 of the 121519  
Revised Code shall be subject to a penalty under this section in 121520  
excess of fifty per cent of the amount assessed. 121521

(B) All assessments issued under section 5739.13 and 121522  
5739.15 of the Revised Code shall include preassessment interest 121523  
computed at the rate per annum prescribed by section 5703.47 of 121524  
the Revised Code. Beginning January 1, 1988, preassessment 121525  
interest shall begin to accrue on the first day of January of 121526  
the year following the date on which the person assessed was 121527  
required to report and pay the tax under this chapter or Chapter 121528  
5741. of the Revised Code, and shall run until the date of the 121529  
notice of assessment. If an assessment is issued within the 121530  
first twelve months after the interest begins to accrue, no 121531  
preassessment interest shall be assessed. With respect to taxes 121532  
required to be paid under this chapter or Chapter 5741. of the 121533  
Revised Code on or after January 1, 1998, interest shall accrue 121534  
as prescribed in division (A) of section 5739.132 of the Revised 121535  
Code. 121536

~~(C) The commissioner may adopt rules providing for the 121537  
imposition and remission of any penalty provided for under this 121538  
section. 121539~~

**Sec. 5739.31.** (A) (1) No person shall engage in the 121540  
business of selling at retail or sell at retail incidental to 121541  
any other regularly conducted business without having a license 121542  
therefor, as required by sections 5739.01 to 5739.31 of the 121543  
Revised Code. 121544

(2) No person shall engage in the business of selling at 121545  
retail as a transient vendor, as defined in section 5739.17 of 121546

the Revised Code, without first having obtained a license as 121547  
required by that section. 121548

(B) No person shall continue to engage in the business of 121549  
selling at retail or sell at retail incidental to any other 121550  
regularly conducted business after the license issued to that 121551  
person pursuant to section 5739.17 of the Revised Code has been 121552  
suspended by the tax commissioner under division (B) (2) of 121553  
section 5739.30 of the Revised Code, nor shall any person obtain 121554  
a new license from ~~the any~~ county auditor or the tax 121555  
commissioner while such suspension is in effect. If a 121556  
corporation's license has been suspended, none of its officers, 121557  
or employees having control or supervision of or charged with 121558  
the responsibility of filing returns and making payments of tax 121559  
due, shall obtain a license from ~~the any~~ county auditor or the 121560  
tax commissioner during the period of such suspension. The tax 121561  
commissioner may cancel any licenses granted while the 121562  
suspension is in effect. 121563

**Sec. 5741.121.** (A) If the total amount of tax required to 121564  
be paid by a seller or consumer under section 5741.12 of the 121565  
Revised Code for any year equals or exceeds seventy-five 121566  
thousand dollars, the seller or consumer shall remit each 121567  
monthly tax payment in the second ensuing and each succeeding 121568  
year on an accelerated basis as prescribed by division (B) of 121569  
this section. 121570

If a seller's or consumer's tax payment for each of two 121571  
consecutive years is less than seventy-five thousand dollars, 121572  
the seller or consumer is relieved of the requirement to remit 121573  
taxes on an accelerated basis for the year that next follows 121574  
the second of the consecutive years in which the tax payment is 121575  
less than that amount, and is relieved of that requirement for 121576

each succeeding year, unless the tax payment in a subsequent 121577  
year equals or exceeds seventy-five thousand dollars. 121578

The tax commissioner shall notify each seller or consumer 121579  
required to make accelerated tax payments of the seller's or 121580  
consumer's obligation to do so and shall maintain an updated 121581  
list of those sellers and consumers. Failure by the tax 121582  
commissioner to notify a seller or consumer subject to this 121583  
section to remit taxes on an accelerated basis does not relieve 121584  
the seller or consumer of the obligation to remit taxes as 121585  
provided under division (B) of this section. 121586

(B) Sellers and consumers required by division (A) of this 121587  
section to make accelerated tax payments shall electronically 121588  
remit such payments to the tax commissioner, in a manner 121589  
approved by the commissioner, as follows: 121590

(1) On or before the twenty-third day of each month, a 121591  
seller or consumer shall remit an amount equal to seventy-five 121592  
per cent of the anticipated tax liability for that month. 121593

(2) On or before the twenty-third day of each month, a 121594  
seller shall report the taxes collected and a consumer shall 121595  
report the taxes due for the previous month and shall remit that 121596  
amount, less any amounts paid for that month as required by 121597  
division (B) (1) of this section. 121598

The payment of taxes on an accelerated basis under this 121599  
section does not affect a seller's or consumer's obligation to 121600  
file returns and pay the tax shown on the returns to be due as 121601  
required under section 5741.12 of the Revised Code. 121602

(C) A seller or consumer required by this section to remit 121603  
taxes on an accelerated basis may apply to the tax commissioner 121604  
in the manner prescribed by the commissioner to be excused from 121605

that requirement. The commissioner may excuse the seller or 121606  
consumer from remittance on an accelerated basis for good cause 121607  
shown for the period of time requested by the seller or consumer 121608  
or for a portion of that period. 121609

(D) (1) (a) If a seller or consumer that is required to 121610  
remit payments under division (B) of this section fails to make 121611  
a payment required under division (B) (1) of this section, or 121612  
makes a payment under division (B) (1) of this section that is 121613  
less than seventy-five per cent of the actual liability for that 121614  
month, the commissioner may impose an additional charge not to 121615  
exceed five per cent of that unpaid amount. 121616

(b) Division (D) (1) (a) of this section does not apply if 121617  
the seller's or consumer's payment under division (B) (1) of this 121618  
section is equal to or greater than seventy-five per cent of the 121619  
seller's or consumer's reported liability for the same month in 121620  
the immediately preceding calendar year. 121621

(2) Any additional charge imposed under division (D) (1) 121622  
of this section is in addition to any other penalty or charge 121623  
imposed under this chapter, and shall be considered as revenue 121624  
arising from taxes imposed under this chapter. An additional 121625  
charge may be collected by assessment in the manner prescribed 121626  
by section 5741.13 of the Revised Code. ~~The tax commissioner may~~ 121627  
~~waive all or a portion of such a charge and may adopt rules~~ 121628  
~~governing such waiver.~~ 121629

**Sec. 5741.122.** (A) If required by the tax commissioner, a 121630  
person required to make payments under section 5741.121 of the 121631  
Revised Code shall file all returns and reports electronically. 121632  
The commissioner may require the person to use the Ohio business 121633  
gateway, as defined in section 718.01 of the Revised Code, or 121634  
any other electronic means approved by the commissioner, to file 121635

the returns and reports, or to remit the tax, in lieu of the 121636  
manner prescribed under section 5741.121 of the Revised Code. 121637

(B) A person required under this section to file reports 121638  
and returns electronically may apply to the tax commissioner to 121639  
be excused from that requirement. Applications shall be made on 121640  
a form prescribed by the commissioner. The commissioner may 121641  
approve the application for good cause. 121642

(C) (1) If a person required to file a report or return 121643  
electronically under this section fails to do so, the tax 121644  
commissioner may impose an additional charge not to exceed the 121645  
following: 121646

(a) For each of the first two failures, five per cent of 121647  
the amount required to be reported on the report or return; 121648

(b) For the third and any subsequent failure, ten per cent 121649  
of the amount required to be reported on the report or return. 121650

(2) The charges authorized under division (C) (1) of this 121651  
section are in addition to any other charge or penalty 121652  
authorized under this chapter, and shall be considered as 121653  
revenue arising from taxes imposed under this chapter. An 121654  
additional charge may be collected by assessment in the manner 121655  
prescribed by section 5741.13 of the Revised Code. ~~The-~~ 121656  
~~commissioner may waive all or a portion of such a charge and may~~ 121657  
~~adopt rules governing such waiver.~~ 121658

**Sec. 5743.021.** (A) As used in this section, "qualifying 121659  
regional arts and cultural district" means a regional arts and 121660  
cultural district created under section 3381.04 of the Revised 121661  
Code in a county ~~having a population of one million two hundred-~~ 121662  
~~thousand or more according to the 2000 federal decennial-~~ 121663  
~~census~~ that has adopted a charter under Ohio Constitution, 121664

Article X, Section 3.

121665

(B) For one or more of the purposes for which a tax may be levied under section 3381.16 of the Revised Code and for the purposes of paying the expenses of administering the tax and the expenses charged by a board of elections to hold an election on a question submitted under this section, the board of county commissioners of a county that has within its territorial boundaries a qualifying regional arts and cultural district may levy a tax on the sale of cigarettes sold for resale at retail in the county composing the district computed on each cigarette sold. The rate of the tax, when added to the rate of any other tax concurrently levied by the board under this section, shall equal one of the following:

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(1) If the tax begins to apply before May 1, 2023, up to fifteen mills per cigarette;

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(2) If the tax begins to apply on or after ~~the first day of the first month after the effective date of this amendment~~May 1, 2023, the rate, in mills per cigarette, specified in the resolution levying the tax.

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Only one sale of the same article shall be used in computing the amount of tax due. The tax may be levied for any number of years not exceeding ten years.

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The tax shall be levied pursuant to a resolution of the board of county commissioners approved by a majority of the electors in the county voting on the question of levying the tax. The resolution shall specify the rate of the tax, the number of years the tax will be levied, and the purposes for which the tax is levied. The election may be held on the date of a general, primary, or special election held not sooner than

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ninety days after the date the board certifies its resolution to 121694  
the board of elections. If approved by the electors, the tax 121695  
shall take effect on the first day of the month specified in the 121696  
resolution but not sooner than the first day of the month that 121697  
is at least sixty days after the certification of the election 121698  
results by the board of elections. A copy of the resolution 121699  
levying the tax shall be certified to the tax commissioner at 121700  
least sixty days prior to the date on which the tax is to become 121701  
effective. 121702

A board of county commissioners may adopt a resolution 121703  
under this division proposing to replace a tax levied under 121704  
division (B) (1) of this section with a tax levied under division 121705  
(B) (2) of this section. Such a resolution shall state, in 121706  
addition to other information required under this division, that 121707  
the existing levy or levies terminate upon the passage of the 121708  
replacement levy. The failure of the electors to approve a 121709  
replacement levy does not terminate the existing levy or levies. 121710

(C) (1) The form of the ballot in an election held to 121711  
propose a tax under division (B) (1) of this section shall be as 121712  
follows, or in any other form acceptable to the secretary of 121713  
state: 121714

"For the purpose of \_\_\_\_\_ (insert the purpose or 121715  
purposes of the tax), shall an excise tax be levied throughout 121716  
\_\_\_\_\_ County for the benefit of the \_\_\_\_\_ (name of 121717  
the qualifying regional arts and cultural district) on the sale 121718  
of cigarettes at wholesale at the rate of \_\_\_\_ mills per 121719  
cigarette for \_\_\_\_ years? 121720

	For the tax
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121721

	Against the tax	"
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(2) The form of the ballot in an election held to propose a tax under division (B)(2) of this section shall be as follows, or in any other form acceptable to the secretary of state:

"For the purpose of \_\_\_\_\_ (insert the purpose or purposes of the tax), shall an excise tax be levied throughout \_\_\_\_\_ County for the benefit of the \_\_\_\_\_ (name of the qualifying regional arts and cultural district) on the sale of cigarettes at wholesale at the rate of \_\_\_ mills per cigarette for \_\_\_ years?

	For the tax	
	Against the tax	"

" 121732

If the resolution of the board of county commissioners provides that an existing levy or levies will be terminated upon the passage of a replacement levy, the ballot must, for each levy that will be terminated, include a statement that: "An existing tax of \_\_\_ mills (stating the millage of the existing tax) per cigarette, having \_\_\_ years remaining, will be terminated and replaced upon the passage of this tax."

(D) All money arising from taxes levied on behalf of each district under this section and section 5743.321 of the Revised Code shall be credited as follows:

(1) To the tax refund fund created by section 5703.052 of the Revised Code, amounts equal to the refunds from each tax levied under this section and section 5743.321 of the Revised



Code and certified by the tax commissioner pursuant to section 121746  
5743.05 of the Revised Code; 121747

(2) Following the crediting of amounts pursuant to 121748  
division (D)(1) of this section: 121749

(a) To the permissive tax distribution fund created under 121750  
section 4301.423 of the Revised Code, an amount equal to ninety- 121751  
eight per cent of the remainder collected; 121752

(b) To the local excise tax administrative fund, which is 121753  
hereby created in the state treasury, an amount equal to two per 121754  
cent of such remainder, for use by the tax commissioner in 121755  
defraying costs incurred in administering the tax. 121756

On or before the tenth day of each month, the tax 121757  
commissioner shall distribute the amount credited to the 121758  
permissive tax distribution fund during the preceding month by 121759  
providing for payment of the appropriate amount to the county 121760  
treasurer of the county in which the tax is levied. 121761

(E) No tax shall be levied under divisions (B)(1) and (2) 121762  
of this section during the same month. 121763

**Sec. 5743.051.** This section applies to any wholesale or 121764  
retail cigarette dealer required by section 5743.05 of the 121765  
Revised Code to remit payment for tax stamps electronically. The 121766  
tax commissioner shall notify each dealer of the dealer's 121767  
obligation to do so and shall maintain an updated list of those 121768  
dealers. Failure by the commissioner to notify a dealer subject 121769  
to this section to remit taxes electronically does not relieve 121770  
the dealer of its obligation to remit taxes in that manner. 121771

A dealer required to remit payments electronically shall 121772  
remit such payments to the commissioner in the manner approved 121773  
by the commissioner and within the time prescribed for such a 121774

dealer by section 5743.05 of the Revised Code. 121775

A dealer required to remit taxes electronically may apply 121776  
to the commissioner in the manner prescribed by the commissioner 121777  
to be excused from that requirement. The commissioner may excuse 121778  
the dealer from electronic remittance for good cause shown for 121779  
the period of time requested by the dealer or for a portion of 121780  
that period. 121781

If a dealer required to remit taxes electronically remits 121782  
those taxes by some other means, and the commissioner determines 121783  
that such failure was not due to reasonable cause or was due to 121784  
willful neglect, the commissioner may collect an additional 121785  
charge by assessment in the manner prescribed by section 121786  
5743.081 of the Revised Code. The additional charge shall equal 121787  
five per cent of the amount of the taxes required to be paid 121788  
electronically but shall not exceed five thousand dollars. Any 121789  
additional charge assessed under this section is in addition to 121790  
any other penalty or charge imposed under this chapter and shall 121791  
be considered as revenue arising from taxes imposed under this 121792  
chapter. ~~The commissioner may abate all or a portion of such a~~ 121793  
~~charge and may adopt rules governing such remissions.~~ 121794

No additional charge shall be assessed under this section 121795  
against a dealer that has been notified of its obligation to 121796  
remit taxes electronically under this section and that remits 121797  
its first two tax payments after such notification by some other 121798  
means. The additional charge may be assessed upon the remittance 121799  
of any subsequent tax payment that the dealer remits by some 121800  
means other than electronically. 121801

**Sec. 5743.081.** (A) If any wholesale dealer or retail 121802  
dealer fails to pay the tax levied under section 5743.02, 121803  
5743.021, 5743.024, or 5743.026 of the Revised Code as required 121804

by sections 5743.01 to 5743.20 of the Revised Code, and by the 121805  
rules of the tax commissioner, or fails to collect the tax from 121806  
the purchaser or consumer, the commissioner may make an 121807  
assessment against the wholesale or retail dealer based upon any 121808  
information in the commissioner's possession. 121809

The commissioner may make an assessment against any 121810  
wholesale or retail dealer who fails to file a return required 121811  
by section 5743.03 or 5743.025 of the Revised Code. 121812

No assessment shall be made against any wholesale or 121813  
retail dealer for any taxes imposed under section 5743.02, 121814  
5743.021, 5743.024, or 5743.026 of the Revised Code more than 121815  
three years after the last day of the calendar month that 121816  
immediately follows the monthly period prescribed in section 121817  
5743.03 of the Revised Code in which the sale was made, or more 121818  
than three years after the return for the month in which the 121819  
sale was made is filed, whichever is later. This section does 121820  
not bar an assessment against any wholesale or retail dealer who 121821  
fails to file a return as required by section 5743.025 or 121822  
5743.03 of the Revised Code, or who files a fraudulent return. 121823

A penalty of up to thirty per cent may be added to the 121824  
amount of every assessment made under this section. ~~The~~ 121825  
~~commissioner may adopt rules providing for the imposition and~~ 121826  
~~remission of penalties added to assessments made under this~~ 121827  
~~section.~~ 121828

The commissioner shall give the party assessed written 121829  
notice of the assessment in the manner provided in section 121830  
5703.37 of the Revised Code. The notice shall specify separately 121831  
any portion of the assessment that represents a county tax. With 121832  
the notice, the commissioner shall provide instructions on how 121833  
to petition for reassessment and request a hearing on the 121834

petition. 121835

(B) Unless the party assessed files with the tax 121836  
commissioner within sixty days after service of the notice of 121837  
assessment, ~~either personally or by certified mail,~~ a written 121838  
petition for reassessment signed by the party assessed or that 121839  
party's authorized agent having knowledge of the facts, the 121840  
assessment becomes final and the amount of the assessment is due 121841  
and payable from the party assessed to the treasurer of state. 121842  
The petition shall indicate the objections of the party 121843  
assessed, but additional objections may be raised in writing if 121844  
received by the commissioner prior to the date shown on the 121845  
final determination. If the petition has been properly filed, 121846  
the commissioner shall proceed under section 5703.60 of the 121847  
Revised Code. 121848

(C) After an assessment becomes final, if any portion of 121849  
the assessment remains unpaid, including accrued interest, a 121850  
certified copy of the tax commissioner's entry making the 121851  
assessment final may be filed in the office of the clerk of the 121852  
court of common pleas in the county in which the wholesale or 121853  
retail dealer's place of business is located or the county in 121854  
which the party assessed resides. If the party assessed 121855  
maintains no place of business in this state and is not a 121856  
resident of this state, the certified copy of the entry may be 121857  
filed in the office of the clerk of the court of common pleas of 121858  
Franklin county. 121859

Immediately upon the filing of the commissioner's entry, 121860  
the clerk shall enter a judgment for the state against the party 121861  
assessed in the amount shown on the entry. The judgment may be 121862  
filed by the clerk in a loose-leaf book entitled "special 121863  
judgments for state cigarette sales tax," and shall have the 121864

same effect as other judgments. Execution shall issue upon the 121865  
judgment upon the request of the tax commissioner, and all laws 121866  
applicable to sales on execution shall apply to sales made under 121867  
the judgment, except as otherwise provided in sections 5743.01 121868  
to 5743.20 of the Revised Code. 121869

If the assessment is not paid in its entirety within sixty 121870  
days after the assessment was issued, the portion of the 121871  
assessment consisting of tax due shall bear interest at the rate 121872  
per annum prescribed by section 5703.47 of the Revised Code from 121873  
the day the commissioner issues the assessment until it is paid 121874  
or until it is certified to the attorney general for collection 121875  
under section 131.02 of the Revised Code, whichever comes first. 121876  
If the unpaid portion of the assessment is certified to the 121877  
attorney general for collection, the entire unpaid portion of 121878  
the assessment shall bear interest at the rate per annum 121879  
prescribed by section 5703.47 of the Revised Code from the date 121880  
of certification until the date it is paid in its entirety. 121881  
Interest shall be paid in the same manner as the tax and may be 121882  
collected by the issuance of an assessment under this section. 121883

(D) All money collected by the tax commissioner under this 121884  
section shall be paid to the treasurer of state, and when paid 121885  
shall be considered as revenue arising from the taxes imposed by 121886  
sections 5743.01 to 5743.20 of the Revised Code. 121887

**Sec. 5743.082.** (A) If the tax commissioner finds that a 121888  
wholesale dealer or retail dealer, liable for tax under sections 121889  
5743.01 to 5743.20 of the Revised Code, is about to depart from 121890  
the state, remove the wholesale or retail dealer's property from 121891  
the state, conceal the wholesale or retail dealer's person or 121892  
property, or do any other act tending to prejudice, obstruct, or 121893  
render wholly or partly ineffectual proceedings to collect the 121894

tax, unless the proceedings are commenced without delay, or if 121895  
the commissioner believes that the collection of the amount due 121896  
from any wholesale dealer or retail dealer will be jeopardized 121897  
by delay, the commissioner may issue a jeopardy assessment 121898  
against the wholesale or retail dealer for the amount of the 121899  
tax, plus a penalty of up to thirty per cent. Upon issuance of a 121900  
jeopardy assessment under this division, the total amount 121901  
assessed shall immediately be due and payable unless security is 121902  
provided pursuant to division (C) of this section. Any 121903  
assessment issued under this section shall bear interest as 121904  
prescribed by section 5743.081 of the Revised Code. 121905

(B) The commissioner immediately shall file an entry with 121906  
the clerk of the court of common pleas in the same manner and 121907  
with the same effect as provided in section 5743.081 of the 121908  
Revised Code. Notice of the jeopardy assessment shall be served 121909  
on the dealer assessed or the dealer's legal representative, as 121910  
provided in section 5703.37 of the Revised Code, within five 121911  
days of the filing of the entry. The dealer assessed may 121912  
petition for reassessment within sixty days of receipt of the 121913  
notice of jeopardy assessment in the same manner as provided in 121914  
section 5743.081 of the Revised Code. Full or partial payment of 121915  
the assessment shall not prejudice the commissioner's 121916  
consideration of the merits of the assessment as contested by 121917  
the petition for reassessment. Upon notification of the 121918  
existence of the judgment filed pursuant to this division, any 121919  
public official having control or custody of any funds or 121920  
property of the person assessed immediately shall pay or deliver 121921  
the funds or property to the commissioner as full or partial 121922  
satisfaction of the jeopardy assessment. However, funds or 121923  
property needed as evidence in criminal proceedings or that is 121924  
expected to be forfeited pursuant to Chapter 2981. of the 121925

Revised Code, need not be relinquished by the public official. 121926  
Upon disposition of criminal and forfeiture proceedings, funds 121927  
and property not needed as evidence and not forfeited shall be 121928  
delivered to the commissioner. 121929

(C) If the dealer subject to a jeopardy assessment files a 121930  
petition for reassessment and posts security satisfactory to the 121931  
commissioner in an amount sufficient to satisfy the unpaid 121932  
balance of the assessment, execution on the judgment shall be 121933  
stayed pending disposition of the petition for reassessment and 121934  
all appeals resulting from the petition. If the security is 121935  
sufficient to satisfy the full amount of the assessment, the 121936  
commissioner shall return any funds or property of the dealer 121937  
that previously were seized. Upon satisfaction of the assessment 121938  
the commissioner shall order the security released and the 121939  
judgment vacated. 121940

~~(D) The commissioner may adopt rules providing for the 121941  
imposition and remission of penalties imposed under this 121942  
section. 121943~~

**Sec. 5743.51.** (A) To provide revenue for the general 121944  
revenue fund of the state, an excise tax on tobacco products and 121945  
vapor products is hereby levied at one of the following rates: 121946

(1) For tobacco products other than little cigars or 121947  
premium cigars, seventeen per cent of the wholesale price of the 121948  
tobacco product received by a distributor or sold by a 121949  
manufacturer to a retail dealer located in this state. 121950

(2) Thirty-seven per cent of the wholesale price of little 121951  
cigars received by a distributor or sold by a manufacturer to a 121952  
retail dealer located in this state. 121953

(3) For premium cigars received by a distributor or sold 121954

by a manufacturer to a retail dealer located in this state, the 121955  
lesser of seventeen per cent of the wholesale price of such 121956  
premium cigars or the maximum tax amount per each such premium 121957  
cigar. 121958

(4) For vapor products, one cent multiplied by the vapor 121959  
volume of vapor products the first time the products are 121960  
received by a vapor distributor in this state. 121961

Each distributor or vapor distributor who brings tobacco 121962  
products or vapor products, or causes tobacco products or vapor 121963  
products to be brought, into this state for distribution within 121964  
this state, or any out-of-state distributor or vapor distributor 121965  
who sells tobacco products or vapor products to wholesale or 121966  
retail dealers located in this state for resale by those 121967  
wholesale or retail dealers is liable for the tax imposed by 121968  
this section. Only one sale of the same article shall be used in 121969  
computing the amount of the tax due. If a vapor product is 121970  
repackaged, reconstituted, diluted, or reprocessed, the 121971  
subsequent sale of that vapor product shall be considered 121972  
another sale of the same article for purposes of computing the 121973  
amount of tax due. 121974

(B) The treasurer of state shall place to the credit of 121975  
the tax refund fund created by section 5703.052 of the Revised 121976  
Code, out of the receipts from the tax levied by this section, 121977  
amounts equal to the refunds certified by the tax commissioner 121978  
pursuant to section 5743.53 of the Revised Code. The balance of 121979  
the taxes collected under this section shall be paid into the 121980  
general revenue fund. 121981

(C) The commissioner may adopt rules as are necessary to 121982  
assist in the enforcement and administration of sections 5743.51 121983  
to 5743.66 of the Revised Code, ~~including rules providing for~~ 121984



~~the remission of penalties imposed.~~ 121985

(D) A manufacturer is not liable for payment of the tax 121986  
imposed by this section for sales of tobacco products or vapor 121987  
products to a retail dealer that has filed a signed statement 121988  
with the manufacturer in which the retail dealer agrees to pay 121989  
and be liable for the tax, as long as the manufacturer has 121990  
provided a copy of the statement to the tax commissioner. 121991

**Sec. 5743.56.** (A) Any person required to pay the tax 121992  
imposed by section 5743.51, 5743.62, or 5743.63 of the Revised 121993  
Code is personally liable for the tax. The tax commissioner may 121994  
make an assessment, based upon any information in the 121995  
commissioner's possession, against any person who fails to file 121996  
a return or pay any tax, interest, or additional charge as 121997  
required by this chapter. The commissioner shall give the person 121998  
assessed written notice of such assessment in the manner 121999  
provided in section 5703.37 of the Revised Code. With the 122000  
notice, the commissioner shall provide instructions on how to 122001  
petition for reassessment and request a hearing on the petition. 122002

(B) When the information in the possession of the tax 122003  
commissioner indicates that a person liable for the tax imposed 122004  
by section 5743.51, 5743.62, or 5743.63 of the Revised Code has 122005  
not paid the full amount of tax due, the commissioner may audit 122006  
a representative sample of the person's business and may issue 122007  
an assessment based on such audit. 122008

(C) A penalty of up to fifteen per cent may be added to 122009  
all amounts assessed under this section. ~~The tax commissioner~~ 122010  
~~may adopt rules providing for the imposition and remission of~~ 122011  
~~such penalties.~~ 122012

(D) Unless the person assessed files with the tax 122013

commissioner within sixty days after service of the notice of 122014  
assessment, ~~either personally or by certified mail,~~ a written 122015  
petition for reassessment signed by the person assessed or that 122016  
person's authorized agent having knowledge of the facts, the 122017  
assessment becomes final and the amount of the assessment is due 122018  
and payable from the person assessed to the treasurer of state. 122019  
A petition shall indicate the objections of the person assessed, 122020  
but additional objections may be raised in writing if received 122021  
by the commissioner prior to the date shown on the final 122022  
determination. If the petition has been properly filed, the 122023  
commissioner shall proceed under section 5703.60 of the Revised 122024  
Code. 122025

(E) After an assessment becomes final, if any portion of 122026  
the assessment, including accrued interest, remains unpaid, a 122027  
certified copy of the tax commissioner's entry making the 122028  
assessment final may be filed in the office of the clerk of the 122029  
court of common pleas in the county in which the person assessed 122030  
resides or in which the person assessed conducts business. If 122031  
the person assessed maintains no place of business in this state 122032  
and is not a resident of this state, the certified copy of the 122033  
entry may be filed in the office of the clerk of the court of 122034  
common pleas of Franklin county. 122035

Immediately upon the filing of the entry, the clerk shall 122036  
enter a judgment for the state against the person assessed in 122037  
the amount shown on the entry. The judgment may be filed by the 122038  
clerk in a loose-leaf book entitled "special judgments for state 122039  
tobacco products tax," and shall have the same effect as other 122040  
judgments. Execution shall issue upon the judgment upon the 122041  
request of the commissioner, and all laws applicable to sales on 122042  
execution shall apply to sales made under the judgment. 122043

If the assessment is not paid in its entirety within sixty days after the day the assessment is issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by issuing an assessment under this section.

(F) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (E) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the legal representative of the person assessed, as provided in section 5703.37 of the Revised Code, within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the person assessed files a petition for reassessment in accordance with division (D) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid

balance of the assessment. Full or partial payment of the 122075  
assessment does not prejudice the commissioner's consideration 122076  
of the petition for reassessment. 122077

(G) All money collected by the tax commissioner under this 122078  
section shall be paid to the treasurer of state as revenue 122079  
arising from the tax imposed by sections 5743.51, 5743.62, and 122080  
5743.63 of the Revised Code. 122081

**Sec. 5745.03.** (A) For each taxable year, each taxpayer 122082  
shall file an annual report with the tax commissioner not later 122083  
than the fifteenth day of the fourth month after the end of the 122084  
taxpayer's taxable year, and shall remit with that report the 122085  
amount of tax due as shown on the report less the amount paid 122086  
for the year under section 5745.04 of the Revised Code. The 122087  
~~remittance shall be made in the form prescribed by the~~ 122088  
~~commissioner. If the amount payable with the report exceeds one~~ 122089  
~~thousand dollars, the taxpayer shall remit the any amount due~~ 122090  
~~with the report~~ electronically in a manner prescribed by the 122091  
commissioner. The commissioner shall credit ninety-eight and 122092  
one-half per cent of such remittances to the municipal income 122093  
tax fund, which is hereby created in the state treasury, and 122094  
credit the remainder to the municipal income tax administrative 122095  
fund, which is hereby created in the state treasury. 122096

(B) Any taxpayer that has been granted an extension for 122097  
filing a federal income tax return ~~may request shall~~ 122098  
automatically receive an extension for filing the return 122099  
required under this section ~~by filing with the tax commissioner~~ 122100  
~~a copy of the taxpayer's request for the federal filing~~ 122101  
~~extension. The request shall be filed not later than the last~~ 122102  
~~day for filing the return as required under division (A) of this~~ 122103  
~~section. If such a request is properly and timely filed, and the~~ 122104

commissioner shall extend the last day for filing the return 122105  
required under this section ~~for the same period for which the~~ 122106  
~~federal filing extension was granted. The commissioner may deny~~ 122107  
~~the filing extension request only if the taxpayer fails to~~ 122108  
~~timely file the request, fails to file a copy of the federal~~ 122109  
~~extension request, owes past due taxes, interest, or penalty~~ 122110  
~~under this chapter, or has failed to file a required report or~~ 122111  
~~other document for a prior taxable year~~ to the fifteenth day of 122112  
the eleventh month after the last day of the taxable year to 122113  
which the return relates. The granting of an extension under 122114  
this section does not extend the last day for paying taxes 122115  
without penalty pursuant to this chapter unless the commissioner 122116  
extends the payment date. 122117

(C) A taxpayer that has not requested or received an 122118  
extension for filing the taxpayer's federal income tax return 122119  
may request that the commissioner grant the taxpayer a seven 122120  
month extension of the date for filing the taxpayer's tax 122121  
return. If the commissioner receives the request on or before 122122  
the date the tax return is due, the commissioner shall grant the 122123  
taxpayer's extension request. 122124

(D) The annual report shall include statements of the 122125  
following facts as of the last day of the taxpayer's taxable 122126  
year: 122127

(1) The name of the taxpayer; 122128

~~(2) The name of the state or country under the laws of~~ 122129  
~~which it is incorporated;~~ 122130

~~(3) The location of its principal office in this state~~ 122131  
~~and, in the case of a taxpayer organized under the laws of~~ 122132  
~~another state, the principal place of business in this state and~~ 122133

~~the name and address of the officer or agent of the taxpayer in charge of the business conducted in this state;~~ 122134  
122135

~~(4) The names of the president, secretary, treasurer, and statutory agent in this state, with the post-office address of each;~~ 122136  
122137  
122138

~~(5)~~ (2) The date on which the taxpayer's taxable year begins and ends; 122139  
122140

~~(6)~~ (3) The taxpayer's federal taxable income during the taxpayer's taxable year; 122141  
122142

~~(7)~~ (4) Any other information the tax commissioner requires for the proper administration of this chapter. 122143  
122144

~~(D)~~ (E) The tax commissioner may require any reports required under this chapter to be filed in an electronic format. 122145  
122146

~~(E)~~ (F) A municipal corporation may not require a taxpayer required to file a report under this section to file a report of the taxpayer's income, but a municipal corporation may require a taxpayer to report to the municipal corporation the value of the taxpayer's real and tangible personal property situated in the municipal corporation, compensation paid by the taxpayer to its employees in the municipal corporation, and sales made in the municipal corporation by the taxpayer, to the extent necessary for the municipal corporation to compute the taxpayer's municipal property, payroll, and sales factors for the municipal corporation. 122147  
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~~(F)~~ (G) On or before the thirty-first day of January each year, each municipal corporation imposing a tax on income shall certify to the tax commissioner the rate of the tax in effect on the first day of January of that year. If any municipal corporation fails to certify its income tax rate as required by 122158  
122159  
122160  
122161  
122162

this division, the commissioner shall notify the director of 122163  
budget and management, who, upon receiving such notification, 122164  
shall withhold from each payment made to the municipal 122165  
corporation under section 5745.05 of the Revised Code fifty per 122166  
cent of the amount of the payment otherwise due the municipal 122167  
corporation under that section as computed on the basis of the 122168  
tax rate most recently certified until the municipal corporation 122169  
certifies the tax rate in effect on the first day of January of 122170  
that year. 122171

The tax rate used to determine the tax payable to a 122172  
municipal corporation under this section for a taxpayer's 122173  
taxable year shall be the tax rate in effect in a municipal 122174  
corporation on the first day of January in that taxable year. If 122175  
a taxpayer's taxable year is for a period less than twelve 122176  
months that does not include the first day of January, the tax 122177  
rate used to determine the tax payable to a municipal 122178  
corporation under this section for the taxpayer's taxable year 122179  
shall be the tax rate in effect in a municipal corporation on 122180  
the first day of January in the preceding taxable year. 122181

**Sec. 5745.04.** (A) As used in this section, "combined tax 122182  
liability" means the total of a taxpayer's income tax 122183  
liabilities to all municipal corporations in this state for a 122184  
taxable year. 122185

(B) Each taxpayer shall file a declaration of estimated 122186  
tax report with, and remit estimated taxes to, the tax 122187  
commissioner, payable to the treasurer of state, at the times 122188  
and in the amounts prescribed in divisions (B) (1) to (4) of this 122189  
section. The first taxable year a taxpayer is subject to this 122190  
chapter, the estimated taxes the taxpayer is required to remit 122191  
under this section shall be based solely on the current taxable 122192

year and not on the liability for the preceding taxable year. 122193

(1) Not less than twenty-five per cent of the combined tax 122194  
liability for the preceding taxable year or twenty per cent of 122195  
the combined tax liability for the current taxable year shall 122196  
have been remitted not later than the fifteenth day of the 122197  
fourth month after the end of the preceding taxable year. 122198

(2) Not less than fifty per cent of the combined tax 122199  
liability for the preceding taxable year or forty per cent of 122200  
the combined tax liability for the current taxable year shall 122201  
have been remitted not later than the fifteenth day of the sixth 122202  
month after the end of the preceding taxable year. 122203

(3) Not less than seventy-five per cent of the combined 122204  
tax liability for the preceding taxable year or sixty per cent 122205  
of the combined tax liability for the current taxable year shall 122206  
have been remitted not later than the fifteenth day of the ninth 122207  
month after the end of the preceding taxable year. 122208

(4) Not less than one hundred per cent of the combined tax 122209  
liability for the preceding taxable year or eighty per cent of 122210  
the combined tax liability for the current taxable year shall 122211  
have been remitted not later than the fifteenth day of the 122212  
twelfth month after the end of the preceding taxable year. 122213

(C) Each taxpayer shall report on the declaration of 122214  
estimated tax report the portion of the remittance that the 122215  
taxpayer estimates that it owes to each municipal corporation 122216  
for the taxable year. 122217

(D) Upon receiving a declaration of estimated tax report 122218  
and remittance of estimated taxes under this section, the tax 122219  
commissioner shall credit ninety-eight and one-half per cent of 122220  
the remittance to the municipal income tax fund and credit the 122221



remainder to the municipal income tax administrative fund. 122222

~~(E) If any remittance of estimated taxes is for one~~ 122223  
~~thousand dollars or more, the~~ The taxpayer shall make the 122224  
remittance of estimated taxes electronically as prescribed by 122225  
section 5745.041 of the Revised Code. 122226

(F) Notwithstanding section 5745.08 or 5745.09 of the 122227  
Revised Code, no penalty or interest shall be imposed on a 122228  
taxpayer if the declaration of estimated tax report is properly 122229  
filed, and the estimated tax is paid, within the time prescribed 122230  
by division (B) of this section. 122231

**Sec. 5745.041.** Any taxpayer required by section 5745.03 or 122232  
5745.04 of the Revised Code to remit tax payments electronically 122233  
shall remit such payments in the manner prescribed by the tax 122234  
commissioner. Except as otherwise provided in this paragraph, 122235  
the payment of taxes electronically does not affect a taxpayer's 122236  
obligation to file reports under this chapter. 122237

A taxpayer required to remit taxes electronically may 122238  
apply to the tax commissioner in the manner prescribed by the 122239  
commissioner to be excused from that requirement. The 122240  
commissioner may excuse the taxpayer from the requirement for 122241  
good cause shown for the period of time requested by the 122242  
taxpayer or for a portion of that period. 122243

If a taxpayer required by this section to remit taxes 122244  
electronically remits those taxes by some means other than 122245  
electronically as prescribed by this section, and the 122246  
commissioner determines that such failure was not due to 122247  
reasonable cause or was due to willful neglect, the commissioner 122248  
may collect an additional charge by assessment in the manner 122249  
prescribed by section 5745.12 of the Revised Code. The 122250

additional charge shall equal five per cent of the amount of the 122251  
taxes or estimated tax payments required to be paid 122252  
electronically, but shall not exceed five thousand dollars. Any 122253  
additional charge assessed under this section is in addition to 122254  
any other penalty or charge imposed under this chapter, and 122255  
shall be considered as revenue arising from municipal income 122256  
taxes collected under this chapter. ~~The commissioner may remit~~ 122257  
~~all or a portion of such a charge and may adopt rules governing~~ 122258  
~~such remission.~~ 122259

No additional charge shall be assessed under this section 122260  
against a taxpayer that has been notified of its obligation to 122261  
remit taxes electronically under this section and that remits 122262  
its first two tax payments after such notification by some other 122263  
means. The additional charge may be assessed upon the remittance 122264  
of any subsequent tax payment that the taxpayer remits by some 122265  
means other than electronically. 122266

**Sec. 5745.08.** (A) The following penalties shall apply 122267  
under the circumstances indicated: 122268

(1) If a taxpayer required to file a report or remit tax 122269  
as required by this chapter fails to make and file the report 122270  
within the time prescribed, including any extensions of time 122271  
granted by the tax commissioner, the tax commissioner may impose 122272  
a penalty not exceeding the greater of fifty dollars per month 122273  
or fraction of a month, not to exceed five hundred dollars, or 122274  
five per cent per month or fraction of a month, not to exceed 122275  
fifty per cent, of the tax required to be shown on the report, 122276  
for each month or fraction of a month elapsing between the due 122277  
date, including extensions of the due date, and the day on which 122278  
the report is filed. 122279

(2) If a taxpayer fails to timely pay any amount of 122280

~~estimated tax required to be paid under division (B) of section 5745.04 of the Revised Code by the dates prescribed for payment~~  
this chapter, the tax commissioner may impose a penalty not to exceed twice the interest charged under section 5745.09 of the Revised Code for the delinquent payment equal to fifteen per cent of the amount not timely paid.

(3) If a taxpayer files what purports to be a report required by this chapter that does not contain information upon which the substantial correctness of the report may be judged or contains information that on its face indicates that the report is substantially incorrect, and the filing of the report in that manner is due to a position that is frivolous or a desire that is apparent from the report to delay or impede the administration of this chapter, a penalty of up to five hundred dollars may be imposed.

(4) If a taxpayer makes a fraudulent attempt to evade the reporting or payment of the tax required to be shown on any report required under this chapter, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the tax required to be shown on the report.

(5) If any person makes a false or fraudulent claim for a refund under section 5745.11 of the Revised Code, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the claim. Any penalty imposed under division (A) (5) of this section, any refund issued on the claim, and interest on any refund from the date of the refund, may be assessed under section 5745.12 of the Revised Code without regard to any time limitation for the assessment imposed by division (A) of that section.

(B) For the purposes of this section, the tax required to

be shown on the report shall be reduced by the amount of any 122311  
part of the tax paid on or before the date, including extensions 122312  
of the date, prescribed for filing the report. 122313

(C) Each penalty imposed under this section shall be in 122314  
addition to any other penalty provided in this section. ~~All or~~ 122315  
~~part of any penalty imposed under this section may be abated by~~ 122316  
~~the commissioner. The tax commissioner may adopt rules governing~~ 122317  
~~the imposition and abatement of such penalties.~~ 122318

(D) All amounts collected under this section from a 122319  
taxpayer shall be considered as taxes collected under this 122320  
chapter and shall be credited and distributed to municipal 122321  
corporations in the same proportions as the taxpayer's taxes are 122322  
distributed for the reporting period under section 5745.05 of 122323  
the Revised Code or, if the taxpayer has filed the annual report 122324  
for the year under section 5745.03 of the Revised Code, in the 122325  
amounts found to be due such municipal corporations on the basis 122326  
of the annual report. 122327

**Sec. 5745.09.** (A) In case of any underpayment of the 122328  
estimated tax under section 5745.04 of the Revised Code, ~~there~~ 122329  
~~shall be added~~ the tax commissioner may add to the tax an amount 122330  
determined at the rate per annum prescribed by section 5703.47 122331  
of the Revised Code upon the amount of underpayment for the 122332  
period of underpayment. 122333

(B) The amount of the underpayment shall be the excess of 122334  
division (B) (1) over division (B) (2) of this section: 122335

(1) The amount of the estimated tax payment that would be 122336  
required to be paid for the taxable year if the total estimated 122337  
tax were equal to the total tax shown to be due on the annual 122338  
report, or if no report was filed, the tax for such year; 122339

(2) The amount, if any, of the estimated tax paid on or 122340  
before the last day prescribed for such payment. 122341

(C) The period of the underpayment shall run from the date 122342  
the estimated tax payment was required to be made to the date on 122343  
which such payment is made. For purposes of this section, a 122344  
payment of estimated tax on any payment date shall be considered 122345  
a payment of any previous underpayment only to the extent such 122346  
payment exceeds the amount of the payment presently due. 122347

(D) All amounts collected under this section shall be 122348  
considered as taxes collected under this chapter and shall be 122349  
credited and distributed to municipal corporations in the same 122350  
proportions as the taxpayer's taxes are distributed for the 122351  
reporting period under section 5745.05 of the Revised Code or, 122352  
if the taxpayer has filed the annual report for the year under 122353  
section 5745.03 of the Revised Code, in the amounts found to be 122354  
due to such municipal corporations on the basis of the annual 122355  
report. 122356

**Sec. 5745.12.** (A) If any taxpayer required to file a 122357  
report under this chapter fails to file the report within the 122358  
time prescribed, files an incorrect report, or fails to remit 122359  
the full amount of the tax due for the period covered by the 122360  
report, the tax commissioner may make an assessment against the 122361  
taxpayer for any deficiency for the period for which the report 122362  
or tax is due, based upon any information in the commissioner's 122363  
possession. 122364

The tax commissioner shall not make or issue an assessment 122365  
against a taxpayer more than three years after the later of the 122366  
final date the report subject to assessment was required to be 122367  
filed or the date the report was filed. Such time limit may be 122368  
extended if both the taxpayer and the commissioner consent in 122369

writing to the extension. Any such extension shall extend the 122370  
three-year time limit in section 5745.11 of the Revised Code for 122371  
the same period of time. There shall be no bar or limit to an 122372  
assessment against a taxpayer that fails to file a report 122373  
subject to assessment as required by this chapter, or that files 122374  
a fraudulent report. The commissioner shall give the taxpayer 122375  
assessed written notice of the assessment as provided in section 122376  
5703.37 of the Revised Code. With the notice, the commissioner 122377  
shall provide instructions on how to petition for reassessment 122378  
and request a hearing on the petition. 122379

(B) Unless the taxpayer assessed files with the tax 122380  
commissioner within sixty days after service of the notice of 122381  
assessment, ~~either personally or by certified mail,~~ a written 122382  
petition for reassessment signed by the authorized agent of the 122383  
taxpayer assessed having knowledge of the facts, the assessment 122384  
becomes final, and the amount of the assessment is due and 122385  
payable from the taxpayer to the treasurer of state. The 122386  
petition shall indicate the taxpayer's objections, but 122387  
additional objections may be raised in writing if received by 122388  
the commissioner prior to the date shown on the final 122389  
determination. If the petition has been properly filed, the 122390  
commissioner shall proceed under section 5703.60 of the Revised 122391  
Code. 122392

(C) After an assessment becomes final, if any portion of 122393  
the assessment remains unpaid, including accrued interest, a 122394  
certified copy of the tax commissioner's entry making the 122395  
assessment final may be filed in the office of the clerk of the 122396  
court of common pleas in the county in which the taxpayer has an 122397  
office or place of business in this state, the county in which 122398  
the taxpayer's statutory agent is located, or Franklin county. 122399

Immediately upon the filing of the entry, the clerk shall 122400  
enter a judgment against the taxpayer assessed in the amount 122401  
shown on the entry. The judgment may be filed by the clerk in a 122402  
loose-leaf book entitled "special judgments for municipal income 122403  
taxes," and shall have the same effect as other judgments. 122404  
Execution shall issue upon the judgment upon the request of the 122405  
tax commissioner, and all laws applicable to sales on execution 122406  
shall apply to sales made under the judgment. 122407

If the assessment is not paid in its entirety within sixty 122408  
days after the day the assessment was issued, the portion of the 122409  
assessment consisting of tax due shall bear interest at the rate 122410  
per annum prescribed by section 5703.47 of the Revised Code from 122411  
the day the commissioner issues the assessment until the 122412  
assessment is paid or until it is certified to the attorney 122413  
general for collection under section 131.02 of the Revised Code, 122414  
whichever comes first. If the unpaid portion of the assessment 122415  
is certified to the attorney general for collection, the entire 122416  
unpaid portion of the assessment shall bear interest at the rate 122417  
per annum prescribed by section 5703.47 of the Revised Code from 122418  
the date of certification until the date it is paid in its 122419  
entirety. Interest shall be paid in the same manner as the tax 122420  
and may be collected by issuing an assessment under this 122421  
section. 122422

(D) All money collected under this section shall be 122423  
credited and distributed to the municipal corporation to which 122424  
the money is owed based on the assessment issued under this 122425  
section. 122426

(E) If the tax commissioner believes that collection of 122427  
the tax imposed by this chapter will be jeopardized unless 122428  
proceedings to collect or secure collection of the tax are 122429

instituted without delay, the commissioner may issue a jeopardy 122430  
assessment against the taxpayer liable for the tax. Immediately 122431  
upon the issuance of the jeopardy assessment, the commissioner 122432  
shall file an entry with the clerk of the court of common pleas 122433  
in the manner prescribed by division (C) of this section. Notice 122434  
of the jeopardy assessment shall be served on the taxpayer 122435  
assessed or the taxpayer's legal representative in the manner 122436  
provided in section 5703.37 of the Revised Code within five days 122437  
of the filing of the entry with the clerk. The total amount 122438  
assessed is immediately due and payable, unless the taxpayer 122439  
assessed files a petition for reassessment in accordance with 122440  
division (B) of this section and provides security in a form 122441  
satisfactory to the commissioner and in an amount sufficient to 122442  
satisfy the unpaid balance of the assessment. Full or partial 122443  
payment of the assessment does not prejudice the commissioner's 122444  
consideration of the petition for reassessment. 122445

(F) Notwithstanding the fact that a petition for 122446  
reassessment is pending, the taxpayer may pay all or a portion 122447  
of the assessment that is the subject of the petition. The 122448  
acceptance of a payment by the treasurer of state does not 122449  
prejudice any claim for refund upon final determination of the 122450  
petition. 122451

If upon final determination of the petition an error in 122452  
the assessment is corrected by the tax commissioner, upon 122453  
petition so filed or pursuant to a decision of the board of tax 122454  
appeals or any court to which the determination or decision has 122455  
been appealed, so that the amount due from the taxpayer under 122456  
the corrected assessment is less than the portion paid, there 122457  
shall be issued to the taxpayer, its assigns, or legal 122458  
representative a refund in the amount of the overpayment as 122459  
provided by section 5745.11 of the Revised Code, with interest 122460



on that amount as provided by section 5745.11 of the Revised Code. 122461  
122462

**Sec. 5747.01.** Except as otherwise expressly provided or 122463  
clearly appearing from the context, any term used in this 122464  
chapter that is not otherwise defined in this section has the 122465  
same meaning as when used in a comparable context in the laws of 122466  
the United States relating to federal income taxes or if not 122467  
used in a comparable context in those laws, has the same meaning 122468  
as in section 5733.40 of the Revised Code. Any reference in this 122469  
chapter to the Internal Revenue Code includes other laws of the 122470  
United States relating to federal income taxes. 122471

As used in this chapter: 122472

(A) "Adjusted gross income" or "Ohio adjusted gross 122473  
income" means federal adjusted gross income, as defined and used 122474  
in the Internal Revenue Code, adjusted as provided in this 122475  
section: 122476

(1) Add interest or dividends on obligations or securities 122477  
of any state or of any political subdivision or authority of any 122478  
state, other than this state and its subdivisions and 122479  
authorities. 122480

(2) Add interest or dividends on obligations of any 122481  
authority, commission, instrumentality, territory, or possession 122482  
of the United States to the extent that the interest or 122483  
dividends are exempt from federal income taxes but not from 122484  
state income taxes. 122485

(3) Deduct interest or dividends on obligations of the 122486  
United States and its territories and possessions or of any 122487  
authority, commission, or instrumentality of the United States 122488  
to the extent that the interest or dividends are included in 122489

federal adjusted gross income but exempt from state income taxes	122490
under the laws of the United States.	122491
(4) Deduct disability and survivor's benefits to the	122492
extent included in federal adjusted gross income.	122493
(5) Deduct the following, to the extent not otherwise	122494
deducted or excluded in computing federal or Ohio adjusted gross	122495
income:	122496
(a) Benefits under Title II of the Social Security Act and	122497
tier 1 railroad retirement;	122498
(b) Railroad retirement benefits, other than tier 1	122499
railroad retirement benefits, to the extent such amounts are	122500
exempt from state taxation under federal law.	122501
(6) Deduct the amount of wages and salaries, if any, not	122502
otherwise allowable as a deduction but that would have been	122503
allowable as a deduction in computing federal adjusted gross	122504
income for the taxable year, had the work opportunity tax credit	122505
allowed and determined under sections 38, 51, and 52 of the	122506
Internal Revenue Code not been in effect.	122507
(7) Deduct any interest or interest equivalent on public	122508
obligations and purchase obligations to the extent that the	122509
interest or interest equivalent is included in federal adjusted	122510
gross income.	122511
(8) Add any loss or deduct any gain resulting from the	122512
sale, exchange, or other disposition of public obligations to	122513
the extent that the loss has been deducted or the gain has been	122514
included in computing federal adjusted gross income.	122515
(9) Deduct or add amounts, as provided under section	122516
5747.70 of the Revised Code, related to contributions made to or	122517

tuition units purchased under a qualified tuition program 122518  
established pursuant to section 529 of the Internal Revenue 122519  
Code. 122520

(10) (a) Deduct, to the extent not otherwise allowable as a 122521  
deduction or exclusion in computing federal or Ohio adjusted 122522  
gross income for the taxable year, the amount the taxpayer paid 122523  
during the taxable year for medical care insurance and qualified 122524  
long-term care insurance for the taxpayer, the taxpayer's 122525  
spouse, and dependents. No deduction for medical care insurance 122526  
under division (A) (10) (a) of this section shall be allowed 122527  
either to any taxpayer who is eligible to participate in any 122528  
subsidized health plan maintained by any employer of the 122529  
taxpayer or of the taxpayer's spouse, or to any taxpayer who is 122530  
entitled to, or on application would be entitled to, benefits 122531  
under part A of Title XVIII of the "Social Security Act," 49 122532  
Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of 122533  
division (A) (10) (a) of this section, "subsidized health plan" 122534  
means a health plan for which the employer pays any portion of 122535  
the plan's cost. The deduction allowed under division (A) (10) (a) 122536  
of this section shall be the net of any related premium refunds, 122537  
related premium reimbursements, or related insurance premium 122538  
dividends received during the taxable year. 122539

(b) Deduct, to the extent not otherwise deducted or 122540  
excluded in computing federal or Ohio adjusted gross income 122541  
during the taxable year, the amount the taxpayer paid during the 122542  
taxable year, not compensated for by any insurance or otherwise, 122543  
for medical care of the taxpayer, the taxpayer's spouse, and 122544  
dependents, to the extent the expenses exceed seven and one-half 122545  
per cent of the taxpayer's federal adjusted gross income. 122546

(c) For purposes of division (A) (10) of this section, 122547

"medical care" has the meaning given in section 213 of the Internal Revenue Code, subject to the special rules, limitations, and exclusions set forth therein, and "qualified long-term care" has the same meaning given in section 7702B(c) of the Internal Revenue Code. Solely for purposes of division (A)(10)(a) of this section, "dependent" includes a person who otherwise would be a "qualifying relative" and thus a "dependent" under section 152 of the Internal Revenue Code but for the fact that the person fails to meet the income and support limitations under section 152(d)(1)(B) and (C) of the Internal Revenue Code.

(11) (a) Deduct any amount included in federal adjusted gross income solely because the amount represents a reimbursement or refund of expenses that in any year the taxpayer had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable United States department of the treasury regulations. The deduction otherwise allowed under division (A)(11)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio adjusted gross income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio adjusted gross income in any taxable year.

(12) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was 122578  
included in the taxpayer's adjusted gross income for a prior 122579  
taxable year and did not qualify for a credit under division (A) 122580  
or (B) of section 5747.05 of the Revised Code for that year; 122581

(b) It does not otherwise reduce the taxpayer's adjusted 122582  
gross income for the current or any other taxable year. 122583

(13) Deduct an amount equal to the deposits made to, and 122584  
net investment earnings of, a medical savings account during the 122585  
taxable year, in accordance with section 3924.66 of the Revised 122586  
Code. The deduction allowed by division (A) (13) of this section 122587  
does not apply to medical savings account deposits and earnings 122588  
otherwise deducted or excluded for the current or any other 122589  
taxable year from the taxpayer's federal adjusted gross income. 122590

(14) (a) Add an amount equal to the funds withdrawn from a 122591  
medical savings account during the taxable year, and the net 122592  
investment earnings on those funds, when the funds withdrawn 122593  
were used for any purpose other than to reimburse an account 122594  
holder for, or to pay, eligible medical expenses, in accordance 122595  
with section 3924.66 of the Revised Code; 122596

(b) Add the amounts distributed from a medical savings 122597  
account under division (A) (2) of section 3924.68 of the Revised 122598  
Code during the taxable year. 122599

(15) Add any amount claimed as a credit under section 122600  
5747.059 of the Revised Code to the extent that such amount 122601  
satisfies either of the following: 122602

(a) The amount was deducted or excluded from the 122603  
computation of the taxpayer's federal adjusted gross income as 122604  
required to be reported for the taxpayer's taxable year under 122605  
the Internal Revenue Code; 122606

(b) The amount resulted in a reduction of the taxpayer's 122607  
federal adjusted gross income as required to be reported for any 122608  
of the taxpayer's taxable years under the Internal Revenue Code. 122609

(16) Deduct the amount contributed by the taxpayer to an 122610  
individual development account program established by a county 122611  
department of job and family services pursuant to sections 122612  
329.11 to 329.14 of the Revised Code for the purpose of matching 122613  
funds deposited by program participants. On request of the tax 122614  
commissioner, the taxpayer shall provide any information that, 122615  
in the tax commissioner's opinion, is necessary to establish the 122616  
amount deducted under division (A) (16) of this section. 122617

(17) (a) (i) Subject to divisions (A) (17) (a) (iii), (iv), and 122618  
(v) of this section, add five-sixths of the amount of 122619  
depreciation expense allowed by subsection (k) of section 168 of 122620  
the Internal Revenue Code, including the taxpayer's 122621  
proportionate or distributive share of the amount of 122622  
depreciation expense allowed by that subsection to a pass- 122623  
through entity in which the taxpayer has a direct or indirect 122624  
ownership interest. 122625

(ii) Subject to divisions (A) (17) (a) (iii), (iv), and (v) 122626  
of this section, add five-sixths of the amount of qualifying 122627  
section 179 depreciation expense, including the taxpayer's 122628  
proportionate or distributive share of the amount of qualifying 122629  
section 179 depreciation expense allowed to any pass-through 122630  
entity in which the taxpayer has a direct or indirect ownership 122631  
interest. 122632

(iii) Subject to division (A) (17) (a) (v) of this section, 122633  
for taxable years beginning in 2012 or thereafter, if the 122634  
increase in income taxes withheld by the taxpayer is equal to or 122635  
greater than ten per cent of income taxes withheld by the 122636

taxpayer during the taxpayer's immediately preceding taxable 122637  
year, "two-thirds" shall be substituted for "five-sixths" for 122638  
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 122639

(iv) Subject to division (A) (17) (a) (v) of this section, 122640  
for taxable years beginning in 2012 or thereafter, a taxpayer is 122641  
not required to add an amount under division (A) (17) of this 122642  
section if the increase in income taxes withheld by the taxpayer 122643  
and by any pass-through entity in which the taxpayer has a 122644  
direct or indirect ownership interest is equal to or greater 122645  
than the sum of (I) the amount of qualifying section 179 122646  
depreciation expense and (II) the amount of depreciation expense 122647  
allowed to the taxpayer by subsection (k) of section 168 of the 122648  
Internal Revenue Code, and including the taxpayer's 122649  
proportionate or distributive shares of such amounts allowed to 122650  
any such pass-through entities. 122651

(v) If a taxpayer directly or indirectly incurs a net 122652  
operating loss for the taxable year for federal income tax 122653  
purposes, to the extent such loss resulted from depreciation 122654  
expense allowed by subsection (k) of section 168 of the Internal 122655  
Revenue Code and by qualifying section 179 depreciation expense, 122656  
"the entire" shall be substituted for "five-sixths of the" for 122657  
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 122658

The tax commissioner, under procedures established by the 122659  
commissioner, may waive the add-backs related to a pass-through 122660  
entity if the taxpayer owns, directly or indirectly, less than 122661  
five per cent of the pass-through entity. 122662

(b) Nothing in division (A) (17) of this section shall be 122663  
construed to adjust or modify the adjusted basis of any asset. 122664

(c) To the extent the add-back required under division (A) 122665

(17) (a) of this section is attributable to property generating 122666  
nonbusiness income or loss allocated under section 5747.20 of 122667  
the Revised Code, the add-back shall be situated to the same 122668  
location as the nonbusiness income or loss generated by the 122669  
property for the purpose of determining the credit under 122670  
division (A) of section 5747.05 of the Revised Code. Otherwise, 122671  
the add-back shall be apportioned, subject to one or more of the 122672  
four alternative methods of apportionment enumerated in section 122673  
5747.21 of the Revised Code. 122674

(d) For the purposes of division (A) (17) (a) (v) of this 122675  
section, net operating loss carryback and carryforward shall not 122676  
include the allowance of any net operating loss deduction 122677  
carryback or carryforward to the taxable year to the extent such 122678  
loss resulted from depreciation allowed by section 168(k) of the 122679  
Internal Revenue Code and by the qualifying section 179 122680  
depreciation expense amount. 122681

(e) For the purposes of divisions (A) (17) and (18) of this 122682  
section: 122683

(i) "Income taxes withheld" means the total amount 122684  
withheld and remitted under sections 5747.06 and 5747.07 of the 122685  
Revised Code by an employer during the employer's taxable year. 122686

(ii) "Increase in income taxes withheld" means the amount 122687  
by which the amount of income taxes withheld by an employer 122688  
during the employer's current taxable year exceeds the amount of 122689  
income taxes withheld by that employer during the employer's 122690  
immediately preceding taxable year. 122691

(iii) "Qualifying section 179 depreciation expense" means 122692  
the difference between (I) the amount of depreciation expense 122693  
directly or indirectly allowed to a taxpayer under section 179 122694



of the Internal Revised Code, and (II) the amount of 122695  
depreciation expense directly or indirectly allowed to the 122696  
taxpayer under section 179 of the Internal Revenue Code as that 122697  
section existed on December 31, 2002. 122698

(18) (a) If the taxpayer was required to add an amount 122699  
under division (A) (17) (a) of this section for a taxable year, 122700  
deduct one of the following: 122701

(i) One-fifth of the amount so added for each of the five 122702  
succeeding taxable years if the amount so added was five-sixths 122703  
of qualifying section 179 depreciation expense or depreciation 122704  
expense allowed by subsection (k) of section 168 of the Internal 122705  
Revenue Code; 122706

(ii) One-half of the amount so added for each of the two 122707  
succeeding taxable years if the amount so added was two-thirds 122708  
of such depreciation expense; 122709

(iii) One-sixth of the amount so added for each of the six 122710  
succeeding taxable years if the entire amount of such 122711  
depreciation expense was so added. 122712

(b) If the amount deducted under division (A) (18) (a) of 122713  
this section is attributable to an add-back allocated under 122714  
division (A) (17) (c) of this section, the amount deducted shall 122715  
be situated to the same location. Otherwise, the ~~add-back~~ 122716  
deduction shall be apportioned using the apportionment factors 122717  
for the taxable year in which the deduction is taken, subject to 122718  
one or more of the four alternative methods of apportionment 122719  
enumerated in section 5747.21 of the Revised Code. 122720

(c) No deduction is available under division (A) (18) (a) of 122721  
this section with regard to any depreciation allowed by section 122722  
168(k) of the Internal Revenue Code and by the qualifying 122723

section 179 depreciation expense amount to the extent that such 122724  
depreciation results in or increases a federal net operating 122725  
loss carryback or carryforward. If no such deduction is 122726  
available for a taxable year, the taxpayer may carry forward the 122727  
amount not deducted in such taxable year to the next taxable 122728  
year and add that amount to any deduction otherwise available 122729  
under division (A) (18) (a) of this section for that next taxable 122730  
year. The carryforward of amounts not so deducted shall continue 122731  
until the entire addition required by division (A) (17) (a) of 122732  
this section has been deducted. 122733

(19) Deduct, to the extent not otherwise deducted or 122734  
excluded in computing federal or Ohio adjusted gross income for 122735  
the taxable year, the amount the taxpayer received during the 122736  
taxable year as reimbursement for life insurance premiums under 122737  
section 5919.31 of the Revised Code. 122738

(20) Deduct, to the extent not otherwise deducted or 122739  
excluded in computing federal or Ohio adjusted gross income for 122740  
the taxable year, the amount the taxpayer received during the 122741  
taxable year as a death benefit paid by the adjutant general 122742  
under section 5919.33 of the Revised Code. 122743

(21) Deduct, to the extent included in federal adjusted 122744  
gross income and not otherwise allowable as a deduction or 122745  
exclusion in computing federal or Ohio adjusted gross income for 122746  
the taxable year, military pay and allowances received by the 122747  
taxpayer during the taxable year for active duty service in the 122748  
United States army, air force, navy, marine corps, or coast 122749  
guard or reserve components thereof or the national guard. The 122750  
deduction may not be claimed for military pay and allowances 122751  
received by the taxpayer while the taxpayer is stationed in this 122752  
state. 122753

(22) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year and not otherwise compensated for by any other source, the amount of qualified organ donation expenses incurred by the taxpayer during the taxable year, not to exceed ten thousand dollars. A taxpayer may deduct qualified organ donation expenses only once for all taxable years beginning with taxable years beginning in 2007.

For the purposes of division (A) (22) of this section:

(a) "Human organ" means all or any portion of a human liver, pancreas, kidney, intestine, or lung, and any portion of human bone marrow.

(b) "Qualified organ donation expenses" means travel expenses, lodging expenses, and wages and salary forgone by a taxpayer in connection with the taxpayer's donation, while living, of one or more of the taxpayer's human organs to another human being.

(23) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, amounts received by the taxpayer as retired personnel pay for service in the uniformed services or reserve components thereof, or the national guard, or received by the surviving spouse or former spouse of such a taxpayer under the survivor benefit plan on account of such a taxpayer's death. If the taxpayer receives income on account of retirement paid under the federal civil service retirement system or federal employees retirement system, or under any successor retirement program enacted by the congress of the United States that is established and maintained for retired employees of the United States government, and such retirement income is based, in whole or in

part, on credit for the taxpayer's uniformed service, the 122784  
deduction allowed under this division shall include only that 122785  
portion of such retirement income that is attributable to the 122786  
taxpayer's uniformed service, to the extent that portion of such 122787  
retirement income is otherwise included in federal adjusted 122788  
gross income and is not otherwise deducted under this section. 122789  
Any amount deducted under division (A) (23) of this section is 122790  
not included in a taxpayer's adjusted gross income for the 122791  
purposes of section 5747.055 of the Revised Code. No amount may 122792  
be deducted under division (A) (23) of this section on the basis 122793  
of which a credit was claimed under section 5747.055 of the 122794  
Revised Code. 122795

(24) Deduct, to the extent not otherwise deducted or 122796  
excluded in computing federal or Ohio adjusted gross income for 122797  
the taxable year, the amount the taxpayer received during the 122798  
taxable year from the military injury relief fund created in 122799  
section 5902.05 of the Revised Code. 122800

(25) Deduct, to the extent not otherwise deducted or 122801  
excluded in computing federal or Ohio adjusted gross income for 122802  
the taxable year, the amount the taxpayer received as a veterans 122803  
bonus during the taxable year from the Ohio department of 122804  
veterans services as authorized by Section 2r of Article VIII, 122805  
Ohio Constitution. 122806

(26) Deduct, to the extent not otherwise deducted or 122807  
excluded in computing federal or Ohio adjusted gross income for 122808  
the taxable year, any income derived from a transfer agreement 122809  
or from the enterprise transferred under that agreement under 122810  
section 4313.02 of the Revised Code. 122811

(27) Deduct, to the extent not otherwise deducted or 122812  
excluded in computing federal or Ohio adjusted gross income for 122813

the taxable year, Ohio college opportunity or federal Pell grant 122814  
amounts received by the taxpayer or the taxpayer's spouse or 122815  
dependent pursuant to section 3333.122 of the Revised Code or 20 122816  
U.S.C. 1070a, et seq., and used to pay room or board furnished 122817  
by the educational institution for which the grant was awarded 122818  
at the institution's facilities, including meal plans 122819  
administered by the institution. For the purposes of this 122820  
division, receipt of a grant includes the distribution of a 122821  
grant directly to an educational institution and the crediting 122822  
of the grant to the enrollee's account with the institution. 122823

(28) Deduct from the portion of an individual's federal 122824  
adjusted gross income that is business income, to the extent not 122825  
otherwise deducted or excluded in computing federal adjusted 122826  
gross income for the taxable year, one hundred twenty-five 122827  
thousand dollars for each spouse if spouses file separate 122828  
returns under section 5747.08 of the Revised Code or two hundred 122829  
fifty thousand dollars for all other individuals. 122830

(29) Deduct, as provided under section 5747.78 of the 122831  
Revised Code, contributions to ABLE savings accounts made in 122832  
accordance with sections 113.50 to 113.56 of the Revised Code. 122833

(30) (a) Deduct, to the extent not otherwise deducted or 122834  
excluded in computing federal or Ohio adjusted gross income 122835  
during the taxable year, all of the following: 122836

(i) Compensation paid to a qualifying employee described 122837  
in division (A) (14) (a) of section 5703.94 of the Revised Code to 122838  
the extent such compensation is for disaster work conducted in 122839  
this state during a disaster response period pursuant to a 122840  
qualifying solicitation received by the employee's employer; 122841

(ii) Compensation paid to a qualifying employee described 122842

in division (A) (14) (b) of section 5703.94 of the Revised Code to 122843  
the extent such compensation is for disaster work conducted in 122844  
this state by the employee during the disaster response period 122845  
on critical infrastructure owned or used by the employee's 122846  
employer; 122847

(iii) Income received by an out-of-state disaster business 122848  
for disaster work conducted in this state during a disaster 122849  
response period, or, if the out-of-state disaster business is a 122850  
pass-through entity, a taxpayer's distributive share of the 122851  
pass-through entity's income from the business conducting 122852  
disaster work in this state during a disaster response period, 122853  
if, in either case, the disaster work is conducted pursuant to a 122854  
qualifying solicitation received by the business. 122855

(b) All terms used in division (A) (30) of this section 122856  
have the same meanings as in section 5703.94 of the Revised 122857  
Code. 122858

(31) For a taxpayer who is a qualifying Ohio educator, 122859  
deduct, to the extent not otherwise deducted or excluded in 122860  
computing federal or Ohio adjusted gross income for the taxable 122861  
year, the lesser of ~~two~~three hundred ~~fifty~~ dollars or the 122862  
amount of expenses described in subsections (a) (2) (D) (i) and 122863  
(ii) of section 62 of the Internal Revenue Code paid or incurred 122864  
by the taxpayer during the taxpayer's taxable year in excess of 122865  
the amount the taxpayer is authorized to deduct for that taxable 122866  
year under subsection (a) (2) (D) of that section. 122867

(32) Deduct, to the extent not otherwise deducted or 122868  
excluded in computing federal or Ohio adjusted gross income for 122869  
the taxable year, amounts received by the taxpayer as a 122870  
disability severance payment, computed under 10 U.S.C. 1212, 122871  
following discharge or release under honorable conditions from 122872

the armed forces of the United States, as defined in section 122873  
5907.01 of the Revised Code. 122874

(33) Deduct, to the extent not otherwise deducted or 122875  
excluded in computing federal adjusted gross income or Ohio 122876  
adjusted gross income, amounts not subject to tax due to an 122877  
agreement entered into under division (A) (2) of section 5747.05 122878  
of the Revised Code. 122879

(34) Deduct amounts as provided under section 5747.79 of 122880  
the Revised Code related to the taxpayer's qualifying capital 122881  
gains and deductible payroll. 122882

To the extent a qualifying capital gain described under 122883  
division (A) (34) of this section is business income, the 122884  
taxpayer shall deduct those gains under this division before 122885  
deducting any such gains under division (A) (28) of this section. 122886

(35) (a) For taxable years beginning in or after 2026, 122887  
deduct, to the extent not otherwise deducted or excluded in 122888  
computing federal or Ohio adjusted gross income for the taxable 122889  
year: 122890

(i) One hundred per cent of the capital gain received by 122891  
the taxpayer in the taxable year from a qualifying interest in 122892  
an Ohio venture capital operating company attributable to the 122893  
company's investments in Ohio businesses during the period for 122894  
which the company was an Ohio venture operating company; and 122895

(ii) Fifty per cent of the capital gain received by the 122896  
taxpayer in the taxable year from a qualifying interest in an 122897  
Ohio venture capital operating company attributable to the 122898  
company's investments in all other businesses during the period 122899  
for which the company was an Ohio venture operating company. 122900

(b) Add amounts previously deducted by the taxpayer under 122901

division (A) (35) (a) of this section if the director of 122902  
development certifies to the tax commissioner that the 122903  
requirements for the deduction were not met. 122904

(c) All terms used in division (A) (35) of this section 122905  
have the same meanings as in section 122.851 of the Revised 122906  
Code. 122907

(d) To the extent a capital gain described in division (A) 122908  
(35) (a) of this section is business income, the taxpayer shall 122909  
apply that division before applying division (A) (28) of this 122910  
section. 122911

(36) Add, to the extent not otherwise included in 122912  
computing federal or Ohio adjusted gross income for any taxable 122913  
year, the taxpayer's proportionate share of the amount of the 122914  
tax levied under section 5747.38 of the Revised Code and paid by 122915  
an electing pass-through entity for the taxable year. 122916

Notwithstanding any provision of the Revised Code to the 122917  
contrary, the portion of the addition required by division (A) 122918  
(36) of this section related to the apportioned business income 122919  
of the pass-through entity shall be considered business income 122920  
under division (B) of this section. Such addition is eligible 122921  
for the deduction in division (A) (28) of this section, subject 122922  
to the applicable dollar limitations, and the tax rate 122923  
prescribed by division (A) (4) (a) of section 5747.02 of the 122924  
Revised Code. The taxpayer shall provide, upon request of the 122925  
tax commissioner, any documentation necessary to verify the 122926  
portion of the addition that is business income under this 122927  
division. 122928

(37) Deduct, to the extent not otherwise deducted or 122929  
excluded in computing federal or Ohio adjusted gross income for 122930



the taxable year, amounts delivered to a qualifying institution 122931  
pursuant to section 3333.128 of the Revised Code for the benefit 122932  
of the taxpayer or the taxpayer's spouse or dependent. 122933

(38) Deduct, to the extent not otherwise deducted or 122934  
excluded in computing federal or Ohio adjusted gross income for 122935  
the taxable year, amounts received under the Ohio adoption grant 122936  
program pursuant to section ~~5101.191~~5180.451 of the Revised 122937  
Code. 122938

(39) Deduct, to the extent included in federal adjusted 122939  
gross income, income attributable to amounts provided to a 122940  
taxpayer for any of the purposes for which an exclusion would 122941  
have been authorized under section 139 of the Internal Revenue 122942  
Code if the train derailment near the city of East Palestine on 122943  
February 3, 2023, had been a qualified disaster pursuant to that 122944  
section, or to compensate for lost business resulting from that 122945  
derailment, if such amounts are provided by any of the 122946  
following: 122947

(a) A federal, state, or local government agency; 122948

(b) A railroad company, as that term is defined in section 122949  
5727.01 of the Revised Code; 122950

(c) Any subsidiary, insurer, or agent of a railroad 122951  
company or any related person. 122952

Notwithstanding any provision to the contrary, the 122953  
derailment is not required to meet the definition of a 122954  
"qualified disaster" pursuant to section 139 of the Internal 122955  
Revenue Code to qualify for the deduction under this section. 122956

(40) Deduct, to the extent included in federal adjusted 122957  
gross income, income attributable to loan repayments on behalf 122958  
of the taxpayer under the rural practice incentive program under 122959

section 3333.135 of the Revised Code. 122960

(41) Add any income taxes deducted in computing federal or 122961  
Ohio adjusted gross income to the extent the income taxes were 122962  
derived from income subject to a tax levied in another state or 122963  
the District of Columbia when such tax was enacted for purposes 122964  
of complying with internal revenue service notice 2020-75. 122965

Notwithstanding any provision of the Revised Code to the 122966  
contrary, the portion of the addition required by division (A) 122967  
(41) of this section related to the apportioned business income 122968  
of the pass-through entity shall be considered business income 122969  
under division (B) of this section. Such addition is eligible 122970  
for the deduction in division (A) (28) of this section, subject 122971  
to the applicable dollar limitations, and the tax rate 122972  
prescribed by division (A) (4) (a) of section 5747.02 of the 122973  
Revised Code. The taxpayer shall provide, upon request of the 122974  
tax commissioner, any documentation necessary to verify the 122975  
portion of the addition that is business income under this 122976  
division. 122977

(42) Deduct amounts contributed to a homeownership savings 122978  
account and calculated pursuant to divisions (B) and (C) of 122979  
section 5747.85 of the Revised Code. 122980

(43) If the taxpayer is the account owner, add the amount 122981  
of funds withdrawn from a homeownership savings account not used 122982  
for eligible expenses, regardless of who deposited those funds. 122983  
As used in division (A) (43) of this section, "homeownership 122984  
savings account," "account owner," and "eligible expenses" have 122985  
the same meanings as in section 5747.85 of the Revised Code. 122986

(44) Deduct, to the extent not otherwise deducted or 122987  
excluded in computing federal or Ohio adjusted gross income 122988

during the taxable year, up to seven hundred fifty dollars of 122989  
contributions the taxpayer makes to a pregnancy resource center 122990  
that meets the criteria in division (B) of section 5180.71 of 122991  
the Revised Code. 122992

(B) "Business income" means income, including gain or 122993  
loss, arising from transactions, activities, and sources in the 122994  
regular course of a trade or business and includes income, gain, 122995  
or loss from real property, tangible property, and intangible 122996  
property if the acquisition, rental, management, and disposition 122997  
of the property constitute integral parts of the regular course 122998  
of a trade or business operation. "Business income" includes 122999  
income, including gain or loss, from a partial or complete 123000  
liquidation of a business, including, but not limited to, gain 123001  
or loss from the sale or other disposition of goodwill or the 123002  
sale of an equity or ownership interest in a business. 123003

As used in this division, the "sale of an equity or 123004  
ownership interest in a business" means sales to which either or 123005  
both of the following apply: 123006

(1) The sale is treated for federal income tax purposes as 123007  
the sale of assets. 123008

(2) The seller materially participated, as described in 26 123009  
C.F.R. 1.469-5T, in the activities of the business during the 123010  
taxable year in which the sale occurs or during any of the five 123011  
preceding taxable years. 123012

(C) "Nonbusiness income" means all income other than 123013  
business income and may include, but is not limited to, 123014  
compensation, rents and royalties from real or tangible personal 123015  
property, capital gains, interest, dividends and distributions, 123016  
patent or copyright royalties, or lottery winnings, prizes, and 123017

awards. 123018

(D) "Compensation" means any form of remuneration paid to 123019  
an employee for personal services. 123020

(E) "Fiduciary" means a guardian, trustee, executor, 123021  
administrator, receiver, conservator, or any other person acting 123022  
in any fiduciary capacity for any individual, trust, or estate. 123023

(F) "Fiscal year" means an accounting period of twelve 123024  
months ending on the last day of any month other than December. 123025

(G) "Individual" means any natural person. 123026

(H) "Internal Revenue Code" means the "Internal Revenue 123027  
Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 123028

(I) "Resident" means any of the following: 123029

(1) An individual who is domiciled in this state, subject 123030  
to section 5747.24 of the Revised Code; 123031

(2) The estate of a decedent who at the time of death was 123032  
domiciled in this state. The domicile tests of section 5747.24 123033  
of the Revised Code are not controlling for purposes of division 123034  
(I) (2) of this section. 123035

(3) A trust that, in whole or part, resides in this state. 123036  
If only part of a trust resides in this state, the trust is a 123037  
resident only with respect to that part. 123038

For the purposes of division (I) (3) of this section: 123039

(a) A trust resides in this state for the trust's current 123040  
taxable year to the extent, as described in division (I) (3) (d) 123041  
of this section, that the trust consists directly or indirectly, 123042  
in whole or in part, of assets, net of any related liabilities, 123043  
that were transferred, or caused to be transferred, directly or 123044

indirectly, to the trust by any of the following: 123045

(i) A person, a court, or a governmental entity or 123046  
instrumentality on account of the death of a decedent, but only 123047  
if the trust is described in division (I) (3) (e) (i) or (ii) of 123048  
this section; 123049

(ii) A person who was domiciled in this state for the 123050  
purposes of this chapter when the person directly or indirectly 123051  
transferred assets to an irrevocable trust, but only if at least 123052  
one of the trust's qualifying beneficiaries is domiciled in this 123053  
state for the purposes of this chapter during all or some 123054  
portion of the trust's current taxable year; 123055

(iii) A person who was domiciled in this state for the 123056  
purposes of this chapter when the trust document or instrument 123057  
or part of the trust document or instrument became irrevocable, 123058  
but only if at least one of the trust's qualifying beneficiaries 123059  
is a resident domiciled in this state for the purposes of this 123060  
chapter during all or some portion of the trust's current 123061  
taxable year. If a trust document or instrument became 123062  
irrevocable upon the death of a person who at the time of death 123063  
was domiciled in this state for purposes of this chapter, that 123064  
person is a person described in division (I) (3) (a) (iii) of this 123065  
section. 123066

(b) A trust is irrevocable to the extent that the 123067  
transferor is not considered to be the owner of the net assets 123068  
of the trust under sections 671 to 678 of the Internal Revenue 123069  
Code. 123070

(c) With respect to a trust other than a charitable lead 123071  
trust, "qualifying beneficiary" has the same meaning as 123072  
"potential current beneficiary" as defined in section 1361(e) (2) 123073

of the Internal Revenue Code, and with respect to a charitable 123074  
lead trust "qualifying beneficiary" is any current, future, or 123075  
contingent beneficiary, but with respect to any trust 123076  
"qualifying beneficiary" excludes a person or a governmental 123077  
entity or instrumentality to any of which a contribution would 123078  
qualify for the charitable deduction under section 170 of the 123079  
Internal Revenue Code. 123080

(d) For the purposes of division (I) (3) (a) of this 123081  
section, the extent to which a trust consists directly or 123082  
indirectly, in whole or in part, of assets, net of any related 123083  
liabilities, that were transferred directly or indirectly, in 123084  
whole or part, to the trust by any of the sources enumerated in 123085  
that division shall be ascertained by multiplying the fair 123086  
market value of the trust's assets, net of related liabilities, 123087  
by the qualifying ratio, which shall be computed as follows: 123088

(i) The first time the trust receives assets, the 123089  
numerator of the qualifying ratio is the fair market value of 123090  
those assets at that time, net of any related liabilities, from 123091  
sources enumerated in division (I) (3) (a) of this section. The 123092  
denominator of the qualifying ratio is the fair market value of 123093  
all the trust's assets at that time, net of any related 123094  
liabilities. 123095

(ii) Each subsequent time the trust receives assets, a 123096  
revised qualifying ratio shall be computed. The numerator of the 123097  
revised qualifying ratio is the sum of (1) the fair market value 123098  
of the trust's assets immediately prior to the subsequent 123099  
transfer, net of any related liabilities, multiplied by the 123100  
qualifying ratio last computed without regard to the subsequent 123101  
transfer, and (2) the fair market value of the subsequently 123102  
transferred assets at the time transferred, net of any related 123103

liabilities, from sources enumerated in division (I) (3) (a) of 123104  
this section. The denominator of the revised qualifying ratio is 123105  
the fair market value of all the trust's assets immediately 123106  
after the subsequent transfer, net of any related liabilities. 123107

(iii) Whether a transfer to the trust is by or from any of 123108  
the sources enumerated in division (I) (3) (a) of this section 123109  
shall be ascertained without regard to the domicile of the 123110  
trust's beneficiaries. 123111

(e) For the purposes of division (I) (3) (a) (i) of this 123112  
section: 123113

(i) A trust is described in division (I) (3) (e) (i) of this 123114  
section if the trust is a testamentary trust and the testator of 123115  
that testamentary trust was domiciled in this state at the time 123116  
of the testator's death for purposes of the taxes levied under 123117  
Chapter 5731. of the Revised Code. 123118

(ii) A trust is described in division (I) (3) (e) (ii) of 123119  
this section if the transfer is a qualifying transfer described 123120  
in any of divisions (I) (3) (f) (i) to (vi) of this section, the 123121  
trust is an irrevocable inter vivos trust, and at least one of 123122  
the trust's qualifying beneficiaries is domiciled in this state 123123  
for purposes of this chapter during all or some portion of the 123124  
trust's current taxable year. 123125

(f) For the purposes of division (I) (3) (e) (ii) of this 123126  
section, a "qualifying transfer" is a transfer of assets, net of 123127  
any related liabilities, directly or indirectly to a trust, if 123128  
the transfer is described in any of the following: 123129

(i) The transfer is made to a trust, created by the 123130  
decedent before the decedent's death and while the decedent was 123131  
domiciled in this state for the purposes of this chapter, and, 123132

prior to the death of the decedent, the trust became irrevocable 123133  
while the decedent was domiciled in this state for the purposes 123134  
of this chapter. 123135

(ii) The transfer is made to a trust to which the 123136  
decedent, prior to the decedent's death, had directly or 123137  
indirectly transferred assets, net of any related liabilities, 123138  
while the decedent was domiciled in this state for the purposes 123139  
of this chapter, and prior to the death of the decedent the 123140  
trust became irrevocable while the decedent was domiciled in 123141  
this state for the purposes of this chapter. 123142

(iii) The transfer is made on account of a contractual 123143  
relationship existing directly or indirectly between the 123144  
transferor and either the decedent or the estate of the decedent 123145  
at any time prior to the date of the decedent's death, and the 123146  
decedent was domiciled in this state at the time of death for 123147  
purposes of the taxes levied under Chapter 5731. of the Revised 123148  
Code. 123149

(iv) The transfer is made to a trust on account of a 123150  
contractual relationship existing directly or indirectly between 123151  
the transferor and another person who at the time of the 123152  
decedent's death was domiciled in this state for purposes of 123153  
this chapter. 123154

(v) The transfer is made to a trust on account of the will 123155  
of a testator who was domiciled in this state at the time of the 123156  
testator's death for purposes of the taxes levied under Chapter 123157  
5731. of the Revised Code. 123158

(vi) The transfer is made to a trust created by or caused 123159  
to be created by a court, and the trust was directly or 123160  
indirectly created in connection with or as a result of the 123161



death of an individual who, for purposes of the taxes levied 123162  
under Chapter 5731. of the Revised Code, was domiciled in this 123163  
state at the time of the individual's death. 123164

(g) The tax commissioner may adopt rules to ascertain the 123165  
part of a trust residing in this state. 123166

(J) "Nonresident" means an individual or estate that is 123167  
not a resident. An individual who is a resident for only part of 123168  
a taxable year is a nonresident for the remainder of that 123169  
taxable year. 123170

(K) "Pass-through entity" has the same meaning as in 123171  
section 5733.04 of the Revised Code. 123172

(L) "Return" means the notifications and reports required 123173  
to be filed pursuant to this chapter for the purpose of 123174  
reporting the tax due and includes declarations of estimated tax 123175  
when so required. 123176

(M) "Taxable year" means the calendar year or the 123177  
taxpayer's fiscal year ending during the calendar year, or 123178  
fractional part thereof, upon which the adjusted gross income is 123179  
calculated pursuant to this chapter. 123180

(N) "Taxpayer" means any person subject to the tax imposed 123181  
by section 5747.02 of the Revised Code or any pass-through 123182  
entity that makes the election under division (D) of section 123183  
5747.08 of the Revised Code. 123184

(O) "Dependents" means one of the following: 123185

(1) For taxable years beginning on or after January 1, 123186  
2018, and before January 1, 2026, dependents as defined in the 123187  
Internal Revenue Code; 123188

(2) For all other taxable years, dependents as defined in 123189

the Internal Revenue Code and as claimed in the taxpayer's 123190  
federal income tax return for the taxable year or which the 123191  
taxpayer would have been permitted to claim had the taxpayer 123192  
filed a federal income tax return. 123193

(P) "Principal county of employment" means, in the case of 123194  
a nonresident, the county within the state in which a taxpayer 123195  
performs services for an employer or, if those services are 123196  
performed in more than one county, the county in which the major 123197  
portion of the services are performed. 123198

(Q) As used in sections 5747.50 to 5747.55 of the Revised 123199  
Code: 123200

(1) "Subdivision" means any county, municipal corporation, 123201  
park district, or township. 123202

(2) "Essential local government purposes" includes all 123203  
functions that any subdivision is required by general law to 123204  
exercise, including like functions that are exercised under a 123205  
charter adopted pursuant to the Ohio Constitution. 123206

(R) "Overpayment" means any amount already paid that 123207  
exceeds the figure determined to be the correct amount of the 123208  
tax. 123209

(S) "Taxable income" or "Ohio taxable income" applies only 123210  
to estates and trusts, and means federal taxable income, as 123211  
defined and used in the Internal Revenue Code, adjusted as 123212  
follows: 123213

(1) Add interest or dividends, net of ordinary, necessary, 123214  
and reasonable expenses not deducted in computing federal 123215  
taxable income, on obligations or securities of any state or of 123216  
any political subdivision or authority of any state, other than 123217  
this state and its subdivisions and authorities, but only to the 123218

extent that such net amount is not otherwise includible in Ohio 123219  
taxable income and is described in either division (S) (1) (a) or 123220  
(b) of this section: 123221

(a) The net amount is not attributable to the S portion of 123222  
an electing small business trust and has not been distributed to 123223  
beneficiaries for the taxable year; 123224

(b) The net amount is attributable to the S portion of an 123225  
electing small business trust for the taxable year. 123226

(2) Add interest or dividends, net of ordinary, necessary, 123227  
and reasonable expenses not deducted in computing federal 123228  
taxable income, on obligations of any authority, commission, 123229  
instrumentality, territory, or possession of the United States 123230  
to the extent that the interest or dividends are exempt from 123231  
federal income taxes but not from state income taxes, but only 123232  
to the extent that such net amount is not otherwise includible 123233  
in Ohio taxable income and is described in either division (S) 123234  
(1) (a) or (b) of this section; 123235

(3) Add the amount of personal exemption allowed to the 123236  
estate pursuant to section 642(b) of the Internal Revenue Code; 123237

(4) Deduct interest or dividends, net of related expenses 123238  
deducted in computing federal taxable income, on obligations of 123239  
the United States and its territories and possessions or of any 123240  
authority, commission, or instrumentality of the United States 123241  
to the extent that the interest or dividends are exempt from 123242  
state taxes under the laws of the United States, but only to the 123243  
extent that such amount is included in federal taxable income 123244  
and is described in either division (S) (1) (a) or (b) of this 123245  
section; 123246

(5) Deduct the amount of wages and salaries, if any, not 123247

otherwise allowable as a deduction but that would have been 123248  
allowable as a deduction in computing federal taxable income for 123249  
the taxable year, had the work opportunity tax credit allowed 123250  
under sections 38, 51, and 52 of the Internal Revenue Code not 123251  
been in effect, but only to the extent such amount relates 123252  
either to income included in federal taxable income for the 123253  
taxable year or to income of the S portion of an electing small 123254  
business trust for the taxable year; 123255

(6) Deduct any interest or interest equivalent, net of 123256  
related expenses deducted in computing federal taxable income, 123257  
on public obligations and purchase obligations, but only to the 123258  
extent that such net amount relates either to income included in 123259  
federal taxable income for the taxable year or to income of the 123260  
S portion of an electing small business trust for the taxable 123261  
year; 123262

(7) Add any loss or deduct any gain resulting from sale, 123263  
exchange, or other disposition of public obligations to the 123264  
extent that such loss has been deducted or such gain has been 123265  
included in computing either federal taxable income or income of 123266  
the S portion of an electing small business trust for the 123267  
taxable year; 123268

(8) Except in the case of the final return of an estate, 123269  
add any amount deducted by the taxpayer on both its Ohio estate 123270  
tax return pursuant to section 5731.14 of the Revised Code, and 123271  
on its federal income tax return in determining federal taxable 123272  
income; 123273

(9) (a) Deduct any amount included in federal taxable 123274  
income solely because the amount represents a reimbursement or 123275  
refund of expenses that in a previous year the decedent had 123276  
deducted as an itemized deduction pursuant to section 63 of the 123277

Internal Revenue Code and applicable treasury regulations. The 123278  
deduction otherwise allowed under division (S) (9) (a) of this 123279  
section shall be reduced to the extent the reimbursement is 123280  
attributable to an amount the taxpayer or decedent deducted 123281  
under this section in any taxable year. 123282

(b) Add any amount not otherwise included in Ohio taxable 123283  
income for any taxable year to the extent that the amount is 123284  
attributable to the recovery during the taxable year of any 123285  
amount deducted or excluded in computing federal or Ohio taxable 123286  
income in any taxable year, but only to the extent such amount 123287  
has not been distributed to beneficiaries for the taxable year. 123288

(10) Deduct any portion of the deduction described in 123289  
section 1341(a) (2) of the Internal Revenue Code, for repaying 123290  
previously reported income received under a claim of right, that 123291  
meets both of the following requirements: 123292

(a) It is allowable for repayment of an item that was 123293  
included in the taxpayer's taxable income or the decedent's 123294  
adjusted gross income for a prior taxable year and did not 123295  
qualify for a credit under division (A) or (B) of section 123296  
5747.05 of the Revised Code for that year. 123297

(b) It does not otherwise reduce the taxpayer's taxable 123298  
income or the decedent's adjusted gross income for the current 123299  
or any other taxable year. 123300

(11) Add any amount claimed as a credit under section 123301  
5747.059 of the Revised Code to the extent that the amount 123302  
satisfies either of the following: 123303

(a) The amount was deducted or excluded from the 123304  
computation of the taxpayer's federal taxable income as required 123305  
to be reported for the taxpayer's taxable year under the 123306

Internal Revenue Code; 123307

(b) The amount resulted in a reduction in the taxpayer's 123308  
federal taxable income as required to be reported for any of the 123309  
taxpayer's taxable years under the Internal Revenue Code. 123310

(12) Deduct any amount, net of related expenses deducted 123311  
in computing federal taxable income, that a trust is required to 123312  
report as farm income on its federal income tax return, but only 123313  
if the assets of the trust include at least ten acres of land 123314  
satisfying the definition of "land devoted exclusively to 123315  
agricultural use" under section 5713.30 of the Revised Code, 123316  
regardless of whether the land is valued for tax purposes as 123317  
such land under sections 5713.30 to 5713.38 of the Revised Code. 123318  
If the trust is a pass-through entity investor, section 5747.231 123319  
of the Revised Code applies in ascertaining if the trust is 123320  
eligible to claim the deduction provided by division (S) (12) of 123321  
this section in connection with the pass-through entity's farm 123322  
income. 123323

Except for farm income attributable to the S portion of an 123324  
electing small business trust, the deduction provided by 123325  
division (S) (12) of this section is allowed only to the extent 123326  
that the trust has not distributed such farm income. 123327

(13) Add the net amount of income described in section 123328  
641(c) of the Internal Revenue Code to the extent that amount is 123329  
not included in federal taxable income. 123330

(14) ~~Deduct~~ Add or deduct the amount the taxpayer would be 123331  
required to add or deduct under division ~~(A) (18)~~ (A) (17) or (18) 123332  
of this section if the taxpayer's Ohio taxable income ~~were~~ was 123333  
computed in the same manner as an individual's Ohio adjusted 123334  
gross income is computed under this section. 123335

(15) Add, to the extent not otherwise included in 123336  
computing taxable income or Ohio taxable income for any taxable 123337  
year, the taxpayer's proportionate share of the amount of the 123338  
tax levied under section 5747.38 of the Revised Code and paid by 123339  
an electing pass-through entity for the taxable year. 123340

(16) Add any income taxes deducted in computing federal 123341  
taxable income or Ohio taxable income to the extent the income 123342  
taxes were derived from income subject to a tax levied in 123343  
another state or the District of Columbia when such tax was 123344  
enacted for purposes of complying with internal revenue service 123345  
notice 2020-75. 123346

(T) "School district income" and "school district income 123347  
tax" have the same meanings as in section 5748.01 of the Revised 123348  
Code. 123349

(U) As used in divisions (A) (7), (A) (8), (S) (6), and (S) 123350  
(7) of this section, "public obligations," "purchase 123351  
obligations," and "interest or interest equivalent" have the 123352  
same meanings as in section 5709.76 of the Revised Code. 123353

(V) "Limited liability company" means any limited 123354  
liability company formed under former Chapter 1705. of the 123355  
Revised Code as that chapter existed prior to February 11, 2022, 123356  
Chapter 1706. of the Revised Code, or the laws of any other 123357  
state. 123358

(W) "Pass-through entity investor" means any person who, 123359  
during any portion of a taxable year of a pass-through entity, 123360  
is a partner, member, shareholder, or equity investor in that 123361  
pass-through entity. 123362

(X) "Banking day" has the same meaning as in section 123363  
1304.01 of the Revised Code. 123364

(Y) "Month" means a calendar month. 123365

(Z) "Quarter" means the first three months, the second 123366  
three months, the third three months, or the last three months 123367  
of the taxpayer's taxable year. 123368

(AA) (1) "Modified business income" means the business 123369  
income included in a trust's Ohio taxable income after such 123370  
taxable income is first reduced by the qualifying trust amount, 123371  
if any. 123372

(2) "Qualifying trust amount" of a trust means capital 123373  
gains and losses from the sale, exchange, or other disposition 123374  
of equity or ownership interests in, or debt obligations of, a 123375  
qualifying investee to the extent included in the trust's Ohio 123376  
taxable income, but only if the following requirements are 123377  
satisfied: 123378

(a) The book value of the qualifying investee's physical 123379  
assets in this state and everywhere, as of the last day of the 123380  
qualifying investee's fiscal or calendar year ending immediately 123381  
prior to the date on which the trust recognizes the gain or 123382  
loss, is available to the trust. 123383

(b) The requirements of section 5747.011 of the Revised 123384  
Code are satisfied for the trust's taxable year in which the 123385  
trust recognizes the gain or loss. 123386

Any gain or loss that is not a qualifying trust amount is 123387  
modified business income, qualifying investment income, or 123388  
modified nonbusiness income, as the case may be. 123389

(3) "Modified nonbusiness income" means a trust's Ohio 123390  
taxable income other than modified business income, other than 123391  
the qualifying trust amount, and other than qualifying 123392  
investment income, as defined in section 5747.012 of the Revised 123393



Code, to the extent such qualifying investment income is not 123394  
otherwise part of modified business income. 123395

(4) "Modified Ohio taxable income" applies only to trusts, 123396  
and means the sum of the amounts described in divisions (AA) (4) 123397  
(a) to (c) of this section: 123398

(a) The fraction, calculated under section 5747.013, and 123399  
applying section 5747.231 of the Revised Code, multiplied by the 123400  
sum of the following amounts: 123401

(i) The trust's modified business income; 123402

(ii) The trust's qualifying investment income, as defined 123403  
in section 5747.012 of the Revised Code, but only to the extent 123404  
the qualifying investment income does not otherwise constitute 123405  
modified business income and does not otherwise constitute a 123406  
qualifying trust amount. 123407

(b) The qualifying trust amount multiplied by a fraction, 123408  
the numerator of which is the sum of the book value of the 123409  
qualifying investee's physical assets in this state on the last 123410  
day of the qualifying investee's fiscal or calendar year ending 123411  
immediately prior to the day on which the trust recognizes the 123412  
qualifying trust amount, and the denominator of which is the sum 123413  
of the book value of the qualifying investee's total physical 123414  
assets everywhere on the last day of the qualifying investee's 123415  
fiscal or calendar year ending immediately prior to the day on 123416  
which the trust recognizes the qualifying trust amount. If, for 123417  
a taxable year, the trust recognizes a qualifying trust amount 123418  
with respect to more than one qualifying investee, the amount 123419  
described in division (AA) (4) (b) of this section shall equal the 123420  
sum of the products so computed for each such qualifying 123421  
investee. 123422

(c) (i) With respect to a trust or portion of a trust that 123423  
is a resident as ascertained in accordance with division (I) (3) 123424  
(d) of this section, its modified nonbusiness income. 123425

(ii) With respect to a trust or portion of a trust that is 123426  
not a resident as ascertained in accordance with division (I) (3) 123427  
(d) of this section, the amount of its modified nonbusiness 123428  
income satisfying the descriptions in divisions (B) (2) to (5) of 123429  
section 5747.20 of the Revised Code, except as otherwise 123430  
provided in division (AA) (4) (c) (ii) of this section. With 123431  
respect to a trust or portion of a trust that is not a resident 123432  
as ascertained in accordance with division (I) (3) (d) of this 123433  
section, the trust's portion of modified nonbusiness income 123434  
recognized from the sale, exchange, or other disposition of a 123435  
debt interest in or equity interest in a section 5747.212 123436  
entity, as defined in section 5747.212 of the Revised Code, 123437  
without regard to division (A) of that section, shall not be 123438  
allocated to this state in accordance with section 5747.20 of 123439  
the Revised Code but shall be apportioned to this state in 123440  
accordance with division (B) of section 5747.212 of the Revised 123441  
Code without regard to division (A) of that section. 123442

If the allocation and apportionment of a trust's income 123443  
under divisions (AA) (4) (a) and (c) of this section do not fairly 123444  
represent the modified Ohio taxable income of the trust in this 123445  
state, the alternative methods described in division (C) of 123446  
section 5747.21 of the Revised Code may be applied in the manner 123447  
and to the same extent provided in that section. 123448

(5) (a) Except as set forth in division (AA) (5) (b) of this 123449  
section, "qualifying investee" means a person in which a trust 123450  
has an equity or ownership interest, or a person or unit of 123451  
government the debt obligations of either of which are owned by 123452

a trust. For the purposes of division (AA) (2) (a) of this section 123453  
and for the purpose of computing the fraction described in 123454  
division (AA) (4) (b) of this section, all of the following apply: 123455

(i) If the qualifying investee is a member of a qualifying 123456  
controlled group on the last day of the qualifying investee's 123457  
fiscal or calendar year ending immediately prior to the date on 123458  
which the trust recognizes the gain or loss, then "qualifying 123459  
investee" includes all persons in the qualifying controlled 123460  
group on such last day. 123461

(ii) If the qualifying investee, or if the qualifying 123462  
investee and any members of the qualifying controlled group of 123463  
which the qualifying investee is a member on the last day of the 123464  
qualifying investee's fiscal or calendar year ending immediately 123465  
prior to the date on which the trust recognizes the gain or 123466  
loss, separately or cumulatively own, directly or indirectly, on 123467  
the last day of the qualifying investee's fiscal or calendar 123468  
year ending immediately prior to the date on which the trust 123469  
recognizes the qualifying trust amount, more than fifty per cent 123470  
of the equity of a pass-through entity, then the qualifying 123471  
investee and the other members are deemed to own the 123472  
proportionate share of the pass-through entity's physical assets 123473  
which the pass-through entity directly or indirectly owns on the 123474  
last day of the pass-through entity's calendar or fiscal year 123475  
ending within or with the last day of the qualifying investee's 123476  
fiscal or calendar year ending immediately prior to the date on 123477  
which the trust recognizes the qualifying trust amount. 123478

(iii) For the purposes of division (AA) (5) (a) (iii) of this 123479  
section, "upper level pass-through entity" means a pass-through 123480  
entity directly or indirectly owning any equity of another pass- 123481  
through entity, and "lower level pass-through entity" means that 123482

other pass-through entity. 123483

An upper level pass-through entity, whether or not it is 123484  
also a qualifying investee, is deemed to own, on the last day of 123485  
the upper level pass-through entity's calendar or fiscal year, 123486  
the proportionate share of the lower level pass-through entity's 123487  
physical assets that the lower level pass-through entity 123488  
directly or indirectly owns on the last day of the lower level 123489  
pass-through entity's calendar or fiscal year ending within or 123490  
with the last day of the upper level pass-through entity's 123491  
fiscal or calendar year. If the upper level pass-through entity 123492  
directly and indirectly owns less than fifty per cent of the 123493  
equity of the lower level pass-through entity on each day of the 123494  
upper level pass-through entity's calendar or fiscal year in 123495  
which or with which ends the calendar or fiscal year of the 123496  
lower level pass-through entity and if, based upon clear and 123497  
convincing evidence, complete information about the location and 123498  
cost of the physical assets of the lower pass-through entity is 123499  
not available to the upper level pass-through entity, then 123500  
solely for purposes of ascertaining if a gain or loss 123501  
constitutes a qualifying trust amount, the upper level pass- 123502  
through entity shall be deemed as owning no equity of the lower 123503  
level pass-through entity for each day during the upper level 123504  
pass-through entity's calendar or fiscal year in which or with 123505  
which ends the lower level pass-through entity's calendar or 123506  
fiscal year. Nothing in division (AA) (5) (a) (iii) of this section 123507  
shall be construed to provide for any deduction or exclusion in 123508  
computing any trust's Ohio taxable income. 123509

(b) With respect to a trust that is not a resident for the 123510  
taxable year and with respect to a part of a trust that is not a 123511  
resident for the taxable year, "qualifying investee" for that 123512  
taxable year does not include a C corporation if both of the 123513

following apply: 123514

(i) During the taxable year the trust or part of the trust 123515  
recognizes a gain or loss from the sale, exchange, or other 123516  
disposition of equity or ownership interests in, or debt 123517  
obligations of, the C corporation. 123518

(ii) Such gain or loss constitutes nonbusiness income. 123519

(6) "Available" means information is such that a person is 123520  
able to learn of the information by the due date plus 123521  
extensions, if any, for filing the return for the taxable year 123522  
in which the trust recognizes the gain or loss. 123523

(BB) "Qualifying controlled group" has the same meaning as 123524  
in section 5733.04 of the Revised Code. 123525

(CC) "Related member" has the same meaning as in section 123526  
5733.042 of the Revised Code. 123527

(DD) (1) For the purposes of division (DD) of this section: 123528

(a) "Qualifying person" means any person other than a 123529  
qualifying corporation. 123530

(b) "Qualifying corporation" means any person classified 123531  
for federal income tax purposes as an association taxable as a 123532  
corporation, except either of the following: 123533

(i) A corporation that has made an election under 123534  
subchapter S, chapter one, subtitle A, of the Internal Revenue 123535  
Code for its taxable year ending within, or on the last day of, 123536  
the investor's taxable year; 123537

(ii) A subsidiary that is wholly owned by any corporation 123538  
that has made an election under subchapter S, chapter one, 123539  
subtitle A of the Internal Revenue Code for its taxable year 123540

ending within, or on the last day of, the investor's taxable 123541  
year. 123542

(2) For the purposes of this chapter, unless expressly 123543  
stated otherwise, no qualifying person indirectly owns any asset 123544  
directly or indirectly owned by any qualifying corporation. 123545

(EE) For purposes of this chapter and Chapter 5751. of the 123546  
Revised Code: 123547

(1) "Trust" does not include a qualified pre-income tax 123548  
trust. 123549

(2) A "qualified pre-income tax trust" is any pre-income 123550  
tax trust that makes a qualifying pre-income tax trust election 123551  
as described in division (EE)(3) of this section. 123552

(3) A "qualifying pre-income tax trust election" is an 123553  
election by a pre-income tax trust to subject to the tax imposed 123554  
by section 5751.02 of the Revised Code the pre-income tax trust 123555  
and all pass-through entities of which the trust owns or 123556  
controls, directly, indirectly, or constructively through 123557  
related interests, five per cent or more of the ownership or 123558  
equity interests. The trustee shall notify the tax commissioner 123559  
in writing of the election on or before April 15, 2006. The 123560  
election, if timely made, shall be effective on and after 123561  
January 1, 2006, and shall apply for all tax periods and tax 123562  
years until revoked by the trustee of the trust. 123563

(4) A "pre-income tax trust" is a trust that satisfies all 123564  
of the following requirements: 123565

(a) The document or instrument creating the trust was 123566  
executed by the grantor before January 1, 1972; 123567

(b) The trust became irrevocable upon the creation of the 123568

trust; and 123569

(c) The grantor was domiciled in this state at the time 123570  
the trust was created. 123571

(FF) "Uniformed services" means all of the following: 123572

(1) "Armed forces of the United States" as defined in 123573  
section 5907.01 of the Revised Code; 123574

(2) The commissioned corps of the national oceanic and 123575  
atmospheric administration; 123576

(3) The commissioned corps of the public health service. 123577

(GG) "Taxable business income" means the amount by which 123578  
an individual's business income that is included in federal 123579  
adjusted gross income exceeds the amount of business income the 123580  
individual is authorized to deduct under division (A) (28) of 123581  
this section for the taxable year. 123582

(HH) "Employer" does not include a franchisor with respect 123583  
to the franchisor's relationship with a franchisee or an 123584  
employee of a franchisee, unless the franchisor agrees to assume 123585  
that role in writing or a court of competent jurisdiction 123586  
determines that the franchisor exercises a type or degree of 123587  
control over the franchisee or the franchisee's employees that 123588  
is not customarily exercised by a franchisor for the purpose of 123589  
protecting the franchisor's trademark, brand, or both. For 123590  
purposes of this division, "franchisor" and "franchisee" have 123591  
the same meanings as in 16 C.F.R. 436.1. 123592

(II) "Modified adjusted gross income" means Ohio adjusted 123593  
gross income plus any amount deducted under divisions (A) (28) 123594  
and (34) of this section for the taxable year. 123595

(JJ) "Qualifying Ohio educator" means an individual who, 123596

for a taxable year, qualifies as an eligible educator, as that 123597  
term is defined in section 62 of the Internal Revenue Code, and 123598  
who holds a certificate, license, or permit described in Chapter 123599  
3319. or section 3301.071 of the Revised Code. 123600

(KK) "Professional employer organization," "professional 123601  
employer organization agreement," and "professional employer 123602  
organization reporting entity" have the same meanings as in 123603  
section 4125.01 of the Revised Code. 123604

(LL) "Alternate employer organization" and "alternate 123605  
employer organization agreement" have the same meanings as in 123606  
section 4133.01 of the Revised Code. 123607

(MM) "Casino gaming" has the same meaning as in section 123608  
3772.01 of the Revised Code, "lottery sports gaming" has the 123609  
same meaning as in section 3770.23 of the Revised Code, "sports 123610  
gaming" has the same meaning as in section 3775.01 of the 123611  
Revised Code, and "video lottery terminal" has the same meaning 123612  
as in section 3770.21 of the Revised Code. 123613

**Sec. 5747.02.** (A) For the purpose of providing revenue for 123614  
the support of schools and local government functions, to 123615  
provide relief to property taxpayers, to provide revenue for the 123616  
general revenue fund, and to meet the expenses of administering 123617  
the tax levied by this chapter, there is hereby levied on every 123618  
individual, trust, and estate residing in or earning or 123619  
receiving income in this state, on every individual, trust, and 123620  
estate earning or receiving lottery winnings, prizes, or awards 123621  
pursuant to Chapter 3770. of the Revised Code, on every 123622  
individual, trust, and estate earning or receiving winnings on 123623  
casino or sports gaming, and on every individual, trust, and 123624  
estate otherwise having nexus with or in this state under the 123625  
Constitution of the United States, an annual tax measured as 123626



prescribed in divisions (A) (1) to (4) of this section. 123627

(1) In the case of trusts, the tax imposed by this section 123628  
shall be measured by modified Ohio taxable income under division 123629  
~~(D)~~(C) of this section and levied in the same amount as the tax 123630  
is imposed on estates as prescribed in division (A) (2) of this 123631  
section. 123632

(2) In the case of estates, the tax imposed by this 123633  
section shall be measured by Ohio taxable income. The tax shall 123634  
be levied at the rate of 1.38462% for the first twenty-six 123635  
thousand fifty dollars of such income and, for income in excess 123636  
of that amount, the tax shall be levied at the same rates 123637  
prescribed in division (A) (3) of this section for individuals. 123638

(3) In the case of individuals, the tax imposed by this 123639  
section on income other than taxable business income shall be 123640  
measured by Ohio adjusted gross income, less taxable business 123641  
income and less an exemption for the taxpayer, the taxpayer's 123642  
spouse, and each dependent as provided in section 5747.025 of 123643  
the Revised Code. If the balance thus obtained is equal to or 123644  
less than twenty-six thousand fifty dollars, no tax shall be 123645  
imposed on that balance. If the balance thus obtained is greater 123646  
than twenty-six thousand fifty dollars, the tax is hereby levied 123647  
as follows: 123648

(a) For taxable years beginning in 2023: 123649  
123650

1

2

A OHIO ADJUSTED GROSS INCOME LESS TAX  
TAXABLE BUSINESS INCOME AND EXEMPTIONS  
(INDIVIDUALS) OR MODIFIED OHIO TAXABLE  
INCOME (TRUSTS) OR OHIO TAXABLE INCOME

(ESTATES)

- B More than \$26,050 but not more than \$100,000 \$360.69 plus 2.75% of the amount in excess of \$26,050
- C More than \$100,000 but not more than \$115,300 \$2,394.32 plus 3.688% of the amount in excess of \$100,000
- D More than \$115,300 \$2,958.58 plus 3.75% of the amount in excess of \$115,300

(b) For taxable years beginning in 2024 and thereafter: 123651  
123652

1

2

A OHIO ADJUSTED GROSS INCOME LESS TAXABLE TAX  
BUSINESS INCOME AND EXEMPTIONS  
(INDIVIDUALS) OR MODIFIED OHIO TAXABLE  
INCOME (TRUSTS) OR OHIO TAXABLE INCOME  
(ESTATES)

- B More than \$26,050 but not more than \$100,000 \$360.69 plus 2.75% of the amount in excess of \$26,050
- C More than \$100,000 \$2,394.32 plus 3.5% of the amount in excess of \$100,000

(4) (a) In the case of individuals, the tax imposed by this 123653  
section on taxable business income shall equal three per cent of 123654  
the result obtained by subtracting any amount allowed under 123655  
division (A) (4) (b) of this section from the individual's taxable 123656

business income. 123657

(b) If the exemptions allowed to an individual under 123658  
division (A) (3) of this section exceed the taxpayer's Ohio 123659  
adjusted gross income less taxable business income, the excess 123660  
shall be deducted from taxable business income before computing 123661  
the tax under division (A) (4) (a) of this section. 123662

(5) Except as otherwise provided in this division, in 123663  
August of each year, the tax commissioner shall make a new 123664  
adjustment to the income amounts prescribed in divisions (A) (2) 123665  
and (3) of this section by multiplying the percentage increase 123666  
in the gross domestic product deflator computed that year under 123667  
section 5747.025 of the Revised Code by each of the income 123668  
amounts resulting from the adjustment under this division in the 123669  
preceding year, adding the resulting product to the 123670  
corresponding income amount resulting from the adjustment in the 123671  
preceding year, and rounding the resulting sum to the nearest 123672  
multiple of fifty dollars. The tax commissioner also shall 123673  
recompute each of the tax dollar amounts to the extent necessary 123674  
to reflect the new adjustment of the income amounts. To 123675  
recompute the tax dollar amount corresponding to the lowest tax 123676  
rate in division (A) (3) of this section, the commissioner shall 123677  
multiply the tax rate prescribed in division (A) (2) of this 123678  
section by the income amount specified in that division and as 123679  
adjusted according to this paragraph. The rates of taxation 123680  
shall not be adjusted. 123681

The adjusted amounts apply to taxable years beginning in 123682  
the calendar year in which the adjustments are made and to 123683  
taxable years beginning in each ensuing calendar year until a 123684  
calendar year in which a new adjustment is made pursuant to this 123685  
division. The tax commissioner shall not make a new adjustment 123686

in any year in which the amount resulting from the adjustment 123687  
would be less than the amount resulting from the adjustment in 123688  
the preceding year. 123689

~~(B) If the director of budget and management makes a 123690  
certification to the tax commissioner under division (B) of 123691  
section 131.44 of the Revised Code, the amount of tax as 123692  
determined under divisions (A) (1) to (3) of this section shall 123693  
be reduced by the percentage prescribed in that certification 123694  
for taxable years beginning in the calendar year in which that 123695  
certification is made. 123696~~

~~(C)~~ (1) (B) (1) The tax imposed by this section on a trust 123697  
shall be computed by multiplying the Ohio modified taxable 123698  
income of the trust by the rates prescribed by division (A) of 123699  
this section. 123700

(2) A resident trust may claim a credit against the tax 123701  
computed under division ~~(C)~~ (B) of this section equal to the 123702  
lesser of (a) the tax paid to another state or the District of 123703  
Columbia on the resident trust's modified nonbusiness income, 123704  
other than the portion of the resident trust's nonbusiness 123705  
income that is qualifying investment income as defined in 123706  
section 5747.012 of the Revised Code, or (b) the effective tax 123707  
rate, based on modified Ohio taxable income, multiplied by the 123708  
resident trust's modified nonbusiness income other than the 123709  
portion of the resident trust's nonbusiness income that is 123710  
qualifying investment income. The credit applies before any 123711  
other applicable credits. 123712

(3) Any credit authorized against the tax imposed by this 123713  
section applies to a trust subject to division ~~(C)~~ (B) of this 123714  
section only if the trust otherwise qualifies for the credit. To 123715  
the extent that the trust distributes income for the taxable 123716

year for which a credit is available to the trust, the credit 123717  
shall be shared by the trust and its beneficiaries. The tax 123718  
commissioner and the trust shall be guided by applicable 123719  
regulations of the United States treasury regarding the sharing 123720  
of credits. 123721

~~(D)~~ (C) For the purposes of this section, "trust" means any 123722  
trust described in Subchapter J of Chapter 1 of the Internal 123723  
Revenue Code, excluding trusts that are not irrevocable as 123724  
defined in division (I) (3) (b) of section 5747.01 of the Revised 123725  
Code and that have no modified Ohio taxable income for the 123726  
taxable year, charitable remainder trusts, qualified funeral 123727  
trusts and preneed funeral contract trusts established pursuant 123728  
to sections 4717.31 to 4717.38 of the Revised Code that are not 123729  
qualified funeral trusts, endowment and perpetual care trusts, 123730  
qualified settlement trusts and funds, designated settlement 123731  
trusts and funds, and trusts exempted from taxation under 123732  
section 501(a) of the Internal Revenue Code. 123733

~~(E)~~ (D) Nothing in division (A) (3) of this section shall 123734  
prohibit an individual with an Ohio adjusted gross income, less 123735  
taxable business income and exemptions, of twenty-six thousand 123736  
fifty dollars or less from filing a return under this chapter to 123737  
receive a refund of taxes withheld or to claim any refundable 123738  
credit allowed under this chapter. 123739

**Sec. 5747.021.** In addition to the tax levied under section 123740  
5747.02 of the Revised Code, the tax commissioner shall charge 123741  
the tax imposed on the school district income of an individual 123742  
~~or estate~~ by a school district under Chapter 5748. of the 123743  
Revised Code by multiplying the rate certified to be charged 123744  
under such chapter by the taxpayer's school district income with 123745  
respect to that district. 123746

**Sec. 5747.05.** As used in this section, "income tax" 123747  
includes both a tax on net income and a tax measured by net 123748  
income. 123749

The following credits shall be allowed against the 123750  
aggregate income tax liability imposed by section 5747.02 of the 123751  
Revised Code on individuals and estates: 123752

(A) (1) The amount of tax otherwise due under section 123753  
5747.02 of the Revised Code on such portion of the combined 123754  
adjusted gross income and taxable business income of any 123755  
nonresident taxpayer that is not allocable or apportionable to 123756  
this state pursuant to sections 5747.20 to 5747.23 of the 123757  
Revised Code. The credit provided under this division shall not 123758  
exceed the total tax due under section 5747.02 of the Revised 123759  
Code. 123760

(2) The tax commissioner may enter into an agreement with 123761  
the taxing authorities of any state or of the District of 123762  
Columbia that imposes an income tax to provide that compensation 123763  
paid in this state to a nonresident taxpayer shall not be 123764  
subject to the tax levied in section 5747.02 of the Revised Code 123765  
so long as compensation paid in such other state or in the 123766  
District of Columbia to a resident taxpayer shall likewise not 123767  
be subject to the income tax of such other state or of the 123768  
District of Columbia. 123769

(B) The lesser of division (B) (1) or (2) of this section: 123770

(1) The aggregate amount of tax otherwise due under 123771  
section 5747.02 of the Revised Code on such portion of the 123772  
combined adjusted gross income and taxable business income of a 123773  
resident taxpayer that in another state or in the District of 123774  
Columbia is subjected to an income tax. The credit provided 123775

under division (B) (1) of this section shall not exceed the total 123776  
tax due under section 5747.02 of the Revised Code. 123777

(2) The amount of income tax liability to another state or 123778  
the District of Columbia on the portion of the combined adjusted 123779  
gross income and taxable business income of a resident taxpayer 123780  
that in another state or in the District of Columbia is 123781  
subjected to an income tax. The credit provided under division 123782  
(B) (2) of this section shall not exceed the total amount of tax 123783  
otherwise due under section 5747.02 of the Revised Code. 123784

(3) For the purpose of divisions (B) (1) and (2) of this 123785  
section, a resident taxpayer's combined adjusted gross income 123786  
and taxable business income that is subject to an income tax 123787  
levied in another state or in the District of Columbia includes 123788  
income that is subject to either (a) a tax similar to the tax 123789  
imposed by division (D) (1) (a) of section 5747.08 of the Revised 123790  
Code or (b) a tax enacted for purposes of complying with 123791  
internal revenue service notice 2020-75. In computing a resident 123792  
taxpayer's income tax paid or accrued to another state or the 123793  
District of Columbia, the deduction authorized by division (A) 123794  
(28) of section 5747.01 of the Revised Code shall first be 123795  
deducted against business income apportioned to this state. 123796

(4) If the credit provided under division (B) of this 123797  
section is affected by a change in either the portion of the 123798  
combined adjusted gross income and taxable business income of a 123799  
resident taxpayer subjected to an income tax in another state or 123800  
the District of Columbia or the amount of income tax liability 123801  
that has been paid to another state or the District of Columbia, 123802  
the taxpayer shall report the change to the tax commissioner 123803  
within ninety days of the change in such form as the 123804  
commissioner requires. 123805

(a) In the case of an underpayment, the report shall be 123806  
accompanied by payment of any additional tax due as a result of 123807  
the reduction in credit together with interest on the additional 123808  
tax and is a return subject to assessment under section 5747.13 123809  
of the Revised Code solely for the purpose of assessing any 123810  
additional tax due under this division, together with any 123811  
applicable penalty and interest. It shall not reopen the 123812  
computation of the taxpayer's tax liability under this chapter 123813  
from a previously filed return no longer subject to assessment 123814  
except to the extent that such liability is affected by an 123815  
adjustment to the credit allowed by division (B) of this 123816  
section. 123817

(b) In the case of an overpayment, an application for 123818  
refund may be filed under this division within the ninety-day 123819  
period prescribed for filing the report even if it is beyond the 123820  
period prescribed in section 5747.11 of the Revised Code if it 123821  
otherwise conforms to the requirements of such section. An 123822  
application filed under this division shall only claim refund of 123823  
overpayments resulting from an adjustment to the credit allowed 123824  
by division (B) of this section unless it is also filed within 123825  
the time prescribed in section 5747.11 of the Revised Code. It 123826  
shall not reopen the computation of the taxpayer's tax liability 123827  
except to the extent that such liability is affected by an 123828  
adjustment to the credit allowed by division (B) of this 123829  
section. 123830

(5) No credit shall be allowed under division (B) of this 123831  
section: 123832

(a) For income tax paid or accrued to another state or to 123833  
the District of Columbia if the taxpayer, when computing federal 123834  
adjusted gross income, has directly or indirectly deducted, or 123835



was required to directly or indirectly deduct, the amount of 123836  
that income tax; 123837

Division (B) (5) (a) of this section does not apply to 123838  
income taxes included in the computation of Ohio adjusted gross 123839  
income under division (A) (41) of section 5747.01 of the Revised 123840  
Code and not deducted from Ohio adjusted gross income under 123841  
division (A) (28) of that section or to income taxes included in 123842  
Ohio taxable income under division (S) (16) of section 5747.01 of 123843  
the Revised Code. 123844

(b) For compensation that is not subject to the income tax 123845  
of another state or the District of Columbia as the result of an 123846  
agreement entered into by the tax commissioner under division 123847  
(A) (3) of this section; or 123848

(c) For income tax paid or accrued to another state or the 123849  
District of Columbia if the taxpayer fails to furnish such proof 123850  
as the tax commissioner shall require that such income tax 123851  
liability has been paid. 123852

(C) An individual who is a resident for part of a taxable 123853  
year and a nonresident for the remainder of the taxable year is 123854  
allowed the credits under divisions (A) and (B) of this section 123855  
in accordance with rules prescribed by the tax commissioner. In 123856  
no event shall the same income be subject to both credits. 123857

(D) The credit allowed under division (A) of this section 123858  
shall be calculated based upon the amount of tax due under 123859  
section 5747.02 of the Revised Code after subtracting any other 123860  
credits that precede the credit under that division in the order 123861  
required under section 5747.98 of the Revised Code. The credit 123862  
allowed under division (B) of this section shall be calculated 123863  
based upon the amount of tax due under section 5747.02 of the 123864

Revised Code after subtracting any other credits that precede 123865  
the credit under that division in the order required under 123866  
section 5747.98 of the Revised Code. 123867

(E) (1) On a joint return filed by a husband and wife, each 123868  
of whom had adjusted gross income of at least five hundred 123869  
dollars, exclusive of interest, dividends and distributions, 123870  
royalties, rent, and capital gains, a credit equal to the lesser 123871  
of six hundred fifty dollars or the percentage shown in column B 123872  
that corresponds with the taxpayer's modified adjusted gross 123873  
income, less exemptions for the taxable year, of the total 123874  
amount of tax due after allowing for any other credit that 123875  
precedes this credit as required under section 5747.98 of the 123876  
Revised Code: 123877  
123878

	1	2
A	A.	B.
B	IF THE MODIFIED ADJUSTED GROSS INCOME, LESS EXEMPTIONS, FOR THE TAX YEAR IS:	THE CREDIT FOR THE TAXABLE YEAR IS:
C	\$25,000 or less	20%
D	More than \$25,000 but not more than \$50,000	15%
E	More than \$50,000 but not more than \$75,000	10%
F	More than \$75,000	5%

(2) The credit shall be claimed in the order required 123879

under section 5747.98 of the Revised Code. 123880

(F) No claim for credit under this section shall be 123881  
allowed unless the claimant furnishes such supporting 123882  
information as the tax commissioner prescribes by rules. 123883

**Sec. 5747.062.** As used in this section, ~~"transferee"~~: 123884

"Transferee" has the same meaning as in section 3770.10 of 123885  
the Revised Code, ~~and "recipient"~~. 123886

"Recipient" includes a transferee. 123887

"Lottery prize award" does not include a prize award from 123888  
a video lottery terminal and does not include winnings from 123889  
lottery sports gaming, except that "lottery prize award" 123890  
includes winnings from lottery sports gaming wagers placed 123891  
through a terminal described in division (B) (3) of section 123892  
3770.24 of the Revised Code. 123893

(A) (1) Before making any other deduction required by 123894  
Chapter 3770. of the Revised Code, the state lottery commission 123895  
shall deduct and withhold an amount equal to ~~four~~ three and one- 123896  
half per cent of the payment from each lottery prize award 123897  
payment that is of an amount for which reporting to the internal 123898  
revenue service of the amount is required by section 6041 of the 123899  
Internal Revenue Code, as amended. 123900

(2) On or before the tenth day of each month, the state 123901  
lottery commission, and each transferee required to deduct and 123902  
withhold amounts pursuant to section 3770.072 of the Revised 123903  
Code, shall file a return and remit to the tax commissioner all 123904  
amounts deducted and withheld pursuant to this section during 123905  
the preceding month. 123906

(3) On or before the thirty-first day of January of each 123907

year, the state lottery commission, and each transferee required 123908  
to deduct and withhold amounts pursuant to section 3770.072 of 123909  
the Revised Code, shall file with the commissioner an annual 123910  
return, in the form prescribed by the tax commissioner, 123911  
indicating the total amount deducted and withheld pursuant to 123912  
this section or section 3770.072 of the Revised Code during the 123913  
preceding calendar year. At the time of filing that return, the 123914  
state lottery commission or transferee shall remit any amount 123915  
deducted and withheld during the preceding calendar year that 123916  
was not previously remitted. 123917

(4) The state lottery commission, and each transferee 123918  
required to deduct and withhold amounts pursuant to section 123919  
3770.072 of the Revised Code, shall issue to each person with 123920  
respect to whom tax has been deducted and withheld by the 123921  
commission or transferee pursuant to this section or section 123922  
3770.072 of the Revised Code during the preceding calendar year, 123923  
an information return in the form prescribed by the 123924  
commissioner. 123925

(B) (1) Division (B) (1) of this section does not apply to 123926  
persons classified for federal income tax purposes as 123927  
associations taxable as corporations. 123928

Amounts withheld pursuant to this section or section 123929  
3770.072 of the Revised Code shall be allowed as a credit 123930  
against payment of the tax imposed pursuant to section 5747.02 123931  
of the Revised Code upon the lottery prize award recipient, upon 123932  
a beneficiary of such a recipient, or upon any investor in such 123933  
a recipient if the recipient is a pass-through entity or 123934  
disregarded entity, and shall be treated as taxes paid by the 123935  
recipient, beneficiary, or investor for purposes of section 123936  
5747.09 of the Revised Code. The credit is available to the 123937

recipient, beneficiary, or investor even if the commission or 123938  
transferee does not remit to the tax commissioner the amount 123939  
withheld. 123940

(2) Division (B)(2) of this section applies only to 123941  
persons classified for federal income tax purposes as 123942  
associations taxable as corporations. 123943

Amounts withheld pursuant to this section or section 123944  
3770.072 of the Revised Code shall be treated as a credit 123945  
against the tax imposed pursuant to section 5733.06 of the 123946  
Revised Code for the tax year immediately following the date on 123947  
which those amounts are deducted and withheld, upon the lottery 123948  
prize award recipient, upon a beneficiary of such a recipient, 123949  
or upon an investor in such a recipient if the recipient is a 123950  
pass-through entity or disregarded entity, and shall be treated 123951  
as paid by the recipient, beneficiary, or investor on the date 123952  
on which those amounts are deducted and withheld. The credit is 123953  
a refundable credit and shall be claimed in the order required 123954  
under section 5733.98 of the Revised Code. The credit is 123955  
available to the recipient, beneficiary, or investor even if the 123956  
commission or transferee does not remit to the tax commissioner 123957  
the amount withheld. 123958

(3) Nothing in division (B)(1) or (2) of this section 123959  
shall be construed to allow more than one person to claim the 123960  
credit for any portion of each amount deducted and withheld. 123961

(C) Failure of the commission or any transferee to deduct 123962  
and withhold the required amounts from lottery prize awards or 123963  
to remit amounts withheld as required by this section and 123964  
section 3770.072 of the Revised Code shall not relieve a 123965  
taxpayer described in division (B) of this section from 123966  
liability for the tax imposed by section 5733.06 or 5747.02 of 123967

the Revised Code. 123968

**Sec. 5747.063.** The requirements imposed under this section 123969  
are in addition to the municipal income tax withholding 123970  
requirements under section 718.031 of the Revised Code. As used 123971  
in this section, "sports gaming proprietor" and "sports gaming 123972  
facility" have the same meanings as in section 3775.01 of the 123973  
Revised Code. 123974

(A) (1) ~~If~~ Subject to division (F) of this section, if a 123975  
person's winnings from casino gaming or from sports gaming are 123976  
an amount for which reporting to the internal revenue service of 123977  
the amount is required by section 6041 of the Internal Revenue 123978  
Code, as amended, a casino operator or sports gaming proprietor 123979  
shall deduct and withhold Ohio income tax from the person's 123980  
winnings at a rate of ~~four~~ three and one-half per cent of the 123981  
amount won. A person's amount of winnings from casino gaming 123982  
shall be determined each time the person exchanges amounts won 123983  
in tokens, chips, casino credit, or other prepaid 123984  
representations of value for cash or a cash equivalent. The 123985  
casino operator or sports gaming proprietor shall issue, to a 123986  
person from whose winnings an amount has been deducted and 123987  
withheld, a receipt for the amount deducted and withheld, and 123988  
also shall obtain from the person additional information that 123989  
will be necessary for the casino operator or sports gaming 123990  
proprietor to prepare the returns required by this section. 123991

(2) If a person's winnings from casino gaming or sports 123992  
gaming require reporting to the internal revenue service under 123993  
division (A) (1) of this section, the casino operator or sports 123994  
gaming proprietor also shall require the person to state in 123995  
writing, under penalty of falsification, whether the person is 123996  
in default under a support order. 123997

(B) Amounts deducted and withheld by a casino operator or sports gaming proprietor are held in trust for the benefit of the state. 123998  
123999  
124000

(1) On or before the tenth day of each month, the casino operator or sports gaming proprietor shall file a return electronically with the tax commissioner identifying the persons from whose winnings amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding calendar month, the amount of the winnings from which each such amount was withheld, the type of casino gaming or sports gaming that resulted in such winnings, and any other information required by the tax commissioner. With the return, the casino operator or sports gaming proprietor shall remit electronically to the commissioner all the amounts deducted and withheld during the preceding month. 124001  
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(2) (a) A casino operator or sports gaming proprietor shall maintain a record of each written statement provided under division (A) (2) of this section in which a person admits to being in default under a support order. The casino operator or sports gaming proprietor shall make these records available to the director of job and family services upon request. 124013  
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(b) A casino operator or sports gaming proprietor shall maintain copies of receipts issued under division (A) (1) of this section and of written statements provided under division (A) (2) of this section and shall make these copies available to the tax commissioner upon request. 124019  
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(c) A casino operator or sports gaming proprietor shall maintain the information described in divisions (B) (2) (a) and (b) of this section in accordance with section 5747.17 of the Revised Code and any rules adopted pursuant thereto. 124024  
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(3) Annually, on or before the thirty-first day of 124028  
January, a casino operator or sports gaming proprietor shall 124029  
file an annual return electronically with the tax commissioner 124030  
indicating the total amount deducted and withheld during the 124031  
preceding calendar year. The casino operator or sports gaming 124032  
proprietor shall remit electronically with the annual return any 124033  
amount that was deducted and withheld and that was not 124034  
previously remitted. If the identity of a person and the amount 124035  
deducted and withheld with respect to that person were omitted 124036  
on a monthly return, that information shall be indicated on the 124037  
annual return. 124038

(4) (a) A casino operator or sports gaming proprietor who 124039  
fails to file a return and remit the amounts deducted and 124040  
withheld is personally liable for the amount deducted and 124041  
withheld and not remitted. The commissioner may impose a penalty 124042  
up to one thousand dollars if a return is filed late, if amounts 124043  
deducted and withheld are remitted late, if a return is not 124044  
filed, or if amounts deducted and withheld are not remitted. 124045  
Interest accrues on past due amounts deducted and withheld at 124046  
the rate prescribed in section 5703.47 of the Revised Code. The 124047  
commissioner may collect past due amounts deducted and withheld 124048  
and penalties and interest thereon by assessment under section 124049  
5747.13 of the Revised Code as if they were income taxes 124050  
collected by an employer. 124051

(b) If a casino operator or sports gaming proprietor sells 124052  
the casino facility or sports gaming facility, or otherwise 124053  
quits the casino or sports gaming business, the amounts deducted 124054  
and withheld and any penalties and interest thereon are 124055  
immediately due and payable. The successor shall withhold an 124056  
amount of the purchase money that is sufficient to cover the 124057  
amounts deducted and withheld and penalties and interest thereon 124058



until the predecessor casino operator or sports gaming 124059  
proprietor produces either a receipt from the commissioner 124060  
showing that the amounts deducted and withheld and penalties and 124061  
interest thereon have been paid or a certificate from the 124062  
commissioner indicating that no amounts deducted and withheld or 124063  
penalties and interest thereon are due. If the successor fails 124064  
to withhold purchase money, the successor is personally liable 124065  
for payment of the amounts deducted and withheld and penalties 124066  
and interest thereon, up to the amount of the purchase money. 124067

(C) (1) Annually, on or before the thirty-first day of 124068  
January, a casino operator or sports gaming proprietor shall 124069  
issue an information return to each person with respect to whom 124070  
an amount has been deducted and withheld during the preceding 124071  
calendar year. The information return shall show the total 124072  
amount deducted from the person's winnings by the casino 124073  
operator or sports gaming proprietor during the preceding 124074  
calendar year. 124075

(2) Annually, on or before the thirty-first day of 124076  
January, a casino operator or sports gaming proprietor shall 124077  
provide to the commissioner a copy of each information return 124078  
issued under division (C) (1) of this section for the preceding 124079  
calendar year. The commissioner may require that the copies be 124080  
transmitted electronically. 124081

(D) Amounts deducted and withheld shall be allowed as a 124082  
credit against payment of the tax imposed by section 5747.02 of 124083  
the Revised Code and shall be treated as taxes paid for purposes 124084  
of section 5747.09 of the Revised Code. This division applies 124085  
only to the person for whom the amount is deducted and withheld. 124086

(E) The failure of a casino operator or sports gaming 124087  
proprietor to deduct and withhold the required amount from a 124088

person's winnings does not relieve the person from liability for 124089  
the tax imposed by section 5747.02 of the Revised Code with 124090  
respect to those winnings. And compliance with this section does 124091  
not relieve a casino operator or sports gaming proprietor or a 124092  
person who has winnings from casino gaming or sports gaming from 124093  
compliance with relevant provisions of federal tax laws. 124094

(F) A sports gaming proprietor that offers lottery sports 124095  
gaming through a terminal described in division (B) (3) of 124096  
section 3770.24 of the Revised Code shall not withhold amounts 124097  
under this section from winnings from wagers placed through that 124098  
terminal. The state lottery commission shall withhold amounts 124099  
from those winnings under section 5747.062 of the Revised Code. 124100

(G) The commissioner shall prescribe the form of the 124101  
receipt and returns required by this section. The director of 124102  
job and family services shall prescribe the form of the 124103  
statement required by this section. 124104

~~(G)~~ (H) The commissioner may adopt rules that are necessary 124105  
to administer this section. 124106

**Sec. 5747.064.** The requirements imposed under this section 124107  
are in addition to the municipal income tax withholding 124108  
requirements under section 718.031 of the Revised Code. 124109

(A) As used in this section: 124110

~~(1) "Video lottery terminal",~~ "video lottery sales agent" 124111  
has the same meaning as in section ~~3770.21~~ 3770.10 of the 124112  
Revised Code. 124113

~~(2) "Lottery sports gaming" has the same meaning as in~~ 124114  
~~section 3770.23 of the Revised Code.~~ 124115

(B) If a person's prize award from a video lottery 124116

~~terminal or from lottery sports gaming offered in a video~~ 124117  
~~lottery terminal facility~~ is an amount for which reporting to 124118  
the internal revenue service of the amount is required by 124119  
section 6041 of the Internal Revenue Code, as amended, the video 124120  
lottery sales agent shall deduct and withhold Ohio income tax 124121  
from the person's prize award at a rate of ~~four~~ three and one- 124122  
half per cent of the amount won. The video lottery sales agent 124123  
shall issue, to a person from whose prize award an amount has 124124  
been deducted or withheld, a receipt for the amount deducted and 124125  
withheld, and also shall obtain from the person additional 124126  
information that will be necessary for the video lottery sales 124127  
agent to prepare the returns required by this section. 124128

(C) Amounts deducted and withheld by a video lottery sales 124129  
agent are held in trust for the benefit of the state. 124130

(1) On or before the tenth day of each month, the video 124131  
lottery sales agent shall file a return electronically with the 124132  
tax commissioner identifying the persons from whose prize awards 124133  
amounts were deducted and withheld, the amount of each such 124134  
deduction and withholding during the preceding month, the amount 124135  
of the prize award from which each such amount was withheld, and 124136  
any other information required by the commissioner. With the 124137  
return, the video lottery sales agent shall remit electronically 124138  
to the commissioner all the amounts deducted and withheld during 124139  
the preceding month. 124140

(2) A video lottery sales agent shall maintain a record of 124141  
all receipts issued under division (B) of this section and shall 124142  
make those records available to the commissioner upon request. 124143  
Such records shall be maintained in accordance with section 124144  
5747.17 of the Revised Code and any rules adopted pursuant 124145  
thereto. 124146

(3) Annually, on or before the thirty-first day of 124147  
January, a video lottery sales agent shall file an annual return 124148  
electronically with the tax commissioner indicating the total 124149  
amount deducted and withheld during the preceding calendar year. 124150  
The video lottery sales agent shall remit electronically with 124151  
the annual return any amount that was deducted and withheld and 124152  
that was not previously remitted. If the identity of a person 124153  
and the amount deducted and withheld with respect to that person 124154  
were omitted on a monthly return, that information shall be 124155  
indicated on the annual return. 124156

(4) (a) A video lottery sales agent who fails to file a 124157  
return and remit the amounts deducted and withheld is personally 124158  
liable for the amount deducted and withheld and not remitted. 124159  
The commissioner may impose a penalty of up to one thousand 124160  
dollars if a return is filed late, if amounts deducted and 124161  
withheld are remitted late, if a return is not filed, or if 124162  
amounts deducted and withheld are not remitted. Interest accrues 124163  
on past due amounts deducted and withheld at the rate prescribed 124164  
in section 5703.47 of the Revised Code. The commissioner may 124165  
collect past due amounts deducted and withheld and penalties and 124166  
interest thereon by assessment under section 5747.13 of the 124167  
Revised Code as if they were income taxes collected by an 124168  
employer. 124169

(b) If a video lottery sales agent ceases to operate video 124170  
lottery terminals, the amounts deducted and withheld and any 124171  
penalties and interest thereon are immediately due and payable. 124172  
A successor of the video lottery sales agent that purchases the 124173  
video lottery terminals from the agent shall withhold an amount 124174  
of the purchase money that is sufficient to cover the amounts 124175  
deducted and withheld and penalties and interest thereon until 124176  
the predecessor video lottery sales agent produces either a 124177

receipt from the tax commissioner showing that the amounts 124178  
deducted and withheld and penalties and interest thereon have 124179  
been paid or a certificate from the commissioner indicating that 124180  
no amounts deducted and withheld or penalties and interest 124181  
thereon are due. If the successor fails to withhold purchase 124182  
money, the successor is personally liable for payment of the 124183  
amounts deducted and withheld and penalties and interest 124184  
thereon, up to the amount of the purchase money. 124185

~~(D)~~ (1) (D) Annually, on or before the thirty-first day of 124186  
January, a video lottery sales agent shall issue an information 124187  
return to each person with respect to whom an amount has been 124188  
deducted and withheld during the preceding calendar year. The 124189  
information return shall show the total amount deducted from the 124190  
person's prize award by the video lottery sales agent during the 124191  
preceding year. 124192

~~(2) Annually, on or before the thirty-first day of~~ 124193  
~~January, a lottery sales agent shall provide to the tax~~ 124194  
~~commissioner a copy of each information return issued under~~ 124195  
~~division (D) (1) of this section for the preceding calendar year.~~ 124196  
~~The commissioner may require that such copies be transmitted~~ 124197  
~~electronically.~~ 124198

(E) Amounts deducted and withheld shall be allowed as a 124199  
credit against payment of the tax imposed by section 5747.02 of 124200  
the Revised Code and shall be treated as taxes paid for purposes 124201  
of section 5747.09 of the Revised Code. This division applies 124202  
only to the person for whom the amount is deducted and withheld. 124203

(F) The failure of a video lottery sales agent to deduct 124204  
and withhold the required amount from a person's prize award 124205  
does not relieve the person from liability for the tax imposed 124206  
by section 5747.02 of the Revised Code with respect to that 124207

income. Compliance with this section does not relieve a video 124208  
lottery sales agent or a person who has a prize award from 124209  
compliance with relevant provisions of federal tax laws. 124210

(G) The commissioner shall prescribe the form of the 124211  
receipt and returns required by this section and may promulgate 124212  
any rules necessary to administer the section. 124213

**Sec. 5747.07.** (A) As used in this section: 124214

(1) "Partial weekly withholding period" means a period 124215  
during which an employer directly, indirectly, or constructively 124216  
pays compensation to, or credits compensation to the benefit of, 124217  
an employee, and that consists of a consecutive Saturday, 124218  
Sunday, Monday, and Tuesday or a consecutive Wednesday, 124219  
Thursday, and Friday. There are two partial weekly withholding 124220  
periods each week, except that a partial weekly withholding 124221  
period cannot extend from one calendar year into the next 124222  
calendar year; if the first day of January falls on a day other 124223  
than Saturday or Wednesday, the partial weekly withholding 124224  
period ends on the thirty-first day of December and there are 124225  
three partial weekly withholding periods during that week. 124226

(2) "Undeposited taxes" means the taxes an employer is 124227  
required to deduct and withhold from an employee's compensation 124228  
pursuant to section 5747.06 of the Revised Code that have not 124229  
been remitted to the tax commissioner pursuant to this section 124230  
or section 5747.072 of the Revised Code. 124231

(3) A "week" begins on Saturday and concludes at the end 124232  
of the following Friday. 124233

(4) ~~"Professional employer organization," "professional~~ 124234  
~~employer organization agreement," and "professional employer~~ 124235  
~~organization reporting entity" have the same meanings as in~~ 124236

~~section 4125.01 of the Revised Code.~~ 124237

~~(5) "Alternate employer organization" and "alternate employer organization agreement" have the same meanings as in section 4133.01 of the Revised Code.~~ 124238  
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~~(6) "Client employer" has the same meaning as in section 4125.01 of the Revised Code in the context of a professional employer organization or a professional employer organization reporting entity, or the same meaning as in section 4133.01 of the Revised Code in the context of an alternate employer organization.~~ 124241  
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(B) Except as provided in divisions (C) and (D) of this section and in division (A) of section 5747.072 of the Revised Code, every employer required to deduct and withhold any amount under section 5747.06 of the Revised Code shall file a return and shall pay the amount required by law as follows: 124247  
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(1) An employer who accumulates or is required to accumulate undeposited taxes of one hundred thousand dollars or more during a partial weekly withholding period shall make the payment of the undeposited taxes by the close of the first banking day after the day on which the accumulation reaches one hundred thousand dollars. If required under division (I) of this section, the payment shall be made electronically under section 5747.072 of the Revised Code. 124252  
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(2) Except as required by division (B) (1) of this section, an employer whose actual or required payments under this section were at least eighty-four thousand dollars during the twelve-month period ending on the thirtieth day of June of the preceding calendar year shall make the payment of undeposited taxes within three banking days after the close of a partial 124260  
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weekly withholding period during which the employer was required 124266  
to deduct and withhold any amount under this chapter. If 124267  
required under division (I) of this section, the payment shall 124268  
be made electronically under section 5747.072 of the Revised 124269  
Code. 124270

(3) Except as required by divisions (B)(1) and (2) of this 124271  
section, if an employer's actual or required payments were more 124272  
than two thousand dollars during the twelve-month period ending 124273  
on the thirtieth day of June of the preceding calendar year, the 124274  
employer shall make the payment of undeposited taxes for each 124275  
month during which they were required to be withheld no later 124276  
than fifteen days following the last day of that month. The 124277  
employer shall file the return prescribed by the tax 124278  
commissioner with the payment. 124279

(4) Except as required by divisions (B)(1), (2), and (3) 124280  
of this section, an employer shall make the payment of 124281  
undeposited taxes for each calendar quarter during which they 124282  
were required to be withheld no later than the last day of the 124283  
month following the last day of March, June, September, and 124284  
December each year. The employer shall file the return 124285  
prescribed by the tax commissioner with the payment. 124286

(C) The return and payment schedules prescribed by 124287  
divisions (B)(1) and (2) of this section do not apply to the 124288  
return and payment of undeposited school district income taxes 124289  
arising from taxes levied pursuant to Chapter 5748. of the 124290  
Revised Code. Undeposited school district income taxes shall be 124291  
returned and paid pursuant to divisions (B)(3) and (4) of this 124292  
section, as applicable. 124293

(D)(1) The requirements of division (B) of this section 124294  
are met if the amount paid is not less than ninety-five per cent 124295



of the actual tax withheld or required to be withheld for the 124296  
prior quarterly, monthly, or partial weekly withholding period, 124297  
and the underpayment is not due to willful neglect. Any 124298  
underpayment of withheld tax shall be paid within thirty days of 124299  
the date on which the withheld tax was due without regard to 124300  
division (D) (1) of this section. An employer described in 124301  
division (B) (1) or (2) of this section shall make the payment 124302  
electronically under section 5747.072 of the Revised Code. 124303

(2) If the tax commissioner believes that quarterly or 124304  
monthly payments would result in a delay that might jeopardize 124305  
the remittance of withholding payments, the commissioner may 124306  
order that the payments be made weekly, or more frequently if 124307  
necessary, and the payments shall be made no later than three 124308  
banking days following the close of the period for which the 124309  
jeopardy order is made. An order requiring weekly or more 124310  
frequent payments shall be delivered to the employer in the 124311  
manner provided in section 5703.37 of the Revised Code and 124312  
remains in effect until the commissioner notifies the employer 124313  
to the contrary. 124314

(3) If compelling circumstances exist concerning the 124315  
remittance of undeposited taxes, the commissioner may order the 124316  
employer to make payments under any of the payment schedules 124317  
under division (B) of this section. The order shall be delivered 124318  
to the employer in the manner provided in section 5703.37 of the 124319  
Revised Code and shall remain in effect until the commissioner 124320  
notifies the employer to the contrary. For purposes of division 124321  
(D) (3) of this section, "compelling circumstances" exist if 124322  
either or both of the following are true: 124323

(a) Based upon annualization of payments made or required 124324  
to be made during the preceding calendar year and during the 124325

current calendar year, the employer would be required for the 124326  
next calendar year to make payments under division (B) (2) of 124327  
this section. 124328

(b) Based upon annualization of payments made or required 124329  
to be made during the current calendar year, the employer would 124330  
be required for the next calendar year to make payments under 124331  
division (B) (2) of this section. 124332

(E) (1) In addition to other returns required to be filed 124333  
and payments required to be made under this section, every 124334  
employer required to deduct and withhold taxes shall file, not 124335  
later than the thirty-first day of January of each year, an 124336  
annual return covering, but not limited to, both the aggregate 124337  
amount deducted and withheld and the aggregate amount required 124338  
to be deducted and withheld during the entire preceding year for 124339  
the tax imposed under section 5747.02 of the Revised Code and 124340  
for each tax imposed under Chapter 5748. of the Revised Code. At 124341  
the time of filing that return, the employer shall pay over any 124342  
amounts of undeposited taxes for the preceding year, whether 124343  
actually deducted and withheld or required to be deducted and 124344  
withheld, that have not been previously paid. The employer shall 124345  
make the annual report, to each employee and to the tax 124346  
commissioner, of the compensation paid and each tax withheld, as 124347  
the commissioner by rule may prescribe. 124348

(2) Each employer required to deduct and withhold any tax 124349  
is liable for the payment of that amount required to be deducted 124350  
and withheld, whether or not the tax has in fact been withheld, 124351  
unless the failure to withhold was based upon the employer's 124352  
good faith in reliance upon the statement of the employee as to 124353  
liability, and the amount shall be deemed to be a special fund 124354  
in trust for the general revenue fund. 124355

(F) Each employer shall file with the employer's annual 124356  
return the following items of information on employees for whom 124357  
withholding is required under section 5747.06 of the Revised 124358  
Code: 124359

(1) The full name of each employee, the employee's 124360  
address, the employee's school district of residence, and in the 124361  
case of a nonresident employee, the employee's principal county 124362  
of employment; 124363

(2) The social security number of each employee; 124364

(3) The total amount of compensation paid before any 124365  
deductions to each employee for the period for which the annual 124366  
return is made; 124367

(4) The amount of the tax imposed by section 5747.02 of 124368  
the Revised Code and the amount of each tax imposed under 124369  
Chapter 5748. of the Revised Code withheld from the compensation 124370  
of the employee for the period for which the annual return is 124371  
made. The commissioner may extend upon good cause the period for 124372  
filing any notice or return required to be filed under this 124373  
section and may adopt rules relating to extensions of time. If 124374  
the extension results in an extension of time for the payment of 124375  
the amounts withheld with respect to which the return is filed, 124376  
the employer shall pay, at the time the amount withheld is paid, 124377  
an amount of interest computed at the rate per annum prescribed 124378  
by section 5703.47 of the Revised Code on that amount withheld, 124379  
from the day that amount was originally required to be paid to 124380  
the day of actual payment or to the day an assessment is issued 124381  
under section 5747.13 of the Revised Code, whichever occurs 124382  
first. 124383

(5) In addition to all other interest charges and 124384

penalties imposed, all amounts of taxes withheld or required to 124385  
be withheld and remaining unpaid after the day the amounts are 124386  
required to be paid shall bear interest from the date prescribed 124387  
for payment at the rate per annum prescribed by section 5703.47 124388  
of the Revised Code on the amount unpaid, in addition to the 124389  
amount withheld, until paid or until the day an assessment is 124390  
issued under section 5747.13 of the Revised Code, whichever 124391  
occurs first. 124392

(G) An employee of a corporation, limited liability 124393  
company, or business trust having control or supervision of or 124394  
charged with the responsibility of filing the report and making 124395  
payment, or an officer, member, manager, or trustee of a 124396  
corporation, limited liability company, or business trust who is 124397  
responsible for the execution of the corporation's, limited 124398  
liability company's, or business trust's fiscal 124399  
responsibilities, shall be personally liable for failure to file 124400  
the report or pay the tax due as required by this section. The 124401  
dissolution, termination, or bankruptcy of a corporation, 124402  
limited liability company, or business trust does not discharge 124403  
a responsible officer's, member's, manager's, employee's, or 124404  
trustee's liability for a failure of the corporation, limited 124405  
liability company, or business trust to file returns or pay tax 124406  
due. 124407

(H) If an employer required to deduct and withhold income 124408  
tax from compensation and to pay that tax to the state under 124409  
sections 5747.06 and 5747.07 of the Revised Code sells the 124410  
employer's business or stock of merchandise or quits the 124411  
employer's business, the taxes required to be deducted and 124412  
withheld and paid to the state pursuant to those sections prior 124413  
to that time, together with any interest and penalties imposed 124414  
on those taxes, become due and payable immediately, and that 124415

person shall make a final return within fifteen days after the 124416  
date of selling or quitting business. The employer's successor 124417  
shall withhold a sufficient amount of the purchase money to 124418  
cover the amount of the taxes, interest, and penalties due and 124419  
unpaid, until the former owner produces a receipt from the tax 124420  
commissioner showing that the taxes, interest, and penalties 124421  
have been paid or a certificate indicating that no such taxes 124422  
are due. If the purchaser of the business or stock of 124423  
merchandise fails to withhold purchase money, the purchaser 124424  
shall be personally liable for the payment of the taxes, 124425  
interest, and penalties accrued and unpaid during the operation 124426  
of the business by the former owner. If the amount of taxes, 124427  
interest, and penalties outstanding at the time of the purchase 124428  
exceeds the total purchase money, the tax commissioner in the 124429  
commissioner's discretion may adjust the liability of the seller 124430  
or the responsibility of the purchaser to pay that liability to 124431  
maximize the collection of withholding tax revenue. 124432

(I) An employer whose actual or required payments under 124433  
this section exceeded eighty-four thousand dollars during the 124434  
twelve-month period ending on the thirtieth day of June of the 124435  
preceding calendar year shall make all payments required by this 124436  
section for the year electronically under section 5747.072 of 124437  
the Revised Code. 124438

(J) (1) Every professional employer organization, 124439  
professional employer organization reporting entity, and 124440  
alternate employer organization shall file a report with the tax 124441  
commissioner within thirty days after commencing business in 124442  
this state that includes all of the following information: 124443

(a) The name, address, number the employer receives from 124444  
the secretary of state to do business in this state, if 124445

applicable, and federal employer identification number of each 124446  
client employer of the organization or entity; 124447

(b) The date that each client employer became a client of 124448  
the organization or entity; 124449

(c) The names and mailing addresses of the chief executive 124450  
officer and the chief financial officer of each client employer 124451  
for taxation of the client employer. 124452

(2) Beginning with the calendar quarter ending after a 124453  
professional employer organization, professional employer 124454  
organization reporting entity, or alternate employer 124455  
organization files the report required under division (J) (1) of 124456  
this section, and every calendar quarter thereafter, the 124457  
organization or entity shall file an updated report with the tax 124458  
commissioner. The organization or entity shall file the updated 124459  
report not later than the last day of the month following the 124460  
end of the calendar quarter and shall include all of the 124461  
following information in the report: 124462

(a) If an entity became a client employer of the 124463  
professional employer organization, professional employer 124464  
organization reporting entity, or alternate employer 124465  
organization at any time during the calendar quarter, all of the 124466  
information required under division (J) (1) of this section for 124467  
each new client employer; 124468

(b) If an entity terminated the professional employer 124469  
organization agreement or the alternate employer organization 124470  
agreement between the entity and the professional employer 124471  
organization, professional employer organization reporting 124472  
entity, or alternate employer organization, as applicable, at 124473  
any time during the calendar quarter, the information described 124474

in division (J) (1) (a) of this section for that entity, the date 124475  
during the calendar quarter that the entity ceased being a 124476  
client of the organization or reporting entity, if applicable, 124477  
or the date the entity ceased business operations in this state, 124478  
if applicable; 124479

(c) If the name or mailing address of the chief executive 124480  
officer or the chief financial officer of a client employer has 124481  
changed since the professional employer organization, 124482  
professional employer organization reporting entity, or 124483  
alternate employer organization previously submitted a report 124484  
under division (J) (1) or (2) of this section, the updated name 124485  
or mailing address, or both, of the chief executive officer or 124486  
the chief financial officer, as applicable; 124487

(d) If none of the events described in divisions (J) (2) (a) 124488  
to (c) of this section occurred during the calendar quarter, a 124489  
statement of that fact. 124490

**Sec. 5747.071.** (A) As used in this section: 124491

(1) "Retirement system" means the public employees 124492  
retirement system, state teachers retirement system, school 124493  
employees retirement system, Ohio police and fire pension fund, 124494  
state highway patrol retirement system, and any municipal 124495  
retirement system. 124496

(2) "Retirement plan" means a person, other than a 124497  
retirement system, that manages a group or individual retirement 124498  
account, fund, or plan. 124499

(3) "Benefits" means all annuities, allowances, pensions, 124500  
and other benefits paid by a retirement system or retirement 124501  
plan. 124502

~~(3)~~(4) "Recipient" means any person receiving benefits 124503

from a retirement system or retirement plan. 124504

(B) Any recipient may request the recipient's retirement 124505  
system or retirement plan to deduct and withhold from the 124506  
recipient's benefits an amount during the calendar year 124507  
reasonably estimated to be equal to the tax due from the 124508  
recipient under this chapter and Chapter 5748. of the Revised 124509  
Code for the year with respect to the recipient's benefits from 124510  
the retirement system or retirement plan that are included in 124511  
the recipient's adjusted gross income. The request shall be made 124512  
pursuant to an application filed with the retirement system or 124513  
retirement plan, on a form the system or plan shall supply, and 124514  
shall include ~~the~~ an estimate ~~of~~ from the recipient of the 124515  
amount of state income taxes that will be due in the ensuing 124516  
calendar year with respect to the benefits from the retirement 124517  
system or retirement plan. 124518

(C) A retirement system or retirement plan with which an 124519  
application is filed under this section, commencing with the 124520  
calendar year following the year in which the application is 124521  
filed, shall withhold from the benefits of the recipient an 124522  
amount that equals for the calendar year, the amount of taxes 124523  
that the recipient estimated would be due for the year. The 124524  
amount to be withheld for a calendar year shall be apportioned 124525  
throughout the calendar year. 124526

(D) A recipient may submit an amended application to 124527  
increase or decrease the amount that will be withheld by the 124528  
retirement system or retirement plan in an ensuing year. 124529

(E) A retirement system or retirement plan that withholds 124530  
a portion of the benefits of a recipient under this section 124531  
shall file returns and pay the amounts withheld in accordance 124532  
with the requirements of section 5747.07 of the Revised Code. 124533



The tax commissioner may collect from a retirement plan past due amounts deducted and withheld and penalties and interest thereon by assessment under section 5747.13 of the Revised Code as if those amounts were income taxes collected by an employer. 124534  
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(F) Every retirement system or retirement plan required to deduct and withhold tax from benefits pursuant to this section shall furnish to the recipient, with respect to the benefits paid to the recipient during the calendar year, on or before the thirty-first day of January of the succeeding year, a written statement showing the amount of benefits deducted and withheld as state income tax, any amount deducted and withheld as school district income tax for each applicable school district, and such other information as the tax commissioner requires. 124538  
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(G) A retirement system or the tax commissioner may adopt rules governing withholding under this section. 124547  
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**Sec. 5747.072.** (A) Any employer required by section 5747.07 of the Revised Code to remit undeposited taxes electronically shall do so by using the Ohio business gateway, as defined in section 718.01 of the Revised Code, or another means of electronic payment on or before the dates specified under that section. The tax commissioner shall notify each such employer of the employer's obligation to remit undeposited taxes electronically. Failure by the commissioner to notify an employer subject to this section to remit taxes electronically does not relieve the employer of its obligation to remit taxes in that manner. 124549  
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The payment of taxes electronically does not affect an employer's obligation to file the annual return as required under divisions (E) and (F) of section 5747.07 of the Revised Code. 124560  
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An employer required by this section to remit taxes 124564  
electronically may apply to the commissioner to be excused from 124565  
that requirement. The commissioner may excuse the employer from 124566  
electronic remittance for good cause shown for the period of 124567  
time requested by the employer or a portion of that period. The 124568  
commissioner shall notify the employer of the commissioner's 124569  
decision as soon as is practicable. 124570

(B) If an employer required by this section to remit 124571  
undeposited taxes electronically remits those taxes by some 124572  
other means, and the tax commissioner determines that such 124573  
failure was not due to reasonable cause or was due to willful 124574  
neglect, the commissioner may collect an additional charge by 124575  
assessment in the manner prescribed by section 5747.13 of the 124576  
Revised Code. The additional charge shall equal five per cent of 124577  
the amount of the undeposited taxes, but shall not exceed five 124578  
thousand dollars. Any additional charge assessed under this 124579  
section is in addition to any other penalty or charge imposed by 124580  
this chapter, and shall be considered as revenue arising from 124581  
the taxes imposed by this chapter. ~~The commissioner may remit~~ 124582  
~~all or a portion of such a charge and may adopt rules governing~~ 124583  
~~such remission.~~ 124584

No additional charge shall be assessed under this division 124585  
against an employer that has been notified of its obligation to 124586  
remit taxes electronically under this section and that remits 124587  
its first two tax payments after such notification by some other 124588  
means. The additional charge may be assessed upon the remittance 124589  
of any subsequent tax payment that the employer remits by some 124590  
means other than electronically. 124591

Sec. 5747.073. (A) As used in this section: 124592

(1) "Bulk filer" means a payroll service provider or 124593

similar entity that is registered with the tax commissioner to 124594  
submit employer withholding tax returns in accordance with this 124595  
section. 124596

(2) "Payroll service provider" means a third party that 124597  
assists an employer with payroll administration and state 124598  
employer withholding tax obligations. A payroll service provider 124599  
may include a professional employer organization or alternate 124600  
employer organization. 124601

(3) "Client company" means an employer on whose behalf a 124602  
bulk filer agrees to submit employer withholding returns in 124603  
accordance with this section. 124604

(B) (1) An employer may elect to use a bulk filer to comply 124605  
with its state and school district income tax withholding 124606  
obligations under this chapter. 124607

(2) (a) Within five days after becoming a client company, 124608  
the employer shall notify the tax commissioner, in a format 124609  
prescribed by the commissioner, of the name of the approved bulk 124610  
filer it is electing to use and the taxes the bulk filer will be 124611  
remitting on its behalf. 124612

(b) When using a bulk filer, the client company shall 124613  
maintain all registrations required by the tax commissioner 124614  
related to electronic filing and payment of the amounts 124615  
described in divisions (A) and (E) of section 5747.06 of the 124616  
Revised Code. 124617

(C) (1) The tax commissioner shall approve each bulk filer 124618  
before the bulk filer can file withholding tax returns on behalf 124619  
of client companies. The commissioner shall prescribe guidelines 124620  
and conditions of participation in the bulk file program that 124621  
include standards of conduct, software tests, and file formats. 124622

(2) The commissioner shall maintain a list of approved 124623  
bulk filers on the department of taxation's official web site. 124624  
Such information is not prohibited from disclosure under section 124625  
5703.21 of the Revised Code. 124626

(3) Each bulk filer shall comply with all requirements of 124627  
law pertaining to employers maintaining an office or transacting 124628  
business in this state and paying compensation to an employee 124629  
who is a taxpayer. 124630

(4) A bulk filer that is not a professional employer 124631  
organization, professional employer organization reporting 124632  
entity, or alternate employer organization shall file a report 124633  
in the same manner and frequency as required of a professional 124634  
employer organization, professional employer organization 124635  
reporting entity, or alternate employer organization under 124636  
division (J) of section 5747.07 of the Revised Code. For 124637  
purposes of this division, "client company" shall be substituted 124638  
for "client employer" wherever "client employer" appears in that 124639  
division. 124640

(D) All returns, reports, and payments filed or remitted 124641  
by a bulk filer shall be made through an electronic means as 124642  
prescribed by the tax commissioner, regardless of the bulk 124643  
filer's number of client companies, or the number of returns, 124644  
reports, or payments being filed or remitted. The bulk filer 124645  
shall register for and maintain all accounts needed to 124646  
electronically make such filings and payments. 124647

(E) (1) A bulk filer's authorization under this section is 124648  
valid until either of the following events occurs: 124649

(a) The bulk filer dissolves, loses its existence as the 124650  
result of a merger, or otherwise ceases business; 124651

(b) The authorization is rescinded or suspended by the tax commissioner for failure to meet the guidelines and conditions of participation in the bulk file program, including any guidelines or conditions established or modified after the bulk filer receives its authorization. 124652  
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(2) A bulk filer shall notify its client companies within five days after the bulk filer's authorization is rescinded, suspended, or is otherwise no longer valid or active. If an entity no longer meets the requirements to be a bulk filer, the client companies of the former bulk filer shall immediately resume their state and school district withholding filing and payment obligations under this chapter. 124657  
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(F) (1) The tax commissioner may collect past due amounts from a bulk filer, including penalties and interest thereon, by assessment under section 5747.13 of the Revised Code as if the amounts were taxes collected by an employer. 124664  
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(2) A bulk filer is subject to all applicable penalties under Title LVII of the Revised Code as if the bulk filer were the client company. 124668  
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(3) Notwithstanding the commissioner's authority under division (F) (1) of this section, a client company remains subject to assessment if its bulk filer fails to timely file all returns or reports, or to timely remit any payment, on the client company's behalf. The use of a bulk filer does not abrogate the ability of the commissioner to hold employees, officers, members, managers, or trustees of the client company personally liable under division (G) of section 5747.07 of the Revised Code. 124671  
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(4) Any liability assessed against both a bulk filer and a 124680

client company shall be joint and several. 124681

(5) A client company is not responsible for filings or amounts that a bulk filer fails to make or remit on behalf of another client company. 124682  
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(6) A bulk filer is subject to division (H) of section 5747.07 of the Revised Code as if it were an employer subject to that section. 124685  
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(G) A bulk filer may file a refund application pursuant to section 5747.11 of the Revised Code on behalf of one or more of its client companies. 124688  
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**Sec. 5747.08.** An annual return with respect to the tax 124691  
imposed by section 5747.02 of the Revised Code and each tax 124692  
imposed under Chapter 5748. of the Revised Code shall be made by 124693  
every taxpayer for any taxable year for which the taxpayer is 124694  
liable for the tax imposed by that section or under that 124695  
chapter, unless the total credits allowed under division (E) of 124696  
section 5747.05 and divisions (F) and (G) of section 5747.055 of 124697  
the Revised Code for the year are equal to or exceed the tax 124698  
imposed by section 5747.02 of the Revised Code, in which case no 124699  
return shall be required unless the taxpayer is liable for a tax 124700  
imposed pursuant to Chapter 5748. of the Revised Code. 124701

(A) If an individual is deceased, any return or notice 124702  
required of that individual under this chapter shall be made and 124703  
filed by that decedent's executor, administrator, or other 124704  
person charged with the property of that decedent. 124705

(B) If an individual is unable to make a return or notice 124706  
required by this chapter, the return or notice required of that 124707  
individual shall be made and filed by the individual's duly 124708  
authorized agent, guardian, conservator, fiduciary, or other 124709

person charged with the care of the person or property of that individual. 124710  
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(C) Returns or notices required of an estate or a trust shall be made and filed by the fiduciary of the estate or trust. 124712  
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(D) (1) (a) Except as otherwise provided in division (D) (1) (b) of this section, any pass-through entity may file a single return on behalf of one or more of the entity's investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code. The single return shall set forth the name, address, and social security number or other identifying number of each of those pass-through entity investors and shall indicate the distributive share of each of those pass-through entity investor's income taxable in this state in accordance with sections 5747.20 to 5747.231 of the Revised Code. Such pass-through entity investors for whom the pass-through entity elects to file a single return are not entitled to the exemption or credit provided for by sections 5747.02 and 5747.022 of the Revised Code; shall calculate the tax before business credits at the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in division (D) (2) of this section. A single check drawn by the pass-through entity shall accompany the return in full payment of the tax due, as shown on the single return, for such investors, other than investors who are persons subject to the tax imposed under section 5733.06 of the Revised Code. 124714  
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(b) (i) A pass-through entity shall not include in such a single return any investor that is a trust to the extent that any direct or indirect current, future, or contingent 124737  
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beneficiary of the trust is a person subject to the tax imposed 124740  
under section 5733.06 of the Revised Code. 124741

(ii) A pass-through entity shall not include in such a 124742  
single return any investor that is itself a pass-through entity 124743  
to the extent that any direct or indirect investor in the second 124744  
pass-through entity is a person subject to the tax imposed under 124745  
section 5733.06 of the Revised Code. 124746

(c) Except as provided by division (L) of this section, 124747  
nothing in division (D) of this section precludes the tax 124748  
commissioner from requiring such investors to file the return 124749  
and make the payment of taxes and related interest, penalty, and 124750  
interest penalty required by this section or section 5747.02, 124751  
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 124752  
of this section precludes such an investor from filing the 124753  
annual return under this section, utilizing the refundable 124754  
credit equal to the investor's proportionate share of the tax 124755  
paid by the pass-through entity on behalf of the investor under 124756  
division (I) of this section, and making the payment of taxes 124757  
imposed under section 5747.02 of the Revised Code. Nothing in 124758  
division (D) of this section shall be construed to provide to 124759  
such an investor or pass-through entity any additional deduction 124760  
or credit, other than the credit provided by division (I) of 124761  
this section, solely on account of the entity's filing a return 124762  
in accordance with this section. Such a pass-through entity also 124763  
shall make the filing and payment of estimated taxes on behalf 124764  
of the pass-through entity investors other than an investor that 124765  
is a person subject to the tax imposed under section 5733.06 of 124766  
the Revised Code. 124767

(2) For the purposes of this section, "business credits" 124768  
means the credits listed in section 5747.98 of the Revised Code 124769



excluding the following credits:	124770
(a) The retirement income credit under division (B) of section 5747.055 of the Revised Code;	124771 124772
(b) The senior citizen credit under division (F) of section 5747.055 of the Revised Code;	124773 124774
(c) The lump sum distribution credit under division (G) of section 5747.055 of the Revised Code;	124775 124776
(d) The dependent care credit under section 5747.054 of the Revised Code;	124777 124778
(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	124779 124780
(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	124781 124782
(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	124783 124784
(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	124785 124786
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	124787 124788
(j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;	124789 124790
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	124791 124792
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	124793 124794
(m) The earned income tax credit under section 5747.71 of	124795

the Revised Code; 124796

(n) The lead abatement credit under section 5747.26 of the Revised Code; 124797  
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(o) The credit for education expenses under section 5747.72 of the Revised Code; ~~(p) The credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code.~~ 124799  
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(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return. 124803  
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(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a result of the pass-through entity's making the election provided for under division (D) of this section. For the purposes of division (D) of this section, "correct tax due" means the tax that would have been paid by the pass-through entity had the single return been filed in a manner reflecting the commissioner's findings. Nothing in division (D) 124811  
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of this section shall be construed to make or hold a pass- 124826  
through entity liable for tax attributable to a pass-through 124827  
entity investor's income from a source other than the pass- 124828  
through entity electing to file the single return. 124829

(E) If a husband and wife file a joint federal income tax 124830  
return for a taxable year, they shall file a joint return under 124831  
this section for that taxable year, and their liabilities are 124832  
joint and several, but, if the federal income tax liability of 124833  
either spouse is determined on a separate federal income tax 124834  
return, they shall file separate returns under this section. 124835

If either spouse is not required to file a federal income 124836  
tax return and either or both are required to file a return 124837  
pursuant to this chapter, they may elect to file separate or 124838  
joint returns, and, pursuant to that election, their liabilities 124839  
are separate or joint and several. If a husband and wife file 124840  
separate returns pursuant to this chapter, each must claim the 124841  
taxpayer's own exemption, but not both, as authorized under 124842  
section 5747.02 of the Revised Code on the taxpayer's own 124843  
return. 124844

(F) Each return or notice required to be filed under this 124845  
section shall contain the signature of the taxpayer or the 124846  
taxpayer's duly authorized agent and of the person who prepared 124847  
the return for the taxpayer, and shall include the taxpayer's 124848  
social security number. Each return shall be verified by a 124849  
declaration under the penalties of perjury. The tax commissioner 124850  
shall prescribe the form that the signature and declaration 124851  
shall take. 124852

(G) Each return or notice required to be filed under this 124853  
section shall be made and filed as required by section 5747.04 124854  
of the Revised Code, on or before the fifteenth day of April of 124855

each year, on forms that the tax commissioner shall prescribe, 124856  
together with remittance made payable to the treasurer of state 124857  
in the combined amount of the state and all school district 124858  
income taxes shown to be due on the form. 124859

Upon good cause shown, the commissioner may extend the 124860  
period for filing any notice or return required to be filed 124861  
under this section and may adopt rules relating to extensions. 124862  
If the extension results in an extension of time for the payment 124863  
of any state or school district income tax liability with 124864  
respect to which the return is filed, the taxpayer shall pay at 124865  
the time the tax liability is paid an amount of interest 124866  
computed at the rate per annum prescribed by section 5703.47 of 124867  
the Revised Code on that liability from the time that payment is 124868  
due without extension to the time of actual payment. Except as 124869  
provided in section 5747.132 of the Revised Code, in addition to 124870  
all other interest charges and penalties, all taxes imposed 124871  
under this chapter or Chapter 5748. of the Revised Code and 124872  
remaining unpaid after they become due, except combined amounts 124873  
due of one dollar or less, bear interest at the rate per annum 124874  
prescribed by section 5703.47 of the Revised Code until paid or 124875  
until the day an assessment is issued under section 5747.13 of 124876  
the Revised Code, whichever occurs first. 124877

If the commissioner considers it necessary in order to 124878  
ensure the payment of the tax imposed by section 5747.02 of the 124879  
Revised Code or any tax imposed under Chapter 5748. of the 124880  
Revised Code, the commissioner may require returns and payments 124881  
to be made otherwise than as provided in this section. 124882

To the extent that any provision in this division 124883  
conflicts with any provision in section 5747.026 of the Revised 124884  
Code, the provision in that section prevails. 124885

(H) The amounts withheld pursuant to section 5747.06, 124886  
5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of the 124887  
Revised Code shall be allowed to the ultimate recipient of the 124888  
income as credits against payment of the appropriate taxes 124889  
imposed on the ultimate recipient by section 5747.02 and under 124890  
Chapter 5748. of the Revised Code. As used in this division, 124891  
"ultimate recipient" means the person who is required to report 124892  
income from which amounts are withheld pursuant to section 124893  
5747.06, 5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of 124894  
the Revised Code on the annual return required to be filed under 124895  
this section. 124896

(I) If a pass-through entity elects to file a single 124897  
return under division (D) of this section and if any investor is 124898  
required to file the annual return and make the payment of taxes 124899  
required by this chapter on account of the investor's other 124900  
income that is not included in a single return filed by a pass- 124901  
through entity or any other investor elects to file the annual 124902  
return, the investor is entitled to a refundable credit equal to 124903  
the investor's proportionate share of the lesser of the tax due 124904  
or the tax paid by the pass-through entity on behalf of the 124905  
investor. The investor shall claim the credit for the investor's 124906  
taxable year in which or with which ends the taxable year of the 124907  
pass-through entity. Nothing in this chapter shall be construed 124908  
to allow any credit provided in this chapter to be claimed more 124909  
than once. For the purpose of computing any interest, penalty, 124910  
or interest penalty, the investor shall be deemed to have paid 124911  
the refundable credit provided by this division on the day that 124912  
the pass-through entity paid the estimated tax or the tax giving 124913  
rise to the credit. 124914

(J) The tax commissioner shall ensure that each return 124915  
required to be filed under this section includes a box that the 124916

taxpayer may check to authorize a paid tax preparer who prepared 124917  
the return to communicate with the department of taxation about 124918  
matters pertaining to the return. The return or instructions 124919  
accompanying the return shall indicate that by checking the box 124920  
the taxpayer authorizes the department of taxation to contact 124921  
the preparer concerning questions that arise during the 124922  
processing of the return and authorizes the preparer only to 124923  
provide the department with information that is missing from the 124924  
return, to contact the department for information about the 124925  
processing of the return or the status of the taxpayer's refund 124926  
or payments, and to respond to notices about mathematical 124927  
errors, offsets, or return preparation that the taxpayer has 124928  
received from the department and has shown to the preparer. 124929

(K) The tax commissioner shall permit individual taxpayers 124930  
to instruct the department of taxation to cause any refund of 124931  
overpaid taxes to be deposited directly into a checking account, 124932  
savings account, or an individual retirement account or 124933  
individual retirement annuity, or preexisting college savings 124934  
plan or program account offered by the Ohio tuition trust 124935  
authority under Chapter 3334. of the Revised Code, as designated 124936  
by the taxpayer, when the taxpayer files the annual return 124937  
required by this section electronically. 124938

(L) If, for the taxable year, a nonresident or trust that 124939  
is the owner of an electing pass-through entity, as defined in 124940  
section 5747.38 of the Revised Code, does not have Ohio adjusted 124941  
gross income or, in the case of a trust, modified Ohio taxable 124942  
income other than from one or more electing pass-through 124943  
entities, the nonresident or trust shall not be required to file 124944  
an annual return under this section. Nothing in this division 124945  
precludes such an owner from filing the annual return under this 124946  
section, utilizing the refundable credit under section 5747.39 124947

of the Revised Code equal to the owner's proportionate share of 124948  
the tax levied under section 5747.38 of the Revised Code and 124949  
paid by the electing pass-through entity, and making the payment 124950  
of taxes imposed under section 5747.02 of the Revised Code. 124951

(M) The tax commissioner may adopt rules to administer 124952  
this section. 124953

**Sec. 5747.082.** (A) As used in this section: 124954

(1) "Electronic technology" means electronic technology 124955  
acceptable to the tax commissioner under division (B) of this 124956  
section. 124957

(2) "Original tax return" means any report, return, or 124958  
other tax document required to be filed under this chapter for 124959  
the purpose of reporting the taxes due under, and withholdings 124960  
required by, this chapter. "Original tax return" does not 124961  
include an amended return or any declaration or form required by 124962  
or filed in connection with section 5747.09 of the Revised Code. 124963

(3) "Related member" has the same meaning as in section 124964  
5733.042 of the Revised Code. 124965

(4) "Tax return preparer" means any person that operates a 124966  
business that prepares, or directly or indirectly employs 124967  
another person to prepare, for a taxpayer an original tax return 124968  
in exchange for compensation or remuneration from the taxpayer 124969  
or the taxpayer's related member. With respect to the 124970  
preparation of a return or application for refund under this 124971  
chapter, "tax return preparer" does not include an individual 124972  
who performs only one or more of the following activities: 124973

(a) Furnishes typing, reproducing, or other mechanical 124974  
assistance; 124975

(b) Prepares an application for refund or a return on behalf of an employer by whom the individual is regularly and continuously employed, or on behalf of an officer or employee of that employer;

(c) Prepares as a fiduciary an application for refund or a return;

(d) Prepares an application for refund or a return for a taxpayer in response to a notice of deficiency issued to the taxpayer or the taxpayer's related member, or in response to a waiver of restriction after the commencement of an audit of the taxpayer or the taxpayer's related member.

(B) Divisions (C) and (D) of this section apply to the filing of original tax returns that are due in a calendar year only if the tax commissioner, by the last day of the calendar year immediately preceding the calendar year in which such returns are due, has published on the department of taxation's official internet web site at least one method of electronic technology acceptable to the commissioner for filing such returns.

(C) A tax return preparer that prepares more than eleven original tax returns during any calendar year shall use electronic technology to file with the tax commissioner all original tax returns prepared by the tax return preparer. This division does not apply to a tax return preparer in any calendar year if, during the previous calendar year, the tax return preparer prepared not more than ten original tax returns.

(D) If a tax return preparer required by this section to submit original tax returns by electronic technology files an original tax return by some means other than by electronic



technology, the tax commissioner shall impose a penalty of fifty 125005  
dollars for each return in excess of eleven in any calendar year 125006  
that is not filed by electronic technology. ~~Upon good cause-~~ 125007  
~~shown by the tax return preparer, the tax commissioner may waive~~ 125008  
~~all or any portion of the penalty or may refund all or any~~ 125009  
~~portion of the penalty the tax return preparer has paid.~~ 125010

**Sec. 5747.09.** (A) As used in this section: 125011

(1) "Estimated taxes" means the amount that the taxpayer 125012  
estimates to be the taxpayer's combined tax liability under this 125013  
chapter and Chapter 5748. of the Revised Code for the current 125014  
taxable year. 125015

(2) "Tax liability" means the total taxes due for the 125016  
taxable year, after allowing any credit to which the taxpayer is 125017  
entitled, but prior to applying any estimated tax payment, 125018  
withholding payment, or refund from another tax year. 125019

(3) "Taxes paid" include payments of estimated taxes made 125020  
under division (C) of this section, taxes withheld from the 125021  
taxpayer's compensation, and tax refunds applied by the taxpayer 125022  
in payment of estimated taxes. 125023

(4) "Required installment" means a payment equal to 125024  
twenty-five per cent of the lesser of the following: 125025

(a) Ninety per cent of the tax liability for the taxable 125026  
year; 125027

(b) One hundred per cent of the tax liability shown on the 125028  
return of a taxpayer for the preceding taxable year. 125029

Division (A) (4) (b) of this section applies only if the 125030  
taxpayer filed a return under section 5747.08 of the Revised 125031  
Code for the preceding taxable year and if the preceding taxable 125032

year was a twelve-month taxable year. 125033

(B) Every taxpayer shall make declaration of estimated 125034  
taxes for the current taxable year, in the form that the tax 125035  
commissioner shall prescribe, if the amount payable as estimated 125036  
taxes, less the amount to be withheld from the taxpayer's 125037  
compensation, is more than five hundred dollars. For purposes of 125038  
this section, taxes withheld from compensation shall be 125039  
considered as paid in equal amounts on each payment date unless 125040  
the taxpayer establishes the dates on which all amounts were 125041  
actually withheld, in which case the amounts withheld shall be 125042  
considered as paid on the dates on which the amounts were 125043  
actually withheld. Taxpayers filing joint returns pursuant to 125044  
section 5747.08 of the Revised Code shall file joint 125045  
declarations of estimated taxes. A taxpayer may amend a 125046  
declaration under rules prescribed by the commissioner. A 125047  
taxpayer having a taxable year of less than twelve months shall 125048  
make a declaration under rules prescribed by the commissioner. 125049  
The declaration of estimated taxes for an individual under a 125050  
disability shall be made and filed by the person who is required 125051  
to file the income tax return. 125052

The declaration of estimated taxes shall be filed on or 125053  
before the fifteenth day of April of each year or on or before 125054  
the fifteenth day of the fourth month after the taxpayer becomes 125055  
subject to tax for the first time. 125056

Taxpayers reporting on a fiscal year basis shall file a 125057  
declaration on or before the fifteenth day of the fourth month 125058  
after the beginning of each fiscal year or period. 125059

The declaration shall be filed upon a form prescribed by 125060  
the commissioner and furnished by or obtainable from the 125061  
commissioner. 125062

The original declaration or any subsequent amendment may 125063  
be increased or decreased on or before any subsequent quarterly 125064  
payment day as provided in this section. 125065

(C) The required portion of the tax liability for the 125066  
taxable year that shall be paid through estimated taxes made 125067  
payable to the treasurer of state, including the application of 125068  
tax refunds to estimated taxes, and withholding on or before the 125069  
applicable payment date shall be as follows: 125070

(1) On or before the fifteenth day of the fourth month 125071  
after the beginning of the taxable year, twenty-two and one-half 125072  
per cent of the tax liability for the taxable year; 125073

(2) On or before the fifteenth day of the sixth month 125074  
after the beginning of the taxable year, forty-five per cent of 125075  
the tax liability for the taxable year; 125076

(3) On or before the fifteenth day of the ninth month 125077  
after the beginning of the taxable year, sixty-seven and one- 125078  
half per cent of the tax liability for the taxable year; 125079

(4) On or before the fifteenth day of the first month of 125080  
the following taxable year, ninety per cent of the tax liability 125081  
for the taxable year. 125082

When an amended return has been filed, the unpaid balance 125083  
shown due on the amended return shall be paid in equal 125084  
installments on or before the remaining payment dates. 125085

On or before the fifteenth day of the fourth month of the 125086  
year following that for which the declaration or amended 125087  
declaration was filed, an annual return shall be filed and any 125088  
balance which may be due shall be paid with the return in 125089  
accordance with section 5747.08 of the Revised Code. 125090

(D) In the case of any underpayment of estimated taxes, an interest penalty ~~shall~~ may be added to the taxes for the tax year at the rate per annum prescribed by section 5703.47 of the Revised Code upon the amount of underpayment for the period of underpayment, unless the underpayment is due to reasonable cause as described in division (E) of this section. The amount of the underpayment shall be determined as follows:

(1) For the first payment of estimated taxes each year, the required installment less the amount of taxes paid by the date prescribed for that payment;

(2) For the second payment of estimated taxes each year, the required installment less the amount of taxes paid by the date prescribed for that payment;

(3) For the third payment of estimated taxes each year, the required installment less the amount of taxes paid by the date prescribed for that payment;

(4) For the fourth payment of estimated taxes each year, the required installment less the amount of taxes paid by the date prescribed for that payment.

The period of the underpayment shall run from the day the estimated payment was required to be made to the date on which the payment is made. For purposes of this section, a payment of estimated taxes on or before any payment date shall be considered a payment of any previous underpayment only to the extent the payment of estimated taxes exceeds the amount of the payment presently required to be paid to avoid any penalty.

The tax commissioner may abate, in whole or in part, the interest penalty imposed under division (D) of this section. Any such penalty imposed shall be in lieu of any other interest

charge or penalty imposed for failure to file an estimated 125120  
return and make estimated payments as required by this section. 125121

(E) An underpayment of estimated taxes determined under 125122  
division (D) of this section shall be due to reasonable cause 125123  
and the interest penalty imposed by this section shall not be 125124  
added to the taxes for the tax year if either of the following 125125  
apply: 125126

(1) The amount of tax that was paid equals at least ninety 125127  
per cent of the tax liability for the current taxable year, 125128  
determined by annualizing the income received during the year up 125129  
to the end of the month immediately preceding the month in which 125130  
the payment is due; 125131

(2) The amount of tax that was paid equals at least one 125132  
hundred per cent of the tax liability shown on the return of the 125133  
taxpayer for the preceding taxable year, provided that the 125134  
immediately preceding taxable year reflected a period of twelve 125135  
months and the taxpayer filed a return under section 5747.08 of 125136  
the Revised Code for that year. 125137

The tax commissioner may waive the requirement for filing 125138  
a declaration of estimated taxes for any class of taxpayers 125139  
after finding that the waiver is reasonable and proper in view 125140  
of administrative costs and other factors. 125141

**Sec. 5747.10.** (A) As used in this section: 125142

(1) "Audited partnership" means a partnership subject to 125143  
an examination by the internal revenue service pursuant to 125144  
subchapter C, chapter 63, subtitle F of the Internal Revenue 125145  
Code resulting in a federal adjustment. 125146

(2) (a) "Direct investor" means a partner or other investor 125147  
that holds a direct interest in a pass-through entity. 125148

(b) "Indirect investor" means a partner or other investor 125149  
that holds an interest in a pass-through entity that itself 125150  
holds an interest, directly or through another indirect partner 125151  
or other investor, in a pass-through entity. 125152

(3) "Exempt partner" means a partner that is neither a 125153  
pass-through entity nor a person subject to the tax imposed by 125154  
section 5747.02 of the Revised Code. 125155

(4) "Federal adjustment" means a change to an item or 125156  
amount required to be determined under the Internal Revenue Code 125157  
that directly or indirectly affects a taxpayer's aggregate tax 125158  
liability under section 5747.02 or Chapter 5748. of the Revised 125159  
Code and that results from an action or examination by the 125160  
internal revenue service, or from the filing of an amended 125161  
federal tax return, a claim for a federal tax refund, or an 125162  
administrative adjustment request filed by a partnership under 125163  
section 6227 of the Internal Revenue Code. 125164

(5) "Federal adjustments return" means the form or other 125165  
document prescribed by the tax commissioner for use by a 125166  
taxpayer in reporting final federal adjustments. 125167

(6) "State partnership representative" means either of the 125168  
following: 125169

(a) The person who served as the partnership's 125170  
representative for federal income tax purposes, pursuant to 125171  
section 6223(a) of the Internal Revenue Code, during the 125172  
corresponding federal partnership audit; 125173

(b) The person designated, on a form prescribed by the tax 125174  
commissioner, to serve as the partnership's representative 125175  
during the state partnership audit. The commissioner may 125176  
establish reasonable qualifications and procedures for a person 125177

to be designated as a state partnership representative under 125178  
this division. 125179

(7) A federal adjustment is "final" or "agreed to or 125180  
finally determined for federal income tax purposes" on any of 125181  
the following: 125182

(a) The day after which the period for appeal of a federal 125183  
assessment has expired; 125184

(b) The date on a refund check issued by the internal 125185  
revenue service; or 125186

(c) For agreements required to be signed by the internal 125187  
revenue service and the taxpayer or audited partnership, the 125188  
date on which the last party signed the agreement. 125189

(B) (1) If any of the facts, figures, computations, or 125190  
attachments required in a taxpayer's annual return to determine 125191  
the tax charged by this chapter or Chapter 5748. of the Revised 125192  
Code must be altered as the result of a final federal 125193  
adjustment, and the federal adjustment is not required to be 125194  
reported under division (C) of this section, the taxpayer shall 125195  
file an amended return with the tax commissioner in such form as 125196  
the commissioner requires. The amended return shall be filed not 125197  
later than ninety days after the federal adjustment has been 125198  
agreed to or finally determined for federal income tax purposes. 125199

(2) "One hundred eighty" shall be substituted for "ninety" 125200  
in divisions (B) (1) and (E) (1) of this section if, for any 125201  
taxable year, the final federal adjustment results from taxes 125202  
paid by the taxpayer on an amount described in division (A) (32) 125203  
of section 5747.01 of the Revised Code. 125204

(C) Except for adjustments required to be reported for 125205  
federal purposes pursuant to section 6225(a) (2) of the Internal 125206

Revenue Code and adjustments that are taken into account on a 125207  
federal amended return or similar report filed pursuant to 125208  
section 6225(c)(2) of the Internal Revenue Code, partnerships 125209  
and partners shall report final federal adjustments and make 125210  
payments as required under division (C) of this section. 125211

(1) With respect to an action required or permitted to be 125212  
taken by a partnership under this section, and any petition for 125213  
reassessment or appeal to the board of tax appeals or any court 125214  
with respect to such an action, the state partnership 125215  
representative shall have the sole authority to act on behalf of 125216  
the audited partnership, and the partnership's direct and 125217  
indirect investors shall be bound by those actions. 125218

(2) Unless an audited partnership makes the election under 125219  
division (C)(3) of this section: 125220

(a) The audited partnership, through its state partnership 125221  
representative, shall do all of the following within ninety days 125222  
after the federal adjustment is final: 125223

(i) File a federal adjustments return with the tax 125224  
commissioner, including a copy of the notifications provided 125225  
under division (C)(2)(a)(ii) of this section; 125226

(ii) Notify each of its direct investors, on a form 125227  
prescribed by the commissioner, of the investor's distributive 125228  
share of the final federal adjustments; 125229

(iii) File an amended tax return on behalf of its 125230  
nonresident direct investors and pay any additional tax that 125231  
would have been due under sections 5733.41 and 5747.41, or 125232  
division (D) of section 5747.08, of the Revised Code with 125233  
respect to those direct investors had the final federal 125234  
adjustments been reported properly on the original filing. 125235



(b) Each direct investor that is subject to the tax 125236  
imposed by section 5747.02 of the Revised Code shall file an 125237  
original or amended tax return to include the investor's 125238  
distributive share of the adjustments reported to the direct 125239  
investor under division (C)(2)(a) of this section, and pay any 125240  
additional tax due, within ninety days after the audited 125241  
partnership files its federal adjustments return with the 125242  
commissioner. 125243

(c)(i) Each direct and indirect investor of an audited 125244  
partnership that is a pass-through entity and all investors in 125245  
such a pass-through entity that are subject to the filing and 125246  
payment requirements of Chapters 5733. and 5747. of the Revised 125247  
Code are subject to the reporting and payment requirements of 125248  
division (C)(2) or, upon a timely election, division (C)(3) of 125249  
this section. 125250

(ii) Such direct and indirect investors shall make the 125251  
required returns and payments within ninety days after the 125252  
deadline for filing and furnishing statements under section 125253  
6226(b)(4) of the Internal Revenue Code and applicable treasury 125254  
regulations. 125255

(3) If an audited partnership makes the election under 125256  
this division, the audited partnership, through its state 125257  
partnership representative, shall do all of the following within 125258  
ninety days after all federal adjustments are final: 125259

(a) File a federal adjustments return with the tax 125260  
commissioner indicating the partnership has made the election 125261  
under division (C)(3) of this section; 125262

(b) Pay the amount of combined additional tax due under 125263  
division (D)(2) of this section, calculated by multiplying the 125264

highest rate of tax set forth in section 5747.02 of the Revised Code by the sum of the following:

(i) The distributive shares of the final federal adjustments that are allocable or apportionable to this state of each investor who is a nonresident taxpayer or pass-through entity;

(ii) The distributive share of the final federal adjustments for each investor who is a resident taxpayer.

(c) Notify each of its direct investors, on a form prescribed by the commissioner, of the investor's distributive share of the final federal adjustments and the amount paid on their behalf pursuant to division (C) (3) (b) of this section.

(4) (a) A direct investor of an audited partnership is not required to file an amended return or pay tax otherwise due under section 5747.02 of the Revised Code if the audited partnership properly reports and pays the tax under division (C) (3) of this section.

(b) (i) Nothing in division (C) of this section precludes a direct or indirect investor in the audited partnership from filing a return to report the investor's share of the final federal adjustments. Such an investor who files a return and reports the income related to the final federal adjustments is entitled to a refundable credit for taxes paid by the audited partnership under division (C) (3) (b) of this section. The credit shall be computed and claimed in the same manner as the credit allowed under division (I) of section 5747.08 of the Revised Code.

(ii) Notwithstanding division (C) (4) (b) (i) of this section, an exempt partner, whether a direct or indirect

investor, may file an application for refund of its 125294  
proportionate share of the amounts erroneously paid by the 125295  
audited partnership pursuant to division (C) (3) (b) of this 125296  
section on the exempt partner's behalf. 125297

(5) Upon request by an audited partnership, the tax 125298  
commissioner may agree, in writing, to allow an alternative 125299  
method of reporting and payment than required by division (C) (2) 125300  
or (3) of this section. The request must be submitted to the 125301  
commissioner in writing before the applicable deadline for 125302  
filing a return under division (C) (2) (a) or (3) of this section. 125303  
The commissioner's decision on whether to enter into an 125304  
agreement under this division is not subject to further 125305  
administrative review or appeal. 125306

(6) Nothing in division (C) of this section precludes 125307  
either of the following: 125308

(a) A resident taxpayer from filing a return to claim the 125309  
credit under division (B) of section 5747.05 or division ~~(D) (2)~~ 125310  
(B) (2) of section 5747.02 of the Revised Code based upon any 125311  
amounts paid by the audited partnership on such investor's 125312  
behalf to another state. 125313

(b) The tax commissioner from issuing an assessment under 125314  
this chapter against any direct or indirect investor for taxes 125315  
due from the investor if an audited partnership, or direct and 125316  
indirect investor of an audited partnership that is a pass- 125317  
through entity, fails to timely file any return or remit any 125318  
payment required by this section or underreports income or 125319  
underpays tax on behalf of an indirect investor who is a 125320  
resident taxpayer. 125321

(D) In the case of an underpayment, and unless otherwise 125322

agreed to in writing by the tax commissioner: 125323

(1) The taxpayer's amended return shall be accompanied by 125324  
payment of any combined additional tax due together with 125325  
interest thereon. An amended return required by this section is 125326  
a return subject to assessment under section 5747.13 of the 125327  
Revised Code for the purpose of assessing any additional tax due 125328  
under this section, together with any applicable penalty and 125329  
interest. It shall not reopen those facts, figures, 125330  
computations, or attachments from a previously filed return no 125331  
longer subject to assessment that are not affected, either 125332  
directly or indirectly, by the final federal adjustment to the 125333  
taxpayer's federal income tax return. 125334

(2) The audited partnership's federal adjustments return 125335  
shall be accompanied by payment of any combined additional tax 125336  
due together with interest thereon. The federal adjustments 125337  
return required by this section is a return subject to 125338  
assessment under section 5747.13 of the Revised Code for the 125339  
purpose of assessing any additional tax due under this section, 125340  
together with any applicable penalty and interest. It shall not 125341  
reopen those facts, figures, computations, or attachments from a 125342  
previously filed return no longer subject to assessment that are 125343  
not affected, either directly or indirectly, by the final 125344  
federal adjustment. 125345

(3) The tax commissioner may accept estimated payments of 125346  
the tax arising from pending federal adjustments before the date 125347  
for filing a federal adjustments return. The commissioner may 125348  
adopt rules for the payment of such estimated taxes. 125349

(E) In the case of an overpayment, and unless otherwise 125350  
agreed to in writing by the tax commissioner: 125351

(1) A taxpayer may file an application for refund under 125352  
this division within the ninety-day period prescribed for filing 125353  
the amended return even if it is filed beyond the period 125354  
prescribed in section 5747.11 of the Revised Code if it 125355  
otherwise conforms to the requirements of such section. An 125356  
application filed under this division shall claim refund of 125357  
overpayments resulting from alterations to only those facts, 125358  
figures, computations, or attachments required in the taxpayer's 125359  
annual return that are affected, either directly or indirectly, 125360  
by the final federal adjustment to the taxpayer's federal income 125361  
tax return unless it is also filed within the time prescribed in 125362  
section 5747.11 of the Revised Code. It shall not reopen those 125363  
facts, figures, computations, or attachments that are not 125364  
affected, either directly or indirectly, by the adjustment to 125365  
the taxpayer's federal income tax return. 125366

(2) (a) Except as otherwise provided in division (E) (2) (b) 125367  
of this section, an audited partnership may file an application 125368  
for a refund under this division within the ninety-day period 125369  
prescribed for filing the federal adjustments return, even if it 125370  
is filed beyond the period prescribed by section 5747.11 of the 125371  
Revised Code, if it otherwise conforms to the requirements of 125372  
that section. An application filed under this division may claim 125373  
a refund of overpayments resulting only from final federal 125374  
adjustments unless it is also filed within the time prescribed 125375  
by section 5747.11 of the Revised Code. It shall not reopen 125376  
those facts, figures, computations, or attachments that are not 125377  
affected, either directly or indirectly, by the federal 125378  
adjustment. 125379

(b) An audited partnership may not file an application for 125380  
refund under division (E) of this section based on final federal 125381  
adjustments described in section 6225(a) (2) of the Internal 125382

Revenue Code. 125383

(3) Any refund granted to a pass-through entity filing an 125384  
application for refund under division (E) of this section shall 125385  
be reduced by amounts previously claimed as a credit under 125386  
section 5747.059 or division (I) of section 5747.08 of the 125387  
Revised Code by the pass-through entity's direct or indirect 125388  
investors. 125389

(F) Excluding the deadline in division (C)(2)(c)(ii) of 125390  
this section, an audited partnership, or a direct or indirect 125391  
investor of an audited partnership that is a pass-through 125392  
entity, may automatically extend the deadline for reporting, 125393  
payments, and refunds under this section by sixty days if the 125394  
entity has ten thousand or more direct investors and notifies 125395  
the commissioner of such extension, in writing, before the 125396  
unextended deadline. 125397

**Sec. 5747.13.** (A) If any employer collects the tax imposed 125398  
by section 5747.02 or under Chapter 5748. of the Revised Code 125399  
and fails to remit the tax as required by law, or fails to 125400  
collect the tax, the employer is personally liable for any 125401  
amount collected that the employer fails to remit, or any amount 125402  
that the employer fails to collect. If any taxpayer fails to 125403  
file a return or fails to pay the tax imposed by section 5747.02 125404  
or under Chapter 5748. of the Revised Code, the taxpayer is 125405  
personally liable for the amount of the tax. 125406

If any employer, taxpayer, qualifying entity, or electing 125407  
pass-through entity required to file a return under this chapter 125408  
fails to file the return within the time prescribed, files an 125409  
incorrect return, fails to remit the full amount of the taxes 125410  
due for the period covered by the return, or fails to remit any 125411  
additional tax due as a result of a reduction in the amount of 125412

the credit allowed under division (B) of section 5747.05 of the Revised Code together with interest on the additional tax within the time prescribed by that division, the tax commissioner may make an assessment against any person liable for any deficiency for the period for which the return is or taxes are due, based upon any information in the commissioner's possession.

An assessment issued against either the employer or the taxpayer pursuant to this section shall not be considered an election of remedies or a bar to an assessment against the other for failure to report or pay the same tax. No assessment shall be issued against any person if the tax actually has been paid by another.

No assessment shall be made or issued against an employer, a taxpayer, a qualifying entity, or an electing pass-through entity more than four years after the final date the return subject to assessment was required to be filed or the date the return was filed, whichever is later. However, the commissioner may assess any balance due as the result of a reduction in the credit allowed under division (B) of section 5747.05 of the Revised Code, including applicable penalty and interest, within four years of the date on which the taxpayer reports a change in either the portion of the taxpayer's adjusted gross income subjected to an income tax or tax measured by income in another state or the District of Columbia, or the amount of liability for an income tax or tax measured by income to another state or the District of Columbia, as required by division (B) (4) of section 5747.05 of the Revised Code. Such time limits may be extended if both the employer, taxpayer, qualifying entity, or electing pass-through entity and the commissioner consent in writing to the extension or if an agreement waiving or extending the time limits has been entered into pursuant to section

122.171 of the Revised Code. Any such extension shall extend the 125444  
four-year time limit in division (B) of section 5747.11 of the 125445  
Revised Code for the same period of time. There shall be no bar 125446  
or limit to an assessment against an employer for taxes withheld 125447  
from employees and not remitted to the state, against an 125448  
employer, a taxpayer, a qualifying entity, or an electing pass- 125449  
through entity that fails to file a return subject to assessment 125450  
as required by this chapter, or against an employer, a taxpayer, 125451  
a qualifying entity, or an electing pass-through entity that 125452  
files a fraudulent return. 125453

The commissioner shall give the party assessed written 125454  
notice of the assessment in the manner provided in section 125455  
5703.37 of the Revised Code. With the notice, the commissioner 125456  
shall provide instructions on how to petition for reassessment 125457  
and request a hearing on the petition. 125458

(B) Unless the party assessed files with the tax 125459  
commissioner within sixty days after service of the notice of 125460  
assessment, ~~either personally or by certified mail,~~ a written 125461  
petition for reassessment, signed by the party assessed or that 125462  
party's authorized agent having knowledge of the facts, the 125463  
assessment becomes final, and the amount of the assessment is 125464  
due and payable from the party assessed to the commissioner with 125465  
remittance made payable to the treasurer of state. The petition 125466  
shall indicate the objections of the party assessed, but 125467  
additional objections may be raised in writing if received by 125468  
the commissioner prior to the date shown on the final 125469  
determination. If the petition has been properly filed, the 125470  
commissioner shall proceed under section 5703.60 of the Revised 125471  
Code. 125472

(C) After an assessment becomes final, if any portion of 125473



the assessment remains unpaid, including accrued interest, a 125474  
certified copy of the tax commissioner's entry making the 125475  
assessment final may be filed in the office of the clerk of the 125476  
court of common pleas in the county in which the employer's, 125477  
taxpayer's, qualifying entity's, or electing pass-through 125478  
entity's place of business is located or the county in which the 125479  
party assessed resides. If the party assessed is not a resident 125480  
of this state, the certified copy of the entry may be filed in 125481  
the office of the clerk of the court of common pleas of Franklin 125482  
county. 125483

Immediately upon the filing of the entry, the clerk shall 125484  
enter a judgment against the party assessed in the amount shown 125485  
on the entry. The judgment shall be filed by the clerk in one of 125486  
two loose-leaf books, one entitled "special judgments for state 125487  
and school district income taxes," and the other entitled 125488  
"special judgments for qualifying entity and electing pass- 125489  
through entity taxes." The judgment shall have the same effect 125490  
as other judgments. Execution shall issue upon the judgment upon 125491  
the request of the tax commissioner, and all laws applicable to 125492  
sales on execution shall apply to sales made under the judgment. 125493

If the assessment is not paid in its entirety within sixty 125494  
days after the assessment was issued, the portion of the 125495  
assessment consisting of tax due shall bear interest at the rate 125496  
per annum prescribed by section 5703.47 of the Revised Code from 125497  
the day the tax commissioner issues the assessment until it is 125498  
paid or until it is certified to the attorney general for 125499  
collection under section 131.02 of the Revised Code, whichever 125500  
comes first. If the unpaid portion of the assessment is 125501  
certified to the attorney general for collection, the entire 125502  
unpaid portion of the assessment shall bear interest at the rate 125503  
per annum prescribed by section 5703.47 of the Revised Code from 125504

the date of certification until the date it is paid in its 125505  
entirety. Interest shall be paid in the same manner as the tax 125506  
and may be collected by the issuance of an assessment under this 125507  
section. 125508

(D) All money collected under this section shall be 125509  
considered as revenue arising from the taxes imposed by this 125510  
chapter or Chapter 5733. or 5748. of the Revised Code, as 125511  
appropriate. 125512

(E) If the party assessed files a petition for 125513  
reassessment under division (B) of this section, the person, on 125514  
or before the last day the petition may be filed, shall pay the 125515  
assessed amount, including assessed interest and assessed 125516  
penalties, if any of the following conditions exists: 125517

(1) The person files a tax return reporting Ohio adjusted 125518  
gross income, less the exemptions allowed by section 5747.025 of 125519  
the Revised Code, in an amount less than one cent, and the 125520  
reported amount is not based on the computations required under 125521  
division (A) of section 5747.01 or section 5747.025 of the 125522  
Revised Code. 125523

(2) The person files a tax return that the tax 125524  
commissioner determines to be incomplete, false, fraudulent, or 125525  
frivolous. 125526

(3) The person fails to file a tax return, and the basis 125527  
for this failure is not either of the following: 125528

(a) An assertion that the person has no nexus with this 125529  
state; 125530

(b) The computations required under division (A) of 125531  
section 5747.01 of the Revised Code or the application of 125532  
credits allowed under this chapter has the result that the 125533

person's tax liability is less than one dollar and one cent. 125534

(F) Notwithstanding the fact that a petition for 125535  
reassessment is pending, the petitioner may pay all or a portion 125536  
of the assessment that is the subject of the petition. The 125537  
acceptance of a payment by the treasurer of state does not 125538  
prejudice any claim for refund upon final determination of the 125539  
petition. 125540

If upon final determination of the petition an error in 125541  
the assessment is corrected by the tax commissioner, upon 125542  
petition so filed or pursuant to a decision of the board of tax 125543  
appeals or any court to which the determination or decision has 125544  
been appealed, so that the amount due from the party assessed 125545  
under the corrected assessment is less than the portion paid, 125546  
there shall be issued to the petitioner or to the petitioner's 125547  
assigns or legal representative a refund in the amount of the 125548  
overpayment as provided by section 5747.11 of the Revised Code, 125549  
with interest on that amount as provided by such section, 125550  
subject to section 5747.12 of the Revised Code. 125551

**Sec. 5747.15.** (A) In addition to any other penalty imposed 125552  
by this chapter or Chapter 5703. of the Revised Code, the 125553  
following penalties shall apply: 125554

(1) If a taxpayer, a qualifying entity, an electing pass- 125555  
through entity, or an employer required to file any report or 125556  
return, including an informational notice, report, or return, 125557  
under this chapter fails to make and file the report or return 125558  
within the time prescribed, including any extensions of time 125559  
granted by the tax commissioner, a penalty may be imposed not 125560  
exceeding the greater of fifty dollars per month or fraction of 125561  
a month, not to exceed five hundred dollars, or five per cent 125562  
per month or fraction of a month, not to exceed fifty per cent, 125563

of the sum of the taxes required to be shown on the report or 125564  
return, for each month or fraction of a month elapsing between 125565  
the due date, including extensions of the due date, and the date 125566  
on which filed. 125567

(2) If a taxpayer fails to pay any amount of tax required 125568  
to be paid under section 5733.41 or Chapters 5747. or 5748. of 125569  
the Revised Code, except estimated tax under section 5747.09 or 125570  
5747.43 of the Revised Code, by the dates prescribed for 125571  
payment, a penalty may be imposed not exceeding twice the 125572  
applicable interest charged under division (G) of section 125573  
5747.08 of the Revised Code for the delinquent payment. 125574

(3) (a) If an employer fails to pay any amount of tax 125575  
imposed by section 5747.02 of the Revised Code and required to 125576  
be paid under this chapter by the dates prescribed for payment, 125577  
a penalty may be imposed not exceeding the sum of ten per cent 125578  
of the delinquent payment plus twice the interest charged under 125579  
division (F) (5) of section 5747.07 of the Revised Code for the 125580  
delinquent payment. 125581

(b) If a qualifying entity or an electing pass-through 125582  
entity fails to pay any amount of tax imposed by section 125583  
5733.41, 5747.38, or 5747.41 of the Revised Code and required to 125584  
be paid under this chapter by the dates prescribed for payment, 125585  
a penalty may be imposed not exceeding the sum of ten per cent 125586  
of the delinquent payment plus twice the applicable interest 125587  
charged under division (G) of section 5747.08 of the Revised 125588  
Code for the delinquent payment. 125589

(4) (a) If an employer withholds from employees the tax 125590  
imposed by section 5747.02 of the Revised Code and fails to 125591  
remit the tax withheld to the state as required by this chapter 125592  
on or before the dates prescribed for payment, a penalty may be 125593

imposed not exceeding fifty per cent of the delinquent payment. 125594

(b) If a qualifying entity withholds any amount of tax 125595  
imposed under section 5747.41 of the Revised Code from an 125596  
individual's qualifying amount and fails to remit that amount to 125597  
the state as required by sections 5747.42 to 5747.453 of the 125598  
Revised Code on or before the dates prescribed for payment, a 125599  
penalty may be imposed not exceeding fifty per cent of the 125600  
delinquent payment. 125601

(5) If a taxpayer, a qualifying entity, an electing pass- 125602  
through entity, or an employer files what purports to be a 125603  
return required by this chapter that does not contain 125604  
information upon which the substantial correctness of the return 125605  
may be judged or contains information that on its face indicates 125606  
that the return is substantially incorrect, and the filing of 125607  
the return in that manner is due to a position that is frivolous 125608  
or a desire that is apparent from the return to delay or impede 125609  
the administration of the tax levied by section 5733.41, 125610  
5747.02, 5747.38, or 5747.41, or Chapter 5748. of the Revised 125611  
Code, a penalty of up to five hundred dollars may be imposed. 125612

(6) If a taxpayer, a qualifying entity, or an electing 125613  
pass-through entity makes a fraudulent attempt to evade the 125614  
reporting or payment of the tax required to be shown on any 125615  
return required under this chapter, a penalty may be imposed not 125616  
exceeding the greater of one thousand dollars or one hundred per 125617  
cent of the tax required to be shown on the return. 125618

(7) If any person makes a false or fraudulent claim for a 125619  
refund under this chapter, a penalty may be imposed not 125620  
exceeding the greater of one thousand dollars or one hundred per 125621  
cent of the claim. The penalty imposed under division (A) (7) of 125622  
this section, any refund issued on the claim, and interest on 125623

any refund from the date of the refund, may be assessed under 125624  
section 5747.13 of the Revised Code as tax, penalty, or interest 125625  
imposed under section 5733.41, 5747.02, 5747.38, or 5747.41 of 125626  
the Revised Code, without regard to whether the person making 125627  
the claim is otherwise subject to the provisions of this chapter 125628  
or Chapter 5733. of the Revised Code, and without regard to any 125629  
time limitation for the assessment imposed by division (A) of 125630  
section 5747.13 of the Revised Code. 125631

(B) For purposes of this section, the taxes required to be 125632  
shown on the return shall be reduced by the amount of any part 125633  
of the taxes paid on or before the date, including any 125634  
extensions of the date, prescribed for filing the return. 125635

(C) Any penalty imposed under this section shall be in 125636  
addition to all other penalties imposed under this section. ~~All~~ 125637  
~~or part of any penalty imposed under this section may be abated~~ 125638  
~~by the commissioner. All or part of any penalty imposed under~~ 125639  
~~this section may be abated by the commissioner if the taxpayer,~~ 125640  
~~qualifying entity, electing pass-through entity, or employer~~ 125641  
~~shows that the failure to comply with the provisions of this~~ 125642  
~~chapter is due to reasonable cause and not willful neglect.~~ 125643

**Sec. 5747.29.** (A) As used in this section: 125644

(1) "Candidate" has the same meaning as in section 3517.01 125645  
of the Revised Code, but is limited to candidates for the public 125646  
offices specified in this section. 125647

(2) "Contribution" has the same meaning as in section 125648  
3517.01 of the Revised Code, but is limited to contributions of 125649  
money only. 125650

(B) A nonrefundable credit is allowed against a taxpayer's 125651  
aggregate tax liability under section 5747.02 of the Revised 125652

Code for contributions of money made to the campaign committee 125653  
of candidates for any of the following public offices: governor, 125654  
lieutenant governor, secretary of state, auditor of state, 125655  
treasurer of state, attorney general, ~~member of the state board~~ 125656  
~~of education,~~ chief justice of the supreme court, justice of the 125657  
supreme court, or member of the general assembly. The amount of 125658  
the credit for a taxable year equals the lesser of the combined 125659  
total contributions made during the taxable year by each 125660  
taxpayer filing a return required to be filed under section 125661  
5747.08 of the Revised Code or the amount of fifty dollars, in 125662  
the case of an individual return, or one hundred dollars, in the 125663  
case of a joint return. 125664

The taxpayer shall claim the credit in the order required 125665  
under section 5747.98 of the Revised Code. The credit for a 125666  
taxable year shall not exceed the aggregate amount of tax 125667  
otherwise due for that year after allowing for any other credits 125668  
that precede the credit under this section in that order. 125669

**Sec. 5747.38.** (A) As used in this section and section 125670  
5747.39 of the Revised Code and in other sections of Chapter 125671  
5747. of the Revised Code in the context of the tax imposed 125672  
under this section: 125673

(1) "Electing pass-through entity" means a qualifying 125674  
pass-through entity that elects to be subject to the tax levied 125675  
under this section for a taxable year pursuant to division (C) 125676  
of this section. 125677

(2) "Owner" means a person that is a partner, member, 125678  
shareholder, or investor in an electing pass-through entity for 125679  
any portion of the taxable year. 125680

(3) "Income" means the sum of owners' distributive shares 125681

of the income, gain, expense, or loss of an electing pass-through entity for the taxable year, as reported for federal income tax purposes. 125682  
125683  
125684

(4) "Qualifying taxable income" means the sum of the following: 125685  
125686

(a) The portion of an electing pass-through entity's income that is business income, subject to the applicable adjustments in divisions (A) (2) to (7) of section 5733.40 of the Revised Code, multiplied by the fraction described in division (B) (1) of that section; 125687  
125688  
125689  
125690  
125691

(b) The portion of the electing pass-through entity's income that is nonbusiness income allocated to this state under section 5747.20 of the Revised Code. 125692  
125693  
125694

(B) For the same purposes for which the tax is levied under section 5747.02 of the Revised Code, a tax is hereby levied on each electing pass-through entity on the entity's qualifying taxable income for the taxable year, at the following rates: 125695  
125696  
125697  
125698  
125699

(1) For an electing pass-through entity's taxable year that begins in 2022, five per cent; 125700  
125701

(2) For an electing pass-through entity's taxable year that begins in 2023 and in any year thereafter, the rate equal to the tax rate imposed on taxable business income under division (A) (4) (a) of section 5747.02 of the Revised Code applicable to that taxable year. 125702  
125703  
125704  
125705  
125706

(C) A pass-through entity that is not a disregarded entity, as defined in section 5733.01 of the Revised Code, may elect to be subject to the tax levied under this section by filing with the tax commissioner a form prescribed by the 125707  
125708  
125709  
125710



commissioner making such election on or before the deadline to 125711  
file the return under section 5747.42 of the Revised Code for 125712  
the taxable year. Such election applies only to the taxable year 125713  
for which the election is made and is, once made, irrevocable 125714  
for that year. 125715

(D) The—Except as otherwise provided in this division, the 125716  
tax levied under this section shall be calculated without regard 125717  
to any deductions or credits otherwise permitted to be claimed 125718  
by an owner of the electing pass-through entity in computing the 125719  
owner's aggregate tax liability under section 5747.02 of the 125720  
Revised Code. In calculating its tax due under this section, an 125721  
electing pass-through entity may claim the refundable credits 125722  
authorized under section 5747.059 or 5747.39 of the Revised Code 125723  
or division (I) of section 5747.08 of the Revised Code if that 125724  
credit is available to one or more of the entity's owners as if 125725  
the entity were the owner or owners. 125726

(E) The tax levied under this section is intended to 125727  
comply with the provisions of internal revenue service notice 125728  
2020-75 in which such tax paid by an electing pass-through 125729  
entity is deductible to the entity for federal income tax 125730  
purposes. 125731

(F) The tax commissioner shall adopt rules to administer 125732  
the tax levied under this section. Such rules shall include a 125733  
description of how the adjustments to income under divisions (A) 125734  
(36) and (S) (15) of section 5747.01 of the Revised Code and the 125735  
credit under section 5747.39 of the Revised Code apply to direct 125736  
or indirect owners of an electing pass-through entity based on 125737  
various ownership structures. Any rule adopted under this 125738  
section is not a regulatory restriction for the purpose of 125739  
section 121.95 of the Revised Code. 125740

**Sec. 5747.39.** There is hereby allowed a refundable credit 125741  
against a taxpayer's aggregate tax liability under section 125742  
5747.02 of the Revised Code for a taxpayer who is an owner of an 125743  
electing pass-through entity. The credit shall equal the owner's 125744  
proportionate share of the lesser of the tax levied due or paid 125745  
under section 5747.38 of the Revised Code ~~remitted by the~~ 125746  
~~owner's~~ for the taxable year of the electing pass-through entity 125747  
~~for that ends in the~~ the taxable year of the taxpayer. 125748

The credit shall be claimed for the taxpayer's taxable 125749  
year that includes the last day of the electing pass-through 125750  
entity's taxable year for which the tax levied under that 125751  
section was paid and in the order required under section 5747.98 125752  
of the Revised Code. If the credit exceeds the aggregate amount 125753  
of tax otherwise due, the excess shall be refunded to the 125754  
taxpayer. 125755

The tax commissioner may request that a taxpayer claiming 125756  
a credit under this section furnish information as is necessary 125757  
to support the claim for the credit under this section, and no 125758  
credit shall be allowed unless the requested information is 125759  
provided. 125760

**Sec. 5747.40.** Any term used in sections 5747.40 to 5747.43 125761  
of the Revised Code has the same meaning as defined in section 125762  
5733.40 of the Revised Code. 125763

The purpose of sections 5747.40 to 5747.43 of the Revised 125764  
Code is to complement and to reinforce the tax levied under 125765  
section 5747.02 of the Revised Code. Those sections do not apply 125766  
to a pass-through entity if all of the investors of the pass- 125767  
through entity are resident taxpayers for the purposes of this 125768  
chapter for the entire qualifying taxable year of the pass- 125769  
through entity, or to a trust if all of the beneficiaries of the 125770

trust are resident taxpayers for the purposes of this chapter 125771  
for the entire qualifying taxable year of the trust, except that 125772  
sections 5747.42 and 5747.43 of the Revised Code apply to all 125773  
pass-through entities that elect to be subject to the tax levied 125774  
under section 5747.38 of the Revised Code. 125775

**Sec. 5747.42.** (A) In addition to the other returns 125776  
required to be filed and other remittances required to be made 125777  
pursuant to this chapter, every qualifying entity or electing 125778  
pass-through entity that is subject to the tax imposed by 125779  
section 5733.41, 5747.38, or 5747.41 of the Revised Code shall 125780  
file an annual return as follows: 125781

(1) For a qualifying entity, on or before the fifteenth 125782  
day of the fourth month following the end of the entity's 125783  
qualifying taxable year; 125784

(2) For an electing pass-through entity, on or before the 125785  
fifteenth day of April following the end of the entity's taxable 125786  
year that ends in the preceding calendar year. 125787

Each entity shall also remit to the tax commissioner, with 125788  
the remittance made payable to the treasurer of state, the 125789  
amount of the taxes shown to be due on the return, less the 125790  
amount paid for the taxable year on a declaration of estimated 125791  
tax report filed by the taxpayer as provided by section 5747.43 125792  
of the Revised Code. Remittance shall be made in the form 125793  
prescribed by the tax commissioner, including electronically if 125794  
required by section 5747.44 of the Revised Code. 125795

A domestic qualifying entity shall not dissolve, and a 125796  
foreign qualifying entity shall not withdraw or retire from 125797  
business in this state, without filing the tax returns and 125798  
paying the taxes charged for the year in which such dissolution 125799

or withdrawal occurs. 125800

(B) The tax commissioner shall furnish qualifying entities 125801  
or electing pass-through entities, upon request, copies of the 125802  
forms prescribed by the commissioner for the purpose of making 125803  
the returns required by sections 5747.42 to 5747.453 of the 125804  
Revised Code. 125805

(C) The annual return required by this section shall be 125806  
signed by the applicable entity's trustee or other fiduciary, or 125807  
president, vice-president, secretary, treasurer, general 125808  
manager, general partner, superintendent, or managing agent in 125809  
this state. The annual return shall contain the facts, figures, 125810  
computations, and attachments that result in the tax charged by 125811  
section 5733.41, 5747.38, or 5747.41 of the Revised Code. Each 125812  
entity also shall file with its annual return all of the 125813  
following: 125814

(1) In the case of the tax charged by section 5733.41 or 125815  
5747.41 of the Revised Code, the full name and address of each 125816  
qualifying investor or qualifying beneficiary unless the 125817  
qualifying entity submits such information in accordance with 125818  
division (D) of this section; 125819

(2) In the case of the tax charged by section 5733.41 or 125820  
5747.41 of the Revised Code, the social security number, federal 125821  
employer identification number, or other identifying number of 125822  
each qualifying investor or qualifying beneficiary, unless the 125823  
taxpayer submits that information in accordance with division 125824  
(D) of this section; 125825

(3) In the case of the tax charged by section 5747.38 of 125826  
the Revised Code, the full name and address and the social 125827  
security number, federal employer identification number, or 125828

other identifying number of each owner of the electing pass- 125829  
through entity, unless the entity submits such information in 125830  
accordance with division (D) of this section; 125831

(4) The amount of tax imposed by sections 5733.41 and 125832  
5747.41 or by section 5747.38 of the Revised Code, and the 125833  
amount of the tax paid by the entity, for the applicable taxable 125834  
year covered by the annual return; 125835

(5) The amount of tax imposed by sections 5733.41 and 125836  
5747.41 or by section 5747.38 of the Revised Code that is 125837  
attributable to each qualifying investor, qualifying 125838  
beneficiary, or owner, as applicable, unless the entity submits 125839  
this information in accordance with division (D) of this 125840  
section. 125841

(D) On the date the annual return is due, including 125842  
extensions of time, if any, the applicable entity may be 125843  
required ~~by rule~~ to transmit electronically or by magnetic media 125844  
the information set forth in division (C) of this section. The 125845  
tax commissioner may adopt rules governing the format for the 125846  
transmission of such information. The tax commissioner may 125847  
exempt an entity or a class of entities from the requirements 125848  
imposed by this division. 125849

(E) Upon good cause shown, the tax commissioner may extend 125850  
the period for filing any return required to be filed under this 125851  
section or section 5747.43 or 5747.44 of the Revised Code and 125852  
for transmitting any information required to be transmitted 125853  
under those sections. The tax commissioner may adopt rules 125854  
relating to extensions of time to file and to transmit. At the 125855  
time an entity pays any tax imposed under section 5733.41, 125856  
5747.38, or 5747.41 of the Revised Code or estimated tax as 125857  
required under section 5747.43 of the Revised Code, the entity 125858

also shall pay interest computed at the rate per annum 125859  
prescribed by section 5703.47 of the Revised Code on that tax or 125860  
estimated tax, from the time the tax or estimated tax originally 125861  
was required to be paid, without consideration of any filing 125862  
extensions, to the time of actual payment. Nothing in this 125863  
division shall be construed to abate, modify, or limit the 125864  
imposition of any penalties imposed for the failure to timely 125865  
pay taxes under this chapter or Chapter 5733. of the Revised 125866  
Code without consideration of any filing extensions. 125867

**Sec. 5747.43.** (A) As used in this section: 125868

(1) "Estimated taxes" means the amount that a qualifying 125869  
entity or electing pass-through entity estimates to be the sum 125870  
of its liability under sections 5733.41 and 5747.41 or section 125871  
5747.38 of the Revised Code for its current qualifying taxable 125872  
year or taxable year, as applicable. 125873

(2) "Tax liability" means the total of the taxes and 125874  
withholding taxes due under sections 5733.41 and 5747.41 of the 125875  
Revised Code or the tax due under section 5747.38 of the Revised 125876  
Code for the applicable taxable year prior to applying any 125877  
estimated tax payment or refund from another year. 125878

(3) "Taxes paid" includes payments of estimated taxes made 125879  
under division (C) of this section and tax refunds applied by 125880  
the qualifying entity or electing pass-through entity in payment 125881  
of estimated taxes. 125882

(4) "Required installment" means a payment equal to 125883  
twenty-five per cent of the lesser of the following: 125884

(a) Ninety per cent of the tax liability for the 125885  
qualifying taxable year; 125886

(b) One hundred per cent of the tax liability shown on the 125887

return of a qualifying entity or an electing pass-through entity 125888  
for the preceding taxable year. 125889

Division (A) (4) (b) of this section applies only if the 125890  
entity filed a return under section 5747.42 of the Revised Code 125891  
for the preceding taxable year and if the preceding taxable year 125892  
was a twelve-month taxable year. 125893

(B) In addition to the return required to be filed 125894  
pursuant to section 5747.42 of the Revised Code, each qualifying 125895  
entity or electing pass-through entity that is subject to the 125896  
tax imposed under section 5733.41 and to the withholding tax 125897  
imposed by section 5747.41 of the Revised Code or that is 125898  
subject to the tax imposed under section 5747.38 of the Revised 125899  
Code shall file an estimated tax return and pay a portion of the 125900  
entity's tax liability for its taxable year. The portion of 125901  
those taxes required to be paid, and the last day prescribed for 125902  
payment thereof, shall be as prescribed by divisions (B) (1), 125903  
(2), (3), and (4) of this section: 125904

(1) On or before the fifteenth day of the fourth month 125905  
~~following after the last day of the first quarter of beginning~~ 125906  
of the entity's taxable year, twenty-two and one-half per cent 125907  
of the entity's estimated tax liability for that taxable year; 125908

(2) On or before the fifteenth day of the sixth month 125909  
~~following after the last day of the second quarter of beginning~~ 125910  
of the entity's taxable year, forty-five per cent of the 125911  
entity's estimated tax liability for that taxable year; 125912

(3) On or before the fifteenth day of the ninth month 125913  
~~following after the last day of the third quarter of beginning~~ 125914  
of the entity's taxable year, sixty-seven and one-half per cent 125915  
of the entity's estimated tax liability for that taxable year; 125916

(4) On or before the fifteenth day of the first month 125917  
~~following of the last day of the fourth quarter of the~~ entity's 125918  
following taxable year, ninety per cent of the entity's 125919  
estimated tax liability for that taxable year. 125920

Payments of estimated taxes shall be made payable to the 125921  
treasurer of state. 125922

(C) If a payment of estimated taxes is not paid in the 125923  
full amount required under division (B) of this section, a 125924  
penalty ~~shall~~ may be added to the taxes charged for the 125925  
qualifying taxable year or taxable year, as applicable, unless 125926  
the underpayment is due to reasonable cause as described in 125927  
division (D) of this section. The penalty shall accrue at the 125928  
rate per annum prescribed by section 5703.47 of the Revised Code 125929  
upon the amount of underpayment from the day the estimated 125930  
payment was required to be made to the day the payment is made. 125931

The amount of the underpayment upon which the penalty 125932  
shall accrue shall be determined as follows: 125933

(1) For the first payment of estimated taxes each year, 125934  
the required installment less the amount of taxes paid by the 125935  
date prescribed for that payment; 125936

(2) For the second payment of estimated taxes each year, 125937  
the required installment less the amount of taxes paid by the 125938  
date prescribed for that payment; 125939

(3) For the third payment of estimated taxes each year, 125940  
the required installment less the amount of taxes paid by the 125941  
date prescribed for that payment; 125942

(4) For the fourth payment of estimated taxes each year, 125943  
the required installment less the amount of taxes paid by the 125944  
date prescribed for that payment. 125945



For the purposes of this section, a payment of estimated taxes on or before any payment date shall be considered a payment of a previous underpayment only to the extent the payment of estimated taxes exceeds the amount of the payment presently required to be paid to avoid any penalty.

The tax commissioner may abate, in whole or in part, the penalty imposed under division (C) of this section. Any such penalty is in lieu of any other interest charge or penalty imposed for failure to file a declaration of estimated tax report and make estimated payments as required by this section.

(D) An underpayment of estimated taxes determined under division (C) of this section is due to reasonable cause if any of the following apply:

(1) The amount of tax that was paid equals at least ninety per cent of the tax liability for the current taxable year, determined by annualizing the income received during that year up to the end of the month immediately preceding the month in which the payment is due;

(2) The amount of tax liability that was paid equals at least ninety per cent of the tax liability for the current taxable year;

(3) The amount of tax liability that was paid equals at least one hundred per cent of the tax liability shown on the return of the entity for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the entity filed a return under section 5747.42 of the Revised Code for that year.

(E) (1) Divisions (B) and (C) of this section do not apply for a taxable year if either of the following applies to the

entity: 125975

(a) For the immediately preceding taxable year, the entity 125976  
computes in good faith and in a reasonable manner that the sum 125977  
of its adjusted qualifying amounts or its qualifying taxable 125978  
income, as applicable, is ten thousand dollars or less. 125979

(b) For the taxable year the entity computes in good faith 125980  
and in a reasonable manner that the sum of its adjusted 125981  
qualifying amounts or its qualifying taxable income, as 125982  
applicable, is ten thousand dollars or less. 125983

(2) Notwithstanding any other provision of Title LVII of 125984  
the Revised Code to the contrary, the entity shall establish by 125985  
a preponderance of the evidence that its computation of the 125986  
adjusted qualifying amounts or qualifying taxable income, as 125987  
applicable, for the immediately preceding taxable year and the 125988  
taxable year was, in fact, made in good faith and in a 125989  
reasonable manner. 125990

(F) The tax commissioner may waive the requirement for 125991  
filing a declaration of estimated taxes for any class of 125992  
qualifying entities if the commissioner finds the waiver is 125993  
reasonable and proper in view of administrative costs and other 125994  
factors. 125995

(G) Estimated taxes paid by a qualifying entity or an 125996  
electing pass-through entity may be applied to satisfy the 125997  
entity's tax liability under section 5733.41, 5747.38, or 125998  
5747.41 of the Revised Code. Nothing in this section authorizes 125999  
such an entity to apply estimated taxes paid against more than 126000  
one tax. 126001

**Sec. 5747.44.** (A) If a qualifying entity's or an electing 126002  
pass-through entity's total liability for taxes imposed under 126003

sections 5733.41 and 5747.41 or under section 5747.38 of the Revised Code exceeds one hundred eighty thousand dollars for the second preceding taxable year or qualifying taxable year, as applicable, the entity shall make all payments required under sections 5747.42 and 5747.43 or under section 5747.38 of the Revised Code electronically in the manner prescribed by the tax commissioner.

The tax commissioner shall notify each qualifying entity and electing pass-through entity required to remit taxes electronically of the entity's obligation to do so. Failure by the commissioner to notify an entity subject to this section to remit taxes electronically does not relieve the entity of its obligation to remit taxes in that manner.

(B) Except as otherwise provided in this division, the payment of taxes electronically does not affect a qualifying entity's or an electing pass-through entity's obligation to file the returns required under sections 5747.42 and 5747.43 of the Revised Code.

(C) A qualifying entity or an electing pass-through entity required by this section to remit taxes electronically may apply to the tax commissioner in the manner prescribed by the commissioner to be excused from that requirement. The commissioner may excuse the entity from electronic remittance for good cause shown for the period of time requested by the entity or for a portion of that period. The commissioner shall notify the entity of the commissioner's decision as soon as is practicable.

(D) If a qualifying entity or an electing pass-through entity required by this section to remit taxes electronically remits those taxes by some means other than electronically as

prescribed by this section, and the tax commissioner determines 126034  
that such failure was not due to reasonable cause or was due to 126035  
willful neglect, the commissioner may collect an additional 126036  
charge by assessment in the manner prescribed by section 5747.13 126037  
of the Revised Code. The additional charge shall equal five per 126038  
cent of the amount of the taxes required to be paid 126039  
electronically, but shall not exceed five thousand dollars. Any 126040  
additional charge assessed under this section is in addition to 126041  
any other penalty or charge imposed under this chapter or 126042  
Chapter 5733. of the Revised Code, and shall be considered as 126043  
revenue arising from the taxes imposed under sections 5733.41 126044  
and 5747.41 or under section 5747.38 of the Revised Code. ~~The~~ 126045  
~~commissioner may remit all or a portion of such a charge and may~~ 126046  
~~adopt rules governing such remission.~~ 126047

No additional charge shall be assessed under this division 126048  
against a qualifying entity or an electing pass-through entity 126049  
that has been notified of its obligation to remit taxes 126050  
electronically under this section and that remits its first two 126051  
tax payments after such notification by some other means. The 126052  
additional charge may be assessed upon the remittance of any 126053  
subsequent tax payment that the entity remits by some means 126054  
other than electronically. 126055

**Sec. 5747.502.** (A) As used in this section: 126056

(1) "Local authority" and "traffic law photo-monitoring 126057  
device" have the same meanings as in section 4511.092 of the 126058  
Revised Code. 126059

(2) "School zone" has the same meaning as in section 126060  
4511.21 of the Revised Code. 126061

(3) "Transportation district" means a territorial district 126062

established by the director of transportation under section 126063  
5501.14 of the Revised Code. 126064

(4) "District deputy director" means the person appointed 126065  
and assigned by the director of transportation under section 126066  
5501.14 of the Revised Code to administer the activities of a 126067  
transportation district. 126068

(5) "Gross amount" means the entire amount of traffic 126069  
camera fines and fees paid by a driver. 126070

(6) "Local government fund adjustment" or "LGF adjustment" 126071  
means the sum of: 126072

(a) The gross amount of all traffic camera fines collected 126073  
by a local authority during the preceding fiscal year, as 126074  
reported under division (B)(1) of this section, if such a report 126075  
is required; plus 126076

(b) The residual adjustment computed for the local 126077  
authority under division (B)(4) of this section, if such an 126078  
adjustment applies. 126079

(7) "Local government fund payments" or "LGF payments" 126080  
means the payments a local authority would receive under 126081  
sections 5747.502, 5747.51, and 5747.53, and division (C) of 126082  
section 5747.50 of the Revised Code, as applicable, if not for 126083  
the reductions required by divisions (C) and (D) of this 126084  
section. 126085

(8) "Residual adjustment" means the most recent LGF 126086  
adjustment computed for a local authority under division (B)(2) 126087  
or (3) of this section minus the sum of the reductions applied 126088  
after that computation under division (C) of this section to the 126089  
local authority's LGF payments. 126090

(9) "Traffic camera fines" means civil fines for any violation of any local ordinance or resolution that are based upon evidence recorded by a traffic law photo-monitoring device.

(10) "Qualifying village" has the same meaning as in section 5747.503 of the Revised Code.

(B) (1) Annually, on or before the thirty-first day of July, any local authority that directly or indirectly collected traffic camera fines during the preceding fiscal year shall file a report with the tax commissioner that includes a detailed statement of the gross amount of all traffic camera fines the local authority collected during that period and the gross amount of such fines that the local authority collected for violations that occurred within a school zone.

(2) Annually, on or before the tenth day of August, and except as otherwise provide in this division, the commissioner shall compute a local government fund adjustment for each local authority that files a report under division (B) (1) of this section or with respect to which a residual adjustment applies. Subject to division (B) (3) of this section, the LGF adjustment shall be used by the commissioner to determine the amount of the reductions required under division (C) of this section for each of the next twelve months, starting with the month in which the LGF adjustment is computed. After those twelve months, the LGF adjustment ceases to apply and, if an LGF adjustment continues to be required, the amount of the reductions required under division (C) of this section shall be determined based on an updated LGF adjustment computed under this division.

After the effective date of this amendment, no LGF adjustment shall be calculated for a county or township prohibited from operating a traffic law photo-monitoring device

by section 4511.093 of the Revised Code. An LGF adjustment that 126121  
applies to a county or township on the effective date of this 126122  
amendment ceases to apply as of that date. 126123

(3) Upon receipt of a report described by division (B) (1) 126124  
of this section that is not timely filed, the commissioner shall 126125  
do both of the following: 126126

(a) If one or more payments to the local authority has 126127  
been withheld under division (D) of this section because of the 126128  
local authority's failure to file the report, notify the county 126129  
auditor and county treasurer of the appropriate county that the 126130  
report has been received and that, subject to division (C) of 126131  
this section, payments to the local authority from the undivided 126132  
local government fund are to resume. 126133

(b) Compute the local authority's LGF adjustment using the 126134  
information in the report. An LGF adjustment computed under this 126135  
division shall be used by the commissioner to determine the 126136  
amount of the reductions required under division (C) of this 126137  
section starting with the next required reduction. The LGF 126138  
adjustment ceases to apply on the thirty-first day of the 126139  
ensuing July, following which, if an LGF adjustment continues to 126140  
be required, the amount of the reductions required under 126141  
division (C) of this section shall be determined based on an 126142  
updated LGF adjustment computed under division (B) (2) of this 126143  
section. 126144

(4) Annually, on or before the tenth day of August, the 126145  
commissioner shall compute a residual adjustment for each local 126146  
authority whose LGF adjustment for the preceding year exceeds 126147  
the amount by which the local authority's LGF payments were 126148  
reduced during that year under division (C) of this section. The 126149  
residual adjustment shall be used to compute the LGF adjustment 126150

for the ensuing year under division (B) (2) of this section. 126151

(C) The commissioner shall do the following, as 126152  
applicable, respecting any local authority to which an LGF 126153  
adjustment computed under division (B) of this section applies: 126154

(1) If the local authority is a municipal corporation with 126155  
a population of one thousand or more, reduce payments to the 126156  
municipal corporation under division (C) of section 5747.50 of 126157  
the Revised Code by one-twelfth of the LGF adjustment. If one- 126158  
twelfth of the LGF adjustment exceeds the amount of money the 126159  
municipal corporation would otherwise receive under division (C) 126160  
of section 5747.50 of the Revised Code, the commissioner also 126161  
shall reduce payments to the appropriate county undivided local 126162  
government fund under division (B) of section 5747.50 of the 126163  
Revised Code by an amount equal to the lesser of (a) one-twelfth 126164  
of the excess, or (b) the amount of the payment the municipal 126165  
corporation would otherwise receive from the fund under section 126166  
5747.51 or 5747.53 of the Revised Code. 126167

(2) If the local authority is a township or qualifying 126168  
village, reduce the supplemental payments to the appropriate 126169  
county undivided local government fund under section 5747.503 of 126170  
the Revised Code by the lesser of one-twelfth of the LGF 126171  
adjustment, or the amount of money the township or qualifying 126172  
village would otherwise receive under that section. If one- 126173  
twelfth of the LGF adjustment exceeds the amount of money the 126174  
township or qualifying village would otherwise receive under 126175  
section 5747.503 of the Revised Code, the commissioner also 126176  
shall reduce payments to the appropriate county undivided local 126177  
government fund under division (B) of section 5747.50 of the 126178  
Revised Code by an amount equal to the lesser of (a) one-twelfth 126179  
of the excess, or (b) the amount of the payment the township or 126180



qualifying village would otherwise receive from the fund under 126181  
section 5747.51 or 5747.53 of the Revised Code. 126182

(3) If the local authority is a county, reduce payments to 126183  
the appropriate county undivided local government fund under 126184  
division (B) of section 5747.50 of the Revised Code by an amount 126185  
equal to the lesser of (a) one-twelfth of the LGF adjustment, or 126186  
(b) the amount of the payment the county would otherwise receive 126187  
from the fund under section 5747.51 or 5747.53 of the Revised 126188  
Code. 126189

(4) For any local authority, on or before the tenth day of 126190  
each month a reduction is made under division (C) (1), (2), or 126191  
(3) of this section, make a payment to the local authority in an 126192  
amount equal to the lesser of (a) one-twelfth of the gross 126193  
amount of traffic camera fines the local authority collected in 126194  
the preceding fiscal year for violations that occurred within a 126195  
school zone, as indicated on the report filed by the local 126196  
authority pursuant to division (B) (1) of this section, or (b) 126197  
the amount by which the local authority's LGF payments were 126198  
reduced that month pursuant to division (C) (1), (2), or (3) of 126199  
this section. Payments received by a local authority under this 126200  
division shall be used by the local authority for school safety 126201  
purposes. 126202

(D) Upon discovery, based on information in the 126203  
commissioner's possession, that a local authority required to 126204  
file a report under division (B) (1) of this section has failed 126205  
to do so, the commissioner shall do the following, as 126206  
applicable: 126207

(1) If the local authority is a municipal corporation with 126208  
a population of one thousand or more, cease providing for 126209  
payments to the municipal corporation under section 5747.50 of 126210

the Revised Code beginning with the next required payment and 126211  
until such time as the report is received by the commissioner; 126212

(2) If the local authority is a township or qualifying 126213  
village, reduce the supplemental payments to the appropriate 126214  
county undivided local government fund under section 5747.503 of 126215  
the Revised Code by an amount equal to the amount of such 126216  
payments the local authority would otherwise receive under that 126217  
section, beginning with the next required payment and until such 126218  
time as the report is received by the commissioner; 126219

(3) For any local authority, reduce payments to the 126220  
appropriate county undivided local government fund under 126221  
division (B) of section 5747.50 of the Revised Code by an amount 126222  
equal to the amount of such payments the local authority would 126223  
otherwise receive under section 5747.51 or 5747.53 of the 126224  
Revised Code, beginning with the next required payment and until 126225  
such time as the report is received by the commissioner; 126226

(4) For any local authority, notify the county auditor and 126227  
county treasurer that such payments are to cease until the 126228  
commissioner notifies the auditor and treasurer under division 126229  
(E) of this section that the payments are to resume. 126230

(E) The commissioner shall notify the county auditor and 126231  
county treasurer on or before the day the commissioner first 126232  
reduces a county undivided local government fund payment to that 126233  
county under division (C) of this section. The notice shall 126234  
include the full amount of the reduction, a list of the local 126235  
authorities to which the reduction applies, and the amount of 126236  
reduction attributed to each such local authority. The 126237  
commissioner shall send an updated notice to the county auditor 126238  
and county treasurer any time the amount the reduction 126239  
attributed to any local authority changes. 126240

A county treasurer that receives a notice from the 126241  
commissioner under this division or division (B) (3) (a) or (D) (4) 126242  
of this section shall reduce, cease, or resume payments from the 126243  
undivided local government fund to the local authority that is 126244  
the subject of the notice as specified by the commissioner in 126245  
the notice. Unless otherwise specified in the notice, the 126246  
payments shall be reduced, ceased, or resumed beginning with the 126247  
next required payment. 126248

(F) There is hereby created in the state treasury the Ohio 126249  
highway and transportation safety fund. On or before the tenth 126250  
day of each month, the commissioner shall deposit in the fund an 126251  
amount equal to the total amount by which payments to local 126252  
authorities were reduced or ceased under division (C) or (D) of 126253  
this section minus the total amount of payments made under 126254  
division (C) (4) of this section. The amount deposited with 126255  
respect to a local authority shall be credited to an account to 126256  
be created in the fund for the transportation district in which 126257  
that local authority is located. If the local authority is 126258  
located within more than one transportation district, the amount 126259  
credited to the account of each such transportation district 126260  
shall be prorated on the basis of the number of centerline miles 126261  
of public roads and highways in both the local authority and the 126262  
respective districts. Amounts credited to a transportation 126263  
district's account shall be used by the department of 126264  
transportation and the district deputy director exclusively to 126265  
enhance public safety on public roads and highways within that 126266  
transportation district. 126267

**Sec. 5747.72.** (A) As used in this section: 126268

(1) "Qualifying taxpayer" means a taxpayer that is an 126269  
individual with a dependent who is a qualifying student. 126270

(2) "Qualifying student" means a student who is exempt 126271  
from the compulsory attendance law for the purpose of home 126272  
education under section 3321.042 of the Revised Code for the 126273  
school year. 126274

(3) "Education expenses" means expenses or fees for any of 126275  
the following items used directly for home education of a 126276  
qualifying student: books, supplementary materials, supplies, 126277  
computer software, applications, or subscriptions. "Education 126278  
expenses" does not include expenses or fees for computers or 126279  
similar electronic devices or accessories thereto. "Education 126280  
expenses" do not include any expenses paid from a scholarship 126281  
account authorized by section 3310.24 of the Revised Code. 126282

(B) There is hereby allowed a nonrefundable credit against 126283  
a qualifying taxpayer's aggregate tax liability under section 126284  
5747.02 of the Revised Code equal to the lesser of two hundred 126285  
fifty dollars multiplied by the number of the taxpayer's 126286  
qualifying students or the amount of education expenses incurred 126287  
by the taxpayer in the taxable year for the benefit of one or 126288  
more of the taxpayer's qualifying students. The credit shall be 126289  
claimed in the order required under section 5747.98 of the 126290  
Revised Code. 126291

The tax commissioner may request that a qualifying 126292  
taxpayer claiming a credit under this section furnish 126293  
information as is necessary to support the claim for the credit 126294  
under this section, and no credit shall be allowed unless the 126295  
requested information is provided. 126296

**Sec. 5747.98.** (A) To provide a uniform procedure for 126297  
calculating a taxpayer's aggregate tax liability under section 126298  
5747.02 of the Revised Code, a taxpayer shall claim any credits 126299  
to which the taxpayer is entitled in the following order: 126300

Either the retirement income credit under division (B) of	126301
section 5747.055 of the Revised Code or the lump sum retirement	126302
income credits under divisions (C), (D), and (E) of that	126303
section;	126304
Either the senior citizen credit under division (F) of	126305
section 5747.055 of the Revised Code or the lump sum	126306
distribution credit under division (G) of that section;	126307
The dependent care credit under section 5747.054 of the	126308
Revised Code;	126309
The credit for displaced workers who pay for job training	126310
under section 5747.27 of the Revised Code;	126311
The campaign contribution credit under section 5747.29 of	126312
the Revised Code;	126313
The twenty-dollar personal exemption credit under section	126314
5747.022 of the Revised Code;	126315
The joint filing credit under division <del>(G)</del> <u>(E)</u> of section	126316
5747.05 of the Revised Code;	126317
The earned income credit under section 5747.71 of the	126318
Revised Code;	126319
The nonrefundable credit for education expenses under	126320
section 5747.72 of the Revised Code;	126321
The nonrefundable credit for donations to scholarship	126322
granting organizations under section 5747.73 of the Revised	126323
Code;	126324
<del>The nonrefundable credit for tuition paid to a</del>	126325
<del>nonchartered nonpublic school under section 5747.75 of the</del>	126326
<del>Revised Code;</del>	126327

The nonrefundable vocational job credit under section 5747.057 of the Revised Code;	126328 126329
The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	126330 126331
The enterprise zone credit under section 5709.66 of the Revised Code;	126332 126333
The credit for beginning farmers who participate in a financial management program under division (B) of section 5747.77 of the Revised Code;	126334 126335 126336
The credit for commercial vehicle operator training expenses under section 5747.82 of the Revised Code;	126337 126338
The nonrefundable welcome home Ohio (WHO) program credit under section 122.633 of the Revised Code;	126339 126340
The credit for selling or renting agricultural assets to beginning farmers under division (A) of section 5747.77 of the Revised Code;	126341 126342 126343
The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	126344 126345
The small business investment credit under section 5747.81 of the Revised Code;	126346 126347
The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;	126348 126349
The opportunity zone investment credit under section 5747.86 of the Revised Code;	126350 126351
The enterprise zone credits under section 5709.65 of the Revised Code;	126352 126353
The research and development credit under section 5747.331	126354

of the Revised Code;	126355
The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	126356 126357
The nonrefundable Ohio low-income housing tax credit under section 5747.83 of the Revised Code;	126358 126359
The nonrefundable affordable single-family home credit under section 5747.84 of the Revised Code;	126360 126361
The nonresident credit under division (A) of section 5747.05 of the Revised Code;	126362 126363
The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	126364 126365
The refundable motion picture and Broadway theatrical production credit under section 5747.66 of the Revised Code;	126366 126367
<del>    The refundable credit for film and theater capital improvement projects under section 5747.67 of the Revised Code;</del>	126368 126369
The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	126370 126371 126372
The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	126373 126374
The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	126375 126376 126377
The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	126378 126379 126380
The refundable credit for rehabilitating a historic	126381

building under section 5747.76 of the Revised Code; 126382

The refundable credit under section 5747.39 of the Revised 126383  
Code for taxes levied under section 5747.38 of the Revised Code 126384  
paid by an electing pass-through entity. 126385

(B) For any credit, except the refundable credits 126386  
enumerated in this section and the credit granted under division 126387  
(H) of section 5747.08 of the Revised Code, the amount of the 126388  
credit for a taxable year shall not exceed the taxpayer's 126389  
aggregate amount of tax due under section 5747.02 of the Revised 126390  
Code, after allowing for any other credit that precedes it in 126391  
the order required under this section. Any excess amount of a 126392  
particular credit may be carried forward if authorized under the 126393  
section creating that credit. Nothing in this chapter shall be 126394  
construed to allow a taxpayer to claim, directly or indirectly, 126395  
a credit more than once for a taxable year. 126396

**Sec. 5748.01.** As used in this chapter: 126397

(A) "School district income tax" means an income tax 126398  
adopted under one of the following: 126399

(1) Former section 5748.03 of the Revised Code as it 126400  
existed prior to its repeal by Amended Substitute House Bill No. 126401  
291 of the 115th general assembly; 126402

(2) Section 5748.03 of the Revised Code as enacted in 126403  
Substitute Senate Bill No. 28 of the 118th general assembly; 126404

(3) Section 5748.08 of the Revised Code as enacted in 126405  
Amended Substitute Senate Bill No. 17 of the 122nd general 126406  
assembly; 126407

(4) Section 5748.021 of the Revised Code; 126408

(5) Section 5748.081 of the Revised Code; 126409



(6) Section 5748.09 of the Revised Code.	126410
(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.	126411 126412
(C) <del>"Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code</del> " <u>The county auditor's appraised value</u> " and " <u>estimated effective rate</u> " have the same meanings as in section 5705.01 of the Revised Code.	126413 126414 126415 126416
(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.	126417 126418
(E) "Taxable income" means:	126419
<del>(1) In the case of an individual,</del> one of the following, as specified in the resolution imposing the tax:	126420 126421
<del>(a)</del> <u>(1)</u> Modified adjusted gross income for the taxable year, as defined in section 5747.01 of the Revised Code, less the exemptions provided by section 5747.025 of the Revised Code;	126422 126423 126424
<del>(b)</del> <u>(2)</u> Wages, salaries, tips, and other employee compensation to the extent included in modified adjusted gross income as defined in section 5747.01 of the Revised Code, and net earnings from self-employment, as defined in section 1402(a) of the Internal Revenue Code, to the extent included in modified adjusted gross income.	126425 126426 126427 126428 126429 126430
<del>(2) In the case of an estate, taxable income for the taxable year as defined in division (S) of section 5747.01 of the Revised Code.</del>	126431 126432 126433
(F) "Resident" of the school district means:	126434
<del>(1) An</del> <u>an</u> individual who is a resident of this state as defined in division (I) of section 5747.01 of the Revised Code	126435 126436

during all or a portion of the taxable year and who, during all 126437  
or a portion of such period of state residency, is domiciled in 126438  
the school district or lives in and maintains a permanent place 126439  
of abode in the school district; 126440

~~(2) An estate of a decedent who, at the time of death, was 126441  
domiciled in the school district. 126442~~

(G) "School district income" means: 126443

~~(1) With respect to an individual, the portion of the 126444  
taxable income of an individual that is received by the 126445  
individual during the portion of the taxable year that the 126446  
individual is a resident of the school district and the school 126447  
district income tax is in effect in that school district. An 126448  
individual may have school district income with respect to more 126449  
than one school district. 126450~~

~~(2) With respect to an estate, the taxable income of the 126451  
estate for the portion of the taxable year that the school- 126452  
district income tax is in effect in that school district. 126453~~

(H) "Taxpayer" means an individual ~~or estate~~ having school 126454  
district income upon which a school district income tax is 126455  
imposed. 126456

(I) "School district purposes" means any of the purposes 126457  
for which a tax may be levied pursuant to division (A) of 126458  
section 5705.21 of the Revised Code, including the combined 126459  
purposes authorized by section 5705.217 of the Revised Code. 126460

~~(J) "The county auditor's appraised value" and "effective- 126461  
rate" have the same meanings as in section 5705.01 of the 126462  
Revised Code. 126463~~

**Sec. 5748.02.** (A) The board of education of any school 126464

district, except a joint vocational school district, may 126465  
declare, by resolution, the necessity of raising annually a 126466  
specified amount of money for school district purposes. The 126467  
resolution shall specify whether the income that is to be 126468  
subject to the tax is taxable income ~~of individuals and estates~~ 126469  
as defined in ~~divisions (E) (1) (a) and~~ division (E) (1) or (2) of 126470  
section 5748.01 of the Revised Code ~~or taxable income of~~ 126471  
~~individuals as defined in division (E) (1) (b) of that section.~~ A 126472  
copy of the resolution shall be certified to the tax 126473  
commissioner no later than one hundred days prior to the date of 126474  
the election at which the board intends to propose a levy under 126475  
this section. Upon receipt of the copy of the resolution, the 126476  
tax commissioner shall estimate both of the following: 126477

(1) The property tax rate that would have to be imposed in 126478  
the current year by the district to produce an equivalent amount 126479  
of money; 126480

(2) The income tax rate that would have had to have been 126481  
in effect for the current year to produce an equivalent amount 126482  
of money from a school district income tax. 126483

Within ten days of receiving the copy of the board's 126484  
resolution, the commissioner shall prepare these estimates and 126485  
certify them to the board. Upon receipt of the certification, 126486  
the board may adopt a resolution proposing an income tax under 126487  
division (B) of this section at the estimated rate contained in 126488  
the certification rounded to the nearest one-fourth of one per 126489  
cent. The commissioner's certification applies only to the 126490  
board's proposal to levy an income tax at the election for which 126491  
the board requested the certification. If the board intends to 126492  
submit a proposal to levy an income tax at any other election, 126493  
it shall request another certification for that election in the 126494

manner prescribed in this division. 126495

(B) (1) Upon the receipt of a certification from the tax 126496  
commissioner under division (A) of this section, a majority of 126497  
the members of a board of education may adopt a resolution 126498  
proposing the levy of an annual tax for school district purposes 126499  
on school district income. The proposed levy may be for a 126500  
continuing period of time or for a specified number of years. 126501  
The resolution shall set forth the purpose for which the tax is 126502  
to be imposed, the rate of the tax, which shall be the rate set 126503  
forth in the commissioner's certification rounded to the nearest 126504  
one-fourth of one per cent, the number of years the tax will be 126505  
levied or that it will be levied for a continuing period of 126506  
time, the date on which the tax shall take effect, which shall 126507  
be the first day of January of any year following the year in 126508  
which the question is submitted, and the date of the election at 126509  
which the proposal shall be submitted to the electors of the 126510  
district, which shall be on the date of a primary, general, or 126511  
special election the date of which is consistent with section 126512  
3501.01 of the Revised Code. The resolution shall specify 126513  
whether the income that is to be subject to the tax is taxable 126514  
~~income of individuals and estates as defined in divisions (E) (1)~~ 126515  
~~(a) and division (E) (1) or (2) of section 5748.01 of the Revised~~ 126516  
~~Code or taxable income of individuals as defined in division (E)~~ 126517  
~~(1) (b) of that section.~~ The specification shall be the same as 126518  
the specification in the resolution adopted and certified under 126519  
division (A) of this section. 126520

If the tax is to be levied for current expenses and 126521  
permanent improvements, the resolution shall apportion the 126522  
annual rate of the tax. The apportionment may be the same or 126523  
different for each year the tax is levied, but the respective 126524  
portions of the rate actually levied each year for current 126525

expenses and for permanent improvements shall be limited by the 126526  
apportionment. 126527

If the board of education currently imposes an income tax 126528  
pursuant to this chapter that is due to expire and a question is 126529  
submitted under this section for a proposed income tax to take 126530  
effect upon the expiration of the existing tax, the board may 126531  
specify in the resolution that the proposed tax renews the 126532  
expiring tax. Two or more expiring income taxes may be renewed 126533  
under this paragraph if the taxes are due to expire on the same 126534  
date. If the tax rate being proposed is no higher than the total 126535  
tax rate imposed by the expiring tax or taxes, the resolution 126536  
may state that the proposed tax is not an additional income tax. 126537

(2) A board of education adopting a resolution under 126538  
division (B)(1) of this section proposing a school district 126539  
income tax for a continuing period of time and limited to the 126540  
purpose of current expenses may propose in that resolution to 126541  
reduce the rate or rates of one or more of the school district's 126542  
property taxes levied for a continuing period of time in excess 126543  
of the ten-mill limitation for the purpose of current expenses. 126544  
The reduction in the rate of a property tax may be any amount, 126545  
not exceeding the rate at which the tax is authorized to be 126546  
levied. The reduction in the rate of a tax shall first take 126547  
effect for the tax year that includes the day on which the 126548  
school district income tax first takes effect, and shall 126549  
continue for each tax year that both the school district income 126550  
tax and the property tax levy are in effect. 126551

In addition to the matters required to be set forth in the 126552  
resolution under division (B)(1) of this section, a resolution 126553  
containing a proposal to reduce the rate of one or more property 126554  
taxes shall state for each such tax the maximum rate at which it 126555

currently may be levied and the maximum rate at which the tax 126556  
could be levied after the proposed reduction, expressed in mills 126557  
for each one dollar of taxable value, and that the tax is levied 126558  
for a continuing period of time. 126559

A board proposing to reduce the rate of one or more 126560  
property taxes under division (B) (2) of this section shall 126561  
comply with division (B) of section 5705.03 of the Revised Code. 126562  
In addition to the amounts required in division (B) (2) of that 126563  
section, the county auditor shall certify to the board the 126564  
levy's effective rate for both the last year before the levy's 126565  
proposed reduction and the first year that the reduction 126566  
applies, both expressed in dollars for each one hundred thousand 126567  
dollars of the county auditor's appraised value. 126568

If a board of education proposes to reduce the rate of one 126569  
or more property taxes under division (B) (2) of this section, 126570  
the board, when it makes the certification required under 126571  
division (A) of this section, shall designate the specific levy 126572  
or levies to be reduced, the maximum rate at which each levy 126573  
currently is authorized to be levied, and the rate by which each 126574  
levy is proposed to be reduced. The tax commissioner, when 126575  
making the certification to the board under division (A) of this 126576  
section, also shall certify the reduction in the total effective 126577  
tax rate for current expenses for each class of property that 126578  
would have resulted if the proposed reduction in the rate or 126579  
rates had been in effect the previous tax year. As used in this 126580  
paragraph, "effective tax rate" has the same meaning as in 126581  
section 323.08 of the Revised Code. 126582

(C) A resolution adopted under division (B) of this 126583  
section shall go into immediate effect upon its passage, and no 126584  
publication of the resolution shall be necessary other than that 126585

provided for in the notice of election. Immediately after its 126586  
adoption and at least ninety days prior to the election at which 126587  
the question will appear on the ballot, a copy of the resolution 126588  
and, if applicable, the county auditor's certifications under 126589  
section 5705.03 of the Revised Code shall be certified to the 126590  
board of elections of the proper county, which shall submit the 126591  
proposal to the electors on the date specified in the 126592  
resolution. The board of education shall send to the tax 126593  
commissioner a copy of the resolution certified to the board of 126594  
elections. The form of the ballot shall be as provided in 126595  
section 5748.03 of the Revised Code. Publication of notice of 126596  
the election shall be made in a newspaper of general circulation 126597  
in the county once a week for two consecutive weeks, or as 126598  
provided in section 7.16 of the Revised Code, prior to the 126599  
election. If the board of elections operates and maintains a web 126600  
site, the board of elections shall post notice of the election 126601  
on its web site for thirty days prior to the election. The 126602  
notice shall contain the time and place of the election and the 126603  
question to be submitted to the electors. The question covered 126604  
by the resolution shall be submitted as a separate proposition, 126605  
but may be printed on the same ballot with any other proposition 126606  
submitted at the same election, other than the election of 126607  
officers. 126608

(D) No board of education shall submit the question of a 126609  
tax on school district income to the electors of the district 126610  
more than twice in any calendar year. If a board submits the 126611  
question twice in any calendar year, one of the elections on the 126612  
question shall be held on the date of the general election. 126613

(E) (1) No board of education may submit to the electors of 126614  
the district the question of a tax on school district income on 126615  
~~the taxable income of individuals as defined in division (E) (1)~~ 126616

~~(b)~~ (E) (2) of section 5748.01 of the Revised Code if that tax 126617  
would be in addition to an existing tax on ~~the~~ taxable income ~~of~~ 126618  
~~individuals and estates~~ as defined in ~~divisions (E) (1) (a) and~~ 126619  
~~(2)~~ division (E) (1) of that section. 126620

(2) No board of education may submit to the electors of 126621  
the district the question of a tax on school district income on 126622  
~~the~~ taxable income ~~of individuals and estates~~ as defined in 126623  
~~divisions (E) (1) (a) and (2)~~ division (E) (1) of section 5748.01 126624  
of the Revised Code if that tax would be in addition to an 126625  
existing tax on ~~the~~ taxable income ~~of individuals~~ as defined in 126626  
division ~~(E) (1) (b)~~ (E) (2) of that section. 126627

**Sec. 5748.021.** A board of education that levies a tax 126628  
under section 5748.02 of the Revised Code on the school district 126629  
income of individuals ~~and estates~~ as defined in divisions (G) 126630  
and ~~(E) (1) (a) and (2)~~ (E) (1) of section 5748.01 of the Revised 126631  
Code may declare, at any time, by a resolution adopted by a 126632  
majority of its members, the necessity of raising annually a 126633  
specified amount of money for school district purposes by 126634  
replacing the existing tax with a tax on ~~the~~ school district 126635  
income ~~of individuals~~ as defined in divisions ~~(G) (1)~~ (G) and ~~(E)~~ 126636  
~~(1) (b)~~ (E) (2) of section 5748.01 of the Revised Code. The 126637  
specified amount of money to be raised annually may be the same 126638  
as, or more or less than, the amount of money raised annually by 126639  
the existing tax. 126640

The board shall certify a copy of the resolution to the 126641  
tax commissioner not later than the eighty-fifth day before the 126642  
date of the election at which the board intends to propose the 126643  
replacement to the electors of the school district. Not later 126644  
than the tenth day after receiving the resolution, the tax 126645  
commissioner shall estimate the tax rate that would be required 126646



in the school district annually to raise the amount of money 126647  
specified in the resolution. The tax commissioner shall certify 126648  
the estimate to the board. 126649

Upon receipt of the tax commissioner's estimate, the board 126650  
may propose, by a resolution adopted by a majority of its 126651  
members, to replace the existing tax on ~~the~~ school district 126652  
income ~~of individuals and estates~~ as defined in divisions (G) 126653  
and ~~(E) (1) (a) and (2)~~ (E) (1) of section 5748.01 of the Revised 126654  
Code with the levy of an annual tax on ~~the~~ school district 126655  
income ~~of individuals~~ as defined in divisions ~~(G) (1)~~ (G) and ~~(E)~~  
~~(1) (b)~~ (E) (2) of section 5748.01 of the Revised Code. In the 126656  
resolution, the board shall specify the rate of the replacement 126657  
tax, whether the replacement tax is to be levied for a specified 126658  
number of years or for a continuing time, the specific school 126659  
district purposes for which the replacement tax is to be levied, 126660  
the date on which the replacement tax will begin to be levied, 126662  
the date of the election at which the question of the 126663  
replacement is to be submitted to the electors of the school 126664  
district, that the existing tax will cease to be levied and the 126665  
replacement tax will begin to be levied if the replacement is 126666  
approved by a majority of the electors voting on the 126667  
replacement, and that if the replacement is not approved by a 126668  
majority of the electors voting on the replacement the existing 126669  
tax will remain in effect under its original authority for the 126670  
remainder of its previously approved term. The resolution goes 126671  
into immediate effect upon its adoption. Publication of the 126672  
resolution is not necessary, and the information that will be 126673  
provided in the notice of election is sufficient notice. At 126674  
least seventy-five days before the date of the election at which 126675  
the question of the replacement will be submitted to the 126676  
electors of the school district, the board shall certify a copy 126677

of the resolution to the board of elections. The board of 126678  
education shall send to the tax commissioner a copy of the 126679  
resolution certified to the board of elections. 126680

The replacement tax shall have the same specific school 126681  
district purposes as the existing tax, and its rate shall be the 126682  
same as the tax commissioner's estimate rounded to the nearest 126683  
one-fourth of one per cent. The replacement tax shall begin to 126684  
be levied on the first day of January of the year following the 126685  
year in which the question of the replacement is submitted to 126686  
and approved by the electors of the school district or on the 126687  
first day of January of a later year, as specified in the 126688  
resolution. The date of the election shall be the date of an 126689  
otherwise scheduled primary, general, or special election. 126690

The board of elections shall make arrangements to submit 126691  
the question of the replacement to the electors of the school 126692  
district on the date specified in the resolution. The board of 126693  
elections shall publish notice of the election on the question 126694  
of the replacement in one newspaper of general circulation in 126695  
the school district once a week for four consecutive weeks or as 126696  
provided in section 7.16 of the Revised Code. The notice shall 126697  
set forth the question to be submitted to the electors and the 126698  
time and place of the election thereon. 126699

The question shall be submitted to the electors of the 126700  
school district as a separate proposition, but may be printed on 126701  
the same ballot with other propositions that are submitted at 126702  
the same election, other than the election of officers. The form 126703  
of the ballot shall be substantially as follows: 126704

"Shall the existing tax of \_\_\_\_\_ (state the rate) on the 126705  
school district income of individuals ~~and estates~~ imposed by 126706  
\_\_\_\_\_ (state the name of the school district) be replaced by a 126707

tax of \_\_\_\_\_ (state the rate) on the earned income of 126708  
 individuals residing in the school district for \_\_\_\_\_ (state the 126709  
 number of years the tax is to be in effect or that it will be in 126710  
 effect for a continuing time), beginning \_\_\_\_\_ (state the date 126711  
 the new tax will take effect), for the purpose of \_\_\_\_\_ (state 126712  
 the specific school district purposes of the tax)? If the new 126713  
 tax is not approved, the existing tax will remain in effect 126714  
 under its original authority, for the remainder of its 126715  
 previously approved term. 126716  
 126717

	For replacing the existing tax with the new tax
	Against replacing the existing tax with the new tax

The board of elections shall conduct and canvass the 126718  
 election in the same manner as regular elections in the school 126719  
 district for the election of county officers. The board shall 126720  
 certify the results of the election to the board of education 126721  
 and to the tax commissioner. If a majority of the electors 126722  
 voting on the question vote in favor of the replacement, the 126723  
 existing tax shall cease to be levied, and the replacement tax 126724  
 shall begin to be levied, on the date specified in the ballot 126725  
 question. If a majority of the electors voting on the question 126726  
 vote against the replacement, the existing tax shall continue to 126727  
 be levied under its original authority, for the remainder of its 126728  
 previously approved term. 126729

A board of education may not submit the question of 126730  
 replacing a tax more than twice in a calendar year. If a board 126731  
 submits the question more than once, one of the elections at 126732  
 which the question is submitted shall be on the date of a 126733  
 general election. 126734

If a board of education later intends to renew a replacement tax levied under this section, it shall repeat the procedure outlined in this section to do so, the replacement tax then being levied being the "existing tax" and the renewed replacement tax being the "replacement tax."

**Sec. 5748.03.** (A) The form of the ballot on a question submitted to the electors under section 5748.02 of the Revised Code shall be as follows:

"Shall an annual income tax of \_\_\_\_\_ (state the proposed rate of tax) on the school district income of individuals ~~and of estates~~ be imposed by \_\_\_\_\_ (state the name of the school district), for \_\_\_\_\_ (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning \_\_\_\_\_ (state the date the tax would first take effect), for the purpose of \_\_\_\_\_ (state the purpose of the tax)?

	FOR THE TAX	"
	AGAINST THE TAX	

(B) (1) If the question submitted to electors proposes a school district income tax only on ~~the taxable income of individuals~~ as defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals ~~and of estates~~."

(2) If the question submitted to electors proposes to renew one or more expiring income tax levies, the ballot shall

be modified by adding the following language immediately after 126761  
the name of the school district that would impose the tax: "to 126762  
renew an income tax (or income taxes) expiring at the end of 126763  
\_\_\_\_\_ (state the last year the existing income tax or taxes 126764  
may be levied)." 126765

(3) If the question includes a proposal under division (B) 126766  
(2) of section 5748.02 of the Revised Code to reduce the rate of 126767  
one or more school district property taxes, the ballot shall 126768  
state that the purpose of the school district income tax is for 126769  
current expenses, and the form of the ballot shall be modified 126770  
by adding the following language immediately after the statement 126771  
of the purpose of the proposed income tax: ", and shall the rate 126772  
of an existing tax on property, currently levied for the purpose 126773  
of current expenses at the rate of \_\_\_\_\_ mills, be REDUCED to 126774  
\_\_\_\_\_ mills for each \$1 of taxable value, which amounts to a 126775  
reduction from \$\_\_\_\_\_ (effective rate) to \$\_\_\_\_\_ (effective 126776  
rate) for each \$100,000 of the county auditor's appraised value, 126777  
that the county auditor estimates will collect \$\_\_\_\_\_ annually, 126778  
the reduction continuing until any such time as the income tax 126779  
is repealed." In lieu of "for the tax" and "against the tax," 126780  
the phrases "for the issue" and "against the issue," 126781  
respectively, shall be used. If a board of education proposes a 126782  
reduction in the rates of more than one tax, the ballot language 126783  
shall be modified accordingly to express the rates at which 126784  
those taxes currently are levied and the rates to which the 126785  
taxes will be reduced. 126786

(C) The board of elections shall certify the results of 126787  
the election to the board of education and to the tax 126788  
commissioner. If a majority of the electors voting on the 126789  
question vote in favor of it, the income tax, the applicable 126790  
provisions of Chapter 5747. of the Revised Code, and the 126791

reduction in the rate or rates of existing property taxes if the question included such a reduction shall take effect on the date specified in the resolution. If the question approved by the voters includes a reduction in the rate of a school district property tax, the board of education shall not levy the tax at a rate greater than the rate to which the tax is reduced, unless the school district income tax is repealed in an election under section 5748.04 of the Revised Code.

(D) If the rate at which a property tax is levied and collected is reduced pursuant to a question approved under this section, the tax commissioner shall compute the percentage required to be computed for that tax under division (D) of section 319.301 of the Revised Code each year the rate is reduced as if the tax had been levied in the preceding year at the rate at which it has been reduced. If the rate of a property tax increases due to the repeal of the school district income tax pursuant to section 5748.04 of the Revised Code, the tax commissioner, for the first year for which the rate increases, shall compute the percentage as if the tax in the preceding year had been levied at the rate at which the tax was authorized to be levied prior to any rate reduction.

**Sec. 5748.04.** (A) The question of the repeal of a school district income tax levied for more than five years may be initiated not more than once in any five-year period by filing with the board of elections of the appropriate counties not later than ninety days before the general election in any year after the year in which it is approved by the electors a petition requesting that an election be held on the question. The petition shall be signed by qualified electors residing in the school district levying the income tax equal in number to ten per cent of those voting for governor at the most recent

gubernatorial election. 126823

The board of elections shall determine whether the 126824  
petition is valid, and if it so determines, it shall do ~~both~~all 126825  
of the following: 126826

(1) Submit the question to the electors of the district at 126827  
the next general election; 126828

(2) Send a copy of the petition to the tax commissioner; 126829

(3) If the rate of one or more property tax levies was 126830  
reduced for the duration of the income tax levy pursuant to 126831  
division (B) (2) of section 5748.02 of the Revised Code, request 126832  
that the county auditor certify to the board, in the same manner 126833  
as required for a tax levy under section 5705.03 of the Revised 126834  
Code, an estimate of the levies' annual collections for the 126835  
first year in which the levies are increased, rounded to the 126836  
nearest dollar, and the levies' effective rates for the year 126837  
before the proposed increase and the levies' effective rates for 126838  
the first year that the increase applies, both of which shall be 126839  
expressed in dollars, rounded to the nearest dollar, for each 126840  
one hundred thousand dollars of the county auditor's appraised 126841  
value. 126842

The county auditor shall certify such information to the 126843  
board of elections within ten days after receiving the board's 126844  
request. If a school district is located in more than one 126845  
county, the county auditor shall obtain from the county auditor 126846  
of each other county in which the district is located the tax 126847  
valuation applicable to the portion of the district in that 126848  
county. 126849

The election shall be conducted, canvassed, and certified 126850  
in the same manner as regular elections for county offices in 126851

the county. Notice of the election shall be published in a newspaper of general circulation in the district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election. The notice shall state the time and place of the election and the question to be submitted to the electors. The form of the ballot cast at the election shall be as follows:

"Shall the annual income tax of \_\_\_\_\_ per cent, currently levied on the school district income of individuals ~~and estates~~ by \_\_\_\_\_ (state the name of the school district) for the purpose of \_\_\_\_\_ (state purpose of the tax), be repealed?

	For repeal of the income tax	
	Against repeal of the income tax	"

(B) (1) If the tax is imposed on taxable income as defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax currently is levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals ~~and estates~~."

(2) If the rate of one or more property tax levies was reduced for the duration of the income tax levy pursuant to division (B) (2) of section 5748.02 of the Revised Code, the form of the ballot shall be modified by adding the following language immediately after "repealed": ", and shall the rate of an existing tax on property for the purpose of current expenses,



which rate was reduced for the duration of the income tax, be 126879  
INCREASED from \_\_\_\_\_ mills to \_\_\_\_\_ mills for each \$1 of taxable 126880  
value which amounts to an increase from \$\_\_\_\_\_ (effective rate) 126881  
to \$\_\_\_\_\_ (effective rate) for each \$100,000 of the county 126882  
auditor's appraised value, that the county auditor estimates 126883  
will collect \$\_\_\_\_\_ annually, beginning in \_\_\_\_\_ (state the 126884  
first year for which the rate of the property tax will 126885  
increase)." In lieu of "for repeal of the income tax" and 126886  
"against repeal of the income tax," the phrases "for the issue" 126887  
and "against the issue," respectively, shall be substituted. 126888

(3) If the rate of more than one property tax was reduced 126889  
for the duration of the income tax, the ballot language shall be 126890  
modified accordingly to express the rates at which those taxes 126891  
currently are levied and the rates to which the taxes would be 126892  
increased. 126893

(C) The question covered by the petition shall be 126894  
submitted as a separate proposition, but it may be printed on 126895  
the same ballot with any other proposition submitted at the same 126896  
election other than the election of officers. If a majority of 126897  
the qualified electors voting on the question vote in favor of 126898  
it, the result shall be certified immediately after the canvass 126899  
by the board of elections to the board of education of the 126900  
school district and the tax commissioner, who shall thereupon, 126901  
after the current year, cease to levy the tax, except that if 126902  
notes have been issued pursuant to section 5748.05 of the 126903  
Revised Code the tax commissioner shall continue to levy and 126904  
collect under authority of the election authorizing the levy an 126905  
annual amount, rounded upward to the nearest one-fourth of one 126906  
per cent, as will be sufficient to pay the debt charges on the 126907  
notes as they fall due. 126908

(D) If a school district income tax repealed pursuant to 126909  
this section was approved in conjunction with a reduction in the 126910  
rate of one or more school district property taxes as provided 126911  
in division (B) (2) of section 5748.02 of the Revised Code, then 126912  
each such property tax may be levied after the current year at 126913  
the rate at which it could be levied prior to the reduction, 126914  
subject to any adjustments required by the county budget 126915  
commission pursuant to Chapter 5705. of the Revised Code. Upon 126916  
the repeal of a school district income tax under this section, 126917  
the board of education may resume levying a property tax, the 126918  
rate of which has been reduced pursuant to a question approved 126919  
under section 5748.02 of the Revised Code, at the rate the board 126920  
originally was authorized to levy the tax. A reduction in the 126921  
rate of a property tax under section 5748.02 of the Revised Code 126922  
is a reduction in the rate at which a board of education may 126923  
levy that tax only for the period during which a school district 126924  
income tax is levied prior to any repeal pursuant to this 126925  
section. The resumption of the authority to levy the tax upon 126926  
such a repeal does not constitute a tax levied in excess of the 126927  
one per cent limitation prescribed by Section 2 of Article XII, 126928  
Ohio Constitution, or in excess of the ten-mill limitation. 126929

(E) This section does not apply to school district income 126930  
tax levies that are levied for five or fewer years. 126931

**Sec. 5748.08.** (A) The board of education of a city, local, 126932  
or exempted village school district, at any time by a vote of 126933  
two-thirds of all its members, may declare by resolution that it 126934  
may be necessary for the school district to do all of the 126935  
following: 126936

(1) Raise a specified amount of money for school district 126937  
purposes by levying an annual tax on school district income; 126938

(2) Issue general obligation bonds for permanent 126939  
improvements, stating in the resolution the necessity and 126940  
purpose of the bond issue and the amount, approximate date, 126941  
estimated rate of interest, and maximum number of years over 126942  
which the principal of the bonds may be paid; 126943

(3) Levy a tax outside the ten-mill limitation to pay debt 126944  
charges on the bonds and any anticipatory securities; 126945

(4) Submit the question of the school district income tax 126946  
and bond issue to the electors of the district at a special 126947  
election. 126948

The resolution shall specify whether the income that is to 126949  
be subject to the tax is taxable income ~~of individuals and~~ 126950  
~~estates as defined in divisions (E) (1) (a) and division (E) (1) or~~ 126951  
~~(2) of section 5748.01 of the Revised Code or taxable income of~~ 126952  
~~individuals as defined in division (E) (1) (b) of that section.~~ 126953

On adoption of the resolution, the board shall certify a 126954  
copy of it to the tax commissioner and the county auditor no 126955  
later than one hundred five days prior to the date of the 126956  
special election at which the board intends to propose the 126957  
income tax and bond issue. Not later than ten days of receipt of 126958  
the resolution, the tax commissioner, in the same manner as 126959  
required by division (A) of section 5748.02 of the Revised Code, 126960  
shall estimate the rates designated in divisions (A) (1) and (2) 126961  
of that section and certify them to the board. Not later than 126962  
ten days of receipt of the resolution, the county auditor shall 126963  
estimate and certify to the board the average annual property 126964  
tax rate required throughout the stated maturity of the bonds to 126965  
pay debt charges on the bonds, in the same manner as under 126966  
division (C) of section 133.18 of the Revised Code. 126967

(B) On receipt of the tax commissioner's and county auditor's certifications prepared under division (A) of this section, the board of education of the city, local, or exempted village school district, by a vote of two-thirds of all its members, may adopt a resolution proposing for a specified number of years or for a continuing period of time the levy of an annual tax for school district purposes on school district income and declaring that the amount of taxes that can be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the present and future requirements of the school district; that it is necessary to issue general obligation bonds of the school district for specified permanent improvements and to levy an additional tax in excess of the ten-mill limitation to pay the debt charges on the bonds and any anticipatory securities; and that the question of the bonds and taxes shall be submitted to the electors of the school district at a special election, which shall not be earlier than ninety days after certification of the resolution to the board of elections, and the date of which shall be consistent with section 3501.01 of the Revised Code. The resolution shall specify all of the following:

(1) The purpose for which the school district income tax is to be imposed and the rate of the tax, which shall be the rate set forth in the tax commissioner's certification rounded to the nearest one-fourth of one per cent;

(2) Whether the income that is to be subject to the tax is taxable income ~~of individuals and estates as defined in divisions (E)(1)(a) and~~ division (E)(1) or (2) of section 5748.01 of the Revised Code ~~or taxable income of individuals as defined in division (E)(1)(b) of that section.~~ The specification shall be the same as the specification in the resolution adopted

and certified under division (A) of this section. 126999

(3) The number of years the tax will be levied, or that it 127000  
will be levied for a continuing period of time; 127001

(4) The date on which the tax shall take effect, which 127002  
shall be the first day of January of any year following the year 127003  
in which the question is submitted; 127004

(5) The amount of the estimated average annual property 127005  
tax levy, expressed in mills for each one dollar of taxable 127006  
value and dollars for each one hundred thousand dollars of the 127007  
county auditor's appraised value, as certified by the county 127008  
auditor under division (A) of this section. 127009

(C) A resolution adopted under division (B) of this 127010  
section shall go into immediate effect upon its passage, and no 127011  
publication of the resolution shall be necessary other than that 127012  
provided for in the notice of election. Immediately after its 127013  
adoption and at least ninety days prior to the election at which 127014  
the question will appear on the ballot, the board of education 127015  
shall certify a copy of the resolution, along with copies of the 127016  
auditor's estimate and its resolution under division (A) of this 127017  
section, to the board of elections of the proper county. The 127018  
board of education shall send to the tax commissioner a copy of 127019  
the resolution adopted under division (B) of this section and 127020  
certified to the board of elections. The board of elections 127021  
shall make the arrangements for the submission of the question 127022  
to the electors of the school district, and the election shall 127023  
be conducted, canvassed, and certified in the same manner as 127024  
regular elections in the district for the election of county 127025  
officers. 127026

The resolution shall be put before the electors as one 127027

ballot question, with a majority vote indicating approval of the 127028  
school district income tax, the bond issue, and the levy to pay 127029  
debt charges on the bonds and any anticipatory securities. The 127030  
board of elections shall publish the notice of the election in a 127031  
newspaper of general circulation in the school district once a 127032  
week for two consecutive weeks, or as provided in section 7.16 127033  
of the Revised Code, prior to the election. If the board of 127034  
elections operates and maintains a web site, it also shall post 127035  
notice of the election on its web site for thirty days prior to 127036  
the election. The notice of election shall state all of the 127037  
following: 127038

(1) The questions to be submitted to the electors; 127039

(2) The rate of the school district income tax; 127040

(3) The principal amount of the proposed bond issue; 127041

(4) The permanent improvements for which the bonds are to 127042  
be issued; 127043

(5) The maximum number of years over which the principal 127044  
of the bonds may be paid; 127045

(6) The estimated additional average annual property tax 127046  
rate to pay the debt charges on the bonds, as certified by the 127047  
county auditor, and expressed in mills for each one dollar of 127048  
taxable value and in dollars for each one hundred thousand 127049  
dollars of the county auditor's appraised value; 127050

(7) The time and place of the special election. 127051

(D) The form of the ballot on a question submitted to the 127052  
electors under this section shall be as follows: 127053

"Shall the \_\_\_\_\_ school district be authorized to do 127054  
both of the following: 127055

(1) Impose an annual income tax of \_\_\_\_\_ (state the proposed rate of tax) on the school district income of individuals ~~and of estates~~, for \_\_\_\_\_ (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning \_\_\_\_\_ (state the date the tax would first take effect), for the purpose of \_\_\_\_\_ (state the purpose of the tax)?

(2) Issue bonds for the purpose of \_\_\_\_\_ in the principal amount of \$\_\_\_\_\_, to be repaid annually over a maximum period of \_\_\_\_\_ years, and levy a property tax outside the ten-mill limitation estimated by the county auditor to average over the bond repayment period \_\_\_\_\_ mills for each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of the county auditor's appraised value, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?

	FOR THE INCOME TAX AND BOND ISSUE
	AGAINST THE INCOME TAX AND BOND ISSUE

"

(E) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals ~~and of estates~~."

(F) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located.

If a majority of the electors voting on the question vote in favor of it, the income tax and the applicable provisions of Chapter 5747. of the Revised Code shall take effect on the date specified in the resolution, and the board of education may proceed with issuance of the bonds and with the levy and collection of the property taxes to pay debt charges on the bonds, at the additional rate or any lesser rate in excess of the ten-mill limitation. Any securities issued by the board of education under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code.

(G) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(H) The question of repeal of a school district income tax levied for more than five years may be initiated and submitted in accordance with section 5748.04 of the Revised Code.

(I) No board of education shall submit a question under this section to the electors of the school district more than twice in any calendar year. If a board submits the question twice in any calendar year, one of the elections on the question shall be held on the date of the general election.

**Sec. 5748.081.** A board of education of a school district that, under divisions (A) (1), (D) (1), and (E) of section 5748.08 or under section 5748.09 of the Revised Code, levies a tax on



the school district income of individuals ~~and estates~~ as defined 127113  
in divisions (G) and ~~(E) (1) (a) and (2)~~ (E) (1) of section 5748.01 127114  
of the Revised Code may replace that tax with a tax on ~~the~~ 127115  
school district income ~~of individuals~~ as defined in divisions 127116  
~~(G) (1)~~ (G) and ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised 127117  
Code by following the procedure outlined in, and subject to the 127118  
conditions specified in, section 5748.021 of the Revised Code, 127119  
as if the existing tax levied under section 5748.08 or 5748.09 127120  
were levied under section 5748.02 of the Revised Code. The tax 127121  
commissioner and the board of elections shall perform duties in 127122  
response to the actions of the board of education under this 127123  
section as directed in section 5748.021 of the Revised Code. 127124

**Sec. 5748.09.** (A) The board of education of a city, local, 127125  
or exempted village school district, at any time by a vote of 127126  
two-thirds of all its members, may declare by resolution that it 127127  
may be necessary for the school district to do all of the 127128  
following: 127129

(1) Raise a specified amount of money for school district 127130  
purposes by levying an annual tax on school district income; 127131

(2) Levy an additional property tax in excess of the ten- 127132  
mill limitation for the purpose of providing for the necessary 127133  
requirements of the district, stating in the resolution the 127134  
amount of money to be raised each year for such purpose; 127135

(3) Submit the question of the school district income tax 127136  
and property tax to the electors of the district at a special 127137  
election. 127138

The resolution shall specify whether the income that is to 127139  
be subject to the tax is taxable income ~~of individuals and~~ 127140  
~~estates~~ as defined in ~~divisions (E) (1) (a) and~~ division (E) (1) or 127141

(2) of section 5748.01 of the Revised Code ~~or taxable income of~~ 127142  
~~individuals as defined in division (E) (1) (b) of that section.~~ 127143

On adoption of the resolution, the board shall certify a 127144  
copy of it to the tax commissioner and the county auditor not 127145  
later than one hundred days prior to the date of the special 127146  
election at which the board intends to propose the income tax 127147  
and property tax. Not later than ten days after receipt of the 127148  
resolution, the tax commissioner, in the same manner as required 127149  
by division (A) of section 5748.02 of the Revised Code, shall 127150  
estimate the rates designated in divisions (A) (1) and (2) of 127151  
that section and certify them to the board. Not later than ten 127152  
days after receipt of the resolution, the county auditor, in the 127153  
same manner as required by section 5705.195 of the Revised Code, 127154  
shall make the calculation specified in that section and certify 127155  
it to the board. 127156

(B) On receipt of the tax commissioner's and county 127157  
auditor's certifications prepared under division (A) of this 127158  
section, the board of education of the city, local, or exempted 127159  
village school district, by a vote of two-thirds of all its 127160  
members, may adopt a resolution declaring that the amount of 127161  
taxes that can be raised by all tax levies the district is 127162  
authorized to impose, when combined with state and federal 127163  
revenues, will be insufficient to provide an adequate amount for 127164  
the present and future requirements of the school district, and 127165  
that it is therefore necessary to levy, for a specified number 127166  
of years or for a continuing period of time, an annual tax for 127167  
school district purposes on school district income, and to levy, 127168  
for a specified number of years not exceeding ten or for a 127169  
continuing period of time, an additional property tax in excess 127170  
of the ten-mill limitation for the purpose of providing for the 127171  
necessary requirements of the district, and declaring that the 127172

question of the school district income tax and property tax 127173  
shall be submitted to the electors of the school district at a 127174  
special election, which shall not be earlier than ninety days 127175  
after certification of the resolution to the board of elections, 127176  
and the date of which shall be consistent with section 3501.01 127177  
of the Revised Code. The resolution shall specify all of the 127178  
following: 127179

(1) The purpose for which the school district income tax 127180  
is to be imposed and the rate of the tax, which shall be the 127181  
rate set forth in the tax commissioner's certification rounded 127182  
to the nearest one-fourth of one per cent; 127183

(2) Whether the income that is to be subject to the tax is 127184  
taxable income ~~of individuals and estates~~ as defined in 127185  
~~divisions (E) (1) (a) and division (E) (1) or (2) of section~~ 127186  
5748.01 of the Revised Code ~~or taxable income of individuals as~~ 127187  
~~defined in division (E) (1) (b) of that section.~~ The specification 127188  
shall be the same as the specification in the resolution adopted 127189  
and certified under division (A) of this section. 127190

(3) The number of years the school district income tax 127191  
will be levied, or that it will be levied for a continuing 127192  
period of time; 127193

(4) The date on which the school district income tax shall 127194  
take effect, which shall be the first day of January of any year 127195  
following the year in which the question is submitted; 127196

(5) The amount of money it is necessary to raise for the 127197  
purpose of providing for the necessary requirements of the 127198  
district for each year the property tax is to be imposed; 127199

(6) The number of years the property tax will be levied, 127200  
or that it will be levied for a continuing period of time; 127201

(7) The tax list upon which the property tax shall be 127202  
first levied, which may be the current year's tax list; 127203

(8) The amount of the average tax levy, expressed in 127204  
dollars for each one hundred thousand dollars of the county 127205  
auditor's appraised value as well as in mills for each one 127206  
dollar of taxable value, estimated by the county auditor under 127207  
division (A) of this section. 127208

(C) A resolution adopted under division (B) of this 127209  
section shall go into immediate effect upon its passage, and no 127210  
publication of the resolution shall be necessary other than that 127211  
provided for in the notice of election. Immediately after its 127212  
adoption and at least ninety days prior to the election at which 127213  
the question will appear on the ballot, the board of education 127214  
shall certify a copy of the resolution, along with copies of the 127215  
county auditor's certification and the resolution under division 127216  
(A) of this section, to the board of elections of the proper 127217  
county. The board of education shall send to the tax 127218  
commissioner a copy of the resolution adopted under division (B) 127219  
of this section and certified to the board of elections. The 127220  
board of education shall make the arrangements for the 127221  
submission of the question to the electors of the school 127222  
district, and the election shall be conducted, canvassed, and 127223  
certified in the same manner as regular elections in the 127224  
district for the election of county officers. 127225

The resolution shall be put before the electors as one 127226  
ballot question, with a majority vote indicating approval of the 127227  
school district income tax and the property tax. The board of 127228  
elections shall publish the notice of the election in a 127229  
newspaper of general circulation in the school district once a 127230  
week for two consecutive weeks, or as provided in section 7.16 127231

of the Revised Code, prior to the election. If the board of 127232  
elections operates and maintains a web site, ~~also the board~~ 127233  
shall also post the notice of the election on its web site for 127234  
thirty days prior to the election. The notice of the election 127235  
shall state all of the following: 127236

(1) The questions to be submitted to the electors as a 127237  
single ballot question; 127238

(2) The rate of the school district income tax; 127239

(3) The number of years the school district income tax 127240  
will be levied or that it will be levied for a continuing period 127241  
of time; 127242

(4) The annual proceeds of the proposed property tax levy 127243  
for the purpose of providing for the necessary requirements of 127244  
the district; 127245

(5) The number of years during which the property tax levy 127246  
shall be levied, or that it shall be levied for a continuing 127247  
period of time; 127248

(6) The estimated average additional tax rate of the 127249  
property tax, expressed in dollars for each one hundred thousand 127250  
dollars of the county auditor's appraised value as well as in 127251  
mills for each one dollar of taxable value, outside the 127252  
limitation imposed by Section 2 of Article XII, Ohio 127253  
Constitution, as certified by the county auditor; 127254

(7) The time and place of the special election. 127255

(D) The form of the ballot on a question submitted to the 127256  
electors under this section shall be as follows: 127257

"Shall the \_\_\_\_\_ school district be authorized to do both 127258  
of the following: 127259

(1) Impose an annual income tax of \_\_\_\_\_ (state the  
proposed rate of tax) on the school district income of  
individuals ~~and of estates~~, for \_\_\_\_\_ (state the number of  
years the tax would be levied, or that it would be levied for a  
continuing period of time), beginning \_\_\_\_\_ (state the date  
the tax would first take effect), for the purpose of \_\_\_\_\_  
(state the purpose of the tax)?

(2) Impose a property tax levy outside of the ten-mill  
limitation for the purpose of providing for the necessary  
requirements of the district in the sum of \$ \_\_\_\_\_  
(here insert annual amount the levy is to produce), estimated by  
the county auditor to average \_\_\_\_\_ mills for each \$1  
of taxable value, which amounts to \$ \_\_\_\_\_ for each  
\$100,000 of the county auditor's appraised value, for  
\_\_\_\_\_ (state the number of years the tax is to be  
imposed or that it will be imposed for a continuing period of  
time), commencing in \_\_\_\_\_ (first year the tax is to be  
levied), first due in calendar year \_\_\_\_\_ (first calendar  
year in which the tax shall be due)?

	FOR THE INCOME TAX AND PROPERTY TAX	
	AGAINST THE INCOME TAX AND PROPERTY TAX	"

If the question submitted to electors proposes a school  
district income tax only on the taxable income of individuals as  
defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the  
Revised Code, the form of the ballot shall be modified by  
stating that the tax is to be levied on the "earned income of  
individuals residing in the school district" in lieu of the  
"school district income of individuals ~~and of estates.~~"

(E) The board of elections promptly shall certify the 127287  
results of the election to the tax commissioner and the county 127288  
auditor of the county in which the school district is located. 127289  
If a majority of the electors voting on the question vote in 127290  
favor of it: 127291

(1) The income tax and the applicable provisions of 127292  
Chapter 5747. of the Revised Code shall take effect on the date 127293  
specified in the resolution. 127294

(2) The board of education of the school district may make 127295  
the additional property tax levy necessary to raise the amount 127296  
specified on the ballot for the purpose of providing for the 127297  
necessary requirements of the district. The property tax levy 127298  
shall be included in the next tax budget that is certified to 127299  
the county budget commission. 127300

(F) (1) After approval of a question under this section, 127301  
the board of education may anticipate a fraction of the proceeds 127302  
of the school district income tax in accordance with section 127303  
5748.05 of the Revised Code. Any anticipation notes under this 127304  
division shall be issued as provided in section 133.24 of the 127305  
Revised Code, shall have principal payments during each year 127306  
after the year of their issuance over a period not to exceed 127307  
five years, and may have a principal payment in the year of 127308  
their issuance. 127309

(2) After the approval of a question under this section 127310  
and prior to the time when the first tax collection from the 127311  
property tax levy can be made, the board of education may 127312  
anticipate a fraction of the proceeds of the levy and issue 127313  
anticipation notes in an amount not exceeding the total 127314  
estimated proceeds of the levy to be collected during the first 127315  
year of the levy. Any anticipation notes under this division 127316

shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(G) (1) The question of repeal of a school district income tax levied for more than five years may be initiated and submitted in accordance with section 5748.04 of the Revised Code.

(2) A property tax levy for a continuing period of time may be reduced in the manner provided under section 5705.261 of the Revised Code.

(H) No board of education shall submit a question under this section to the electors of the school district more than twice in any calendar year. If a board submits the question twice in any calendar year, one of the elections on the question shall be held on the date of the general election.

(I) If the electors of the school district approve a question under this section, and if the last calendar year the school district income tax is in effect and the last calendar year of collection of the property tax are the same, the board of education of the school district may propose to submit under this section the combined question of a school district income tax to take effect upon the expiration of the existing income tax and a property tax to be first collected in the calendar year after the calendar year of last collection of the existing property tax, and specify in the resolutions adopted under this section that the proposed taxes would renew the existing taxes. The form of the ballot on a question submitted to the electors under division (I) of this section shall be as follows:



"Shall the \_\_\_\_\_ school district be authorized to do 127346  
both of the following: 127347

(1) Impose an annual income tax of \_\_\_\_\_ (state the 127348  
proposed rate of tax) on the school district income of 127349  
individuals ~~and of estates~~ to renew an income tax expiring at 127350  
the end of \_\_\_\_\_ (state the last year the existing income tax 127351  
may be levied) for \_\_\_\_\_ (state the number of years the tax 127352  
would be levied, or that it would be levied for a continuing 127353  
period of time), beginning \_\_\_\_\_ (state the date the tax would 127354  
first take effect), for the purpose of \_\_\_\_\_ (state the 127355  
purpose of the tax)? 127356

(2) Impose a property tax levy renewing an existing levy 127357  
outside of the ten-mill limitation for the purpose of providing 127358  
for the necessary requirements of the district in the sum of 127359  
\$\_\_\_\_\_ (here insert annual amount the levy is to 127360  
produce), estimated by the county auditor to average 127361  
\_\_\_\_\_ mills for each \$1 of taxable value, which 127362  
amounts to \$\_\_\_\_\_ for each \$100,000 of the county 127363  
auditor's appraised value, for \_\_\_\_\_ (state the number 127364  
of years the tax is to be imposed or that it will be imposed for 127365  
a continuing period of time), commencing in \_\_\_\_\_ (first 127366  
year the tax is to be levied), first due in calendar year 127367  
\_\_\_\_\_ (first calendar year in which the tax shall be 127368  
due)? 127369

	FOR THE INCOME TAX AND PROPERTY TAX
	AGAINST THE INCOME TAX AND PROPERTY TAX

"

If the question submitted to electors proposes a school 127371  
district income tax only on the taxable income of individuals as 127372

defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the 127373  
Revised Code, the form of the ballot shall be modified by 127374  
stating that the tax is to be levied on the "earned income of 127375  
individuals residing in the school district" in lieu of the 127376  
"school district income of individuals ~~and of estates.~~" 127377

(J) (1) If the electors of the school district approve a 127378  
question under this section, and if the last calendar year the 127379  
school district income tax is in effect and the last calendar 127380  
year in which the property tax is collected are the same, the 127381  
board of education of the school district may propose to submit 127382  
under this section the combined question of all of the 127383  
following: 127384

(a) The renewal of the school district income tax levied 127385  
under this section, to take effect upon the expiration of the 127386  
existing income tax; 127387

(b) The renewal of the property tax levied under this 127388  
section, to be levied beginning in the tax year after the tax 127389  
year in which the existing property tax expires; 127390

(c) The renewal of a property tax levied under section 127391  
5705.194 of the Revised Code, regardless of the year it expires, 127392  
to be levied beginning in the same tax year that the tax 127393  
described in division (J) (1) (b) of this section is first levied. 127394

If the combined question is approved, the existing tax 127395  
levied under section 5705.194 of the Revised Code may not be 127396  
levied for the first tax year the renewal tax is levied or any 127397  
following tax year. 127398

(2) In its resolution to be submitted to the tax 127399  
commissioner and county auditor, the board of education shall 127400  
include, in addition to the applicable requirements of division 127401

(A) of this section, a declaration of the necessity for the 127402  
renewal of the property tax levied under section 5705.194 of the 127403  
Revised Code, the purpose of the tax as specified under that 127404  
section, and the necessity of the submission of the question of 127405  
the renewal of the school district income tax and both property 127406  
taxes to the electors of the district at a special election. Not 127407  
later than ten days after receipt of the resolution, the county 127408  
auditor shall make a separate calculation and certification with 127409  
respect to the renewal tax described in division (J) (1) (c) of 127410  
this section in the same manner as required by section 5705.195 127411  
of the Revised Code. 127412

In its resolution adopted upon receipt of the 127413  
commissioner's and county auditor's certifications, the board of 127414  
education shall include, in addition to the applicable 127415  
requirements of division (B) of this section, a declaration that 127416  
the amount of taxes that can be raised by all tax levies the 127417  
district is authorized to impose, when combined with state and 127418  
federal revenues, will be insufficient to provide an adequate 127419  
amount for the present and future requirements of the school 127420  
district, and that it is therefore necessary to renew the 127421  
existing property tax being levied in excess of the ten-mill 127422  
limitation under section 5705.194 of the Revised Code for the 127423  
purpose as specified in that section, for a specified number of 127424  
years not exceeding ten or for a continuing period of time, and 127425  
that the question of the renewal of the school district income 127426  
tax and of both property taxes shall be submitted to the 127427  
electors of the school district at a special election as 127428  
described in division (B) of this section. With respect to the 127429  
renewal tax described in division (J) (1) (c) of this section, the 127430  
resolution shall specify the amount of money it is necessary to 127431  
raise for the specified purpose for each calendar year the 127432

millage is to be imposed, the tax year that tax is to be first 127433  
levied, and the estimated rate of that tax, expressed in dollars 127434  
for each one hundred thousand dollars of the county auditor's 127435  
appraised value as well as in mills for each one dollar of 127436  
taxable value, as certified by the county auditor. 127437

(3) In addition to the requirements of division (C) of 127438  
this section, the notice of election shall separately state, 127439  
with respect to the renewal tax described in division (J) (1) (c) 127440  
of this section, the annual proceeds of the proposed levy for 127441  
the specified purpose; the number of years the proposed tax will 127442  
be levied, or that it shall be levied for a continuing period of 127443  
time; and the estimated rate of the proposed levy, expressed in 127444  
dollars for each one hundred thousand dollars of the county 127445  
auditor's appraised value as well as in mills for each one 127446  
dollar of taxable value, as certified by the county auditor. 127447

(4) The form of the ballot on a question submitted to the 127448  
electors under division (J) of this section shall be identical 127449  
to the form of the ballot prescribed in division (I) of this 127450  
section, except that the following shall be added after the 127451  
third paragraph and in place of the voting box: "(3) Impose a 127452  
property tax levy renewing an existing levy outside of the ten- 127453  
mill limitation for the purpose of \_\_\_\_\_ (here insert 127454  
purpose of levy as specified in section 5705.194 of the Revised 127455  
Code and determined by the board of education) in the sum of \$ 127456  
\_\_\_\_\_ (here insert annual amount the levy is to produce), 127457  
estimated by the county auditor to average \_\_\_\_\_ mills for 127458  
each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for each 127459  
\$100,000 of the county auditor's appraised value, for \_\_\_\_\_ 127460  
(state the number of years the tax is to be imposed or that it 127461  
will be imposed for a continuing period of time), commencing in 127462  
\_\_\_\_\_ (first year the tax is to be levied), first due in 127463

calendar year \_\_\_\_\_ (first calendar year in which the tax shall be due)? 127464  
127465  
127466

	FOR THE INCOME TAX AND PROPERTY TAXES
	AGAINST THE INCOME TAX AND PROPERTY TAXES " "

If the existing property tax being levied under section 5705.194 of the Revised Code is scheduled to expire in a tax year different from that of the existing property tax being levied under this section, the form of the ballot shall be modified by adding the following statement at the end of the paragraph prescribed in this division: "If approved, any remaining tax years on the existing levy will not be levied after tax year \_\_\_\_\_ (last tax year the tax will be levied), last due in \_\_\_\_\_ (last calendar year in which the tax shall be due)."

(5) If a majority of the electors voting on the question submitted under division (J) of this section vote in favor of it, the board of education of the school district may, in addition to any other authorization in the Revised Code and prior to the time when the first tax collection from the renewal tax levy can be made, anticipate a fraction of the proceeds of the renewal levy described in division (J)(1)(c) of this section and issue anticipation notes in an amount not exceeding the total estimated proceeds of the levy to be collected during the first year of the levy. Any such anticipation notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(K) The question of a renewal levy under division (I) or 127491  
(J) of this section shall not be placed on the ballot unless the 127492  
question is submitted on a date on which a special election may 127493  
be held under section 3501.01 of the Revised Code, except for 127494  
the first Tuesday after the first Monday in August, during the 127495  
last year the existing property tax levy described in division 127496  
(J) (1) (b) of this section may be extended on the real and public 127497  
utility property tax list and duplicate, or at any election held 127498  
in the ensuing year. 127499

The failure by the electors to approve the question of a 127500  
renewal levy under division (I) or (J) of this section does not 127501  
terminate the authority previously granted by the electors to 127502  
levy the taxes proposed to be renewed for their previously 127503  
approved duration. 127504

(L) If the electors of the school district approve a 127505  
question under this section, the board of education of the 127506  
school district may propose to renew any of the existing taxes 127507  
as individual ballot questions in accordance with section 127508  
5748.02 of the Revised Code, for the school district income tax, 127509  
or section 5705.194 of the Revised Code, for the property tax or 127510  
taxes. 127511

**Sec. 5749.02.** (A) For the purpose of providing revenue to 127512  
administer the state's coal mining and reclamation regulatory 127513  
program, to meet the environmental and resource management needs 127514  
of this state, and to reclaim land affected by mining, an excise 127515  
tax is hereby levied on the privilege of engaging in the 127516  
severance of natural resources from the soil or water of this 127517  
state. The tax shall be imposed upon the severer at the rates 127518  
prescribed by this section: 127519

(1) ~~Ten~~Eight cents per ton of coal; 127520

(2) Four cents per ton of salt;	127521
(3) Two cents per ton of limestone or dolomite;	127522
(4) Two cents per ton of sand and gravel;	127523
(5) Ten cents per barrel of oil;	127524
(6) Two and one-half cents per thousand cubic feet of natural gas;	127525 127526
(7) One cent per ton of clay, sandstone or conglomerate, shale, gypsum, or quartzite;	127527 127528
(8) Except as otherwise provided in this division or in rules adopted by the reclamation forfeiture fund advisory board under section 1513.182 of the Revised Code, an additional fourteen cents per ton of coal produced from an area under a coal mining and reclamation permit issued under Chapter 1513. of the Revised Code for which the performance security is provided under division (C) (2) of section 1513.08 of the Revised Code. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the reclamation forfeiture fund created in section 1513.18 of the Revised Code is equal to or greater than ten million dollars, the rate levied shall be twelve cents per ton. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the fund is at least five million dollars, but less than ten million dollars, the rate levied shall be fourteen cents per ton. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the fund is less than five million dollars, the rate levied shall be sixteen cents per ton. Beginning July 1, 2009, not later than thirty days after the close of a fiscal biennium, the chief of the division of mineral resources management shall certify to the tax commissioner the amount of the balance of the reclamation forfeiture fund as of	127529 127530 127531 127532 127533 127534 127535 127536 127537 127538 127539 127540 127541 127542 127543 127544 127545 127546 127547 127548 127549

the close of the fiscal biennium. Any necessary adjustment of 127550  
the rate levied shall take effect on the first day of the 127551  
following January and shall remain in effect during the calendar 127552  
biennium that begins on that date. 127553

(9) An additional one and two-tenths cents per ton of coal 127554  
mined by surface mining methods. 127555

(B) After the director of budget and management transfers 127556  
money from the severance tax receipts fund as required in 127557  
division (H) of section 5749.06 of the Revised Code, money 127558  
remaining in the severance tax receipts fund, except for money 127559  
in the fund from the amounts due under section 1509.50 of the 127560  
Revised Code, shall be credited as follows: 127561

(1) All of the moneys in the fund from the tax levied in 127562  
division (A) (1) of this section shall be credited to the mining 127563  
regulation and safety fund created in section 1513.30 of the 127564  
Revised Code. 127565

(2) The money in the fund from the tax levied in division 127566  
(A) (2) of this section shall be credited to the mining 127567  
regulation and safety fund. 127568

(3) Of the moneys in the fund from the tax levied in 127569  
divisions (A) (3) and (4) of this section, seven and five-tenths 127570  
per cent shall be credited to the geological mapping fund and 127571  
the remainder shall be credited to the mining regulation and 127572  
safety fund created in section 1513.30 of the Revised Code. 127573

(4) Of the moneys in the fund from the tax levied in 127574  
divisions (A) (5) and (6) of this section, ninety-eighty-six per 127575  
cent shall be credited to the oil and gas well fund and ~~ten-~~ 127576  
fourteen per cent shall be credited to the geological mapping 127577  
fund. 127578



(5) All of the moneys in the fund from the tax levied in 127579  
division (A) (7) of this section shall be credited to the mining 127580  
regulation and safety fund. 127581

(6) All of the moneys in the fund from the tax levied in 127582  
division (A) (8) of this section shall be credited to the 127583  
reclamation forfeiture fund. 127584

(7) All of the moneys in the fund from the tax levied in 127585  
division (A) (9) of this section shall be credited to the mining 127586  
regulation and safety fund. 127587

(C) When, at the close of any fiscal year, the chief finds 127588  
that the balance of the reclamation forfeiture fund, plus the 127589  
estimated revenues from the tax levied by division (A) (8) of 127590  
this section for the remainder of the calendar year that 127591  
includes the close of the fiscal year, are sufficient to 127592  
complete the reclamation of all lands for which the performance 127593  
security has been provided under division (C) (2) of section 127594  
1513.08 of the Revised Code, the purposes for which the tax 127595  
under division (A) (8) of this section is levied shall be deemed 127596  
accomplished at the end of that calendar year. The chief, within 127597  
thirty days after the close of the fiscal year, shall certify 127598  
those findings to the tax commissioner, and the tax levied under 127599  
division (A) (8) of this section shall cease to be imposed for 127600  
the subsequent calendar year after the last day of that calendar 127601  
year on coal produced under a coal mining and reclamation permit 127602  
issued under Chapter 1513. of the Revised Code if the permittee 127603  
has made tax payments under division (A) (8) of this section 127604  
during each of the preceding five full calendar years. Not later 127605  
than thirty days after the close of a fiscal year, the chief 127606  
shall certify to the tax commissioner the identity of any 127607  
permittees who accordingly no longer are required to pay the tax 127608

levied under division (A) (8) of this section for the subsequent 127609  
calendar year. 127610

**Sec. 5749.06.** (A) (1) Each severer liable for the tax 127611  
imposed by section 5749.02 of the Revised Code and each severer 127612  
or owner liable for the amounts due under section 1509.50 of the 127613  
Revised Code, except for any amount due under division (B) (2) of 127614  
that section, shall make and file returns with the tax 127615  
commissioner in the prescribed form and at the prescribed times, 127616  
computing and reflecting therein the tax as required by this 127617  
chapter and amounts due under section 1509.50 of the Revised 127618  
Code. 127619

(2) The returns shall be filed for every calendar quarter, 127620  
as required by this section, unless a different return period is 127621  
prescribed for a taxpayer by the commissioner. 127622

(B) (1) A separate return shall be filed for each calendar 127623  
quarter, or other period, or any part thereof, during which the 127624  
severer holds a permit or has registered as provided by section 127625  
5749.04 of the Revised Code, or is required to hold the permit 127626  
or registration, or during which an owner is required to file a 127627  
return. The return shall be filed on or before the fifteenth day 127628  
of the second month following the end of each return period. The 127629  
tax due is payable along with the return. All such returns shall 127630  
contain such information as the commissioner may require to 127631  
fairly administer the tax. 127632

(2) All returns shall be signed by the severer or owner, 127633  
as applicable, shall contain the full and complete information 127634  
requested, and shall be made under penalty of perjury. 127635

(C) If the commissioner believes that quarterly payments 127636  
of tax would result in a delay that might jeopardize the 127637

collection of such tax payments, the commissioner may order that 127638  
such payments be made weekly, or more frequently if necessary, 127639  
such payments to be made not later than seven days following the 127640  
close of the period for which the jeopardy payment is required. 127641  
Such an order shall be delivered to the taxpayer in the manner 127642  
provided in section 5703.37 of the Revised Code and shall remain 127643  
in effect until the commissioner notifies the taxpayer to the 127644  
contrary. 127645

(D) Upon good cause the commissioner may extend for thirty 127646  
days the period for filing any notice or return required to be 127647  
filed under this section, ~~and may remit all or a part of~~ 127648  
~~penalties that may become due under this chapter.~~ 127649

(E) Any tax and any amount due under section 1509.50 of 127650  
the Revised Code not paid by the day the tax or amount is due 127651  
shall bear interest computed at the rate per annum prescribed by 127652  
section 5703.47 of the Revised Code on that amount due from the 127653  
day that the amount was originally required to be paid to the 127654  
day of actual payment or to the day an assessment was issued 127655  
under section 5749.07 or 5749.10 of the Revised Code, whichever 127656  
occurs first. 127657

(F) A severer or owner, as applicable, that fails to file 127658  
a complete return or pay the full amount due under this chapter 127659  
within the time prescribed, including any extensions of time 127660  
granted by the commissioner, shall be subject to a penalty not 127661  
to exceed the greater of fifty dollars or ten per cent of the 127662  
amount due for the period. 127663

(G) (1) A severer or owner, as applicable, shall remit 127664  
payments electronically and, if required by the commissioner, 127665  
file each return electronically. The commissioner may require 127666  
that the severer or owner use the Ohio business gateway, as 127667

defined in section 718.01 of the Revised Code, or another 127668  
electronic means to file returns and remit payments 127669  
electronically. 127670

(2) A severer or owner that is required to remit payments 127671  
electronically under this section may apply to the commissioner, 127672  
in the manner prescribed by the commissioner, to be excused from 127673  
that requirement. The commissioner may excuse a severer or owner 127674  
from the requirements of division (G) of this section for good 127675  
cause. 127676

(3) If a severer or owner that is required to remit 127677  
payments or file returns electronically under this section fails 127678  
to do so, the commissioner may impose a penalty on the severer 127679  
or owner not to exceed the following: 127680

(a) For the first or second payment or return the severer 127681  
or owner fails to remit or file electronically, the greater of 127682  
five per cent of the amount of the payment that was required to 127683  
be remitted or twenty-five dollars; 127684

(b) For every payment or return after the second that the 127685  
severer or owner fails to remit or file electronically, the 127686  
greater of ten per cent of the amount of the payment that was 127687  
required to be remitted or fifty dollars. 127688

(H) (1) All amounts that the commissioner receives under 127689  
this section shall be deemed to be revenue from taxes imposed 127690  
under this chapter or from the amount due under section 1509.50 127691  
of the Revised Code, as applicable, and shall be deposited in 127692  
the severance tax receipts fund, which is hereby created in the 127693  
state treasury. 127694

(2) The director of budget and management shall transfer 127695  
from the severance tax receipts fund, as necessary, to the tax 127696

refund fund amounts equal to the refunds certified by the 127697  
commissioner under section 5749.08 of the Revised Code. Any 127698  
amount transferred under division (H) (2) of this section shall 127699  
be derived from receipts of the same tax or other amount from 127700  
which the refund arose. 127701

(3) After the director of budget and management makes any 127702  
transfer required by division (H) (2) of this section, but not 127703  
later than the twenty-fifth day of each month, the commissioner 127704  
shall certify to the director the total amount remaining in the 127705  
severance tax receipts fund organized according to the amount 127706  
attributable to each natural resource and according to the 127707  
amount attributable to a tax imposed by this chapter and the 127708  
amounts due under section 1509.50 of the Revised Code, and shall 127709  
provide for payment to the funds specified in division (B) of 127710  
section 5749.02 of the Revised Code. 127711

(I) Penalties imposed under this section are in addition 127712  
to any other penalty imposed under this chapter and shall be 127713  
considered as revenue arising from the tax levied under this 127714  
chapter or the amount due under section 1509.50 of the Revised 127715  
Code, as applicable. The commissioner may collect any penalty or 127716  
interest imposed under this section in the same manner as 127717  
provided for the making of an assessment in section 5749.07 of 127718  
the Revised Code. ~~The commissioner may abate all or a portion of~~ 127719  
~~such interest or penalties and may adopt rules governing such~~ 127720  
~~abatements.~~ 127721

**Sec. 5749.07.** (A) If any severer required by this chapter 127722  
to make and file returns and pay the tax levied by section 127723  
5749.02 of the Revised Code, or any severer or owner liable for 127724  
the amounts due under section 1509.50 of the Revised Code, fails 127725  
to make such return or pay such tax or amounts, the tax 127726

commissioner may make an assessment against the severer or owner 127727  
based upon any information in the commissioner's possession. 127728

No assessment shall be made or issued against any severer 127729  
for any tax imposed by section 5749.02 of the Revised Code or 127730  
against any severer or owner for any amount due under section 127731  
1509.50 of the Revised Code more than four years after the 127732  
return was due or was filed, whichever is later. This section 127733  
does not bar an assessment against a severer or owner who fails 127734  
to file a return as required by this chapter, or who files a 127735  
fraudulent return. 127736

The commissioner shall give the party assessed written 127737  
notice of such assessment in the manner provided in section 127738  
5703.37 of the Revised Code. With the notice, the commissioner 127739  
shall provide instructions on how to petition for reassessment 127740  
and request a hearing on the petition. 127741

(B) Unless the party assessed files with the commissioner 127742  
within sixty days after service of the notice of assessment, ~~7-~~ 127743  
~~either personally or by certified mail,~~ a written petition for 127744  
reassessment signed by the party assessed or that party's 127745  
authorized agent having knowledge of the facts, the assessment 127746  
becomes final and the amount of the assessment is due and 127747  
payable from the party assessed to the treasurer of state. The 127748  
petition shall indicate the objections of the party assessed, 127749  
but additional objections may be raised in writing if received 127750  
by the commissioner prior to the date shown on the final 127751  
determination. If the petition has been properly filed, the 127752  
commissioner shall proceed under section 5703.60 of the Revised 127753  
Code. 127754

(C) After an assessment becomes final, if any portion of 127755  
the assessment remains unpaid, including accrued interest, a 127756

certified copy of the commissioner's entry making the assessment 127757  
final may be filed in the office of the clerk of the court of 127758  
common pleas in the county in which the party assessed resides 127759  
or in which the party's business is conducted. If the party 127760  
assessed maintains no place of business in this state and is not 127761  
a resident of this state, the certified copy of the entry may be 127762  
filed in the office of the clerk of the court of common pleas of 127763  
Franklin county. 127764

Immediately upon the filing of such entry, the clerk shall 127765  
enter a judgment for the state against the party assessed in the 127766  
amount shown on the entry. The judgment may be filed by the 127767  
clerk in a loose-leaf book entitled "special judgments for state 127768  
severance tax," and shall have the same effect as other 127769  
judgments. Execution shall issue upon the judgment upon the 127770  
request of the commissioner, and all laws applicable to sales on 127771  
execution shall apply to sales made under the judgment. 127772

If the assessment is not paid in its entirety within sixty 127773  
days after the day the assessment is issued, the portion of the 127774  
assessment consisting of tax due or amounts due under section 127775  
1509.50 of the Revised Code shall bear interest at the rate per 127776  
annum prescribed by section 5703.47 of the Revised Code from the 127777  
day the commissioner issues the assessment until it is paid or 127778  
until it is certified to the attorney general for collection 127779  
under section 131.02 of the Revised Code, whichever comes first. 127780  
If the unpaid portion of the assessment is certified to the 127781  
attorney general for collection, the entire unpaid portion of 127782  
the assessment shall bear interest at the rate per annum 127783  
prescribed by section 5703.47 of the Revised Code from the date 127784  
of certification until the date it is paid in its entirety. 127785  
Interest shall be paid in the same manner as the tax and may be 127786  
collected by the issuance of an assessment under this section. 127787

(D) All money collected by the commissioner under this 127788  
section shall be paid to the treasurer of state, and when paid 127789  
shall be considered as revenue arising from the tax imposed by 127790  
section 5749.02 of the Revised Code and the amount due under 127791  
section 1509.50 of the Revised Code, as applicable. 127792

**Sec. 5749.15.** Any person who fails to file a return or pay 127793  
the tax as required under this chapter or other amount due under 127794  
section 1509.50 of the Revised Code who is assessed such taxes 127795  
or other amount due pursuant to section 5749.07 or 5749.10 of 127796  
the Revised Code may be liable for a penalty of up to twenty- 127797  
five per cent of the amount assessed. ~~The tax commissioner may~~ 127798  
~~adopt rules relating to the imposition and remission of~~ 127799  
~~penalties imposed under this section.~~ 127800

**Sec. 5751.02.** (A) For the purpose of funding the needs of 127801  
this state and its local governments, there is hereby levied a 127802  
commercial activity tax on each person with taxable gross 127803  
receipts for the privilege of doing business in this state. For 127804  
the purposes of this chapter, "doing business" means engaging in 127805  
any activity, whether legal or illegal, that is conducted for, 127806  
or results in, gain, profit, or income, at any time during a 127807  
calendar year. Persons on which the commercial activity tax is 127808  
levied include, but are not limited to, persons with substantial 127809  
nexus with this state. The tax imposed under this section is not 127810  
a transactional tax and is not subject to Public Law No. 86-272, 127811  
73 Stat. 555. The tax imposed under this section is in addition 127812  
to any other taxes or fees imposed under the Revised Code. The 127813  
tax levied under this section is imposed on the person receiving 127814  
the gross receipts and is not a tax imposed directly on a 127815  
purchaser. The tax imposed by this section is an annual 127816  
privilege tax for the calendar year that contains all tax 127817  
periods in the calendar year. A taxpayer is subject to the 127818



annual privilege tax for doing business during any portion of 127819  
such calendar year. 127820

(B) The tax imposed by this section is a tax on the 127821  
taxpayer and shall not be billed or invoiced to another person. 127822  
Even if the tax or any portion thereof is billed or invoiced and 127823  
separately stated, such amounts remain part of the price for 127824  
purposes of the sales and use taxes levied under Chapters 5739. 127825  
and 5741. of the Revised Code. Nothing in division (B) of this 127826  
section prohibits: 127827

(1) A person from including in the price charged for a 127828  
good or service an amount sufficient to recover the tax imposed 127829  
by this section; or 127830

(2) A lessor from including an amount sufficient to 127831  
recover the tax imposed by this section in a lease payment 127832  
charged, or from including such an amount on a billing or 127833  
invoice pursuant to the terms of a written lease agreement 127834  
providing for the recovery of the lessor's tax costs. The 127835  
recovery of such costs shall be based on an estimate of the 127836  
total tax cost of the lessor during the tax period, as the tax 127837  
liability of the lessor cannot be calculated until the end of 127838  
that period. 127839

(C) (1) The commercial activities tax receipts fund is 127840  
hereby created in the state treasury and shall consist of money 127841  
arising from the tax imposed under this chapter. Sixty-five one- 127842  
hundredths of one per cent of the money credited to that fund 127843  
shall be credited to the revenue enhancement fund and shall be 127844  
used to defray the costs incurred by the department of taxation 127845  
in administering the tax imposed by this chapter and in 127846  
implementing tax reform measures. The remainder of the money in 127847  
the commercial activities tax receipts fund shall first be 127848

credited to the ~~funds~~ fund described in division (C) (2) of this 127849  
section, as provided in that division, and the remainder shall 127850  
be credited to the general revenue fund. 127851

(2) Not later than the twentieth day of February, May, 127852  
August, and November of each year, the commissioner shall 127853  
provide for payment ~~of the following amounts from the commercial~~ 127854  
~~activities tax receipts fund:~~ 127855

~~(a) To~~ to the commercial activity tax motor fuel receipts 127856  
fund, of an amount that bears the same ratio to the balance in 127857  
the commercial activities tax receipts fund that (a) the taxable 127858  
gross receipts attributed to motor fuel used for propelling 127859  
vehicles on public highways as indicated by returns filed by the 127860  
tenth day of that month for a liability that is due and payable 127861  
on or after July 1, 2013, for a tax period ending before July 1, 127862  
2014, bears to (b) all taxable gross receipts as indicated by 127863  
those returns for such liabilities. 127864

~~(b) To the school district tangible property tax~~ 127865  
~~replacement fund, which is hereby created in the state treasury~~ 127866  
~~for the purpose of making the payments described in section~~ 127867  
~~5709.92 of the Revised Code, an amount necessary to make those~~ 127868  
~~payments;~~ 127869

~~(c) To the local government tangible property tax~~ 127870  
~~replacement fund, which is hereby created in the state treasury~~ 127871  
~~for the purpose of making the payments described in section~~ 127872  
~~5709.93 of the Revised Code, an amount necessary to make those~~ 127873  
~~payments.~~ 127874

~~(D) (1) On or after the first day of June of each year, the~~ 127875  
~~director of budget and management may transfer any balance in~~ 127876  
~~the school district tangible property tax replacement fund to~~ 127877

~~the general revenue fund.~~ 127878

~~(2) On or after the first day of June of each year, the  
director of budget and management may transfer any balance in  
the local government tangible property tax replacement fund to  
the general revenue fund.~~ 127879  
127880  
127881  
127882

~~(E) (1)~~ (D) (1) There is hereby created in the state treasury 127883  
the commercial activity tax motor fuel receipts fund. 127884

(2) On or before the fifteenth day of June of each fiscal 127885  
year beginning with fiscal year 2015, the director of the Ohio 127886  
public works commission shall certify to the director of budget 127887  
and management the amount of debt service paid from the general 127888  
revenue fund in the current fiscal year on bonds issued to 127889  
finance or assist in the financing of the cost of local 127890  
subdivision public infrastructure capital improvement projects, 127891  
as provided for in Sections 2k, 2m, 2p, and 2s of Article VIII, 127892  
Ohio Constitution, that are attributable to costs for 127893  
construction, reconstruction, maintenance, or repair of public 127894  
highways and bridges and other statutory highway purposes. That 127895  
certification shall allocate the total amount of debt service 127896  
paid from the general revenue fund and attributable to those 127897  
costs in the current fiscal year according to the applicable 127898  
section of the Ohio Constitution under which the bonds were 127899  
originally issued. 127900

(3) On or before the thirtieth day of June of each fiscal 127901  
year beginning with fiscal year 2015, the director of budget and 127902  
management shall determine an amount up to but not exceeding the 127903  
amount certified under division ~~(E) (2)~~ (D) (2) of this section and 127904  
shall reserve that amount from the cash balance in the petroleum 127905  
activity tax public highways fund or the commercial activity tax 127906  
motor fuel receipts fund for transfer to the general revenue 127907

fund at times and in amounts to be determined by the director. 127908  
The director shall transfer the cash balance in the petroleum 127909  
activity tax public highways fund or the commercial activity tax 127910  
motor fuel receipts fund in excess of the amount so reserved to 127911  
the highway operating fund on or before the thirtieth day of 127912  
June of the current fiscal year. 127913

**Sec. 5751.06.** (A) Any taxpayer that fails to file a return 127914  
or pay the full amount of the tax due within the period 127915  
prescribed therefor under this chapter shall pay a penalty in an 127916  
amount not exceeding the greater of fifty dollars or ten per 127917  
cent of the tax required to be paid for the tax period. 127918

(B) (1) If any additional tax is found to be due, the tax 127919  
commissioner may impose an additional penalty of up to fifteen 127920  
per cent on the additional tax found to be due. 127921

(2) Any delinquent payments of the tax made after a 127922  
taxpayer is notified of an audit or a tax discrepancy by the 127923  
commissioner is subject to the penalty imposed by division (B) 127924  
of this section. If an assessment is issued under section 127925  
5751.09 of the Revised Code in connection with such delinquent 127926  
payments, the payments shall be credited to the assessment. 127927

(C) If the tax commissioner notifies a person required to 127928  
register under section 5751.05 of the Revised Code of such 127929  
requirement and of the requirement to remit the tax due under 127930  
this chapter, and the person fails to so register and remit the 127931  
tax within sixty days after such notice, the tax commissioner 127932  
may impose an additional penalty of up to thirty-five per cent 127933  
of the tax due. The penalty imposed under this division is in 127934  
addition to any other penalties imposed under this section. 127935

(D) The tax commissioner may collect any penalty or 127936

interest imposed by this section in the same manner as the tax 127937  
imposed under this chapter. Penalties and interest so collected 127938  
shall be considered as revenue arising from the tax imposed 127939  
under this chapter. 127940

~~(E) The tax commissioner may abate all or a portion of any 127941  
penalties imposed under this section and may adopt rules 127942  
governing such abatements. 127943~~

~~(F) If any tax due is not timely paid in accordance with 127944  
this chapter, the taxpayer shall pay interest, calculated at the 127945  
rate per annum prescribed by section 5703.47 of the Revised 127946  
Code, from the date the tax payment was due to the date of 127947  
payment or to the date an assessment was issued, whichever 127948  
occurs first. 127949~~

~~(G)~~ (F) The tax commissioner may impose a penalty of up to 127950  
ten per cent for any additional tax that is due under division 127951  
(B) (2) of section 5751.051 of the Revised Code from a taxpayer 127952  
incorrectly reporting its taxable gross receipts. 127953

~~(H)~~ (G) If the tax commissioner discovers that a taxpayer 127954  
has billed or invoiced another person for the tax imposed under 127955  
this chapter in violation of division (B) of section 5751.02 of 127956  
the Revised Code, the tax commissioner shall notify the taxpayer 127957  
of the violation in the manner provided in section 5703.37 of 127958  
the Revised Code and may impose a penalty of up to five hundred 127959  
dollars. If the taxpayer subsequently bills or invoices a person 127960  
for the tax imposed under this chapter, the tax commissioner 127961  
shall impose a penalty of five hundred dollars. 127962

**Sec. 5751.07.** (A) Any person required to file returns 127963  
under this chapter shall remit each tax payment, and, if 127964  
required by the tax commissioner, file the tax return or the 127965

annual report, electronically. The commissioner may require 127966  
taxpayers to use the Ohio business gateway as defined in section 127967  
718.01 of the Revised Code to file returns and remit the tax, or 127968  
may provide another means for taxpayers to file and remit the 127969  
tax electronically. 127970

(B) A person required by this section to remit taxes or 127971  
file returns electronically may apply to the tax commissioner, 127972  
on the form prescribed by the commissioner, to be excused from 127973  
that requirement. The commissioner may excuse a person from the 127974  
requirements of this division for good cause. 127975

(C) (1) If a person required to remit taxes or file a 127976  
return electronically under this section fails to do so, the 127977  
commissioner may impose a penalty not to exceed the following: 127978

(a) For either of the first two tax periods the person so 127979  
fails, the greater of twenty-five dollars or five per cent of 127980  
the amount of the payment that was required to be remitted; 127981

(b) For the third and any subsequent tax periods the 127982  
person so fails, the greater of fifty dollars or ten per cent of 127983  
the amount of the payment that was required to be remitted. 127984

(2) The penalty imposed under division (C) (1) of this 127985  
section is in addition to any other penalty imposed under this 127986  
chapter and shall be considered as revenue arising from the tax 127987  
imposed under this chapter. A penalty may be collected by 127988  
assessment in the manner prescribed by section 5751.09 of the 127989  
Revised Code. ~~The tax commissioner may abate all or a portion of~~ 127990  
~~such a penalty.~~ 127991

(D) The tax commissioner may adopt rules necessary to 127992  
administer this section. 127993

**Sec. 5751.09.** (A) The tax commissioner may make an 127994

assessment, based on any information in the commissioner's 127995  
possession, against any person that fails to file a return or 127996  
pay any tax as required by this chapter. The commissioner shall 127997  
give the person assessed written notice of the assessment as 127998  
provided in section 5703.37 of the Revised Code. With the 127999  
notice, the commissioner shall provide instructions on the 128000  
manner in which to petition for reassessment and request a 128001  
hearing with respect to the petition. The commissioner shall 128002  
send any assessments against consolidated elected taxpayer and 128003  
combined taxpayer groups under section 5751.011 or 5751.012 of 128004  
the Revised Code to the taxpayer's reporting person. The 128005  
reporting person shall notify all members of the group of the 128006  
assessment and all outstanding taxes, interest, and penalties 128007  
for which the assessment is issued. 128008

(B) Unless the person assessed, within sixty days after 128009  
service of the notice of assessment, files with the tax 128010  
commissioner, ~~either personally or by certified mail,~~ a written 128011  
petition signed by the person or the person's authorized agent 128012  
having knowledge of the facts, the assessment becomes final, and 128013  
the amount of the assessment is due and payable from the person 128014  
assessed to the treasurer of state. The petition shall indicate 128015  
the objections of the person assessed, but additional objections 128016  
may be raised in writing if received by the commissioner prior 128017  
to the date shown on the final determination. 128018

If a petition for reassessment has been properly filed, 128019  
the commissioner shall proceed under section 5703.60 of the 128020  
Revised Code. 128021

(C) (1) After an assessment becomes final, if any portion 128022  
of the assessment, including accrued interest, remains unpaid, a 128023  
certified copy of the tax commissioner's entry making the 128024

assessment final may be filed in the office of the clerk of the 128025  
court of common pleas in the county in which the person resides 128026  
or has its principal place of business in this state, or in the 128027  
office of the clerk of court of common pleas of Franklin county. 128028

(2) Immediately upon the filing of the entry, the clerk 128029  
shall enter judgment for the state against the person assessed 128030  
in the amount shown on the entry. The judgment may be filed by 128031  
the clerk in a loose-leaf book entitled, "special judgments for 128032  
the commercial activity tax" and shall have the same effect as 128033  
other judgments. Execution shall issue upon the judgment at the 128034  
request of the tax commissioner, and all laws applicable to 128035  
sales on execution shall apply to sales made under the judgment. 128036

(3) If the assessment is not paid in its entirety within 128037  
sixty days after the day the assessment was issued, the portion 128038  
of the assessment consisting of tax due shall bear interest at 128039  
the rate per annum prescribed by section 5703.47 of the Revised 128040  
Code from the day the tax commissioner issues the assessment 128041  
until it is paid or until it is certified to the attorney 128042  
general for collection under section 131.02 of the Revised Code, 128043  
whichever comes first. If the unpaid portion of the assessment 128044  
is certified to the attorney general for collection, the entire 128045  
unpaid portion of the assessment shall bear interest at the rate 128046  
per annum prescribed by section 5703.47 of the Revised Code from 128047  
the date of certification until the date it is paid in its 128048  
entirety. Interest shall be paid in the same manner as the tax 128049  
and may be collected by the issuance of an assessment under this 128050  
section. 128051

(D) If the tax commissioner believes that collection of 128052  
the tax will be jeopardized unless proceedings to collect or 128053  
secure collection of the tax are instituted without delay, the 128054



commissioner may issue a jeopardy assessment against the person 128055  
liable for the tax. Immediately upon the issuance of the 128056  
jeopardy assessment, the commissioner shall file an entry with 128057  
the clerk of the court of common pleas in the manner prescribed 128058  
by division (C) of this section. Notice of the jeopardy 128059  
assessment shall be served on the person assessed or the 128060  
person's authorized agent in the manner provided in section 128061  
5703.37 of the Revised Code within five days of the filing of 128062  
the entry with the clerk. The total amount assessed is 128063  
immediately due and payable, unless the person assessed files a 128064  
petition for reassessment in accordance with division (B) of 128065  
this section and provides security in a form satisfactory to the 128066  
commissioner and in an amount sufficient to satisfy the unpaid 128067  
balance of the assessment. Full or partial payment of the 128068  
assessment does not prejudice the commissioner's consideration 128069  
of the petition for reassessment. 128070

(E) The tax commissioner shall immediately forward to the 128071  
treasurer of state all amounts the commissioner receives under 128072  
this section, and such amounts shall be considered as revenue 128073  
arising from the tax imposed under this chapter. 128074

(F) Except as otherwise provided in this division, no 128075  
assessment shall be made or issued against a taxpayer for the 128076  
tax imposed under this chapter more than four years after the 128077  
due date for the filing of the return for the tax period for 128078  
which the tax was reported, or more than four years after the 128079  
return for the tax period was filed, whichever is later. The 128080  
time limit may be extended if both the taxpayer and the 128081  
commissioner consent in writing to the extension or enter into 128082  
an agreement waiving or extending the time limit. Any such 128083  
extension shall extend the four-year time limit in division (A) 128084  
of section 5751.08 of the Revised Code for the same period of 128085

time. Nothing in this division bars an assessment against a 128086  
taxpayer that fails to file a return required by this chapter or 128087  
that files a fraudulent return. 128088

(G) If the tax commissioner possesses information that 128089  
indicates that the amount of tax a taxpayer is required to pay 128090  
under this chapter exceeds the amount the taxpayer paid, the tax 128091  
commissioner may audit a sample of the taxpayer's gross receipts 128092  
over a representative period of time to ascertain the amount of 128093  
tax due, and may issue an assessment based on the audit. The tax 128094  
commissioner shall make a good faith effort to reach agreement 128095  
with the taxpayer in selecting a representative sample. The tax 128096  
commissioner may apply a sampling method only if the 128097  
commissioner has prescribed the method by rule. 128098

(H) If the whereabouts of a person subject to this chapter 128099  
is not known to the tax commissioner, the commissioner shall 128100  
follow the procedures under section 5703.37 of the Revised Code. 128101

**Sec. 5751.98.** (A) To provide a uniform procedure for 128102  
calculating the amount of tax due under this chapter, a taxpayer 128103  
shall claim any credits to which it is entitled in the following 128104  
order: 128105

The nonrefundable jobs retention credit under division (B) 128106  
of section 5751.50 of the Revised Code; 128107

The nonrefundable credit for qualified research expenses 128108  
under division (B) of section 5751.51 of the Revised Code; 128109

The nonrefundable credit for a borrower's qualified 128110  
research and development loan payments under division (B) of 128111  
section 5751.52 of the Revised Code; 128112

The nonrefundable credit for calendar years 2010 to 2029 128113  
for unused net operating losses under division (B) of section 128114

5751.53 of the Revised Code;	128115
The refundable motion picture and Broadway theatrical	128116
production credit under section 5751.54 of the Revised Code;	128117
<del>    The refundable credit for film and theater capital</del>	128118
<del>improvement projects under section 5751.55 of the Revised Code;</del>	128119
The refundable jobs creation credit or job retention	128120
credit under division (A) of section 5751.50 of the Revised	128121
Code;	128122
The refundable credit for calendar year 2030 for unused	128123
net operating losses under division (C) of section 5751.53 of	128124
the Revised Code.	128125
(B) For any credit except the refundable credits	128126
enumerated in this section, the amount of the credit for a tax	128127
period shall not exceed the tax due after allowing for any other	128128
credit that precedes it in the order required under this	128129
section. Any excess amount of a particular credit may be carried	128130
forward if authorized under the section creating the credit.	128131
<b>Sec. 5753.05.</b> (A) (1) A taxpayer who fails to file a return	128132
or to remit the tax due as required by section 5753.04 of the	128133
Revised Code shall pay a penalty not to exceed the greater of	128134
five hundred dollars or ten per cent of the tax due.	128135
(2) If the tax commissioner finds additional tax to be	128136
due, the tax commissioner may impose an additional penalty of up	128137
to fifteen per cent of the additional tax found to be due. A	128138
delinquent payment of tax made as the result of a notice or an	128139
audit is subject to the additional penalty imposed by this	128140
division.	128141
(3) If a taxpayer fails to file a return electronically or	128142

to remit the tax electronically, the tax commissioner may impose 128143  
an additional penalty of fifty dollars or ten per cent of the 128144  
tax due as shown on the return, whichever is greater. 128145

(B) If the tax due under section 5753.02 or 5753.021 of 128146  
the Revised Code is not timely paid, the taxpayer shall pay 128147  
interest at the rate per annum prescribed in section 5703.47 of 128148  
the Revised Code beginning on the day the tax was due through 128149  
the day the tax is paid or an assessment is issued, whichever 128150  
occurs first. 128151

(C) The tax commissioner shall collect any penalty or 128152  
interest as if it were the tax levied by section 5753.02 or 128153  
5753.021 of the Revised Code, as applicable. Penalties and 128154  
interest shall be treated as if they were revenue arising from 128155  
the applicable tax. 128156

~~(D) The tax commissioner may abate all or a portion of any 128157  
penalty imposed under this section and may adopt rules governing 128158  
abatements. 128159~~

~~(E) If a casino operator or sports gaming proprietor fails 128160  
to file a return or remit the tax due as required by section 128161  
5753.04 of the Revised Code within a period of one year after 128162  
the due date for filing the return or remitting the tax, the 128163  
Ohio casino control commission may suspend the operator's or 128164  
proprietor's license. 128165~~

**Sec. 5753.07.** (A) (1) The tax commissioner may issue an 128166  
assessment, based on any information in the tax commissioner's 128167  
possession, against a taxpayer who fails to pay the tax levied 128168  
under section 5753.02 or 5753.021 of the Revised Code or to file 128169  
a return under section 5753.04 of the Revised Code. The tax 128170  
commissioner shall give the taxpayer written notice of the 128171

assessment under section 5703.37 of the Revised Code. With the 128172  
notice, the tax commissioner shall include instructions on how 128173  
to petition for reassessment and on how to request a hearing 128174  
with respect to the petition. 128175

(2) Unless the taxpayer, within sixty days after service 128176  
of the notice of assessment, files with the tax commissioner, ~~7~~ 128177  
~~either personally or by certified mail,~~ a written petition 128178  
signed by the taxpayer, or by the taxpayer's authorized agent 128179  
who has knowledge of the facts, the assessment becomes final, 128180  
and the amount of the assessment is due and payable from the 128181  
taxpayer to the treasurer of state. The petition shall indicate 128182  
the taxpayer's objections to the assessment. Additional 128183  
objections may be raised in writing if they are received by the 128184  
tax commissioner before the date shown on the final 128185  
determination. 128186

(3) If a petition for reassessment has been properly 128187  
filed, the tax commissioner shall proceed under section 5703.60 128188  
of the Revised Code. 128189

(4) After an assessment becomes final, if any portion of 128190  
the assessment, including penalties and accrued interest, 128191  
remains unpaid, the tax commissioner may file a certified copy 128192  
of the entry making the assessment final in the office of the 128193  
clerk of the court of common pleas of Franklin county or in the 128194  
office of the clerk of the court of common pleas of the county 128195  
in which the taxpayer resides, the taxpayer's casino facility or 128196  
sports gaming facility is located, or the taxpayer's principal 128197  
place of business in this state is located. Immediately upon the 128198  
filing of the entry, the clerk shall enter a judgment for the 128199  
state against the taxpayer assessed in the amount shown on the 128200  
entry. The judgment may be filed by the clerk in a loose-leaf 128201

book entitled, "special judgments for the gross casino revenue 128202  
tax and sports gaming receipts tax." The judgment has the same 128203  
effect as other judgments. Execution shall issue upon the 128204  
judgment at the request of the tax commissioner, and all laws 128205  
applicable to sales on execution apply to sales made under the 128206  
judgment. 128207

(5) If the assessment is not paid in its entirety within 128208  
sixty days after the day the assessment was issued, the portion 128209  
of the assessment consisting of tax due shall bear interest at 128210  
the rate per annum prescribed by section 5703.47 of the Revised 128211  
Code from the day the tax commissioner issued the assessment 128212  
until the assessment is paid or until it is certified to the 128213  
attorney general for collection under section 131.02 of the 128214  
Revised Code, whichever comes first. If the unpaid portion of 128215  
the assessment is certified to the attorney general for 128216  
collection, the entire unpaid portion of the assessment shall 128217  
bear interest at the rate per annum prescribed by section 128218  
5703.47 of the Revised Code from the date of certification until 128219  
the date it is paid in its entirety. Interest shall be paid in 128220  
the same manner as the tax levied under section 5753.02 or 128221  
5753.021 of the Revised Code, as applicable, and may be 128222  
collected by the issuance of an assessment under this section. 128223

(B) If the tax commissioner believes that collection of 128224  
the tax levied under section 5753.02 or 5753.021 of the Revised 128225  
Code will be jeopardized unless proceedings to collect or secure 128226  
collection of the tax are instituted without delay, the 128227  
commissioner may issue a jeopardy assessment against the 128228  
taxpayer that is liable for the tax. Immediately upon the 128229  
issuance of a jeopardy assessment, the tax commissioner shall 128230  
file an entry with the clerk of the court of common pleas in the 128231  
manner prescribed by division (A) (4) of this section, and the 128232

clerk shall proceed as directed in that division. Notice of the 128233  
jeopardy assessment shall be served on the taxpayer or the 128234  
taxpayer's authorized agent under section 5703.37 of the Revised 128235  
Code within five days after the filing of the entry with the 128236  
clerk. The total amount assessed is immediately due and payable, 128237  
unless the taxpayer assessed files a petition for reassessment 128238  
under division (A) (2) of this section and provides security in a 128239  
form satisfactory to the tax commissioner that is in an amount 128240  
sufficient to satisfy the unpaid balance of the assessment. If a 128241  
petition for reassessment has been filed, and if satisfactory 128242  
security has been provided, the tax commissioner shall proceed 128243  
under division (A) (3) of this section. Full or partial payment 128244  
of the assessment does not prejudice the tax commissioner's 128245  
consideration of the petition for reassessment. 128246

(C) The tax commissioner shall immediately forward to the 128247  
treasurer of state all amounts the tax commissioner receives 128248  
under this section, and the amounts forwarded shall be treated 128249  
as if they were revenue arising from the tax levied under 128250  
section 5753.02 or 5753.021 of the Revised Code, as applicable. 128251

(D) Except as otherwise provided in this division, no 128252  
assessment shall be issued against a taxpayer for the tax levied 128253  
under section 5753.02 or 5753.021 of the Revised Code more than 128254  
four years after the due date for filing the return for the tax 128255  
period for which the tax was reported, or more than four years 128256  
after the return for the tax period was filed, whichever is 128257  
later. This division does not bar an assessment against a 128258  
taxpayer who fails to file a return as required by section 128259  
5753.04 of the Revised Code or who files a fraudulent return, or 128260  
when the taxpayer and the tax commissioner waive in writing the 128261  
time limitation. 128262

(E) If the tax commissioner possesses information that 128263  
indicates that the amount of tax a taxpayer is liable to pay 128264  
under section 5753.02 or 5753.021 of the Revised Code exceeds 128265  
the amount the taxpayer paid, the tax commissioner may audit a 128266  
sample of the taxpayer's gross casino revenue or sports gaming 128267  
receipts, as applicable, over a representative period of time to 128268  
ascertain the amount of tax due, and may issue an assessment 128269  
based on the audit. The tax commissioner shall make a good faith 128270  
effort to reach agreement with the taxpayer in selecting a 128271  
representative sample. The tax commissioner may apply a sampling 128272  
method only if the tax commissioner has prescribed the method by 128273  
rule. 128274

(F) If the whereabouts of a taxpayer who is liable for the 128275  
tax levied under section 5753.02 or 5753.021 of the Revised Code 128276  
are unknown to the tax commissioner, the tax commissioner shall 128277  
proceed under section 5703.37 of the Revised Code. 128278

**Sec. 5907.11.** ~~(A)~~The superintendent of the Ohio veterans' 128279  
homes, with the approval of the director of veterans services, 128280  
may establish a local fund for each veterans' home to be used 128281  
for the entertainment and welfare of the residents of the home. 128282  
Each fund shall be designated as the residents' benefit fund and 128283  
shall be operated for the exclusive benefit of the residents of 128284  
the associated home. Each fund shall receive all revenue from 128285  
the sale of commissary items at the associated home and shall 128286  
receive all moneys received as donations by the associated home 128287  
from any source. 128288

~~(B) The superintendent, subject to the approval of the 128289  
director, shall establish rules for the operation of the 128290  
residents' benefit funds. 128291~~

**Sec. 5907.17.** (A) As used in this section, 128292



~~"physician"~~"clinician" means ~~an individual authorized under~~ 128293  
~~Chapter 4731. of the Revised Code to practice medicine and~~ 128294  
~~surgery or osteopathic medicine and surgery~~any of the following: 128295

(1) An advanced practice registered nurse, licensed 128296  
practical nurse, physician, physician's assistant, or registered 128297  
nurse as defined in section 4723.01 of the Revised Code; 128298

(2) An individual registered in the state nurse aide 128299  
registry pursuant to section 3721.32 of the Revised Code; 128300

(3) Any Ohio veterans' home employee who is a licensed 128301  
medical professional in this state and is not exempt from a 128302  
student loan repayment program under a union contract or other 128303  
law. 128304

(B) The department of veterans services may establish a 128305  
~~physician-clinician~~ recruitment program under which the 128306  
department agrees to repay all or part of the principal and 128307  
interest of a governmental or other educational loan incurred by 128308  
a ~~physician-clinician~~ who agrees to provide services to 128309  
institutions under the department's administration. 128310

(C) A ~~physician-clinician~~ is eligible to participate in 128311  
the recruitment program if the ~~physician attended a medical or-~~ 128312  
~~osteopathic medical school that was, at the time of attendance,~~ 128313  
~~either located in the United States and accredited by the-~~ 128314  
~~liaison committee on medical education or the American-~~ 128315  
~~osteopathic association or located outside the United States and~~ 128316  
~~acknowledged by the world health organization and verified by a-~~ 128317  
~~member state of that organization as operating within that-~~ 128318  
~~state's jurisdiction~~clinician meets all of the following 128319  
requirements: 128320

(1) The clinician is licensed in this state by the 128321

appropriate licensing authority and works in that discipline at 128322  
an Ohio veterans' home; 128323

(2) The clinician has worked at an Ohio veterans' home for 128324  
at least one year; 128325

(3) The clinician has not been subject to formal 128326  
discipline while employed by an Ohio veterans' home; 128327

(4) The clinician provides evidence sufficient for the 128328  
director of veterans services, or the director's designee, to 128329  
determine that the clinician attended a school or medical 128330  
program accredited by a national or regional accrediting 128331  
organization; 128332

(5) The clinician agrees to the contract terms subject to 128333  
division (D) of this section and any rules adopted under 128334  
division (E) of this section. 128335

(D) The department and each ~~physician-clinician~~ it 128336  
recruits shall enter into a contract that includes all of the 128337  
following terms: 128338

(1) The ~~physician-clinician~~ agrees to maintain appropriate 128339  
licensure and provide a specified scope of ~~medical or~~ 128340  
~~osteopathic medical health care~~ services for a specified number 128341  
of hours per week and for a specified number of years of one or 128342  
more years to ~~patients residents of one or more specified~~ 128343  
~~institutions administered by the department~~the Ohio veterans' 128344  
homes. 128345

(2) The department agrees to repay all or a specified 128346  
portion of the principal and interest of a governmental or other 128347  
educational loan taken by the ~~physician-clinician~~ for the 128348  
following expenses if the ~~physician-clinician~~ meets the service 128349  
obligation agreed to and the expenses were incurred while the 128350

~~physician-clinician~~ was enrolled in, for up to a maximum of four 128351  
years, a school or medical program accredited by a national or 128352  
regional accrediting organization~~that qualifies the physician to~~ 128353  
~~participate in the program:~~ 128354

(a) Tuition; 128355

(b) Other educational expenses for specific purposes, 128356  
including fees, books, and laboratory expenses, in amounts 128357  
determined to be reasonable in accordance with rules adopted 128358  
under division (E) of this section; 128359

(c) Room and board, in an amount determined to be 128360  
reasonable in accordance with rules adopted under division (E) 128361  
of this section. 128362

(3) The ~~physician-clinician~~ agrees to pay the department a 128363  
specified amount, which shall be not less than the amount 128364  
already paid by the department pursuant to its agreement, as 128365  
damages if the ~~physician-clinician~~ fails to complete the service 128366  
obligation agreed to or fails to comply with other specified 128367  
terms of the contract. The contract may vary the amount of 128368  
damages based on the portion of the ~~physician's-clinician's~~ 128369  
service obligation that remains uncompleted as determined by the 128370  
department. 128371

(4) Other terms agreed upon by the parties. 128372

(E) The department shall adopt rules under Chapter 119. of 128373  
the Revised Code that establish all of the following: 128374

(1) Criteria for designating institutions for which 128375  
~~physicians-clinicians~~ will be recruited; 128376

(2) Criteria for selecting ~~physicians-clinicians~~ for 128377  
participation in the program; 128378

- (3) Criteria for determining the portion of a ~~physician's~~  
clinician's loan that the department will agree to repay; 128379  
128380
- (4) Criteria for determining reasonable amounts of the 128381  
expenses described in divisions (D) (2) (b) and (c) of this 128382  
section; 128383
- (5) Procedures for monitoring compliance by ~~physicians~~  
clinicians with the terms of their contracts; and 128384  
128385
- (6) Any other criteria or procedures necessary to 128386  
implement the program. 128387
- (F) The director or the director's designee may allocate 128388  
funds among clinicians recruited under the program for any 128389  
purpose the director or director's designee considers necessary 128390  
to best serve clinician staffing needs, including department 128391  
eligibility for benefits from incentive programs from federal or 128392  
other entities, in consideration of maximizing the overall 128393  
benefit to the Ohio veterans' homes. 128394
- Sec. 6111.01.** As used in this chapter: 128395
- (A) "Pollution" means the placing of any sewage, sludge, 128396  
sludge materials, industrial waste, or other wastes in any 128397  
waters of the state. 128398
- (B) "Sewage" means any liquid waste containing sludge, 128399  
sludge materials, or animal or vegetable matter in suspension or 128400  
solution, and may include household wastes as commonly 128401  
discharged from residences and from commercial, institutional, 128402  
or similar facilities. 128403
- (C) "Industrial waste" means any liquid, gaseous, or solid 128404  
waste substance resulting from any process of industry, 128405  
manufacture, trade, or business, or from the development, 128406

processing, or recovery of any natural resource, together with 128407  
such sewage as is present. 128408

(D) "Other wastes" means garbage, refuse, decayed wood, 128409  
sawdust, shavings, bark, and other wood debris, lime, sand, 128410  
ashes, offal, night soil, oil, tar, coal dust, dredged or fill 128411  
material, or silt, other substances that are not sewage, sludge, 128412  
sludge materials, or industrial waste, and any other 128413  
"pollutants" or "toxic pollutants" as defined in the Federal 128414  
Water Pollution Control Act that are not sewage, sludge, sludge 128415  
materials, or industrial waste. 128416

(E) "Sewerage system" means pipelines or conduits, pumping 128417  
stations, and force mains, and all other constructions, devices, 128418  
appurtenances, and facilities used for collecting or conducting 128419  
water-borne sewage, industrial waste, or other wastes to a point 128420  
of disposal or treatment, but does not include plumbing 128421  
fixtures, building drains and subdrains, building sewers, and 128422  
building storm sewers. 128423

(F) "Treatment works" means any plant, disposal field, 128424  
lagoon, dam, pumping station, building sewer connected directly 128425  
to treatment works, incinerator, or other works used for the 128426  
purpose of treating, stabilizing, blending, composting, or 128427  
holding sewage, sludge, sludge materials, industrial waste, or 128428  
other wastes, except as otherwise defined. 128429

(G) "Disposal system" means a system for disposing of 128430  
sewage, sludge, sludge materials, industrial waste, or other 128431  
wastes and includes sewerage systems and treatment works. 128432

(H) "Waters of the state" means all streams, lakes, ponds, 128433  
marshes, watercourses, waterways, wells, springs, irrigation 128434  
systems, drainage systems, and other bodies or accumulations of 128435

water, surface and underground, natural or artificial, 128436  
regardless of the depth of the strata in which underground water 128437  
is located, that are situated wholly or partly within, or border 128438  
upon, this state, or are within its jurisdiction, except those 128439  
private waters that do not combine or effect a junction with 128440  
natural surface or underground waters. "Waters of the state" 128441  
does not include an ephemeral feature for which the United 128442  
States army corps of engineers lacks the authority to issue a 128443  
permit under 33 U.S.C. 1344. 128444

(I) "Person" means the state, any municipal corporation, 128445  
any other political subdivision of the state, any person as 128446  
defined in section 1.59 of the Revised Code, any interstate body 128447  
created by compact, or the federal government or any department, 128448  
agency, or instrumentality thereof. 128449

(J) "Industrial water pollution control facility" means 128450  
any disposal system or any treatment works, pretreatment works, 128451  
appliance, equipment, machinery, pipeline or conduit, pumping 128452  
station, force main, or installation constructed, used, or 128453  
placed in operation primarily for the purpose of collecting or 128454  
conducting industrial waste to a point of disposal or treatment; 128455  
reducing, controlling, or eliminating water pollution caused by 128456  
industrial waste; or reducing, controlling, or eliminating the 128457  
discharge into a disposal system of industrial waste or what 128458  
would be industrial waste if discharged into the waters of the 128459  
state. 128460

(K) "Schedule of compliance" means a schedule of remedial 128461  
measures including an enforceable sequence of actions or 128462  
operations leading to compliance with standards and rules 128463  
adopted under sections 6111.041 and 6111.042 of the Revised Code 128464  
or compliance with terms and conditions of permits set under 128465

division (J) of section 6111.03 of the Revised Code. 128466

(L) "Federal Water Pollution Control Act" means the 128467  
"Federal Water Pollution Control Act Amendments of 1972," 86 128468  
Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean Water Act 128469  
of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, and all other 128470  
amendments to that act. 128471

(M) "Historically channelized watercourse" means the 128472  
portion of a watercourse on which an improvement, as defined in 128473  
divisions (C) (2) to (4) of section 6131.01 of the Revised Code, 128474  
was constructed pursuant to Chapter 940., 6131., or 6133. of the 128475  
Revised Code or a similar state law that preceded any of those 128476  
chapters and authorized such an improvement. 128477

(N) "Sludge" means sewage sludge and a solid, semi-solid, 128478  
or liquid residue that is generated from an industrial 128479  
wastewater treatment process and that is applied to land for 128480  
agronomic benefit. "Sludge" does not include ash generated 128481  
during the firing of sludge in a sludge incinerator, grit and 128482  
screening generated during preliminary treatment of sewage in a 128483  
treatment works, animal manure, residue generated during 128484  
treatment of animal manure, or domestic septage. 128485

(O) "Sludge materials" means solid, semi-solid, or liquid 128486  
materials derived from sludge and includes products from a 128487  
treatment works that result from the treatment, blending, or 128488  
composting of sludge. 128489

(P) "Storage of sludge" means the placement of sludge on 128490  
land on which the sludge remains for not longer than two years, 128491  
but does not include the placement of sludge on land for 128492  
treatment. 128493

(Q) "Sludge disposal program" means any program used by an 128494

entity that begins with the generation of sludge and includes 128495  
treatment or disposal of the sludge, as "treatment" and 128496  
"disposal" are defined in division ~~(Y)~~(X) of section 3745.11 of 128497  
the Revised Code. 128498

(R) "Agronomic benefit" means any process that promotes or 128499  
enhances plant growth and includes, but is not limited to, a 128500  
process that increases soil fertility and moisture retention. 128501

(S) "Sludge management" means the use, storage, treatment, 128502  
or disposal of, and management practices related to, sludge and 128503  
sludge materials. 128504

(T) "Sludge management permit" means a permit for sludge 128505  
management that is issued under division (J) of section 6111.03 128506  
of the Revised Code. 128507

(U) "Sewage sludge" has the same meaning as in division 128508  
~~(Y)~~(X) of section 3745.11 of the Revised Code. 128509

(V) "Ephemeral feature" means surface water flowing or 128510  
pooling only in direct response to precipitation, such as rain 128511  
or snow. "Ephemeral feature" does not include a wetland, as 128512  
defined in section 6111.02 of the Revised Code. 128513

**Sec. 6111.04.** (A) Both of the following apply except as 128514  
otherwise provided in division (A) or (F) of this section: 128515

(1) No person shall cause pollution or place or cause to 128516  
be placed any sewage, sludge, sludge materials, industrial 128517  
waste, or other wastes in a location where they cause pollution 128518  
of any waters of the state. 128519

(2) Such an action prohibited under division (A) (1) of 128520  
this section is hereby declared to be a public nuisance. 128521

Divisions (A) (1) and (2) of this section do not apply if 128522



the person causing pollution or placing or causing to be placed 128523  
wastes in a location in which they cause pollution of any waters 128524  
of the state holds a valid, unexpired permit, or renewal of a 128525  
permit, governing the causing or placement as provided in 128526  
sections 6111.01 to 6111.08 of the Revised Code or if the 128527  
person's application for renewal of such a permit is pending. 128528

(B) If the director of environmental protection 128529  
administers a sludge management program pursuant to division (R) 128530  
of section 6111.03 of the Revised Code, both of the following 128531  
apply except as otherwise provided in division (B) or (F) of 128532  
this section: 128533

(1) No person, in the course of sludge management, shall 128534  
place on land located in the state or release into the air of 128535  
the state any sludge or sludge materials. 128536

(2) An action prohibited under division (B)(1) of this 128537  
section is hereby declared to be a public nuisance. 128538

Divisions (B)(1) and (2) of this section do not apply if 128539  
the person placing or releasing the sludge or sludge materials 128540  
holds a valid, unexpired permit, or renewal of a permit, 128541  
governing the placement or release as provided in sections 128542  
6111.01 to 6111.08 of the Revised Code or if the person's 128543  
application for renewal of such a permit is pending. 128544

(C) No person to whom a permit has been issued shall place 128545  
or discharge, or cause to be placed or discharged, in any waters 128546  
of the state any sewage, sludge, sludge materials, industrial 128547  
waste, or other wastes in excess of the permissive discharges 128548  
specified under an existing permit without first receiving a 128549  
permit from the director to do so. 128550

(D) No person to whom a sludge management permit has been 128551

issued shall place on the land or release into the air of the 128552  
state any sludge or sludge materials in excess of the permissive 128553  
amounts specified under the existing sludge management permit 128554  
without first receiving a modification of the existing sludge 128555  
management permit or a new sludge management permit to do so 128556  
from the director. 128557

(E) The director may require the submission of plans, 128558  
specifications, and other information that the director 128559  
considers relevant in connection with the issuance of permits. 128560

(F) This section does not apply to any of the following: 128561

(1) Waters used in washing sand, gravel, other aggregates, 128562  
or mineral products when the washing and the ultimate disposal 128563  
of the water used in the washing, including any sewage, 128564  
industrial waste, or other wastes contained in the waters, are 128565  
entirely confined to the land under the control of the person 128566  
engaged in the recovery and processing of the sand, gravel, 128567  
other aggregates, or mineral products and do not result in the 128568  
pollution of waters of the state; 128569

(2) Water, gas, or other material injected into a well to 128570  
facilitate, or that is incidental to, the production of oil, 128571  
gas, artificial brine, or water derived in association with oil 128572  
or gas production and disposed of in a well, in compliance with 128573  
a permit issued under Chapter 1509. of the Revised Code, or 128574  
sewage, industrial waste, or other wastes injected into a well 128575  
in compliance with an injection well operating permit. Division 128576  
(F) (2) of this section does not authorize, without a permit, any 128577  
discharge that is prohibited by, or for which a permit is 128578  
required by, regulation of the United States environmental 128579  
protection agency. 128580

(3) Application of any materials to land for agricultural purposes or runoff of the materials from that application or pollution by residual farm products, manure, or soil sediment, including attached substances, resulting from farming, silvicultural, or earthmoving activities regulated by Chapter 307. or 939. of the Revised Code. Division (F) (3) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, the Federal Water Pollution Control Act or regulations adopted under it. As used in division (F) (3) of this section, "residual farm products" and "manure" have the same meanings as in section 939.01 of the Revised Code.

(4) The excrement of domestic and farm animals defecated on land or runoff therefrom into any waters of the state. Division (F) (4) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, the Federal Water Pollution Control Act or regulations adopted under it.

(5) On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, any discharge that is within the scope of the approved NPDES program submitted by the director of agriculture;

(6) The discharge of sewage, industrial waste, or other wastes into a sewerage system tributary to a treatment works. Division (F) (6) of this section does not authorize any discharge into a publicly owned treatment works in violation of a pretreatment program applicable to the publicly owned treatment works or any discharge to a privately owned treatment works in violation of any permit conditions established in accordance

with 40 C.F.R. 122.44(m). 128611

(7) A household sewage treatment system or a small flow 128612  
on-site sewage treatment system, as applicable, as defined in 128613  
section 3718.01 of the Revised Code that is installed in 128614  
compliance with Chapter 3718. of the Revised Code and rules 128615  
adopted under it. Division (F)(7) of this section does not 128616  
authorize, without a permit, any discharge that is prohibited 128617  
by, or for which a permit is required by, regulation of the 128618  
United States environmental protection agency. 128619

(8) Exceptional quality sludge generated outside of this 128620  
state and contained in bags or other containers not greater than 128621  
one hundred pounds in capacity. As used in division (F)(8) of 128622  
this section, "exceptional quality sludge" has the same meaning 128623  
as in division ~~(Y)~~(X) of section 3745.11 of the Revised Code. 128624

(G) The holder of a permit issued under section 402 (a) of 128625  
the Federal Water Pollution Control Act need not obtain a permit 128626  
for a discharge authorized by the permit until its expiration 128627  
date. Except as otherwise provided in this division, the 128628  
director of environmental protection shall administer and 128629  
enforce those permits within this state and may modify their 128630  
terms and conditions in accordance with division (J) of section 128631  
6111.03 of the Revised Code. On and after the date on which the 128632  
United States environmental protection agency approves the NPDES 128633  
program submitted by the director of agriculture under section 128634  
903.08 of the Revised Code, the director of agriculture shall 128635  
administer and enforce those permits within this state that are 128636  
issued for any discharge that is within the scope of the 128637  
approved NPDES program submitted by the director of agriculture. 128638

**Section 101.02.** That existing sections 3.15, 9.03, 9.07, 128639  
9.239, 9.24, 9.27, 9.28, 9.312, 9.331, 9.334, 9.821, 101.352, 128640

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5748.02, 5748.021, 5748.03, 5748.04, 5748.08, 5748.081, 5748.09, 128827  
5749.02, 5749.06, 5749.07, 5749.15, 5751.02, 5751.06, 5751.07, 128828  
5751.09, 5751.98, 5753.05, 5753.07, 5907.11, 5907.17, 6111.01, 128829  
and 6111.04 of the Revised Code are hereby repealed. 128830

**Section 105.01.** That sections 9.47, 101.38, 103.72, 128831

103.73, 107.034, 113.06, 122.451, 122.55, 122.56, 122.561, 128832  
122.57, 122.852, 125.092, 125.093, 125.10, 125.112, 125.181, 128833  
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135.144, 904.06, 905.56, 935.25, 956.181, 1561.18, 1561.21, 128837  
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3317.231, 3317.24, 3319.2213, 3321.191, 3333.0415, 3333.373, 128839  
3333.801, 3345.86, 3354.24, 3513.259, 3517.14, 3517.151, 128840  
3517.152, 3517.154, 3517.156, 3517.157, 3517.99, 3517.991, 128841  
3701.0212, 3701.051, 3780.18, 3780.19, 3780.22, 3780.23, 128842  
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4928.581, 4928.582, 4928.583, 5104.08, 5104.52, 5123.352, 128844  
5123.603, 5163.05, 5165.261, 5166.45, 5180.23, 5180.24, 5180.34, 128845  
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5310.12, 5310.13, 5310.14, 5537.24, 5726.59, 5745.13, 5747.67, 128847  
5747.75, 5751.55, 5902.06, and 5902.20 of the Revised Code are 128848  
hereby repealed. 128849

**Section 105.10.** That section 3354.24 of the Revised Code 128850  
is hereby repealed, effective June 30, 2027. 128851

**Section 107.10.** That Section 733.61 of H.B. 166 of the 128852  
133rd General Assembly (as amended by H.B. 33 of the 135th 128853  
General Assembly) be amended to codify it as section 3313.6033 128854  
of the Revised Code to read as follows: 128855

**Sec. ~~733.61~~ 3313.6033.** (A) Notwithstanding section 128856  
3319.236 of the Revised Code, ~~for the 2019-2020 school year~~ 128857  
~~through the 2024-2025 school year only,~~ a school district, 128858  
community school established under Chapter 3314. of the Revised 128859  
Code, or science, technology, engineering, and mathematics 128860  
school established under Chapter 3326. of the Revised Code may 128861

permit an individual who holds a valid educator license in any 128862  
of grades kindergarten through twelve to teach a computer 128863  
science course if, ~~prior to teaching the course~~ in the last five 128864  
years, the individual ~~completes~~ has completed a professional 128865  
development program approved by the district superintendent or 128866  
school principal that provides content knowledge specific to the 128867  
course the individual will teach. To continue teaching computer 128868  
science under this section, an individual shall complete the 128869  
professional development program every five years in accordance 128870  
with the educator licensure recertification process. The 128871  
superintendent or principal shall approve any professional 128872  
development program endorsed by the organization that creates 128873  
and administers the national ~~Advanced Placement~~ advanced 128874  
placement examinations as appropriate for the course the 128875  
individual will teach. 128876

(B) Nothing in this section shall permit an individual 128877  
described in division (A) of this section to teach a computer 128878  
science course in a school district or school other than the 128879  
school district or school that employed the individual at the 128880  
time the individual completed the professional development 128881  
program required by that division. 128882

(C) ~~Beginning July 1, 2025, a school district or public~~ 128883  
~~school shall permit an individual to teach a computer science~~ 128884  
~~course only in accordance with section 3319.236 of the Revised~~ 128885  
~~Code.~~ 128886

~~(D)~~ Notwithstanding section 3301.012 of the Revised Code, 128887  
as used in this section, "computer science course" means any 128888  
course that is reported in the education management information 128889  
system established under section 3301.0714 of the Revised Code 128890  
as a computer science course. 128891

**Section 107.11.** That existing Section 733.61 of H.B. 166 128892  
of the 133rd General Assembly (as amended by H.B. 33 of the 128893  
135th General Assembly) is hereby repealed. 128894

**Section 125.10.** The amendment by this act of section 128895  
4785.041 of the Revised Code does not supersede the repeal of 128896  
that section on April 3, 2033, as prescribed by Sections 4 and 5 128897  
of H.B. 107 of the 134th General Assembly. 128898

**Section 201.10. APPROPRIATIONS** 128899

Except as otherwise provided in this act, all 128900  
appropriation items in this act are appropriated out of any 128901  
moneys in the state treasury to the credit of the designated 128902  
fund that are not otherwise appropriated. For all appropriations 128903  
made in this act, the amounts in the first column are for fiscal 128904  
year 2026 and the amounts in the second column are for fiscal 128905  
year 2027. 128906

**Section 203.10.** 128907

	1	2	3	4	5
A	ACC ACCOUNTANCY BOARD OF OHIO				
B	Dedicated Purpose Fund Group				
C	4J80	889601	CPA Education Assistance	\$260,000	\$275,000
D	4K90	889609	Operating Expenses	\$1,359,075	\$1,400,531
E	Dedicated Purpose Fund Group Total			\$1,619,075	\$1,675,531
F	TOTAL ALL BUDGET FUND GROUPS			\$1,619,075	\$1,675,531

**Section 205.10.** 128909

128910

1	2	3	4	5
A		ADJ ADJUTANT GENERAL		
B	General Revenue Fund			
C	GRF 745401	Ohio Military Reserve	\$56,162	\$56,162
D	GRF 745404	Air National Guard	\$2,782,794	\$2,821,658
E	GRF 745407	National Guard Benefits	\$174,000	\$174,000
F	GRF 745409	Central Administration	\$3,585,342	\$3,684,085
G	GRF 745499	Army National Guard	\$6,319,611	\$6,385,948
H	GRF 745503	Ohio Cyber Reserve	\$1,151,000	\$1,151,000
I	GRF 745504	Ohio Cyber Range	\$2,650,000	\$2,650,000
J	GRF 745505	State Active Duty	\$70,000	\$70,000
K	General Revenue Fund Total		\$16,788,909	\$16,992,853
L	Dedicated Purpose Fund Group			
M	5340 745612	Property Operations Management	\$682,195	\$682,292
N	5360 745620	Camp Perry and Buckeye Inn Operations	\$1,064,057	\$1,074,431
O	5370 745604	Ohio National Guard Facilities Maintenance	\$60,131	\$60,131

P	5U80 745613 Community Match Armories	\$349,965	\$349,965
Q	Dedicated Purpose Fund Group Total	\$2,156,348	\$2,166,819
R	Federal Fund Group		
S	3420 745616 Army National Guard Service Agreement	\$24,076,820	\$24,316,615
T	3E80 745628 Air National Guard Operations and Maintenance	\$18,934,892	\$19,380,313
U	3R80 745603 Counter Drug Operations	\$26,606	\$26,606
V	Federal Fund Group Total	\$43,038,318	\$43,723,534
W	TOTAL ALL BUDGET FUND GROUPS	\$61,983,575	\$62,883,206

**Section 205.20. NATIONAL GUARD BENEFITS** 128911

The foregoing appropriation item 745407, National Guard 128912  
Benefits, shall be used for purposes of sections 5919.31 and 128913  
5919.33 of the Revised Code, and for administrative costs of the 128914  
associated programs. 128915

If necessary, in order to pay benefits in a timely manner 128916  
pursuant to sections 5919.31 and 5919.33 of the Revised Code, 128917  
the Adjutant General may request that the Director of Budget and 128918  
Management transfer appropriation from any appropriation item 128919  
used by the Adjutant General to appropriation item 745407, 128920  
National Guard Benefits. Such amounts are hereby appropriated. 128921  
The Adjutant General may subsequently seek Controlling Board 128922  
approval to restore the appropriation in the appropriation item 128923  
from which such a transfer was made. 128924

For active duty members of the Ohio National Guard who 128925  
died after October 7, 2001, while performing active duty, the 128926  
death benefit, pursuant to section 5919.33 of the Revised Code, 128927  
shall be paid to the beneficiary or beneficiaries designated on 128928  
the member's Service members' Group Life Insurance Policy. 128929

OHIO CYBER RESERVE 128930

The foregoing appropriation item 745503, Ohio Cyber 128931  
Reserve, shall be used for purposes of providing support for the 128932  
administration of the Ohio Cyber Reserve, a civilian cyber 128933  
reserve force that is part of the Ohio organized militia, 128934  
capable of being expanded and trained to educate and protect all 128935  
levels of state government, critical infrastructure, and the 128936  
citizens of this state from cyber attacks and incidences under 128937  
sections 5922.01, 5922.02, and 5922.08 of the Revised Code, as 128938  
well as for the purpose of paying expenses related to cyber 128939  
state active duty of members of the Ohio Cyber Reserve, in 128940  
accordance with a proclamation or order of the Governor. 128941  
Expenses include, but are not limited to, the cost of equipment, 128942  
supplies, and services, as determined by the Adjutant General. 128943

OHIO CYBER RANGE 128944

The foregoing appropriation item 745504, Ohio Cyber Range, 128945  
shall be used by the Adjutant General's Department to establish 128946  
and maintain the cyber range for purposes of providing cyber 128947  
training and education to K-12 students, higher education 128948  
students, members of the Ohio National Guard, federal employees, 128949  
and state and local government employees, and provide for 128950  
emergency preparedness exercises and trainings. 128951

The Adjutant General's Department, in conjunction and 128952  
collaboration with the Department of Administrative Services, 128953



the Department of Public Safety, the Department of Higher  
Education, and the Department of Education and Workforce shall  
establish and maintain a cyber range. The Adjutant General's  
Department may work with federal agencies to assist in  
accomplishing this objective. The state agencies identified in  
this paragraph may procure any necessary goods and services  
including, but not limited to, contracted services, hardware,  
networking services, maintenance costs, and the training and  
management costs of a cyber range. These state agencies shall  
determine the amount of funds each agency will contribute from  
available funds and appropriations enacted herein in order to  
establish and maintain a cyber range.

STATE ACTIVE DUTY

The foregoing appropriation item 745505, State Active  
Duty, shall be used for the purpose of paying expenses related  
to state active duty of members of the Ohio organized militia,  
not including the civilian cyber security reserve forces, in  
accordance with a proclamation or order of the Governor.  
Expenses include, but are not limited to, cost of equipment,  
supplies, and services, as determined by the Adjutant General.

**Section 207.10.**

1	2	3	4	5	
A	DAS DEPARTMENT OF ADMINISTRATIVE SERVICES				
B	General Revenue Fund				
C	GRF	100412	Unemployment Insurance	\$1,560,000	\$1,560,000
			System Lease Rental		
			Payments		

D	GRF	100413	EDCS Lease Rental Payments	\$9,300,000	\$9,300,000
E	GRF	100414	MARCS Lease Rental Payments	\$6,450,000	\$6,450,000
F	GRF	100415	OAKS Lease Rental Payments	\$2,450,000	\$2,450,000
G	GRF	100416	STARS Lease Rental Payments	\$1,100,000	\$1,100,000
H	GRF	100447	Administrative Buildings Lease Rental Bond Payments	\$45,500,000	\$60,500,000
I	GRF	100456	State IT Services	\$978,412	\$4,512,297
J	GRF	100459	Ohio Business Gateway	\$14,825,421	\$14,868,107
K	GRF	100469	Aronoff Center Building Maintenance	\$222,000	\$222,000
L	GRF	130321	State Agency Support Services	\$29,811,000	\$29,811,000
M	General Revenue Fund Total			\$112,196,833	\$130,773,404
N	Dedicated Purpose Fund Group				
O	4K90	100673	Ohio Professionals Licensing System	\$7,175,727	\$7,439,069
P	5AB1	100674	Next Generation 9-1-1	\$3,500,000	\$0

Q	5L70	100610	Professional Development	\$2,013,841	\$2,014,854
R	5NM0	100663	9-1-1 Program	\$956,663	\$980,078
S	5V60	100619	Employee Educational Development	\$1,234,461	\$1,268,484
T	7093	100675	Next Generation 9-1-1	\$13,469,622	\$14,804,264
U	Dedicated Purpose Fund Group Total			\$28,350,314	\$26,506,749
V	Internal Service Activity Fund Group				
W	1120	100616	DAS Administration	\$14,683,912	\$15,113,177
X	1170	100644	General Services Division - Operating	\$23,091,398	\$22,574,348
Y	1220	100637	Fleet Management	\$25,449,633	\$22,866,905
Z	1250	100622	Human Resources Division - Operating	\$26,081,909	\$26,319,177
AA	1250	100657	Benefits Communication	\$620,036	\$628,275
AB	1300	100606	Risk Management Reserve	\$24,015,458	\$24,051,115
AC	1320	100631	DAS Building Management	\$53,101,399	\$54,715,341
AD	1330	100607	IT Services Delivery	\$194,935,390	\$197,374,206
AE	2100	100612	State Printing	\$31,450,162	\$32,512,922
AF	2290	100630	IT Governance	\$40,176,321	\$40,741,507

AG 2290 100640 Consolidated IT Purchases	\$28,265,838	\$28,265,838
AH 4270 100602 Investment Recovery	\$1,835,187	\$1,891,267
AI 4N60 100617 Major IT Purchases	\$3,984,131	\$3,984,131
AJ 5C20 100605 MARCS Administration	\$35,336,608	\$35,689,974
AK 5EB0 100635 OAKS Support Organization	\$101,832,561	\$104,303,226
AL 5EB0 100656 OAKS Updates and Developments	\$11,427,405	\$11,403,567
AM 5KZ0 100659 Building Improvement	\$2,276,705	\$2,777,458
AN 5LJ0 100661 IT Development	\$12,839,922	\$12,839,922
AO 5PC0 100665 Enterprise Applications	\$14,160,852	\$14,244,654
AP 5WU0 100672 Ohio Benefits	\$151,980,462	\$0
AQ Internal Service Activity Fund Group Total	\$797,545,289	\$652,297,010
AR Fiduciary Fund Group		
AS 5UH0 100670 Enterprise Transactions	\$1,590,000	\$1,640,000
AT Fiduciary Fund Group Total	\$1,590,000	\$1,640,000
AU TOTAL ALL BUDGET FUND GROUPS	\$939,682,436	\$811,217,163

**Section 207.20.** EDCS LEASE RENTAL PAYMENTS 128976

The foregoing appropriation item 100413, EDCS Lease Rental 128977  
Payments, shall be used to make payments during the period from 128978

July 1, 2025, through June 30, 2027, pursuant to leases and 128979  
agreements entered into under Chapter 125. of the Revised Code, 128980  
as supplemented by Section 701.10 of H.B. 529 of the 132nd 128981  
General Assembly, as amended by Section 601.10 of H.B. 166 of 128982  
the 133rd General Assembly, and other prior acts of the General 128983  
Assembly, with respect to financing the costs associated with 128984  
the acquisition, development, implementation, and integration of 128985  
the Enterprise Data Center Solutions (EDCS) information 128986  
technology initiative. 128987

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL 128988  
PAYMENTS 128989

The foregoing appropriation item 100414, MARCS Lease 128990  
Rental Payments, shall be used to make payments during the 128991  
period from July 1, 2025, through June 30, 2027, pursuant to 128992  
leases and agreements entered into under Chapter 125. of the 128993  
Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 128994  
of the 130th General Assembly and other prior acts of the 128995  
General Assembly, with respect to financing the costs associated 128996  
with the acquisition, development, implementation, and 128997  
integration of the Multi-Agency Radio Communications System 128998  
(MARCS) upgrade. 128999

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 129000

The foregoing appropriation item 100415, OAKS Lease Rental 129001  
Payments, shall be used to make payments during the period from 129002  
July 1, 2025, through June 30, 2027, pursuant to leases and 129003  
agreements entered into under Chapter 125. of the Revised Code, 129004  
as supplemented by Section 701.10 of H.B. 529 of the 132nd 129005  
General Assembly and other prior acts of the General Assembly, 129006  
with respect to financing the costs associated with the 129007  
acquisition, development, implementation, and integration of the 129008

Ohio Administrative Knowledge System (OAKS).	129009
STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL	129010
PAYMENTS	129011
The foregoing appropriation item 100416, STARS Lease	129012
Rental Payments, shall be used to make payments during the	129013
period from July 1, 2025, through June 30, 2027, pursuant to	129014
leases and agreements entered into under Chapter 125. of the	129015
Revised Code, as supplemented by Section 701.30 of H.B. 529 of	129016
the 132nd General Assembly and other prior acts of the General	129017
Assembly, with respect to financing the costs associated with	129018
the acquisition, development, implementation, and integration of	129019
the State Taxation Accounting and Revenue System (STARS).	129020
ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS	129021
The foregoing appropriation item 100447, Administrative	129022
Buildings Lease Rental Bond Payments, shall be used to meet all	129023
payments during the period from July 1, 2025, through June 30,	129024
2027, by the Department of Administrative Services pursuant to	129025
leases and agreements under Chapters 152. and 154. of the	129026
Revised Code. These appropriations are the source of funds	129027
pledged for bond service charges on related obligations issued	129028
under Chapters 152. and 154. of the Revised Code.	129029
DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT	129030
FUND	129031
The foregoing appropriation item 130321, State Agency	129032
Support Services, may be used to provide funding for the cost of	129033
property appraisals or building studies that the Department of	129034
Administrative Services may be required to obtain for property	129035
that is being sold by the state or property under consideration	129036
to be renovated or purchased by the state.	129037

Notwithstanding section 125.28 of the Revised Code, the 129038  
foregoing appropriation item 130321, State Agency Support 129039  
Services, also may be used to pay the operating expenses of 129040  
state facilities maintained by the Department of Administrative 129041  
Services that are not billed to building tenants, other costs 129042  
associated with the Voinovich Center in Youngstown, Ohio, or 129043  
costs of repairing vehicles donated pursuant to section 125.13 129044  
of the Revised Code. These expenses may include, but are not 129045  
limited to, the costs for vacant space and space undergoing 129046  
renovation, and the rent expenses of tenants that are relocated 129047  
because of building renovations. These payments may be processed 129048  
by the Department of Administrative Services through intrastate 129049  
transfer vouchers and placed into the Building Management Fund 129050  
(Fund 1320). 129051

At least once per year, the portion of appropriation item 129052  
130321, State Agency Support Services, that is not used for the 129053  
regular expenses of the appropriation item may be processed by 129054  
the Department of Administrative Services through intrastate 129055  
transfer voucher and placed in the Building Improvement Fund 129056  
(Fund 5KZ0). 129057

On July 1, 2026, or as soon as possible thereafter, the 129058  
Director of Administrative Services may certify to the Director 129059  
of Budget and Management an amount up to the unexpended, 129060  
unencumbered balance of the foregoing appropriation item 130321, 129061  
State Agency Support Services, at the end of fiscal year 2026 to 129062  
be reappropriated to fiscal year 2027. The amount certified is 129063  
hereby reappropriated to the same appropriation item for fiscal 129064  
year 2027. 129065

**Section 207.30. PROFESSIONAL DEVELOPMENT FUND** 129066

Of the foregoing appropriation item 100610, Professional 129067

Development, up to \$1,400,000 in each fiscal year shall be used 129068  
to make payments from the Professional Development Fund (Fund 129069  
5L70) under section 124.182 of the Revised Code. 129070

Of the foregoing appropriation item 100610, Professional 129071  
Development, up to \$1,200,000 during the FY 2026-FY 2027 129072  
biennium may be used by the Director of Administrative Services 129073  
for the creation, staffing, and administration of the Ohio 129074  
Digital Academy. The Ohio Digital Academy shall exist to 129075  
generate high-tech workforce capacity and serve the state of 129076  
Ohio in advanced technology and cybersecurity needs. The goals 129077  
of the Ohio Digital Academy shall be to educate, train, and 129078  
subsequently employ analysts in completing boot camps, 129079  
certifications, or degree programs in cybersecurity, coding, 129080  
software engineering, user experience designers, and related 129081  
fields. 129082

In consultation with CyberOhio, the Department of 129083  
Administrative Services shall have full authority to select 129084  
qualified candidates for the Ohio Digital Academy. Candidates 129085  
shall be subject to all applicable background checks and if 129086  
selected, shall be required to commit to three years of service 129087  
with the state of Ohio. Ohio Digital Academy candidates may be 129088  
placed in an unclassified, administrative staff position 129089  
pursuant to division (A) (30) of section 124.11 of the Revised 129090  
Code for which the Director of Administrative Services is hereby 129091  
given specific authority to set compensation, or with other 129092  
public or private employers identified by the Department with 129093  
which a partnership agreement has been established. 129094  
Notwithstanding any provision of law to the contrary, the 129095  
Department may use the foregoing appropriation to reimburse 129096  
selected students' tuition expenses for coursework, 129097  
certification achieved, or other necessary expenses, prior to 129098



acceptance in the program, which is directly attributable to the 129099  
targeted skills of the program if completed within one year 129100  
prior to the effective date of this section. Upon hiring, 129101  
candidates shall also be eligible for reimbursement of costs for 129102  
continuing education or certification at the discretion of the 129103  
Director to support the development of specialized skills in the 129104  
areas of information technology and cybersecurity. Each 129105  
candidate shall be responsible for any tax implications 129106  
associated with the tuition. The Department reserves the right 129107  
to recover all or a portion of funds provided to an Ohio Digital 129108  
Academy participant who fails to complete the agreed upon three 129109  
years of service commitment to the state. 129110

On July 1, 2025, or as soon as possible thereafter, the 129111  
Department of Administrative Services may select and enter into 129112  
a subgrant agreement with a regionally accredited Ohio 129113  
institution of higher education with demonstrated significant 129114  
coursework and programming in cybersecurity to serve as a 129115  
Digital Analyst Training Academy (D.A.T.A.) Center. The Center 129116  
shall be responsible for paying for costs associated with the 129117  
work of the Ohio Digital Academy as designated by the Department 129118  
of Administrative Services. On behalf of the Center, the 129119  
selected institution shall do all the following: 129120

(A) Provide necessary educational coursework or training 129121  
for the selected students' successful completion of a 129122  
certificate or degree program as prescribed by the Department of 129123  
Administrative Services at no cost to the selected students; 129124

(B) Administer weekly professional development programs 129125  
for students in an academic setting; 129126

(C) Prepare analysts for summer mandatory recruit training 129127  
as prescribed by the Department of Administrative Services; 129128

(D) Coordinate and manage summer scenarios;	129129
(E) Submit a quarterly report to the Department of Administrative Services that contains detailed information on the amount of grant funds expended for the aforementioned purposes;	129130 129131 129132 129133
(F) Submit an annual report to the Department of Administrative Services of all achievements, including a status report of all expenditures, number of students enrolled by program area, number of students graduated or certifications achieved by program area, program expansion opportunities, and projected costs to continue operating the Center.	129134 129135 129136 129137 129138 129139
Additional Centers may be added over the biennium subject to the approval of the Director of Administrative Services.	129140 129141
On July 1, 2026, or as soon as possible thereafter, the Director of Administrative Services may certify to the Director of Budget and Management, the unencumbered, unexpended portion remaining in appropriation item 100610, Professional Development Fund, at the end of fiscal year 2026. The certified amount is hereby reappropriated for the same purposes in fiscal year 2027.	129142 129143 129144 129145 129146 129147
9-1-1 PROGRAM	129148
The foregoing appropriation item 100663, 9-1-1 Program, shall be used by the Department of Administrative Services to pay the administrative, marketing, and educational costs of the Statewide Emergency Services Internet Protocol Network program.	129149 129150 129151 129152
EMPLOYEE EDUCATIONAL DEVELOPMENT	129153
The foregoing appropriation item 100619, Employee Educational Development, shall be used to make payments from the Employee Educational Development Fund (Fund 5V60) under section	129154 129155 129156

124.86 of the Revised Code. The fund shall be used to pay the 129157  
costs of administering educational programs under existing 129158  
collective bargaining agreements with District 1199, the Health 129159  
Care and Social Service Union, Service Employees International 129160  
Union; State Council of Professional Educators; Ohio Education 129161  
Association and National Education Association; the Fraternal 129162  
Order of Police State of Ohio, Unit 2 Association; and the Ohio 129163  
State Troopers Association, Units 1 and 15. 129164

If it is determined by the Director of Budget and 129165  
Management that additional amounts are necessary, the amounts 129166  
are hereby appropriated. 129167

**Section 207.40. GENERAL SERVICE CHARGES** 129168

The Department of Administrative Services, with the 129169  
approval of the Director of Budget and Management, shall 129170  
establish charges for recovering the costs of administering the 129171  
programs funded by the General Services Fund (Fund 1170) and the 129172  
State Printing Fund (Fund 2100). 129173

**COLLECTIVE BARGAINING ARBITRATION EXPENSES** 129174

The Department of Administrative Services may seek 129175  
reimbursement from state agencies for the actual costs and 129176  
expenses the Department incurs in the collective bargaining 129177  
arbitration process. The reimbursements shall be processed 129178  
through intrastate transfer vouchers and credited to the Human 129179  
Resources Services Fund (Fund 1250). 129180

**RISK MANAGEMENT RESERVE** 129181

The foregoing appropriation item 100606, Risk Management 129182  
Reserve, shall be used to make payments from the Risk Management 129183  
Reserve Fund (Fund 1300) pursuant to section 9.823 of the 129184  
Revised Code. If the Director of Budget and Management 129185

determines that additional amounts are necessary, the amounts 129186  
are hereby appropriated. 129187

CONSOLIDATED IT PURCHASES 129188

The foregoing appropriation item 100640, Consolidated IT 129189  
Purchases, shall be used by the Department of Administrative 129190  
Services acting as the purchasing agent for one or more 129191  
government entities under the authority of division (G) of 129192  
section 125.18 of the Revised Code to make information 129193  
technology purchases at a lower aggregate cost than each 129194  
individual government entity could have obtained independently 129195  
for that information technology purchase. 129196

On July 1, 2026, or as soon as possible thereafter, the 129197  
Director of Administrative Services may certify to the Director 129198  
of Budget and Management an amount up to the unexpended, 129199  
unencumbered balance of the foregoing appropriation item 100640, 129200  
Consolidated IT Purchases, at the end of fiscal year 2026 to be 129201  
reappropriated to fiscal year 2027. The amount certified is 129202  
hereby reappropriated to the same appropriation item for fiscal 129203  
year 2027. 129204

INVESTMENT RECOVERY FUND 129205

Notwithstanding division (B) of section 125.14 of the 129206  
Revised Code, cash balances in the Investment Recovery Fund 129207  
(Fund 4270) may be used to support the operating expenses of the 129208  
Federal Surplus Operating Program created in sections 125.84 to 129209  
125.90 of the Revised Code. 129210

MAJOR IT PURCHASES CHARGES 129211

Upon the request of the Director of Administrative 129212  
Services, the Director of Budget and Management may transfer up 129213  
to the amount collected for statewide indirect costs 129214

attributable to debt service paid for the enterprise data center 129215  
solutions project from the General Revenue Fund to the Major 129216  
Information Technology Purchases Fund (Fund 4N60). 129217

MARCS ADMINISTRATION 129218

Of the foregoing appropriation item 100605, MARCS 129219  
Administration, \$10,500,000 in each fiscal year shall be used to 129220  
reduce MARCS subscriber fees paid by villages, municipal 129221  
corporations, townships, counties, and regional public safety 129222  
and first response agencies. 129223

PROFESSIONS LICENSING SYSTEM 129224

The foregoing appropriation item, 100673, Ohio 129225  
Professionals Licensing System, shall be used to purchase the 129226  
equipment, products, and services necessary to update and 129227  
maintain an automated licensing system for the professional 129228  
licensing boards. 129229

The Department of Administrative Services shall establish 129230  
charges for recovering the costs of ongoing maintenance of the 129231  
system that are not otherwise recovered under section 125.18 of 129232  
the Revised Code. The charges shall be proportionate to each 129233  
benefiting state agency, board, or commission's use of the 129234  
system. For agencies, boards, or commissions whose operations 129235  
are not funded by appropriations from the Occupational Licensing 129236  
and Regulatory Fund (Fund 4K90), the Director of Administrative 129237  
Services shall certify to the Director of Budget and Management 129238  
these entities' proportionate charges for use of the state's 129239  
enterprise electronic licensing system. The Director of Budget 129240  
and Management shall transfer cash equaling the certified 129241  
amounts from these entities' respective operating funds into the 129242  
Occupational Licensing and Regulatory Fund (Fund 4K90). 129243

On July 1, 2025, or as soon as possible thereafter, the 129244  
State Board of Education shall consult with the Department of 129245  
Administrative Services on the utilization of the Ohio 129246  
Professional Licensing System. As part of this consultation, the 129247  
State Board of Education shall consider opportunities to reduce 129248  
the number of license and certification types. 129249

**Section 207.45. BUILDING IMPROVEMENT FUND** 129250

The foregoing appropriation item 100659, Building 129251  
Improvement, shall be used to make payments from the Building 129252  
Improvement Fund (Fund 5KZ0) for major maintenance or 129253  
improvements required in facilities maintained by the Department 129254  
of Administrative Services. The Department of Administrative 129255  
Services shall conduct or contract for regular assessments of 129256  
these buildings and may maintain a cash balance in Fund 5KZ0 129257  
equal to the cost of the repairs and improvements that are 129258  
recommended to occur within the next five years, with the 129259  
following exception described below. 129260

Upon request of the Director of Administrative Services, 129261  
the Director of Budget and Management may transfer cash from 129262  
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay 129263  
costs of operating and maintaining facilities managed by the 129264  
Department of Administrative Services that are not charged to 129265  
tenants during the same fiscal year. 129266

Should the cash balance in Fund 1320 be determined to be 129267  
sufficient, the Director of Administrative Services may request 129268  
that the Director of Budget and Management transfer cash from 129269  
Fund 1320 to Fund 5KZ0 in an amount equal to the initial cash 129270  
transfer made under this section. 129271

**INFORMATION TECHNOLOGY DEVELOPMENT** 129272

The foregoing appropriation item 100661, IT Development, 129273  
shall be used by the Department of Administrative Services to 129274  
pay the costs of modernizing the state's information technology 129275  
management and investment practices away from a limited, agency- 129276  
specific focus in favor of a statewide methodology supporting 129277  
development of enterprise solutions. This appropriation item may 129278  
be used to pay the costs of enterprise information technology 129279  
initiatives affecting state agencies or their customers. 129280

Notwithstanding any provision of law to the contrary, the 129281  
Department of Administrative Services, with the approval of the 129282  
Director of Budget and Management, may charge state agencies an 129283  
information technology development assessment based on state 129284  
agencies' information technology expenditures or other 129285  
methodology and may assess fees or charges to entities that are 129286  
not state agencies to offset the cost of specific technology 129287  
events or services. The revenue from these assessments, fees, or 129288  
charges shall be deposited into the Information Technology 129289  
Development Fund (Fund 5LJ0), which is hereby created. 129290

**ENTERPRISE APPLICATIONS** 129291

The foregoing appropriation item 100665, Enterprise 129292  
Applications, shall be used for the operation and management of 129293  
information technology applications that support state agencies' 129294  
objectives. Charges billed to benefiting agencies shall be 129295  
deposited to the credit of the Enterprise Applications Fund 129296  
(Fund 5PC0). 129297

**Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION** 129298

The Director of Administrative Services shall determine 129299  
and implement strategies that benefit the enterprise by 129300  
improving efficiency, reducing costs, or enhancing capacity of 129301

information technology (IT) services. Such improvements and 129302  
efficiencies may result in the consolidation and transfer of 129303  
such services. As determined to be necessary for successful 129304  
implementation of this section and notwithstanding any provision 129305  
of law to the contrary, the Director of Administrative Services 129306  
may request the Director of Budget and Management to consolidate 129307  
or transfer IT-specific budget authority between agencies or 129308  
within an agency as necessary to implement enterprise IT cost 129309  
containment strategies and related efficiencies. Once the 129310  
Director of Budget and Management is satisfied that the proposed 129311  
initiative is cost advantageous to the enterprise, the Director 129312  
of Budget and Management may request Controlling Board approval 129313  
to transfer appropriations, funds, and cash to implement the 129314  
proposed initiative. The establishment of any new fund or 129315  
additional appropriation as a result of this section shall also 129316  
be subject to Controlling Board approval. 129317

The Director of Budget and Management and the Director of 129318  
Administrative Services may transfer any employees, assets, and 129319  
liabilities, including, but not limited to, records, contracts, 129320  
and agreements in order to facilitate the improvements 129321  
determined in accordance with this section. 129322

**Section 207.60.** It is the intent of the General Assembly 129323  
that the State of Ohio purchase St. Rita School for the Deaf for 129324  
an amount to be determined. The Department of Administrative 129325  
Services shall determine the amount of funding needed for the 129326  
state to purchase the building in which St. Rita School for the 129327  
Deaf is housed and the accompanying twenty acres of land on 129328  
which the building is located so that the school may become a 129329  
public school under the supervision of the Ohio Deaf and Blind 129330  
Education Services in accordance with Chapter 3325. of the 129331  
Revised Code, as amended by this act. 129332



Section 209.10.

129333

129334

1	2	3	4	5
A		AGE DEPARTMENT OF AGING		
B	General Revenue Fund			
C	GRF 490321	Operating Expenses	\$2,044,405	\$2,083,308
D	GRF 490410	Long-Term Care Ombudsman	\$3,117,148	\$3,122,195
E	GRF 490411	Senior Community Services	\$11,257,903	\$11,295,146
F	GRF 490414	Alzheimer's and Other Dementia Respite	\$4,300,000	\$4,300,000
G	GRF 490506	National Senior Service Corps	\$222,000	\$222,000
H	GRF 490510	Community Projects	\$285,000	\$0
I	GRF 656423	Long-Term Care Budget - State	\$5,322,431	\$5,439,477
J	General Revenue Fund Total		\$26,548,887	\$26,462,126
K	Dedicated Purpose Fund Group			
L	4800 490606	Senior Community Outreach and Education	\$150,000	\$150,000
M	4C40 490609	Regional Long-Term Care Ombudsman Program	\$1,000,000	\$1,000,000

N	5BA0	490620	Long-Term Care Quality Initiatives	\$12,417,919	\$12,417,919
O	5K90	490613	Long-Term Care Consumers Guide	\$1,770,000	\$1,780,000
P	5MT0	490627	Board of Executives of Long-Term Services and Supports	\$850,000	\$875,000
Q	5T40	656625	Health Care Grants - State	\$695,940	\$695,939
R	5W10	490616	Resident Services Coordinator Program	\$262,500	\$262,500
S	Dedicated Purpose Fund Group Total			\$17,146,359	\$17,181,358
T	Federal Fund Group				
U	3220	490618	Federal Aging Grants	\$10,500,000	\$10,500,000
V	3C40	656623	Long-Term Care Budget - Federal	\$7,462,626	\$7,979,625
W	3M40	490612	Federal Independence Services	\$66,495,000	\$69,820,000
X	Federal Fund Group Total			\$84,457,626	\$88,299,625
Y	TOTAL ALL BUDGET FUND GROUPS			\$128,152,872	\$131,943,109

**Section 209.20. LONG-TERM CARE** 129335

Pursuant to an interagency agreement, the Department of 129336

Medicaid may designate the Department of Aging to perform 129337  
assessments under section 5165.04 of the Revised Code. The 129338  
Department of Aging shall provide long-term care consultations 129339  
under section 173.42 of the Revised Code to assist individuals 129340  
in planning for their long-term health care needs. 129341

The Department of Aging shall administer the Medicaid 129342  
waiver-funded PASSPORT Home Care Program, the Assisted Living 129343  
Program, and PACE as delegated by the Department of Medicaid in 129344  
an interagency agreement. 129345

**PERFORMANCE-BASED REIMBURSEMENT** 129346

In order to improve health outcomes among populations 129347  
served by PASSPORT administrative agencies, the Department of 129348  
Aging, through rules adopted in accordance with Chapter 119. of 129349  
the Revised Code, may design and utilize a payment method for 129350  
PASSPORT administrative agency operations that includes a pay- 129351  
for-performance incentive component that is earned by a PASSPORT 129352  
administrative agency when defined consumer and policy outcomes 129353  
are achieved. Prior to filing with the Joint Committee on Agency 129354  
Rule Review, as provided in section 119.03 of the Revised Code, 129355  
a proposed rule related to a payment method that includes a pay- 129356  
for-performance incentive component, the Department shall submit 129357  
a report to the Joint Medicaid Oversight Committee outlining the 129358  
payment method. 129359

**Section 209.30. MYCARE OHIO** 129360

The authority of the Office of the State Long-Term Care 129361  
Ombudsman as described in sections 173.14 to 173.28 of the 129362  
Revised Code extends to MyCare Ohio during the period of the 129363  
federal financial alignment demonstration program. 129364

**SENIOR COMMUNITY SERVICES** 129365

Of the foregoing appropriation item 490411, Senior 129366  
Community Services, \$150,000 in each fiscal year shall be used 129367  
to support the IConnect Program, administered by the 129368  
Neighborhood Centers Association in Richland, Medina, Lorain, 129369  
and Cuyahoga Counties. 129370

The remainder of appropriation item 490411, Senior 129371  
Community Services, may be used for programs, services, and 129372  
activities designated by the Department of Aging, including, but 129373  
not limited to, home-delivered meals, congregate dining, 129374  
transportation, personal care, respite, adult day services, home 129375  
maintenance and chores, minor home modification, case 129376  
management, evidence-based disease prevention and health 129377  
promotion, and information assistance. Funds may also be used to 129378  
provide grants to community organizations to support and expand 129379  
older adult programming. Services priority shall be given to 129380  
low-income, high-need persons, and/or persons with a cognitive 129381  
impairment who are sixty years of age or over. The Department 129382  
shall not use any of these funds for administrative expenses. 129383

NATIONAL SENIOR SERVICE CORPS 129384

The foregoing appropriation item 490506, National Senior 129385  
Service Corps, may be used by the Department of Aging to fund 129386  
grants to organizations that receive federal funds from the 129387  
Corporation for National and Community Service to support the 129388  
following Senior Corps programs: the Foster Grandparents 129389  
Program, the Senior Companion Program, and the Retired Senior 129390  
Volunteer Program. A recipient of these grant funds shall use 129391  
the funds to support priorities established by the Department 129392  
and the Ohio State Office of the Corporation for National and 129393  
Community Service. Neither the Department nor any area agencies 129394  
on aging that are involved in the distribution of these funds to 129395

lower-tiered grant recipients may use any portion of these funds	129396
to cover administrative costs.	129397
COMMUNITY PROJECTS	129398
The foregoing appropriation item 490510, Community	129399
Projects, shall be distributed to Jewish Family Services to	129400
support Ohio's Holocaust survivors.	129401
BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS	129402
The foregoing appropriation item 490627, Board of	129403
Executives of Long-Term Services and Supports, may be used by	129404
the Board of Executives of Long-Term Services and Supports to	129405
administer and enforce Chapter 4751. of the Revised Code and	129406
rules adopted under it.	129407
<b>Section 211.10.</b>	129408
	129409

	1	2	3	4	5
A	AGR DEPARTMENT OF AGRICULTURE				
B	General Revenue Fund				
C	GRF	700401	Animal Health Programs	\$8,055,500	\$8,265,900
D	GRF	700403	Dairy Division	\$1,569,000	\$1,613,000
E	GRF	700404	Ohio Proud	\$189,000	\$208,000
F	GRF	700406	Consumer Protection Lab	\$1,880,000	\$1,906,000
G	GRF	700407	Food Safety	\$1,705,000	\$1,752,000
H	GRF	700409	Farmland Preservation	\$572,000	\$588,000

I	GRF	700410	Plant Industry	\$542,000	\$594,000
J	GRF	700412	Weights and Measures	\$825,000	\$849,000
K	GRF	700415	Poultry Inspection	\$970,000	\$992,000
L	GRF	700418	Livestock Regulation Program	\$1,600,000	\$1,649,000
M	GRF	700424	Livestock Testing and Inspections	\$135,000	\$138,000
N	GRF	700426	Dangerous Animals and Emergency Management	\$708,000	\$716,000
O	GRF	700427	High Volume Breeder Kennel Control	\$1,545,000	\$1,553,000
P	GRF	700428	Soil and Water Division	\$4,679,000	\$4,857,000
Q	GRF	700429	E15 Motor Fuel Rebate Program	\$10,000,000	\$0
R	GRF	700499	Meat Inspection Program - State Share	\$8,080,000	\$8,304,000
S	GRF	700501	County Agricultural Societies	\$1,930,000	\$1,430,000
T	GRF	700509	Soil and Water District Support	\$12,527,000	\$12,533,000
U	GRF	700511	Ride Inspection	\$779,000	\$801,000
V	GRF	700674	Plant Testing	\$247,000	\$218,000

W	General Revenue Fund Total	\$58,537,500	\$48,966,900
X	Dedicated Purpose Fund Group		
Y	4900 700651 License Plates - Sustainable Agriculture	\$16,800	\$16,800
Z	4940 700612 Agricultural Commodity Marketing Program	\$125,000	\$125,000
AA	4960 700626 Ohio Grape Industries	\$1,200,000	\$1,200,000
AB	4970 700627 Grain Warehouse Program	\$500,000	\$500,000
AC	4C90 700605 Commercial Feed and Seed	\$2,273,000	\$2,329,000
AD	4D20 700609 Auction Education	\$53,000	\$54,000
AE	4E40 700606 Utility Radiological Safety	\$136,000	\$142,000
AF	4P70 700610 Food Safety Inspection	\$1,353,000	\$1,396,000
AG	4R00 700636 Ohio Proud Marketing	\$25,000	\$25,000
AH	4R20 700637 Dairy Industry Inspection	\$1,751,000	\$1,787,000
AI	4T60 700611 Poultry and Meat Inspection	\$113,500	\$117,000
AJ	5780 700620 Ride Inspection	\$1,245,000	\$1,273,000
AK	5B80 700629 Auctioneers	\$230,000	\$236,000
AL	5BV0 700660 Heidelberg Water Quality	\$275,000	\$275,000

Lab					
AM	5BV0	700661	Soil and Water Districts	\$10,507,000	\$10,509,000
AN	5FC0	700648	Plant Pest Program	\$1,200,000	\$1,200,000
AO	5H20	700608	Metrology Lab and Scale Certification	\$1,194,000	\$1,240,000
AP	5L80	700604	Livestock Management Program	\$186,800	\$189,800
AQ	5MR0	700658	Commercial Dog Breeding	\$450,000	\$465,000
AR	5MS0	700659	Animal and Consumer Protection	\$8,400	\$8,400
AS	5QW0	700653	Watershed Assistance	\$857,000	\$832,000
AT	5WJ0	700671	Hemp Program	\$367,000	\$375,000
AU	6520	700634	Animal, Consumer, and ATL Labs	\$8,483,900	\$8,328,800
AV	6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$4,533,000	\$4,649,000
AW	6H20	700670	H2Ohio	\$33,700,000	\$33,700,000
AX	Dedicated Purpose Fund Group Total			\$70,783,400	\$70,972,800
AY	Internal Service Activity Fund Group				
AZ	5DA0	700644	Laboratory Administration	\$1,300,000	\$1,339,000



Support			
BA 5GH0 700655	Administrative Support	\$7,614,000	\$7,990,000
BB	Internal Service Activity Fund Group	\$8,914,000	\$9,329,000
	Total		
BC	Capital Projects Fund Group		
BD 7057 700632	Clean Ohio Agricultural Easement Operating	\$512,000	\$515,000
BE	Capital Projects Fund Group Total	\$512,000	\$515,000
BF	Federal Fund Group		
BG 3260 700618	Meat Inspection Program - Federal Share	\$5,891,000	\$6,133,000
BH 3360 700617	Ohio Farm Loan - Revolving	\$317,000	\$200,000
BI 3820 700601	Federal Cooperative Contracts	\$11,612,000	\$9,669,000
BJ 3J40 700607	Federal Administrative Programs	\$2,000,000	\$2,055,000
BK 3R20 700614	Federal Plant Industry	\$6,843,000	\$7,189,000
BL	Federal Fund Group Total	\$26,663,000	\$25,246,000
BM	TOTAL ALL BUDGET FUND GROUPS	\$165,409,900	\$155,029,700

Of the foregoing appropriation item 700428, Soil and Water 129411  
Division, \$500,000 in each fiscal year shall be used to provide 129412  
grants to local governments for the purpose of developing or 129413  
updating local land use plans. 129414

COUNTY AGRICULTURAL SOCIETIES 129415

Of the foregoing appropriation item 700501, County 129416  
Agricultural Societies, up to \$380,000 in each fiscal year shall 129417  
be used to reimburse county and independent agricultural 129418  
societies for expenses related to Junior Fair activities. 129419

Of the foregoing appropriation item 700501, County 129420  
Agricultural Societies, \$800,000 in each fiscal year shall be 129421  
used to offset up to fifty per cent of the rental and equipment 129422  
costs for state and national livestock events held at the Ohio 129423  
Expo Center. 129424

Of the foregoing appropriation item 700501, County 129425  
Agricultural Societies, up to \$250,000 in each fiscal year shall 129426  
be used to support the Future Farmers of America, urban 129427  
agriculture, and agriculture literacy programs around the state. 129428

Of the foregoing appropriation item 700501, County 129429  
Agricultural Societies, \$500,000 in fiscal year 2026 shall be 129430  
used to support the construction of the Mercer County 129431  
Fairgrounds Grand Events Center. 129432

E15 MOTOR FUEL REBATE PROGRAM 129433

The foregoing appropriation item 700429, E15 Motor Fuel 129434  
Rebate Program, shall be used to administer the E15 Motor Fuel 129435  
Rebate Program established in Section 757.100 of this act. 129436

The unexpended, unencumbered portion of appropriation item 129437  
700429, E15 Motor Fuel Rebate Program, at the end of fiscal year 129438

2026 is hereby reappropriated to the same appropriation item for 129439  
the same purpose in fiscal year 2027. 129440

SUPPORT FOR SOIL AND WATER DISTRICTS 129441

Of the foregoing appropriation item 700509, Soil and Water 129442  
District Support, \$4,200,000 in each fiscal year shall be used 129443  
to support county soil and water conservation districts in 129444  
priority regions as defined by the director of Agriculture, for 129445  
staffing costs and to assist in soil testing and nutrient 129446  
management plan development, including manure transformation and 129447  
manure conversion technologies, enhanced filter strips, water 129448  
management, and H2Ohio Program support. 129449

SOIL AND WATER DISTRICTS 129450

In addition to state payments to soil and water 129451  
conservation districts authorized by section 940.15 of the 129452  
Revised Code, the Department of Agriculture may use 129453  
appropriation item 700661, Soil and Water Districts, to pay any 129454  
soil and water conservation district an annual amount not to 129455  
exceed \$40,000 upon receipt of a request and justification from 129456  
the district and approval by the Ohio Soil and Water 129457  
Conservation Commission. The county auditor shall credit the 129458  
payments to the special fund established under section 940.12 of 129459  
the Revised Code for use by the local soil and water 129460  
conservation district. The amounts received by each district 129461  
shall be expended for the purposes of the district. 129462

H2OHIO FUND 129463

The Department of Agriculture shall establish programs to 129464  
assist in reducing total phosphorus, dissolved reactive 129465  
phosphorus, sediment, and other nutrients in the Western Lake 129466  
Erie Basin and other critical regions in the state as defined by 129467

the Director of Agriculture. 129468

The foregoing appropriation item 700670, H2Ohio, shall be 129469  
used to support the programs described above, which may include, 129470  
but not be limited to, the following: (1) equipment for 129471  
subsurface placement of nutrients into the soil; (2) equipment 129472  
for nutrient placement based on geographic information system 129473  
data; (3) soil testing; (4) implementation of variable rate 129474  
technology; (5) equipment implementing manure transformation and 129475  
manure conversion technologies; (6) tributary monitoring; (7) 129476  
best management practices recognized to reduce nutrients; (8) a 129477  
revolving loan program; and (9) matching funds for the 129478  
Conservation Reserve Enhancement Program. 129479

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 129480

The foregoing appropriation item 700632, Clean Ohio 129481  
Agricultural Easement Operating, shall be used by the Department 129482  
of Agriculture in administering Clean Ohio Agricultural Easement 129483  
Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, 129484  
and 5301.67 to 5301.70 of the Revised Code. 129485

**Section 213.10.** 129486

	1	2	3	4	5
A	AIR AIR QUALITY DEVELOPMENT AUTHORITY				
B	Dedicated Purpose Fund Group				
C	4Z90	898602	Small Business Ombudsman	\$246,000	\$248,000
D	5700	898601	Operating Expenses	\$3,600,000	\$4,300,000
E	5A00	898603	Small Business Assistance	\$150,000	\$225,000

F	Dedicated Purpose Fund Group Total	\$3,996,000	\$4,773,000
G	TOTAL ALL BUDGET FUND GROUPS	\$3,996,000	\$4,773,000

**Section 213.20.** REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 129488  
 AUTHORITY TRUST ACCOUNT 129489

Notwithstanding any other provision of law to the 129490  
 contrary, the Air Quality Development Authority may reimburse 129491  
 the Air Quality Development Authority trust account established 129492  
 under section 3706.10 of the Revised Code from all operating 129493  
 funds of the agency for expenses pertaining to the 129494  
 administration and shared costs incurred by the Air Quality 129495  
 Development Authority in the execution of responsibilities as 129496  
 prescribed in Chapter 3706. of the Revised Code. The 129497  
 reimbursement shall occur in accordance with an administrative 129498  
 cost recovery plan approved by the Air Quality Development 129499  
 Authority Board. 129500

**Section 215.10.** 129501  
 129502

	1	2	3	4	5
A	ARC ARCHITECTS BOARDS				
B	Dedicated Purpose Fund Group				
C	4K90	891609	Operating	\$674,000	\$690,001
D	Dedicated Purpose Fund Group Total			\$674,000	\$690,001
E	TOTAL ALL BUDGET FUND GROUPS			\$674,000	\$690,001

**Section 217.10.** 129503

129504

1	2	3	4	5
A		ART OHIO ARTS COUNCIL		
B	General Revenue Fund			
C	GRF 370321	Operating Expenses	\$3,172,595	\$3,243,201
D	GRF 370502	State Program Subsidies	\$23,038,000	\$23,038,000
E	General Revenue Fund Total		\$26,210,595	\$26,281,201
F	Dedicated Purpose Fund Group			
G	4600 370602	Arts Council Program Support	\$345,000	\$345,000
H	4B70 370603	Percent For Art Acquisitions	\$165,000	\$165,000
I	Dedicated Purpose Fund Group Total		\$510,000	\$510,000
J	Federal Fund Group			
K	3140 370601	Federal Support	\$1,350,000	\$1,350,000
L	Federal Fund Group Total		\$1,350,000	\$1,350,000
M	TOTAL ALL BUDGET FUND GROUPS		\$28,070,595	\$28,141,201

**Section 217.20.** FEDERAL SUPPORT

129505

Notwithstanding any provision of law to the contrary, the  
foregoing appropriation item 370601, Federal Support, shall be  
used by the Ohio Arts Council for subsidies only, and not for

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its administrative costs, unless the Council is required to use 129509  
a portion of the funds for administrative costs under conditions 129510  
of the federal grant. 129511

**Section 219.10.** 129512  
129513

	1	2	3	4	5
A	ATH ATHLETIC COMMISSION				
B	Dedicated Purpose Fund Group				
C	4K90	175609	Operating Expenses	\$367,022	\$371,995
D	Dedicated Purpose Fund Group Total			\$367,022	\$371,995
E	TOTAL ALL BUDGET FUND GROUPS			\$367,022	\$371,995

**Section 221.10.** 129514  
129515

	1	2	3	4	5
A	AGO ATTORNEY GENERAL				
B	General Revenue Fund				
C	GRF	055321	Operating Expenses	\$93,285,225	\$93,285,225
D	GRF	055405	Law-Related Education	\$68,000	\$68,000
E	GRF	055406	BCIRS Lease Rental Payments	\$2,450,000	\$2,450,000
F	GRF	055411	County Sheriffs' Pay Supplement	\$1,111,257	\$1,130,685

G	GRF	055415	County Prosecutors' Pay Supplement	\$1,476,937	\$1,502,753
H	GRF	055431	Drug Abuse Response Team Grants	\$1,500,000	\$1,500,000
I	GRF	055432	Drug Testing Equipment	\$964,000	\$964,000
J	GRF	055434	Internet Crimes Against Children Task Force	\$500,000	\$500,000
K	GRF	055441	Victims of Crime	\$6,700,000	\$5,700,000
L	GRF	055446	Cyber Crime Division	\$1,000,000	\$1,000,000
M	GRF	055501	Rape Crisis Centers	\$15,300,000	\$15,300,000
N	GRF	055502	School Safety Training Grants	\$12,000,000	\$12,000,000
O	GRF	055504	Domestic Violence Programs	\$10,000,000	\$10,000,000
P	GRF	055505	Pike County Capital Case	\$600,000	\$0
Q	GRF	055509	Law Enforcement Training	\$30,000,000	\$35,000,000
R			General Revenue Fund Total	\$176,955,419	\$180,400,663
S			Dedicated Purpose Fund Group		
T	1060	055612	Attorney General Operating	\$63,216,225	\$64,034,683
U	4020	055616	Victims of Crime	\$11,500,000	\$12,000,000



V	4170	055621	Domestic Violence Shelter	\$25,000	\$25,000
W	4180	055615	Charitable Foundations	\$11,500,000	\$11,000,000
X	4190	055623	Claims Section	\$77,520,063	\$86,393,854
Y	4190	055668	Collections System Lease Rental Payments	\$4,165,000	\$4,165,000
Z	4200	055603	Attorney General Antitrust	\$1,500,000	\$0
AA	4210	055617	Police Officers' Training Academy Fee	\$3,555,387	\$3,528,018
AB	4L60	055606	DARE Programs	\$2,308,099	\$2,310,841
AC	4Y70	055608	Title Defect Recision	\$1,032,267	\$1,038,534
AD	4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$2,000,000	\$2,000,000
AE	5900	055633	Peace Officer Private Security Training	\$101,306	\$103,330
AF	5A90	055618	Telemarketing Fraud Enforcement	\$10,000	\$10,000
AG	5LR0	055655	Peace Officer Training - Casino	\$7,726,217	\$8,183,287
AH	5TL0	055659	Organized Crime Law Enforcement Trust	\$100,000	\$100,000
AI	5VL0	055435	Stop Bullying License	\$2,500	\$2,500

	Plate		
AJ 6310 055637	Consumer Protection Enforcement	\$10,500,000	\$11,000,000
AK 6590 055641	Solid and Hazardous Waste Background Investigations	\$359,895	\$367,319
AL U087 055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$2,500,000	\$2,500,000
AM	Dedicated Purpose Fund Group Total	\$199,621,959	\$208,762,366
AN	Internal Service Activity Fund Group		
AO 1950 055660	Workers' Compensation Section	\$9,570,750	\$9,905,726
AP	Internal Service Activity Fund Group Total	\$9,570,750	\$9,905,726
AQ	Holding Account Fund Group		
AR 5BY1 055674	Charitable Law Distributions	\$750,000	\$750,000
AS R004 055631	General Holding Account	\$1,000,000	\$1,000,000
AT R005 055632	Antitrust Settlements	\$1,000,000	\$1,000,000
AU R018 055630	Consumer Frauds	\$1,000,000	\$1,000,000
AV R042 055601	Organized Crime	\$750,000	\$750,000

Commission Distributions

AW R054 055650 Collection Payment	\$4,500,000	\$4,500,000
Redistribution		
AX Holding Account Fund Group Total	\$9,000,000	\$9,000,000
AY Federal Fund Group		
AZ 3060 055620 Medicaid Fraud Control	\$17,059,070	\$17,887,905
BA 3830 055634 Crime Victims Assistance	\$40,000,000	\$40,000,000
BB 3E50 055638 Attorney General Pass- Through Funds	\$8,020,999	\$8,020,999
BC 3FV0 055656 Crime Victim Compensation	\$7,200,000	\$7,400,000
BD 3R60 055613 Attorney General Federal Funds	\$5,500,000	\$5,500,000
BE Federal Fund Group Total	\$77,780,069	\$78,808,904
BF TOTAL ALL BUDGET FUND GROUPS	\$472,928,197	\$486,877,659

**Section 221.20.** OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 129516  
SCIENCE 129517

Of the foregoing appropriation item 055321, Operating 129518  
Expenses, \$650,000 in each fiscal year shall be used for the 129519  
Ohio Center for the Future of Forensic Science at Bowling Green 129520  
State University. The purpose of the Center shall be to foster 129521  
forensic science research techniques (BCI Eminent Scholar) and 129522  
to create professional training opportunities to students (BCI 129523  
Scholars) in the forensic science fields. 129524

NARCOTICS TASK FORCES	129525
Of the foregoing appropriation item 055321, Operating Expenses, up to \$500,000 in each fiscal year shall be used to support narcotics task forces funded by the Attorney General.	129526 129527 129528
DOMESTIC VIOLENCE PROGRAM	129529
Of the foregoing appropriation item 055321, Operating Expenses, \$100,000 in each fiscal year may be used by the Attorney General for the purpose of providing funding to domestic violence programs as defined in section 109.46 of the Revised Code.	129530 129531 129532 129533 129534
BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE RENTAL PAYMENTS	129535 129536
The foregoing appropriation item 055406, BCIRS Lease Rental Payments, shall be used for payments during the period from July 1, 2025, through June 30, 2027, pursuant to leases and agreements entered into pursuant to Section 701.40 of S.B. 310 of the 131st General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the BCIRS.	129537 129538 129539 129540 129541 129542 129543 129544
COUNTY SHERIFFS' PAY SUPPLEMENT	129545
The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.	129546 129547 129548 129549
At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation	129550 129551 129552

item 055411, County Sheriffs' Pay Supplement. Any appropriation 129553  
so transferred shall be used to supplement the annual 129554  
compensation of county sheriffs as required by section 325.06 of 129555  
the Revised Code. 129556

COUNTY PROSECUTORS' PAY SUPPLEMENT 129557

The foregoing appropriation item 055415, County 129558  
Prosecutors' Pay Supplement, shall be used for the purpose of 129559  
supplementing the annual compensation of certain county 129560  
prosecutors as required by section 325.111 of the Revised Code. 129561

At the request of the Attorney General, the Director of 129562  
Budget and Management may transfer appropriation from 129563  
appropriation item 055321, Operating Expenses, to appropriation 129564  
item 055415, County Prosecutors' Pay Supplement. Any 129565  
appropriation so transferred shall be used to supplement the 129566  
annual compensation of county prosecutors as required by section 129567  
325.111 of the Revised Code. 129568

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM 129569

The Attorney General shall maintain the Drug Abuse 129570  
Response Team Grant Program for the purpose of replicating or 129571  
expanding successful law enforcement programs that address the 129572  
opioid epidemic similar to the Drug Abuse Response Team 129573  
established by the Lucas County Sheriff's Department, and the 129574  
Quick Response Teams established in Colerain Township's 129575  
Department of Public Safety in Hamilton County and Summit 129576  
County. Any grants awarded by this grant program may include 129577  
requirements for private or nonprofit matching support. 129578

The foregoing appropriation item 055431, Drug Abuse 129579  
Response Team Grants, shall be used by the Attorney General to 129580  
fund grants to law enforcement or other government agencies; the 129581

primary purpose of the grants shall be to replicate or expand 129582  
successful law enforcement programs that address the opioid 129583  
epidemic similar to the Drug Abuse Response Team established by 129584  
the Lucas County Sheriff's Department and the Quick Response 129585  
Teams established in Colerain Township's Department of Public 129586  
Safety in Hamilton County and Summit County. 129587

Each recipient of a grant under this program shall, within 129588  
six months of the end date of the grant, submit a written report 129589  
describing the outcomes that resulted from the grant to the 129590  
Governor, the President of the Senate, the Speaker of the House 129591  
of Representatives, the Minority Leader of the Senate, and the 129592  
Minority Leader of the House of Representatives. 129593

DRUG TESTING EQUIPMENT 129594

The foregoing appropriation item 055432, Drug Testing 129595  
Equipment, shall be used to purchase, operate, and maintain drug 129596  
testing equipment for the Bureau of Criminal Identification and 129597  
Investigation. 129598

INTERNET CRIMES AGAINST CHILDREN TASK FORCE 129599

The foregoing appropriation item 055434, Internet Crimes 129600  
Against Children Task Force, shall be used by the Attorney 129601  
General in support of the Ohio Internet Crimes Against Children 129602  
Task Force for the purposes described in section 195.02 of the 129603  
Revised Code. 129604

VICTIMS OF CRIME 129605

The foregoing appropriation item 055441, Victims of Crime, 129606  
shall be allocated to the Crime Victim Compensation Program. 129607  
Prior to using the funds from this appropriation item, the 129608  
Attorney General shall, to the extent possible, first use funds 129609  
related to the federal Victims of Crime Act. 129610

CLEVELAND RAPE CRISIS CENTER	129611
Of the foregoing appropriation item 055501, Rape Crisis	129612
Centers, \$300,000 in each fiscal year shall be distributed to	129613
the Cleveland Rape Crisis Center to provide services for at-risk	129614
youth through the Cleveland Rape Crisis Center Human Trafficking	129615
Drop-in Center.	129616
SCHOOL SAFETY TRAINING GRANTS	129617
(A) The foregoing appropriation item 055502, School Safety	129618
Training Grants, shall be used by the Attorney General, in	129619
consultation with the Director of Education and Workforce and	129620
the Director of Behavioral Health, solely to make grants to	129621
public and chartered nonpublic schools, educational service	129622
centers, local law enforcement agencies, and schools operated by	129623
county boards of developmental disabilities administering	129624
special education services programs pursuant to section 5126.05	129625
of the Revised Code for school safety and school climate	129626
programs and training.	129627
(B) The use of the grants includes, but is not limited to,	129628
all of the following:	129629
(1) The support of school resource officer certification	129630
training;	129631
(2) Any type of active shooter and school safety training	129632
or equipment;	129633
(3) All grade level type educational resources;	129634
(4) Training to identify and assist students with mental	129635
health issues;	129636
(5) School supplies or equipment related to school safety	129637
or for implementing the school's safety plan;	129638

(6) Any other training, supplies, services, or equipment 129639  
related to school safety. 129640

(C) The schools, educational service centers, and county 129641  
boards shall work or contract with the county sheriff's office 129642  
or a local police department in whose jurisdiction they are 129643  
located to develop the programs and training described in 129644  
divisions (B) (1), (2), (3), (5), and (6) of this section. Any 129645  
grant awarded directly to a local law enforcement agency, or to 129646  
a nonprofit or charitable law enforcement training organization 129647  
on the law enforcement agency's behalf, shall not be used to 129648  
fund a similar request made by a school located within the 129649  
jurisdiction of the local law enforcement agency. 129650

(D) The Attorney General is authorized to make payments 129651  
directly to school or law enforcement nonprofit or charitable 129652  
training organizations on behalf of any public and chartered 129653  
nonpublic schools, educational service centers, local law 129654  
enforcement agencies, and schools operated by county boards of 129655  
developmental disabilities administering special education 129656  
services. 129657

(E) As used in this section, "public school" means any 129658  
school operated by a school district board of education, any 129659  
community school established under Chapter 3314. of the Revised 129660  
Code, and any STEM school established under Chapter 3326. of the 129661  
Revised Code. 129662

DOMESTIC VIOLENCE PROGRAMS 129663

The foregoing appropriation item 055504, Domestic Violence 129664  
Programs, shall be used by the Attorney General for the purpose 129665  
of funding domestic violence programs as defined in section 129666  
109.46 of the Revised Code. 129667



FINDING MY CHILDHOOD AGAIN PILOT PROGRAM	129668
Of the foregoing appropriation item 055504, Domestic	129669
Violence Programs, \$300,000 in each fiscal year shall be	129670
distributed to the Battered Women's Shelter of Summit and Medina	129671
counties for expenses related to the creation and implementation	129672
of a pilot program called "Finding my Childhood Again."	129673
BATTERED WOMEN'S SHELTER	129674
Of the foregoing appropriation item 055504, Domestic	129675
Violence Programs, \$50,000 in each fiscal year shall be	129676
distributed to the Battered Women's Shelter of Summit and Medina	129677
counties for the cost of operating the commercial kitchen	129678
located at its Market Street Facility, and \$50,000 in each	129679
fiscal year shall be distributed to the Battered Women's Shelter	129680
of Portage County.	129681
TRANSPORTATION GRANTS	129682
Of the foregoing appropriation item 055504, Domestic	129683
Violence Programs, \$25,000 in fiscal year 2026 shall be provided	129684
as grants to Ohio domestic violence shelters to buy	129685
transportation vouchers, ridesharing credits, or gas cards for	129686
eligible clients. The Attorney General shall adopt any rules	129687
necessary for the administration of the grant program.	129688
PIKE COUNTY CAPITAL CASE	129689
An amount equal to the unexpended, unencumbered balance of	129690
appropriation item 055505, Pike County Capital Case, at the end	129691
of fiscal year 2025 is hereby reappropriated to the same	129692
appropriation item for the same purpose in fiscal year 2026.	129693
An amount equal to the unexpended, unencumbered balance of	129694
appropriation item 055505, Pike County Capital Case, at the end	129695

of fiscal year 2026 is hereby reappropriated to the same 129696  
appropriation item for the same purpose in fiscal year 2027. 129697

ATTORNEY GENERAL COLLECTIONS SYSTEM LEASE RENTAL PAYMENTS 129698

The foregoing appropriation item 055668, Collections 129699  
System Lease Rental Payments, shall be used to make payments 129700  
during the period from July 1, 2025, through June 30, 2027, 129701  
pursuant to leases and agreements entered into under Section 129702  
701.10 of S.B. 310 of the 133rd General Assembly or Section 129703  
709.01 of H.B. 687 of the 134th General Assembly, with respect 129704  
to financing the costs associated with the acquisition, 129705  
development, implementation, and integration of the Attorney 129706  
General New Collection System. 129707

WORKERS' COMPENSATION SECTION 129708

The Workers' Compensation Fund (Fund 1950) is entitled to 129709  
receive quarterly payments from the Bureau of Workers' 129710  
Compensation and the Ohio Industrial Commission to fund legal 129711  
services provided to the Bureau of Workers' Compensation and the 129712  
Ohio Industrial Commission during the fiscal year. 129713

In addition, the Bureau of Workers' Compensation shall 129714  
transfer payments for the support of the Workers' Compensation 129715  
Fraud Unit. 129716

All amounts shall be mutually agreed upon by the Attorney 129717  
General, the Bureau of Workers' Compensation, and the Ohio 129718  
Industrial Commission. 129719

GENERAL HOLDING ACCOUNT 129720

The foregoing appropriation item 055631, General Holding 129721  
Account, shall be used to distribute moneys under the terms of 129722  
relevant court orders or other settlements received in a variety 129723

of cases involving the Office of the Attorney General. If it is 129724  
determined that additional amounts are necessary for this 129725  
purpose, the amounts are hereby appropriated. 129726

ANTITRUST SETTLEMENTS 129727

The foregoing appropriation item 055632, Antitrust 129728  
Settlements, shall be used to distribute moneys under the terms 129729  
of relevant court orders or other out-of-court settlements in 129730  
antitrust cases or antitrust matters involving the Office of the 129731  
Attorney General. If it is determined that additional amounts 129732  
are necessary for this purpose, the amounts are hereby 129733  
appropriated. 129734

CHARITABLE SETTLEMENT HOLDING ACCOUNT 129735

The foregoing appropriation item 055674, Charitable 129736  
Settlement Holding Account, shall be used to distribute money in 129737  
the Charitable Settlements Holding Account Fund (Fund 5BY1), 129738  
which is created in the state treasury, under the terms of 129739  
relevant court orders or other settlements received in the 129740  
charitable law cases involving the Office of the Attorney 129741  
General. If it is determined that additional amounts are 129742  
necessary for this purpose, the amounts are hereby appropriated. 129743

On July 1, 2025, or as soon as possible thereafter, the 129744  
Attorney General shall certify to the Director of Budget and 129745  
Management the amount of cash receipts related to settlements 129746  
received in charitable law cases and credited to the General 129747  
Holding Account (Fund R004). The Director of Budget and 129748  
Management shall transfer the amounts certified to the 129749  
Charitable Settlements Holding Account Fund (Fund 5BY1). 129750

CONSUMER FRAUDS 129751

The foregoing appropriation item 055630, Consumer Frauds, 129752

shall be used for distribution of moneys from court-ordered 129753  
judgments against sellers in actions brought by the Office of 129754  
the Attorney General under sections 1334.08 and 4549.48 and 129755  
division (B) of section 1345.07 of the Revised Code. These 129756  
moneys shall be used to provide restitution to consumers 129757  
victimized by the fraud that generated the court-ordered 129758  
judgments. If it is determined that additional amounts are 129759  
necessary for this purpose, the amounts are hereby appropriated. 129760

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 129761

The foregoing appropriation item 055601, Organized Crime 129762  
Commission Distributions, shall be used by the Organized Crime 129763  
Investigations Commission, as provided by section 177.011 of the 129764  
Revised Code, to reimburse political subdivisions for the 129765  
expenses the political subdivisions incur when their law 129766  
enforcement officers participate in an organized crime task 129767  
force. If it is determined that additional amounts are necessary 129768  
for this purpose, the amounts are hereby appropriated. 129769

COLLECTION PAYMENT REDISTRIBUTION 129770

The foregoing appropriation item 055650, Collection 129771  
Payment Redistribution, shall be used for the purpose of 129772  
allocating the revenue where debtors mistakenly paid the client 129773  
agencies instead of the Attorney General's Collections 129774  
Enforcement Section. If it is determined that additional amounts 129775  
are necessary for this purpose, the amounts are hereby 129776  
appropriated. 129777

**Section 221.30.** On January 15, 2027, or as soon as 129778  
possible thereafter, the Attorney General shall certify and 129779  
remit to the Director of Budget and Management the balance of 129780  
all proceeds received by the state under the settlement 129781

agreement in State of Ohio v. McKesson Corp., Case No. 129782  
 CVH20180055 (C.P. Madison Co., settlement agreement of October 129783  
 7, 2021). Upon certification, the Director of Budget and 129784  
 Management shall remit the amounts certified to the Targeted 129785  
 Addiction Assistance Fund (Fund 5TZ0), created in section 126.67 129786  
 of the Revised Code. 129787

**Section 223.10.**

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	1	2	3	4	5
A			AUD AUDITOR OF STATE		
B			General Revenue Fund		
C	GRF	070401	Audit Management and Services	\$15,067,887	\$16,035,566
D	GRF	070402	Performance Audits	\$3,505,464	\$3,257,092
E	GRF	070403	Fiscal Distress Technical Assistance	\$650,000	\$650,000
F	GRF	070404	Fraud/Corruption Audits and Investigations	\$4,915,927	\$5,534,546
G	GRF	070412	Local Government Audit Support	\$21,000,000	\$23,250,000
H			General Revenue Fund Total	\$45,139,278	\$48,727,204
I			Dedicated Purpose Fund Group		
J	1090	070601	Public Audit Expense - Intrastate	\$13,737,026	\$13,914,164

K	4220	070602	Public Audit Expense - Local Government	\$33,000,000	\$33,000,000
L	5840	070603	Training Program	\$250,000	\$250,000
M	5JZ0	070606	Auditor's Innovation Fund	\$300,000	\$300,000
N	5VP0	070611	Local Government Audit Support Fund	\$21,000,000	\$23,250,000
O	6750	070605	Uniform Accounting Network	\$7,306,872	\$6,804,086
P	Dedicated Purpose Fund Group Total			\$75,593,898	\$77,518,250
Q	TOTAL ALL BUDGET FUND GROUPS			\$120,733,176	\$126,245,454

**Section 223.20. AUDIT MANAGEMENT AND SERVICES** 129790

The foregoing appropriation item 070401, Audit Management and Services, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments and state entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines. This appropriation item also shall be used to cover costs of the Local Government Services Section that are not charged to clients. 129791  
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**PERFORMANCE AUDITS** 129800

The foregoing appropriation item 070402, Performance Audits, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State related to the provision of performance audits for local governments, school 129801  
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districts, state agencies, and colleges and universities that 129805  
are not recovered through charges to those entities, including 129806  
costs that cannot be recovered from audit clients under federal 129807  
indirect cost allocation guidelines. 129808

Of the foregoing appropriation item 070402, Performance 129809  
Audits, up to \$500,000 in fiscal year 2026 shall be used to 129810  
conduct a performance audit of indigent defense services within 129811  
Ohio. The performance audit shall review the challenges of the 129812  
delivery of indigent defense services, including, but not 129813  
limited to, the costs, accounting, and payment processes of the 129814  
Office of the Public Defender and at least five counties that 129815  
represent each of the various indigent defense delivery methods 129816  
in the state. The audit shall be completed and a report 129817  
submitted to the President and Minority Leader of the Senate and 129818  
to the Speaker and Minority Leader of the House of 129819  
Representatives not later than August 1, 2026. 129820

FISCAL DISTRESS TECHNICAL ASSISTANCE 129821

The foregoing appropriation item 070403, Fiscal Distress 129822  
Technical Assistance, shall be used to support costs of the 129823  
Auditor of State responsibilities under Chapters 118., 3316., 129824  
and 3345. of the Revised Code to provide services to local 129825  
governments, schools, or colleges and universities in, or at 129826  
risk of entering, a state of fiscal caution, watch, or 129827  
emergency. 129828

LOCAL GOVERNMENT AUDIT SUPPORT 129829

The foregoing appropriation item 070412, Local Government 129830  
Audit Support, shall be used pursuant to section 117.13 of the 129831  
Revised Code to support costs of the Auditor of State that are 129832  
not recovered through charges to local governments, including 129833

costs that cannot be recovered from audit clients under federal 129834  
indirect cost allocation guidelines. 129835

LOCAL GOVERNMENT AUDIT SUPPORT FUND 129836

The foregoing appropriation item 070611, Local Government 129837  
Audit Support Fund, shall be used pursuant to section 117.131 of 129838  
the Revised Code to offset costs of audits that would otherwise 129839  
be charged to local public offices in the absence of the fund. 129840

**Section 229.10.** 129841  
129842

	1	2	3	4	5
A	OBM OFFICE OF BUDGET AND MANAGEMENT				
B	General Revenue Fund				
C	GRF	042321	Operating Expenses	\$4,400,000	\$4,592,000
D	GRF	042435	Gubernatorial Transition	\$0	\$250,000
E	General Revenue Fund Total			\$4,400,000	\$4,842,000
F	Dedicated Purpose Fund Group				
G	5AY1	042509	One Time Strategic Community Investments	\$1,000,000	\$0
H	Dedicated Purpose Fund Group Total			\$1,000,000	\$0
I	Internal Service Activity Fund Group				
J	1050	042603	Financial Management	\$27,744,976	\$28,843,309
K	Internal Service Activity Fund Group			\$27,744,976	\$28,843,309



Total			
L	Fiduciary Fund Group		
M	5EH0 042604 Forgery Recovery	\$30,000	\$30,000
N	Fiduciary Fund Group Total	\$30,000	\$30,000
O	TOTAL ALL BUDGET FUND GROUPS	\$33,174,976	\$33,715,309

**Section 229.20.** ONE TIME STRATEGIC COMMUNITY INVESTMENTS 129843

The foregoing appropriation item 042509, One Time Strategic Community Investments, shall be used by the Office of Budget and Management to provide grants for the projects listed in this section in the amounts listed. Prior to disbursing a grant to a recipient, the Office of Budget and Management shall enter into a grant agreement with the recipient. As part of the grant agreement, the recipient shall agree to complete a final report, in a form and manner to be prescribed by the Office of Budget and Management, detailing how the recipient used the grant and submit the report to the Office of Budget and Management. 129844  
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An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 042509, One Time Strategic Community Investments, at the end of fiscal year 2026 is hereby reappropriated for the same purpose in fiscal year 2027. 129855  
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A	Project	Amount
B	Say Yes Cleveland	\$750,000

C	University Circle	\$250,000	
	AUDIT COSTS		129860
	All centralized audit costs associated with either Single		129861
	Audit Schedules or financial statements prepared in conformance		129862
	with generally accepted accounting principles for the state		129863
	shall be paid from the foregoing appropriation item 042603,		129864
	Financial Management.		129865
	Costs associated with the audit of the Auditor of State		129866
	shall be paid from the foregoing appropriation item 042321,		129867
	Operating Expenses.		129868
	SHARED SERVICES CENTER		129869
	The foregoing appropriation item 042603, Financial		129870
	Management, shall be used by the Director of Budget and		129871
	Management to support the Shared Services program pursuant to		129872
	division (D) of section 126.21 of the Revised Code.		129873
	The Director of Budget and Management shall include the		129874
	recovery of costs to operate the Shared Services program in the		129875
	accounting and budgeting services payroll rate and through		129876
	direct charges using intrastate transfer vouchers billed to		129877
	agencies for services rendered using a methodology determined by		129878
	the Director of Budget and Management. Such cost recovery		129879
	revenues shall be deposited to the credit of the Accounting and		129880
	Budgeting Fund (Fund 1050).		129881
	INTERNAL AUDIT		129882
	The Director of Budget and Management shall include the		129883
	recovery of costs to operate the Internal Audit Program pursuant		129884
	to section 126.45 of the Revised Code in the accounting and		129885

budgeting services payroll rate using a methodology determined 129886  
by the Director of Budget and Management. Such cost recovery 129887  
revenues shall be deposited to the credit of Fund 1050. 129888

FORGERY RECOVERY 129889

The foregoing appropriation item 042604, Forgery Recovery, 129890  
shall be used to reissue warrants that have been certified as 129891  
forgeries by the rightful recipient as determined by the Bureau 129892  
of Criminal Identification and Investigation and the Treasurer 129893  
of State. Upon receipt of funds to cover the reissuance of the 129894  
warrant, the Director of Budget and Management shall reissue a 129895  
state warrant of the same amount. Any additional amounts needed 129896  
to reissue warrants backed by the receipt of funds are hereby 129897  
appropriated. 129898

**Section 231.10.** 129899  
129900

	1	2	3	4	5
A	CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD				
B	General Revenue Fund				
C	GRF	874321	Operating Expenses	\$6,953,530	\$7,162,135
D	GRF	874400	Statehouse Facility Improvements	\$6,000,000	\$0
E	General Revenue Fund Total			\$12,953,530	\$7,162,135
F	Dedicated Purpose Fund Group				
G	2080	874601	Underground Parking Garage Operations	\$4,245,906	\$4,245,906

H	4G50	874603	Capitol Square Education Center and Arts	\$6,000	\$6,000
I	5AN1	874608	Capitol Square Improvements	\$1,927,921	\$0
J			Dedicated Purpose Fund Group Total	\$6,179,827	\$4,251,906
K			Internal Service Activity Fund Group		
L	4S70	874602	Statehouse Gift Shop/Events	\$1,000,000	\$1,000,000
M			Internal Service Activity Fund Group Total	\$1,000,000	\$1,000,000
N			TOTAL ALL BUDGET FUND GROUPS	\$20,133,357	\$12,414,041

**Section 231.20. OPERATING EXPENSES** 129901

On July 1, 2025, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874321, Operating Expenses, at the end of fiscal year 2025 to be reappropriated for fiscal year 2026. The amount certified is hereby reappropriated to the same appropriation item 874321, Operating Expenses, for fiscal year 2026.

On July 1, 2026, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the

foregoing appropriation item 874321, Operating Expenses, at the 129915  
end of fiscal year 2026 to be reappropriated for fiscal year 129916  
2027. The amount certified is hereby reappropriated to the same 129917  
appropriation item 874321, Operating Expenses, for fiscal year 129918  
2027. 129919

STATEHOUSE FACILITY IMPROVEMENTS 129920

On July 1, 2026, or as soon as possible thereafter, the 129921  
Executive Director of the Capitol Square Review and Advisory 129922  
Board may certify to the Director of Budget and Management an 129923  
amount up to the unexpended, unencumbered balance of the 129924  
foregoing appropriation item 874400, Statehouse Facility 129925  
Improvements, at the end of fiscal year 2026 to be 129926  
reappropriated for fiscal year 2027. The amount certified is 129927  
hereby reappropriated to the same appropriation item 874400, 129928  
Statehouse Facility Improvements, for fiscal year 2027. 129929

CAPITOL SQUARE IMPROVEMENTS 129930

On July 1, 2025, or as soon as possible thereafter, the 129931  
Executive Director of the Capitol Square Review and Advisory 129932  
Board may certify to the Director of Budget and Management an 129933  
amount up to the unexpended, unencumbered balance of the 129934  
foregoing appropriation item 874608, Capitol Square 129935  
Improvements, at the end of fiscal year 2025 to be 129936  
reappropriated for fiscal year 2026. The amount certified is 129937  
hereby appropriated to the same appropriation item 874608, 129938  
Capitol Square Improvements, for fiscal year 2026. 129939

On July 1, 2026, or as soon as possible thereafter, the 129940  
Executive Director of the Capitol Square Review and Advisory 129941  
Board may certify to the Director of Budget and Management an 129942  
amount up to the unexpended, unencumbered balance of the 129943

foregoing appropriation item 874608, Capitol Square  
Improvements, at the end of fiscal year 2026 to be  
reappropriated for fiscal year 2027. The amount certified is  
hereby appropriated to the same appropriation item 874608,  
Capitol Square Improvements, for fiscal year 2027.

UNDERGROUND PARKING GARAGE FUND

Notwithstanding division (G) of section 105.41 of the  
Revised Code and any other provision to the contrary, moneys in  
the Underground Parking Garage Fund (Fund 2080) may be used for  
personnel and operating costs related to the operations of the  
Statehouse and the Statehouse Underground Parking Garage.

HOUSE AND SENATE PARKING REIMBURSEMENT

On July 1 of each fiscal year, or as soon as possible  
thereafter, the Director of Budget and Management shall transfer  
\$500,000 cash from the General Revenue Fund to the Underground  
Parking Garage Fund (Fund 2080). The amounts transferred under  
this section shall be used to reimburse the Capitol Square  
Review and Advisory Board for legislative parking costs.

UNDERGROUND PARKING GARAGE FUND TRANSFER

On July 1, 2025, or as soon as possible thereafter, the  
Director of Budget and Management shall transfer \$1,000,000 cash  
from the Underground Parking Garage Fund (Fund 2080) to the  
Statehouse Gift Shop/Events Fund (Fund 4S70). The amount  
transferred under this section shall be used for personnel and  
operating costs related to the operations of the Statehouse Gift  
Shop and events.

**Section 233.10.**

	1	2	3	4	5
A	SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS				
B	Dedicated Purpose Fund Group				
C	4K90	233601	Operating Expenses	\$581,189	\$593,979
D	Dedicated Purpose Fund Group Total			\$581,189	\$593,979
E	TOTAL ALL BUDGET FUND GROUPS			\$581,189	\$593,979

**Section 235.10.**

129972  
129973

	1	2	3	4	5
A	CAC CASINO CONTROL COMMISSION				
B	Dedicated Purpose Fund Group				
C	5HS0	955321	Operating Expenses	\$17,855,928	\$18,849,195
D	5NU0	955601	Casino Commission Enforcement	\$156,680	\$200,547
E	5YR0	955602	Problem Sports Gaming	\$3,500,000	\$3,500,000
F	Dedicated Purpose Fund Group Total			\$21,512,608	\$22,549,742
G	TOTAL ALL BUDGET FUND GROUPS			\$21,512,608	\$22,549,742

**Section 237.10.**

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129975

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A	CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD		
B	Dedicated Purpose Fund Group		
C	4K90 930609 Operating Expenses	\$1,337,144	\$1,487,262
D	5CF1 930600 Peer Support Program	\$292,500	\$30,000
E	Dedicated Purpose Fund Group Total	\$1,629,644	\$1,517,262
F	TOTAL ALL BUDGET FUND GROUPS	\$1,629,644	\$1,517,262

**Section 239.10.**

129976

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A	CHR STATE CHIROPRACTIC BOARD		
B	Dedicated Purpose Fund Group		
C	4K90 878609 Operating Expenses	\$625,713	\$639,017
D	Dedicated Purpose Fund Group Total	\$625,713	\$639,017
E	TOTAL ALL BUDGET FUND GROUPS	\$625,713	\$639,017

**Section 241.10.**

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1 2 3 4 5

A	CIV OHIO CIVIL RIGHTS COMMISSION		
B	General Revenue Fund		
C	GRF 876321 Operating Expenses	\$7,464,880	\$7,763,235



D	General Revenue Fund Total	\$7,464,880	\$7,763,235
E	Dedicated Purpose Fund Group		
F	2170 876604 Operations Support	\$5,000	\$5,000
G	Dedicated Purpose Fund Group Total	\$5,000	\$5,000
H	Federal Fund Group		
I	3340 876601 Federal Programs	\$3,614,239	\$3,676,006
J	Federal Fund Group Total	\$3,614,239	\$3,676,006
K	TOTAL ALL BUDGET FUND GROUPS	\$11,084,119	\$11,444,241

**Section 243.10.**

129980  
129981

	1	2	3	4	5
A			COM DEPARTMENT OF COMMERCE		
B			Dedicated Purpose Fund Group		
C	4B20	800631	Real Estate Appraisal Recovery	\$35,000	\$35,000
D	4H90	800608	Cemeteries	\$326,349	\$332,990
E	4X20	800619	Financial Institutions	\$2,129,695	\$2,138,176
F	5430	800602	Unclaimed Funds - Operating	\$16,777,906	\$16,249,752
G	5430	800625	Unclaimed Funds - Claims	\$90,000,000	\$90,000,000

H	5440	800612	Banks	\$11,467,455	\$11,775,392
I	5460	800610	Fire Marshal	\$30,366,505	\$31,171,353
J	5460	800639	Fire Department Grants	\$7,515,000	\$7,515,000
K	5480	800611	Real Estate Recovery	\$50,000	\$50,000
L	5490	800614	Real Estate	\$7,808,917	\$8,014,934
M	5500	800617	Securities	\$9,782,453	\$10,204,710
N	5520	800604	Credit Union	\$5,194,284	\$4,831,282
O	5530	800607	Consumer Finance	\$6,440,712	\$7,215,971
P	5560	800615	Industrial Compliance	\$33,508,390	\$33,692,610
Q	5BG1	800659	Fireworks Fee Firefighter Training	\$3,000,000	\$3,000,000
R	5F10	800635	Small Government Fire Departments	\$600,000	\$600,000
S	5FW0	800616	Financial Literacy Education	\$150,000	\$150,000
T	5GK0	800609	Securities Investor Education/Enforcement	\$742,863	\$542,863
U	5HV0	800641	Cigarette Enforcement	\$27,324	\$27,324
V	5LC0	800644	Liquor JobsOhio Extraordinary Allowance	\$200,000	\$200,000

W	5LNO	800645	Liquor Operating Services	\$18,105,130	\$18,371,853
X	5LP0	800646	Liquor Regulatory Operating Expenses	\$17,782,397	\$17,681,629
Y	5SJ0	800648	Volunteer Peace Officers' Dependent Fund	\$50,000	\$50,000
Z	5SY0	800650	Medical Marijuana Control Program	\$16,339,688	\$16,180,201
AA	5TZ0	800661	Drug Addiction Partnership	\$10,000,000	\$10,000,000
AB	5VD0	800653	Real Estate Home Inspector Recovery	\$10,000	\$10,000
AC	5X60	800623	Video Service	\$429,981	\$441,076
AD	5XK0	800657	Ohio Investor Recovery	\$2,500,000	\$2,500,000
AE	6530	800629	UST Registration/Permit Fee	\$2,813,369	\$2,824,398
AF	Dedicated Purpose Fund Group Total			\$294,153,418	\$295,806,514
AG	Internal Service Activity Fund Group				
AH	1630	800620	Division of Administration	\$11,532,983	\$11,239,902
AI	1630	800637	Information Technology	\$12,728,427	\$13,134,526
AJ	Internal Service Activity Fund Group Total			\$24,261,410	\$24,374,428

AK Federal Fund Group

AL 3480 800622 Underground Storage Tanks \$779,620 \$779,620

AM 3480 800624 Leaking Underground Storage Tanks \$1,899,016 \$1,899,016

AN Federal Fund Group Total \$2,678,636 \$2,678,636

AO TOTAL ALL BUDGET FUND GROUPS \$321,093,464 \$322,859,578

**Section 243.20. UNCLAIMED FUNDS PAYMENTS** 129982

The foregoing appropriation item 800625, Unclaimed Funds- 129983  
Claims, shall be used to pay claims under section 169.08 of the 129984  
Revised Code. If it is determined by the Director of Commerce 129985  
that additional appropriation amounts are necessary to make such 129986  
payments, the Director of Commerce may request that the Director 129987  
of Budget and Management approve such increases. Any approved 129988  
increases are hereby appropriated. 129989

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 129990

The foregoing appropriation item 800631, Real Estate 129991  
Appraisal Recovery, shall be used to pay settlements, judgments, 129992  
and court orders under section 4763.16 of the Revised Code. If 129993  
it is determined by the Director of Commerce that additional 129994  
appropriation amounts are necessary to make such payments, the 129995  
Director of Commerce may request that the Director of Budget and 129996  
Management approve such increases. Any approved increases are 129997  
hereby appropriated. 129998

The foregoing appropriation item 800611, Real Estate 129999  
Recovery, shall be used to pay settlements, judgments, and court 130000  
orders under section 4735.12 of the Revised Code. If it is 130001

determined by the Director of Commerce that additional 130002  
appropriation amounts are necessary to make such payments, the 130003  
Director of Commerce may request that the Director of Budget and 130004  
Management approve such increases. Any approved increases are 130005  
hereby appropriated. 130006

The foregoing appropriation item 800653, Real Estate Home 130007  
Inspector Recovery, shall be used to pay settlements, judgments, 130008  
and court orders under section 4764.21 of the Revised Code. If 130009  
it is determined by the Director of Commerce that additional 130010  
appropriation amounts are necessary to make such payments, the 130011  
Director of Commerce may request that the Director of Budget and 130012  
Management approve such increases. Any approved increases are 130013  
hereby appropriated. 130014

FIRE DEPARTMENT GRANTS 130015

(A) The foregoing appropriation item 800639, Fire 130016  
Department Grants, shall be used to make annual grants to the 130017  
following eligible recipients: volunteer fire departments, fire 130018  
departments that serve one or more small municipalities or small 130019  
townships, joint fire districts comprised of fire departments 130020  
that primarily serve small municipalities or small townships, 130021  
local units of government responsible for such fire departments, 130022  
and local units of government responsible for the provision of 130023  
fire protection services for small municipalities or small 130024  
townships. For the purposes of these grants, a private fire 130025  
company, as that phrase is defined in section 9.60 of the 130026  
Revised Code, that is providing fire protection services under a 130027  
contract to a political subdivision of the state, is an 130028  
additional eligible recipient for a training grant. 130029

Eligible recipients that consist of small municipalities 130030  
or small townships that all intend to contract with the same 130031

fire department or private fire company for fire protection 130032  
services may jointly apply and be considered for a grant. If a 130033  
joint applicant is awarded a grant, the State Fire Marshal 130034  
shall, if feasible, proportionately award the grant and any 130035  
equipment purchased with grant funds to each of the joint 130036  
applicants based upon each applicant's contribution to and 130037  
demonstrated need for fire protection services. For the purpose 130038  
of this grant program, an eligible recipient or any firefighting 130039  
entity that is contracted to serve an eligible recipient may 130040  
only file, be listed as joint applicant, or be designated as a 130041  
service provider on one grant application per fiscal year. 130042

If the grant awarded to joint applicants is an equipment 130043  
grant and the equipment to be purchased cannot be readily 130044  
distributed or possessed by multiple recipients, each of the 130045  
joint applicants shall be awarded by the State Fire Marshal an 130046  
ownership interest in the equipment so purchased in proportion 130047  
to each applicant's contribution to and demonstrated need for 130048  
fire protection services. The joint applicants shall then 130049  
mutually agree on how the equipment is to be maintained, 130050  
operated, stored, or disposed of. If, for any reason, the joint 130051  
applicants cannot agree as to how jointly owned equipment is to 130052  
be maintained, operated, stored, or disposed of or any of the 130053  
joint applicants no longer maintain a contract with the same 130054  
fire protection service provider as the other applicants, then 130055  
the joint applicants shall, with the assistance of the State 130056  
Fire Marshal, mutually agree as to how the jointly owned 130057  
equipment is to be maintained, operated, stored, disposed of, or 130058  
owned. If the joint applicants cannot agree how the grant 130059  
equipment is to be maintained, operated, stored, disposed of, or 130060  
owned, the State Fire Marshal may, in its discretion, require 130061  
all of the equipment acquired by the joint applicants with grant 130062

funds to be returned to the State Fire Marshal. The State Fire Marshal may then award the returned equipment to any eligible recipients. For this paragraph only, an "equipment grant" also includes a MARCS Grant.

(B) Except as otherwise provided in this section, the grants shall be used by recipients to purchase firefighting or rescue equipment or gear or similar items, to provide full or partial reimbursement for the documented costs of firefighter training, or, at the discretion of the State Fire Marshal, to cover fire department costs for providing fire protection services in that grant recipient's jurisdiction.

(1) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$1,300,000 per fiscal year may be used to pay for the State Fire Marshal's costs of providing firefighter I certification classes or other firefighter classes approved by the State Fire Marshal at no cost to selected students attending the Ohio Fire Academy or other class providers approved by the State Fire Marshal. The State Fire Marshal may establish the qualifications and selection processes for students to attend such classes by written policy, and such students shall be considered eligible recipients of fire department grants for the purposes of this portion of the grant program.

(2) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$4,000,000 in each fiscal year may be used for MARCS Grants. MARCS Grants may be used for the payment of user access fees by the eligible recipient to cover costs for accessing MARCS.

For purposes of this section, a MARCS Grant is a grant for systems, equipment, or services that are a part of, integrated

into, or otherwise interoperable with the Multi-Agency Radio 130093  
Communication System (MARCS) operated by the state. 130094

MARCS Grant awards may be up to \$50,000 in each fiscal 130095  
year per eligible recipient. Each eligible recipient may apply, 130096  
as a separate entity or as a part of a joint application, for 130097  
only one MARCS Grant per fiscal year. The State Fire Marshal may 130098  
give a preference to MARCS Grants that will enhance the overall 130099  
interoperability and effectiveness of emergency communication 130100  
networks in the geographic region that includes and that is 130101  
adjacent to the applicant. 130102

Eligible recipients that are or were awarded fire 130103  
department grants that are not MARCS Grants may also apply for 130104  
and receive MARCS Grants in accordance with criteria for the 130105  
awarding of grant funds established by the State Fire Marshal. 130106

(3) Of the foregoing appropriation item 800639, Fire 130107  
Department Grants, \$30,000 in fiscal year 2026 shall be used to 130108  
support volunteer firefighter training programs at the 130109  
Northwestern Ohio Volunteer Firemen's Association Fire School. 130110

(4) Grant awards for firefighting or rescue equipment or 130111  
gear or for fire department costs of providing fire protection 130112  
services shall be up to \$15,000 per fiscal year, or up to 130113  
\$25,000 per fiscal year if an eligible entity serves a 130114  
jurisdiction in which the Governor declared a natural disaster 130115  
during the preceding or current fiscal year in which the grant 130116  
was awarded. In addition to any grant funds awarded for rescue 130117  
equipment or gear, or for fire department costs associated with 130118  
the provision of fire protection services, an eligible entity 130119  
may receive a grant for up to \$15,000 per fiscal year for full 130120  
or partial reimbursement of the documented costs of firefighter 130121  
training. For each fiscal year, the State Fire Marshal shall 130122



determine the total amounts to be allocated for each eligible purpose. 130123  
130124

(C) The grants shall be administered by the State Fire Marshal in accordance with rules the State Fire Marshal adopts as part of the state fire code adopted pursuant to section 3737.82 of the Revised Code that are necessary for the administration and operation of the grant program. The rules may further define the entities eligible to receive grants and establish criteria for the awarding and expenditure of grant funds, including methods the State Fire Marshal may use to verify the proper use of grant funds or to obtain reimbursement for or the return of equipment for improperly used grant funds. To the extent consistent with this section and until the rules are updated, the existing rules in the state fire code adopted pursuant to section 3737.82 of the Revised Code for fire department grants under this section apply to MARCS Grants. Any amounts in appropriation item 800639, Fire Department Grants, in excess of the amount allocated for these grants may be used for the administration of the grant program. 130125  
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**Section 243.30.** CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 130142  
130143

If the Real Estate Recovery Fund (Fund 5480) cash balance exceeds \$250,000 during the biennium ending June 30, 2027, the Director of Budget and Management, upon the written request of the Director of Commerce, and subject to Controlling Board approval, may transfer cash from Fund 5480 to the Division of Real Estate Operating Fund (Fund 5490), such that the amount available in Fund 5480 is not less than \$250,000. 130144  
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If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash balance exceeds \$200,000 during the biennium ending June 130151  
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30, 2027, the Director of Budget and Management, upon the 130153  
written request of the Director of Commerce, and subject to 130154  
Controlling Board approval, may transfer cash from Fund 4B20 to 130155  
the Division of Real Estate Operating Fund (Fund 5490), such 130156  
that the amount available in Fund 4B20 is not less than 130157  
\$200,000. 130158

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT 130159  
SERVICES REVOLVING LOAN FUND 130160

Upon the written request of the Director of Commerce, the 130161  
Director of Budget and Management, subject to Controlling Board 130162  
approval, may transfer up to \$600,000 in cash from the State 130163  
Fire Marshal Fund (Fund 5460) to the Small Government Fire 130164  
Department Services Revolving Loan Fund (Fund 5F10) during the 130165  
biennium ending June 30, 2027. 130166

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND 130167

Upon the written request of the Director of Commerce, the 130168  
Director of Budget and Management may transfer up to \$2,500,000 130169  
in each fiscal year from the Division of Securities Fund (Fund 130170  
5500) to the Ohio Investor Recovery Fund (Fund 5XK0) during the 130171  
biennium ending June 30, 2027. The Director of Commerce may 130172  
request the transfer of cash in addition to the \$2,500,000, and 130173  
the Director of Budget and Management may transfer additional 130174  
cash in an amount agreed upon with the Director of Commerce, if 130175  
sufficient cash is available in Fund 5500. An amount equal to 130176  
the additional cash transferred under this section is hereby 130177  
appropriated to appropriation item 800657, Ohio Investor 130178  
Recovery. 130179

The foregoing appropriation item 800657, Ohio Investor 130180  
Recovery, shall be used by the Department of Commerce pursuant 130181

to section 1707.47 of the Revised Code to provide restitution 130182  
assistance to victims who: (1) are identified in a final 130183  
administrative order issued by the Division of Securities or a 130184  
final court order in a civil or criminal proceeding initiated by 130185  
the Division as a purchaser damaged by a sale or contract for 130186  
sale made in violation of Chapter 1707. of the Revised Code; and 130187  
(2) have not received the full amount of any restitution ordered 130188  
in a final order before the application for restitution 130189  
assistance is due. 130190

CASH TRANSFERS TO THE OHIO INVESTOR EDUCATION AND 130191  
ENFORCEMENT EXPENSE FUND 130192

On July 1, 2025, or as soon as possible thereafter, the 130193  
Director of Budget and Management shall transfer \$5,000,000 cash 130194  
from the Division of Securities Fund (Fund 5500) to the Investor 130195  
Education and Enforcement Expense Fund (5GK0). 130196

Upon the written request of the Director of Commerce, the 130197  
Director of Budget and Management, at least once every three 130198  
months, may transfer cash equal to five per cent of the fees and 130199  
charges received in the Division of Securities Fund (Fund 5500) 130200  
to the Investor Education and Enforcement Expense Fund (Fund 130201  
5GK0). 130202

CASH TRANSFERS TO THE OHIO FINANCIAL LITERACY EDUCATION 130203  
FUND 130204

Upon the written request of the Director of Commerce, the 130205  
Director of Budget and Management may transfer up to \$150,000 130206  
cash in each fiscal year from the Consumer Finance Fund (Fund 130207  
5530) to the Financial Literacy Education Fund (Fund 5FW0). 130208

Upon the written request of the Director of Commerce, the 130209  
Director of Budget and Management, at least once every three 130210

months, may transfer cash equal to fifteen per cent of all 130211  
charges, penalties, and forfeitures received into the Consumer 130212  
Finance Fund (Fund 5530) to the Financial Literacy Education 130213  
Fund (Fund 5FW0) created under section 121.085 of the Revised 130214  
Code. 130215

CLAIMING UNCLAIMED FUNDS FOR THE STATE OF OHIO AND 130216  
POLITICAL SUBDIVISIONS OF THE STATE 130217

(A) Notwithstanding Chapter 169. of the Revised Code, or 130218  
any law to the contrary, the Treasurer of State, in consultation 130219  
with the Director of Commerce and Director of Budget and 130220  
Management, may claim unclaimed funds in the name of the state 130221  
and not otherwise attributable to an administrative department 130222  
as defined in section 121.02 of the Revised Code. All unclaimed 130223  
funds claimed pursuant to this division shall be credited to the 130224  
General Revenue Fund. 130225

(B) Notwithstanding Chapter 169. of the Revised Code or 130226  
any law to the contrary, the treasurer of any political 130227  
subdivision within this state, in consultation with the Director 130228  
of Commerce and Director of Budget and Management, may claim 130229  
unclaimed funds in the name of the political subdivision or 130230  
otherwise attributable to the political subdivision. All 130231  
unclaimed funds claimed pursuant to this division shall be 130232  
credited to the appropriate fund of the political subdivision. 130233

(C) Notwithstanding divisions (A) and (B) of this section, 130234  
any person claiming a property interest in the unclaimed funds 130235  
may file a claim with the Director of Commerce. Upon providing 130236  
sufficient proof of the validity of the person's claim, the 130237  
Director may, in the Director's discretion, pay the claim less 130238  
any expenses and costs incurred by the state or political 130239  
subdivision in securing full title and ownership of the 130240

unclaimed funds. If payment has been made to a claim, no action 130241  
 thereafter may be maintained by any other claimant against the 130242  
 state or the political subdivision for or on account of the 130243  
 payment of the claim. 130244

DRUG ADDICTION PARTNERSHIP 130245

The foregoing appropriation item 800661, Drug Addiction 130246  
 Partnership, shall be used to establish a public-private 130247  
 partnership with a statewide nonprofit corporation to develop 130248  
 and implement cannabis and related drug misuse prevention, 130249  
 education, and public awareness initiatives in accordance with 130250  
 section 3780.37 of the Revised Code. The Division of Cannabis 130251  
 Control shall submit an annual report to the General Assembly 130252  
 detailing program activities, use of funds, and measurable 130253  
 outcomes resulting from the public-private partnership. 130254

**Section 245.10.** 130255

130256

	1	2	3	4	5
A	OCC OFFICE OF CONSUMERS' COUNSEL				
B	Dedicated Purpose Fund Group				
C	5F50	053601	Consumers' Counsel	\$6,899,220	\$7,158,030
			Operating		
D	Dedicated Purpose Fund Group Total			\$6,899,220	\$7,158,030
E	TOTAL ALL BUDGET FUND GROUPS			\$6,899,220	\$7,158,030

**Section 247.10.** 130257

130258

	1	2	3	4	5
A	CEB CONTROLLING BOARD				
B	Internal Service Activity Fund Group				
C	5KM0	911614	Controlling Board	\$25,000,000	\$25,000,000
			Emergency		
			Purposes/Contingencies		
D	Internal Service Activity Fund Group			\$25,000,000	\$25,000,000
	Total				
E	TOTAL ALL BUDGET FUND GROUPS			\$25,000,000	\$25,000,000

**Section 247.20.** FEDERAL SHARE 130259

In transferring appropriations to or from appropriation 130260  
 items that have federal shares identified in this act, the 130261  
 Controlling Board shall add or subtract corresponding amounts of 130262  
 federal matching funds at the percentages indicated by the state 130263  
 and federal division of the appropriations in this act. Such 130264  
 changes are hereby appropriated. 130265

**Section 249.10.** 130266

130267

	1	2	3	4	5
A	COS COSMETOLOGY AND BARBER BOARD				
B	Dedicated Purpose Fund Group				
C	4K90	879609	Operating Expenses	\$5,523,412	\$5,841,066
D	Dedicated Purpose Fund Group Total			\$5,523,412	\$5,841,066

E TOTAL ALL BUDGET FUND GROUPS \$5,523,412 \$5,841,066

**Section 251.10.**

130268

130269

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A CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD

B Dedicated Purpose Fund Group

C 4K90 899609 Operating Expenses \$2,161,054 \$2,291,375

D Dedicated Purpose Fund Group Total \$2,161,054 \$2,291,375

E TOTAL ALL BUDGET FUND GROUPS \$2,161,054 \$2,291,375

**Section 253.10.**

130270

130271

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A CLA COURT OF CLAIMS

B General Revenue Fund

C GRF 015321 Operating Expenses \$3,318,213 \$3,468,684

D GRF 015403 Public Records  
Adjudication \$1,145,161 \$1,199,582

E General Revenue Fund Total \$4,463,374 \$4,668,266

F Dedicated Purpose Fund Group

G 5K20 015603 CLA Victims of Crime \$622,100 \$649,822

H	5TE0	015604	Public Records	\$2,800	\$2,800
I	Dedicated Purpose Fund Group Total			\$624,900	\$652,622
J	TOTAL ALL BUDGET FUND GROUPS			\$5,088,274	\$5,320,888

**Section 255.10.**

130272

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	1	2	3	4	5
A	DEN STATE DENTAL BOARD				
B	Dedicated Purpose Fund Group				
C	4K90	880609	Operating Expenses	\$2,281,030	\$2,372,258
D	Dedicated Purpose Fund Group Total			\$2,281,030	\$2,372,258
E	TOTAL ALL BUDGET FUND GROUPS			\$2,281,030	\$2,372,258

**Section 257.10.**

130274

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	1	2	3	4	5
A	BDP BOARD OF DEPOSIT				
B	Dedicated Purpose Fund Group				
C	4M20	974601	Board of Deposit	\$1,688,400	\$1,688,400
D	Dedicated Purpose Fund Group Total			\$1,688,400	\$1,688,400
E	TOTAL ALL BUDGET FUND GROUPS			\$1,688,400	\$1,688,400

**Section 257.20. BOARD OF DEPOSIT EXPENSE FUND**

130276



Upon receiving certification of expenses from the Treasurer of State, the Director of Budget and Management shall transfer cash from the Investment Earnings Redistribution Fund (Fund 6080) to the Board of Deposit Expense Fund (Fund 4M20). The latter fund shall be used pursuant to section 135.02 of the Revised Code to pay for any and all necessary expenses of the Board of Deposit or for banking charges and fees required for the operation of the State of Ohio Regular Account.

**Section 259.10.**

	1	2	3	4	5
A	DEV DEPARTMENT OF DEVELOPMENT				
B	General Revenue Fund				
C	GRF 195402	Coal Research and Development Program		\$175,000	\$175,000
D	GRF 195405	Minority Business Development		\$9,412,302	\$9,508,983
E	GRF 195406	Helping Ohioans Stay in their Homes		\$4,000,000	\$4,000,000
F	GRF 195415	Business Development Services		\$4,114,894	\$4,157,217
G	GRF 195426	Redevelopment Assistance		\$1,125,000	\$1,141,982
H	GRF 195453	Technology Programs and Grants		\$859,360	\$868,648

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I	GRF	195454	Small Business and Export Assistance	\$4,037,643	\$4,057,014
J	GRF	195455	Appalachia Assistance	\$12,680,362	\$12,682,630
K	GRF	195497	CDBG Operating Match	\$1,445,867	\$1,473,181
L	GRF	195499	BSD Federal Programs Match	\$13,441,064	\$13,499,251
M	GRF	1954A5	Local Government Cybersecurity Grants	\$7,000,000	\$0
N	GRF	1954A6	Housing Accelerator	\$2,500,000	\$2,500,000
O	GRF	195503	Local Development Projects	\$2,780,000	\$1,375,000
P	GRF	195537	Ohio-Israel Agricultural Initiative	\$500,000	\$500,000
Q	GRF	195553	Industry Sector Partnerships	\$5,000,000	\$5,000,000
R	GRF	195556	TechCred Program	\$25,205,470	\$25,207,322
S	GRF	195595	Workforce Development Grants	\$1,200,000	\$1,200,000
T	GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$4,050,000	\$2,525,000
U	GRF	195905	Third Frontier Research and Development General	\$45,000,000	\$45,000,000

		Obligation Bond Debt		
		Service		
V	General Revenue Fund Total		\$144,526,962	\$134,871,228
W	Dedicated Purpose Fund Group			
X	450 195624 Minority Business Bonding 0 Program Administration		\$9,875	\$9,875
Y	451 195649 Business Assistance 0 Programs		\$3,000,000	\$3,000,000
Z	4F2 195639 State Special Projects 0		\$500,000	\$500,000
AA	4F2 195655 Workforce Development 0 Programs		\$188,100	\$188,100
AB	4F2 195699 Utility Community 0 Assistance		\$686,947	\$0
AC	4W1 195646 Minority Business 0 Enterprise Loan		\$2,000,000	\$2,000,000
AD	5AI 1956G9 Broadband Pole Replacement 1 and Undergrounding Program		\$46,361,299	\$0
AE	5AP 1956H3 Welcome Home Ohio Program 1		\$45,625,000	\$45,625,000
AF	5GT 195550 Broadband Development 0 Grants		\$2,800,000	\$2,800,000

AG	5JR	195635	Tax Incentives Operating 0	\$1,200,000	\$1,200,000
AH	5KP	195645	Historic Rehabilitation 0 Operating	\$1,800,000	\$1,800,000
AI	5M4	195659	Low Income Energy 0 Assistance (USF)	\$336,627,830	\$0
AJ	5M5	195660	Advanced Energy Loan 0 Programs	\$8,932,168	\$8,940,462
AK	5MH	195644	SiteOhio Administration 0	\$5,000	\$5,000
AL	5MJ	195683	TourismOhio Administration 0	\$10,000,000	\$12,000,000
AM	5UL	195627	Brownfields Revolving Loan 0 Program	\$1,750,000	\$1,750,000
AN	5UY	195496	Sports Events Grants 0	\$1,074,459	\$1,074,459
AO	5W6	195691	International Trade 0 Cooperative Projects	\$50,000	\$50,000
AP	5XH	195632	Women Owned Business Loans 0	\$5,000,000	\$5,000,000
AQ	5XH	195694	Micro-Loan 0	\$2,500,000	\$2,500,000
AR	5XH	195611	Minority Business	\$2,000,000	\$2,000,000

0		Development Loan Administration		
AS	5YE 1956A2	Brownfield Remediation	\$125,000,000	\$125,000,000
0				
AT	5YF 1956A3	Demolition and Site Revitalization	\$21,500,000	\$21,500,000
0				
AU	617 195654	Volume Cap Administration	\$40,000	\$40,000
0				
AV	646 195638	Low- and Moderate-Income Housing Programs	\$64,402,825	\$64,435,386
0				
AW		Dedicated Purpose Fund Group Total	\$683,053,503	\$301,418,282
AX		Internal Service Activity Fund Group		
AY	135 195684	Development Operations	\$15,263,246	\$15,609,260
0				
AZ	685 195636	Development Services Reimbursable Expenditures	\$250,000	\$250,000
0				
BA		Internal Service Activity Fund Group Total	\$15,513,246	\$15,859,260
BB		Facilities Establishment Fund Group		
BC	4Z6 195647	Rural Industrial Park Loan	\$7,521,860	\$7,521,860
0				
BD	5S9 195628	Capital Access Loan	\$1,500,000	\$1,500,000

0	Program		
BE 700 195664	Innovation Ohio	\$17,426,036	\$0
9			
BF 701 195665	Research and Development	\$36,032,990	\$0
0			
BG 703 195615	Facilities Establishment	\$10,000,000	\$10,000,000
7			
BH	Facilities Establishment Fund Group	\$72,480,886	\$19,021,860
	Total		
BI	Bond Research and Development Fund Group		
BJ 701 195686	Third Frontier Tax Exempt	\$1,000,000	\$1,000,000
1	- Operating		
BK 701 195687	Third Frontier Research	\$1,000,000	\$1,000,000
1	and Development Projects		
BL 701 195620	Third Frontier Taxable -	\$2,710,000	\$2,710,000
4	Operating		
BM 701 195692	Research and Development	\$100,000,000	\$20,000,000
4	Taxable Bond Projects		
BN	Bond Research and Development Fund	\$104,710,000	\$24,710,000
	Group Total		
BO	Federal Fund Group		
BP 308 195581	Energy Efficiency	\$2,500,000	\$2,500,000

0		Revolving Loan Fund Capitalization Grant			
BQ	308	195602	Appalachian Regional Commission	\$7,500,000	\$7,500,000
BR	308	195603	Housing Assistance Programs	\$12,571,729	\$12,576,756
BS	308	195609	Small Business Administration Grants	\$5,550,000	\$5,550,000
BT	308	195618	Energy Grants	\$11,650,326	\$11,661,160
BU	308	195670	Home Weatherization Program	\$86,079,636	\$0
BV	308	195672	Manufacturing Extension Partnership	\$6,600,000	\$6,600,000
BW	308	195675	Procurement Technical Assistance	\$1,500,000	\$1,500,000
BX	308	195696	State Trade and Export Promotion	\$500,000	\$500,000
BY	335	195610	Energy Programs	\$350,000	\$350,000
BZ	3AE	195643	Workforce Development Initiatives	\$2,000,000	\$2,000,000
CA	3FJ	195626	Small Business Capital	\$2,600,000	\$2,600,000

0		Access and Collateral Enhancement Program			
CB	3IC	1956D9	Growth Capital Fund	\$3,250,000	\$3,250,000
0					
CC	3IC	1956E1	Early-Stage Focus Fund	\$1,500,000	\$1,500,000
0					
CD	3IC	1956E2	Community Development Financial Institution Loan Participation	\$10,000,000	\$10,000,000
0					
CE	3IC	1956E3	Collateral Enhancement Program	\$6,000,000	\$6,000,000
0					
CF	3IC	1956H5	State Small Business Credit Initiative Technical Assistance	\$1,500,000	\$1,500,000
0					
CG	3IF	1956E4	Broadband Equity, Access, and Deployment (BEAD) Program	\$793,000,000	\$0
0					
CH	3IF	1956E5	Broadband Digital Equity Acts Program	\$23,800,000	\$476,000
0					
CI	3IM	195582	Home-Owner Managing Energy Savings Rebate Program	\$15,000,000	\$15,000,000
0					
CJ	3IM	195583	High-Efficiency Electric Home Rebate Program	\$15,000,000	\$15,000,000
0					
CK	3K8	195613	Community Development	\$57,500,000	\$57,500,000



0	Block Grant		
CL 3K9 195611	Home Energy Assistance	\$180,000,000	\$0
0	Block Grant		
CM 3K9 195614	HEAP Weatherization	\$44,000,000	\$0
0			
CN 3L0 195612	Community Services Block Grant	\$32,000,000	\$0
0			
CO 3V1 195601	HOME Program	\$53,750,000	\$53,750,000
0			
CP	Federal Fund Group Total	\$1,375,701,691	\$217,313,916
CQ	TOTAL ALL BUDGET FUND GROUPS	\$2,395,986,288	\$713,194,546

**Section 259.20.** COAL RESEARCH AND DEVELOPMENT PROGRAM 130287

The foregoing appropriation item 195402, Coal Research and Development Program, shall be used for the operating expenses of the Community Services Division in support of the Ohio Coal Development Office. 130288  
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MINORITY BUSINESS DEVELOPMENT 130292

The foregoing appropriation item 195405, Minority Business Development, shall be used to support the activities of the Minority Business Development Division, including providing grants to local nonprofit organizations to support economic development activities that promote minority business development, in conjunction with local organizations funded through appropriation item 195454, Small Business and Export Assistance. 130293  
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130299  
130300

HELPING OHIOANS STAY IN THEIR HOMES	130301
The foregoing appropriation item 195406, Helping Ohioans	130302
Stay in their Homes, shall be granted to People Working	130303
Cooperatively for the Safe and Healthy at Home Initiative.	130304
BUSINESS DEVELOPMENT SERVICES	130305
The foregoing appropriation item 195415, Business	130306
Development Services, shall be used for the operating expenses	130307
of the Office of Strategic Business Investments and the regional	130308
economic development offices.	130309
Of the foregoing appropriation item 195415, Business	130310
Development Services, \$1,800,000 in each fiscal year shall be	130311
allocated to Development Projects, Inc., for economic	130312
development programs and the creation of new jobs to leverage	130313
and support mission gains at Department of Defense and related	130314
facilities in Ohio by working with future base realignment and	130315
closure activities and ongoing Department of Defense efficiency	130316
and partnership initiatives, assisting efforts to secure	130317
Department of Defense support contracts for Ohio companies,	130318
assessing and supporting regional job and workforce development	130319
needs generated by the Department of Defense and the Ohio	130320
aerospace industry, promoting technology transfer to Ohio	130321
businesses, and for expanding job training and economic	130322
development programs in human performance and cyber security-	130323
related initiatives.	130324
REDEVELOPMENT ASSISTANCE	130325
The foregoing appropriation item 195426, Redevelopment	130326
Assistance, shall be used to fund the costs of administering the	130327
energy, redevelopment, and other revitalization programs that	130328
may be implemented, and may be used to match federal grant	130329

funding.	130330
TECHNOLOGY PROGRAMS AND GRANTS	130331
The foregoing appropriation item 195453, Technology Programs and Grants, shall be used for operating expenses incurred in administering the Ohio Third Frontier Programs and other technology focused programs that may be implemented.	130332 130333 130334 130335
SMALL BUSINESS AND EXPORT ASSISTANCE	130336
The foregoing appropriation item 195454, Small Business and Export Assistance, may be used to provide a range of business assistance, including grants to local organizations to support economic development activities that promote small business development, entrepreneurship, and exports of Ohio's goods and services, in conjunction with local organizations funded through appropriation item 195405, Minority Business Development. The foregoing appropriation item shall also be used as matching funds for grants from the United States Small Business Administration and other federal agencies, pursuant to Pub. L. No. 96-302 as amended by Pub. L. No. 98-395, and regulations and policy guidelines for the programs pursuant thereto.	130337 130338 130339 130340 130341 130342 130343 130344 130345 130346 130347 130348 130349
APPALACHIA ASSISTANCE	130350
The foregoing appropriation item 195455, Appalachia Assistance, may be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachia, to provide financial assistance to projects in Ohio's Appalachian counties, to support four local development districts, and to pay dues for the Appalachian Regional Commission. These funds may be used to match federal funds from the Appalachian Regional Commission. Programs funded through the	130351 130352 130353 130354 130355 130356 130357 130358

appropriation item shall be identified and recommended by the 130359  
local development districts and approved by the Governor's 130360  
Office of Appalachia. The Department of Development shall 130361  
conduct compliance and regulatory review of the programs 130362  
recommended by the local development districts. Moneys allocated 130363  
under the appropriation item may be used to fund projects 130364  
including, but not limited to, those designated by the local 130365  
development districts as community investment and rapid response 130366  
projects. 130367

Of the foregoing appropriation item 195455, Appalachia 130368  
Assistance, in each fiscal year, \$210,000 shall be allocated to 130369  
the Ohio Valley Regional Development Commission, \$210,000 shall 130370  
be allocated to the Ohio Mid-Eastern Government Association, 130371  
\$210,000 shall be allocated to the Buckeye Hills Regional 130372  
Council, and \$210,000 shall be allocated to the Eastgate 130373  
Regional Council of Governments to support the study and 130374  
construction of oil and natural gas pipelines within Ashtabula, 130375  
Columbiana, Mahoning, and Trumbull counties. Local development 130376  
districts receiving funding under this section shall use the 130377  
funds for the implementation and administration of programs and 130378  
duties under section 107.21 of the Revised Code. 130379

Of the foregoing appropriation item 195455, Appalachia 130380  
Assistance, in each fiscal year, \$2,750,000 shall be allocated 130381  
to the Foundation for Appalachian Ohio and \$1,000,000 shall be 130382  
allocated to Ohio University's Voinovich School of Leadership 130383  
and Public Service to work on behalf of the Mayor's partnership 130384  
for Progress. 130385

Of the foregoing appropriation item 195455, Appalachia 130386  
Assistance, \$1,000,000 in each fiscal year shall be allocated to 130387  
the Appalachian Ohio Manufacturers Coalition, to create a pilot 130388

program in Meigs, Athens, Morgan, Noble, Monroe, and Washington 130389  
counties to reduce barriers of workforce reentry for individuals 130390  
who have graduated from behavioral health recovery programs. The 130391  
program shall be jointly developed and administered with the 130392  
Appalachian Children Coalition, in consultation with the 130393  
Director of the Ohio Department of Mental Health and Addiction 130394  
Services. 130395

Of the foregoing appropriation item 195455, Appalachia 130396  
Assistance, \$500,000 in each fiscal year shall be allocated to 130397  
the Outdoor Recreation Council of Appalachia. 130398

Of the foregoing appropriation item 195455, Appalachia 130399  
Assistance, \$250,000 in each fiscal year shall be allocated to 130400  
FosterHub in Hocking County. 130401

CDBG OPERATING MATCH 130402

The foregoing appropriation item 195497, CDBG Operating 130403  
Match, shall be used as matching funds for grants from the 130404  
United States Department of Housing and Urban Development 130405  
pursuant to the Housing and Community Development Act of 1974 130406  
and regulations and policy guidelines for the programs pursuant 130407  
thereto. 130408

BSD FEDERAL PROGRAMS MATCH 130409

The foregoing appropriation item 195499, BSD Federal 130410  
Programs Match, shall be used as matching funds for grants from 130411  
the U.S. Department of Commerce, National Institute of Standards 130412  
and Technology Manufacturing Extension Partnership Program and 130413  
Department of Defense APEX Accelerator Program, and other 130414  
federal agencies, pursuant to Pub. L. No. 96-302 as amended by 130415  
Pub. L. No. 98-395, and regulations and policy guidelines for 130416  
the programs pursuant thereto. The appropriation item shall also 130417

be used for operating expenses of the Business Services	130418
Division.	130419
LOCAL DEVELOPMENT PROJECTS	130420
Of the foregoing appropriation item 195503, Local	130421
Development Projects, \$500,000 in each fiscal year shall be	130422
granted to Baldwin Wallace University to expand the Northeast	130423
Ohio Flight Information Exchange (NEOFIX) and support	130424
development of flight information exchanges in other communities	130425
in Ohio.	130426
Of the foregoing appropriation item 195503, Local	130427
Development Projects, \$250,000 in each fiscal year shall be	130428
granted to Neighborhood Alliance to support the homeless shelter	130429
in Lorain County.	130430
Of the foregoing appropriation item 195503, Local	130431
Development Projects, \$250,000 in each fiscal year shall be	130432
granted to Freedom a la Cart to support workforce initiatives	130433
and programs for human trafficking survivors.	130434
Of the foregoing appropriation item 195503, Local	130435
Development Projects, \$250,000 in each fiscal year shall be	130436
granted to the city of Coshocton to design and construct a water	130437
line extension to serve the village of Warsaw and the River View	130438
School.	130439
Of the foregoing appropriation item 195503, Local	130440
Development Projects, \$125,000 in each fiscal year shall be	130441
granted to the Buckeye Lake Regional Corporation to support	130442
community development.	130443
Of the foregoing appropriation item 195503, Local	130444
Development Projects, \$85,000 in fiscal year 2026 shall be	130445
granted to the Stark County Minority Business Association to	130446

support the development and operation of the Kirk Schuring 130447  
Business Development Center and Innovation Hub. 130448

Of the foregoing appropriation item 195503, Local 130449  
Development Projects, \$15,000 in fiscal year 2026 shall be 130450  
granted to one local fire department in each of Geauga, Lake, 130451  
and Portage counties, selected by the Director of Development, 130452  
for the installation of baby boxes. 130453

Of the foregoing appropriation item 195503, Local 130454  
Development Projects, \$10,000 in fiscal year 2026 shall be 130455  
granted to the Salem Worlds War Memorial Building Association to 130456  
support the development of a job training center. 130457

Of the foregoing appropriation item 195503, Local 130458  
Development Projects, \$500,000 in fiscal year 2026 shall be 130459  
granted to NewBridge Cleveland Center for Arts and Technology to 130460  
support at-risk adult learner healthcare professional 130461  
certification and job placement. 130462

Of the foregoing appropriation item 195503, Local 130463  
Development Projects, \$500,000 in FY 2026 shall be granted to 130464  
the Mahoning Valley Scrappers for stadium maintenance and 130465  
improvements. 130466

Of the foregoing appropriation item 195503, Local 130467  
Development Projects, \$15,000 in fiscal year 2026 shall be 130468  
granted to the Village of Grand River for sidewalk improvements 130469  
and repairs. 130470

Of the foregoing appropriation item 195503, Local 130471  
Development Projects, \$250,000 in fiscal year 2026 shall be 130472  
granted to Boardman Township to provide matching funds for the 130473  
flood mitigation assistance grant awarded to the township by the 130474  
Federal Emergency Management Agency. 130475

OHIO-ISRAEL AGRICULTURAL INITIATIVE	130476
The foregoing appropriation item 195537, Ohio-Israel	130477
Agricultural Initiative, shall be used for the Ohio-Israel	130478
Agricultural Initiative. The appropriation shall not be used for	130479
travel and entertainment expenses incurred under the initiative.	130480
SECTOR PARTNERSHIP NETWORKS	130481
The foregoing appropriation item 195553, Industry Sector	130482
Partnerships, shall be used for the grant program described in	130483
section 122.179 of the Revised Code.	130484
TECHCRED PROGRAM	130485
The foregoing appropriation item 195556, TechCred Program,	130486
shall be used for the programs described under sections 122.178,	130487
122.1710, 122.1712, and 122.1713 of the Revised Code.	130488
WORKFORCE DEVELOPMENT GRANTS	130489
Of the foregoing appropriation item 195595, Workforce	130490
Development Grants, \$400,000 in each fiscal year shall be	130491
granted to Apollo Career and Technical Center to support the	130492
Ohio Oil and Gas Career Jumpstart Program.	130493
Of the foregoing appropriation item 195595, Workforce	130494
Development Grants, \$400,000 in each fiscal year shall be	130495
granted to Mahoning Career and Technical Center to support the	130496
Ohio Oil and Gas Career Jumpstart Program.	130497
Of the foregoing appropriation item 195595, Workforce	130498
Development Grants, \$400,000 in each fiscal year shall be	130499
granted to Washington County Career Center to support the Ohio	130500
Oil and Gas Career Jumpstart Program.	130501
HOUSING ACCELERATOR	130502



The foregoing appropriation item 1954A6, Housing Accelerator, shall be used to support the housing development incentive programs under section 122.634 of the Revised Code. 130503  
130504  
130505

An amount equal to the unexpended, unencumbered, balance of appropriation item 1954A6, Housing Accelerator, at the end of fiscal year 2026 is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2027. 130506  
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130509

**Section 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE** 130510  
130511

The foregoing appropriation line item 195901, Coal Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2025, through June 30, 2027, on obligations issued under sections 151.01 and 151.07 of the Revised Code. 130512  
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**THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE** 130518  
130519

The foregoing appropriation item 195905, Third Frontier Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2025, through June 30, 2027, on obligations issued under sections 151.01 and 151.10 of the Revised Code. 130520  
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**Section 259.30. MINORITY BUSINESS BONDING FUND** 130526

Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the biennium ending June 30, 2027, of unclaimed funds administered by the Director of 130527  
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Commerce and allocated to the Minority Business Bonding Program 130532  
under section 169.05 of the Revised Code. 130533

If needed for the payment of losses arising from the 130534  
Minority Business Bonding Program, the Director of Budget and 130535  
Management may, at the request of the Director of Development, 130536  
request that the Director of Commerce transfer unclaimed funds 130537  
that have been reported by holders of unclaimed funds under 130538  
section 169.05 of the Revised Code to the Minority Bonding Fund 130539  
(Fund 4490). The transfer of unclaimed funds shall only occur 130540  
after proceeds of the initial transfer of \$2,700,000 by the 130541  
Controlling Board to the Minority Business Bonding Program have 130542  
been used for that purpose. If expenditures are required for 130543  
payment of losses arising from the Minority Business Bonding 130544  
Program, such expenditures shall be made from appropriation item 130545  
195658, Minority Business Bonding Contingency in the Minority 130546  
Business Bonding Fund, and such amounts are hereby appropriated. 130547

BUSINESS ASSISTANCE PROGRAMS 130548

The foregoing appropriation item 195649, Business 130549  
Assistance Programs, shall be used for administrative expenses 130550  
associated with the operation of loan incentives. 130551

STATE SPECIAL PROJECTS 130552

The State Special Projects Fund (Fund 4F20), may be used 130553  
for the deposit of private-sector funds from utility companies 130554  
and for the deposit of other miscellaneous state funds. State 130555  
moneys so deposited may also be used to match federal funding 130556  
and to support programs of the Community Service Division and 130557  
Business Services Division. 130558

MINORITY BUSINESS ENTERPRISE LOAN 130559

The foregoing appropriation item 195646, Minority Business 130560

Enterprise Loan, shall be used for awards under the Minority 130561  
Business Enterprise Loan Program and to cover operating expenses 130562  
of the Minority Business Development Division. All repayments 130563  
from the Minority Development Financing Advisory Board Loan 130564  
Program shall be deposited in the state treasury to the credit 130565  
of the Minority Business Enterprise Loan Fund (Fund 4W10). 130566

BROADBAND POLE REPLACEMENT AND UNDERGROUNDING PROGRAM 130567

The foregoing appropriation item 1956G9, Broadband Pole 130568  
Replacement and Undergrounding Program, shall be used by the 130569  
Department of Development to support the Broadband Pole 130570  
Replacement and Undergrounding Program under section 191.27 of 130571  
the Revised Code. 130572

TRANSFER FROM THE BROADBAND POLE REPLACEMENT FUND TO THE 130573  
OHIO RESIDENTIAL BROADBAND EXPANSION GRANT PROGRAM FUND 130574

On July 1, 2025, or as soon as possible thereafter, the 130575  
Director of Budget and Management shall transfer \$3,600,000 cash 130576  
from the Broadband Pole Replacement and Undergrounding Program 130577  
Fund (Fund 5AI1) to the Ohio Residential Broadband Expansion 130578  
Grant Program Fund (Fund 5GT0). 130579

WELCOME HOME OHIO PROGRAM 130580

The foregoing appropriation item 1956H3, Welcome Home Ohio 130581  
Program, shall be used for grants under the Welcome Home Ohio 130582  
Program established in sections 122.631 through 122.633 of the 130583  
Revised Code. Of the foregoing appropriation item 1956H3, 130584  
Welcome Home Ohio Program, \$22,812,500 in each fiscal year shall 130585  
be used to distribute grants to purchase residential property at 130586  
foreclosure sales under section 122.631 of the Revised Code. Of 130587  
the foregoing appropriation item 1956H3, Welcome Home Ohio 130588  
Program, \$22,812,500 in each fiscal year shall be used to 130589

distribute grants to rehabilitate or construct residential 130590  
property for income-restricted owners under section 122.632 of 130591  
the Revised Code. 130592

On July 1, 2025, or as soon as possible thereafter, the 130593  
Director of Budget and Management shall transfer \$50,000,000 130594  
cash from the Local Government Tangible Property Tax Replacement 130595  
Fund (Fund 7081) to the Welcome Home Ohio Fund (Fund 5AP1). 130596

ADVANCED ENERGY LOAN PROGRAMS 130597

The foregoing appropriation item 195660, Advanced Energy 130598  
Loan Programs, shall be used to provide financial assistance to 130599  
customers for eligible advanced energy projects for residential, 130600  
commercial, and industrial business, local government, 130601  
educational institution, nonprofit, and agriculture customers. 130602  
The appropriation item may be used to match federal grant 130603  
funding and to pay for the program's administrative costs as 130604  
provided in sections 4928.61 to 4928.63 of the Revised Code and 130605  
rules adopted by the Director of Development. 130606

SPORTS EVENTS GRANTS 130607

The foregoing appropriation item 195496, Sports Events 130608  
Grants, shall be used for grants as described in sections 122.12 130609  
and 122.121 of the Revised Code. 130610

WOMEN OWNED BUSINESS LOAN 130611

The foregoing appropriation item 195632, Women Owned 130612  
Business Loan, shall be used to operate the Women Owned Business 130613  
Loan Program. 130614

MINORITY BUSINESS MICRO-LOAN 130615

The foregoing appropriation item 195694, Micro-Loan, shall 130616  
be used to operate the Minority Business Micro-Loan Program. 130617

MBD LOAN ADMINISTRATION	130618
The foregoing appropriation item 1956I1, MBD Loan	130619
Administration, shall be used to operate the Women Owned Loan	130620
and Minority Business Micro-Loan Programs.	130621
TRANSFER FROM THE STATE SMALL BUSINESS CREDIT INITIATIVE	130622
FUND TO THE MBD FINANCIAL ASSISTANCE FUND	130623
On July 1, 2025, or as soon as possible thereafter, the	130624
Director of Budget and Management may transfer \$5,000,000 cash	130625
from the State Small Business Credit Initiative Fund (Fund 3FJ0)	130626
to the MBD Financial Assistance Fund (Fund 5XH0). All repayments	130627
of loans issued under Fund 5XH0 shall be credited to the fund.	130628
Upon the completion of the original Collateral Enhancement	130629
Program, the Director of Development shall certify to the	130630
Director of Budget and Management the remaining cash balance in	130631
the State Small Business Credit Initiative Fund (Fund 3FJ0). The	130632
Director of Budget and Management may transfer the certified	130633
amount from Fund 3FJ0 to the MBD Financial Assistance Fund (Fund	130634
5XH0).	130635
BROWNFIELD REMEDIATION	130636
The foregoing appropriation item 1956A2, Brownfield	130637
Remediation, shall be used to award grants under the Brownfield	130638
Remediation Program as described in section 122.6511 of the	130639
Revised Code. Of the foregoing appropriation item 1956A2,	130640
Brownfield Remediation, up to two and one-half percent in each	130641
fiscal year may be used to pay the administrative costs of the	130642
program.	130643
On July 1, 2025, or as soon as possible thereafter, the	130644
Director of Budget and Management shall transfer \$250,000,000	130645
cash from the All Ohio Future Fund (Fund 5XM0) to the Brownfield	130646

Remediation Fund (Fund 5YE0). 130647

DEMOLITION AND SITE REVITALIZATION 130648

The appropriation item 1956A3, Demolition and Site 130649  
Revitalization, shall be used to award grants and to pay 130650  
associated administrative costs under the Building Demolition 130651  
and Site Revitalization Program as described in section 122.6512 130652  
of the Revised Code. 130653

An amount equal to the unexpended, unencumbered balance of 130654  
appropriation item 1956A3, Demolition and Site Revitalization, 130655  
at the end of fiscal year 2026 is hereby reappropriated to the 130656  
same appropriation item for the same purpose in fiscal year 130657  
2027. 130658

On July 1 of each fiscal year, or as soon as possible 130659  
thereafter, the Director of Budget and Management shall transfer 130660  
\$20,000,000 cash from the Local Government Tangible Property Tax 130661  
Replacement Fund (Fund 7081) to the Building Demolition and Site 130662  
Revitalization Fund (Fund 5YF0). 130663

VOLUME CAP ADMINISTRATION 130664

The foregoing appropriation item 195654, Volume Cap 130665  
Administration, shall be used for expenses related to the 130666  
administration of the Volume Cap Program. Revenues received by 130667  
the Volume Cap Administration Fund (Fund 6170) shall consist of 130668  
application fees, forfeited deposits, and interest earned from 130669  
the custodial account held by the Treasurer of State. 130670

**Section 259.40. DEVELOPMENT OPERATIONS** 130671

The Director of Development may assess offices of the 130672  
department for the cost of central service operations. An 130673  
assessment shall contain the characteristics of administrative 130674

ease and uniform application. A division's payments shall be 130675  
credited to the Supportive Services Fund (Fund 1350) using an 130676  
intrastate transfer voucher. 130677

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 130678

The foregoing appropriation item 195636, Development 130679  
Services Reimbursable Expenditures, shall be used for 130680  
reimbursable costs incurred by the department. Revenues to the 130681  
General Reimbursement Fund (Fund 6850) shall consist of moneys 130682  
charged for administrative costs that are not central service 130683  
costs and repayments of loans, including the interest thereon, 130684  
made from the Water and Sewer Fund (Fund 4440). 130685

**Section 259.50.** RURAL INDUSTRIAL PARK LOAN 130686

The foregoing appropriation item 195647, Rural Industrial 130687  
Park Loan, shall be used to award loans under the Rural 130688  
Industrial Park Loan Program established in section 122.24 of 130689  
the Revised Code. Rural Industrial Park Loans awarded under the 130690  
appropriation item shall not exceed \$4,000,000. 130691

TRANSFER FROM THE RESEARCH AND DEVELOPMENT LOAN FUND TO 130692  
THE BUSINESS ASSISTANCE FUND 130693

Notwithstanding Chapter 166. of the Revised Code, the 130694  
Director of Budget and Management may transfer up to \$3,000,000 130695  
cash in each fiscal year from the Research and Development Loan 130696  
Fund (Fund 7010) to the Business Assistance Fund (Fund 4510), 130697  
subject to Controlling Board approval. 130698

CAPITAL ACCESS LOAN PROGRAM 130699

The foregoing appropriation item 195628, Capital Access 130700  
Loan Program, shall be used for operating, program, and 130701  
administrative expenses of the program. Capital Access Loan 130702

Program funds shall be used in accordance with section 122.603 130703  
of the Revised Code to assist participating financial 130704  
institutions in making program loans to eligible businesses that 130705  
face barriers in accessing working capital and obtaining fixed- 130706  
asset financing. 130707

The Director of Budget and Management may transfer an 130708  
amount not to exceed \$1,000,000 cash in each fiscal year between 130709  
the Minority Business Enterprise Loan Fund (Fund 4W10) and the 130710  
Capital Access Loan Fund (Fund 5S90), subject to Controlling 130711  
Board approval. 130712

FACILITIES ESTABLISHMENT 130713

The foregoing appropriation item 195615, Facilities 130714  
Establishment, shall be used for the purposes of the Facilities 130715  
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 130716  
Code. 130717

In the biennium ending June 30, 2027, notwithstanding 130718  
section 127.14 and division (B) of section 131.35 of the Revised 130719  
Code, the Controlling Board may authorize expenditures, in 130720  
excess of the amount appropriated, but not to exceed the 130721  
limitation set in division (E) of section 131.35 of the Revised 130722  
Code, using the Facilities Establishment Fund (Fund 7037) for 130723  
purposes consistent with Chapter 166. of the Revised Code. The 130724  
amounts authorized by the Controlling Board are hereby 130725  
appropriated. 130726

**Section 259.60.** THIRD FRONTIER OPERATING COSTS 130727

The foregoing appropriation items 195686, Third Frontier 130728  
Tax Exempt Operating, and 195620, Third Frontier Taxable - 130729  
Operating, shall be used for operating expenses incurred in 130730  
administering projects pursuant to sections 184.10 to 184.20 of 130731



the Revised Code. Operating expenses paid from appropriation 130732  
item 195686 shall be limited to the administration of projects 130733  
funded from the Third Frontier Research and Development Fund 130734  
(Fund 7011), and operating expenses paid from appropriation item 130735  
195620 shall be limited to the administration of projects funded 130736  
from the Third Frontier Research and Development Taxable Bond 130737  
Project Fund (Fund 7014). 130738

THIRD FRONTIER RESEARCH AND DEVELOPMENT TAXABLE AND TAX 130739  
EXEMPT PROJECTS 130740

The foregoing appropriation items 195687, Third Frontier 130741  
Research and Development Projects, and 195692, Research and 130742  
Development Taxable Bond Projects, shall be used to fund 130743  
selected projects, which may include internship programs. 130744  
Eligible costs are those costs of research and development 130745  
projects to which the proceeds of Fund 7011 and Fund 7014 are to 130746  
be applied. 130747

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 130748

The Director of Budget and Management may approve written 130749  
requests from the Director of Development for the transfer of 130750  
appropriations between appropriation items 195687, Third 130751  
Frontier Research and Development Projects, and 195692, Research 130752  
and Development Taxable Bond Projects, based upon awards 130753  
recommended by the Third Frontier Commission. 130754

In fiscal year 2026, the Director of Development may 130755  
request that the Director of Budget and Management reappropriate 130756  
any unexpended, unencumbered balances of the prior fiscal year's 130757  
appropriation to the foregoing appropriation items 195687, Third 130758  
Frontier Research and Development Projects, and 195692, Research 130759  
and Development Taxable Bond Projects, for fiscal year 2026. The 130760

Director of Budget and Management may request additional 130761  
information necessary for evaluating these requests, and the 130762  
Director of Development shall provide the requested information 130763  
to the Director of Budget and Management. Based on the 130764  
information provided by the Director of Development, the 130765  
Director of Budget and Management shall determine the amounts to 130766  
be reappropriated, and those amounts are hereby reappropriated 130767  
for fiscal year 2026. 130768

**Section 259.70. BROADBAND EQUITY, ACCESS, AND DEPLOYMENT** 130769  
PROGRAM (BEAD) 130770

The foregoing appropriation item 1956E4, Broadband Equity, 130771  
Access, and Deployment Program (BEAD), shall be used to build 130772  
infrastructure that supports the adoption of high-speed 130773  
internet. 130774

Of the foregoing appropriation item 1956E4, Broadband 130775  
Equity, Access, and Deployment Program (BEAD), \$20,000,000 in FY 130776  
2026 shall be used for the U.S. Route 30 OARnet Broadband 130777  
Extension project. This project shall include construction of a 130778  
wholesale middle-mile network along Route 30 consisting of two 130779  
sections from the preexisting OARnet backbone network and 130780  
points-of-presence, one from the Canton area and the other from 130781  
the Lima area, which will connect in Mansfield. 130782

**HEAP WEATHERIZATION** 130783

Up to twenty-five per cent of the federal funds deposited 130784  
to the credit of the Home Energy Assistance Block Grant Fund 130785  
(Fund 3K90) may be expended from appropriation item 195614, HEAP 130786  
Weatherization, to provide home weatherization services in the 130787  
state as determined by the Director of Development. 130788

**Section 261.10.** 130789

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	1	2	3	4	5
A			DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES		
B			General Revenue Fund		
C	GRF	320411	Special Olympics	\$250,000	\$250,000
D	GRF	320412	Protective Services	\$3,200,000	\$3,200,000
E	GRF	320415	Developmental Disabilities Facilities Lease Rental Bond Payments	\$27,500,000	\$24,200,000
F	GRF	322422	Multi System Youth	\$5,000,000	\$5,000,000
G	GRF	322423	Technology First	\$3,200,000	\$3,200,000
H	GRF	322508	Employment First Initiative	\$2,700,000	\$2,700,000
I	GRF	322509	Community Supports and Rental Assistance	\$890,000	\$890,000
J	GRF	322510	Best Buddies Ohio	\$100,000	\$100,000
K	GRF	653321	Medicaid Program Support - State	\$8,163,217	\$8,421,356
L	GRF	653407	Medicaid Services	\$1,127,127,000	\$1,140,627,000
M			General Revenue Fund Total	\$1,178,130,217	\$1,188,588,356

N	Dedicated Purpose Fund Group				
O	2210	322620	Supplement Service Trust	\$500,000	\$500,000
P	4890	653632	Developmental Centers Direct Care Services	\$7,000,000	\$7,000,000
Q	5DK0	322629	Capital Replacement Facilities	\$750,000	\$750,000
R	5EV0	653627	Medicaid Program Support	\$2,540,000	\$2,540,000
S	5GE0	320606	Central Office Operating Expenses	\$20,914,384	\$21,180,026
T	5GE0	653606	ICF/IID and Waiver Match	\$60,000,000	\$60,000,000
U	5H00	322619	Medicaid Repayment	\$900,000	\$900,000
V	5S20	653622	Medicaid Administration and Oversight	\$36,000,000	\$36,000,000
W	5Z10	653624	County Board Waiver Match	\$688,000,000	\$752,000,000
X	Dedicated Purpose Fund Group Total			\$816,604,384	\$880,870,026
Y	Internal Service Activity Fund Group				
Z	1520	653609	DC and Residential Facilities Operating Services	\$20,000,000	\$20,000,000
AA	Internal Service Activity Fund Group Total			\$20,000,000	\$20,000,000

AB Federal Fund Group		
AC 3250 322612 Community Social Service Programs	\$15,075,000	\$15,075,000
AD 3A40 653654 Medicaid Services	\$3,385,530,510	\$3,545,767,920
AE 3A40 653655 Medicaid Support	\$92,000,000	\$97,000,000
AF 3A50 320613 Developmental Disabilities Council	\$3,369,230	\$3,408,234
AG Federal Fund Group Total	\$3,495,974,740	\$3,661,251,154
AH TOTAL ALL BUDGET FUND GROUPS	\$5,510,709,341	\$5,750,709,536

**Section 261.20. SPECIAL OLYMPICS** 130791

The foregoing appropriation item 320411, Special Olympics, 130792  
shall be distributed by the Ohio Department of Developmental 130793  
Disabilities to the Special Olympics of Ohio in support of the 130794  
Ohio Special Olympics Summer Games. 130795

**Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES** 130796

**LEASE-RENTAL BOND PAYMENTS** 130797

The foregoing appropriation item 320415, Developmental 130798  
Disabilities Facilities Lease Rental Bond Payments, shall be 130799  
used to meet all payments during the period from July 1, 2025, 130800  
through June 30, 2027, by the Department of Developmental 130801  
Disabilities pursuant to leases and agreements made under 130802  
section 154.20 of the Revised Code. These appropriations are the 130803  
source of funds pledged for bond service charges on related 130804  
obligations issued under Chapter 154. of the Revised Code. 130805

**Section 261.40.** MULTI-SYSTEM YOUTH 130806

Of the foregoing appropriation item 322422, Multi-System Youth, a portion may be used to provide a subsidy to eligible county boards of developmental disabilities for the provision of respite services and other services and supports for youth with complex or multi-system needs to enable them to remain in their homes with their families or in their communities. The Director of Developmental Disabilities shall establish the total amount available for the subsidy, a formula for distributing the subsidy to eligible county boards, and the eligibility requirements county boards must satisfy to receive the subsidy. 130807  
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**Section 261.50.** TECHNOLOGY FIRST 130817

Of the foregoing appropriation item 322423, Technology First, a portion may be used to increase access and utilization of innovative technology for people with developmental disabilities in accordance with the Technology First Policy established in section 5123.025 of the Revised Code. 130818  
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**Section 261.60.** EMPLOYMENT FIRST INITIATIVE 130823

The foregoing appropriation item 322508, Employment First Initiative, shall be used to increase employment opportunities for individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code. 130824  
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Of the foregoing appropriation item, 322508, Employment First Initiative, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities 130829  
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Agency. The transfer shall be made via an intrastate transfer 130835  
voucher. The transferred funds shall be used to support the 130836  
Employment First Initiative. The Opportunities for Ohioans with 130837  
Disabilities Agency shall use the funds transferred as state 130838  
matching funds to obtain available federal grant dollars for 130839  
vocational rehabilitation services. Any federal match dollars 130840  
received by the Opportunities for Ohioans with Disabilities 130841  
Agency shall be used for the initiative. The Director of 130842  
Developmental Disabilities and the Executive Director of the 130843  
Opportunities for Ohioans with Disabilities Agency shall enter 130844  
into an interagency agreement in accordance with section 130845  
3304.181 of the Revised Code that will specify the 130846  
responsibilities of each agency under the initiative. Under the 130847  
interagency agreement, the Opportunities for Ohioans with 130848  
Disabilities Agency shall retain responsibility for eligibility 130849  
determination, order of selection, plan approval, plan 130850  
amendment, and release of vendor payments. 130851

The remainder of appropriation item 322508, Employment 130852  
First Initiative, shall be used to develop a long-term, 130853  
sustainable system that places individuals with developmental 130854  
disabilities in community employment, as defined in section 130855  
5123.022 of the Revised Code. 130856

**Section 261.61. ACHIEVEMENT CENTERS FOR CHILDREN** 130857

Of the foregoing appropriation item 322509, Community 130858  
Supports and Rental Assistance, \$190,000 in each fiscal year 130859  
shall be distributed to the Achievement Centers for Children to 130860  
provide family support services and respite care for children 130861  
with disabilities and their families. 130862

**Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE** 130863

The foregoing appropriation item 322509, Community Supports and Rental Assistance, may be used by the Director of Developmental Disabilities to provide funding to county boards of developmental disabilities for rental assistance to individuals with developmental disabilities receiving home and community-based services as defined in section 5123.01 of the Revised Code pursuant to section 5124.60 of the Revised Code or section 5124.69 of the Revised Code and individuals with developmental disabilities who enroll in a Medicaid waiver component providing home and community-based services after receiving preadmission counseling pursuant to section 5124.68 of the Revised Code. The Director shall establish the methodology for determining the amount and distribution of such funding.

**Section 261.73. BEST BUDDIES OHIO** 130877

The foregoing appropriation item 322510, Best Buddies Ohio, shall be provided to the Best Buddies Ohio program to support the delivery and expansion of skills-building services throughout Ohio schools and communities.

**Section 261.80. MEDICAID SERVICES** 130882

(A) As used in this section: 130883

(1) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code. 130884  
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(2) "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code. 130886  
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(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following: 130888  
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(1) Home and community-based services; 130891



(2) ICF/IID services; and	130892
(3) Other programs as identified by the Director of Developmental Disabilities.	130893 130894
<b>Section 261.90.</b> CENTRAL OFFICE OPERATING EXPENSES	130895
Of the foregoing appropriation item 320606, Central Office Operating Expenses, \$100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.	130896 130897 130898 130899 130900
<b>Section 261.100.</b> COUNTY BOARD SHARE OF WAIVER SERVICES	130901
As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.	130902 130903 130904
The Director of Developmental Disabilities shall establish a methodology to be used in fiscal year 2026 and fiscal year 2027 to estimate the quarterly amount each county board of developmental disabilities is to pay of the nonfederal share of home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the Director shall submit to a county board written notice of the amount the county board is to pay for that quarter. The notice shall specify when the payment is due.	130905 130906 130907 130908 130909 130910 130911 130912 130913
<b>Section 261.110.</b> WITHHOLDING OF FUNDS OWED THE DEPARTMENT	130914
If a county board of developmental disabilities does not fully pay any amount owed to the Department of Developmental Disabilities by the due date established by the Department, the Director of Developmental Disabilities may withhold the amount the county board did not pay from any amounts due to the county	130915 130916 130917 130918 130919

board. The Director may use any appropriation item or fund used 130920  
by the Department to transfer cash to any other fund used by the 130921  
Department in an amount equal to the amount owed the Department 130922  
that the county board did not pay. Transfers under this section 130923  
shall be made using an intrastate transfer voucher. 130924

**Section 261.120. ODODD INNOVATIVE PILOT PROJECTS** 130925

(A) In fiscal year 2026 and fiscal year 2027, the Director 130926  
of Developmental Disabilities may authorize the continuation or 130927  
implementation of one or more innovative pilot projects that, in 130928  
the judgment of the Director, are likely to assist in promoting 130929  
the objectives of Chapter 5123. or 5126. of the Revised Code. 130930  
Subject to division (B) of this section and notwithstanding any 130931  
provision of Chapters 5123. and 5126. of the Revised Code and 130932  
any rule adopted under either chapter, a pilot project 130933  
authorized by the Director may be continued or implemented in a 130934  
manner inconsistent with one or more provisions of either 130935  
chapter or one or more rules adopted under either chapter. 130936  
Before authorizing a pilot program, the Director shall consult 130937  
with entities interested in the issue of developmental 130938  
disabilities, including the Ohio Provider Resource Association, 130939  
Ohio Association of County Boards of Developmental Disabilities, 130940  
Ohio Health Care Association/Ohio Centers for Intellectual 130941  
Disabilities, the Values and Faith Alliance, and ARC of Ohio. 130942

(B) The Director may not authorize a pilot project to be 130943  
implemented in a manner that would cause the state to be out of 130944  
compliance with any requirements for a program funded in whole 130945  
or in part with federal funds. 130946

**Section 261.130. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE** 130947  
**SERVICES PROVIDED TO QUALIFYING IO ENROLLEES** 130948

(A) As used in this section:	130949
(1) "Converted facility" means an ICF/IID, or former ICF/IID, that converted some or all of its beds to providing home and community-based services under the IO Waiver pursuant to section 5124.60 of the Revised Code.	130950 130951 130952 130953
(2) "Developmental center" and "ICF/IID" have the same meanings as in section 5124.01 of the Revised Code.	130954 130955
(3) "IO Waiver" means the Medicaid waiver component, as defined in section 5166.01 of the Revised Code, known as Individual Options.	130956 130957 130958
(4) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.	130959 130960
(5) "Public hospital" has the same meaning as in section 5122.01 of the Revised Code.	130961 130962
(6) "Qualifying IO enrollee" means an IO Waiver enrollee to whom all of the following apply:	130963 130964
(a) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the IO Wavier.	130965 130966 130967
(b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period specified in division (C) of this section.	130968 130969 130970 130971 130972
(c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the developmental center, converted facility, or public	130973 130974 130975 130976

hospital) warrants paying the Medicaid rate authorized by this section. 130977  
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(B) The total Medicaid payment rate for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to a qualifying IO enrollee during the period specified in division (C) of this section shall be fifty-two cents higher than the Medicaid payment rate in effect on the day the services are provided for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to an IO enrollee who is not a qualifying IO enrollee. 130979  
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(C) Division (B) of this section applies to the first twelve months, consecutive or otherwise, that a Medicaid provider, during the period beginning July 1, 2025, and ending July 1, 2027, provides routine homemaker/personal care services to a qualifying IO enrollee. 130988  
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(D) Of the foregoing appropriation items 653407, Medicaid Services, and 653654, Medicaid Services, portions shall be used to pay the Medicaid payment rate determined in accordance with this section for routine homemaker/personal care services provided to qualifying IO enrollees. 130993  
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**Section 261.140. ICF WORKFORCE DEVELOPMENT PAYMENTS** 130998

Of the foregoing appropriation items 653407, Medicaid Services, and 653654, Medicaid Services, a portion of each appropriation item shall be used in fiscal year 2026 in accordance with this section and section 5124.15 of the Revised Code. The funds shall be used to maintain rates supporting the professional workforce development payment, as provided in division (A) (5) (c) of section 5124.15 of the Revised Code. 130999  
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A			SBE STATE BOARD OF EDUCATION			
B			Dedicated Purpose Fund Group			
C	4K90	210602	Operating Expenses	\$15,010,991	\$15,519,872	
D			Dedicated Purpose Fund Group Total	\$15,010,991	\$15,519,872	
E			Federal Fund Group			
F	3IS0	210601	Title II A/Supporting Effective Instruction	\$1,355,000	\$1,355,000	
G			Federal Fund Group Total	\$1,355,000	\$1,355,000	
H			TOTAL ALL BUDGET FUND GROUPS	\$16,365,991	\$16,874,872	
			<b>Section 263.20.</b> CASH TRANSFER FROM THE STATE BOARD OF			131008
			EDUCATION LICENSURE FUND TO THE OCCUPATIONAL LICENSING AND			131009
			REGULATORY FUND			131010
			On July 1, 2025, or as soon as possible thereafter, the			131011
			Director of Budget and Management shall transfer the cash			131012
			balance in the State Board of Education Licensure Fund (Fund			131013
			4L20) to the Occupational Licensing and Regulatory Fund (Fund			131014
			4K90). Upon completion of the transfer, Fund 4L20 is hereby			131015
			abolished. The Director shall cancel any existing encumbrances			131016
			against appropriation item 210600, Operating Expenses, and			131017
			reestablish them against appropriation item 210602, Operating			131018
			Expenses. The reestablished encumbrance amounts are hereby			131019
			appropriated.			131020

Section 265.10.

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A			EDU DEPARTMENT OF EDUCATION AND WORKFORCE		
B			General Revenue Fund		
C	GRF	200321	Operating Expenses	\$14,474,898	\$15,054,312
D	GRF	200416	Career Technical Education	\$2,758,006	\$2,893,106
E	GRF	200420	Information Technology Development and Support	\$4,231,479	\$4,316,527
F	GRF	200422	School Management Assistance	\$3,000,000	\$3,100,000
G	GRF	200424	Policy Analysis	\$500,000	\$516,419
H	GRF	200426	Ohio Educational Computer Network	\$19,994,000	\$19,994,000
I	GRF	200427	Academic Standards	\$5,535,410	\$5,429,033
J	GRF	200437	Student Assessment	\$53,409,125	\$53,682,346
K	GRF	200439	Accountability/Report Cards	\$7,619,440	\$7,687,742
L	GRF	200446	Education Management Information System	\$10,058,226	\$10,525,278
M	GRF	200448	Educator and Principal	\$4,413,493	\$4,426,754

Preparation						
N	GRF	200455	Community Schools and Choice Programs	\$4,370,165		\$4,446,705
O	GRF	200457	STEM Initiatives	\$500,000		\$500,000
P	GRF	200465	Education Technology Resources	\$4,672,828		\$4,685,225
Q	GRF	200478	Industry-Recognized Credentials High School Students	\$16,000,000		\$16,000,000
R	GRF	200502	Pupil Transportation	\$874,035,414		\$941,429,701
S	GRF	200505	School Meal Programs	\$13,163,000		\$13,163,000
T	GRF	200511	Auxiliary Services	\$170,292,963		\$172,262,613
U	GRF	200532	Nonpublic Administrative Cost Reimbursement	\$76,935,110		\$77,824,960
V	GRF	200540	Special Education Enhancements	\$200,272,426		\$202,272,426
W	GRF	200545	Career-Technical Education Enhancements	\$14,163,000		\$14,163,000
X	GRF	200550	Foundation Funding - All Students	\$8,518,736,974		\$8,716,947,875
Y	GRF	200566	Literacy Improvement	\$4,472,674		\$4,617,596
Z	GRF	200572	Adult Education Programs	\$9,348,399		\$16,449,137

AA GRF	200574	Half-Mill Maintenance Equalization	\$8,559,640	\$8,203,450
AB GRF	200576	Adaptive Sports Program	\$350,000	\$350,000
AC GRF	200597	Program and Project Support	\$2,800,000	\$2,400,000
AD	General Revenue Fund Total		\$10,044,666,670	\$10,323,341,205
AE	Dedicated Purpose Fund Group			
AF 4520	200638	Charges and Reimbursements	\$1,500,000	\$1,500,000
AG 5980	200659	Auxiliary Services Reimbursement	\$650,000	\$650,000
AH 5H30	200687	School District Solvency Assistance	\$2,000,000	\$2,000,000
AI 5KX0	200691	Ohio School Sponsorship Program	\$1,900,000	\$1,900,000
AJ 5MM0	200677	Child Nutrition Refunds	\$550,000	\$550,000
AK 5U20	200685	National Education Statistics	\$185,000	\$185,000
AL 5VS0	200604	Foundation Funding - All Students	\$600,000,000	\$600,000,000
AM 5Y00	200491	Public and Nonpublic Education Support	\$171,200,000	\$171,200,000



AN 6200 200615	Educational Improvement Grants	\$600,000	\$600,000
AO	Dedicated Purpose Fund Group Total	\$778,585,000	\$778,585,000
AP	Internal Service Activity Fund Group		
AQ 1380 200606	Information Technology Development and Support	\$18,394,387	\$18,597,721
AR 4R70 200695	Indirect Operational Support	\$9,944,311	\$10,166,435
AS 4V70 200633	Interagency Program Support	\$3,000,000	\$3,000,000
AT	Internal Service Activity Fund Group Total	\$31,338,698	\$31,764,156
AU	State Lottery Fund Group		
AV 7017 200413	School Bus Safety	\$10,000,000	\$0
AW 7017 200612	Foundation Funding - All Students	\$1,338,945,000	\$1,338,945,000
AX 7017 200614	Accelerate Great Schools	\$1,500,000	\$1,500,000
AY 7017 200631	Quality Community and Independent STEM Schools Support	\$136,500,000	\$136,500,000
AZ 7017 200684	Community School Facilities	\$133,155,000	\$133,155,000

BA 7017 2006A7	Literacy Coaches	\$12,000,000	\$12,000,000
BB	State Lottery Fund Group Total	\$1,632,100,000	\$1,622,100,000
BC	Federal Fund Group		
BD 3120 2006A9	Aspire - Federal	\$0	\$18,996,799
BE 3670 200607	School Food Services	\$13,379,350	\$13,379,350
BF 3700 200624	Education of Exceptional Children	\$1,750,000	\$1,750,000
BG 3AF0 657601	Schools Medicaid Administrative Claims	\$150,000	\$150,000
BH 3EH0 200620	Migrant Education	\$1,700,000	\$1,700,000
BI 3EJ0 200622	Homeless Children Education	\$4,823,000	\$5,112,380
BJ 3GE0 200674	Summer Food Service Program	\$23,000,000	\$23,000,000
BK 3GG0 200676	Fresh Fruit and Vegetable Program	\$5,500,000	\$6,000,000
BL 3HF0 200649	Federal Education Grants	\$5,000,000	\$5,000,000
BM 3HI0 200634	Student Support and Academic Enrichment	\$54,131,000	\$50,604,930
BN 3HL0 200678	Comprehensive Literacy State Development Program	\$14,630,000	\$14,630,000

BO	3L60	200617	Federal School Lunch	\$565,999,000	\$595,000,000
BP	3L70	200618	Federal School Breakfast	\$195,000,000	\$205,000,000
BQ	3L80	200619	Child/Adult Food Programs	\$116,000,000	\$118,000,000
BR	3L90	200621	Career-Technical Education Basic Grant	\$56,680,000	\$58,947,200
BS	3M00	200623	ESEA Title 1A	\$677,740,000	\$698,072,200
BT	3M20	200680	Individuals with Disabilities Education Act	\$530,400,000	\$541,008,000
BU	3Y20	200688	21st Century Community Learning Centers	\$47,940,000	\$48,898,800
BV	3Y60	200635	Improving Teacher Quality	\$77,157,900	\$78,701,058
BW	3Y70	200689	English Language Acquisition	\$13,728,000	\$14,277,120
BX	3Y80	200639	Rural and Low Income Technical Assistance	\$3,300,000	\$3,300,000
BY	3Z20	200690	State Assessments	\$11,500,000	\$11,500,000
BZ	3Z30	200645	Consolidated Federal Grant Administration	\$15,000,000	\$15,000,000
CA	Federal Fund Group Total			\$2,434,508,250	\$2,528,027,837
CB	TOTAL ALL BUDGET FUND GROUPS			\$14,921,198,618	\$15,283,818,198

**Section 265.20. CAREER-TECHNICAL EDUCATION** 131023

A portion of the foregoing appropriation item 200416, 131024  
Career-Technical Education, shall be used by the Department of 131025  
Education and Workforce to provide matching funds related to 131026  
career-technical education under 20 U.S.C. 2321. 131027

**Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND** 131028  
**SUPPORT** 131029

The foregoing appropriation item 200420, Information 131030  
Technology Development and Support, shall be used to support the 131031  
development and implementation of information technology 131032  
solutions designed to improve the performance and services of 131033  
the Department of Education and Workforce. Funds may be used for 131034  
personnel, maintenance, and equipment costs related to the 131035  
development and implementation of these technical system 131036  
projects. Implementation of these systems shall allow the 131037  
Department to provide greater levels of assistance to school 131038  
districts and to provide more timely information to the public, 131039  
including school districts, administrators, and legislators. 131040  
Funds may also be used to support data-driven decision-making 131041  
and differentiated instruction, as well as to communicate 131042  
academic content standards and curriculum models to schools 131043  
through web-based applications. 131044

**Section 265.40. SCHOOL MANAGEMENT ASSISTANCE** 131045

The foregoing appropriation item 200422, School Management 131046  
Assistance, shall be used by the Department of Education and 131047  
Workforce to provide fiscal technical assistance and inservice 131048  
education for school district management personnel and to 131049  
administer, monitor, and implement the fiscal caution, fiscal 131050  
watch, and fiscal emergency provisions under Chapter 3316. of 131051

the Revised Code. 131052

**Section 265.50. POLICY ANALYSIS** 131053

The foregoing appropriation item 200424, Policy Analysis, 131054  
shall be used by the Department of Education and Workforce to 131055  
support a system of administrative and statistical education 131056  
information to be used for policy analysis. Staff supported by 131057  
this appropriation shall administer the development of reports, 131058  
analyses, and briefings regarding current trends in education 131059  
practice, efficient and effective use of resources, and 131060  
evaluation of programs to improve education results. A portion 131061  
of these funds shall be used to maintain a longitudinal database 131062  
to support the assessment of the impact of policies and programs 131063  
on Ohio's education and workforce development systems. The 131064  
research efforts supported by this appropriation item shall be 131065  
used to supply information and analysis of data to and in 131066  
consultation with the General Assembly and other state 131067  
policymakers, including the Office of Budget and Management and 131068  
the Legislative Service Commission. 131069

**Section 265.60. OHIO EDUCATIONAL COMPUTER NETWORK** 131070

The foregoing appropriation item 200426, Ohio Educational 131071  
Computer Network, shall be used by the Department of Education 131072  
and Workforce to maintain a system of information technology 131073  
throughout Ohio and to provide technical assistance for such a 131074  
system. 131075

Of the foregoing appropriation item 200426, Ohio 131076  
Educational Computer Network, up to \$8,425,500 in each fiscal 131077  
year shall be used by the Department to support connection of 131078  
all public school buildings and participating chartered 131079  
nonpublic schools to the state's education network, to each 131080

other, and to the Internet. In each fiscal year, the Department 131081  
shall use these funds to assist information technology centers 131082  
or school districts with the operational costs associated with 131083  
this connectivity. The Department shall develop a formula and 131084  
guidelines for the distribution of these funds to information 131085  
technology centers or individual school districts. As used in 131086  
this section, "public school building" means a school building 131087  
of any city, local, exempted village, or joint vocational school 131088  
district, any community school established under Chapter 3314. 131089  
of the Revised Code, any college preparatory boarding school 131090  
established under Chapter 3328. of the Revised Code, any STEM 131091  
school established under Chapter 3326. of the Revised Code, any 131092  
educational service center building used for instructional 131093  
purposes, the Ohio School for the Deaf and the Ohio State School 131094  
for the Blind, high schools chartered by the Ohio Department of 131095  
Youth Services, or high schools operated by Ohio Department of 131096  
Rehabilitation and Corrections' Ohio Central School System. 131097

Of the foregoing appropriation item 200426, Ohio 131098  
Educational Computer Network, up to \$6,305,000 in each fiscal 131099  
year shall be used, through a formula and guidelines devised by 131100  
the Department, to support the activities of designated 131101  
information technology centers, as defined by Department of 131102  
Education and Workforce rules, to provide school districts and 131103  
chartered nonpublic schools with computer-based student and 131104  
teacher instructional and administrative information services, 131105  
including approved computerized financial accounting, to ensure 131106  
the effective operation of local automated administrative and 131107  
instructional systems, and to monitor and support the quality of 131108  
data submitted to the Department. 131109

Of the foregoing appropriation item 200426, Ohio 131110  
Educational Computer Network, up to \$1,650,000 in each fiscal 131111

year shall be used by the Department to support cybersecurity 131112  
initiatives led by the Management Council of the Ohio Computer 131113  
Education Network in public and nonpublic schools. Efforts may 131114  
include, but shall not be limited to, vulnerability management, 131115  
security awareness training, multifactor authentication, and 131116  
endpoint detection and response capabilities. In determining the 131117  
specific cybersecurity programs and initiatives the foregoing 131118  
appropriation item will support, the Department shall consult 131119  
with the Governor's Cybersecurity Strategic Advisor. 131120

The remainder of appropriation item 200426, Ohio 131121  
Educational Computer Network, shall be used to support the work 131122  
of the development, maintenance, and operation of a network of 131123  
uniform and compatible computer-based information systems as 131124  
well as the teacher student linkage/roster verification process 131125  
and systems to support electronic sharing of student records and 131126  
transcripts between entities. This technical assistance shall 131127  
include, but not be restricted to, development and maintenance 131128  
of adequate computer software systems to support network 131129  
activities. In order to improve the efficiency of network 131130  
activities, the Department and information technology centers 131131  
may jointly purchase equipment, materials, and services from 131132  
funds provided under this appropriation for use by the network 131133  
and, when considered practical by the Department, may utilize 131134  
the services of appropriate state purchasing agencies. 131135

**Section 265.70. ACADEMIC STANDARDS** 131136

Of the foregoing appropriation item 200427, Academic 131137  
Standards, up to \$500,000 in fiscal year 2026 shall be used to 131138  
contract with experts in civics education and social studies to 131139  
develop an integrated model curriculum that includes English 131140  
language arts, social studies, and civics education. The model 131141

curriculum shall include support for content, instruction, and 131142  
assessment. 131143

The remainder of the foregoing appropriation item 200427, 131144  
Academic Standards, shall be used by the Department of Education 131145  
and Workforce to develop and communicate to school districts 131146  
academic content standards and curriculum models and to develop 131147  
professional development programs and other tools on the new 131148  
content standards and model curricula. 131149

**Section 265.80. STUDENT ASSESSMENT** 131150

Of the foregoing appropriation item 200437, Student 131151  
Assessment, up to \$622,713 in each fiscal year shall be used to 131152  
reimburse a portion of the costs associated with Advanced 131153  
Placement and College-Level Examination Program tests for low- 131154  
income students, as determined by the Department. If the funds 131155  
provided by the Department through this set-aside and federal 131156  
funds are not sufficient to cover the costs of Advanced 131157  
Placement, College-Level Examination, and International 131158  
Baccalaureate tests for low-income students, school districts 131159  
and other public schools shall pay the remainder of the costs 131160  
using other funds. 131161

The remainder of appropriation item 200437, Student 131162  
Assessment, shall be used to develop, field test, print, 131163  
distribute, score, report results, and support other associated 131164  
costs for the tests required under sections 3301.0710, 131165  
3301.0711, and 3301.0712 of the Revised Code and for similar 131166  
purposes as required by section 3301.27 of the Revised Code. The 131167  
funds may also be used to update and develop diagnostic 131168  
assessments administered under sections 3301.079, 3301.0715, and 131169  
3313.608 of the Revised Code and to support readiness 131170  
assessments for students in grades three and higher that assist 131171



districts and schools with identifying and benchmarking student progress. 131172  
131173

DEPARTMENT OF EDUCATION AND WORKFORCE APPROPRIATION 131174  
TRANSFERS FOR STUDENT ASSESSMENT 131175

In fiscal year 2026 and fiscal year 2027, if the Director 131176  
of Education and Workforce determines that additional funds are 131177  
needed to fully fund the requirements of sections 3301.0710, 131178  
3301.0711, 3301.0712, and 3301.27 of the Revised Code and this 131179  
act for assessments of student performance, the Director may 131180  
recommend to the Director of Budget and Management the 131181  
reallocation of unexpended and unencumbered General Revenue Fund 131182  
appropriations within the Department of Education and Workforce 131183  
to appropriation item 200437, Student Assessment. If the 131184  
Director of Budget and Management determines that such a 131185  
reallocation is required, the Director may transfer unexpended 131186  
and unencumbered appropriations within the Department of 131187  
Education and Workforce as necessary to appropriation item 131188  
200437, Student Assessment. 131189

**Section 265.90. ACCOUNTABILITY/REPORT CARDS** 131190

Of the foregoing appropriation item 200439, 131191  
Accountability/Report Cards, a portion in each fiscal year shall 131192  
be used to train district and regional specialists and district 131193  
educators in the use of the value-added progress dimension and 131194  
in the use of data as it relates to improving student 131195  
achievement. This training may include teacher and administrator 131196  
professional development in the use of data to improve 131197  
instruction and student learning, and teacher and administrator 131198  
training in understanding teacher value-added reports and how 131199  
they can be used as a component in measuring teacher and 131200  
administrator effectiveness. 131201

The remainder of appropriation item 200439, 131202  
Accountability/Report Cards, shall be used by the Department of 131203  
Education and Workforce to incorporate a statewide value-added 131204  
progress dimension into performance ratings for school districts 131205  
and for the development of an accountability system that 131206  
includes the preparation and distribution of school report 131207  
cards, funding and expenditure accountability reports under 131208  
sections 3302.03 and 3302.031 of the Revised Code, the 131209  
development and maintenance of teacher value-added reports, the 131210  
teacher student linkage/roster verification process, and the 131211  
performance management section of the Department's web site 131212  
required by section 3302.26 of the Revised Code. 131213

**Section 265.100. EDUCATION MANAGEMENT INFORMATION SYSTEM** 131214

The foregoing appropriation item 200446, Education 131215  
Management Information System, shall be used by the Department 131216  
of Education and Workforce to maintain and improve the Education 131217  
Management Information System (EMIS). 131218

Of the foregoing appropriation item 200446, Education 131219  
Management Information System, up to \$405,000 in each fiscal 131220  
year shall be used to support grants to information technology 131221  
centers to provide professional development opportunities to 131222  
district and school personnel related to the EMIS, with a focus 131223  
placed on data submission and data quality. 131224

Of the foregoing appropriation item 200446, Education 131225  
Management Information System, up to \$950,000 in each fiscal 131226  
year shall be distributed to designated information technology 131227  
centers for costs relating to processing, storing, and 131228  
transferring data for the effective operation of the EMIS. These 131229  
costs may include, but are not limited to, personnel, hardware, 131230  
software development, communications connectivity, professional 131231

development, and support services. 131232

The remainder of appropriation item 200446, Education 131233  
Management Information System, shall be used to develop and 131234  
support the data definitions and standards outlined in the EMIS 131235  
guidelines adopted under section 3301.0714 of the Revised Code, 131236  
to implement recommendations of the EMIS Advisory Council and 131237  
the Director of Education and Workforce, to enhance data quality 131238  
assurance practices, and to support responsibilities related to 131239  
the school report cards prescribed by section 3302.03 of the 131240  
Revised Code and value-added progress dimension calculations. 131241

**Section 265.110.** EDUCATOR AND PRINCIPAL PREPARATION 131242

(A) Of the foregoing appropriation item 200448, Educator 131243  
and Principal Preparation, up to \$1,612,500 in each fiscal year 131244  
shall be used, in consultation with the Department of Veterans 131245  
Services, to support the Ohio Military Veteran Educators 131246  
Program, which may do all of the following: 131247

(1) Administer a grant program for institutions of higher 131248  
education to provide financial incentives and assistance for 131249  
eligible military individuals, as defined in section 3319.285 of 131250  
the Revised Code, to enroll in and complete an educator 131251  
preparation program approved under section 3333.048 of the 131252  
Revised Code; 131253

(2) Subsidize the costs for eligible military individuals 131254  
associated with completing college coursework or professional 131255  
development in pedagogy for the purpose of obtaining an 131256  
alternative military educator license pursuant to section 131257  
3319.285 of the Revised Code or advancing to the professional 131258  
license pursuant to section 3319.22 of the Revised Code; 131259

(3) Provide funds to public schools, educational service 131260

centers, and county boards of developmental disabilities to 131261  
support activities to recruit eligible military individuals to 131262  
work in public schools and support bonuses to public schools 131263  
that hire eligible military individuals; 131264

(4) Reimburse public schools, educational service centers, 131265  
and county boards of developmental disabilities that pay 131266  
financial bonuses to eligible military individuals who complete 131267  
at least one year of employment with the school; 131268

(5) In consultation with the Department of Veterans 131269  
Services, establish and support the Governor's Ohio Military 131270  
Veteran Educators Fellowship Pilot Program to recruit and train 131271  
eligible military individuals to become licensed to teach in 131272  
low-performing public schools. 131273

(B) Of the foregoing appropriation item 200448, Educator 131274  
and Principal Preparation, up to \$350,993 in fiscal year 2026 131275  
and up to \$364,254 in fiscal year 2027 may be used by the 131276  
Department of Education and Workforce to monitor and support 131277  
Ohio's State System of Support, as defined by the Every Student 131278  
Succeeds Act. 131279

(C) Of the foregoing appropriation item 200448, Educator 131280  
and Principal Preparation, \$2,000,000 in each fiscal year shall 131281  
be distributed to Teach For America to increase recruitment of 131282  
potential corps members, to train and develop first-year and 131283  
second-year teachers in the Teach for America program in Ohio, 131284  
and to support the ongoing development and impact of Teach for 131285  
America alumni working in Ohio. 131286

(D) Of the foregoing appropriation item 200448, Educator 131287  
and Principal Preparation, up to \$250,000 in each fiscal year 131288  
shall be used to support the SmartOhio Financial Literacy 131289

Program at the University of Cincinnati. 131290

(E) Of the foregoing appropriation item 200448, Educator 131291  
and Principal Preparation, \$200,000 in each fiscal year shall be 131292  
used to support selected school staff through the FASTER Saves 131293  
Lives Program for the purpose of stopping active shooters and 131294  
treating casualties. 131295

(F) Notwithstanding any provision of law to the contrary, 131296  
awards under this section may be used by recipients for award- 131297  
related expenses incurred for a period not to exceed two years 131298  
from the date of the award. 131299

**Section 265.120. COMMUNITY SCHOOLS AND CHOICE PROGRAMS** 131300

The foregoing appropriation item 200455, Community Schools 131301  
and Choice Programs, may be used by the Department of Education 131302  
and Workforce for the oversight and support of community schools 131303  
established under Chapter 3314. of the Revised Code, community 131304  
school sponsors, and nonpublic schools; and the administration 131305  
of school choice programs. The funds may be used to support the 131306  
sponsor evaluation system in accordance with section 3314.016 of 131307  
the Revised Code. 131308

**Section 265.125. STEM INITIATIVES** 131309

The foregoing appropriation item 200457, STEM Initiatives, 131310  
shall be distributed to the Alliance for Working Together 131311  
Foundation to support the expansion of STEAM to Career 131312  
programming for youth and adult students. 131313

**Section 265.130. EDUCATION TECHNOLOGY RESOURCES** 131314

(A) Of the foregoing appropriation item 200465, Education 131315  
Technology Resources, up to \$2,500,000 in each fiscal year shall 131316  
be used for the Union Catalog and InfOhio Network and to support 131317

the provision of electronic resources with priority given to 131318  
resources that support the teaching of state academic content 131319  
standards in all public schools and resources in support of 131320  
Ohio's Plan to Raise Literacy Achievement. The Department of 131321  
Education and Workforce shall consider coordinating the 131322  
allocation of these moneys with the efforts of Libraries Connect 131323  
Ohio, whose members include OhioLINK, the Ohio Public 131324  
Information Network, and the State Library of Ohio. 131325

(B) Of the foregoing appropriation item 200465, Education 131326  
Technology Resources, up to \$1,778,879 in each fiscal year shall 131327  
be used by the Department to provide grants to educational 131328  
television stations working with partner education technology 131329  
centers to provide Ohio public schools with instructional 131330  
resources and services, with priority given to resources and 131331  
services aligned with state academic content standards. Such 131332  
resources and services shall be based upon the advice and 131333  
approval of the Department, with an emphasis in both literacy 131334  
and mathematics, based on a formula developed in consultation 131335  
with Ohio's educational television stations and educational 131336  
technology centers. 131337

(C) The remainder of the foregoing appropriation item 131338  
200465, Education Technology Resources, may be used to support 131339  
training, technical support, guidance, and assistance with 131340  
compliance reporting to school districts and public libraries 131341  
applying for federal E-Rate funds; for oversight and guidance of 131342  
school district technology plans; for support to district 131343  
technology personnel; and for support of the development, 131344  
maintenance, and operation of a network of uniform and 131345  
compatible computer-based information and instructional systems. 131346

**Section 265.140.** INDUSTRY-RECOGNIZED CREDENTIALS HIGH 131347

SCHOOL STUDENTS 131348

City, local, and exempted village school districts, 131349  
community schools, STEM schools, and joint vocational school 131350  
districts shall inform students enrolled in career-technical 131351  
education courses that lead to an industry-recognized credential 131352  
about the opportunity to earn these credentials. The educating 131353  
entity shall pay for the cost of the credential. 131354

The foregoing appropriation item 200478, Industry- 131355  
Recognized Credentials High School Students, shall be used by 131356  
the Department of Education and Workforce and the Governor's 131357  
Office of Workforce Transformation to operate the Innovative 131358  
Workforce Incentive Program. The Office of Workforce 131359  
Transformation shall maintain a list of credentials that qualify 131360  
for the program. The Department of Education and Workforce shall 131361  
pay each city, local, and exempted village school district, 131362  
community school, STEM school, and joint vocational school 131363  
district an amount equal to \$725 for each qualifying credential 131364  
a student attending the district or school earned in the school 131365  
year preceding the fiscal year in which the funds are 131366  
appropriated. If the amount appropriated is not sufficient, the 131367  
Department shall prorate the amounts so that the aggregate 131368  
amount appropriated is not exceeded. 131369

**Section 265.150. PUPIL TRANSPORTATION** 131370

Of the foregoing appropriation item 200502, Pupil 131371  
Transportation, up to \$1,088,930 in each fiscal year may be used 131372  
by the Department of Education and Workforce for training 131373  
prospective and experienced school bus drivers in accordance 131374  
with training programs prescribed by the Department. A portion 131375  
of these funds may also be used to pay for costs associated with 131376  
the enrollment of bus drivers in the retained applicant 131377

fingerprint database. 131378

Of the foregoing appropriation item 200502, Pupil 131379  
Transportation, up to \$172,897,678 in fiscal year 2026 and up to 131380  
\$183,820,866 in fiscal year 2027 may be used by the Department 131381  
for special education transportation reimbursements to school 131382  
districts, educational service centers, and county boards of 131383  
developmental disabilities for transportation operating costs as 131384  
provided in divisions (C) and (F) of section 3317.024 of the 131385  
Revised Code in accordance with the section of this act entitled 131386  
"OPERATING FUNDING FOR FISCAL YEARS 2026 AND 2027." 131387

Of the foregoing appropriation item 200502, Pupil 131388  
Transportation, up to \$450,000 in each fiscal year shall be used 131389  
to provide rural transportation grants pursuant to the section 131390  
of this act entitled "RURAL TRANSPORTATION GRANT PROGRAM." 131391

Of the foregoing appropriation item 200502, Pupil 131392  
Transportation, up to \$250,000 in each fiscal year shall be used 131393  
to support the Montgomery County Pupil Transportation Pilot 131394  
Program established in Section 265.550 of H.B. 33 of the 135th 131395  
General Assembly, as amended by this act. 131396

The remainder of the foregoing appropriation item 200502, 131397  
Pupil Transportation, shall be used to distribute the amounts 131398  
calculated for formula aid under the section of this act 131399  
entitled "OPERATING FUNDING FOR FISCAL YEARS 2026 AND 2027." 131400

PAYMENTS IN LIEU OF TRANSPORTATION 131401

For purposes of division (D) of section 3327.02 of the 131402  
Revised Code, if a parent, guardian, or other person in charge 131403  
of a pupil accepts an offer from a school district of payment in 131404  
lieu of providing transportation for the pupil, the school 131405  
district shall pay that parent, guardian, or other person an 131406



amount not less than fifty per cent and not more than the amount 131407  
determined by the Department under division (C) of section 131408  
3317.0212 of the Revised Code for the most recent school year 131409  
for which data is available. Payment may be prorated if the time 131410  
period involved is only a part of the school year. 131411

**Section 265.160. SCHOOL MEAL PROGRAMS** 131412

(A) The foregoing appropriation item 200505, School Meal 131413  
Programs, shall be used to support the reimbursements required 131414  
by section 3301.91 of the Revised Code and provide matching 131415  
funds to obtain federal funds for the school lunch program. 131416

(B) Any remaining appropriation after providing matching 131417  
funds for the school lunch program may be used to do the 131418  
following: 131419

(1) Partially reimburse school buildings within school 131420  
districts that are required to have a school breakfast program 131421  
under section 3313.813 of the Revised Code, at a rate decided by 131422  
the Department; 131423

(2) Support the Summer EBT Program in coordination with 131424  
the Department of Job and Family Services. 131425

**Section 265.170. AUXILIARY SERVICES** 131426

Of the foregoing appropriation item 200511, Auxiliary 131427  
Services, up to \$2,600,000 in each fiscal year may be used for 131428  
payment of the College Credit Plus Program for nonpublic 131429  
secondary school participants. The Department of Education and 131430  
Workforce shall distribute these funds according to rule 3333-1- 131431  
65.8 of the Administrative Code, adopted by the Department of 131432  
Higher Education pursuant to division (A) of section 3365.071 of 131433  
the Revised Code. 131434

The remainder of the foregoing appropriation item 200511, 131435  
Auxiliary Services, shall be used by the Department to make 131436  
payments under division (E) of section 3317.024 of the Revised 131437  
Code to implement sections 3317.06 and 3317.062 of the Revised 131438  
Code. Notwithstanding any provision of law to the contrary, for 131439  
fiscal year 2026, school districts or chartered nonpublic 131440  
schools may use the auxiliary services funding provided under 131441  
division (E) of section 3317.024 of the Revised Code to provide 131442  
diagnostic or therapeutic mental health services to students 131443  
enrolled in chartered nonpublic schools at any time during the 131444  
fiscal year. 131445

**Section 265.180. NONPUBLIC ADMINISTRATIVE COST** 131446  
REIMBURSEMENT 131447

The foregoing appropriation item 200532, Nonpublic 131448  
Administrative Cost Reimbursement, shall be used by the 131449  
Department of Education and Workforce for the purpose of 131450  
implementing section 3317.063 of the Revised Code. Payments made 131451  
by the Department for this purpose shall not exceed four hundred 131452  
seventy-five dollars per student for each school year. 131453

**Section 265.190. SPECIAL EDUCATION ENHANCEMENTS** 131454

Of the foregoing appropriation item 200540, Special 131455  
Education Enhancements, up to \$33,945,594 in each fiscal year 131456  
shall be used to fund special education and related services at 131457  
county boards of developmental disabilities for eligible 131458  
students under section 3317.20 of the Revised Code, in 131459  
accordance with the section of this act entitled "OPERATING 131460  
FUNDING FOR FISCAL YEARS 2026 AND 2027," and at institutions for 131461  
eligible students under section 3317.201 of the Revised Code in 131462  
accordance with the section of this act entitled "OPERATING 131463  
FUNDING FOR FISCAL YEARS 2026 AND 2027." If necessary, the 131464

Department of Education and Workforce shall proportionately 131465  
reduce the amount calculated for each county board of 131466  
developmental disabilities and institution so as not to exceed 131467  
the amount appropriated in each fiscal year. 131468

Of the foregoing appropriation item 200540, Special 131469  
Education Enhancements, up to \$1,350,000 in each fiscal year 131470  
shall be used for parent mentoring programs. 131471

Of the foregoing appropriation item 200540, Special 131472  
Education Enhancements, up to \$3,000,000 in each fiscal year may 131473  
be used for school psychology interns. 131474

Of the foregoing appropriation item 200540, Special 131475  
Education Enhancements, up to \$1,000,000 in each fiscal year 131476  
shall be used by the Department of Education and Workforce to 131477  
build capacity to deliver a regional system of training, 131478  
support, coordination, and direct service for secondary 131479  
transition services for students with disabilities beginning at 131480  
fourteen years of age. These special education enhancements 131481  
shall support all students with disabilities, regardless of 131482  
partner agency eligibility requirements, to provide stand-alone 131483  
direct secondary transition services by school districts. 131484  
Secondary transition services shall include, but not be limited 131485  
to, job exploration counseling, work-based learning experiences, 131486  
counseling on opportunities for enrollment in comprehensive 131487  
transition or post-secondary educational programs at 131488  
institutions of higher education, workplace readiness training 131489  
to develop occupational skills, social skills and independent 131490  
living skills, and instruction in self-advocacy. Regional 131491  
training shall support the expansion of transition to work 131492  
endorsement opportunities for middle school and secondary level 131493  
special education intervention specialists in order to develop 131494

the necessary skills and competencies to meet the secondary 131495  
transition needs of students with disabilities beginning at 131496  
fourteen years of age. 131497

The remainder of appropriation item 200540, Special 131498  
Education Enhancements, shall be distributed by the Department 131499  
of Education and Workforce to school districts and institutions, 131500  
as defined in section 3323.091 of the Revised Code, for 131501  
preschool special education funding under section 3317.0213 of 131502  
the Revised Code in accordance with the section of this act 131503  
entitled "OPERATING FUNDING FOR FISCAL YEARS 2026 AND 2027," 131504  
except that no school district shall receive less under those 131505  
sections in each of fiscal years 2026 and 2027 than it received 131506  
under section 3317.0213 of the Revised Code in fiscal year 2025. 131507

The Department may reimburse school districts and 131508  
institutions for services provided by instructional assistants, 131509  
related services, as defined in rule 3301-51-11 of the 131510  
Administrative Code, physical therapy services provided by a 131511  
licensed physical therapist or physical therapist assistant 131512  
under the supervision of a licensed physical therapist, as 131513  
required under Chapter 4755. of the Revised Code and Chapter 131514  
4755-27 of the Administrative Code, and occupational therapy 131515  
services provided by a licensed occupational therapist or 131516  
occupational therapy assistant under the supervision of a 131517  
licensed occupational therapist, as required under Chapter 4755. 131518  
of the Revised Code and Chapter 4755-7 of the Administrative 131519  
Code. Nothing in this section authorizes occupational therapy 131520  
assistants or physical therapist assistants to generate or 131521  
manage their own caseloads. 131522

The Department shall require school districts, educational 131523  
service centers, county boards of developmental disabilities, 131524

and institutions serving preschool children with disabilities to 131525  
adhere to Ohio's early learning program standards, participate 131526  
in the Step Up to Quality Program established pursuant to 131527  
section 5104.29 of the Revised Code, and document child progress 131528  
using research-based indicators prescribed by the Department and 131529  
report results annually. The reporting dates and method shall be 131530  
determined by the Department. All programs shall be rated 131531  
through the Step Up to Quality Program. 131532

**Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 131533

Of the foregoing appropriation item 200545, Career- 131534  
Technical Education Enhancements, up to \$2,563,000 in each 131535  
fiscal year shall be used to fund secondary career-technical 131536  
education at institutions and Ohio Deaf and Blind Education 131537  
Services using a grant-based methodology, notwithstanding 131538  
section 3317.05 of the Revised Code. 131539

Of the foregoing appropriation item 200545, Career- 131540  
Technical Education Enhancements, up to \$9,600,000 in each 131541  
fiscal year shall be used by the Department to fund competitive 131542  
grants to tech prep regional centers that expand the number of 131543  
students with access to career-technical education. These grant 131544  
funds shall be used to directly support career services provided 131545  
to students enrolled in community schools, STEM schools, school 131546  
districts, including joint vocational school districts, and 131547  
affiliated higher education institutions. This support may 131548  
include the purchase of equipment. 131549

Of the foregoing appropriation item 200545, Career- 131550  
Technical Education Enhancements, up to \$600,000 in each fiscal 131551  
year shall be used by the Department to enable students in 131552  
agricultural programs to enroll in a fifth quarter of 131553  
instruction based on the agricultural education model of 131554

delivering work-based learning through supervised agricultural 131555  
experience. The Department shall determine eligibility criteria 131556  
and the reporting process for the Agriculture 5th Quarter 131557  
Project and shall fund as many programs as possible given the 131558  
set-aside. The eligibility criteria developed by the Department 131559  
shall allow these funds to support supervised agricultural 131560  
experience that occurs anytime outside of the regular school 131561  
day. 131562

Of the foregoing appropriation item 200545, Career- 131563  
Technical Education Enhancements, up to \$650,000 in each fiscal 131564  
year may be used to support career planning and reporting 131565  
through the OhioMeansJobs web site. 131566

Of the foregoing appropriation item 200545, Career- 131567  
Technical Education Enhancements, \$250,000 in each fiscal year 131568  
shall be used to prepare students for careers in culinary arts 131569  
and restaurant management under the Ohio ProStart school 131570  
restaurant program. 131571

Of the foregoing appropriation item 200545, Career- 131572  
Technical Education Enhancements, \$150,000 in each fiscal year 131573  
shall be distributed to the Fairfield County Workforce Center to 131574  
support pre-apprenticeship program costs, including those for 131575  
instructors, certification exams, books, software licenses, and 131576  
tools needed for students. 131577

Of the foregoing appropriation item 200545, Career- 131578  
Technical Education Enhancements, \$100,000 in each fiscal year 131579  
shall be distributed to Tech Corps to support career-connected 131580  
rural computer science programming. 131581

Of the foregoing appropriation item 200545, Career- 131582  
Technical Education Enhancements, \$250,000 in each fiscal year 131583

shall be used by the Department of Education and Workforce in 131584  
partnership with the Department of Higher Education to fund 131585  
early childhood to post-secondary regional partnerships. The 131586  
Department of Education and Workforce shall distribute grants to 131587  
qualifying partnerships to support regional collaboration 131588  
programs among early learning, primary and secondary school, 131589  
post-secondary institution, and workforce partners that align 131590  
educational resources with regional in-demand jobs and workforce 131591  
skills. Grants shall be awarded using a formula to be determined 131592  
by the Department of Education and Workforce. 131593

**Section 265.210.** FOUNDATION FUNDING - ALL STUDENTS 131594

Of the portion of the formula aid distributed to city, 131595  
local, and exempted village school districts, joint vocational 131596  
school districts, community schools, and STEM schools under this 131597  
section, an amount in each fiscal year, as calculated by the 131598  
Department of Education and Workforce, shall be used for the 131599  
purposes of division (B) of section 3317.0215 of the Revised 131600  
Code in accordance with the section of this act entitled 131601  
"OPERATING FUNDING FOR FISCAL YEARS 2026 AND 2027." 131602

Of the foregoing appropriation item 200550, Foundation 131603  
Funding - All Students, up to \$5,733,404 in each fiscal year 131604  
shall be used to fund gifted education at educational service 131605  
centers. The Department shall distribute the funding through the 131606  
unit-based funding methodology in place under division (L) of 131607  
section 3317.024, division (E) of section 3317.05, and divisions 131608  
(A), (B), and (C) of section 3317.053 of the Revised Code as 131609  
they existed prior to fiscal year 2010. 131610

Of the foregoing appropriation item 200550, Foundation 131611  
Funding - All Students, up to \$49,152,105 in fiscal year 2026 131612  
and up to \$51,023,465 in fiscal year 2027 shall be reserved to 131613

fund the state reimbursement of educational service centers 131614  
under section 3317.11 of the Revised Code. 131615

Of the foregoing appropriation item 200550, Foundation 131616  
Funding - All Students, up to \$3,500,000 in each fiscal year 131617  
shall be distributed to educational service centers for school 131618  
improvement initiatives and for the provision of technical 131619  
assistance to schools and districts consistent with requirements 131620  
of section 3312.01 of the Revised Code. The Department may 131621  
distribute these funds through a competitive grant process. 131622

Of the foregoing appropriation item 200550, Foundation 131623  
Funding - All Students, up to \$7,000,000 in each fiscal year 131624  
shall be reserved for payments under the section of this act 131625  
entitled "POWER PLANT VALUATION ADJUSTMENT." If this amount is 131626  
not sufficient, the Director of Education and Workforce may 131627  
reallocate excess funds for other purposes supported by this 131628  
appropriation item in order to fully pay the amounts required by 131629  
that section, provided that the aggregate amount appropriated in 131630  
appropriation item 200550, Foundation Funding - All Students, is 131631  
not exceeded. 131632

Of the foregoing appropriation item 200550, Foundation 131633  
Funding - All Students, up to \$12,400,000 in fiscal year 2026 131634  
and up to \$12,800,000 in fiscal year 2027 shall be used to 131635  
support the administration of state scholarship programs. 131636

Of the foregoing appropriation item 200550, Foundation 131637  
Funding - All Students, up to \$1,000,000 in each fiscal year 131638  
shall be distributed to the Cleveland Municipal School District 131639  
to provide tutorial assistance as provided in division (B) of 131640  
section 3313.979 of the Revised Code. The Cleveland Municipal 131641  
School District shall report the use of these funds in the 131642  
district's three-year continuous improvement plan as described 131643



in section 3302.04 of the Revised Code in a manner approved by 131644  
the Department. 131645

Of the foregoing appropriation item 200550, Foundation 131646  
Funding - All Students, up to \$3,000,000 in each fiscal year may 131647  
be used for payment of the College Credit Plus Program for 131648  
students instructed at home pursuant to section 3321.04 of the 131649  
Revised Code. 131650

Of the foregoing appropriation item 200550, Foundation 131651  
Funding - All Students, up to \$700,000 in each fiscal year shall 131652  
be used by the Department for a program to pay for educational 131653  
services for youth who have been assigned by a juvenile court or 131654  
other authorized agency to any of the facilities described in 131655  
division (A) of the section of this act entitled "PRIVATE 131656  
TREATMENT FACILITY PROJECT." 131657

Of the foregoing appropriation item 200550, Foundation 131658  
Funding - All Students, a portion may be used to pay college- 131659  
preparatory boarding schools the per pupil boarding amount 131660  
pursuant to section 3328.34 of the Revised Code. 131661

Of the foregoing appropriation item 200550, Foundation 131662  
Funding - All Students, up to \$1,000,000 in each fiscal year may 131663  
be used by the Department for duties and activities related to 131664  
the establishment of academic distress commissions under section 131665  
3302.10 of the Revised Code, to provide support and assistance 131666  
to academic distress commissions to further their duties under 131667  
Chapter 3302. of the Revised Code, and to provide technical 131668  
assistance and tools to support districts subject to academic 131669  
distress commissions. 131670

Of the foregoing appropriation item 200550, Foundation 131671  
Funding - All Students, up to \$1,500,000 in each fiscal year 131672

shall be distributed to the Ohio STEM Learning Network to 131673  
support the expansion of free STEM programming aligned to Ohio's 131674  
STEM priorities, to create regional STEM supports targeting 131675  
underserved student populations, and to support the Ohio STEM 131676  
Committee's STEM school designation process. 131677

Of the foregoing appropriation item 200550, Foundation 131678  
Funding - All Students, up to \$1,500,000 in each fiscal year 131679  
shall be used by the Department to support the Stay in the Game! 131680  
Network and efforts to reduce chronic absenteeism. 131681

Of the foregoing appropriation item 200550, Foundation 131682  
Funding - All Students, up to \$750,000 in fiscal year 2026 shall 131683  
be used to make payments pursuant to the section of this act 131684  
entitled "AIM HIGHER PILOT PROGRAM." 131685

The remainder of the foregoing appropriation item 200550, 131686  
Foundation Funding - All Students, shall be used to distribute 131687  
the amounts calculated for formula aid under the section of this 131688  
act entitled "OPERATING FUNDING FOR FISCAL YEARS 2026 AND 2027" 131689  
and scholarship payments under section 3317.022 of the Revised 131690  
Code. 131691

Appropriation items 200502, Pupil Transportation, and 131692  
200550, Foundation Funding - All Students, other than specific 131693  
set-asides, are collectively used in each fiscal year to pay 131694  
state formula aid obligations for school districts, community 131695  
schools, STEM schools, college preparatory boarding schools, 131696  
joint vocational school districts, and state scholarship 131697  
programs under this act. The first priority of these 131698  
appropriation items, with the exception of specific set-asides, 131699  
is to fund state formula aid obligations. It may be necessary to 131700  
reallocate funds among these appropriation items or use excess 131701  
funds from other General Revenue Fund appropriation items in the 131702

Department of Education and Workforce's budget, including 131703  
appropriation item 200903, Property Tax Reimbursement - 131704  
Education, in each fiscal year in order to meet state formula 131705  
aid obligations. If it is determined that it is necessary to 131706  
transfer funds among these appropriation items or to transfer 131707  
funds from other General Revenue Fund appropriations in the 131708  
Department's budget to meet state formula aid obligations, the 131709  
Director of Education and Workforce shall seek approval from the 131710  
Director of Budget and Management to transfer funds as needed. 131711

The Director of Education and Workforce shall make 131712  
payments, transfers, and deductions, as authorized by Title 131713  
XXXIII of the Revised Code in amounts substantially equal to 131714  
those made in the prior year, or otherwise, at the discretion of 131715  
the Director, until at least the effective date of the 131716  
amendments and enactments made to Title XXXIII of the Revised 131717  
Code by this act. Any funds paid to districts or schools under 131718  
this section shall be credited toward the annual funds 131719  
calculated for the district or school after the changes made to 131720  
Title XXXIII of the Revised Code in this act are effective. Upon 131721  
the effective date of changes made to Title XXXIII of the 131722  
Revised Code in this act, funds shall be calculated as an annual 131723  
amount. 131724

**Section 265.211.** During fiscal year 2027, if the Treasurer 131725  
of State certifies to the Director of Budget and Management 131726  
amounts transferred to the General Revenue Fund pursuant to 131727  
division (I) of section 3310.24 of the Revised Code, such 131728  
amounts are hereby appropriated for fiscal year 2027 in 131729  
appropriation item 200550, Foundation Funding - All Students. 131730

**Section 265.220.** PHASE-IN PERCENTAGES 131731

For purposes of division (X) (1) of section 3317.02 of the 131732

Revised Code, the General Assembly has determined that the 131733  
general phase-in percentage for fiscal year 2026 shall be 83.33 131734  
per cent and the general phase-in percentage for fiscal year 131735  
2027 shall be 100 per cent. 131736

For purposes of division (X) (2) of section 3317.02 of the 131737  
Revised Code, the General Assembly has determined that the 131738  
phase-in percentage for disadvantaged pupil impact aid for 131739  
fiscal year 2026 shall be 83.33 per cent and the phase-in 131740  
percentage for disadvantaged pupil impact aid for fiscal year 131741  
2027 shall be 100 per cent. 131742

**Section 265.230.** FORMULA TRANSITION SUPPLEMENT 131743

(A) (1) For fiscal years 2026 and 2027, the Department of 131744  
Education and Workforce shall pay a formula transition 131745  
supplement to each city, local, and exempted village school 131746  
district according to the following formula: 131747

(The district's funding base for fiscal year 2021 X 0.95 for 131748  
fiscal year 2026 or 0.90 for fiscal year 2027) - (the district's 131749  
payments for the fiscal year for which the supplement is 131750  
calculated under sections 3317.019, 3317.022, and 3317.0212 of 131751  
the Revised Code) 131752

If the computation made under division (A) (1) of this 131753  
section for a fiscal year results in a negative number, the 131754  
district's formula transition supplement for that fiscal year 131755  
shall be zero. 131756

(2) For purposes of division (A) (1) of this section, a 131757  
city, local, or exempted village school district's "funding base 131758  
for fiscal year 2021" means the amount calculated as follows: 131759

(a) Compute the sum of the following: 131760

(i) The amount calculated for the district for fiscal year 2021 under division (A) (1) of Section 265.220 of H.B. 166 of the 133rd General Assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd General Assembly and before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(ii) The amount calculated for the district for fiscal year 2021 under division (A) (2) of Section 265.220 of H.B. 166 of the 133rd General Assembly before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(iii) The amount calculated for the district for fiscal year 2021 under division (B) of Section 265.220 of H.B. 166 of the 133rd General Assembly;

(iv) The district's payments for fiscal year 2021 under divisions (C) (1), (2), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed for payments for fiscal year 2021;

(v) The district's payments for fiscal year 2021 under section 3317.0219 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

(b) Subtract from the amount calculated in division (A) (2) (a) of this section the sum of the following:

(i) The payments deducted from the district and paid to a community school established under Chapter 3314. of the Revised Code for fiscal year 2021 under divisions (C) (1) (a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code

and division (D) of section 3314.091 of the Revised Code, as 131790  
those divisions existed for deductions and payments for fiscal 131791  
year 2021, in accordance with division (A) of Section 265.230 of 131792  
H.B. 166 of the 133rd General Assembly, before any funding 131793  
reductions authorized by Executive Order 2020-19D, issued on May 131794  
7, 2020, and Executive Order 2021-01D, issued on January 22, 131795  
2021; 131796

(ii) The payments deducted from the district and paid to a 131797  
science, technology, engineering, and mathematics school 131798  
established under Chapter 3326. of the Revised Code for fiscal 131799  
year 2021, under divisions (A), (B), (C), (D), (E), (F), and (G) 131800  
of section 3326.33 of the Revised Code as those divisions 131801  
existed for deductions and payments for fiscal year 2021, in 131802  
accordance with division (A) of Section 265.235 of H.B. 166 of 131803  
the 133rd General Assembly, before any funding reductions 131804  
authorized by Executive Order 2020-19D, issued on May 7, 2020, 131805  
and Executive Order 2021-01D, issued on January 22, 2021; 131806

(iii) The payments deducted from the district for fiscal 131807  
year 2021 under division (C) of section 3310.08 of the Revised 131808  
Code as that division existed for deductions for fiscal year 131809  
2021, division (C)(2) of section 3310.41 of the Revised Code, as 131810  
that division existed for deductions for fiscal year 2021, and 131811  
section 3310.55 of the Revised Code as that section existed for 131812  
deductions for fiscal year 2021 and, in the case of a pilot 131813  
project school district as defined in section 3313.975 of the 131814  
Revised Code, the funds deducted from the district for fiscal 131815  
year 2021 under Section 265.210 of H.B. 166 of the 133rd General 131816  
Assembly to operate the pilot project scholarship program for 131817  
fiscal year 2021 under sections 3313.974 to 3313.979 of the 131818  
Revised Code; 131819

(iv) The payments subtracted from the district for fiscal year 2021 under divisions (B) (1), (2), and (3) of section 3313.981 of the Revised Code, as those divisions existed for subtractions from the district for fiscal year 2021.

(B) (1) For fiscal years 2026 and 2027, the Department of Education and Workforce shall pay a formula transition supplement to each joint vocational school district according to the following formula:

(The district's funding base for fiscal year 2021 X 0.95 for fiscal year 2026 or 0.90 for fiscal year 2027) - (the district's payments for the fiscal year for which the supplement is calculated under sections 3317.16 and 3317.162 of the Revised Code)

If the computation made under division (B) (1) of this section for a fiscal year results in a negative number, the district's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (B) (1) of this section, a joint vocational district's "funding base for fiscal year 2021" means the sum of the following:

(a) The district's payments for fiscal year 2021 under Section 265.225 of H.B. 166 of the 133rd General Assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd General Assembly;

(b) The district's payments for fiscal year 2021 under divisions (D) (1) and (2) of section 3313.981 of the Revised Code, as those divisions existed for payments for fiscal year 2021;

(c) The district's payments for fiscal year 2021 under

section 3317.163 of the Revised Code as that section existed for 131849  
payments for fiscal year 2021 and under Section 20 of S.B. 310 131850  
of the 133rd General Assembly. 131851

(C) (1) For fiscal years 2026 and 2027, the Department of 131852  
Education and Workforce shall pay a formula transition 131853  
supplement to each community school established under Chapter 131854  
3314. of the Revised Code according to the following formula: 131855

[[ (The school's funding base for fiscal year 2021 / the number 131856  
of students enrolled in the school for fiscal year 2021) X 0.95 131857  
for fiscal year 2026 or 0.90 for fiscal year 2027] - (the sum of 131858  
the school's payments under sections 3317.022 and 3317.0212 of 131859  
the Revised Code for the fiscal year for which the supplement is 131860  
calculated / the number of students enrolled in the school for 131861  
the fiscal year for which the supplement is calculated)] X the 131862  
number of students enrolled in the school for the fiscal year 131863  
for which the supplement is calculated. 131864

If the computation made under division (C) (1) of this 131865  
section for a fiscal year results in a negative number, the 131866  
school's formula transition supplement for that fiscal year 131867  
shall be zero. 131868

(2) For purposes of division (C) (1) of this section, a 131869  
community school's "funding base for fiscal year 2021" means the 131870  
sum of the following: 131871

(a) The amount calculated for the school for fiscal year 131872  
2021 under division (C) (1) of section 3314.08 of the Revised 131873  
Code as that section existed for payments for fiscal year 2021, 131874  
before any funding reductions authorized by Executive Order 131875  
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 131876  
issued on January 22, 2021; 131877



(b) The amount calculated for the school for fiscal year 131878  
2021 under section 3314.085 of the Revised Code as that section 131879  
existed for payments for fiscal year 2021; 131880

(c) The amount calculated for the school for fiscal year 131881  
2021 under division (D) (1) of section 3314.091 of the Revised 131882  
Code as that division existed for payments for fiscal year 2021; 131883

(d) The amount calculated for the school for fiscal year 131884  
2021 under section 3314.088 of the Revised Code as that section 131885  
existed for payments for fiscal year 2021 and under Section 20 131886  
of S.B. 310 of the 133rd General Assembly. 131887

(D) (1) For fiscal years 2026 and 2027, the Department of 131888  
Education and Workforce shall pay a formula transition 131889  
supplement to each science, technology, engineering, and 131890  
mathematics school established under Chapter 3326. of the 131891  
Revised Code according to the following formula: 131892

[{(The school's funding base for fiscal year 2021 / the number 131893  
of students enrolled in the school for fiscal year 2021) X 0.95 131894  
for fiscal year 2026 or 0.90 for fiscal year 2027} - (the 131895  
school's payments for the fiscal year for which the supplement 131896  
is calculated under section 3317.022 of the Revised Code / the 131897  
number of students enrolled in the school for the fiscal year 131898  
for which the supplement is calculated)] X the number of 131899  
students enrolled in the school for the fiscal year for which 131900  
the supplement is calculated. 131901

If the computation made under division (D) (1) of this 131902  
section for a fiscal year results in a negative number, the 131903  
school's formula transition supplement for that fiscal year 131904  
shall be zero. 131905

(2) For purposes of division (D) (1) of this section, a 131906

science, technology, engineering, and mathematics school's 131907  
"funding base for fiscal year 2021" means the sum of the 131908  
following: 131909

(a) The amount calculated for the school for fiscal year 131910  
2021 under section 3326.33 of the Revised Code as that section 131911  
existed for payments for fiscal year 2021, before any funding 131912  
reductions authorized by Executive Order 2020-19D, issued on May 131913  
7, 2020, and Executive Order 2021-01D, issued on January 22, 131914  
2021; 131915

(b) The amount calculated for the school for fiscal year 131916  
2021 under section 3326.41 of the Revised Code as that section 131917  
existed for payments for fiscal year 2021; 131918

(c) The amount calculated for the school for fiscal year 131919  
2021 under section 3326.42 of the Revised Code as that section 131920  
existed for payments for fiscal year 2021 and under Section 20 131921  
of S.B. 310 of the 133rd General Assembly. 131922

**Section 265.235. OPERATING FUNDING FOR FISCAL YEARS 2026 131923**  
AND 2027 131924

(A) As used in this section: 131925

(1) "Community or STEM school" means both of the 131926  
following: 131927

(a) A community school established under Chapter 3314. of 131928  
the Revised Code that is not a newly opened community school; 131929

(b) A STEM school established under Chapter 3326. of the 131930  
Revised Code. 131931

(2) "Formula transition supplement" means the following: 131932

(a) For fiscal year 2025, the formula transition 131933

supplement established in Section 265.290 of H.B. 33 of the 131934  
135th General Assembly; 131935

(b) For fiscal year 2026 or 2027, the formula transition 131936  
supplement established in Section 265.230 of this act. 131937

(3) "Newly opened community school" means a community 131938  
school that opens for the first time in fiscal year 2026 or 131939  
2027. 131940

(4) "State foundation aid" means the following: 131941

(a) For a traditional school district, either of the 131942  
following: 131943

(i) For fiscal year 2025, the sum of the district's 131944  
payments under sections 3317.019, 3317.022, and 3317.0212 of the 131945  
Revised Code, as those sections existed prior to the effective 131946  
date of this section, and the formula transition supplement for 131947  
that fiscal year minus the district's amount of supplemental 131948  
targeted assistance calculated under section 3317.0218 of the 131949  
Revised Code, as that section existed prior to the effective 131950  
date of this section, for that fiscal year; 131951

(ii) For fiscal year 2026 or 2027, the sum of the 131952  
district's payments calculated under sections 3317.019, 131953  
3317.022, and 3317.0212 of the Revised Code and the formula 131954  
transition supplement for the fiscal year; 131955

(b) For a joint vocational school district, either of the 131956  
following: 131957

(i) For fiscal year 2025, the sum of the district's 131958  
payments for that fiscal year under sections 3317.16 and 131959  
3317.162 of the Revised Code, as those sections existed prior to 131960  
the effective date of this section, and the formula transition 131961

supplement; 131962

(ii) For fiscal year 2026 or 2027, the sum of the 131963  
district's payments calculated for the fiscal year under 131964  
sections 3317.16 and 3317.162 of the Revised Code and the 131965  
formula transition supplement; 131966

(c) For a community or STEM school, either of the 131967  
following: 131968

(i) For fiscal year 2025, the sum of the school's payments 131969  
for that fiscal year under all of the following: 131970

(I) Section 3317.026 of the Revised Code, as that section 131971  
existed prior to the effective date of this section; 131972

(II) If the school is a community school, section 131973  
3317.0212 of the Revised Code, as that section existed prior to 131974  
the effective date of this section; 131975

(III) The formula transition supplement; 131976

(IV) If the school is a community school, the equity 131977  
supplement established in Section 265.285 of H.B. 33 of the 131978  
135th General Assembly; 131979

(ii) For fiscal year 2026 or 2027, the sum of the school's 131980  
payments calculated for the fiscal year under all of the 131981  
following: 131982

(I) Section 3317.026 of the Revised Code; 131983

(II) If the school is a community school, section 131984  
3317.0212 of the Revised Code; 131985

(III) The formula transition supplement. 131986

(5) "Traditional school district" means a city, local, or 131987  
exempted village school district. 131988

(B) Notwithstanding any provision of law to the contrary,  
for fiscal years 2026 and 2027, the Department of Education and  
Workforce shall not make payments to the following:

(1) Traditional school districts under sections 3317.019,  
3317.022, and 3317.0212 of the Revised Code and the formula  
transition supplement;

(2) Joint vocational school districts under sections  
3317.16 and 3317.162 of the Revised Code and the formula  
transition supplement, except that the Department shall make  
payments to such districts under division (B) of section 3317.16  
of the Revised Code;

(3) Community or STEM schools under sections 3317.026 and  
3317.0212 of the Revised Code and the formula transition  
supplement.

Division (B) of this section does not apply to the  
Department's payments to a newly opened community school. The  
Department shall calculate and make payments for each such  
school in fiscal years 2026 and 2027 under sections 3317.026 and  
3317.0212 of the Revised Code and the formula transition  
supplement.

(C) For each of fiscal years 2026 and 2027, the Department  
shall pay each traditional school district, joint vocational  
school district, and community or STEM school an amount of  
temporary foundation funding equal to the sum of both of the  
following:

(1) An amount equal to the district's or school's state  
foundation funding for fiscal year 2025;

(2) An amount calculated as follows:

(The district's or school's state foundation aid calculated for 132017  
the fiscal year - the district's or school's state foundation 132018  
aid for fiscal year 2025) X 0.50 132019

If the amount calculated under division (C) (2) of this 132020  
section for a district or school is a negative number, the 132021  
Department shall not include that amount in the payment under 132022  
division (C) of this section. 132023

The Department shall not make a payment under division (C) 132024  
of this section to a newly opened community school. 132025

(D) For fiscal years 2026 and 2027, the Department shall 132026  
pay each traditional school district an additional payment 132027  
calculated as follows: 132028

(The district's state foundation aid for fiscal year 2025) + 132029  
(the amount of supplemental targeted assistance calculated for 132030  
the district for fiscal year 2025 under section 3317.0218 of the 132031  
Revised Code, as that section existed prior to the effective 132032  
date of this section) - (the payment made to the district under 132033  
division (C) of this section for the fiscal year) 132034

If the amount calculated under this division for a 132035  
district is a negative number, the Department shall not make a 132036  
payment to that district. 132037

(E) For fiscal years 2026 and 2027, the Department shall 132038  
pay each traditional school district an enrollment growth 132039  
supplement, as follows: 132040

(1) The Department shall calculate an enrollment change 132041  
percentage for the district for the fiscal year, as follows: 132042

(a) For fiscal year 2026, the percentage is calculated 132043  
according to the following formula: 132044

(The district's enrolled ADM for fiscal year 2025 - the 132045  
district's enrolled ADM for fiscal year 2022) / the district's 132046  
enrolled ADM for fiscal year 2022 X 100% 132047

(b) For fiscal year 2027, the percentage is calculated 132048  
according to the following formula: 132049

(The district's enrolled ADM for fiscal year 2026 - the 132050  
district's enrolled ADM for fiscal year 2023) / the district's 132051  
enrolled ADM for fiscal year 2023 X 100% 132052

(2) The Department shall not make a payment for a fiscal 132053  
year to a district that has an enrollment change percentage for 132054  
the fiscal year that is less than three per cent. 132055

(3) For a district that has an enrollment change 132056  
percentage that is three per cent or higher, but less than or 132057  
equal to five per cent for the fiscal year, the Department shall 132058  
pay the district an amount equal to the product of the 132059  
district's enrolled ADM for the fiscal year multiplied by either 132060  
of the following: 132061

(a) For fiscal year 2026, \$150; 132062

(b) For fiscal year 2027, \$200. 132063

(4) For a district that has an enrollment change 132064  
percentage that is greater than five per cent, but less than or 132065  
equal to ten per cent for the fiscal year, the Department shall 132066  
pay the district an amount equal to the product of the 132067  
district's enrolled ADM for the fiscal year multiplied by either 132068  
of the following: 132069

(a) For fiscal year 2026, \$100; 132070

(b) For fiscal year 2027, \$150. 132071

(5) For a district or school that has an enrollment change percentage that is greater than ten per cent for the fiscal year, the Department shall pay the district an amount equal to the product of the district's enrolled ADM for the fiscal year multiplied by either of the following:

(a) For fiscal year 2026, \$50;

(b) For fiscal year 2027, \$100.

(F) For fiscal years 2026 and 2027, the Department shall pay each traditional and joint vocational school district, each community or STEM school, and each newly opened community school a base funding supplement that is equal to the product of the district's or school's enrolled ADM for the fiscal year multiplied by either of the following:

(1) For fiscal year 2026, \$20;

(2) For fiscal year 2027, \$30.

(G) Notwithstanding any provision of the Revised Code to the contrary, but subject to division (B) of this section, all of the following apply for each of fiscal years 2026 and 2027:

(1) The Department shall calculate each traditional school district's state share percentage under section 3317.017 of the Revised Code for the purposes of sections 3317.024, 3317.0213, 3317.0214, and 3317.20 of the Revised Code.

(2) The Department shall use the statewide average base cost per pupil calculated for fiscal year 2024 under section 3317.018 of the Revised Code, as that section existed prior to the effective date of this section, for the purposes of sections 3313.901, 3315.18, 3317.023, 3317.026, 3317.0213, 3317.20, 3317.201, and 3317.22 of the Revised Code.



(3) The Department shall make payments under section 3317.22 of the Revised Code for fiscal years 2026 and 2027 using the statewide average base cost per pupil as established in division (G) (2) of this section.

(4) The Department shall withhold from each traditional school district's, joint vocational school district's, and community or STEM school's payment under division (C) of this section an amount equal to the amount the Department withheld from that district or school under section 3317.0215 of the Revised Code, as that section existed prior to the effective date of this section, for fiscal year 2025.

The Department also shall withhold funds from each newly opened community school in accordance with section 3317.0215 of the Revised Code.

The Department shall use the funds withheld under this division for the purposes described in section 3317.0215 of the Revised Code.

(H) The Department shall determine and notify each traditional school district, joint vocational school district, and community or STEM school the amount of funding the Department paid in fiscal year 2025 to the district or school under section 3317.022, 3317.026, or 3317.16 of the Revised Code, as those sections existed prior to the effective date of this section, for each of the following:

(1) Special education funding, excluding funds withheld under section 3317.0215 of the Revised Code, as that section existed prior to the effective date of this section;

(2) Disadvantaged pupil impact aid funding;

(3) English learner funding;

(4) Gifted funding, excluding gifted professional development funds;	132129 132130
(5) Career-technical education funding;	132131
(6) Career-technical associated services funding;	132132
(7) Student wellness and success funding.	132133
(I) For each of fiscal years 2026 and 2027, each traditional school district, joint vocational school district, and community or STEM school shall, using funds it receives under division (C) of this section, spend an amount for each type of funding described in division (H) of this section. The amount the district or school spends on each type of funding shall not be less than the amount determined for that funding under division (H) of this section. Such spending is subject to any restrictions established in the Revised Code regarding how that funding must be spent.	132134 132135 132136 132137 132138 132139 132140 132141 132142 132143
(J) Notwithstanding anything in the Revised Code to the contrary, for fiscal years 2026 and 2027, the Department, when required by law to deduct or withhold funds from state payments made to a traditional school district, joint vocational school district, or community or STEM school, shall deduct those funds from payments made to the district or school under this section.	132144 132145 132146 132147 132148 132149
This division does not apply to a newly opened community school.	132150 132151
<b>Section 265.240. POWER PLANT VALUATION ADJUSTMENT</b>	132152
(A) (1) On or before May 15, 2026, the Tax Commissioner shall determine all of the following for each city, local, exempted village, and joint vocational school district that has at least one power plant located within its territory:	132153 132154 132155 132156

(a) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2025 was less than the taxable value of such property during tax year 2017;

(b) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2025 was less than the taxable value of such property during tax year 2024.

(2) If the decrease determined under division (A) (1) (a) or (b) of this section exceeds ten per cent and the overall change in utility tangible personal property subject to taxation is negative, the Tax Commissioner shall certify all of the following to the Department of Education and Workforce and the Office of Budget and Management:

(a) The district's total taxable value for tax year 2025;

(b) The change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2025;

(c) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;

(d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A) (3) of section 3317.021 of the Revised Code.

(3) Upon receipt of a certification under division (A) (2) of this section, the Department of Education and Workforce shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (A) (2) (a)

of this section and shall recompute the district's state 132186  
education aid for fiscal year 2019 without applying any funding 132187  
limitations enacted by the General Assembly to the computation. 132188  
The Department shall pay to the district an amount equal to the 132189  
greater of the following: 132190

(a) The lesser of the following: 132191

(i) The positive difference between the district's state 132192  
education aid for fiscal year 2019 prior to the recomputation 132193  
under division (A) (3) of this section and the district's 132194  
recomputed state education aid for fiscal year 2019; 132195

(ii) The absolute value of the amount certified under 132196  
division (A) (2) (b) of this section. 132197

(b) The absolute value of the amount certified under 132198  
division (A) (2) (b) of this section X 0.50. 132199

(B) (1) On or before May 15, 2027, the Tax Commissioner 132200  
shall determine for each city, local, exempted village, and 132201  
joint vocational school district that has at least one power 132202  
plant located within its territory: 132203

(a) Whether the taxable value of all utility tangible 132204  
personal property subject to taxation by the district in tax 132205  
year 2026 was less than the taxable value of such property 132206  
during tax year 2017; 132207

(b) Whether the taxable value of all utility tangible 132208  
personal property subject to taxation by the district in tax 132209  
year 2026 was less than the taxable value of such property 132210  
during tax year 2025. 132211

(2) If the decrease determined under division (B) (1) (a) or 132212  
(b) of this section exceeds ten per cent and the overall change 132213

in utility tangible personal property subject to taxation is 132214  
negative, the Tax Commissioner shall certify all of the 132215  
following to the Department of Education and Workforce and the 132216  
Office of Budget and Management: 132217

(a) The district's total taxable value for tax year 2026; 132218

(b) The change in taxes charged and payable on the 132219  
district's total taxable value for tax year 2017 and tax year 132220  
2026; 132221

(c) The taxable value of the utility tangible personal 132222  
property decrease, which shall be considered a change in 132223  
valuation; 132224

(d) The change in taxes charged and payable on such change 132225  
in taxable value calculated in the same manner as in division 132226  
(A) (3) of section 3317.021 of the Revised Code. 132227

(3) Upon receipt of a certification under division (B) (2) 132228  
of this section, the Department of Education and Workforce shall 132229  
replace the three-year average valuations that were used in 132230  
computing the district's state education aid for fiscal year 132231  
2019 with the taxable value certified under division (B) (2) (a) 132232  
of this section and shall recompute the district's state 132233  
education aid for fiscal year 2019 without applying any funding 132234  
limitations enacted by the General Assembly to the computation. 132235  
The Department shall pay to the district an amount equal to the 132236  
greater of the following: 132237

(a) The lesser of the following: 132238

(i) The positive difference between the district's state 132239  
education aid for fiscal year 2019 prior to the recomputation 132240  
under division (B) (3) of this section and the district's 132241  
recomputed state education aid for fiscal year 2019; 132242

(ii) The absolute value of the amount certified under 132243  
division (B) (2) (b) of this section. 132244

(b) The absolute value of the amount certified under 132245  
division (B) (2) (b) of this section X 0.50. 132246

(C) The Department of Education and Workforce shall make 132247  
payments under division (A) (3) of this section between June 1, 132248  
2026, and June 30, 2026, and the Department shall make payments 132249  
under division (B) (3) of this section between June 1, 2027, and 132250  
June 30, 2027. The Department shall not calculate or make 132251  
payments under section 3317.028 of the Revised Code for fiscal 132252  
years 2026 and 2027. 132253

**Section 265.250. LITERACY IMPROVEMENT** 132254

The foregoing appropriation item 200566, Literacy 132255  
Improvement, shall be used by the Department of Education and 132256  
Workforce to support literacy activities to align state, local, 132257  
and federal efforts in order to bolster all students' reading 132258  
success. Funds may be distributed to educational service centers 132259  
to establish and support regional literacy professional 132260  
development teams consistent with section 3312.01 of the Revised 132261  
Code. A portion of the funds may be used by the Department for 132262  
program administration, monitoring, technical assistance, 132263  
support, research, and evaluation. 132264

**LITERACY COACHES** 132265

The foregoing appropriation item 2006A7, Literacy Coaches, 132266  
shall be used for coaches to provide literacy supports to school 132267  
districts, community schools, and STEM schools with the lowest 132268  
rates of proficiency in literacy based on their performance on 132269  
the English language arts assessments prescribed under section 132270  
3301.0710 of the Revised Code. The coaches shall have training 132271

in the science of reading and evidence-based strategies for 132272  
effective literacy instruction and intervention and shall 132273  
implement Ohio's Coaching Model, as described in Ohio's Plan to 132274  
Raise Literacy Achievement. The coaches shall be under the 132275  
direction of the Department but shall not be employed by the 132276  
Department. 132277

**Section 265.260.** ADULT EDUCATION PROGRAMS 132278

A portion of the foregoing appropriation item 200572, 132279  
Adult Education Programs, shall be used to make payments under 132280  
sections 3313.902, 3314.38, and 3345.86 of the Revised Code, as 132281  
reenacted by this act. 132282

Each career-technical planning district shall reimburse 132283  
individuals taking a nationally recognized high school 132284  
equivalency examination approved by the Department of Education 132285  
and Workforce for the first time for application fees, 132286  
examination fees, or both, in excess of \$40, up to a maximum 132287  
reimbursement per individual of \$80. Each career-technical 132288  
planning district shall designate a site or sites where 132289  
individuals may register and take an approved examination. For 132290  
each individual who registers for an approved examination, the 132291  
career-technical planning district shall make available and 132292  
offer career counseling services, including information on adult 132293  
education programs that are available. A portion of the 132294  
foregoing appropriation item 200572, Adult Education Programs, 132295  
may be used to reimburse the Department of Youth Services and 132296  
the Department of Rehabilitation and Correction for individuals 132297  
in these facilities who have taken an approved examination for 132298  
the first time. The amounts reimbursed shall not exceed the per- 132299  
individual amounts reimbursed to other individuals under this 132300  
section for an approved examination. 132301

Notwithstanding any provision of law to the contrary, the  
unexpended balance of the foregoing appropriation item 200572,  
Adult Education Programs, at the end of each fiscal year may be  
encumbered by the Department of Education and Workforce and  
remain available for payment for a period not to exceed two  
years from the end of each fiscal year in which the funds were  
originally appropriated, in accordance with guidelines  
established by the Director of Education and Workforce.

Of the foregoing appropriation item 200572, Adult  
Education Programs, \$7,083,000 shall be used to support the  
Aspire program in fiscal year 2027. The supported programs shall  
satisfy the state match and maintenance of effort requirements  
for the state-administered grant program. The funds may be used  
to support students that speak English as their second language.

A portion of the foregoing appropriation item 200572,  
Adult Education Programs, may be used for program  
administration, technical assistance, support, research, and  
evaluation of adult education programs, including high school  
equivalency examinations approved by the Department of Education  
and Workforce.

**Section 265.270. HALF-MILL MAINTENANCE EQUALIZATION**

The foregoing appropriation item 200574, Half-Mill  
Maintenance Equalization, shall be used to make payments  
pursuant to section 3318.18 of the Revised Code.

**ADAPTIVE SPORTS PROGRAM**

The foregoing appropriation item 200576, Adaptive Sports  
Program, shall be used by the Department of Education and  
Workforce, in collaboration with the Adaptive Sports Program of  
Ohio, to fund adaptive sports programs in school districts



across the state for students with disabilities. 132331

**Section 265.275.** PROGRAM AND PROJECT SUPPORT 132332

Of the foregoing appropriation item 200597, Program and 132333  
Project Support, \$1,250,000 in each fiscal year shall be used 132334  
for purposes of the section of this act entitled "FINANCIAL 132335  
LITERACY AND WORKFORCE READINESS PROGRAMMING INITIATIVE." 132336

Of the foregoing appropriation item 200597, Program and 132337  
Project Support, \$400,000 in each fiscal year shall be 132338  
distributed to the Girl Scout Councils of Ohio to support the 132339  
Trailblazers in Training: Preparing Girls for Tomorrow's 132340  
Workforce program. 132341

Of the foregoing appropriation item 200597, Program and 132342  
Project Support, \$250,000 in each fiscal year shall be 132343  
distributed to the National Inventors Hall of Fame to expand 132344  
STEM summer learning opportunities for students in grades 132345  
kindergarten through six. Funds shall be used to support the 132346  
enrollment of economically disadvantaged students at Camp 132347  
Invention sites. 132348

Of the foregoing appropriation item 200597, Program and 132349  
Project Support, \$250,000 in each fiscal year shall be 132350  
distributed to the Stark Education Partnership to support the 132351  
Stark County Career Connected Learning program. These funds 132352  
shall be used to assist participating Stark County schools in 132353  
providing career counselors or career champions for all students 132354  
and for the purchase and implementation of YouScience career 132355  
assessments. 132356

Of the foregoing appropriation item 200597, Program and 132357  
Project Support, \$150,000 in each fiscal year shall be 132358  
distributed to the Ohio Valley Youth Network to support its 132359

Sycamore Youth Center Education Enrichment and Life Skills After Schools Program. 132360  
132361

Of the foregoing appropriation item 200597, Program and Project Support, \$50,000 in each fiscal year shall be distributed to Shoes 4 the Shoeless to provide shoes and socks to children in need. 132362  
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Of the foregoing appropriation item 200597, Program and Project Support, \$50,000 in each fiscal year shall be distributed to The Legacy Project of Stark to support personnel, materials, and program expansion costs associated with its school-based mentoring program. 132366  
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Of the foregoing appropriation item 200597, Program and Project Support, \$400,000 in fiscal year 2026 shall be distributed to the Showers Family Foundation to support the high school education of students with multiple disabilities, including Autism and Down Syndrome, provided that the Foundation provides a local match in the same amount. 132371  
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**Section 265.290. SCHOOL DISTRICT SOLVENCY ASSISTANCE** 132377

(A) The foregoing appropriation item 200687, School District Solvency Assistance, shall be allocated to the School District Shared Resource Account and the Catastrophic Expenditures Account in amounts determined by the Director of Education and Workforce. These funds shall be used to provide assistance and grants to school districts to enable them to remain solvent under section 3316.20 of the Revised Code. Assistance and grants shall be subject to approval by the Controlling Board. Except as provided under division (C) of this section, any required reimbursements from school districts for solvency assistance shall be made to the appropriate account in 132378  
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the School District Solvency Assistance Fund (Fund 5H30). 132389

(B) Notwithstanding any provision of law to the contrary, 132390  
upon the request of the Director of Education and Workforce, the 132391  
Director of Budget and Management may make transfers to the 132392  
School District Solvency Assistance Fund (Fund 5H30) from any 132393  
fund used by the Department of Education and Workforce, the 132394  
Lottery Profits Education Reserve Fund (Fund 7018), or the 132395  
General Revenue Fund to maintain sufficient cash balances in 132396  
Fund 5H30 in fiscal years 2026 and 2027. Any cash transferred is 132397  
hereby appropriated. The transferred cash may be used by the 132398  
Department to provide assistance and grants to school districts 132399  
to enable them to remain solvent and to pay unforeseeable 132400  
expenses of a temporary or emergency nature that the school 132401  
district is unable to pay from existing resources. The Director 132402  
of Budget and Management shall notify the members of the 132403  
Controlling Board of any such transfers. 132404

**Section 265.300. FOUNDATION FUNDING - ALL STUDENTS** 132405

The foregoing appropriation item 200604, Foundation 132406  
Funding - All Students, shall be used in conjunction with 132407  
appropriation items 200550, Foundation Funding - All Students, 132408  
and 200612, Foundation Funding - All Students, to distribute the 132409  
amounts calculated for formula aid under the section of this act 132410  
entitled "OPERATING FUNDING FOR FISCAL YEARS 2026 and 2027." 132411

**Section 265.310. PUBLIC AND NONPUBLIC EDUCATION SUPPORT** 132412

The foregoing appropriation item 200491, Public and 132413  
Nonpublic Education Support, shall be used in conjunction with 132414  
appropriation item 200550, Foundation Funding - All Students, to 132415  
distribute the amounts calculated for formula aid under the 132416  
section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 132417

2026 and 2027." 132418

**Section 265.320. SCHOOL BUS SAFETY** 132419

(A) The foregoing appropriation item 200413, School Bus 132420  
Safety, shall be used to support a school bus safety grant 132421  
program, as recommended by the Governor's School Bus Safety 132422  
Working Group, and in accordance with guidelines established by 132423  
the Department of Education and Workforce. The specific safety 132424  
features shall be informed by the Governor's School Bus Safety 132425  
Working Group report and in consultation with the Department of 132426  
Public Safety. 132427

(B) The Department shall create an application for 132428  
eligible applicants. Eligible applicants may apply for funds in 132429  
a manner prescribed by the Department. The Department shall 132430  
collect information with respect to the total amount of funding 132431  
requested, the number of school buses impacted, and the specific 132432  
safety enhancements for which each eligible applicant seeks 132433  
funds. In determining grant allocations, the Department shall 132434  
apply a measure of local capacity. The Department may also apply 132435  
minimum or maximum funding amounts. 132436

(C) Eligible applicants shall use school bus safety grant 132437  
funds only for repair, replacement, or addition of school bus 132438  
safety features to school buses in active service or for safety 132439  
enhancements to the purchase of a new school bus. Eligible 132440  
applicants shall not use funds to enhance buses not owned by the 132441  
eligible applicant. 132442

(D) As used in this section, "eligible applicant" means 132443  
any of the following that provides transportation services: 132444

(1) A city, local, exempted village, or joint vocational 132445  
school district; 132446

(2) A community school established under Chapter 3314. of the Revised Code; 132447  
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(3) A STEM school established under Chapter 3326. of the Revised Code; 132449  
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(4) A county board of developmental disabilities; 132451

(5) A chartered nonpublic school; 132452

(6) An educational service center. 132453

**Section 265.330. LOTTERY PROFITS EDUCATION FUND** 132454

The foregoing appropriation item 200612, Foundation Funding - All Students, shall be used in conjunction with appropriation item 200550, Foundation Funding - All Students, to distribute the amounts calculated for formula aid under the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2026 and 2027." 132455  
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The Department of Education and Workforce, with the approval of the Director of Budget and Management, shall determine the monthly distribution schedules of appropriation item 200550, Foundation Funding - All Students, and appropriation item 200612, Foundation Funding - All Students. If adjustments to the monthly distribution schedule are necessary, the Department shall make such adjustments with the approval of the Director. 132461  
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**Section 265.340. ACCELERATE GREAT SCHOOLS** 132469

The foregoing appropriation item 200614, Accelerate Great Schools, shall be used by the Department of Education and Workforce to support the Accelerate Great Schools public-private partnership. 132470  
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**Section 265.350.** QUALITY COMMUNITY AND INDEPENDENT STEM 132474  
SCHOOLS SUPPORT 132475

The foregoing appropriation item 200631, Quality Community 132476  
and Independent STEM Schools Support, shall be used to 132477  
distribute the amounts calculated under sections 3317.27 and 132478  
3317.29 of the Revised Code for the Quality Community School 132479  
Support and the Quality Independent STEM School Support 132480  
programs. If the amount appropriated is not sufficient to pay 132481  
the amounts calculated pursuant to this section, the Director of 132482  
Education and Workforce may request the Controlling Board to 132483  
authorize expenditures in excess of the amounts appropriated. 132484  
Upon approval by the Controlling Board, the additional amounts 132485  
are hereby appropriated to appropriation item 200631, Quality 132486  
Community and Independent STEM Schools Support. 132487

**Section 265.360.** COMMUNITY SCHOOL FACILITIES 132488

The foregoing appropriation item 200684, Community School 132489  
Facilities, shall be used to distribute the amounts calculated 132490  
under section 3317.31 of the Revised Code for assistance with 132491  
the cost associated with facilities. If the amount appropriated 132492  
is not sufficient, the Department shall prorate the amounts so 132493  
that the aggregate amount appropriated is not exceeded. 132494

**Section 265.370.** LOTTERY PROFITS EDUCATION RESERVE FUND 132495

(A) There is hereby created the Lottery Profits Education 132496  
Reserve Fund (Fund 7018) in the State Treasury. Investment 132497  
earnings of the Lottery Profits Education Reserve Fund shall be 132498  
credited to the fund. 132499

(B) Notwithstanding any other provision of law to the 132500  
contrary, the Director of Budget and Management may transfer 132501  
cash from Fund 7018 to the Lottery Profits Education Fund (Fund 132502

7017) in fiscal year 2026 and fiscal year 2027. 132503

(C) On July 15, 2025, or as soon as possible thereafter, 132504  
the Director of the Ohio Lottery Commission shall certify to the 132505  
Director of Budget and Management the amount by which lottery 132506  
profit transfers received by Fund 7017 exceeded \$1,440,000,000 132507  
in fiscal year 2025. 132508

(D) On July 15, 2026, or as soon as possible thereafter, 132509  
the Director of the Ohio Lottery Commission shall certify to the 132510  
Director of Budget and Management the amount by which lottery 132511  
profit transfers received by Fund 7017 exceeded \$1,462,000,000 132512  
in fiscal year 2026. 132513

(E) Notwithstanding any provision of law to the contrary, 132514  
in fiscal year 2026 and fiscal year 2027, the Director of Budget 132515  
and Management may transfer cash in excess of the amounts 132516  
necessary to support appropriations in Fund 7017 from that fund 132517  
to Fund 7018. 132518

**Section 265.375. STUDENT SUPPORT AND ACADEMIC ENRICHMENT** 132519

The foregoing appropriation item 200634, Student Support 132520  
and Academic Enrichment, may be used by school districts, in 132521  
accordance with state objectives and applicable federal grant 132522  
requirements, to do the following: 132523

(A) Provide a well-rounded education, including emphasis 132524  
on numeracy and the science of reading; 132525

(B) Provide a safe and drug-free learning environment and 132526  
healthy students through use of the "Success Sequence" as 132527  
provided by Ohio Adolescent Health Centers; 132528

(C) Promote the effective use of technology through use of 132529  
the "Success Sequence" as provided by Ohio Adolescent Health 132530

Centers. 132531

**Section 265.380.** Notwithstanding division (C) of Section 132532  
265.355 of H.B. 110 of the 134th General Assembly and any other 132533  
provision of law to the contrary, the Department of Education 132534  
and Workforce shall use the funds authorized under Title II, 132535  
Sec. 2001(f) (1) and (4) of the federal "American Rescue Plan Act 132536  
of 2021," Pub. L. No. 117-2, as necessary to support the After 132537  
school Child Enrichment (ACE) Educational Savings Account 132538  
Program pursuant to section 3310.70 of the Revised Code in 132539  
fiscal year 2026. Notwithstanding division (C) (1) of section 132540  
3310.70 of the Revised Code, the Department may extend the 132541  
contract with the vendor administering the program as of the 132542  
effective date of this amendment through fiscal year 2026 and 132543  
may pay the vendor more than three per cent of the amount 132544  
appropriated for the program for fiscal year 2026. 132545

**Section 265.390.** SCHOOL DISTRICT PARTICIPATION IN NATIONAL 132546  
ASSESSMENT OF EDUCATIONAL PROGRESS 132547

The General Assembly intends for the Director of Education 132548  
and Workforce to provide for school district participation in 132549  
the administration of the National Assessment of Educational 132550  
Progress in accordance with section 3301.27 of the Revised Code. 132551  
Each school and school district selected for participation by 132552  
the Director shall participate. 132553

**Section 265.400.** EARMARK ACCOUNTABILITY 132554

At the request of the Director of Education and Workforce, 132555  
any entity that receives a budget earmark under the Department 132556  
of Education and Workforce shall submit annually to the 132557  
Department a report that includes a description of the services 132558  
supported by the funds, a description of the results achieved by 132559



those services, an analysis of the effectiveness of the program, 132560  
and an opinion as to the program's applicability to other school 132561  
districts. For an earmarked entity that received state funds 132562  
from an earmark in the prior fiscal year, no funds shall be 132563  
provided by the Department to an earmarked entity for a fiscal 132564  
year until its report for the prior fiscal year has been 132565  
submitted. 132566

**Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME** 132567

A community school established under Chapter 3314. of the 132568  
Revised Code that was open for operation as a community school 132569  
as of May 1, 2005, may operate from or in any home, as defined 132570  
in section 3313.64 of the Revised Code, located in the state, 132571  
regardless of when the community school's operations from or in 132572  
a particular home began. 132573

**Section 265.420. USE OF VOLUNTEERS** 132574

The Department of Education and Workforce may utilize the 132575  
services of volunteers to accomplish any of the purposes of the 132576  
Department. The Director of Education and Workforce shall 132577  
approve for what purposes volunteers may be used and for these 132578  
purposes may recruit, train, and oversee the services of 132579  
volunteers. The Director may reimburse volunteers for necessary 132580  
and appropriate expenses in accordance with state guidelines and 132581  
may designate volunteers as state employees for the purpose of 132582  
motor vehicle accident liability insurance under section 9.83 of 132583  
the Revised Code, for immunity under section 9.86 of the Revised 132584  
Code, and for indemnification from liability incurred in the 132585  
performance of their duties under section 9.87 of the Revised 132586  
Code. 132587

**Section 265.430. FLEXIBLE FUNDING FOR FAMILIES AND** 132588

CHILDREN	132589
In collaboration with the County Family and Children First Council, a city, local, or exempted village school district, community school, STEM school, joint vocational school district, educational service center, or county board of developmental disabilities that receives allocations from the Department of Education and Workforce from appropriation item 200550, Foundation Funding - All Students, or appropriation item 200540, Special Education Enhancements, may transfer portions of those allocations to a flexible funding pool authorized by the section of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for maintenance of effort or for federal or state funding matching requirements shall not be transferred unless the allocation may still be used to meet such requirements.	132590 132591 132592 132593 132594 132595 132596 132597 132598 132599 132600 132601 132602 132603
<b>Section 265.440. PRIVATE TREATMENT FACILITY PROJECT</b>	132604
(A) As used in this section:	132605
(1) The following are "participating residential treatment centers":	132606 132607
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2026 or fiscal year 2027 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;	132608 132609 132610 132611 132612 132613
(b) Abraxas, in Shelby;	132614
(c) Paint Creek, in Bainbridge;	132615
(d) F.I.R.S.T., in Mansfield.	132616

(2) "Education program" means an elementary or secondary education program or a special education program and related services.

(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.

(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.

(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.

(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education and Workforce. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service center in the county in which the facility is located shall provide the educational program at the treatment center to children under twenty-two years of age residing in the treatment center.

(C) Any school district responsible for tuition for a residential child shall, notwithstanding any conflicting provision of the Revised Code regarding tuition payment, pay tuition for the child for fiscal year 2026 and fiscal year 2027 to the education program provider and in the amount specified in this division. If there is no school district responsible for tuition for a residential child and if the participating residential treatment center to which the child is assigned is located in the city, exempted village, or local school district that, if the child were not a resident of that treatment center, would be the school district where the child is entitled to attend school under sections 3313.64 and 3313.65 of the Revised Code, that school district, notwithstanding any conflicting provision of the Revised Code, shall pay tuition for the child for fiscal year 2026 and fiscal year 2027 under this division unless that school district is providing the educational program to the child under division (B) of this section.

A tuition payment under this division shall be made to the school district, educational service center, or residential treatment facility providing the educational program to the child.

The amount of tuition paid shall be:

(1) The amount of tuition determined for the district under division (A) of section 3317.08 of the Revised Code;

(2) In addition, for any student receiving special education pursuant to an individualized education program as defined in section 3323.01 of the Revised Code, a payment for excess costs. This payment shall equal the actual cost to the school district, educational service center, or residential treatment facility of providing special education and related

services to the student pursuant to the student's individualized 132677  
education program, minus the tuition paid for the child under 132678  
division (C) (1) of this section. 132679

A school district paying tuition under this division shall 132680  
not include the child for whom tuition is paid in the district's 132681  
average daily membership certified under division (A) of section 132682  
3317.03 of the Revised Code. 132683

(D) In each of fiscal years 2026 and 2027, the Department 132684  
of Education and Workforce shall reimburse, from appropriations 132685  
made for the purpose, a school district, educational service 132686  
center, or residential treatment facility, whichever is 132687  
providing the service, that has demonstrated that it is in 132688  
compliance with the funding criteria for each served child for 132689  
whom a school district must pay tuition under division (C) of 132690  
this section. The amount of the reimbursement shall be the 132691  
amount appropriated for this purpose divided by the full-time 132692  
equivalent number of children for whom reimbursement is to be 132693  
made. 132694

(E) Funds provided to a school district, educational 132695  
service center, or residential treatment facility under this 132696  
section shall be used to supplement, not supplant, funds from 132697  
other public sources for which the school district, service 132698  
center, or residential treatment facility is entitled or 132699  
eligible. 132700

(F) The Department of Education and Workforce shall track 132701  
the utilization of funds provided to school districts, 132702  
educational service centers, and residential treatment 132703  
facilities under this section and monitor the effect of the 132704  
funding on the educational programs they provide in 132705  
participating residential treatment facilities. The Department 132706

shall monitor the programs for educational accountability. 132707

**Section 265.450.** Notwithstanding anything to the contrary 132708  
in section 3317.011 of the Revised Code, for fiscal years 2026 132709  
and 2027, the Department of Education and Workforce shall do all 132710  
of the following: 132711

(A) Calculate a school district's academic co-curricular 132712  
activities cost under division (E) (4) of that section using the 132713  
sum of the enrolled ADM of every school district that reported 132714  
the data specified in division (E) (4) (a) of that section; 132715

(B) Calculate a district's supplies and academic content 132716  
cost under division (E) (6) of that section using the sum of the 132717  
enrolled ADM of every school district that reported the data 132718  
specified in division (E) (6) (a) of that section; 132719

(C) Calculate a district's athletic co-curricular 132720  
activities base cost under division (H) of that section using 132721  
the sum of the enrolled ADM of every school district that 132722  
reported the data specified in division (H) (2) of that section; 132723

(D) Calculate a district's building operations cost under 132724  
division (G) (3) of that section using the sum of the enrolled 132725  
ADM of every city, local, and exempted village school district 132726  
that reported the data specified in divisions (G) (3) (a) (i) and 132727  
(ii) of that section. 132728

**Section 265.560.** AIM HIGHER PILOT PROGRAM 132729

(A) The Department of Education and Workforce shall 132730  
establish a pilot program to provide additional funding to each 132731  
joint vocational school district that operates a dropout 132732  
prevention and recovery program in fiscal year 2026. Such a 132733  
district may choose to participate in the program by notifying 132734  
the Department of its intent to participate in a form and manner 132735

and by a date determined by the Department. 132736

(B) The Department shall pay a participating district a 132737  
sum equal to the following for each student enrolled in the 132738  
district's dropout prevention and recovery program in fiscal 132739  
year 2026: 132740

(1) \$500 X the number of credits earned by the student in 132741  
fiscal year 2026; 132742

(2) \$2,500 if the student obtains an industry-recognized 132743  
credential, or group of credentials, approved under section 132744  
3313.6113 of the Revised Code in fiscal year 2026 that meet the 132745  
criteria established under that section to help the student 132746  
qualify for a high school diploma, as determined by the 132747  
Department. 132748

(C) The Department shall make a one-time grant payment of 132749  
\$250,000 in fiscal year 2026 to any participating district that 132750  
has a dropout prevention and recovery program in its first three 132751  
years of operation and requests a payment under this division. 132752  
The participating district shall designate \$175,000 of the grant 132753  
for career-technical education equipment and \$75,000 of the 132754  
grant for building renovation. 132755

(D) The Department shall adopt guidelines and procedures 132756  
to operate the pilot program. 132757

**Section 265.600.** RURAL TRANSPORTATION GRANT PROGRAM 132758

(A) (1) The Rural Transportation Grant Program is created 132759  
for fiscal years 2026 and 2027. The Department of Education and 132760  
Workforce shall award rural transportation grants each fiscal 132761  
year to dropout prevention and recovery community schools that 132762  
meet both of the following requirements: 132763

(a) More than seventy-five per cent of the school's students are economically disadvantaged, as determined by the department;

(b) The school's territory is located in three counties and contains more than twelve school districts.

(2) The Department shall determine the amount of each grant awarded, but no grant shall exceed four hundred fifty thousand dollars for any fiscal year.

(B) Schools shall use grants awarded under this section to transport students.

**Section 265.650. FINANCIAL LITERACY AND WORKFORCE READINESS PROGRAMMING INITIATIVE**

(A) The Financial Literacy and Workforce Readiness Programming Initiative is established within the Department of Education and Workforce. The Programming Initiative shall operate in fiscal years 2026 and 2027. The purpose of the Programming Initiative is to ensure the next generation's preparedness in financial literacy, workforce or career readiness, entrepreneurship, and other relevant skills to enter and be competitive in Ohio's future workforce economy.

(B) (1) The Department shall distribute appropriated funds to the following organizations as part of the Programming Initiative:

(a) Junior Achievement of North Central Ohio;

(b) Junior Achievement of Greater Cleveland;

(c) Junior Achievement of Eastern Ohio;

(d) Junior Achievement of Northwestern Ohio;



- (e) Junior Achievement of OKI Partners; 132791
- (f) Junior Achievement of Central Ohio. 132792
- (2) The participating organizations listed under division 132793  
(B) (1) of this section shall collaborate with local schools, 132794  
institutions of higher education, local, regional, and statewide 132795  
employers and businesses, subject matter experts, community- 132796  
based organizations, and other public-private entities or 132797  
agencies to implement the Programming Initiative. 132798
- (C) The Programming Initiative shall do all of the 132799  
following: 132800
- (1) Place specific emphasis on engagement with students, 132801  
teachers, and schools primarily located in underserved 132802  
communities, under-resourced rural areas, or those with 132803  
populations considered economically disadvantaged; 132804
- (2) Increase capacity and resources that expand each of 132805  
the participating organizations' collective ability to offer 132806  
more financial literacy, workforce readiness and 132807  
entrepreneurship, or related programming such as work-based 132808  
learning experiences designed to engage more students in the 132809  
geographic areas to which the participating organizations 132810  
provide services; 132811
- (3) Increase the number of students measurably impacted by 132812  
the participating organizations' services and increase the 132813  
number of counties where services are offered; 132814
- (4) Assist students enrolled in any of grades nine through 132815  
twelve with direct entry into the workforce, access to higher 132816  
education, or in-demand job training; 132817
- (5) Assist participating students in creating and 132818

implementing career pathways; 132819

(6) Strengthen each participating organization's capacity 132820  
and resources to collectively provide up to ten student-focused 132821  
engagement events involving students and teachers from multiple 132822  
schools and communities in northeast and central portions of the 132823  
state. The engagement events shall do both of the following: 132824

(a) Enhance and deepen participating students' ability to 132825  
demonstrate mastery of financial literacy, workforce or career 132826  
readiness, entrepreneurship, or related skills and knowledge 132827  
vital to equipping and preparing students with the requisite 132828  
skills, competencies, and knowledge to be competitive for in- 132829  
demand jobs within the state and global workforce economy, 132830  
particularly those that are considered high-growth jobs in the 132831  
state of Ohio; 132832

(b) Be offered to all partnering schools and respective 132833  
students; however, the emphasis shall remain on the engagement 132834  
of students and schools that meet the conditions prescribed 132835  
under division (C)(1) of this section." 132836

**Section 269.10.** 132837  
132838

	1	2	3	4	5
A	FUN STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS				
B	General Revenue Fund				
C	GRF	881500	Indigent Burial and Cremation Support	\$250,000	\$250,000
D	General Revenue Fund Total			\$250,000	\$250,000

E	Dedicated Purpose Fund Group			
F	4K90	881609 Operating Expenses	\$1,156,000	\$1,213,000
G	Dedicated Purpose Fund Group Total		\$1,156,000	\$1,213,000
H	TOTAL ALL BUDGET FUND GROUPS		\$1,406,000	\$1,463,000

**Section 271.10.**

132839

132840

	1	2	3	4	5
A	PAY EMPLOYEE BENEFITS FUNDS				
B	Fiduciary Fund Group				
C	1240	995673	Payroll Deductions	\$1,017,970,800	\$1,048,509,924
D	8050	995675	Commuter Benefits	\$1,845,860	\$1,967,540
E	8060	995666	Accrued Leave Fund	\$128,408,784	\$132,260,611
F	8070	995667	Disability Fund	\$27,805,294	\$28,337,915
G	8080	995668	State Employee Health Benefit Fund	\$1,068,647,159	\$1,132,765,988
H	8090	995669	Dependent Care Spending Account	\$2,996,802	\$3,196,895
I	8100	995670	Life Insurance Investment Fund	\$2,644,330	\$2,723,060
J	8110	995671	Parental Leave Benefit Fund	\$18,601,000	\$19,159,030

K	8130 995672 Health Care Spending	\$19,690,922	\$20,694,694
	Account		
L	Fiduciary Fund Group Total	\$2,288,610,951	\$2,389,615,657
M	TOTAL ALL BUDGET FUND GROUPS	\$2,288,610,951	\$2,389,615,657

**Section 271.20. PAYROLL DEDUCTION FUND** 132841

The foregoing appropriation item 995673, Payroll 132842  
Deductions, shall be used to make payments from the Payroll 132843  
Deduction Fund (Fund 1240) pursuant to section 125.21 of the 132844  
Revised Code. If it is determined by the Director of Budget and 132845  
Management that additional amounts are necessary, the amounts 132846  
are hereby appropriated. 132847

**ACCRUED LEAVE LIABILITY FUND** 132848

The foregoing appropriation item 995666, Accrued Leave 132849  
Fund, shall be used to make payments from the Accrued Leave 132850  
Liability Fund (Fund 8060) pursuant to section 125.211 of the 132851  
Revised Code. If it is determined by the Director of Budget and 132852  
Management that additional amounts are necessary, the amounts 132853  
are hereby appropriated. 132854

**STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND** 132855

The foregoing appropriation item 995667, Disability Fund, 132856  
shall be used to make payments from the State Employee 132857  
Disability Leave Benefit Fund (Fund 8070) pursuant to section 132858  
124.83 of the Revised Code. If it is determined by the Director 132859  
of Budget and Management that additional amounts are necessary, 132860  
the amounts are hereby appropriated. 132861

**STATE EMPLOYEE HEALTH BENEFIT FUND** 132862

The foregoing appropriation item 995668, State Employee Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 8080) pursuant to section 124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

DEPENDENT CARE SPENDING FUND

The foregoing appropriation item 995669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Fund (Fund 8090) to employees eligible for dependent care expenses pursuant to section 124.822 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

LIFE INSURANCE INVESTMENT FUND

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

PARENTAL LEAVE BENEFIT FUND

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to sections 124.136 and 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the

amounts are hereby appropriated.	132892
HEALTH CARE SPENDING ACCOUNT FUND	132893
The foregoing appropriation item 995672, Health Care	132894
Spending Account, shall be used to make payments from the Health	132895
Care Spending Account Fund (Fund 8130) for payments pursuant to	132896
state employees' participation in a flexible spending account	132897
for nonreimbursed health care expenses and section 124.821 of	132898
the Revised Code. If it is determined by the Director of Budget	132899
and Management that additional amounts are necessary, the	132900
amounts are hereby appropriated.	132901
COMMUTER BENEFITS	132902
The foregoing appropriation item 995675, Commuter	132903
Benefits, shall be used to make payments from the Commuter	132904
Benefits Fund (Fund 8050) for employees who elect to participate	132905
in the Commuter Benefits Program. If the Director of Budget and	132906
Management determines that additional amounts are necessary, the	132907
amounts are hereby appropriated.	132908
<b>Section 273.10.</b>	132909
	132910

	1	2	3	4	5
A	ERB STATE EMPLOYMENT RELATIONS BOARD				
B	General Revenue Fund				
C	GRF	125321	Operating Expenses	\$4,533,029	\$4,655,023
D	General Revenue Fund Total			\$4,533,029	\$4,655,023
E	Dedicated Purpose Fund Group				

F	5720 125603	Training and Publications	\$138,000	\$138,972
G	Dedicated Purpose Fund Group Total		\$138,000	\$138,972
H	TOTAL ALL BUDGET FUND GROUPS		\$4,671,029	\$4,793,995

**Section 275.10.** 132911  
132912

	1	2	3	4	5
A	ENG STATE BOARD OF ENGINEERS AND SURVEYORS				
B	Dedicated Purpose Fund Group				
C	4K90 892609	Operating Expenses	\$1,378,866	\$1,465,930	
D	Dedicated Purpose Fund Group Total		\$1,378,866	\$1,465,930	
E	TOTAL ALL BUDGET FUND GROUPS		\$1,378,866	\$1,465,930	

**Section 277.10.** 132913  
132914

	1	2	3	4	5
A	EPA ENVIRONMENTAL PROTECTION AGENCY				
B	General Revenue Fund				
C	GRF 715407	Water Systems	\$2,000,000	\$6,000,000	
		Cybersecurity Grants			
D	GRF 715502	Auto Emissions E-Check Program	\$13,232,534	\$13,265,775	
E	General Revenue Fund Total		\$15,232,534	\$19,265,775	

F	Dedicated Purpose Fund Group				
G	4D50	715618	Recycled State Materials	\$11,500	\$11,500
H	4J00	715638	Underground Injection Control	\$514,242	\$530,276
I	4K20	715648	Clean Air - Non Title V	\$4,516,349	\$4,593,901
J	4K30	715649	Solid Waste	\$14,791,311	\$15,098,763
K	4K40	715650	Surface Water Protection	\$11,864,197	\$12,101,940
L	4K50	715651	Drinking Water Protection	\$8,774,797	\$9,027,993
M	4P50	715654	Cozart Landfill	\$7,500	\$7,500
N	4R50	715656	Scrap Tire Management	\$3,558,044	\$3,581,336
O	4R90	715658	Voluntary Action Program	\$1,188,026	\$1,217,345
P	4T30	715659	Clean Air - Title V Permit Program	\$10,942,818	\$11,148,464
Q	5000	715608	Immediate Removal Special Account	\$747,051	\$769,463
R	5030	715621	Hazardous Waste Facility Management	\$2,788,523	\$2,842,749
S	5050	715623	Hazardous Waste Cleanup	\$9,334,680	\$9,559,074
T	5050	715698	Response and Investigations	\$3,822,060	\$4,211,500



U	5320	715646	Recycling and Litter Control	\$4,888,354	\$5,146,276
V	5410	715670	Site Specific Cleanup	\$17,744,091	\$17,746,631
W	5420	715671	Risk Management Reporting	\$144,047	\$147,307
X	5860	715637	Scrap Tire Market Development	\$1,000,000	\$1,000,000
Y	5BC0	715622	Local Air Pollution Control	\$2,100,000	\$2,100,000
Z	5BC0	715624	Surface Water	\$6,936,269	\$6,936,269
AA	5BC0	715672	Air Pollution Control	\$9,354,059	\$9,354,059
AB	5BC0	715673	Drinking and Ground Water	\$4,024,215	\$4,133,956
AC	5BC0	715676	Assistance and Prevention	\$4,204,000	\$4,359,000
AD	5BC0	715677	Laboratory	\$4,235,216	\$4,360,265
AE	5BC0	715678	Corrective Actions	\$1,271,429	\$1,271,429
AF	5BC0	715687	Areawide Planning Agencies	\$450,000	\$450,000
AG	5BC0	715692	Administration	\$19,684,900	\$20,654,900
AH	5BC0	715694	Environmental Resource Coordination	\$814,339	\$832,027
AI	5BT0	715679	C&DD Groundwater Monitoring	\$50,000	\$50,000

AJ 5PZ0 715696	Drinking Water Loan Fee	\$4,109,640	\$4,388,600
AK 5Y30 715685	Surface Water Improvement	\$520,000	\$520,000
AL 5YY0 715405	National Priorities List Remedial Support Fund	\$1,500,000	\$1,000,000
AM 6440 715631	Emergency Response Radiological Safety	\$274,997	\$280,510
AN 6760 715642	Water Pollution Control Loan Administration	\$5,120,000	\$5,282,500
AO 6760 715699	Water Quality Administration	\$5,123,741	\$5,250,489
AP 6790 715636	Emergency Planning	\$2,917,000	\$2,917,000
AQ 6960 715643	Air Pollution Control Administration	\$150,000	\$150,000
AR 6990 715644	Water Pollution Control Administration	\$307,859	\$307,858
AS 6A10 715645	Environmental Education	\$550,316	\$550,427
AT 6H20 715695	H2Ohio	\$14,900,000	\$14,900,000
AU	Dedicated Purpose Fund Group Total	\$185,235,570	\$188,791,307
AV	Internal Service Activity Fund Group		
AW 1990 715602	Laboratory Services	\$500,000	\$500,000
AX 2190 715604	Central Support Indirect	\$10,657,300	\$10,657,300

AY 4A10 715640 Operating Expenses	\$1,092,000	\$1,117,000
AZ Internal Service Activity Fund Group	\$12,249,300	\$12,274,300
Total		
BA Federal Fund Group		
BB 3530 715612 Public Water Supply	\$2,564,882	\$2,626,504
BC 3570 715619 Air Pollution Control - Federal	\$6,806,147	\$6,929,318
BD 3620 715605 Underground Injection Control - Federal	\$165,382	\$169,516
BE 3BU0 715684 Water Quality Protection	\$16,230,503	\$16,230,503
BF 3CS0 715688 Federal NRD Settlements	\$1,500,000	\$1,500,000
BG 3F30 715632 Federally Supported Cleanup and Response	\$13,779,323	\$14,061,350
BH 3HE0 715697 Volkswagen Clean Air Act Settlement	\$6,827,000	\$6,841,000
BI 3T30 715669 Drinking Water State Revolving Fund	\$3,054,165	\$3,145,894
BJ 3V70 715606 Agencywide Grants	\$746,900	\$746,900
BK Federal Fund Group Total	\$51,674,302	\$52,250,985
BL TOTAL ALL BUDGET FUND GROUPS	\$264,391,706	\$272,582,367

The Director of Environmental Protection may award grants 132916  
 from appropriation item 715687, Areawide Planning Agencies, to 132917  
 areawide planning agencies engaged in areawide water quality 132918  
 management and planning activities in accordance with Section 132919  
 208 of the "Federal Clean Water Act," 33 U.S.C. 1288. 132920

**AUTOMOBILE EMISSION TESTING PROGRAM 132921**

The foregoing appropriation item GRF 715502, Auto 132922  
 Emissions E-Check Program, shall be used by the Environmental 132923  
 Protection Agency to support the automobile emission testing 132924  
 program. On July 1, 2025, or as soon as possible thereafter, the 132925  
 Director of Environmental Protection may request that the 132926  
 Director of Administrative Services extend the contract with the 132927  
 vendor operating in accordance with division (A) (1) of section 132928  
 3704.14 of the Revised Code for not longer than twelve months. 132929  
 The Director of Administrative Services may enter into a 132930  
 contract extension provided that the contract contains the same 132931  
 terms and no funds are paid for incomplete work, utilizing 132932  
 appropriation item GRF 715502, Auto Emissions E-Check Program, 132933  
 in the event that the contractor selected in accordance with 132934  
 division (A) (2) of section 3704.14 of the Revised Code cannot 132935  
 complete the required work prior to July 1, 2025. 132936

**Section 279.10. 132937**  
 132938

	1	2	3	4	5
A	EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION				
B	General Revenue Fund				
C	GRF	172321	Operating Expenses	\$745,000	\$795,000

D	General Revenue Fund Total	\$745,000	\$795,000
E	TOTAL ALL BUDGET FUND GROUPS	\$745,000	\$795,000

**Section 281.10.**

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	1	2	3	4	5
A	ETC BROADCAST EDUCATIONAL MEDIA COMMISSION				
B	General Revenue Fund				
C	GRF	935401	Statehouse News Bureau	\$402,000	\$402,000
D	GRF	935402	Ohio Government Telecommunications Services	\$2,344,400	\$2,344,400
E	GRF	935410	Content Development, Acquisition, and Distribution	\$3,909,000	\$3,909,000
F	GRF	935430	Broadcast Education Operating	\$4,324,706	\$4,398,569
G	General Revenue Fund Total			\$10,980,106	\$11,053,969
H	Dedicated Purpose Fund Group				
I	5FK0	935608	Media Services	\$50,000	\$50,000
J	5VB0	935650	Facility Rental	\$10,000	\$10,000
K	Dedicated Purpose Fund Group Total			\$60,000	\$60,000

L	Internal Service Activity Fund Group		
M	4F30 935603 Affiliate Services	\$4,200	\$4,200
N	4T20 935605 Government Television/ Telecommunications Operating	\$55,459	\$0
O	Internal Service Activity Fund Group Total	\$59,659	\$4,200
P	TOTAL ALL BUDGET FUND GROUPS	\$11,099,765	\$11,118,169

**Section 281.20.** STATEHOUSE NEWS BUREAU 132941

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 132942  
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OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 132945

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 132946  
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CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 132953

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for 132954  
132955  
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educational use in the classroom and online. 132958

Of the foregoing appropriation item 935410, Content 132959  
Development, Acquisition, and Distribution, up to \$965,000 in 132960  
each fiscal year shall be allocated equally among the Ohio 132961  
educational television stations. Funds shall be used for the 132962  
production of interactive instructional programming series with 132963  
priority given to resources aligned with state academic content 132964  
standards. 132965

Of the foregoing appropriation item 935410, Content 132966  
Development, Acquisition, and Distribution, up to \$2,650,000 in 132967  
each fiscal year shall be distributed by the Broadcast 132968  
Educational Media Commission to Ohio's qualified public 132969  
educational television stations and educational radio stations 132970  
to support their operations. The funds shall be distributed 132971  
pursuant to an allocation formula used by the Broadcast 132972  
Educational Media Commission in consultation with Ohio's 132973  
qualified public educational television stations and educational 132974  
radio stations. 132975

Of the foregoing appropriation item 935410, Content 132976  
Development, Acquisition, and Distribution, up to \$294,000 in 132977  
each fiscal year shall be distributed by the Broadcast 132978  
Educational Media Commission to Ohio's qualified radio reading 132979  
services to support their operations. The funds shall be 132980  
distributed pursuant to an allocation formula used by the 132981  
Broadcast Educational Media Commission in consultation with 132982  
Ohio's qualified radio reading services. 132983

**Section 283.10.** 132984

132985

A	ETH OHIO ETHICS COMMISSION		
B	General Revenue Fund		
C	GRF 146321 Operating Expenses	\$2,480,744	\$2,603,142
D	General Revenue Fund Total	\$2,480,744	\$2,603,142
E	Dedicated Purpose Fund Group		
F	4M60 146601 Operating Support	\$649,781	\$670,793
G	Dedicated Purpose Fund Group Total	\$649,781	\$670,793
H	TOTAL ALL BUDGET FUND GROUPS	\$3,130,525	\$3,273,935

**Section 285.10.**

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A	EXP OHIO EXPOSITIONS COMMISSION		
B	General Revenue Fund		
C	GRF 723403 Junior Fair Subsidy	\$380,000	\$380,000
D	General Revenue Fund Total	\$380,000	\$380,000
E	Dedicated Purpose Fund Group		
F	4N20 723602 Ohio State Fair Harness Racing	\$350,000	\$350,000
G	5060 723601 Operating Expenses	\$20,000,000	\$20,000,000



H	5060 723604	Grounds Maintenance and Repairs	\$300,000	\$300,000
I	Dedicated Purpose Fund Group Total		\$20,650,000	\$20,650,000
J	TOTAL ALL BUDGET FUND GROUPS		\$21,030,000	\$21,030,000

**Section 285.20.** STATE FAIR RESERVE 132988

The General Manager of the Expositions Commission, in 132989  
consultation with the Director of Budget and Management, may 132990  
submit a request to the Controlling Board to use available 132991  
amounts in the State Fair Reserve Fund (Fund 6400) if revenues 132992  
from either the 2025 or the 2026 Ohio State Fair are 132993  
unexpectedly low. 132994

On July 1 of each fiscal year, or as soon as possible 132995  
thereafter, the Director of Budget and Management, in 132996  
consultation with the General Manager of the Expositions 132997  
Commission, may determine that the Ohio Expositions Fund (Fund 132998  
5060) has a cash balance in excess of the anticipated operating 132999  
costs of the Exposition Commission in that fiscal year. 133000  
Notwithstanding section 991.04 of the Revised Code, the Director 133001  
of Budget and Management may transfer an amount up to the excess 133002  
cash from Fund 5060 to Fund 6400 in each fiscal year. 133003

**Section 287.10.** 133004

133005

1 2 3 4 5

A FCC OHIO FACILITIES CONSTRUCTION COMMISSION

B General Revenue Fund

C	GRF	230321	Operating Expenses	\$11,171,298	\$11,442,393
D	GRF	230401	Cultural Facilities Lease Rental Bond Payments	\$37,500,000	\$37,500,000
E	GRF	230908	Common Schools General Obligation Bond Debt Service	\$255,000,000	\$230,000,000
F	General Revenue Fund Total			\$303,671,298	\$278,942,393
G	Internal Service Activity Fund Group				
H	1310	230639	State Construction Management Operations	\$9,590,355	\$10,233,822
I	Internal Service Activity Fund Group Total			\$9,590,355	\$10,233,822
J	Revenue Distribution Fund Group				
K	7047	230647	Project Support	\$20,000,000	\$0
L	Revenue Distribution Fund Group Total			\$20,000,000	\$0
M	TOTAL ALL BUDGET FUND GROUPS			\$333,261,653	\$289,176,215

**Section 287.20.** CULTURAL FACILITIES LEASE RENTAL BOND 133006  
PAYMENTS 133007

The foregoing appropriation item 230401, Cultural 133008  
Facilities Lease Rental Bond Payments, shall be used to meet all 133009  
payments during the period from July 1, 2025, through June 30, 133010  
2027, by the Ohio Facilities Construction Commission pursuant to 133011  
leases and agreements for cultural and sports facilities made 133012

under section 154.23 of the Revised Code. These appropriations 133013  
are the source of funds pledged for bond service charges on 133014  
related obligations issued under Chapter 154. of the Revised 133015  
Code. 133016

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 133017

The foregoing appropriation item 230908, Common Schools 133018  
General Obligation Bond Debt Service, shall be used to pay all 133019  
debt service and related financing costs during the period from 133020  
July 1, 2025, through June 30, 2027, on obligations issued under 133021  
sections 151.01 and 151.03 of the Revised Code. 133022

PROJECT SUPPORT 133023

(A) Notwithstanding section 5751.02 of the Revised Code, 133024  
the forgoing appropriation item 230647, Project Support, shall 133025  
be used by the Ohio Facilities Construction Commission to 133026  
support the construction or renovation of a school building 133027  
pursuant to division (B) of this section. 133028

An amount equal to the unexpended, unencumbered balance of 133029  
the foregoing appropriation item 230647, Project Support, at the 133030  
end of fiscal year 2026 is hereby reappropriated for the same 133031  
purpose in fiscal year 2027. 133032

(B) Upon application from a qualifying district, the Ohio 133033  
Facilities Construction Commission shall provide funding to the 133034  
district for a special facilities project to renovate or 133035  
construct a school building. In calculating the amount of the 133036  
funding, the Commission shall use the district's most recent 133037  
percentile ranking under section 3318.011 of the Revised Code to 133038  
determine the state's share of the project cost, provided that 133039  
the state's share shall not be less than ninety per cent of the 133040  
cost of the project or exceed the amount of the appropriation. 133041

If necessary, the Commission shall proportionately reduce the amount of funding for each qualifying district who applies so as not to exceed the amount appropriated for the purposes of this section.

A qualifying district shall apply to participate in the program not later than December 31, 2025, and in a form and manner prescribed by the Commission.

For the purposes of this section, "qualifying district" means a school district to which all of the following apply:

(1) The district operates at least one school building in a county with a population of more than one hundred thousand people and at least one school building in another county with a population of less than fifty thousand people.

(2) The district's classroom facilities project was deferred or lapsed.

(3) The existing building included in the special facilities project for which the district applies for funding was originally constructed prior to June 30, 1925.

**Section 287.30. SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION**

At the request of the Executive Director of the Ohio Facilities Construction Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within sixteen months of receiving Controlling Board approval under section 3318.05 or 3318.41 of the Revised Code. The Executive Director of the Ohio Facilities Construction Commission shall certify the amounts of the canceled encumbrances to the Director of Budget and Management

on a quarterly basis. The amounts of the canceled encumbrances 133071  
are hereby appropriated. 133072

**Section 287.40.** CAPITAL DONATIONS FUND CERTIFICATIONS AND 133073  
APPROPRIATIONS 133074

On July 1, 2025, or as soon as possible thereafter, the 133075  
Executive Director of the Ohio Facilities Construction 133076  
Commission shall certify to the Director of Budget and 133077  
Management the amount of cash receipts and related investment 133078  
income, irrevocable letters of credit from a bank, or 133079  
certification of the availability of funds that have been 133080  
received from a county or a municipal corporation for deposit 133081  
into the Capital Donations Fund (Fund 5A10) and that are related 133082  
to an anticipated project. These amounts are hereby appropriated 133083  
to appropriation item C230E2, Capital Donations. Prior to 133084  
certifying these amounts to the Director, the Executive Director 133085  
shall make a written agreement with the participating entity on 133086  
the necessary cash flows required for the anticipated 133087  
construction or equipment acquisition project. 133088

**Section 287.50.** AMENDMENT TO PROJECT AGREEMENT FOR 133089  
MAINTENANCE LEVY 133090

The Ohio Facilities Construction Commission shall amend 133091  
the project agreement between the Commission and a school 133092  
district that is participating in the Accelerated Urban School 133093  
Building Assistance Program as of September 29, 2018, if the 133094  
Commission determines that it is necessary to do so in order to 133095  
comply with division (B) (3) (c) of section 3318.38 of the Revised 133096  
Code. 133097

**Section 287.60.** Notwithstanding any other provision of law 133098  
to the contrary, the Ohio Facilities Construction Commission may 133099

determine the amount of funding available for disbursement in a 133100  
given fiscal year for any project approved under sections 133101  
3318.01 to 3318.20 of the Revised Code in order to keep 133102  
aggregate state capital spending within approved limits and may 133103  
take actions including, but not limited to, determining the 133104  
schedule for design or bidding of approved projects, to ensure 133105  
appropriate and supportable cash flow. 133106

**Section 287.70. RETURNED OR RECOVERED FUNDS** 133107

Notwithstanding any provision of law to the contrary, any 133108  
moneys a school district transfers to the Ohio Facilities 133109  
Construction Commission under division (C) (2) or (3) of section 133110  
3318.12 of the Revised Code as well as any moneys recovered from 133111  
settlements with or judgments against parties relating to their 133112  
involvement in a classroom facilities project shall be deposited 133113  
into the fund from which the capital appropriation for the 133114  
project was made. In any fiscal year in which the Commission has 133115  
made a deposit under this section, the Executive Director of the 133116  
Ohio Facilities Construction Commission may seek Controlling 133117  
Board approval to increase appropriations from those funds and 133118  
specified appropriation items in an amount equal to the amount 133119  
of the funds deposited under this section. The additional 133120  
amounts, if approved, shall be used in accordance with the 133121  
purposes of Chapter 3318. of the Revised Code for projects 133122  
pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 133123  
3318.45 of the Revised Code. Upon approval of the Controlling 133124  
Board, the additional amounts are hereby appropriated. 133125

**Section 287.80.** The Treasurer of State is hereby 133126  
authorized to issue and sell, in accordance with Section 2i of 133127  
Article VIII, Ohio Constitution, Chapter 154. of the Revised 133128  
Code, and particularly section 154.23 and other applicable 133129

sections of the Revised Code, original obligations in an 133130  
 aggregate principal amount not to exceed \$600,000,000 in 133131  
 addition to the original issuance of obligations heretofore 133132  
 authorized by prior acts of the General Assembly. These 133133  
 authorized obligations shall be issued, subject to applicable 133134  
 constitutional and statutory limitations, as needed to provide 133135  
 sufficient moneys to the credit of the Cultural and Sports 133136  
 Facilities Building Fund (Fund 7030) to pay costs of the 133137  
 Cleveland Browns major sports facility stadium project in the 133138  
 City of Brook Park in the county of Cuyahoga. 133139

**Section 289.10.** 133140  
 133141

	1	2	3	4	5
A	GOV OFFICE OF THE GOVERNOR				
B	General Revenue Fund				
C	GRF	040321	Operating Expenses	\$3,481,221	\$3,580,624
D	General Revenue Fund Total			\$3,481,221	\$3,580,624
E	Internal Service Activity Fund Group				
F	5AK0	040607	Government Relations	\$715,600	\$734,442
G	Internal Service Activity Fund Group			\$715,600	\$734,442
	Total				
H	TOTAL ALL BUDGET FUND GROUPS			\$4,196,821	\$4,315,066

**Section 289.20. OPERATING EXPENSES** 133142

On July 1, 2025, or as soon as possible thereafter, the 133143

Governor or the Governor's designee may certify to the Director 133144  
of Budget and Management an amount up to the unexpended, 133145  
unencumbered balance of the foregoing appropriation item 040321, 133146  
Operating Expenses, at the end of fiscal year 2025 to be 133147  
reappropriated for fiscal year 2026. The amount certified is 133148  
hereby reappropriated to the same appropriation item for fiscal 133149  
year 2026. 133150

On July 1, 2026, or as soon as possible thereafter, the 133151  
Governor or the Governor's designee may certify to the Director 133152  
of Budget and Management an amount up to the unexpended, 133153  
unencumbered balance of the foregoing appropriation item 040321, 133154  
Operating Expenses, at the end of fiscal year 2026 to be 133155  
reappropriated for fiscal year 2027. The amount certified is 133156  
hereby reappropriated to the same appropriation item for fiscal 133157  
year 2027. 133158

GOVERNMENT RELATIONS 133159

The Office of the Governor may issue an intrastate 133160  
transfer voucher to charge any state agency of the executive 133161  
branch such amounts necessary to represent the interests of Ohio 133162  
to federal, state, and local government units and to cover the 133163  
costs or membership dues related to Ohio's participation in 133164  
national and regional associations. Amounts collected shall be 133165  
deposited in the Government Relations Fund (Fund 5AK0). 133166

**Section 291.10.** 133167

133168

1 2 3 4 5

A DOH DEPARTMENT OF HEALTH

B General Revenue Fund



C	GRF	440413	Local Health Department Support	\$2,379,000	\$2,379,000
D	GRF	440416	Mothers and Children Safety Net Services	\$4,639,763	\$4,690,570
E	GRF	440431	Free Clinic Safety Net Services	\$1,755,837	\$1,758,067
F	GRF	440438	Breast and Cervical Cancer Screening	\$1,190,549	\$1,199,779
G	GRF	440444	AIDS Prevention	\$3,610,779	\$3,623,351
H	GRF	440451	Public Health Laboratory	\$3,893,355	\$3,926,237
I	GRF	440452	Child and Family Health Services Match	\$667,650	\$683,513
J	GRF	440453	Health Care Quality Assurance	\$6,868,538	\$7,023,632
K	GRF	440454	Environmental Health/Radiation Protection	\$5,404,349	\$5,462,815
L	GRF	440465	FQHC Primary Care Workforce Initiative	\$2,695,268	\$2,698,697
M	GRF	440472	Alcohol Testing	\$1,313,349	\$1,338,992
N	GRF	440477	Emergency Preparation and Response	\$2,453,355	\$2,467,067

O	GRF	440482	Chronic Disease, Injury Prevention, and Drug Overdose	\$5,000,000	\$5,240,000
P	GRF	440483	Infectious Disease Prevention and Control	\$4,924,753	\$4,988,016
Q	GRF	440484	Public Health Technology Innovation	\$1,409,147	\$1,429,959
R	GRF	440485	Health Program Support	\$14,437,500	\$14,187,500
S	GRF	440495	Toxicology Screenings	\$1,000,000	\$1,000,000
T	GRF	440496	Children's Vision Services	\$12,000,000	\$8,000,000
U	GRF	440497	Children's Dental Services	\$3,000,000	\$3,000,000
V	GRF	440505	Children and Youth with Special Health Care Needs	\$13,115,000	\$12,615,000
W	GRF	440507	Targeted Healthcare Services - Over 21	\$2,000,000	\$2,000,000
X	GRF	440527	Lead Abatement	\$250,000	\$250,000
Y	GRF	440672	Youth Homelessness	\$2,754,474	\$2,755,903
Z	GRF	654453	Medicaid - State Health Program Support	\$4,478,896	\$4,581,836
AA	General Revenue Fund Total			\$101,241,562	\$97,299,934

AB Highway Safety Fund Group		
AC 4T40 440603 Child Highway Safety	\$200,000	\$200,000
AD Highway Safety Fund Group Total	\$200,000	\$200,000
AE Dedicated Purpose Fund Group		
AF 4700 440647 Fee Supported Programs	\$32,650,000	\$33,629,000
AG 4710 440619 Certificate of Need	\$408,045	\$408,045
AH 4730 440622 Lab Operating Expenses	\$8,985,000	\$9,254,001
AI 4770 440627 Children and Youth with Special Health Care Needs Audit	\$4,942,318	\$4,973,075
AJ 4D60 440608 Genetics Services	\$3,316,583	\$3,416,000
AK 4F90 440610 Sickle Cell Disease Control	\$850,000	\$850,000
AL 4G00 440636 Heirloom Birth Certificate	\$15,000	\$15,000
AM 4G00 440637 Birth Certificate Surcharge	\$15,000	\$15,000
AN 4L30 440609 HIV Care and Miscellaneous Expenses	\$52,697,000	\$52,697,000
AO 4P40 440628 Ohio Physician Loan Repayment	\$1,000,000	\$1,000,000

AP 4V60	440641	Save Our Sight	\$3,005,000	\$3,080,000
AQ 5B50	440616	Quality, Monitoring, and Inspection	\$5,753,000	\$5,925,000
AR 5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	\$6,000,000	\$6,000,000
AS 5D60	440620	Second Chance Trust	\$1,892,541	\$1,892,541
AT 5ED0	440651	Smoke Free Indoor Air	\$280,000	\$280,000
AU 5G40	440639	Adoption Services	\$100,000	\$100,000
AV 5PE0	440659	Breast and Cervical Cancer Services	\$500,000	\$500,000
AW 5QJ0	440662	Dental Hygienist Loan Repayments	\$100,000	\$100,000
AX 5SH0	440520	Children's Wish Grant Program	\$275,000	\$275,000
AY 5YS0	440491	Chiropractic Loan Repayment	\$30,000	\$30,000
AZ 5Z70	440624	Ohio Dentist Loan Repayment	\$275,000	\$275,000
BA 6100	440626	Radiation Emergency Response	\$1,551,682	\$1,598,000
BB 6660	440607	Children and Youth with	\$24,060,000	\$24,060,001

	Special Health Care Needs		
	- County Assessments		
BC 6980 440634	Nurse Aide Training	\$126,600	\$126,600
BD	Dedicated Purpose Fund Group Total	\$148,827,769	\$150,499,263
BE	Internal Service Activity Fund Group		
BF 1420 440646	Agency Health Services	\$11,575,000	\$11,575,000
BG 2110 440613	Central Support Indirect Costs	\$39,575,839	\$40,763,000
BH	Internal Service Activity Fund Group Total	\$51,150,839	\$52,338,000
BI	Holding Account Fund Group		
BJ R014 440631	Vital Statistics	\$155,000	\$155,000
BK R048 440625	Refunds, Grants Reconciliation, and Audit Settlements	\$20,000	\$20,000
BL	Holding Account Fund Group Total	\$175,000	\$175,000
BM	Federal Fund Group		
BN 3200 440601	Maternal Child Health Block Grant	\$25,000,000	\$25,750,000
BO 3870 440602	Preventive Health Block Grant	\$11,800,000	\$12,154,000

BP 3890	440604	Women, Infants, and Children	\$250,000,000	\$250,000,001
BQ 3910	440606	Medicare Survey and Certification	\$21,800,000	\$22,454,000
BR 3920	440618	Federal Public Health Programs	\$149,503,000	\$153,988,000
BS 3GD0	654601	Medicaid Program Support	\$41,186,077	\$41,508,003
BT 3GN0	440660	Public Health Emergency Preparedness	\$75,825,000	\$78,099,000
BU 3HP0	440673	Public Health Emergency Response	\$100,500,000	\$100,500,000
BV 3HP0	440686	ELC Strengthening HAI/AR Grant	\$10,000,000	\$10,000,000
BW	Federal Fund Group Total		\$685,614,077	\$694,453,004
BX	TOTAL ALL BUDGET FUND GROUPS		\$987,209,247	\$994,965,201

**Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES** 133169

Of the foregoing appropriation item 440416, Mothers and 133170  
 Children Safety Net Services, up to \$200,000 in each fiscal year 133171  
 may be used to assist families with children who have hearing 133172  
 loss or hearing disorders under twenty-six years of age in 133173  
 purchasing hearing aids and hearing assistive technology. The 133174  
 Director of Health shall adopt rules governing the distribution 133175  
 of these funds, including rules that do both of the following: 133176  
 (1) establish eligibility criteria to include families with 133177

incomes at or below four hundred per cent of the federal poverty 133178  
guidelines as defined in section 5101.46 of the Revised Code and 133179  
(2) develop a sliding scale of disbursements under this section 133180  
based on family income. The Director may adopt other rules as 133181  
necessary to implement this section. Rules adopted under this 133182  
section shall be adopted in accordance with Chapter 119. of the 133183  
Revised Code. 133184

FREE CLINIC SAFETY NET SERVICES 133185

The foregoing appropriation item 440431, Free Clinic 133186  
Safety Net Services, shall be provided to the Charitable 133187  
Healthcare Network. Funds may be used to reimburse free clinics 133188  
for health care services provided, as well as for administrative 133189  
services, information technology costs, infrastructure repair, 133190  
or other clinic necessities. Additionally, the Director of 133191  
Health may designate up to five per cent of the appropriation in 133192  
each fiscal year to pay the administrative costs the Department 133193  
of Health incurs for operating the program. 133194

AIDS PREVENTION 133195

The foregoing appropriation item 440444, AIDS Prevention, 133196  
shall be used to administer educational and other prevention 133197  
initiatives. 133198

FQHC PRIMARY CARE WORKFORCE INITIATIVE 133199

The foregoing appropriation item 440465, FQHC Primary Care 133200  
Workforce Initiative, shall be provided to the Ohio Association 133201  
of Community Health Centers to administer the FQHC Primary Care 133202  
Workforce Initiative. The Initiative shall provide medical, 133203  
dental, behavioral health, physician assistant, and advanced 133204  
practice nursing students with clinical rotations through 133205  
federally qualified health centers. Additionally, the Director 133206

of Health may designate up to five per cent of the appropriation 133207  
in each fiscal year to pay the administrative costs the 133208  
Department of Health incurs for operating the program. 133209

EMERGENCY PREPARATION AND RESPONSE 133210

The foregoing appropriation item 440477, Emergency 133211  
Preparation and Response, shall be used to support public health 133212  
emergency preparedness and response efforts. This appropriation 133213  
may also be used to support data infrastructure projects and 133214  
other data analysis and analytics work. 133215

CHRONIC DISEASE, INJURY PREVENTION, AND DRUG OVERDOSE 133216

Of the foregoing appropriation item 440482, Chronic 133217  
Disease, Injury Prevention, and Drug Overdose, up to \$625,000 in 133218  
fiscal year 2026 and up to \$635,922 in fiscal year 2027 shall be 133219  
used, in consultation with the Department of Behavioral Health 133220  
and the Governor's RecoveryOhio Initiative, to support the 133221  
continuation of the Health Systems Comprehensive Care Initiative 133222  
to enhance Ohio's response to the addiction crisis by creating a 133223  
comprehensive system of care for patients who present in health 133224  
systems with addiction. 133225

Of the foregoing appropriation item 440482, Chronic 133226  
Disease, Injury Prevention, and Drug Overdose, up to \$156,250 in 133227  
fiscal year 2026 and up to \$158,981 in fiscal year 2027 shall be 133228  
used, in consultation with the Governor's RecoveryOhio 133229  
Initiative, to support local health providers' harm reduction 133230  
efforts to reduce overdose rates and deaths. 133231

The remainder of appropriation item 440482, Chronic 133232  
Disease, Injury Prevention, and Drug Overdose, shall be used to 133233  
support the Department of Health's ongoing health improvement 133234  
and wellness efforts, health promotion, and related activities. 133235



HEALTH PROGRAM SUPPORT 133236

Of the forgoing appropriation item 440485, Health Program 133237  
Support, \$10,000,000 in each fiscal year shall be used by the 133238  
Department of Health, in consultation with the Department of 133239  
Education and Workforce, to support school-based health centers 133240  
in high-need counties, as determined by the departments. A 133241  
school-based health center shall obtain parental consent prior 133242  
to providing services to a child. This does not apply in 133243  
emergency situations, first aid, other unanticipated minor 133244  
health care services, or health care services provided pursuant 133245  
to a student's IEP or a school district's obligation under 133246  
section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794. 133247

Of the foregoing appropriation item 440485, Health Program 133248  
Support, \$1,000,000 in each fiscal year shall be distributed to 133249  
Ohio organizations currently providing all of the following 133250  
services: wraparound care, including multidisciplinary clinical 133251  
care; local case management services by health care 133252  
professionals; durable medical and augmentative communication 133253  
devices; state and federal advocacy; and support groups and 133254  
patient grants for those diagnosed with amyotrophic lateral 133255  
sclerosis (ALS). The distribution of funds shall be based on 133256  
each awarded organization's identified Ohio county coverage and 133257  
by the prevalence rate of persons living with ALS using the most 133258  
recent population estimates available from the United States 133259  
Census Bureau. Funds shall be used to support persons living 133260  
with ALS, including any of the followings: wraparound care, case 133261  
management, purchase and distribution of durable medical 133262  
equipment and augmentative communication devices, and patient 133263  
grants for disease-related expenses. Funding is required to be 133264  
designated in service to Ohioans and shall not be used for 133265  
persons living outside of the state of Ohio. 133266

Of the foregoing appropriation item 440485, Health Program 133267  
Support, \$125,000 in each fiscal year shall be provided to Ohio 133268  
Adolescent Health Centers to support sexual risk avoidance 133269  
programs in schools. 133270

Of the foregoing appropriation item 440485, Health Program 133271  
Support, \$62,500 in each fiscal year shall be provided to the 133272  
Domestic Violence Project, Inc. to support the addition of a 133273  
Community Educator position. 133274

Of the foregoing appropriation item 440485, Health Program 133275  
Support, \$1,000,000 in each fiscal year shall be provided to 133276  
Memorial Hospital for the Mid-Ohio Cardiovascular Health 133277  
Improvement Initiative. 133278

Of the foregoing appropriation item 440485, Health Program 133279  
Support, \$1,000,000 in each fiscal year shall be distributed to 133280  
hospitals and used to support graduate medical education 133281  
residency slots for residents placed in family medicine or 133282  
psychiatry fields. The Department shall establish requirements 133283  
regarding the distribution of funds, including the requirement 133284  
that funds are used to support residents placed in family 133285  
medicine or psychiatry slots. 133286

Of the foregoing appropriation item 440485, Health Program 133287  
Support, \$250,000 in fiscal year 2026 shall be used to provide 133288  
fellowship stipends to Dayton Children's Hospital for pediatric 133289  
therapy students interested in prioritized regional needs, as 133290  
identified by the hospital. 133291

TOXICOLOGY SCREENINGS 133292

The foregoing appropriation item 440495, Toxicology 133293  
Screenings, shall be used to reimburse county coroners in 133294  
counties in which the coroner has performed toxicology 133295

screenings on victims of a drug overdose. The Director of Health 133296  
shall transfer the funds to the counties in proportion to the 133297  
numbers of toxicology screenings performed per county. 133298

CHILDREN'S VISION SERVICES 133299

The foregoing appropriation item 440496, Children's Vision 133300  
Services, shall be used to support the provision of vision care 133301  
services as described in Section 291.30 of this act. 133302

CHILDREN'S DENTAL SERVICES 133303

The foregoing appropriation item 440497, Children's Dental 133304  
Services, shall be used to support the provision of dental care 133305  
services as described in Section 291.40 of this act. 133306

TARGETED HEALTH CARE SERVICES-OVER 21 133307

The foregoing appropriation item 440507, Targeted Health 133308  
Care Services-Over 21, shall be used to administer the Cystic 133309  
Fibrosis Program and to implement the Hemophilia Insurance 133310  
Premium Payment Program. The Department of Health shall expend 133311  
up to \$100,000 in each fiscal year to implement the Hemophilia 133312  
Insurance Premium Payment Program. 133313

The foregoing appropriation item 440507, Targeted Health 133314  
Care Services-Over 21, shall also be used to do the following: 133315  
cover services provided to adults over the age of twenty-one 133316  
with Cystic Fibrosis who are eligible for treatment under the 133317  
Cystic Fibrosis Program; provide essential medications; and pay 133318  
the copayments for drugs approved by the Department of Health 133319  
and covered by Medicare Part D that are dispensed to Program for 133320  
Children and Youth with Special Health Care Needs participants 133321  
for the Cystic Fibrosis Program. 133322

The Department shall expend all of the funds appropriated 133323

in appropriation item 440507, Targeted Health Care Services-Over 133324  
21. 133325

Of the foregoing appropriation item 440527, Lead 133326  
Abatement, \$250,000 in each fiscal year shall be used by the 133327  
Department of Health to distribute funds to local governments 133328  
for projects that include, but are not limited to, lead hazard 133329  
control and housing rehabilitation initiatives that expand the 133330  
Department's lead hazard control and prevention efforts. 133331

YOUTH HOMELESSNESS 133332

Of the foregoing appropriation item 440672, Youth 133333  
Homelessness, \$250,000 in each fiscal year shall be distributed 133334  
to the Star House for its Drop-In Centers and its Carol Stewart 133335  
Village, or its other expansion projects, to provide services 133336  
for homeless youth. 133337

The remainder of appropriation item 440672, Youth 133338  
Homelessness, shall be used to address homelessness in youth and 133339  
pregnant women by providing assertive outreach to provide stable 133340  
housing, including recovery housing. No funds shall be 133341  
distributed to youth shelters that promote or affirm social 133342  
gender transition, in which an individual goes from identifying 133343  
with and living as a gender that corresponds to the individual's 133344  
biological sex to identifying with and living as a gender 133345  
different from the individual's biological sex. 133346

FEE SUPPORTED PROGRAMS 133347

Of the foregoing appropriation item 440647, Fee Supported 133348  
Programs, \$2,160,000 in each fiscal year shall be used to 133349  
distribute subsidies, on a per capita basis, to local health 133350  
departments accredited through the Public Health Accreditation 133351  
Board, or local health departments that are in the process of 133352

earning accreditation. 133353

Of the foregoing appropriation item 440647, Fee Supported 133354  
Programs, \$1,840,000 in each fiscal year shall be used to 133355  
distribute subsidies to local health departments accredited 133356  
through the Public Health Accreditation Board on a per capita 133357  
basis. 133358

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS AUDIT 133359

The Children and Youth with Special Health Care Needs 133360  
Audit Fund (Fund 4770) shall receive revenue from audits of 133361  
hospitals and recoveries from third-party payers. Moneys may be 133362  
expended for payment of audit settlements and for costs directly 133363  
related to obtaining recoveries from third-party payers and for 133364  
encouraging Program for Children and Youth with Special Health 133365  
Care Needs recipients to apply for third-party benefits. Moneys 133366  
also may be expended for payments for diagnostic and treatment 133367  
services on behalf of children and youth with special health 133368  
care needs, as defined in division (A) of section 3701.022 of 133369  
the Revised Code, and Ohio residents who are twenty-one or more 133370  
years of age and who are suffering from cystic fibrosis or 133371  
hemophilia. Moneys may also be expended for administrative 133372  
expenses incurred in operating the Program for Children and 133373  
Youth with Special Health Care Needs. 133374

GENETICS SERVICES 133375

The foregoing appropriation item 440608, Genetics 133376  
Services, shall be used by the Department of Health to 133377  
administer programs authorized by sections 3701.501 and 3701.502 133378  
of the Revised Code. None of these funds shall be used to 133379  
counsel or refer for abortion. 133380

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 133381

Of the foregoing appropriation item 440656, Tobacco Use 133382  
Prevention, Cessation, and Enforcement, \$1,000,000 in each 133383  
fiscal year shall be used by the Director of Health, in 133384  
consultation with the Director of Children and Youth, to award 133385  
funds to private, nonprofit, or government entities. The 133386  
Directors shall determine how the funds are to be distributed, 133387  
but shall prioritize awards to entities that serve women who 133388  
reside in communities that have the highest infant mortality 133389  
rates in this state, as identified under section 3701.142 of the 133390  
Revised Code. Recognizing the significant health risks posed to 133391  
women and their children by tobacco use during and after 133392  
pregnancy, the Department of Health shall award grants to 133393  
private, nonprofit, or government entities that demonstrate the 133394  
ability to deliver evidence-based tobacco cessation 133395  
interventions to women. 133396

The remainder of appropriation item 440656, Tobacco Use 133397  
Prevention, Cessation, and Enforcement, shall be used to 133398  
administer tobacco use prevention and cessation activities and 133399  
programs, to administer compliance checks, retailer education, 133400  
and programs related to legal age restrictions, and to enforce 133401  
the Ohio Smoke-Free Workplace Act. 133402

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS - COUNTY 133403  
ASSESSMENTS 133404

The foregoing appropriation item 440607, Children and 133405  
Youth with Special Health Care Needs - County Assessments, shall 133406  
be used to make payments under division (E) of section 3701.023 133407  
of the Revised Code. 133408

FEDERAL PUBLIC HEALTH PROGRAMS 133409

Of the foregoing appropriation item 440618, Federal Public 133410

Health Programs, \$7,800,000 in each fiscal year shall be 133411  
provided to Ohio Adolescent Health Centers. 133412

**Section 291.30.** OHIO STUDENT EYE EXAM PROGRAM 133413

(A) The Department of Health shall establish and 133414  
administer the Ohio Student Eye Exam Program, to be known as the 133415  
OhioSEE Program. Under the program, vision care services, 133416  
including vision screenings, eye examinations, and glasses, may 133417  
be provided to Ohio students, kindergarten through third grade, 133418  
who fail vision screenings and lack access to follow-up care. 133419

(B) In administering the program, the Department shall 133420  
focus on improving the percentage of vision care referrals 133421  
completed, increasing student access to eye examinations, and 133422  
providing necessary eyewear to eligible students. 133423

**Section 291.40.** CHILDREN'S DENTAL SERVICES PROGRAM 133424

(A) The Department of Health shall establish and 133425  
administer the Children's Dental Services Program. Under the 133426  
program, dental care services, including screenings, treatment, 133427  
and preventive care, may be provided to a child who meets the 133428  
following conditions: 133429

(1) The child resides in an underserved area as determined 133430  
by the Department. 133431

(2) The child meets any other eligibility condition 133432  
established by the Department. 133433

(B) The dental care services described in division (A) of 133434  
this section may be provided by deploying mobile dental units to 133435  
schools and underserved areas. 133436

(C) In administering the program, the Department shall 133437  
focus on increasing children's access to dental care and helping 133438

to reduce the incidence of dental caries among children. 133439

**Section 293.10.** 133440

133441

	1	2	3	4	5
A	HEF HIGHER EDUCATIONAL FACILITY COMMISSION				
B	Dedicated Purpose Fund Group				
C	4610	372601	Operating Expenses	\$15,513	\$15,513
D	Dedicated Purpose Fund Group Total			\$15,513	\$15,513
E	TOTAL ALL BUDGET FUND GROUPS			\$15,513	\$15,513

**Section 295.10.** 133442

133443

	1	2	3	4	5
A	SPA COMMISSION ON HISPANIC/LATINO AFFAIRS				
B	General Revenue Fund				
C	GRF	148321	Operating Expenses	\$466,248	\$483,670
D	General Revenue Fund Total			\$466,248	\$483,670
E	Dedicated Purpose Fund Group				
F	6010	148602	Special Initiatives	\$50,000	\$50,000
G	Dedicated Purpose Fund Group Total			\$50,000	\$50,000
H	TOTAL ALL BUDGET FUND GROUPS			\$516,248	\$533,670



Section 297.10.

133444

133445

	1	2	3	4	5
A			OHS OHIO HISTORY CONNECTION		
B			General Revenue Fund		
C	GRF	360400	Holocaust and Genocide Memorial and Education Commission	\$1,110,000	\$1,110,000
D	GRF	360401	Ohio Commission for the U.S. Semiquincentennial	\$7,750,000	\$2,500,000
E	GRF	360402	UNESCO World Heritage Sites	\$3,260,020	\$2,602,020
F	GRF	360501	Education and Collections	\$6,139,320	\$6,147,040
G	GRF	360502	Site and Museum Operations	\$8,252,200	\$8,252,200
H	GRF	360504	Ohio Preservation Office	\$965,287	\$965,287
I	GRF	360505	National Afro-American Museum	\$811,000	\$811,000
J	GRF	360506	Hayes Presidential Center	\$750,000	\$750,000
K	GRF	360508	State Historical Grants	\$850,000	\$700,000
L			General Revenue Fund Total	\$29,887,827	\$23,837,547
M			Dedicated Purpose Fund Group		

N	5KL0	360602	Ohio History Tax Check- off	\$150,000	\$150,000
O	5PD0	360603	Ohio History License Plate	\$10,000	\$10,000
P	Dedicated Purpose Fund Group Total			\$160,000	\$160,000
Q	TOTAL ALL BUDGET FUND GROUPS			\$30,047,827	\$23,997,547

**Section 297.20. SUBSIDY APPROPRIATION** 133446

Upon approval by the Director of Budget and Management, 133447  
the foregoing appropriation items shall be released to the Ohio 133448  
History Connection in quarterly amounts that in total do not 133449  
exceed the annual appropriations. The funds and fiscal records 133450  
of the Ohio History Connection for fiscal year 2026 and fiscal 133451  
year 2027 shall be examined by independent certified public 133452  
accountants approved by the Auditor of State, and a copy of the 133453  
audited financial statements shall be filed with the Office of 133454  
Budget and Management. 133455

The foregoing appropriations shall be considered to be the 133456  
contractual consideration provided by the state to support the 133457  
state's offer to contract with the Ohio History Connection under 133458  
section 149.30 of the Revised Code. 133459

Of the foregoing appropriation item 360400, Holocaust and 133460  
Genocide Memorial and Education Commission, \$125,000 in each 133461  
fiscal year shall be used for The Nancy and David Wolf Holocaust 133462  
and Humanity Center. 133463

**OHIO COMMISSION FOR THE U.S. SEMIQUINCENTENNIAL** 133464

Of the foregoing appropriation item 360401, Ohio 133465

Commission for the U.S. Semiquincentennial, \$250,000 in fiscal 133466  
year 2026 shall be used for marketing and event operations for 133467  
the America's River Roots Festival. 133468

UNESCO WORLD HERITAGE SITES 133469

The foregoing appropriation item 360402, UNESCO World 133470  
Heritage Sites, shall be used for operating costs for approved 133471  
United Nations Educational, Scientific and Cultural Organization 133472  
(UNESCO) World Heritage sites in Ohio. 133473

STATE HISTORICAL GRANTS 133474

Of the foregoing appropriation item 360508, State 133475  
Historical Grants, \$350,000 in each fiscal year shall be used 133476  
for the Western Reserve Historical Society, and \$350,000 in each 133477  
fiscal year shall be used for the Cincinnati Museum Center. 133478

Of the foregoing appropriation item 360508, State 133479  
Historical Grants, \$150,000 in fiscal year 2026 shall be used 133480  
for the Wadsworth Area Historical Society and the preservation 133481  
of St. Mark's Episcopal Church located in Wadsworth, Ohio. 133482

**Section 299.10.** 133483

133484

1 2 3 4 5

A REP OHIO HOUSE OF REPRESENTATIVES

B General Revenue Fund

C GRF 025321 Operating Expenses \$35,100,000 \$36,210,000

D General Revenue Fund Total \$35,100,000 \$36,210,000

E Internal Service Activity Fund Group

F	1030	025601	House of Representatives Reimbursement	\$1,433,664	\$1,433,664
G	4A40	025602	Miscellaneous Sales	\$50,000	\$50,000
H			Internal Service Activity Fund Group Total	\$1,483,664	\$1,483,664
I			TOTAL ALL BUDGET FUND GROUPS	\$36,583,664	\$37,693,664

**Section 299.20. OPERATING EXPENSES** 133485

On July 1, 2025, or as soon as possible thereafter, the 133486  
 Chief Administrative Officer of the House of Representatives may 133487  
 certify to the Director of Budget and Management an amount up to 133488  
 the unexpended, unencumbered balance of the foregoing 133489  
 appropriation item 025321, Operating Expenses, at the end of 133490  
 fiscal year 2025 to be reappropriated to fiscal year 2026. The 133491  
 amount certified is hereby reappropriated to the same 133492  
 appropriation item for fiscal year 2026. 133493

On July 1, 2026, or as soon as possible thereafter, the 133494  
 Chief Administrative Officer of the House of Representatives may 133495  
 certify to the Director of Budget and Management an amount up to 133496  
 the unexpended, unencumbered balance of the foregoing 133497  
 appropriation item 025321, Operating Expenses, at the end of 133498  
 fiscal year 2026 to be reappropriated to fiscal year 2027. The 133499  
 amount certified is hereby reappropriated to the same 133500  
 appropriation item for fiscal year 2027. 133501

HOUSE REIMBURSEMENT 133502

If it is determined by the Chief Administrative Officer of 133503  
 the House of Representatives that additional appropriations are 133504  
 necessary for the foregoing appropriation item 025601, House of 133505

Representatives Reimbursement, the amounts are hereby 133506  
appropriated. 133507

**Section 301.10.** 133508  
133509

1	2	3	4	5
A		HFA OHIO HOUSING FINANCE AGENCY		
B	Dedicated Purpose Fund Group			
C	5AZ0 997601	Housing Finance Agency	\$18,900,000	\$19,600,000
		Personal Services		
D	Dedicated Purpose Fund Group Total		\$18,900,000	\$19,600,000
E	TOTAL ALL BUDGET FUND GROUPS		\$18,900,000	\$19,600,000

**Section 303.10.** 133510  
133511

1	2	3	4	5
A		IGO OFFICE OF THE INSPECTOR GENERAL		
B	General Revenue Fund			
C	GRF 965321	Operating Expenses	\$2,079,000	\$2,158,000
D	General Revenue Fund Total		\$2,079,000	\$2,158,000
E	Internal Service Activity Fund Group			
F	5FA0 965603	Deputy Inspector General	\$400,000	\$400,000
		for ODOT		

G	5FT0	965604	Deputy Inspector General for BWC/OIC	\$425,000	\$425,000
H	Internal Service Activity Fund Group Total			\$825,000	\$825,000
I	TOTAL ALL BUDGET FUND GROUPS			\$2,904,000	\$2,983,000

**Section 305.10.**

133512

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1            2                            3                            4                            5

A    INS DEPARTMENT OF INSURANCE

B	Dedicated Purpose Fund Group				
C	5540	820401	Examination	\$11,242,604	\$11,690,798
D	5540	820601	Operating Expenses - OSHIIP	\$400,670	\$414,002
E	5540	820606	Operating Expenses	\$36,479,179	\$37,595,513
F	Dedicated Purpose Fund Group Total			\$48,122,453	\$49,700,313
G	Federal Fund Group				
H	3U50	820602	OSHIIP Operating Grant	\$3,050,000	\$3,050,000
I	Federal Fund Group Total			\$3,050,000	\$3,050,000
J	TOTAL ALL BUDGET FUND GROUPS			\$51,172,453	\$52,750,313

**Section 305.20. MARKET CONDUCT EXAMINATION**

133514

When conducting a market conduct examination of any

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insurer doing business in this state, the Superintendent of 133516  
Insurance may assess the costs of the examination against the 133517  
insurer. The Superintendent may enter into consent agreements to 133518  
impose administrative assessments or fines for conduct 133519  
discovered that may be violations of statutes or rules 133520  
administered by the Superintendent. All costs, assessments, or 133521  
fines collected shall be deposited to the credit of the 133522  
Department of Insurance Operating Fund (Fund 5540). 133523

**Section 307.10.** 133524  
133525

	1	2	3	4	5
A	JFS DEPARTMENT OF JOB AND FAMILY SERVICES				
B	General Revenue Fund				
C	GRF	600410	TANF State Maintenance of Effort	\$147,169,083	\$147,169,083
D	GRF	600450	Program Operations	\$151,325,446	\$152,655,581
E	GRF	600502	Child Support - Local	\$26,400,000	\$26,400,000
F	GRF	600521	Family Assistance - Local	\$53,216,226	\$53,216,226
G	GRF	600533	Child, Family, and Community Protection Services	\$13,500,000	\$13,500,000
H	GRF	600534	Adult Protective Services	\$11,720,000	\$11,720,000
I	GRF	600551	Job and Family Services Program Support	\$1,500,000	\$1,500,000

J	GRF	655425	Medicaid Program Support	\$15,779,739	\$16,393,535
K	GRF	655522	Medicaid Program Support - Local	\$44,000,000	\$44,000,000
L	GRF	655523	Medicaid Program Support - Local Transportation	\$43,530,000	\$43,530,000
M	General Revenue Fund Total			\$508,140,494	\$510,084,425
N	Dedicated Purpose Fund Group				
O	4A80	600658	Public Assistance Activities	\$21,400,000	\$21,400,000
P	4A90	600607	Unemployment Compensation Administration Fund	\$45,180,000	\$36,670,000
Q	5CI1	6006B6	Utility Community Assistance	\$0	\$686,947
R	5DM0	600633	Audit Settlements and Contingency	\$1,000,000	\$1,000,000
S	5ES0	600630	Food Bank Assistance	\$500,000	\$500,000
T	5M40	6006B2	Low Income Energy Assistance	\$0	\$176,222,102
U	5RX0	600699	Workforce Development Projects	\$1,500,000	\$1,500,000
V	5RY0	600698	Human Services Project	\$15,000,000	\$15,000,000
W	Dedicated Purpose Fund Group Total			\$84,580,000	\$252,979,049



X	Internal Service Activity Fund Group		
Y	5HL0 600602 State and County Shared Services	\$2,000,000	\$2,000,000
Z	5WU0 6006C2 Ohio Benefits	\$0	\$169,005,914
AA	Internal Service Activity Fund Group Total	\$2,000,000	\$171,005,914
AB	Fiduciary Fund Group		
AC	1920 600646 Child Support Intercept- Federal	\$100,000,000	\$100,000,000
AD	5830 600642 Child Support Intercept- State	\$13,000,000	\$13,000,000
AE	5B60 600601 Food Assistance Intercept	\$9,000,000	\$9,000,000
AF	Fiduciary Fund Group Total	\$122,000,000	\$122,000,000
AG	Holding Account Fund Group		
AH	R012 600643 Refunds and Audit Settlements	\$500,000	\$500,000
AI	Holding Account Fund Group Total	\$500,000	\$500,000
AJ	Federal Fund Group		
AK	3310 600615 Veterans Programs	\$9,729,693	\$10,046,576
AL	3310 600624 Employment Services	\$33,757,412	\$33,361,820

AM 3310	600686	Workforce Programs	\$3,726,601	\$3,831,863
AN 3840	600610	Food Assistance Programs	\$353,577,548	\$355,477,007
AO 3850	600614	Refugee Services	\$43,221,914	\$47,817,949
AP 3950	600616	Federal Discretionary Grants	\$4,500,000	\$4,500,000
AQ 3960	600620	Social Services Block Grant	\$38,100,747	\$38,339,506
AR 3970	600626	Child Support - Federal	\$206,615,245	\$206,484,306
AS 3F01	655624	Medicaid Program Support - Federal	\$221,532,699	\$222,146,496
AT 3F10	6006B4	Home Weatherization Program	\$0	\$45,000,000
AU 3K90	6006B3	Home Energy Assistance Block Grant	\$0	\$180,000,000
AV 3K90	6006B7	HEAP Weatherization	\$0	\$44,000,000
AW 3L00	6006B8	Community Services Block Grant	\$0	\$32,000,000
AX 3S50	600622	Child Support Projects	\$539,000	\$539,000
AY 3V00	600688	Workforce Innovation and Opportunity Act Programs	\$165,467,651	\$172,078,185
AZ 3V40	600632	Trade Programs	\$3,001,000	\$3,001,000

BA 3V40 600678	Federal Unemployment Programs	\$122,666,388	\$125,686,620
BB 3V40 600679	Unemployment Compensation Review Commission-Federal	\$6,068,609	\$6,249,573
BC 3V60 600689	TANF Block Grant	\$561,481,981	\$561,481,981
BD	Federal Fund Group Total	\$1,773,986,488	\$2,092,041,882
BE	TOTAL ALL BUDGET FUND GROUPS	\$2,491,206,982	\$3,148,611,270

**Section 307.20.** COUNTY ADMINISTRATIVE FUNDS 133526

(A) Of the foregoing appropriation item 600521, Family Assistance - Local, at least \$46,000,000 in each fiscal year shall be provided to county departments of job and family services to administer food assistance and disability assistance programs. 133527  
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(B) Of the foregoing appropriation item 600521, Family Assistance -Local, an additional \$2,500,000 in each fiscal year shall be provided to assist county departments that submit an approved plan on increasing fraud prevention, early detection of fraud, and investigations on potential fraud that may be occurring in public assistance programs. 133532  
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(C) The foregoing appropriation item 655522, Medicaid Program Support - Local, shall be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 133538  
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(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to 133542  
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ensure county administrative funds are expended from the proper appropriation item: 133545  
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(1) Appropriation item 600521, Family Assistance - Local, 133547  
and appropriation item 655522, Medicaid Program Support - Local; 133548  
and 133549

(2) Appropriation item 655523, Medicaid Program Support - 133550  
Local Transportation, and appropriation item 655522, Medicaid 133551  
Program Support - Local. 133552

**Section 307.30. NAME OF FOOD STAMP PROGRAM** 133553

The Director of Job and Family Services is not required to 133554  
amend rules regarding the Food Stamp Program to change the name 133555  
of the program to the Supplemental Nutrition Assistance Program. 133556  
The Director may refer to the program as the Food Stamp Program, 133557  
the Supplemental Nutrition Assistance Program, or the Food 133558  
Assistance Program in rules and documents of the Department of 133559  
Job and Family Services. 133560

**Section 307.35. TANF STATE MAINTENANCE OF EFFORT** 133561

Of the foregoing appropriation item 600410, TANF State 133562  
Maintenance of Effort, \$400,000 in each fiscal year shall be 133563  
provided to the Simon Kenton Council for the administration of 133564  
the ScoutReach program. Funding shall be used for the following: 133565  
to expand access to scouting in under-resourced communities; to 133566  
provide financial assistance for participating families; to hire 133567  
two additional program coordinators, a risk manager, and a 133568  
social worker; to purchase program supplies; and to provide 133569  
marketing resources to enhance outreach and engagement. Funds 133570  
shall be distributed in accordance with guidelines established 133571  
for nonprofit educational and youth development programs. The 133572  
Simon Kenton Council shall submit an annual report to the 133573

Department of Job and Family Services detailing the program's expansion, impact, and financial expenditures. 133574  
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**Section 307.40.** OHIO ASSOCIATION OF FOOD BANKS 133576

Of the foregoing appropriation items 600410, TANF State Maintenance of Effort, 600658, Public Assistance Activities, and 600689, TANF Block Grant, a total of up to \$22,050,000 in each fiscal year shall be used to provide funds to the Ohio Association of Food Banks to purchase and distribute food products, support Innovative Summer Meals programs for children, provide SNAP outreach and free tax filing services, and provide capacity building equipment for food pantries and soup kitchens. 133577  
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Notwithstanding section 5101.46 of the Revised Code and any other provision in this act, the Director of Job and Family Services shall provide assistance from eligible funds to the Ohio Association of Food Banks in an amount not less than \$24,550,000 in each fiscal year. This amount includes the funds designated to the Ohio Association of Food Banks in the first paragraph of this section. 133585  
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Eligible nonfederal expenditures made by member food banks of the Association shall be counted by the Department of Job and Family Services toward the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). The Director of Job and Family Services shall enter into an agreement with the Ohio Association of Food Banks, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to carry out the requirements under this section. 133592  
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**Section 307.50.** OHIO ASSOCIATION OF FOODBANKS SUBGRANT 133600

The Department of Job and Family Services shall enter into a subgrant agreement with the Ohio Association of Foodbanks to 133601  
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enable the Association to provide food distribution to low- 133603  
income families and individuals via the statewide charitable 133604  
emergency food provider network and to support transportation of 133605  
meals for the Governor's Office of Faith-Based and Community 133606  
Initiatives Innovative Summer Meals programs for children and 133607  
provide capacity building equipment for food pantries and soup 133608  
kitchens. 133609

The Ohio Association of Foodbanks shall do all of the 133610  
following: 133611

(A) Purchase food for the Agriculture Clearance and Ohio 133612  
Food Programs. Information regarding the food purchase shall be 133613  
reflected in the plan for statewide distribution of food 133614  
products to local food distribution agencies. 133615

(B) Support the Capacity Building Grant program and 133616  
purchase equipment for partner agencies that is needed to 133617  
increase their capacity to serve more families eligible under 133618  
the Temporary Assistance for Needy Families program with 133619  
perishable foods, fruits, and vegetables. This equipment 133620  
purchase shall include, but is not limited to, shelving, pallet 133621  
jacks, commercial refrigerators, and commercial freezers. 133622

(C) Submit a quarterly report to the Department of Job and 133623  
Family Services not later than sixty days after the close of the 133624  
quarter to which the report pertains. The quarterly report shall 133625  
include all of the following: 133626

(1) A summary of the allocation and expenditure of grant 133627  
funds; 133628

(2) Product type and pounds distributed by foodbank 133629  
service region and county; 133630

(3) The number of households, households with children, a 133631

breakdown of individuals served by age, including those over the 133632  
age of sixty, those between the ages of nineteen and fifty-nine, 133633  
and those up to the age of eighteen, and the number of meals 133634  
served. 133635

(D) Submit an annual report to the Agreement Manager at 133636  
the Department of Job and Family Services not later than one 133637  
hundred twenty days after the end of the fiscal year. The annual 133638  
report shall include the following: 133639

(1) A summary of the allocation and expenditure of grant 133640  
funds; 133641

(2) The number of households, households with children, a 133642  
breakdown of individuals served by age, including those over the 133643  
age of sixty, those between the ages of nineteen and fifty-nine, 133644  
and those up to the age of eighteen, and the number of meals 133645  
served. 133646

(3) The quantity and type of food distributed and the 133647  
total per pound cost of the food purchased; 133648

(4) Information on the cost of storage, transportation, 133649  
and processing; 133650

(5) An evaluation of the success in achieving expected 133651  
performance outcomes. 133652

**Section 307.60. FOOD STAMPS TRANSFER** 133653

On July 1, 2025, or as soon as possible thereafter, and 133654  
upon request of the Director of Job and Family Services, the 133655  
Director of Budget and Management may transfer up to \$1,000,000 133656  
cash from the Food Stamp Offset Fund (Fund 5B60), to the Food 133657  
Assistance Fund (Fund 5ES0). 133658

**Section 307.70. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE** 133659

The foregoing appropriation item 600658, Public Assistance Activities, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities.

**Section 307.80. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FUNDS**

(A) Of the foregoing appropriation items 600410, TANF State Maintenance of Effort, and 600689, TANF Block Grant, up to \$13,410,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to provide support to programs or organizations that provide services that align with the mission and goals of the Governor's Office of Faith-Based and Community Initiatives, as outlined in section 107.12 of the Revised Code, and that further at least one of the four purposes of the TANF program, as specified in 42 U.S.C. 601. Of this amount, allocations shall be made as follows:

(1) \$1,000,000 in each fiscal year for the Siemer Institute to support family stability programs in collaboration with United Way affiliates;

(2) \$1,000,000 in each fiscal year for the Independent Living Initiative, including life skills training and work supports for older children in foster care and those who have recently aged out of foster care who meet TANF eligibility requirements;



(3) \$750,000 in each fiscal year for the Ohio Council of YWCAs to support child care, food programs for youth and families, educational opportunities for at-risk youth, trauma-informed support, violence prevention, and food insecurity;

(4) \$500,000 in each fiscal year for Big Brothers Big Sisters of Central Ohio to provide mentoring services to children throughout the state who have experienced trauma in their lives, including parental incarceration;

(5) \$100,000 in each fiscal year for Marriage Works! Ohio in Dayton.

(B) Of the foregoing appropriation items 600410, TANF State Maintenance of Effort, and 600689, TANF Block Grant, \$8,500,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio Alliance of Boys and Girls Clubs to provide after-school and summer programs that protect at-risk children and enable youth to become responsible adults. Not less than \$150,000 in each fiscal year shall be provided to the Boys and Girls Club of Massillon.

(C) Of the foregoing appropriation item 600689, TANF Block Grant, \$2,500,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Children's Hunger Alliance to assist with meal sponsorship, early child care programs, child care, consultations and nutrition education, school district nutrition programs, after school nutrition programs, and summer nutrition programs.

(D) Of the foregoing appropriation item 600689, TANF Block Grant, \$250,000 in each fiscal year shall be provided to the

Toledo Seagate Foodbank, in accordance with sections 5101.80 and 5101.801 of the Revised Code.	133718 133719
(E) Of the foregoing appropriation item 600689, TANF Block Grant, \$100,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Bethany House Services.	133720 133721 133722 133723
(F) Of the foregoing appropriation item 600689, TANF Block Grant, \$57,500 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Big Brothers Big Sisters of Northwest Ohio. Not less than \$20,000 in each fiscal year shall be used to provide programming to youth within Ohio state parks.	133724 133725 133726 133727 133728 133729
(G) Of the foregoing appropriation item 600689, TANF Block Grant, \$500,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Child Focus, Inc.	133730 133731 133732 133733
(H) Of the foregoing appropriation item 600689, TANF Block Grant, \$150,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Dads2B.	133734 133735 133736 133737
(I) Of the foregoing appropriation item 600689, TANF Block Grant, \$375,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Foundry Row, Sail, Dream.	133738 133739 133740 133741
(J) Of the foregoing appropriation item 600689, TANF Block Grant, \$250,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to OhioGuidestone.	133742 133743 133744 133745
(K) Of the foregoing appropriation item 600689, TANF Block	133746

Grant, \$1,500,000 in each fiscal year shall be provided, in 133747  
accordance with sections 5101.80 and 5101.801 of the Revised 133748  
Code, to Open Doors Academy. 133749

(L) Of the foregoing appropriation item 600689, TANF Block 133750  
Grant, \$1,000,000 in each fiscal year shall be provided, in 133751  
accordance with sections 5101.80 and 5101.801 of the Revised 133752  
Code, to Produce Perks. 133753

(M) Of the foregoing appropriation item 600689, TANF Block 133754  
Grant, \$100,000 in each fiscal year shall be provided, in 133755  
accordance with sections 5101.80 and 5101.801 of the Revised 133756  
Code, to the Ohio YMCA to support day camps and before and after 133757  
school programs to help students remove barriers to their 133758  
learning. 133759

**Section 307.90. PROGRAM OPERATIONS** 133760

Of the foregoing appropriation item 600450, Program 133761  
Operations, \$6,000,000 in each fiscal year shall be allocated 133762  
for the GRIT program to be administered by the Department of Job 133763  
and Family Services, in coordination with the Governor's Office 133764  
of Appalachia and the Department of Development. The program 133765  
shall expand the qualified worker pipeline, remove barriers to 133766  
fill local and remote jobs, and promote entrepreneurial 133767  
endeavors in economically distressed and at-risk areas within 133768  
the Appalachian region of Ohio, as defined in section 107.21 of 133769  
the Revised Code, and other like counties within the state. The 133770  
amount set aside for the GRIT program under this section shall 133771  
be used for the following: 133772

(A) To establish, in collaboration with private businesses 133773  
and public sector partners, virtual workforce development 133774  
centers and supportive resources and to place unemployed and 133775

underemployed youth and adults into jobs; 133776

(B) To support assessment, coaching, wraparound services, 133777  
and other career development and training activities for both 133778  
high school youth and adults. 133779

The amount set aside for the GRIT program under this 133780  
section may be used for operating costs. 133781

**Section 307.100. CHILD, FAMILY, AND COMMUNITY PROTECTION 133782  
SERVICES 133783**

(A) The foregoing appropriation item 600533, Child, 133784  
Family, and Community Protection Services, shall be distributed 133785  
to county departments of job and family services. County 133786  
departments shall use the funds distributed to them under this 133787  
section as follows, in accordance with the written plan of 133788  
cooperation entered into under section 307.983 of the Revised 133789  
Code: 133790

(1) To assist individuals in achieving or maintaining 133791  
self-sufficiency, including by reducing or preventing dependency 133792  
among individuals with family income not exceeding two hundred 133793  
per cent of the federal poverty guidelines; 133794

(2) Subject to division (B) of this section, to respond to 133795  
reports of abuse, neglect, or exploitation of children and 133796  
adults, including through the differential response approach 133797  
program; 133798

(3) To provide outreach and referral services regarding 133799  
home and community-based services to individuals at risk of 133800  
placement in a group home or institution, regardless of the 133801  
individuals' family income and without need for a written 133802  
application; 133803

(4) To provide outreach, referral, application assistance, 133804  
and other services to assist individuals to receive assistance, 133805  
benefits, or services under Medicaid; Title IV-A programs, as 133806  
defined in section 5101.80 of the Revised Code; the Supplemental 133807  
Nutrition Assistance Program; and other public assistance 133808  
programs. 133809

(B) Protective services may be provided to a child or 133810  
adult as part of a response, under division (A)(2) of this 133811  
section, to a report of abuse, neglect, or exploitation without 133812  
regard to a child or adult's family income and without need for 133813  
a written application. The protective services may be provided 133814  
if the case record documents circumstances of actual or 133815  
potential abuse, neglect, or exploitation. 133816

**Section 307.110.** ADULT PROTECTIVE SERVICES 133817

Of the foregoing appropriation item 600534, Adult 133818  
Protective Services, \$7,040,000 in each fiscal year shall be 133819  
used to provide an initial allocation of \$80,000 to each county. 133820  
The remainder of appropriation item 600534 shall be provided to 133821  
counties in accordance with the formula established in section 133822  
5101.612 of the Revised Code. 133823

**Section 307.115.** JOB AND FAMILY SERVICES PROGRAM SUPPORT 133824

The foregoing appropriation item 600551, Job and Family 133825  
Services Program Support, shall be provided to La Soupe to 133826  
support and expand its core food security programs across Ohio. 133827

**Section 307.120.** FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 133828

The Fiduciary Fund Group and Holding Account Fund Group 133829  
shall be used to hold revenues until the appropriate fund is 133830  
determined or until the revenues are directed to the appropriate 133831  
governmental agency other than the Department of Job and Family 133832

Services. Any Department of Job and Family Services refunds or 133833  
reconciliations received or held by the Department of Medicaid 133834  
shall be transferred or credited to the Refunds and Audit 133835  
Settlement Fund (Fund R012). If receipts credited to the Support 133836  
Intercept - Federal Fund (Fund 1920), the Support Intercept - 133837  
State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), 133838  
or the Refunds and Audit Settlements Fund (Fund R012) exceed the 133839  
amounts appropriated from the fund, the Director of Job and 133840  
Family Services may request the Director of Budget and 133841  
Management to authorize expenditures from the fund in excess of 133842  
the amounts appropriated. Upon the approval of the Director of 133843  
Budget and Management, the additional amounts are hereby 133844  
appropriated. 133845

**Section 307.130.** HEAP WEATHERIZATION 133846

Up to twenty-five per cent of the federal funds deposited 133847  
to the credit of the Home Energy Assistance Block Grant (Fund 133848  
3K90) may be expended from appropriation item 6006B7, HEAP 133849  
Weatherization, to provide home weatherization services in the 133850  
state as determined by the Director of Job and Family Services. 133851

**Section 307.140.** SUMMER ELECTRONIC BENEFITS TRANSFER FOR 133852  
CHILDREN FUND 133853

(A) The Summer Electronic Benefits Transfer for Children 133854  
Fund is created, which shall be in the custody of the Treasurer 133855  
of State but shall not be part of the state treasury. The fund 133856  
shall consist of all money awarded by the United States 133857  
Department of Agriculture as benefits under 42 U.S.C. 1762. All 133858  
money in the fund shall be used by the Director of Job and 133859  
Family Services solely for the purpose of paying eligible 133860  
charges incurred by children and families eligible for, and 133861  
participating in, the Summer Electronic Benefits Transfer for 133862

Children Program. 133863

(B) On or before August 1 of each fiscal year, the 133864  
Director shall submit to the Governor, the Director of Budget 133865  
and Management, the President of the Senate, the Speaker of the 133866  
House of Representatives, the Minority Leader of the Senate, and 133867  
the Minority Leader of the House of Representatives information 133868  
regarding the Summer Electronic Benefits Transfer for Children 133869  
Program created under 42 U.S.C. 1762, including the amount of 133870  
federal funding received for the program in the previous fiscal 133871  
year. 133872

**Section 307.150. WORK REQUIREMENTS** 133873

The Director of Job and Family Services may refer Ohio 133874  
Works First and Supplemental Nutrition Assistance Program 133875  
participants who have indicated that they have a mental or 133876  
physical illness or impairment to the agency for vocational 133877  
rehabilitation assessment and support services. Such 133878  
participants must continue with vocational rehabilitation 133879  
services pursuant to this section in order to meet Ohio Works 133880  
First and Supplemental Nutrition Assistance Program work 133881  
requirements, unless they are determined unable to work by the 133882  
Opportunities for Ohioans with Disabilities agency, or otherwise 133883  
meet minimum program work requirements. Participants who are not 133884  
determined unable to work by the Opportunities for Ohioans with 133885  
Disabilities agency and who do not participate with vocational 133886  
rehabilitation services pursuant to this section or otherwise 133887  
meet minimum program work requirements will have benefits 133888  
terminated in accordance with federal regulations. 133889

**Section 309.10.** 133890

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1	2	3	4	5
A		JCR JOINT COMMITTEE ON AGENCY RULE REVIEW		
B	General Revenue Fund			
C	GRF 029321 Operating Expenses		\$620,000	\$620,000
D	General Revenue Fund Total		\$620,000	\$620,000
E	TOTAL ALL BUDGET FUND GROUPS		\$620,000	\$620,000

**Section 309.20. OPERATING GUIDANCE** 133892

The Legislative Service Commission shall act as fiscal 133893  
agent for the Joint Committee on Agency Rule Review. Members of 133894  
the Committee shall be paid in accordance with section 101.35 of 133895  
the Revised Code. 133896

OPERATING EXPENSES 133897

On July 1, 2025, or as soon as possible thereafter, the 133898  
Executive Director of the Joint Committee on Agency Rule Review 133899  
may certify to the Director of Budget and Management an amount 133900  
up to the unexpended, unencumbered balance of the foregoing 133901  
appropriation item 029321, Operating Expenses, at the end of 133902  
fiscal year 2025 to be reappropriated to fiscal year 2026. The 133903  
amount certified is hereby reappropriated to the same 133904  
appropriation item for fiscal year 2026. 133905

On July 1, 2026, or as soon as possible thereafter, the 133906  
Executive Director of the Joint Committee on Agency Rule Review 133907  
may certify to the Director of Budget and Management an amount 133908  
up to the unexpended, unencumbered balance of the foregoing 133909  
appropriation item 029321, Operating Expenses, at the end of 133910



fiscal year 2026 to be reappropriated to fiscal year 2027. The 133911  
amount certified is hereby reappropriated to the same 133912  
appropriation item for fiscal year 2027. 133913

**Section 313.10.** 133914  
133915

	1	2	3	4	5
A	JMO JOINT MEDICAID OVERSIGHT COMMITTEE				
B	General Revenue Fund				
C	GRF	048321	Operating Expenses	\$530,532	\$654,606
D	General Revenue Fund Total			\$530,532	\$654,606
E	TOTAL ALL BUDGET FUND GROUPS			\$530,532	\$654,606

**Section 313.20. OPERATING EXPENSES** 133916

The foregoing appropriation item 048321, Operating 133917  
Expenses, shall be used to support expenses related to the Joint 133918  
Medicaid Oversight Committee created by section 103.41 of the 133919  
Revised Code. 133920

On July 1, 2025, or as soon as possible thereafter, the 133921  
Executive Director of the Joint Medicaid Oversight Committee may 133922  
certify to the Director of Budget and Management an amount up to 133923  
the unexpended, unencumbered balance of the foregoing 133924  
appropriation item 048321, Operating Expenses, at the end of 133925  
fiscal year 2025 to be reappropriated to fiscal year 2026. The 133926  
amount certified is hereby reappropriated to the same 133927  
appropriation item for fiscal year 2026. 133928

On July 1, 2026, or as soon as possible thereafter, the 133929

Executive Director of the Joint Medicaid Oversight Committee may 133930  
 certify to the Director of Budget and Management an amount up to 133931  
 the unexpended, unencumbered balance of the foregoing 133932  
 appropriation item 048321, Operating Expenses, at the end of 133933  
 fiscal year 2026 to be reappropriated to fiscal year 2027. The 133934  
 amount certified is hereby reappropriated to the same 133935  
 appropriation item for fiscal year 2027. 133936

**Section 315.10.** 133937  
 133938

1	2	3	4	5
A		JCO JUDICIAL CONFERENCE OF OHIO		
B	General Revenue Fund			
C	GRF 018321 Operating Expenses		\$1,398,265	\$1,475,131
D	General Revenue Fund Total		\$1,398,265	\$1,475,131
E	Dedicated Purpose Fund Group			
F	4030 018601 Ohio Jury Instructions		\$746,000	\$814,899
G	Dedicated Purpose Fund Group Total		\$746,000	\$814,899
H	TOTAL ALL BUDGET FUND GROUPS		\$2,144,265	\$2,290,030

**Section 315.20. STATE COUNCIL OF UNIFORM STATE LAWS** 133939

Notwithstanding section 105.26 of the Revised Code, of the 133940  
 foregoing appropriation item 018321, Operating Expenses, up to 133941  
 \$103,315 in fiscal year 2026 and up to \$108,481 in fiscal year 133942  
 2027 shall be used to pay the expenses of the State Council of 133943  
 Uniform State Laws, including membership dues to the National 133944

Conference of Commissioners on Uniform State Laws.	133945
OHIO JURY INSTRUCTIONS FUND	133946
The Ohio Jury Instructions Fund (Fund 4030) shall consist	133947
of grants, royalties, dues, conference fees, bequests, devises,	133948
and other gifts received for the purpose of supporting costs	133949
incurred by the Judicial Conference of Ohio in its activities as	133950
a part of the judicial system of the state as determined by the	133951
Judicial Conference Executive Committee. Fund 4030 shall be used	133952
by the Judicial Conference of Ohio to pay expenses incurred in	133953
its activities as a part of the judicial system of the state as	133954
determined by the Judicial Conference Executive Committee. All	133955
moneys accruing to Fund 4030 in excess of the amount	133956
appropriated for the current fiscal year are hereby appropriated	133957
for the purposes authorized. No money in Fund 4030 shall be	133958
transferred to any other fund by the Director of Budget and	133959
Management or the Controlling Board.	133960
<b>Section 317.10.</b>	133961
	133962

	1	2	3	4	5
A			JSC THE JUDICIARY/SUPREME COURT		
B			General Revenue Fund		
C	GRF	005321	Operating Expenses - Judiciary/Supreme Court	\$213,543,246	\$220,494,519
D	GRF	005401	State Criminal Sentencing Commission	\$1,506,142	\$1,601,731
E	GRF	005406	Law-Related Education	\$250,000	\$250,000

F	GRF	005409	Ohio Courts Technology Initiative	\$4,505,000	\$4,505,000
G			General Revenue Fund Total	\$219,804,388	\$226,851,250
H			Dedicated Purpose Fund Group		
I	4C80	005605	Attorney Services	\$10,718,083	\$10,721,022
J	5HT0	005617	Court Interpreter Certification	\$9,000	\$9,000
K	5SP0	005626	Civil Justice Grant Program	\$425,000	\$425,000
L	5T80	005609	Grants and Awards	\$1,000	\$1,000
M	6720	005601	Continuing Judicial Education	\$37,500	\$37,500
N			Dedicated Purpose Fund Group Total	\$11,190,583	\$11,193,522
O			Fiduciary Fund Group		
P	5JY0	005620	County Law Library Resources Boards	\$313,800	\$318,500
Q			Fiduciary Fund Group Total	\$313,800	\$318,500
R			Federal Fund Group		
S	3J00	005603	Federal Grants	\$1,810,907	\$1,157,600
T			Federal Fund Group Total	\$1,810,907	\$1,157,600

U TOTAL ALL BUDGET FUND GROUPS \$233,119,678 \$239,520,872

**Section 317.20.** STATE CRIMINAL SENTENCING COMMISSION 133963

The foregoing appropriation item 005401, State Criminal Sentencing Commission, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code. 133964  
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LAW-RELATED EDUCATION 133968

Of the foregoing appropriation item 005406, Law-Related Education, \$250,000 in each fiscal year shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs. 133969  
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OHIO COURTS TECHNOLOGY INITIATIVE 133977

The foregoing appropriation item 005409, Ohio Courts Technology Initiative, shall be used to fund an initiative by the Supreme Court to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice system partners through the maintenance of an Ohio Courts Network, the delivery of technology services to courts throughout the state, including the provision of hardware, software, and the development and implementation of educational and training programs for judges and court personnel, and operation of the Commission on Technology and the Courts by the Supreme Court for the promulgation of statewide rules, policies, and uniform standards, and to aid in the orderly adoption and 133978  
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comprehensive use of technology in Ohio courts. All Ohio courts 133990  
and the clerks of the courts of common pleas, whether elected or 133991  
appointed, are eligible for funding under the initiative. 133992

ATTORNEY SERVICES 133993

The Attorney Registration Fund (Fund 4C80) shall consist 133994  
of money received by the Supreme Court (The Judiciary) pursuant 133995  
to the Rules for the Government of the Bar of Ohio. In addition 133996  
to funding other activities considered appropriate by the 133997  
Supreme Court, the foregoing appropriation item 005605, Attorney 133998  
Services, may be used to compensate employees and to fund 133999  
appropriate activities of the following offices established by 134000  
the Supreme Court: the Office of Disciplinary Counsel, the Board 134001  
of Commissioners on Grievances and Discipline, the Clients' 134002  
Security Fund, and the Attorney Services Division which include 134003  
the Office of Bar Admissions. If it is determined by the 134004  
Administrative Director of the Supreme Court that changes to the 134005  
appropriation are necessary, the amounts are hereby 134006  
appropriated. 134007

No money in Fund 4C80 shall be transferred to any other 134008  
fund by the Director of Budget and Management or the Controlling 134009  
Board. Interest earned on money in Fund 4C80 shall be credited 134010  
to the fund. 134011

COURT INTERPRETER CERTIFICATION 134012

The Court Interpreter Certification Fund (Fund 5HT0) shall 134013  
consist of money received by the Supreme Court (The Judiciary) 134014  
pursuant to Rules 80 through 87 of the Rules of Superintendence 134015  
for the Courts of Ohio. The foregoing appropriation item 005617, 134016  
Court Interpreter Certification, shall be used to provide 134017  
training, to provide the written examination, and to pay 134018

language experts to rate, or grade, the oral examinations of 134019  
those applying to become certified court interpreters. If it is 134020  
determined by the Administrative Director of the Supreme Court 134021  
that changes to the appropriation are necessary, the amounts are 134022  
hereby appropriated. 134023

No money in Fund 5HT0 shall be transferred to any other 134024  
fund by the Director of Budget and Management or the Controlling 134025  
Board. Interest earned on money in Fund 5HT0 shall be credited 134026  
to the fund. 134027

CIVIL JUSTICE GRANT PROGRAM 134028

The Civil Justice Program Fund (Fund 5SP0) shall consist 134029  
of (1) \$50 voluntary donations made as part of the biennium 134030  
attorney registration process and (2) \$150 of the pro hac vice 134031  
fees for out-of-state attorneys pursuant to Government of the 134032  
Bar Rule amendments. The foregoing appropriation item 005626, 134033  
Civil Justice Grant Program, shall be used by the Supreme Court 134034  
of Ohio for grants to not-for-profit organizations and agencies 134035  
dedicated to providing civil legal aid to underserved 134036  
populations, to fund innovative programs directed at this 134037  
purpose, and to increase access to judicial service to that 134038  
population. If it is determined by the Administrative Director 134039  
of the Supreme Court that changes to the appropriation are 134040  
necessary, the amounts are hereby appropriated. 134041

No money in Fund 5SP0 shall be transferred to any other 134042  
fund by the Director of Budget and Management or the Controlling 134043  
Board. Interest earned on money in Fund 5SP0 shall be credited 134044  
to the fund. 134045

GRANTS AND AWARDS 134046

The Grants and Awards Fund (Fund 5T80) shall consist of 134047

grants and other money awarded to the Supreme Court (The 134048  
Judiciary) by the State Justice Institute, the Division of 134049  
Criminal Justice Services, or other entities. The foregoing 134050  
appropriation item 005609, Grants and Awards, shall be used in a 134051  
manner consistent with the purpose of the grant or award. If it 134052  
is determined by the Administrative Director of the Supreme 134053  
Court that changes to the appropriation are necessary, the 134054  
amounts are hereby appropriated. 134055

No money in Fund 5T80 shall be transferred to any other 134056  
fund by the Director of Budget and Management or the Controlling 134057  
Board. Interest earned on money in Fund 5T80 shall be credited 134058  
or transferred to the General Revenue Fund. 134059

JUDICIARY/SUPREME COURT EDUCATION 134060

The Judiciary/Supreme Court Education Fund (Fund 6720) 134061  
shall consist of fees paid for attending judicial and public 134062  
education on the law, reimbursement of costs for judicial and 134063  
public education on the law, and other gifts and grants received 134064  
for the purpose of judicial and public education on the law. The 134065  
foregoing appropriation item 005601, Continuing Judicial 134066  
Education, shall be used to pay expenses for judicial education 134067  
courses for judges, court personnel, and those who serve the 134068  
courts, and for public education on the law. If it is determined 134069  
by the Administrative Director of the Supreme Court that changes 134070  
to the appropriation are necessary, the amounts are hereby 134071  
appropriated. 134072

No money in Fund 6720 shall be transferred to any other 134073  
fund by the Director of Budget and Management or the Controlling 134074  
Board. Interest earned on money in Fund 6720 shall be credited 134075  
to the fund. 134076



COUNTY LAW LIBRARY RESOURCES BOARDS 134077

The Statewide Consortium of County Law Library Resources 134078  
Boards Fund (Fund 5JY0) shall consist of moneys deposited 134079  
pursuant to section 307.515 of the Revised Code into a county's 134080  
law library resources fund and forwarded by that county's 134081  
treasurer for deposit in the state treasury pursuant to division 134082  
(E) (1) of section 3375.481 of the Revised Code. The foregoing 134083  
appropriation item 005620, County Law Library Resources Boards, 134084  
shall be used for the operation of the Statewide Consortium of 134085  
County Law Library Resources Boards. If it is determined by the 134086  
Administrative Director of the Supreme Court that changes to the 134087  
appropriation are necessary, the amounts are hereby 134088  
appropriated. 134089

No money in Fund 5JY0 shall be transferred to any other 134090  
fund by the Director of Budget and Management or the Controlling 134091  
Board. Interest earned on money in Fund 5JY0 shall be credited 134092  
to the fund. 134093

FEDERAL GRANTS 134094

The Federal Grants Fund (Fund 3J00) shall consist of 134095  
grants and other moneys awarded to the Supreme Court (The 134096  
Judiciary) by the United States Government or other entities 134097  
that receive the moneys directly from the United States 134098  
Government and distribute those moneys to the Supreme Court (The 134099  
Judiciary). The foregoing appropriation item 005603, Federal 134100  
Grants, shall be used in a manner consistent with the purpose of 134101  
the grant or award. If it is determined by the Administrative 134102  
Director of the Supreme Court that changes to the appropriation 134103  
are necessary, the amounts are hereby appropriated. 134104

No money in Fund 3J00 shall be transferred to any other 134105

fund by the Director of Budget and Management or the Controlling Board. However, interest earned on money in Fund 3J00 shall be credited or transferred to the General Revenue Fund.

**Section 319.10.**

1	2	3	4	5
A		LEC LAKE ERIE COMMISSION		
B	Dedicated Purpose Fund Group			
C	4C00 780601 Lake Erie Protection		\$900,000	\$940,000
D	6H20 780604 H2Ohio		\$132,000	\$132,000
E	Dedicated Purpose Fund Group Total		\$1,032,000	\$1,072,000
F	Federal Fund Group			
G	3EP0 780603 LEC Federal Grants		\$1,140,000	\$1,140,000
H	Federal Fund Group Total		\$1,140,000	\$1,140,000
I	TOTAL ALL BUDGET FUND GROUPS		\$2,172,000	\$2,212,000

**Section 319.20. CASH TRANSFERS TO THE LAKE ERIE PROTECTION**

FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer cash from the funds specified below, up to the amounts specified below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may accept contributions and transfers made to the fund.

	1	2	3	4	5
A	Fund	Fund Name	User	FY 2026	FY 2027
B	5BC0	Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000
C	6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$25,000	\$25,000
D	4700	General Operations	Department of Health	\$25,000	\$25,000
E	1570	Program Support	Department of Natural Resources	\$25,000	\$25,000
F	7002	Highway Operating	Department of Transportation	\$25,000	\$25,000
G	1350	Supportive Services	Department of Development	\$25,000	\$25,000

**Section 321.10.**

134119

134120

	1	2	3	4	5
A		JLE JOINT LEGISLATIVE ETHICS COMMITTEE			
B		General Revenue Fund			
C	GRF	028321	Legislative Ethics Committee	\$713,000	\$713,000
D		General Revenue Fund Total		\$713,000	\$713,000

E	Dedicated Purpose Fund Group		
F	4G70 028601 Joint Legislative Ethics Committee	\$150,000	\$150,000
G	5HNO 028602 Investigations and Financial Disclosure	\$10,000	\$10,000
H	Dedicated Purpose Fund Group Total	\$160,000	\$160,000
I	TOTAL ALL BUDGET FUND GROUPS	\$873,000	\$873,000

**Section 321.20. LEGISLATIVE ETHICS COMMITTEE** 134121

On July 1, 2025, or as soon as possible thereafter, the 134122  
 Legislative Inspector General of the Joint Legislative Ethics 134123  
 Committee may certify to the Director of Budget and Management 134124  
 an amount up to the unexpended, unencumbered balance of the 134125  
 foregoing appropriation item 028321, Legislative Ethics 134126  
 Committee, at the end of fiscal year 2025 to be reappropriated 134127  
 to fiscal year 2026. The amount certified is hereby 134128  
 reappropriated to the same appropriation item for fiscal year 134129  
 2026. 134130

On July 1, 2026, or as soon as possible thereafter, the 134131  
 Legislative Inspector General of the Joint Legislative Ethics 134132  
 Committee may certify to the Director of Budget and Management 134133  
 an amount up to the unexpended, unencumbered balance of the 134134  
 foregoing appropriation item 028321, Legislative Ethics 134135  
 Committee, at the end of fiscal year 2026 to be reappropriated 134136  
 to fiscal year 2027. The amount certified is hereby 134137  
 reappropriated to the same appropriation item for fiscal year 134138  
 2027. 134139

						134140
						134141
	1	2	3	4	5	
A			LSC LEGISLATIVE SERVICE COMMISSION			
B			General Revenue Fund			
C	GRF	035321	Operating Expenses	\$24,800,000	\$24,800,000	
D	GRF	035402	Legislative Fellows	\$1,200,000	\$1,200,000	
E	GRF	035405	Correctional Institution Inspection Committee	\$497,000	\$522,000	
F	GRF	035407	Legislative Task Force on Redistricting	\$100,000	\$0	
G	GRF	035409	National Associations	\$712,000	\$712,000	
H	GRF	035410	Legislative Information Systems	\$15,000,000	\$15,000,000	
I	GRF	035501	Litigation	\$1,000,000	\$1,000,000	
J			General Revenue Fund Total	\$43,309,000	\$43,234,000	
K			TOTAL ALL BUDGET FUND GROUPS	\$43,309,000	\$43,234,000	
			<b>Section 323.20. OPERATING EXPENSES</b>			134142
			On July 1, 2025, or as soon as possible thereafter, the			134143
			Director of the Legislative Service Commission may certify to			134144
			the Director of Budget and Management an amount up to the			134145
			unexpended, unencumbered balance of the foregoing appropriation			134146

item 035321, Operating Expenses, at the end of fiscal year 2025 134147  
to be reappropriated to fiscal year 2026. The amount certified 134148  
is hereby reappropriated to the same appropriation item for 134149  
fiscal year 2026. 134150

On July 1, 2026, or as soon as possible thereafter, the 134151  
Director of the Legislative Service Commission may certify to 134152  
the Director of Budget and Management an amount up to the 134153  
unexpended, unencumbered balance of the foregoing appropriation 134154  
item 035321, Operating Expenses, at the end of fiscal year 2026 134155  
to be reappropriated to fiscal year 2027. The amount certified 134156  
is hereby reappropriated to the same appropriation item for 134157  
fiscal year 2027. 134158

CORRECTIONAL INSTITUTION INSPECTION COMMITTEE 134159

On July 1, 2025, or as soon as possible thereafter, the 134160  
Director of the Legislative Service Commission may certify to 134161  
the Director of Budget and Management an amount up to the 134162  
unexpended, unencumbered balance of the foregoing appropriation 134163  
item 035405, Correctional Institution Inspection Committee, at 134164  
the end of fiscal year 2025 to be reappropriated to fiscal year 134165  
2026. The amount certified is hereby reappropriated to the same 134166  
appropriation item for fiscal year 2026. 134167

On July 1, 2026, or as soon as possible thereafter, the 134168  
Director of the Legislative Service Commission may certify to 134169  
the Director of Budget and Management an amount up to the 134170  
unexpended, unencumbered balance of the foregoing appropriation 134171  
item 035405, Correctional Institution Inspection Committee, at 134172  
the end of fiscal year 2026 to be reappropriated to fiscal year 134173  
2027. The amount certified is hereby reappropriated to the same 134174  
appropriation item for fiscal year 2027. 134175

LEGISLATIVE TASK FORCE ON REDISTRICTING	134176
An amount equal to the unexpended, unencumbered balance of	134177
the foregoing appropriation item 035407, Legislative Task Force	134178
on Redistricting, at the end of fiscal year 2025 is hereby	134179
reappropriated to the Legislative Service Commission for the	134180
same purpose for fiscal year 2026.	134181
An amount equal to the unexpended, unencumbered balance of	134182
the foregoing appropriation item 035407, Legislative Task Force	134183
on Redistricting, at the end of fiscal year 2026 is hereby	134184
reappropriated to the Legislative Service Commission for the	134185
same purpose for fiscal year 2027.	134186
LEGISLATIVE INFORMATION SYSTEMS	134187
On July 1, 2025, or as soon as possible thereafter, the	134188
Director of the Legislative Service Commission may certify to	134189
the Director of Budget and Management an amount up to the	134190
unexpended, unencumbered balance of the foregoing appropriation	134191
item 035410, Legislative Information Systems, at the end of	134192
fiscal year 2025 to be reappropriated to fiscal year 2026. The	134193
amount certified is hereby reappropriated to the same	134194
appropriation item for fiscal year 2026.	134195
On July 1, 2026, or as soon as possible thereafter, the	134196
Director of the Legislative Service Commission may certify to	134197
the Director of Budget and Management an amount up to the	134198
unexpended, unencumbered balance of the foregoing appropriation	134199
item 035410, Legislative Information Systems, at the end of	134200
fiscal year 2026 to be reappropriated to fiscal year 2027. The	134201
amount certified is hereby reappropriated to the same	134202
appropriation item for fiscal year 2027.	134203
LITIGATION	134204

The foregoing appropriation item 035501, Litigation, shall 134205  
 be used for any lawsuit in which the General Assembly, or either 134206  
 house of the General Assembly, is made a party. The chairperson 134207  
 and vice-chairperson of the Legislative Service Commission shall 134208  
 both approve the use of the appropriated moneys. 134209

An amount equal to the unexpended, unencumbered balance of 134210  
 the foregoing appropriation item 035501, Litigation, at the end 134211  
 of fiscal year 2025 is hereby reappropriated to the Legislative 134212  
 Service Commission for the same purpose for fiscal year 2026. 134213

An amount equal to the unexpended, unencumbered balance of 134214  
 the foregoing appropriation item 035501, Litigation, at the end 134215  
 of fiscal year 2026 is hereby reappropriated to the Legislative 134216  
 Service Commission for the same purpose for fiscal year 2027. 134217

**Section 325.10.** 134218  
 134219

	1	2	3	4	5
A	LIB STATE LIBRARY BOARD				
B	General Revenue Fund				
C	GRF	350321	Operating Expenses	\$4,772,036	\$4,858,474
D	GRF	350401	Ohioana Library Association	\$310,516	\$310,516
E	GRF	350502	Regional Library Systems	\$494,000	\$494,000
F	GRF	350512	Library for the Blind	\$1,274,194	\$1,274,194
G	General Revenue Fund Total			\$6,850,746	\$6,937,184



H	Dedicated Purpose Fund Group		
I	4590 350603 Services for Libraries	\$6,748,455	\$6,783,244
J	4S40 350604 Ohio Public Library Information Network	\$5,567,715	\$5,587,432
K	Dedicated Purpose Fund Group Total	\$12,316,170	\$12,370,676
L	Internal Service Activity Fund Group		
M	1390 350602 Services for State Agencies	\$8,000	\$8,000
N	Internal Service Activity Fund Group Total	\$8,000	\$8,000
O	Federal Fund Group		
P	3130 350601 LSTA Federal	\$5,554,767	\$5,609,015
Q	Federal Fund Group Total	\$5,554,767	\$5,609,015
R	TOTAL ALL BUDGET FUND GROUPS	\$24,729,683	\$24,924,875

**Section 325.20.** OHIOANA LIBRARY ASSOCIATION 134220

Of the foregoing appropriation item 350401, Ohioana 134221  
 Library Association, \$191,000 in each fiscal year shall be used 134222  
 to support the operating expenses of the Martha Kinney Cooper 134223  
 Ohioana Library Association under section 3375.61 of the Revised 134224  
 Code. 134225

The remainder of the foregoing appropriation item 350401, 134226  
 Ohioana Library Association, shall be used to pay the rental 134227

expenses of the Martha Kinney Cooper Ohioana Library Association	134228
under section 3375.61 of the Revised Code.	134229
REGIONAL LIBRARY SYSTEMS	134230
The foregoing appropriation item 350502, Regional Library	134231
Systems, shall be used to support regional library systems	134232
eligible for funding under sections 3375.83 and 3375.90 of the	134233
Revised Code.	134234
OHIO PUBLIC LIBRARY INFORMATION NETWORK	134235
(A) The foregoing appropriation item 350604, Ohio Public	134236
Library Information Network, shall be used for an information	134237
telecommunications network linking public libraries in the state	134238
and such others as may participate in the Ohio Public Library	134239
Information Network (OPLIN).	134240
The Ohio Public Library Information Network Board of	134241
Trustees created under section 3375.65 of the Revised Code may	134242
make decisions regarding use of the foregoing appropriation item	134243
350604, Ohio Public Library Information Network.	134244
(B) The OPLIN Board shall research and assist or advise	134245
local libraries with regard to emerging technologies and methods	134246
that may be effective means to control access to obscene and	134247
illegal materials. The OPLIN Director shall provide written	134248
reports upon request within ten days to the Governor, the	134249
Speaker and Minority Leader of the House of Representatives, and	134250
the President and Minority Leader of the Senate on any steps	134251
being taken by OPLIN and public libraries in the state to limit	134252
and control such improper usage as well as information on	134253
technological, legal, and law enforcement trends nationally and	134254
internationally affecting this area of public access and	134255
service.	134256

(C) The Ohio Public Library Information Network, INFOhio, 134257  
and OhioLINK shall, to the extent feasible, coordinate and 134258  
cooperate in their purchase or other acquisition of the use of 134259  
electronic databases for their respective users and shall 134260  
contribute funds in an equitable manner to such effort. 134261

LIBRARY FOR THE BLIND 134262

The foregoing appropriation item 350512, Library for the 134263  
Blind, shall be used for the statewide Talking Book Program to 134264  
assist the blind and disabled. 134265

**Section 327.10.** 134266  
134267

	1	2	3	4	5
A	LCO LIQUOR CONTROL COMMISSION				
B	Dedicated Purpose Fund Group				
C	5LP0	970601	Commission Operating Expenses	\$1,177,114	\$1,241,735
D	Dedicated Purpose Fund Group Total			\$1,177,114	\$1,241,735
E	TOTAL ALL BUDGET FUND GROUPS			\$1,177,114	\$1,241,735

**Section 329.10.** 134268  
134269

	1	2	3	4	5
A	LOT STATE LOTTERY COMMISSION				
B	State Lottery Fund Group				

C	7044	950321	Operating Expenses	\$73,138,202	\$75,729,884
D	7044	950402	Advertising Contracts	\$30,811,375	\$30,811,375
E	7044	950403	Gaming Contracts	\$123,355,327	\$128,639,066
F	7044	950601	Direct Prize Payments	\$183,030,000	\$183,282,000
G	7044	950605	Responsible Gambling	\$5,000,000	\$5,000,000
H	8710	950602	Annuity Prizes	\$35,637,000	\$34,737,000
I	State Lottery Fund Group Total			\$450,971,904	\$458,199,325
J	TOTAL ALL BUDGET FUND GROUPS			\$450,971,904	\$458,199,325

**Section 329.20. OPERATING EXPENSES** 134270

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amount appropriated in each fiscal year, up to a maximum of 10 per cent of the amount appropriated that fiscal year in the foregoing appropriation item 950321, Operating Expenses. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.

**DIRECT PRIZE PAYMENTS** 134279

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated.

**ANNUITY PRIZES** 134284

Upon request of the State Lottery Commission, the Director  
of Budget and Management may transfer cash from the State  
Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund  
8710) in an amount sufficient to fund deferred prizes. The  
Treasurer of State, from time to time, shall credit the Deferred  
Prizes Trust Fund (Fund 8710) the pro rata share of interest  
earned by the Treasurer of State on invested balances.

Any amounts, in addition to the amounts appropriated in  
appropriation item 950602, Annuity Prizes, that the Director of  
the State Lottery Commission determines to be necessary to fund  
deferred prizes and interest are hereby appropriated.

**TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND**

Estimated transfers from the State Lottery Fund (Fund  
7044) to the Lottery Profits Education Fund (Fund 7017) are to  
be \$1,462,000,000 in fiscal year 2026 and \$1,467,000,000 in  
fiscal year 2027. Transfers by the Director of Budget and  
Management to the Lottery Profits Education Fund shall be  
administered as the statutes direct.

**Section 333.10.**

	1	2	3	4	5
A			MCD DEPARTMENT OF MEDICAID		
B			General Revenue Fund		
C	GRF	651425	Medicaid Program Support	\$169,515,456	\$170,222,590
			- State		
D	GRF	651525	Medicaid Health Care	\$20,211,530,933	\$21,720,893,421
			Services - Total		

E		Medicaid Health Care Services - State	5,617,145,790	5,985,478,373
F		Medicaid Health Care Services - Federal	14,594,385,143	15,735,415,048
G	GRF 651526	Medicare Part D	\$745,500,073	\$829,099,684
H		General Revenue Fund Total	\$21,126,546,462	\$22,720,215,695
I		Dedicated Purpose Fund Group		
J	4E30 651605	Resident Protection Fund	\$7,000,000	\$7,000,000
K	5AN0 651686	State Directed Payment Program	\$249,410,621	\$265,212,717
L	5DL0 651639	Medicaid Services - Recoveries	\$928,907,575	\$808,467,290
M	5DL0 651685	Medicaid Recoveries - Program Support	\$89,560,719	\$91,388,371
N	5DL0 651690	Multi-system Youth Custody Relinquishment	\$20,000,000	\$20,000,000
O	5FX0 651638	Medicaid Services - Payment Withholding	\$12,000,000	\$12,000,000
P	5GF0 651656	Medicaid Services - Hospital Franchise Fee	\$2,632,211,017	\$3,030,014,270
Q	5R20 651608	Medicaid Services-Long Term	\$451,000,000	\$451,000,000

R	5TN0	651684	Medicaid Services-HIC Fee	\$879,876,850	\$869,039,656
S	6510	651649	Medicaid Services- Hospital Care Assurance Program	\$320,543,800	\$168,455,600
T	Dedicated Purpose Fund Group Total			\$5,590,510,582	\$5,722,577,904
U	Holding Account Fund Group				
V	R055	651644	Refunds and Reconciliation	\$14,001,665	\$14,001,665
W	Holding Account Fund Group Total			\$14,001,665	\$14,001,665
X	Federal Fund Group				
Y	3F00	651623	Medicaid Services - Federal	\$13,064,216,674	\$13,736,156,942
Z	3F00	651624	Medicaid Program Support - Federal	\$504,962,706	\$507,333,992
AA	3FA0	651680	Health Care Grants - Federal	\$7,000,000	\$7,000,000
AB	3G50	651655	Medicaid Interagency Pass Through	\$264,653,075	\$264,644,638
AC	Federal Fund Group Total			\$13,840,832,455	\$14,515,135,572
AD	TOTAL ALL BUDGET FUND GROUPS			\$40,571,891,164	\$42,971,930,836

To the extent permitted by federal law, no funds 134306  
appropriated in Section 333.10 shall be used for diversity, 134307  
equity, and inclusion initiatives. This section does not apply 134308  
to funds appropriated to provide services that support access to 134309  
the community for Medicaid recipients with intellectual and 134310  
developmental disabilities. 134311

**Section 333.13. SOCIAL GENDER TRANSITION** 134312

To the extent permitted by federal law, no funds 134313  
appropriated in Section 333.10 of this act shall be distributed 134314  
for mental health services that promote or affirm social gender 134315  
transition, in which an individual goes from identifying with 134316  
and living as a gender that corresponds to the individual's 134317  
biological sex to identifying with and living as a gender 134318  
different from the individual's biological sex. 134319

**Section 333.15. MEDICAID IN SCHOOLS PROGRAM** 134320

Of the foregoing appropriation items 651425, Medicaid 134321  
Program Support - State, and 651624, Medicaid Program Support - 134322  
Federal, \$349,925 in each line item in fiscal year 2026 and 134323  
\$358,362 in each line item in fiscal year 2027 shall be used by 134324  
the Department of Medicaid to support the Medicaid in Schools 134325  
Program. 134326

**Section 333.30. LODGING FOR FAMILIES** 134327

Of the foregoing appropriation item 651525, Medicaid 134328  
Health Care Services, \$2,500,000 in each fiscal year shall be 134329  
used by the Medicaid Director to work with the Centers for 134330  
Medicare and Medicaid Services to continue lodging as an 134331  
administrative service affiliated with Ohio children's hospitals 134332  
available for families with children who have special health 134333  
care needs. 134334



**Section 333.40.** PERSONAL NEEDS ALLOWANCE SUPPORT 134335

Upon the request of the Medicaid Director, the Director of 134336  
Budget and Management may transfer up to \$2,200,000 134337  
appropriation in fiscal year 2026 and \$4,400,000 appropriation 134338  
in fiscal year 2027 from appropriation item 651525, Medicaid 134339  
Health Care Services, to appropriation items in the Department 134340  
of Developmental Disabilities. This funding shall be used to 134341  
support an increase in the personal needs allowance for 134342  
individuals residing in an intermediate care facility for 134343  
individuals with intellectual disabilities. The Medicaid 134344  
Director may transfer federal funds as the state's single state 134345  
agency for Medicaid reimbursements, as drawn for these 134346  
transactions. Any amounts transferred are hereby appropriated. 134347

**Section 333.50.** MEDICARE PART D 134348

The foregoing appropriation item 651526, Medicare Part D, 134349  
may be used by the Department of Medicaid for the implementation 134350  
and operation of the Medicare Part D requirements contained in 134351  
the "Medicare Prescription Drug, Improvement, and Modernization 134352  
Act of 2003," Pub. L. No. 108-173, as amended. Upon the request 134353  
of the Medicaid Director, the Director of Budget and Management 134354  
may transfer the state share of appropriations between 134355  
appropriation item 651525, Medicaid Health Care Services, and 134356  
appropriation item 651526, Medicare Part D. If the state share 134357  
of appropriation item 651525, Medicaid Health Care Services, is 134358  
adjusted, the Director of Budget and Management shall adjust the 134359  
federal share accordingly. The Department of Medicaid shall 134360  
provide notification to the Controlling Board of any transfers 134361  
at the next scheduled Controlling Board meeting. 134362

**Section 333.70.** WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY 134363  
COSTS 134364

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer state share appropriations in each fiscal year between appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and 655522, Medicaid Program Support - Local, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. Any increase in funding shall be provided to county departments of job and family services and shall only be used for costs related to processing cases for work requirements for the expansion eligibility group that are established under the medicaid waiver component required under section 5166.37 of the Revised Code, and as prescribed by the Medicaid Director. These funds shall not be used for existing and ongoing operating expenses. The Medicaid Director shall establish criteria for distributing these funds and for county departments of job and family services to submit allowable expenses.

**Section 333.80.** DEPOSITS TO THE HEALTH CARE/MEDICAID SUPPORT AND RECOVERIES FUND FOR PROGRAM SUPPORT

Of the amount received by the Department of Medicaid during fiscal year 2026 and fiscal year 2027 from the intergovernmental transfers paid under any directed payment program as authorized under 42 CFR 438.6(c), the Medicaid Director shall deposit a portion of the payments into the state treasury to the credit of the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0). The Director of Budget and

Management may adjust appropriations in line item 651685, 134396  
Medicaid Recoveries - Program Support, along with the 134397  
corresponding federal share in line item 651624, Medicaid 134398  
Program Support - Federal, based on the amount of the deposits 134399  
to Fund 5DL0 made under this section. Any adjusted amounts are 134400  
hereby appropriated. 134401

**Section 333.85.** DEPOSITS TO THE STATE DIRECTED PAYMENT 134402  
PROGRAM FUND 134403

(A) Transfers made for the Hospital Directed Payment 134404  
Program authorized by section 5162.25 of the Revised Code shall 134405  
be deposited into the State Directed Payment Program Fund (Fund 134406  
5AN0). The state share of the program shall be derived from 134407  
deposits attributable to the intergovernmental transfers 134408  
received for the Hospital Directed Payment Program, and the 134409  
corresponding federal share in appropriation item 651623, 134410  
Medicaid Services - Federal, shall be used for the Hospital 134411  
Directed Payment Program. Except for deposits under Section 134412  
333.80 of this act, the Director of Budget and Management may 134413  
transfer any remaining cash in Fund 5DL0 at the end of the 134414  
fiscal year 2025 attributable to the Hospital Directed Payment 134415  
Program to Fund 5AN0 to the credit of the Hospital Directed 134416  
Payment Program. 134417

(B) If receipts credited to the State Directed Payment 134418  
Program Fund (Fund 5AN0) exceed the amounts appropriated from 134419  
the fund, the Medicaid Director may seek controlling board 134420  
approval for expenditures from the fund in excess of the amounts 134421  
appropriated. If any additional amounts are authorized, the 134422  
Director of Budget and Management shall adjust, using the 134423  
federal reimbursement rate, the amount in appropriation item 134424  
651623, Medicaid Services - Federal, accordingly. Any authorized 134425

expenditures and adjusted amounts are hereby appropriated. 134426

(C) The Medicaid Director shall terminate the Hospital 134427  
Directed Payment Program if funds deposited are insufficient to 134428  
operate the program. 134429

**Section 333.86.** STATE DIRECTED PAYMENT PROGRAM FOR BON 134430  
SECOURS MERCY HEALTH 134431

As used in this section, "directed payment program" means 134432  
a payment program authorized by 42 C.F.R. 438.6(c) under which 134433  
the Department of Medicaid regulates payment rates between 134434  
Medicaid managed care organizations and certain Medicaid 134435  
providers. 134436

Of the foregoing appropriation item 651686, State Directed 134437  
Payment Program, \$16,000,000 in fiscal year 2026 and \$32,000,000 134438  
in fiscal year 2027, and of the foregoing appropriation item 134439  
651623, Medicaid Services - Federal, \$41,100,000 in fiscal year 134440  
2026 and \$82,300,000 in fiscal year 2027, shall be used to 134441  
create a directed payment program to support Bon Secours Mercy 134442  
Health health system locations in the state of Ohio. 134443

**Section 333.100.** CASH TRANSFERS FROM THE HEALTH 134444  
CARE/MEDICAID SUPPORT AND RECOVERIES FUND TO THE BEHAVIORAL 134445  
HEALTH CARE FUND 134446

Upon the request of the Medicaid Director, the Director of 134447  
Budget and Management may transfer up to \$2,200,000 cash in each 134448  
fiscal year from the Health Care/Medicaid Support and Recoveries 134449  
Fund (Fund 5DL0) to the Behavioral Health Care Fund (Fund 5AU0), 134450  
used by the Department of Behavioral Health. Any transferred 134451  
funds shall be used to support Centers of Excellence and related 134452  
activities. Any transferred amounts are hereby appropriated. 134453

**Section 333.110.** HOSPITAL FRANCHISE FEE PROGRAM 134454

The Director of Budget and Management may authorize 134455  
additional expenditures from appropriation item 651623, Medicaid 134456  
Services - Federal, appropriation item 651525, Medicaid Health 134457  
Care Services, and appropriation item 651656, Medicaid Services 134458  
- Hospital Franchise Fee, in order to implement the programs 134459  
authorized by sections 5168.20 through 5168.28 of the Revised 134460  
Code. Any amounts authorized are hereby appropriated. 134461

**Section 333.120. HEALTH INSURING CORPORATION CLASS** 134462  
FRANCHISE FEE 134463

If receipts credited to the Health Insuring Corporation 134464  
Class Franchise Fee Fund (Fund 5TN0) exceed the amounts 134465  
appropriated from the fund, the Medicaid Director may request 134466  
the Director of Budget and Management to authorize expenditures 134467  
from the fund in excess of the amounts appropriated. If any 134468  
additional amounts are authorized, the Director of Budget and 134469  
Management shall adjust, using the federal reimbursement rate, 134470  
the federal appropriation item identified by the Medicaid 134471  
Director accordingly. Any authorized amounts and any 134472  
corresponding federal adjustments are hereby appropriated. 134473

**Section 333.130. HOSPITAL CARE ASSURANCE MATCH** 134474

If receipts credited to the Health Care Federal Fund (Fund 134475  
3F00) exceed the amounts appropriated from the fund for making 134476  
the hospital care assurance program distribution, the Medicaid 134477  
Director may request the Director of Budget and Management to 134478  
authorize expenditures from the fund in excess of the amounts 134479  
appropriated. Upon the approval of the Director of Budget and 134480  
Management, the additional amounts are hereby appropriated. 134481

The foregoing appropriation item 651649, Medicaid Services 134482  
- Health Care Assurance Program, shall be used by the Department 134483

of Medicaid for distributing the state share of all hospital 134484  
care assurance program funds to hospitals under section 5168.09 134485  
of the Revised Code. If receipts credited to the Hospital Care 134486  
Assurance Program Fund (Fund 6510) exceed the amounts 134487  
appropriated from the fund for making the hospital care 134488  
assurance program distribution, the Medicaid Director may 134489  
request the Director of Budget and Management to authorize 134490  
expenditures from the fund in excess of the amounts 134491  
appropriated. Upon the approval of the Director of Budget and 134492  
Management, the additional amounts are hereby appropriated. 134493

**Section 333.140.** HOSPITAL ADDITIONAL PAYMENTS PROGRAM 134494

The Hospital Additional Payment Program is created. The 134495  
program shall be a state directed payment program for inpatient 134496  
and outpatient hospital services provided to Medicaid care 134497  
management system enrollees receiving care at in-state 134498  
hospitals. Participating hospitals or hospital industry 134499  
representatives shall work collaboratively with the Department 134500  
of Medicaid to establish quality improvement initiatives that 134501  
are approved by the Medicaid Director and that align with and 134502  
advance the goals of the Department of Medicaid's quality 134503  
strategy required under 42. C.F.R. 438.340. Participating 134504  
hospitals shall receive payments directly for services provided 134505  
under the program. 134506

The non-federal share of services under the program shall 134507  
be funded through the hospital franchise fee. Hospital franchise 134508  
fees made for this program shall be deposited into the Medicaid 134509  
Hospital Fund (Fund 5GF0). The state share of this program shall 134510  
be derived from deposits attributable to the incremental 134511  
franchise fee for the program, and the corresponding federal 134512  
share in appropriation item 651623, Medicaid Services - Federal, 134513

shall be used for the HAP Program. The Medicaid Director shall 134514  
seek approval from the Centers for Medicare and Medicaid 134515  
Services for the program in accordance with section 5162.07 of 134516  
the Revised Code. 134517

**Section 333.150. REFUNDS AND RECONCILIATION FUND** 134518

If estimated receipts to the Refunds and Reconciliation 134519  
Fund (Fund R055) exceed the amounts appropriated from the fund, 134520  
the Medicaid Director may request the Director of Budget and 134521  
Management to authorize expenditures from the fund in excess of 134522  
the amounts appropriated. Upon approval of the Director of 134523  
Budget and Management, the additional amounts are hereby 134524  
appropriated. 134525

**Section 333.160. NON-EMERGENCY MEDICAL TRANSPORTATION** 134526

In order to ensure access to a non-emergency medical 134527  
transportation brokerage program established pursuant to section 134528  
1902(a) (70) of the "Social Security Act," 42 U.S.C. 1396a(a) 134529  
(70), upon the request of the Medicaid Director, the Director of 134530  
Budget and Management may transfer the state share 134531  
appropriations between General Revenue Fund appropriation item 134532  
651525, Medicaid Health Care Services, within the Department of 134533  
Medicaid and 655523, Medicaid Program Support - Local 134534  
Transportation, within the Department of Job and Family 134535  
Services. If such a transfer occurs, the Director of Budget and 134536  
Management shall adjust, using the federal reimbursement rate, 134537  
the federal share appropriations of appropriation item 651525, 134538  
Medicaid Health Care Services, within the Department of 134539  
Medicaid, and appropriation item 655624, Medicaid Program 134540  
Support - Federal, within the Department of Job and Family 134541  
Services. The Medicaid Director may transfer federal funds as 134542  
the state's single state agency for Medicaid reimbursements, as 134543

drawn for these transactions. Any amounts transferred are hereby 134544  
appropriated. 134545

**Section 333.210.** CASH TRANSFERS FROM FRANCHISE PERMIT FEE 134546  
FUND TO THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF AGING 134547

Upon the request of the Medicaid Director, the Director of 134548  
Budget and Management may transfer up to \$5,000,000 cash in each 134549  
fiscal year from the Nursing Home Franchise Fee Fund (Fund 5R20) 134550  
to the Quality, Monitoring, and Inspection Fund (Fund 5B50) used 134551  
by the Department of Health. Also, upon the request of the 134552  
Medicaid Director, the Director of Budget and Management may 134553  
transfer up to \$9,300,000 cash in each fiscal year from the 134554  
Nursing Home Franchise Fee Fund (Fund 5R20) to the Ombudsman 134555  
Support Fund (Fund 5BA0), used by the Department of Aging. All 134556  
transferred funds shall be utilized in accordance with section 134557  
5168.54 of the Revised Code. At the end of each fiscal year, the 134558  
Department of Health and the Department of Aging shall report on 134559  
spending activities to the Office of Budget and Management. 134560

**Section 333.230.** MEDICAID INTERAGENCY PASS-THROUGH 134561

The Medicaid Director may request the Director of Budget 134562  
and Management to increase appropriation item 651655, Medicaid 134563  
Interagency Pass-Through. Upon the approval of the Director of 134564  
Budget and Management, the additional amounts are hereby 134565  
appropriated. 134566

**Section 333.240.** MEDICAID SERVICES RECOVERIES 134567

The Medicaid Director may request the Director of Budget 134568  
and Management to increase appropriation item 651639, Medicaid 134569  
Services Recoveries. Upon the approval of the Director of Budget 134570  
and Management, the additional amounts are hereby appropriated. 134571

**Section 333.250.** MYCARE OHIO EXPANSION 134572



(A) As required by H.B. 33 of the 135th General Assembly, 134573  
the Medicaid Director shall continue, during fiscal years 2026 134574  
and 2027, to expand the Integrated Care Delivery System, as that 134575  
phrase is defined in section 5164.01 of the Revised Code, or if 134576  
the Director terminates the Integrated Care Delivery System, the 134577  
successor program developed by the Director and approved by the 134578  
United States Centers for Medicare and Medicaid Services, to all 134579  
counties of this state. 134580

(B) The entities selected for the expanded Integrated Care 134581  
Delivery System shall be selected by the Department. 134582

(1) In contracting with entities under division (B) of 134583  
this section, the Director shall allow participants in the 134584  
Integrated Care Delivery System or the ICDS successor program 134585  
the choice to enroll in a Medicare coordination only dual 134586  
special needs plan, as defined in section 5167.01 of the Revised 134587  
Code, offered by an entity that does not participate in the 134588  
successor program and allow participants to remain with their 134589  
current Medicare dual special needs plan. 134590

(2) The Director shall approve entity contracts pursuant 134591  
to division (B) of this section for coordination only dual 134592  
special needs plans that are offered by entities not selected to 134593  
participate in the Integrated Care Delivery System or the 134594  
successor program and permit the entities offering those plans 134595  
to enroll in those plans dual eligible individuals and 134596  
participants in the Integrated Care Delivery System or the 134597  
successor program. 134598

(C) The Department shall establish requirements for care 134599  
management and coordination of waiver services in the expanded 134600  
Integrated Care Delivery System, subject to all of the 134601  
following: 134602

(1) The entities selected pursuant to division (B) of this section shall employ the applicable area agency on aging to be coordinators of home and community-based services available under a Medicaid waiver component available for eligible individuals over the age of fifty-nine;

(2) The entities may delegate to the applicable area agency on aging full care coordination function for home and community-based services and other health care services received by those eligible individuals;

(3) Individuals enrolled in an entity's plan or plans may choose the entity or its designee as the care coordinator as an alternative to the area agency on aging;

(4) The Department may specify an alternative approach to care management and coordination of waiver services if the performance of the area agency on aging does not meet the requirements of the Integrated Care Delivery System or if the Department determines that the needs of a defined group of individuals requires an alternative approach.

**Section 333.260. INCREASING CHILDREN'S ACCESS TO VISION AND DENTAL SERVICES**

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to \$4,660,000 in appropriations in fiscal year 2026 and \$4,295,000 in appropriations in fiscal year 2027 from appropriation item 651525, Medicaid Health Care Services, to appropriation items in the Department of Health. This funding shall be used to support public health programs or the provision of certain services, including preventive care and other interventions, to improve the health of low-income children.

Of the transferred funds, up to \$2,660,000 in fiscal year 134632  
2026 and \$2,295,000 in fiscal year 2027 shall be used to 134633  
increase children's access to vision care, and up to \$2,000,000 134634  
in each fiscal year shall be used to increase children's access 134635  
to dental care. The Director of Medicaid may transfer federal 134636  
funds as the state's single state agency for Medicaid 134637  
reimbursements, as drawn for these transactions. Any transferred 134638  
amounts are hereby appropriated. 134639

**Section 333.263.** MEDICAID ADD-ON PAYMENT FOR NURSING 134640  
FACILITY DIALYSIS SERVICES 134641

For fiscal year 2026 and fiscal year 2027, the Department 134642  
of Medicaid shall pay a rate add-on of one hundred ten dollars 134643  
per treatment for dialysis services provided in a nursing 134644  
facility, as defined in section 5165.01 of the Revised Code, to 134645  
a resident enrolled in the Medicaid program. 134646

**Section 333.270.** HCBS DIRECT CARE WORKER WAGES 134647

The Department of Medicaid, jointly, with the Department 134648  
of Aging and the Department of Developmental Disabilities, shall 134649  
collect data from providers regarding the wages paid to direct 134650  
care workers providing direct care services under the Medicaid 134651  
home and community-based waiver components administered by those 134652  
agencies. Not later than the last day in December of each fiscal 134653  
year of the biennium, the Department of Medicaid shall compile a 134654  
report and submit the report to the Governor. 134655

**Section 333.280.** GRADUAL IMPLEMENTATION OF PDPM TO 134656  
CALCULATE NURSING FACILITY DIRECT CARE RATES 134657

For fiscal year 2026, a nursing facility's quarterly case 134658  
mix score from June 30, 2025, shall be used to determine the 134659  
facility's direct care rate from July 1, 2025, through December 134660

31, 2025. Beginning January 1, 2026, the increase or decrease in 134661  
a nursing facility's direct care rate shall be one-third of the 134662  
difference between the direct care rate on January 1, 2025, and 134663  
the direct care rate determined utilizing case mix scores 134664  
calculated in accordance with section 5165.192 of the Revised 134665  
Code. 134666

In fiscal year 2027, the increase or decrease to a nursing 134667  
facility's direct care rate shall be two-thirds of the 134668  
difference between the direct care rate on January 1, 2025, and 134669  
the direct care rate determined utilizing case mix scores 134670  
calculated in accordance with section 5165.192 of the Revised 134671  
Code. Thereafter, a nursing facility's direct care rate shall be 134672  
determined utilizing case mix scores calculated in accordance 134673  
with section 5165.192 of the Revised Code. 134674

**Section 333.290.** RURAL SOUTHERN OHIO HOSPITAL TAX PILOT 134675  
PROGRAM 134676

(A) As used in this section: 134677

(1) "Hospital tax assessment" means an assessment imposed 134678  
under Section 333.300 of this act to fund the nonfederal share 134679  
of the Rural Southern Ohio Hospital Tax Pilot Program. 134680

(2) "Preprint" means a form created by the United States 134681  
Centers for Medicare and Medicaid Services to request approval 134682  
of a state directed payment program as required under 42 C.F.R. 134683  
438.6(c). 134684

(B) The Rural Southern Ohio Hospital Tax Pilot Program 134685  
Fund (Fund 5CM1) is created. Investment earnings of the Rural 134686  
Southern Ohio Hospital Tax Pilot Program Fund shall be credited 134687  
to the fund. 134688

(C) The Medicaid Director may create a Rural Southern Ohio 134689

Hospital Tax Pilot Program for directed payments to rural 134690  
southern Ohio hospitals, and their related health systems, that 134691  
meet the following criteria: 134692

(1) The hospital is located in one of the following 134693  
counties: Fayette, Greene, Highland, Hocking, Muskingum, Perry, 134694  
Pike, Ross, or Scioto. 134695

(2) The hospital is enrolled as a provider in the Medicaid 134696  
program. 134697

(D) The Rural Southern Ohio Hospital Tax Pilot Program 134698  
established pursuant to this section shall comply with the 134699  
requirements of 42 C.F.R. 438.6(c), including all of the 134700  
following: 134701

(1) The program shall be approved by the United States 134702  
Centers for Medicare and Medicaid Services, and the Medicaid 134703  
Director shall seek approval for the program in accordance with 134704  
section 5162.07 of the Revised Code. 134705

(2) Directed payments under the program shall not exceed 134706  
the average commercial rate under a preprint as approved by the 134707  
United States Centers for Medicare and Medicaid Services. 134708

(3) The program shall be subject to an evaluation plan, in 134709  
accordance with 42 C.F.R. 438.6(c) (2) (ii) (D). 134710

(E) Hospital providers participating in the Rural Southern 134711  
Ohio Hospital Tax Pilot Program shall do all of the following: 134712

(1) Enter into one or more contracts related to the 134713  
program as necessary, as determined by the Department of 134714  
Medicaid; 134715

(2) Comply with average commercial rate reporting 134716  
requirements established by the Department, related to the 134717

requirements set forth in 42 C.F.R. 438.6(c)(2)(iii); 134718

(3) Comply with the Department's quality measure set, 134719  
including the metrics and targets set by the Department to 134720  
advance the goals and objectives in the Department's quality 134721  
strategy, as specified in 42 C.F.R. 438.6(c)(2)(ii)(C) and 42 134722  
C.F.R. 438.340; 134723

(4) Cooperate with any evaluation or reporting 134724  
requirements established by the Department related to the 134725  
requirements set forth in 42 C.F.R. 438.6(c)(2)(ii)(D) and (F). 134726

(F) Any hospital provider contracts required under 134727  
division (E)(1) of this section shall be executed not later than 134728  
the first day of October preceding the first fiscal year of a 134729  
biennium. A contract required under this section may be entered 134730  
into in accordance with section 5162.32 of the Revised Code. 134731

(G) All funds supporting the Rural Southern Ohio Tax Pilot 134732  
Program shall comply with the requirements specified in 42 134733  
C.F.R. Part 433. No hospital provider may participate in the 134734  
Rural Southern Ohio Hospital Tax Pilot Program unless sufficient 134735  
tax funds are assessed, collected, obligated, and appropriated. 134736

(H) The Director may terminate or decline to establish the 134737  
Rural Southern Ohio Hospital Tax Pilot Program if federal or 134738  
local tax funding is not available or sufficient to sustain the 134739  
program. The Department shall not at any time be required to 134740  
provide funding for the Rural Southern Ohio Hospital Tax Pilot 134741  
Program. The requirements of this section apply only as long as 134742  
the United States Centers for Medicare and Medicaid Services 134743  
determines that the assessment imposed under Section 333.300 of 134744  
this act is a permissible health care-related tax pursuant to 134745  
the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w). 134746

If the Department is informed that the assessment is an 134747  
impermissible health care related tax, the Department shall 134748  
promptly refund to each hospital the amount of money currently 134749  
in the Rural Southern Ohio Hospital Tax Pilot Program Fund (Fund 134750  
5CM1) that has been paid by the hospital under Section 333.300 134751  
of this act, plus any investment earnings on that amount. 134752

(I) The nonfederal share of the directed payments shall be 134753  
funded exclusively by a hospital tax assessment pursuant to 134754  
Section 333.300 of this act and must be remitted to the 134755  
Department through intergovernmental transfer from a multi- 134756  
county funding district, as specified in that section. 134757

(J) Transfers made for the program shall be deposited into 134758  
the Rural Southern Ohio Hospital Tax Pilot Program Fund (Fund 134759  
5CM1). The state share of this program shall be derived from 134760  
deposits attributable to the intergovernmental transfers 134761  
received for the Rural Southern Ohio Hospital Tax Pilot Program, 134762  
and the corresponding federal share in appropriation item 134763  
651623, Medicaid Services - Federal, shall be used for the Rural 134764  
Southern Ohio Hospital Tax Pilot Program. 134765

**Section 333.300. RURAL SOUTHERN OHIO HOSPITAL PILOT** 134766  
**PROGRAM ASSESSMENTS** 134767

(A) (1) As used in this section, "county" means a county 134768  
identified in Section 333.290 of this act that has fewer than 134769  
two hospitals located in the county. 134770

(2) For purposes of this section, one or more contiguous 134771  
counties may create a multi-county funding district. The 134772  
boundary of any multi-county funding district shall be 134773  
coextensive with the combined boundaries of the counties 134774  
contained in the multi-county funding district. 134775

(B) In establishing a multi-county funding district, all 134776  
of the following apply: 134777

(1) A multi-county funding district is a governmental 134778  
entity. 134779

(2) The board of county commissioners of each county 134780  
within the boundaries of a proposed multi-county funding 134781  
district shall pass a resolution or ordinance establishing the 134782  
multi-county funding district and appointing one county 134783  
commissioner to serve on the district's governing board. Upon 134784  
the adoption of a resolution or ordinance by each board of 134785  
county commissioners, the multi-county funding district is 134786  
created. Following the creation of a multi-county funding 134787  
district, each resolution or ordinance required to establish the 134788  
district shall be amended before a new county may join the 134789  
district. 134790

(3) The governing board of a multi-county funding district 134791  
shall be comprised solely of the county commissioners appointed 134792  
by each county within the boundaries of the district. A county 134793  
may replace its appointment to the governing board by resolution 134794  
or ordinance. 134795

(4) The governing board of a multi-county funding district 134796  
shall delegate the operational and administrative burdens of the 134797  
districts to the counties that comprise the district. Within 134798  
sixty days of the establishment of a multi-county funding 134799  
district, the governing board shall designate at least one 134800  
county to serve as the operational and administrative lead for 134801  
the district. The governing board may change this designation at 134802  
any time. 134803

(C) A county or multi-county funding district may 134804



establish a local hospital assessment to provide the nonfederal 134805  
share for Medicaid payments under division (G) of Section 134806  
333.290 of this act. Any local assessment established under this 134807  
section shall comply with all of the requirements applicable to 134808  
provider assessments, as specified in 42 U.S.C. 1396b(w) and 42 134809  
C.F.R. 433.68. 134810

(1) Each county or multi-county funding district shall set 134811  
the annual rate of the local hospital assessment. 134812

(2) An assessment established under this section shall 134813  
apply uniformly to all non-public hospitals within the 134814  
jurisdiction of the county or multi-county funding district. A 134815  
county or multi-county funding district may apply the assessment 134816  
to public hospitals. 134817

(3) A county or multi-county funding district shall set 134818  
the rate of the assessment such that, in the aggregate, the 134819  
assessment will generate sufficient revenue to cover both of the 134820  
following: 134821

(a) The nonfederal share of Medicaid payments that benefit 134822  
hospitals in the county or multi-county funding district; 134823

(b) The administrative expenses of the county or multi- 134824  
county funding district in administering the local hospital 134825  
assessment, except that administrative expenses shall not exceed 134826  
one hundred fifty thousand dollars annually. 134827

(4) Implementation of an assessment established under this 134828  
section shall further the state's evolving quality goals, 134829  
including improving mental health, substance abuse prevention, 134830  
and advancing maternal health. 134831

(5) A county or multi-county funding district may impose 134832  
penalties upon a hospital that is subject to an assessment that 134833

fails to pay the assessment in a timely manner. 134834

**Section 333.360.** GROUP VIII TRANSITION PLAN 134835

(A) As used in this section: 134836

(1) "Expansion eligibility group" has the same meaning as 134837  
in section 5163.01 of the Revised Code. 134838

(2) "Federally qualified health center" and "federally 134839  
qualified health center look-alike" have the same meanings as in 134840  
section 3701.047 of the Revised Code. 134841

(B) If, during fiscal year 2026 or fiscal year 2027, the 134842  
federal medical assistance percentage for the Medicaid expansion 134843  
eligibility group is set below ninety percent, and individuals 134844  
enrolled in Medicaid on the basis of being enrolled in the 134845  
expansion eligibility group are no longer eligible to be 134846  
enrolled in the Medicaid program in accordance with section 134847  
5163.04 of the Revised Code, the Department of Medicaid shall 134848  
implement a phased transition plan to assist those individuals 134849  
by redirecting them to private insurance subsidies or charity 134850  
care programs that provide medical assistance. 134851

(C) As part of the transition plan, the Medicaid Director 134852  
may establish any of the following to offset the cost of 134853  
uncompensated care that may result from providing medical care 134854  
to former members of the expansion eligibility group: 134855

(1) A temporary hospital assessment; 134856

(2) A temporary federally qualified health center 134857  
assessment; 134858

(3) A temporary federally qualified health center look- 134859  
alike assessment. 134860

(D) Notwithstanding paragraph (E) of section 131.35 of the Revised Code, if the Medicaid Director establishes an assessment under division (C) of this section, the Director may request Controlling Board approval to transfer appropriations and increase appropriations as necessary to implement the temporary assessment. Upon approval of the Controlling Board, any transfers or additional appropriations are hereby appropriated.

**Section 335.10.**

1	2	3	4	5
A		MED STATE MEDICAL BOARD		
B		Dedicated Purpose Fund Group		
C	5C60 883609	Operating Expenses	\$14,315,005	\$14,891,225
D		Dedicated Purpose Fund Group Total	\$14,315,005	\$14,891,225
E		TOTAL ALL BUDGET FUND GROUPS	\$14,315,005	\$14,891,225

**Section 337.10.**

1	2	3	4	5
A		MHA DEPARTMENT OF BEHAVIORAL HEALTH		
B		General Revenue Fund		
C	GRF 336321	Program Support and Operations	\$59,724,405	\$61,389,013
D	GRF 336402	Resident Trainees	\$380,000	\$380,000

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E	GRF	336406	Prevention and Wellness	\$7,650,000	\$7,650,000
F	GRF	336407	Crisis Services and Stablization	\$17,000,000	\$22,000,000
G	GRF	336409	State of Ohio Action Resiliency Network	\$5,000,000	\$0
H	GRF	336412	Hospital Services	\$326,954,104	\$335,525,387
I	GRF	336415	Mental Health Facilities Lease Rental Bond Payments	\$27,500,000	\$24,200,000
J	GRF	336421	Continuum of Care Services	\$103,830,000	\$103,830,000
K	GRF	336422	Criminal Justice Services	\$28,500,000	\$28,500,000
L	GRF	336425	Specialized Docket Support	\$11,282,469	\$11,287,028
M	GRF	336504	Community Innovations	\$23,500,000	\$8,500,000
N	GRF	336510	Residential State Supplement	\$24,000,000	\$24,000,000
O	GRF	336516	Appalachian Children Coalition	\$2,500,000	\$2,500,000
P	GRF	336519	Community Projects	\$3,575,000	\$3,575,000
Q	GRF	652321	Medicaid Support	\$478,055	\$492,396
R	GRF	336522	9-8-8 Suicide Crisis	\$20,000,000	\$20,000,000

S	General Revenue Fund Total	\$661,874,033	\$653,828,824
T	Dedicated Purpose Fund Group		
U	4750 336623 Statewide Treatment and Prevention	\$24,000,000	\$24,000,000
V	4850 336632 Mental Health Operating	\$19,000,000	\$24,200,000
W	5AA1 336661 9-8-8 Suicide and Crisis Response	\$2,500,000	\$0
X	5AU0 336615 Behavioral Health Care	\$11,000,000	\$11,000,000
Y	5JL0 336629 Problem Gambling and Casino Addiction	\$9,000,000	\$7,750,000
Z	5T90 336641 Problem Gambling Services	\$3,200,000	\$3,200,000
AA	5TZ0 336666 Behavioral Health Assistance	\$20,000,000	\$20,000,000
AB	5VV0 336645 Transcranial Magnetic Stimulation Program	\$4,000,000	\$4,000,000
AC	6320 336616 Community Capital Replacement	\$350,000	\$350,000
AD	6890 336640 Education and Conferences	\$200,000	\$200,000
AE	Dedicated Purpose Fund Group Total	\$93,250,000	\$94,700,000
AF	Internal Service Activity Fund Group		
AG	1490 336609 Hospital Operating	\$16,000,000	\$16,000,000

Expenses

AH 1490 336610	Operating Expenses	\$7,350,000	\$7,350,000
AI 1510 336601	Ohio Pharmacy Services	\$124,937,150	\$146,503,708
AJ 4P90 336604	Community Mental Health Projects	\$250,000	\$250,000
AK	Internal Service Activity Fund Group Total	\$148,537,150	\$170,103,708
AL	Federal Fund Group		
AM 3240 336605	Medicaid/Medicare	\$18,000,000	\$18,000,000
AN 3A70 336612	Social Services Block Grant	\$8,500,000	\$8,500,000
AO 3A80 336613	Federal Grants	\$8,600,000	\$8,600,000
AP 3A90 336614	Mental Health Block Grant	\$52,000,000	\$46,000,000
AQ 3B10 652636	Community Medicaid Legacy Support	\$1,600,000	\$1,600,000
AR 3G40 336618	Substance Abuse Block Grant	\$87,000,000	\$86,000,000
AS 3H80 336606	Demonstration Grants	\$16,000,000	\$16,000,000
AT 3HB1 336644	State Opioid Response	\$170,000,000	\$170,000,000
AU 3N80 336639	Administrative Reimbursement	\$1,000,000	\$1,000,000

AV Federal Fund Group Total	\$362,700,000	\$355,700,000
AW TOTAL ALL BUDGET FUND GROUPS	\$1,266,361,183	\$1,274,332,532

**Section 337.20.** STATE BLOCK GRANTS 134872

(A) As used in this section: 134873

(1) "Drug used in withdrawal management or detoxification" 134874  
means a drug approved by the United States Food and Drug 134875  
Administration for use in, or a drug in standard use for, 134876  
mitigating alcohol or opioid withdrawal symptoms or assisting 134877  
with detoxification. 134878

(2) "Jail" has the same meaning as in section 2929.01 of 134879  
the Revised Code. 134880

(3) "Medication-assisted treatment" has the same meaning 134881  
as in section 340.01 of the Revised Code. 134882

(4) "Medication-assisted treatment drug court program" 134883  
means a session of any of the following that holds initial or 134884  
final certification from the Supreme Court of Ohio as a 134885  
specialized docket program for drugs and that uses medication- 134886  
assisted treatment as part of its specialized docket program: a 134887  
common pleas court, municipal court, or county court, or a 134888  
division of any of those courts. 134889

(5) "Alcohol and drug addiction services," "mental health 134890  
services," "recovery housing residence," and "recovery supports" 134891  
have the same meanings as in section 5119.01 of the Revised 134892  
Code. 134893

(B) In fiscal years 2026 and 2027, the Department of 134894  
Behavioral Health may allocate General Revenue Funds described 134895  
in this section, as well as any other General Revenue Funds and 134896

Dedicated Purpose Funds determined by the Department, to boards 134897  
of alcohol, drug addiction, and mental health services through 134898  
state block grants. These state block grants shall serve to 134899  
provide flexibility within established allowable uses for the 134900  
boards to disburse funds to behavioral health providers to 134901  
provide harm reduction, prevention, substance use disorder 134902  
treatment, mental health treatment, recovery supports, and 134903  
crisis services in local communities. The Director of Behavioral 134904  
Health shall adopt guidelines on the eligible uses of these 134905  
block grants. 134906

(C) The Director of Behavioral Health shall create a 134907  
uniform reporting structure related to the expenditures, uses, 134908  
and outcomes of the state block grants described in this 134909  
section, including how expenditures, uses, and outcomes relate 134910  
to the community addiction and mental health plans that boards 134911  
of alcohol, drug addiction, and mental health services are 134912  
required to submit to the Department in accordance with section 134913  
340.03 of the Revised Code. The reporting structure shall ensure 134914  
that thorough and accurate data is reported with a focus on 134915  
transparency, accountability, process improvement, outcomes, and 134916  
return on investment. Data points to be collected include, but 134917  
are not limited to: 134918

(1) The type of service provided and number of individuals 134919  
served; 134920

(2) The amount spent for each state block grant broken 134921  
down by primary, secondary, tertiary, and targeted expenditures; 134922

(3) Data regarding provider determination and monitoring 134923  
activities; 134924

(4) Key performance indicators and outcomes achieved. 134925



This data shall be made available in accordance with state 134926  
of Ohio data governance best practices and federal and state 134927  
security and privacy laws, regulations, and standards. 134928

(D) The Department of Behavioral Health shall disburse the 134929  
state block grant funds to boards of alcohol, drug addiction, 134930  
and mental health services in accordance with distribution 134931  
methodologies determined by the Director of Behavioral Health. 134932  
In determining the methodologies, the Director shall consider, 134933  
at a minimum, all of the following factors: population 134934  
indicators, poverty rates, health workforce shortage statistics, 134935  
relevant emerging behavioral health trends, and the amounts of 134936  
fiscal year 2025 awards made to each board of alcohol, drug 134937  
addiction, and mental health services for related programs that 134938  
are eligible uses of the state block grant funds. 134939

(E) A portion of the foregoing appropriation item 336406, 134940  
Prevention and Wellness, shall be used to create a Prevention 134941  
State Block Grant that boards of alcohol, drug addiction, and 134942  
mental health services shall use to fund the provision of 134943  
evidence-based or evidence-informed early intervention, suicide 134944  
prevention, and other prevention services. 134945

The Director of Behavioral Health shall establish 134946  
allowable uses for the Prevention State Block Grant that 134947  
include, but are not limited to, all of the following: 134948

(1) Prevention across the lifespan; 134949

(2) Suicide prevention across the lifespan; 134950

(3) Early intervention; 134951

(4) Cross-system collaborative effort to address 134952  
prevention needs in the community. 134953

(F) A portion of the foregoing appropriation item 336407, 134954  
Crisis Services and Stabilization, shall be used to create a 134955  
Crisis Services State Block Grant that shall be used by boards 134956  
of alcohol, drug addiction, and mental health services to fund 134957  
the provision of crisis services and supports. 134958

The Director of Behavioral Health shall establish 134959  
allowable uses for the Crisis Services State Block Grant that 134960  
include, but are not limited to, all of the following: 134961

(1) Substance use and mental health crisis stabilization 134962  
centers; 134963

(2) Crisis stabilization and crisis prevention services 134964  
and supports; 134965

(3) Cross-systems collaborative efforts to address crisis 134966  
services needs in the community. 134967

(G) A portion of the foregoing appropriation item 336421, 134968  
Continuum of Care Services, shall be used to create a Mental 134969  
Health State Block Grant that shall be used by boards of 134970  
alcohol, drug addiction, and mental health services to fund the 134971  
provision of mental health services and recovery supports. 134972

The Director of Behavioral Health shall establish 134973  
allowable uses for the Mental Health State Block Grant that 134974  
include, but are not limited to, all of the following: 134975

(1) Mental health services, including the treatment of 134976  
indigent mentally ill persons subject to court order in 134977  
hospitals or inpatient units licensed by the Department of 134978  
Behavioral Health under section 5119.33 of the Revised Code. In 134979  
selecting mental health service providers with which to 134980  
contract, a board of alcohol, drug addiction, and mental health 134981  
services shall not refuse to contract with a hospital or 134982

inpatient unit that is within the board's service district if 134983  
the hospital or inpatient unit is in good standing with the 134984  
Department of Behavioral Health and is willing to accept the 134985  
terms of a contract with the board. 134986

(2) Cross-system collaborative efforts to serve adults 134987  
with serious mental illness who are involved in multiple human 134988  
services or criminal justice systems; 134989

(3) Other initiatives designed to address mental health 134990  
needs. 134991

(H) A portion of the foregoing appropriation item 336421, 134992  
Continuum of Care Services, shall also be used to create a 134993  
Substance Use Disorder State Block Grant that shall be used by 134994  
boards of alcohol, drug addiction, and mental health services to 134995  
fund the provision of alcohol and drug addiction services and 134996  
recovery supports. 134997

The Director of Behavioral Health shall establish 134998  
allowable uses for the Substance Use Disorder State Block Grant 134999  
that include, but are not limited to, all of the following: 135000

(1) Initiatives concerning alcohol and drug addiction 135001  
services; 135002

(2) Substance use stabilization centers; 135003

(3) Cross-system collaborative efforts to address 135004  
substance use disorder needs in the community. 135005

(I) A portion of the foregoing appropriation item 336421, 135006  
Continuum of Care Services, shall be used to create a Recovery 135007  
Supports State Block Grant that shall be used by boards of 135008  
alcohol, drug addiction, and mental health services to fund the 135009  
provision of recovery supports. 135010

The Director of Behavioral Health shall establish 135011  
allowable uses for the Recovery Supports State Block Grant that 135012  
include, but are not limited to, all of the following: 135013

(1) Subsidized support for psychotropic and substance use 135014  
disorder treatment medication needs of indigent citizens in the 135015  
community to reduce unnecessary hospitalization due to lack of 135016  
medication; 135017

(2) Peer support; 135018

(3) Operational expenses and minor facility improvements 135019  
to class two and class three residential facilities licensed 135020  
under section 5119.34 of the Revised Code and recovery housing 135021  
residences; 135022

(4) Community reintegration supports; 135023

(5) Cross-system collaborative efforts to address recovery 135024  
support needs in the community. 135025

(J) A portion of the foregoing appropriation item 336422, 135026  
Criminal Justice Services, shall be used to create a Criminal 135027  
Justice State Block Grant that shall be used by boards of 135028  
alcohol, drug addiction, and mental health services to fund the 135029  
provision of services and supports to incarcerated individuals 135030  
and individuals being discharged from prisons and jails. 135031

The Director of Behavioral Health shall establish 135032  
allowable uses for the Criminal Justice State Block Grant that 135033  
include, but are not limited to, all of the following: 135034

(1) Medication-assisted treatment and treatment involving 135035  
drugs used in withdrawal management or detoxification; 135036

(2) Community reintegration supports; 135037

(3) Substance use disorder treatment and mental health treatment, including the provision of such treatment as an alternative to incarceration, as well as recovery supports;

(4) Forensic monitoring and tracking of individuals on conditional release;

(5) Forensic and crisis response training;

(6) Projects that assist courts and law enforcement in identifying and developing appropriate alternative services to incarceration for nonviolent offenders with mental illness;

(7) The provision of services to incarcerated individuals in jails with a substance use disorder, severe mental illness, or both, including screening and clinically appropriate treatment;

(8) Linkages to, and the provision of, substance use disorder treatment, mental health treatment, recovery supports, and specialized re-entry services for incarcerated individuals leaving prisons and jails;

(9) The support of specialized dockets, including the expansion of existing medication-assisted treatment drug court programs, the creation of new medication-assisted treatment drug court programs, and assistance with the administrative expenses of participating courts, community addiction services providers, and community mental health services providers;

(10) Cross-system collaborative efforts to address the needs of individuals involved in the criminal justice system.

**Section 337.30. PREVENTION AND WELLNESS**

The foregoing appropriation item 336406, Prevention and Wellness, shall be used as follows:

(A) Up to \$3,000,000 in each fiscal year shall be 135066  
allocated to boards of alcohol, drug addiction, and mental 135067  
health services through the Prevention State Block Grant 135068  
established in division (E) of Section 337.20 of this act. 135069

(B) Up to \$2,500,000 in each fiscal year shall be used to 135070  
support suicide prevention efforts. 135071

(C) Up to \$2,150,000 in each fiscal year shall be used to 135072  
increase access to early identification and prevention of 135073  
behavioral health disorders across the lifespan. 135074

**Section 337.40. ACTION RESILIENCY NETWORK** 135075

The foregoing appropriation item 336409, State of Ohio 135076  
Action Resiliency Network, shall be used by the Department of 135077  
Behavioral Health for the State of Ohio Action for Resiliency 135078  
Network and a strategic research agenda and capacity needed to 135079  
conduct research, clinical trials, direct care, telehealth, data 135080  
collection, and workforce training pertaining to innovative 135081  
practices in behavioral prevention, harm reduction, treatment, 135082  
and recovery. 135083

**Section 337.50. HOSPITAL SERVICES** 135084

The foregoing appropriation item 336412, Hospital 135085  
Services, may be used for any of the following purposes: 135086

(A) Supporting all operations related to the hospitals 135087  
established, controlled, or supervised by the Department of 135088  
Behavioral Health under Chapter 5119. of the Revised Code; 135089

(B) Supporting physical environments that are designed for 135090  
patients to receive assessment, evaluation, and stabilization 135091  
interventions within general hospitals; 135092

(C) Providing jails and associated health care providers 135093

with access to telehealth consultations with psychiatric 135094  
specialists, such as psychiatrists and psychiatric nurse 135095  
practitioners. 135096

**Section 337.60. MENTAL HEALTH FACILITIES LEASE RENTAL BOND 135097**  
PAYMENTS 135098

The foregoing appropriation item 336415, Mental Health 135099  
Facilities Lease Rental Bond Payments, shall be used to meet all 135100  
payments during the period from July 1, 2025, through June 30, 135101  
2027, by the Department of Behavioral Health pursuant to leases 135102  
and agreements made under section 154.20 of the Revised Code. 135103  
These appropriations are the source of funds pledged for bond 135104  
service charges on obligations issued pursuant to Chapter 154. 135105  
of the Revised Code. 135106

**Section 337.70. CONTINUUM OF CARE SERVICES 135107**

The foregoing appropriation item 336421, Continuum of Care 135108  
Services, shall be used as follows: 135109

(A) Up to \$69,500,000 in each fiscal year shall be 135110  
allocated to boards of alcohol, drug addiction, and mental 135111  
health services through the Mental Health State Block Grant 135112  
established in division (G) of Section 337.20 of this act; 135113

(B) Up to \$9,500,000 in each fiscal year shall be 135114  
allocated to boards of alcohol, drug addiction, and mental 135115  
health services through the Substance Use Disorder State Block 135116  
Grant established in division (H) of Section 337.20 of this act; 135117

(C) Up to \$19,500,000 in each fiscal year shall be 135118  
allocated to boards of alcohol, drug addiction, and mental 135119  
health services through the Recovery Supports State Block Grant 135120  
established in division (I) of Section 337.20 of this act; 135121

(D) Of the foregoing appropriation item 336421, Continuum of Care Services, up to \$4,000,000 in each fiscal year shall be used to expand statewide access to rapid mobile response and stabilization services provided to youth experiencing an emotional or behavioral health crisis and their families;

(E) Up to \$455,000 in each fiscal year shall be used to implement sections 5119.39 to 5119.397 of the Revised Code;

(F) Up to \$400,000 in each fiscal year shall be used to provide funding for community projects across the state that focus on support for families, assisting families in avoiding crisis, and crisis intervention; and

(G) \$225,000 in each fiscal year shall be allocated to LifeTown Columbus to provide additional support for facility renovations and operations, including professional development, curriculum development, education materials, equipment, marketing, and recruitment.

(H) \$250,000 in each fiscal year shall be allocated to Flying Horse Farms.

**Section 337.80. CRIMINAL JUSTICE SERVICES**

(A) Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$5,115,483 in fiscal year 2026 and \$5,077,378 in fiscal year 2027 shall be allocated to boards of alcohol, drug addiction, and mental health services through the Criminal Justice State Block Grant established in division (J) of Section 337.20 of this act.

(B) Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$7,750,000 in each fiscal year shall be allocated to the Behavioral Health Drug Reimbursement Program established in section 5119.19 of the Revised Code.



(C) The remainder of appropriation item 336422, Criminal Justice Services, shall be used for all of the following:	135151 135152
(1) The provision of forensic psychiatric evaluations to courts of common pleas;	135153 135154
(2) The completion of evaluations of patients of forensic status in facilities operated or designated by the Department of Behavioral Health prior to each patient's conditional release to the community;	135155 135156 135157 135158
(3) Workforce, training, and technological initiatives that support the items specified in divisions (C) (1) and (2) of this section;	135159 135160 135161
(4) Support therapeutic communities;	135162
(5) Provide forensic and crisis response training;	135163
(6) Establish and administer outpatient and jail-based competency restoration services;	135164 135165
(7) Establish and administer pre-trial diversion programs;	135166
(8) Support assisted outpatient treatment programs;	135167
(9) Link and provide behavioral health treatment and recovery supports, including housing assistance, to incarcerated individuals with a substance use disorder, severe mental illness, or both, upon their release from jail or prison;	135168 135169 135170 135171
(10) Support jail-based treatment and symptom management;	135172
(11) Support specialized dockets, including the expansion of existing medication-assisted treatment drug court programs, the creation of new medication-assisted treatment drug court programs, and assistance with the administrative expenses of participating courts and community addiction services providers	135173 135174 135175 135176 135177

and community mental health services providers; 135178

(12) Establish and administer outpatient competency 135179  
restoration services. The services shall be provided by forensic 135180  
centers described in section 5119.10 of the Revised Code or, to 135181  
the extent a forensic center in a community does not provide 135182  
outpatient competency restoration services, a psychiatric 135183  
program or facility selected by a board of alcohol, drug 135184  
addiction, and mental health services to provide such services. 135185

**Section 337.90. SPECIALIZED DOCKET SUPPORT** 135186

(A) Except as otherwise provided in this section, the 135187  
foregoing appropriation item 336425, Specialized Docket Support, 135188  
shall be used to defray a portion of the annual payroll costs 135189  
associated with the specialized docket of a common pleas court, 135190  
municipal court, county court, juvenile court, or family court 135191  
that meets all of the eligibility requirements in division (B) 135192  
of this section, including a family dependency treatment docket. 135193  
The foregoing appropriation item 336425, Specialized Docket 135194  
Support, may also be used to defray costs associated with 135195  
treatment services and recovery supports for participants. 135196

(B) To be eligible, the specialized docket must have 135197  
received Supreme Court of Ohio initial or final certification 135198  
and include participants with behavioral health needs in its 135199  
target population. 135200

(C) Of the foregoing appropriation item 336425, 135201  
Specialized Docket Support, the Department of Behavioral Health 135202  
shall use up to one per cent of the funds appropriated in each 135203  
fiscal year to pay the cost it incurs in administering the 135204  
duties established in this section. 135205

(D) The Department, in consultation with the Supreme Court 135206

of Ohio, may adopt funding distribution methodology, guidelines, 135207  
and procedures as necessary to carry out the purposes of this 135208  
section. 135209

**Section 337.100.** COMMUNITY INNOVATIONS 135210

The foregoing appropriation item 336504, Community 135211  
Innovations, may be used by the Department of Behavioral Health 135212  
to make targeted investments in programs, projects, or systems 135213  
operated by or under the authority of other state agencies, 135214  
governmental entities, or private not-for-profit agencies that 135215  
impact, or are impacted by, the operations and functions of the 135216  
Department, with the goal of achieving a net reduction in 135217  
expenditure of state general revenue funds and/or improved 135218  
outcomes for Ohio citizens without a net increase in state 135219  
general revenue fund spending. 135220

The Director shall identify and evaluate programs, 135221  
projects, or systems proposed or operated, in whole or in part, 135222  
outside of the authority of the Department, where targeted 135223  
investment of these funds in the program, project, or system is 135224  
expected to decrease demand for the Department or other 135225  
resources funded with state general revenue funds, and/or to 135226  
measurably improve outcomes for Ohio citizens with mental 135227  
illness or with alcohol, drug, or gambling addictions. The 135228  
Director shall have discretion to provide funds from this 135229  
appropriation item to private not-for-profit entities in 135230  
amounts, and subject to conditions, that the Director determines 135231  
most likely to achieve state savings and/or improved outcomes. 135232  
Distribution of funds from this appropriation item shall not be 135233  
subject to sections 9.23 to 9.239 or Chapter 125. of the Revised 135234  
Code. 135235

The Department shall enter into an agreement with each 135236

recipient of community innovation funds, identifying the 135237  
following: allowable expenditure of the funds; other commitment 135238  
of funds or other resources to the program, project, or system; 135239  
expected state savings and/or improved outcomes and proposed 135240  
mechanisms for measurement of such savings or outcomes; and 135241  
required reporting regarding expenditure of funds and savings or 135242  
outcomes achieved. 135243

Of the foregoing appropriation item 336504, Community 135244  
Innovations, up to \$3,000,000 in each fiscal year shall be used 135245  
to support workforce development initiatives. 135246

Of the foregoing appropriation item 336504, Community 135247  
Innovations, up to \$1,500,000 in each fiscal year shall be used 135248  
to provide behavioral health access and opportunities. 135249

Of the foregoing appropriation item 336504, Community 135250  
Innovations, up to \$3,000,000 in each fiscal year shall be used 135251  
to support the creation and expansion of programs established by 135252  
peer-run organizations in this state for the purpose of offering 135253  
individuals with a mental illness, or a mental illness and co- 135254  
occurring substance use disorder, opportunities for employment, 135255  
housing, education, and access to medical and psychiatric 135256  
services. Programs and facilities shall be operated in 135257  
accordance with model standards and benchmarks selected by the 135258  
Department of Behavioral Health. 135259

Of the foregoing appropriation item 336504, Community 135260  
Innovations, up to \$15,000,000 in fiscal year 2026 shall be used 135261  
to support the coordination of care across the behavioral health 135262  
continuum and enhance patient care by establishing and 135263  
sustaining health information systems for providers licensed or 135264  
certified by the Department of Behavioral Health. 135265

Of the foregoing appropriation item 336504, Community Innovations, \$125,000 in each fiscal year shall be used to support the Pilot Grant Program for Doctoral Psychology Internships. The funds shall be awarded to doctoral psychology internship programs accredited by the American Psychological Association that offer clinical rotations in non-residential or community mental health and health care systems. Grant funds awarded shall be used to augment stipends for doctoral-level psychology students that come to Ohio internship sites.

**Section 337.110. RESIDENTIAL STATE SUPPLEMENT** 135275

The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Behavioral Health to implement and operate the Residential State Supplement (RSS) Program required by section 5119.41 of the Revised Code.

**Section 337.115. APPALACHIAN CHILDREN COALITION** 135280

The foregoing appropriation item 336516, Appalachian Children Coalition, shall be provided to the Appalachian Children Coalition to address systemic challenges children face in Appalachian Ohio.

**Section 337.117. COMMUNITY PROJECTS** 135285

Of the foregoing appropriation item 336519, Community Projects, \$700,000 in each fiscal year shall be allocated to the Social Advocates for Youth (S.A.Y.) Program at the Bellefaire Jewish Children's Bureau. These funds shall be used to support the expansion of school-based prevention and crises intervention services for youth including community crisis and trauma services, school-based counselors, behavioral health-trained teachers and intervention specialists, and a dedicated researcher to document outcomes.

Of the foregoing appropriation item 336519, Community Projects, \$150,000 in each fiscal year shall be distributed to Challenge Ministries.

Of the foregoing appropriation item 336519, Community Projects, \$250,000 in each fiscal year shall be distributed to The Refuge to support existing programming and services.

Of the foregoing appropriation item 336519, Community Projects, \$175,000 in each fiscal year shall be distributed to the 1N5 Foundation to provide suicide prevention in schools.

Of the foregoing appropriation item 336519, Community Projects, \$300,000 in each fiscal year shall be used in accordance with the section of this act entitled "HIGH-THC CANNABIS IMPACT RESEARCH STUDY.

Of the foregoing appropriation item 336519, Community Projects, \$2,000,000 in each fiscal year shall be distributed to the Values-In-Action Foundation for the Kindland initiative.

**Section 337.120. MEDICAID SUPPORT**

The foregoing appropriation item 652321, Medicaid Support, shall be used to fund specified Medicaid Services as delegated by the state's single agency responsible for the Medicaid Program.

**Section 337.130. 9-8-8 LIFELINE**

(A) As used in this section, "9-8-8 Suicide and Crisis Lifeline" means the 9-8-8 universal telephone number designated for use within the United States under section 251(e) of the "Communications Act of 1934," 47 U.S.C. 251(e), as amended by the "National Suicide Hotline Designation Act of 2020," Pub. L. No. 116-172, for the purpose of the national suicide prevention

and mental health crisis hotline system. 135323

(B) The foregoing appropriation items 336661, 9-8-8 135324  
Suicide and Crisis Response, and 336522, 9-8-8 Suicide Crisis, 135325  
shall be used to support statewide operations and related 135326  
activities of the 9-8-8 Suicide and Crisis Lifeline and mental 135327  
health treatment and response. 135328

**Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION** 135329

A portion of appropriation item 336629, Problem Gambling 135330  
and Casino Addiction, shall be allocated to boards of alcohol, 135331  
drug addiction, and mental health services in accordance with a 135332  
distribution methodology determined by the Director of 135333  
Behavioral Health. 135334

**Section 337.160. TRANSCRANIAL MAGNETIC STIMULATION PROGRAM** 135335

The foregoing appropriation item 336645, Transcranial 135336  
Magnetic Stimulation Program, shall be used for the 135337  
Electroencephalogram (EEG) Combined Transcranial Magnetic 135338  
Stimulation Program as described in section 5119.20 of the 135339  
Revised Code. 135340

**Section 337.170. ACCESS SUCCESS II PROGRAM** 135341

To the extent cash is available, the Director of Budget 135342  
and Management may transfer cash from a fund designated by the 135343  
Medicaid Director, to the Sale of Goods and Services Fund (Fund 135344  
1490), used by the Department of Behavioral Health. The 135345  
transferred cash is hereby appropriated. 135346

The Department of Behavioral Health shall use the 135347  
transferred funds to administer the Access Success II Program to 135348  
help non-Medicaid patients in any hospital established, 135349  
controlled, or supervised by the Department under Chapter 5119. 135350

of the Revised Code to transition from inpatient status to a 135351  
community setting. 135352

**Section 337.180.** CASH TRANSFER FROM THE INDIGENT DRIVERS 135353  
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 135354  
FUND 135355

On a schedule determined by the Director of Budget and 135356  
Management, the Director of Behavioral Health shall certify to 135357  
the Director of Budget and Management the amount of excess 135358  
license reinstatement fees that are available pursuant to 135359  
division (F)(2)(c) of section 4511.191 of the Revised Code to be 135360  
transferred from the Indigent Drivers Alcohol Treatment Fund 135361  
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 135362  
4750). Upon certification, the Director of Budget and Management 135363  
may transfer cash from the Indigent Drivers Alcohol Treatment 135364  
Fund to the Statewide Treatment and Prevention Fund. 135365

**Section 337.190.** STATEWIDE MOBILE CRISIS SYSTEM 135366

(A) The Department of Behavioral Health, in coordination 135367  
with local, state, and federal government entities, shall assist 135368  
with the development and implementation of a statewide system of 135369  
mobile crisis services for adults and children. 135370

(B) The development of a statewide mobile crisis system is 135371  
contingent on the availability of state and federal funding. 135372  
Should state and federal funding be insufficient for the 135373  
development of a full system or limit the extent to which the 135374  
system can be developed, the Department shall determine whether 135375  
and to what extent pilot projects or other initiatives for the 135376  
provision of mobile crisis services could be implemented. 135377

**Section 337.200.** COMMUNITY BEHAVIORAL HEALTH CLINICS 135378

The ability of the Department of Behavioral Health to 135379



establish a process and standards for the state certification of 135380  
certified community behavioral health clinics under section 135381  
5119.211 of the Revised Code is contingent on the availability 135382  
of state and federal funding. Should state or federal funding be 135383  
insufficient for the state certification of certified community 135384  
behavioral health clinics, the Department shall determine 135385  
whether and to what extent pilot projects or other initiatives 135386  
to support an integrated care approach for the provision of 135387  
substance use disorder treatment and mental health treatment 135388  
could be implemented. 135389

**Section 339.10.** 135390  
135391

	1	2	3	4	5
A	MIH COMMISSION ON MINORITY HEALTH				
B	General Revenue Fund				
C	GRF	149321	Operating Expenses	\$844,088	\$855,455
D	GRF	149501	Demonstration Grants	\$1,352,000	\$1,352,000
E	GRF	149502	Lupus Program	\$118,000	\$118,000
F	GRF	149503	Infant Mortality Health Grants	\$4,970,489	\$4,974,489
G	General Revenue Fund Total			\$7,284,577	\$7,299,944
H	Dedicated Purpose Fund Group				
I	4C20	149601	Minority Health Conference	\$35,000	\$35,000

J	Dedicated Purpose Fund Group Total	\$35,000	\$35,000
K	Federal Fund Group		
L	3J90 149405 Healthier Communities	\$1,000,000	\$1,000,000
M	Federal Fund Group Total	\$1,000,000	\$1,000,000
N	TOTAL ALL BUDGET FUND GROUPS	\$8,319,577	\$8,334,944

**Section 341.10.**

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A	CRB MOTOR VEHICLE REPAIR BOARD		
B	Dedicated Purpose Fund Group		
C	4K90 865601 Operating Expenses	\$781,067	\$821,804
D	Dedicated Purpose Fund Group Total	\$781,067	\$821,804
E	TOTAL ALL BUDGET FUND GROUPS	\$781,067	\$821,804

**Section 343.10.**

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A	DNR DEPARTMENT OF NATURAL RESOURCES		
B	General Revenue Fund		
C	GRF 725401 Division of Wildlife - Operating Subsidy	\$1,700,000	\$1,700,000

D	GRF	725413	Parks and Recreational Facilities Lease Rental Bond Payments	\$57,500,000	\$76,500,000
E	GRF	725456	Canal Lands	\$118,000	\$118,000
F	GRF	725459	Buckeye State Tree Nursery	\$1,134,650	\$1,134,650
G	GRF	725460	LWCF Recreation Lands	\$262,646	\$266,995
H	GRF	725505	Healthy Lake Erie Program	\$931,976	\$939,077
I	GRF	725507	Coal and Mine Safety Programs	\$3,222,147	\$3,297,340
J	GRF	725520	Special Projects	\$350,000	\$350,000
K	GRF	725903	Natural Resources General Obligation Bond Debt Service	\$14,300,000	\$14,300,000
L	GRF	727321	Division of Forestry	\$10,216,231	\$10,437,678
M	GRF	729321	Office of Information Technology	\$576,055	\$593,337
N	GRF	730321	Parks and Recreation	\$55,150,000	\$55,150,000
O	GRF	736321	Division of Engineering	\$2,531,760	\$2,576,358
P	GRF	737321	Division of Water Resources	\$2,752,230	\$2,803,759
Q	GRF	738321	Office of Real Estate and	\$1,038,539	\$1,060,089

Land Management				
R	GRF	741321 Division of Natural Areas and Preserves	\$5,104,211	\$5,205,199
S	General Revenue Fund Total		\$156,888,445	\$176,432,482
T	Dedicated Purpose Fund Group			
U	2270	725406 Parks Projects Personnel	\$4,831,529	\$4,976,475
V	4300	725671 Canal Lands	\$479,012	\$479,012
W	4S90	725622 NatureWorks Personnel	\$317,806	\$327,341
X	4U60	725668 Scenic Rivers Protection	\$58,860	\$58,860
Y	5090	725602 State Forest	\$10,852,951	\$11,010,594
Z	5110	725646 Ohio Geological Mapping	\$6,123,647	\$6,323,883
AA	5120	725605 State Parks Operations	\$43,122,931	\$43,358,465
AB	5140	725606 Lake Erie Shoreline	\$1,694,771	\$1,732,863
AC	5160	725620 Water Management	\$3,256,522	\$3,562,000
AD	5180	725643 Oil and Gas Regulation and Safety	\$31,230,432	\$31,784,411
AE	5180	725677 Oil and Gas Well Plugging	\$47,734,902	\$48,022,027
AF	5210	725627 Off-Road Vehicle Trails	\$1,781,723	\$286,068
AG	5220	725656 Natural Areas and	\$585,191	\$600,500

Preserves				
AH 5290	725639	Mining Regulation and Safety	\$4,004,552	\$4,090,096
AI 5310	725648	Reclamation Forfeiture	\$195,573	\$195,579
AJ 5BJ1	7256A7	Wildlife Area Land Royalties	\$3,000,000	\$0
AK 5EL0	725612	Wildlife Law Enforcement	\$11,826	\$11,826
AL 5HK0	725625	Ohio Nature Preserves	\$9,239	\$9,239
AM 5LD0	725458	Oil and Gas Leasing Commission	\$10,000	\$10,000
AN 5P20	725634	Wildlife Boater Angler Administration	\$5,968,330	\$5,968,330
AO 5TD0	725514	Park Maintenance	\$1,540,331	\$1,540,331
AP 6150	725661	Dam Safety	\$5,673,950	\$6,473,950
AQ 6970	725670	Submerged Lands	\$667,210	\$679,080
AR 6H20	725681	H2Ohio	\$26,200,000	\$26,200,000
AS 7015	740401	Division of Wildlife Conservation	\$84,946,128	\$87,919,242
AT 7086	725414	Waterways Improvement	\$7,454,184	\$7,380,807
AU 7086	739401	Watercraft Operations	\$28,432,898	\$28,922,532

AV 8150 725636	Cooperative Management Projects	\$625,271	\$625,271
AW 8160 725649	Wetlands Habitat	\$659,691	\$659,691
AX 8170 725655	Wildlife Conservation Checkoff	\$1,923,060	\$1,923,060
AY 8180 725629	Cooperative Fisheries Research	\$1,500,000	\$1,500,000
AZ 8190 725685	Ohio River Management	\$43,786	\$43,786
BA 81B0 725688	Wildlife Habitats	\$1,359,102	\$1,359,102
BB	Dedicated Purpose Fund Group Total	\$326,295,408	\$328,034,421
BC	Internal Service Activity Fund Group		
BD 1550 725601	Departmental Projects	\$1,566,470	\$1,586,980
BE 1570 725651	Program Support	\$26,713,040	\$27,292,005
BF 5100 725631	Maintenance - State-owned Residences	\$43,713	\$43,713
BG	Internal Service Activity Fund Group Total	\$28,323,223	\$28,922,698
BH	Capital Projects Fund Group		
BI 7061 725405	Clean Ohio Trail Operating	\$267,307	\$273,030
BJ	Capital Projects Fund Group Total	\$267,307	\$273,030

BK Fiduciary Fund Group		
BL 5ZT0 7256A2 State Park Lodges	\$11,950,641	\$11,950,641
Maintenance and Repair		
BM Fiduciary Fund Group Total	\$11,950,641	\$11,950,641
BN Holding Account Fund Group		
BO R017 725659 Performance Cash Bond	\$450,999	\$450,999
Refunds		
BP R043 725624 Forestry	\$2,104,919	\$2,104,919
BQ Holding Account Fund Group Total	\$2,555,918	\$2,555,918
BR Federal Fund Group		
BS 3320 725669 Federal Mine Safety Grant	\$306,979	\$316,189
BT 3B30 725640 Federal Forest Pass-Thru	\$419,535	\$419,535
BU 3B40 725641 Federal Flood Pass-Thru	\$106,648	\$106,648
BV 3B50 725645 Federal Abandoned Mine	\$69,114,806	\$69,268,735
Lands		
BW 3B60 725653 Federal Land and Water	\$10,800,000	\$25,800,000
Conservation Grants		
BX 3B70 725654 Reclamation - Regulatory	\$1,311,309	\$1,340,625
BY 3IR0 7256A5 Long Term Abandoned Mine	\$100,000	\$100,000
Land Reclamation		

BZ 3P10 725632	Geological Survey - Federal	\$805,102	\$786,700
CA 3P20 725642	Oil and Gas - Federal	\$20,109,957	\$20,115,008
CB 3P20 725698	Oil And Gas - Federal Orphan Well Plug	\$22,363,120	\$22,363,120
CC 3P30 725650	Coastal Management - Federal	\$3,953,487	\$4,013,587
CD 3P40 725660	Federal - Soil and Water Resources	\$416,420	\$422,292
CE 3R50 725673	Acid Mine Drainage Abatement/Treatment	\$860,489	\$860,489
CF 3Z50 725657	Federal Recreation and Trails	\$1,122,594	\$1,127,603
CG	Federal Fund Group Total	\$131,790,446	\$147,040,531
CH	TOTAL ALL BUDGET FUND GROUPS	\$658,071,388	\$695,209,721

**Section 343.20. PROGRAM SUPPORT FUND** 135396

The Department of Natural Resources shall use a 135397  
methodology for determining each division's payments into the 135398  
Program Support Fund (Fund 1570). The methodology used shall 135399  
contain the characteristics of administrative ease and uniform 135400  
application in compliance with federal grant requirements. It 135401  
may include direct cost charges for specific services provided. 135402  
Payments to Fund 1570 shall be made using an intrastate transfer 135403  
voucher. 135404



The foregoing appropriation item 725401, Division of Wildlife-Operating Subsidy, shall be used to pay the direct and indirect costs of the Division of Wildlife. 135405  
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PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND 135408  
PAYMENTS 135409

The foregoing appropriation item 725413, Parks and Recreational Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2025, through June 30, 2027, by the Department of Natural Resources pursuant to leases and agreements made under section 154.22 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code. 135410  
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HEALTHY LAKE ERIE PROGRAM 135418

The foregoing appropriation item 725505, Healthy Lake Erie Program, shall be used by the Director of Natural Resources, in support of the following: (1) conservation measures in the Western Lake Erie Basin as determined by the Director; (2) funding assistance for soil testing, winter cover crops, edge of field testing, tributary monitoring, and animal waste abatement; and (3) any additional efforts to reduce nutrient runoff as the Director may decide. The Director shall give priority to recommendations that encourage farmers to adopt agricultural production guidelines commonly known as 4R nutrient stewardship practices. 135419  
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SPECIAL PROJECTS 135430

Of the foregoing appropriation item 725520, Special Projects, \$250,000 in each fiscal year shall be used for improvements at Mosquito Lake State Park.Of the foregoing 135431  
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appropriation item 725520, Special Projects, \$100,000 in each 135434  
fiscal year shall be used to support Ohio Education Programs at 135435  
Aullwood Audubon Center and Farm and Grange Insurance Audubon 135436  
Center. 135437

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 135438

The foregoing appropriation item 725903, Natural Resources 135439  
General Obligation Bond Debt Service, shall be used to pay all 135440  
debt service and related financing costs during the period July 135441  
1, 2025, through June 30, 2027, on obligations issued under 135442  
sections 151.01 and 151.05 of the Revised Code. 135443

PARKS AND RECREATION 135444

Of the foregoing appropriation item 730321, Parks and 135445  
Recreation, \$150,000 in each fiscal year shall be provided to 135446  
Canalway Partners to support the 2027 bicentennial recognition 135447  
of the Ohio & Erie Canal. 135448

**Section 343.30.** WELL LOG FILING FEES 135449

The Chief of the Division of Water Resources shall deposit 135450  
fees forwarded to the Division pursuant to section 1521.05 of 135451  
the Revised Code into the Water Management Fund (Fund 5160) for 135452  
the purposes described in that section. 135453

PARKS CAPITAL EXPENSES FUND 135454

The Director of Natural Resources shall submit to the 135455  
Director of Budget and Management the estimated design, 135456  
engineering, and planning costs of capital-related work to be 135457  
done by Department of Natural Resources staff for parks projects 135458  
within the Ohio Parks and Recreation Improvement Fund (Fund 135459  
7035). If the Director of Budget and Management approves the 135460  
estimated costs, the Director may release appropriations from 135461

Fund 7035 appropriation item C725E6, Project Planning, for those 135462  
purposes. Upon release of the appropriations, the Department of 135463  
Natural Resources shall pay for these expenses from the Parks 135464  
Capital Expenses Fund (Fund 2270). Expenses paid from Fund 2270 135465  
shall be reimbursed by Fund 7035 using an intrastate transfer 135466  
voucher. 135467

NATUREWORKS CAPITAL EXPENSES FUND 135468

The Department of Natural Resources shall submit to the 135469  
Director of Budget and Management the estimated design, 135470  
planning, and engineering costs of capital-related work to be 135471  
done by Department of Natural Resources staff for each capital 135472  
improvement project within the Ohio Parks and Natural Resources 135473  
Fund (Fund 7031). If the Director of Budget and Management 135474  
approves the estimated costs, the Director may release 135475  
appropriations from Fund 7031 appropriation item C725E5, Project 135476  
Planning, for those purposes. Upon release of the 135477  
appropriations, the Department of Natural Resources shall pay 135478  
for these expenses from the Capital Expenses Fund (Fund 4S90). 135479  
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 135480  
using an intrastate transfer voucher. 135481

PARK MAINTENANCE 135482

The foregoing appropriation item 725514, Park Maintenance, 135483  
shall be used by the Department of Natural Resources to pay the 135484  
costs of projects supported by the State Park Maintenance Fund 135485  
(Fund 5TD0) under section 1501.08 of the Revised Code. 135486

On July 1 of each fiscal year or as soon as possible 135487  
thereafter, the Director of Natural Resources shall certify the 135488  
amount of five percent of the average of the previous five years 135489  
of deposits in the State Park Fund (Fund 5120) to the Director 135490

of Budget and Management. The Director of Budget and Management 135491  
may transfer up to \$2,200,000 from Fund 5120 to the State Park 135492  
Maintenance Fund (Fund 5TD0). 135493

WATERWAYS IMPROVEMENTS 135494

The Director of Natural Resources shall consult with the 135495  
Loramie Watershed Association to identify portions of Lake 135496  
Loramie that are negatively affected by hard pan sediment and 135497  
hard clay debris. Of the foregoing appropriation item 725414, 135498  
Waterways Improvement, \$250,000 in each fiscal year shall be 135499  
used by the Director of Natural Resources to contract with a 135500  
third-party vendor for channel excavation and the removal of 135501  
hard pan sediment and hard clay debris at Lake Loramie. 135502

Of the foregoing appropriation item 725414, Waterways 135503  
Improvement, \$172,000 in fiscal year 2026 shall be used by the 135504  
Director of Natural Resources for channel excavation and removal 135505  
of sediment at Grand Lake St. Marys. 135506

**Section 343.50.** CLEAN OHIO TRAIL OPERATING EXPENSES 135507

The foregoing appropriation item 725405, Clean Ohio Trail 135508  
Operating, shall be used by the Department of Natural Resources 135509  
in administering Clean Ohio Trail Fund (Fund 7061) projects 135510  
pursuant to section 1519.05 of the Revised Code. 135511

**Section 343.60.** (A) As used in this section: 135512

(1) "Locally administer" means to supervise the design and 135513  
construction of, and make contracts for the construction, 135514  
reconstruction, improvement, enlargement, alteration, repair, or 135515  
decoration of a capital facility project without the assistance 135516  
of the Ohio Facilities Construction Commission. 135517

(2) "Capital facility project" means any activities, 135518

projects, or improvements described in division (B) (1) of 135519  
section 1501.011 of the Revised Code. "Capital facility project" 135520  
does not include the construction of a new facility, structure, 135521  
or lodge. 135522

(B) Notwithstanding section 123.21 of the Revised Code or 135523  
any other provision of law to the contrary, for fiscal years 135524  
2026 and 2027, the Department of Natural Resources may locally 135525  
administer any capital facility project commenced within those 135526  
fiscal years, regardless of estimated cost. 135527

(C) The Department shall do both of the following 135528  
regarding a capital facility project that is locally 135529  
administered: 135530

(1) Comply with the applicable procedures and guidelines 135531  
established in Chapter 153. of the Revised Code; 135532

(2) Track all project information in the Ohio 135533  
Administrative Knowledge System capital improvements application 135534  
pursuant to Ohio Facilities Construction Commission guidelines 135535  
as though the Department is administering the project pursuant 135536  
to section 123.211 of the Revised Code and all generally 135537  
applicable laws. 135538

(D) Nothing in this section interferes with the powers of 135539  
the Department of Natural Resources authorized in Chapter 1501. 135540  
of the Revised Code. 135541

**Section 345.10.** 135542  
135543

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B	Dedicated Purpose Fund Group		
C	4K90 884609 Operating Expenses	\$13,033,034	\$13,491,425
D	5AC0 884602 Nurse Education Grant Program	\$1,350,000	\$1,350,000
E	Dedicated Purpose Fund Group Total	\$14,383,034	\$14,841,425
F	TOTAL ALL BUDGET FUND GROUPS	\$14,383,034	\$14,841,425

**Section 347.10.**

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A            PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS  
BOARD

B	Dedicated Purpose Fund Group		
C	4K90 890609 Operating Expenses	\$1,352,852	\$1,434,859
D	Dedicated Purpose Fund Group Total	\$1,352,852	\$1,434,859
E	TOTAL ALL BUDGET FUND GROUPS	\$1,352,852	\$1,434,859

**Section 353.10.**

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A            OOD OPPORTUNITIES FOR OHIOANS WITH DISABILITIES AGENCY

B            General Revenue Fund

C	GRF 415402 Independent Living	\$252,000	\$252,000
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Council

D	GRF	415406	Assistive Technology	\$26,000	\$26,000
E	GRF	415431	Brain Injury	\$800,000	\$800,000
F	GRF	415506	Services for Individuals with Disabilities	\$40,015,000	\$40,015,000
G	GRF	415508	Services for the Deaf	\$527,000	\$527,000
H	GRF	415511	Centers for Independent Living	\$1,500,000	\$1,500,000
I	GRF	415512	Visually Impaired Reading Services	\$50,000	\$50,000
J	GRF	415513	Accessible Ohio	\$1,000,000	\$1,000,000
K	GRF	415515	DeafBlind Fund	\$100,000	\$100,000
L			General Revenue Fund Total	\$44,270,000	\$44,270,000
M			Dedicated Purpose Fund Group		
N	4670	415609	Business Enterprise Operating Expenses	\$913,127	\$918,806
O	4680	415618	Third Party Services Funding	\$3,725,233	\$3,725,233
P	4L10	415619	Services for Rehabilitation	\$2,000,000	\$2,000,000
Q			Dedicated Purpose Fund Group Total	\$6,638,360	\$6,644,039

R	Internal Service Activity Fund Group		
S	4W50 415606 Program Management	\$17,083,462	\$17,539,339
T	Internal Service Activity Fund Group Total	\$17,083,462	\$17,539,339
U	Federal Fund Group		
V	3170 415620 Disability Determination	\$88,981,907	\$90,733,204
W	3790 415616 Federal-Vocational Rehabilitation	\$170,000,000	\$175,100,000
X	3GH0 415602 Personal Care Assistance	\$3,995,399	\$4,017,337
Y	3GH0 415604 Community Centers for the Deaf	\$772,420	\$772,420
Z	3GH0 415613 Independent Living	\$2,737,411	\$2,737,411
AA	3GH0 415627 Independent Living Projects	\$100,000	\$100,000
AB	3ILO 415629 Works4Me Disability Innovation Fund Grant	\$2,300,000	\$2,300,000
AC	3L40 415615 Federal-Supported Employment	\$1,200,000	\$1,200,000
AD	3L40 415617 Independent Living Older Blind	\$2,567,746	\$2,908,622
AE	Federal Fund Group Total	\$272,654,883	\$279,868,994



AF TOTAL ALL BUDGET FUND GROUPS \$340,646,705 \$348,322,372

**Section 353.20.** INDEPENDENT LIVING 135548

The foregoing appropriation item 415402, Independent 135549  
Living Council, shall be provided to the Ohio Statewide 135550  
Independent Living Council to support its operations under the 135551  
State Plan for Independent Living. 135552

Of the foregoing appropriation item 415511, Centers for 135553  
Independent Living, the amount needed in each fiscal year for 135554  
state matching funds for the Federal Independent Living Grant 135555  
shall be provided to support the state independent living 135556  
programs and centers under Title VII of the federal 135557  
"Rehabilitation Act of 1973," 29 U.S.C. 701, et seq., as amended 135558  
by the Rehabilitation Act Amendments of 1992 and known as the 135559  
federal Independent Living Services and Centers for Independent 135560  
Living. 135561

Of the foregoing appropriation item 415511, Centers for 135562  
Independent Living, up to \$1,355,608 in each fiscal year may be 135563  
used as state matching funds to provide vocational 135564  
rehabilitation services to Ohioans with disabilities. 135565

Of the foregoing appropriation item 415511, Centers for 135566  
Independent Living, \$74,124 in each fiscal year shall be used as 135567  
state matching funds for vocational rehabilitation innovation 135568  
and expansion activities. 135569

The foregoing appropriation item 415613, Independent 135570  
Living, shall be used to support the operations of the Centers 135571  
for Independent Living in accordance with the State Plan for 135572  
Independent Living. 135573

ASSISTIVE TECHNOLOGY 135574

The foregoing appropriation item 415406, Assistive Technology, shall be provided to Assistive Technology of Ohio to provide grants and assistive technology services for people with disabilities in the state of Ohio.

BRAIN INJURY 135579

Of the foregoing appropriation item 415431, Brain Injury, \$500,000 in each fiscal year shall be provided to The Ohio State University College of Medicine to support the Brain Injury Program established under section 3335.60 of the Revised Code.

The remainder of appropriation item 415431, Brain Injury, shall be provided to the Brain Injury Association of Ohio for direct services and supports for brain injury survivors and caregivers.

SERVICES FOR THE DEAF 135588

The foregoing appropriation item 415508, Services for the Deaf, shall be used to support community centers for the deaf.

VISUALLY IMPAIRED READING SERVICES 135591

The foregoing appropriation item 415512, Visually Impaired Reading Services, shall be used to support VOICEcorps Reading Services to provide reading services for blind individuals.

DEAFBLIND FUND 135595

The foregoing appropriation item 415515, DeafBlind Fund, shall be distributed to the Columbus Speech and Hearing Center for the recruitment and training of support service providers and to connect support service providers with DeafBlind individuals.

SIGHT CENTERS 135601

Of the foregoing appropriation item 415617, Independent 135602  
 Living Older Blind, \$30,000 in each fiscal year shall be used to 135603  
 contract in equal amounts with the Cleveland Sight Center, the 135604  
 Cincinnati Association for the Blind and Visually Impaired, and 135605  
 the Sight Center of Northwest Ohio to provide outreach to the 135606  
 community of individuals with blindness or low vision. 135607

**Section 361.10.** 135608  
 135609

1	2	3	4	5
A		PEN PENSION SUBSIDIES		
B	General Revenue Fund			
C	GRF 090524	Police and Fire Disability Pension Fund	\$300	\$300
D	GRF 090534	Police and Fire Ad Hoc Cost of Living	\$14,000	\$14,000
E	GRF 090554	Police and Fire Survivor Benefits	\$138,000	\$138,000
F	GRF 090575	Police and Fire Death Benefits	\$40,000,000	\$40,000,000
G	General Revenue Fund Total		\$40,152,300	\$40,152,300
H	TOTAL ALL BUDGET FUND GROUPS		\$40,152,300	\$40,152,300

**Section 361.20. POLICE AND FIRE DEATH BENEFIT FUND** 135610

The foregoing appropriation item 090575, Police and Fire 135611  
 Death Benefits, shall be disbursed quarterly by the Treasurer of 135612

State at the beginning of each quarter of each fiscal year to 135613  
the Board of Trustees of the Ohio Police and Fire Pension Fund, 135614  
which serves as trustees of the Ohio Public Safety Officers 135615  
Death Benefit Fund pursuant to section 742.62 of the Revised 135616  
Code. The Treasurer of State shall certify such amounts 135617  
quarterly to the Director of Budget and Management. By the 135618  
twentieth day of June of each fiscal year, the Board of Trustees 135619  
shall certify to the Treasurer of State the amount disbursed in 135620  
the current fiscal year to make the payments required by 135621  
sections 124.824 and 742.63 of the Revised Code and shall return 135622  
to the Treasurer of State moneys received from this 135623  
appropriation item but not disbursed. 135624

Notwithstanding any provision of section 124.824 of the 135625  
Revised Code to the contrary, for each death benefit fund 135626  
recipient who participates in health, medical, hospital, dental, 135627  
surgical, or vision benefits under section 124.824 of the 135628  
Revised Code, the Board of Trustees of the Ohio Police and Fire 135629  
Pension Fund shall forward as a pass-through from the revenue 135630  
received from the foregoing appropriation item 090575, Police 135631  
and Fire Death Benefits, the percentage of the cost for the 135632  
applicable benefits that would be paid by a state employer for a 135633  
state employee who elects that coverage and any applicable 135634  
administrative costs, which shall not exceed two per cent of the 135635  
total cost of the benefits. The Board of Trustees shall also 135636  
withhold from the benefits paid to a death benefit fund 135637  
recipient under section 742.63 of the Revised Code the 135638  
percentage of the cost for such benefits that would be paid by a 135639  
state employee, and forward the withheld amounts to the 135640  
Department of Administrative Services from the revenue received 135641  
from the foregoing appropriation item 090575, Police and Fire 135642  
Death Benefits. 135643

In fiscal year 2026 or 2027, if it is determined by the Director of Administrative Services, in consultation with the Chairperson of the Board of Trustees of the Ohio Police and Fire Pension Fund, or designee, that additional amounts are necessary to pay the cost of providing benefits under section 124.824 or 742.63 of the Revised Code, the Director of Administrative Services may certify the additional amount necessary to the Director of Budget and Management. The amount certified is hereby appropriated.

**Section 363.10.**

	1	2	3	4	5
A	UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD				
B	Dedicated Purpose Fund Group				
C	6910	810632	Petroleum Underground Storage Tank Release Compensation Board - Operating	\$1,778,594	\$1,910,092
D	Dedicated Purpose Fund Group Total			\$1,778,594	\$1,910,092
E	TOTAL ALL BUDGET FUND GROUPS			\$1,778,594	\$1,910,092

**Section 367.10.**

	1	2	3	4	5
A	PRX STATE BOARD OF PHARMACY				
B	Dedicated Purpose Fund Group				



A	PSY STATE BOARD OF PSYCHOLOGY		
B	Dedicated Purpose Fund Group		
C	4K90 882609 Operating Expenses	\$975,010	\$1,011,722
D	Dedicated Purpose Fund Group Total	\$975,010	\$1,011,722
E	TOTAL ALL BUDGET FUND GROUPS	\$975,010	\$1,011,722

**Section 371.10.**

135667

135668

1 2 3 4 5

A	PUB OHIO PUBLIC DEFENDER COMMISSION		
B	General Revenue Fund		
C	GRF 019401 State Legal Defense Services	\$13,227,100	\$13,467,000
D	GRF 019406 Northwest Regional Hub Support	\$3,350,000	\$3,350,000
E	GRF 019501 County Reimbursement	\$195,469,360	\$200,680,940
F	General Revenue Fund Total	\$212,046,460	\$217,497,940
G	Dedicated Purpose Fund Group		
H	1010 019607 Juvenile Legal Assistance	\$217,456	\$223,980
I	4060 019603 Training and Publications	\$75,000	\$75,000
J	4070 019604 County Representation	\$375,000	\$375,000

K	4080	019605	Client Payments	\$800,000	\$800,000
L	4C70	019601	Multi-County: County Share	\$594,900	\$624,300
M	4N90	019613	Gifts and Grants	\$13,400	\$13,400
N	5740	019606	Civil Legal Aid	\$38,000,000	\$34,000,000
O	5CX0	019617	Civil Case Filing Fee	\$620,000	\$620,000
P	5DY0	019618	Indigent Defense Support - County Share	\$22,908,000	\$22,908,000
Q	5DY0	019619	Indigent Defense Support - State Office	\$4,692,000	\$4,692,000
R	Dedicated Purpose Fund Group Total			\$68,295,756	\$64,331,680
S	Federal Fund Group				
T	3IQ0	019626	Reforming Reentry Program	\$350,000	\$85,321
U	3S80	019608	Federal Representation	\$38,300	\$38,300
V	Federal Fund Group Total			\$388,300	\$123,621
W	TOTAL ALL BUDGET FUND GROUPS			\$280,730,516	\$281,953,241

**Section 371.20. STATE LEGAL DEFENSE SERVICES** 135669

Of the foregoing appropriation item 019401, State Legal 135670  
 Defense Services, up to \$50,000 in each fiscal year shall be 135671  
 used by the Ohio Public Defender to provide legal training 135672  
 programs at no cost for private appointed counsel who represent 135673



at least one indigent defendant at no cost and for state and 135674  
county public defenders and attorneys who contract with the Ohio 135675  
Public Defender to provide indigent defense services. 135676

INDIGENT DEFENSE SUPPORT 135677

The foregoing appropriation item 019501, County 135678  
Reimbursement, shall be used to reimburse counties for the costs 135679  
of operating county public defender offices, joint county public 135680  
defender offices and county appointed counsel systems, the 135681  
counties' costs and expenses of conducting the defense in 135682  
capital cases, the counties' costs and expenses of appointed 135683  
counsel covered by section 2941.51 of the Revised Code, and the 135684  
costs and expenses of contracting with the state public defender 135685  
or with any nonprofit organization to provide legal 135686  
representation to indigent persons. The counties' costs and 135687  
expenses of appointed counsel covered by section 2941.51 of the 135688  
Revised Code shall be reimbursed at an hourly rate not to exceed 135689  
\$75 per hour, except that the counties' costs and expenses of 135690  
conducting the defense in capital cases shall be reimbursed at 135691  
an hourly rate not to exceed \$140 per hour. 135692

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL 135693  
AID FUND 135694

On July 1 of each fiscal year, or as soon as possible 135695  
thereafter, the Director of Budget and Management shall transfer 135696  
\$1,000,000 cash from the General Revenue Fund to the Legal Aid 135697  
Fund (Fund 5740). The transferred cash shall be distributed by 135698  
the Ohio Access to Justice Foundation to Ohio's civil legal aid 135699  
societies as follows: \$500,000 in each fiscal year for the sole 135700  
purpose of providing legal services for economically 135701  
disadvantaged individuals and families seeking assistance with 135702  
legal issues arising as a result of substance abuse disorders, 135703

and \$250,000 in each fiscal year for the sole purpose of 135704  
providing legal services for veterans. None of the funds shall 135705  
be used for administrative costs, including, but not limited to, 135706  
salaries, benefits, or travel reimbursements. 135707

FEDERAL REPRESENTATION 135708

The foregoing appropriation item 019608, Federal 135709  
Representation, shall be used to support representation provided 135710  
by the Ohio Public Defender in federal court cases. 135711

COUNTY INDIGENT DEFENSE BUDGETS 135712

Not later than July 31, 2026, each county through its 135713  
county commission shall submit a biannual indigent defense cost 135714  
projection report to the Ohio Public Defender. The report shall 135715  
contain data on the most current projected costs of the indigent 135716  
defense services in the county for the next two upcoming state 135717  
fiscal years at the time of submission. 135718

**Section 371.30.** NORTHWEST REGIONAL HUB 135719

(A) In fiscal year 2026 and fiscal year 2027, the Ohio 135720  
Public Defender shall create the Northwest Regional Hub pilot 135721  
program to provide indigent defense services in the counties 135722  
that elect to join, in lieu of managing those services directly 135723  
and applying for reimbursement. 135724

(B) The following counties may elect to participate in the 135725  
Northwest Regional Hub, and no other counties are permitted to 135726  
participate: 135727

(1) Allen County; 135728

(2) Hardin County; 135729

(3) Putnam County. 135730

(C) On or after the effective date of this section, any county listed in division (B) of this section may elect, by resolution, to become part of the Northwest Regional Hub and thereby transfer administration of the county's indigent defense system to the Ohio Public Defender for the period of the pilot program.

(D) If a county elects to become part of the Northwest Regional Hub and transfer indigent defense services to the Ohio Public Defender pursuant to this section, the Ohio Public Defender shall assume responsibility for representation of indigent persons in the proceedings set forth in division (A) of section 120.16 of the Revised Code, to the extent that representation is not provided by outside counsel in accordance with section 120.33 of the Revised Code.

(E) (1) The Ohio Public Defender shall consult with the county commissioners, judiciary, and local attorneys in counties that have opted to participate in the Northwest Regional Hub to determine the number of indigent defense cases the public defender will handle directly.

(2) Except as provided in division (E) (4) of this section, in a county that elects to participate in the Northwest Regional Hub, the Ohio Public Defender shall provide direct representation to indigent defendants in not more than eighty per cent of indigent defense cases.

(3) In cases where the Ohio Public Defender does not provide direct representation, the court shall appoint counsel in accordance with section 120.33 of the Revised Code.

(4) If the Ohio Public Defender, in consultation with the county commissioners, judiciary, and local attorneys, determines

that there is insufficient local counsel available to fill an 135760  
appointment under division (E) (3) of this section, the Ohio 135761  
Public Defender shall provide direct representation in the case. 135762

(F) A county that wishes to withdraw from the Northwest 135763  
Regional Hub and resume responsibility for the delivery of 135764  
indigent defense services shall do all of the following: 135765

(1) Hold a public meeting regarding the withdrawal and 135766  
provide notice to all of the following, seven or more days 135767  
before the meeting: 135768

(a) The local bar association; 135769

(b) Every judge serving in the county; 135770

(c) The county prosecutor; 135771

(d) The county public defender; 135772

(e) Every attorney who is on the court's roster for 135773  
appointment to provide indigent defense in accordance with 135774  
section 120.33 of the Revised Code. 135775

(2) Provide the Ohio Public Defender with a copy of the 135776  
resolution electing to withdraw. 135777

(G) When a county transfers indigent defense services to 135778  
the Ohio Public Defender pursuant to this section, and the 135779  
transferring county operates a county public defender office at 135780  
the time of the transfer, the employees of the transferring 135781  
county public defender may be transferred to employees of the 135782  
Ohio Public Defender as the Ohio Public Defender determines to 135783  
be necessary for successful implementation of this section, to 135784  
the extent possible, with no loss of service credit. 135785

NORTHWEST REGIONAL HUB SUPPORT 135786

The foregoing appropriation item 019406, Northwest Regional Hub Support, shall be used by the Ohio Public Defender to pay for all the costs of providing indigent defense services in counties that have transferred administration of those services pursuant to this section. Expenses may include the cost of operating public defender offices, reimbursement of expenses of court appointed counsel, and other associated costs of providing legal representation to indigent persons as covered by section 120.04 of the Revised Code.

**Section 373.10.**

1	2	3	4	5
A	DPS DEPARTMENT OF PUBLIC SAFETY			
B	General Revenue Fund			
C	GRF 761403	Recovery Ohio Law Enforcement	\$6,500,000	\$6,500,000
D	GRF 761411	Ohio Narcotics Intelligence Center	\$13,077,345	\$13,641,498
E	GRF 763403	EMA Operating	\$8,931,000	\$9,102,000
F	GRF 763407	State Hazard Mitigation	\$1,000,000	\$1,000,000
G	GRF 763408	State Disaster Relief	\$939,481	\$969,481
H	GRF 763513	Security Grants	\$8,500,000	\$8,500,000
I	GRF 765401	Emergency Medical Services Operating	\$5,572,851	\$5,843,030

J	GRF	767420	Investigative Unit Operating	\$12,554,073	\$10,718,860
K	GRF	768425	Justice Program Services	\$19,195,430	\$19,375,918
L	GRF	768435	Community Police Relations	\$2,445,800	\$2,607,939
M	GRF	769406	Homeland Security - Operating	\$4,946,000	\$5,046,000
N	GRF	769407	Driver Safety	\$6,425,545	\$6,458,591
O	GRF	769412	Ohio School Safety Center	\$8,963,284	\$9,367,524
P			General Revenue Fund Total	\$99,050,809	\$99,130,841
Q			Highway Safety Fund Group		
R	5TMO	762321	Operating Expense - BMV	\$128,500,000	\$129,645,783
S	5TMO	762637	Local Immobilization Reimbursement	\$87,000	\$90,000
T	5TMO	764321	Operating Expense - Highway Patrol	\$404,019,560	\$416,140,146
U	5TMO	764605	Motor Carrier Enforcement Expenses	\$709,000	\$730,000
V	5TMO	769636	Administrative Expenses - Highway Purposes	\$56,062,283	\$58,959,468
W	8370	764602	Turnpike Policing	\$13,652,000	\$14,117,000

X	83C0	764630	Contraband, Forfeiture, and Other	\$500,000	\$500,000
Y	83F0	764657	Law Enforcement Automated Data System	\$6,216,213	\$6,380,428
Z	83G0	764633	OMVI Enforcement/Education	\$156,727	\$157,703
AA	83M0	765640	EMS Grants	\$2,900,000	\$2,900,000
AB	8400	764607	State Fair Security	\$1,788,386	\$1,842,038
AC	8400	764617	Security and Investigations	\$14,376,926	\$14,808,233
AD	8400	764626	State Fairgrounds Police Force	\$1,031,556	\$1,062,502
AE	8460	761625	Motorcycle Safety Education	\$4,215,000	\$4,220,000
AF	8490	762627	Automated Title Processing Board	\$11,000,000	\$10,950,000
AG	8490	762630	Electronic Liens and Titles	\$2,008,000	\$2,008,000
AH			Highway Safety Fund Group Total	\$647,222,651	\$664,511,301
AI			Dedicated Purpose Fund Group		
AJ	4P60	768601	Justice Program Services	\$95,000	\$100,000
AK	4V30	763662	EMA Service and	\$559,000	\$562,000

Reimbursements				
AL 5390	762614	Motor Vehicle Dealers Board	\$140,000	\$140,000
AM 5AZ1	761680	eWarrant Local Integration	\$2,390,000	\$2,405,000
AN 5B90	766632	Private Investigator and Security Guard Provider	\$2,134,000	\$2,203,000
AO 5BC1	769638	Ohio School Safety and Security Center Training Fees	\$100,000	\$100,000
AP 5BK0	768687	Criminal Justice Services - Operating	\$770,000	\$795,000
AQ 5BK0	768689	Family Violence Shelter Programs	\$1,550,000	\$1,550,000
AR 5ET0	768625	Drug Law Enforcement	\$3,750,000	\$3,750,000
AS 5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$1,400,000	\$1,400,000
AT 5LM0	768698	Criminal Justice Services Law Enforcement Support	\$850,000	\$850,000
AU 5ML0	769635	Infrastructure Protection	\$89,000	\$91,000
AV 5RH0	767697	OIU Special Projects	\$750,000	\$750,000
AW 5Y10	764695	State Highway Patrol	\$148,000	\$148,000



	Continuing Professional Training		
AX 5Y10 767696	Ohio Investigative Unit Continuing Professional Training	\$10,000	\$10,000
AY 6220 767615	Investigative, Contraband, and Forfeiture	\$61,000	\$61,000
AZ 6570 763652	Utility Radiological Safety	\$1,420,000	\$1,467,000
BA 6810 763653	SARA Title III Hazmat Planning	\$400,000	\$331,000
BB	Dedicated Purpose Fund Group Total	\$16,616,000	\$16,713,000
BC	Fiduciary Fund Group		
BD 5J90 761678	Federal Salvage/GSA	\$600,000	\$600,000
BE 5V10 762682	License Plate Contributions	\$2,900,000	\$3,000,000
BF	Fiduciary Fund Group Total	\$3,500,000	\$3,600,000
BG	Holding Account Fund Group		
BH R024 762619	Unidentified Motor Vehicle Receipts	\$1,641,000	\$1,641,000
BI R052 762623	Security Deposits	\$50,000	\$50,000

BJ Holding Account Fund Group Total	\$1,691,000	\$1,691,000
BK Federal Fund Group		
BL 3370 763515 COVID Relief - Federal	\$150,000,000	\$150,000,000
BM 3370 763609 Federal Disaster Relief	\$73,500,000	\$73,500,000
BN 3FP0 767620 Ohio Investigative Unit Justice Contraband	\$10,000	\$10,000
BO 3GL0 768619 Justice Assistance Grants	\$10,000,000	\$10,000,000
BP 3GR0 764693 Highway Patrol Justice Contraband	\$227,000	\$227,000
BQ 3GS0 764694 Highway Patrol Treasury Contraband	\$80,000	\$80,000
BR 3GT0 767691 Investigative Unit Federal Equity Share	\$100,000	\$100,000
BS 3GU0 761610 Information and Education Grant	\$435,000	\$435,000
BT 3GU0 764608 Fatality Analysis Report System Grant	\$175,000	\$175,000
BU 3GU0 764610 Highway Safety Programs Grant	\$5,226,000	\$5,333,000
BV 3GU0 764659 Motor Carrier Safety Assistance Program Grant	\$11,242,000	\$11,582,000
BW 3GU0 769610 Investigations Grants -	\$1,000,000	\$1,000,000

Food Stamps, Liquor, and  
Tobacco Laws

BX 3GU0 769631	Homeland Security Disaster Grants	\$1,500,000	\$1,500,000
BY 3GV0 761612	Traffic Safety Action Plan Grant	\$31,625,000	\$31,685,000
BZ 3L50 768604	Justice Program	\$25,000,000	\$25,000,000
CA	Federal Fund Group Total	\$310,120,000	\$310,627,000
CB	TOTAL ALL BUDGET FUND GROUPS	\$1,078,200,460	\$1,096,273,142

**Section 373.20.** RECOVERY OHIO LAW ENFORCEMENT 135798

Of the foregoing appropriation item 761403, Recovery Ohio 135799  
Law Enforcement, up to \$3,400,000 in each fiscal year may be 135800  
used by the Office of Criminal Justice Services to support local 135801  
law enforcement narcotics task forces that focus on cartel 135802  
trafficking interdiction. The interdiction task forces shall be 135803  
designated Ohio Organized Crime Commission task forces subject 135804  
to approval and supervision of the Commission. This earmarked 135805  
amount may also be used to provide funding to local law 135806  
enforcement agencies, the Commission for task force-related 135807  
equipment purchases, and for operating expenses of the Office of 135808  
Criminal Justice Services related to the narcotics interdiction 135809  
task force program. 135810

Of the foregoing appropriation item 761403, Recovery Ohio 135811  
Law Enforcement, up to \$2,500,000 in each fiscal year may be 135812  
used by the Office of Criminal Justice Services for Ohio's 135813  
narcotics task forces in order to build new and strengthen 135814

existing partnerships with local law enforcement. This earmarked 135815  
amount may also be used to provide funding to local law 135816  
enforcement agencies and for operating expenses of the Office of 135817  
Criminal Justice Services related to the Ohio narcotics task 135818  
force program. 135819

Of the foregoing appropriation item 761403, Recovery Ohio 135820  
Law Enforcement, up to \$600,000 in each fiscal year may be used 135821  
to partner with the Office of Information Technology in the 135822  
Department of Administrative Services to enhance and maintain a 135823  
uniform records management and data intelligence system, and 135824  
provide case management, collaboration, data sharing, and data 135825  
analytics tools for Ohio narcotics task forces and law 135826  
enforcement agencies. 135827

**EMERGENCY MEDICAL SERVICES OPERATING** 135828

Of the foregoing appropriation item 765401, Emergency 135829  
Medical Services Operating, \$75,000 in each fiscal year shall be 135830  
distributed to the Ohio Mortuary Operational Response Team 135831  
headquarters in Montgomery County for maintenance and training. 135832

**Section 373.30. SECURITY GRANTS** 135833

(A) The foregoing appropriation item 763513, Security 135834  
Grants, shall be used to make competitive grants of up to 135835  
\$100,000 to nonprofit organizations, houses of worship, 135836  
chartered nonpublic schools, and licensed preschools for all of 135837  
the following purposes: 135838

(1) Eligible security improvements that assist the 135839  
organization in preventing, preparing for, or responding to acts 135840  
of terrorism; 135841

(2) Acquiring or retaining the services of a resource 135842  
officer, special duty police officer, or licensed armed security 135843

guards, including the training, licensing, or certification of resource officers; 135844  
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(3) The lease or purchase of qualified equipment, including equipment for emergency and crisis communication, crisis management, or trauma and crisis response to assist in preventing, preparing for, or responding to acts of terrorism; 135846  
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(4) Placing the qualified equipment at alternative locations that are off the premises belonging to the grantee, provided that the grantee receives prior permission from any appropriate county, municipal corporation, local law enforcement agency, local emergency management agency, or local transportation agency, as applicable; 135850  
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(5) Funding coordinated training between law enforcement, counterterrorism agencies, and emergency responders on either the premises of a nonprofit corporation or through community-wide training efforts. 135856  
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(B) The Emergency Management Agency shall administer and award the grants described in division (A) of this section. The Agency shall establish procedures and forms by which applicants may apply for a grant, a competitive process for ranking applicants and awarding the grants, and procedures for distributing grants to recipients. The Agency shall include information about the grants and the application process on its web site. 135860  
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(C) The Emergency Management Agency may use up to \$1,000,000 in each fiscal year for community police partnerships that focus on collaboration, increased efficiencies, or otherwise assisting both a nonprofit organization and one or more law enforcement, emergency management, or homeland security 135868  
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agencies to serve and protect at-risk nonprofit organizations. 135873

(D) An amount equal to the unexpended, unencumbered 135874  
balance of the foregoing appropriation item 763513, Security 135875  
Grants, at the end of fiscal year 2025 is hereby reappropriated 135876  
for the same purpose in fiscal year 2026. 135877

(E) An amount equal to the unexpended, unencumbered 135878  
balance of the foregoing appropriation item 763513, Security 135879  
Grants, at the end of fiscal year 2026 is hereby reappropriated 135880  
for the same purpose in fiscal year 2027. 135881

JUSTICE PROGRAM SERVICES 135882

Of the foregoing appropriation item 768425, Justice 135883  
Program Services, up to \$5,000,000 in each fiscal year shall be 135884  
used by the Office of Criminal Justice Services to administer 135885  
and distribute grants to state and local law enforcement 135886  
agencies to implement or enhance body-worn camera programs. 135887

Of the foregoing appropriation item 768425, Justice 135888  
Program Services, up to \$4,531,000 in each fiscal year shall be 135889  
used by the Office of Criminal Justice Services to support anti- 135890  
human trafficking efforts in the areas of prosecution, victim 135891  
services to specifically include assistance for child victims, 135892  
and prevention and policy to implement the priorities of the 135893  
Governor's Ohio Human Trafficking Task Force. 135894

Of the foregoing appropriation item 768425, Justice 135895  
Program Services, up to \$4,000,000 in each fiscal year shall be 135896  
used by the Office of Criminal Justice Services to administer 135897  
and distribute grants to state and local law enforcement 135898  
agencies to assist local communities in reducing and preventing 135899  
crime through the use of promising or proven crime reduction 135900  
strategies. The use of the grants includes, but is not limited 135901

to, overtime, equipment, technical assistance, and analytical 135902  
support to implement crime reduction strategies. 135903

Of the foregoing appropriation item 768425, Justice 135904  
Program Services, up to \$1,500,000 in each fiscal year shall be 135905  
used to support state and local law enforcement agencies in the 135906  
recruitment, hiring, and training of qualified individuals to 135907  
serve as peace officers; to support state and local first 135908  
responder agencies in mental, physical, and emotional wellness; 135909  
and to administer and distribute grants to state and local first 135910  
responder agencies to assist in recruitment, retention, and 135911  
wellness of their workforce. Of these funds, \$500,000 in each 135912  
fiscal year shall be distributed as follows: 135913

(A) \$150,000 in each fiscal year to First Responders' 135914  
Bridge to pay for their programs supporting first responders 135915  
suffering from Post Traumatic Stress Disorder, depression, 135916  
anxiety, and other mental health conditions; 135917

(B) \$150,000 in each fiscal year to Save A Warrior 135918  
Foundation to pay for their programs supporting first responders 135919  
suffering from Post Traumatic Stress Disorder, depression, 135920  
anxiety, and other mental health conditions; and 135921

(C) \$200,000 in each fiscal year to Tri-State Peer Support 135922  
Team to pay the administrative costs of providing peer support 135923  
and mental health services for first responders and related 135924  
program development. 135925

Of the foregoing appropriation item 768425, Justice 135926  
Program Services, up to \$1,000,000 in each fiscal year shall be 135927  
used by the Office of Criminal Justice Services to competitively 135928  
procure, directly from the manufacturer, a commercial off-the- 135929  
shelf, completely in canal hearing protection product with a 135930

minimum noise reduction rating of 25 decibels and a maximum 135931  
output of 80 decibels, to protect the hearing of law enforcement 135932  
officers. The hearing protection shall be made available to any 135933  
law enforcement agency in the state on a first-come, first- 135934  
served basis as part of the Law Enforcement Hearing Protection 135935  
Program. 135936

Of the foregoing appropriation item 768425, Justice 135937  
Program Services, up to \$1,000,000 in each fiscal year shall be 135938  
used by the Office of Criminal Justice Services to distribute 135939  
grants to state and/or local law enforcement to conduct 135940  
investigations on sexual assault kit testing results and related 135941  
expenses. 135942

Of the foregoing appropriation item 768425, Justice 135943  
Program Services, up to \$200,000 in each fiscal year shall be 135944  
used by the Office of Criminal Justice Services to competitively 135945  
procure, directly from the manufacturer, a commercial off-the- 135946  
shelf, completely in canal hearing protection product with a 135947  
minimum noise reduction rating of 25 decibels and a maximum 135948  
output of 80 decibels. The hearing protection shall be made 135949  
available to the Ohio State Highway Patrol. 135950

Of the foregoing appropriation item 768425, Justice 135951  
Program Services, up to \$200,000 in each fiscal year shall be 135952  
used by the Office of Criminal Justice Services to implement 135953  
recommendations of the Governor's Warrant Task Force. 135954

**Section 373.40. MOTOR VEHICLE REGISTRATION** 135955

The Director of Public Safety may deposit revenues to meet 135956  
the cash needs of the Public Safety - Highway Purposes Fund 135957  
(Fund 5TM0) established in section 4501.06 of the Revised Code, 135958  
obtained under section 4503.02 of the Revised Code, less all 135959



other available cash. Revenue deposited pursuant to this 135960  
paragraph shall support in part appropriations for the 135961  
administration and enforcement of laws relative to the operation 135962  
and registration of motor vehicles, for payment of highway 135963  
obligations and other statutory highway purposes. 135964  
Notwithstanding section 4501.03 of the Revised Code, the 135965  
revenues shall be paid into Fund 5TM0 before any revenues 135966  
obtained pursuant to section 4503.02 of the Revised Code are 135967  
paid into any other fund. The deposit of revenues to meet the 135968  
aforementioned cash needs shall be in approximately equal 135969  
amounts on a monthly basis or as otherwise approved by the 135970  
Director of Budget and Management. Prior to July 1 of each 135971  
fiscal year, the Director of Public Safety shall submit a plan 135972  
to the Director of Budget and Management requesting approval of 135973  
the anticipated revenue amounts to be deposited into Fund 5TM0 135974  
pursuant to this paragraph. If during the fiscal year changes to 135975  
the plan as approved by the Director of Budget and Management 135976  
are necessary, the Director of Public Safety shall submit a 135977  
revised plan to the Director of Budget and Management for 135978  
approval prior to any change in the deposit of revenues. 135979

VALIDATION STICKER REQUIREMENTS 135980

Validation stickers are required for the annual 135981  
registration of passenger, commercial, motorcycle, and other 135982  
vehicles and are produced in accordance with section 4503.191 of 135983  
the Revised Code. Notwithstanding section 4503.191 of the 135984  
Revised Code, the Registrar of Motor Vehicles may adopt rules 135985  
authorizing validation stickers to be produced at any location. 135986

OPERATING EXPENSE - HIGHWAY PATROL 135987

Any new revenue derived from an increase of the Highway 135988  
Safety fee as prescribed in section 4503.10 of the Revised Code 135989

that becomes effective with any application for registration or 135990  
registration renewal received on or after January 1, 2026, shall 135991  
be used exclusively for the State Highway Patrol. 135992

**Section 373.50. CASH BALANCE FUND REVIEW** 135993

The Director of Public Safety shall review the cash 135994  
balances for each fund in the State Highway Safety Fund Group, 135995  
and may submit a request in writing to the Director of Budget 135996  
and Management to transfer amounts from any fund in the State 135997  
Highway Safety Fund Group to the credit of the Public Safety - 135998  
Highway Purposes Fund (Fund 5TM0), as appropriate. Upon receipt 135999  
of such a request, and subject to the approval of the 136000  
Controlling Board, the Director of Budget and Management may 136001  
make appropriate transfers as requested by the Director of 136002  
Public Safety or as otherwise determined by the Director of 136003  
Budget and Management. 136004

**CASH TRANSFERS TO THE SECURITY, INVESTIGATIONS, AND 136005  
POLICING FUND** 136006

Notwithstanding any other provision of law to the 136007  
contrary, the Director of Budget and Management, upon written 136008  
request of the Director of Public Safety and approval of the 136009  
Controlling Board, may approve the transfer of cash from the 136010  
State Highway Patrol Contraband, Forfeiture, and Other Fund 136011  
(Fund 83C0) to the Security, Investigations and Policing Fund 136012  
(Fund 8400). 136013

**TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY 136014  
MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND** 136015

On July 1 of each fiscal year, or as soon as possible 136016  
thereafter, the Director of Budget and Management shall transfer 136017  
\$450,000 cash from the State Fire Marshal Fund (Fund 5460) to 136018

the Emergency Management Agency Service and Reimbursement Fund 136019  
(Fund 4V30). 136020

Of the foregoing appropriation item 763662, EMA Service 136021  
and Reimbursements, \$250,000 in each fiscal year shall be 136022  
distributed to the Ohio Task Force One - Urban Search and Rescue 136023  
Unit to pay for its operating expenses and developing new 136024  
programs. 136025

Of the foregoing appropriation item 763662, EMA Service 136026  
and Reimbursements, \$200,000 in each fiscal year shall be 136027  
distributed to the Ohio Task Force One - Urban Search and Rescue 136028  
Unit, other similar urban search and rescue units around the 136029  
state, and for maintenance of the statewide fire emergency 136030  
response plan by an entity recognized by the Ohio Emergency 136031  
Management Agency. 136032

STATE DISASTER RELIEF 136033

The State Disaster Relief Fund (Fund 5330) may accept 136034  
transfers of cash or appropriations from Controlling Board 136035  
appropriation items for the Ohio Emergency Management Agency 136036  
disaster response costs and disaster program management costs, 136037  
and may also be used for the following purposes: 136038

(A) To accept transfers of cash or appropriations from 136039  
Controlling Board appropriation items for Ohio Emergency 136040  
Management Agency recovery and mitigation program match costs to 136041  
reimburse eligible local governments and private nonprofit 136042  
organizations for costs related to disasters; 136043

(B) To accept transfers of cash or appropriations from 136044  
Controlling Board appropriation items to cover costs incurred 136045  
and to reimburse government entities for Emergency Management 136046  
Assistance Compact (EMAC) missions; 136047

(C) To accept disaster related reimbursement from federal, 136048  
state, and local governments. The Director of Budget and 136049  
Management may transfer cash from reimbursements received by 136050  
this fund to other funds of the state from which transfers were 136051  
originally approved by the Controlling Board. 136052

(D) To accept transfers of cash or appropriations from 136053  
Controlling Board appropriation items to fund the State Disaster 136054  
Relief Program, for disasters that qualify for the program by 136055  
written authorization of the Governor, and the State Individual 136056  
Assistance Program for disasters that have been declared by the 136057  
federal Small Business Administration and that qualify for the 136058  
program by written authorization from the Governor. 136059

(E) The State Disaster Relief Fund (Fund 5330) may accept, 136060  
hold, administer, and expend any cash received from a gift, 136061  
donation, bequest, devise, or contribution. 136062

DRUG LAW ENFORCEMENT FUND 136063

Notwithstanding division (D) of section 5502.68 of the 136064  
Revised Code, in each of fiscal years 2026 and 2027, the 136065  
cumulative amount of funding provided to any single drug task 136066  
force out of the Drug Law Enforcement Fund (Fund 5ET0) may not 136067  
exceed \$500,000 in any calendar year. 136068

SARA TITLE III HAZMAT PLANNING 136069

The SARA Title III Hazmat Planning Fund (Fund 6810) is 136070  
entitled to receive grant funds from the Emergency Response 136071  
Commission to implement the Emergency Management Agency's 136072  
responsibilities under Chapter 3750. of the Revised Code. 136073

**Section 373.60.** COLLECTIVE BARGAINING INCREASES 136074

Notwithstanding division (D) of section 127.14 and 136075

division (B) of section 131.35 of the Revised Code, except for 136076  
the General Revenue Fund, the Controlling Board may, upon the 136077  
request of either the Director of Budget and Management, or the 136078  
Department of Public Safety with the approval of the Director of 136079  
Budget and Management, authorize expenditures in excess of 136080  
appropriations and transfer appropriations, as necessary, for 136081  
any fund used by the Department of Public Safety, to assist in 136082  
paying the costs of increases in employee compensation that have 136083  
occurred pursuant to collective bargaining agreements under 136084  
Chapter 4117. of the Revised Code and, for exempt employees, 136085  
under section 124.152 of the Revised Code. Any money approved 136086  
for expenditure under this paragraph is hereby appropriated. 136087

**Section 375.10.**

136088

136089

1	2	3	4	5
A	PUC PUBLIC UTILITIES COMMISSION OF OHIO			
B	Dedicated Purpose Fund Group			
C	4A30 870614	Grade Crossing Protection Devices - State	\$1,200,000	\$1,200,000
D	4L80 870617	Pipeline Safety - State	\$350,000	\$360,000
E	5610 870606	Power Siting Board	\$1,100,000	\$1,100,000
F	5F60 870622	Utility and Railroad Regulation	\$45,851,137	\$47,757,281
G	5F60 870624	NARUC/NRRI Subsidy	\$45,340	\$45,340
H	5LT0 870640	Intrastate Registration	\$230,298	\$237,207

I	5LT0	870641	Unified Carrier Registration	\$451,794	\$465,348
J	5LT0	870643	Non-Hazardous Materials Civil Forfeiture	\$278,202	\$286,548
K	5LT0	870644	Hazardous Materials Civil Forfeiture	\$1,167,567	\$1,178,594
L	5LT0	870645	Motor Carrier Enforcement	\$5,680,962	\$5,786,733
M	5Q50	870626	Telecommunications Relay Service	\$1,020,000	\$1,020,000
N	5QR0	870646	Underground Facilities Protection	\$20,000	\$20,000
O	5QS0	870647	Underground Facilities Administration	\$239,729	\$246,776
P	Dedicated Purpose Fund Group Total			\$57,635,029	\$59,703,827
Q	Federal Fund Group				
R	3330	870601	Gas Pipeline Safety	\$1,683,226	\$1,733,723
S	3500	870608	Motor Carrier Safety	\$16,103,547	\$16,288,415
T	3500	870648	Motor Carrier Administration High Priority Activities Grants and Cooperative Agreements	\$750,000	\$750,000

U	3ID0	870649	Department of Energy Grid Resiliency	\$7,122,706	\$7,122,706
V	3IE0	870650	Hazardous Material Commercial Vehicle Inspection Grants	\$300,000	\$300,000
W	Federal Fund Group Total			\$25,959,479	\$26,194,844
X	TOTAL ALL BUDGET FUND GROUPS			\$83,594,508	\$85,898,671

**Section 377.10.**

136090  
 136091

1 2 3 4 5

A	PWC PUBLIC WORKS COMMISSION				
B	General Revenue Fund				
C	GRF	150904	Conservation General Obligation Bond Debt Service	\$46,500,000	\$39,000,000
D	GRF	150907	Infrastructure Improvement General Obligation Bond Debt Service	\$225,000,000	\$240,000,000
E	General Revenue Fund Total			\$271,500,000	\$279,000,000
F	Capital Projects Fund Group				
G	7038	150321	State Capital Improvements Program -	\$974,304	\$991,125

	Operating Expenses		
H	7056 150403 Clean Ohio Conservation	\$324,768	\$330,375
	Operating		
I	Capital Projects Fund Group Total	\$1,299,072	\$1,321,500
J	TOTAL ALL BUDGET FUND GROUPS	\$272,799,072	\$280,321,500

**Section 377.20.** CONSERVATION GENERAL OBLIGATION BOND DEBT 136092  
SERVICE 136093

The foregoing appropriation item 150904, Conservation 136094  
General Obligation Bond Debt Service, shall be used to pay all 136095  
debt service and related financing costs during the period from 136096  
July 1, 2025, through June 30, 2027, on obligations issued under 136097  
sections 151.01 and 151.09 of the Revised Code. 136098

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 136099  
SERVICE 136100

The foregoing appropriation item 150907, Infrastructure 136101  
Improvement General Obligation Bond Debt Service, shall be used 136102  
to pay all debt service and related financing costs during the 136103  
period from July 1, 2025, through June 30, 2027, on obligations 136104  
issued under sections 151.01 and 151.08 of the Revised Code. 136105

CLEAN OHIO CONSERVATION OPERATING 136106

The foregoing appropriation item 150403, Clean Ohio 136107  
Conservation Operating, shall be used by the Ohio Public Works 136108  
Commission in administering Clean Ohio Conservation Fund (Fund 136109  
7056) projects pursuant to sections 164.20 to 164.27 of the 136110  
Revised Code. 136111

STATE CAPITAL IMPROVEMENT PROGRAM - OPERATING EXPENSES 136112



The foregoing appropriation item 150321, State Capital  
Improvements Program - Operating Expenses, shall be used by the  
Ohio Public Works Commission to administer the State Capital  
Improvement Program under sections 164.01 to 164.16 of the  
Revised Code.

DISTRICT ADMINISTRATION COSTS

The Director of the Public Works Commission is authorized  
to create a District Administration Costs Program from proceeds  
of the Capital Improvements Fund and Local Transportation  
Improvement Program Fund. The program shall be used to provide  
for the direct costs of district administration of the nineteen  
public works districts. Districts choosing to participate in the  
program shall only expend State Capital Improvements Fund moneys  
for State Capital Improvements Fund costs and Local  
Transportation Improvement Program Fund moneys for Local  
Transportation Improvement Program Fund costs. The District  
Administration Costs Program account shall not exceed \$1,235,000  
per fiscal year. Each public works district may be eligible for  
up to \$65,000 per fiscal year from its district allocation as  
provided in sections 164.08 and 164.14 of the Revised Code.

The Director, by rule, shall define allowable and non-  
allowable costs for the purpose of the District Administration  
Costs Program. Non-allowable costs include indirect costs,  
elected official salaries and benefits, and project-specific  
costs. No district public works committee may participate in the  
District Administration Costs Program without the approval of  
those costs by the district public works committee under section  
164.04 of the Revised Code.

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS

The Director of the Public Works Commission is authorized 136142  
to create a District Administration Costs Program for districts 136143  
represented by natural resource assistance councils. The program 136144  
shall be funded from proceeds of the Clean Ohio Conservation 136145  
Fund. The program shall be used by natural resource assistance 136146  
councils to provide for administration costs of the nineteen 136147  
natural resource assistance councils for the direct costs of 136148  
council administration. Councils choosing to participate in this 136149  
program may be eligible for up to \$15,000 per fiscal year from 136150  
their district allocation as provided in section 164.27 of the 136151  
Revised Code. 136152

The Director, by rule, shall define allowable and non- 136153  
allowable costs for the purpose of the District Administration 136154  
Costs Program. Non-allowable costs include indirect costs, 136155  
elected official salaries and benefits, and project specific 136156  
costs. 136157

**Section 379.10.** 136158  
136159

	1	2	3	4	5
A			RAC STATE RACING COMMISSION		
B			Dedicated Purpose Fund Group		
C	5620	875601	Thoroughbred Development	\$870,555	\$873,434
D	5630	875602	Standardbred Development	\$1,246,399	\$1,246,970
E	5650	875604	Racing Commission Operating	\$3,473,682	\$3,503,170
F	5JK0	875610	Horse Racing Development	\$10,499,999	\$10,499,999

- Casino

G	5NL0	875611	Revenue Redistribution	\$12,800,000	\$12,800,000
H			Dedicated Purpose Fund Group Total	\$28,890,635	\$28,923,573
I			Fiduciary Fund Group		
J	5C40	875607	Simulcast Horse Racing Purse	\$3,921,226	\$3,921,226
K			Fiduciary Fund Group Total	\$3,921,226	\$3,921,226
L			Holding Account Fund Group		
M	R021	875605	Bond Reimbursements	\$108,700	\$108,700
N			Holding Account Fund Group Total	\$108,700	\$108,700
O			TOTAL ALL BUDGET FUND GROUPS	\$32,920,561	\$32,953,499

**Section 381.10.**

136160

136161

	1	2	3	4	5
A					
				BOR DEPARTMENT OF HIGHER EDUCATION	
B					
				General Revenue Fund	
C	GRF	235321	Operating Expenses	\$9,155,067	\$9,331,598
D	GRF	235402	Sea Grants	\$308,000	\$308,000
E	GRF	235406	Articulation and Transfer	\$2,269,500	\$2,314,890

F	GRF	235408	Midwest Higher Education Compact	\$115,000	\$115,000
G	GRF	235413	Computer Science	\$4,004,863	\$4,006,508
H	GRF	235414	Grants and Scholarship Administration	\$922,538	\$985,378
I	GRF	235417	Technology Maintenance and Operations	\$4,520,396	\$4,528,397
J	GRF	235425	Ohio Work Ready Grant	\$10,500,000	\$10,500,000
K	GRF	235428	Appalachian New Economy Workforce Partnership	\$4,580,000	\$4,580,000
L	GRF	235438	Choose Ohio First Scholarship	\$32,000,000	\$32,000,000
M	GRF	235443	Aspire - State	\$7,083,000	\$0
N	GRF	235444	Ohio Technical Centers	\$22,138,000	\$22,138,000
O	GRF	235450	Military and Veterans Offices	\$1,144,000	\$1,144,000
P	GRF	235474	Area Health Education Centers Program Support	\$1,899,000	\$1,899,000
Q	GRF	235475	Campus Security Support Program	\$2,000,000	\$2,000,000
R	GRF	235476	Campus Student Safety Grant Program	\$1,000,000	\$1,000,000

S	GRF	235492	Campus Safety and Training	\$656,504	\$661,950
T	GRF	235501	State Share of Instruction	\$2,160,060,469	\$2,203,261,678
U	GRF	235504	War Orphans and Severely Disabled Veterans' Children Scholarships	\$25,000,000	\$30,000,000
V	GRF	235507	OhioLINK	\$6,447,000	\$6,447,000
W	GRF	235508	Air Force Institute of Technology	\$2,000,000	\$2,000,000
X	GRF	235510	Ohio Supercomputer Center	\$5,086,000	\$5,086,000
Y	GRF	235511	The Ohio State University Extension Service	\$25,504,000	\$25,504,000
Z	GRF	235514	Central State Supplement	\$12,768,910	\$13,151,977
AA	GRF	235515	Case Western Reserve University School of Medicine	\$2,100,000	\$2,100,000
AB	GRF	235519	Family Practice	\$3,098,000	\$3,098,000
AC	GRF	235520	Shawnee State Supplement	\$9,270,000	\$9,548,100
AD	GRF	235525	Geriatric Medicine	\$511,000	\$511,000
AE	GRF	235526	Primary Care Residencies	\$1,468,000	\$1,468,000
AF	GRF	235530	Governor's Merit	\$47,000,000	\$70,000,000

Scholarship				
AG GRF	235533	Program and Project Support	\$29,685,000	\$14,300,000
AH GRF	235535	Ohio State Agricultural Research	\$37,169,000	\$37,169,000
AI GRF	235536	The Ohio State University Clinical Teaching	\$9,461,000	\$9,461,000
AJ GRF	235537	University of Cincinnati Clinical Teaching	\$8,085,000	\$8,085,000
AK GRF	235538	University of Toledo Clinical Teaching	\$6,065,000	\$6,065,000
AL GRF	235539	Wright State University Clinical Teaching	\$4,447,000	\$4,447,000
AM GRF	235540	Ohio University Clinical Teaching	\$2,849,000	\$2,849,000
AN GRF	235541	Northeast Ohio Medical University Clinical Teaching	\$2,930,000	\$2,930,000
AO GRF	235543	Kent State University College of Podiatric Medicine Clinic Subsidy	\$500,000	\$500,000
AP GRF	235546	Central State Agricultural Research and Development	\$5,828,000	\$5,828,000

AQ	GRF	235548	Central State Cooperative Extension Services	\$5,168,000	\$5,168,000
AR	GRF	235552	Capital Component	\$3,629,566	\$3,629,566
AS	GRF	235555	Library Depositories	\$1,100,000	\$1,100,000
AT	GRF	235556	Ohio Academic Resources Network	\$3,568,000	\$3,568,000
AU	GRF	235558	Long-term Care Research	\$318,000	\$318,000
AV	GRF	235563	Ohio College Opportunity Grant	\$220,600,000	\$207,400,000
AW	GRF	235569	The Ohio State University College of Veterinary Medicine Supplement	\$15,000,000	\$15,000,000
AX	GRF	235572	The Ohio State University Clinic Support	\$750,000	\$750,000
AY	GRF	235578	Federal Research Network	\$5,099,000	\$5,099,000
AZ	GRF	235585	Educator Preparation Programs	\$2,500,000	\$2,500,000
BA	GRF	235591	Co-Op Internship Program	\$1,065,000	\$1,065,000
BB	GRF	235595	Commercial Truck Driver Student Aid Program	\$3,000,000	\$3,000,000
BC	GRF	235598	Rural University Program	\$412,000	\$412,000
BD	GRF	235599	National Guard	\$18,399,750	\$18,399,750

Scholarship Program				
BE	GRF	2355A1 FAFSA Support Teams	\$1,000,000	\$1,000,000
BF	GRF	2355A4 Ohio Higher Education Public Policy Research Consortium	\$1,000,000	\$1,000,000
BG	GRF	235909 Higher Education General Obligation Bond Debt Service	\$250,000,000	\$210,000,000
BH	General Revenue Fund Total		\$3,044,237,563	\$3,040,731,792
BI Dedicated Purpose Fund Group				
BJ	2200	235614 Program Approval and Reauthorization	\$769,126	\$789,679
BK	4560	235603 Sales and Services	\$129,725	\$133,017
BL	4E80	235602 Higher Educational Facility Commission Administration	\$69,839	\$73,807
BM	5CJ1	2356A2 Strategic Square Footage Reduction	\$82,650,000	\$0
BN	5D40	235675 Conference/Special Purposes	\$125,000	\$125,000
BO	5FR0	235650 State and Non-Federal Grants and Awards	\$1,405,944	\$1,412,670



BP 5NH0 235517	Talent Ready Grant Program	\$10,000,000	\$10,000,000
BQ 5P30 235663	Variable Savings Plan	\$8,522,034	\$8,522,034
BR 5YD0 235494	Second Chance Grant Program	\$2,000,000	\$2,000,000
BS 5ZY0 235592	Grow Your Own Teacher Program	\$7,000,000	\$7,000,000
BT 6450 235664	Guaranteed Savings Plan	\$1,110,131	\$1,110,132
BU 6820 235606	Nursing Loan Program	\$1,203,730	\$1,210,344
BV	Dedicated Purpose Fund Group Total	\$114,985,529	\$32,376,683
BW	Bond Research and Development Fund Group		
BX 7014 235639	Research Incentive Third Frontier - Tax	\$8,000,000	\$8,000,000
BY	Bond Research and Development Fund Group Total	\$8,000,000	\$8,000,000
BZ	Federal Fund Group		
CA 3120 235611	Gear-up Grant	\$2,956,000	\$2,956,000
CB 3120 235612	Carl D. Perkins Grant/Plan Administration	\$1,371,939	\$1,388,525
CC 3120 235641	Aspire - Federal	\$18,996,799	\$0
CD 3120 235669	Industry Credential	\$300,000	\$300,000

	Transfer Assurance Guides Initiative		
CE 3BG0 235651	Gear Up Grant Scholarships	\$3,100,000	\$3,100,000
CF 3N60 235658	John R. Justice Student Loan Repayment Program	\$128,000	\$128,000
CG	Federal Fund Group Total	\$26,852,738	\$7,872,525
CH	TOTAL ALL BUDGET FUND GROUPS	\$3,194,075,830	\$3,088,981,000

**Section 381.20. OPERATING EXPENSES** 136162

(A) Of the foregoing appropriation item 235321, Operating Expenses, up to \$1,200,000 in each fiscal year shall be used by the Chancellor of Higher Education, in consultation with OH-TECH, to enhance security operations and services. 136163  
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(B) Enhanced security operations and services shall benefit all members of OH-TECH and may include, but shall not be limited to: 136167  
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(1) Establishing an enterprise security operations center; 136170

(2) Configuration management in the area of data loss prevention; 136171  
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(3) Endpoint patch and compliance; 136173

(4) Log aggregation; 136174

(5) Web application firewall; 136175

(6) Vulnerability management across the consortium; 136176

(7) Other critical security enhancement services as 136177

determined appropriate by the Chancellor. 136178

(C) The Ohio Academic Resource Network (OARnet) and the 136179  
Ohio Supercomputer Center may use a portion of these funds to 136180  
enhance their respective network security operations to better 136181  
serve clients who store sensitive data that is subject to the 136182  
highest data privacy standards imposed by federal regulations 136183  
and national research organizations, including, but not limited 136184  
to, the National Institutes of Health, the National Science 136185  
Foundation, and the Department of Defense. 136186

SEA GRANTS 136187

The foregoing appropriation item 235402, Sea Grants, shall 136188  
be used to match federal dollars and leverage additional support 136189  
by The Ohio State University's Sea Grant program, including 136190  
Stone Laboratory, for research, education, and outreach to 136191  
enhance the economic value, public utilization, and responsible 136192  
management of Lake Erie and Ohio's coastal resources. 136193

**Section 381.30. ARTICULATION AND TRANSFER** 136194

The foregoing appropriation item 235406, Articulation and 136195  
Transfer, shall be used by the Chancellor of Higher Education to 136196  
maintain and expand the work of the Articulation and Transfer 136197  
Network Advisory Council to develop a system of transfer 136198  
policies to ensure that students at state institutions of higher 136199  
education can transfer and have coursework apply to their majors 136200  
and degrees at any other state institution of higher education 136201  
without unnecessary duplication or institutional barriers under 136202  
sections 3333.16, 3333.161, 3333.162, and 3333.164 of the 136203  
Revised Code. 136204

**Section 381.40. MIDWEST HIGHER EDUCATION AND WORKFORCE** 136205  
COMPACT 136206

The foregoing appropriation item 235408, Midwest Higher Education Compact, shall be distributed by the Chancellor of Higher Education under section 3333.40 of the Revised Code. 136207  
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**Section 381.80. COMPUTER SCIENCE** 136210

The foregoing appropriation item 235413, Computer Science, shall be used to administer and award grants under the Teach CS Grant Program established in section 3333.129 of the Revised Code. 136211  
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**Section 381.90. GRANTS AND SCHOLARSHIP ADMINISTRATION** 136215

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National Guard Scholarship Program. 136216  
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**Section 381.110. TECHNOLOGY MAINTENANCE AND OPERATIONS** 136225

The foregoing appropriation item 235417, Technology Maintenance and Operations, shall be used by the Chancellor of Higher Education to support the development and implementation of information technology solutions designed to improve the performance and capacity of the Department of Higher Education. The information technology solutions may be provided by the Ohio Technology Consortium (OH-TECH). 136226  
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Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year may be used by the Chancellor to support the continued implementation 136233  
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136235

of eStudent Services, a consortium organized under division (T) 136236  
of section 3333.04 of the Revised Code to expand access to dual 136237  
enrollment opportunities for high school students, continue the 136238  
support of the statewide eTutoring program, and for any other 136239  
strategic priorities of the Chancellor. 136240

Of the foregoing appropriation item 235417, Technology 136241  
Maintenance and Operations, a portion in each fiscal year shall 136242  
be used by the Chancellor to implement a high priority data 136243  
warehouse, advanced analytics, and visualization integration 136244  
services associated with the Higher Education Information (HEI) 136245  
system. The services may be facilitated by OH-TECH. 136246

Of the foregoing appropriation item 235417, Technology 136247  
Maintenance and Operations, \$150,000 in each fiscal year shall 136248  
be used to support Ohio Reach to provide mentoring and support 136249  
services to former foster youth attending college. 136250

**Section 381.160.** OHIO WORK READY GRANT 136251

(A) Of the foregoing appropriation item 235425, Ohio Work 136252  
Ready Grant, \$500,000 in each fiscal year shall be used by the 136253  
Chancellor of Higher Education to award grants according to the 136254  
section of this act entitled "AI INTEGRATION IN COMMUNITY 136255  
COLLEGES GRANT PROGRAM." 136256

(B) The remainder of the foregoing appropriation item 136257  
235425, Ohio Work Ready Grant, shall be used by the Chancellor 136258  
of Higher Education to establish and operate the Ohio Work Ready 136259  
Grant Program pursuant to section 3333.24 of the Revised Code. 136260

**Section 381.165.** AI INTEGRATION IN COMMUNITY COLLEGES 136261  
GRANT PROGRAM 136262

(A) The Chancellor of Higher Education shall create the 136263  
Artificial Intelligence Integration in Community Colleges Pilot 136264

Grant Program to provide financial assistance to community colleges to implement artificial intelligence initiatives.	136265 136266
(B) The Chancellor shall award five competitive grants of \$100,000 each in each fiscal year to community colleges, as defined in section 3333.168 of the Revised Code.	136267 136268 136269
(C) The Chancellor shall establish procedures and criteria for awarding the grants and shall give preference to community colleges that show a strong commitment and track record to integrating artificial intelligence into education, workforce development, and industry alignment.	136270 136271 136272 136273 136274
(D) Eligible uses of the grant funds include all of the following:	136275 136276
(1) Integrating artificial intelligence curriculum into credential programs;	136277 136278
(2) Establishing artificial intelligence-based College Credit Plus Program offerings;	136279 136280
(3) Training faculty and staff on the uses of artificial intelligence technologies relevant to local industry or state needs;	136281 136282 136283
(4) Supporting students with practical artificial intelligence skills through certifications and project-based learning;	136284 136285 136286
(5) Purchasing artificial intelligence hardware and software;	136287 136288
(6) Utilizing artificial intelligence in streamlining administrative functions and student services;	136289 136290
(7) Contracting with a vendor to provide any or all of the	136291

services described in this division. 136292

(E) The Chancellor shall monitor the performance of each 136293  
grant recipient in meeting the objectives of the program. 136294

(F) Upon completion of the program, the Chancellor shall 136295  
submit a report with legislative recommendations for further 136296  
development of the program to the General Assembly in accordance 136297  
with section 101.68 of the Revised Code. 136298

**Section 381.180.** APPALACHIAN NEW ECONOMY WORKFORCE 136299  
PARTNERSHIP 136300

Of the foregoing appropriation item 235428, Appalachian 136301  
New Economy Workforce Partnership, \$625,000 in each fiscal year 136302  
shall be allocated to the Excellence Training Center at 136303  
Youngstown State University. 136304

The remainder of the foregoing appropriation item 235428, 136305  
Appalachian New Economy Workforce Partnership, shall be 136306  
distributed to Ohio University's Voinovich School to continue a 136307  
multi-campus and multi-agency coordinated effort to link 136308  
Appalachia to the new economy. Ohio University shall use these 136309  
funds to provide leadership in the development and 136310  
implementation of initiatives in the areas of entrepreneurship, 136311  
management, education, and technology. 136312

**Section 381.190.** CHOOSE OHIO FIRST SCHOLARSHIP 136313

The foregoing appropriation item 235438, Choose Ohio First 136314  
Scholarship, shall be used to operate the program prescribed in 136315  
sections 3333.60 to 3333.69 of the Revised Code. 136316

During each fiscal year, the Chancellor of Higher 136317  
Education, as soon as possible after cancellation, may certify 136318  
to the Director of Budget and Management the amount of canceled 136319

prior-year encumbrances in appropriation item 235438, Choose 136320  
Ohio First Scholarship. Upon receipt of the certification, the 136321  
Director of Budget and Management may transfer cash, up to the 136322  
certified amount, from the General Revenue Fund to the Choose 136323  
Ohio First Scholarship Reserve Fund (Fund 5PV0). 136324

**Section 381.200.** ASPIRE 136325

The foregoing appropriation item 235443, Aspire - State, 136326  
shall be used to support the Aspire program. The supported 136327  
programs shall satisfy the state match and maintenance of effort 136328  
requirements for the state-administered grant program in fiscal 136329  
year 2026. The funds may be used to support students that speak 136330  
English as their second language. 136331

**Section 381.210.** OHIO TECHNICAL CENTERS FUNDING 136332

The foregoing appropriation item 235444, Ohio Technical 136333  
Centers, shall be used by the Chancellor of Higher Education to 136334  
support post-secondary adult career-technical education and 136335  
secondary students enrolling in Ohio Technical Center programs 136336  
pursuant to section 3313.901 of the Revised Code. The Chancellor 136337  
shall provide coordination for Ohio Technical Centers through 136338  
program approval processes, data collection of program and 136339  
student outcomes, and subsidy disbursements from the foregoing 136340  
appropriation item 235444, Ohio Technical Centers. 136341

(A) (1) As soon as possible in each fiscal year, in 136342  
accordance with instructions of the Chancellor, each Ohio 136343  
Technical Center shall report its actual data, consistent with 136344  
the definitions in the Higher Education Information (HEI) 136345  
system's files, to the Chancellor. 136346

(a) In defining the number of full-time equivalent 136347  
students for state subsidy purposes, the Chancellor shall 136348



exclude all students who are not residents of Ohio. 136349

(b) A full-time equivalent student shall be defined as a 136350  
student who completes 450 hours. Those students that complete 136351  
some portion of 450 hours shall be counted as a partial full- 136352  
time equivalent for funding purposes, while students that 136353  
complete more than 450 hours shall be counted as proportionally 136354  
greater than one full-time equivalent. 136355

(c) In calculating each Ohio Technical Center's full-time 136356  
equivalent students, the Chancellor shall use a three-year 136357  
average. 136358

(d) Ohio Technical Centers shall operate with, or be an 136359  
active candidate for, accreditation by an accreditor authorized 136360  
by the United States Department of Education to be eligible to 136361  
receive subsidies from the foregoing appropriation item 235444, 136362  
Ohio Technical Centers. 136363

(2) In each fiscal year, 25 per cent of the allocation for 136364  
Ohio Technical Centers shall be distributed based on the 136365  
proportion of each Center's full-time equivalent students to the 136366  
total full-time equivalent students who complete a post- 136367  
secondary technical workforce training program approved by the 136368  
Chancellor with a grade of C or better or a grade of pass if the 136369  
program is evaluated on a pass/fail basis. 136370

(3) In each fiscal year, 20 per cent of the allocation for 136371  
Ohio Technical Centers shall be distributed based on the 136372  
proportion of each Center's full-time equivalent students to the 136373  
total full-time equivalent students who complete 50 per cent of 136374  
a program of study as a measure of student retention. 136375

(4) In each fiscal year, 50 per cent of the allocation for 136376  
Ohio Technical Centers shall be distributed based on the 136377

proportion of each Center's full-time equivalent students to the 136378  
total full-time equivalent students who have found employment, 136379  
entered military service, or enrolled in additional post- 136380  
secondary education and training in accordance with the 136381  
placement definitions of the Strengthening Career and Technical 136382  
Education for the 21st Century Act, 20 U.S.C. 2323 (Perkins). 136383  
The calculation for eligible full-time equivalent students shall 136384  
be based on the per cent of Perkins placements for students who 136385  
have completed at least 50 per cent of a program of study. 136386

(5) In each fiscal year, five per cent of the allocation 136387  
for Ohio Technical Centers shall be distributed based on the 136388  
proportion of each Center's full-time equivalent students to the 136389  
total full-time equivalent students who have earned a credential 136390  
from an industry-recognized third party. 136391

(B) Of the foregoing appropriation item 235444, Ohio 136392  
Technical Centers, up to 2.38 per cent in each fiscal year may 136393  
be distributed by the Chancellor to the Ohio Central School 136394  
System, up to \$48,000 in each fiscal year may be utilized for 136395  
assistance for Ohio Technical Centers, and up to \$2,000,000 in 136396  
each fiscal year may be distributed by the Chancellor to Ohio 136397  
Technical Centers that provide customized training and business 136398  
consultation services with matching local dollars, with 136399  
preference to industries on the in-demand jobs list created 136400  
under section 6301.11 of the Revised Code, industries in 136401  
regionally emerging fields, or local businesses and industries. 136402  
Each center meeting this requirement shall receive at least 136403  
\$25,000 but not more than a maximum amount determined by the 136404  
Chancellor. 136405

(C) The remainder of the foregoing appropriation item 136406  
235444, Ohio Technical Centers, in each fiscal year shall be 136407

distributed in accordance with division (A) of this section. 136408

**Section 381.215. MILITARY AND VETERANS OFFICES** 136409

(A) The foregoing appropriation item 235450, Military and 136410  
Veterans Offices, shall be used by the Chancellor of Higher 136411  
Education to support higher education institutions that are 136412  
members of the Ohio Veterans Education Council. The Chancellor 136413  
may consult with the Director of Veterans Services as needed. 136414

(B) Of the foregoing appropriation item 235450, Military 136415  
and Veterans Offices, up to \$213,750 in each fiscal year shall 136416  
be used by the Chancellor to provide awards of \$2,500 per 136417  
student to up to six students serving as a Military Community 136418  
Advocate at an Ohio Veterans Education Council-member public 136419  
university and up to three students serving as a Military 136420  
Community Advocate at an Ohio Veterans Education Council-member 136421  
public community college or private nonprofit university or 136422  
college. 136423

(C) Of the foregoing appropriation item 235450, Military 136424  
and Veterans Offices, \$255,000 in each fiscal year shall be used 136425  
for grants for military and veterans offices at institutions of 136426  
higher education to support growth in private philanthropy, in 136427  
collaboration with the National Veterans Leadership Foundation. 136428

(D) Of the foregoing appropriation item 235450, Military 136429  
and Veterans Offices, \$91,800 in each fiscal year shall be used 136430  
to sponsor staff from military and veterans offices at 136431  
institutions of higher education to attend the National Veterans 136432  
Leadership Foundation's Advancement Institute. 136433

(E) The remainder of the foregoing appropriation item 136434  
235450, Military and Veterans Offices, shall be used to do all 136435  
of the following: 136436

(1) Support the administrative costs of the National Veterans Leadership Foundation;	136437 136438
(2) Create a web site to connect veterans to programs and offerings at all Ohio Veterans Education Council-member colleges and universities;	136439 136440 136441
(3) Administer membership and Ohio Purple Star status;	136442
(4) Facilitate information sharing;	136443
(5) Support any other expenses as determined appropriate by the Chancellor, in consultation with the National Veterans Leadership Foundation.	136444 136445 136446
<b>Section 381.220.</b> AREA HEALTH EDUCATION CENTERS PROGRAM SUPPORT	136447 136448
(A) Of the foregoing appropriation item 235474, Area Health Education Centers Program Support, \$1,000,000 in each fiscal year shall be allocated to the Ohio Council for Home Care and Hospice to establish and administer the Home Care and Hospice Workforce Program to enhance the nursing workforce across the state. Of these funds:	136449 136450 136451 136452 136453 136454
(1) \$500,000 in each fiscal year shall be used to provide competitive scholarships to nursing students who are in their last year of study. The scholarship amounts for each student shall be \$20,000 for registered nurse (RN) and Bachelor of Science in Nursing (BSN) students, \$10,000 for licensed practical nurse (LPN) to RN bridge students, and \$6,000 for LPN students. The Council, in collaboration with the Chancellor of Higher Education, shall develop guidelines for the scholarships and procedures for making an award.	136455 136456 136457 136458 136459 136460 136461 136462 136463
(2) \$400,000 in each fiscal year shall be used to provide	136464

competitive grants to home care agencies to mentor recent 136465  
nursing graduates. Grant amounts shall be \$20,000 for each nurse 136466  
that receives training and mentoring during the first three 136467  
months of employment. The Council, in collaboration with the 136468  
Chancellor, shall develop guidelines for the grants and 136469  
procedures for making an award. 136470

(3) \$100,000 in each fiscal year shall be used to 136471  
administer the program. 136472

(B) The remainder of the foregoing appropriation item 136473  
235474, Area Health Education Centers Program Support, shall be 136474  
used by the Chancellor of Higher Education to support the 136475  
medical school regional area health education centers' 136476  
educational programs for the continued support of medical and 136477  
other health professions education and for support of the Area 136478  
Health Education Center Program. 136479

CAMPUS SECURITY SUPPORT PROGRAM 136480

The foregoing appropriation item 235475, Campus Security 136481  
Support Program, shall be distributed by the Chancellor of 136482  
Higher Education to institutionally sanctioned student 136483  
organizations, located on or off campus, affiliated with 136484  
communities that are at risk for increased threats of violent 136485  
crime, terror attacks, hate crimes, or harassment to enhance 136486  
security measures and increase student safety at institutions of 136487  
higher education throughout the state. A portion of the 136488  
foregoing appropriation item 235475, Campus Security Support 136489  
Program, may be used by the Chancellor to administer the 136490  
program. 136491

CAMPUS STUDENT SAFETY GRANT PROGRAM 136492

The foregoing appropriation item 235476, Campus Student 136493

Safety Grant Program, shall be used by the Chancellor of Higher Education to support the Campus Student Safety Grant Program pursuant to section 3333.80 of the Revised Code. 136494  
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CAMPUS SECURITY SUPPORT AND STUDENT SAFETY GRANT REPORTS 136497

Not later than July 1, 2026, the Chancellor of Higher Education shall submit reports regarding the programs funded under the foregoing appropriation items 235475, Campus Security Support Program, and 235476, Campus Student Safety Grant Program, to the chairpersons of the committees of each house that considers higher education legislation. Each report shall include, but not be limited to, information about the number of award recipients and how the funds have been spent under each program. 136498  
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**Section 381.230.** CAMPUS SAFETY AND TRAINING 136507

The foregoing appropriation item 235492, Campus Safety and Training, shall be used by the Chancellor of Higher Education for the purpose of developing model best practices for preventing and responding to sexual violence on campus. The Chancellor, in consultation with state institutions of higher education as defined in section 3345.011 of the Revised Code and private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, shall continue to develop model best practices in line with emerging trends, research, and evidence-based training for preventing and responding to sexual violence and protecting students and staff who are victims of sexual violence on campus. The Chancellor shall convene state institutions of higher education and private nonprofit institutions of higher education in the training and implementation of best practices regarding campus sexual violence. 136508  
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**Section 381.240.** STATE SHARE OF INSTRUCTION FORMULAS 136524

The Chancellor of Higher Education shall establish 136525  
procedures to allocate the foregoing appropriation item 235501, 136526  
State Share of Instruction, based on the formulas detailed in 136527  
this section that utilize the enrollment, course completion, 136528  
degree attainment, and student achievement factors reported 136529  
annually by each state institution of higher education 136530  
participating in the Higher Education Information (HEI) system. 136531  
A state institution that does not report data for a full 136532  
academic year for any of the years included in the three-year 136533  
reporting period for a fiscal year's state share of instruction 136534  
allocations shall not receive an allocation for that fiscal year 136535  
unless the Chancellor determines that exceptional circumstances 136536  
warrant the institution receiving a full or partial allocation. 136537

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 136538  
COMPLETIONS 136539

(1) As soon as possible during each fiscal year of the 136540  
biennium ending June 30, 2027, in accordance with instructions 136541  
of the Department of Higher Education, each state institution of 136542  
higher education shall report its actual data, consistent with 136543  
the definitions in the Higher Education Information (HEI) 136544  
system's enrollment files, to the Chancellor. 136545

(2) In defining the number of full-time equivalent 136546  
students for state subsidy instructional cost purposes, the 136547  
Chancellor shall exclude all undergraduate students who are not 136548  
residents of Ohio or who do not meet the definition of residency 136549  
for state subsidy and tuition surcharge purposes, except those 136550  
charged in-state fees in accordance with reciprocity agreements 136551  
made under section 3333.17 of the Revised Code or employer 136552  
contracts entered into under section 3333.32 of the Revised 136553

Code. 136554

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 136555

For purposes of calculating state share of instruction 136556  
allocations, the total instructional costs per full-time 136557  
equivalent student shall be: 136558  
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	1	2	3
A	Model	Fiscal Year 2026	Fiscal Year 2027
B	ARTS AND HUMANITIES 1	\$12,218	\$12,710
C	ARTS AND HUMANITIES 2	\$16,282	\$16,938
D	ARTS AND HUMANITIES 3	\$20,250	\$21,066
E	ARTS AND HUMANITIES 4	\$28,250	\$29,388
F	ARTS AND HUMANITIES 5	\$45,031	\$46,846
G	ARTS AND HUMANITIES 6	\$41,346	\$43,013
H	BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$12,297	\$12,793
I	BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$12,723	\$13,235
J	BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$15,491	\$16,116
K	BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$16,941	\$17,623



L	BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$23,293	\$24,232
M	BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$28,346	\$29,488
N	BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$34,425	\$35,812
O	DOCTORAL 1	\$52,586	\$54,705
P	DOCTORAL 2	\$57,637	\$59,960
Q	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$12,059	\$12,545
R	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$15,367	\$15,986
S	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$17,403	\$18,105
T	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$19,364	\$20,144
U	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$24,715	\$25,711
V	SCIENCE, TECHNOLOGY,	\$21,736	\$22,612

	ENGINEERING, MATHEMATICS, MEDICINE 6		
W	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	\$28,839	\$30,001
X	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	\$42,767	\$44,491
Y	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	\$60,542	\$62,982

Doctoral I and Doctoral II models shall be allocated in	136560
accordance with division (D) (2) of this section.	136561

Medical I and Medical II models shall be allocated in	136562
accordance with divisions (D) (3) and (D) (4) of this section.	136563

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS	136564 136565
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For the purpose of implementing the recommendations of the	136566
2006 State Share of Instruction Consultation and the Higher	136567
Education Funding Study Council that priority be given to	136568
maintaining state support for science, technology, engineering,	136569
mathematics, medicine, and graduate programs, the costs in	136570
division (B) of this section shall be weighted by the amounts	136571
provided below:	136572

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A	Model	Fiscal Year 2026	Fiscal Year 2027
B	ARTS AND HUMANITIES 1	1.0000	1.0000
C	ARTS AND HUMANITIES 2	1.0000	1.0000
D	ARTS AND HUMANITIES 3	1.0000	1.0000
E	ARTS AND HUMANITIES 4	1.0000	1.0000
F	ARTS AND HUMANITIES 5	1.0425	1.0425
G	ARTS AND HUMANITIES 6	1.0425	1.0425
H	BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000
I	BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000
J	BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000
K	BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000
L	BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425
M	BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425
N	BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425

O	DOCTORAL 1	1.0000	1.0000
P	DOCTORAL 2	1.0000	1.0000
Q	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000
R	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017
S	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150
T	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920
U	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222
V	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798
W	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380
X	SCIENCE, TECHNOLOGY,	1.5675	1.5675

ENGINEERING, MATHEMATICS,  
MEDICINE 8

Y SCIENCE, TECHNOLOGY, 1.1361 1.1361  
ENGINEERING, MATHEMATICS,  
MEDICINE 9

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 136574  
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES 136575

(1) Of the foregoing appropriation item 235501, State 136576  
Share of Instruction, 50 per cent of the appropriation for 136577  
universities, as established in division (B) (1) (b) of the 136578  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 136579  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 136580  
reserved for support of associate, baccalaureate, master's, and 136581  
professional level degree attainment. 136582

The degree attainment funding shall be allocated to 136583  
universities in proportion to each campus's share of the total 136584  
statewide degrees granted, weighted by the cost of the degree 136585  
programs. The degree cost calculations shall include the model 136586  
cost weights for the science, technology, engineering, 136587  
mathematics, and medicine models as established in division (C) 136588  
of this section. 136589

For degrees including credits earned at multiple 136590  
institutions, degree attainment funding shall be allocated to 136591  
universities in proportion to each campus's share of the 136592  
student-specific cost of earned credits for the degree. Each 136593  
institution shall receive its prorated share of degree funding 136594  
for credits earned at that institution. Cost of credits not 136595  
earned at a university main or regional campus shall be credited 136596

to the degree-granting institution for the first degree earned 136597  
by a student at each degree level. The cost credited to the 136598  
degree-granting institution shall not be eligible for at-risk 136599  
weights and shall be limited to 12.5 per cent of the student- 136600  
specific degree costs. However, the 12.5 per cent limitation 136601  
shall not apply if the student transferred 12 or fewer credits 136602  
into the degree granting institution. 136603

In calculating the subsidy entitlements for degree 136604  
attainment for universities, the Chancellor shall use the 136605  
following count of degrees and degree costs: 136606

(a) The subsidy eligible undergraduate degrees shall be 136607  
defined as follows: 136608

(i) The subsidy eligible degrees conferred to students 136609  
identified as residents of the state of Ohio in any term of 136610  
their studies, as reported through the Higher Education 136611  
Information (HEI) system student enrollment file, shall be 136612  
weighted by a factor of 1. 136613

(ii) The subsidy eligible degrees conferred to students 136614  
identified as out-of-state residents during all terms of their 136615  
studies, as reported through the Higher Education Information 136616  
(HEI) system student enrollment file, who remain in the state of 136617  
Ohio at least one year after graduation, as calculated based on 136618  
the three-year average in-state residency rate using the 136619  
Unemployment Wage data for out-of-state graduates at each 136620  
institution, shall be weighted by a factor of 50 per cent. 136621

(iii) Subsidy eligible associate degrees are defined as 136622  
those earned by students attending any state-supported 136623  
university main or regional campus. 136624

(b) In calculating each campus's count of degrees, the 136625

Chancellor shall use the three-year average associate, 136626  
baccalaureate, master's, and professional degrees awarded for 136627  
the most recent completed three-year period that is practicable 136628  
as agreed to by the Inter-University Council and the Chancellor. 136629

(i) If a student is awarded an associate degree and, 136630  
subsequently, is awarded a baccalaureate degree, the amount 136631  
funded for the baccalaureate degree shall be limited to either 136632  
the difference in cost between the cost of the baccalaureate 136633  
degree and the cost of the associate degree paid previously, or 136634  
if the associate degree has a higher cost than the baccalaureate 136635  
degree, the cost of the credits earned by the student after the 136636  
associate degree was awarded. 136637

(ii) If a student earns an associate degree then, 136638  
subsequently, earns a baccalaureate degree, the associate degree 136639  
granting institution shall only receive the prorated share of 136640  
the baccalaureate degree funding for the credits earned at that 136641  
institution after the associate degree is awarded. 136642

(iii) If a student earns more than one degree at the same 136643  
institution at the same degree level in the same fiscal year, 136644  
the funding for the highest cost degree shall be prorated among 136645  
institutions based on where the credits were earned and 136646  
additional degrees shall be funded at 25 per cent of the cost of 136647  
the degrees. 136648

(c) Associate degrees and baccalaureate degrees earned by 136649  
a student defined as at-risk based on academic under- 136650  
preparation, age, minority status, financial status, or first 136651  
generation post-secondary status based on neither parent 136652  
completing any education beyond high school, shall be defined as 136653  
degrees earned by an at-risk student and shall be weighted by 136654  
the following: 136655

A student-specific degree completion weight, where the weight is calculated based on the at-risk factors of the individual student, determined by calculating the difference between the percentage of students with each risk factor who earned a degree and the percentage of non-at-risk students who earned a degree.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, up to 11.78 per cent of the appropriation for universities, as established in division (B)(1)(b) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2026 AND 2027," in each fiscal year shall be reserved for support of doctoral programs to implement the funding recommendations made by representatives of the universities. The amount so reserved shall be referred to as the doctoral set-aside.

In each fiscal year, the doctoral set-aside funding allocation shall be allocated to universities as follows:

(a) 25 per cent of the doctoral set-aside shall be allocated to universities in proportion to their share of the statewide total earnings of each state institution's three-year average course completions. The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file. Course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor for all doctoral enrollments in graduate-level models.



(b) 50 per cent of the doctoral set-aside shall be 136686  
allocated to universities in proportion to each campus's share 136687  
of the total statewide doctoral degrees, weighted by the cost of 136688  
the doctoral discipline. In calculating each campus's doctoral 136689  
degrees the Chancellor shall use the three-year average doctoral 136690  
degrees awarded for the most recent completed three-year period 136691  
that is practicable as agreed to by the Inter-University Council 136692  
and the Chancellor. 136693

(c) 25 per cent of the doctoral set-aside shall be 136694  
allocated to universities in proportion to their share of 136695  
research grant activity. Funding for this component shall be 136696  
allocated to eligible universities in proportion to their share 136697  
of research grant activity published by the National Science 136698  
Foundation. Grant awards from the Department of Health and Human 136699  
Services shall be weighted at 50 per cent. 136700

(3) Of the foregoing appropriation item 235501, State 136701  
Share of Instruction, 6.41 per cent of the appropriation for 136702  
universities, as established in division (B)(1)(b) of the 136703  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 136704  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 136705  
reserved for support of Medical II FTEs. The amount so reserved 136706  
shall be referred to as the medical II set-aside. 136707

The medical II set-aside shall be allocated to 136708  
universities in proportion to their share of the statewide total 136709  
of each state institution's three-year average Medical II FTEs 136710  
as calculated in division (A) of this section. 136711

In calculating the core subsidy entitlements for Medical 136712  
II models only, students repeating terms may be no more than 136713  
five per cent of current year enrollment. 136714

(4) Of the foregoing appropriation item 235501, State Share of Instruction, 1.69 per cent of the appropriation for universities, as established in division (B) (1) (b) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2026 AND 2027," in each fiscal year shall be reserved for support of Medical I FTEs. The amount so reserved shall be referred to as the medical I set-aside.

In each fiscal year, the medical I set-aside shall be allocated to universities as follows:

(a) 12.34 per cent of the medical I set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical I FTEs, as calculated in division (A) of this section, enrolled in public colleges of podiatric medicine.

(b) 87.66 per cent of the medical I set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical I FTEs, as calculated in division (A) of this section, enrolled in public colleges of dentistry and veterinary medicine.

(5) Of the foregoing appropriation item 235501, State Share of Instruction, 5 per cent of the appropriation for universities, as established in division (B) (1) (b) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2026 AND 2027," in each fiscal year shall be reserved for support of student success programs. The amount so reserved shall be referred to as the student success set-aside.

In each fiscal year, the student success set-aside funding allocation shall be allocated to universities as follows:

(a) 50 per cent of the student success set-aside shall be 136744  
equally distributed among universities with a main campus 136745  
undergraduate enrollment comprised of at least 25 per cent Pell- 136746  
eligible students with in-state residency. In calculating each 136747  
university's percentage of Pell-eligible student enrollment, the 136748  
Chancellor shall use the three-year average enrollment for the 136749  
most recent completed three-year period that is practicable as 136750  
determined by the Chancellor. 136751

(b) 50 per cent of the student success set-aside shall be 136752  
allocated to universities with a main campus undergraduate 136753  
enrollment comprised of at least 25 per cent Pell-eligible 136754  
students with in-state residency in proportion to each 136755  
university's share of the total statewide enrollment of 136756  
undergraduate Pell-eligible students. In calculating each 136757  
university's enrollment of Pell-eligible students, the 136758  
Chancellor shall use the three-year average enrollment for the 136759  
most recent completed three-year period that is practicable as 136760  
determined by the Chancellor. 136761

(6) Of the foregoing appropriation item 235501, State 136762  
Share of Instruction, 5 per cent of the appropriation for 136763  
universities, as established in division (B) (1) (b) of the 136764  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 136765  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 136766  
reserved for support of College Credit Plus pathways and 136767  
accelerated ninety-hour degree programs as described in section 136768  
3345.88 of the Revised Code. The College Credit Plus pathways 136769  
and accelerated ninety-hour degree programs funding shall be 136770  
allocated to universities in proportion to each campus's share 136771  
of the total statewide enrollment in College Credit Plus 136772  
pathways and accelerated ninety-hour degree programs. 136773

In calculating the subsidy entitlements for enrollment in College Credit Plus pathways and accelerated ninety-hour degree programs, the Chancellor shall use the following:

(a) The subsidy for College Credit Plus pathways and accelerated ninety-hour degree programs shall be distributed as follows:

(i) The subsidy enrollment in College Credit Plus pathways and accelerated ninety-hour degree programs for students identified as residents of this state in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file, shall be weighted by a factor of 1.

(ii) The subsidy enrollment in College Credit Plus pathways and accelerated ninety-hour degree programs for students identified as out-of-state residents during all terms of their studies, as reported through the Higher Education Information (HEI) system student enrollment file, who remain in the state of Ohio at least one year after graduation, as calculated based on the three-year average in-state residency rate using unemployment wage data for out-of-state graduates at each institution, shall be weighted by a factor of 50 per cent.

(b) In calculating each campus's enrollment in College Credit Plus pathways and accelerated ninety-hour degree programs, the Chancellor shall use the three-year average enrollment for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor.

(7) In calculating the course completion funding for universities, the Chancellor shall use the following count of

FTE students: 136803

(a) The subsidy eligible enrollments by model shall equal 136804  
only those FTE students who successfully complete the course as 136805  
defined and reported through the Higher Education Information 136806  
(HEI) system course enrollment file; 136807

(b) Those undergraduate FTE students with successful 136808  
course completions, identified in division (D) (7) (a) of this 136809  
section, that are defined as at-risk based on academic under- 136810  
preparation or financial status shall have their eligible 136811  
completions weighted by the following: 136812

(i) Institution-specific course completion indexes, where 136813  
the indexes are calculated based upon the number of at-risk 136814  
students enrolled during the prior three calendar years; and 136815

(ii) A statewide average at-risk course completion weight 136816  
determined for each subsidy model. The statewide average at-risk 136817  
course completion weight shall be determined by calculating the 136818  
difference between the percentage of traditional students who 136819  
complete a course and the percentage of at-risk students who 136820  
complete the same course. 136821

(c) The course completion earnings shall be determined by 136822  
multiplying the amounts listed above in divisions (B) and (C) of 136823  
this section by the subsidy-eligible FTEs for the most recent 136824  
completed three-year period that is practicable as agreed to by 136825  
the Inter-University Council and the Chancellor for all models 136826  
except Medical I and Medical II. 136827

(d) For universities, the Chancellor shall compute the 136828  
course completion earnings by dividing the appropriation for 136829  
universities, established in division (B) (1) (b) of the section 136830  
of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 136831

YEARS 2026 AND 2027," less the degree attainment funding as 136832  
calculated in division (D) (1) of this section, less the doctoral 136833  
set-aside, less the medical I set-aside, less the medical II 136834  
set-aside, less the student success set-aside, and less the 136835  
College Credit Plus pathways and accelerated ninety-hour degree 136836  
programs funding as calculated in division (D) (6) of this 136837  
section, by the sum of all campuses' instructional costs as 136838  
calculated in division (D) (7) of this section. 136839

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 136840  
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 136841

(1) Of the foregoing appropriation item 235501, State 136842  
Share of Instruction, 50 per cent of the appropriation for 136843  
state-supported community colleges, state community colleges, 136844  
and technical colleges as established in division (B) (1) (a) of 136845  
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 136846  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 136847  
reserved for course completion FTEs as aggregated by the subsidy 136848  
models defined in division (B) of this section. 136849

The course completion funding shall be allocated to 136850  
campuses in proportion to each campus's share of the total 136851  
sector's course completions, weighted by the instructional cost 136852  
of the subsidy models. 136853

To calculate the subsidy entitlements for course 136854  
completions at community colleges, state community colleges, and 136855  
technical colleges, the Chancellor shall use the following 136856  
calculations: 136857

(a) In calculating each campus's count of FTE course 136858  
completions, the Chancellor shall use a three-year average for 136859  
course completions for the three-year period ending in the prior 136860

year for students identified as residents of the state of Ohio 136861  
in any term of their studies, as reported through the Higher 136862  
Education Information (HEI) system student enrollment file. 136863

(b) The subsidy eligible enrollments by model shall equal 136864  
only those FTE students who successfully complete the course as 136865  
defined and reported through the Higher Education Information 136866  
(HEI) system course enrollment file. 136867

(c) Those students with successful course completions, 136868  
that are defined as access students based on financial status, 136869  
minority status, age, or academic under-preparation shall have 136870  
their eligible course completions weighted by a statewide access 136871  
weight. The weight given to any student that meets any access 136872  
factor shall be 15 per cent for all course completions. 136873

(d) The model costs as used in the calculation shall be 136874  
augmented by the model weights for science, technology, 136875  
engineering, mathematics, and medicine models as established in 136876  
division (C) of this section. 136877

(2) Of the foregoing appropriation item 235501, State 136878  
Share of Instruction, 25 per cent of the appropriation for 136879  
state-supported community colleges, state community colleges, 136880  
and technical colleges as established in division (B) (1) (a) of 136881  
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 136882  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 136883  
reserved for colleges in proportion to their share of college 136884  
student success factors. 136885

Student success factors shall be awarded at the 136886  
institutional level for each subsidy-eligible student that 136887  
successfully: 136888

(a) Completes a college-level math course within the first 136889

30 hours of completed coursework. 136890

(b) Completes a college-level English course within the 136891  
first 30 hours of completed coursework. 136892

(c) Completes 12 semester credit hours of college-level 136893  
coursework. 136894

(d) Completes 24 semester credit hours of college-level 136895  
coursework. 136896

(e) Completes 36 semester credit hours of college-level 136897  
coursework. 136898

(3) Of the foregoing appropriation item 235501, State 136899  
Share of Instruction, 25 per cent of the appropriation for 136900  
state-supported community colleges, state community colleges, 136901  
and technical colleges as established in division (B) (1) (a) of 136902  
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 136903  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 136904  
reserved for completion milestones. 136905

Completion milestones shall include baccalaureate degrees, 136906  
associate degrees, technical certificates over 30 credit hours 136907  
as designated by the Department of Higher Education, and 136908  
students transferring to any four-year institution with at least 136909  
12 credit hours of college-level coursework earned at that 136910  
community college, state community college, or technical 136911  
college. 136912

The completion milestone funding shall be allocated to 136913  
colleges in proportion to each institution's share of the 136914  
sector's total completion milestones, weighted by the 136915  
instructional cost of the degree, certificate, or transfer 136916  
models. Costs for technical certificates over 30 hours shall be 136917  
weighted at one-half of the associate degree model costs and 136918



transfers with at least 12 credit hours of college-level 136919  
coursework shall be weighted at one-fourth of the average cost 136920  
for all associate degree model costs. 136921

(4) To calculate the subsidy entitlements for completions 136922  
at community colleges, state community colleges, and technical 136923  
colleges, the Chancellor shall use the following calculations: 136924

(a) In calculating each campus's count of completions, the 136925  
Chancellor shall use a three-year average for completion 136926  
milestones awarded to students identified as subsidy eligible in 136927  
any term of their studies, as reported through the Higher 136928  
Education Information (HEI) system student enrollment file. 136929

(b) The subsidy eligible completion milestones by model 136930  
shall equal only those students who successfully complete a 136931  
baccalaureate or an associate degree, or technical certificate 136932  
over 30 credit hours, or transfer to any four-year institution 136933  
with at least 12 credit hours of college-level coursework as 136934  
defined and reported in the Higher Education Information (HEI) 136935  
system. Student completions reported in HEI shall have an 136936  
accompanying course enrollment record in order to be subsidy 136937  
eligible. 136938

(c) Those students with successful completions for 136939  
baccalaureate or associate degrees, technical certificates over 136940  
30 credit hours, or transfer to any four-year institution with 136941  
at least 12 credit hours of college-level coursework, identified 136942  
in division (E) (3) of this section, that are defined as access 136943  
students based on financial status, minority status, age, or 136944  
academic under-preparation shall have their eligible completions 136945  
weighted by a statewide access weight. The weight shall be 25 136946  
per cent for students with one access factor, 66 per cent for 136947  
students with two access factors, 150 per cent for students with 136948

three access factors, and 200 per cent for students with four 136949  
access factors. 136950

(d) For those students who complete more than one 136951  
completion milestone, funding for each additional degree or 136952  
technical certificate over 30 credit hours designated as such by 136953  
the Department of Higher Education shall be funded at 50 per 136954  
cent of the model costs as defined in division (E)(3) of this 136955  
section. 136956

(5) For purposes of the calculations made in division (E) 136957  
of this section, the Chancellor shall only include subsidy- 136958  
eligible students identified as residents of the state of Ohio 136959  
in any term of their studies, as reported through the Higher 136960  
Education Information (HEI) system student enrollment file. The 136961  
Chancellor shall be prohibited from including nonresident 136962  
students as subsidy-eligible except for those students otherwise 136963  
identified as subsidy-eligible in division (A)(2) of this 136964  
section. 136965

(F) CAPITAL COMPONENT DEDUCTION 136966

After all other adjustments have been made, state share of 136967  
instruction earnings shall be reduced for each campus by the 136968  
amount, if any, by which debt service charged in H.B. 16 of the 136969  
126th General Assembly, H.B. 699 of the 126th General Assembly, 136970  
H.B. 496 of the 127th General Assembly, and H.B. 562 of the 136971  
127th General Assembly for that campus exceeds that campus's 136972  
capital component earnings. Half of the sum of the total amounts 136973  
of these deductions for the remainder of the program shall be 136974  
transferred to appropriation item 235552, Capital Component, in 136975  
each fiscal year, except that the deduction and transfer may be 136976  
reduced to the extent that appropriation item 235552, Capital 136977  
Component, is sufficient to cover the payments under division 136978

(A) of the section of this act entitled "CAPITAL COMPONENT." If 136979  
the Chancellor of Higher Education determines that the transfer 136980  
and deduction from this appropriation item can be reduced, the 136981  
adjustments shall be completed proportionately to each 136982  
institution's share of the total. 136983

(G) EXCEPTIONAL CIRCUMSTANCES 136984

Adjustments may be made to the state share of instruction 136985  
payments and other subsidies distributed by the Chancellor to 136986  
state colleges and universities for exceptional circumstances. 136987  
No adjustments for exceptional circumstances may be made without 136988  
the recommendation of the Chancellor and the approval of the 136989  
Controlling Board. 136990

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 136991  
INSTRUCTION 136992

The standard provisions of the state share of instruction 136993  
calculation as described in the preceding sections of temporary 136994  
law shall apply to any reductions made to appropriation item 136995  
235501, State Share of Instruction, before the Chancellor has 136996  
formally approved the final allocation of the state share of 136997  
instruction funds for any fiscal year. 136998

Any reductions made to appropriation item 235501, State 136999  
Share of Instruction, after the Chancellor has formally approved 137000  
the final allocation of the state share of instruction funds for 137001  
any fiscal year, shall be uniformly applied to each campus in 137002  
proportion to its share of the final allocation. 137003

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 137004

The state share of instruction payments to the 137005  
institutions shall be in substantially equal monthly amounts 137006  
during the fiscal year, unless otherwise determined by the 137007

Director of Budget and Management pursuant to section 126.09 of 137008  
the Revised Code. Payments during the first six months of the 137009  
fiscal year may be based upon the state share of instruction 137010  
appropriation estimates made for the various institutions of 137011  
higher education, and payments during the last six months of the 137012  
fiscal year may be based on the final data from the Chancellor. 137013  
If agreed to by the Chancellor and the Inter-University Council, 137014  
payments to universities in each month of a fiscal year shall be 137015  
based on final data in the higher education information system 137016  
for the selected three-year period that is acceptable to both 137017  
parties. 137018

**Section 381.250.** STATE SHARE OF INSTRUCTION FOR FISCAL 137019  
YEARS 2026 AND 2027 137020

(A) (1) Of the foregoing appropriation item 235501, State 137021  
Share of Instruction, up to \$100,000,000 in each fiscal year 137022  
shall be distributed according to a formula devised by the 137023  
Chancellor of Higher Education based on the following order of 137024  
priority, using data from the United States Census Post- 137025  
Secondary Employment Outcomes project: 137026

(a) Retention-rate outcomes based on factors, including, 137027  
but not limited to, the number of graduates employed by an Ohio- 137028  
based employer and employment outcomes of the graduates of each 137029  
college and university. In counting students under division (A) 137030  
(1)(a) of this section, graduates who are residents of this 137031  
state under rules adopted under section 3333.31 of the Revised 137032  
Code and are employed by an Ohio-based employer shall be 137033  
weighted the highest, followed by graduates who are employed by 137034  
an Ohio-based employer but are not residents of this state; 137035

(b) Employment outcomes of the graduates of each college 137036  
and university. In counting students under division (A) (1) (b) of 137037

this section, the Chancellor shall use as a factor employment by 137038  
the graduates of each institution, measured at the 2-digit level 137039  
of the Classification of Instructional Programs codes published 137040  
by the National Center for Education Statistics. 137041

(2) Of the foregoing appropriation item 235501, State 137042  
Share of Instruction, up to \$10,000,000 in each fiscal year 137043  
shall be distributed according to a formula devised by the 137044  
Chancellor that provides funding bonuses of \$10,000 per graduate 137045  
for technician-aligned associate degrees, as determined by the 137046  
Governor's Office of Workforce Transformation, that are produced 137047  
above a historical baseline of institutional production, as 137048  
calculated by the Chancellor. In developing a formula under 137049  
division (A) (2) of this section, the Chancellor shall give 137050  
priority to retention-based outcomes, as specified in division 137051  
(A) (1) (a) of this section, and count only graduates that are 137052  
employed by an Ohio-based employer. 137053

(3) Of the amount set aside in division (A) (1) of this 137054  
section for each fiscal year, 76.8 per cent shall be distributed 137055  
to state-supported university main and regional campuses and 137056  
23.2 per cent shall be distributed to state-supported community 137057  
colleges, state community colleges, and technical colleges. 137058

(B) (1) The remainder of the foregoing appropriation item 137059  
235501, State Share of Instruction, shall be distributed 137060  
according to the section of this act entitled "STATE SHARE OF 137061  
INSTRUCTION FORMULAS." Of these funds: 137062

(a) 23.2 per cent in each fiscal year shall be distributed 137063  
to state-supported community colleges, state community colleges, 137064  
and technical colleges; 137065

(b) 76.8 per cent in each fiscal year shall be distributed 137066

to state-supported university main and regional campuses. 137067

(2) Any increases in the amount distributed to an 137068  
institution from the funds set aside in division (B) of this 137069  
section that are above the prior year may be used by the 137070  
institution to provide need-based aid and to provide counseling, 137071  
support services, and workforce preparation services to 137072  
students. 137073

**Section 381.260.** RESTRICTION ON FEE INCREASES 137074

(A) In fiscal years 2026 and 2027, the boards of trustees 137075  
of state institutions of higher education shall restrain 137076  
increases in in-state undergraduate instructional and general 137077  
fees. 137078

(1) For the 2025-2026 and 2026-2027 academic years, each 137079  
community college established under Chapter 3354., state 137080  
community college established under Chapter 3358., or technical 137081  
college established under Chapter 3357. of the Revised Code may 137082  
increase its in-state undergraduate instructional and general 137083  
fees by not more than five dollars per credit hour over what the 137084  
institution charged for the previous academic year. 137085

(2) The limitations under division (A) (1) of this section 137086  
do not apply to student health insurance, fees for auxiliary 137087  
goods or services provided to students at the cost incurred to 137088  
the institution, fees assessed to students as a pass-through for 137089  
licensure and certification examinations, fees in elective 137090  
courses associated with travel experiences, elective service 137091  
charges, fines, and voluntary sales transactions. 137092

(B) The limitations under this section shall not apply to 137093  
increases required to comply with institutional covenants 137094  
related to their obligations or to meet unfunded legal mandates 137095

or legally binding obligations incurred or commitments made 137096  
prior to the effective date of this section with respect to 137097  
which the institution had identified such fee increases as the 137098  
source of funds. Any increase required by such covenants and any 137099  
such mandates, obligations, or commitments shall be reported by 137100  
the Chancellor of Higher Education to the Controlling Board. 137101  
These limitations may also be modified by the Chancellor, with 137102  
the approval of the Controlling Board, to respond to exceptional 137103  
circumstances as identified by the Chancellor. 137104

(C) Institutions offering an undergraduate tuition 137105  
guarantee pursuant to section 3345.48 of the Revised Code may 137106  
increase instructional and general fees pursuant to that 137107  
section. 137108

**Section 381.270.** HIGHER EDUCATION - BOARD OF TRUSTEES 137109

(A) Funds appropriated for instructional subsidies at 137110  
colleges and universities may be used to provide such branch or 137111  
other off-campus undergraduate courses of study and such 137112  
master's degree courses of study as may be approved by the 137113  
Chancellor of Higher Education. 137114

(B) In providing instructional and other services to 137115  
students, boards of trustees of state institutions of higher 137116  
education shall supplement state subsidies with income from 137117  
charges to students. Except as otherwise provided in this act, 137118  
each board shall establish the fees to be charged to all 137119  
students, including an instructional fee for educational and 137120  
associated operational support of the institution and a general 137121  
fee for noninstructional services, including locally financed 137122  
student services facilities used for the benefit of enrolled 137123  
students. The instructional fee and the general fee shall 137124  
encompass all charges for services assessed uniformly to all 137125

enrolled students. Each board may also establish special purpose 137126  
fees, service charges, and fines as required; such special 137127  
purpose fees and service charges shall be for services or 137128  
benefits furnished individual students or specific categories of 137129  
students and shall not be applied uniformly to all enrolled 137130  
students. A tuition surcharge shall be paid by all students who 137131  
are not residents of Ohio. 137132

The board of trustees of a state institution of higher 137133  
education shall not authorize a waiver or nonpayment of 137134  
instructional fees or general fees for any particular student or 137135  
any class of students other than waivers specifically authorized 137136  
by law or approved by the Chancellor. This prohibition is not 137137  
intended to limit the authority of boards of trustees to provide 137138  
for payments to students for services rendered the institution, 137139  
nor to prohibit the budgeting of income for staff benefits or 137140  
for student assistance in the form of payment of such 137141  
instructional and general fees. 137142

Each board may authorize a lower differential tuition rate 137143  
of instructional or general fees equal to the default rate 137144  
options provided under the College Credit Plus Program pursuant 137145  
to Chapter 3365. of the Revised Code or equal to rates 137146  
established pursuant to an agreement for an alternative payment 137147  
structure pursuant to section 3365.07 of the Revised Code for 137148  
nonpublic and home schooled students participating in that 137149  
program that are not publicly funded. Each board may establish a 137150  
lower differential tuition rate for in-state undergraduate 137151  
instructional fees or general fees for students enrolled 137152  
exclusively in online courses, as well as a lower differential 137153  
tuition rate for the surcharge for nonresidents enrolled 137154  
exclusively in online courses, provided a surcharge is still 137155  
assessed. 137156



Each board may authorize a lower tuition rate for courses 137157  
taken by high school students that do not qualify for funding 137158  
under the College Credit Plus program under section 3365.07 of 137159  
the Revised Code. These tuition rates must align with the 137160  
institution's tuition rates charged for courses eligible for 137161  
funding under the College Credit Plus Program. 137162

Each state institution of higher education in its 137163  
statement of charges to students shall separately identify the 137164  
instructional fee, the general fee, the tuition charge, and the 137165  
tuition surcharge. Fee charges to students for instruction shall 137166  
not be considered to be a price of service but shall be 137167  
considered to be an integral part of the state government 137168  
financing program in support of higher educational opportunity 137169  
for students. 137170

(C) The boards of trustees of state institutions of higher 137171  
education shall ensure that faculty members devote a proper and 137172  
judicious part of their work week to the actual instruction of 137173  
students. Total class credit hours of production per academic 137174  
term per full-time faculty member is expected to meet the 137175  
standards set forth in the budget data submitted by the 137176  
Chancellor. 137177

(D) The authority of government vested by law in the 137178  
boards of trustees of state institutions of higher education 137179  
shall in fact be exercised by those boards. Boards of trustees 137180  
may consult extensively with appropriate student and faculty 137181  
groups. Administrative decisions about the utilization of 137182  
available resources, about organizational structure, about 137183  
disciplinary procedure, about the operation and staffing of all 137184  
auxiliary facilities, and about administrative personnel shall 137185  
be the exclusive prerogative of boards of trustees. Any 137186

delegation of authority by a board of trustees in other areas of 137187  
responsibility shall be accompanied by appropriate standards of 137188  
guidance concerning expected objectives in the exercise of such 137189  
delegated authority and shall be accompanied by periodic review 137190  
of the exercise of this delegated authority to the end that the 137191  
public interest, in contrast to any institutional or special 137192  
interest, shall be served. 137193

**Section 381.280. WAR ORPHANS AND SEVERELY DISABLED 137194**  
VETERANS' CHILDREN SCHOLARSHIPS 137195

The foregoing appropriation item 235504, War Orphans and 137196  
Severely Disabled Veterans' Children Scholarships, shall be used 137197  
to reimburse state institutions of higher education for waivers 137198  
of instructional fees and general fees provided by them, to 137199  
provide grants to institutions that have received a certificate 137200  
of authorization from the Chancellor of Higher Education under 137201  
Chapter 1713. of the Revised Code, in accordance with the 137202  
provisions of section 5910.04 of the Revised Code, and to fund 137203  
additional scholarship benefits provided by section 5910.032 of 137204  
the Revised Code. 137205

During each fiscal year, the Chancellor, as soon as 137206  
possible after cancellation, may certify to the Director of 137207  
Budget and Management the amount of canceled prior-year 137208  
encumbrances in appropriation item 235504, War Orphans and 137209  
Severely Disabled Veterans' Children Scholarships. Upon receipt 137210  
of the certification, the Director of Budget and Management may 137211  
transfer cash, up to the certified amount, from the General 137212  
Revenue Fund to the War Orphans and Severely Disabled Veterans' 137213  
Children Scholarship Reserve Fund (Fund 5PW0). 137214

**Section 381.290. STATE SHARE OF INSTRUCTION RECONCILIATION 137215**

By the first day of September in each fiscal year, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior-year obligations to higher education institutions under the State Share of Instruction formulas, as determined by the Chancellor. Notwithstanding any provisions of law to the contrary, the Director of Budget and Management, upon the request of the Chancellor, may transfer cash in an amount up to the amounts certified for State Share of Instruction reconciliation from the State Financial Aid Reconciliation Fund (Fund 5Y50) to the General Revenue Fund. The amounts certified for State Share of Instruction reconciliation are hereby appropriated to appropriation item 235505, State Share of Instruction Reconciliation.

**Section 381.300.** OHIOLINK

The foregoing appropriation item 235507, OhioLINK, shall be used by the Chancellor of Higher Education to support OhioLINK, a consortium organized under division (T) of section 3333.04 of the Revised Code to serve as the state's electronic library information and retrieval system, which provides access statewide to an extensive set of electronic databases and resources, the library holdings of Ohio's public and participating private nonprofit colleges and universities, and the State Library of Ohio.

**Section 381.310.** AIR FORCE INSTITUTE OF TECHNOLOGY

(A) Of the foregoing appropriation item 235508, Air Force Institute of Technology, \$75,000 in each fiscal year shall be allocated to the Aerospace Professional Development Center in Dayton for statewide workforce development services in the

aerospace industry. 137246

(B) The remainder of the foregoing appropriation item 137247  
235508, Air Force Institute of Technology, shall be used to do 137248  
both of the following: 137249

(1) Strengthen the research and educational linkages 137250  
between the Wright Patterson Air Force Base and institutions of 137251  
higher education in Ohio; and 137252

(2) Support the Defense Associated Graduate Student 137253  
Innovators, an engineering graduate consortium of Wright State 137254  
University, the University of Dayton, and the Air Force 137255  
Institute of Technology, with the participation of the 137256  
University of Cincinnati and The Ohio State University. 137257

**Section 381.320. OHIO SUPERCOMPUTER CENTER** 137258

The foregoing appropriation item 235510, Ohio 137259  
Supercomputer Center, shall be used by the Chancellor of Higher 137260  
Education to support the operation of the Ohio Supercomputer 137261  
Center, a consortium organized under division (T) of section 137262  
3333.04 of the Revised Code, located at The Ohio State 137263  
University. The Ohio Supercomputer Center is a statewide 137264  
resource available to Ohio research universities both public and 137265  
private. It is also intended that the center be made accessible 137266  
to private industry as appropriate. 137267

The Ohio Supercomputer Center's services shall support 137268  
Ohio's colleges, universities, and businesses to make Ohio a 137269  
leader in using computational science, modeling, and simulation 137270  
to promote higher education, research, and economic 137271  
competitiveness. 137272

**Section 381.330. THE OHIO STATE UNIVERSITY EXTENSION** 137273  
**SERVICE** 137274

The foregoing appropriation item 235511, The Ohio State University Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

**Section 381.340. CENTRAL STATE SUPPLEMENT** 137280

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher Education to Central State University. Funds shall be used in a manner consistent with the goals of increasing enrollment, improving course completion, and increasing the number of degrees conferred.

**Section 381.350. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE** 137287  
137288

The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of Higher Education in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities.

**Section 381.360. FAMILY PRACTICE** 137296

The foregoing appropriation item 235519, Family Practice, shall be distributed in each fiscal year, based on each medical school's share of residents placed in a family practice and graduates practicing in a family practice.

**Section 381.370. SHAWNEE STATE SUPPLEMENT** 137301

The foregoing appropriation item 235520, Shawnee State 137302

Supplement, shall be disbursed by the Chancellor of Higher 137303  
Education to Shawnee State University. Funds shall be used in a 137304  
manner consistent with the goals of improving course completion, 137305  
increasing the number of degrees conferred, and furthering the 137306  
university's mission of service to the Appalachian region. 137307

**Section 381.380. GERIATRIC MEDICINE** 137308

The Chancellor of Higher Education shall distribute 137309  
appropriation item 235525, Geriatric Medicine, consistent with 137310  
existing criteria and guidelines. 137311

**Section 381.390. PRIMARY CARE RESIDENCIES** 137312

The foregoing appropriation item 235526, Primary Care 137313  
Residencies, shall be distributed in each fiscal year, based on 137314  
each medical school's share of residents placed in a primary 137315  
care field and graduates practicing in a primary care field. 137316

**Section 381.400. GOVERNOR'S MERIT SCHOLARSHIP** 137317

(A) The foregoing appropriation item 235530, Governor's 137318  
Merit Scholarship, shall be used by the Chancellor of Higher 137319  
Education to administer the Governor's Merit Scholarship Program 137320  
and to award merit-based aid to state institutions of higher 137321  
education, as defined in section 3345.011 of the Revised Code, 137322  
on behalf of eligible students. Funds awarded under this section 137323  
shall be used in a manner consistent with the goal of allowing 137324  
high-achieving high school graduates to remain in Ohio to pursue 137325  
their post-secondary studies and contribute to Ohio's expanding 137326  
economic opportunities. 137327

(B) In awarding funds under this section, and to the 137328  
extent that funds are sufficient to do so, the Chancellor shall 137329  
provide per-student awards of \$5,000 per academic year to 137330  
eligible students determined to be in the top five per cent of 137331

their public or nonpublic high school graduating class at the 137332  
end of their junior year, as determined by their public or 137333  
nonpublic high school using criteria established by the 137334  
Chancellor in consultation with the Director of Education and 137335  
Workforce. School districts and nonpublic high schools shall 137336  
provide the information as requested by the Chancellor to 137337  
determine scholarship eligibility. Eligible students shall 137338  
receive an award for up to the equivalent of four academic years 137339  
of instruction at a state institution of higher education, 137340  
contingent on satisfactory academic progress. 137341

(C) The Chancellor, in consultation with the Director, 137342  
shall determine eligibility for graduating high school students 137343  
who were home schooled to provide a level of access to the 137344  
program described in this section that is reasonably 137345  
commensurate with the merit-based criteria used to determine 137346  
eligibility for students graduating from a public or nonpublic 137347  
high school. 137348

(D) The Governor's Merit Scholarship shall be used to pay 137349  
eligible expenses, as determined by the Chancellor, included 137350  
within the published cost of attendance at a state institution 137351  
of higher education. 137352

(E) A state institution of higher education shall not make 137353  
changes to scholarship or financial aid programs offered by that 137354  
institution that have the goal or net effect of shifting the 137355  
cost burden of those programs to the program described in this 137356  
section. Institutions of higher education that enroll students 137357  
receiving merit-based financial aid grants under this section 137358  
shall maintain the same level of merit-based financial aid the 137359  
institution provided in the most recent academic year in the 137360  
aggregate to all students or on a per-student basis. 137361

(F) Notwithstanding any provision of law to the contrary, 137362  
the Chancellor may establish guidelines for the purpose of 137363  
implementing this section, except that the Chancellor shall not 137364  
place limits on the number of students receiving an award under 137365  
this section that enroll at a qualifying institution. 137366

(G) A private nonprofit institution of higher education 137367  
holding a certificate of authorization under Chapter 1713. of 137368  
the Revised Code may elect to participate in the Governor's 137369  
Merit Scholarship Program for fiscal years 2026 and 2027 in the 137370  
same manner as a state institution of higher education, in which 137371  
case its students are eligible for a scholarship under this 137372  
section in the same manner as a student enrolled in a state 137373  
institution of higher education. 137374

As a condition of participating in the scholarship program 137375  
for fiscal year 2027, the Chancellor shall require a private 137376  
nonprofit institution to do both of the following for that 137377  
fiscal year: 137378

(1) Admit any Ohio graduate of the twelfth grade who is in 137379  
the top ten per cent of a graduating class as determined by the 137380  
Chancellor; 137381

(2) Sign a commitment to comply with sections 3345.029, 137382  
3345.0216, 3345.0217, 3345.0218, 3345.382, 3345.45, 3345.451, 137383  
3345.452, 3345.453, 3345.591, and 3345.88 of the Revised Code in 137384  
the same manner as a state institution of higher education. 137385

(H) Notwithstanding anything to the contrary in division 137386  
(G) of this section, the Chancellor shall not require a private 137387  
nonprofit institution of higher education that is affiliated 137388  
with a religious order, sect, church, or denomination, as a 137389  
condition of participating in the Governor's Merit Scholarship 137390



Program, to comply with any requirement or prohibition that 137391  
conflicts with any policy, procedure, or practice that the 137392  
institution has adopted in accordance with any truly held 137393  
religious belief of that order, sect, church, or denomination, 137394  
as determined by the private nonprofit institution. 137395

(I) Notwithstanding anything in this section to the 137396  
contrary, a student who received a first-time Governor's Merit 137397  
scholarship prior to fiscal year 2027 and who is enrolled in a 137398  
private nonprofit institution of higher education for fiscal 137399  
year 2027 may continue to receive that scholarship under this 137400  
section in the same manner as a scholarship recipient enrolled 137401  
in a state institution of higher education, regardless of 137402  
whether the private nonprofit institution in which the student 137403  
is enrolled elects to participate in the program in accordance 137404  
with division (G) of this section for fiscal year 2027. In that 137405  
case, with regard solely to those students renewing 137406  
scholarships, a private nonprofit institution may participate in 137407  
the scholarship program in the same manner as a state 137408  
institution of higher education. 137409

**Section 381.410.** PROGRAM AND PROJECT SUPPORT 137410

(A) Of the foregoing appropriation item 235533, Program 137411  
and Project Support, \$500,000 in each fiscal year shall be used 137412  
to support the Ohio Aerospace Institute's Space Grant 137413  
Consortium. 137414

(B) Of the foregoing appropriation item 235533, Program 137415  
and Project Support, \$2,000,000 in each fiscal year shall be 137416  
distributed to The Ohio State University to support the Salmon 137417  
P. Chase Center for Civics, Culture, and Society established 137418  
under section 3335.39 of the Revised Code. 137419

(C) Of the foregoing appropriation item 235533, Program 137420  
and Project Support, \$2,000,000 in each fiscal year shall be 137421  
distributed to the University of Toledo to support the Institute 137422  
of American Constitutional Thought and Leadership established 137423  
under section 3364.07 of the Revised Code. 137424

(D) Of the foregoing appropriation item 235533, Program 137425  
and Project Support, \$2,000,000 in each fiscal year shall be 137426  
distributed to Miami University to support the center for 137427  
civics, culture, and society established under section 3339.06 137428  
of the Revised Code. 137429

(E) Of the foregoing appropriation item 235533, Program 137430  
and Project Support, \$2,000,000 in each fiscal year shall be 137431  
distributed to Cleveland State University to support the center 137432  
for civics, culture, and society established under section 137433  
3344.07 of the Revised Code. 137434

(F) Of the foregoing appropriation item 235533, Program 137435  
and Project Support, \$2,000,000 in each fiscal year shall be 137436  
distributed to Wright State University to support the center for 137437  
civics, culture, and workforce development established under 137438  
section 3352.16 of the Revised Code. 137439

(G) Of the foregoing appropriation item 235533, Program 137440  
and Project Support, \$14,000,000 in fiscal year 2026 shall be 137441  
distributed to Miami University to establish the Ohio Institute 137442  
for Quantum Computing Research, Talent, and Commercialization 137443  
and an urban bridge to Cleveland. 137444

(H) Of the foregoing appropriation item 235533, Program 137445  
and Project Support, \$200,000 in each fiscal year shall be used 137446  
to support the University of Dayton Statehouse Civic Scholars 137447  
Program. 137448

(I) Of the foregoing appropriation item 235533, Program 137449  
and Project Support, \$935,000 in fiscal year 2026 shall be 137450  
allocated to support Ashland University's Military and Veterans 137451  
Services program. 137452

(J) Of the foregoing appropriation item 235533, Program 137453  
and Project Support, \$800,000 in each fiscal year shall be 137454  
allocated to Cleveland State University to support its wrestling 137455  
programs. Of these funds, \$400,000 in each fiscal year shall be 137456  
used to support its men's wrestling program and \$400,000 in each 137457  
fiscal year shall be used to establish and maintain a women's 137458  
wrestling program. 137459

(K) Of the foregoing appropriation item 235533, Program 137460  
and Project Support, \$350,000 in fiscal year 2026 shall be 137461  
distributed to Sinclair Community College for the purchase of 137462  
equipment for manufacturing education in Ohio's correctional 137463  
institutions that will support training leading to industry 137464  
credentials valued by manufacturing employers, as determined by 137465  
support of a regional manufacturing industry sector partnership 137466  
endorsed by the Ohio Manufacturer's Association. 137467

(L) Of the foregoing appropriation item 235533, Program 137468  
and Project Support, \$500,000 in each fiscal year shall be 137469  
distributed to the Strategic Ohio Council on Higher Education to 137470  
support the Ohio Intern Academy program. 137471

(M) Of the foregoing appropriation item 235533, Program 137472  
and Project Support, \$1,500,000 in each fiscal year shall be 137473  
used to provide loan repayments on behalf of certain attorneys 137474  
as described in section 3333.131 of the Revised Code. 137475

(N) Of the foregoing appropriation item 235533, Program 137476  
and Project Support, \$750,000 in each fiscal year shall be used 137477

by the Chancellor of Higher Education to continue support and 137478  
expansion of the Clark County unmanned and general aviation STEM 137479  
pilot programs in all Ohio counties. 137480

(O) Of the foregoing appropriation item 235533, Program 137481  
and Project Support, \$100,000 in fiscal year 2026 shall be 137482  
allocated to support Ashland University's Ashbrook Center civics 137483  
education K-12 teacher training and student learning initiative. 137484

(P) Of the foregoing appropriation item 235533, Program 137485  
and Project Support, \$50,000 in each fiscal year shall be 137486  
distributed to S.U.C.C.E.S.S. for Autism to expand an 137487  
interprofessional pilot program for the purpose of training 137488  
professionals in The S.U.C.C.E.S.S. Approach, a comprehensive 137489  
neurodevelopmental learning model for all students. 137490

**Section 381.415.** CENTERS FOR CIVICS, CULTURE AND SOCIETY 137491  
AND WORKFORCE DEVELOPMENT CONSULTATION 137492

The Chancellor of Higher Education shall consult with the 137493  
directors, or the directors' designees, of the centers created 137494  
by sections 3335.39, 3339.06, 3344.07, 3352.16, and 3364.07 of 137495  
the Revised Code. The consultation shall evaluate the extent to 137496  
which the centers may be leveraged for the benefit of the entire 137497  
state. 137498

By March 31, 2026, the directors, or their designees, 137499  
shall prepare and submit to the Chancellor a summary of 137500  
recommendations and a plan to achieve maximum statewide benefit, 137501  
which shall include options to establish programming at other 137502  
state institutions of higher education such as seminars, 137503  
lectures, student courses and assisting faculty with curriculum 137504  
development or sharing of curriculum developed by the centers. 137505  
In developing the plan and summary of recommendations, the 137506

centers shall seek to achieve the broadest geographic coverage 137507  
possible. Effective July 1, 2026, the Chancellor may require the 137508  
centers to engage in activities included in their summary of 137509  
recommendations that are intended to benefit the entire state. 137510

Each center shall use a portion of its funding in each 137511  
fiscal year to benefit the entire state and shall report in its 137512  
annual report required by the Revised Code the percentage of its 137513  
funds used to assist other universities and a summary of the 137514  
specific types of services and benefits provided. 137515

**Section 381.420. OHIO STATE AGRICULTURAL RESEARCH** 137516

The foregoing appropriation item 235535, Ohio State 137517  
Agricultural Research, shall be disbursed through the Chancellor 137518  
of Higher Education to The Ohio State University in monthly 137519  
payments, unless otherwise determined by the Director of Budget 137520  
and Management under section 126.09 of the Revised Code. 137521

The Ohio Agricultural Research and Development Center, an 137522  
entity of the College of Food, Agricultural, and Environmental 137523  
Sciences of The Ohio State University, shall further its mission 137524  
of enhancing Ohio's economic development and job creation by 137525  
continuing to internally allocate on a competitive basis 137526  
appropriated funding of programs based on demonstrated 137527  
performance. Academic units, faculty, and faculty-driven 137528  
programs shall be evaluated and rewarded consistent with agreed- 137529  
upon performance expectations as called for in the College's 137530  
Expectations and Criteria for Performance Assessment. 137531

**Section 381.430. STATE UNIVERSITY CLINICAL TEACHING** 137532

The foregoing appropriation items 235536, The Ohio State 137533  
University Clinical Teaching; 235537, University of Cincinnati 137534  
Clinical Teaching; 235538, University of Toledo Clinical 137535

Teaching; 235539, Wright State University Clinical Teaching; 137536  
235540, Ohio University Clinical Teaching; and 235541, Northeast 137537  
Ohio Medical University Clinical Teaching, shall be distributed 137538  
through the Chancellor of Higher Education. 137539

Of the foregoing appropriation item 235539, Wright State 137540  
University Clinical Teaching, \$1,500,000 in each fiscal year 137541  
shall be used to support the Aerospace Medicine and Human 137542  
Performance Center at Wright State University. 137543

**Section 381.440.** CENTRAL STATE AGRICULTURAL RESEARCH AND 137544  
DEVELOPMENT 137545

The foregoing appropriation item 235546, Central State 137546  
Agricultural Research and Development, shall be used in 137547  
conjunction with appropriation item 235548, Central State 137548  
Cooperative Extension Services, by Central State University for 137549  
its state match requirement as an 1890 land grant university. 137550

**Section 381.450.** CAPITAL COMPONENT 137551

The foregoing appropriation item 235552, Capital 137552  
Component, shall be used by the Chancellor of Higher Education 137553  
to provide funding for prior commitments made pursuant to the 137554  
state's former capital funding policy for state colleges and 137555  
universities that was originally established in H.B. 748 of the 137556  
121st General Assembly. The amounts provided to state colleges 137557  
and universities in fiscal year 2026 and fiscal year 2027 shall 137558  
cover the remaining obligations for the program, which shall 137559  
cease to exist effective June 30, 2027. Funding shall consist 137560  
of: 137561

(A) Appropriations from this item shall be distributed to 137562  
all campuses for which the estimated campus debt service 137563  
attributable to qualifying capital projects was less than the 137564

campus's formula-determined capital component allocation. Campus 137565  
allocations shall be determined by subtracting the estimated 137566  
campus debt service attributable to qualifying capital projects 137567  
from the campus's formula-determined capital component 137568  
allocation. Moneys distributed from this appropriation item 137569  
shall be restricted to capital-related purposes. 137570

(B) Any campus for which the estimated campus debt service 137571  
attributable to qualifying capital projects for the remainder of 137572  
the program is greater than the campus's formula-determined 137573  
capital component allocation shall have half the difference 137574  
subtracted in each fiscal year of the biennium, after allowable 137575  
adjustments by the Chancellor of Higher Education, from its 137576  
State Share of Instruction allocation. If necessary, 137577  
appropriation equal to the sum of all such amounts shall be 137578  
transferred, after allowable adjustments by the Chancellor of 137579  
Higher Education, from appropriation item 235501, State Share of 137580  
Instruction, to appropriation item 235552, Capital Component. 137581

**Section 381.460. LIBRARY DEPOSITORIES** 137582

The foregoing appropriation item 235555, Library 137583  
Depositories, shall be distributed to the state's five regional 137584  
depository libraries for the cost-effective storage of and 137585  
access to lesser-used materials in university library 137586  
collections. The depositories shall be administrated by the 137587  
Chancellor of Higher Education, or by OhioLINK at the discretion 137588  
of the Chancellor. 137589

**Section 381.470. OHIO ACADEMIC RESOURCES NETWORK (OARNET)** 137590

The foregoing appropriation item 235556, Ohio Academic 137591  
Resources Network, shall be used by the Chancellor of Higher 137592  
Education to support the operations of the Ohio Academic 137593

Resources Network, a consortium organized under division (T) of 137594  
section 3333.04 of the Revised Code, which shall include support 137595  
for Ohio's colleges and universities in maintaining and 137596  
enhancing network connections, using new network technologies to 137597  
improve research, education, and economic development programs, 137598  
and sharing information technology services. To the extent 137599  
network capacity is available, OARnet shall support allocating 137600  
bandwidth to eligible programs directly supporting Ohio's 137601  
economic development. 137602

**Section 381.480. LONG-TERM CARE RESEARCH** 137603

The foregoing appropriation item 235558, Long-term Care 137604  
Research, shall be disbursed to Miami University for long-term 137605  
care research. 137606

**Section 381.490. OHIO COLLEGE OPPORTUNITY GRANT** 137607

(A) (1) As used in this section: 137608

(a) "Eligible institution" means any institution described 137609  
in divisions (B) (2) (a) to (c) of section 3333.122 of the Revised 137610  
Code. 137611

(b) The three "sectors" of institutions of higher 137612  
education consist of the following: 137613

(i) State colleges and universities, community colleges, 137614  
state community colleges, university branches, and technical 137615  
colleges; 137616

(ii) Eligible private nonprofit institutions of higher 137617  
education; 137618

(iii) Eligible private for-profit career colleges and 137619  
schools. 137620



(2) (a) Awards under section 3333.122 of the Revised Code shall be as follows for fiscal year 2026 and fiscal year 2027:

(i) \$4,000 per student at a state institution of higher education;

(ii) \$5,000 per student at an eligible nonprofit institution of higher education;

(iii) \$2,000 per student at a private for-profit career college or school.

(b) For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted.

(3) Notwithstanding anything to the contrary in section 3333.122 of the Revised Code, the Chancellor of Higher Education shall make awards under that section in fiscal year 2026 and fiscal year 2027 to students with a student aid index, or any federal successor, of three thousand seven hundred fifty or less.

(4) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as specified under division (D) of section 3333.122 of the Revised Code, the Chancellor may follow methods established in division (C) (1) (a) or (b) of section 3333.122 of the Revised Code. If the Chancellor determines that reductions in award amounts are necessary, the Chancellor shall reduce the award amounts proportionally among the sectors of institutions specified in division (A) (1) of this section in a manner determined by the Chancellor. The Chancellor shall notify the Controlling Board of the distribution method. Any formula

calculated under this division shall be complete and established 137650  
to coincide with the start of each academic year. 137651

(B) Prior to determining the amount of funds available to 137652  
award under this section and section 3333.122 of the Revised 137653  
Code, the Chancellor shall use the foregoing appropriation item 137654  
235563, Ohio College Opportunity Grant, to pay for waivers of 137655  
tuition and student fees for eligible students under the Ohio 137656  
Safety Officer's College Memorial Fund Program under section 137657  
3333.26 of the Revised Code and for grants to qualifying 137658  
institutions on behalf of eligible students under the adoption 137659  
grant program established under section 3333.128 of the Revised 137660  
Code. 137661

In each fiscal year, with the exception of sections 137662  
3333.121 and 3333.124 of the Revised Code and the section of 137663  
this act entitled "STATE FINANCIAL AID RECONCILIATION," the 137664  
Chancellor shall not distribute or obligate or commit to be 137665  
distributed an amount greater than what is appropriated under 137666  
the foregoing appropriation item 235563, Ohio College 137667  
Opportunity Grant. 137668

(C) The Chancellor shall establish, and post on the 137669  
Department of Higher Education's web site, award tables based on 137670  
the amounts specified under division (A) of this section. The 137671  
Chancellor shall notify students and institutions of any 137672  
reductions in awards. 137673

(D) Notwithstanding section 3333.122 of the Revised Code, 137674  
no student shall be eligible to receive an Ohio College 137675  
Opportunity Grant for more than ten semesters, fifteen quarters, 137676  
or the equivalent of five academic years, less the number of 137677  
semesters or quarters in which the student received an Ohio 137678  
Instructional Grant. 137679

(E) During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235563, Ohio College Opportunity Grant. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Ohio College Opportunity Grant Program Reserve Fund (Fund 5PU0).

(F) No eligible institution that enrolls Ohio College Opportunity Grant recipients shall make any change to its scholarship or financial aid programs with the goal or net effect of shifting the cost burden of those programs to the Ohio College Opportunity Grant program.

Each eligible institution that enrolls Ohio College Opportunity Grant recipients shall provide at least the same level of needs-based financial aid to its students as it provided in the immediately prior academic year in terms of either the aggregate aid to all students or on a per student basis. The Chancellor may grant an eligible institution a temporary waiver from that requirement if the Chancellor determines exceptional circumstances make it necessary. The Chancellor shall determine the terms of the waiver.

**Section 381.500.** THE OHIO STATE UNIVERSITY COLLEGE OF VETERINARY MEDICINE SUPPLEMENT

The foregoing appropriation item 235569, The Ohio State University College of Veterinary Medicine Supplement, shall be distributed through the Chancellor of Higher Education to The Ohio State University College of Veterinary Medicine to provide supplemental support for education, research, and operations.

**Section 381.510.** THE OHIO STATE UNIVERSITY CLINIC SUPPORT 137709

The foregoing appropriation item 235572, The Ohio State 137710  
University Clinic Support, shall be distributed through the 137711  
Chancellor of Higher Education to The Ohio State University for 137712  
support of dental and veterinary medicine clinics. 137713

**Section 381.520.** FEDERAL RESEARCH NETWORK 137714

The foregoing appropriation item 235578, Federal Research 137715  
Network, shall be allocated to The Ohio State University to 137716  
collaborate with federal installations in Ohio, state 137717  
institutions of higher education as defined in section 3345.011 137718  
of the Revised Code, private nonprofit institutions of higher 137719  
education holding certificates of authorization under Chapter 137720  
1713. of the Revised Code, and the private sector to align the 137721  
state's research assets with emerging missions and job growth 137722  
opportunities emanating from federal installations, strengthen 137723  
related workforce development and technology commercialization 137724  
programs, and better position the state's university system to 137725  
directly impact new job creation in Ohio. A portion of the 137726  
foregoing appropriation item 235578, Federal Research Network, 137727  
shall be used to support the growth of small business federal 137728  
contractors in the state and to expand the participation of Ohio 137729  
businesses in the federal Small Business Innovation Research 137730  
Program and related federal programs. 137731

**Section 381.525.** EDUCATOR PREPARATION PROGRAMS 137732

The foregoing appropriation item 235585, Educator 137733  
Preparation Programs, shall be used by the Chancellor of Higher 137734  
Education to implement and administer sections 3333.048, 137735  
3333.049, 3333.0411, and 3333.0419 of the Revised Code or other 137736  
educator preparation programs, such as the Ohio Teacher 137737

Apprenticeship Program, as determined by the Chancellor. 137738

Notwithstanding any provision of law to the contrary, 137739  
beginning with the first full academic year following the 137740  
adoption of new standards, each educator preparation program at 137741  
an institution of higher education shall include in its 137742  
curriculum standards for social studies that align with the 137743  
standards adopted by the Department of Education and Workforce 137744  
to ensure that educators and other school personnel are 137745  
adequately prepared and trained in social studies. 137746

Within six months of the beginning of the first full 137747  
academic year in which the new standards are used, the 137748  
Chancellor shall complete a review and evaluation process to 137749  
assess the degree to which every educator preparation program at 137750  
an institution of higher education is teaching social studies in 137751  
alignment with the standards. 137752

**Section 381.530. CO-OP INTERNSHIP PROGRAM** 137753

Of the foregoing appropriation item 235591, Co-Op 137754  
Internship Program, \$165,000 in each fiscal year shall be used 137755  
to support the operations of Ohio University's Voinovich School. 137756

Of the foregoing appropriation item 235591, Co-Op 137757  
Internship Program, \$75,000 in each fiscal year shall be used to 137758  
support the Model United Nations Program at Wright State 137759  
University. 137760

Of the foregoing appropriation item 235591, Co-Op 137761  
Internship Program, \$75,000 in each fiscal year shall be used to 137762  
support the operations of The Ohio State University's John Glenn 137763  
College of Public Affairs. 137764

Of the foregoing appropriation item 235591, Co-Op 137765  
Internship Program, \$75,000 in each fiscal year shall be used to 137766

support the Bliss Institute of Applied Politics at the	137767
University of Akron.	137768
Of the foregoing appropriation item 235591, Co-Op	137769
Internship Program, \$75,000 in each fiscal year shall be used to	137770
support the Center for Public Management and Regional Affairs at	137771
Miami University.	137772
Of the foregoing appropriation item 235591, Co-Op	137773
Internship Program, \$75,000 in each fiscal year shall be used to	137774
support the Student Mentoring and Career Development Program at	137775
the Levin College Advancing Public Service Professionals at	137776
Cleveland State University.	137777
Of the foregoing appropriation item 235591, Co-Op	137778
Internship Program, \$75,000 in each fiscal year shall be used to	137779
support the University of Cincinnati Internship Program.	137780
Of the foregoing appropriation item 235591, Co-Op	137781
Internship Program, \$75,000 in each fiscal year shall be used to	137782
support the Kent State University Washington Program in National	137783
Issues.	137784
Of the foregoing appropriation item 235591, Co-Op	137785
Internship Program, \$75,000 in each fiscal year shall be used to	137786
support the Kent State University Columbus Program.	137787
Of the foregoing appropriation item 235591, Co-Op	137788
Internship Program, \$75,000 in each fiscal year shall be used to	137789
support the University of Toledo Urban Affairs Center.	137790
Of the foregoing appropriation item 235591, Co-Op	137791
Internship Program, \$75,000 in each fiscal year shall be used to	137792
support the Shawnee State University Institute for Appalachian	137793
Public Policy.	137794

Of the foregoing appropriation item 235591, Co-Op 137795  
Internship Program, \$75,000 in each fiscal year shall be used to 137796  
support the Center for Regional Development at Bowling Green 137797  
State University. 137798

Of the foregoing appropriation item 235591, Co-Op 137799  
Internship Program, \$75,000 in each fiscal year shall be used to 137800  
support the Initiative for Community and Regional Development at 137801  
Youngstown State University. 137802

**Section 381.540.** COMMERCIAL TRUCK DRIVER STUDENT AID 137803  
PROGRAM 137804

The foregoing appropriation item 235595, Commercial Truck 137805  
Driver Student Aid Program, shall be used by the Chancellor of 137806  
Higher Education to administer and provide grants and loans 137807  
under the Commercial Truck Driver Student Aid Program 137808  
established in section 3333.125 of the Revised Code. 137809

**Section 381.550.** RURAL UNIVERSITY PROGRAM 137810

The foregoing appropriation item 235598, Rural University 137811  
Program, shall be used for the Rural University Program, a 137812  
collaboration of Bowling Green State University, Kent State 137813  
University, Miami University, and Ohio University that provides 137814  
rural communities with economic development, public 137815  
administration, and public health services. Each of the four 137816  
participating universities shall receive \$103,000 in each fiscal 137817  
year to support their respective programs. 137818

**Section 381.560.** NATIONAL GUARD SCHOLARSHIP PROGRAM 137819

The Chancellor of Higher Education shall disburse funds 137820  
from appropriation item 235599, National Guard Scholarship 137821  
Program. During each fiscal year, the Chancellor, as soon as 137822  
possible after cancellation, may certify to the Director of 137823

Budget and Management the amount of canceled prior-year 137824  
encumbrances in appropriation item 235599, National Guard 137825  
Scholarship Program. Upon receipt of the certification, the 137826  
Director of Budget and Management may transfer cash, up to the 137827  
certified amount, from the General Revenue Fund to the National 137828  
Guard Scholarship Reserve Fund (Fund 5BM0). A portion of the 137829  
foregoing appropriation item 235599, National Guard Scholarship 137830  
Program, may be used to administer the program with the 137831  
concurrence of the Adjutant General. 137832

**Section 381.565. FAFSA SUPPORT TEAMS** 137833

The foregoing appropriation item 2355A1, FAFSA Support 137834  
Teams, shall be used by the Chancellor of Higher Education 137835  
pursuant to section 3333.303 of the Revised Code. 137836

**OHIO HIGHER EDUCATION PUBLIC POLICY RESEARCH CONSORTIUM** 137837

Of the foregoing appropriation item 2355A4, Ohio Higher 137838  
Education Public Policy Research Consortium, \$150,000 in each 137839  
fiscal year may be used by the Chancellor of Higher Education to 137840  
establish and administer the Ohio Higher Education Public Policy 137841  
Research Consortium pursuant to section 3345.602 of the Revised 137842  
Code. 137843

The remainder of the foregoing appropriation item 2355A4, 137844  
Ohio Higher Education Public Policy Research Consortium, shall 137845  
be used by the Chancellor to award competitive research grants 137846  
pursuant to division (B) of section 3333.952 of the Revised 137847  
Code. 137848

**Section 381.570. PLEDGE OF FEES** 137849

Any new pledge of fees, or new agreement for adjustment of 137850  
fees, made in the biennium ending June 30, 2027, to secure bonds 137851  
or notes of a state institution of higher education for a 137852



project for which bonds or notes were not outstanding on the 137853  
effective date of this section, to secure a refund of prior debt 137854  
that is anticipated to increase the total cost of retiring the 137855  
original debt, or to extend the period in which that full debt 137856  
is retired shall be effective only after approval by the 137857  
Chancellor of Higher Education, unless approved in a previous 137858  
biennium. 137859

**Section 381.580.** HIGHER EDUCATION GENERAL OBLIGATION BOND 137860  
DEBT SERVICE 137861

The foregoing appropriation item 235909, Higher Education 137862  
General Obligation Bond Debt Service, shall be used to pay all 137863  
debt service and related financing costs during the period from 137864  
July 1, 2025, through June 30, 2027, for obligations issued 137865  
under sections 151.01 and 151.04 of the Revised Code. 137866

**Section 381.590.** SALES AND SERVICES 137867

The Chancellor of Higher Education is authorized to charge 137868  
and accept payment for the provision of goods and services. Such 137869  
charges shall be reasonably related to the cost of producing the 137870  
goods and services. Except as otherwise provided by law, no 137871  
charges may be levied for goods or services that are produced as 137872  
part of the routine responsibilities or duties of the 137873  
Chancellor. All revenues received by the Chancellor shall be 137874  
deposited into Fund 4560 and may be used by the Chancellor to 137875  
pay for the costs of producing the goods and services. 137876

**Section 381.600.** HIGHER EDUCATIONAL FACILITY COMMISSION 137877  
ADMINISTRATION 137878

The foregoing appropriation item 235602, Higher 137879  
Educational Facility Commission Administration, shall be used by 137880  
the Chancellor of Higher Education for operating expenses 137881

related to the Chancellor's support of the activities of the 137882  
Ohio Higher Educational Facility Commission. Upon the request of 137883  
the Chancellor, the Director of Budget and Management may 137884  
transfer cash in an amount up to the amount appropriated from 137885  
the foregoing appropriation item 235602, Higher Educational 137886  
Facility Commission Administration, in each fiscal year from the 137887  
HEFC Operating Expenses Fund (Fund 4610) to the HEFC 137888  
Administration Fund (Fund 4E80). 137889

**Section 381.630. TALENT READY GRANT PROGRAM** 137890

(A) The foregoing appropriation item 235517, Talent Ready 137891  
Grant Program, shall be used by the Chancellor of Higher 137892  
Education to administer the Talent Ready Grant program to 137893  
support workforce credential and certificate programs under 137894  
thirty credit hours at a community college, state community 137895  
college, technical college, university regional campus, or less 137896  
than 900 clock hours at an Ohio Technical Center. Such funding 137897  
shall be used to do both of the following: 137898

(1) Establish and operate workforce credential and 137899  
certificate programs under thirty credit hours or less than 900 137900  
clock hours, as identified by the Governor's Office of Workforce 137901  
Transformation in consultation with the Chancellor. In 137902  
identifying programs as eligible for funding, the Governor's 137903  
Office of Workforce Transformation and the Chancellor shall 137904  
review the top jobs list and prioritize programs that are 137905  
particularly well-aligned with occupations determined to be most 137906  
in-demand to meet statewide or regional workforce goals. An 137907  
eligible entity may submit a request to the Chancellor to 137908  
consider adding a program to the list identified as eligible for 137909  
funding by providing information and justification in the form 137910  
and manner required by the Chancellor, in consultation with the 137911

Governor's Office of Workforce Transformation; and 137912

(2) Provide additional support to short-term certificate 137913  
programs determined to be eligible for funding, as identified by 137914  
the Governor's Office of Workforce Transformation in 137915  
consultation with the Chancellor pursuant to the process 137916  
described in division (A)(1) of this section. 137917

(B) The Chancellor shall allocate funds among eligible 137918  
entities in approximate proportion to each entity's share of 137919  
eligible short-term certificate programs while also considering 137920  
student enrollments, completions, and past utilization of short- 137921  
term certificate funding disbursed under this line item, among 137922  
other factors. For purposes of allocating funds between 137923  
community colleges, state community colleges, and technical 137924  
colleges, the Chancellor shall allocate the funding to each 137925  
campus in proportion to each campus's share of the total 137926  
sector's course completions for the most recent available year, 137927  
as reported through the Higher Education Information System 137928  
student enrollment file, weighted by the instructional cost of 137929  
the subsidy models. 137930

**Section 381.635. SUPER RAPIDS** 137931

On July 1, 2025, or as soon as possible thereafter, the 137932  
Chancellor of Higher Education shall certify to the Director of 137933  
Budget and Management an amount up to the unexpended, 137934  
unencumbered balance of appropriation item 235688, Super RAPIDS, 137935  
at the end of fiscal year 2025 to be reappropriated to fiscal 137936  
year 2026. The amount certified is hereby reappropriated to the 137937  
same appropriation item for fiscal year 2026. 137938

On July 1, 2026, or as soon as possible thereafter, the 137939  
Chancellor of Higher Education shall certify to the Director of 137940

Budget and Management an amount up to the unexpended, 137941  
unencumbered balance of appropriation item 235688, Super RAPIDS, 137942  
at the end of fiscal year 2026 to be reappropriated to fiscal 137943  
year 2027. The amount certified is hereby reappropriated to the 137944  
same appropriation item for fiscal year 2027. 137945

**Section 381.640. STATE FINANCIAL AID RECONCILIATION** 137946

By the first day of September in each fiscal year, or as 137947  
soon as possible thereafter, the Chancellor of Higher Education 137948  
shall certify to the Director of Budget and Management the 137949  
amount necessary to pay any outstanding prior year obligations 137950  
to higher education institutions for the state's financial aid 137951  
programs. The amounts certified are hereby appropriated to 137952  
appropriation item 235618, State Financial Aid Reconciliation, 137953  
from revenues received in the State Financial Aid Reconciliation 137954  
Fund (Fund 5Y50). 137955

**Section 381.650. SECOND CHANCE GRANT PROGRAM** 137956

The foregoing appropriation item 235494, Second Chance 137957  
Grant Program, shall be distributed by the Chancellor of Higher 137958  
Education to qualifying institutions of higher education and 137959  
Ohio Technical Centers to provide grants to eligible students 137960  
under the Second Chance Grant Program established in section 137961  
3333.127 of the Revised Code. 137962

**Section 381.655. GROW YOUR OWN TEACHER PROGRAM** 137963

The foregoing appropriation item 235592, Grow Your Own 137964  
Teacher Program, shall be used by the Chancellor of Higher 137965  
Education to implement and administer the Grow Your Own Teacher 137966  
Program pursuant to sections 3333.393 and 3333.394 of the 137967  
Revised Code and the Ohio Teacher Apprenticeship Program. 137968

**Section 381.660. NURSING LOAN PROGRAM** 137969

The foregoing appropriation item 235606, Nursing Loan Program, shall be used to administer the nurse education assistance program.

**Section 381.670.** RESEARCH INCENTIVE THIRD FRONTIER - TAX 137973

(A) The foregoing appropriation item 235639, Research Incentive Third Frontier - Tax, shall be used by the Chancellor of Higher Education to advance collaborative research at institutions of higher education. Of the foregoing appropriation item 235639, Research Incentive Third Frontier - Tax, a portion in each fiscal year shall be used by the Chancellor to support and promote research that is intended to be commercialized. Research funded under division (A) of this section shall include a condition that the discoveries, inventions, or patents developed therein be retained by the researcher, unless all or a portion of the interests therein are specifically granted to the state college or university at which the researcher is employed. In reviewing proposals and making awards under division (A) of this section, the Chancellor may enlist the assistance of the Ohio Technology Transfer Officer's Council.

(B) Of the foregoing appropriation item 235639, Research Incentive Third Frontier - Tax, up to \$2,000,000 in each fiscal year may be allocated toward research regarding the improvement of water quality, up to \$750,000 in each fiscal year may be allocated for spinal cord research, up to \$750,000 in each fiscal year may be allocated toward research regarding cyber security initiatives, up to \$300,000 in each fiscal year may be allocated toward the I-Corps@Ohio program, and up to \$200,000 in each fiscal year may be allocated toward the Ohio Innovation Exchange program.

**Section 381.680.** VETERANS PREFERENCES 137999

The Chancellor of Higher Education shall work with the Department of Veterans Services to develop specific veterans preference guidelines for higher education institutions. These guidelines shall ensure that the institutions' hiring practices are in accordance with the intent of Ohio's veterans' preference laws.

**Section 381.690.** (A) As used in this section:

(1) "Board of trustees" includes the managing authority of a university branch district.

(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits.

**Section 381.700.** EFFICIENCY REPORTS

In each fiscal year, the board of trustees of each public institution of higher education shall approve the institution's efficiency report submitted to the Chancellor of Higher Education under section 3333.95 of the Revised Code.

MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS

For each fiscal year, each institution of higher education that receives funds from the foregoing appropriation items 235515, Case Western Reserve University School of Medicine, 235519, Family Practice, 235525, Geriatric Medicine, 235526, Primary Care Residencies, 235536, The Ohio State University Clinical Teaching, 235537, University of Cincinnati Clinical

Teaching, 235538, University of Toledo Clinical Teaching, 138028  
235539, Wright State University Clinical Teaching, 235540, Ohio 138029  
University Clinical Teaching, 235541, Northeast Ohio Medical 138030  
University Clinical Teaching, 235543, Kent State University 138031  
College of Podiatric Medicine Clinic Subsidy, 235558, Long-term 138032  
Care Research, and 235572, The Ohio State University Clinic 138033  
Support, shall report to the Chancellor of Higher Education the 138034  
residency status of graduates from the respective programs 138035  
receiving support from those appropriation items one year and 138036  
five years after graduating. 138037

**Section 381.710.** The Chancellor of Higher Education shall 138038  
support the continued development of the Ohio Innovation 138039  
Exchange for the purpose of showcasing the research expertise of 138040  
Ohio's university and college faculty in a variety of fields, 138041  
including, but not limited to, engineering, biomedicine, and 138042  
information technology, and to identify institutional research 138043  
equipment available in the state. 138044

**Section 381.720.** COLLEGE CREDIT PLUS PROGRAM 138045

(A) The Chancellor of Higher Education, in consultation 138046  
with the Director of Education and Workforce, may take action as 138047  
necessary to ensure that public colleges and universities and 138048  
school districts are fully engaging and participating in the 138049  
College Credit Plus Program as required by Chapter 3365. of the 138050  
Revised Code. Such actions may include publicly displaying 138051  
program participation data by district and institution. 138052

(B) For the purposes of model pathways required under 138053  
section 3365.13 of the Revised Code, the Chancellor and Director 138054  
shall work with public secondary schools and partnering public 138055  
colleges and universities, as necessary, to encourage the 138056  
establishment of model pathways that prepare participants to 138057

successfully enter the workforce in certain fields, which may 138058  
include any of the following: 138059

(1) Engineering technology and other fields essential to 138060  
the superconductor industry; 138061

(2) Nursing, with particular emphasis on models that 138062  
facilitate a participant's potential progression through 138063  
different levels of nursing; 138064

(3) Teaching and other related education professions; 138065

(4) Social and behavioral or mental health professions; 138066

(5) Law enforcement or corrections; and 138067

(6) Other fields as determined appropriate by the 138068  
Chancellor and Director, in consultation with the Governor's 138069  
Office of Workforce Transformation. 138070

(C) Notwithstanding any provision of law to the contrary, 138071  
students enrolled under a statewide innovative waiver pathway, 138072  
as established in section 3365.131 of the Revised Code, shall 138073  
follow a model pathway as established in section 3365.13 of the 138074  
Revised Code. Priority shall be given to pathways aligned with 138075  
engineering technology and other fields essential to the 138076  
superconductor industry. 138077

**Section 381.730. EASTERN GATEWAY COMMUNITY COLLEGE** 138078

The Chancellor of Higher Education, in consultation with 138079  
postsecondary educational institutions and other stakeholders as 138080  
determined to be appropriate, shall monitor and evaluate the 138081  
ongoing availability of postsecondary educational offerings 138082  
within the four-county service district formerly served by 138083  
Eastern Gateway Community College. To the extent practicable, 138084  
the Chancellor shall seek to ensure a strong continuity of 138085



postsecondary educational access to residents of the region, 138086  
with a particular focus on access to programs aligned with 138087  
regional workforce priorities. If determined to be necessary, 138088  
the Chancellor may seek to achieve favorable outcomes by 138089  
engaging with other postsecondary educational institutions to 138090  
encourage uninterrupted access to educational opportunities. 138091  
This may include, but not be limited to, outcomes associated 138092  
with academic program offerings, program-related equipment, or 138093  
physical facilities. 138094

**Section 381.740. CREDENTIAL AND WORK EXPERIENCE** 138095  
CONSIDERATION 138096

Prior to admitting any students applying for enrollment 138097  
after July 1, 2025, each state institution of higher education, 138098  
as defined in section 3345.011 of the Revised Code, shall 138099  
consider an applicant's work experience and credentials earned 138100  
as part of the admissions process. An applicant's work 138101  
experience or credential does not need to align to the program 138102  
or discipline the applicant is seeking to pursue to be 138103  
considered by the state institution as a positive reason to 138104  
accept the applicant as a student at the institution. 138105

At the time of the student's acceptance, an institution 138106  
shall either grant credit for prior learning or experience or 138107  
detail the potential opportunities and required documentation 138108  
needed to grant such credit based on the review of the student's 138109  
specific information provided in the application. 138110

**Section 381.750. GENERAL EDUCATION REQUIREMENTS** 138111

(A) Not later than December 31, 2025, the board of 138112  
trustees of each state institution of higher education, as 138113  
defined in section 3345.011 of the Revised Code, shall formally 138114

review and evaluate the components of the state institution's 138115  
general education curriculum and adopt a resolution 138116  
acknowledging the board's completion of that review. Each board 138117  
shall submit a copy of its resolution to the Chancellor of 138118  
Higher Education. 138119

(B) Not later than March 31, 2026, the board of trustees 138120  
of each state institution of higher education shall formally 138121  
evaluate the state institution's general education curriculum to 138122  
enhance content that furthers the state's post-secondary 138123  
education attainment and workforce goals. In conducting the 138124  
evaluation, the board shall consider adjusting the general 138125  
education curriculum in the following areas: 138126

(1) Civics, culture, and society, including United States 138127  
and Ohio history, the foundations of American representative 138128  
government, how to disagree in a civil manner, and the 138129  
principles of civil discourse; 138130

(2) Artificial intelligence, STEM, and computational 138131  
thinking; 138132

(3) Entrepreneurship and the principles of innovation; 138133

(4) Workforce readiness, including fundamental skills 138134  
necessary for Ohio's graduates to gain employment in in-demand 138135  
occupations. 138136

(C) Not later than June 30, 2026, the board of trustees of 138137  
each state institution of higher education shall adopt a 138138  
resolution summarizing changes to the state institution's 138139  
general education curriculum resulting from the evaluation 138140  
process and submit a copy of the resolution to the Chancellor. 138141

(D) The Chancellor shall provide a copy of each resolution 138142  
submitted under this section to the Governor, the President of 138143

the Senate, and the Speaker of the House of Representatives. 138144

(E) Adjustments made to a state institution of higher 138145  
education's general education curriculum pursuant to this 138146  
section are not exempt from the requirements of the Chancellor's 138147  
program approval process. 138148

**Section 381.760.** OHIO TECH TALENT INITIATIVE 138149

(A) The Ohio Tech Talent Initiative is created. The 138150  
purpose of the initiative is to promote, prioritize, and expand 138151  
engineering technician education for engineering technology and 138152  
other fields essential to the semiconductor and advanced 138153  
manufacturing industries. In administering the program, the 138154  
Chancellor of Higher Education may determine the list of 138155  
academic programs included, in consultation with the Governor's 138156  
Office of Workforce Transformation, based on the Classification 138157  
of Instructional Programs (CIP). 138158

(B) For the purposes of model and statewide innovative 138159  
waiver pathways authorized under sections 3365.13 and 3365.131 138160  
of the Revised Code, the Chancellor and Director of Education 138161  
and Workforce, in consultation with the Governor's Office of 138162  
Workforce Transformation, shall jointly collaborate with public 138163  
secondary schools and partnering public colleges and 138164  
universities, as necessary, to establish, promote, and 138165  
prioritize pathways that prepare participants to successfully 138166  
enter the workforce in engineering technology and other fields 138167  
essential to the semiconductor or advanced manufacturing 138168  
industries. The Chancellor and Director shall also leverage the 138169  
one-year option credit articulation process for students 138170  
enrolled in Ohio Technical Centers, as defined in section 138171  
3333.94 of the Revised Code, who complete a 900-hour program of 138172  
study and obtain an industry-recognized credential. 138173

(C) In administering the program, and notwithstanding any provision of law to the contrary, the Chancellor and Director of Development may utilize funds appropriated from the following appropriation items with the goal of reducing student costs and increasing the number of graduates in technician-aligned programs:

(1) Appropriation item 235438, Choose Ohio First Scholarship;

(2) Appropriation item 235517, Talent Ready Grant Program;

(3) Appropriation item 235425, Ohio Work Ready Grant Program;

(4) Appropriation item 235494, Second Chance Grant Program;

(5) Appropriation item C23529, Workforce Based Training and Equipment;

(6) Appropriation item 195556, TechCred Program;

(7) Other appropriation items as determined to be necessary by the Chancellor, in consultation with the Governor's Office of Workforce Transformation.

(D) The Chancellor may require a state institution of higher education, as defined in section 3345.011 of the Revised Code, and a private college as defined in section 3365.01 of the Revised Code, to establish a workforce-education partnership program, as defined in section 3333.93 of the Revised Code. In establishing a workforce-education partnership program, the Chancellor, in consultation with the Governor's Office of Workforce Transformation, may require college, university and employer participants to specifically focus on engineering

technology and other fields essential to the semiconductor 138202  
industry, advanced manufacturing industry, or both. 138203

**Section 381.770. DIRECT ADMISSIONS** 138204

(A) As used in this section: 138205

(1) "Academic record" includes grade point average, high 138206  
school and college transcript information, standardized 138207  
assessment scores, scores on the end-of-course examinations 138208  
prescribed under section 3301.0712 of the Revised Code, and any 138209  
other measure of postsecondary readiness determined appropriate 138210  
by the Chancellor of Higher Education. 138211

(2) "Postsecondary institution" means any of the 138212  
following: 138213

(a) A state institution of higher education, as defined in 138214  
section 3345.011 of the Revised Code; 138215

(b) A private nonprofit institution of higher education 138216  
that holds a certificate of authorization under Chapter 1713. of 138217  
the Revised Code; 138218

(c) An Ohio technical center, as defined in section 138219  
3333.94 of the Revised Code. 138220

(3) "School governing body" means the board of education 138221  
of a city, local, exempted village, or joint vocational school 138222  
district, the governing authority of a chartered nonpublic 138223  
school, the governing authority of a community school 138224  
established under Chapter 3314. of the Revised Code, or the 138225  
governing body of a STEM school established under Chapter 3326. 138226  
of the Revised Code. 138227

(B) The Chancellor of Higher Education, in consultation 138228  
with the Director of Education and Workforce, shall establish a 138229

direct admissions pilot program to notify students enrolled at 138230  
participating high schools about whether they meet the 138231  
admissions criteria for participating postsecondary 138232  
institutions. 138233

Under the pilot program, the Chancellor shall establish a 138234  
process that uses a student's academic record to determine 138235  
whether the student meets the admissions requirements. To the 138236  
extent practicable, and in accordance with applicable law, the 138237  
Chancellor shall use existing primary, secondary, and higher 138238  
education student information systems to automate the process 138239  
and use information held by a participating student's high 138240  
school to minimize the need for the student to provide any 138241  
additional information. 138242

The Chancellor shall endeavor to implement the pilot 138243  
program so that students graduating in the 2026-2027 school year 138244  
may participate in the program. 138245

(C) The Chancellor may do any of the following: 138246

(1) Establish eligibility requirements for students, 138247  
school governing bodies, and postsecondary institutions who 138248  
elect to participate in the pilot program; 138249

(2) Consult with stakeholders and form advisory councils 138250  
as necessary to design and operate the pilot program; 138251

(3) Terminate the pilot program if the Chancellor 138252  
determines its operation is impracticable. 138253

(D) A school governing body or postsecondary institution 138254  
shall apply to participate in the pilot program in a form and 138255  
manner prescribed by the Chancellor. 138256

A participating school governing body may adopt a written 138257

policy authorizing any high school it operates to participate in 138258  
the pilot program. Not later than ninety days after the adoption 138259  
of the policy, the school governing body shall transmit an 138260  
electronic copy of the policy to the Chancellor and the Director 138261  
of Education and Workforce. 138262

A participating school governing body shall develop a 138263  
procedure to determine whether a student who wants to 138264  
participate in the pilot program meets any eligibility 138265  
requirements established under division (C) of this section. 138266

(E) At least once each school year, the Chancellor, in 138267  
consultation with the Director of Education and Workforce, shall 138268  
issue a report on the pilot program. The Chancellor shall set a 138269  
deadline for the report's issuance. The report shall include 138270  
information about the number of students who participate in the 138271  
program. The report also shall evaluate, to the extent 138272  
practicable, the impact of the program on postsecondary outcomes 138273  
for students from populations traditionally underserved in 138274  
higher education. 138275

The Chancellor shall submit the report to the Governor, 138276  
the President of the Senate, the Speaker of the House of 138277  
Representatives, the Director of Education and Workforce, the 138278  
Director of Budget and Management, and the Governor's Office of 138279  
Workforce Transformation. 138280

(F) No student, school governing body, or postsecondary 138281  
institution shall be required to participate in the pilot 138282  
program. 138283

**Section 383.10.** 138284

138285

A		DRC DEPARTMENT OF REHABILITATION AND CORRECTION		
B		General Revenue Fund		
C	GRF	501321 Institutional Operations	\$1,466,770,700	\$1,539,309,235
D	GRF	501405 Reentry, Housing, and Support Services	\$87,700,200	\$90,558,100
E	GRF	501406 Adult Correctional Facilities Lease Rental Bond Payments	\$42,000,000	\$60,000,000
F	GRF	501407 Community Nonresidential Programs	\$71,472,947	\$74,153,531
G	GRF	501408 Community Misdemeanor Programs	\$10,101,000	\$10,555,545
H	GRF	501411 Probation Improvement and Incentive Grants	\$5,512,500	\$5,760,562
I	GRF	501501 Community Residential Programs - Community Based Correctional Facilities	\$104,015,600	\$108,161,800
J	GRF	503321 Parole and Community Operations	\$135,000,000	\$135,000,000
K	GRF	504321 Administrative Operations	\$29,927,970	\$31,394,440
L	GRF	505321 Institution Medical Services	\$377,800,462	\$402,429,929



M	GRF	506321	Institution Education Services	\$53,496,437	\$57,943,527
N			General Revenue Fund Total	\$2,383,797,816	\$2,515,266,669
O			Dedicated Purpose Fund Group		
P	4B00	501601	Sewer Treatment Services	\$600,000	\$600,000
Q	4D40	501603	Prisoner Programs	\$400,000	\$400,000
R	4L40	501604	Transitional Control	\$2,450,000	\$2,450,000
S	4S50	501608	Education Services	\$4,660,000	\$4,660,000
T	5AF0	501609	State and Non-Federal Awards	\$1,300,000	\$1,300,000
U	5H80	501617	Offender Financial Responsibility	\$1,860,000	\$1,860,000
V	5ZQ0	501505	Local Jail Grants	\$75,000,000	\$0
W			Dedicated Purpose Fund Group Total	\$86,270,000	\$11,270,000
X			Internal Service Activity Fund Group		
Y	1480	501602	Institutional Services	\$3,500,000	\$3,500,000
Z	2000	501607	Ohio Penal Industries	\$46,515,000	\$46,515,000
AA	4830	501605	Leased Property Maintenance and Operating	\$7,500,000	\$7,500,000
AB	5710	501606	Corrections Training	\$940,000	\$940,000

	Maintenance and Operating		
AC 5L60 501611	Information Technology Services	\$500,000	\$500,000
AD	Internal Service Activity Fund Group Total	\$58,955,000	\$58,955,000
AE	Federal Fund Group		
AF 3230 501619	Federal Grants	\$4,500,000	\$4,500,000
AG 3CW0 501622	Federal Equitable Sharing	\$300,000	\$300,000
AH	Federal Fund Group Total	\$4,800,000	\$4,800,000
AI	TOTAL ALL BUDGET FUND GROUPS	\$2,533,822,816	\$2,590,291,669

**Section 383.20. ANALYTICS PLATFORM PILOT** 138286

Of the foregoing appropriation item 501321, Institutional Operations, \$1,000,000 in fiscal year 2026 shall be used by the Department of Rehabilitation and Correction to procure a software analytics platform to establish a pilot program to transcribe and analyze all inmate phone calls to increase the security and safety of Department of Rehabilitation and Correction facilities. The procured analytics platform shall be accessible to all law enforcement agencies in this state to support criminal investigations. The Correctional Institution Inspection Committee shall approve the location of the pilot program. The Department shall submit a report of its findings from the pilot program to the Committee by December 31, 2026.

EXPEDITED PARDON INITIATIVE 138299

Of the foregoing appropriation item 501321, Institutional Operations, up to \$500,000 in each fiscal year may be used by the Department of Rehabilitation and Correction to support projects connecting rehabilitated citizens with community partners to advance the expedited pardon initiative and help eligible individuals navigate the process and access clemency.

FELONY OFFENSE COST REIMBURSEMENTS 138306

Of the foregoing appropriation item 501321, Institutional Operations, the Department of Rehabilitation and Correction shall allocate an amount not to exceed \$250,000 in each fiscal year to reimburse counties for their costs incurred in the prosecution of felonies that occur on the grounds of state correctional institutions operated by the Department. Eligible reimbursement costs include those incurred by the prosecuting attorney, indigent defense counsel, the court of common pleas, the clerk of the court of common pleas, and the sheriff.

OSU MEDICAL CHARGES 138316

Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation and Correction, the Ohio State University Medical Center, including the Arthur G. James Cancer Hospital and Richard J. Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care to persons who are confined in state adult correctional facilities. The provision of necessary inpatient care billed to the Department shall be reimbursed at a rate not to exceed the authorized reimbursement rate for the same service established by the Department of Medicaid under the Medicaid Program.

TRANSITIONAL HOUSING FUNDING 138328

Of the foregoing appropriation item 501405, Reentry, 138329  
Housing, and Support Services, priority shall be given to 138330  
residential providers that accept and place individuals released 138331  
from institutions operated by the Department of Rehabilitation 138332  
and Correction to the supervision of the Adult Parole Authority 138333  
who were previously rejected by all other residential providers. 138334

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 138335

The foregoing appropriation item 501406, Adult 138336  
Correctional Facilities Lease Rental Bond Payments, shall be 138337  
used to meet all payments during the period from July 1, 2025, 138338  
through June 30, 2027, by the Department of Rehabilitation and 138339  
Correction pursuant to leases and agreements for facilities made 138340  
under Chapters 152. and 154. of the Revised Code. These 138341  
appropriations are the source of funds pledged for bond service 138342  
charges on related obligations issued under Chapters 152. and 138343  
154. of the Revised Code. 138344

PROBATION IMPROVEMENT AND INCENTIVE GRANTS 138345

The foregoing appropriation item 501411, Probation 138346  
Improvement and Incentive Grants, shall be allocated by the 138347  
Department of Rehabilitation and Correction to municipalities as 138348  
Probation Improvement and Incentive Grants with an emphasis on: 138349  
(1) providing services to those addicted to opiates and other 138350  
illegal substances, and (2) supplementing the programs and 138351  
services funded by grants distributed from the foregoing 138352  
appropriation item 501407, Community Nonresidential Programs. 138353

FREDERICK DOUGLASS PROJECT FOR JUSTICE 138354

Of the foregoing appropriation item 506321, Institution 138355  
Education Services, \$350,000 in fiscal year 2026 and \$150,000 in 138356  
fiscal year 2027 shall be distributed directly to the Frederick 138357

Douglass Project for Justice to operate in all prisons. 138358

**Section 383.30.** LOCAL JAIL GRANTS 138359

The foregoing appropriation item 501505, Local Jail 138360  
Grants, shall be used for the construction and renovation of 138361  
county jails. The Department of Rehabilitation and Correction 138362  
shall designate the projects involving the construction and 138363  
renovation of county jails. 138364

To determine which projects will receive funding, the 138365  
Department of Rehabilitation and Correction shall rank each 138366  
county based on its financial need with a percentile ranking 138367  
using the following funding formula, as calculated by the 138368  
Department of Taxation. 138369

The Department of Taxation shall determine the total value 138370  
of all property in the county listed and assessed for taxation 138371  
on the tax list as reported by the Department of Taxation in the 138372  
preceding tax year, and list each county in order of total 138373  
value, ascending, so that the county with the lowest value is 138374  
number one on the list, which shall be called its property tax 138375  
ranking. 138376

The Department of Taxation also shall rank each county 138377  
based on the estimate of the gross amount of taxable retail 138378  
sales sourced to the county as reported by the Department for 138379  
the preceding calendar year, computed by dividing the total 138380  
amount of tax revenue received by the county during that period 138381  
from taxes levied under sections 5739.021, 5739.026, 5741.021, 138382  
and 5741.023 of the Revised Code by the aggregate tax rate 138383  
levied by the county under sections 5739.021 and 5739.026 of the 138384  
Revised Code on the last day of the preceding calendar year, and 138385  
list each county in order of total value, ascending, so that the 138386

county with the lowest value is number one on the list, except 138387  
that any county that does not currently levy taxes under section 138388  
5739.021 or 5739.026 of the Revised Code shall be ranked at 138389  
number eighty-eight on the list, which ranking shall be called 138390  
its sales tax ranking. 138391

The Department of Taxation shall then, for each county, 138392  
add the property tax ranking to the sales tax ranking, and shall 138393  
order the counties according to the sum of the two rankings, the 138394  
county with the lowest sum being number one on the list, to 138395  
determine the county's final ranking. The percentile ranking 138396  
shall be determined by taking the county's final ranking, 138397  
dividing it by eighty-eight, and multiplying it by one hundred. 138398

If the final ranking is the same for two or more counties, 138399  
the county with the lowest population shall receive the lowest 138400  
final ranking. The final ranking for the counties shall be 138401  
numbers one through eighty-eight, the lowest ranking county 138402  
being number one, and the highest number eighty-eight. 138403

Upon receiving the final rankings, the Department of 138404  
Rehabilitation and Correction shall select a number of counties 138405  
among the lowest ranking counties and invite the selected 138406  
counties to apply for assistance. Two or more counties may 138407  
jointly apply for assistance as long as at least one of the 138408  
counties was invited to apply. 138409

The Department of Rehabilitation and Correction shall 138410  
adopt guidelines to accept and review applications and designate 138411  
projects. The guidelines shall require the county or counties to 138412  
justify the need for the project and to comply with timelines 138413  
for the submission of documentation pertaining to the project 138414  
and project location. The guidelines may require applications 138415  
for multicounty jail facilities to provide evidence that the 138416

counties all are in agreement regarding each county's respective 138417  
share of the basic project cost and each county's respective 138418  
share of the operations and maintenance of the proposed jail 138419  
facility and evidence that each county will be able to generate 138420  
adequate revenue to fund its respective portion of the basic 138421  
project cost and the operations and maintenance of the proposed 138422  
jail facility. 138423

Upon the application of a county so invited, the 138424  
Department of Rehabilitation and Correction shall proceed with a 138425  
needs assessment. 138426

Under a needs assessment, the Department shall make a 138427  
determination of all of the following: 138428

(1) The need of the county for additional jail facilities, 138429  
or for renovations or improvements to existing jail facilities, 138430  
based on whether and to what extent existing facilities comply 138431  
with the standards in section 5120.10 of the Revised Code, 138432  
including the age and condition of the jail facilities; 138433

(2) The number of jail facilities to be included in a 138434  
project; 138435

(3) The estimated annual, monthly, or daily cost of 138436  
operating the facility once it is operational, as reported and 138437  
certified by the county auditor; 138438

(4) The estimated basic project cost of constructing, 138439  
acquiring, reconstructing, or making additions to each facility; 138440

(5) Whether the county has recently received a grant from 138441  
the state to construct or renovate jail facilities. 138442

The Department, following the completion of a needs 138443  
assessment, shall make a determination in favor of constructing, 138444

acquiring, reconstructing, or making additions to a jail 138445  
facility only upon evidence that the proposed project conforms 138446  
to the construction and renovation standards described in 138447  
divisions (D) and (E) of section 5120.10 of the Revised Code, 138448  
and that it keeps with the needs of the county or counties as 138449  
determined by the needs assessment. Exceptions shall be 138450  
authorized only in those areas where topography, sparsity of 138451  
population, and other factors make larger jail facilities 138452  
impracticable. 138453

Except as otherwise provided in this section, the portion 138454  
of the basic project cost supplied by the state for each 138455  
approved county shall be the difference between one hundred per 138456  
cent, and a per cent equal to one per cent of the basic project 138457  
costs times the percentile in which the county ranks according 138458  
to the percentile ranking under this section, for the fiscal 138459  
year preceding the fiscal year in which the Department approved 138460  
the county's or counties' project. 138461

At no time shall the state's portion of the basic project 138462  
cost be less than twenty-five per cent of the total basic 138463  
project cost. If a county's portion of the basic project cost is 138464  
calculated to be greater than seventy-five per cent of the total 138465  
basic project cost, the county's portion shall be seventy-five 138466  
per cent of the basic project cost. In the case of a multicounty 138467  
jail facility, if the sum of two or more counties' portions of 138468  
the total basic project cost are calculated to be greater than 138469  
seventy-five per cent of the total basic project cost, the 138470  
counties' portions shall be determined pro rata, so that the sum 138471  
of their portions shall be equal to seventy-five per cent of the 138472  
total basic project cost. 138473

The Department of Rehabilitation and Correction shall 138474



award the funds to selected counties not later than July 1,  
2027. 138475  
138476

**Section 387.10.** 138477  
138478

1	2	3	4	5
A		RDF STATE REVENUE DISTRIBUTIONS		
B	General Revenue Fund			
C	GRF 110403	Personal Property Tax	\$3,770,000	\$3,170,000
		Replacement Phase Out - Local Government		
D	GRF 110908	Property Tax	\$687,764,172	\$698,816,877
		Reimbursement - Local Government		
E	GRF 200417	Personal Property Tax	\$46,478,241	\$42,618,185
		Replacement Phase Out - School District		
F	GRF 200903	Property Tax	\$1,291,917,108	\$1,312,678,846
		Reimbursement - Education		
G	General Revenue Fund Total		\$2,029,929,521	\$2,057,283,908
H	Revenue Distribution Fund Group			
I	5JG0 110633	Gross Casino Revenue	\$168,320,000	\$166,460,000
		Payments - County		
J	5JH0 110634	Gross Casino Revenue	\$112,210,000	\$110,970,000
		Payments - School		

Districts					
K	5JJ0	110636	Gross Casino Revenue - Host City	\$16,530,000	\$16,400,000
L	7049	336900	Indigent Drivers Alcohol Treatment	\$1,800,000	\$1,800,000
M	7050	762900	International Registration Plan Distribution	\$26,000,000	\$26,000,000
N	7051	762901	Auto Registration Distribution	\$379,000,000	\$391,000,000
O	7065	110965	Public Library Fund	\$490,000,000	\$500,000,000
P	7066	800966	Undivided Liquor Permits	\$14,600,000	\$14,600,000
Q	7069	110969	Local Government Fund	\$531,700,000	\$549,100,000
R	7082	110982	Horse Racing Tax	\$31,200	\$31,200
S	7083	700900	Ohio Fairs Fund	\$471,000	\$471,000
T	Revenue Distribution Fund Group Total			\$1,740,662,200	\$1,776,832,200
U	Fiduciary Fund Group				
V	4P80	001698	Cash Management Improvement Fund	\$1,000,000	\$1,000,000
W	5VR0	110902	Municipal Net Profit Tax	\$241,330,000	\$253,400,000
X	6080	001699	Investment Earnings	\$1,050,000,000	\$975,000,000

Y	7001	110996	Horse Racing Tax Local Government Payments	\$120,000	\$120,000
Z	7062	110962	Resort Area Excise Tax Distribution	\$2,540,000	\$2,650,000
AA	7063	110963	Permissive Sales Tax Distribution	\$3,706,800,000	\$3,788,700,000
AB	7067	110967	School District Income Tax Distribution	\$748,610,000	\$778,170,000
AC	7085	800985	Volunteer Firemen's Dependents Fund	\$300,000	\$300,000
AD	7094	110641	Wireless 9-1-1 Government Assistance	\$35,500,000	\$31,300,000
AE	7095	110995	Municipal Income Tax	\$8,100,000	\$8,100,000
AF	7099	762902	Permissive Tax Distribution - Auto Registration	\$262,000,000	\$270,000,000
AG	Fiduciary Fund Group Total			\$6,056,300,000	\$6,108,740,000
AH	Holding Account Fund Group				
AI	R045	110617	International Fuel Tax Distribution	\$101,700,000	\$108,200,000
AJ	Holding Account Fund Group Total			\$101,700,000	\$108,200,000
AK	TOTAL ALL BUDGET FUND GROUPS			\$9,928,591,721	\$10,051,056,108

<b>Section 387.20. ADDITIONAL APPROPRIATIONS</b>	138479
Appropriation items in Section 387.10 of this act shall be	138480
used for the purpose of administering and distributing the	138481
designated revenue distribution funds according to the Revised	138482
Code. If it is determined that additional appropriations are	138483
necessary for this purpose in any appropriation items in Section	138484
387.10 of this act, such amounts are hereby appropriated.	138485
<b>TANGIBLE PROPERTY TAX REPLACEMENT PAYMENTS</b>	138486
The foregoing appropriation items 200417, Personal	138487
Property Tax Replacement Phase Out-School District, and 110403,	138488
Personal Property Tax Replacement Phase Out - Local Government,	138489
shall be used to make reimbursement payments to school districts	138490
and other local taxing units under sections 5709.92 and 5709.93	138491
of the Revised Code. If it is determined that additional	138492
appropriations are needed to make those reimbursement payments	138493
in full, such amounts are hereby appropriated.	138494
Notwithstanding division (I) of section 5709.92 of the	138495
Revised Code, any school district that has a nuclear power plant	138496
located within its territory shall receive no less under this	138497
section in fiscal year 2027 than paid in fiscal year 2026.	138498
<b>PROPERTY TAX REIMBURSEMENT - EDUCATION</b>	138499
The foregoing appropriation item 200903, Property Tax	138500
Reimbursement - Education, is appropriated to pay for the	138501
state's costs incurred because of the homestead exemption, the	138502
property tax rollback, and payments required under division (C)	138503
of section 5705.2110 of the Revised Code. In cooperation with	138504
the Department of Taxation, the Department of Education and	138505
Workforce shall distribute these funds directly to the	138506
appropriate school districts of the state, notwithstanding	138507

sections 321.24 and 323.156 of the Revised Code, which provide 138508  
for payment of the homestead exemption and property tax rollback 138509  
by the Tax Commissioner to the appropriate county treasurer and 138510  
the subsequent redistribution of these funds to the appropriate 138511  
local taxing districts by the county auditor. 138512

Upon receipt of these amounts, each school district shall 138513  
distribute the amount among the proper funds as if it had been 138514  
paid as real or tangible personal property taxes. Payments for 138515  
the costs of administration shall continue to be paid to the 138516  
county treasurer and county auditor as provided for in sections 138517  
319.54, 321.26, and 323.156 of the Revised Code. 138518

Any sums, in addition to the amount specifically 138519  
appropriated in appropriation item 200903, Property Tax 138520  
Reimbursement - Education, for the homestead exemption and the 138521  
property tax rollback payments, and payments required under 138522  
division (C) of section 5705.2110 of the Revised Code, which are 138523  
determined to be necessary for these purposes, are hereby 138524  
appropriated. 138525

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 138526

The foregoing appropriation item 110908, Property Tax 138527  
Reimbursement-Local Government, is hereby appropriated to pay 138528  
for the state's costs incurred due to the Homestead Exemption, 138529  
the Manufactured Home Property Tax Rollback, and the Property 138530  
Tax Rollback. The Tax Commissioner shall distribute these funds 138531  
directly to the appropriate local taxing districts, except for 138532  
school districts, notwithstanding the provisions in sections 138533  
321.24 and 323.156 of the Revised Code, which provide for 138534  
payment of the Homestead Exemption, the Manufactured Home 138535  
Property Tax Rollback, and Property Tax Rollback by the Tax 138536  
Commissioner to the appropriate county treasurer and the 138537

subsequent redistribution of these funds to the appropriate 138538  
local taxing districts by the county auditor. 138539

Upon receipt of these amounts, each local taxing district 138540  
shall distribute the amount among the proper funds as if it had 138541  
been paid as real property taxes. Payments for the costs of 138542  
administration shall continue to be paid to the county treasurer 138543  
and county auditor as provided for in sections 319.54, 321.26, 138544  
and 323.156 of the Revised Code. 138545

Any sums, in addition to the amounts specifically 138546  
appropriated in appropriation item 110908, Property Tax 138547  
Allocation - Local Government, for the Homestead Exemption, the 138548  
Manufactured Home Property Tax Rollback, and the Property Tax 138549  
Rollback payments, which are determined to be necessary for 138550  
these purposes, are hereby appropriated. 138551

MUNICIPAL INCOME TAX 138552

The foregoing appropriation item 110995, Municipal Income 138553  
Tax, shall be used to make payments to municipal corporations 138554  
under section 5745.05 of the Revised Code. If it is determined 138555  
that additional appropriations are necessary to make such 138556  
payments, such amounts are hereby appropriated. 138557

MUNICIPAL NET PROFIT TAX 138558

The foregoing appropriation item 110902, Municipal Net 138559  
Profit Tax, shall be used to make payments to municipal 138560  
corporations under section 718.83 of the Revised Code. If it is 138561  
determined that additional amounts are necessary to make such 138562  
payments, such amounts are hereby appropriated. 138563

During fiscal year 2026 and fiscal year 2027, if the Tax 138564  
Commissioner determines that there is insufficient cash in the 138565  
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 138566

distribution obligations under section 718.83 of the Revised Code, the Tax Commissioner shall certify to the Director of Budget and Management the amount of additional cash necessary to satisfy those obligations. In addition, the Commissioner shall submit a plan to the Director requesting the necessary cash be transferred from one or a combination of the following funds: the Municipal Income Tax Administrative Fund, the Local Sales Tax Administrative Fund, the General School District Income Tax Administrative Fund, the Motor Fuel Tax Administrative Fund, the Property Tax Administrative Fund, or the General Revenue Fund. This plan shall include a proposed repayment schedule to reimburse those funds for any cash transferred in accordance with this section. After receiving the certification and funding plan from the Tax Commissioner and if the Director determines that sufficient cash is available, the Director may transfer the cash to the Municipal Net Profit Tax Fund in accordance with the plan submitted by the Tax Commissioner or as otherwise determined by the Director of Budget and Management. The Director of Budget and Management may transfer cash from the Municipal Net Profit Tax Fund to reimburse the funds from which cash was transferred for the purpose outlined in this section.

LOCAL GOVERNMENT FUND 138588

Notwithstanding the requirement in division (A) of section 131.51 of the Revised Code that the Director of Budget and Management credit to the Local Government Fund one and seven-tenths per cent of the total tax revenue credited to the General Revenue Fund during the preceding month, the Director shall instead calculate these amounts during fiscal year 2026 and fiscal year 2027 using one and seventy-five one-hundredths as the percentage.

Section 391.10.					138597
					138598
1	2	3	4	5	
A	OSB DEAF AND BLIND EDUCATION SERVICES				
B	General Revenue Fund				
C	GRF	226321 Operations	\$33,200,258	\$33,454,668	
D	General Revenue Fund Total		\$33,200,258	\$33,454,668	
E	Dedicated Purpose Fund Group				
F	4H80	226602 Blind School State Grants	\$350,000	\$350,000	
G	4M00	226400 Deaf School Educational Program Expenses	\$250,000	\$250,000	
H	4M10	226401 Deaf School State Grants	\$25,000	\$25,000	
I	4M50	226601 Blind School Educational Program Expenses	\$330,000	\$340,000	
J	5H60	226402 Early Childhood Education	\$65,000	\$65,000	
K	5NJ0	226622 Employee Food Service Charges	\$22,467	\$23,141	
L	Dedicated Purpose Fund Group Total		\$1,042,467	\$1,053,141	
M	Federal Fund Group				
N	3100	226626 Blind School Federal Grants	\$1,099,000	\$1,099,000	



O	3110	226403	Deaf School Federal Grants	\$574,000	\$574,000
P	3DT0	226621	Ohio Transition Collaborative	\$230,000	\$230,000
Q	3P50	226643	Medicaid Professional Services Reimbursement	\$459,500	\$459,500
R			Federal Fund Group Total	\$2,362,500	\$2,362,500
S			TOTAL ALL BUDGET FUND GROUPS	\$36,605,225	\$36,870,309

**Section 391.20. OPERATIONS** 138599

Of the foregoing appropriation item 226321, Operations, up 138600  
to \$500,000 in fiscal year 2026 shall be used by the 138601  
Superintendent of the Ohio Deaf and Blind Education Services to 138602  
transition the staff, contracts, subscriptions, and equipment of 138603  
St. Rita School for the Deaf to a public school known as Rita 138604  
Community School under the supervision of the Ohio Deaf and 138605  
Blind Education Services in accordance with Chapter 3325. of the 138606  
Revised Code as amended by this act. The transition shall be 138607  
completed by June 30, 2026, and the school shall be fully under 138608  
the supervision of the Ohio Deaf and Blind Education Services 138609  
beginning with the 2026-2027 school year. 138610

**Section 395.10.** 138611  
138612

1	2	3	4	5
A		SOS SECRETARY OF STATE		
B		General Revenue Fund		

C	GRF	050321	Operating Expenses	\$3,505,147	\$3,510,274
D	GRF	050407	Poll Workers Training	\$0	\$500,000
E	GRF	050509	County Voting Systems Lease Rental Payments	\$12,200,000	\$12,200,000
F			General Revenue Fund Total	\$15,705,147	\$16,210,274
G			Dedicated Purpose Fund Group		
H	4120	050609	Notary Commission	\$541,455	\$555,487
I	4S80	050610	Board of Voting Machine Examiners	\$14,400	\$14,400
J	5990	050603	Business Services Operating Expenses	\$28,686,668	\$29,281,310
K	5990	050629	Statewide Voter Registration Database	\$705,000	\$730,000
L	5990	050630	Elections Support Supplement	\$4,458,687	\$4,545,000
M	5990	050631	Precinct Election Officials Training	\$0	\$500,000
N	5990	050636	County Election Officials Training	\$240,000	\$240,000
O	5SN0	050626	Address Confidentiality	\$375,000	\$400,000
P			Dedicated Purpose Fund Group Total	\$35,021,210	\$36,266,197

Q	Holding Account Fund Group		
R	R002 050606 Corporate/Business Filing Refunds	\$85,000	\$85,000
S	Holding Account Fund Group Total	\$85,000	\$85,000
T	Federal Fund Group		
U	3AS0 050616 Help America Vote Act (HAVA)	\$100,000	\$100,000
V	Federal Fund Group Total	\$100,000	\$100,000
W	TOTAL ALL BUDGET FUND GROUPS	\$50,911,357	\$52,661,471

**Section 395.20. POLL WORKERS TRAINING** 138613

The foregoing appropriation item 050407, Poll Workers  
Training, shall be used to provide funding to county boards of  
elections for precinct election official (PEO) training pursuant  
to section 3501.27 of the Revised Code. 138614  
138615  
138616  
138617

COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 138618

The foregoing appropriation item 050509, County Voting  
Systems Lease Rental Payments, shall be used to make payments  
during the period from July 1, 2025, through June 30, 2027,  
pursuant to leases and agreements entered into under Section 4  
of S.B. 135 of the 132nd General Assembly with respect to  
financing the costs associated with the acquisition,  
development, installation, and implementation of county voting  
systems. 138619  
138620  
138621  
138622  
138623  
138624  
138625  
138626

BOARD OF VOTING MACHINE EXAMINERS 138627

The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Upon approval of the Director of Budget and Management, such amounts are hereby appropriated.

BALLOT ADVERTISING COSTS

Notwithstanding division (G) of section 3501.17 of the Revised Code, upon requests submitted by the Secretary of State, the Controlling Board may approve cash and appropriation transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for the cost of public notices associated with statewide ballot initiatives.

ABSENT VOTER'S BALLOT APPLICATION MAILING

Notwithstanding division (B) of section 111.31 of the Revised Code, upon the request of the Secretary of State, the Controlling Board may approve cash and appropriation transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 5RG0) to be used by the Secretary of State to pay the costs of printing and mailing unsolicited applications for absent voters' ballots for the general election to be held in November 2026.

ADDRESS CONFIDENTIALITY PROGRAM 138658

Upon the request of the Secretary of State, the Director 138659  
of Budget and Management may transfer up to \$400,000 per fiscal 138660  
year in cash from the Business Services Operating Expenses Fund 138661  
(Fund 5990) to the Address Confidentiality Program Fund (Fund 138662  
5SN0). 138663

CORPORATE/BUSINESS FILING REFUNDS 138664

The foregoing appropriation item 050606, 138665  
Corporate/Business Filing Refunds, shall be used to hold 138666  
revenues until they are directed to the appropriate accounts or 138667  
until they are refunded. If it is determined by the Secretary of 138668  
State that additional appropriation amounts are necessary, the 138669  
Secretary of State may request that the Director of Budget and 138670  
Management approve such amounts. Upon approval of the Director 138671  
of Budget and Management, such amounts are hereby appropriated. 138672

HAVA FUNDS 138673

An amount equal to the unexpended, unencumbered portion of 138674  
appropriation item 050616, Help America Vote Act (HAVA), at the 138675  
end of fiscal year 2025 is hereby reappropriated for the same 138676  
purpose in fiscal year 2026. 138677

An amount equal to the unexpended, unencumbered portion of 138678  
appropriation item 050616, Help America Vote Act (HAVA), at the 138679  
end of fiscal year 2026 is hereby reappropriated for the same 138680  
purpose in fiscal year 2027. 138681

**Section 395.30.** ELECTRONIC POLLBOOKS 138682

The appropriation item 050638, Electronic Pollbooks, shall 138683  
be used by the Secretary of State to pay eighty-five per cent of 138684  
the calculated allocation cost of acquiring electronic 138685

pollbooks, as defined in section 3506.05 of the Revised Code, 138686  
and ancillary equipment, for county boards of elections in 138687  
accordance with this section. 138688

An amount equal to the unexpended, unencumbered portion of 138689  
the appropriation item 050638, Electronic Pollbooks, at the end 138690  
of fiscal year 2025 is hereby reappropriated to the Secretary of 138691  
State for the same purpose in fiscal year 2026. 138692

When required, pursuant to state purchasing requirements 138693  
and at the request of the Secretary of State, the Office of 138694  
Procurement Services within the Department of Administrative 138695  
Services shall initiate a competitive solicitation for the 138696  
purpose of identifying and securing contracts with qualified 138697  
vendors that can provide electronic pollbooks, as defined in 138698  
section 3506.05 of the Revised Code, and ancillary equipment. 138699  
The Department shall maintain such contracts for use by county 138700  
boards of elections in accordance with this section. 138701

The Secretary of State shall calculate the portion of 138702  
appropriation item 050638, Electronic Pollbooks, to be allocated 138703  
to each county board of elections in proportion to the number of 138704  
registered voters in each county as recorded in the statewide 138705  
voter registration database as of July 1, 2022. The Secretary of 138706  
State, in conjunction with the Office of Procurement Services 138707  
within the Department of Administrative Services, shall use the 138708  
funding allocated to each county board of elections to reimburse 138709  
them for the cost of acquiring electronic pollbooks and 138710  
ancillary equipment as follows: 138711

(A) For electronic pollbooks and ancillary equipment to be 138712  
acquired from vendors identified through competitive 138713  
solicitation by the Office of Procurement Services within the 138714  
Department of Administrative Services after the effective date 138715

of this section, upon request by a county board of elections, 138716  
the Secretary of State shall provide a list of the vendors and 138717  
electronic pollbooks certified in accordance with section 138718  
3506.05 of the Revised Code. The board of elections shall select 138719  
electronic pollbooks from this list, notify the Secretary of 138720  
State of its selection, and shall acquire the selected 138721  
electronic pollbooks and any other necessary equipment. The 138722  
board of elections shall enter into a memorandum of 138723  
understanding with the applicable board of county commissioners 138724  
and the Secretary of State concerning those acquisitions. The 138725  
Secretary of State shall reimburse the board of elections for 138726  
the lesser amount of either eighty-five per cent of the cost of 138727  
those acquisitions, or the amount of the allocation as 138728  
determined by the Secretary of State under this section. 138729

(B) If, between December 31, 2019 and July 1, 2023, a 138730  
board of elections acquired electronic pollbooks or ancillary 138731  
equipment and is otherwise in compliance with all applicable 138732  
directives and statutes, the Secretary of State shall reimburse 138733  
the board of elections for the lesser amount of either eighty- 138734  
five per cent of the cost of that acquisition, or the amount of 138735  
the allocation as determined by the Secretary of State under 138736  
this section. Reimbursement shall be paid to the county board of 138737  
elections. 138738

**Section 397.10.** 138739  
138740

1 2 3 4 5

A SEN THE OHIO SENATE

B General Revenue Fund

C	GRF 020321 Operating Expenses	\$27,000,000	\$27,000,000
D	General Revenue Fund Total	\$27,000,000	\$27,000,000
E	Internal Service Activity Fund Group		
F	1020 020602 Senate Reimbursement	\$425,800	\$425,800
G	4090 020601 Miscellaneous Sales	\$34,497	\$34,497
H	Internal Service Activity Fund Group Total	\$460,297	\$460,297
I	TOTAL ALL BUDGET FUND GROUPS	\$27,460,297	\$27,460,297

**Section 397.20. OPERATING EXPENSES** 138741

On July 1, 2025, or as soon as possible thereafter, the 138742  
 Clerk of the Senate may certify to the Director of Budget and 138743  
 Management an amount up to the unexpended, unencumbered balance 138744  
 of the foregoing appropriation item 020321, Operating Expenses, 138745  
 at the end of fiscal year 2025 to be reappropriated to fiscal 138746  
 year 2026. The amount certified is hereby reappropriated to the 138747  
 same appropriation item for fiscal year 2026. 138748

On July 1, 2026, or as soon as possible thereafter, the 138749  
 Clerk of the Senate may certify to the Director of Budget and 138750  
 Management an amount up to the unexpended, unencumbered balance 138751  
 of the foregoing appropriation item 020321, Operating Expenses, 138752  
 at the end of fiscal year 2026 to be reappropriated to fiscal 138753  
 year 2027. The amount certified is hereby reappropriated to the 138754  
 same appropriation item for fiscal year 2027. 138755

**Section 399.10.** 138756

138757



	1	2	3	4	5
A					
B					
C	GRF	866321	CSV Operations	\$694,000	\$694,000
D			General Revenue Fund Total	\$694,000	\$694,000
E			Dedicated Purpose Fund Group		
F	5GN0	866605	Serve Ohio Support	\$10,000	\$2,103
G			Dedicated Purpose Fund Group Total	\$10,000	\$2,103
H			Federal Fund Group		
I	3R70	866617	AmeriCorps Programs	\$13,923,794	\$13,956,503
J			Federal Fund Group Total	\$13,923,794	\$13,956,503
K			TOTAL ALL BUDGET FUND GROUPS	\$14,627,794	\$14,652,606

**Section 401.10.**

138758

138759

	1	2	3	4	5
A					
B					
C	7070	155905	Third Frontier Research and Development Bond Retirement Fund	\$45,000,000	\$45,000,000

D	7072	155902	Highway Capital Improvement Bond Retirement Fund	\$118,500,000	\$131,500,000
E	7073	155903	Natural Resources Bond Retirement Fund	\$14,300,000	\$14,300,000
F	7074	155904	Conservation Projects Bond Retirement Fund	\$46,500,000	\$39,000,000
G	7076	155906	Coal Research and Development Bond Retirement Fund	\$4,050,000	\$2,525,000
H	7077	155907	State Capital Improvement Bond Retirement Fund	\$225,000,000	\$240,000,000
I	7078	155908	Common Schools Bond Retirement Fund	\$255,000,000	\$230,000,000
J	7079	155909	Higher Education Bond Retirement Fund	\$250,000,000	\$210,000,000
K	7080	155901	Persian Gulf, Afghanistan, and Iraq Conflict Bond Retirement Fund	\$975,000	\$0
L	Debt Service Fund Group Total			\$959,325,000	\$912,325,000
M	TOTAL ALL BUDGET FUND GROUPS			\$959,325,000	\$912,325,000

**Section 401.20.** ADDITIONAL APPROPRIATIONS 138760

Appropriation items in this section are for the purpose of 138761

paying debt service and financing costs during the period from 138762  
 July 1, 2025, through June 30, 2027, on bonds or notes of the 138763  
 state issued under the Ohio Constitution, Revised Code, and acts 138764  
 of the General Assembly. If it is determined that additional 138765  
 amounts are necessary for this purpose, such amounts are hereby 138766  
 appropriated. 138767

**Section 404.10.**

138768  
138769

	1	2	3	4	5
A	SHP STATE SPEECH AND HEARING PROFESSIONALS BOARD				
B	Dedicated Purpose Fund Group				
C	4K90	123609	Operating Expenses	\$649,200	\$665,400
D	Dedicated Purpose Fund Group Total			\$649,200	\$665,400
E	TOTAL ALL BUDGET FUND GROUPS			\$649,200	\$665,400

**Section 407.10.**

138770  
138771

	1	2	3	4	5
A	BTA BOARD OF TAX APPEALS				
B	General Revenue Fund				
C	GRF	116321	Operating Expenses	\$2,110,000	\$2,160,000
D	General Revenue Fund Total			\$2,110,000	\$2,160,000
E	TOTAL ALL BUDGET FUND GROUPS			\$2,110,000	\$2,160,000

Section 409.10.

138772

138773

	1	2	3	4	5
A	TAX DEPARTMENT OF TAXATION				
B	General Revenue Fund				
C	GRF	110321	Operating Expenses	\$63,677,392	\$67,427,723
D	GRF	110404	Tobacco Settlement Enforcement	\$163,000	\$166,271
E	General Revenue Fund Total			\$63,840,392	\$67,593,994
F	Dedicated Purpose Fund Group				
G	2280	110628	CAT Administration	\$13,368,132	\$13,072,718
H	4350	110607	Local Tax Administration	\$38,632,001	\$39,008,489
I	4360	110608	Motor Vehicle Audit Administration	\$1,282,300	\$1,282,300
J	4380	110609	School District Income Tax Administration	\$9,651,710	\$9,732,886
K	4C60	110616	International Registration Plan Administration	\$697,635	\$706,187
L	4R60	110610	Tire Tax Administration	\$138,123	\$138,123
M	5BP0	110639	Wireless 9-1-1 Administration	\$251,418	\$251,418

N	5JM0	110637	Casino Tax Administration	\$101,000	\$101,000
O	5N50	110605	Municipal Income Tax Administration	\$115,848	\$115,848
P	5N60	110618	Kilowatt Hour Tax Administration	\$63,415	\$63,415
Q	5NY0	110643	Petroleum Activity Tax Administration	\$1,114,260	\$1,114,260
R	5V70	110622	Motor Fuel Tax Administration	\$6,713,625	\$6,871,008
S	5V80	110623	Property Tax Administration	\$5,677,332	\$5,759,569
T	5YQ0	110651	Sports Gaming Tax Administration Operating Expenses	\$5,000	\$5,000
U	5ZA0	110650	Ohio Tax System Operating Expenses	\$7,000,000	\$8,000,000
V	6390	110614	Cigarette Tax Enforcement	\$1,087,029	\$1,114,117
W	6880	110615	Local Excise Tax Administration	\$391,778	\$392,536
X			Dedicated Purpose Fund Group Total	\$86,290,606	\$87,728,874
Y	Fiduciary Fund Group				
Z	4250	110635	Tax Refunds	\$3,082,044,000	\$3,082,044,000

AA 5CZ0 110631 Vendor's License Application	\$575,000	\$575,000
AB Fiduciary Fund Group Total	\$3,082,619,000	\$3,082,619,000
AC Holding Account Fund Group		
AD R010 110611 Tax Distributions	\$25,000	\$25,000
AE R011 110612 Miscellaneous Tax Receipts	\$500	\$500
AF Holding Account Fund Group Total	\$25,500	\$25,500
AG TOTAL ALL BUDGET FUND GROUPS	\$3,232,775,498	\$3,237,967,368

**Section 409.20. TAX REFUNDS** 138774

The foregoing appropriation item 110635, Tax Refunds, 138775  
shall be used to pay refunds under section 5703.052 of the 138776  
Revised Code. If it is determined that additional appropriations 138777  
are necessary for this purpose, such amounts are hereby 138778  
appropriated. 138779

**VENDOR'S LICENSE PAYMENTS** 138780

The foregoing appropriation item 110631, Vendor's License 138781  
Application, shall be used to make payments to county auditors 138782  
under section 5739.17 of the Revised Code. If it is determined 138783  
that additional appropriations are necessary to make such 138784  
payments, such amounts are hereby appropriated. 138785

**INTERNATIONAL REGISTRATION PLAN ADMINISTRATION** 138786

The foregoing appropriation item 110616, International 138787  
Registration Plan Administration, shall be used under section 138788

5703.12 of the Revised Code for audits of persons with vehicles 138789  
registered under the International Registration Plan. 138790

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 138791

Of the foregoing appropriation item 110607, Local Tax 138792  
Administration, the Tax Commissioner may disburse funds, if 138793  
available, for the purposes of paying travel expenses incurred 138794  
by members of Ohio's delegation to the Streamlined Sales Tax 138795  
Project, as appointed under section 5740.02 of the Revised Code. 138796  
Any travel expense reimbursement paid for by the Department of 138797  
Taxation shall be done in accordance with applicable state laws 138798  
and guidelines. 138799

TOBACCO SETTLEMENT ENFORCEMENT 138800

The foregoing appropriation item 110404, Tobacco 138801  
Settlement Enforcement, shall be used by the Tax Commissioner to 138802  
pay costs incurred in the enforcement of divisions (F) and (G) 138803  
of section 5743.03 of the Revised Code. 138804

OHIO TAX SYSTEM SUPPORT FUND 138805

The foregoing appropriation item 110650, Ohio Tax System 138806  
Operating Expenses, shall be used to pay costs incurred in the 138807  
maintenance and support of the department's Ohio Tax System. The 138808  
Tax Commissioner shall submit a plan to the Director of Budget 138809  
and Management requesting the necessary cash be transferred to 138810  
the Ohio Tax System Support Fund (Fund 5ZA0) which is hereby 138811  
created in the state treasury. Cash shall be transferred from 138812  
any fund used by the Department of Taxation that is otherwise 138813  
allowable under state or federal law, except the General Revenue 138814  
Fund. This plan shall include a schedule of cash transfers. 138815  
After receiving the funding plan from the Tax Commissioner and 138816  
if the Director determines that sufficient cash is available, 138817

the Director may transfer the cash to the Ohio Tax System 138818  
 Support Fund with the plan submitted by the Tax Commissioner or 138819  
 as otherwise determined by the Director of Budget and 138820  
 Management. The transfers of cash to the Ohio Tax System Support 138821  
 Fund shall not exceed \$15,000,000 in the fiscal year 2026-2027 138822  
 biennium. 138823

MISCELLANEOUS TAX RECEIPTS 138824

The foregoing appropriation item 110612, Miscellaneous Tax 138825  
 Receipts, shall be used to hold miscellaneous tax payments 138826  
 received by the Tax Commissioner until the appropriate account 138827  
 or fund is identified and the money can be transferred for the 138828  
 identified purpose. If the Director of Budget and Management 138829  
 determines that additional amounts are necessary for this 138830  
 purpose, such amounts are hereby appropriated. 138831

**Section 411.10.** 138832

138833

1	2	3	4	5
A		DOT DEPARTMENT OF TRANSPORTATION		
B	General Revenue Fund			
C	GRF 772456	Unmanned Aerial Systems Center	\$3,000,000	\$500,000
D	GRF 775470	Public Transportation - State	\$37,014,636	\$37,014,636
E	GRF 776465	Rail Development	\$6,000,000	\$6,000,000
F	GRF 777471	Airport Improvements - State	\$17,000,000	\$15,000,000



G	General Revenue Fund Total	\$63,014,636	\$58,514,636
H	Dedicated Purpose Fund Group		
I	5CN1 777628 Ohio Airport Improvement Program	\$4,650,000	\$4,650,000
J	5QT0 776670 Ohio Maritime Assistance Program	\$4,000,000	\$4,000,000
K	Dedicated Purpose Fund Group Total	\$8,650,000	\$8,650,000
L	TOTAL ALL BUDGET FUND GROUPS	\$71,664,636	\$67,164,636

**Section 411.15. RAIL DEVELOPMENT** 138834

Of the foregoing appropriation item 776465, Rail Development, \$25,000 in each fiscal year shall be used to pay the costs associated with Ohio joining the Midwest Interstate Passenger Rail Compact. 138835  
138836  
138837  
138838

**Section 411.20. DRONES FOR FIRST RESPONDERS PILOT PROGRAM** 138839

Of the foregoing appropriation item 772456, Unmanned Aerial Systems Center, \$2,500,000 in fiscal year 2026 shall be used to fund the Drones for First Responders pilot program, created under Section 755.20 of this act. 138840  
138841  
138842  
138843

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 772456, Unmanned Aerial Systems Center, at the end of fiscal year 2026 is hereby reappropriated to the same appropriation item in fiscal year 2027. 138844  
138845  
138846  
138847

**OHIO MARITIME ASSISTANCE PROGRAM** 138848

The foregoing appropriation item 776670, Ohio Maritime 138849

Assistance Program, shall be used to provide grants under the 138850  
Ohio Maritime Assistance Program established under section 138851  
5501.91 of the Revised Code. 138852

An amount equal to the unexpended, unencumbered balance of 138853  
the foregoing appropriation item 776670, Ohio Maritime 138854  
Assistance Program, at the end of fiscal year 2026 is hereby 138855  
reappropriated to the same appropriation item in fiscal year 138856  
2027. 138857

**Section 411.30.** AIRPORT IMPROVEMENTS - STATE 138858

Of the foregoing appropriation item 777471 Airport 138859  
Improvements - State, \$5,000,000 in each fiscal year shall be 138860  
used by the Office of Aviation to provide matching funds for 138861  
eligible airports awarded Airport Infrastructure Grant funding 138862  
through the Infrastructure Investment and Jobs Act. Any matching 138863  
funds provided to airports that are returned to the Office of 138864  
Aviation due to lower than estimated project costs shall be 138865  
reallocated to other eligible projects. The reallocated amounts 138866  
are hereby appropriated. 138867

Of the foregoing appropriation item 777471 Airport 138868  
Improvements - State, \$2,000,000 in fiscal year 2026 shall be 138869  
used by the Eastern Ohio Military Affairs Commission to support 138870  
construction and repair projects at the Youngstown Air Reserve 138871  
Station, the Youngstown-Warren Regional Airport, and the Camp 138872  
James A. Garfield Joint Military Training Center. 138873

OHIO AIRPORT IMPROVEMENT PROGRAM 138874

The foregoing appropriation item 777628, Ohio Airport 138875  
Improvement Program, shall be used to administer the Ohio 138876  
Airport Improvement Program established in section 4561.03 of 138877  
the Revised Code. 138878

An amount equal to the unexpended, unencumbered balance of 138879  
the foregoing appropriation item 777628, Ohio Airport 138880  
Improvement Program, at the end of fiscal year 2026 is hereby 138881  
reappropriated to the same appropriation item for fiscal year 138882  
2027. 138883

**Section 413.10.** 138884  
138885

1	2	3	4	5
A		TOS TREASURER OF STATE		
B	General Revenue Fund			
C	GRF 090321	Operating Expenses	\$5,432,000	\$5,432,000
D	General Revenue Fund Total		\$5,432,000	\$5,432,000
E	Dedicated Purpose Fund Group			
F	4E90 090603	Securities Lending Income	\$12,972,444	\$13,408,214
G	4E90 090639	STABLE Maintenance Fee Subsidy	\$900,000	\$900,000
H	4X90 090614	Political Subdivision Obligation	\$38,332	\$39,460
I	5770 090605	Investment Pool Reimbursement	\$1,838,291	\$1,885,100
J	5BD1 090576	County Recorder Electronic Record Supplement	\$1,750,000	\$0

K	5BE1	090638	Ohio Treasurer of State Information Technology Reserve	\$1,459,000	\$1,459,000
L	5C50	090602	County Treasurer Education	\$250,000	\$250,000
M	6050	090609	Treasurer of State Administrative Fund	\$1,820,361	\$1,827,252
N			Dedicated Purpose Fund Group Total	\$21,028,428	\$19,769,026
O			Fiduciary Fund Group		
P	4250	090635	Tax Refunds	\$12,000,000	\$12,000,000
Q			Fiduciary Fund Group Total	\$12,000,000	\$12,000,000
R			TOTAL ALL BUDGET FUND GROUPS	\$38,460,428	\$37,201,026

**Section 413.20.** COUNTY RECORDER ELECTRONIC RECORD 138886  
MODERNIZATION PROGRAM 138887

An amount equal to the unexpended, unencumbered balance of 138888  
appropriation item 090409, County Recorder Electronic 138889  
Modernization Program, at the end of fiscal year 2025 is hereby 138890  
reappropriated to the same appropriation item for the same 138891  
purpose in fiscal year 2026. 138892

TAX REFUNDS 138893

The foregoing appropriation item 090635, Tax Refunds, 138894  
shall be used to pay refunds under section 5703.052 of the 138895  
Revised Code. If the Director of Budget and Management 138896  
determines that additional amounts are necessary for this 138897

purpose, such amounts are hereby appropriated. 138898

**Section 413.30.** TREASURY MANAGEMENT SYSTEM LEASE RENTAL 138899  
PAYMENTS 138900

The foregoing appropriation item 090406, Treasury 138901  
Management System Lease Rental Payments, shall be used to make 138902  
payments during the period from July 1, 2025, through June 30, 138903  
2027, pursuant to leases and agreements entered into under 138904  
Section 701.20 of H.B. 497 of the 130th General Assembly and 138905  
other prior acts of the General Assembly with respect to 138906  
financing the costs associated with the acquisition, 138907  
development, implementation, and integration of the Treasury 138908  
Management System. 138909

**Section 413.40.** STABLE MAINTENANCE FEE SUBSIDY 138910

The foregoing appropriation item 090639, STABLE 138911  
Maintenance Fee Subsidy, shall be used to subsidize costs of 138912  
monthly fees incurred by STABLE account holders for eligible 138913  
individuals with disabilities. 138914

**Section 413.50.** COUNTY RECORDER ELECTRONIC RECORD 138915  
MODERNIZATION FUND 138916

The County Recorder Electronic Modernization Fund (Fund 138917  
5BD1) is created in the state treasury. Money in the fund shall 138918  
be used to distribute funds to reimburse counties under the 138919  
County Recorder Electronic Record Modernization Program, for use 138920  
by county recorder's offices to implement the requirements set 138921  
forth in divisions (E) and (F) of section 317.13 of the Revised 138922  
Code. The Treasurer of State shall reimburse counties on a 138923  
rolling basis until the appropriation is expended. Counties that 138924  
met the requirements set forth in divisions (E) and (F) of 138925  
section 317.13 of the Revised Code on October 24, 2024, are 138926

ineligible for funds under the Program. To be eligible for 138927  
reimbursement under the Program, an expense must be incurred on 138928  
or after October 24, 2024; expenses incurred before that date 138929  
are not eligible for reimbursement. A county that receives funds 138930  
under the Program shall credit those funds to the Recorder's 138931  
Technology Fund at least to the extent necessary to reimburse 138932  
the fund for money the county recorder spent to implement the 138933  
requirements set forth in divisions (E) and (F) of section 138934  
317.13 of the Revised Code. 138935

On July 1, 2025, or as soon as possible thereafter, the 138936  
Treasurer of State shall transfer the cash balance including 138937  
accrued interest and investment earnings from the Torrens Law 138938  
Assurance Fund in the custody of the Treasurer of State, to the 138939  
County Recorder Electronic Modernization Fund (Fund 5BD1). Upon 138940  
completion of the transfer and on the effective date of its 138941  
repeal by this act, the Torrens Law Assurance Fund is hereby 138942  
abolished. 138943

**Section 414.10.** 138944  
138945

	1	2	3	4	5
A			VTO VETERANS' ORGANIZATIONS		
B			General Revenue Fund		
C	GRF	743501	American Ex-Prisoners of War	\$45,000	\$45,000
D	GRF	746501	Army and Navy Union, USA, Inc.	\$85,000	\$85,000
E	GRF	747501	Korean War Veterans	\$85,000	\$85,000

F	GRF	748501	Jewish War Veterans	\$62,000	\$62,000
G	GRF	749501	Catholic War Veterans	\$85,000	\$85,000
H	GRF	750501	Military Order of the Purple Heart	\$85,000	\$85,000
I	GRF	751501	Vietnam Veterans of America	\$310,000	\$310,000
J	GRF	752501	American Legion of Ohio	\$450,000	\$450,000
K	GRF	753501	AMVETS	\$450,000	\$450,000
L	GRF	754501	Disabled American Veterans	\$450,000	\$450,000
M	GRF	756501	Marine Corps League	\$214,000	\$214,000
N	GRF	757501	37th Division Veterans' Association	\$17,000	\$17,000
O	GRF	758501	Veterans of Foreign Wars	\$450,000	\$450,000
P			General Revenue Fund Total	\$2,788,000	\$2,788,000
Q			TOTAL ALL BUDGET FUND GROUPS	\$2,788,000	\$2,788,000

**Section 415.10.**

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A DVS DEPARTMENT OF VETERANS SERVICES

B General Revenue Fund

C	GRF	900321	Veterans' Homes	\$51,956,758	\$52,999,692
D	GRF	900402	Hall of Fame	\$74,317	\$75,966
E	GRF	900408	Department of Veterans Services	\$5,077,924	\$5,178,649
F	GRF	900645	Veterans Long Term Healthcare Needs and Support (VET)	\$1,559,990	\$1,559,990
G	GRF	900901	Veterans Compensation General Obligation Bond Debt Service	\$975,000	\$0
H	General Revenue Fund Total			\$59,643,989	\$59,814,297
I	Dedicated Purpose Fund Group				
J	4840	900603	Veterans' Homes Services	\$680,004	\$700,000
K	4E20	900602	Veterans' Homes Operating	\$14,000,000	\$14,000,000
L	5DB0	900643	Military Injury Relief Program	\$97,000	\$97,000
M	5YP0	900650	Sports Gaming - Veterans	\$75,000	\$75,000
N	Dedicated Purpose Fund Group Total			\$14,852,004	\$14,872,000
O	Federal Fund Group				
P	3680	900614	Veterans Training	\$980,404	\$1,021,705
Q	3BX0	900609	Medicare Services	\$1,000,000	\$2,059,273



R	3L20	900601	Veterans' Homes Operations - Federal	\$31,500,000	\$31,500,000
S			Federal Fund Group Total	\$33,480,404	\$34,580,978
T			TOTAL ALL BUDGET FUND GROUPS	\$107,976,397	\$109,267,275

**Section 415.20.** VETERANS ORGANIZATIONS' RENT 138948

The foregoing appropriation item 900408, Department of 138949  
Veterans Services, shall be used to pay veterans organizations' 138950  
rent in buildings managed by the Department of Administrative 138951  
Services. 138952

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 138953

The foregoing appropriation item 900901, Veterans 138954  
Compensation General Obligation Bond Debt Service, shall be used 138955  
to pay all debt service and related financing costs during the 138956  
period from July 1, 2025, through June 30, 2027, on obligations 138957  
issued under Section 2r of Article VIII, Ohio Constitution. 138958

**Section 417.10.** 138959

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A DVM STATE VETERINARY MEDICAL LICENSING BOARD

B Dedicated Purpose Fund Group

C	4K90	888609	Operating Expenses	\$532,551	\$554,811
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D	5YG0	888603	Veterinarian Student Debt Assistance Program	\$100,000	\$100,000
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E	Dedicated Purpose Fund Group Total	\$632,551	\$654,811
F	Internal Service Activity Fund Group		
G	5BU0 888602 Veterinary Student Loan Program	\$20,000	\$20,000
H	Internal Service Activity Fund Group Total	\$20,000	\$20,000
I	TOTAL ALL BUDGET FUND GROUPS	\$652,551	\$674,811

**Section 419.10.**

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A	VPB STATE VISION PROFESSIONALS BOARD		
B	Dedicated Purpose Fund Group		
C	4K90 129609 Operating Expenses	\$609,659	\$668,146
D	Dedicated Purpose Fund Group Total	\$609,659	\$668,146
E	TOTAL ALL BUDGET FUND GROUPS	\$609,659	\$668,146

**Section 421.10.**

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A	DYS DEPARTMENT OF YOUTH SERVICES		
B	General Revenue Fund		
C	GRF 470401 RECLAIM Ohio	\$207,000,000	\$218,000,000

D	GRF	470412	Juvenile Correctional Facilities Lease Rental Bond Payments	\$17,500,000	\$17,500,000
E	GRF	470510	Youth Services	\$16,702,000	\$16,702,000
F	GRF	472321	Parole Operations	\$11,547,202	\$11,926,365
G	GRF	477321	Administrative Operations	\$17,177,391	\$18,017,753
H			General Revenue Fund Total	\$269,926,593	\$282,146,118
I			Dedicated Purpose Fund Group		
J	1470	470612	Vocational Education	\$1,436,125	\$1,494,968
K	1750	470613	Education Services	\$4,140,884	\$4,317,416
L	4790	470609	Employee Food Service	\$30,300	\$30,300
M	4A20	470602	Child Support	\$95,000	\$95,000
N	4G60	470605	Juvenile Special Revenue - Non-Federal	\$115,000	\$115,000
O	5BN0	470629	E-Rate Program	\$71,000	\$71,000
P			Dedicated Purpose Fund Group Total	\$5,888,309	\$6,123,684
Q			Federal Fund Group		
R	3210	470601	Education	\$1,899,343	\$1,956,154
S	3210	470603	Juvenile Justice Prevention	\$2,473,806	\$2,481,942

T	3210	470606	Nutrition	\$1,551,000	\$1,551,000
U	3210	470614	Title IV-E Reimbursements	\$1,521,776	\$1,529,243
V	3V50	470604	Juvenile Justice/Delinquency Prevention	\$1,657,737	\$1,731,824
W	Federal Fund Group Total			\$9,103,662	\$9,250,163
X	TOTAL ALL BUDGET FUND GROUPS			\$284,918,564	\$297,519,965

**Section 421.20. COMMUNITY PROGRAMS** 138965

For purposes of implementing juvenile sentencing reforms, 138966  
and notwithstanding any provision of law to the contrary, the 138967  
Department of Youth Services may use up to \$1,375,000 of the 138968  
unexpended, unencumbered balance of the portion of appropriation 138969  
item 470401, RECLAIM Ohio, that is allocated to juvenile 138970  
correctional facilities in each fiscal year to expand Targeted 138971  
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 138972  
other evidence-based community programs. 138973

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND 138974  
PAYMENTS 138975

The foregoing appropriation item 470412, Juvenile 138976  
Correctional Facilities Lease Rental Bond Payments, shall be 138977  
used to meet all payments during the period from July 1, 2025, 138978  
through June 30, 2027, by the Department of Youth Services under 138979  
the leases and agreements for facilities made under Chapters 138980  
152. and 154. of the Revised Code. These appropriations are the 138981  
source of funds pledged for bond service charges on related 138982  
obligations issued under Chapters 152. and 154. of the Revised 138983

Code.	138984
EDUCATION SERVICES	138985
The foregoing appropriation item 470613, Education Services, shall be used to fund the operating expenses of providing educational services to youth supervised by the Department of Youth Services. Operating expenses include, but are not limited to, teachers' salaries, maintenance costs, and educational equipment.	138986 138987 138988 138989 138990 138991
FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES	138992
In collaboration with the county family and children first council, the juvenile court of that county that receives allocations from one or both of the foregoing appropriation items 470401, RECLAIM Ohio, and 470510, Youth Services, may transfer portions of those allocations to a flexible funding pool as authorized by the section of this act titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."	138993 138994 138995 138996 138997 138998 138999
<b>Section 423.10.</b>	139000
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A	KID DEPARTMENT OF CHILDREN AND YOUTH				
B	General Revenue Fund				
C	GRF	650400	Medicaid Program Support - State	\$1,393,000	\$1,393,000
D	GRF	830321	Children and Youth Program Management	\$57,020,372	\$57,790,676

E	GRF	830400	Child Care State/Maintenance of Effort	\$93,636,000	\$93,636,000
F	GRF	830402	Maternal and Infant Housing Assistance	\$500,000	\$500,000
G	GRF	830403	Help Me Grow	\$63,591,050	\$63,000,000
H	GRF	830404	Infant Vitality	\$20,000,000	\$20,000,000
I	GRF	830405	Part C Early Intervention	\$30,621,922	\$32,696,362
J	GRF	830406	Strong Families Strong Communities	\$9,100,000	\$4,100,000
K	GRF	830407	Early Childhood Education	\$130,319,450	\$130,320,617
L	GRF	830409	Early Care and Education Learning Standards	\$3,292,091	\$3,390,959
M	GRF	830410	Family and Children First	\$2,706,000	\$2,706,000
N	GRF	830411	Imagination Library	\$8,250,000	\$8,250,000
O	GRF	830414	Child Care Cred Program	\$10,000,000	\$0
P	GRF	830415	Parenting and Pregnancy Program	\$10,000,000	\$10,000,000
Q	GRF	830416	Adoption Grant Program	\$34,000,000	\$34,000,000
R	GRF	830418	Child Care Provider Recruitment	\$3,200,000	\$0

S	GRF	830419	Children's Crisis Care	\$1,350,000	\$1,350,000
T	GRF	830420	Community Projects and Assistance	\$600,000	\$100,000
U	GRF	830500	Early Care and Education	\$141,285,000	\$141,285,000
V	GRF	830501	Kinship Permanency Incentive Program	\$1,000,000	\$1,000,000
W	GRF	830502	Court Appointed Special Advocates	\$1,000,000	\$1,000,000
X	GRF	830503	Adoption Services	\$23,992,000	\$23,992,000
Y	GRF	830505	Infant and Early Childhood Mental Health (ECMH)	\$4,000,000	\$4,000,000
Z	GRF	830506	Family and Children Services	\$303,959,990	\$298,959,990
AA	General Revenue Fund Total			\$954,816,875	\$933,470,604
AB	Dedicated Purpose Fund Group				
AC	1980	830600	Children's Trust Fund	\$5,770,407	\$5,800,246
AD	2320	830613	Family and Children First	\$2,485,214	\$2,514,051
AE	4E70	830615	Family and Children Services Collections	\$650,000	\$650,000
AF	4F10	830607	Family and Children Activities	\$655,000	\$655,000

AG 5BN1 830618	Child Welfare Training Support	\$7,387,465	\$7,387,465
AH 5B01 830620	Children and Youth Community Initiatives	\$20,000,000	\$10,000,000
AI 5BP1 830621	Agency Oversight and Support	\$12,000,000	\$10,000,000
AJ 5CN0 830617	Choose Life	\$80,000	\$80,000
AK 5U60 830619	Family and Children Support	\$400,000	\$400,000
AL	Dedicated Purpose Fund Group Total	\$49,428,086	\$37,486,762
AM	Federal Fund Group		
AN 3201 830608	Maternal and Child Health Block Grant	\$5,000,000	\$5,000,000
AO 3270 830601	Child Welfare	\$31,024,665	\$31,147,396
AP 3980 830612	Adoption Program	\$215,000,000	\$215,000,000
AQ 3A91 830622	Mental Health Block Grant	\$1,698,892	\$1,698,892
AR 3C50 830610	Preschool Special Education	\$16,026,864	\$16,026,864
AS 3D30 830602	Children's Trust Fund	\$7,030,643	\$7,048,243
AT 3F02 650600	Medicaid Program Support - Federal	\$1,393,000	\$1,393,000



AU 3H70 830604 Child Care	\$646,049,427	\$591,221,224
AV 3IT0 830609 Community Social Service Programs	\$22,803,908	\$22,803,908
AW 3IU0 830623 Federal Children and Youth Grants	\$52,000,000	\$52,000,000
AX 3N00 830603 Foster Care Program	\$337,778,385	\$338,091,973
AY 3V62 830605 TANF Block Grant	\$327,850,000	\$327,850,000
AZ Federal Fund Group Total	\$1,663,655,784	\$1,609,281,500
BA TOTAL ALL BUDGET FUND GROUPS	\$2,667,900,745	\$2,580,238,866

**Section 423.20. MATERNAL AND INFANT HOUSING ASSISTANCE** 139002

Of the foregoing appropriation item 830402, Maternal and 139003  
 Infant Housing Assistance, up to \$500,000 in each fiscal year 139004  
 shall be used to support stable housing initiatives for pregnant 139005  
 mothers and their families to improve maternal and infant health 139006  
 outcomes. 139007

**Section 423.30. INFANT VITALITY GRANTS AND PROGRAMS** 139008

Of the foregoing appropriation item, 830404, Infant 139009  
 Vitality, not less than \$6,000,000 in each fiscal year shall be 139010  
 used to support programming by community and local faith-based 139011  
 service providers that invests in maternal health programs, 139012  
 provides services and support to pregnant mothers, and improves 139013  
 both maternal and infant health outcomes. 139014

Of the foregoing appropriation item 830404, Infant 139015  
 Vitality, up to \$1,000,000 in each fiscal year shall be used to 139016

support the per diem nonmedical services provided by residential 139017  
infant care centers. 139018

The remainder of appropriation item 830404, Infant 139019  
Vitality, shall be used to fund a multi-pronged population 139020  
health approach to address infant mortality. This approach may 139021  
include the following: increasing awareness; supporting data 139022  
collection; analysis and interpretation to inform decision- 139023  
making and ensure accountability; targeting resources where the 139024  
need is greatest; and implementing quality improvement science 139025  
and programming that is evidence-based or based on emerging 139026  
practices. Measurable interventions may include activities 139027  
related to safe sleep, community engagement, group prenatal 139028  
care, preconception education, continuous support for women 139029  
during pregnancy and childbirth, patient navigators, community 139030  
health workers, early childhood home visiting, safe birth 139031  
spacing, gestational diabetes, smoking cessation tailored for 139032  
pregnant women, breastfeeding, care coordination, and 139033  
progesterone. 139034

**Section 423.40. PART C EARLY INTERVENTION** 139035

Of the foregoing appropriation item 830405, Part C Early 139036  
Intervention, up to \$7,000,000 in fiscal year 2026 and up to 139037  
\$9,000,000 in fiscal year 2027 may be used by the Department of 139038  
Children and Youth to subgrant or contract with county boards of 139039  
developmental disabilities for the provision of early 139040  
intervention evaluations, assessments, and service coordination. 139041  
County boards of developmental disabilities that accept these 139042  
funds shall maintain the level of local funding for early 139043  
intervention at the same funding level as the prior fiscal year. 139044

Of the foregoing appropriation item 830405, Part C Early 139045  
Intervention, \$1,000,000 in total in each fiscal year shall be 139046

used to contract with the Cleveland Sight Center, the Cincinnati Association for the Blind and Visually Impaired, and the Sight Center of Northwest Ohio to provide early intervention special instruction services and family support to children under the age of three with blindness or low vision.

**Section 423.50. CHILDREN'S MENTAL HEALTH** 139052

Of the foregoing appropriation item 830406, Strong Families Strong Communities, up to \$3,600,000 in each fiscal year shall be used to provide funding for community projects across the state that focus on support for families, assisting families in avoiding crisis, and crisis intervention.

Of the foregoing appropriation item 830406, Strong Families Strong Communities, \$500,000 in each fiscal year shall be provided to Riveon Mental Health and Recovery to support primary care integration.

The foregoing appropriation item 830505, Infant and Early Childhood Mental Health, shall be used to promote identification and intervention for early childhood mental health and to enhance healthy social emotional development in order to reduce preschool expulsions and promote kindergarten readiness. Funds shall be used by the Department of Children and Youth, in coordination with Department of Behavioral Health, to support infant and early childhood mental health credentialed professionals and consultation services, as well as administration, workforce development for the program, and program evaluation.

**Section 423.60. PEDIATRIC CANCER RESEARCH** 139073

Of the foregoing appropriation item 830406, Strong Families Strong Communities, up to \$5,000,000 in fiscal year

2026 shall be used to provide funding to qualified entities in Ohio to support any of the following:

(A) Research into causes, diagnoses, prevention, and treatment of pediatric cancer;

(B) The study of new and novel approaches to researching and treating pediatric cancer, as well as the side effects of cancer treatment, including discovering and developing new drugs, clinical trials, neurosurgery, and other surgical interventions, diagnostics, care management, and learning disabilities.

**Section 423.70. EARLY CHILDHOOD EDUCATION**

The foregoing appropriation item 830407, Early Childhood Education, shall be used to pay the costs of the Early Childhood Education Grant Program to provide quality preschool instruction to improve kindergarten readiness. The Department shall distribute such funds directly to qualifying providers as specified in section 5104.53 of the Revised Code.

**Section 423.85. CHILD CARE CRED PROGRAM**

The foregoing appropriation item 830414, Child Care Cred Program, shall be used for the Child Care Cred Program established in section 5104.54 of the Revised Code.

**Section 423.90. PARENTING AND PREGNANCY PROGRAM**

The foregoing appropriation item 830415, Parenting and Pregnancy Program, shall be used, in accordance with section 5180.71 of the Revised Code, to support the Ohio Parenting and Pregnancy Program.

An amount equal to the unexpended, unencumbered balance of appropriation item 830415, Parenting and Pregnancy Program, at

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the end of fiscal year 2026 is hereby reappropriated to the same 139104  
appropriation item for the same purpose in fiscal year 2027. 139105

**Section 423.100.** ADOPTION GRANT PROGRAM 139106

The foregoing appropriation item 830416, Adoption Grant 139107  
Program, shall be used to administer grants to adoptive parents 139108  
through the Adoption Grant Program, in accordance with sections 139109  
5180.451 and 5180.452 of the Revised Code. 139110

**Section 423.103.** CHILD CARE PROVIDER RECRUITMENT 139111

The foregoing appropriation item 830418, Child Care 139112  
Provider Recruitment, shall be used for the Child Care Provider 139113  
Recruitment and Mentorship Grant Program established in Section 139114  
751.30 of this act. 139115

An amount equal to the unexpended, unencumbered balance of 139116  
appropriation item 830418, Child Care Provider Recruitment, at 139117  
the end of fiscal year 2026 is hereby reappropriated to the same 139118  
appropriation item for the same purpose in fiscal year 2027. 139119

**Section 423.105.** COMMUNITY PROJECTS AND ASSISTANCE 139120

Of the foregoing appropriation item 830420, Community 139121  
Projects and Assistance, \$100,000 in each fiscal year shall be 139122  
distributed to Applewood Centers, Inc., to expand its foster 139123  
care program. 139124

The remainder of appropriation item 830420, Community 139125  
Projects and Assistance, shall be distributed to Birthing 139126  
Beautiful Communities to provide perinatal support services for 139127  
at-risk mothers and children in Cuyahoga and Summit counties. 139128

**Section 423.110.** COURT APPOINTED SPECIAL ADVOCATES 139129

Of the foregoing appropriation item 830502, Court 139130

Appointed Special Advocates, up to \$333,333 in each fiscal year 139131  
shall be used to support administrative costs associated with 139132  
existing court-appointed special advocate programs. 139133

Of the foregoing appropriation item 830502, Court 139134  
Appointed Special Advocates, up to \$666,667 in each fiscal year 139135  
shall be used to establish court-appointed special advocate 139136  
programs in areas of the state that are not served by an 139137  
existing program and to support existing programs. 139138

**Section 423.120.** FAMILY AND CHILDREN SERVICES AND 139139  
ACTIVITIES 139140

Of the foregoing appropriation item 830506, Family and 139141  
Children Services, up to \$25,000,000 in each fiscal year shall 139142  
be provided to assist with the expense of providing services to 139143  
youth requiring support from multiple systems. These funds may 139144  
be used for youth currently in the custody of a public children 139145  
services agency or to prevent children from entering into the 139146  
custody of a public children services agency by custody 139147  
relinquishment or another mechanism. The Director of Children 139148  
and Youth shall adopt rules in accordance with section 111.15 of 139149  
the Revised Code to administer the funding. 139150

Of the foregoing appropriation item 830506, Family and 139151  
Children Services, up to \$10,000,000 in each fiscal year may be 139152  
used to incentivize best practices. The Director of Children and 139153  
Youth shall adopt rules in accordance with section 111.15 of the 139154  
Revised Code to administer the funding. 139155

Of the foregoing appropriation item 830506, Family and 139156  
Children Services, \$150,000 in each fiscal year shall be 139157  
distributed to Cleveland State University for the Sullivan- 139158  
Deckard Scholarship Opportunity Program and the Helen Packer 139159

Scholarship Program to provide tuition and wrap-around services 139160  
to young adults who have aged out of foster care. 139161

Of the foregoing appropriation item, 830506, Family and 139162  
Children Services, not less than \$180,000,000 in fiscal year 139163  
2026 and not less than \$185,000,000 in fiscal year 2027 shall be 139164  
provided by the Department of Children and Youth, in 139165  
coordination with the Department of Job and Family Services, to 139166  
public children services agencies. Of that amount, \$17,600,000 139167  
in each fiscal year shall be used to provide an initial 139168  
allocation of \$200,000 to each county and the remainder shall be 139169  
provided using the formula in section 5180.41 of the Revised 139170  
Code. 139171

If the funds available for distribution under section 139172  
5180.41 of the Revised Code in fiscal year 2026 and fiscal year 139173  
2027 exceed the amount appropriated in fiscal year 2019, each 139174  
county contributing local funds in county fiscal year 2019 to 139175  
the county children services fund shall contribute moneys to the 139176  
children services fund described in section 5180.411 of the 139177  
Revised Code. 139178

The Director of Children and Youth, in consultation and 139179  
coordination with the Director of Job and Family Services shall 139180  
adopt rules, in accordance with section 111.15 of the Revised 139181  
Code, to determine the amount of local funds each county must 139182  
contribute to the children services fund based on past 139183  
contributions. Rules must include a hardship provision 139184  
identifying circumstances in which the county contribution may 139185  
be waived or reduced. 139186

Of the foregoing appropriation item 830506, Family and 139187  
Children Services, up to \$35,309,990 in each fiscal year shall 139188  
be used to support activities associated with the delivery of 139189

children services activities, including recruiting and retaining 139190  
foster parents, identifying and supporting kinship providers, 139191  
family preservation, prevention, direct services, and best 139192  
practices. 139193

Of the foregoing appropriation item 830506, Family and 139194  
Children Services, up to \$20,000,000 in fiscal year 2026 and up 139195  
to \$10,000,000 in fiscal year 2027 shall be used to assist with 139196  
the establishment of regional child wellness campuses. The 139197  
Department of Children and Youth shall provide one-time funding 139198  
to establish regional child wellness campuses across the state 139199  
to serve children and youth who are, or have been determined by 139200  
a public children services agency to be at risk of being, in the 139201  
custody of a public children services agency and who are not 139202  
placed in a licensed residential setting and are otherwise 139203  
spending one or more nights in an unlicensed setting. Regional 139204  
child wellness campuses shall support children in crisis in or 139205  
near the communities in which the children reside and create 139206  
additional capacity for short-term treatment. The Department of 139207  
Children and Youth shall select entities applying to establish 139208  
regional child wellness campuses through a competitive process. 139209  
An entity shall provide proof of local funding commitments that 139210  
fulfill all necessary start-up costs and ongoing community 139211  
commitments to ensure timely and appropriate delivery of service 139212  
to meet the needs of the child, family, and community. Of the 139213  
amounts earmarked for these regional child wellness campuses, 139214  
\$350,000 in fiscal year 2026 shall be used for the Providence 139215  
House Every Child Ohio Feasibility Study to identify the most 139216  
viable Ohio communities with the capacity to sustainably operate 139217  
a children's crisis care facility, as defined in section 5103.13 139218  
of the Revised Code. The results and recommendations of the 139219  
study shall be submitted in a report to the Governor, the 139220



President of the Senate, the Speaker of the House of 139221  
Representatives, and the Director of Children and Youth by 139222  
September 31, 2026. 139223

Of the foregoing appropriation item 830506, Family and 139224  
Children Services, at least \$17,000,000 in each fiscal year 139225  
shall be used for federal match requirements for Title IV-B and 139226  
Title IV-E of the "Social Security Act," 42 U.S.C. 601-687 139227  
funding. 139228

Of the foregoing appropriation item 830506, Family and 139229  
Children Services, up to \$3,000,000 in each fiscal year shall be 139230  
provided to the Ohio Network of Children's Advocacy Centers to 139231  
administer and distribute grants to Child Advocacy Centers to 139232  
coordinate statewide access to investigation, prosecution, and 139233  
treatment of child sexual abuse, while helping children heal. 139234

The foregoing appropriation item 830607, Family and 139235  
Children Activities, shall be used to expend miscellaneous 139236  
foundation funds and grants to support family and children 139237  
services activities. 139238

**Section 423.130. KINSHIP CARE NAVIGATOR PROGRAM** 139239

Of the foregoing appropriation item 830506, Family and 139240  
Children Services, up to \$8,500,000 in each fiscal year shall be 139241  
used to support the Kinship Care Navigator Program, and may be 139242  
used to match eligible federal Title IV-E of the "Social 139243  
Security Act," 42 U.S.C. 601-687 funds. 139244

**Section 423.140. WENDY'S WONDERFUL KIDS** 139245

Of the foregoing appropriation items 830506, Family and 139246  
Children Services, 830601, Child Welfare, and 830612, Adoption 139247  
Program, a total of up to \$10,000,000 in each fiscal year may be 139248  
used to provide funds to the Dave Thomas Foundation for Adoption 139249

to implement statewide the Wendy's Wonderful Kids program of 139250  
professional recruiters who use a child-focused model to find 139251  
permanent homes for children in Ohio foster care. 139252

**Section 423.150.** FAMILY AND CHILDREN FIRST FLEXIBLE 139253  
FUNDING POOL 139254

A county family and children first council may establish 139255  
and operate a flexible funding pool in order to assure access to 139256  
needed services by families, children, and older adults in need 139257  
of protective services. The operation of the flexible funding 139258  
pools is subject to the following restrictions: 139259

(A) The county council shall establish and operate the 139260  
flexible funding pool in accordance with formal guidance issued 139261  
by the Family and Children First Cabinet Council; 139262

(B) The county council shall produce an annual report on 139263  
its use of the pooled funds. The annual report shall conform to 139264  
a format prescribed in the formal guidance issued by the Family 139265  
and Children First Cabinet Council; 139266

(C) Unless otherwise restricted, funds transferred to the 139267  
flexible funding pool may include state general revenues 139268  
allocated to local entities to support the provision of services 139269  
to families and children; 139270

(D) The amounts transferred to the flexible funding pool 139271  
shall be limited to amounts that can be redirected without 139272  
impairing the achievement of the objectives for which the 139273  
initial allocation is designated; and 139274

(E) Each amount transferred to the flexible funding pool 139275  
from a specific allocation shall be approved for transfer by the 139276  
director of the local agency that was the original recipient of 139277  
the allocation. 139278

In collaboration with the county family and children first council, a county department of job and family services or public children services agency that receives an allocation from the Department of Children and Youth, in consultation and coordination with the Department of Job and Family Services, from the foregoing appropriation item 830506, Family and Children Services, or 830502, Court Appointed Special Advocates, may transfer a portion of either or both allocations to a flexible funding pool as authorized by this section.

**Section 423.160. CHILDRENS CRISIS CARE**

The foregoing appropriation item 830419, Childrens Crisis Care, shall be allocated by the Department of Children and Youth in each fiscal year to children's crisis care facilities as defined in section 5103.13 of the Revised Code. The Director of Children and Youth shall calculate funds semi-annually and allocate funds quarterly based on the total number of days of care for each child residing in the facility, which is determined by calculating the total days each child resides at the crisis care facility, including the date of admission, but not the day of discharge. A children's crisis care facility may decline to receive funds provided under this section. A children's crisis care facility that accepts funds provided under this section shall use the funds in accordance with section 5103.13 of the Revised Code and any rules adopted under that section.

**Section 423.170. MATERNAL AND CHILD HEALTH BLOCK GRANT**

Of the foregoing appropriation item 830608, Maternal and Child Health Block Grant, up to \$5,000,000 in each fiscal year shall be used to implement Title V Maternal and Child Health Services Block Grant activities in the prenatal, maternal,

perinatal, and infant domains. 139309

**Section 423.180.** MENTAL HEALTH BLOCK GRANT 139310

The foregoing appropriation item 830622, Mental Health 139311  
Block Grant, shall be used for infant and early childhood mental 139312  
health activities. 139313

**Section 423.190.** CHILD CARE CHOICE VOUCHER PROGRAM 139314

(A) Of the foregoing appropriation item, 830604, Child 139315  
Care, a portion in each fiscal year, along with \$50,000,000 in 139316  
each fiscal year in appropriation item 830605, TANF Block Grant, 139317  
shall be used by the Department of Children and Youth to 139318  
establish and administer the Child Care Choice Voucher Program. 139319  
Subject to available funds, the program shall provide support, 139320  
in the form of vouchers, to families to assist them with child 139321  
care costs. To be eligible to participate in the program, a 139322  
family must meet all of the following conditions: 139323

(1) The caretaker parent is employed or participating in a 139324  
program of education or training for an amount of time 139325  
reasonably related to the time that the parent's children are 139326  
receiving child care. 139327

(2) The family does not meet the income conditions for 139328  
initial eligibility under the Publicly Funded Child Care Program 139329  
administered by the Department as described in section 5104.30 139330  
of the Revised Code, but the maximum amount of the family's 139331  
income does not exceed two hundred percent of the federal 139332  
poverty line. 139333

(3) The family meets any other condition established by 139334  
the Department. 139335

(B) In providing vouchers under this section, both of the 139336

following apply: 139337

(1) The program shall utilize, not later than November 1, 139338  
2026, the publicly funded child care payment rates established 139339  
in section 5104.30 of the Revised Code, except that such payment 139340  
rates shall not be enhanced payment rates as described in 139341  
division (E) (2) (c) of that section. 139342

(2) If a participating family uses its voucher at a type A 139343  
family child care home or licensed type B family child care 139344  
home, the program shall not require the family child care home 139345  
to be rated through the Step Up to Quality Program administered 139346  
by the Department as described in section 5104.29 of the Revised 139347  
Code. 139348

**Section 423.200. COMMUNITY SOCIAL SERVICE PROGRAMS** 139349

A portion of the foregoing appropriation item 830609, 139350  
Community Social Service Programs, may be used by the Early 139351  
Intervention Services Advisory Council for the following 139352  
purposes: 139353

(A) In addition to other necessary and allowed uses of 139354  
funds and in accordance with 20 U.S.C. 1441(d), the Early 139355  
Intervention Services Advisory Council established pursuant to 139356  
section 5123.0422 of the Revised Code, may, in its discretion, 139357  
use budgeted funds to do all of the following: 139358

(1) Conduct forums and hearings; 139359

(2) Reimburse council members for reasonable and necessary 139360  
expenses, including child care expenses for parent 139361  
representatives, for attending council meetings and performing 139362  
council duties; 139363

(3) Pay compensation to a council member if the member is 139364

not employed or must forfeit wages from other employment when performing official council business; 139365  
139366

(4) Hire staff; 139367

(5) Obtain the services of professional, technical, and clerical personnel as necessary to carry out the performance of its lawful functions. 139368  
139369  
139370

(B) Except as provided in division (A) of this section, council members shall serve without compensation or reimbursement. 139371  
139372  
139373

**Section 423.210. FEDERAL CHILDREN AND YOUTH GRANTS** 139374

Of the foregoing appropriation item 830623, Federal Children and Youth Grants, up to \$195,000 in each fiscal year shall be used for the training of guardians ad litem and court-appointed special advocates as well as to conduct a study to demonstrate the impact of court-appointed special advocate volunteers on outcomes for children who are in child welfare custody as a result of abuse, neglect, or dependency. 139375  
139376  
139377  
139378  
139379  
139380  
139381

**Section 423.220. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT** 139382  
139383

Of the foregoing appropriation item 830605, TANF Block Grant, at least \$5,000,000 in each fiscal year shall be used for the Kinship Permanency Incentive Program established under section 5180.52 of the Revised Code to promote a permanent commitment by kinship caregivers through becoming guardians and custodians over minor children who would otherwise be unsafe or at risk of harm if they remained in their own homes. 139384  
139385  
139386  
139387  
139388  
139389  
139390

Of the foregoing appropriation item 830605, TANF Block Grant, not less than \$2,500,000 in each fiscal year shall be 139391  
139392

provided, in accordance with sections 5101.80 and 5101.801 of 139393  
the Revised Code, to the Ohio Commission on Fatherhood. 139394

Of the foregoing appropriation item 830605, TANF Block 139395  
Grant, not less than \$1,000,000 in each fiscal year shall be 139396  
provided, in accordance with sections 5101.80 and 5101.801 of 139397  
the Revised Code, to the Ohio Children's Trust Fund. 139398

**Section 423.230. PUBLICLY FUNDED CHILD CARE ELIGIBILITY** 139399

Beginning on the effective date of this section and 139400  
through June 30, 2027, all of the following apply to a family's 139401  
eligibility for publicly funded child care as described in 139402  
division (A) of section 5104.38 of the Revised Code: 139403

(A) Except as provided in division (B) of this section, 139404  
the maximum amount of income that a family may have for initial 139405  
eligibility shall not exceed one hundred forty-five per cent of 139406  
the federal poverty line; 139407

(B) For special needs child care, as defined in section 139408  
5104.01 of the Revised Code, the maximum amount of income that 139409  
the family may have for initial eligibility shall not exceed one 139410  
hundred fifty per cent of the federal poverty line; 139411

(C) The maximum amount of income that a family may have 139412  
for continued eligibility shall not exceed three hundred per 139413  
cent of the federal poverty line. 139414

**Section 425.10.** 139415  
139416

1 2 3 4 5

A NAI NEW AFRICAN IMMIGRANTS COMMISSION

B General Revenue Fund

C	GRF 061501 Operating Expenses	\$250,000	\$250,000
D	General Revenue Fund Total	\$250,000	\$250,000
E	TOTAL ALL BUDGET FUND GROUPS	\$250,000	\$250,000

**Section 503.10. PERSONAL SERVICE EXPENSES** 139417

Unless otherwise prohibited by law, any appropriation from 139418  
 which personal service expenses are paid shall bear the 139419  
 employer's share of public employees' retirement, workers' 139420  
 compensation, disabled workers' relief, and insurance programs; 139421  
 the costs of centralized financial services, centralized payroll 139422  
 processing, and related reports and services; centralized human 139423  
 resources services, including affirmative action and equal 139424  
 employment opportunity programs; the Office of Collective 139425  
 Bargaining; centralized information technology management 139426  
 services; administering the enterprise resource planning system; 139427  
 and administering the state employee merit system as required by 139428  
 section 124.07 of the Revised Code. These costs shall be 139429  
 determined in conformity with the appropriate sections of law 139430  
 and paid in accordance with procedures specified by the Office 139431  
 of Budget and Management. Expenditures from appropriation item 139432  
 070601, Public Audit Expense - Intra-State, may be exempted from 139433  
 the requirements of this section. 139434

**Section 503.15. APPROPRIATIONS FOR EMPLOYEE COMPENSATION** 139435  
 CHANGES 139436

Notwithstanding any provision of law to the contrary, 139437  
 beginning with the pay period that includes July 1, 2025, each 139438  
 state appointing authority is authorized to make expenditures 139439  
 from current state operating appropriations contained in this 139440  
 act or any other act necessary to provide for the changes to 139441



compensation provisions pursuant to approved collective 139442  
bargaining agreements between employee organizations and State 139443  
of Ohio public employers and pursuant to provisions of law, as 139444  
amended by this act, for employees exempt from collective 139445  
bargaining to allow parity for those employees. 139446

**Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 139447  
AGAINST THE STATE 139448

Except as otherwise provided in this section, an 139449  
appropriation in this act may be used for the purpose of 139450  
satisfying judgments, settlements, or administrative awards 139451  
ordered or approved by the Court of Claims or by any other court 139452  
of competent jurisdiction in connection with civil actions 139453  
against the state. This authorization does not apply to 139454  
appropriations to be applied to or used for payment of 139455  
guarantees by or on behalf of the state, or for payments under 139456  
lease agreements relating to, or debt service on, bonds, notes, 139457  
or other obligations of the state. Notwithstanding any other 139458  
statute to the contrary, this authorization includes 139459  
appropriations from funds into which proceeds of direct 139460  
obligations of the state are deposited only to the extent that 139461  
the judgment, settlement, or administrative award is for, or 139462  
represents, capital costs for which the appropriation may 139463  
otherwise be used and is consistent with the purpose for which 139464  
any related obligations were issued or entered into. Nothing 139465  
contained in this section is intended to subject the state to 139466  
suit in any forum in which it is not otherwise subject to suit, 139467  
and is not intended to waive or compromise any defense or right 139468  
available to the state in any suit against it. 139469

**Section 503.30. CAPITAL PROJECT SETTLEMENTS** 139470

This section specifies an additional and supplemental 139471

procedure to provide for payments of judgments and settlements 139472  
if the Director of Budget and Management determines, pursuant to 139473  
division (C) (4) of section 2743.19 of the Revised Code, that 139474  
sufficient unencumbered moneys do not exist in the fund to 139475  
support a particular appropriation to pay the amount of a final 139476  
judgment rendered against the state or a state agency, including 139477  
the settlement of a claim approved by a court, in an action upon 139478  
and arising out of a contractual obligation for the construction 139479  
or improvement of a capital facility if the costs under the 139480  
contract were payable in whole or in part from a state capital 139481  
projects appropriation. In such a case, the Director may either 139482  
proceed pursuant to division (C) (4) of section 2743.19 of the 139483  
Revised Code or apply to the Controlling Board to increase an 139484  
appropriation or create an appropriation out of any unencumbered 139485  
moneys in the state treasury to the credit of the capital 139486  
projects fund from which the initial state appropriation was 139487  
made. The amount of an increase in appropriation or new 139488  
appropriation approved by the Controlling Board is hereby 139489  
appropriated from the applicable capital projects fund and made 139490  
available for the payment of the judgment or settlement. 139491

If the Director does not make the application authorized 139492  
by this section or the Controlling Board disapproves the 139493  
application, and the Director does not make application under 139494  
division (C) (4) of section 2743.19 of the Revised Code, the 139495  
Director shall for the purpose of making that payment make a 139496  
request to the General Assembly as provided for in division (C) 139497  
(5) of that section. 139498

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 139499

In order to provide funds for the reissuance of voided 139500  
warrants under section 126.37 of the Revised Code, there is 139501

hereby appropriated, out of moneys in the state treasury from 139502  
the fund credited as provided in section 126.37 of the Revised 139503  
Code, that amount sufficient to pay such warrants when approved 139504  
by the Office of Budget and Management. 139505

**Section 503.50.** REAPPROPRIATION OF UNEXPENDED ENCUMBERED 139506  
BALANCES OF OPERATING APPROPRIATIONS 139507

(A) Notwithstanding the original year of appropriation or 139508  
encumbrance, the unexpended balance of an operating 139509  
appropriation or reappropriation that a state agency lawfully 139510  
encumbered prior to the close of fiscal year 2025 or fiscal year 139511  
2026 is hereby reappropriated on the first day of July of the 139512  
following fiscal year from the fund from which it was originally 139513  
appropriated or reappropriated for the period of time listed in 139514  
this section and shall remain available only for the purpose of 139515  
discharging the encumbrance: 139516

(1) For an encumbrance for personal services, maintenance, 139517  
equipment, or items for resale not otherwise identified in this 139518  
section, for a period of not more than five months from the end 139519  
of the fiscal year; 139520

(2) For an encumbrance for an item of special order 139521  
manufacture not available on state contract or an item not 139522  
available in the open market, for a period of not more than five 139523  
months from the end of the fiscal year or, with the written 139524  
approval of the Director of Budget and Management, for a period 139525  
of not more than twelve months from the end of the fiscal year; 139526

(3) For an encumbrance for reclamation of land or oil and 139527  
gas wells, for a period ending when the encumbered appropriation 139528  
is expended; 139529

(4) For an encumbrance for any other type of expense not 139530

otherwise identified in division (A) (1), (2), or (3) of this 139531  
section, for such period as the Director approves, provided such 139532  
period does not extend beyond the FY 2026 - FY 2027 biennium. 139533

(B) Any operating appropriations for which unexpended 139534  
balances are reappropriated in fiscal year 2026 or fiscal year 139535  
2027 pursuant to division (A) (2) of this section shall be 139536  
reported to the Controlling Board by the Director of Budget and 139537  
Management by the thirty-first day of December of each year. The 139538  
report shall include the item, the cost of the item, and the 139539  
name of the vendor. The report shall be updated on a quarterly 139540  
basis for encumbrances remaining open. 139541

(C) Upon the expiration of the reappropriation period set 139542  
out in division (A) of this section, a reappropriation made by 139543  
this section lapses and the Director of Budget and Management 139544  
shall cancel the encumbrance of the unexpended reappropriation 139545  
not later than the end of the weekend following the expiration 139546  
of the reappropriation period. 139547

(D) If the Controlling Board approved a purchase, that 139548  
approval remains in effect so long as the appropriation used to 139549  
make that purchase remains encumbered. 139550

**Section 503.60. CORRECTION OF ACCOUNTING ERRORS** 139551

(A) The Director of Budget and Management may correct 139552  
accounting errors committed by the staff of the Office of Budget 139553  
and Management, such as reestablishing encumbrances or 139554  
appropriations canceled in error, during the cancellation of 139555  
operating encumbrances in November and of non-operating 139556  
encumbrances in December. 139557

(B) The Director of Budget and Management may at any time 139558  
correct accounting errors committed by staff or a state agency 139559

or state institution of higher education, as defined in section 139560  
3345.011 of the Revised Code, such as reestablishing prior year 139561  
non-operating encumbrances canceled or modified in error. The 139562  
reestablished encumbrance amounts are hereby appropriated. 139563

**Section 503.70.** TEMPORARY REVENUE HOLDING 139564

The Director of Budget and Management may create funds in 139565  
the state treasury solely for the purpose of temporarily holding 139566  
revenue required to be credited to a fund in the state treasury, 139567  
whose disposition is not immediately known at the time of 139568  
receipt. Once identified, the Director shall credit the revenue 139569  
to the appropriate fund in the state treasury. 139570

Notwithstanding section 153.63 of the Revised Code or any 139571  
other provision of law to the contrary, upon certification by a 139572  
director or head of a state agency, in lieu of banks, buildings 139573  
and loan associations, or other institutions, the Director of 139574  
Budget and Management may create funds in the state treasury on 139575  
behalf of an agency when the agency is required by law to detain 139576  
funds in escrow. All investment earnings of the fund shall be 139577  
credited to the fund while the detained amounts remain in 139578  
escrow. The Director of Budget and Management may transfer cash 139579  
between funds within the state treasury to satisfy escrow 139580  
requirements. 139581

**Section 503.80.** APPROPRIATIONS RELATED TO CASH TRANSFERS 139582  
AND RE-ESTABLISHMENT OF ENCUMBRANCES 139583

Any cash transferred by the Director of Budget and 139584  
Management under section 126.15 of the Revised Code is hereby 139585  
appropriated. Any amounts necessary to re-establish 139586  
appropriations or encumbrances under section 126.15 of the 139587  
Revised Code are hereby appropriated. 139588

<b>Section 503.90.</b> TRANSFERS OF THIRD FRONTIER APPROPRIATIONS	139589
The Director of Budget and Management may transfer	139590
appropriations between the Third Frontier Research and	139591
Development Fund (Fund 7011) and the Third Frontier Research and	139592
Development Taxable Bond Fund (Fund 7014) as necessary to	139593
maintain the exclusion from the calculation of gross income for	139594
federal income taxation purposes under the Internal Revenue Code	139595
with respect to obligations issued to fund projects appropriated	139596
from the Third Frontier Research and Development Fund (Fund	139597
7011).	139598
The Director may also create new appropriation items	139599
within the Third Frontier Research and Development Taxable Bond	139600
Fund (Fund 7014) and make transfers of appropriations to them	139601
for projects originally funded from appropriations made from the	139602
Third Frontier Research and Development Fund (Fund 7011).	139603
<b>Section 503.100.</b> INCOME TAX DISTRIBUTION TO COUNTIES	139604
There are hereby appropriated out of any moneys in the	139605
state treasury to the credit of the General Revenue Fund, which	139606
are not otherwise appropriated, funds sufficient to make any	139607
payment required by division (B) (2) of section 5747.03 of the	139608
Revised Code.	139609
<b>Section 503.110.</b> EXPENDITURES AND APPROPRIATION INCREASES	139610
APPROVED BY THE CONTROLLING BOARD	139611
Any money that the Controlling Board approves for	139612
expenditure or any increase in appropriation that the	139613
Controlling Board approves under sections 127.14, 131.35, and	139614
131.39 of the Revised Code or any other provision of law is	139615
hereby appropriated for the period ending June 30, 2027.	139616
<b>Section 503.120.</b> FUNDS RECEIVED FOR USE OF GOVERNOR'S	139617

RESIDENCE	139618
If the Governor's Residence Fund (Fund 4H20) receives	139619
payment for use of the residence pursuant to section 107.40 of	139620
the Revised Code, the amounts so received are hereby	139621
appropriated to appropriation item 100604, Governor's Residence	139622
Gift.	139623
<b>Section 504.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS</b>	139624
Certain appropriations are in this act for the purpose of	139625
paying debt service and financing costs on general obligation	139626
bonds or notes of the state issued pursuant to the Ohio	139627
Constitution, Revised Code, and acts of the General Assembly. If	139628
it is determined that additional appropriations are necessary	139629
for this purpose, such amounts are hereby appropriated.	139630
<b>Section 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE</b>	139631
Certain appropriations are in this act for the purpose of	139632
making lease rental payments pursuant to leases and agreements	139633
relating to bonds, notes, or other obligations issued by or on	139634
behalf of the state pursuant to the Ohio Constitution, Revised	139635
Code, and acts of the General Assembly. If it is determined that	139636
additional appropriations are necessary for this purpose, such	139637
amounts are hereby appropriated.	139638
<b>Section 504.30. AUTHORIZATION FOR TREASURER OF STATE AND</b>	139639
<b>OBM TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS</b>	139640
The Office of Budget and Management shall process payments	139641
from general obligation and lease rental payment appropriation	139642
items during the period from July 1, 2025, through June 30,	139643
2027, relating to bonds, notes, or other obligations issued by	139644
or on behalf of the state pursuant to the Ohio Constitution,	139645
Revised Code, and acts of the General Assembly. Payments shall	139646

be made upon certification by the Treasurer of State of the 139647  
dates and the amounts due on those dates. 139648

**Section 505.10.** ARBITRAGE REBATE AUTHORIZATION 139649

If it is determined that a payment is necessary in the 139650  
amount computed at the time to represent the portion of 139651  
investment income to be rebated or amounts in lieu of or in 139652  
addition to any rebate amount to be paid to the federal 139653  
government in order to maintain the exclusion from gross income 139654  
for federal income tax purposes of interest on those state 139655  
obligations under section 148(f) of the Internal Revenue Code, 139656  
such an amount is hereby appropriated from those funds 139657  
designated by or pursuant to the applicable proceedings 139658  
authorizing the issuance of state obligations. 139659

Payments for this purpose shall be approved and vouchered 139660  
by the Office of Budget and Management. 139661

**Section 505.20.** STATEWIDE INDIRECT COST RECOVERY 139662

Whenever the Director of Budget and Management determines 139663  
that an appropriation made to a state agency from a fund of the 139664  
state is insufficient to provide for the recovery of statewide 139665  
indirect costs under section 126.12 of the Revised Code, the 139666  
amount required for such purpose is hereby appropriated from the 139667  
available receipts of such fund. 139668

**Section 505.30.** TRANSFERS ON BEHALF OF THE STATEWIDE 139669  
INDIRECT COST ALLOCATION PLAN 139670

The total transfers made from the General Revenue Fund by 139671  
the Director of Budget and Management under this section shall 139672  
not exceed the amounts transferred into the General Revenue Fund 139673  
under section 126.12 of the Revised Code. 139674



The director of an agency may certify to the Director of Budget and Management the amount of expenses not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, from any fund included in the Statewide Indirect Cost Allocation Plan, prepared as required by section 126.12 of the Revised Code.

Upon determining that no alternative source of funding is available to pay for such expenses, the Director of Budget and Management may transfer cash from the General Revenue Fund into the fund for which the certification is made, up to the amount of the certification. The director of the agency receiving such funds shall include, as part of the next budget submission prepared under section 126.02 of the Revised Code, a request for funding for such activities from an alternative source such that further federal disallowances would not be required.

The director of an agency may certify to the Director of Budget and Management the amount of expenses paid in error from a fund included in the Statewide Indirect Cost Allocation Plan. The Director of Budget and Management may transfer cash from the fund from which the expenditure should have been made into the fund from which the expenses were erroneously paid, up to the amount of the certification.

The director of an agency may certify to the Director of Budget and Management the amount of expenses or revenues not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, for any fund included in the Statewide Indirect Cost Allocation Plan, for which the federal government requires payment. If the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to pay the

amount required by the federal government, the amount required 139705  
for such purpose is hereby appropriated from the available 139706  
receipts of such fund, up to the amount of the certification. 139707

**Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 139708

Notwithstanding any provision of law to the contrary, on 139709  
or before the first day of September of each fiscal year, the 139710  
Director of Budget and Management, in order to reduce the 139711  
payment of adjustments to the federal government, as determined 139712  
by the plan prepared under division (A) of section 126.12 of the 139713  
Revised Code, may designate such funds as the Director considers 139714  
necessary to retain their own interest earnings. 139715

**Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT** 139716

Pursuant to the plan for compliance with the Federal Cash 139717  
Management Improvement Act required by section 131.36 of the 139718  
Revised Code, the Director of Budget and Management may cancel 139719  
and re-establish all or part of encumbrances in like amounts 139720  
within the funds identified by the plan. The amounts necessary 139721  
to re-establish all or part of encumbrances are hereby 139722  
appropriated. 139723

**Section 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS** 139724

Notwithstanding section 113.09 of the Revised Code, the 139725  
Director of Budget and Management may designate any fund within 139726  
the state treasury that receives federal revenue to be credited 139727  
with investment earnings to comply with federal law. 139728

**Section 505.70. REPAYMENT OF FEDERAL FUNDS** 139729

Any unexpended federal revenue received into the state 139730  
treasury remaining at the end of its applicable period for 139731  
expenditure which must be returned in compliance with federal 139732

law, is hereby appropriated to the fund in which it was 139733  
received, for that purpose. 139734

**Section 505.75. STATE FISCAL RECOVERY FUND** 139735

An amount equal to the unexpended and unencumbered 139736  
portions of appropriation items under the State Fiscal Recovery 139737  
Fund (Fund 5CV3) plus an amount equal to cash previously 139738  
expended but returned to the fund at the end of fiscal year 2025 139739  
are hereby reappropriated for the same purpose in fiscal year 139740  
2026. An amount equal to the unexpended and unencumbered 139741  
portions of appropriation items under Fund 5CV3 plus an amount 139742  
equal to cash previously expended but returned to the fund at 139743  
the end of fiscal year 2026 are hereby reappropriated for the 139744  
same purpose in fiscal year 2027. 139745

The Director of Budget and Management may create new 139746  
appropriation items under Fund 5CV3. In each fiscal year, the 139747  
Director may transfer appropriation among newly created or 139748  
existing appropriation items under Fund 5CV3. The Director shall 139749  
report appropriation transfers made under this section to the 139750  
Controlling Board no later than January 30, 2027. 139751

**Section 505.80. REAPPROPRIATION OF RECOVERY AND RELIEF** 139752  
**FUNDS** 139753

Amounts equal to the unexpended portions of appropriation 139754  
items under the following recovery and relief funds, at the end 139755  
of fiscal year 2025 are hereby reappropriated to the same 139756  
appropriation items and shall be used for the same purposes in 139757  
fiscal year 2026: CARES Act School Relief Fund (Fund 3HS0), 139758  
Governor's Emergency Education Relief Fund (Fund 3HQ0), 139759  
Emergency Rental Assistance Fund (5CV2), ARPA Capital Projects 139760  
Fund (5CV5), ARPA Home and Community Based Services - Federal 139761

Fund (Fund 3HC8), and ARPA Home and Community Based Services 139762  
Fund (Fund 5HC8). 139763

Amounts equal to the unexpended portions of appropriation 139764  
items under the following recovery and relief funds, at the end 139765  
of fiscal year 2026, are hereby reappropriated to the same 139766  
appropriation items and shall be used for the same purposes in 139767  
fiscal year 2027: ARPA Home and Community Based Services - 139768  
Federal Fund (Fund 3HC8), Governor's Emergency Education Relief 139769  
Fund (Fund 3HQ0), CARES Act School Relief Fund (Fund 3HS0), 139770  
Emergency Rental Assistance Fund (Fund 5CV2), ARPA Capital 139771  
Projects Fund (Fund 5CV5), and ARPA Home and Community Based 139772  
Services Fund (Fund 5HC8). 139773

**Section 506.10. ONE TIME STRATEGIC COMMUNITY INVESTMENTS** 139774

Notwithstanding Section 200.30 of H.B. 2 of the 135th 139775  
General Assembly, the Office of Budget and Management shall not 139776  
provide a grant from appropriation item 042509, One Time 139777  
Strategic Community Investments, to the Chardon High School 139778  
Athletic Boosters for the Chardon Memorial Stadium Restroom and 139779  
Concession Project. If any amount has been released prior to the 139780  
effective date of this section, Chardon High School Athletic 139781  
Boosters shall promptly return the unexpended portion of that 139782  
amount, as of the effective date of this section, to the state 139783  
treasury to the credit of the One Time Strategic Community 139784  
Investments Fund (Fund 5AY1). The Office of Budget and 139785  
Management shall distribute the amount returned by Chardon High 139786  
School Athletic Boosters, if any, as follows: forty per cent to 139787  
South Ridge Christian Academy for school building and roof 139788  
renovations and sixty per cent to Agricultural Career Education 139789  
Academy for DOPR career-technical program and infrastructure 139790  
projects. This amount is hereby appropriated. 139791

<b>Section 509.10.</b> TRANSFERS INTO GENERAL REVENUE FUND	139792
INTEREST EARNED	139793
Notwithstanding any provision of law to the contrary, the	139794
Director of Budget and Management, through June 30, 2027, may	139795
transfer interest earned by any state fund to the General	139796
Revenue Fund. This section does not apply to funds whose source	139797
of revenue is restricted or protected by the Ohio Constitution,	139798
federal tax law, or the "Cash Management Improvement Act of	139799
1990," 104 Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as	139800
amended.	139801
NON-GRF FUNDS	139802
Notwithstanding any provision of law to the contrary, the	139803
Director of Budget and Management may transfer up to	139804
\$200,000,000 cash, during the biennium ending June 30, 2027,	139805
from non-General Revenue Funds that are not constitutionally	139806
restricted to the General Revenue Fund.	139807
TANGIBLE PROPERTY TAX REPLACEMENT FUNDS	139808
During the biennium ending June 30, 2027, the Director of	139809
Budget and Management may transfer up to a total of \$480,000,000	139810
cash as necessary from the School District Tangible Property Tax	139811
Replacement Fund (Fund 7047) and the Local Government Tangible	139812
Property Tax Replacement Fund (Fund 7081) to the General Revenue	139813
Fund.	139814
<b>Section 512.10.</b> TRANSFERS OUT OF GENERAL REVENUE FUND	139815
STATE MARKETING OFFICE FUND	139816
On July 1, 2025, or as soon as possible thereafter, the	139817
Director of Budget and Management shall transfer up to	139818
\$22,000,000 cash from the General Revenue Fund to the State	139819

Marketing Office Fund (Fund 5MJ0). 139820

FOUNDATION FUNDING - ALL STUDENTS FUND 139821

Notwithstanding any provision of law to the contrary, the 139822  
Director of Budget and Management may transfer up to 139823  
\$600,000,000 cash, in each fiscal year, from the General Revenue 139824  
Fund to the Foundation Funding - All Students Fund (Fund 5VS0). 139825

OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN FUND 139826

On July 1, 2025, or as soon as possible thereafter, the 139827  
Director of Budget and Management shall transfer \$20,000,000 139828  
cash from the General Revenue Fund to the OhioMeansJobs 139829  
Workforce Development Revolving Loan Fund (Fund 5NH0) to support 139830  
the Talent Ready Grant Program. 139831

SECOND CHANCE GRANT PILOT PROGRAM FUND 139832

On July 1, 2025, or as soon as possible thereafter, the 139833  
Director of Budget and Management shall transfer up to 139834  
\$4,000,000 cash from the General Revenue Fund to the Second 139835  
Chance Grant Pilot Program Fund (Fund 5YD0). 139836

PROFESSIONAL DEVELOPMENT FUND 139837

On July 1, 2025, or as soon as possible thereafter, the 139838  
Director of Budget and Management shall transfer \$1,200,000 cash 139839  
from the General Revenue Fund to the Professional Development 139840  
Fund (Fund 5L70). 139841

MARCS ADMINISTRATION FUND 139842

On July 1 of each fiscal year, or as soon as possible 139843  
thereafter, the Director of Budget and Management may transfer 139844  
up to \$10,500,000 cash from the General Revenue Fund to the 139845  
MARCS Administration Fund (Fund 5C20). 139846

WILDLIFE FUND	139847
On July 1 of each fiscal year, or as soon as possible	139848
thereafter, the Director of Budget and Management may transfer	139849
\$500,000 cash from the General Revenue Fund to the Wildlife Fund	139850
(Fund 7015).	139851
TRANSCRANIAL MAGNETIC STIMULATION FUND	139852
On July 1 of each fiscal year, or as soon as possible	139853
thereafter, the Director of Budget and Management may transfer	139854
\$4,000,000 cash from the General Revenue Fund to the	139855
Transcranial Magnetic Stimulation Fund (Fund 5VV0).	139856
EWARRANT LOCAL INTEGRATION FUND	139857
On July 1, 2025, or as soon as possible thereafter, the	139858
Director of Budget and Management may transfer \$4,000,000 cash	139859
from the General Revenue Fund to the eWarrant Local Integration	139860
Fund (Fund 5AZ1).	139861
H2OHIO FUND	139862
On July 1, 2025, or as soon as possible thereafter, the	139863
Director of Budget and Management may transfer \$150,000,000 from	139864
the General Revenue Fund to the H2Ohio Fund (Fund 6H20).	139865
OHIO MARITIME ASSISTANCE PROGRAM	139866
On July 1, 2025, or as soon as possible thereafter, the	139867
Director of Budget and Management shall transfer \$8,000,000 cash	139868
from the General Revenue Fund to the Ohio Maritime Assistance	139869
Fund (Fund 5QT0).	139870
WATERWAY SAFETY FUND	139871
On July 1, 2025, or as soon as possible thereafter, the	139872
Director of Budget and Management shall transfer \$1,922,000 cash	139873

from the General Revenue Fund to the Waterway Safety Fund (Fund 139874  
7086). On July 1, 2026, or as soon as possible thereafter, the 139875  
Director of Budget and Management shall transfer \$1,250,000 cash 139876  
from the General Revenue Fund to the Waterway Safety Fund (Fund 139877  
7086). 139878

OPLIN TECHNOLOGY FUND 139879

On July 1 of each fiscal year, or as soon as possible 139880  
thereafter, the Director of Budget and Management shall transfer 139881  
\$3,689,788 cash from the General Revenue Fund to the OPLIN 139882  
Technology Fund (Fund 4S40). 139883

**Section 513.10.** FISCAL YEARS 2025 AND 2026 GENERAL REVENUE 139884  
FUND ENDING BALANCE 139885

Notwithstanding section 131.44 of the Revised Code and 139886  
except as provided in section 5163.04 of the Revised Code, the 139887  
cash balance of the General Revenue Fund on June 30, 2025, and 139888  
on June 30, 2026, shall remain in the General Revenue Fund. 139889

**Section 514.10.** UTILITY RADIOLOGICAL SAFETY BOARD 139890  
ASSESSMENTS 139891

Unless the agency and nuclear electric utility mutually 139892  
agree to a higher amount by contract, the maximum amounts that 139893  
may be assessed against nuclear electric utilities under 139894  
division (B) (2) of section 4937.05 of the Revised Code and 139895  
deposited into the specified funds are as follows: 139896  
139897

	1	2	3	4
A	Fund	User	FY 2026	FY 2027
B	Utility Radiological	Department of	\$136,000	\$142,000



	Safety Fund (Fund 4E40)	Agriculture		
C	Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$1,551,682	\$1,598,000
D	ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$274,997	\$280,510
E	Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$1,420,000	\$1,467,000

**Section 515.30.** TEMPORARY TRANSFER TO UNEMPLOYMENT 139898  
 COMPENSATION SPECIAL ADMINISTRATIVE FUND 139899

On July 1, 2025, or as soon as possible thereafter, the 139900  
 Director of Budget and Management may transfer up to \$15,000,000 139901  
 cash from the Controlling Board Emergency Purposes/Contingencies 139902  
 Fund (Fund 5KM0) to the Unemployment Compensation Special 139903  
 Administrative Fund (Fund 4A90) to pay the costs of building and 139904  
 developing a new unemployment insurance information technology 139905  
 system. 139906

Not later than June 30, 2027, the Director of Budget and 139907  
 Management, upon the request of the Director of Job and Family 139908  
 Services, shall transfer cash equal to the amount previously 139909  
 transferred to Fund 4A90 from Fund 5KM0 in fiscal year 2026, 139910  
 from Fund 4A90 back to Fund 5KM0. 139911

**Section 515.40.** EMPLOYEE BENEFITS FUNDS CASH TRANSFERS 139912

Notwithstanding any provision of law to the contrary, upon 139913  
 request of the Director of Administrative Services, the Director 139914  
 of Budget and Management may make temporary cash transfers 139915

between the Accrued Leave Liability Fund (Fund 8060), the State 139916  
Employee Health Benefit Fund (Fund 8080), the Dependent Care 139917  
Spending Fund (Fund 8090), the Life Insurance Investment Fund 139918  
(Fund 8100), the Parental Leave Benefit Fund (Fund 8110), and 139919  
the Health Care Spending Account Fund (Fund 8130) to ensure 139920  
appropriate and supportable cash flow. 139921

**Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS** 139922

(A) On July 1, 2025, or as soon as possible thereafter, 139923  
the Director of Budget and Management may transfer the cash 139924  
balance from each of the funds as indicated in the table below 139925  
to the fund also indicated in the table below. Upon completion 139926  
of each transfer and on the effective date of its repeal by this 139927  
act, where applicable, the fund from which the cash balance was 139928  
transferred is hereby abolished. 139929  
139930

	1	2	3	4	5
A		Transfer from:		Transfer to:	
B	User Agency	Fund	Fund Name	Fund	Fund Name
C	AGO	5MP0	Peace Officer Training Commission Fund	5LR0	Ohio Law Enforcement Training Fund
D	AGR	5MA0	Dangerous and Restricted Animal Fund	5MS0	Animal and Consumer Protection Fund
E	AGR	5PL0	Pet Store License Fund	5MR0	Commercial Dog Breeding Fund

F	DAS	5MV0	Theatre Equipment Maintenance Fund	GRF	General Revenue Fund
G	DAS	1280	Collective Bargaining Fund	1250	Human Resources Services Fund
H	MHA	3A60	Federal- Miscellaneous Fund	5AU0	Behavioral Health Care Fund
I	DPS	3HT0	Justice Emergency Supplemental Funding Fund	GRF	General Revenue Fund
J	DPS	5RS0	Community Police Relations Fund	5AZ1	eWarrant Local Integration Fund
K	MCD	5XY0	Hospital Directed Payment Fund	5AN0	State Directed Payments Fund
L	OOD	3L10	Social Security Reimbursement Fund	3790	Consolidated Federal Fund
M	TOS	7090	Job Ready Site Development Bond Retirement Fund	GRF	General Revenue Fund

(B) The following funds are hereby abolished on the 139931  
effective date of their repeal by this act: 139932  
139933

1	2	3
A	User Agency Fund	Fund Name
B	AGR 5HP0	Ohio Livestock Care Standards Fund

C	DDD	4U40	Developmental Disabilities Trust Fund
D	MCD	3ER0	Health Information Technology Fund
E	OBM	5AT1	Statewide Children's Vision Initiative Fund
F	OBM	5CV1	Coronavirus Relief Fund
G	PRX	3DV0	Enhancing Ohio's PMP Fund
H	PRX	3BC0	Dangerous Drug Database Fund
I	PRX	3EB0	NASPER Fund
J	PRX	3EY0	Administration of PMIX HUB Fund
K	PRX	3EZ0	NASPER 10 Fund
L	PRX	3CT0	2008 Developing/Enhancing PMP Fund

**Section 518.10.** OHIO STATE SMALL BUSINESS CREDIT 139934  
INITIATIVE VENTURE CAPITAL PROGRAM FUND 139935

The Ohio State Small Business Credit Initiative Venture 139936  
Capital Program Fund (Fund 3IC0) is hereby created in the state 139937  
treasury. Money in the fund shall be used to pay the expenses of 139938  
the Ohio Department of Development for the Ohio Growth Capital, 139939  
Ohio Early-Stage Focus, Certified Development Financial 139940  
Institution Loan, and Collateral Enhancement programs, including 139941  
administrative expenses. All federal funds received from the 139942  
State Small Business Credit Initiative of the United States 139943  
Department of the Treasury shall be credited to the fund. All 139944  
investment earnings of the fund shall be credited to the fund. 139945

**Section 525.10.** (A) As used in this section, "Ohio 139946

Benefits Program" means the integrated enterprise solution 139947  
administered by the Department of Administrative Services that 139948  
assists individuals in verifying eligibility for, and applying 139949  
for, benefits offered through various programs administered by 139950  
the Department of Job and Family Services and the Department of 139951  
Medicaid, including the Medicaid program, Supplemental Nutrition 139952  
Assistance Program, and Temporary Assistance for Needy Families. 139953

(B) Not later than July 1, 2026, the Director of 139954  
Administrative Services and the Director of Job and Family 139955  
Services shall develop a detailed organizational plan and enter 139956  
into a memorandum of understanding to transfer administration of 139957  
the Ohio Benefits Program from the Department of Administrative 139958  
Services to the Department of Job and Family Services. 139959

(C) Not later than July 1, 2027, the Director of 139960  
Administrative Services may transfer the Director's 139961  
responsibility for administering the Ohio Benefits Program to 139962  
the Director of Job and Family Services. If the Director of 139963  
Administrative Services transfers the program, all of the 139964  
following apply: 139965

(1) All contracts, records, documents, files, equipment, 139966  
assets, materials, and staff resources that relate to the Ohio 139967  
Benefits Program shall be transferred to the Director of Job and 139968  
Family Services. 139969

(2) Any business commenced, but not completed, by July 1, 139970  
2027, by the Director of Administrative Services with respect to 139971  
the Ohio Benefits Program shall be completed by the Director of 139972  
Job and Family Services in the same manner, and with the same 139973  
effect, as if completed by the Director of Administrative 139974  
Services. 139975

(3) No validation, cure, right, privilege, remedy, 139976  
obligation, or liability is lost or impaired by reason of the 139977  
transfer of the Ohio Benefits Program. 139978

(D) If the Director of Administrative Services transfers 139979  
the program, no action or proceeding pending on the date of the 139980  
transfer is affected by the transfer, and any such action or 139981  
proceeding shall be prosecuted or defended in the name of the 139982  
Director of Job and Family Services or Department of Job and 139983  
Family Services. In all such actions or proceedings, the 139984  
Director or Department, on application to the court, shall be 139985  
substituted as a party. 139986

(E) If the Director of Administrative Services transfers 139987  
the program, all rules, orders, and determinations issued with 139988  
respect to the Ohio Benefits Program continue in effect as if 139989  
issued by the Director of Job and Family Services until modified 139990  
or rescinded by the Director. Pursuant to section 103.05 of the 139991  
Revised Code and at the request of the Director of Job and 139992  
Family Services, the Director of the Legislative Service 139993  
Commission may renumber any rules related to the Ohio Benefits 139994  
Program to reflect its transfer. 139995

(F) If the Director of Administrative Services transfers 139996  
the program, the Director of Administrative Services and the 139997  
Director of Job and Family Services, jointly or separately, may 139998  
enter into a contract with a public or private entity for staff 139999  
training and development to facilitate the transfer of the Ohio 140000  
Benefits Program. Division (B) of section 127.16 of the Revised 140001  
Code does not apply to a contract entered into under this 140002  
division. 140003

(G) Subject to the layoff provisions of sections 124.321 140004  
to 124.328 of the Revised Code, if the Director of 140005

Administrative Services transfers the program, all of the 140006  
Director of Administrative Service's employees, as identified by 140007  
the Director, whose primary responsibilities include 140008  
administering the Ohio Benefits Program are transferred to the 140009  
Department of Job and Family Services. Except as provided in 140010  
division (H) of this section, employees transferred under this 140011  
division retain their positions and all of the benefits accruing 140012  
thereto. Any changes to an employee's position or benefits that 140013  
occur after the employee is transferred to the Department under 140014  
this division are subject to Chapter 124. of the Revised Code. 140015  
Any actions taken under this division are not appealable to the 140016  
State Personnel Board of Review. 140017

(H) If the Director of Administrative Services transfers 140018  
the program, the Director of Job and Family Services may do all 140019  
of the following: 140020

(1) Establish, change, or abolish positions within the 140021  
Department of Job and Family Services; 140022

(2) Assign, reassign, classify, reclassify, transfer, 140023  
reduce, promote, or demote employees of the Department who are 140024  
not subject to Chapter 4117. of the Revised Code; 140025

(3) Assign or reassign an exempt employee, as defined in 140026  
section 124.152 of the Revised Code, to a bargaining unit for 140027  
purposes of Chapter 4117. of the Revised Code if the Director 140028  
determines the bargaining unit is the appropriate bargaining 140029  
unit with respect to that exempt employee. 140030

(I) If, in accordance with division (H) of this section, 140031  
the Director of Job and Family Services assigns, reassigns, 140032  
classifies, reclassifies, transfers, reduces, or demotes an 140033  
employee paid in accordance with schedule E-1 of section 124.152 140034

of the Revised Code to a position in a lower classification, 140035  
both of the following apply: 140036

(1) The Director of Job and Family Services, or if the 140037  
employee is transferred outside of the Department of Job and 140038  
Family Services, the Director of Administrative Services, shall 140039  
assign the employee to the appropriate classification and place 140040  
the employee in pay step X. 140041

(2) The employee shall not receive an increase in 140042  
compensation until the maximum rate of pay for that 140043  
classification exceeds the employee's compensation. 140044

(J) If the Director of Administrative Services transfers 140045  
the program, the Director of Job and Family Services, with the 140046  
approval of the Director of Budget and Management, may establish 140047  
a retirement incentive plan for employees transferred to the 140048  
Department of Job and Family Services under division (G) of this 140049  
section. Notwithstanding any provision to the contrary in 140050  
section 145.297 of the Revised Code, if the Director establishes 140051  
such a plan under this division, it shall remain in effect until 140052  
December 31, 2027. 140053

(K) Notwithstanding any provision to the contrary in 140054  
sections 4117.08 and 4117.10 of the Revised Code, the transfer 140055  
of the Ohio Benefits Program and the transfer of employees 140056  
described under division (J) of this section, and the 140057  
reassignment of administering the Ohio Benefits Program, are not 140058  
appropriate subjects for collective bargaining under Chapter 140059  
4117. of the Revised Code. 140060

(L) Notwithstanding any provision of law to the contrary, 140061  
if the Director of Administrative Services transfers the 140062  
program, the Director of Budget and Management shall make budget 140063



and accounting changes to implement the transfer. The Director 140064  
may rename funds, create new funds, transfer funds, consolidate 140065  
funds, or make other administrative changes. If necessary, the 140066  
Director may cancel or establish encumbrances or parts of 140067  
encumbrances in the appropriate funds and appropriation items 140068  
for the same purposes and for payments to the same vendor. Such 140069  
encumbrances are hereby appropriated. If necessary for the 140070  
continued efficient administration of the Ohio Benefits Program, 140071  
the Director may transfer appropriations between the Department 140072  
of Job and Family Services and the Department of Administrative 140073  
Services to continue levels of program services and efficiently 140074  
deliver funding to the program as appropriated under this 140075  
division. Such changes are hereby appropriated. 140076

**Section 525.20.** PROGRAM TRANSFERS 140077

(A) Notwithstanding any provision of law to the contrary, 140078  
before July 1, 2027, the Department of Development shall 140079  
transfer the entirety of its responsibility of managing the 140080  
following programs to the Ohio Department of Job and Family 140081  
Services: 140082

- (1) Low-income customer assistance programs; 140083
- (2) Electric Partnership Plan Fund; 140084
- (3) Consumer Education Program; 140085
- (4) Community Services Block Grant. 140086

(B) Any business commenced but not completed by July 1, 140087  
2027, within the Department of Development that is planned to be 140088  
transferred pursuant to this section shall be completed by the 140089  
Department of Job and Family Services in the same manner and 140090  
with the same effect as if completed by the Department of 140091  
Development. 140092

(C) By July 1, 2026, the Director of Job and Family Services and the Director of Development, or their designees, shall develop a detailed organizational plan to implement the transfer of duties and functions of the programs listed in this section from the Department of Development to the Department of Job and Family Services. Pursuant to this plan, the directors of the respective departments shall enter into a memorandum of understanding to implement the transfer of duties and functions of the programs listed in this section from the Department of Development to the Department of Job and Family Services.

(D) The Director of Job and Family Services and the Director of Development may jointly or separately enter into one or more contracts with public or private entities for staff training and development to facilitate the transfer of duties and functions of the programs listed in this section from the Department of Development to the Department of Job and Family Services. Division (B) of section 127.16 of the Revised Code does not apply to contracts entered into under this section.

(E) All Department of Development employees and resources identified by the Director of Development to be associated with the work of the programs listed in this section are transferred to the Department of Job and Family Services on July 1, 2027, or an earlier date identified by the respective directors. Subject to the layoff provisions of sections 124.321 to 124.381 of the Revised Code, employees who are transferred retain their same positions and all benefits accruing thereto. Once transferred to the Department of Job and Family Services, changes to positions or benefits for employees shall be controlled by Chapter 124. of the Revised Code, or other applicable Revised Code or Administrative Code sections. Actions taken under this section are not subject to appeal to the State Personnel Board of

Review. 140124

(1) Notwithstanding division (E) of this section, the 140125  
Director of Job and Family Services has the authority to 140126  
establish, change, and abolish positions for the Department of 140127  
Job and Family Services, and to assign, reassign, classify, 140128  
reclassify, transfer, reduce, promote, or demote all employees 140129  
of the Department of Job and Family Services who are not subject 140130  
to Chapter 4117. of the Revised Code. 140131

(2) The authority granted under division (E)(1) of this 140132  
section includes assigning or reassigning an exempt employee, as 140133  
defined in section 124.152 of the Revised Code, to a bargaining 140134  
unit classification if the Director of Job and Family Services 140135  
determines that the bargaining unit classification is the proper 140136  
classification for that employee. If an employee in the E-1 pay 140137  
range is to be assigned, reassigned, classified, reclassified, 140138  
transferred, reduced, or demoted to a position in a lower 140139  
classification, the Director of Job and Family Services, or in 140140  
the case of a position transferred outside of the Department, 140141  
the Director of Development, shall assign the employee to the 140142  
appropriate classification and place the employee in Step X. The 140143  
employee shall not receive any increase in compensation until 140144  
the maximum rate of pay for that classification exceeds the 140145  
employee's compensation. 140146

(3) Notwithstanding any provision to the contrary in 140147  
sections 4117.08 and 4117.10 of the Revised Code, the transfer 140148  
of programs and employees under this section, and the 140149  
reassignment of certain functions and duties, are not 140150  
appropriate subjects for collective bargaining under Chapter 140151  
4117. of the Revised Code. 140152

(4) The Director of Job and Family Services may, with the 140153

approval of the Office of Budget and Management, establish a 140154  
retirement incentive plan for eligible employees of those 140155  
agencies who are members of the Public Employee Retirement 140156  
System whose job duties will be transferred to the Department of 140157  
Job and Family Services. Notwithstanding any provision of 140158  
section 145.297 of the Revised Code to the contrary, a 140159  
retirement incentive plan established pursuant to this section 140160  
shall remain in effect until December 31, 2027. 140161

(F) No validation, cure, right, privilege, remedy, 140162  
obligation, or liability is lost or impaired by reason of the 140163  
transfer required by this section but shall be administered by 140164  
the Department of Job and Family Services. No action or 140165  
proceeding pending on the effective date of the transfer of 140166  
duties, functions, and programs to the Department of Job and 140167  
Family Services is affected by the transfer and shall be 140168  
prosecuted or defended in the name of the Department or 140169  
Director, as appropriate. In all such actions for those 140170  
transferred duties, functions, and programs, the Department or 140171  
Director shall be substituted as a party. 140172

(G) Effective July 1, 2027, or on an earlier date 140173  
determined by the directors identified in this division, all 140174  
contracts, records, documents, files, equipment, assets, and 140175  
other materials of the programs and staff resources transferred 140176  
under this section are to be transferred to the Department of 140177  
Job and Family Services. 140178

(H) All rules, orders, and determinations made or 140179  
undertaken related to programs listed in this section shall 140180  
continue in effect as rules, orders, and determinations of the 140181  
Department of Job and Family Services until modified or 140182  
rescinded by the Department of Job and Family Services. If 140183

necessary to ensure the integrity of the numbering of the 140184  
Administrative Code and at the request of the Director of Job 140185  
and Family Services, the Director of the Legislative Service 140186  
Commission may renumber the rules related to the programs listed 140187  
in this section to reflect this transfer. 140188

(I) Notwithstanding any provision of law to the contrary, 140189  
the Director of Budget and Management shall make budget and 140190  
accounting changes to implement the transfer of duties, 140191  
functions, and program of the programs listed in this section to 140192  
the Department of Job and Family Services as described in this 140193  
section, including administrative organization, renaming of 140194  
funds, creation of new funds, transfer of state funds, and 140195  
consolidation of funds. The Director of Budget and Management 140196  
may, if necessary, cancel or establish encumbrances or parts of 140197  
encumbrances in the appropriate funds and appropriation items 140198  
for the same purposes and for payment to the same vendor. Such 140199  
encumbrances are hereby appropriated. If necessary for the 140200  
continued efficient administration of programs listed in this 140201  
section, the Director of Budget and Management may transfer 140202  
appropriations between the Department of Job and Family Services 140203  
and the Department of Development to continue levels of program 140204  
services and efficiently deliver state funding to those programs 140205  
as appropriated herein. Such changes are hereby appropriated. 140206

**Section 525.40.** On the effective date of this section, the 140207  
Ohio Public Employees Deferred Compensation Board is abolished. 140208  
All records, assets, and liabilities of the Ohio Public 140209  
Employees Deferred Compensation Board shall be transferred to 140210  
the Public Employees Retirement Board. The Public Employees 140211  
Retirement Board is successor to, and assumes the obligations 140212  
of, the Ohio Public Employees Deferred Compensation Board. 140213

Any business commenced, but not completed by, the Ohio  
Public Employees Deferred Compensation Board or the Executive  
Director of that Board on the effective date of this section  
shall be completed by the Public Employees Retirement Board or  
the Executive Director of the Public Employees Retirement System  
in the same manner, and with the same effect, as if completed by  
the Ohio Public Employees Deferred Compensation Board or the  
Executive Director of that Board. No validation, cure, right,  
privilege, remedy, obligation, or liability is lost or impaired  
by reason of the transfer required by this section.

All employees of the Ohio Public Employees Deferred  
Compensation Board are transferred to the Public Employees  
Retirement System and retain their positions and all of the  
benefits accruing thereto.

No action or proceeding pending on the effective date of  
this section is affected by the transfer, and any such action or  
proceeding shall be prosecuted or defended in the name of the  
Public Employees Retirement Board or the Executive Director of  
the Public Employees Retirement System. In all such actions and  
proceedings, the Public Employees Retirement Board or the  
Executive Director of the Public Employees Retirement System, on  
application to the court, shall be substituted as a party.

**Section 525.50.** (A) Notwithstanding any contrary provision  
of section 109.02, 145.055, 145.99, 742.044, 742.99, 3307.074,  
3307.99, 3309.074, 3309.99, 3501.05, 3501.11, 3513.04, 3513.05,  
3513.10, 3513.261, 3517.01, 3517.08, 3517.081, 3517.102,  
3517.109, 3517.1012, 3517.11, 3517.121, 3517.13, 3517.20,  
3517.21, 3517.22, 3517.23, 5505.046, or 5505.99 of the Revised  
Code as amended by this act, new section 3517.991 of the Revised  
Code as enacted by this act, or sections 3517.153 (3517.14),

3517.155 (3517.17), 3517.992 (3517.99), and 3517.993 (3517.18) 140244  
as renumbered by this act; notwithstanding the repeal of 140245  
sections 3517.14, 3517.151, 3517.152, 3517.154, 3517.156, 140246  
3517.157, 3517.99, and 3517.991 by this act; and except as 140247  
otherwise provided in division (B) of this section, the 140248  
provisions of those sections that were in effect before the 140249  
effective date of this section continue to apply to the Ohio 140250  
Elections Commission until the Commission is abolished on 140251  
January 1, 2026. The Commission shall continue to hear and issue 140252  
decisions concerning complaints filed with the Commission before 140253  
the effective date of this section in accordance with those 140254  
provisions. 140255

(B) On and after the effective date of this section, both 140256  
of the following apply: 140257

(1) No complaint may be filed with the Commission. Any 140258  
complaint that could have been filed with the Commission before 140259  
the effective date of this section may be filed with the 140260  
appropriate enforcement authority under section 3517.153 140261  
(3517.14) of the Revised Code, as amended and renumbered by this 140262  
act. 140263

(2) The Commission shall not render advisory opinions or 140264  
recommend legislation. 140265

(C) (1) The Commission is abolished on January 1, 2026. 140266

(2) On January 1, 2026, any complaint pending before the 140267  
Commission under section 3517.155 of the Revised Code, as it 140268  
existed before the effective date of this section, is 140269  
transferred to the appropriate enforcement authority, as 140270  
determined under section 3517.153 (3517.14) of the Revised Code, 140271  
as renumbered by this act, for disposition. The Commission shall 140272

provide all records regarding the complaint to the appropriate enforcement authority. 140273  
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(3) All other records of the Commission and all of its other assets and liabilities shall be transferred to the Secretary of State. The Secretary of State is successor to, and assumes the obligations of, the Commission. 140275  
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(D) Except for the disposition of a complaint pending before the Commission under section 3517.155 of the Revised Code, as it existed before the effective date of this section, or the rendering of an advisory opinion, any business commenced but not completed by the Commission or its Executive Director on January 1, 2026, shall be completed by the Secretary of State in the same manner, and with the same effect, as if completed by the Commission or by its Executive Director. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section. 140279  
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(E) All employees of the Commission cease to hold their positions of employment on January 1, 2026, or as soon as possible thereafter. 140289  
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(F) On January 1, 2026, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance of the Ohio Elections Commission Fund (Fund 4P20) to the Corporate and Uniform Commercial Code Filing Fund (Fund 5990). Upon completion of the transfer, Fund 4P20 is abolished. The Director shall cancel any existing encumbrances against appropriation item 051601, Operating Support, and reestablish them against appropriation item 050630, Elections Support Supplement. The reestablished encumbrance amounts are hereby appropriated. 140292  
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(G) Whenever the Commission or its Executive Director is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Secretary of State.

(H) Except for the disposition of a complaint pending before the Commission under section 3517.155 of the Revised Code, as it existed before the effective date of this section, or the rendering of an advisory opinion, no action or proceeding pending on January 1, 2026, is affected by the transfer, and any such action or proceeding shall be prosecuted or defended in the name of the Secretary of State. In all such actions and proceedings, the Secretary of State, on application to the court, shall be substituted as a party.

**Section 610.10.** That Sections 125.10 (as amended by H.B. 33 of the 135th General Assembly) and 125.11 (as amended by H.B. 33 of the 135th General Assembly) of H.B. 59 of the 130th General Assembly are hereby repealed.

**Section 620.10.** That Section 265.550 of H.B. 33 of the 135th General Assembly (as amended by H.B. 250 of the 135th General Assembly) be amended to read as follows:

**Sec. 265.550.** PUPIL TRANSPORTATION PILOT ~~PROGRAM~~PROGRAMS

(A) The Department of Education and Workforce shall establish two pilot programs under which two educational service centers shall provide transportation to students in lieu of the students receiving transportation from their resident school district. Not later than October 15, 2023, the Department shall select both of the following to participate in a pilot program under this section:

(1) One service center that is in a county located in central Ohio with a population of 1,323,807, according to the

2020 United States census; 140331

(2) One service center that is in a county located in 140332  
southwest Ohio with a population of 537,309, according to the 140333  
2020 United States census. 140334

(B) (1) The service center selected under division (A) (1) 140335  
of this section shall identify students who are struggling with 140336  
transportation issues, as determined by their resident school 140337  
district, and are served by the service center, community 140338  
schools, or chartered nonpublic schools that enroll students 140339  
from the district or districts for whom the service center will 140340  
provide transportation during the 2024-2025 school year. 140341

(2) The service center selected under division (A) (2) of 140342  
this section shall provide transportation during the 2024-2025, 140343  
2025-2026, and 2026-2027 school ~~year~~ years to any student whom 140344  
the district and the educational service center determine is 140345  
struggling with transportation issues that meets either of the 140346  
following criteria: 140347

(a) The student attends a school different from the one to 140348  
which the student would be assigned in the student's resident 140349  
school district. 140350

(b) The student is a child with a disability for whom the 140351  
student's resident school district is required to provide 140352  
transportation as a related service. 140353

(3) Both service centers shall report to the Department, 140354  
in the manner prescribed by the Department, students who are 140355  
transported by the service center. 140356

(C) No community school or chartered nonpublic school 140357  
shall be required to participate in either pilot program. 140358

~~(D) Each~~ (D) Each participating educational service center 140359  
shall do all of the following for ~~the 2024-2025~~ each applicable 140360  
school year: 140361

(1) Arrange for the use of a sufficient number of school 140362  
buses or other approved vehicles designed to transport not more 140363  
than nine passengers, not including the driver, and bus drivers 140364  
or other individuals authorized to transport students in other 140365  
approved vehicles, to transport students from participating 140366  
schools who qualify for transportation under section 3327.01 of 140367  
the Revised Code and the school district's transportation 140368  
policy. However, nothing shall preclude the service center from 140369  
providing transportation to other students enrolled in the 140370  
schools. 140371

(2) Collaborate with participating schools to designate 140372  
daily start and end times for ~~the 2024-2025~~ each applicable 140373  
school year that will enable timely and efficient transportation 140374  
of the schools' students; 140375

(3) On behalf of participating schools, notify the school 140376  
district ~~that those~~ of the students that they will not require 140377  
transportation for the ~~2024-2025~~ applicable school year. 140378

(E) (1) Except as described in division (E) (2) of this 140379  
section, the Department shall deduct from the school district's 140380  
transportation payment under section 3317.0212 of the Revised 140381  
Code and pay to the educational service center the statewide 140382  
average cost per student for the qualifying ridership, under 140383  
section 3317.0212 of the Revised Code, for each student 140384  
transported by the service center in compliance with this 140385  
section. 140386

(2) In the case of a student described in division (C) (1) 140387

of section 3317.024 of the Revised Code, the service center 140388  
shall not receive a payment under division (E)(1) of this 140389  
section. Instead, the department shall make a payment to the 140390  
service center for such student in the manner prescribed under 140391  
division (C) of section 3317.024 of the Revised Code. 140392

(F) The educational service centers and the school 140393  
districts shall not be subject to section 3327.021 of the 140394  
Revised Code during ~~the 2024-2025~~ each school year in which the 140395  
pilot program they participate in operates with regard to 140396  
students enrolled in participating schools. Notwithstanding 140397  
section 3314.46 of the Revised Code, the service centers may 140398  
provide transportation to any participating community school 140399  
they sponsor. 140400

(G) The educational service centers shall comply with all 140401  
transportation requirements for students with disabilities as 140402  
specified in the individualized education programs developed for 140403  
the students pursuant to Chapter 3323. of the Revised Code 140404

(H) The Department shall evaluate ~~each~~ the pilot program 140405  
in which the service center selected under division (A)(1) of 140406  
this section participates and issue a report of its findings not 140407  
later than September 15, 2025. The Department shall evaluate the 140408  
pilot program in which the service center selected under 140409  
division (A)(2) of this section participates and issue a report 140410  
of its findings not later than September 15, 2027. The 140411  
educational service centers and participating schools shall 140412  
submit data and other information to the Department, in a manner 140413  
determined by the Department, for the purpose of conducting the 140414  
evaluation. 140415

**Section 620.11.** That existing Section 265.550 of H.B. 33 140416  
of the 135th General Assembly (as amended by H.B. 250 of the 140417

135th General Assembly) is hereby repealed. 140418

**Section 620.20.** That Section 363.10 of H.B. 2 of the 135th 140419  
General Assembly be amended to read as follows: 140420

**Sec. 363.10.** 140421  
140422

	1	2	3
A	DAS DEPARTMENT OF ADMINISTRATIVE SERVICES		
B			Reappropriations
C	Building Improvement Fund (Fund 5KZ0)		
D	C10035	Building Improvement	\$210,942
E	TOTAL Building Improvement Fund		\$210,942
F	Administrative Building Taxable Bond Fund (Fund 7016)		
G	C10041	MARCS - Taxable	\$5,045,730
H	C10044	Lorain County MARCS Tower/Sheffield Lake	\$250,000
I	C10052	Symmes Valley Tower Project in Lawrence County	\$1,000
J	C10055	Highland County MARCS Tower	\$1,000
K	TOTAL Administrative Building Taxable Bond Fund		\$5,297,730
L	Administrative Building Fund (Fund 7026)		
M	C10000	Governor's Residence	\$2,536,996

N	C10010	Office Services Building Renovations	\$64,539
O	C10015	SOCC Renovations	\$622,172
P	C10019	25 S. Front Street Renovations	\$11,801
Q	C10020	North High Building Complex Renovations	\$400,000
R	C10021	Office Space Planning	\$5,000,000
S	C10034	Aronoff Center Systems Replacements and Upgrades	\$1,150,000
T	C10038	Riffe Renovations	\$710,702
U	C10042	IT Projects	\$4,000,000
V	C10051	Fleet Sustainability	\$250,000
W		TOTAL Administrative Building Fund	\$14,746,210
X		Capital IT Projects Fund (Fund 7091)	
Y	C10054	Statewide IT Projects	\$10,000,000
Z		TOTAL Capital IT Projects Fund	\$10,000,000
AA		TOTAL ALL FUNDS	\$30,254,882

MARCS <del>STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS</del>	140423
SYSTEM	140424
<del>(A) There is hereby continued a Multi-Agency Radio</del>	140425
<del>Communications System (MARCS) Steering Committee consisting of</del>	140426
<del>the following members:</del>	140427

- ~~(1) The directors, or designees thereof, of Administrative Services, Public Safety, Natural Resources, Transportation, Rehabilitation and Correction, and Budget and Management, and the State Fire Marshal or the State Fire Marshal's designee;~~ 140428  
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- ~~(2) The following members appointed by the Governor:~~ 140432
- ~~(a) One representative of the Ohio Chapter of the Association of Public Safety Communications Officials or its successor organization;~~ 140433  
140434  
140435
- ~~(b) One representative of the Buckeye State Sheriff's Association or its successor organization;~~ 140436  
140437
- ~~(c) One representative of the Ohio Association of Chiefs of Police or its successor organization;~~ 140438  
140439
- ~~(d) One representative of the Ohio Fire Chiefs' Association or its successor organization.~~ 140440  
140441
- ~~(3) Two members of the House of Representatives appointed by the Speaker of the House of Representatives, one from the majority party and one from the minority party;~~ 140442  
140443  
140444
- ~~(4) Two members of the Senate appointed by the President of the Senate, one from the majority party and one from the minority party.~~ 140445  
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- ~~(B) The Director of Administrative Services or the Director's designee shall chair the Committee.~~ 140448  
140449
- ~~(C) The Committee shall provide assistance to the Director of Administrative Services for effective and efficient implementation of MARCS as well as develop policies for the ongoing management of the system. Upon dates prescribed by the Directors of Administrative Services and Budget and Management, the MARCS Steering Committee shall report to the Directors on~~ 140450  
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~~the progress of MARCS implementation and the development of~~ 140456  
~~policies related to the system.~~ 140457

~~(D) The Committee shall establish a subcommittee to~~ 140458  
~~represent MARCS users on the local government level. The~~ 140459  
~~chairperson of the subcommittee shall serve as a member of the~~ 140460  
~~MARCS Steering Committee.~~ 140461

~~(E) The foregoing appropriation item C10041, MARCS -~~ 140462  
Taxable, shall be used to purchase or construct the components 140463  
of MARCS that are not specific to any one agency. The equipment 140464  
may include, but is not limited to, computer and 140465  
telecommunications equipment used for the functioning and 140466  
integration of the system, communications towers, tower sites, 140467  
tower equipment, and linkages among towers. The Director of 140468  
Administrative Services shall, ~~with the concurrence of the MARCS~~ 140469  
~~Steering Committee,~~ determine the specific use of funds. 140470  
Expenditures from this appropriation shall not be subject to 140471  
Chapters 123. and 153. of the Revised Code. 140472

MEDINA COUNTY RADIO SYSTEM-SEVILLE TOWER 140473

The amount reappropriated for the foregoing appropriation 140474  
item C10057, Medina County Radio System-Seville Tower, is the 140475  
unencumbered balance as of June 30, 2024, in appropriation items 140476  
C230FM, Cultural and Sports Facilities Projects, earmarked for 140477  
Westfield Center Community Center ADA Improvement Project and 140478  
the Medina County and Brunswick Historical Societies 140479  
Project/Wadsworth Historical Society, and C58001, Community 140480  
Assistance Projects, earmarked for Westfield Center 140481  
Improvements. 140482

BUILDING IMPROVEMENT 140483

The amount reappropriated for the foregoing appropriation 140484



item C10035, Building Improvement, is the unencumbered balance 140485  
as of June 30, 2024, in appropriation item C10035, Building 140486  
Improvement, plus up to \$293,343. Prior to the expenditure of 140487  
this additional appropriation, the Department of Administrative 140488  
Services shall certify to the Director of Budget and Management 140489  
canceled encumbrances up to \$293,343 from appropriation item 140490  
C10035, Building Improvement. 140491

MARCS - TAXABLE 140492

The amount reappropriated for the foregoing appropriation 140493  
item C10041, MARCS - Taxable, is the unencumbered balance as of 140494  
June 30, 2024, in appropriation item C10041, MARCS - Taxable, 140495  
plus up to \$45,731. Prior to the expenditure of this additional 140496  
appropriation, the Department of Administrative Services shall 140497  
certify to the Director of Budget and Management canceled 140498  
encumbrances up to \$45,731 from appropriation item C10041, MARCS 140499  
- Taxable. 140500

LORAIN COUNTY MARCS TOWER/SHEFFIELD LAKE 140501

The amount reappropriated for the foregoing appropriation 140502  
item C10044, Lorain County MARCS Tower/Sheffield Lake, is the 140503  
unencumbered balance as of June 30, 2024, in appropriation item 140504  
C10044, Lorain County MARCS Tower/Sheffield Lake, plus the 140505  
unencumbered balance as of June 30, 2024, in appropriation item 140506  
C10048, Williams County MARCS Tower. 140507

OFFICE SERVICES BUILDING RENOVATIONS 140508

The amount reappropriated for the foregoing appropriation 140509  
item C10010, Office Services Building Renovations, is the 140510  
unencumbered balance as of June 30, 2024, in appropriation item 140511  
C10010, Office Services Building Renovations, plus up to 140512  
\$64,539. Prior to the expenditure of this additional 140513

appropriation, the Department of Administrative Services shall 140514  
certify to the Director of Budget and Management canceled 140515  
encumbrances up to \$64,539 from appropriation item C10010, 140516  
Office Services Building Renovations. 140517

SOCC RENOVATIONS 140518

The amount reappropriated for the foregoing appropriation 140519  
item C10015, SOCC Renovations, is the unencumbered balance as of 140520  
June 30, 2024, in appropriation item C10015, SOCC Renovations, 140521  
plus up to \$873,760. Prior to the expenditure of this additional 140522  
appropriation, the Department of Administrative Services shall 140523  
certify to the Director of Budget and Management canceled 140524  
encumbrances up to \$873,760 from appropriation item C10015, SOCC 140525  
Renovations. 140526

25 S. FRONT STREET RENOVATIONS 140527

The amount reappropriated for the foregoing appropriation 140528  
item C10019, 25 S. Front Street Renovations, is the unencumbered 140529  
balance as of June 30, 2024, in appropriation item C10019, 25 S. 140530  
Front Street Renovations, plus up to \$28,717. Prior to the 140531  
expenditure of this additional appropriation, the Department of 140532  
Administrative Services shall certify to the Director of Budget 140533  
and Management canceled encumbrances up to \$28,717 from 140534  
appropriation item C10019, 25 S. Front Street Renovations. 140535

ARONOFF CENTER SYSTEMS REPLACEMENTS AND UPGRADES 140536

The amount reappropriated for the foregoing appropriation 140537  
item C10034, Aronoff Center Systems Replacements and Upgrades, 140538  
is the unencumbered balance as of June 30, 2024, in 140539  
appropriation item C10034, Aronoff Center Systems Replacements 140540  
and Upgrades, plus up to \$385,580. Prior to the expenditure of 140541  
this additional appropriation, the Department of Administrative 140542

Services shall certify to the Director of Budget and Management 140543  
canceled encumbrances up to \$385,580 from appropriation item 140544  
C10034, Aronoff Center Systems Replacements and Upgrades. 140545

RIFFE RENOVATIONS 140546

The amount reappropriated for the foregoing appropriation 140547  
item C10038, Riffe Renovations, is the unencumbered balance as 140548  
of June 30, 2024, in appropriation item C10038, Riffe 140549  
Renovations, plus up to \$11,514. Prior to the expenditure of 140550  
this additional appropriation, the Department of Administrative 140551  
Services shall certify to the Director of Budget and Management 140552  
canceled encumbrances up to \$11,514 from appropriation item 140553  
C10038, Riffe Renovations. 140554

**Section 620.21.** That existing Section 363.10 of H.B. 2 of 140555  
the 135th General Assembly is hereby repealed. 140556

**Section 620.30.** That Sections 335.20 and 757.60 of H.B. 33 140557  
of the 135th General Assembly are hereby repealed. 140558

**Section 630.10.** That Section 6 of H.B. 150 of the 134th 140559  
General Assembly is hereby repealed. 140560

**Section 630.20.** That Section 5 of S.B. 202 of the 134th 140561  
General Assembly is hereby repealed. 140562

**Section 630.30.** That Section 5 of H.B. 554 of the 134th 140563  
General Assembly (as amended by H.B. 101 of the 135th General 140564  
Assembly) be amended to read as follows: 140565

**Sec. 5.** (A) This section applies to a community school 140566  
described in Section 16 of H.B. 583 of the 134th General 140567  
Assembly and to any other community school that is operated by a 140568  
management company that operates a community school subject to 140569  
that section. 140570

(B) Notwithstanding division (H) of section 3314.08 of the Revised Code, a community school established under Chapter 3314. of the Revised Code and to which this section applies may report to the Department of Education and Workforce the number of students enrolled in the community school on a full-time equivalent basis for the 2022-2023, 2023-2024, ~~and 2024-2025,~~ and 2025-2026 school years using the lesser of the following:

(1) The maximum full-time equivalency for the portion of the school year for which the student is enrolled in the school;

(2) The sum of one-sixth of the full-time equivalency based on attendance for the portion of the school year for which the student is enrolled in the school and one-sixth the full-time equivalency based on each credit of instruction earned during the enrollment period, not to exceed five credits.

(C) (1) The Department of Education and Workforce shall complete a review of each community school that reports the full-time equivalency of students under division (B) of this section in accordance with division (K) of section 3314.08 of the Revised Code.

(2) If the Department determines a school has been overpaid based on a review completed under division (C) (1) of this section, it shall require a repayment of the overpaid funds and may require the school to establish a plan to improve the reporting of enrollment.

(D) Notwithstanding any provision to the contrary in the Revised Code or the Administrative Code, for purposes of reporting attendance and meeting minimum school year requirements under sections 3313.48 and 3314.03 of the Revised Code, a community school to which this section applies may

report attendance to the Department of Education and Workforce 140600  
consistent with the attendance policy approved by the governing 140601  
authority of the school. 140602

**Section 630.31.** That existing Section 5 of H.B. 554 of the 140603  
134th General Assembly (as amended by H.B. 101 of the 135th 140604  
General Assembly) is hereby repealed. 140605

**Section 701.30.** (A) As used in this section, "exempt 140606  
employee" has the same meaning as in section 124.152 of the 140607  
Revised Code, as amended by this act. 140608

(B) Effective July 1, 2025, any exempt employee paid in 140609  
accordance with section 124.152 of the Revised Code who is being 140610  
paid a salary or wage at step 6 of pay range 17 of the version 140611  
of pay schedule E-1 that was in effect before the effective date 140612  
of this section is eligible to move to step 7 of pay range 17 in 140613  
the pay schedule, provided the exempt employee did not advance a 140614  
step within the twelve-month period immediately preceding the 140615  
date on which the pay schedule takes effect. A step increase 140616  
pursuant to this division applies to the first day of the pay 140617  
period immediately following the pay period that includes July 140618  
1, 2025. 140619

(C) An exempt employee paid in accordance with section 140620  
124.152 of the Revised Code who is being paid a salary or wage 140621  
at step 6 of pay range 17 of the version of pay schedule E-1 140622  
that was in effect before the effective date of this section who 140623  
is ineligible under division (B) of this section to move up to 140624  
step 7 of pay range 17 in the pay schedule is eligible for 140625  
advancement in accordance with division (G) of section 124.15 of 140626  
the Revised Code. 140627

**Section 701.40.** (A) The Governor may execute a Governor's 140628

Deed in the name of the State conveying to Madison County 140629  
("grantee"), and its successors and assigns, to be determined in 140630  
the manner provided in division (C) of this section, all of the 140631  
State's right, title, and interest in the following described 140632  
real estate: 140633

Situated in the State of Ohio, Madison County, Deer Creek 140634  
Township, VMS 6246, being part of a 579.44 original acre tract 140635  
(Deer Creek Township Parcel 05-00542.000) as conveyed to the 140636  
State of Ohio Madison Correctional Prison by Deed Book 134 page 140637  
347, and being more particularly described as: 140638

Beginning at a mag nail set in the centerline of State 140639  
Route 38, in the line between VMS 6246 and VMS 6169, in the line 140640  
between Deer Creek Township and the City of London, being the 140641  
Southeast corner of a 1.000 acre tract conveyed to Tom Farms Inc 140642  
by Deed Book 278 page 889 and a corner to said 579.44 original 140643  
acre tract, said mag nail bears North 15°36'05" West a distance 140644  
of 5646.35 feet from Madison County Monument 02-004, said mag 140645  
nail bears North 04° 15' 00" East a distance of 1079.10 feet 140646  
from the intersection of the centerline of State Route 38 with 140647  
the line between Deer Creek Township and Union Township; 140648

Thence, with the centerline of State Route 38, said VMS 140649  
line and said Corp. line, South 04° 15' 00" a distance of 616.00 140650  
feet to a mag nail set; 140651

Thence, across said 579.44 original acre tract with the 140652  
following two new courses: 140653

1) South 81° 53' 47" West, passing an iron pin and cap set 140654  
at 35.00 feet, a total distance of 728.66 feet to an iron pin 140655  
and cap set; 140656

2) North 10° 12' 38" West a distance of 569.69 feet to an 140657

iron pin and cap set in the South line of a 100 original acre 140658  
tract conveyed to Tom Farms Inc by Deed Book 268 page 770; 140659

Thence, with the South line of said 100 original acre 140660  
tract, North 79° 47' 22" East, passing a 1/2 inch diameter iron 140661  
pipe found at the Southwest corner of said Tom Farms Inc's 1.000 140662  
acre tract at 591.70 feet, passing a 5 inch diameter steel post 140663  
in concrete found at 849.53 feet, a total distance of 881.99 140664  
feet returning to the Point of Beginning, containing 10.8003 140665  
Acres more or less. 140666

Bearings are based on the centerline of State Route 38 140667  
(North 04° 15' 00" East) as described in Official Record 307 140668  
page 2131. 140669

Subject to and with the benefit of all legal highways, 140670  
restrictions, easements, limitations, and reservations, of 140671  
record, if any and to zoning restrictions which have been 140672  
imposed thereon, if any. 140673

All iron pins are 5/8-inch diameter rebar with yellow 140674  
plastic cap stamped "Cottrill Surveying." 140675

The foregoing legal description may be corrected or 140676  
modified by the Department of Administrative Services to a final 140677  
form if such corrections or modifications are needed to 140678  
facilitate recordation of the deed. 140679

(B) (1) The conveyance includes improvements and chattels 140680  
situated on the real estate, and is subject to all easements, 140681  
covenants, conditions, leases, and restrictions of record: all 140682  
legal highways and public rights-of-way; zoning, building, and 140683  
other laws, ordinances, restrictions, and regulations; and real 140684  
estate taxes and assessments not yet due and payable. The real 140685  
estate shall be conveyed in an "as-is, where-is, with all 140686

faults" condition. 140687

(2) The deed for conveyance of the real estate may contain 140688  
restrictions, exceptions, reservations, reversionary interests, 140689  
and other terms and conditions the Director of Administrative 140690  
Services determines to be in the best interest of the state. 140691

(3) Subsequent to the conveyance, any restrictions, 140692  
exceptions, reservations, reversionary interests, or other terms 140693  
and conditions contained in the deed may be released by the 140694  
state or the Department of Administrative Services without the 140695  
necessity of further legislation. 140696

(C) The Director of Administrative Services shall offer 140697  
the real estate to the grantee to be determined through a real 140698  
estate purchase agreement. Consideration for the conveyance of 140699  
the real estate described in division (A) of this section shall 140700  
be at a price acceptable to the Director of Administrative 140701  
Services. If the grantee to be determined does not complete the 140702  
purchase of the real estate within the time period provided in 140703  
the real estate purchase agreement, the Director of 140704  
Administrative Services may use any reasonable method of sale to 140705  
determine an alternate grantee willing to complete the purchase 140706  
within three years after the effective date of this section. The 140707  
Department of Administrative Services shall pay all advertising 140708  
costs, additional fees, and other costs incident to the sale of 140709  
the real estate to an alternate grantee. 140710

(D) The real estate described in division (A) of this 140711  
section shall be sold as an entire tract and not in parcels. 140712

(E) Except as otherwise specified above, the grantee shall 140713  
pay all costs associated with the purchase, closing and 140714  
conveyance, including surveys, title evidence, title insurance, 140715



transfer costs and fees, recording costs and fees, taxes, and 140716  
any other fees, assessments, and costs that may be imposed. 140717

The proceeds of the sale shall be deposited into the state 140718  
treasury to the credit of the General Revenue Fund. 140719

(F) Upon execution of the real estate purchase agreement, 140720  
the Director of Administrative Services, with the assistance of 140721  
the Attorney General, shall prepare a Governor's Deed to the 140722  
real estate described in division (A) of this section. The 140723  
Governor's Deed shall state the consideration and shall be 140724  
executed by the Governor in the name of the state, countersigned 140725  
by the Secretary of State, sealed with the Great Seal of the 140726  
State, presented in the Department of Administrative Services 140727  
for recording, and delivered to the grantee. The grantee shall 140728  
present the Governor's Deed for recording in the Office of the 140729  
Franklin County Recorder. 140730

**Section 701.50.** Sections 122.1712 and 122.1713 of the 140731  
Revised Code, as enacted by this act, shall be known as the 140732  
Platinum Provider Act. 140733

**Section 701.60.** When calculating the state appropriation 140734  
limitation for fiscal year 2028, the Governor shall determine 140735  
the limitation taking into account the amendments to or 140736  
enactments of sections 107.032 to 107.034 of the Revised Code 140737  
contained in Section 101.01 of this act. 140738

**Section 701.70.** All public officers whose compensation 140739  
cannot be changed during the officer's term under Ohio 140740  
Constitution, Article II, Section 20, shall continue receiving 140741  
for the remainder of the officer's term the amount the official 140742  
is entitled to under section 325.18, 505.24, or 507.09 of the 140743  
Revised Code before the effective date of the amendments to 140744

those sections made by this act until the officer begins a new 140745  
term and may constitutionally receive the changed compensation 140746  
amount. 140747

**Section 703.10.** A county coroner who, before the effective 140748  
date of this section, was elected to office may complete the 140749  
balance of the coroner's term. Any county coroners appointed 140750  
after the effective date of this section shall be appointed in 140751  
accordance with section 313.01 of the Revised Code, as amended 140752  
by this act. 140753

**Section 709.10.** Of the two additional members appointed to 140754  
the Ohio Grape Industries Committee under section 924.51 of the 140755  
Revised Code as amended by this act, the initial term of office 140756  
of one member shall be for a term of one year and the initial 140757  
term of office of one member shall be for a term of two years. 140758  
Thereafter, terms of those members shall be for three years as 140759  
provided in that section. 140760

**Section 715.10.** A member of a board of park commissioners 140761  
of a park district who, before the effective date of this 140762  
section, was appointed to a board of commissioners of a park 140763  
district that was a township park district created before the 140764  
year 1892, and converted into a park district under section 140765  
1545.041 of the Revised Code on or before January 1, 1989, may 140766  
complete the balance of the member's term. Any members appointed 140767  
to a board of commissioners of a park district that was a 140768  
township park district created before the year 1892, and 140769  
converted into a park district under section 1545.041 of the 140770  
Revised Code on or before January 1, 1989, after the effective 140771  
date of this section shall be appointed in accordance with 140772  
section 1545.05 of the Revised Code, as amended by this act. 140773

**Section 731.10.** A county prevention specialist who is 140774

serving an existing term on a child abuse and child neglect 140775  
regional prevention council in accordance with section 3109.172 140776  
of the Revised Code as of the effective date of this section may 140777  
complete the council member's term of office. 140778

**Section 733.20.** (A) Notwithstanding the repeal of former 140779  
sections 3313.902, 3314.38, and 3345.86 of the Revised Code and 140780  
sections 3317.23, 3317.231, and 3317.24 of the Revised Code by 140781  
this act, any individual enrolled in a program established under 140782  
one of those sections may do either of the following: 140783

(1) Complete the program in accordance with the applicable 140784  
section, as it existed prior to the section's repeal or repeal 140785  
and reenactment by this act, provided the individual completes 140786  
the program not later than June 30, 2027; 140787

(2) Complete a program described in section 3313.902, 140788  
3314.38, or 3345.86 of the Revised Code in accordance with the 140789  
applicable section, as enacted by this act. 140790

(B) The Department of Education and Workforce shall pay an 140791  
eligible institution or eligible provider as required by the 140792  
section under which the individual completes the program. 140793

**Section 733.40.** Notwithstanding anything to the contrary 140794  
in Revised Code, nothing prohibits any other community college, 140795  
as defined in section 3333.168 of the Revised Code, from serving 140796  
the counties previously served by Eastern Gateway Community 140797  
College under section 3354.24 of the Revised Code. 140798

Nothing in this section exempts a community college from 140799  
academic program approval by the Chancellor of Higher Education 140800  
under section 3333.04 of the Revised Code or from seeking 140801  
approval under rules adopted by the Chancellor. 140802

**Section 733.50.** (A) The Career-Technical Planning District 140803

Construction Study Committee is established to examine and make 140804  
recommendations for creating an equitable and sustained funding 140805  
model within the Ohio Facilities Construction Commission for 140806  
lead districts, as defined in section 3317.023 of the Revised 140807  
Code, to build, renovate, and maintain career-technical 140808  
education facilities. 140809

(B) The membership of the committee consists of all of the 140810  
following: 140811

(1) Two representatives from joint vocational school 140812  
districts appointed by the Ohio Association of Career-Technical 140813  
Superintendents; 140814

(2) Two representatives from comprehensive or compact 140815  
career-technical districts appointed by the Ohio Association of 140816  
Comprehensive and Compact Career-Technical Schools; 140817

(3) Two representatives from lead districts of career- 140818  
technical planning districts appointed by the Ohio Association 140819  
for Career and Technical Education; 140820

(4) One representative from the Ohio Facilities 140821  
Construction Commission; 140822

(5) One representative from the Governor's Office of 140823  
Workforce Transformation; 140824

(6) One member of the Ohio Senate, appointed by the Senate 140825  
President; 140826

(7) One member of the Ohio House of Representatives, 140827  
appointed by the Speaker of the House of Representatives. 140828

(C) The committee shall do all of the following: 140829

(1) Assess the Ohio Facilities Construction Commission's 140830

facilities funding regulations and processes for joint 140831  
vocational, comprehensive, and compact career-technical 140832  
districts and compare the processes to those of Ohio's 140833  
kindergarten through twelve school facilities; 140834

(2) Identify barriers to flexibility for career-technical 140835  
education facilities construction and renovation; 140836

(3) Propose solutions to mitigate the identified barriers; 140837

(4) Evaluate best practices in other states and 140838  
jurisdictions that allow for greater flexibility for career- 140839  
technical education facilities construction and renovation 140840  
related to workforce development; 140841

(5) Make recommendations for policy changes, funding 140842  
mechanisms, and resources that would enhance funding 140843  
opportunities for career-technical education facilities 140844  
construction projects, including a dedicated funding stream for 140845  
career-technical education facilities. 140846

(D) The committee shall convene at least quarterly, or as 140847  
needed, to fulfill its duties, and the Ohio Facilities 140848  
Construction Commission shall provide administrative support, 140849  
including scheduling meetings, preparing meeting materials, and 140850  
maintaining records. 140851

(E) Not later than June 30, 2026, the committee shall 140852  
issue a comprehensive report that includes its findings and 140853  
recommendations under division (C) of this section to the 140854  
Governor and the General Assembly, in accordance with section 140855  
101.68 of the Revised Code. 140856

(F) The committee ceases to exist upon the submission of 140857  
the report required in this section. 140858

**Section 737.10.** (A) The Director of Environmental 140859  
Protection shall conduct a review to assess the motor vehicle 140860  
inspection and maintenance program that is implemented in 140861  
accordance with section 3704.14 of the Revised Code. The 140862  
Director shall include all of the following in the review: 140863

(1) A determination of the necessity of the program; 140864

(2) An evaluation of whether each county that is subject 140865  
to the program during the prior calendar year has achieved, and 140866  
has the ability to maintain, compliance with federal ozone 140867  
standards without implementation of the program in that county. 140868  
The evaluation shall include the most recent air quality 140869  
monitoring data and predictive modeling of future compliance. 140870

(3) An analysis of whether a revision to Ohio's state 140871  
implementation plan could be submitted to the United States 140872  
Environmental Protection Agency to discontinue the program while 140873  
maintaining compliance with national ambient air quality 140874  
standards. If the Director's analysis finds that compliance may 140875  
be achieved without participation in the program, the Director 140876  
shall formally submit a request to the United States 140877  
Environmental Protection Agency for reconsideration of the 140878  
program's implementation in affected regions. 140879

(4) After proper monitoring, an analysis of weather 140880  
patterns over northeast Ohio and the entire great lakes region 140881  
with respect to how those patterns impact ozone levels, air 140882  
circulation, and overall emissions. The analysis shall include a 140883  
review of temperature inversions, seasonal variations, and other 140884  
meteorological factors that could contribute to emissions 140885  
buildup or dispersion. The analysis also shall evaluate current 140886  
ozone levels and how such weather patterns affect compliance 140887  
status with the national ambient air quality standards. 140888

(5) Any potential alternative measures for maintaining air quality if the program is altered or discontinued. 140889  
140890

(B) Not later than eighteen months after the effective date of this section, the Director shall compile the findings of the review into a report. The Director shall submit the report to the General Assembly and make the report available to the public on the Environmental Protection Agency's web site. 140891  
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**Section 737.20.** Not later than December 31, 2025, the General Assembly shall determine a manner of expanding gaming opportunities in the State of Ohio. 140896  
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140898

**Section 741.10.** (A) As used in this section, "contributions," "contributory employer," "payments in lieu of contributions," and "wages" have the same meanings as in section 4141.01 of the Revised Code. 140899  
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140901  
140902

(B) Except as provided in division (E) of this section, the Director of Job and Family Services shall, in accordance with division (C) of this section, collect a technology and customer service fee from all contributory employers and all nonprofit organizations, or groups of such organizations, that elect to become liable for payments in lieu of contributions under section 4141.241 of the Revised Code. 140903  
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(C) (1) The Director shall collect a technology and customer service fee of not more than fifteen-hundredths of one per cent of wages per employee subject to this chapter from each contributory employer. The Director shall collect any fee due under this section from a contributory employer at the same time and in the same manner as contributions due under section 4141.25 of the Revised Code. 140910  
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(2) At the time a nonprofit organization, or group of such 140917

organizations, that elects to become liable for payments in lieu 140918  
of contributions files or renews a surety bond with the Director 140919  
in accordance with division (C) of section 4141.241 of the 140920  
Revised Code, the Director shall collect a technology and 140921  
customer service fee of not more than thirteen dollars and fifty 140922  
cents from the organization or group of organizations. 140923

(D) Technology and customer service fees collected under 140924  
this section shall be paid into the Unemployment Compensation 140925  
Special Administrative Fund established in section 4141.11 of 140926  
the Revised Code. 140927

(E) The technology and customer service fee required under 140928  
this section applies only to the period beginning on the 140929  
effective date of this section and ending on the date that is 140930  
two years after the effective date of this section. 140931

**Section 747.10.** TRANSITION OF PEER SUPPORTER CERTIFICATION 140932

(A) (1) Beginning one year after the effective date of this 140933  
section, an individual who holds, on the effective date of this 140934  
section, a valid certificate that is accepted under rules 140935  
adopted pursuant to section 5119.36 of the Revised Code as 140936  
authority to practice as a peer recovery supporter, youth peer 140937  
supporter, or family peer supporter, may apply to the Chemical 140938  
Dependency Professionals Board to continue practicing as a peer 140939  
supporter under the certificate issued by the Department of 140940  
Mental Health and Addiction Services. 140941

(2) At the Board's discretion and notwithstanding section 140942  
4758.02 of the Revised Code, the Board may allow an individual 140943  
to continuing practicing as a peer recovery supporter, youth 140944  
peer supporter, or family peer supporter until a date the Board 140945  
specifies. The date the Board specifies shall not be later than 140946



the date that is one year after the effective date of the 140947  
Board's initial rules regarding peer recovery supporters, youth 140948  
peer supporters, or family peer supporters adopted under section 140949  
4758.20 of the Revised Code. 140950

(3) An individual who is permitted to continue practicing 140951  
under a certificate issued by the Department of Mental Health 140952  
and Addiction Services under this section may perform services 140953  
within the scope, standards, and ethics of the certificate 140954  
issued by the Department until the date specified by the Board. 140955

(B) Notwithstanding the amendments made by this act to 140956  
sections 4758.10, 4758.11, and 4758.13 of the Revised Code, both 140957  
of the following apply regarding the position on the Board that 140958  
is to be held by a peer recovery supporter, youth peer 140959  
supporter, or family peer supporter certified by the Board: 140960

(1) The Governor may delay filling the position until the 140961  
Board's certification of such individuals has been initiated or 140962  
may choose to fill the position before that time by appointing 140963  
an individual who otherwise meets the same qualifications. 140964

(2) If the Governor delays filling the position on the 140965  
Board as described in division (B)(1) of this section, the Board 140966  
shall operate by making corresponding adjustments to the 140967  
required number of members who must be present to constitute a 140968  
quorum. 140969

**Section 751.20.** (A) The Department of Medicaid shall 140970  
conduct a comprehensive study on the feasibility, legality, and 140971  
potential cost savings of establishing a Medicaid waiver 140972  
component that establishes work requirements for Medicaid 140973  
recipients and includes additional supplemental workforce 140974  
development requirements. 140975

(B) As part of the study required under this section, the Department shall evaluate the impact of requiring Medicaid recipients who maintain eligibility by satisfying work requirements for twelve consecutive months to enroll in a workforce development program that satisfies either of the following:

(1) The program is a state-sponsored workforce development program that can be completed within twelve months.

(2) The program is one that is offered through a private or public training facility, community college, or university that can be completed within twelve months.

(C) The study required under this section shall assess all of the following:

(1) The legal feasibility of implementing the requirements described in division (B) of this section;

(2) The workforce development training capacity within this state;

(3) The potential cost savings associated with implementing the requirements described in division (B) of this section;

(4) The projected impact on Medicaid enrollment in this state if the requirements described in division (B) of this section were to be implemented.

(D) Not later than September 1, 2026, the Medicaid Director shall prepare a report detailing the Department's findings of the study conducted under this section, including any policy recommendations. The report shall be submitted to the Governor, the Speaker of the House of Representatives, the

President of the Senate, and the chairperson of the finance 141004  
committee of both the House of Representatives and Senate. 141005

**Section 751.30.** (A) (1) The Child Care Provider Recruitment 141006  
and Mentorship Grant Program is created in the Department of 141007  
Children and Youth. Under the program, the Department shall 141008  
award grants to eligible organizations for the following 141009  
purposes: 141010

(a) To increase, through recruitment efforts, Ohio's 141011  
supply of licensed child care providers, including at least one 141012  
hundred twenty new family child care homes, especially in areas 141013  
or communities of the state most in need of such care; 141014

(b) To assist entities and individuals recruited under the 141015  
program in establishing and operating child care businesses and 141016  
adopting business practices to best serve the needs of Ohio's 141017  
families. 141018

(2) The Department shall operate the program described in 141019  
division (A) (1) of this section until July 1, 2027. 141020

(3) Each grant recipient shall do all of the following 141021  
over the course of the recipient's grant period: 141022

(a) With the assistance of the Department and relevant 141023  
stakeholders, identify and recruit entities and individuals 141024  
interested in operating family child care homes, in particular, 141025  
in areas and communities with limited access to such homes; 141026

(b) Partner with prospective child care providers to 141027  
assist them in developing and implementing child care business 141028  
models; 141029

(c) Assist prospective child care providers in obtaining 141030  
licensure under Chapter 5104. of the Revised Code; 141031

(d) Mentor licensed child care providers in such topics as 141032  
operating, maintaining, and expanding child care businesses. 141033

(B) An organization seeking a program grant shall apply to 141034  
the Department in the manner prescribed by the Department. To be 141035  
eligible for a program grant, an applicant shall demonstrate 141036  
that it is able to do all of the following: 141037

(1) In collaboration with the Department and relevant 141038  
stakeholders, plan, staff, and hold events, either in-person or 141039  
virtually, to identify and recruit prospective child care 141040  
providers; 141041

(2) Develop informational materials to assist licensed 141042  
child care providers with marketing, advertising, and outreach; 141043

(3) Establish a software platform, with a customizable 141044  
dashboard, that may be accessed by licensed child care providers 141045  
to assist them with tasks such as marketing their businesses, 141046  
enrolling children, communicating with families, billing for 141047  
services, and reporting expenses; 141048

(4) Offer and provide coaching and training to child care 141049  
staff employed by licensed child care providers, which may 141050  
include in-person, group training sessions, on-site coaching 141051  
visits, community forums, and other events; 141052

(5) Perform any other activity the Department considers 141053  
relevant. 141054

The Department shall review each application it receives 141055  
under this section. After receiving an application it considers 141056  
complete, the Department shall determine whether the applicant 141057  
meets the eligibility conditions described in this division. If 141058  
the eligibility conditions are met, and subject to available 141059  
funds, the Department shall award a grant to the recipient. Each 141060

grant shall expire at the close of fiscal year 2027. 141061

(C) The Department shall require each grant recipient, as 141062  
a condition of continued funding, to submit to the Department on 141063  
a periodic basis reports describing the recipient's progress in 141064  
partnering with, assisting, and mentoring prospective and 141065  
licensed child care providers, in particular the number and 141066  
content of trainings offered by the recipient, the types of 141067  
software or web site platforms the recipient makes available to 141068  
child care providers, and any other information the Department 141069  
considers necessary. The reports shall be completed and 141070  
submitted in the manner and at the intervals prescribed by the 141071  
Department. 141072

**Section 751.40.** (A) The Ibogaine Treatment Study Committee 141073  
is established to study and evaluate the use of ibogaine for the 141074  
care and treatment of individuals with substance use disorders 141075  
and veterans with post-traumatic stress disorder, depression, 141076  
and mild traumatic brain injuries. In conducting its study and 141077  
evaluation, the committee shall consider the following topics: 141078

(1) The needs of individuals with substance use disorders; 141079

(2) The needs of veterans with post-traumatic stress 141080  
disorder, depression, and mild traumatic brain injuries; 141081

(3) The efficacy of using ibogaine for the care and 141082  
treatment of the individuals specified in divisions (A) (1) and 141083  
(2) of this section, including a review of available scientific 141084  
literature; 141085

(4) State and federal law regarding ibogaine; 141086

(5) Any other topics the committee considers relevant. 141087

(B) The committee consists of the following six members: 141088

(1) Four members of the General Assembly, two appointed by 141089  
the Speaker of the House of Representatives and two appointed by 141090  
the Senate President; 141091

(2) The Director of Behavioral Health or the Director's 141092  
designee; 141093

(3) The Director of Veterans Services or the Director's 141094  
designee. 141095

The members shall be appointed not later than thirty days 141096  
after the effective date of this section. Vacancies, including 141097  
any vacancy due to the expiration of a member of the General 141098  
Assembly's term of office, shall be filled not later than thirty 141099  
days after the vacancy occurs in the same manner as the original 141100  
appointment. The members shall select a chairperson from among 141101  
the committee's membership and shall meet as necessary to 141102  
satisfy the requirements of this section. 141103

(C) Not later than December 31, 2027, the committee shall 141104  
prepare and submit to the General Assembly a report of its 141105  
recommendations for legislation addressing use of ibogaine for 141106  
the care and treatment of individuals with substance use 141107  
disorders and veterans with post-traumatic stress disorder, 141108  
depression, and mild traumatic brain injuries. The report shall 141109  
be submitted in accordance with section 101.68 of the Revised 141110  
Code. The Ohio Department of Behavioral Health shall provide to 141111  
the committee the administrative support necessary to execute 141112  
its duties. 141113

(D) The committee ceases to exist on the submission of the 141114  
report described in division (C) of this section. 141115

**Section 751.50.** The Department of Rehabilitation and 141116  
Correction shall create a pilot program in the Ross Correctional 141117

Institution to ensure that no private entity provides food 141118  
service within the institution and instead utilizes state 141119  
employees to oversee meals and food service to the extent such a 141120  
program does not conflict with existing contracts. 141121

**Section 751.60.** Beginning on the effective date of this 141122  
section, the Department of Medicaid shall reestablish and resume 141123  
the prior authorization requirements for prescription and other 141124  
drugs, tests and diagnostic procedures, and medical procedures 141125  
under the Medicaid program that were in effect on June 29, 2024. 141126

**Section 751.70.** Not later than December 31, 2027, the 141127  
Auditor of State shall conduct both a performance audit and 141128  
fiscal audit of the Department of Medicaid's next generation 141129  
system that went into effect on February 1, 2023. The Auditor of 141130  
State shall submit a copy of the audit reports to the Executive 141131  
Director of the Joint Medicaid Oversight Committee. 141132

In conducting audits under this section, the Auditor of 141133  
State shall examine all of the following components of the 141134  
system: 141135

- (A) The Provider Network Management; 141136
- (B) The Ohio Medicaid Enterprise System; 141137
- (C) The Ohio Resilience Through Integrated Systems and 141138  
Excellence (OhioRISE) Program; 141139
- (D) The Electronic Data Interchange; 141140
- (E) The Medicaid state pharmacy benefit manager that was 141141  
selected in accordance with section 5167.24 of the Revised Code; 141142
- (F) Centralized Provider Credentialing; 141143
- (G) Prior authorization requirements; 141144

(H) Issues with late payments to Medicaid providers;	141145
(I) Any other aspects of the system that the Auditor of State considers relevant.	141146 141147
<b>Section 751.80. PRIVATE INSURANCE OUTREACH PROGRAM</b>	141148
During Fiscal Year 2027, the Department of Medicaid shall create and administer an outreach program to provide information, awareness, and assistance to Medicaid recipients to help them transition from Medicaid to private insurance.	141149 141150 141151 141152
<b>Section 751.90. HIGH-THC CANNABIS IMPACT RESEARCH STUDY</b>	141153
(A) As used in this section, "cannabis" and "THC" have the same meanings as in section 3780.01 of the Revised Code.	141154 141155
(B) The Department of Behavioral Health, in collaboration with the Department of Commerce, shall conduct a study in partnership with a qualified Ohio public university or research consortium selected by the Department of Behavioral Health to assess the potential health risks and benefits of cannabis and hemp-derived product use and to review state-level program evaluations from other states and peer-reviewed research regarding the following:	141156 141157 141158 141159 141160 141161 141162 141163
(1) Physical, behavioral, cognitive, and neurodevelopmental effects of chronic or early use of high-potency THC cannabis products, particularly among individuals under the age of twenty-five;	141164 141165 141166 141167
(2) Cannabis-induced psychosis and schizophrenia;	141168
(3) Cannabis hyperemesis syndrome;	141169
(4) The relationship between cannabis use and depression, anxiety, and suicidal ideation;	141170 141171



(5) The relationship between cannabis use and cognitive and neurodevelopmental impairments such as decline in memory and executive functioning; 141172  
141173  
141174

(6) Disproportionate impacts of cannabis use on vulnerable populations, including youth and individuals with a history of trauma or mental illness; 141175  
141176  
141177

(7) Health benefits of cannabis and hemp-derived products, including potential therapeutic uses and recommended guidelines for potency and usage. 141178  
141179  
141180

(C) The Department of Behavioral Health shall submit two reports to the Governor and the General Assembly in accordance with section 101.68 of the Revised Code and shall publish a copy of each report on the Department's web site. The initial report shall be submitted by June 30, 2026, and the final report shall be submitted by June 30, 2027. Each report shall include the following: 141181  
141182  
141183  
141184  
141185  
141186  
141187

(1) A comparative analysis of THC regulations, potency limits, and health outcomes from other states' cannabis programs; 141188  
141189  
141190

(2) A synthesis of peer-reviewed research and reputable state program data; 141191  
141192

(3) Recommendations for cannabis regulation, prevention education, public education campaigns, and outreach efforts for stakeholders such as the General Assembly, state agencies, employers, educators, and the general public. 141193  
141194  
141195  
141196

(D) The Department of Behavioral Health shall seek the input of the following as necessary to complete the report required by division (C) of this section: 141197  
141198  
141199

(1) The Department of Health;	141200
(2) RecoveryOhio;	141201
(3) The Bureau of Workers' Compensation;	141202
(4) The Department of Public Safety;	141203
(5) The Attorney General;	141204
(6) The State Medical Board;	141205
(7) Cannabis industry representatives;	141206
(8) Prevention consultants certified by the Chemical Dependency Professionals Board.	141207 141208
<b>Section 751.100.</b> PLACEMENT OF CHILDREN IN GROUP HOMES	141209
(A) As used in this section, "group home" has the same meaning as "group home for children" in section 5103.05 of the Revised Code.	141210 141211 141212
(B) The operator of a group home shall not displace a child who is placed in the group home as of the effective date of this section in order to comply with the ratio requirements established in rules adopted under division (B) (3) of section 5103.0520 of the Revised Code. The operator shall not accept the placement of additional children until the group home has complied with the ratio requirements.	141213 141214 141215 141216 141217 141218 141219
<b>Section 755.10.</b> DIESEL EMISSIONS REDUCTION GRANT PROGRAM	141220
There is hereby established in the Highway Operating Fund (Fund 7002), used by the Department of Transportation, a Diesel Emissions Reduction Grant Program. The Director of Environmental Protection shall administer the program and shall solicit, evaluate, score, and select projects submitted by public and private entities that are eligible for the federal Congestion	141221 141222 141223 141224 141225 141226

Mitigation and Air Quality (CMAQ) Program. The Director of 141227  
Transportation shall process Federal Highway Administration- 141228  
approved projects as recommended by the Director of 141229  
Environmental Protection. 141230

In addition to the allowable expenditures set forth in 141231  
section 122.861 of the Revised Code, Diesel Emissions Reduction 141232  
Grant Program funds also may be used to fund projects involving 141233  
the purchase or use of hybrid and alternative fuel vehicles that 141234  
are allowed under guidance developed by the Federal Highway 141235  
Administration for the CMAQ Program. 141236

Public entities eligible to receive funds under section 141237  
122.861 of the Revised Code and CMAQ shall be reimbursed from 141238  
moneys in Fund 7002 designated for the Department of 141239  
Transportation's Diesel Emissions Reduction Grant Program. 141240

Private entities eligible to receive funds under section 141241  
122.861 of the Revised Code and CMAQ shall be reimbursed, at the 141242  
direction of the local public agency sponsor and upon approval 141243  
of the Department of Transportation, through direct payments. 141244  
These reimbursements shall be made from moneys in Fund 7002 141245  
designated for the Department of Transportation's Diesel 141246  
Emissions Reduction Grant Program. Total expenditures from Fund 141247  
7002 for the Diesel Emissions Reduction Grant Program shall not 141248  
exceed \$10,000,000 in both fiscal year 2026 and fiscal year 141249  
2027. 141250

Any allocations under this section represent CMAQ program 141251  
moneys within the Department of Transportation for use by the 141252  
Diesel Emissions Reduction Grant Program by the Environmental 141253  
Protection Agency. These allocations shall not reduce the amount 141254  
of such moneys designated for metropolitan planning 141255  
organizations. 141256

The Director of Environmental Protection, in consultation 141257  
with the Director of Transportation, shall develop guidance for 141258  
the distribution of funds and for the administration of the 141259  
Diesel Emissions Reduction Grant Program. The guidance shall 141260  
include a method of prioritization for projects, acceptable 141261  
technologies, and procedures for awarding grants. 141262

**Section 755.20.** (A) As used in this section: 141263

(1) "First responder" means a law enforcement agency, fire 141264  
department, or emergency medical services organization. 141265

(2) "Unmanned aerial vehicle system" has the same meaning 141266  
as in section 4561.50 of the Revised Code. 141267

(B) The Director of Transportation shall establish a 141268  
Drones for First Responders pilot program to be administered by 141269  
the Department of Transportation. 141270

(C) The program shall be designed to focus on the 141271  
following goals: 141272

(1) Acquiring unmanned aerial vehicle system assets for 141273  
first responders within municipal corporations; 141274

(2) Providing training on the operation of unmanned aerial 141275  
vehicle systems to the operators of those systems; 141276

(3) Obtaining approval from the Federal Aviation 141277  
Administration for beyond visual line of sight operations for 141278  
purposes of the pilot program and the operation of unmanned 141279  
aerial vehicle systems within the program; 141280

(4) Integrating existing Ohio unmanned aerial vehicle 141281  
system infrastructure for purposes of conducting beyond visual 141282  
line of sight operations within the program; 141283

(5) Collecting metrics for cost-benefit analyses related 141284  
to advanced unmanned aerial vehicle system operations; 141285

(6) Developing a comprehensive approach for community 141286  
acceptance and integration of unmanned aerial vehicle system 141287  
operations; 141288

(7) Standardizing an approval process with the Federal 141289  
Aviation Administration for unmanned aerial vehicle system 141290  
operators across the state. 141291

(D) (1) The Director shall establish a process to award 141292  
money available under the program to the legislative authority 141293  
of municipal corporations that are willing to participate in the 141294  
program and meet any guidelines established by the Director for 141295  
meeting the program's goals. The money awarded shall be 141296  
allocated towards the purchase of unmanned aerial vehicle 141297  
systems for first responders within the municipal corporations, 141298  
for training support, for assisting in navigating federal 141299  
processes and approvals, and for supporting the integration of 141300  
statewide operations. 141301

(2) Any unmanned aerial vehicle system purchased through 141302  
the program shall comply with the federal laws and regulations 141303  
for such systems, including those in the national security 141304  
interests of the United States. As such, no system, including 141305  
any components, services, or maintenance of that system, shall 141306  
originate from a country or other entity that has been deemed a 141307  
national security risk by the United States Secretary of State 141308  
in accordance with 22 U.S.C. 2780 and 50 U.S.C. 4813. 141309  
Additionally, any system shall comply with the "Support Anti- 141310  
terrorism by Fostering Effective Technologies Act of 2002," 6 141311  
U.S.C. 441, et seq., and any applicable conditions of national 141312  
defense spending. 141313

(E) The Director shall establish any procedures and requirements necessary to administer this section, including award processes, and any conditions for the expenditure of funding awarded under the program.

(F) (1) Not later than two years after the effective date of this section, the Director shall submit a report regarding the program to the Governor, the Speaker of the House of Representatives, the President of the Senate, the Minority Leaders of the House of Representatives and Senate, and the chairs of any committee of the House of Representatives and Senate related to transportation issues.

(2) The report shall detail how funds were expended through the program, the success of the program in meeting its goals, the cost-benefit analysis created through the program, and any recommendations for additional integration of unmanned aerial vehicle system operations by first responders.

**Section 757.10.** The amendment by this act of section 5747.05 of the Revised Code is intended to clarify the meaning of that section as it existed before the effective date of this section and is not intended to change the meaning in any way.

**Section 757.20.** The amendment by this act of section 5747.40 of the Revised Code is intended to clarify the meaning of that section as it existed prior to the effective date of this section. It is not intended to change the meaning of section 5747.40 of the Revised Code in any way.

**Section 757.30.** The Tax Commissioner may issue assessments pursuant to the amendment by this act of divisions (A) and (F) of section 5736.09 of the Revised Code on or after the effective date of that amendment, subject to the four-year time limitation

prescribed in division (F) of that section. 141343

**Section 757.40. BUSINESS INCENTIVE TAX CREDITS** 141344

In order to facilitate an understanding of business 141345  
incentive tax credits, as defined in section 107.036 of the 141346  
Revised Code, the following table provides an estimate of the 141347  
amount of credits that may be authorized in each fiscal year of 141348  
the 2026-2027 biennium, an estimate of the credits expected to 141349  
be claimed in each fiscal year of that biennium, and an estimate 141350  
of the amount of credits authorized that will remain outstanding 141351  
at the end of that biennium. In totality, this table provides an 141352  
estimate of the state revenue forgone due to business incentive 141353  
tax credits in the 2026-2027 biennium and future bienniums. 141354  
141355

	1	2	3	4	5	6
A	Biennial Business Incentive Tax Credit Estimates					
	(All Figures in Thousands of Dollars)					
B		Estimate of total value of tax credits authorized	Estimate of tax credits issued/claimed	Estimate of tax credits issued/claimed	Estimate of tax credits issued/claimed	Expected Out- standing Credits
C	Tax Credit	FY 2026	FY 2027	FY 2026	FY 2027	End of Biennium
D	Job Creation	\$170,000	\$175,000	\$139,200	\$145,000	\$705,000
E	Job Retention	\$0	\$0	\$15,300	\$10,710	\$23,000
F	Historic Preservation	\$60,000	\$60,000	\$122,300	\$86,100	\$372,000

G	Film	\$50,000	\$50,000	\$40,000	\$35,000	\$100,000
H	Film and Theatre	\$25,000	\$25,000	\$15,000	\$25,000	\$70,000
I	New Markets	\$10,000	\$10,000	\$7,500	\$7,500	\$46,000
J	R&D Loan	\$0	\$0	\$0	\$0	\$5,000
K	InvestOhio Program	\$5,000	\$5,000	\$3,750	\$3,750	\$7,500
L	Ohio Rural Business Growth	\$0	\$0	\$18,750	\$18,750	\$7,500
M	Ohio Opportunity Zone	\$25,000	\$25,000	\$25,000	\$25,000	\$0
N	Transformational Mixed-Use Development	\$0	\$0	\$136,200	\$110,600	\$237,500

**Section 757.60.** The amendment by this act of division (I) 141356  
of section 5747.08 of the Revised Code and section 5747.39 of 141357  
the Revised Code is intended to clarify the meaning of those 141358  
sections as they existed before the effective date of this 141359  
section and is not intended to change their meaning in any way. 141360

**Section 757.70.** (A) As used in this section, "qualified 141361  
property" means property that satisfies the qualifications for 141362  
tax exemption under section 5709.07 of the Revised Code, or any 141363  
other section of the Revised Code that provides a tax exemption 141364  
for property owned or used by a church, and that was acquired by 141365  
a church which recorded the deed for the property between May 1, 141366  
2022, and May 31, 2022. 141367

(B) Notwithstanding sections 5713.08, 5713.081, and 141368



5715.27 of the Revised Code, and without regard to any time or 141369  
payment limitations under any section of the Revised Code, the 141370  
owner of qualified property at any time within twelve months 141371  
after the effective date of this section may file an application 141372  
with the Tax Commissioner requesting that the qualified property 141373  
be placed on the exempt list and that all unpaid taxes, 141374  
penalties, and interest on the property be abated, including 141375  
taxes, penalties, and interest that have become a lien prior to 141376  
the date of acquisition of title to the property by the 141377  
qualified property's owner. 141378

(C) The application shall be made on the form prescribed 141379  
by the Tax Commissioner under section 5715.27 of the Revised 141380  
Code and shall list the name of the county in which the property 141381  
is located; the property's legal description, taxable value, and 141382  
the amount, in dollars, of the unpaid taxes, penalties, and 141383  
interest; the date of acquisition of title to the property; the 141384  
use of the property during any time that the unpaid taxes 141385  
accrued; and any other information required by the Commissioner. 141386  
The county auditor shall supply the required information upon 141387  
request of the applicant. 141388

(D) Upon request of the applicant, the county treasurer 141389  
shall determine if all taxes, penalties, and interest that 141390  
became a lien on the qualified property before it was first used 141391  
by the property's owner or a prior owner for an exempt purpose 141392  
have been paid in full. If so, the county treasurer shall issue 141393  
a certificate to the applicant stating that all such taxes, 141394  
penalties, and interest have been paid in full. The applicant 141395  
shall attach the county treasurer's certificate to the 141396  
application filed with the Tax Commissioner under this section. 141397

(E) Upon receipt of an application, the Tax Commissioner 141398

shall determine if the qualified property meets the 141399  
qualifications set forth in this section and if so shall issue 141400  
an order directing that the property be placed on the exempt 141401  
list of the county in which it is located and that all unpaid 141402  
taxes, penalties, and interest for each year that the property 141403  
met the qualifications for exemption described in section 141404  
5709.07 or another section of the Revised Code be abated. If the 141405  
Commissioner finds that the property is or previously was being 141406  
used for a purpose that would disqualify it for such exemption, 141407  
the Tax Commissioner shall issue an order denying the 141408  
application with respect to such tax years where the 141409  
Commissioner finds that disqualifying use. 141410

(F) If the Tax Commissioner finds that the property is not 141411  
entitled to the tax exemption and abatement of unpaid taxes, 141412  
penalties, and interest for any of the years for which the 141413  
applicant claims an exemption or abatement, the Commissioner 141414  
shall order the county treasurer of the county in which the 141415  
property is located to collect all taxes, penalties, and 141416  
interest on the property for those years as required by law. 141417

**Section 757.80.** (A) As used in this section, "qualified 141418  
property" means real property that is owned by a municipal 141419  
corporation or township and satisfies the qualifications for tax 141420  
exemption under the terms of section 5709.08 of the Revised 141421  
Code. 141422

(B) Notwithstanding sections 5713.08, 5713.081, and 141423  
5715.27 of the Revised Code, and without regard to any time or 141424  
payment limitations under any section of the Revised Code, the 141425  
owner of qualified property at any time within twelve months 141426  
after the effective date of this section may file an application 141427  
with the Tax Commissioner requesting that the qualified property 141428

be placed on the exempt list and that all unpaid taxes, 141429  
penalties, and interest on the property be abated, including 141430  
taxes, penalties, and interest that have become a lien prior to 141431  
the date of acquisition of title to the property by the 141432  
qualified property's owner. 141433

(C) The application shall be made on the form prescribed 141434  
by the Tax Commissioner under section 5715.27 of the Revised 141435  
Code and shall list the name of the county in which the property 141436  
is located; the property's legal description, taxable value, and 141437  
the amount, in dollars, of the unpaid taxes, penalties, and 141438  
interest; the date of acquisition of title to the property; the 141439  
use of the property during any time that the unpaid taxes 141440  
accrued; and any other information required by the Commissioner. 141441  
The county auditor shall supply the required information upon 141442  
request of the applicant. 141443

(D) Upon request of the applicant, the county treasurer 141444  
shall determine if all taxes, penalties, and interest that 141445  
became a lien on the qualified property before it was first used 141446  
by the property's owner or a prior owner for an exempt purpose 141447  
have been paid in full. If so, the county treasurer shall issue 141448  
a certificate to the applicant stating that all such taxes, 141449  
penalties, and interest have been paid in full. The applicant 141450  
shall attach the county treasurer's certificate to the 141451  
application filed with the Tax Commissioner under this section. 141452

(E) Upon receipt of an application, the Tax Commissioner 141453  
shall determine if the qualified property meets the 141454  
qualifications set forth in this section and if so shall issue 141455  
an order directing that the property be placed on the exempt 141456  
list of the county in which it is located and that all unpaid 141457  
taxes, penalties, and interest for each year that the property 141458

met the qualifications for exemption described in section 141459  
5709.08 or another section of the Revised Code be abated. If the 141460  
Commissioner finds that the property is or previously was being 141461  
used for a purpose that would disqualify it for such exemption, 141462  
the Tax Commissioner shall issue an order denying the 141463  
application with respect to such tax years where the 141464  
Commissioner finds that disqualifying use. 141465

(F) If the Tax Commissioner finds that the property is not 141466  
entitled to the tax exemption and abatement of unpaid taxes, 141467  
penalties, and interest for any of the years for which the 141468  
applicant claims an exemption or abatement, the Commissioner 141469  
shall order the county treasurer of the county in which the 141470  
property is located to collect all taxes, penalties, and 141471  
interest on the property for those years as required by law. 141472

**Section 757.90.** (A) (1) The amendment by this act of 141473  
division (A) of section 5715.19 of the Revised Code is intended 141474  
to be a remedial measure and applies to original complaints 141475  
filed on or after the effective date of this section. 141476

(2) The amendment by this act of division (B) of section 141477  
5715.19 of the Revised Code is intended to be a remedial measure 141478  
to clarify existing law and applies to tax year 2022 and after. 141479

(3) The amendment or enactment by this act of division (I) 141480  
of section 5715.19 of the Revised Code applies to agreements 141481  
entered into on or after the effective date of this section. 141482

(4) The enactment by this act of divisions (K) and (L) of 141483  
section 5715.19 of the Revised Code applies to original 141484  
complaints filed on or after the effective date of this section. 141485

(B) The amendment by this act of section 5717.01 of the 141486  
Revised Code is intended to be a remedial measure to clarify 141487

existing law and applies to any appeal taken from a decision of 141488  
a board of revision rendered on or after July 21, 2022, except 141489  
that the amendment of that section prohibiting an appeal by a 141490  
third party complainant, as defined in section 5715.19 of the 141491  
Revised Code, applies to any appeal taken from a board of 141492  
revision decision rendered on or after the effective date of 141493  
this section. 141494

**Section 757.100.** (A) As used in this section: 141495

(1) "Qualifying blended fuel" means gasoline blended with 141496  
fifteen per cent ethanol or higher by volume. 141497

(2) "Motor fuel retailer" means any person licensed in 141498  
Ohio to offer motor fuel for retail sale to the public in this 141499  
state. 141500

(3) "Rebate" means a monetary incentive provided to a 141501  
motor fuel retailer. 141502

(B) The Department of Agriculture shall establish and 141503  
administer a rebate program to incentivize the sale of 141504  
qualifying blended fuel at motor fuel retailer locations in this 141505  
state. The Department may adopt rules as necessary to implement 141506  
and administer the rebate program in accordance with Chapter 141507  
119. of the Revised Code. The rebate program shall meet all of 141508  
the following requirements: 141509

(1) It shall only apply to qualifying blended fuel that is 141510  
distributed by a motor fuel retailer after the effective date of 141511  
this section at an individual motor fuel retailer location that 141512  
has not sold the qualifying blended fuel prior to the effective 141513  
date of this section. 141514

(2) A motor fuel retailer that sells qualifying blended 141515  
fuel is eligible to receive a rebate of five cents per gallon of 141516

blended fuel sold, subject to compliance with this section. The 141517  
rebate shall be provided on a per-gallon-sold basis for each 141518  
gallon of qualifying blended fuel sold. 141519

(3) An individual motor fuel retailer location shall not 141520  
receive a total rebate that exceeds one hundred thousand dollars 141521  
during the fiscal year. 141522

(C) To qualify for a rebate under this section, motor fuel 141523  
retailers shall meet all of the following requirements: 141524

(1) Be licensed by the appropriate state agencies to sell 141525  
motor fuel in this state; 141526

(2) Sell qualifying blended fuel to consumers; 141527

(3) Sell the qualifying blended fuel at an individual 141528  
motor fuel retailer location that did not sell such fuel prior 141529  
to the effective date of this section. 141530

(D) The Department of Agriculture shall develop an 141531  
application process that motor fuel retailers shall utilize to 141532  
receive a rebate under this section. The application shall 141533  
include a requirement that documentation be included with the 141534  
application to verify that the sale of qualifying blended fuel 141535  
occurred during the applicable fiscal year and was distributed 141536  
from a qualifying location. 141537

(E) Any motor fuel retailer that receives a rebate under 141538  
this section shall provide quarterly reports to the Department 141539  
of Agriculture. The quarterly reports shall include the volume 141540  
of qualifying blended fuel sold and any other information that 141541  
the Department considers necessary for program evaluation and 141542  
oversight. 141543

**Section 757.110.** Notwithstanding section 5705.316 of the 141544

Revised Code, each county budget commission or, if applicable, 141545  
joint budget commission, shall convene not later than October 141546  
31, 2025, to proceed as described in that section. At that 141547  
meeting, the commission shall review the certification required 141548  
for fiscal year 2025 under section 5705.36 of the Revised Code 141549  
for each city, local, or exempted village school district in the 141550  
county. If the carry-over balance in a district's general 141551  
operating budget exceeds thirty per cent of the district's 141552  
general fund expenditures made in that fiscal year, the 141553  
commission shall reduce the rate of, or the annual amount of 141554  
money to be raised by any or all of the current expense taxes 141555  
levied by the district for tax year 2025 to the extent described 141556  
in section 5705.316 of the Revised Code. 141557

This section does not apply to an island school district 141558  
or a joint state school district. 141559

**Section 801.10.** Section 4141.29 of the Revised Code, as 141560  
amended by this act, applies to valid applications for 141561  
determination of benefit rights filed on or after the effective 141562  
date of this section. 141563

**Section 801.20.** (A) The amendment by this act of division 141564  
(A) (18) of section 5747.01 of the Revised Code is intended to 141565  
clarify the meaning of that division as it existed before the 141566  
effective date of this section and is not intended to change its 141567  
meaning in any way. 141568

(B) The amendment by this act of division (S) (14) of 141569  
section 5747.01 of the Revised Code applies to taxable years 141570  
beginning on and after January 1, 2025. 141571

(C) The amendment by this act of division (A) (31) of 141572  
section 5747.01 of the Revised Code applies to taxable years 141573

ending on or after the effective date of this section. 141574

(D) The enactment by this act of division (A) (44) of 141575  
section 5747.01 of the Revised Code applies contributions 141576  
described in that division made on and after the effective date 141577  
of this section. 141578

**Section 801.40.** The amendment by this act of section 141579  
5747.09 and division (C) of section 5747.43 of the Revised Code 141580  
applies to taxable years beginning on or after January 1, 2025. 141581

**Section 801.60.** The repeal and reenactment by this act of 141582  
section 3780.22 of the Revised Code applies on and after July 1, 141583  
2025. 141584

**Section 801.70.** The amendment by this act of sections 141585  
5748.02, 5748.021, 5748.04, 5748.08, and 5748.09 of the Revised 141586  
Code involving notice to the tax commissioner applies to 141587  
resolutions adopted under sections 5748.02, 5748.021, 5748.08, 141588  
and 5748.09 and petitions filed under section 5748.04 of the 141589  
Revised Code on or after the effective date of those amendments. 141590

**Section 801.90.** The amendment by this act of division (B) 141591  
of section 5747.43 of the Revised Code applies to taxable years 141592  
beginning on or after January 1, 2026. 141593

**Section 801.100.** The amendment by this act of sections 141594  
5747.021, 5748.01, 5748.02, 5748.021, 5748.03, 5748.04, 5748.08, 141595  
5748.081, and 5748.09 of the Revised Code involving eliminating 141596  
school district income taxes on estates applies to any school 141597  
district income tax, as defined in section 5748.01 of the 141598  
Revised Code, in effect, levied, or renewed on or after January 141599  
1, 2026. The amendments do not invalidate or modify any portions 141600  
of a properly enacted tax in effect on that date, other than 141601  
those applicable to estates. For any school district income tax 141602



in effect on that date, the school district is not required to 141603  
adopt a new resolution or obtain voter approval for the tax in 141604  
order to effectuate those amendments. 141605

**Section 801.110.** The amendment by this act of divisions 141606  
(A) and (E) of section 3734.904 of the Revised Code applies on 141607  
and after January 1, 2026. 141608

**Section 801.120.** The amendment by this act of sections 141609  
718.031, 3123.89, 3123.90, 3770.071, 3770.072, 3770.073, 141610  
3770.10, 3770.25, 3775.16, 5747.062, 5747.063, and 5747.064 of 141611  
the Revised Code and the enactment by this act of sections 141612  
3770.074 and 3770.075 of the Revised Code apply to amounts 141613  
deducted and withheld on or after January 1, 2026. 141614

**Section 801.130.** The amendment by this act of section 141615  
5747.071 of the Revised Code applies to withholding requests 141616  
made under that section on or after January 1, 2026. 141617

**Section 801.150.** The enactment by this act of section 141618  
5747.073 of the Revised Code applies to income tax withholding 141619  
returns, reports, or payments filed or remitted on or after 141620  
January 1, 2026. 141621

**Section 801.160.** The amendment by this act of section 141622  
5739.07 of the Revised Code applies to refunds made pursuant to 141623  
applications that are filed on or after the effective date of 141624  
this section. 141625

**Section 801.170.** The amendment by this act of section 141626  
5739.132 of the Revised Code applies to refunds allowed on and 141627  
after the effective date of that amendment. 141628

**Section 801.180.** The amendment by this act of section 141629  
5747.38 of the Revised Code applies to taxable years ending on 141630  
or after January 1, 2025. 141631

**Section 801.190.** The amendment by this act of section 141632  
718.01 of the Revised Code applies to taxable years ending on or 141633  
after the effective date of this section. 141634

**Section 801.210.** The amendment by this act of division (A) 141635  
(1) of section 5749.02 of the Revised Code applies to calendar 141636  
quarters ending on or after the effective date of this section. 141637

**Section 801.220.** The amendment by this act of section 141638  
3735.67 of the Revised Code applies to all agreements entered 141639  
into under section 3735.671 of the Revised Code on or after 141640  
January 1, 2025. The amendment by this act of section 3735.671 141641  
of the Revised Code applies to agreements entered into under 141642  
that section before, on, or after the effective date of this 141643  
section. 141644

**Section 801.230.** The amendment by this act of section 141645  
5747.29 of the Revised Code applies to taxable years beginning 141646  
on or after the effective date of this section. 141647

**Section 805.10. SEVERABILITY** 141648

The items of law contained in this act, and their 141649  
applications, are severable. If any item of law contained in 141650  
this act, or if any application of any item of law contained in 141651  
this act, is held invalid, the invalidity does not affect other 141652  
items of law contained in this act and their applications that 141653  
can be given effect without the invalid item of law or 141654  
application. 141655

**Section 810.10. NO EFFECT AFTER END OF BIENNIUM** 141656

An item of law, other than an amending, enacting, or 141657  
repealing clause, that composes the whole or part of an 141658  
uncodified section contained in this act has no effect after 141659  
June 30, 2027, unless its context clearly indicates otherwise. 141660

**Section 820.10.** Sections of this act prefixed with numbers 141661  
in the 200s, 300s, 400s, and 500s of this act are exempt from 141662  
the referendum under Ohio Constitution, Article II, Section 1d, 141663  
and therefore take immediate effect when this act becomes law. 141664

**Section 820.20.** The amendment, enactment, or repeal by 141665  
this act of the sections listed below is exempt from the 141666  
referendum under Ohio Constitution, Article II, section 1d and 141667  
section 1.471 of the Revised Code and therefore takes effect 141668  
immediately when this act becomes law or, if a later effective 141669  
date is specified below, on that date. 141670

Sections 131.51, 3302.03, 3319.51, 3780.02, 3780.03, 141671  
3780.10, 3780.18, 3780.19, 3780.22, 3780.23, 3780.25, 3780.26, 141672  
3780.30, 4743.05, 4927.01, 4927.22, 5119.211, 5124.15, 5709.93, 141673  
and 5751.02 of the Revised Code. 141674

**Section 820.30.** SUBJECT TO REFERENDUM 141675

Except as otherwise provided in this act, the amendment, 141676  
enactment, or repeal by this act of a section is subject to the 141677  
referendum under Ohio Constitution, Article II, section 1c and 141678  
therefore takes effect on the ninety-first day after this act is 141679  
filed with the Secretary of State or, if a later effective date 141680  
is specified below, on that date. 141681

**Section 820.70.** Sections 1546.01, 1547.531, and 1547.54 of 141682  
the Revised Code, as amended by this act, take effect January 1, 141683  
2027. 141684

**Section 820.80.** Sections 4503.511, 4507.41, and 5747.75 of 141685  
the Revised Code as amended, enacted, or repealed by this act 141686  
take effect on January 1, 2026. 141687

**Section 820.90.** Section 2303.201 of the Revised Code as 141688  
amended by this act takes effect six months after the effective 141689

date of this section.	141690
<b>Section 820.100.</b> Sections 3305.05 and 3305.053 of the Revised Code, as amended by this act, take effect one year after the effective date of this section.	141691 141692 141693
<b>Section 820.110.</b> Sections 107.032 to 107.034 of the Revised Code, as amended or enacted by Section 101.01 of this act, and section 107.034 of the Revised Code, as repealed by Section 105.01 of this act, take effect July 1, 2026.	141694 141695 141696 141697
<b>Section 830.10.</b> The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:	141698 141699 141700 141701 141702 141703 141704 141705
Section 123.28 of the Revised Code as amended by both H.B. 64 and H.B. 141 of the 131st General Assembly.	141706 141707
Section 124.385 of the Revised Code as amended by both H.B. 1 and H.B. 16 of the 128th General Assembly.	141708 141709
Section 149.43 of the Revised Code as amended by H.B. 265, H.B. 315, S.B. 29, and S.B. 109, all of the 135th General Assembly.	141710 141711 141712
Section 173.38 of the Revised Code as amended by both H.B. 110 and S.B. 217 of the 134th General Assembly.	141713 141714
Section 173.381 of the Revised Code as amended by both H.B. 110 and S.B. 217 of the 134th General Assembly.	141715 141716
Section 319.54 of the Revised Code as amended by both H.B.	141717

265 and H.B. 496 of the 135th General Assembly.	141718
Section 1533.71 of the Revised Code as amended by both	141719
H.B. 389 and S.B. 310 of the 129th General Assembly.	141720
Section 2925.14 of the Revised Code as amended by both	141721
H.B. 29 and S.B. 95 of the 135th General Assembly.	141722
Section 3302.03 of the Revised Code as amended by both	141723
S.B. 104 and S.B. 168 of the 135th General Assembly.	141724
Section 3314.03 of the Revised Code as amended by H.B. 8,	141725
H.B. 214, H.B. 250, S.B. 104, S.B. 168, S.B. 208, and S.B. 234,	141726
all of the 135th General Assembly.	141727
Section 3326.11 of the Revised Code as amended by H.B. 8,	141728
H.B. 47, H.B. 214, S.B. 104, S.B. 168, S.B. 208, and S.B. 234,	141729
all of the 135th General Assembly.	141730
Section 3328.24 of the Revised Code as amended by both	141731
S.B. 208 and S.B. 234 of the 135th General Assembly.	141732
Section 3517.11 of the Revised Code as amended by both	141733
H.B. 166 and S.B. 107 of the 133rd General Assembly.	141734
Section 3701.79 of the Revised Code as amended by both	141735
H.B. 281 and S.B. 157 of the 134th General Assembly.	141736
Section 4141.29 of the Revised Code as amended by both	141737
H.B. 49 and H.B. 158 of the 132nd General Assembly.	141738
Section 4517.01 of the Revised Code as amended by both	141739
H.B. 33 and H.B. 195 of the 135th General Assembly.	141740
Section 4751.20 of the Revised Code as amended by both	141741
H.B. 509 and S.B. 131 of the 134th General Assembly.	141742
Section 4758.46 of the Revised Code as amended by both	141743
H.B. 113 and H.B. 230 of the 131st General Assembly.	141744

Section 5101.35 of the Revised Code as amended by both H.B. 33 and S.B. 21 of the 135th General Assembly.	141745 141746
Section 5117.07 of the Revised Code as amended by both H.B. 283 and S.B. 3 of the 123rd General Assembly.	141747 141748
Section 5122.03 of the Revised Code as amended by both H.B. 281 and S.B. 2 of the 134th General Assembly.	141749 141750
Section 5122.15 of the Revised Code as amended by both H.B. 7 and H.B. 281 of the 134th General Assembly.	141751 141752
Section 5123.169 of the Revised Code as amended by H.B. 263 of the 133rd General Assembly and S.B. 3 of the 134th General Assembly.	141753 141754 141755
Section 5123.41 of the Revised Code as amended by both H.B. 158 and H.B. 483 of the 131st General Assembly.	141756 141757
Section 5123.42 of the Revised Code as amended by both H.B. 158 and H.B. 483 of the 131st General Assembly.	141758 141759
Section 5739.31 of the Revised Code as amended by both S.B. 143 and S.B. 200 of the 124th General Assembly.	141760 141761
Section 5747.01 of the Revised Code as amended by both H.B. 101 and S.B. 154 of the 135th General Assembly.	141762 141763
Section 6111.04 of the Revised Code as amended by both H.B. 49 and S.B. 2 of the 132nd General Assembly.	141764 141765